

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 23 December 2014

AGENDA ITEM NO 3
APPLICATION NO 1743/14
PROPOSAL Retention of change of use of land for the temporary siting of a mobile home
SITE LOCATION The Stackyard Nursery, Old Station Road, Mendlesham
SITE AREA (Ha) 0.06
APPLICANT Mr S Sanders
RECEIVED June 2, 2014
EXPIRY DATE July 29, 2014

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the location and of the application.

PRE-APPLICATION ADVICE

1. The applicant did discuss a revised application following the refusal of a previous application 2355/13 for a temporary dwelling and the withdrawal of application 284/14 an earlier, similar submission.

The advice given was to instruct a suitably qualified person to provide an assessment of the need for the proposed accommodation. The report submitted was not available to inform pre application discussion.

SITE AND SURROUNDINGS

2. The application site as denoted on the application covers an area 0.1 hectares (this relates solely to where the dwelling is proposed to be located). The mobile home structure was moved onto the site and occupied by the applicants in October 2010. The application also identifies other land within the applicants ownership which extends to approximately 0.06 hectares.

The land within the applicants control is located within the countryside close to the southern edge of the village of Mendlesham which has been designated within the Core Strategy DPD (2008) as a Key Service Centre. The wider site of the applicants is in use as a horticultural tree nursery. There has also been work commenced on constructing a farm shop which was granted under permission 2109/09. The land in the applicants control extends to Wash Lane, some of has previously been used for the keeping of pigs with the associated pens.

The site has a frontage on to Old Station Road where there are two vehicular accesses. Along this boundary is a ditch and vegetation.

The application site was historically part of the Vicarage Farm, which lies to the north of the site. It is understood that there was formerly a historic barn on the site that was granted planning permission in 1980 under reference 991/79 to be converted into a dwelling. This barn has since fallen down prior to this permission being implemented.

HISTORY

3. The planning history relevant to the application site is:

0284/14	Erection of new dwelling for key service workers at the Stackyard Nursery.	Withdrawn 19/03/2014
2355/13	Application for retention of temporary overnight accommodation in a portable building.	Refused 03/03/2014
2349/10	Erection of agricultural building. Creation of concrete pad. Installation of sewage treatment plant.	Granted 06/02/2012
2101/09	New agricultural building with food processing and visitor facilities including farm shop, cafe, art and craft gallery.	Granted 22/02/2012

PROPOSAL

4. Temporary planning permission is sought for the retention of the use of land for the stationing of a mobile home. It has not been made clear of the timescale sought but there is some indication within the supporting report that a period of three years is sought.

The application has been accompanied by a Planning Report for the agricultural and horticultural business which has been produced by Acorus. This has been placed in Members Rooms for reference.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

- 6.
- **Parish Council:** Unanimously recommends refusal of this application. There is no current agreement for residential dwellings on the site, either permanent or temporary. The Parish Council would prefer to consider a full planning application for residential use with the benefit of full details to provide permanent permission, rather than for temporary permission.
 - **Highways:** Does not wish to restrict the grant of permission. There is no change in the highway conditions from the siting of this mobile home.

- **Enforcement:** There is an open and current enforcement case relating to the proposal.
- **Environmental Health:** No objections or adverse comments in respect of the proposed development.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- Planning permission has already been refused on the site for the retention of the same accommodation on the same site under reference 2355/13 on the grounds that it was contrary to local planning policies and national planning policy guidance.
 - There is no proven essential and immediate agricultural need for any dwelling on the site. The looking after of plants is not sufficient to justify living on the site.
 - There are no animals on the site so the argument about welfare set out in the document is irrelevant.
 - The planning committee previously decided that the application failed to demonstrate that the needs of the existing agricultural unit justify provision of permanent accommodation. There has been no change except the applicants wish to have a small quantity of livestock on the site again.
 - The other, non-livestock reasons, do not demonstrate clearly and specifically identified exceptional need relating to a recognised countryside activity which would justify residential development on the site.
 - When planning permission was granted in 2012 for development on the site there was no mention for the need for residential development. In the previous application it was concluded that this is for personal preference rather than existing needs of the agricultural unit.
 - There has been no indication of a time limit for the proposed residency on the site.
 - The portable building is an unwarranted and undesirable visual intrusion into the countryside.
 - The application documentation is misleading and inaccurate. Other than the construction of roadside splays there has been no building work on applications 2109/09 and 2349/10.

ASSESSMENT

8. The core planning considerations raised by this proposal are:
- Principle of development
 - Design and impact on the landscape
 - Highway Safety
 - Residential amenity

- Principle of development:

The application is located with open countryside and is therefore subject to the strict controls which govern development in this location. Local Plan Policy H7 'Restricting housing development unrelated to the needs of the countryside' seeks to ensure that housing in the countryside is only permitted in exceptional circumstances. This policy is further supported by Policy CS2 of the adopted Mid Suffolk Core Strategy DPD (2008) which specifically deals with development in the countryside, restricting development to specific categories. Policy CS2 does identify an agricultural workers dwelling as one of those specific permitted developments.

Also pertinent is the National Planning Policy Framework (2012) which has a core principle to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable". The thrust of these policies is to reduce the need to be reliant on the private car.

Development plan policies and NPPF does provide support for rural housing provided that an essential need can be proven. Local Plan Policy H10 'Dwellings for Key Agricultural Workers' states that "*in the countryside, dwellings for key agricultural personnel will be permitted only where it can be demonstrated to the satisfaction of the district planning authority that there is a proven essential and immediate agricultural need for a dwelling on the holding in respect of which permission for a particular site is sought*". The local planning authority has to be satisfied that there is an essential need for a dwelling. The fundamental question for this application is whether the applicants have made a sufficient case for a proven, essential need for a dwelling in this location.

The application has been accompanied by a planning report for the agricultural and horticultural business at the Stackyard Nursery. Prior to the publication of the NPPF an assessment of such information would be assessed against the functional and financial tests in PPS7. Paragraph 55 of the NPPF does refer to the need for local planning authorities to avoid isolated homes in the countryside unless there are special circumstances such as an essential need for a rural work to live permanently at or near their place of work in the countryside. The NPPF does not provide a test on how such applications should be assessed. Whilst PPS7 may have been superseded, the functional and financial test is still considered a sound professional practice for assessing such applications.

(i) *Evidence of the intention to develop the enterprise concerned*

It has been stated within the application that the proposed mobile home is intended to provide accommodation for Mr and Mrs Saunders who own the holding known as Stackyard Nursery, to allow this business to develop to its full potential. The application documents include a report from an agricultural consultant which has identified the financial investment that has been made by the applicants and it is acknowledged that the commencement of the farm shop is also a commitment to the business.

(i) *Functional need*

The agricultural holding covers an area of 4.6 hectares. In 2009 Stackyard Nursery was established initially as a service sourcing and purchasing nursery stock from local wholesale trees nurseries for specialist clients. This has since developed into an operational horticultural nursery business propagating and growing most of its plants for direct sale to the public and specialist clients. Approximately 2/3 of the holding is used for the nursery side of the business. The remainder is used for agricultural production being split into paddocks with an agricultural building.

At the time the application was submitted the holding had been destocked and it is stated that this was due to the uncertainty of the planning situation. It was advised that prior to this there had been a pig breeding enterprise and a lamb finishing enterprise as well as a small flock of hens on the holding.

The report has stated that the applicants believe they require 24 hour supervision for the pig, sheep, poultry and horticultural enterprise. It has gone on further to state that the breeding and rearing of pigs in an outdoor system requires close supervision to ensure appropriate and timely intervention can be given at births and poorly pigs. In addition it is stated that the rearing of chicks also requires careful supervision at the early stages. The applicants have put forward the case that the pig, sheep and poultry enterprises could never realise their potential without on site accommodation.

The report has also made reference to the horticultural enterprise needing close on-site monitoring and supervision due to the propagation and irrigation requirements of the large numbers of plants and stocks within the nursery. There is also a security need which adds to the 24 hour supervision for welfare and business reasons.

The applicant has stated that the functional need for the dwelling is "generally based on grounds of animal welfare and the proper monitoring of the horticultural enterprise at Stackyard Nursery". On the present information, Officers are not satisfied that there is an essential functional need for a dwelling at this site. In reaching this conclusion regard has been given to the fact that this is a modest agricultural holding at 4.6 hectares and that 2/3 of this is passed over to the horticultural business. In addition the animals that are being referred to are not on the site, instead the animals are an intention of the applicant rather than factual reality. It is noted that the report also refers to the need for the dwelling to provide security on the site to maintain the horticultural supply on the land. It has been held that security is not normally of sufficient weight to warrant a new dwelling in the countryside.

As noted above, a previous application (reference 2355/13) was refused. This specified the need for the temporary accommodation for the day to day business of looking after the animals and plants and also owing to the increased incidence of theft in the area, including on their site. The application was refused for two reasons of which the following reason is pertinent to this application:

"The proposed development, would, if permitted, be contrary to local planning policies and national planning policy guidance, which seek to protect and preserve landscape quality and character of the countryside for its own sake, by restricting development in the countryside to that

which is essential to the efficient operation of agriculture, forestry and appropriate recreation, and to direct new housing development to within settlement boundaries. The application fails to demonstrate that the needs of the existing agricultural unit justify provision of permanent accommodation and also fails to justify why emergency responses could not be achieved by other means, including alerting and attendance from a more sustainable location, or other working arrangements. On this basis, it is considered that the application is one of personal preference rather than existing needs of the agricultural unit. The proposal is therefore contrary to advice contained within the National Planning Policy Framework together with Policies H7 (Restricting housing development unrelated to the needs of the countryside) and H10 (Dwellings for key agricultural workers) of the Mid Suffolk Local Plan (1998), Policies CS1 (Settlement Hierarchy), CS2 (Development in the Countryside and Countryside Villages) and CS5 (Mid Suffolk's Environment) of the Mid Suffolk DPD Core Strategy (2008) and policies FC1 and FC1.1 of the Adopted Core Strategy Focussed Review (2012)."

The current application has rehearsed the same arguments and has provided additional information within the application submitted in the agricultural consultants report. Having considered the report Officers conclude that this additional information does not overcome the fundamental issue that there is not a current essential need at this holding for someone to live on the site. Officers are mindful of animal welfare needs and issues in respect of crime. However other means such as the use of CCTV could allow some monitoring without the need to visit the site. CCTV and alarms would also mitigate against some potential theft. Overall it is considered that the applicants haven't demonstrated that it is essential that a worker lives at the site.

(ii) Evidence that the proposed enterprise is planned on a sound financial basis

Stackyard Nursery has been operating for approximately 5 years, since 2009. In that time a horticultural nursery has been established and developed. Planning permissions have been granted for the erection of an agricultural building and a farm shop and cafe shop. It is understood that these permissions have recently been implemented through the creation of the driveways as required under the conditions for each permission.

The report has stated that the business accounts for the years 2010, 2011 and 2012 were profitable but have provided no evidence in support of this. The report has provided a business forecast to show what profit would be expected from the holding in order to support the cost of constructing a permanent dwelling. This shows profits of £8,540, £22,402 and £36,169. These figures are supported by an annual gross profit margin projection. Having assessed these figures the concern is that the livestock element only contributes a small percentage to the overall profit and the main profit is from the horticultural business. These financial projections therefore do not support the argument that has been made that the essential need is for animal welfare. The business plan clearly indicates that the main business is the horticultural side which is also evident from the physical subdivision of the holding. There is no livestock currently on the site and whilst the profit projection demonstrates that the business could go on to support a dwelling on the site the documentation has

failed to substantiate the essential functional need.

- (iii) *The functional need could not be met by any other dwelling in the locality*

It is expected that other accommodation within the locality should be considered to satisfy the need of the enterprise. The site lies approximately 1/2 mile from the south of Mendlesham. The agent has stated that there is a need to be within sight and sound of the livestock/horticultural enterprise and thus no dwelling in Mendlesham would provide this requirement. As detailed above Officers are not satisfied that such an essential need has been proven for a dwelling to be provided on the site. The fact that the main bulk of the business is horticultural means that through the use of security measures a dwelling in Mendlesham would be suitable to support the business.

It is noted that dwellings within Mendlesham have been identified though the search criteria has not been detailed.

- Design and Impact on the landscape:

The building on the site is a portacabin and is clearly not of any intrinsic design merit. Given its distance from Old Station Road, the screening within the site and the proposed temporary period for the mobile home an objection could not be sustained on design and impact on the landscape. The impact is reversible.

- Highway safety:

The retention of the accommodation would not be likely to give rise to significant highway safety issues. The existing access which services the holding will be used to serve the dwelling. There would only be a small number of additional vehicles from visitors to this dwelling in addition to those visiting the nursery.

As the vehicular access has been upgraded to accommodate the farm shop activity and its the use for this proposed dwelling would only be a small percentage of the vehicular movements it is not considered to be prejudicial to highway safety. The Highway Authority has not raised any objection to the application.

- Residential amenity:

The portacabin is situated centrally within the farm. Given the separation distances there are to the nearby residential properties it is not considered that the proposal would result in unacceptable harm to the amenities of residential properties.

- Conclusion:

The proposed development would represent an unjustified residential development within the countryside. The application has failed to demonstrate an essential need to be within the countryside and as such is contrary to the development plan and the objective of the NPPF which seek to secure sustainable development.

RECOMMENDATION

That Full Planning Permission be Refused for the following reason:

The proposed development, would, if permitted, be contrary to development plan policies and National Planning Policy Framework, which seek to protect and preserve landscape quality and character of the countryside for its own sake, by restricting development in the countryside to that which is essential to the efficient operation of agriculture, forestry and appropriate recreation, and to direct new housing development to within settlement boundaries. The application fails to demonstrate that the needs of the existing agricultural unit justify the provision of residential accommodation on the site and also fails to justify why emergency responses could not be achieved by other means, including alerting and attendance from a more sustainable location, or other working arrangements. On this basis, it is considered that the application is one of personal preference rather than existing needs of the agricultural unit. The proposal is therefore contrary to advice contained within the National Planning Policy Framework together with Policies H7 (Restricting housing development unrelated to the needs of the countryside) and H10 (Dwellings for key agricultural workers) of the Mid Suffolk Local Plan (1998), Policies CS1 (Settlement Hierarchy), CS2 (Development in the Countryside and Countryside Villages) and CS5 (Mid Suffolk's Environment) of the Mid Suffolk DPD Core Strategy (2008) and policies FC1 and FC1.1 of the Adopted Core Strategy Focussed Review (2012).

Philip Isbell
Corporate Manager - Development Management

Lisa Evans
Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor2 - CS2 Development in the Countryside & Countryside Villages

Cor5 - CS5 Mid Suffolks Environment

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

H7 - RESTRICTING HOUSING DEVELOPMENT

H10 - DWELLINGS FOR KEY AGRICULTURAL WORKERS

H11 - RESIDENTIAL CARAVANS AND OTHER MOBILE HOMES

H16 - PROTECTING EXISTING RESIDENTIAL AMENITY

T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

3. Planning Policy Statements, Circulars & Other policy

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letters of representation have been received from a total of **1** interested party.

The following people **objected** to the application

The Owner / Occupier, The Vicarage, Old Station Road, Mendlesham

The following people **supported** the application:

The following people **commented** on the application: