

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13th January 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/0113/08/F - HATLEY

Temporary Siting of Caravan, Barn Farm, East Hatley for Mr and Mrs C P Hooks

Recommendation: Delegated Approval

Date for Determination: 21st January 2010

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation of approval is contrary to the recommendation of refusal received from Hatley Parish Council.

Site and Proposal

1. This retrospective application, as amended by letter dated 11 February 2009 and revised site plan received on 26 November 2009, proposes the stationing of an agricultural mobile home on land at Barn Farm, East Hatley for a temporary three year period.
2. Barn Farm is located at the southern end of East Hatley on the east of the road. It comprises 3.0ha of land contains a number of agricultural buildings. The mobile home is sited to the rear of the buildings. In addition the applicant owns a further 1.1ha of land on the opposite side of the road to Barn Farm. This area of land contains additional buildings.
3. The site is outside the village framework.
4. An appraisal of the need for residential accommodation on the site has been submitted by the applicant and now takes the form of three reports dated January 2009, April 2009 and December 2009. Full copies of the reports are available to view electronically.

Planning History

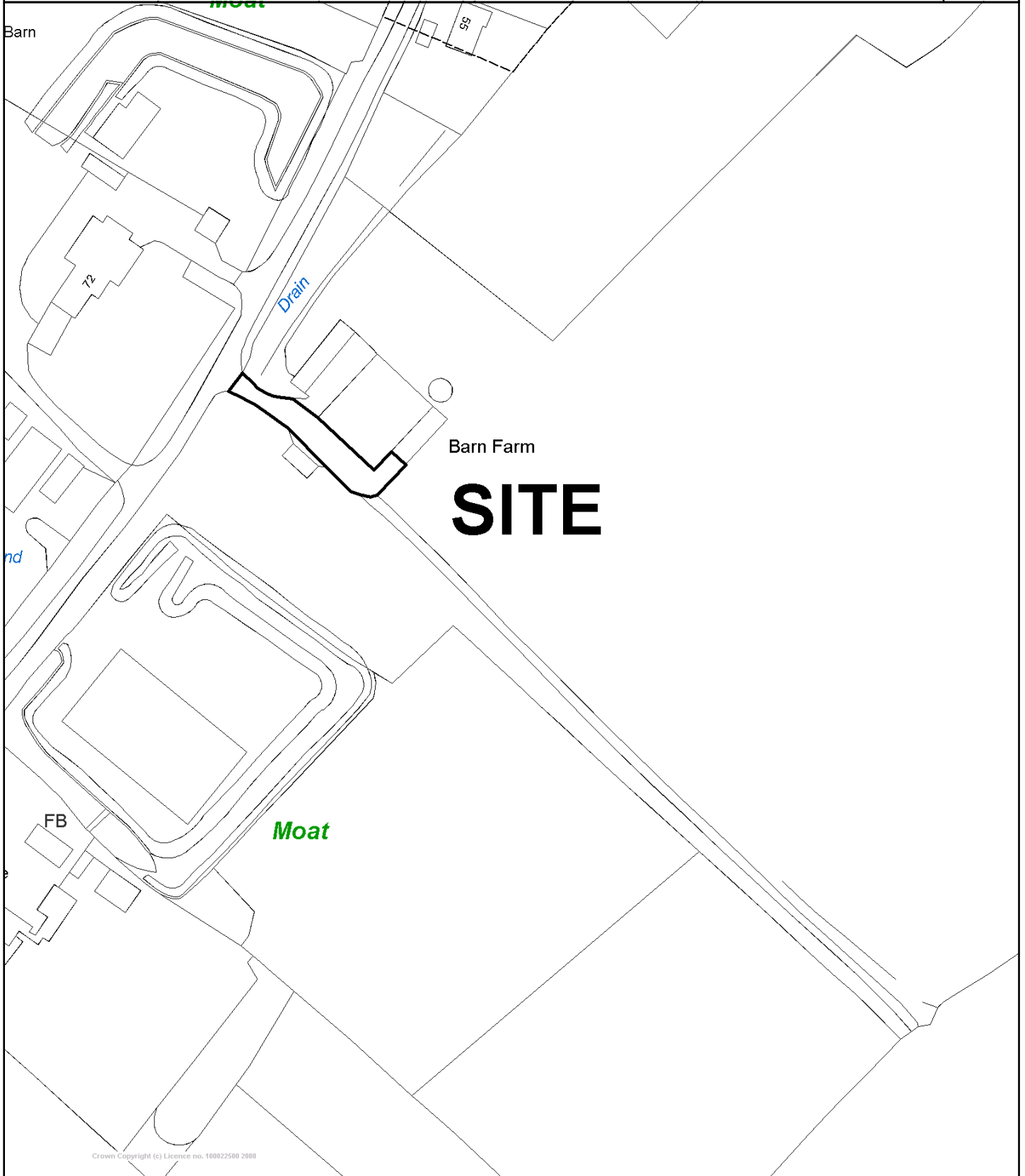
5. There has been no recent planning history on the site, however in 2003 an application was refused, and dismissed at appeal, for the conversion of a barn into a dwelling (**Ref: S/0599/03/F**)

Planning Policy

6. South Cambridgeshire Local Development Framework – Core Strategy – adopted January 2007:

ST/7 – Infill Villages

S-0113-08-F



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Scale 1/1250 Date 16/11/2009

Centre = 528639 E 250324 N

December 2009 Planning Committee

7. South Cambridgeshire District Council – Development Control Policies – adopted July 2007:

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/7 – Development Framework

HG/9 – Dwelling to Support a Rural-based Enterprise

8. Planning Policy Statements:

PPS7 – Sustainable Development in Rural Areas

Consultation

9. **Hatley Parish Council**

“There is considerable concern in the village about the standard of stockmanship and the welfare of the animals on Barn Farm at present. There is alarm at the prospect of the intensification outlined in the appraisal. The Hatley Parish Council considers that the appraisal paints a misleading picture of the present situation. The proposal in the appraisal appear to take into account neither the characteristics and constraints of the site nor the agricultural skills of the applicants. The business plan in the appraisal bears little relationship to the actual circumstances on the ground.

Background

The applicants have been farming the land since the summer of 2007. At some point in 2007 a touring caravan was brought onto the site and occupied as a residence. Planning permission was sought for temporary siting of a caravan there for one year. It is now more than a year since the matter was considered by Hatley Parish Council. Since then a mobile home has been brought onto the site without any planning permission as far as Hatley Parish Council is aware.

This response does not express an opinion whether or not the site is suitable for a dwelling house.

The Site

The soil in East Hatley is a strong clay derived from the glacial deposit Chalky Boulder Clay. The soil is productive if adequately drained and well farmed. Most of the land at Barn Farm is not naturally well drained and the falls in level are slight. The land can become poached in wet weather and therefore, except at very light and extensive stocking levels, the land is not suitable for stock in winter.

The two areas of land were recorded in the two sales particulars (December 2004 and about March 2007) as having a total area of 9.323 acres, which equates to 3.77 hectares. The appraisal states the area to be 10.25 acres (4.1 hectares) but the increased area of almost one acre is not explained.

Part of the site is occupied by buildings leaving a net area on which to keep stock of less than 3 hectares (7 acres). The present grassland is of poor quality. Part of it is covered in self-sown ash plants.

The site is in two parts and not conveniently shaped. The land is within the hamlet and adjoins, or is opposite 6 dwellings and close to several others. The methods of farming the land can have potential consequences for the quiet enjoyment of the neighbouring houses.

The buildings formerly served a 100 hectare arable farm. They are not well adapted to livestock husbandry. Some buildings are in poor condition.

The site has constraints and characteristics which limits its productive use.

Current Activities

We do not question the applicants' sincere intention to develop their farming activities and improve the holding.

Nevertheless over the last year the parish councillors have been made aware of widespread concern in the village about the present activities on Barn Farm. It is our function as a parish council to reflect these feelings. The concerns relevant to the appraisal relate to animal welfare. We understand that at least two inhabitants of Hatley Parish Council have felt strongly enough to report the matter to the RSPCA. We understand that DEFRA have also been consulted. The concerns expressed by many in the village, and some living outside the parish, include hens housed in coops some of which have been left standing in water forcing hens to stay on their perches in wet weather. In addition, up to the end of January 2009, pigs were kept continuously for 18 months on about 0.1 hectare of poorly drained land without any hard-standing, from which faeces, urine and uneaten or spilt food have never been removed, without access to clean water and with a minimal standard of housing in arks on the wet land and sometimes without adequate bedding. It would appear that the current farming could be in breach of Statutory Instrument 2003 No299 Animals, England Prevention of Cruelty. It is not Hatley Parish Councils role in this response to consider the merits of these views but the current methods of farming might be relevant when considering the projected outputs, the predicted profit margins and the proposed budget on the appraisal.

There is considerable disquiet on the village at the prospect of the intensification of the agricultural enterprises proposed in the appraisal.

Proposed Stocking Levels at Barn Farm

The appraisal appears to propose stocking rates as follows: 600 hens, 12 pigs/sows, 2 pig/boars, 100 pigs/fatteners, 8 horses and 20 goats (excludes goats kids).

Many of the inhabitants of the village and most members of the Hatley Parish Council know the character of the local soil and are familiar with the general characteristics of Barn Farm. It is not clear to them how it would be possible to keep this amount of stock on the 4 hectares (10 acres) of Barn Farm.

There are well-established norms for calculating grazing livestock units. Using such measures would seem to suggest that a holding of five times that size would be required, unless most of the stock were to be kept almost permanently indoors. The buildings are at present inadequate for the scale of the proposed enterprises. Due to the situation of the land in the village it would not be a suitable location for the erection of intensive livestock buildings.

Hatley Parish Council considers that the level of stocking proposed in the appraisal for Barn Farm is unrealistic.

Barn Farm and Other Land

At the Hatley Parish Council meeting on 3 February 2009 the applicant when asked about the level of stocking proposed stated that the stock numbers should be looked at in relation to Barn Farm and the 25 acres of land rented by the applicants which appear to be more than 40 miles distant from Barn Farm. The Hatley Parish Council does not know whether it is permissible to consider the appraisal in relation to Barn Farm and the rented land. However if it is permissible to do so it would wish to make these observations.

- (a) The appraisal contains no details of the rented land. It is stated in the appraisal that it is rented "on a seasonal basis which they use for grazing and haymaking". It is not clear how much security of tenure this provides if any.
- (b) The exact location of the land is not revealed. The rented land is not described nor the facilities on it.
- (c) The appraisal does not explain why Barn Farm is the suitable location for agricultural living accommodation if the bulk of the land farmed is more than 40 miles away.

Proposed Business Plan

The Hatley Parish Council is concerned that the appraisal is unsupported by any accounts or other evidence of outputs and sales, although the applicants have been farming this land for 18 months. In the absence of any such supporting figures the proposed budget appears to be only a theoretical conjecture.

To operate the proposed four enterprises at a profit would require more than normal levels of specialised agricultural knowledge and husbandry in these enterprises which has not been demonstrated.

It should be noted that the proposed budget projects gross annual sales from the poultry enterprise of £50,000 and the pig enterprise of £20,000. Even if the holding were large enough to carry the four enterprises, and even if a high level of farming skills were to be available, the outputs would appear over stated and the costs understated and consequently the level of profit greatly inflated.

The Hatley Parish Council was not able to know if the keeping of horses falls within the definition of 'agriculture' in Section 336 of the Town and Country Planning Act 1990. If it does not fall within this definition it is presumably right to disregard the parts of the appraisal related to horses.

The Alleged Need for a Residence

We are not persuaded by the appraisal that the proposed enterprises would provide a net profit equal to the pay of a standard farm worker. However even if this were shown to be the case there are many in Hatley Parish Council who question the need for an agricultural dwelling. The site is not isolated being within the hamlet of East Hatley where there are currently at least 4 houses on the market ranging from £120,000 to £500,000 and offering accommodation of 2 to 5 bedrooms. All are within easy walking distance of Barn Farm.

It is considered that the appraisal greatly exaggerates the agricultural advantages of living on the site.

Conclusion

The Hatley Parish Council was of the view that the appraisal does not provide clear evidence of a firm intention and ability to develop the enterprise concerned nor clear evidence that the proposed enterprise has been planned on a sound financial basis.”

10. The District Council has commissioned an Agricultural Consultants Appraisal, independent of the applicants' appraisal, which takes the form of two reports dated February 2009 and May 2009. Full copies of the reports are available to view electronically. The report concludes that only if the business fully develops as proposed, which will require the equine entity to bolster labour and income and direct sales maintained, will the functional/financial criteria, including full time labour requirement, be satisfied.

Representations

11. There has always been a presumption against allowing a dwelling on this site as it is outside the village stop-line. There is concern that permission might prejudice the outcome of future applications.
12. It is not clear from the application as originally submitted as to whether the proposal is to be considered as a temporary agricultural dwelling or not. If it is then the conditions of PPS7 Annex A should apply.
13. The new venture may possibly incorporate or be an intensification of the current use, or it may be substantially or completely of a different nature, for example one based on keeping horses. Unless it is clear what the future proposals are these future plans cannot be regarded as relevant to, or justification for, the current situation.
14. It should be clarified whether PPS7 does apply to the application as it is noted that permission would normally be allowed only for a limited period of up to three years during which time the applicants would have to satisfy certain conditions of need and viability after which, if satisfied, a permanent house could be built. If PPS7 does apply conditions should be imposed which reflect that and if not it should be made clear that the current application would not set a precedent in favour of any new application in the future and that occupation must cease at the end of the temporary period.
15. The applicant is asking for a 12 month permission on the grounds that time is needed to formulate new plans for the site and it is questionable whether a caravan needs to be stationed on the site for that period. Given that the caravan has been on the site for a period of 8 months prior to the submission of the application allowing a further 12-month period seems over-generous.
16. The application form is incorrect, as the caravan has been lived in since June 2007 and not November 2007 as stated.
17. As the site is well outside the village envelope a permanent dwelling should not be permitted.

18. Further information should be sought on the applicants' statement, as there is concern about the size and type of home that the applicants intend to live in for the period of 3-5 years. Where would the current employee live?
19. Whilst it is recognised that animal welfare is not a planning issue, the topic of barking the tethered dogs has been raised which may have led to Council officers visiting the site. Assurance is sought that the livestock are being properly cared for. The RSPCA has visited the site on more than one occasion.
20. There is not enough land to use as grazing to support 14 horses and a donkey which the report implies will be the final number brought to Barn Farm.
21. Some of the reasons put forward as to why persons are required on site, such as laminitis and horses needing to be calmed during a thunderstorm, are questionable.
22. The stable within the Nissan type hut is dangerous due to broken glass in the window panes.
23. The comment about gates on the public footpath are incorrect, there are stiles in place for walkers who wish to walk this route.
24. The number of chickens proposed will result in battery hen status, as there is not enough land to allow the hens to be free range. This will result in disease, smell and excess noise. As the country is now fighting towards better living conditions for hens for the food market the proposal goes against this.
25. The current accommodation of 20 moveable poultry arks and the fact that the birds are kept enclosed within the ark is again battery conditions and not acceptable.
26. The area over the road where the adult pigs are kept is disgusting with very deep mud, no obvious clean fresh water and the pens are in a dilapidated state. The smell is very physically sickening. It is also in very close proximity to a resident which goes against any planning ideals and is against any thoughtfulness from the applicants in respect of their neighbours.
27. The noise from the geese and ducks en-mass is a disturbance to the quietness of the village and when the dogs join in it is totally unacceptable.
28. The acreage of barn farm cannot sustain the current numbers of livestock let alone the proposed expansion in numbers and with the additional birds being incubated this will increase.
29. Needless to say there will be a lot of deaths from disease, foxes will be inevitable, no amount of supervision will stop a fox if it desires to take his dinner for the night. What is to happen to wastage?
30. The report comments on stray dogs entering and disrupting the breeding programme – currently there are two dogs tied up which bark at anything or anybody that goes by, surely this is not satisfactory in terms of disruption.
31. The comment regarding the site and buildings have been improved is a matter of opinion. One letter states that little sign has been seen of any improvement of the buildings and when the site was first purchased the applicant bulldozed precious Damson trees. Is this an improvement?

32. The issue of selling of freezer meat at the farm gate is also very disturbing. This quiet residential village and the closeness of certain residents should not have to live with intensive farming methods or endure excessive noise.
33. The proposed expansion will result in an intensive farming method covering numerous animal types is totally unacceptable for the location within a quiet residential village. The closes residents must be very unhappy to have to look upon and listen to this intensive farming method.
34. Is DEFRA involved? It is felt that it would have something to say and report on this business/farming proposal and the conditions the animals are kept in. Please bear in mind that local people see what is going on as opposed to the sanitised version when people visit for checks.
35. The occupiers of the Manor House originally raised no objection to the proposal but have subsequently written objecting on the grounds that noise levels have increased to a point where it now a nuisance. This started with dogs barking, then cockerels and dogs and now it is geese as well. The smell from the pigs can be unpleasant.
36. There is concern that future sales from the gate would increase the volume of traffic using this no-through road.
37. There are inaccuracies in the agricultural appraisal as the land could not handle the increased in livestock numbers suggested.
38. There is concern that a permanent dwelling might be allowed in the future, a couple of years after which the business will become unprofitable and go bankrupt and the applicant will have secured a dwelling where previous applications have been refused.
39. The appraisal does not detail other investments, running costs, feed, marketing or sales which suggests that the applicant has not thought through the planned activities from a commercial point of view.
40. The commercial activities listed in the appraisal concerning horses and 'farm gate sales' are not agriculture, therefore diminishing the overall income and reducing the need for an agricultural dwelling.

Applicants Representations

41. The initial agricultural appraisal submitted in January 2009 states that the applicants purchased Barn Farm (extending to 3.0ha) in February 2005 and a further 1.1ha two years later. The reason for the purchase was to expand and develop the farm business which they had established in Hertfordshire. Since purchasing the farm the report states that they have invested in and improved the farm buildings and have established free-range poultry, pig breeding, goat breeding, horse, and egg incubation enterprises. The poultry and egg incubation enterprises are based mainly on rare breeds with sales direct to the final customer/consumer.
42. The report states that the current farming system has a standard labour requirement of approximately two-full time workers. Mr Hook works full-time on the farm and is assisted on a part-time/casual basis by his wife, father-in-law and two children.
43. Mr Hook wishes to intensify his use of the holding to make the farm business more viable. He plans to expand the free-range laying flock, the egg incubation enterprise,

and both pig and goat herds. Some of the horses are still kept on the land in Hertfordshire and it is planned to bring them to Barn Farm in due course.

44. A budget for the proposed farming system shows a net profit of just under £35,000 which is well in excess of the average earnings of a full-time worker. The report states that these developments and the budgeted profitability will not be possible unless Mr and Mrs Hook are able to continue to live on the farm. The report states that it is essential that the applicants live within sight and sound of the farm buildings so that they are readily available to deal with emergencies which arise on the farm. These will include supervising the free-laying flock, the pig breeding herd, the goat breeding flock, the horses, and the egg incubation process, protecting the livestock from disturbance by intruders and protecting the security of the property generally. It is not considered that the level of out-of-hours supervision at the farm can be provided from any other dwelling in the locality.
45. The report concludes that the business satisfies the requirements of PPS7 Annex A, paragraph 12, for a temporary agricultural dwelling on the farm in that there is a clearly established existing functional need in that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times in case animals require essential care at short notice; there is clear evidence of a firm intention to develop the enterprise concerned (as evidenced by Mr Hook's long experience in agriculture, his investment in machinery, buildings and livestock, and his plans to further develop the business); there is clear evidence that the proposed enterprise has been planned on a sound financial basis and; the functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
46. A recent submission by the applicants agricultural consultant comments on points raised by the Parish Council and local residents, including the condition of the land, suitability of the buildings for livestock and animal welfare issues. The letter comments on proposed numbers of livestock and suitability of the site to support those numbers.
47. The letter states that the land rented at Gransden is rented on a seasonal basis from a friend and there is no reason to believe that it cannot be used for a number of years to come. Barn Farm is considered the suitable location for residential accommodation rather than the larger area of rented land as the functional need is almost entirely related to the livestock and other activities at Barn Farm, rather than the activities elsewhere.
48. No accounts are currently available as the applicant has only been living on site for little more than a year. If the business can develop as proposed the letter states that it should produce a good profit and the budgeted figures have been based upon conservative estimates of standard figures. The letter points out that Mr Hook as been keeping livestock for the past 25 years. Whilst the keeping of horses does not fall within the definition of agriculture it is believed that such enterprises can be considered under Annex A of PPS7.
49. The letter makes detailed comments in response to the comments raised by local residents. A full copy of the report is available to view on line (December 2009).

Planning Comments – Key Issues

50. The application seeks consent for the siting of a mobile home for a temporary period. The use of the land for the various agricultural uses described in the application does not require planning consent and is not a matter for members to consider. The issues raised in this respect and those related to animal welfare are not material to the consideration of this application.
51. The key issues for Members to consider with this application are whether the criteria for permitting a temporary mobile home set out in Policy HG/9 and Annex A of Planning Policy Statement 7, particularly the functional and financial tests, are satisfied.
52. The advice states that if a proposal does not relate to a well established agricultural unit development of a temporary dwelling may be permitted for up to three years where there is clear evidence demonstrating a firm intention and ability to develop the enterprise concerned; that the proposed enterprise has been planned on a sound financial basis and; that the functional need cannot be fulfilled by another existing building on the unit or any existing accommodation. These criteria assume that there is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture.
53. The proposal relates to an agricultural enterprise that is currently being established on the site. The application is retrospective and the applicants have been living on the site since August 2008.
54. The agricultural appraisal submitted by the applicant identifies the need for a full-time worker living on the site in connection with the proposed livestock enterprise. The report includes a budget for the proposed farming system which indicates that the enterprise, if it fully develops as proposed, has the potential to become profitable. The figures put forward include an income generated from proposed horse sales and carriage driving lessons, although the income from the latter represents only some 2% of the total. Policy HG/9 advises that accommodation connected to the keeping of horses where the scale of the business meets the tests of a rural enterprise can be considered in accordance with the tests of the policy.
55. The independent agricultural appraisal carried out on behalf of the District Council raises some concerns about functional issues and the possible reliance on the equine entity to bolster labour, and the need to maintain income and direct sales to ensure that the functional and financial tests set out in Annex A of PPG7 are met. It advises that ultimately, if a three year temporary consent was sanctioned it would be up to the applicants to fully implement the proposals and justify this via subsequent records and accounts.
56. The approval of a mobile home for a temporary period does not prejudice the Local Planning Authority when determining any future application for a permanent dwelling on the site. Any application for retention of the mobile home, or the erection of a permanent dwelling on the site, will have to provide evidence to demonstrate the continued functional need for residential accommodation on the site, and in respect of a proposal for permanent accommodation, that it relates to an agricultural unit which has been established for at least three years, has been profitable for at least one of them, is currently financially sound, and has a clear prospect of remaining so.
57. Planning consents for temporary residential accommodation for an agricultural worker are normally restricted to a 3-year period, however given that this is a retrospective

application and the applicant has resided on site since August 2008, I am of the view that a further 2-year period would be more appropriate in this instance.

58. Concerns raised locally about the constraints of the site, possible poaching of the land, the skills of the applicant and the details of the budget put forward have been commented on by the applicant's agricultural consultant.
59. The mobile home is sited to the rear of the main farm building and is not easily visible from the main road, although the site can be viewed from the public right of way to the north. I am of the view that the proposed temporary siting of accommodation does not result in any permanent harm to the visual character of the area.
60. I am aware that the issues raised concerning noise from the site, including the barking of dogs, has been investigated by Environmental Health Officers.
61. I am of the view that it is appropriate to grant consent for the mobile home for a temporary 2-year period. A condition should be attached to any consent restricting the occupancy of the mobile home to agricultural use.

Recommendation

62. That temporary planning consent is granted for the mobile home subject to the following conditions.

Conditions

1. The use, hereby permitted, shall be discontinued, and the mobile home, hereby permitted, shall be removed and the land restored to its former condition on or before 31st January 2012 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority. (Reason – Approval of the proposal on a permanent basis would be contrary to the proper planning of the area and to ensure compliance with Policy HG/9 of the adopted South Cambridgeshire Local Development Framework 2007 and Annex A of Planning Policy Statement 7.
2. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture, forestry, or a widow or widower of such a person, and to any resident dependant s. (Reason – The mobile home is situated in a rural area outside the village framework of East Hatley where the Local Planning Authority would not normally grant planning permission for such development and this permission is granted solely in order to fulfil a need to satisfy the requirement of with Policy HG/9 of the adopted South Cambridgeshire Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Planning File Ref: S/0113/08/F
- Reports from Acorus Rural Property Services dated 11th May 2009

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