

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 1st March 2006
AUTHOR/S: Director of Development Services

**S/0049/06/F – Longstanton
Mobile Home (Renewal of Period Consent S/1422/03/F) at Mill View Farm
for PJ Hansberry.**

**Recommendation: Refusal with Enforcement action
Date for Determination: 9th March 2006**

Site and Proposal

1. The site, located down a long access track and obscured from public view, is situated to the west of the G Webb Haulage depot on Station Road, Longstanton. The site consists of a mobile home, a barn, five polytunnels, three glasshouses, an area of approximately five hectares of grassland and an informal area of storage of farm machinery and building materials. The site in total measures approximately 6.8 hectares.
2. This full application, registered on 12th January 2006, seeks permission to further renew consent for the siting of a temporary mobile home on the site for the purposes of an agricultural dwelling.

Planning History

3. Planning permission has been repeatedly renewed for the siting of a mobile home in this location dating back to 1991 under applications **S/1422/03/F, S/1287/01/F, S/1095/98/F, S/2056/94/F, and S/0464/91/F**. At the time of the last two renewals, **S/1422/03/F and S/1287/01/F**, the applicant was advised that, based upon the assessment of the enterprise by the County Farms Manager, it would be unlikely that consent would be renewed for the mobile home beyond the consented period as it would not fulfil the functional need for a full-time worker to be based on the site, nor was the holding considered financially sustainable.

Planning Policy

4. The site is located approximately 950 metres outside the Longstanton village framework.
5. **Policy HG16** of the South Cambridgeshire Local Plan 2004 states that in the countryside (i.e. outside village frameworks defined in this Plan), new dwellings complying with Structure Plan 1995 **Policy SP12/1** will only be permitted on well-established agricultural units where it can be demonstrated that there is a clear, existing functional need relating to a full-time worker, and that suitable existing buildings in the area are not available or the conversion of appropriate nearby buildings would not provide suitable accommodation. Where a new dwelling is permitted, this will be subject to a condition ensuring the occupation will be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependents.

6. **Policy HG18** of the South Cambridgeshire Local Plan 2004 states that if a new dwelling is essential to support a new farming enterprise whether on a new or recently created agricultural unit, it should normally be provided by temporary accommodation such as a caravan. The following criteria must also be demonstrated to the satisfaction of the District Council:
- a) Clear evidence of a firm intention and ability to develop the enterprise concerned;
 - b) Functional need; clear evidence that the proposed enterprise has been planned on a sound financial basis; the functional need could not be fulfilled by another dwelling on the unit or other existing accommodation in the area which is suitable and available for occupation.

7. **Policy HG/9** of the Draft Local Development Framework 2006 essentially reiterates and expands on the aims of **Policies HG16** and **HG18** above. It states that development of a new permanent dwelling for agricultural or forestry purposes, or for a rural-based enterprise, will only be permitted if it is demonstrated to the satisfaction of the District Council that:
- a) There is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture; and
 - b) It relates to a well-established 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).

Where criterion (b) cannot, for the time being, be met, or it relates to a new farming activity on a well established unit, development of a temporary dwelling may be permitted for up to three years; where all the other criteria above are met, and there is clear evidence demonstrating:

- a) A firm intention and ability to develop the enterprise concerned;
- b) That the proposed enterprise has been planned on a sound financial basis;
- c) That the functional need cannot be fulfilled by another existing building on the unit or any existing accommodation.

The District Council will require "Functional" and "Financial" tests to be undertaken in accordance with PPS7 to demonstrate the above criteria have been met.

8. **PPS7** (Sustainable Development in Rural Areas) Annex A, Paragraph 3 states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
- i. There is a clearly established *existing* functional need; the need relates to a *full-time* worker, or one **who** is primarily employed in agriculture and does not relate to a part-time requirement;
 - ii. The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);

- iii. 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; and
 - iv. Other **planning** requirements, e.g. in relation to access, or impact on the countryside, are satisfied.
9. **PPS7** (Sustainable Development in Rural Areas) Annex A, Paragraph 13 states that if permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.

Consultation

- 10. **Longstanton Parish Council** - Recommendation of approval (no comments).
- 11. **Chief Environmental Health Officer** comments that issues of noise and environmental pollution have been considered and that there are no significant impacts from an Environmental Health standpoint.
- 12. **Acorus** (acting in the capacity formerly undertaken by the County Farms Manager) comments that “Both previous national planning policy guidance in PPG7 and current policy in PPS7 explain that successive extensions to a temporary permission should not normally be made. The applicant was made aware of this in a letter from South Cambridgeshire District Council dated 28th August 2001. A further renewal was applied for on 27th June 2003 and the applicant stated in a letter dated 2 September 2003 that anticipated increase in production would increase income to well above the agricultural wage. The applicant has had every opportunity to make the necessary changes and grow the business to the extent that it complies with criteria outlined in Paragraph 3 of PPS7 Annex A ‘Permanent Agricultural Dwellings’. There does not appear to be any exceptional circumstances such as flooding, vandalism, family illness, all of which could have affected the speed of business development, making a renewal worthy of consideration. As such I would recommend the application for renewal does not comply with advice in PPS7 Annex A Paragraph 13 and should therefore be refused. The applicant may wish to apply for a permanent dwelling on the basis that the business complies with paragraph 3 i) – v) of PPS7 Annex A, clearly setting out each element including the functional requirement and the financial test, (showing the business can sustain on full time worker and the cost of a permanent dwelling).”

Representations

- 13. None received.

Planning Comments – Key Issues

- 14. The approval of a temporary building, such as a mobile home as being considered under the current application, on the site on a permanent basis would not be acceptable as it would be contrary to the proper planning of the area.

15. Policy contained within Planning Policy Statement 7, and confirmed in Policies HG16 and HG18 of the South Cambridgeshire Local Plan 2004 and Policy HG/9 of the Draft Local Development Framework, expressly states that successive extensions to a temporary permission over a period of more than three years should not normally be granted, nor should Authorities normally give temporary permissions in locations where they would not permit a permanent dwelling. Therefore should members be minded to approve the current application they will need to be convinced that there is sufficient justification for allowing the applicant a further period of time to demonstrate that the holding can support a permanent dwelling on site.
16. As stated by Acorus, consent for the mobile home on Mill View Farm has been repeatedly renewed since 1991 as the agricultural holding has expanded. At the time of the last two consents the applicant was warned that the holding appeared to fail the functional and financial tests to demonstrate to the Authority that a need exists for a dwelling on the enterprise. However, in light of some increases in the level of activity undertaken by the holding the decision was taken to renew consent to allow the applicant a further extension of time to expand the business in order to demonstrate that the holding can support a permanent dwelling.
17. In the supporting information supplied with the current application the applicant has stated that since the last renewal of consent a large glasshouse measuring 50m x 12m has gone into production and accounts for a proposed 25% increase in production that was forecast at the time of the 2003 consent. The applicant has, however, failed to provide any financial information to support this argument.
18. The applicant has also provided information comparing the functional requirements of his holding against another holding in Soham, which is advertising a full time tenant on site. The information provided does not go into significant detail but appears to demonstrate that the holding at Mill View Farm is larger than the site in Soham, and should therefore satisfy the requirements for a functional need for a dwelling on the site.
19. I am of the opinion that the applicant has had every chance over the last 15 years to demonstrate that the holding can financially support a permanent dwelling on the site and whether there is a functional need for a full-time worker on the site. The information submitted with the current application does not go far enough to demonstrate that such a need exists. Furthermore, should a demonstrable need exist the applicant should now be applying for a permanent dwelling on site, in accordance with the intentions of local and national policy. The applicant would need to demonstrate that the business complies with paragraph 3 i) – v) of PPS 7 Annex A, clearly setting out each element including the financial test and functional requirement. I have written to the applicant, supplying him with a copy of Acorus' recommendation. At the time of writing this report any further comment is awaited. Should comments be received they will be reported to members verbally.

Recommendation

20. Refusal with enforcement action.

Reasons for Recommendation

1. Consent has been renewed for the mobile home repeatedly since 1991, with a view to the applicant growing the business in order to demonstrate that the holding can support a permanent dwelling on the site and comply with the

criteria outlined in Paragraph 3 of PPS7 Annex A 'Permanent Agricultural Dwellings'. The applicant has failed to demonstrate to the satisfaction of the District Council that a functional need exists for a dwelling on the enterprise and that financially the enterprise can support a permanent dwelling.

2. A further renewal of consent for the mobile home would therefore be contrary to Policies HG16 and HG18 of the South Cambridgeshire Local Plan 2004 and to advice contained within PPS7 Annexe A Paragraphs 3 and 13.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Draft Local Development Framework 2006
- Planning File Refs: S/0049/06/F, S/1422/03/F, S/1287/01/F, S/1095/98/F, S/2056/94/F, S/0464/91/F

Contact Officer: Michael Osbourn – Assistant Planning Officer
Telephone: (01954) 713379