

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd April 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0184/08/F – CASTLE CAMPS
Mobile Home – Lower Camps Hall Farm for Mr D Spencer

S/0185/08/F – CASTLE CAMPS
Retention of Unauthorised Agricultural Buildings – Lower Camps Hall Farm for Mr D Spencer

Recommendation: Approval

Date for Determination: 27th March 2008

Notes:

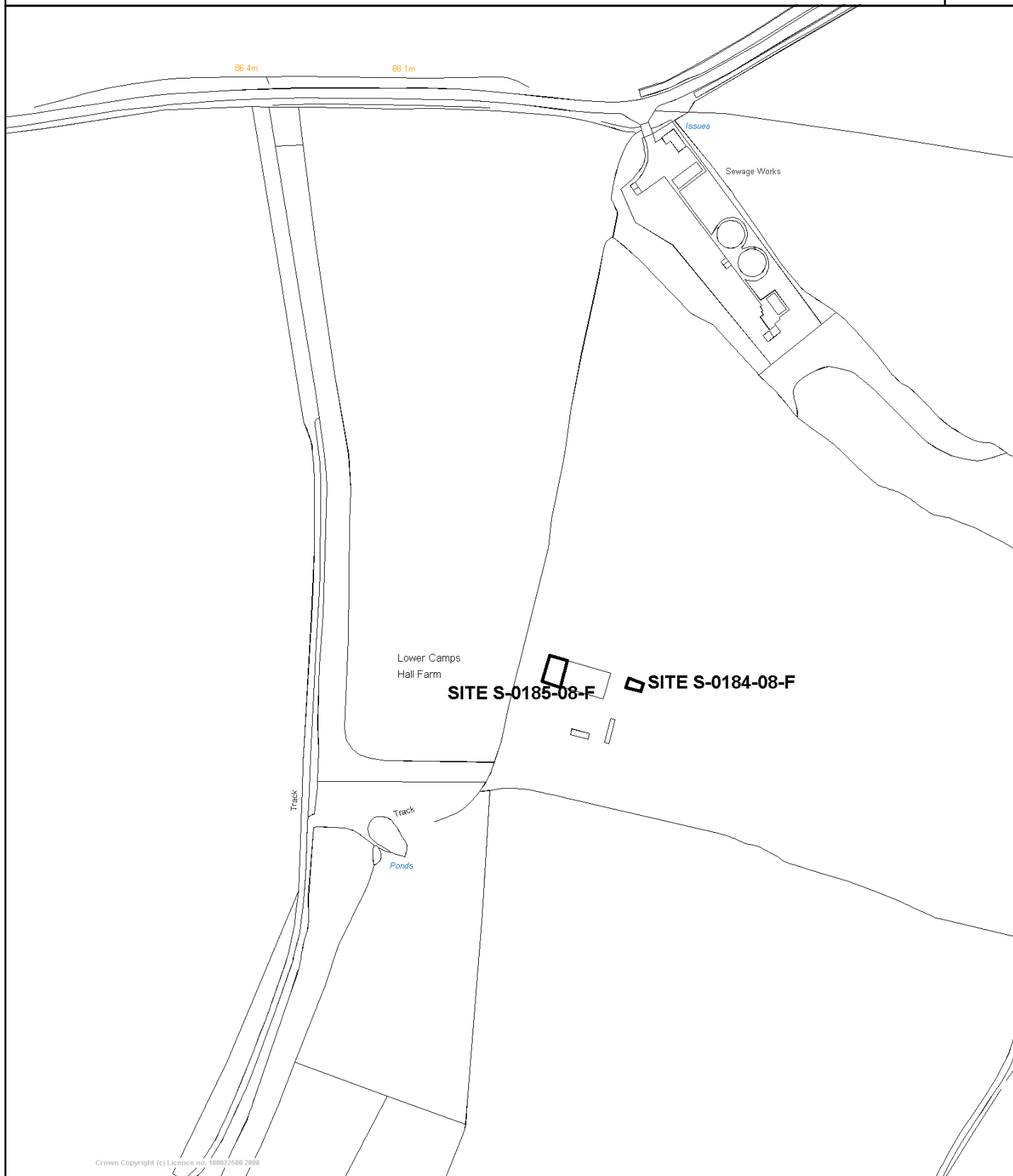
This Application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of the Parish Council.

Members of Committee will visit the site on Wednesday 2nd April 2008.

Site and Proposal

1. The application site is within a 51.88 hectare agricultural holding located in open countryside, approximately 1.5 kilometres to the west of Castle Camps, 1 kilometre to the south of Shudy Camps and 3 kilometres to the south-east of Bartlow. The site, which is located on the south side of the main Castle Camps – Bartlow road, comprises a group of unauthorised buildings (that have been on the site since late 2005) situated approximately 250 metres back from the road. The buildings constructed on site have a footprint of around 590m². Part of the structure is a 4.5 – 5 metre high timber two storey building, used as a 3 bedroom dwelling, whilst the remainder is a timber open sided structure used as a workshop, fertiliser store, meal store, machinery store and cattle yard. There is also a mobile home on the south side of the building presently used for storage purposes. On the land to the east and south side of the building are items of agricultural machinery, trailer backs etc. The buildings are screened to the north and west by hay bales stacked to a height of approximately 4.5 metres. Access to the site is via the main road to the north.
2. The full applications, submitted on 31st January 2008 seek consent for the following:
 - a) The retention of the unauthorised building;
 - b) The conversion of the residential element of the unauthorised buildings to a butchery premises. This will depend upon home produced livestock, slaughtered away and then dressed on site, with a meat processing department on the ground floor and administration and storage facility on the first floor. The existing residential use would cease and move to a mobile home. Modifications would be made to the existing residential element namely: the removal of the internal staircase and part of the first floor, installation of staircase to external

S-0184-08-F



Crown Copyright (c) Licence no. 100025500 2008



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/2500 Date 19/3/2008

Centre = 561556 E 243579 N

April 2008 Planning Committee

elevation to the rear, windows to be reduced in size and adjusted so that they form a continuous design of painted softwood casements;

- c) A 2 bedroom mobile home/temporary agricultural dwelling, comprising timber boarded walls and a felt roof, required to provide on-site accommodation for the livestock holding.
3. The application has been accompanied by an agricultural statement. This states that Lower Camps Hall Farm is a mixed arable and pasture holding measuring 51.88 hectares. The farm was acquired by the applicant, Mr Spencer, as bare land in September 2005. (The applicant is an experienced farmer, who commenced farming in 1993 with a pig enterprise). The applicant also farms approximately 47 hectares at Abington, giving a total of 99.15 hectares. Mrs Spencer is also involved in assisting managing the holding. There is no other permanent labour but temporary labour is used at harvest time and at other times as and when required on a casual basis. The proposed cropping for 2008 comprises 89 hectares (44.5 hectares of permanent and temporary pasture and 44.5 hectares of straw/wheat/barley). The farm policy is to develop the cattle livestock enterprise. There are also two subsidiary enterprises of sheep and pigs but these are in their infancy at present. The livestock currently comprises 33 suckler cows and progeny/young stock, 45 ewes and progeny, 2 sows and progeny and 45 laying hens. The business depends principally on the sale of finished cattle, via farmers markets outlets, with the arable side of the business depending principally upon thatching straw. Tree and shelter belts have been planted.
4. With regards to the functional test required by Planning Policy Statement 7, it is argued that a temporary dwelling is required on the holding for the following reasons:
- a) Calving – assistance with calving can be required at any time;
 - b) Welfare – it would not be possible to monitor the welfare of animals unless a residential facility is supplied;
 - c) Future expansion – to operate a livestock holding from a distance would be cumbersome and curtail any further expansion of the herd and business and could bring the viability of the farm into question;
 - d) Environmental Issues – livestock on land means significant part of the holding will be laid to grass which is richer in wildlife and biodiversity than arable;
 - e) Security – the applicants have suffered vandalism already;
 - f) Family Issues – Mrs Spencer is very involved with the farm. Living on the holding makes it easier to divide time between family issues and the farm;
 - g) Miscellaneous – if the lambing and farrowing enterprises develop, it will be more important to have labour readily available at all times;
 - h) Sustainability – government policy states that family farms should be sustained and continue to provide employment in the countryside.
5. A financial test has also been submitted. This seeks to demonstrate that the farm is profitable and that there is no reason why the farm cannot continue to be viable. It is argued that the premises has the capacity to support a full time worker with every possibility for an increased level of profitability in the longer term.

Planning History

6. **S/2065/05/PNA** – Prior approval was granted for the erection of an agricultural building in this location. The approved building measured 20m x 10m (5m to eaves and 6.5m to ridge) with grey/black tin walls and roof.

7. **S/0236/07/F** – Retrospective application for retention of use of building as agricultural dwelling and mobile home refused for the following reasons:

“Whilst the need for temporary accommodation to support this new farming enterprise is accepted, the unauthorised structure that has been erected on the site, and within which the dwelling is contained, could not be easily dismantled and therefore is permanent rather than temporary in character/nature. The building does not therefore satisfy the temporary classification required within Policy HG18 of the South Cambridgeshire Local Plan 2004 and within Annex A to Planning Policy Statement 7. A permanent new dwelling would be contrary to Policy SE8 of the Local Plan which restricts residential development to sites within village frameworks and to Policy HG16 of the Local Plan which only permits new permanent dwellings in the countryside on well established agricultural units.

The structure that has been erected, by virtue of its poor design and prominent siting, would have an unacceptable impact on the landscape and be harmful to the character of the countryside. The development is therefore contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003, which requires a high standard of design for all new development”.

Planning Policy

8. **Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)**
Annex A states that, if a new dwelling is essential to support a new farming activity, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:
- a) Clear evidence of a firm intention and ability to develop the enterprise concerned;
 - b) Functional need;
 - c) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - d) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area.
9. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
10. **Policy DP/2** of the Local Development Framework Development Control Policies 2007 requires all new development to be of high quality design and to be appropriate in terms of scale, siting, design and materials in relation to the surrounding area.
11. **Policy DP/3** states that permission will not be granted for proposals that would have an unacceptable adverse impact on (amongst other issues): the countryside and landscape character; from undue environmental disturbance; on ecological, wildlife and archaeological interests; and on flooding and flood risk.
12. **Policy DP/7** states that outside village frameworks, only development for agriculture and other uses that need to be located in the countryside will be permitted.
13. **LDF Policy HG/9** states that development of a new permanent dwelling for agricultural purposes will only be permitted if it is demonstrated that:

- a) There is a clear, existing functional need relating to a full time worker or one who is primarily employed in agriculture;
- 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;
- c) There are no suitable existing buildings available in the area;
- d) The conversion of appropriate nearby buildings would not provide suitable accommodation;
- e) No existing dwelling serving the unit has recently become separated from it.

If the 2nd criteria cannot be met or the application relates to a new farming activity, development of a temporary dwelling may be permitted for up to three years where all the other criteria are met, and 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. Where a new dwelling is permitted, it will be the subject to an agricultural occupancy condition.

Consultations

14. **Castle Camps Parish Council** recommends refusal for both applications.

S/0184/08/F – Mobile Home

“General: Members of the planning working party were invited to view the site by the owner. Two councillors accepted the offer the remainder refused for various reasons.

- 1. The mobile home should be restricted term and occupancy.
- 2. If permission is given for this site, anyone who owns a piece of land will expect to receive similar treatment.
- 3. It is assumed that the residential use has been permitted, when it appears that there is no permitted residential use”

S/0185/08/F – Retention of unauthorised buildings

“General: Members of the planning working party were invited to view the site by the owner. Two councillors accepted the offer, the remainder declined for various reasons. There seems to be an inconsistency in Part A, Section 3, which refers in effect to a change of use from existing residence to business, which is not mentioned in the main title of the application. This has led to a great deal of confusion. Would it be more correct to say change of use from unauthorised agricultural buildings to business?

- 1. Buildings in open countryside should be sympathetic to their surroundings and of proper standard. As one leaves Castle Camps or Shudy Camps this site is definitely not.
- 2. Not suitable for butchery business, improper water supply (rain water) and drainage.
- 3. The agricultural statement refers to ‘not really permanent’ buildings, yet the title of this proposal suggests permanent approval. In which case, more stringent design is required.
- 4. I also question the title of this proposal. The applicant refers to a ‘change of use’ in Part A, Section 3, yet SCDC does not in the proposal title. This is a change of use to a business. Given this inconsistency I have to object.

5. These buildings were erected without consent and, it would appear, deliberately concealed, In Part A, section 3, this applicant refers to a change of use from residential although it appears there is no permitted residential use.”
15. **Acorus**, the Council's agricultural advisor, advises that it visited the site in March 2007 (in connection with the previous application referred to in the history section above), and the comments in the initial report are much the same in terms of intention and ability to develop the business. As per the previous comments, the farming business is clearly in its infancy, although a substantial investment has already taken place in the purchase of the farm together with the construction of the pole barn and other machinery and equipment. Mr Spencer started farming in 1993 and built up a 300 sow unit so his ability or determination are not doubted. Livestock numbers are still relatively modest although the applicant has clearly developed the business over the past twelve months with increase in the suckler cows and youngstock together with ewes and progeny. The pig enterprise is still in its infancy and there are some laying hens. In terms of the functional elements, on site accommodation is required to attend to lambing and aftercare of young lambs, calvings, which is undertaken in the spring and autumn, and for the pig enterprise as this develops. Naturally, there are welfare and general management/security issues. Livestock numbers will still need to be increased over the plan period. In terms of the sustainability of the business, the profit predicted within the financial statement is particularly ambitious. Also, the figure for expenditure is low and fixed costs would be significantly higher than the figure quoted. However, much will depend on the level of direct/retail sales, developing niche markets and increase in livestock numbers. Given the associated income from the arable enterprises, it is considered that Mr Spencer has a reasonable chance of developing a viable business and, at the end of any temporary consent, a formal analysis of business accounts would be required. Siting would appear to be quite suitable in terms of proximity adjacent to the existing buildings.
- In respect of the retention of existing farm buildings these are at present providing essential accommodation for the livestock together with ancillary feed/machinery stores. These are therefore necessary to the running of the business and further buildings will be required in the future to support the expansion which is necessary. Possibly, in the future, the existing buildings may be replaced by more permanent structures. The conversion of the western wing of the existing building to a butchery should, in principle, be of general benefit to the farm in enabling home processed meats for direct/retail sales.
- In conclusion, there is little doubt about Mr Spencer's ability and determination to develop the business, and the business is considered to have a reasonable chance of being profitable and sustainable in the future.
16. The **Environmental Health Officer** raises no objections to the retention of the agricultural buildings, but states that the food section will reply directly as the application includes the provision of a meat preparation room, with regards to the mobile home, it is noted that a Caravan Site Licence would be required if permission is granted. The home is proposed to be served by roof water collected in containers and passed through a micro-filter and disinfected using UV light. Whilst some concern is expressed as to the continuity of supply it is possible for a water bowser to be bought onto site and then treated. Bacteriological and chemical samples of the existing filtered supply are to be taken so that further advice can be given to the applicant.
17. The comments of the **Food Safety Officer** in respect of the proposal to convert part of the existing building to a butchery premises will be reported verbally.

18. **Environment Agency** states that no details in respect of foul water drainage have been included within the application to allow the Agency to consider the impact on the water environment. Further site investigation by the applicant would be necessary before we could consider a septic tank and infiltration system. A private sewage treatment plant may be acceptable but would require the Agency's prior written consent. A 'chemi-loo' may be an alternative. A condition requiring foul water drainage details to be submitted and agreed should be added to any consent.
19. **The Campaign to Protect Rural England** states that, although it raised an objection to an earlier application for an agricultural dwelling at Lower Camps Hall Farm, it has no objections to the current application.

Representations

20. 3 letters of objection have been received from the adjacent land owner, the owner of a dwelling to the south (Toad Hall) and from Camps Hall Farm. The main points raised are:
- a) The existing house has been built without planning permission. To compound the irregularity, it was hidden behind a wall of hay bales and it is assumed this was done to circumvent the planning rules;
 - b) The adjacent landowner used to farm this land. The figures in the submitted agricultural statement are inaccurate and cannot justify a new dwelling. An agricultural dwelling was built next to Camps Hall Farmhouse to serve the holding but, when the farm was found to be uneconomic, the agricultural tie had to be lifted;
 - c) People must not be seen to be benefiting from illegal activity by ignoring planning laws. Approval of the applications will set a dangerous precedent;
 - d) It was the applicant's decision to put livestock on the land knowing there was no house on the site. He should not be able to erect this mobile home which, if given permission, will inevitably lead to a permanent construction;
 - e) A house in the village would allow the applicant easy access to the land if needed;
 - f) The development is on one of the highest contours of Cambridgeshire and can be seen for miles. The land was virgin agricultural land and the site now resembles a rubbish tip;
 - g) The barn structures, machinery and general rubbish on the site are very unsightly;
 - h) The use of part of the building as a butchery must be rejected. It is presumed this will be open to the public, as a large hard stand area is proposed and there will therefore be a considerable increase in traffic using the track;
 - i) There will be a requirement for extra sewage facilities. Wastage bins for the butchery will draw more rodents/pests to the area;
 - j) The applicant is indifferent to keeping a site hygienic and in good condition;
 - k) What are the other buildings shown on the block plan?
21. 15 letters of support have been received, from residents in Shudy Camps, West Wickham, Linton, Great Abington, Hildersham and Hadstock. (These include 2 letters from family members and interest has therefore been declared). In addition, 2 separate petitions of support (with a total of 24 signatures from residents of properties in Shudy Camps, Castle Camps, Linton and Haverhill) have been submitted. The main points raised are:

- a) The applicant has a farming background. He previously had a herd of 300 pigs and, realising he was not going to find land to buy suitable for outdoor pig rearing, sold everything and bought the site at Lower Camps Hall Farm. The Spencers are hardworking and knowledgeable and intent on developing a genuine business;
- b) The applicant is a livestock farmer and has to be on hand to ensure the well being of his stock;
- c) This is a registered agricultural holding, so the intention to farm was clear from the outset;
- d) Machinery at the site includes 4 tractors, a combine, trailers, ploughs, drills and cultivation equipment all bought at local sales and from secondhand dealers;
- e) The development of rural farming businesses should be supported, especially in the current climate which has seen a significant decline in small holding farms over the last decade or so;
- f) The type of farming proposed within this application (small farm, directed to produce high quality food with potential opportunity to retail on the site, with consequent reduction in environmental costs) should be fostered;
- g) This farm is a new enterprise and should be given every opportunity to establish itself;
- h) The straw bales make excellent windbreaks, until such time as the trees, hedges and orchard that have been planted have grown to give the property the screening needed;
- i) The buildings are isolated and of appropriate design;
- j) The animals are kept in excellent condition, far better than intensively reared animals.

Planning Comments – Key Issues

22. The key issues to consider in the determination of this application are:

- a) The principle of a temporary agricultural dwelling;
- b) Impact upon character and appearance of countryside.

Principle of the development

23. Strong objections have been raised to the application for the retention of the existing building on the basis that the development has been carried out (and part of the building used as a dwelling) without planning permission, and that there appears to have been a deliberate attempt by the applicant to conceal the illegal building behind a wall of hay bales. It is argued that the authorisation of illegal development would set a dangerous precedent. I must stress that, whilst the construction of buildings without planning permission cannot be condoned, this is not, in itself, a reason to object to the proposal or to refuse planning permission. The application must be considered as if the building were not there, and against the same criteria used for any proposed development.
24. Prior approval has been granted for the erection of a 200m² agricultural building on this site. The barn that has been constructed is nearly three times this size and does not accord with the details submitted as part of the prior approval application. As such, the entire structure remains unauthorised to date. The current applications seek to retain all the unauthorised development on the site, to modify the residential part of the building, in order to convert it to agricultural use (a butchery/food preparation premises), and to site a mobile home/ temporary agricultural dwelling on the land. The application form relating to the proposal for the retention of the existing building states, incorrectly, that the application involves a change of use from residential to

butchery premises. This is strictly incorrect and has now been altered on the form, although the correct description of the development has been used in the Council's description and described within the statement accompanying the application.

25. As stated above, there is prior approval for the erection of an agricultural building on this site, so no objections have previously been raised by this Authority to the principle of siting a building in this location. It is important to consider the impact of the existing unauthorised building against the impact of the structure that has prior approval and could have been erected in this position. Although the permitted building was approximately one third of the size of the structure that has been erected, it was 1 – 1.5 metres higher than the existing building, and metal clad rather than timber. In my opinion, the enlarged footprint and differing materials used are not seriously harmful to the character of the countryside. The site is reasonably well screened from the main road by the wall of hay bales sited on the north and west side of the development. The main area of concern, and the reason behind the 2nd reason for refusal of the previous application for the residential use of part of the building, related to the fact that the enclosed timber clad element is overly domestic in appearance (mainly due to the fenestration used) and hence inappropriate and visually harmful in the countryside. The proposal seeks to modify this element of the building, both internally to ensure the cessation of the existing residential use and its conversion to a butchery, and externally to ensure that the building would be more agricultural in character. Any permission would need to be subject to a condition requiring the cessation of the existing residential use and the internal/external works to this element to be carried out within a specified time period (I would suggest six months).
26. In the event that any planning permission is not implemented, I would advise that an enforcement notice be served requiring the cessation of the use of part of the building as a dwelling.
27. I am presently awaiting the comments from the Environmental Health Officer in respect of the proposed butchery/food preparation premises, which I understand needs to meet stringent food safety regulations. The butchery is intended to be used as part of the agricultural premises, rather than for commercial purposes, so does not represent a change of use, but a conversion of the residential part of the building to agricultural use. Should there be any future intention for a commercial use or to sell food to the public from the site/a farm shop use, this would need to be the subject of a separate planning application.
28. Letters of objection have referred to the structure being sited on the highest contour in Cambridgeshire. The site is elevated above the position of the road, but the land does continue to rise to the east, and a public footpath crosses the holding to the east. If the development were to be sited closer to the road, it would be more prominent and, if sited further to the east would be on higher land and more prominent from the footpath. I am satisfied that the location chosen for the building is probably the least prominent and best available on the holding.
29. The proposed mobile home is intended to replace the existing unauthorised residential use within the unauthorised building. In the previous application, Acorus raised no objections to the principle of a temporary dwelling on the land to serve the needs of the agricultural business whilst the applicant was attempting to establish and develop the business further. This Authority's key concern was that the building that had been constructed on the site, and within which the dwelling is presently contained, could not be easily dismantled and did not therefore satisfy the temporary classification required within Government and Council policy. Since the previous

application, the scale of the business and number of livestock kept on the site has increased, and Acorus has maintained its support to a temporary agricultural dwelling, stating that: there is a clear functional need for a full time worker to live on the site, there has been a firm intention to develop the enterprise (evidenced by the investment in the holding and buildings), the applicant has a farming background and his ability to develop the business further is not doubted, and there are no other suitable buildings that could be used. As stipulated within Policy HG/9, any consent for the mobile home should be for a temporary 3 year period only. This should provide the applicant with sufficient time to develop the business further and, in particular, to acquire the financial records needed to satisfy the financial test required by PPS7 and Policy HG/9. Acorus has raised concerns about the applicant's estimated profit margins and about the financial viability of the holding but this is a matter that would need to be considered further as part of any subsequent application for a permanent agricultural dwelling on the site.

30. Representations have been received from the owner of the adjacent land (who used to farm this holding) stressing that the land is unviable, and that an agricultural dwelling constructed to serve the needs of the holding (Toad Hall) had to have its restriction lifted as the farm proved unviable. It is important to note, however, that the current agricultural business differs in that the applicant keeps livestock on the land, and his business plan is based upon increasing the amount of livestock. My understanding is that the land was previously used for arable purposes only.
31. There is an existing mobile home on the site that is presently used for storage purposes. The drawings submitted with the application are for a different style of mobile home to that already on the site. The previous application stated an intention for this to be used for seasonal workers accommodation but no such reference has been made within the current application. Any intention to use the existing mobile home for seasonal workers would require a further application.
32. Finally, concern has been expressed about the large cattle yard and grain store buildings shown on the block plan. These buildings do not form part of the present applications, although I am aware that the applicant may have a need for such buildings in the future, and they would need to be the subject of a separate planning application.
33. I have requested amended site plans in respect of both applications so that the area covered by the buildings and access to the site falls within the site edged red.

Recommendations

34. Subject to the receipt of amended site location plans and to no objections being raised by the Environmental Health Officer to the butchery element of the proposal, approval is sought for both applications. In addition it is recommended that an enforcement notice be served requiring the cessation of use of part of the existing building as a dwelling house within a compliance period of six months.
35. **S/0184/08/F – Mobile Home**

Approval:

1. The mobile home, hereby permitted, shall be removed and the land restored to its former condition on or before 30th April 2011 (Reason – To determine within this period whether the agricultural unit has a prospect of being financially

sound in accordance with Policy HG/9 of the adopted Local Development Framework 2007).

2. The occupation of the mobile home, hereby permitted, shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents. (Reason – The dwelling, hereby permitted, is situated in a rural area outside any established settlement where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfil an agricultural need to satisfy the requirement of Policy HG/9 of the Local Development Framework 2007).
3. Prior to the occupation of the mobile home, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme (Reason – To prevent the increased risk of pollution to the water environment).

Informatives

General

1. The applicant's attention is drawn to the comments within the enclosed letter from the Environment Agency dated 20th February 2008.

36. S/0185/08/F – Retention of Unauthorised Agricultural Building

Approval:

1. Within six months of the date of this decision, the existing residential use within the building shall cease and the building modified externally and internally to accord with the proposed elevations drawing number 07/19/175/2 (Reason – To ensure the cessation of this unauthorised residential use in the countryside and to ensure that the building would be more agricultural in appearance thereby improving its impact within the landscape)
2. Within three months of the date of this decision, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, shall be submitted to the Local Planning Authority (Rc51)
3. Sc52 – Implementation of landscaping (Rc52)

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

- Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) Annex A South Cambridgeshire Local Development Framework (LDF) 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning application references: S/0184/08/F, S/0185/08/F, S/0236/07/F and S/2065/05/PNA

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251