

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st April 2009

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

S/2110/08/F – WILLINGHAM
Temporary Siting of 2 Mobile Homes to be Occupied in Association with Hempsall Farm Equestrian Centre (Retrospective Application)
Hempsall Farm, Iram Drove for Ms Taylor

Recommendation: Approval

Date for Determination: 4th March 2009

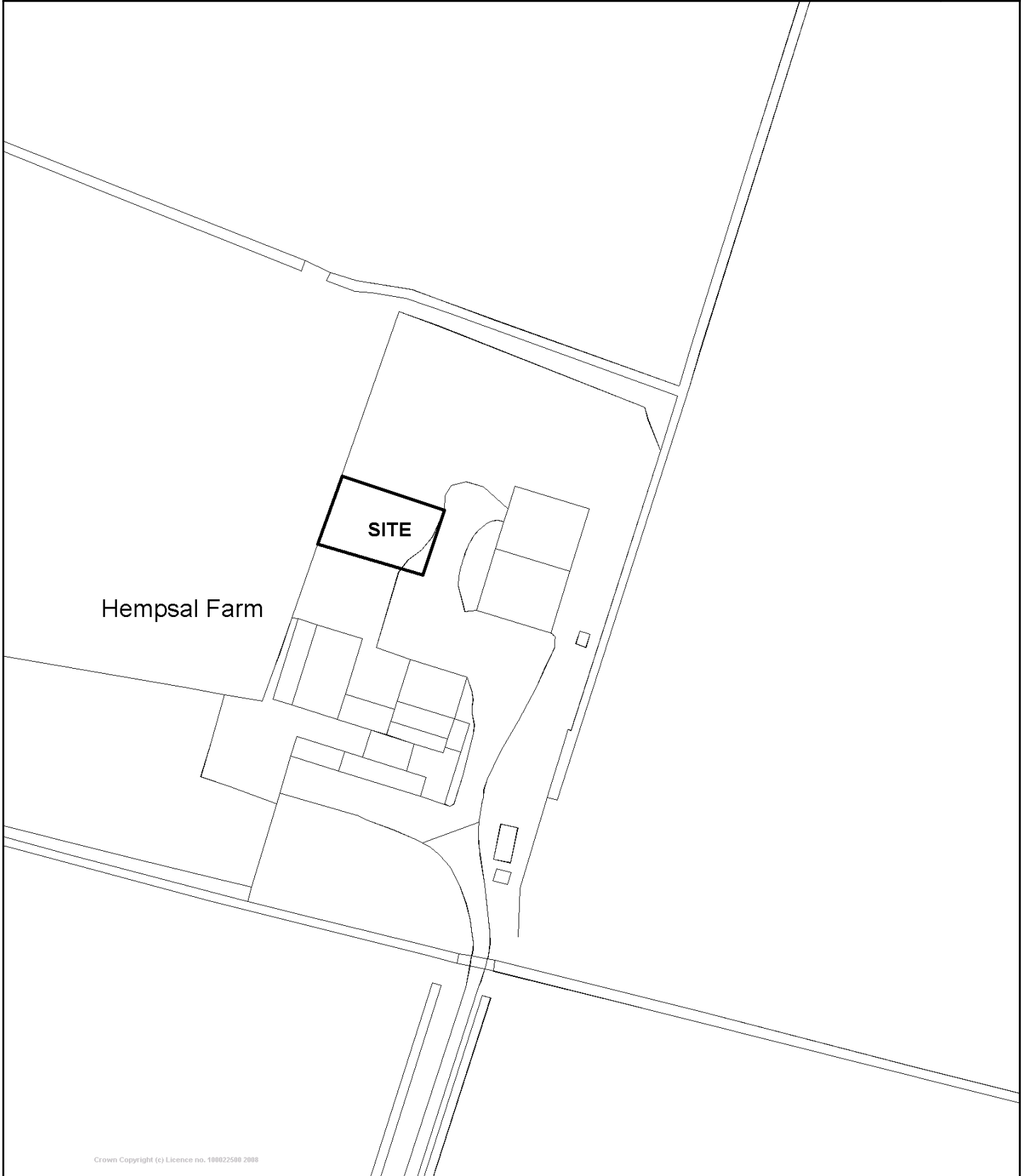
Notes:

The planning application has been referred to Planning Committee by Chairman's Delegation Meeting on 11th March 2009.

Members will visit this site on Wednesday 1st April 2009.

Site and Proposal

1. The proposed site for the two mobile homes is within Hempsall Farm and measures approximately 0.049 hectares (not including access). Hempsall Farm is outside the village framework and is currently used as an Equestrian Business. It comprises 30.75 hectares of land. There is also a Scheduled Ancient Monument (SAM) approximately 400 metres away from the two mobile homes. Hempsall Farm is a collection of farm buildings, which include barns and stables. These buildings while not being dilapidated or looking in disrepair are showing some signs of damage. There currently is no farmhouse building as part of this farm complex. The agent has stated the farmhouse that was on the site burnt down 38 years ago. The farm complex is currently very open on the northeast, eastern and southern boundary, while the western and northwest boundaries have a deciduous tree row growing. There were at the time of the application's submission 19 horses on site.
2. The application, received 12th December 2008, proposes temporary siting of two mobile homes. The two mobile homes are situated in the northwest corner of the farm complex and measure approximately 3.6m x 10.5m and are white & grey in colour. The proposed development for two mobile homes is for one dwelling unit and is for a temporary period of 3 years. This is to allow Ms Taylor to be able to live and work on site with her three children, aged 4, 12 and 14.
3. The application is accompanied by a Design and Access Statement, Planning Policy Statement, Show programme 2008, application for licence of riding establishment, financial assessment and six letters of support from clients of the business.



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Scale 1/1250 Date 17/3/2009

Centre = 542804 E 270399 N

April 2009 Planning Committee

Planning History

4. **S/1235/07/F** – Permission for the Conversion of Barns to Stabling and Training Area, Laying of 2 Concrete Bases for Muck Heaps and Siting of 2 Mobile Homes at Hemsfall Farm was refused on the grounds that there was a lack of information to prove that the business had been planned on a sound financial basis.
5. **S/1535/08/F** – Permission for the Change of Use of Land and Buildings for the Keeping of Horses and Operational of an Equestrian Centre at Hemsfall Farm was conditionally approved.
6. **S/1919/08/F** – (Not on site, but forms part of the Parish Council's reason for refusal) Permission for Change of Use of Land to Site Mobile Home and Amenity Portacabin at 3 Cadwin Fields, Scholes Road, Willingham was refused at Planning Committee on the grounds that the local school was at capacity and unable to service the existing catchment area.

Planning Policy

7. South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.

Policies **DP/2** (Design of New Development), **DP/3** (Development Criteria), **DP/7** (Development Frameworks), **HG/9** (Dwelling to Support a Rural-based Enterprise) and **NE/6** (Biodiversity).

8. Other relevant Planning Policy

Planning Policy Statement 7 (Sustainable Development in Rural Areas) states at Annex A, Paragraph 15 that:

“There may also be instances where special justification exists for new isolated dwellings associated with other rural-based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned”.

9. Temporary dwellings should satisfy the following criteria:
 - i) “Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
 - ii) Functional need (see paragraph 4 of this Annex);
 - iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - iv) 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
 - v) Other normal planning requirements, e.g. on siting and access, are satisfied.”

If a dwelling is essential to support a new activity, it should normally, for the first three years, be provided by temporary accommodation.

Consultation

10. **Willingham Parish Council:** (29th January 2009) states the following:

“Willingham Parish Council recommends refusal for this application. Please see the second paragraph of the Council’s recommendation on planning application S/1535/08/F. Willingham Parish Council will continue to oppose such applications on the grounds of proportionality until South Cambridgeshire District Council advises its proper and fair allocation of mobile and gypsy homes in the district.”

(23rd February 2009) The Parish Council stated the following:

“Willingham Parish Council recommends refusal for this application. Because of the disproportionate number of mobile homes in Willingham, the Parish Council has consistently opposed further expansion until the District Council makes clear the number of mobile homes that the Parish must accept, and demonstrates that this is a fair and proportionate to the settled community. These comments were recently made clear at the District Council when application S/1919/08/F was considered”.

11. **Local Highways Authority:** The Highway Authority requests that any planning permission be conditioned to require the existing vehicular access and the drive to be hard surfaced for a distance from the back of the footway of not less than five metres, to prevent the degradation of the highway.

Given the nature of Iram Drove the existing visibility from the access is acceptable.

12. **Cambridgeshire County Council New Communities:** Comments that the two older children would be expected to attend Cottenham Village College, which has sufficient surplus capacity for these two children. The local school for the four year old would be Willingham Primary School, which has no spare capacity. Unless they have already got a place at the school (as indicated by the applicant), it is unlikely that they will be able to gain a place. The County Council has a statutory responsibility to ensure a place is provided. Therefore, the County Council would find a place for the four year old at the nearest alternative and, if required, will also provide transport.

There is a project within the County’s Capital Programme to expand capacity at Willingham Primary School. This should be completed in September 2010. These comments have been endorsed by the Admissions Education Officer at the County Council.

13. **Acorus:** concludes that that application is considered to reasonably comply with the criteria set down in PPS7 and that the two mobile homes should count as one residential unit. Acorus also pointed out that there is a functional need and that the business is financially sound.

Representations

14. No representations have been received.

Planning Comments

15. The main planning considerations for this planning application is whether there exists a functional and financial need to justify a temporary dwelling in the countryside and will the development have any negative impact on the surrounding area.
16. **Development Outside the Village Framework** – The Equestrian Business is an acceptable use outside the village framework, as it is an outdoor recreation and helps to diversify the rural economy. The Business plan adequately shows that Hempsall Farm is being used for a business and not for personal enjoyment. The business, while starting as a livery yard will later develop a riding school. The business plan identifies that there are currently 19 horses owned by the business. This should increase up to forty liveries and ten horses for riding lessons. It is an appropriate activity in the countryside.
17. **Functional Need** – In order to provide sufficient supervision to deal with sick or injured horses, foaling and general welfare, someone with the relevant experience, qualifications and skills needs to be on site during most of the day. Acorus reports that the applicant has over 20 years relevant experience in keeping horses and has completed the British Horse Society exams. The applicant, who currently lives in Swavesey, will, therefore, be able to provide suitable 24-hour provision. There is no other suitable building on site that can be used as a dwellinghouse, as they are all currently being used as part of the Equestrian business. The nearby dwellings, adjacent to the farm's access track, are not part of Hempsall Farm and there is no information that these properties are up for sale. The original farmhouse for the site burnt down 38 years ago. The development complies with Policy HG/9 part 1 a,c,d,e and 2h.

Other Issues

18. **That the business is financially sound** – Acorus has independently assessed the proposed development. The report states that the business has had £40,000 invested in site improvements and that by 2011 the site will be making an approximate profit of £36,000 annually. This profit should be able to cover both the maintenance of the business and the costs of building a future dwelling. Acorus also states “the proposals appear to have been planned on a sound financial basis”. The proposed development, therefore, covers part 2g of Policy HG/9.
19. The approval of this planning application, will not lead to any additional pressure on the existing local educational infrastructure, as the three children all have places in the local schools. The children aged 12 and 14 are attending Swavesey Village College and the 4 year old has been in reception at Willingham Primary since Christmas 2008.
20. The two mobile homes are satisfactorily screened from the wider countryside, due to the existing tree row (approximately 5 metres in height) and the surrounding farm buildings that are significantly higher than the mobile homes. The mobile homes will have no impact upon the SAM site, due to both the distance between them and the several layers of tree and hedgerows. A condition would be required for a landscaping scheme in order to maintain the existing screening.

21. The Local Highways Authority comments regarding improving the vehicular access will be added as a condition. To condition both the access/driveway and the natural screening a plan showing an increased application site area has been requested.

Conclusion

22. I consider the application has provided satisfactory evidence to prove that there is a firm intention and ability to develop the enterprise and that the Equestrian business meets both the functional and financial tests. The two mobile homes are not causing any material harm. It is, therefore, concluded that the application is in line with Planning Policy Statement 7, which states that "Local planning authorities should set out in Local Development Documents their policies for supporting equine enterprises and complies with Policy HG/9 of the adopted Local Development Framework 2007".

Recommendation

23. Approve
1. The occupation of the mobile homes, hereby permitted, shall be limited to a person solely or mainly working at the Equestrian Business at Hemsall Farm, Willingham, or a widow or widower of such a person, and to any resident dependants.
(Reason - Rc32).
 2. The use, hereby permitted, shall be discontinued and the mobile homes, hereby permitted, shall be removed and the land restored to its former condition on or before 30th April 2012.
(Reason - To ensure the development is in accordance with PPS7 and Policy HG/9 of the Local Development Framework adopted July 2007, as a permanent dwelling would not be given approval unless it can be proved that the rural enterprise has been established for at least three years and is financially viable.)
 3. Within 3 months of the date of this Decision Notice full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details 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. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2, NE/6 of the adopted Local Development Framework 2007 and to prevent the degradation of the highway.)
 4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of three years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at

the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

5. The existing vehicular access and drive shall be resurfaced in a suitable hard surface for a distance from the back of the carriageway of Iram Drove of not less than five metres.
(Reason - Rc20.)

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

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning Files Ref: S/2110/08/F, S/1235/07/F, S/1535/08/F and S/1919/08/F.
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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