

Officer Report On Planning Application: 19/03358/FUL

Proposal :	Stationing of a twin unit mobile home for use as a permanent agricultural workers dwelling.
Site Address:	Ark Farm, New Manor House Road, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr G Tucker
Recommending Case Officer:	Colin Arnold
Target date :	3rd February 2020
Applicant :	Mr Oliver Howley
Agent: (no agent if blank)	Mrs Lydia Dunne, Clive Miller Planning Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

UPDATE TO REPORT FOLLOWING DEFERRAL DUE TO CORONAVIRUS

The agent has submitted further information in support of the application.

This has included maps of the entire land rented and owned which amounts to 9 acres (risen from 8 previously) owned and approx 186 acres of land rented from seven different land owners. Formal basic payments are granted on 10 acres of these.

A comparison of the business plan of 2017 (when the original temporary consent for three years in order to build up the business was granted) and the actual return from the business has been undertaken which has led the relevant consultant who undertook the comparison to state:

'Clearly, the business is exceeding budget and the business plan in all financial aspects in that it is generating higher profits, is demonstrating more asset growth and is creating considerable funds available for reinvestment i.e. demonstrably viable and sustainable by whichever measure is applied.'

However, the fact remains that the large majority of the land is rented without long term formal agreements upon (such as ten year business tenancies for instance which are fairly commonplace agreements in farming) and the minimum figure for an average agricultural workers wage has not been reached even taking into account the money earned by the applicant for contracting work (which should not be included).

Members may consider a temporary consent for three years to allow further build-up of funds and profit to enable a permanent dwelling to be built - but the agent would prefer the application to be dealt with on a permanent basis (although he still refers to a desire in the future to apply for a permanent dwelling)

The recommendation remains for refusal.

REASON FOR REFERRAL TO COMMITTEE

The application is referred to the committee at the request of the Area Chairman on the basis of the Ward Members disagreement with the officer's recommendation. The Ward Member considers that the application complies with Policy SS2, Agriculture is going through a lean time and we should support small business, also the land rented has several owners so the likelihood of it being removed is unlikely.

This is an application for the Stationing of a twin unit mobile home for use as a permanent agricultural workers dwelling at Ark Farm, New Manor House Road, High Ham, Langport

Three years ago consent was granted for a temporary agricultural workers dwelling and this was given a time limit of three years which have now passed.

Ordinarily, it would be the norm for a permanent dwelling to be applied for at this juncture (by permanent - it is meant in bricks and mortar etc.) However this application is requesting a permanent consent for the log cabin which is now in situ. The agent states that a later date a more permanent dwelling will be applied for when finances permit - in the meanwhile the money earned is being used for the expansion of the farm and animals.

In terms of buildings on the farmstead the agent has noted:

'Buildings at Ark Farm currently comprise: -

- 390m² calf rearing shed
- Stable loose boxes offering 200 m²
- L-shaped general building of 150 m²
- 140 m² livestock building, the subject of an earlier planning application.
- In addition, the Applicant has recently erected a further building of 155 m² under prior approval.'

It is noted from the agricultural appraisal submitted as part of the application that the applicant also carries on agricultural contracting work for other farms.

The farm is largely a beef farm (although some of the support letters also refer to some sheep being owned (the agricultural appraisal does not mention this) The cattle has increased from 56 to 120 and the farming model largely relies on calf rearing (which increasingly is being done 'in house' with the farm cows own calves rather than being imported in for rearing)

HISTORY

16/03242/FUL - Proposed siting of a temporary agricultural workers dwelling, alteration to the farm access and erection of an additional farm building. Granted 13 Sept 2016.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4, HG9

National Planning Policy Framework
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations
Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Parish Council:

This application met unanimously with no objections.

SCC Highway Authority:

Standing advice applies

SSDC Highway Consultant:

Please refer to the comments I made in response to planning application number 16/03242/FUL, as follows: 'It must be largely a planning matter as to whether or not the principle of this development is acceptable. The proposed access arrangements are the same as those proposed for the permanent dwelling which I have commented upon previously.' The same comments apply to the current planning submission.

Extract from case officers report for 16/03242/FUL:

'Access

The proposal re-locates the access point further to the south, improving visibility for exiting vehicles. Whilst not able to comply fully with the visibility splays set out in the Standing Advice, the applicant has been able with this design to accommodate the suggested splays raised by the Council's Highway Consultant (See above). This arrangement is a considerable improvement on the poor existing access, and it is therefore not considered that any undue highway safety would result from the proposal.'

And comments from SSDC Highway Consultant:

'The submitted plan (visibility splays) appear to accord with the advice I gave at pre-app stage (2m x 43m sightlines taken to points 1m off the carriageway edge in both directions).'

REPRESENTATIONS

2 Letters of support:

- I write in support of the designation of the mobile wooden cabin as a permanent dwelling. It is entirely appropriate that the owners of Ark Farm, who contribute so much to the local community and environment, should live permanently on their land. The house is attractive, the grounds well landscaped and the access road gives rise to no congestion or safety hazards on Long Street.
- Fully understand the need for this type of accommodation whilst Mr Howley and his partner invest in their business and until such time they can build a more appropriate permanent dwelling in keeping with the locality. The business is obviously growing as indicated by the need for more agricultural barns on this small site. I look forward to viewing the plans for a permanent dwelling sited near the current mobile home and any associated landscaping when the couple have the capacity to invest.

5 letters of support submitted with the application which appear to relate to the original application for the mobile home (all dated 2017) details available online.

CONSIDERATIONS

Principle of Development

There is a national policy vacuum in relation to agricultural workers dwellings in the NPPF. Indeed the only reference to agricultural workers' dwellings in the NPPF is in paragraph 55, which simply states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (inter alia) the essential need for a rural worker to live permanently at or near their place of work in the countryside.

However, it is noted that planning Inspectors are still relying on the now superseded guidance in PPS7 (a previous set of statements relating to planning matters) and in particular Annex A of that document.

However, the principles of Annex A are replicated in Policy HG9 of the South Somerset District Local Plan which is replicated below:

'POLICY HG9: HOUSING FOR AGRICULTURAL AND RELATED WORKERS

A development proposal in the countryside to meet the accommodation needs of a full-time worker in agriculture, horticulture, forestry, equestrian activities or other business where a rural location is essential should demonstrate that:

- There is a clearly established existing functional need;
- The enterprise is economically viable;
- Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;
- No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;
- It does not involve replacing a dwelling disposed of recently as general market housing;
- The dwelling is no larger than that required to meet the operational needs of the business;
- The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.

Where a new dwelling is permitted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture, forestry, equestrian activities or other rural business (or a surviving partner of such a person, and any resident dependents).'

It is considered that these tests have been met in this case through the grant of the original permission for the mobile homes.

However, Annex A advised against renewing the consent for a future period beyond the three years - "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." The three years was such that it was for the farmer to build up sufficient funds to apply for a permanent dwelling on the site. This would normally mean a bricks and mortar property i.e. a new farmhouse for the holding.

This application is notable because it is not asking for a built property but for the continuance of the

existing arrangement (of living in the mobile cabin) to enable funds to be built up - then apply for the permanent bricks and mortar property.

Confidential accounts for the last three years have been supplied for the case officers information only (financially sensitive) Without supplying the figures the profits made by the farm are below the average farm workers wage per annum circa £18k (a useful yardstick to show whether a farm is sustainable as a main source of income). The figures are also heavily reliant on the applicants contracting work (which again may cease at the whim of the contractor) and therefore it is considered that the application fails on the financial test of Policy HG9.

It should also be noted that the land area farmed totalled some 46.5 hectares (115 acres) of which 3.2 hectares (8 acres) is owned by the Applicant, the remainder being rented from neighbours. It is noted that when the temporary approval was granted, the total area then farmed comprised 90 acres so there has been an increase but the 'owner/occupied' land is low being 8 acres. It is of concern that in the worst case scenario (with the rented land withdrawn) with the applicant being left with only 8 acres to farm from that this would be insufficient land to continue with the farming venture.

It is noted that due to calculations the labour requirement stands at just over 1 full time standard labour unit. This is not necessarily challenged but is only just sufficient to pass the 'functional need' test of the aforementioned Policy.

Scale and Appearance

As this is an application to retain the status quo on the site there is no adverse impact in terms of scale and appearance. In fact the wooden log cabin blends in well in its natural surroundings and there is a well-kept area of garden area to its fore. It is well sited near the existing agricultural complex of barns and is within sight and sound of the stock involved. It is also set back from the road so not appearing overbearing on the street scene.

Residential Amenity

Given its isolated location it is not considered that there would be any adverse impact on residential amenity. Of course the occupants will be subject to a degree of odour issues from a working farm but that is entirely expected and nominally accepted given that the occupants are farmers. Notwithstanding this if the application were to be allowed it would be subject to an 'agricultural workers' condition restricting the occupancy to an agricultural worker this ensuring the occupant would be used to the noise and odours associated with a working farm.

Impact on Setting of Listed Building

The house to the north of the site, New Manor Farm, is listed, and its curtilage runs southwards to the boundary of this site. This boundary is marked by mature vegetation, which can be strengthened if necessary. The house itself is more than 65m from the site of the proposed dwelling. It is considered that there is adequate separation between the two, and it is not considered that there is any harmful impact on the setting of the listed building.

Highway Safety

The SSDC Highways consultant raises no objection to the proposal subject to the previous arrangements in terms of access (which could be conditioned).

Planning Obligations

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all

new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

Conclusion

Whilst there appears to be a functional need for a worker the application falls short on the limited amount of owner occupied land and the large amount of rented land (which could be taken back at the whim of the owner of said land - subject to breach of contract implications) and the lack of non-contract work profit generated from the business meaning that the financial test of the relevant policy is not met in this instance. Reluctantly and acknowledging the fact that this is a young farmer and his family trying to start out - it has to be refused on financial grounds as there is serious doubt as to the longevity of the business.

RECOMMENDATION

To refuse the application on the following grounds.

FOR THE FOLLOWING REASON(S):

01. Due to a lack of owner occupied land (just circa 8 acres) and reliance on rented land (which could be taken back by the lands owner -in theory) and with profit margins lower than that of an average agricultural workers annual wage (and including contract work - which may cease at the whim of the contractor within the accounts) it is considered that the proposal is not economically viable or sustainable and fails the financial test of Policy HG9 of the South Somerset District Local Plan.

Informatives:

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

The applicant did not utilise the Council's pre-application service and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
