

**Item No. 8****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/09/06477/FULL</b>
<b>LOCATION</b>	<b>Hadenham Farm, Gravenhurst Road, Shillington</b>
<b>PROPOSAL</b>	<b>Full: Siting of a temporary agricultural workers dwelling.</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Drinkwater &amp; Cllr Graham</b>
<b>CASE OFFICER</b>	<b>Hannah Pattinson</b>
<b>DATE REGISTERED</b>	<b>04 November 2009</b>
<b>EXPIRY DATE</b>	<b>30 December 2009</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Murtagh-Edmundson</b>
<b>AGENT</b>	<b>Wills &amp; Co</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Drinkwater due to the contentious nature of the application site</b>
<b>RECOMMENDED DECISION</b>	<b>Refuse</b>

**Site Location:**

The site to which the proposed temporary agricultural workers dwelling is proposed is a livery stables known as Hadenham Farm, to the north west of the village of Shillington.

The overall site comprises 23 Hectares of former arable land which has been converted to grassed paddock, a single covered block of 24 stables and a steel framed agricultural building, and an outdoor menage, an unlawful residential caravan and a steel container for the storage of tack. Other horses are kept in the surrounding paddocks on a grazing livery basis, or brood mares which are brought in for breeding and training.

**The Application:**

This application proposes the erection of a temporary agricultural workers dwelling. The proposed temporary agricultural workers dwelling would be a timber log cabin comprising a utility room, kitchen, office, diner lounge, family bathroom, and four bedroom with the master bedroom have the benefit of an en suite bathroom.

This application follows various refusals of planning applications and dismissed appeals for the retention of a mobile home for an equestrian worker.

A statement of justification has been provided on behalf of the applicant.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS 7

### **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Core Strategy and Development Management Policies (November 2009)**

Policy DM4

### **Planning History**

MB/05/00418	Erection of covered yard box, covered menage and agricultural workers dwelling. Refused. Appeal dismissed. In respect of the proposed dwelling, the Inspector concluded that an existing functional need on the site had not been established.
MB/06/00527	Erection of covered box yard, covered menage and agricultural workers dwelling. Refused.
MB/07/00649	Change of use of part hay store to provide 10 box stables.
MB/07/01160	Exercise ring, 2 steel containers for secure storage of saddlery and equine equipment and portacabin. Approved.
MB/07/01191	Retention of residential caravan. Refused. Appeal dismissed. In respect of retention of the residential caravan, the Inspector concluded that it had not been demonstrated that the need for someone to ensure the health and safety and welfare of horses could not be fulfilled by the applicants own nearby home by use of remote electronic surveillance. The Inspector said it would be premature to conclude the need for someone to be on hand at most times could only be met by on site overnight accommodation (criterion iv test of PPS7). He concluded (para 13) that all 5 criteria of Policy CS11 and PPS7 should be satisfied and that he was "not aware of any exceptional circumstances that would justify a departure from strict adherence to this policy and advice".
MB/09/001189	Retention of residential caravan. Refused.

### **Representations: (Parish & Neighbours)**

Shillington Parish Council	Support the application on the condition that (a) the consent be temporary for a limited period of 3 years commencing from the date of the decision notice, and (b) the dwelling shall only be occupied by someone employed in the equine business operated from the site.
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Neighbours One letter of objection raising concern as to the need for a temporary agricultural workers dwelling on site.

### **Consultations/Publicity responses**

IDB		No objection subject to a relevant condition.
Agricultural Advisor		Objects on the grounds that the functional need could be fulfilled other existing accommodation in the area which is suitable for occupation by the workers concerned.
EA		No comment
Highways		No objection
Community Officer	Safety	No comments received
Shillington Design Association	Village	Do not support as outside the settlement envelope and appears larger than necessary.
Gravenhurst Council	Parish	No comments received

### **Determining Issues**

The main considerations of the application are;

1. The Principle
2. Impact upon the Character and Appearance of the Area
3. Impact upon Residential Amenity

### **Considerations**

#### **1. The Principle**

The principle of this development has been dealt with in depth in consideration of previous applications for a residential caravan on site and the relevant subsequent appeal decisions. As such the previous decisions are a material considerations in determining this application and are attached at the end of this report.

The main consideration as to the appropriateness of the proposal is Annex A of PPS7, which provides 5 criteria which should be satisfied:

- i) Clear evidence of a firm intention and ability to develop the enterprise

The site has already been developed to an extent that the Inspector in the recent appeal concluded that a full time worker is required. It is accepted that the site has been developed by virtue of additions to the facilities and provision of additional stabling.

In addition the applicant is proposing to start an Alpaca enterprise to further develop the enterprise.

- ii) Functional Need

Functional need, as set out in PPS7 is where workers are needed to be on hand day and night for essential care at short notice.

In the most recent appeal the Inspector was of the opinion that given the number of horses on site and the veterinary evidence put forward regarding the possible incidence of colic and other illnesses that it was important for someone to be on hand at most times. He concluded that criterion ii) was satisfied.

iii) Clear evidence that the enterprise has been planned on a sound financial basis.

The Inspector was satisfied by the evidence provided in the recent appeal that "the thrust of activities over the last 5 years demonstrate a sound financial basis to the enterprise".

iv) The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable for occupation by the workers concerned.

Of particular relevance to this application is the applicants existing dwelling which as referred to in the previous appeal letter is within a few minutes drive away and as the Inspector considered (para 7) could satisfy the functional needs of the site in the event of any identified risks to animal health or welfare.

The Inspector noted (para 7) that there has been no recorded attempt to steal or harm horses on site and that PPS7 makes clear that protection of livestock against such threats does not itself justify a dwelling.

The Inspector (para 8 & 9) concluded that a reliable remote audible alarm system would be effective. The Inspector was of the opinion that remote electronic surveillance had not been properly explored to justify a requirement for a person to remain permanently on site in overnight accommodation.

On the basis of the above it is necessary to determine whether this issues has been addressed.

No information has been included with this application exploring the possibility for remote audible alarm systems. It is not considered that the introduction of a small alpaca herd would warrant a dwelling on site and that clear demonstration would be required to indicate that a remote audible alarm system is not suitable.

v) Other normal planning requirements

If the other criterion had been met it is considered that the siting/appearance of the proposed log cabin and the access are acceptable in terms of the character, appearance of the area and does not result in a detrimental impact upon neighbouring amenity. In addition the proposed access is considered to be acceptable.

It was agreed by the Inspector that a full time worker is necessary to support the enterprise (para 3).

Para 9 of Annex A states that an Agricultural Dwelling should be of a size relative to the established functional requirement. The proposed Log Cabin is much larger in size that is considered to be necessary for the functional

requirement of this unit. As such it is not considered that the proposed dwelling is appropriate in this context.

**2. Impact upon the Character and Appearance of the Area**

The proposed log cabin would be located within the complex of buildings. The complex of buildings is lower than the highway and as such would be relatively well screened. As such the proposal would not detrimentally harm the character and appearance of the area.

**3. Impact upon Residential Amenity**

Due to the topography of the site and the location of nearby residential properties it is not considered that the proposal would result in a detrimental impact upon neighbouring amenity.

**Conclusion**

In conclusion taking into consideration the previous appeal Inspectors findings it is concluded that the application fails to provide sufficient justification for a temporary agricultural workers dwelling on the site on the basis of the criterion set out in Annex A of PPS7. Given that the appeal against the Councils refusal to allow the retention of the residential caravan on the site was dismissed in October 2008 it is not considered that the introduction of Alpacas and additional justification since that determination is sufficient to justify the need. In addition it is not felt that the size of the proposed agricultural workers dwelling is appropriate to the functional need of the holding.

**Reasons for Refusing**

The proposed development is not in accordance with the criterion laid out within National Planning Policy Statement: PPS7.

**Recommendation**

That Planning Permission be refused subject to the following:

- 1 The proposal involves the provision of a temporary agricultural workers dwelling outside any defined Settlement Envelope, for which no satisfactory justification has been made on functional need, and the size of the proposed dwelling is considered to be inappropriately large. As such the proposal is contrary to Planning Policy Statement 7.

**DECISION**

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