

<b>Item No.</b>
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**SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/10/01092/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>01 April 2010</b>
<b>EXPIRY DATE</b>	<b>27 May 2010</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Murtagh-Edmundson</b>
<b>AGENT</b>	<b>Willis &amp; Co</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Graham as the former Mid Bedfordshire District Council set a precedent by approving a similar application in Maulden, four of the five issues raised by the Inspector have been resolved and the applicant has investigated the remaining one relating to CCTV and found the cost to be unacceptable</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</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, an outdoor menage, an unlawful residential caravan and a steel container for the storage of tack. Other horses are kept in surrounding paddocks on a grazing livery basis, or brood mares which are brought in for breeding and training. In addition the Applicant is developing an Alpaca enterprise on the site and currently has three breeding females with the intention of increasing this to 12 - 15 breeding females by 2014 / 2015.

**The Application:**

This planning application is a re submission of a previously refused planning application for the erection of a temporary agricultural workers dwelling which would be a timber log cabin comprising a utility room, kitchen diner, office, lounge, family bathroom and four bedrooms with the bedroom 1 having 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.

Additional information has been submitted with this application in relation to alarm systems 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 (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 the 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 the welfare of the horses could not be fulfilled by the applicants own nearby home or by the 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). PPS7 should be satisfied and that he was "not aware of any exceptional circumstances that would justify a departure from strict adherence to the policy and advice".
MB/09/01189	Retention of residential caravan. Refused.
CB/09/06477	Siting of a temporary agricultural workers dwelling. Refused.

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

Shillington Parish

No comments received

Council

Neighbours

A petition with 50 signatures has been received in favour of the application.

In addition two further letters of support have been received.

One letter of objection has been received and raises the following points:

- There is currently a person living in the caravan who does not work for the owners;
- The owners do not live in the caravan
- It was the choice of the owners to commence the Aplaca's enterprise
- The proposed alarm system could be an asset; and
- No further justification has been provided.

### **Consultations/Publicity responses**

IDB

Agricultural Advisor

No objection subject to a relevant condition.

Objects on the grounds that the functional need of the enterprise are capable of being fulfilled by the applicant's existing dwelling, which is both suitable and available, and which complies with paragraphs 1 & 12 (iv) of Annex A to PPS7.

Highways

No comments have been received for this application but it is an identical proposal to a previous application where no objection was raised.

Community Officer

Safety

No comments received

Shillington

Village

Do not support as proposal is outside the settlement envelope for Shillington.

Design Association

Gravenhurst

Parish

No comments received

Council

### **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 the previous applications for a residential caravan on the site and the relevant subsequent appeal decisions. As such the previous decisions are a material consideration in determining this application, and the most recent appeal decision is appended at the end of this report.

In terms of this planning application the Applicant has considered the appropriateness of an alarm system and has reached the conclusion that this would be neither viable in terms of the costs of such a system or practical for the enterprises at Hadenham Farm which includes the rearing of Alpacas outdoors.

The previous planning application refusal raised concern as to the size of the proposed Log Cabin. This application has reduced the size of the proposed log cabin to bring it in line with the agreed legal size of a caravan as set out in the Caravan Sites Act 1968 plus a small office. As such the principle of size in regards to the proposed log cabin is now considered acceptable.

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 has started keeping Alpacas 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 (para 8 & 9) concluded that a reliable remote audible system would be effective. The applicant has now investigated the possibility of a

remote audible system, and they state the cost of a such a system is estimated at £118,225 which includes the cost of BT providing broadband to the site which is necessary to operate the alarm. The Council's Agricultural Consultant considers that the broadband cost of £21,725 could be reduced significantly if the 'digging in' of the cable was done by a private contractor. Moreover, based on the applicant's own figures he is of the view that the costs put forward for the alarm system are not accurate, and at most would be between £50'000 and £70'000 depending of who installs the cabling for the broadband connection. The Council's Agricultural Consultant does not support the proposal as the functional needs of the enterprise are capable of being fulfilled by the applicant's existing dwelling in Upper Gravenhurst.

It is not considered that the introduction of a small alpaca herd would warrant a dwelling on site and that the submitted information provides clear demonstration that the remote audible alarm system would not be financially viable.

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 acceptable.

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

**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 are much lower than the highways and as such would be relatively well screened. As such the proposal is not considered to detrimentally harm the character or 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.

**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 workers dwelling outside any defined Settlement Envelope, for which no satisfactory justification has been made on functional need for an on-site presence. As such the proposal is contrary to Planning Policy Statement 7.

## **DECISION**

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