

Item No. 13**SCHEDULE**

APPLICATION NUMBER	CB/11/01889/FULL
LOCATION	Land To The South West Of Breakheart Hill Farm, Fordfield Road, Millbrook
PROPOSAL	Siting of a mobile home for a temporary period of three years for an agricultural worker
PARISH	Millbrook
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	
CASE OFFICER	Annabel Gammell
DATE REGISTERED	09 May 2011
EXPIRY DATE	04 July 2011
APPLICANT	Sacar Leys Limited
AGENT	Mr M Leedale
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Clark, possible agricultural need
RECOMMENDED DECISION	Full Application - Refused

Site Location:

Land to the south west of Breakheart Hill Farm, Fordfield Road, Millbrook, is currently a free range rabbit farm.

The site is outside the defined Settlement Envelope, within the South Bedfordshire Green Belt. It is on the opposite side of the road to the Woburn Centre Parcs site. Currently on the site are a number of rabbit and chicken runs and stables that have been converted into rabbit breeding houses.

The Application:

This application is for the siting of a mobile home for a temporary period of three years for an agricultural worker. Although the application was made for 3 years, during the application process the applicant suggested a shorter period of time may also be appropriate.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS3 Housing
PPS7 The Countryside
PPG2 Green Belt

Core Strategy and Development Management policy Document dated November 2009.

DM3 Residential Amenity
DM4 Development within and beyond Settlement Envelopes
DM6 Green Belt boundaries

Supplementary Planning Guidance

None relevant

Planning History

CB/10/00656 Full: Change of use (part) from equestrian to keeping of rabbits for meat purposes - Granted March 2010

CB/11/00757 Full: Change of use of existing stable to use for rabbit meat production (retrospective). Part use of barn for commercial breeding of rabbits for pet market. Erection of barn for rabbit meat production including slaughtering and processing. Use of additional land for the keeping of rabbits for meat production - Granted March 2011

CB/10/03443 Full: Siting of a mobile home for an agricultural workers dwelling, for a temporary period of 3 years - Withdrawn September 2010.

Planning history of neighbouring land

Centre Parcs site on opposite side of road. Granted.

Breakheart Hill Farm

02/01366 Agricultural workers dwelling. Granted: January 2004.

Representations: (Parish & Neighbours)

Millbrook Parish Council Skeptical that this could lead to an application for a permanent house, they are mindful not to object but would have reservations if this were a precursor to becoming permanent.

Neighbours 4 Letters of objection were received: 2 from Ossory Farm and 2 from Breakheart Hill Farm.

Consultations/Publicity responses

Highways Officer No objections subject to conditions being attached to any planning permission.

Environmental Health No comments or objections to application

Officer

Agricultural Advisor No agricultural support, report dated 28th June 2011, reason given is the proposal is unable to comply with all five criteria in paragraph 12 or the guidance in paragraph 13 of Annex A to PPS7.

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Siting and Design in relation to site and visual impact on the area and neighbouring properties
3. Other Considerations

Considerations

1. Background and Policy

The site has an area of about 0.2 hectares in the open countryside and lies within the Green Belt and is presently used for the keeping of rabbits and poultry, these are bred for meat and eggs.

Following extensive research and an element of experimentation it is hoped to establish a business engaged in the production of rabbits for meat, breeding stock and the pet trade as well as the production of free range eggs. The rabbit rearing enterprise is unusual in that it is to have a free range element rather than be an intensive caged system. It is proposed to establish an initial breeding unit of 250 Does for meat market, 10 Does for domestic market and a laying flock of 50 hens.

The breeding rabbits are to be housed during the period of giving birth in existing stable buildings converted for the purpose otherwise they will be housed in hutches with access to outdoor fenced grazing pens covering 1.48 hectares (this will be used in rotation to prevent over grazing). The poultry are to be located within a grazing area of about 0.1 hectares. The necessary investment to meet these requirements has already been made.

The progeny for the rabbits unit will be reared for meat and primarily marketed through food supply outlets such as Woburn Country Foods. Breeding stock will be marketed to small holders and other small animals sold as pet purchases. The applicants projected annual sales of meat rabbits after three years are about 10,000+ animals and sale of other rabbits about 140. Free range egg sales are projected to be 1250 dozen.

The applicant (Miss Staples) wishes to live at the site as she is of the view that the business cannot be securely developed from her current residential location and that on site presence is essential to its proper functioning.

The site lies outside of the built up area of any settlement in a location where there is a strong presumption against the granting of planning permission for

new housing developments. National planning policy - PPS7 - accepts that an exception to this can be made in cases where it is felt that a farm worker needs to live at their place of work in order for the farm unit to operate.

PPG2 generally is not supportive of new dwellings in such countryside locations unless the development fulfils an identified purpose of the Green Belt. The applicant advises that in view of the fact that the application is for the temporary siting of a temporary dwelling for an agricultural worker then it meets the Green Belt policy. Five tests in PPS7 have to be applied to temporary agricultural dwellings.

Annex A, Agricultural, Forestry and Other Occupational Dwellings states:

"2. It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (eg through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby."

Applications for temporary agricultural dwellings are required to comply with paragraphs 12 and 13 of Annex A to PPS7 and 5 criteria need to be satisfied.

PPS7 Annex A:

Temporary agricultural dwellings

12. *If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, 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:*

(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, eg on siting and access, are satisfied.

13. *If permission for temporary accommodation is granted, permission for a*

permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. 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 5 tests of PPS7:

1. Clear evidence of the ability and firm intention to develop the enterprise:

The firm intention and ability to develop the enterprise, such as investment in farm buildings etc. In this case there has been investment in the rabbit hutches and runs - as evidenced on the planning officers site inspection and photographs of the site - as well as there being evidence of the Applicants Company's intention and ability to develop the enterprise concerned in the submitted business plan within the agricultural appraisal. An invoice has been received for the deposit for the barn which was granted under reference CB/11/00757/FULL, it is considered that the new barn is an indication of the willingness to invest and develop the enterprise, although it could be seen as premature, this is because it is not currently a functional part of the business.

The Council's Agricultural Advisor concludes the application does not meet this test.

2. The Functional Need for a Full Time Worker: Is Functional Need ie whether it is essential for the proper running of the enterprise for one or more workers to be readily available at most times - such as a worker being needed to be on hand day and night where care is needed at short notice, to deal with emergencies. In view of the unit being part time it is currently unable to pass the functional test.

In respect of livestock enterprises the functional test is largely welfare based. The applicant advises that in the case of rabbit farming many new entrants have failed to establish successful businesses due to underestimating the husbandry requirements and inadequate standards of stockmanship. The Welfare Code for Rabbits makes it clear that Rabbits are animals which need individual and frequent attention. The stockman needs to watch for signs of distress or disease and take prompt remedial action and this requires that each rabbit is inspected frequently during the day because once ill, rabbits deteriorate rapidly. Also, where there are risks of fire or other emergencies to which stock can not respond independently at least one member of staff should always be available to take the necessary emergency action.

It is further advised by the applicant that rabbit stock has to settle into a stable set of environmental and management circumstances before effective reproduction and performances is achieved. She advises that it is essential that mortality and sickness is minimised so that there is continuity in the breeding and rearing activity and further advises that is also essential that the unit is managed in a manner in which disease risk is minimised and this means a high degree of attention to cleanliness. Also, given the free range nature of the business constant attention needs to be given to the integrity of the fencing

network to avoid the escape of valuable stock and unwelcome incursions by predators.

What needs to be considered is whether there is a functional need for someone to live at the site all of the time to look after the holding and this largely depends on the number of animals that are to be kept at the site. The applicant advises that there is very little recent information available in relation to the scale of rabbit farming but during a period of expansion of this sector in the 1990's a number of proposals have been considered on appeal and the general consensus for these appeal decisions was that units in excess of 200 Does does present a functional need for close supervision. This information is based on a caged rabbit farm. In the light of this the applicant is of the view that the proposed agricultural activity will generate the need for the ready presence of one full time stockman to be at the site to ensure the welfare of the livestock and their proper functioning. There is a stress on the free range element of this enterprise, as free range animals would require a greater degree of supervision.

The Council's agricultural advisor is of the view that there is a labour requirement of 0.2 of a full time person. In addition when rabbits give birth they are left alone to avoid stress and peoples scent which can cause its mother to eat its young. As the holding is only stocked with a small number of livestock, and they do not require assistance when giving birth etc. The Council's Agricultural Advisor concludes that the functional test as set out within paragraph 4 of Annex A to PPS 7 is not passed, as it is not essential for one or more worker to be readily available at most times.

The Council's Agricultural Advisor concludes the application does not meet this test.

3. Financial Test: There must be clear evidence that the enterprise has been planned on a sound financial basis. Whilst the applicant advises that there should be a net profit of over £25, 000 in year 3 it must be remembered that various items have to be deducted for this - such as a minimal agricultural workers wage, rent on the land, return on capital investments, and indicate the ability to fund the cost of paying a mortgage on the proposed dwelling after the three year initial period. It is felt therefore that there is no clear evidence that the enterprise has been planned on a sound financial basis and therefore the proposal does not satisfy Paragraph 12 (iii) of Annex A to PPS7. This information is based on the findings of the Councils Agricultural Advisor.

It is implicit that if the enterprise is successful after the three year period then consent would be expected to be granted for a permanent dwelling. New permanent accommodation cannot be justified unless the farming enterprise is economically viable. The unit and the agricultural activity concerned need to have been established for at least three years, have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. (PPS7 Annex A Para 3).

The applicant has submitted full details of an agricultural appraisal and Business Plan and anticipates that by year three there will be a profit of about £25, 000. The business Plan has been based on active market research and practical experimentation by the applicant.

The Council's Agricultural Advisor concludes the application does not meet this test.

4. Other possible residential locations: Paragraph 12 (iv) - refers to the the functional need not being able to be met 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. Flitwick is approximately 2 miles from the application site, it is considered that there are possibly rental opportunities here that could fulfil the applicants needs. These dwellings would fulfill the functional need of the enterprise so the fourth criteria - paragraph 12 (iv) - has not therefore been satisfied.

The Council's Agricultural Advisor concludes the application does not meet this test.

5. Siting and access: Design considerations - see below.

Policy Conclusions

Paragraph 12 of Annex A to PPS7 requires all five criteria to be satisfied, based on the information of the Council's Agricultural Advisor the five tests are not met. Paragraph 13 states that if permission for temporary accommodation is granted, permission for a permanent dwelling should not be given unless the criteria in Paragraph 3 of Annex A in PPS7 above are met. It continues by saying that authorities should not normally grant successive extensions to a temporary permission in locations where they would not normally permit a permanent dwelling. Therefore if the proposed enterprise is unlikely to fulfill the criteria in Paragraph 3 of the Annex after 3 years the Local Planning Authority should not grant the temporary permission in the first instance.

2. Siting and design in relation to site and the visual amenities of the area

The mobile unit is to be of two bedrooms - one of these is to be used as a farm office and the unit would be built of timber walls with a pitched roof in green felt shingles. It is to be sited on concrete and timber sleepers with no foundations so is compliant with legislation as a mobile home being delivered on an HGV in one or two parts and assembled on site.

There are no objections to the size and design of the unit which is to be set well back from Fordfield Road and will be partly screened by a hedge along the access track. It will not appear as being unduly detrimental to the openness of the Green Belt providing the special circumstances can be shown to justify the placing of an agricultural workers dwelling at the site.

3. Other Considerations

Access to the site is via a shared access of Fordfield Road. The highways officer is of the view that she has no objections to raise as long as conditions are attached to any planning permission regarding visibility splays and resurfacing of the access.

Recommendation

That Planning Permission be refused for the following reason:

- 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 to meet all of the criteria defined in Annex A to PPS 7. As such the proposal is contrary to Planning Policy Statement 7. The proposal is therefore considered to be inappropriate development in the Green Belt and no very special circumstances have been demonstrated to justify a departure from the normal presumption against such development. The proposal is therefore contrary to Planning Policy Guidance Note 2 (Green Belts).

Reasons for Refusal

The proposal involves the provision of a temporary agricultural workers dwelling outside any defined Settlement Envelope, for which no satisfactory justification has been made to meet all of the criteria defined in Annex A to PPS 7. As such the proposal is contrary to Planning Policy Statement 7. The proposal is therefore considered to be inappropriate development in the Green Belt and no very special circumstances have been demonstrated to justify a departure from the normal presumption against such development. The proposal is therefore contrary to Planning Policy Guidance Note 2 (Green Belts).

Notes to Applicant

DECISION