

**Item No. 9****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>MB/09/00189/FULL</b>
<b>LOCATION</b>	<b>Hadenham Farm, Gravenhurst Road, Shillington</b>
<b>PROPOSAL</b>	<b>Full: Residential Caravan (Retrospective)</b>
<b>PARISH</b>	Shillington
<b>CASE OFFICER</b>	Mark Spragg
<b>DATE REGISTERED</b>	10 March 2009
<b>EXPIRY DATE</b>	05 May 2009
<b>APPLICANT</b>	Mr J Murtagh
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Request by Councillors Graham and Drinkwater. The circumstances have now changed as the owners have explored the possibility of installing remote surveillance and this has proved to be economically unrealistic.</b>
<b>RECOMMENDED DECISION</b>	<b>Refuse</b>

**Site Location:**

The site within which the mobile home is sited comprises a livery stables known as Hadenham Farm, to the north west of the village of Shillington.

The site occupies approximately 24 hectares of former arable land which has been converted to grassed paddock, a single covered block of 24 stables, a steel framed agricultural building with 5 additional stables, and an outdoor manege. Other horses are kept on the surrounding fields on a grazing livery basis, or brood mares which are brought in for breeding and training.

**The Application:**

The application proposes retention of a residential caravan (10.6 x 3.6m) on the site for an equestrian worker. The caravan, which has a brown and cream external appearance, provides a bedroom, toilet/shower and living room/kitchen area, accommodating up to two people. The applicants claim that the caravan is need to provide site security and for a person on site to manage the health and welfare of the animals.

This application follows refusal of a similar application 07/01191, which was subsequently dismissed at appeal in October 2008 on the grounds that a residential caravan on the site was not justified by a functional need. An appeal for an agricultural workers dwelling had also been refused in 2005 (05/00418) and a subsequent application refused in 2006 (06/00527).

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)

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

CS19	Development in the Countryside
CS24	Horse Related Development (Commercial)
H06	Location of New Residential Development

### **Planning History:**

05/00418 – Erection of covered yard box, covered manege 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.

06/00527 – Erection of covered box yard, covered manege and agricultural workers dwelling. Refused.

07/00649 – Change of use of part hay store to provide 10 box stables. Approved.

07/01160 – Exercise ring, 2 steel containers for secure storage of saddlery and equine equipment and portacabin. Approved.

07/01191 – Retention of residential caravan. Refused. Appeal dismissed.

A copy of the appeal decision is attached.

In summary, the Inspector concluded (Paragraphs 9 & 10) that it had not been demonstrated that the need for someone to ensure the health and welfare of horses could not be fulfilled from the applicants own nearby home by the use of remote electronic surveillance. The Inspector said that it would be premature to conclude that 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”.

**Representations:  
(Parish & Neighbours)**

Shillington Parish Council	Comments to be reported
Adjacent Occupiers	None received to date

**Consultations/Publicity responses:**

Highways	No objection
Environment Agency	No objection
Bedfordshire & River Ivel IDB	No objection
Agricultural Advisor	Considers that there is no justification for a residential caravan on the site. Detailed comments awaited and to be reported
Crime Prevention Advisor	There are a number of alternative ways of securing the site, both physically and electronically. It is not considered that all means of securing the site have been fully explored.

**Determining Issues:**

The main considerations of the application are;

1. The principle of a residential caravan
2. The impact upon the character and appearance of the area

**Considerations**

**1. The principle of a residential caravan;**

The principle of this development has been dealt with in depth in consideration of the recent application and subsequent appeal and is material to the determination of this application. .

The main consideration as to the appropriateness of the proposal is 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.

ii) Functional need

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

In the 2006 appeal the Inspector concluded that as there were 28 horses at livery such a number did not require a worker day and night. However the number of horses now appears to have increased to over 30 including those left overnight in adjoining paddocks. The inspector in the more recent appeal was of the opinion that given the increased number of horses 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 demonstrates 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 in this application is the proximity of the owners existing dwelling to the site which as referred to in the previous appeal letter is within a few minutes away and as the Inspector considered (para 7) could satisfy the functioplal needs of the site in the event of any identified risks to animal health and welfare.

The Inspector noted (para 7) that there has been no recorded attempt to steal or harm horses at the 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 and that reliance on CCTV would add significantly to costs and require constant monitoring. 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 if the above it is necessary to consider whether the issue raised by the Inspector regarding the remote electronic surveillance has been addressed.

The applicants justification refers to theft of equipment which occurred in 2004 and 2006 and which were matters dealt with at the previous appeal and not considered sufficient justification by the Inspector for allowing a residential caravan on the site.

Paragraph 4.4 of the applicants statement refers to a quote of £70K to install a CCTV system and £49-55K for an audio only system. Whilst the above quotes are noted it is not considered that the applicant has made any serious effort to consider alternatives in particular the option of a remote audible alarm system. The Council's Crime Prevention Advisor considers that alternative security measures could be looked at without necessarily incurring the costs involved in this application. Given that the appeal considerations from October 2008 remain unchanged it is considered that the application still fails to satisfy criterion iv.

v) Other normal planning requirements eg. siting and access, are satisfied.

If the other criterion were met it is considered that the siting/appearance of the caravan and the access are acceptable.

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

## **2. The impact upon the character and appearance of the area.**

The caravan is situated adjacent to a barn building and within the complex of buildings some distance from and in a lower position than the highway and as such is relatively well screened and does not physically harm the character and appearance of the area.

## **Conclusion**

In conclusion taking account of the previous appeal Inspectors findings it is concluded that the application fails to provide sufficient justification for a residential caravan 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 was dismissed as recently as October 2008 it is considered that the limited additional justification provided since that determination is not sufficient to justify the need.

## **RECOMMENDATION**

REFUSE Planning Permission for the application set out above for the following reason(s):

- 1 U The proposal involves the provision of temporary residential accommodation, outside any defined Settlement Envelope, and for which no satisfactory justification has been made on grounds of functional need. As such the proposal is contrary to Planning Policy Statement 7 Annex A Paragraph 12.

## **DECISION**

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