

## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Diptford **Ward:** South Brent

**Application No:** 2012/17/FUL

**Agent/Applicant:**

Barry James  
6 Lee Park  
West Buckland  
Wellington  
TA21 9PX

**Applicant:**

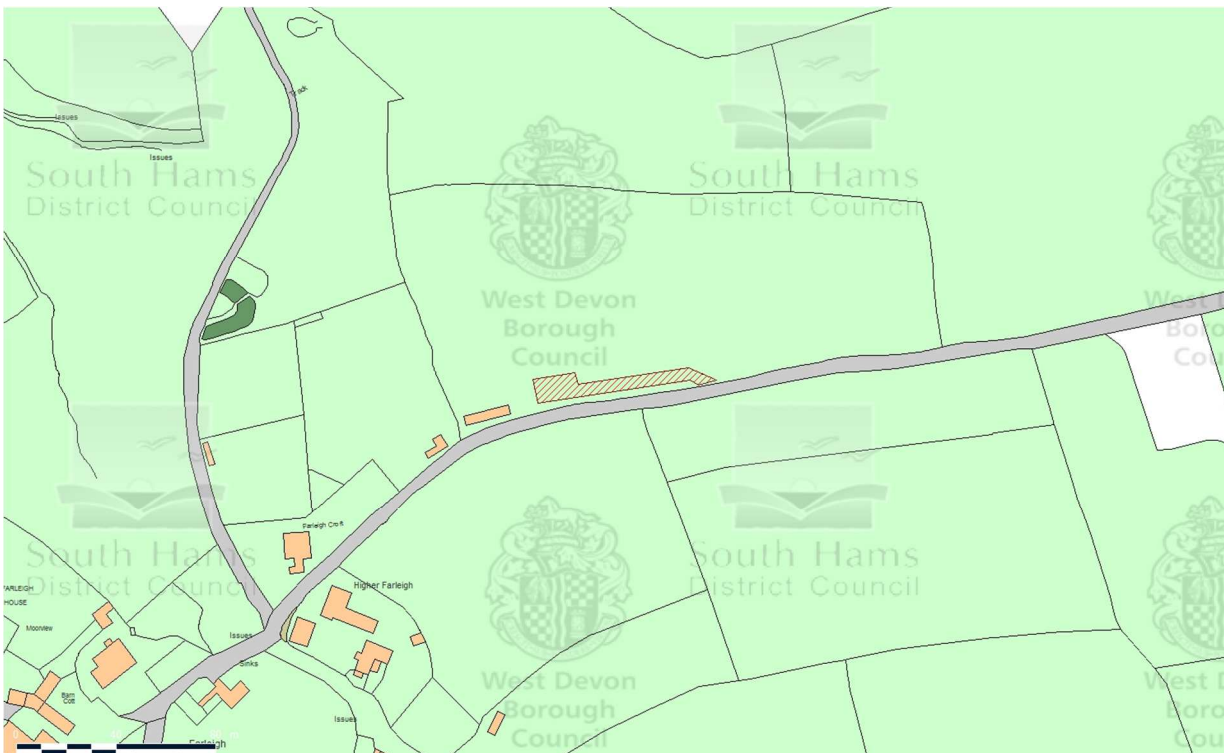
Ms C Furini  
294 Dean Cross Road  
Plymstock  
Plymouth  
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**Site Address:** Farleigh Meadows, Totnes, TQ9 7JW

**Development:** Use of land for siting a timber chalet as accommodation for a key worker in support of an equine breeding business for an initial period of 3 years (Re-submission of withdrawn application 0355/17/FUL)

**Reason item is being put before Committee:** At the request of the Ward Members for the following reasons:

- The applicant's business case, which is key to supporting this application, is considered to be flawed
- Highways have underestimated the potential amount of traffic to the site, for example vet visits, the applicant's assertion that all sales will be dealt with online is unrealistic.
- Is there sufficient land available to support the numbers of horses planned.



**Recommendation: Conditional Approval** – This recommendation is valid only if application ref 2267/17/VAR to allow commercial use is approved, if not there would be no justification for the temporary rural workers dwelling and the recommendation would change to Refusal.

## Conditions

Standard three year time limit for commencement of development  
Development to be carried out in accordance with approved drawings  
Use restricted to a full time worker employed on site  
Consent restricted to three years  
Materials

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## Site Description:

The site is situated to north west of the village of Moreleigh on agricultural land to the north east of Farleigh Farm. The land currently has a stable building as approved under application 17/1854/11/F, measuring 27m in length by 9m wide and to ridge 4.5m sloping to 4m. This comprises of 10 internal stables and barn for the storage of feed, hay and tack.

It is constructed with timber ship lap boarding for the walls and green corrugated roofing. It also benefits from a sand school that was approved under planning application 17/0507/13/F that is located to the south of the site and adjacent to access road and parking area.

## The Proposal:

The proposal is for the erection of a key workers chalet building on the southern boundary of the site adjacent to the existing stables. The chalet will measures 13.5m in width by 9m in depth, 2.2m to the eaves and 4m to the ridge. It will be constructed in timber with timber windows and doors. The chalet will be constructed in 'Ultra Dark Oak' timber cladding and timber windows and doors with bitumen shingles for the roof. The existing hedge adjacent to the Lane is proposed to be kept to existing height to provide screening of the building.

The chalet will be connected to mains water by a connection of the south of the site in neighbouring field and water pipe will be moled under the highway in an appropriate manner to access the site. In addition rain water butts will be placed at the existing stables building and chalet roofs to collect surface water. A septic tank will be placed to the north east of the chalet adjacent to the sand school. This will then drain into neighbouring field.

## Consultations:

- County Highways Authority                      No objection
- Environmental Health Section                      No comments
- Parish Council    Objection

*'unsustainable location on steep slope with no basic services to support a breeding business, such as electricity or water; Increased traffic along narrow lanes for*

*visiting vets, farriers, feed deliveries etc; unenforceable agreement with DCC Highways that customers would not visit the site; One of a series of applications with the aim of enabling the applicant to live on site.'*

- Agricultural consultant      No objection on the basis that a breeding business would be established and subject to the placement of a temporary three year permission.

### **Representations:**

Objections have been received, raising the following issues: -

- Land considered unsuitable for breeding business.
- Additional traffic considered unacceptable.
- Lack of information regarding potential land contamination from proposed dung heap.
- No mains water or electricity on site.
- Do not consider highways officers have fully considered the issues within their response.
- Previous applications on the site have been refused, concern little has changed with this one.
- Number of horses on the site already exceeds recommended number.
- Applicant has underestimated the number of vet visits required.

Supporting letters has been received from the applicants Veterinary Surgeon who states:-

- Confirms he has been visiting the site since January 2017
- Of the view that if the animals are to be used as part of a breeding business someone should be on site during the foaling period to maintain health and welfare of mares and foals.
- Advantageous for someone to be on site during the rest of the year to monitor the animals, and be available in-case a veterinary emergency should occur.

### **Relevant Planning History**

2267/17/VAR – Linked application (recommended approval) - Variation of condition 3 of planning consent 17/1854/11/F to allow stables to be used for equine business

0355/17/FUL – Withdrawn – temporary 3 year consent for siting of workers dwelling

0354/17/FUL – Withdrawn – Variation of condition 4 to allow business use of the sand school

0353/17/FUL – Withdrawn – Removal of condition 6 to allow barn to be used for equine business

17/1332/14/F – Refused dismissed on appeal - (Variation of condition 3 of approval

17/1854/11/F to allow business use of the stables)

17/1333/14/F – Refused, dismissed on appeal - (Variation of condition 4 of approval

17/0507/13/F to allow business use of the stables)

17/0420/14/F – Withdrawn – Temporary retention of mobile home for equestrian purposes and installation of timber chalet for key worker

17/0507/13/F – Conditional Approval – Resubmission of 17/2889/12/F erection of sand School for private use

17/2889/12/F – Withdrawn – Erection of a Sand School at SX 7579.5346 17/1854/11/F –

Conditional Approval – Demolition of existing barns and erection of replacement barn for use as stables

17/0176/06/F – Conditional Approval – Barn and field shelters for storage and shelter for sheep/horses

17/1497/05/F – Conditional Approval – Erection of two field shelters for horses

### **ANALYSIS**

## **Principle of Development/Sustainability:**

The National Planning Policy Framework makes it clear that 'Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work', the reuse of an existing building or the exceptional quality or innovative design of the dwelling being proposed. This guidance is mirrored within policy DP15 of the Council's DPD and emerging JLP Policy TTV31 which supports dwellings in the countryside where they support the essential needs of agriculture and forestry.

Previous applications on the site for a temporary agricultural workers dwelling have been withdrawn or refused, and subsequently dismissed at appeal. This was on the basis that proposals for a business use of the site were not supported by the LPA and therefore there was no primary justification for a proposed dwelling on site.

However, officers have recommended approval for the use of the site as a breeding business, as detailed within application reference 2267/17/VAR. It is against this proposal that the current application is assessed.

To support their submission the applicants have submitted a comprehensive Design and Access Statement with agricultural justification. The Council's Agricultural Consultant has reviewed the information and met with the applicant together with his agent. He has provided a comprehensive report which can be summarised as follows: -

Background to the application: -

- Applicant acquired the site around 14 years ago and it presently comprises around 10 acres of pasture in various enclosures/paddocks together with a building accommodating 10 stables and adjoining general purpose building.
- Applicant has acquired ten Friesian horses from the Netherlands which comprises 9 mares and 1 stallion
- Proposed business plan concerns the breeding of Friesian horses with mares producing foals which are reared to 6 months of age before they are sold.
- Applicant currently lives in Plymouth.

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

The Council's agricultural consultant confirms that the applicant has acquired the breeding stock necessary to set up the business. He goes on to say that he is satisfied the applicant has composed a detailed business plan for the proposed 'equine breeding operation' and is therefore satisfied that the applicant has demonstrated a clear intention and ability to develop the enterprise.

2. Functional need.

Having looked at the husbandry requirements of the proposed business and the number of horses involved, the Agricultural Consultant notes that he is satisfied there is a functional need for a key worker to be on site at most times.

3. Clear evidence the site has been planned on a sound financial basis.

The Council's agricultural advisor has reviewed the financial appraisal for the first three years. He states it is clear that the breed of horses being managed by the

business are inherently valuable, and as a result of those values is satisfied that the proposed business has been planned on a sound financial basis.

4. Alternative accommodation within the area which might be suitable and is available.

The Council's agricultural consultant has confirmed that he is satisfied there is no existing accommodation within the area which is either suitable or available.

On the basis of the evidence submitted, the Council's agricultural consultant is therefore satisfied that a case has been made for a 3 year consent for a temporary dwelling at Farleigh Meadows. However, having regard to the planning history, he is clear that this is only on the assumption that the applicant is permitted to operate an equine business from the site.

### **Design/Landscape:**

The proposed chalet building is of simplistic design and would not adversely impact upon the local landscape character. The chalet will be constructed in 'Ultra Dark Oak' timber cladding and timber windows and doors with bitumen shingles for the roof. The existing hedge adjacent to the Lane is proposed to be kept to existing height to provide screening of the building. It is recommended that a condition will be placed on any permission granted stating that cladding to be constructed in 'Ultra Dark Oak' and use of timber doors and windows and bitumen shingles for the roof of the chalet.

Overall it is considered that the proposed dwelling would not have an adverse impact on the character or appearance of the wider area.

### **Neighbour Amenity:**

Officers consider that the proposed increase in traffic related to the dwelling would be negligible and therefore it would not adversely impact upon neighbouring properties. The building itself will have no impact on neighbours.

### **Highways/Access:**

DCC Highways officers have not objected to the provision of a temporary dwelling, noting that the presence of a dwelling for workers accommodation associated to the business is likely to reduce traffic to and from the site.

### **Representations:**

The comments relating to the lack of mains water and electricity are noted. The agent has detailed that mains water will be sourced from neighbouring field on the southern side of the lane and piped under the road in the appropriate manner, a drawing has been submitted detailing this information.

The objection to the number of horses using the land is a historic argument that was agreed under the original planning approval for the stables and therefore not relevant to this application.

### **Planning Balance**

It has been demonstrated that the applicant intends to run a horse breeding business from this site and officers support the linked planning application submitted to allow the business use to take place. A business use of this nature requires a full time employee to live on site. The business use has not commenced however and its viability remains to be tested.

Subject to the justified rural need, there are no adverse impacts that would arise from this development

On this basis it is recommended that a temporary 3 year permission be granted for the rural workers dwelling to allow time for the business to be established and its viability tested.

If the application to allow a business use at the site (2267/17/VAR) is refused however there would be no justification for allowing this key workers dwelling and the recommendation would change to refusal

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change

### ***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

## **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION  
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV15 Supporting the rural economy

DEV24 Landscape character

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV31 Specific provisions relating to transport

DEV37 Managing flood risk and Water Quality Impacts

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

**Proposed Conditions in Full:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 'Site with Access' and PLANS01 received by the Local Planning Authority on 6 July 2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved. Reason: In the interests of visual amenity.

4. This permission is for a temporary period of 3 years from the date of this decision notice, after which date the dwelling shall be removed from the site and the site restored to the reasonable satisfaction of the Local Planning Authority unless planning permission has been granted to allow the dwelling to remain after this date.

Reason: Permission is only granted having regard to the proposal to use the site for the commercial breeding of horses which would generate a need for on site residential accommodation. The applicant has not yet proven that this business is viable.

5. The occupation of the dwelling shall be limited to a person solely or mainly employed at the application site in the care of horses associated with the commercial breeding of horses at the application site(including any spouse or dependents of any such person, residing with them).

Reason: The development proposed is in an area where there is a presumption against new development except where a rural workers need has been established.