SOUTH KESTEVEN DISTRICT COUNCIL

Planning Committee

16 May 2024

S23/1432

Proposal:	Retention of mobile home as a temporary workers dwelling
Location:	Orchard Corner Farm, Drift Lane, Barkston, Lincolnshire
Applicant:	Mrs Charlotte Major
Agent:	Willis and Co. (Town Planning) Ltd.
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Member Call in by Cllr Ian Stokes
Key Issues:	Development principle Amenity impacts Highway safety
Technical Documents:	Design & Access Statement/Planning Statement Agricultural Appraisal

Report Author

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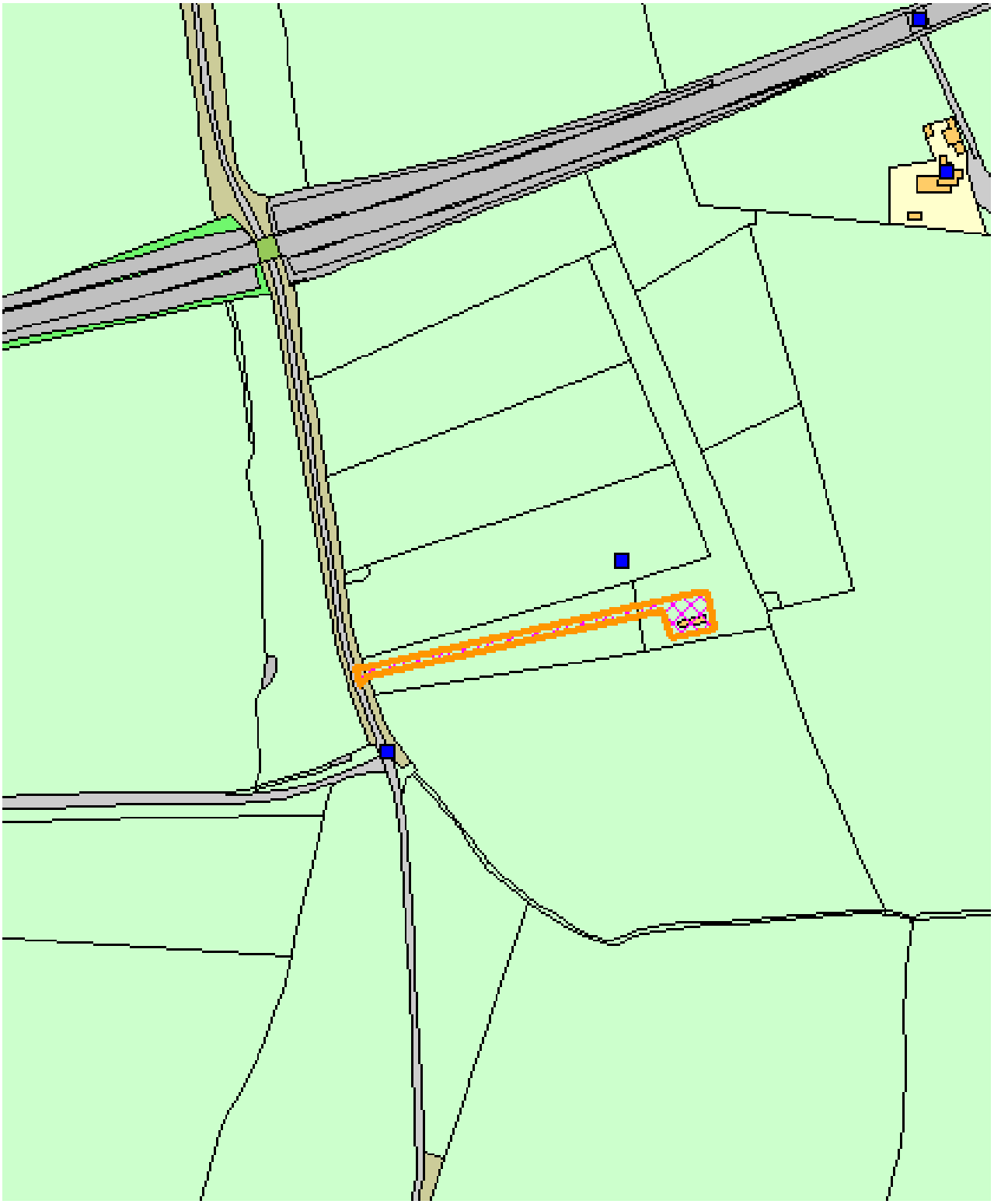
Corporate Priority:	Decision type:	Wards:
Growth	**Regulatory**	**Peascliffe & Ridgeway**

Reviewed by:	Phil Jordan, Development Management & Enforcement Manager	8 May 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

S23/1432 – Orchard Corner Farm, Drift Lane, Barkston



1 Description of Site

1.1 The site is located in a field in the open countryside, just over 500m north-west of the village of Barkston.

1.2 From the submitted information the applicant states that they own approximately 8 hectares of land that comprises two main fields that have been subdivided to form operational paddocks.

2 Description of Proposal

2.1 The proposal is for a temporary rural workers dwelling in the form of a single unit mobile home measuring 11.5m by 3.5m. It is finished in cream with a green fascia.

2.2 The residential unit would be associated with the rearing and keeping of alpacas.

2.3 From the submitted information the business has 53 adult alpacas of which there are 42 breeding females, 8 working stud males and 3 yearling males.

2.4 The residential accommodation is sought to allow the applicants to live close to and monitor the livestock. The application seeks permission for a temporary period of two years.

3 Relevant History

3.1 S21/0043 – A dwelling within the Caravan Act Regulations with garden area. Refused Planning Permission on 12th July 2021. The reason for refusal was:

3.2 *Whilst the associated alpaca business could give rise to the essential need for a worker to live on-site, insufficient evidence to demonstrate that the associated business is economically viable or has the potential to be has been provided. Neither a permanent nor a temporary permission is therefore considered to be justified. The proposal therefore fails to accord with Local Plan policy SP5 and the NPPF Section 5 and there are no material considerations which outweigh this policy conflict and the proposal is therefore unacceptable.*

4 Policy Considerations

4.1 **SKDC Local Plan 2011 - 2036**
Policy SP1 - Spatial Strategy
Policy SP5 - Development in the Open Countryside
Policy DE1 - Promoting Good Quality Design
Policy EN2 - Protecting Biodiversity and Geodiversity Policy
EN5 - Water Environment and Flood Risk Management Policy
ID2 - Transport and Strategic Transport Infrastructure

4.2 **National Planning Policy Framework (NPPF)**

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

5 Representations Received

5.1 LCC Highways & SuDS Support

5.1.1 No objection. The proposal is for the retention of a mobile home as a temporary rural workers dwelling - it is well away from the public highway and will not have an adverse impact on the public highway or surface water flood risk.

5.2 Agricultural Consultant

5.2.1 Functional Need. Paragraph 10 of the PPG notes defines a functional need to live on site as being "for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime". In our opinion you need to consider the likely frequency of the problems which could be experienced, the potential severity of these problems, and the consequent losses that could occur if these problems are not responded to. You must also consider what opportunities there are for identifying any problems if there is an on-site operator and how that on-site worker could respond to any such problem.

5.2.2 As stated in our 2021 appraisal Alpaca are not always easy birthers and, as explained at that time by the Applicants, they are shy. There can be, and inevitably will be, problems with some of the birthings, and rapid identification of the problem and attention from a stockman will be necessary.

5.2.3 In addition, there can and will be periodic problems with some of the older animals, and the Applicants have identified a small number of actual issues that they have encountered.

5.2.4 It is understood that 15 of the existing breeding females are going to be sold in 2023 so in 2024 there will hopefully be 33 females who will give birth reducing to 26 in the long term. We are satisfied that for the business to be able to operate successfully the number of birthing alpacas warrants a worker living on site.

5.2.5 Existing Dwellings. In 2021 we accepted that the land was isolated from other dwellings, and there were no dwellings overlooking the land or adjacent to it.

5.2.6 In summary, having analysed the budgets submitted we have some concerns as to whether the level of sales are sustainable in the long term, both in terms of breeding female sales and yarn sales, if the herd is to stay at the size proposed. However, if the sales figures are reduced to what we consider to be a more sustainable level which will reflect the established herd size (yarn sales reduced by £3,000 to £12,000 and breeding female sales reduced by £6,000 -£13,000) then the business will still be likely to make a net profit in the region of £22,000 – £29,000 per annum. In our opinion this level of profit will provide an appropriate return on the applicant's labour. Therefore, even when making an allowance for what in the long-term we see as likely lower levels of sales, there is some confidence that the business will, at the end of the temporary period, be financially viable.

5.2.7 Planning consent is sought for the temporary retention of a mobile home in connection with an established alpaca farm. An earlier application for the permanent retention of the mobile home was refused due a lack of evidence regarding the financial viability of the business. This application seeks to overcome those concerns by the submission of budgets and historic accounts,

5.2.8 Having analysed the additional information that has been submitted we are now satisfied that the proposal accords with planning policy set out in paragraph 80 of the NPPF in that there is a functional need to live on site and the business is likely to be financially viable at the end of the temporary period.

5.3 **Barkston Parish Council**

5.3.1 No objection.

5.4 **Cllr Ian Stokes**

5.3.2 The design of the proposal is out of keeping with the area.

5.3.3 The proposal would be visually intrusive.

5.3.4 The proposal is contrary to the local plan and the NPPF.

6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement. 1no. letter of representation have been received.

6.2 A summary of the main concerns are listed below:

- Drift Lane is a public bridleway
- There is no right of way over Drift Lane beyond a bridleway. As such any right of way for motor vehicles, if it existed, was extinguished
- Any damage to Drift Lane by private motor vehicles would be a private legal matter. At this point in time that would be me for the area that I own.
- The condition of Drift Lane is suitable for what has been limited historic use by way of farming machinery and/or where access by Network Rail is required for a rail bridge. It is therefore not designed nor suitable for private motor vehicles and traffic and has not been maintained on that basis
- If such traffic were allowed then it would be the subject of maintenance liability upon myself
- It is a track that does not lend itself to passing vehicles.
- I am not providing permission for such vehicles to leave the road to go upon my land, requiring further maintenance liability which again cannot be right and fair upon myself?
- Gives rise to concern over increased vehicle traffic of a non-agricultural nature
- I am not prepared to give permission for a post box or refuse arising from their land use to be left on my property to avoid the use of Drift Lane.

6.3 Additionally, 2no. letters of support have been received. A summary of the comments are listed below:

- As alpacas have special breeding needs, we can see how important it is for them to live on site. Charlotte and Scott have shown their dedication and commitment and therefore enabling them to build and sustain a high-quality alpaca farm.
- They have stressed to us that they have absolutely no intention of opening a café or engaging in alpaca trekking/ walking as part of their business but to simply breed high quality stock for sale or breeding purposes. It is good to see a new fledgling business developing in this area.
- Their location provides additional security for us and surrounding landowners and we are sure they will prove to be an asset to the Barkston community.
- Although their mobile home does not overlook us, it is nice to know that they are there. We continue to enjoy living in our home in the countryside and are not disturbed in any way by the alpaca farming activities.

7 Evaluation

7.1 Principle of Development

7.1.1 Local Plan Policy SP1 sets out the spatial strategy for the District, with the majority of growth focused on the four market towns, but with identified "Larger Villages" providing a supporting role.

7.1.2 Local Plan Policy SP5 deals with development in the open countryside, limiting it to that which has an essential need to be located outside of the existing built form of a settlement. In such instances, the following types of development are supported:

a) agriculture, forestry or equine development;

b) rural diversification projects;

c) replacement dwellings (on a one for one basis) or;

d) conversion of buildings provided that the existing building(s) contributes to the character or appearance of the local area by virtue of their historic, traditional or vernacular form; and

e) are in sound structural condition; and

f) are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

7.1.3 The proposal is for a new dwelling, which the applicants state is necessary for an agricultural business. When assessing 'essential need' the PPG advises that it may be relevant to take the following into account:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal*

health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; - whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process; - whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

7.1.4 The Council has engaged the services of an agricultural consultant who has carried out an assessment of the submitted supporting agricultural appraisal. As can be seen from their comments the various set out in the PPG in relation to 'essential need' have been demonstrated. As was the case with the previous application that was refused planning permission. The difference with this application is in relation to viability.

7.1.5 It should be noted that the only reason for refusal in relation to the previous application S21/0043 was that the business was not economically viable. It is noted that the comments of our agricultural consultant whilst expressing a degree of concern in relation to the long-term sustainability of the business based on the projected breeding female sales and the return from yarn sales. However, the consultant states that reducing both to a more sustainable amount the business should return a suitable profit.

7.1.6 Taking into account this degree of uncertainty it is considered appropriate to consider a limited period permission to allow the business to demonstrate its viability.

7.1.7 As such, as per the advice given by our agricultural consultant, and the limited period permission requested, the proposal is considered to accord with the guidance set out in paragraph of the NPPF in that there is a functional need to live on the site and the business is likely to be financially viable at the end of the requested temporary period.

7.1.8 Taking into account the above matters the proposal is considered to accord with local plan policy SP5.

7.2 **Impact on the character and Appearance of the area**

7.2.1 Local Plan Policy DE1 requires development to make a positive contribution to the character of the area, avoiding harm to the street-scene. This is consistent with NPPF Section 12 (Achieving well-designed places) which amongst other things states that developments should be visually attractive as a result of good architecture, layout and effective landscaping. The caravan would be sited in a relatively isolated location, would be set back from any public vantage point, and would not therefore be harmful to the character of the area.

7.2.2 Whilst it is accepted that the caravan is not agricultural or rural in its appearance. It is of limited scale and is only requested for a temporary period. Any visual harm is therefore very minor and would only be for a temporary period of time.

7.2.3 The proposal therefore complies with Policy DE1 of the South Kesteven Local Plan and NPPF Section 12.

7.2.4 **Residential Amenity – future occupiers**

7.2.5 NPPF section 12 requires planning decisions to create places with a high standard of amenity for existing and future users. Local Plan policy DE1 states that development proposals are expected to provide sufficient private amenity space, suitable to the type and amount of development proposed. The proposal is an accepted form of temporary accommodation with sufficient natural light and an acceptable outlook.

7.2.6 The site is located in the open countryside as such there is adequate amenity space for occupiers of the site.

7.2.7 The proposal would therefore provide satisfactory living conditions for future occupants as required by NPPF section 12 and local plan policy DE1.

7.2.8 **Residential Amenity – existing occupiers**

7.2.9 The proposal would be located in an isolated rural location. It is considered that there would be adequate separation distances to neighbouring occupiers to ensure no significant overlooking/loss of privacy or noise and disturbance would occur.

7.2.10 For these reasons, the application would accord with Policy DE1 of the Local Plan in terms of amenity impacts.

7.3 **Highway Safety**

7.3.1 The proposal has been assessed by the local highway authority. No objection has been raised in relation to highway safety and capacity.

7.3.2 While representations received as a result of the Council's consultation exercise have raised the issue of rights of access for vehicular traffic to the site and that any improvements to Drift Lane that result in encroachment/trespass or increased maintenance burden would not be permitted, these are civil legal matters rather than material planning considerations.

7.3.3 It can therefore be concluded that the application, in respect of highway safety and traffic impacts, is not in conflict with Policy ID2 of the Local Plan and NPPF Section 9.

8 Crime and Disorder

8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

9 Human Rights Implications

9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

10 Conclusion and Planning Balance

10.1 Neither this application nor the previous application S21/0043 disputed whether or not there is a functional need for there to be a presence on site to be able to monitor and care for the livestock. The reason for refusal in relation to the previous application was in relation as to whether or not the business was financially viable. This has now been demonstrated. Taking the above matters into account it is considered that the grant of a temporary planning permission for a period of 2 years is considered reasonable and in accordance with local plan policy SP5, DE1 and ID2 and NPPF Section 9 and 12.

10.2 Whilst accepting concerns have been raised in relation to vehicle access to the site this is considered to be a private legal matter between the parties involved and not a bar on the grant of planning permission.

RECOMMENDATION:

Grant planning permission subject to the conditions set out below.

Time Limit for Commencement

1 The development hereby permitted is for a temporary period of 2 years from the date of this decision. The development hereby permitted shall cease and the mobile home shall be removed from the site following the expiration of 2 years from this date.

Reason: The ensure that the development is undertaken in accordance with the submitted details.

Approved Plans

2 The development hereby permitted shall be carried out in accordance with planning application form, and with the following list of approved plans:

i. The Location Plan, received on 2nd Aug 2023
ii. Site Plan Dated 31/07/2023.

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Ongoing Conditions

3 The mobile home hereby permitted shall be occupied solely by person(s) working in agriculture specifically the adjacent business Orchard Corner Alpacas, Drift Lane, Barkston.

Reason: The occupation of dwelling in the open countryside is considered acceptable in relation to the adjacent agricultural business only in accordance with Local Plan Policy SP5.

Standard Note(s) to Applicant:

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

Site Location Plan

Site Layout Plan