

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
18 MARCH 2015
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/2802/RET

**Caravan, Blakeston Croft Farm, Blakeston Lane
Retrospective application for residential caravan for agricultural worker**

Expiry Date: 23 March 2015

SUMMARY

A complaint was received regarding the unauthorised residential use on the land. The applicant applied for a Lawful Development Certificate of existing use of land for siting of a permanent residential caravan, however the applicant was not able to demonstrate the 10 years as required and the application was refused on the 26th March 2014.

Enforcement action was authorised under delegated powers and the enforcement notice was served on the 11 June 2014 with the notice taking effect on the 14 July 2014, giving six months for the removal of the caravan.

An appeal was received on the grounds that the period for removal of the caravan as specified in the notice falls short of what should reasonably be allowed. The applicant stated that an application was to be submitted to the local planning authority for a temporary consent for the caravan whilst an agricultural enterprise was developed and the appeal only related to the six month time frame which was not reasonable due to the process of sourcing appropriate alternative accommodation, navigating the necessary financial and legal challenges, and undertaking the logistical process of moving house.

The Inspector disagreed and dismissed the appeal stating *“To extend the compliance period in these circumstances cannot be justified. I appreciate that to remove the caravan, find alternative accommodation and relocate will cause disruption to the appellant and his family. However, I consider the 12 months suggested by the appellant to be unacceptable. In my view the 6 months compliance period given in the notice is a reasonable one and I am not satisfied that there is good reason to justify extending the compliance period further*

Planning permission is now being sought for the retention of the existing caravan to house an agricultural worker. The applicant is seeking a three year temporary consent to allow time to establish a profitable business.

The site is outside the limits to development where development is only considered acceptable if there is shown to be an essential need for the development. Information has been submitted in support of the application to demonstrate there is a functional need for the dwelling and financial information has been provided to show the business can be profitable.

Eight Letters of support have been received for the application. No objections have been received from standard consultees, although the Animal Welfare Officer has provided comments disagreeing with the need for a full time presence on site.

The application has been assessed and it is considered that there is no functional requirement for a full time residential presence on site and therefore the application is contrary to Paragraph 55 of the national Planning Policy Framework which states that isolated homes in the countryside should only be allowed where there are special circumstances one of which is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

RECOMMENDATION

That planning application 14/2802/RET be refused for the following reason and the Head of Law and Democracy proceed with the enforcement action to remove the unauthorised caravan.

In the opinion of the Local Planning Authority, it is considered that there is no functional requirement for a residential presence on site. It is essential, as required by saved Policy EN13 and the National Planning Policy Framework to strictly control new development in the countryside or areas outside established towns and villages unless clearly justified and to that which contributes to the diversification of the rural economy. The evidence and information provided does not satisfactorily demonstrate to the local planning authority that a dwelling is essential and therefore it is considered that there are no special circumstances relating to the proposal as defined in paragraph 55 of the National Planning Policy Framework to override the adopted policy of the Local Planning Authority. As such, the proposed development is considered to be contrary to saved Policy EN13 of the adopted Stockton on Tees Local Plan and the National Planning Policy Framework

BACKGROUND

1. A complaint was received regarding the unauthorised residential use on the land. The applicant applied for a Lawful Development Certificate of existing use of land for siting of a permanent residential caravan, however the applicant was not able to demonstrate the 10 years as required and the application was refused on the 26th March 2014.
2. Enforcement action was authorised under delegated powers and the enforcement notice was served on the 11 June 2014 with the notice taking effect on the 14 July 2014, giving six months for the removal of the caravan.
3. An appeal was received on the grounds that the period for removal of the caravan as specified in the notice falls short of what should reasonably be allowed. The applicant stated that an application was to be submitted to the local planning authority for a temporary consent for the caravan whilst an agricultural enterprise was developed and the appeal only related to the six month time frame which was not reasonable due to the process of sourcing appropriate alternative accommodation, navigating the necessary financial and legal challenges, and undertaking the logistical process of moving house.
4. The Inspector disagreed and dismissed the appeal stating *“To extend the compliance period in these circumstances cannot be justified. I appreciate that to remove the caravan, find alternative accommodation and relocate will cause disruption to the appellant and his family. However, I consider the 12 months suggested by the appellant to be unacceptable. In my view the 6 months compliance period given in the notice is a reasonable one and I am not satisfied that there is good reason to justify extending the compliance period further”.* (Appeal Decision at Appendix E)

SITE AND SURROUNDINGS

5. The application site is located off Blakeston Lane approximately 1Km to the east of Thorpe Thewles village. To the north of the site is Blakeston Hall with associated grounds. (Appendix A)
6. The site comprises an existing hay/cattle barn and a central area of hardstanding which is enclosed by mature conifer trees. The applicant owns the adjacent field extending to approximately 3.7 hectares. More land is leased by the applicant as shown on the plan at Appendix C.
7. The site is accessed by a driveway from Blakeston Lane. The caravan to which this application relates is adjacent to the existing barn. The surrounding area is predominantly agricultural in nature with a large separation distance to residential properties

PROPOSAL

8. Planning permission is sought for the retention of the residential caravan for an agricultural worker (Appendix D).
9. The applicant intends to purchase in and rear 40 calves per month as well as maintain a ewe flock of approximately 80.
10. The applicant has requested a three year temporary approval to allow time for the investment to take place and the business to grow.

CONSULTATIONS

11. The following Consultees were notified and comments received are set out below:-
12. Built and Natural Environment Manager
Highways Comments: The caravan has been in place for approximately 8 years, there have been no recorded injury accidents in the last 3 years in the vicinity of the access and speeds are likely to be restrained due to the road layout. There are no highway objections.
Landscape & Visual Comments: The caravan is set against existing building there are no landscape or visual objection to this application.
13. Environmental Health Unit
I have checked the documentation provided, have found no grounds for objection in principle to the development and do not think that conditions need to be imposed on this development.
14. Animal Health And Welfare
I refer to the application submitted and noted the proposed business. In my opinion;
The current business plan is to purchase 80 in lamb ewes and 40 bull calves per month, purchased at 1-2 weeks of age and being sold at 8 – 10 weeks old. The ewes lambing in the Spring will require full time assistance but this will only be a short term seasonal requirement. With regards to the calves these will either be on a fully automated milk feeding system or bucket fed twice daily and then solid food and hay, although this will be required 7 days per week, 24/7 management and surveillance will not be required as documented.
Emergency situations are identified as a requirement for 24/7 assistance, however this should not be on a permanent basis and will only be required on an as and when basis.
Site security has also been mentioned as a factor for living on site, but this has not been an issue over the past 14 years and therefore I see no justification for a stockperson to live on site on a permanent basis

15. Councillors:
No comments received

16. Waste Management
No comments received

PUBLICITY

17. Neighbours were notified and comments received are set out below:-

18. Mr M Shepherd Fulthorpe Farm Wynyard Road

I am writing to propose my full support to Mr Michael Lowson with his planning application. Michael is a local farmer; part of his remit is breeding cattle. I see it as essential that Michael is permanently present on the dwelling primarily in the interests of animal welfare not to mention security. I can personally relate to the need for somebody to be present 24 hours a day to care for and monitor the cattle. If Michael was not there when he needed to be, the loss of an animal would be not only financially detrimental but would also cause the animal severe suffering, both of which could be avoided if Michael were on hand at all times. Michael is a breeder of quality Limousin heifers which I have purchased myself and would like to continue this relationship to purchase more in the future.

19. Catherine Duell High Middlefield Farm Durham Road

I support Mr Lowson's application on the grounds that I have known Mr Lowson for many years and found him to be respectful of his neighbours and a pleasure to do business with. Mr Lowson hires Bulls from me to service his stock which I have seen grow over the years. I am aware that Mr Lowson has on many occasions had to assist his cows during labour and difficult birthing. On some of these occasions the cow / calf or both would have died without human help. Mr Lowson is a respected farmer in the area and Blakeston Croft farm has not caused any negativity in the area.

20. Mr I Sigsworth Blakeston Hall Blakeston Lane

I wish to offer my support to the proposal for the reasons outlined below. I have been a neighbour for the past 5 years and confirm Mr Lowson to be a hardworking and honest man who has been increasing his stock in this time. I can also confirm that Blakeston Croft Farm has had no negative impact on our lives and property. Mr Lowson has assisted me many times with equipment and we look out for each other's farm, land and property in this all time high crime area, it is important for on-site security for our land, property and livestock that somebody is around 24/7. I wish Mr Lowson every success in his application.

21. Jo Appleby Ash Tree Cottage Thorpe Road

I write to you in support of the application. I purchase my haylage from Mr Lowson and have done so for approximately 12 years. I have always found him to be honest polite and helpful to assist his customers. I am not aware of any problems caused by Blakeston Croft Farm, in fact, quite the opposite. My friends would miss the farm if it was to cease.

22. Mr John Hall Middlefield Farm Blakeston Lane

I offer my full support. I have known Mr Lowson for about 13 years and have always believed him to be honest and hardworking and dedicated to his farm and growing stock. His farm and business has no impact on my farm and we support each other on occasions with machinery, stock heeds and labour. The necessity for him to reside on his farm as I am totally aware of is stock well-being and welfare, security of stock, machinery etc, as the crime rate in this area is so high.

23. Mr R Harding Coppice Farm Blakeston Lane

I have known Mr Lowson for the past 10 years. I consider him to be hard working, conscientious both in his farming and environmental issues. He is of exemplary character and a genuine helpful nature. I would be very pleased if his application was granted and I think I can speak for my neighbours also. His presence would be a security asset to other properties in the vicinity due to his vigilance and awareness.

24. John Cavanagh Hamilton Russell Bank Terrace

I would like to support Mr Lowson's application on the grounds that I have known him for around 7 years as a neighbour and hopefully he will be a supplier of beef to The Hamilton Russell as we are looking to locally source our produce for our menu. Mr Lowson's farm does not have a negative impact on my public house / restaurant, in fact quite the reverse as the beef would be locally reared and sourced. Mr Lowson and his family are good neighbours and support local village activities.

25. Mr R Caygell Meadowfield Gardens Blakeston Lane

I am a neighbour of Mr and Mrs Lowson and can confirm that I have known Mr Lowson for 13 years. I would like to support Mr Lowson's application at Blakeston Croft Farm as I have seen Mr Lowson work extremely hard to establish his stock and he is well known and respected in the area for looking after his livestock. The farm has not given me any reason for concern and is very well kept. Mr Lowson is a very reliable man and puts his cattle before holidays or breaks away. I am also aware that Mr Lowson would like to extend his stock even further therefore the need to have 24/7 cover for security and animal welfare.

PLANNING POLICY

26. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

27. The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent

with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.

2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.
4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.
6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.
4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:
 - i) The Tees Valley Metro;
 - ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
 - iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
 - iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.
5. Improvements to the road network will be required, as follows:
 - i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
 - ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;

- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
 - iv) To support sustainable development in Ingleby Barwick.
6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.
 7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.
 8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable transport network and to increase choice and use of alternative modes of travel.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
8. Additionally, in designing new development, proposals will:
 - _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
 - _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
 - _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
 - _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:
 - _ General Employment Land 255 hectares (ha)
 - _ Key Employment Location (Wynyard) 70 ha
 - _ Durham Tees Valley Airport 50 ha
 - _ Land for Chemical and Steel Industries, up to 445 ha
2. The main locations for general employment land will be:
 - _ Durham Lane Industrial Estate. 40 ha
 - _ Belasis Technology Park 20 ha
 - _ Teesside Industrial Estate 30 ha
 - _ Urray Nook 20 ha
 - _ Core Area 10 ha
3. Land for general employment uses will be released in phases as follows:
 - a. 2004 - 2011 0 ha
 - b. 2011 - 2016 60 ha
 - c. 2016 - 2021 60 ha
 - d. 2021 - 2024 40 ha
4. The target for the annual average development of all types of employment land is 13 hectares over the life of the Core Strategy.
5. To maximise opportunities for the delivery of the Regional Spatial Strategy requirements land will be safeguarded for chemical production and processing, subject to environmental constraints, in the following locations:
 - a. North Tees Pools up to 100 ha
 - b. Seal Sands up to 175 ha
 - c. Billingham Chemical Complex up to 65 ha

If evidence comes forward that the Billingham Chemical Complex (formerly known as the ICI Process Park) is not suitable for these purposes, other specialist uses will be considered, such as reprocessing industries and biotechnology laboratories. These are also suitable locations for the installation of new, or expansion of existing potentially hazardous or polluting industries, although these will need to be sensitively and safely located.
6. Land will also be safeguarded on the north bank of the River Tees in the Haverton Hill and Port Clarence areas. Priority will be given to developments requiring a port or river-based site. No port or river based development will be permitted on, or on land immediately adjacent to, the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI).
7. Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.
8. Additionally, support will be given to:
 - i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies; iii) The expansion of research-based businesses associated with Durham University's Queen's Campus; iv) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.
 - v) The creation of employment and training opportunities for residents by developers and employers.

Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

MATERIAL PLANNING CONSIDERATIONS

28. The main considerations are the principle of the development in this location, which is beyond the limits of development. Secondary considerations are the potential impact on the character of the area and amenity of neighbouring properties, and highways safety.

Principle of Development

29. Guidance contained in the National Planning Policy Framework states "Local planning authorities should avoid new isolated 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 in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling". The site lies outside the limits of development and is also therefore subject to saved Policy EN13 of the adopted Stockton on Tees Local Plan, which resists residential development in these locations unless there is strong justification for a dwelling for agricultural, or forestry or other appropriate countryside use.
30. The applicant has claimed that there is a need for agricultural workers dwelling on the site to serve the proposed business and has submitted a planning statement, accounts and projected accounts.
31. Given that neither national nor local planning policy prescribes any methodology or criteria against which the essential need for a rural worker to live permanently at or near their place of work in the countryside should be assessed it is common practice for local planning authorities and Planning Inspectors to apply the practical criteria formally laid down in Annex A of PPS7 which are well-established and well understood. The guidance stated that "*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*". For temporary dwellings, this would require the application to demonstrate:
- (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
 - (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.

32. The information submitted with the application showed that the proposed business once established would potentially make a profit of £6,115, £8485 and finally £10590 in 2017. The applicant was contacted and advised that this would not be sufficient to keep a farmer on minimum wage thereby making the proposed business unviable, especially given the applicant has to cease his current full time employment.
33. The Agent supplied a copy of a High Court Decision ((Embleton PC v Northumberland CC (2013)) which states *“I accept that the test under paragraph 55 of NPPF is different from the test under Annex A, paragraph 12(iii) of PPS7. In particular I do not accept Mr Harwood QC’s submission that the NPPF requires that the proposal is economically viable. As Mr White QC points out this is a temporary permission lasting for only 3 years. The NPPF test simply requires a judgment of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there”*.
34. Taking this High Court decision into account, the concerns raised regarding the viability of the scheme cannot appear to be taken into consideration and therefore the main consideration of this case relates to the *“essential need for a rural worker to live permanently at or near their place of work in the countryside”*. However legal commentary on this decision has indicated that it is only a single decision of the Court and is not considered to reflect what the guidance was intended to cover and was lost due to the Government desire for brevity in the National Planning Policy Framework and may therefore be subject to change at some point in the future.

Assessment of the Enterprise

35. The applicant currently works elsewhere and part time on the farm. It is his intention to give up his employment and begin working full time on the farm if this application is granted.
36. The applicant is seeking a three years temporary permission so that the increased business investment and growth can have sufficient time to demonstrate that it is established, financially sound and has a clear prospect of remaining so. The significant investment will entail significant increases in stock levels through private capital injection to the scale of £50,000 from the applicants own finances and the applicant aims to ensure the farm becomes *“a full time profitable enterprise”*.
37. The applicant claims that the current farm has 12 suckler cows, 12 calves and 20 sheep. The planning statement submitted with the application claims that the applicant’s intention is to increase stock and intensify rearing and lambing. The suckler cows will be sold as they are inefficient users of land and the 20 existing sheep will be sold.
38. The agricultural statement states
- a flock of 80 in-lamb sheep are to be purchased and breeding rams bought as required.
 - surplus dairy bill calves purchased at 40 per month. The calves are purchased from surrounding farms at 1-2 weeks old and reared on milk formula and concentrate feed until sold at 8-10 weeks.
39. The planning statement states that it is intended to rear 80 calves per annum however in the updated agricultural appraisal it was confirmed that this is not part of the future plans.

Labour Requirement for the Enterprise

40. Using the Agricultural Budgeting and Costing Handbook 78th edition May 2014, the current enterprise equates to the need for 0.08 full time workers on the site; clearly below the requirement for a full time worker. However with the investment and increase in stock as described this will equate to 1.1 full time workers on the site.

41. It is considered that if the enterprise is developed as the applicant intends then there will be a need for a full time worker to serve the enterprise.

Functional Need

42. The functional need relates to whether it is **essential** for one or more workers to be readily available at most times. The applicant claims the main requirement for a full time presence on site *“relates to the welfare requirements during lambing and calving. The nature of the heifer breeding means that calving will be undertaken all year round. The residential presence is required to manage any welfare issues arising during the calving process ... a permanent presence on site is also required during the lambing season for the same reasons”*. This was queried with the Agent and an updated agricultural assessment was submitted stating *“calving is not mentioned and all cows are to be sold to free up grassland and investment for the sheep flock”*.
43. The updated assessment states a full time residential presence is therefore required for lambing and also for welfare reasons when rearing “purchased in” calves. In addition due to the isolated nature of the location the caravan will provide security and surveillance for the farm.
44. There are two elements to the proposed farm and I will take each element in turn, although it must be considered whether together the proposed enterprise will require a full time on site presence.

Calf rearing

45. The applicant intends to purchase calves at 1-2 weeks old and sell them on at 8-10 weeks. The applicant claims that this is a draw on labour requirement and disease pressure at the farm will be high due to the importation of the animals, the animals will require close supervision and specialist treatment and managing the stock will need to be carried out outside of normal working hours, at evenings or night.
46. A comparable enterprise was proposed at Rimmington Farm, Doncaster with the farming system based on purchasing calves at 1 or 2 weeks old and selling them on at 16 weeks. The operation would allow for the production of 600 animals over a year, given the need to renew materials and cleanse the unit between batches. This application was refused and the appeal dismissed (APP/F4410/A/14/2214370) with the Inspector stating *“accept that many rural enterprises mainly devoted to animal husbandry would usually require the permanent presence of an agricultural worker. But, I am not completely convinced that that would be the case for the ‘all-in-all-out’ calf rearing system intended here. There would be no births or ‘calving’ on the holding. And, given the estimated labour requirement it would be possible to have someone on hand to tend to the animals and to provide supervision, feeding and care at almost all times except throughout the night. Although there may be occasions when a sick animal would require attention through the ‘small hours’, I doubt that such emergencies would be so common that they could not be adequately addressed by someone living nearby rather than actually on the farm. I acknowledge that a ‘permanent presence’ might be more convenient and provide an element of security. But I do not agree that such ‘convenience’ or ‘security’ would necessarily warrant the erection of an isolated dwelling in the countryside.*
47. Advice from DEFRA regarding calf rearing states *“The Welfare of Farmed Animals (England) Regulations 2000 (S.I. 2000 No. 1870) Schedule 4, paragraphs 3 and 4, state that all housed calves shall be inspected by the owner or keeper of the calves at least twice a day to check that they are in a state of well-being. Calves which are kept outside shall be*

inspected by the owner or keeper of the calves at least once a day to check that they are in a state of well-being”.

48. The Councils own Animal Welfare Officer agrees there is no full time functional requirement as the calves will either be on a fully automated milk feeding system or bucket fed twice daily and then solid food and hay, although this will be required 7 days per week - 24/7 management and surveillance will not be required.

Lambing

49. The applicant is intending to sell his existing sheep and purchase 80 in-lamb sheep. The applicant has claimed that the welfare requirement of the sheep during lambing periods requires an onsite presence. It is considered that lambing takes place during a short timeframe (springtime) and this is not justification for a full time requirement for onsite accommodation.
50. The Agent has mentioned the Inspectors appeal decision for Town Farm, Stillington where the Inspector states *“With regard to the sheep enterprise; lambing is a seasonal rather than a year round operation, with the main activity taking place in spring..... whilst it may be possible to alert a farm worker when a problem occurs during lambing, it would take an external worker some time to respond. Whilst the Council suggested the use of temporary mobile accommodation during lambing, this would not cater for the out-of-hours and year round care of young or sick animals, the extended care of store lambs up to 6 months old, and other welfare issues that can arise at any time. It would be an impractical alternative in my view.* Whilst this is noted, Town Farm is an established farm with an extended breeding program (as detailed in the appeal statement) and approximately 540 ewes and 640 lambs on site. Taking into consideration the large number of animals on the farm, it is considered that this is not directly comparable to this development and should be afforded little weight.
51. An Appeal at Turfdale Farm, Preston (APP/U2370/A/14/2216745) which was an enterprise with 50 pigs, 20 cows, 80 sheep and various poultry comprising around 175 birds were dismissed with the Inspector stating *“Due to the numbers of livestock the number of occasions when assistance would be required, or when other emergencies arise would, however, be limited, and in the case of births mostly seasonal. The need to be on site on those occasions could be facilitated with the seasonal provision of temporary accommodation on site, and would not amount to a need for a permanent on site presence”.*
52. Overall it is considered that the proposed enterprise, whilst requiring labour from a full time worker, does not require a worker to live on site. The applicant states that four or more journeys a day will need to be made to the site, however It is expected that a worker will be on site on a morning until the evening, final checks and feeds can be undertaken before the applicant leaves and returns the next morning which will meet the needs of the enterprise.

Impact on Neighbours

53. The proposed caravan will is located a substantial distance away from any residential neighbour and it is not considered that the siting of the caravan will have an adverse impact on any neighbour.

Landscape Visual impact

54. The caravan is sited adjacent to an existing barn and is not readily visible from outside of the site. It is considered that the development does not have an adverse landscape or visual impact.

Traffic and Transport

55. The Built and Natural Environment Manager has been consulted on the application and has raised no objections from a highways standpoint, it is therefore considered that the application will not have an adverse impact on highway safety.

CONCLUSION

56. Overall, it is considered that the principle of development is unacceptable as there is no a functional requirement for a dwelling on this site to support the intended business. Therefore it is considered that there is no planning justification for a temporary caravan on the site and the development is therefore contrary to the requirements of Paragraph 55 of the National Planning Policy Framework and Local Plan Policy EN13 which state that residential developments in isolated locations should only be considered acceptable in exceptional circumstances
57. It is therefore recommended that the application be Refused for the reason(s) specified above and the Head of Law and Democracy proceed with the enforcement action for the removal of the caravan.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

WARD AND WARD COUNCILLORS

**Ward Northern Parishes
Ward Councillor Councillor J Gardiner**

IMPLICATIONS

Financial Implications: None

Legal Implications: Consideration as to whether to proceed with Enforcement Action to be taken with regards to the unauthorised siting of the caravan.

Environmental Implications: None

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers: National Planning Policy Framework; Core Strategy Development Plan Document; Local Plan Policies and Application file 14/2802/RET