

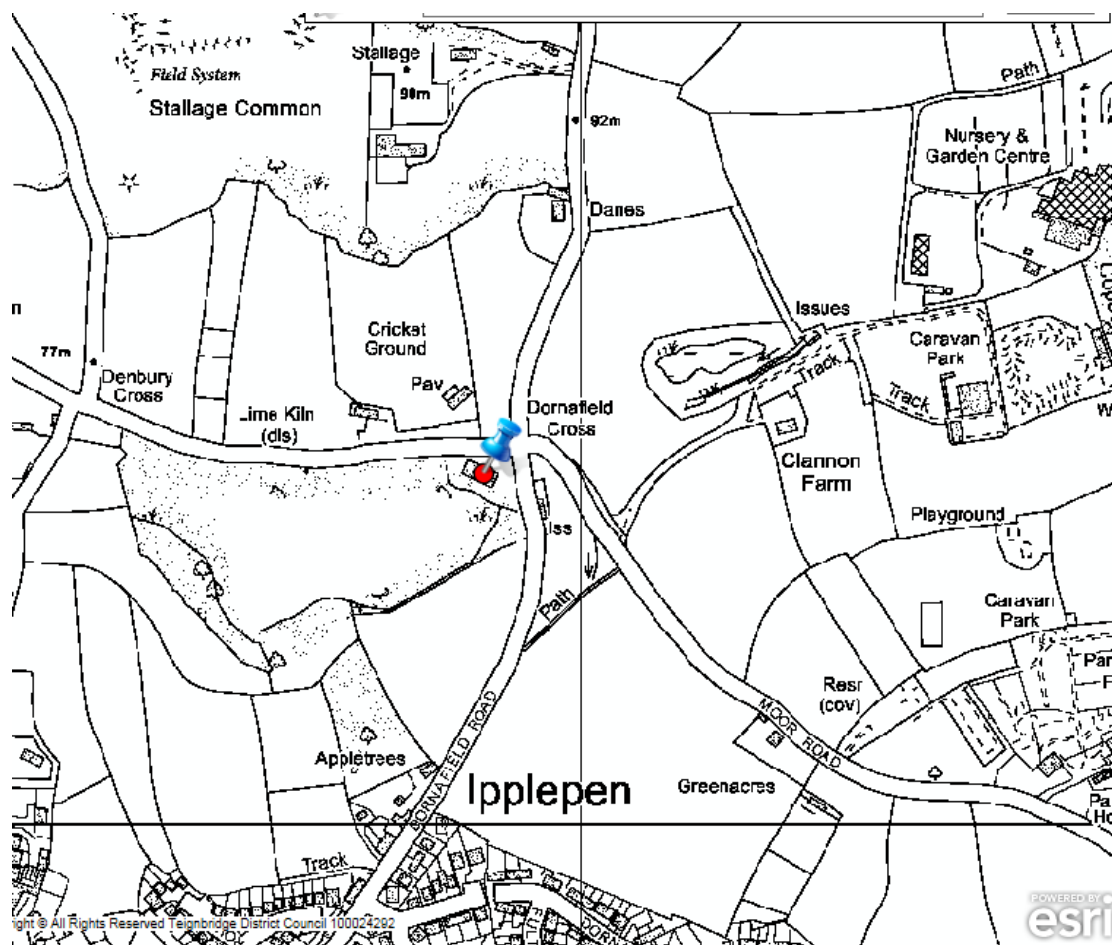
PLANNING COMMITTEE REPORT

23 October 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 18/01603/FUL - Hettor Barn - Siting of mobile home for three years to support an existing rural enterprise	
APPLICANT:	Mr D Sibley	
CASE OFFICER	West Team Planning	
WARD MEMBERS:	Councillor Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01603/FUL&MN	





1. REASON FOR REPORT

Councillor Dewhirst has recommended that this application be referred to Planning Committee because there have been seven planning applications since 2012 to form this equestrian centre, all of which have expanded the operations on site. At no point has there ever been any mention of a requirement for accommodation on this site 260 metres from the village. This application gives no pressing reason for an on-site equestrian worker and it would appear that the application is purely for the convenience of the operator.

Councillor Dewhirst advises he can see no difference to application 18/00349/FUL roundly rejected by the Teignbridge Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. Written confirmation to Local Planning Authority of date of commencement of development;
3. Development to be carried out in accordance with the approved plans
4. Equine worker(s) occupation only;
5. Details of mobile home (to be in accordance with definition of mobile home within Caravan Sites Act 1968) to be submitted for approval;
6. Mobile home to be removed and land restored to original condition 3 years from date of commencement;
7. No external lighting to be installed unless an external lighting scheme is first agreed in writing by Local Planning Authority.

3. DESCRIPTION

- 3.1 The site is located within designated countryside 340 metres from the edge of Ipplepen. The site is accessed from the main entrance to the large stable building to the south of Dornafeld Cross. The access to the existing timber barn/workshop up a steep slope will also provide access to the siting of the mobile home subject to this application. The buildings and grounds are laid out in association with an equine business. There is a large stabling shed, horse walker and outdoor pens on the lower level.
- 3.2 This proposal seeks consent for the temporary siting of a mobile home for an equine worker on the land associated with the farm buildings. This is to ensure 24 hour attendance of a suitable person on site.
- 3.3 The business currently employs two full-time staff and two part-time staff. The owner and trainer lives in Babbacombe. The business runs horse training and stabling for high level competitive events, having 15 to 20 horses on site at any time.
- 3.4 The proposal is for the siting of a mobile home to provide a temporary dwelling for an equine worker. It would be located adjacent to the site of the stables and isolation unit approved under application references 15/00575/FUL and 15/02466/VAR. A set of four stables and a store were approved under 16/03201/FUL at the lower part of the site. This application is a re-submission of

application reference 18/00349/FUL for temporary siting of mobile home to support an existing rural enterprise considered by Planning Committee on 5 June 2018.

- 3.5 The key issues in the consideration of this application relate to:
- Sustainability/principle of the development
 - Whether the criteria justifying a rural worker's dwelling are met
- 3.6 The proposed mobile home would be on a temporary basis to enable the applicants to prove the on-going profitability and viability of the site and the requirement for a worker to be resident on site at all times.
- 3.7 As the site lies in the Countryside outside any Settlement Limits, Policy S22 of the Teignbridge Local Plan applies. Under this Policy residential development is not acceptable in principle, except for certain exceptional circumstances. One of these exceptions is where residential accommodation is necessary for agriculture, forestry and other necessary rural workers. Clearly such justification is necessary for a residential mobile home to be acceptable in this location. The criteria for such justification are set out in Teignbridge Local Plan Policy WE9.
- 3.8 The Applicant's Planning Statement has been produced by a rural planning consultant who holds a BSc in Equine Welfare with Business Management. It sets out the background to the enterprise and examines the local and national planning policies relating to rural workers' dwellings and examines the functional and financial need for the business to have a permanent on-site residential presence. The expert conclusion is that there is an existing functional need for a worker to live on site for the welfare of the horses and to ensure the future of the business. It is also concluded that there is a financial need – the viability of the business has been proven as it has been operating at the site since 2013. The Business Plan shows that the enterprise has been planned on a sound financial basis and would be able to be more profitable with on-site accommodation.
- 3.9 The Council has sought the independent advice of its Agricultural Consultant to scrutinise this stated need. The Consultant's consultation response to the previous application for the same proposal (18/00349/FUL) concludes that the business has been planned on a sound financial basis and that there is a firm intention and ability to develop the enterprise. The consultant also concludes that there is a proven functional need for a full-time on-site presence at most times of day and night. There are no other residential buildings which could serve this purpose within the vicinity and the consultant concludes, in any event, that the on-site presence required means somebody living actually at the site of the yard. The consultant concludes that the criteria set out in Policy WE9 are satisfied.
- 3.10 The proposed mobile home would be sited adjacent to a building on site, screened by established hedgerows and trees to ensure the least visual impact upon the surrounding landscape. It is considered that there would be no significant harm to the appearance of the countryside that would outweigh the functional and financial requirement for an on-site dwelling, to enable the enterprise to develop.
- 3.11 In accordance with Policy WE9 of the Teignbridge Local Plan, it is considered that there is a functional need for the temporary dwelling, the unit is viable and there are no alternative dwellings that could meet the identified need. The exceptional

circumstances required for residential use in the Countryside have therefore been demonstrated and planning permission should be granted.

- 3.12 The Applicants have drawn attention to 2 appeal decisions from other parts of the country where temporary dwellings for equine workers have been allowed on appeal for very similar businesses. The application has been resubmitted in the hope of avoiding a lengthy appeal process that will put the Applicant's expansion plans on hold for at least a year, and also to avoid the costs to both parties in making and defending an appeal.
- 3.13 The expert advice submitted by the Applicant is corroborated by the Council's independent Agricultural Consultant. No expert advice has been submitted that supports a contrary view. It is therefore concluded that planning permission should be granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

WE9 (Rural Workers' Dwellings)

EC3 (Rural Employment)

EN2A (Landscape Protection and Enhancement)

Devon Minerals Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Agricultural Consultant – Supported the previous application for the same proposal as there is a functional and financial requirement for a dwelling on site (Application reference: 18/00349/FUL)

Devon County Council (Highways) – Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

Devon County Council (Minerals) – No objection on mineral safeguarding grounds but recommend that an informative be included to alert applicant to the location of the site in a Mineral Consultation Area.

Devon Stone Federation - The site lies within a Mineral Safeguarding Area for aggregate minerals, within which the advice of the Devon Stone Federation should be consulted about possible sterilisation of the underlying mineral under the arrangements in policy M2 of the Devon Minerals Plan. Whilst a temporary caravan would not sterilise the nearby deposit, if approved, there is potential for a permanent residential presence to be confirmed for the holding, which would compromise future mineral development of the deposit. Therefore the DSF, as the body that represents mineral operators in Devon, requests that if permission is

granted, an informative note is added, advising the applicant that if sought in future a permanent dwelling on this site would conflict with policy M2 and therefore the DSF would object.

6. REPRESENTATIONS

Nine letters have been received in support of the application. These make the following summarised comments:

1. Do not understand why local parish council does not support the application;
2. A livery business was granted permission, and by the sounds of it a very successful one, which means that there is a need for someone to be on site to look after the horses if/and when they are ill or need looking after. Even if they lived 100 metres away, this makes no difference, they would need to be on site;
3. The applicant has a rural business, in a rural community and what difference does it make if they live there? – it reduces road movements, means they can react to ill animals and develop a business and bring more employment;
4. In order to develop their business it would be beneficial (potentially essential) for someone to be permitted to live on the site;
5. Granting this application would be beneficial to the business, local area and local employment and essential to the animals' welfare;
6. The Agricultural Consultant and Officer recommendation was for the previous identical application to be passed;
7. Parish Council have not provided any information to support their conclusion to object to the application;
8. There have been incidents when trespassers have caused issues of security and safety to the horses. Had a person been on site these issues would have been stopped or would not have happened;
9. The Government is encouraging commercial enterprise within the rural community and I hope due consideration can be given to this venture;
10. The overseeing and general duties involved in the care of top competition horses is a massive responsibility. Being unpredictable animals of great value and several owned by other people it really is a prerequisite for a professional yard to offer on-site 24 hour supervision – a duty of care – for the owner's peace of mind. It is very difficult for the business to move forward and remain a success under the constant threat and worry of security breaches;
11. The wasted man hours travelling to and from the yard would be better used at the yard allowing the business to become more efficient and successful;
12. The yard currently offers employment, opportunities, connections and a great service to myself and others but is unable to sustain effectiveness and at present I believe runs at half capacity due to logistical difficulties and security worries. I therefore feel it is imperative that on-site accommodation be granted for this business to survive in the future;
13. Security and safety for these animals, and the premises, has to be a top priority for this family so I absolutely support this application;
14. Having a dwelling at these premises can only be seen as a positive;
15. A community should do whatever they can to support local businesses;
16. The Teignbridge Planning Committee refused the earlier identical application in July on the grounds stating that 'it has not been adequately justified that there is a functional need for any staff to live on site'. However, the Parish Council, the only objectors, have provided no information upon which this supposed ground is based. Moreover, their position is contrary to the conclusions of the expert's report which recommends that the application should be passed and fails to acknowledge that Teignbridge Planning also recommended the application to be

passed. I believe, based on the submitted documents, that the application should be passed;

17. A successful result on this planning application will help the business grow;
18. All animals are priceless, but the applicants' horses are of top standard with several that will progress to European and World Class team selection. These animals should not be left alone: with the ever increasing theft of every conceivable animal this should be the first consideration, along with the thought that if you have a horse in distress there is no one there to see to this, living off-site is not viable as the animals require 24 hour supervision;
19. Business is being turned away as cannot provide 24 hour supervision;
20. Applicant cannot breed his own event horses with present situation of no on-site accommodation;
21. Having run my own training centre, you cannot be responsible if you do not live on the premises.

7. PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council object to this application again and endorse the findings of Teignbridge District Council Planning Committee "The proposal constitutes residential development outside any settlement limit, and hence within a countryside location, where it has not been adequately justified that there is an essential functional need arising from the equine business for a worker to be housed on the site. The proposal is therefore contrary to Policies WE9 (Rural Workers' Dwellings) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework and the National Practice Guidance."

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place