

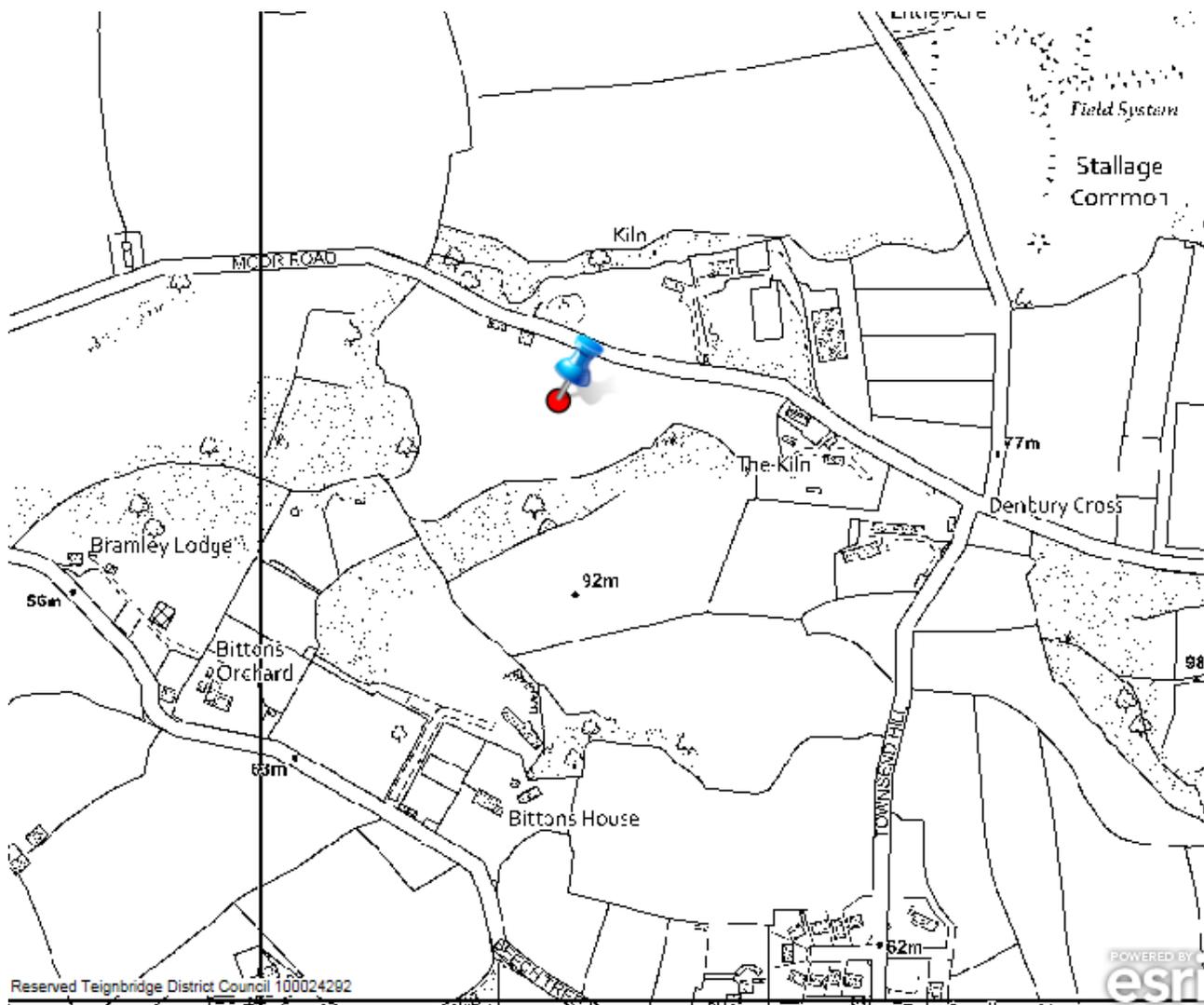
# PLANNING COMMITTEE REPORT

## 18 February 2020

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>IPPLEPEN - 19/01877/FUL - Moorwood, Moor Road - The temporary stationing of a log cabin for 3 years to serve as a key worker supervisory dwelling in connection with equestrian use</b>	
<b>APPLICANT:</b>	<b>Mr &amp; Mrs J Clyne</b>	
<b>CASE OFFICER</b>	<b>Gary Crawford</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Alistair Dewhirst</b>	<b>Ipplepen</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/01877/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/01877/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Dewhirst has recommended that this application be referred to the Planning Committee because he considers that the application is contrary to the Teignbridge Local Plan Policy WE9. He considers that there is no evidence that there is an essential functional need for a full time worker, let alone one housed on site and at the moment there is stabling for a very small number of horses on the site which are being adequately looked after. He advises that there is no business unit on the site and that there is more than enough accommodation in the village within 2/3 Km of the site. Councillor Dewhirst also considers that the proposal is contrary to Policy EC5(c) of the Teignbridge Local Plan.

## 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. Log cabin to be removed and land restored to original condition 3 years from date of commencement;
6. No external lighting to be installed unless an external lighting scheme is first agreed in writing by Local Planning Authority.

## 3. DESCRIPTION

### The Application Site

- 3.1 The application relates to a site known as Moorwood which is located on the southern side of Moor Road, Ipplepen, opposite a property known as Clennon. The site is served by two accesses from Moor Road. Planning permission was approved in May 2019 for stables, an implement/fodder store, schooling area, turnout pen and parking facility at the site. At the time of the officer site visit on 12 December 2019, the site contained two timber buildings, a number of paddocks and parking facilities. The site lies within designated open countryside, a Greater Horseshoe bat Landscape Connectivity Zone in association with the South Hams Special Area of Conservation (SAC) and a Cirl Buntings Wintering Zone. The site also lies within a Mineral Consultation Area for aggregate minerals.

### The Application

- 3.2 The application seeks consent for the temporary stationing of a log cabin for three years to serve as a key worker supervisory dwelling for a new rural enterprise in connection with the equestrian use on the site. The enterprise will consist of livery services and a small scale breeding programme of competition horses.
- 3.3 The log cabin would be sited on an existing area of hardstanding adjacent to the road and would be positioned between the implement/fodder store and rest/wash room. The cabin would measure 13.1m x 6.65m and would measure up to 4.1m in height at its highest point with a dual pitched roof and a small element of flat roof

form. The walls of the cabin would be clad in timber weatherboard and stained timber and the roofing materials would consist of a grey slate effect steel clad roof for the pitched roof element and grey mineral felt for the flat roof element. The cabin would also feature a verandah on its south west elevation.

### Planning History

#### 3.4 Relevant site history:

- 16/02499/FUL: Stables with tack room, feed store and toilets. Approved 3/5/2017 but not implemented.
- 18/02343/FUL: Stables plus implement/fodder store, schooling area, turnout pen and parking facility. Approved 8/5/2019.

Condition 8 of planning permission stated:

The permission hereby approved is in substitution of the planning permission approved under application 16/02499/FUL and is not in addition to the planning permission approved under application 16/02499/FUL.

### Main issues

#### 3.5 The main issues for consideration are:

- The principle of the development/sustainability;
- Whether the criteria justifying a rural worker's dwelling are met;
- Impact of the development upon the character and visual amenity of the area/open countryside;
- Impact of the development on the residential amenity of the occupiers of surrounding properties;
- Highway safety;
- Impact on ecology/biodiversity;
- Carbon reduction;
- Other matters

### Principle of the development/sustainability

- #### 3.6
- The proposed log cabin would be on a temporary basis to serve as a key worker supervisory dwelling for a new enterprise on the site in connection with the equestrian use and associated buildings which were approved under planning application 18/02343/FUL. Whilst Condition 9 of planning permission 18/02343/FUL stated that *'the use hereby approved shall be used solely as stabling for an individual or group of individuals and in connection with the existing equine use of the subject land'*, due to the level of parking available on the site and the improvements to the visibility splays which were required via a planning condition, it was not considered necessary to limit the use of the stables to private use only. The submitted Rural Worker's Dwelling Appraisal document details that the proposed enterprise will specialise in the livery of competition horses and horses being

trained to compete. In addition, the Rural Worker's Dwelling Appraisal document notes that in the longer term, a small scale breeding programme of competition horses will be developed alongside the livery yard. The Rural Worker's Dwelling Appraisal document specifies further that the type of horses that will be on the site require supervision at all times, creating an essential need for a worker to live on site to provide 24 hour supervision.

- 3.7 As the site lies in the open countryside outside of any settlement limits, Policy S22 (Countryside) 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. Paragraph 79a of the NPPF details that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Furthermore, the NPPG advises that considerations that may be relevant to take into account when applying paragraph 79a of the NPPF, include in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. As such, subject to justification, it is considered that the principle of the development would accord with both local and national planning policy.
- 3.8 Policy EC5 (c) (Equine Development) of the Local Plan details that the number of horses kept on a site is limited to 2 horses per hectare of pasture. The officer report for planning application 1802343/FUL detailed that the field at Moorwood is 8.4 acres (3.39936 hectares) and almost supports seven horses (3.4 x 2 equals 6.8). As the proposed floor plans for the stables detailed that the building would house seven horses, it was considered that the site was of an acceptable size to support seven horses.

Criteria justifying a rural worker's dwelling

- 3.9 Policy WE9 (Rural Workers' Dwellings) of the Teignbridge Local Plan specifies that dwellings for workers in agriculture, forestry or other rural business will be permitted in open countryside provided that:
- a) there is an essential functional need arising from the business for a full time worker to be housed on the site;
  - b) the business unit is of sufficient size to require a full time employee, is economically viable and has clear prospects of remaining so; and
  - c) there are no dwellings on the holding which could meet the need, and no such dwellings have been sold in the previous 3 years.
- 3.10 The submitted Rural Worker's Dwelling Appraisal document has been produced by a rural planning consultant who holds a BSc in Equine Welfare with Business Management. This document sets out the background to the proposed enterprise on the site and concludes that there is a functional need for someone to be on site 24 hours a day due to the type/breed of horses that will be on the site. Furthermore, a confidential Business Plan has also been submitted by the applicant which details that the enterprise has been planned on a sound financial basis. In addition, there are no existing dwellings on the site.
- 3.11 The Council has sought the independent advice of its Agricultural Consultant to scrutinise the stated need for the proposed log cabin. The consultant concludes

that there could be a proven functional need for a full-time worker to be resident on site. The consultant also comments that he considers that the proposed business should be economically viable and have a clear prospect of remaining so. The consultant does state the proposed site for the temporary dwelling is located close to the adjoining settlement and therefore the availability and suitability of dwellings to either purchase or rent within that settlement is an important factor to take into consideration. However, his opinion is that the functional need is specific to the site and cannot be met by living off site in the adjoining settlement. The consultant concludes that the criteria set out in Policy WE9 are satisfied.

3.12 In accordance with Policy WE9 of the Local Plan, it is considered that there is a functional need for the temporary dwelling, the unit could be viable and there are no alternative dwellings that could meet the identified need. It is therefore deemed that the exceptional circumstances required for residential use in the open countryside have been demonstrated.

- Impact of the development upon the character and visual amenity of the area/open countryside;

3.13 Policy WE9 details further that where a dwelling is permitted in accordance with these criteria, it will be subject to the seven requirements which include:

- the siting of new buildings should be grouped with existing buildings where possible;
- the new dwelling is limited to a size to meet the established functional need;
- the dwelling should be discreetly located and designed to reflect traditional Devon styles;

3.14 Policy S2 (Quality Development) of the Local Plan notes that new development should integrate and, where possible, enhance the character of the adjoining built and natural environment. Policy S22 (Countryside) of the Local Plan states that in assessing development proposals, particular account will be taken of the distinctive characteristics and qualities of the Landscape Character Area, the integrity of green infrastructure and biodiversity networks, and impact on overall travel patterns arising from scale and type of development proposed. Policy EC5 (Equine Development) of the Local Plan details that the keeping and training of horses in open countryside will be acceptable in principle, subject to:

- Buildings, enclosures, tracks, structures, lighting and other development being sited and designed to minimise harm to landscape character and biodiversity;

3.15 The proposed log cabin would be sited between the implement/fodder store and rest/wash room on the site. Whilst the proposed cabin does contain two bedrooms and a verandah, the Council's Agricultural Consultant has commented in his consultation response that the proposed temporary dwelling takes the form of a standard mobile home/chalet type design and is easily of a size commensurate with the need. The log cabin would be located adjacent to the hedgerow and would be a similar height to the stable building that was approved under application 18/02343/FUL. Whilst the design of the cabin may not reflect traditional Devon styles, the proposal seeks permission for a temporary dwelling and therefore the building is temporary in nature. 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.

- 3.16 It is therefore considered that the proposal would accord with Policies WE9, S2, S22 and EC5 of the Local Plan.

Impact of the development on the residential amenity of the occupiers of surrounding properties

- 3.17 Due to the single storey nature of the proposed log cabin and its distance from the nearest residential property, it is deemed that the proposal would not result in any detrimentally harmful impacts upon the amenity of surrounding properties.

Highway safety

- 3.18 Condition 5 of planning permission 18/02343/FUL required that the development shall not be brought into use until adequate visibility splays had been implemented. Following an officer site visit on 12 December 2019, it was observed that the visibility splays had been implemented. As such, given that there is a sufficient level of parking on the site and vehicles are able to turn on the site and exit in a forward gear, it is considered that the proposal would not result in any significantly worse impacts in terms of highway safety than the existing situation.

Impact on ecology/biodiversity

- 3.19 As the application site lies within a landscape connectivity zone in association with the South Hams Special Area of Conservation for Greater Horseshoe bats, it is considered necessary to include a condition with any permission which states that no external lighting shall be installed unless an external lighting scheme is first agreed in writing by the Local Planning Authority.

Carbon reduction

- 3.20 Policy S7 (Carbon Emission Targets) of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 48% from 2017 levels by 2050. Policy EN3 (Carbon Reduction Plans) of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7.
- 3.21 The proposal involves the temporary stationing of a log cabin. The building would be able to be repurposed at the end of the temporary period. The provision of a worker's dwelling on the site could reduce the number of vehicular trips to and from the site by a full-time worker to supervise the horses.

Other matters

- 3.22 The site lies within a Mineral Consultation Area for aggregate minerals. As the proposal is for a temporary period of three years, Devon County Council have raised no objections to the proposed development in their role as mineral planning authority. However the DCC Minerals department have commented that in the event of planning permission being granted, they recommend that an informative is included with any permission advising that the mineral safeguarding implications of any future proposals for permanent development should be discussed with Devon County Council. The Devon Stone Federation (DSF) have also raised no objections to the proposed temporary log cabin. However, the DSF have advised that if sought

in the future, for a permanent dwelling on the site would conflict with Policy M2 of the Devon Minerals Plan and the DSF would object.

- 3.23 Condition 3 of planning permission 18/02343/FUL stated that within three months of the date of the decision notice, the most westerly access onto Moor Road shall be permanently blocked up in accordance with details to be submitted to an approved in writing by the Local Planning Authority (LPA). Although no details were submitted to the LPA, following an officer site visit on 12 December 2019, it was observed that the most westerly access onto Moor Road had been sufficiently blocked up. Furthermore, it was also observed that in accordance with Condition 4 of planning permission 18/02343/FUL, the banks in association with the works to the visibility splays at the entrance to the site had been adequately constructed.

#### Conclusions

- 3.24 The expert advice submitted by the applicant is corroborated by the Council's independent Agricultural Consultant. The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

## **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)

EC5 (Equine Development)

EN2A (Landscape Protection and Enhancement)

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

### Devon Minerals Plan

### National Planning Policy Framework

### National Planning Practice Guidance

## **5. CONSULTEES**

### **Agricultural Consultant:**

Occupational dwellings associated with equine enterprises are quite common and can take many forms in respect of the business plan set out with a particular equine enterprise. They can vary from livery, foaling, stallions at stud, to the other extreme of race horses in training and training establishments. The size of the proposed business in this present application is not large by any means, but it is my opinion on the balance of the evidence provided, that it satisfies all the necessary criteria for me to give my support.

### **DCC Highways:**

Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

**DCC Minerals:**

The site lies within the Mineral Consultation Area and close to the nearby limestone resource. However, as the proposal is for a temporary period of three years, the proposal is consistent with Policy M2 of the Devon Minerals Plan, and Devon County Council has no objection in its role of mineral planning authority.

In the event of planning permission being granted, it would be prudent to include an informative note advising that the mineral safeguarding implications of any future proposals for permanent development should be discussed with Devon County Council.

**Devon Stone Federation:**

The site lies within a Mineral Consultation Area for aggregate minerals, defined to protect an important limestone deposit. Whilst a temporary log cabin 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 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

A site notice was erected at the entrance to the site. Two letters of objection and three letters of support have been received.

The letters of objection raised the following summary planning issues:

- There is no requirement for a key worker nor a temporary lodge to be built at Moorwood.
- The current application is a device to build a dwelling on the site.
- The lawful planning status of the application site is wholly unclear and there is no sound basis on which to judge whether worker accommodation is essential or not;
- The use of the site is restricted to social and domestic equestrian use and therefore the policy tests for on-site residential accommodation are failed;
- The form and content of the application is unclear and there is no sound basis on which to judge whether worker accommodation is reasonably justified;
- The applicants only live 4 minutes from the site and ordinary security measures and CCTV would be more than adequate to provide reasonable supervision of horses at the site between late evening and first thing in the morning;
- Essential functional need has not been demonstrated;
- The proposal does not comply with Policies WE9 or S22.
- The proposal is for a permanent oversized dwelling and no adequate demonstration has been provided to illustrate an essential functional need.

The letters of support made the following comments:

- There is a need for a manager to be onsite for the welfare and security of the animals.

- The application is for a temporary dwelling and should be considered on its own merits.
- Supports a local business.

## **7. PARISH COUNCIL'S COMMENTS**

### Comments dated 18 October 2019

Ipplepen Parish Council are unable to make a constructive recommendation and would welcome further information regarding the applicants' business plan. We reserve the right to make comment prior to any TDC decisions being made.

### Comments dated 29 November 2019

Having reviewed the 'Business Plan and Forecasts' document received by Teignbridge District Council on 27 September 2019 and released on 05 November 2019; Ipplepen Parish Council wish to comment as follows.

The 'Business Plan and Forecasts' document is not a comprehensive plan as would be expected; there is very little substance.

The proposed equine business is not established and therefore cannot warrant the need for temporary dwelling for a key worker at this time.

## **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.

## **10. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **Business Manager – Strategic Place**