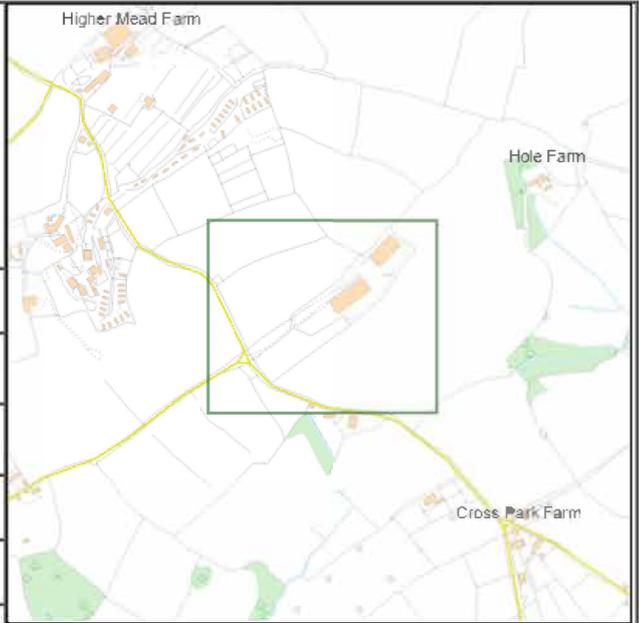


Planning Committee Report

Chairman: Cllr Colin Parker

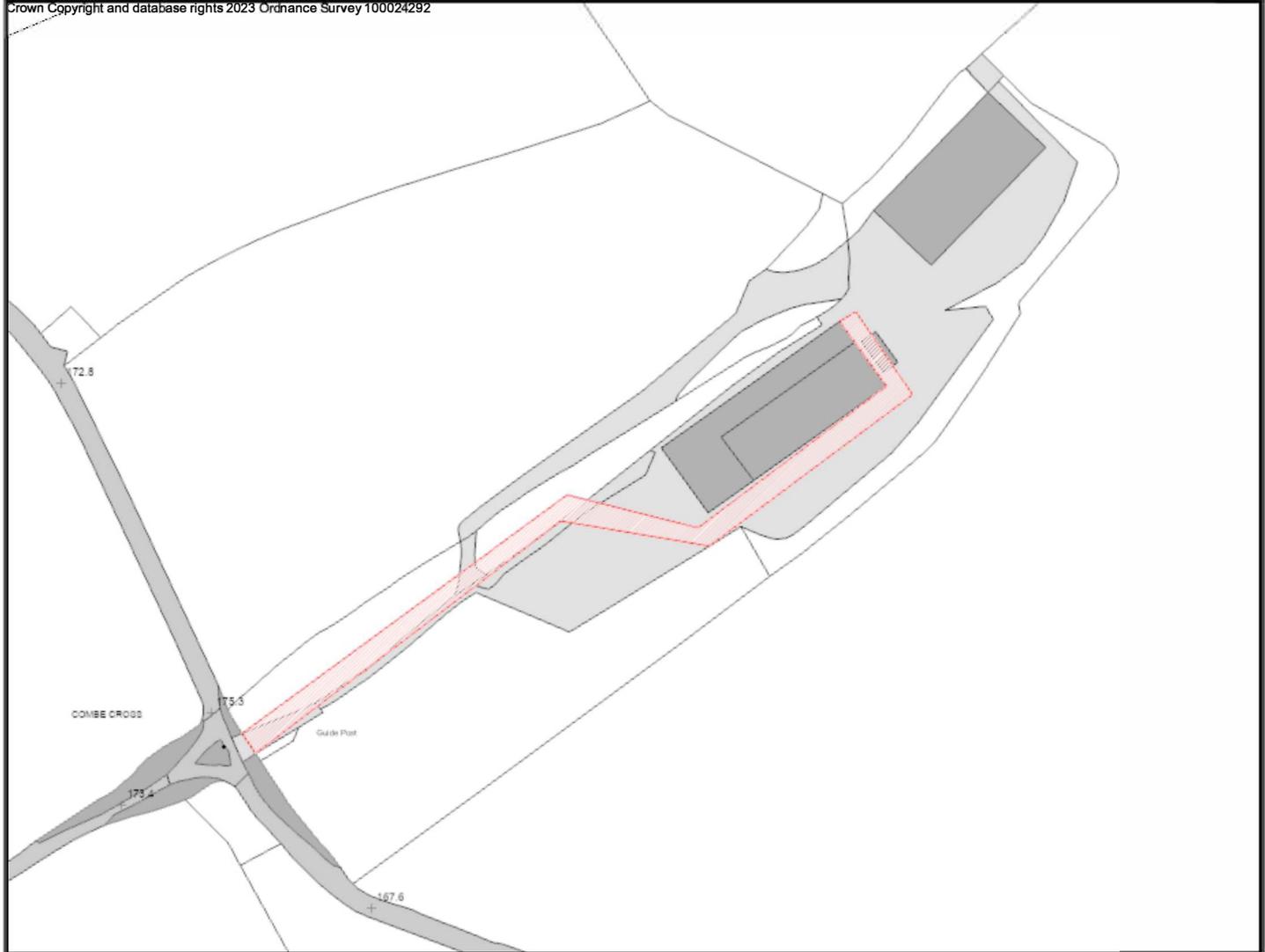
Date	22 August 2023
Case Officer	Declan Rooney
Location	Higher Mead Farm Alston Cross Ashburton Newton Abbot TQ13 7LJ
Proposal	Retention of temporary farm dwelling
Applicant	Mr P Parker
Ward	Ashburton And Buckfastleigh
Member(s)	Cllr Huw Cox, Cllr John Nutley, Councillor Stuart Rogers
Reference	21/00802/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

1.1 This applicant is an elected Councillor.

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED

Subject to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place

1. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
07 May 2021	TM58B.A1	Site Location Plan
07 May 2021	TM58B.P1 PROPOSED	Block Plan
07 May 2021	TM58B.P2	combined plan

REASON: In order to ensure compliance with the approved drawings.

2. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town & Country Planning Act 1990, or in forestry, or a dependent of such person residing with him or her, or a widow or widower of such a person, and to any resident dependents.

REASON: The Local Planning Authority's policy for this rural area is to resist the erection of dwellings which are not essential to the needs of local agriculture, in accordance with Policy WE9.

3. The permission for the temporary agricultural worker's dwelling hereby granted shall expire three years from the date of this permission.

Thereafter the building hereby permitted including the dwelling shall be removed and the land restored to its former condition on or before the expiry of three years, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over and review the need for the development which is of a type which could become detrimental to the amenities of the locality if granted permanent consent in accordance with Policies S2 and WE9.

1. DESCRIPTION

Site Description and Proposal

- 2.1. The application relates to Higher Mead Farm, a 250 acre working cattle and sheep farm. There are two main large agricultural buildings on site, used to house livestock. A temporary trailer dwelling was sited on the land in 2019 for the farmer's son, who assists with agricultural work.

2.2. The surrounding area is rural in character. Ashburton is approximately 2.5 kilometres north-west of the site.

2.3. The applicant wishes to retain an existing temporary farm dwelling. As such, retrospective planning permission is sought. The farm dwelling is a trailer of approximately 12.8 meters by 6 meters. It will be sited between the two existing main livestock buildings on the farm. It is located directly adjacent to an existing septic tank. The dwelling will be constructed from brown horizontal shadow gap uPVC wood effect cladding with a pitched roof constructed from anthracite grey profile steel tiles.

Relevant Planning History

2.4. No relevant planning history

Main considerations

- Principle of development/sustainability
- Impact on character and visual amenity if the open countryside
- Impact on residential amenity of surrounding properties
- Land drainage/flood risk
- Highway safety

Principle of development

2.5. According to the Teignbridge LDP Policy WE9, dwellings for workers in agriculture, forestry or other rural businesses will be permitted in the open countryside provided that:

- a) There is an essential functional need arising from the business for a full time worker to be housed on 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

2.6. According to an Agricultural Need Appraisal undertaken by a private consultant, due to the number and type of livestock present on site there is considered to be a need for a worker to live on site in order to provide attention to the animals 24 hours a day. Whilst there is an existing residential unit on the farm, this is over a mile away from where the livestock are located. The Agricultural Need Appraisal states that there needs to be a worker stationed within sight and sound of the farm buildings which house the livestock due to the vulnerability of the baby calves and younger weaned calves to veterinary emergencies. Additionally, this dwelling is currently occupied by the business partner and father of the aspirant occupant of the additional worker's dwelling proposed in this application. According to an Annual Labour Requirement analysis submitted with the Agricultural Needs Appraisal, there is a need for two full time workers to be present on site. Since the existing residential unit on site is occupied, there is considered to be a need for an additional worker's dwelling on site, in line with

criterion (a) of Teignbridge LDP Policy WE9. An additional consideration is that, according to the Agricultural Needs Appraisal, the proposed number of livestock require there to be a person available at all times and therefore two dwellings would usually be required on a holding so that an element of cover can be provided. This is so that one person does not need to be available 24/7, which would be a near impossible requirement for one worker to fulfil. As such, the proposal is considered to be compliant with criterion (a) of the Teignbridge LDP Policy WE9.

2.7. According to the Agricultural Need Appraisal, Higher Mead Farm has been an established business for 15 to 20 years and has been profitable for most of the time. Whilst in the last two financial years losses were recorded due to the need to destock for medical reasons since one of the farming partners fell ill, and due to a one-off investment in fencing and repairs. Appendices I, II and III to the Agricultural Needs Appraisal provide forward budgets for the Standard Holding the same size and type as the applicant's holding. According to three consecutive years of projected net profits, the level of profitability of the business is considered sufficient to provide a living for two workers living on the holding, according to the agricultural consultant. The Ashburton Town Council was in agreement with this conclusion. The proposed development is therefore considered to be compliant with criterion (b) of the Teignbridge LDP Policy WE9.

2.8. Finally, criterion (c) of the Teignbridge LDP Policy WE9 requires for consideration to be made for whether or not the need for worker's housing could be met through improvements to existing accommodation on the site. According to the Agricultural Needs Appraisal, the existing accommodation at Higher Mead Farm is over 1 mile by road from the main farm buildings where the majority of the vulnerable livestock will be housed. As previously mentioned, it is necessary for a worker to be present 24 hours a day within sight and sound of the buildings where the livestock are located due to the vulnerability of calves to medical emergencies. As such, it would not suffice for the second worker to share the existing dwelling on site as it is not close enough to the livestock to enable the detection of any veterinary emergencies that arise. The proposed temporary dwelling is sited between the two farm buildings in which the livestock are housed. As such, the proposed development is considered to be compliant with criterion (c) of the Teignbridge LDP Policy WE9.

2.9. As such, due to its compliance with criteria (a) to (c) of the Teignbridge LDP Policy WE9, the development is considered to be acceptable in principle.

2.10. Policy WE9 puts forward further requirements, criteria (d)-(j), for the dwelling if it is acceptable in principle due to compliance with criteria (a) to (c). Criterion (d) states that permission for a temporary dwelling will be granted for the first 3 years, in order to assess the longer term application of criteria a) to c) of this policy. A 3 year permission is considered appropriate to allow time for the preparation of an application for a permanent dwelling AND to permit time for the changed nature of the business to become bedded in and fully established. Criterion (e) applies only to proposed permanent dwellings, which is not relevant for this proposal for a temporary dwelling. Criterion (h) states that the occupation of the temporary dwelling must be limited to the worker and any dependent family solely. The floor plans indicate that only one main bedroom is proposed, with an additional small bedroom with two single beds presumably for children, hence indicating compliance with this criterion. Finally, criterion (j) states that it must be demonstrated that the proposal is located such that it will not impact the South Hams SAC.

2.11. Criteria (f), (g) and (i) relate to design and as such will be assessed in the following section.

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

2.12. According to Policy S2 of the Teignbridge LDP, new development should be designed specific to the place and characteristics of the site. The mobile home is located in an existing cluster of farm buildings and as such, it is not felt that its addition will cause a significant detrimental impact on the openness of the countryside landscape. The dwelling will also be well screened from public viewpoints as it will be set back significantly from the nearest public highway on a long drive of approximately 120 meters. The dwelling will also be positioned to the rear of an existing farm building which will further screen it from public view. The dwelling will be constructed from brown horizontal shadow gap uPVC wood effect cladding with a pitched roof constructed from anthracite grey profile steel tiles. These materials are neutral, natural colours which will not create an alien addition to the landscape.

2.13. Policy WE9 of the Teignbridge LDP states that new worker's dwellings must be limited to a size to meet the established functional need of the dwelling (criteria g), that it must be discretely located, should be grouped with existing buildings (criteria f) and designed to reflect traditional Devon styles (criteria i). The proposed temporary dwelling is modest in size, with a total floor area of approximately 78 square meters. Additionally, the mobile home is discretely located and grouped between the two main livestock buildings on site and, as previously mentioned, is set back from the highway by a 120 meter long drive. As such, the proposed temporary dwelling is considered to be compliant with the design criteria of the Teignbridge LDP Policy WE9.

Impact on residential amenity of surrounding properties

2.14. There are no residential properties in proximity to the proposed temporary dwelling. The proposed dwelling is surrounded by farm buildings for livestock and open countryside. As such, no significant amenity impacts are anticipated as a result of the proposal.

Land drainage/flood risk

2.15. The site is not located within any flood zones, however, it is located within a Critical Drainage Area.

2.16. The mobile home is located on an area of gravel which surrounds the adjacent barn. According to a Flood Risk Assessment submitted by the applicant, runoff from the barn and mobile home have been discharging to the ground through the gravel with no direct connection to any watercourse. The proposal will not have an impact on the Critical Drainage Area as there is no connection to a watercourse or increase in impermeable area as a result of the planning application. Therefore, this development is considered to be in accordance with the Teignbridge LDP Policy EN4.

Highway safety

2.17. The new dwelling will share an access with the existing farm buildings which have had use of this access for some time. As such, no changes in access to the highway will occur as a result of the proposal. There is a large area of hardstanding surrounding the temporary dwelling which is considered sufficient to accommodate the additional parking demand resulting from the proposal.

3. 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
- EN2A Landscape Protection and Enhancement
- EN4 Flood Risk

National Planning Policy Framework

National Planning Practice Guidance

4. CONSULTEES

Full text consultation responses can be found on the application file.

- 4.1. Agricultural Consultant: Supports the application

5. REPRESENTATIONS

- 5.1. The application was advertised by way of site notice. No representations received.

6. TOWN / PARISH COUNCIL'S COMMENTS

- 6.1. **Ashburton Town Council:** Support the application. Based on an agricultural assessment with predictions for future income provided by the applicant, it is considered that the future income of the farm is sufficient to support 2 separate dwellings.

7. COMMUNITY INFRASTRUCTURE LEVY

- This development is not liable for CIL because:
 - It is development of buildings for which planning permission is granted for a limited period

8. 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.

11 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.

Rosalyn Eastman

Business Manager – Strategic Place