

**REPORT OF THE MEETING OF THE SITE INSPECTION GROUP HELD ON
MONDAY, 29 JUNE 2009**

**(06/0429/09/F) Retrospective application for the siting of a temporary
mobile unit of accommodation for owners of stud, carriage, driving and
livery business**

Present: Cllr Coulson
Cllr Fielden (Chairman)
Cllr Hicks
Cllr Steer
Cllr Ward

Also in attendance and participating:

Cllr Bird – Blackawton Parish Council representative
Cllr Tucker – local Ward Member
Dean Kinsella – Senior Planning Officer
Derek Roberts – Agricultural Consultant
Kat Winterbottom – Senior Member Support Officer

In his introduction, the Senior Planning Officer (SPO) made particular reference to:-

- (A) the details of the proposals. The SPO advised that the application sought retrospective permission for the siting of a temporary mobile unit of accommodation for owners of a stud, carriage driving and livery business. The site was situated in designated countryside and was a complex of agricultural buildings. Barn 2 had been converted for equestrian use, with a mobile home as a rest room and portacabin building stationed on the site. If Members were minded to support the recommendation for conditional approval, it would be for an initial period of three years, after which it would be reviewed and scrutinised to ascertain whether further permission would be required;
- (B) the planning history of the site. The SPO outlined the planning history of the site, noting that in 2002 an application from the previous owners of the property, for the siting of a temporary unit, was refused due to the absence of any overriding need. A similar application was further refused during 2003, following which an application for the siting of a mobile unit, to be used as a rest room for business purposes, was granted approval during 2004;
- (C) the Council's Agricultural Consultant. The Group was reminded that Mr Roberts, the Council's Agricultural Consultant, had concluded that the equine business would require someone to be readily available day and night, that the requirements as set out in Planning Policy Statement (PPS) 7 had been complied with and, as a result, Mr Roberts had raised no objection to the application.

In addressing the Group, Mr Roberts proceeded to draw Members' attention to the briefing note which had previously been circulated, and highlighted the following points:-

- The Government's advice on equine related activities in paragraph 32 of PPS7: 'Sustainable Development in Rural Areas' was:

"Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDD's their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification".

- Annex A of PPS 7 gave specific advice to planning authorities on 'Agricultural, Forestry and Other Occupational Dwellings'. Paragraph 15 of the Annex advises that:

"There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3 -13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned".

It was, therefore, a fact and not just an opinion, that new dwellings for "other rural-based enterprises" (i.e. other than strictly agricultural) could be considered, after assessing them against the same criteria which applied to agricultural activities.

In conclusion, Mr Roberts advised that he was satisfied that the applicants needed to live at, or in close proximity to, the buildings at Hraefn Ham Farm where their agricultural and non-agricultural activities were based. Although there was a suitably sized property in the village, he considered that the price of the dwelling, especially given the fact that the business was in its first year, was in his judgement too high and unreasonable to expect the applicants to. He stated that this was a subjective judgement and one which would be re-considered in the event that an application for a permanent dwelling be submitted. Consequently, in light of there currently being no suitable and available existing dwellings within an acceptably close distance to the farm, the only alternative would be a dwelling on the farm.

When invited to address the Group, the Parish Council (PC) representative stated that the PC recognised the need for a temporary dwelling for purposes of on-site management and animal welfare. The changes made seemed entirely reasonable, improved the property, significantly increased safety of access and egress, had no negative impact upon the surrounding countryside, and met the requirements of the Local Development Framework. However, whilst the PC was in support of the application, disappointment was expressed that it was retrospective in nature.

The local Ward Member then proceeded to note that, whilst in support of the application, he felt that it had been a worthy exercise to hold an inspection in the public domain due to the number of concerns raised in the village.

In discussion on the application, Members supported the officer recommendation and recognised the need for the applicant to live at, or close to, the buildings at Hraefn Ham Farm.

It was then unanimously:-

RECOMMENDED

That in respect of application number 06/0429/09/F, the application be conditionally approved.

Conditions

- 1 - USE6 (Temporary – 3 years)
- 2 – Non Standard
(Occupancy Retention)

Reasons for Approval

This application has been determined in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies; relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are CS1, CS7 & CS9 of the Local Development Framework; ST5 & CO1 of the Devon County Structure Plan & SHDC3, SHDC13 & SHDC15 of the South Hams Local Plan.

All consultations and representations, and relevant planning history, have been given due consideration and balanced accordingly when formulating this recommendation and conditions.

Informatives

This recommendation refers to drawing nos.1, 2a, 3, 3a, 4, 5, Plan B1 and Appraisal received on 16 March 2009.