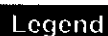


**10/03245/OUT**



**Scale:**

<b>Organisation</b>	Winchester City Council
<b>Department</b>	Development Services
<b>Comments</b>	
<b>Date</b>	10 August 2011
<b>SLA Number</b>	00018301

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**Item No:** 2 (SDNP)  
**Case No:** 10/03245/OUT / W20258/03  
**Proposal Description:** Outline application for an agricultural workers dwelling (considering siting and access) and retention of existing mobile home during construction work (RESUBMISSION)  
**Address:** Gabriel's Farm Stables Park Lane Twyford Winchester Hampshire  
**Parish, or Ward if within Winchester City:** Twyford  
**Applicants Name:** Ms Anita Irving-Bell  
**Case Officer:** Mr James Jenkison  
**Date Valid:** 14 February 2011  
**Site Factors:** Civil Aviation  
South Downs National Park  
**Recommendation:** Application Refused

**General Comments**

This application is reported to Committee because of the number of letters of support received.

The applicant ceased to occupy Gabriel's Farmhouse after its sale in 2005. The Council identified the original mobile home moved onto the application site and used for residential purposes in January 2006. In February 2006 the applicant was advised that they should cease the residential use of the site by the end of July 2006. A lawful development certificate for use of the stables as liverys was submitted in March 2006 and a certificate subsequently issued. A retrospective application for the temporary mobile home for an equestrian worker for a three year period was subsequently submitted and presented to Committee on 29 March 2007 due to the number of local objections, including from the Parish Council and because the officer recommendation was for approval. At the time the applicant had control of a contiguous area of land of approximately 10 hectares and the proposal had the support of the County Land Agent, whose views were accepted by the Local Planning Authority and temporary planning permission was granted for a period expiring 29 March 2010.

In January or February 2010 the new mobile home was brought onto the site and in March 2010 an outline planning application was submitted for a permanent dwelling. In the course of assessing this application it was established that the applicant owned a dwelling elsewhere in Twyford, that the rental income from this dwelling had been included within the accounts submitted to support the application and land that had previously been within the applicant's control was no longer within her control. The planning application was refused in September 2010 as the Local Planning Authority considered that the applicant had not adequately demonstrated that there was not alternative accommodation available in the locality could not serve the functional requirements of the enterprise and because the Local Planning Authority did not consider that the enterprise had a clear prospect of remaining viable.

The current application was submitted in December 2010 and during the application period the applicant was given the opportunity to provide further information to support

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the case, including details of any additional land that might be available. That information has been reviewed by the Councils equestrian consultants, Bruton Knowles, who remain concerned about the viability of the enterprise and consider that nearby accommodation that was considered suitable for the enterprise had not been pursued. Accordingly, the application is now recommended for refusal.

### **Site Description**

The site consists of a group of 4 grass paddocks and a small group of buildings associated with the equestrian use of the site located along a private farm track leading from the junction of Park Lane and Love Lane. The track is lined on both sides by mature trees and extends south from the junction to a group of residential dwellings at the end of the track clustered around Gabriel's Farmhouse. The paddock associated with the application site has a 260 metre frontage onto this track, with the access and main buildings clustered at the south-east corner of the holding, near where the group of houses are located.

Gabriel's Farm was originally a cattle farm incorporating the cluster of residential development around Gabriel's Farmhouse. Horse breeding and equestrian activities were introduced to the farm and by the early 1990's formed an important part of a diversified farm enterprise. Since the mid-1990's the equestrian activity declined but was still in existence. Equine activity has increased in more recent years and investment in post and tape fencing, field shelters and small horses has occurred. The main buildings on the application site consist of a barn and a stable block, and there is a manege located adjacent to these buildings. A mobile home has been sited amongst this building cluster and the applicant resides in this unit. The application site, and land within the applicant's ownership, comprises approximately 4.2 hectares.

The grounds of Gabriel's Farmhouse and other residential properties are located adjacent to the south-eastern boundary, and these properties have been subdivided from the main holding and are now in separate ownership not associated with the main farm holding. The grazing paddocks adjoin the back gardens of four residential properties fronting onto Love Lane, and these gardens range in depth from 20 to 30 metres.

### **Proposal**

This is an outline application for a 150 square metre dwelling for an equestrian worker to live on the site to manage the holding. Only the matters of siting and layout are being considered in detail at this stage.

### **Relevant Planning History**

**06/01037/LDC** - Use of land for equestrian purposes including the provision of livery, 5 stables, tack room, barn and sand school in addition to agriculture. LDC granted 19th January 2007.

**06/02540/FUL** - (AMENDED DESCRIPTION) Change of Use of land from mixed agricultural/equestrian purposes to a mixed use agriculture/equestrian/livery stud and

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temporary siting of a mobile home for a period of three years. Temporary planning permission granted 17th April 2007 subject to conditions. At the time the applicant had control of additional fields contiguous with the main holding providing a combined area of land under the applicant's control of approximately 10 hectares. This land has not been identified by the applicant as being available to the business. At the time officers were able to support a temporary permission on the basis of recommendations by the County Land Agent.

**07/01616/FUL** - Erection of stables. Permitted subject to conditions 28th August 2007.

**10/00770/OUT** - Outline application for an agricultural workers dwelling (considering siting and access) and retention of existing mobile home during construction work. Refused 2nd September 2010. The accounts submitted included rental income that the applicant was receiving from a dwelling in her ownership, and which was subsequently disposed of. The application was refused as it was considered that the applicant has not adequately demonstrated that alternative accommodation and arrangements could not serve the functional requirements of the enterprise and the Local Planning Authority was not convinced that the enterprise has a clear prospect of remaining viable.

### **Consultations**

Bruton Knowles (equestrian consultant): Following the submission of further information Bruton Knowles was not confident that the equestrian enterprise had a clear prospect of remaining viable and remained concerned about whether sufficient land was available for the enterprise to develop in the manner intended. Bruton Knowles also considered that the fact that no attempt would appear to have been made to investigate or purchase either of the two properties which were considered suitable and which were available in the area.

Engineers: Highways: raised no objection to the proposal.

Environmental Protection: recommended conditions relating land remediation should contamination be encountered.

### **Representations:**

Twyford Parish Council objected to the application solely on the lack of submitted drawings illustrating the appearance of the dwelling.

2 letters received objecting to the application for the following reasons:

- Concern about the limited extent and viability of enterprise.
- Enterprise is visually intrusive, including abandoned vehicles.
- Breach of conditions of previous permission.

6 letters of support received.

- No increase in traffic in last 3 years.
- Applicant an experienced equestrian worker.
- Proposal would not have a detrimental impact on neighbouring properties.
- 24 hour supervision required.

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**Relevant Planning Policy:**

Winchester District Local Plan Review:

DP3, DP9, DE19, CE20, CE22, RT4, RT11

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas.

PPS 4 Planning for Sustainable Economic Growth.

**Planning Considerations**

Principle of development

PPS7 seeks to strictly control the construction of dwellings in the countryside and makes exceptions for dwellings for rural workers. However, strict criteria are applied, and applicants are expected first to live in a mobile home for 3 years so as to prove the viability of a business and a need for a permanent dwelling in association with the business. At the end of the 3 year period the situation can be re-appraised, accounting for circumstances in the intervening period. The tests set out in PPS7 for permanent dwellings (essentially duplicated in policies CE19 and CE20 of the Adopted Winchester District Local Plan Review 2006) are:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);
- (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; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

These criterion are addressed below:

(i) there is a clearly established *existing* functional need:

Bruton Knowles considered that this criterion was likely to be met, but noted that the business is now relying more heavily on outlying land than at the time of the previous application and that livestock that generate the need for monitoring (a requirement for an on-site residential presence) will be accommodated off-site. Peak monitoring was expected to occur during foaling and weaning and that provided these activities continue at the Gabriel's Farm site then a functional need would exist.

(ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement:

The business utilises one and a half full time labour units and this criteria was considered by Bruton Knowles to have been met.

(iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so:

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The business had been established since 2006 though the supporting report states that the first accounting year began on 6 April 2007. For this reason, the business was considered to have been established for 3 years and profitable for at least one year. However, concern remained about profit being significantly dependent on stock valuation and that prices for horses raised for the pet market can fluctuate significantly and similar situation exists for breeding stock and the applicant had indicated some sales at below valuation prices. It was also noted that the figures provided still included rental income from a property in Twyford and this income will no longer be available to the business. Income from stud services had been requested previously but were not provided with the application. The viability of the business could be impacted upon if the purchase of 4.4 hectares of land at Otterbourne is not completed.

The applicant has subsequently submitted further details, however, Bruton Knowles remained cautious about the viability of the proposal as the stud element appeared to be only establishing and a land purchase expected to be completed in March had still not been finalised. At the date of this report the land purchase had not been finalised and details of the latest accounts had not been provided. On this basis, it is concluded that there is no clear prospect of the business remaining financially sound and the proposal is not considered to meet this criteria of this test.

(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;

Bruton Knowles considered that the functional need for a dwelling could be met by nearby dwellings rather than having to be provided on the site and that suitable accommodation was available for use during the period of the application and could have been pursued. It is therefore considered that the proposal does not meet this criteria as dwellings that were suitable to meet the functional need of the business were available but were not pursued.

(v) other planning requirements, eg. in relation to access, or impact on the countryside, are satisfied.

The highways engineer raised no objection to the proposal and it is considered that the access to the site is acceptable.

The site itself has a somewhat typical farmyard appearance and the proposed dwelling would be clustered amongst the other buildings of the enterprise. The site plan shows a footprint of approximately 100m<sup>2</sup> so a 150m<sup>2</sup> dwelling/farm office is likely to be a 2- storey dwelling in this respect.

Financial Contributions for Public Open Space (Policy RT4)

As the proposal would create an additional dwelling, a financial contribution for the provision of public open space is required in accordance with Policy RT4 and planning permission may be refused if this contribution is not made. A 150m<sup>2</sup> proposal would represent the equivalent of a 4-bedroom dwelling as set out in paragraph 4.70 of Policy CE20 and a contribution commensurate with a dwelling of this size would be expected in this instance. A refusal reason for a failure to make provision for public open space would therefore be appropriate in this instance.

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**Sustainable Transport Improvements**

The Council's policy on requiring financial contributions for sustainable transport improvements would also apply to this proposal and a financial contribution of towards Hampshire County Councils Transport Contributions Policy would be required. A 150m<sup>2</sup> proposal would represent the equivalent of a 4-bedroom dwelling as set out in paragraph 4.70 of Policy CE20 and a contribution commensurate with a dwelling of this size would be expected in this instance. A refusal reason for a failure to make provision for transport contributions would therefore be warranted in this instance.

**Conclusion**

Since approval was granted for the temporary mobile home in 2007 new information has become available and circumstances have materially changed. This would indicate that the applicant has not met all of the tests set down in Annex A of PPS7 or policies CE19 and CE20 of the Adopted Winchester District Local Plan Review 2006.

**Recommendation**

Application Refused for the following reasons:

**Reasons**

- 1 Based upon the information submitted the Local Planning Authority is not satisfied that the rural enterprise the proposed dwelling is intended to support has a clear prospect of remaining viable and is not satisfied that existing accommodation on or near the holding is inadequate to meet the needs of the worker(s) of the holding. The proposal is therefore considered to be contrary to PPS7, Paragraph 4.62, and Policies CE19, CE20 and CE22 of the Adopted Winchester District Local Plan Review 2006 in that it would represent an additional dwelling in the countryside for which there is no overriding justification.
- 2 The proposal is contrary to Policy RT4 of the Winchester District Local Plan Revised 2006 in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.
- 3 The proposal is contrary to Policy DP.9 of the Winchester District Local Plan Review in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

**Informatives:**

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: CE19, CE20, CE22  
PPS4, PPS7