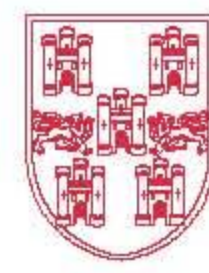
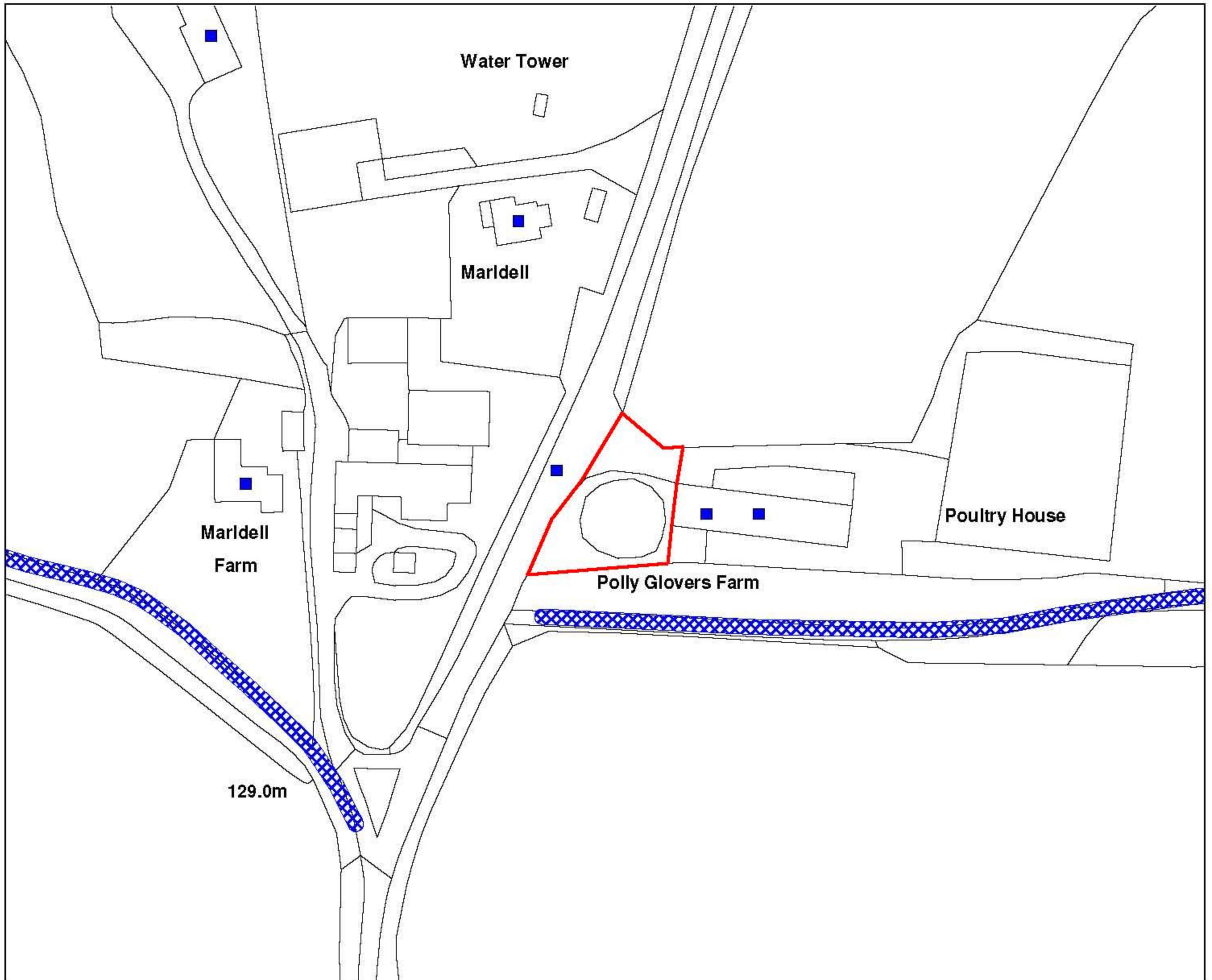


# Polly Glovers Farm, West Meon

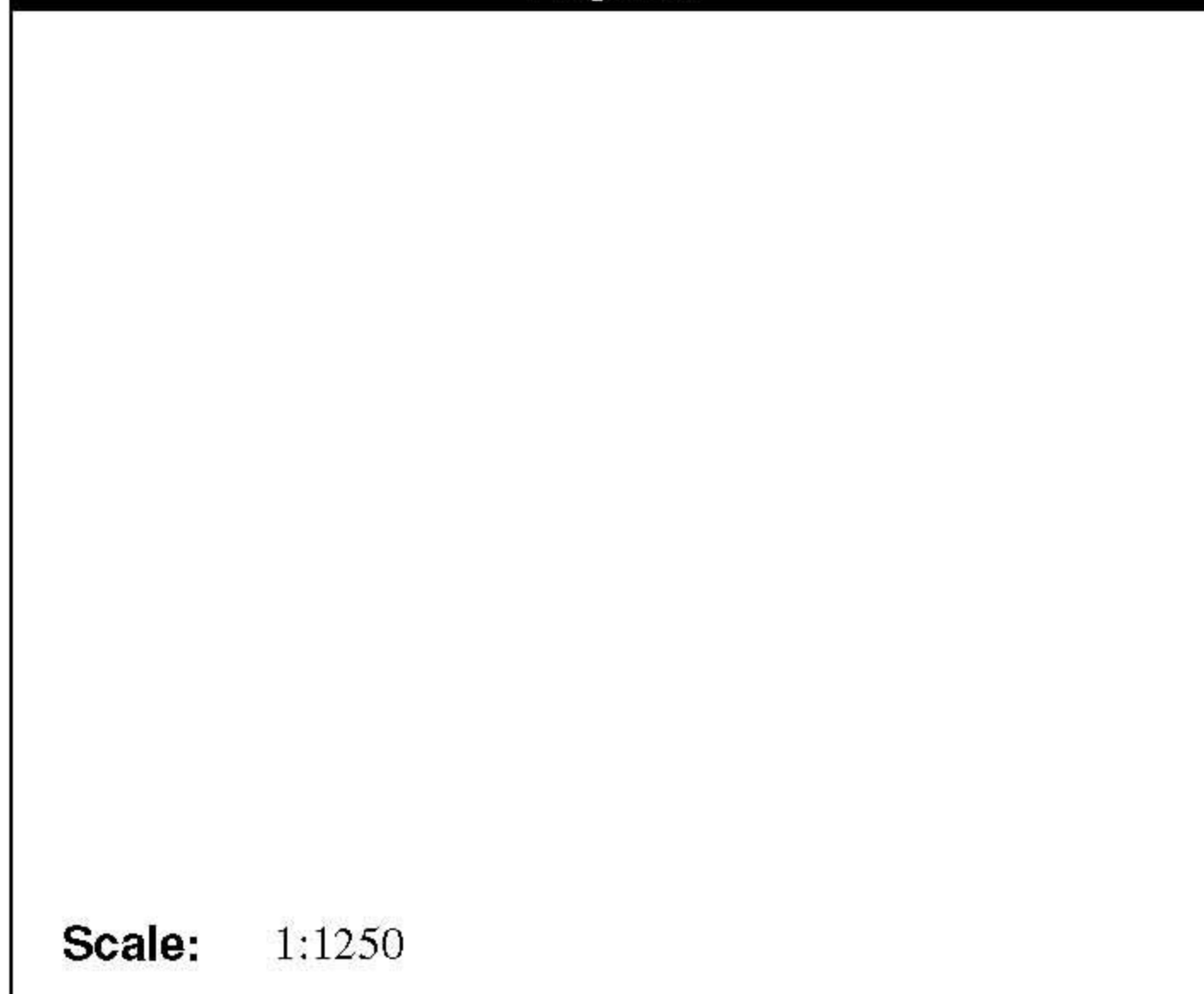
09/00356/FUL



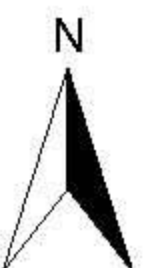
**Winchester**  
City Council



## Legend



Scale: 1:1250



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<b>Organisation</b>	Winchester City Council
<b>Department</b>	Development Services
<b>Comments</b>	
<b>Date</b>	13 May 2009
<b>SLA Number</b>	00018301

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**Item No:** 7  
**Case No:** 09/00356/FUL / W13670/04  
**Proposal Description:** Temporary siting of a mobile home in relation to equine business for 18 months (Resubmission)(Retrospective)  
**Address:** Polly Glovers Farm Lippen Lane West Meon Petersfield Hampshire  
**Parish/Ward:** West Meon  
**Applicants Name:** Miss Helen Marsh  
**Case Officer:** Mr Nick Fisher  
**Date Valid:** 25 February 2009  
**Site Factors:** Area of Outstanding Natural Beauty  
Site for Nature Conservation  
**Recommendation:** Application Refused

**General Comments**

This application is reported to Committee at the request of Councillor Thynne , whose request is appended in full to this report.

An agricultural appraisal conducted by Bruton Knowles (surveyors and equestrian consultants) is appended to this report. This should be read alongside this report in the event of an appeal.

An appeal Inspectors decision is appended to this report. The Inspector dismissed a recent appeal against an Enforcement Notice to remove the unauthorised mobile home.

The application follows the refusal of two applications for residential accommodation at the site: application ref: 07/02211/FUL for a permanent detached three bed dwelling for the manager of a livery business, which was refused on 5th November 2007, and application ref: 08/00500/FUL for the retrospective change of use of land for the stationing of a mobile home to supervise an equine enterprise, which was refused on 5<sup>th</sup> June 2008.

With regard to application ref: 08/00500/FUL for the retention of the mobile home, the Council consulted Bruton Knowles to analyse whether the proposal met the functional tests set out in PPS7 (Sustainable Development within the Countryside, Annex A), to demonstrate if on-site accommodation was essential. It was considered that accommodation on the site was not essential or justifiable and the application was refused for the following reasons:-

1. Development as proposed is contrary to the Countryside, Housing and Recreation policies CE19, CE20, CE22, H3, of the Winchester District Local Plan Review and guidance contained within Planning Policy Statement 7: Sustainable Development in Rural Area in that:

- a) it would result in an undesirable additional dwelling / temporary dwelling in the countryside, for which there is no over-riding justification;
- b) it is not considered that the agricultural/equestrian case in support of the application is sufficient to outweigh the above policy objections.

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2. The proposed development is contrary to Policies CE5 and CE6 of the Winchester District Local Plan Review Adopted 2006, for the following reason:

The proposed mobile home will be visible from public locations (the footpath and public right of way) during the late spring, winter months, and early spring. The proposed building will harm the landscape character of the countryside and beauty, amenity and distinct character of the East Hampshire Area of Outstanding Natural Beauty.

An enforcement notice was issued for the removal of the unauthorised mobile home on 12<sup>th</sup> February 2008. The applicant appealed against the Enforcement Notice and the appeal was dismissed on 14<sup>th</sup> October 2008.

The mobile home should have been removed from the site by 14<sup>th</sup> April 2009. This application has been submitted because the applicant considers that they are in a position to put forward a robust case to keep the mobile home on the site.

### **Site Description**

The site subject to this application is located at Polly Glovers Farm, West Meon, and is outside of an established settlement boundary and is within the countryside. The site is used for commercial equestrian purposes and is opposite Mardell Farm. It is located in an elevated position within an area of open countryside and an Area of Outstanding Natural Beauty.

The unauthorised mobile home is located to the side (west) of the existing stable block and exercise area, in close proximity to the highway. There are well established hedgerows upon the western (highway) boundary and southern boundary with the public footpath. There are open fields to the north of the application site, used for horse training and riding. There is an area of woodland to the east of the yard area.

### **Proposal**

This application is retrospective. The application is to retain the unauthorised mobile home to be used by the manager of the equestrian facility (the applicant) on a temporary 18 month basis.

The unauthorised mobile home is of standard design and appearance, measuring 11.50m x 3.60m. It is proposed that the existing hedge and trees to the south of the site are retained.

### **Relevant Planning History**

**06/03004/FUL** - Side extension to existing stable block to include additional stables, tractor and store area - Permitted - 13/12/2006.

**07/02211/FUL** - Detached three bed dwelling for manager of livery business - Refused - 05/11/2007.

**08/00500/FUL** - Change of use of land for the stationing of a mobile home to supervise an equine enterprise (retrospective) - Refused - 06/06/2008.

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**08/00038/ENF** - Appeal against Enforcement Notice - Dismissed - 14/10/2008.

**Consultations**

Enforcement: This application has not been requested by the Enforcement Team. There is an Enforcement Notice upon the unauthorised mobile home which requires its removal before 14<sup>th</sup> April 2009. The recent Inspector's decision is a material consideration and, unless circumstances have materially changed, then it is recommended that permission is refused.

Engineers: Drainage: No objection. The proposal incorporates non-mains drainage, therefore a discharge licence will be required from the Environment Agency.

Engineers: Highways: The application will not have a significant impact upon the highway.

Environmental Health: No objection. The site is sufficiently far away from the old farm tip to warrant concern.

WCC Strategic Planning: The availability of accommodation within the area is a material consideration. The application should be determined with regard to Policies CE.21 and CE.22.

South Downs Joint AONB Panel : The Joint Panel considers that the mobile home is visible and has an unacceptable impact upon the AONB. The livery business was purchased in full knowledge that accommodation was not available at the site. The Panel is concerned that there appears to be no information provided regarding the availability of other existing dwellings in the locality.

Landscape: No objection. The mobile home is surrounded by hedging and can't be clearly seen from an adjacent bridleway. There is no scope for further planting.

Environment Agency: No objection.

Hampshire County Council Ecology: The development will not have an impact upon a nearby SINC.

**Representations:**

West Meon Parish Council: No objection to the proposal.

The Parish Council notes that the application is for a temporary period of 18 months and that the occupancy relates to an equine business. The Parish Council also notes that there is screening between the mobile home and the right of way and that the application makes no reference to the Village Design Statement.

Cllr Thynne: Objects to the proposal (letter appended to this report).

**9 Letters received objecting to the application, for the following reasons:**

- This proposal has already been dismissed by a Planning Inspector, allowing this application would make a mockery of the appeals process and set an undesirable

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precedent, which could encourage the proliferation of dwellings within the AONB to serve small equestrian uses;

- Nothing has materially changed since the last application and appeal hearing;
- The site is within the Area of Outstanding Natural Beauty and is now part of the new South Downs National Park; the proposed mobile home is inappropriate and visible from a road and footpath during the winter months;
- The events that take place at the yard contravene permitted development rules;
- The number of horses at the site exceeds that allowed by previous planning permissions and is contrary to the Certificate of Lawful Use;
- The provision of 8 parking spaces does not provide for trailers. It is noted that visiting horse boxes/trailers are often parked on the verges adding to the dangers of a busy single track lane;
- The lane to the site has experienced an increase in traffic and is dangerous; the yard generates a significant amount of traffic;
- There is other accommodation within the area;
- Nothing has changed since the earlier refusal, should consent be granted it is likely to result in a permanent dwelling upon the site in the future;
- The enforcement notice should be complied with;
- The applicant bought the business with the knowledge that there was no accommodation available, and has not taken the opportunity to secure accommodation that has become available locally;
- The site is located one mile from the defined settlement boundary of West Meon in an unsustainable location in open countryside;
- The proposal is contrary to West Meon Village Design Statement and contrary to the policies within the Local Plan.

5 letters of support received, giving the following reasons:

- Having someone permanently on the site gives peace of mind at night to persons who stable their horses at the yard.
- If there is a fire my horse is more likely to be rescued; it should be noted that bedding material etc is quite flammable.
- If my horse is sick, there will be someone on the site who will be able to check him throughout the night, offer reports and contact vets.
- During inclement weather there will be someone on site to look after the horses, thus preventing potential dangerous vehicle trips to the yard.
- A permanent presence on the site will ensure that horses are safe and theft of tack and equipment and damage can't take place. It should be noted that the yard has suffered from thefts and police patrols within the area are poor.
- A permanent presence on the site will ensure that horses with specific feeding requirements can be managed.

**Relevant Planning Policy**

The South East Plan  
C2, C3, C4

Winchester District Local Plan Review  
DP1, DP3, DP4, DP5, CE5, CE6, H3, CE19, CE20, CE22, RT11, T2

National Planning Policy Guidance/Statements:



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PPS 7 Sustainable Development in Rural Areas

Supplementary Planning Guidance

- West Meon Village Design Statement
- Equestrian Development Supplementary Design Guidance
- South Downs Planning Guidelines, Adopted October 2007

**Planning Considerations**

Principle of development

The principle of development is not acceptable; the proposal fails to accord with Policies CE19, CE20, CE22, and RT11 of the Winchester District Local Plan Review.

The Council has issued an Enforcement Notice which requires that the unauthorised mobile home is removed from the site after a planning application (ref: 08/00500/FUL) was refused last year for its retention (the reasons for refusal are shown under the general comments heading). The applicant appealed against the Enforcement Notice and the Council employed Bruton Knowles to help support the Council's reason for refusal. The appeal was dismissed by the Appeal Inspector and the Enforcement Notice upheld. The Inspector concluded the following:-

Para 10. *"Full livery is accepted by the Council as more demanding in working hours but the Council suggests that 24 hour attendance at the site for this limited element of the projected expansion of the business is unwarranted. Like the Council, I acknowledge that the welfare of horses at the site and the need for security are prime considerations, but as the Council mentions, there are reliable monitoring systems available which activate warnings at premises distant from the site. I accept that such systems could be installed, thereby negating the Appellant's claim that residence on the site is essential."*

Para 15 *"I find that there is no justification for a mobile home on the land to support the present and future equine enterprise operated there"*.

Para 20 *"The enterprise was operated without on-site accommodation until the mobile home was placed there in December 2007. I consider that no adequate reason has been given why it would not be possible to revert to the former style of operation "...*

With regard to the visual impact of the mobile home within the countryside, the Inspector concluded that the unauthorised mobile home is prominent and unacceptably impinged upon its surroundings and therefore failed to comply with adopted planning policy.

With regard to this application, the Authority has employed Bruton Knowles to re-examine the applicant's case. They have conducted a thorough examination of the proposal to ascertain if the proposal meets the requirements of PPS7 – Sustainable Development within the countryside (Annex A, para12).

PPS7 sets out the government's position on dwellings in the countryside, and paragraph 10 advises *"Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this*

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PPS'. Annex A sets out the criteria against which applications should be judged (these are the same for agricultural or forestry workers' dwellings).

A table showing the key conclusions from the Bruton Knowles appraisal in relation to the criteria within PPS7 is copied below:-

Having regard to the key criteria contained with PPS7, it is our opinion that this application does not meet the criteria as scheduled below.

<b>Criteria Involved</b>	<b>Comment</b>
<i>Intention &amp; Ability</i>	Proven
<i>Functional Need</i>	<p>The scale of the enterprise involved being 6 part livery and 6 DIY liveries within the next 12 months. Is this scale sufficient to justify a dwelling as the overall risk of problems occurring relates to the number of horses being kept? No, as such the risk and need do not satisfy the exception test. Is there accommodation that can deal with any problems with a reasonable response time and to carry out evening and morning checks? Yes, there is suitable and available accommodation within 1 mile of the site which will allow late night and early morning checks.</p> <p>There is no management onsite during the day. At the appeal as we understood it a manager had been employed however there is nobody on site carrying out the day to day management. There is limited security onsite.</p> <p>There are electronic aids which could assist the management however this has been dismissed.</p> <p>Nothing appears to have changed since the appeal.</p>
<i>Financial</i>	<p>As per the appeal statement paragraph 11. Nothing seems to have changed since the appeal. The accounts are in arrears if a labour cost is included. The budgets does not reflect the differences in the services being offered in respect of costs being missing and are considerably lower than DIY costs which is not substantiated and unrealistic.</p>

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<i>Suitable &amp; Available Accommodation</i>	There is accommodation to let and buy within one mile which is suitable and available to the equestrian enterprise.
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Bruton Knowles have concluded that there has been no material change since the appeal and the applicant has not addressed the issues that arose at the appeal. It has been concluded that the criteria contained within PPS7 have not been met.

The financial information that has been supplied in an attempt to demonstrate that the business is financially sound, is flawed, with certain costs which are too low or have been completely omitted (such as a basic living wage for a full time equestrian worker). The proposal therefore fails to comply with Policy CE20 section (1) regarding profitability and viability.

The functional need (the existing and proposed scale of activity) to support the activities at the site, does not justify a new dwelling and could be met through good day to day management, including additional security and measures and systems such as CCTV. These measures and residing within the area would benefit / aid the business.

Policy CE.19 deals with applications for the siting of residential caravans or mobile homes, and sets out five criteria.

With regard to Policy CE19, the following is considered:

- i. The applicant has not demonstrated that the labour requirements at the site (DIY livery, part livery, camps, events and hay making) require a full time worker and/or that accommodation is required. It is the case that existing labour at the site is carried out on a part time basis (the applicant and her partner have full time jobs elsewhere). At the recent appeal it was stated by the applicant that a full time manager would be employed at the site; it is understood that this arrangement has not been established.
- ii. The applicant has failed to demonstrate that a continual presence is required on the site. CCTV equipment, sensors and improved security measures could provide effective security and monitoring should an emergency arise. During the recent appeal, the Inspector concluded that monitoring systems could be installed, thereby negating the appellant's claim that residence on site is essential.
- iii. Whilst the applicant may have the required knowledge and dedication to develop the yard, it is not clear that the business is financially sound or will remain sound. Bruton Knowles have examined the financial information submitted with the case and consider that it is not accurate or realistic.
- iv. The existence of existing accommodation to meet the needs of the applicant within the area has not been adequately addressed. Whilst there is an agriculturally tied property immediately at Mardell Farm (opposite the site) it is the case that it may not be affordable to the applicant. However, there may be more affordable properties within the area to either purchase or rent.

It is not considered that the applicant's future intentions alone (to create a range of services from the yard) are a strong enough material consideration, or consideration in relation to PPS7 and Policy CE19, to warrant a recommendation for approval. The



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applicant operates from the site with the knowledge that on-site accommodation is not available. This situation may prevent the establishment of a range of livery services regardless of the applicant's intention, although it should be borne in mind that CCTV and other measures may allow / aid an intensification of the use of the site.

The applicant has cited various other appeal decisions and planning approvals within the area, which they consider are relevant to the case. Both the Council's officers and Bruton Knowles have reviewed these cases and others within the area and it is not considered that they materially alter the Council's position. Furthermore, these other cases do not demonstrate that an exception to policy should be made in this instance or that a decision should be reached contrary to that of the Appeal Inspector's.

The applicant's agent has submitted a letter and an email, to counter the Bruton Knowles expert opinion. However it is considered that this additional information does not change the Council's assessment of the current case or the Appeal Inspector's decision.

Impact on character of area and neighbouring property

PPS7 states that Local Planning Authorities should not normally issue temporary permissions in locations where they would not permit a permanent dwelling.

The proposed mobile home will have a detrimental impact upon the appearance and character of the AONB and therefore the proposal is contrary to Policies RT11 (5) and policies CE5 and CE6 regarding inappropriate development within a countryside area and the AONB. During the late autumn, winter, and early spring, both the hedge boundary and tree canopies within the area will offer significantly less screening. The mobile home is visible from the highway nearby and from long views to the south of the site and footpath to the south (both public locations). It is considered that the building is out of character and the setting of the area, and detracts from the beauty of the area.

**Recommendation**

Application Refused for the following reasons:

1. Development as proposed is contrary to the Countryside, Housing and Recreation Policies CE19, CE20, CE22, H3, of the Winchester District Local Plan Review and guidance contained within Planning Policy Statement 7: Sustainable Development in Rural Area in that:

- a) it would result in an undesirable additional temporary dwelling (i.e. mobile home) in the countryside, for which there is no over-riding justification;
- b) it is not considered that the agricultural/equestrian case in support of the application is sufficient to outweigh the above policy objections.

2. The proposed development is contrary to Policies CE5, CE6 and RT11 of the Winchester District Local Plan Review for the following reason:-

The proposed mobile home will be visible from public locations (the footpath and public right of way) during the late spring, winter months, and early spring. The proposed building will harm the landscape character of the countryside and beauty, amenity and distinct character of the East Hampshire Area of Outstanding Natural Beauty.

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**Informatives**

1. The development is not in accordance with the policies and proposals of the Development Plan set out below but there are other material considerations which indicate that the determination should be made other than in accordance with the Development Plan as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, CE5, CE6, H3, CE19, CE20, CE22, RT11, T2