

Parish:	Stow Bardolph	
Proposal:	Change of use of land from ostrich farm to ostrich farm, livery, dog walking field, storage of vintage vehicles and continued temporary retention of two mobile homes	
Location:	Wilks Place 34 The Drove Barroway Drove Norfolk	
Applicant:	Mrs J Wilks	
Case No:	18/01957/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 27 December 2018 Extension of Time Expiry Date: 29 July 2019

Reason for Referral to Planning Committee – Deferred from 29th April 2019 Committee meeting

Neighbourhood Plan: No

Member Update

Members may recall that this application was referred to the Planning Committee at its meeting on 29th April 2019. It was resolved that the application be deferred in order to allow more information to be supplied on the business plan.

In the interim the proposal has now removed the contentious dog day care/boarding use, but maintains a dog walking/exercise use in the field to the rear/south-eastern quadrant of the site. The DIY livery has been increased from 4 to 5 horses in the modified stable block; and the storage of vintage vehicles in the unaltered main barn has increased from 2 to 5 (given the increased area due to the removal of the previously proposed runs and kennels).

Case Summary

The site lies on the south-eastern side of The Drove, Barroway Drove approx. 450m to the north-east of its junction with Lady Drove. It comprises an area of approx. 3Ha and contains two mobile homes and a collection of agricultural buildings. Vehicular access is gained from The Drove via an existing gated track.

The two mobile homes were granted temporary permission in September 2016 for a period of three years in order to establish an ostrich farm.

This proposal now seeks a further temporary permission for the retention of the mobile homes and diversification of the ostrich farm business to include DIY livery, dog walking field and storage of vintage vehicles.

Key Issues

Principle of development

Impact upon character and appearance of the countryside
Impact upon neighbouring properties
Flood risk
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site lies on the south-eastern side of The Drove, Barroway Drove approx. 450m to the north-east of its junction with Lady Drove. It comprises an area of approx. 3Ha and contains two mobile homes and a collection of agricultural buildings. Vehicular access is gained from The Drove via an existing gated track.

The two mobile homes were granted temporary permission in September 2016 for a period of three years in order to establish an ostrich farm.

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SUPPORTING CASE

The agent has submitted the following statement in support of this proposal:

THE SITE

The site consists of approximately 8 acres in the area classed as countryside.

It is reached by a 10 metres wide access driveway from Barroway Drove, the driveway being approximately 48 metres long.

The land then widens out to a parcel of land approximately 90 metres wide by 350 metres long, as shown on location plan 18/8/2095.

There are numerous existing buildings on the land as shown on block plan 18/8/2095/1A which consist of a steel framed building and timber storage and stable buildings.

The land has been fenced into pens for retaining ostriches and emu's with the remainder left as paddock for both hay and horses.

THE PROPOSAL

The amended planning application number 18/01957/F is for
"The change of use of land from ostrich farm to ostrich farm, livery, dog walking field, storage of vintage vehicles and continued temporary retention of two mobile homes."

In 2015 Mr & Mrs Wilks purchased the parcel of land in Barroway Drove with the intention of building a dwelling for their family of five children and to start up a business on the land to produce sufficient income to sustain the family.

Mr Wilks researched the possibilities of rear ostrich for both eggs and meat and the business commenced.

In February 2016 the planning permission for the dwelling was refused on appeal and the family were forced to continue living in the two mobile homes as they need to be on site to support the then established ostrich farm.

Temporary planning permission was granted for the mobile homes in September 2016 under reference number 16/00822/F to see if Mr Wilks could make a living from his ostrich farm.

Unfortunately on 17 January 2018 Mr Wilks took his own life leaving his wife and five children to try to carry on.

Rather than give up, Mrs Wilks has looked at ways of continuing the business by adding other projects such as horse stabling, kennels for dog day care, hay production & storage and selling duck, geese and ostrich eggs, plant growing and sales.

All of the above could be seen in Mrs Wilks business plan previously supplied.

The application was put before the planning committee on Monday 29th April 2019 and because of the local opposition to the doggy care proposal the decision was deferred for further consultation.

Mrs Wilks has now decided to abandon the doggy care proposal and substitutes the following in its place:-

1. Renting part of the field for a dog walking area.
2. Renting building C for storage of cars.

The new business plan now incorporates these changes.

PLANNING POLICY

The NPPF states that the rural economy should be supported, and a positive approach taken to sustainable new development.

Policy DM6 refers to the applicant providing clear evident that "The proposed enterprise has been planned on a sound financial basis," and the business plan does imply that it has.

Mrs Wilks is asking that she be given the time to prove that her business plan is sound and that she will be able to continue providing a home for herself and her children.

PLANNING HISTORY

16/00822/F: Application Permitted: 08/09/16 - Retention of two mobile homes

15/01273/O: Application Refused: 06/10/15 - Construction of 1½ storey dwelling - Appeal Dismissed 11/02/16

11/01351/F: Application Permitted: 04/10/11 - Retention of agricultural storage building

RESPONSE TO CONSULTATION

Stow Bardolph Parish Council: (Original scheme) NO OBJECTION- however, they wish it to be noted that they would be unlikely to support any further application for continued retention for the mobile homes until such time as the applicant can show the objectives of the business plan are being met and a sustainable income is being provided.

(Amended proposal)

To be reported as late correspondence

Highways Authority: (Original scheme) NO OBJECTION - The impact in relation to traffic generation from this application compared to the potential existing class uses is likely to be similar and as a result I would not wish to restrict the grant of permission. Condition that access gates are positioned a minimum of 5m from the near channel edge of the adjacent carriageway.

(Amended proposal)

With respect to the alterations for the dog walking proposals, I would not have an objection to the alterations and continue to recommend previous highway conditions.

Emergency Planning Officer: NO OBJECTION – Because of its location in an area at risk of flooding I would suggest that the occupiers: should sign up to the Environment Agency's flood warning system; and a flood evacuation plan should be prepared.

Environment Agency: (Original scheme) NO OBJECTION - Ultimately, we leave the local planning authority to make the decision as to whether this proposal in an area which is at tidal flood risk is acceptable to the safety of the future occupants. If permission is granted, we would recommend a time limit is placed on the siting of caravans at the site so that they are not used for longer than 3 years. After this point, a more sustainable proposal for the site must be put forward e.g. a residential dwelling which is designed in accordance with the King's Lynn and West Norfolk Flood Risk Design Guidance.

Internal Drainage Board: (Original scheme) NO OBJECTION - The Council should satisfy itself that there is a proper method of surface water disposal on the site.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: (Original scheme) NO OBJECTION subject to conditions relating to noise mitigation measures, limit to number of dogs and horses, hours of operation, areas of exercising, waste disposal and foul & surface water disposal. Confirm the surrounding structure of the kennels element within the building (walls and ceiling) shall contain 150mm of Rockwool/fibreglass. This also applies to the external walls of the remainder of that building.

(Amended proposal)

To be reported as late correspondence.

Environmental Health & Housing - Licensing Officer: (Original scheme) NO OBJECTION - The new guidance requires that good levels of light are maintained for access to kennels; this can be natural or artificial. As for ventilation the requirement is for managed, fixed or portable air system to ensure appropriate temperatures are maintained in all weathers. This can be an air conditioning unit or use of removable fans. As good ventilation is important to maintain healthy dogs whilst avoiding exposing dogs to direct draughts.

(Amended proposal)

No longer relevant as dog day care/boarding has been removed from the development.

REPRESENTATIONS

A total of **eighteen** items of correspondence received **objecting** to the original scheme on the following grounds:

- Noise impact from dogs barking and visiting customers (both livery and dog day care);
- Agricultural building not suitable to accommodate kennelling;
- Waste disposal;
- Construction of kennelling and stables has already commenced;
- No licence for the proposed facilities;
- This is not an isolated location – close to dwellings both new and existing;
- Access does not meet County Highway standards with regards to visibility and surfacing (only 2.4m x 10-15m, not the required 45m);
- Dog care/kennelling does not conform to an agricultural enterprise and is inappropriate to CSNN guidelines;
- Building has restriction on it for use for agricultural purposes only (11/01351/F) – use for dog kennelling cannot be introduced;
- Precedent set for other agricultural businesses introducing kennels;
- Previous application for agricultural building showed existing sheds to be removed – still on site and converted to stabling;
- Adequate grazing for horses? Welfare guidelines for the British Horse Society indicate 0.5Ha per horse or 1 – 1.5 Acres per horse and there are 5 horses indicated in this proposal;
- Substandard size of stables;
- Wording of application very vague not clear for commercial use;
- Inconsistencies in the business plan do not correlate to discussions with CSNN – 5 stables livery but 3 horses mentioned to officer, 80 ostrich eggs quoted per year but only produce 25 eggs per year per bird;
- Flood area – finished floor levels of dwellings built on frontage of The Drove have been raised by 1325mm above ground level, yet mobile homes have not been raised to the same level;
- Costs of stable conversion and kennelling plus upgrading access have not included in the business plan;
- No lighting plan;
- Maximum income prediction of £8360 not a sustainable business income for a family to live on;
- Site has 8 year history of unauthorised uses and structures that the Planning Department has not dealt with issues arising;
- Notification of application was not directly received which is unlawful;
- Whilst appreciate personal difficulty for the applicant, personal circumstance cannot be taken into consideration when determining this application;
- Unauthorised signs already erected advertising businesses;
- Close to rear boundaries of dwellings under construction on frontage of The Drove (not shown on submitted plans);
- Mobile homes will overlook the dwellings being built on the road frontage;
- Application for a new dwelling on the site has already been sought, refused and dismissed on appeal;
- If business is viable at the end of this further temporary period, would the Council go further against planning policy and allow a dwelling to be built in this agricultural area behind the established building line?
- Unreasonable to allow a further attempt to establish the business and justify a dwelling when the business case is flawed;

- Do not believe the ostrich farm was viable previously;
- Failure to comply with occupancy restriction as both Mr & Mrs Wilks worked;
- Access way has increased in width – encroachment?
- Dyke filled in so drainage could be problem;
- Area of land does not correspond with previous applications;
- IDB objection withdrawn based on inaccurate information from agent;
- Inaccurate site block plan [OFFICER NOTE: amended plan requested to resolve this discrepancy];
- Suggest repositioning of custom-built kennels to rear of site some 300m away from nearest residents;
- Who will monitor and control conditions?
- EA already investigated the handling of black water on this site;
- Remain particularly concerned regarding the loss of residential amenity, weakness of the proposed business plan, precedent being set for similar developments, retention of the mobile homes in light of the tenuous/non-existent functional need for them;
- Consider that conditions should be tightened up;
- Considers that 100mm soundproof installation is only 2/3rds of that recommended by CSNN (and cites CSNN correspondence);
- Storage of vintage vehicles should be defined and controlled by condition limiting the number of vintage vehicles to 2 and specifying the buildings in which they will be stored;
- Applicant should be required to maintain a register of visitors for Council monitoring purposes;
- Impose a restrictive condition limiting activities that can be undertaken under the GDPO.
- Stipulations should be put in place to ensure the mixed-used balance of the site and to prevent further non-agricultural activities;
- Quantifiable success conditions (to demonstrate the viability of the business at the end of the three year period) and a requirement to demonstrate a clear functional need for the retaining the mobile homes in 2022;
- Foul water drainage conditions should be imposed;
- Condition 2 (occupancy condition) is vague and should be tightened up. Refers to Policy DM6 of the SADMP and queries why the condition has gone away from the existing occupational dwellings model;
- Disagrees with the NCC highways comments regarding the number of vehicular movements – client movements alone will be 32 vehicles per day. Visibility is also impaired when exiting the site;
- Visibility restricted to south-west of access along The Drove;
- The Environment Agency states that the mobile homes should not be used for longer than 3 years as a result of flood risk. The applicant has already had three years and the request to extend for a further 3 years increases the risk;
- No overnight accommodation is required;
- Lack of appropriate drainage to kennels;
- The business has not worked over the last 3 years and therefore Policy DM6 should not apply and there is no exceptional reason to give additional time;
- Failure to comply with the existing occupancy condition – believe that the primary income was from a secondary source and not the rural enterprise;
- The development is neither agriculture nor forestry and development should be resisted in accordance with CS06;
- Drainage and waste is not appropriate and there is no condition relating to drainage;
- Do not consider an additional 3 year presumption in favour of development acceptable nor does the business plan support any figures that would make it possible to build a dwelling for this business after an additional 3 years;
- Occupancy condition proposed this appears to be a relaxation of the existing agricultural restriction.

Three items of correspondence from sources wishing to remain anonymous raising the following matters additional to those raised above:

- Antisocial behaviour experienced.

One item received in **support** of the original application stating:

- Do not believe this will cause any significant extra vehicles or traffic;
- The land will be used to provide an income for this family who have shown commitment to the local community;
- Currently the whole community is dealing with extra vehicles and parking due to all the builders parking on the road and I believe any extra vehicles resulting from this application will be minimal compared to that; and
- The application will also provide a resource for those who live locally wishing to have day care for their dogs or stable facilities for their horses.

Responses to amended proposal:

None at the time of compiling this report, but may be forthcoming and reported as late correspondence.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM6 - Housing Needs of Rural Workers

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING CONSIDERATIONS

The main considerations in assessing this application are as follows:

Principle of development
Impact upon character and appearance of the countryside
Impact upon neighbouring properties
Flood risk
Other material considerations

Principle of development

The National Planning Policy Framework (NPPF) is generally supportive of a prosperous rural economy and states:

“83. Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

It will be noted from the History section above that the mobile homes were introduced in connection with establishing an agricultural enterprise (i.e. an ostrich farm). There was a functional need for a residential presence to ensure appropriate welfare for the livestock.

National policy has recently changed as stated above, and there is more scope for diversification and rural enterprises. The proposed livery would operate from stabling created from conversion of a former barn and a discretely positioned new structure, and the vintage vehicle storage would be contained within the existing portal framed agricultural building. The commercial storage of vehicles would be contained within the main barn (Building C) which would be self-restricting given the floorspace available.

The proposed enterprise therefore generally accords with the guidance in Paragraphs 83(a) & (b) of the NPPF.

The proposal must also be judged against Policy DM6 – ‘Housing needs of rural workers’ of the Site Allocations & Development Management Policies Plan which states inter alia:

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“...Temporary occupational dwellings

4. If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.

5. New temporary dwellings should only be allowed to support rural based activities providing:

a. The proposal satisfies criteria 3a and 3b above [OFFICER NOTE: Inserted for ease of reference - 3a. there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night, 3b. The need could not be met by existing dwellings within the locality.]

b. The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);

c. The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis...”

With regards to criterion 5a, a functional need was established by the ostrich farm when the mobile homes were introduced onto the site. This has diminished somewhat given the reduced number of birds (3 ostriches & 1 Emu), however the applicant is licenced for up to 20 ostriches and as an agricultural use could be reinstated (it does not however feature in the business case going forward). The livery business, albeit DIY, reinforces the need for a residential presence in connection with animal welfare. The applicant does not own additional land or dwellings beyond this site. It has been argued that the need could be met by existing dwellings in the locality given the recent housing development in Barroway Drove, exploiting the 5 year land supply shortfall and infill policy (Policy DM3 of the SADMPP). However at the time of writing this report, an internet search reveals that there are three 3 & 4+ bedroomed houses currently on the market ranging in value between £260,000 - £560,000, which are likely to be beyond the means of a rural worker. Only one property is available for rent – a 3 bedroomed detached bungalow at £925 pcm (No.102 The Drove) which is approx. 0.7km away from the site and therefore considered to be impractical.

The applicant has invested in converting the older barn into stabling and an additional stable building, and fencing off paddocks. This indicates an intention to develop the enterprise in accordance with criterion b.

The application is now accompanied by an amended business plan which indicates the predicted income and expenditure of the enterprise on an annual basis. This indicates that the business would comprise production and sale of hay, DIY livery, dog walking field, egg sales, ‘over the gate’ plant sales and storage of vintage vehicles. Egg sales were a minor income last year of approx. £400 and going forward it is predicted to be £800 (50 eggs @ £16) it remains part of the mixed use of the overall site in planning terms (the previous two years accounts for the ostrich farm were requested but have not been forthcoming). Hay sales of £1,600 (comprising 400 bales @ £4 each); livery £13,000 (comprising 5 horses @ £50 per week for 52 weeks); storage of five vintage cars £6,000 pa; plant sales at £250 pa and rental of field for dog walking predicted at £520 pa (£10 per week). This provides a gross income of £22,170 per annum.

Expenditure is predicted at £6,816 per annum (comprising seeds at £600, insurance at £864, water at £600, electricity at £1,200, Council Tax at £3000, skip hire/waste removal at £360

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and animal feed at £192). Therefore a predicted profit of £15,354 is shown without the deduction of salary.

Criticism was levelled at the previous figures in that the expenditure was not comprehensive and rather conservative. It is not unknown for embryonic businesses to be non-profit making in the first year due to start up expenditure and then become profitable as they become established.

Although once again, not all the information requested has been submitted, the annual figures supplied predict a profit; there is usually a 'presumption in favour' when trying to establish a business.

Impact upon character and appearance of the countryside

The mobile homes have been located on the site for over 2 years and are seen in context with the existing agricultural buildings on the site. They are set well back from the road frontage and a degree of screening is afforded by a line of mature Poplar trees along the north-western boundary of the site parallel to the highway. Their retention for a further temporary period would not be significantly detrimental to the character and appearance of the countryside as to warrant refusal on that ground alone.

The new stable building is discretely positioned to the rear of the old barn, not open to direct public views, and is not out of character with this existing complex.

Impact upon neighbouring properties

This is the most contentious issue with regards to the grounds of objection. It will be seen in the Representations section above that concerns have been raised in relation to prospective noise and disturbance associated with the intended additional uses and visiting customers.

In response to the criticism received when the earlier proposal was aired at the Planning Committee, the applicant has now removed the dog day care/boarding element from the proposal. However a dog walking field is provided in the rear/south-eastern quadrant of the overall site. It is stated that this is to be used by occupiers of one of the new dwellings recently purchased on the road frontage who have several dogs. Access to the site would be on foot, so there would not be any vehicular movements associated with this specific use. Clarification of the operational details of this use (number of dogs at a time and times of use) have been sought, but have not been provided.

The site plan shows the gated access being modified to have the gates repositioned 5m back from the road to allow vehicles to pull clear of the highway. These gates are proposed to be opened prior to customers arriving, to allow them to pull up to the secondary gates further along the driveway and adjoining the complex/yard and further away from residences, in order to negate concerns regarding disturbance.

The removal of the dog day care/boarding use and increase in the DIY livery by one additional horse plus storage of three cars, is likely to constitute a net decrease in the number of commercial business visitors to the site and a more acceptable inter-relationship with adjoining residences.

Discussions have been undertaken with CSNN colleagues, and indications are such that they are once again likely to raise no objections. The removal of the dog day care/boarding is noted, and the operation of the remaining uses is acceptable, subject to certain conditions covering mitigation measures and hours of operation. Trying to control the dog walking field using conditions would fail the tests applied to their use in terms of enforceability. The best

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way forward would be an Environmental Protection Act informative note being added to any permission, as there are measures to act under Environmental Health legislation against statutory nuisance.

Confirmation of this will be reported as late correspondence.

Flood risk

The site lies within Flood Zones 2 & 3a and Hazard Zone of the Council-adopted Strategic Flood Risk Assessment. The application is accompanied by a site specific FRA which indicates that the floor levels of the mobile homes are set at 500mm above existing ground level and are anchored securely.

The Environment Agency (EA) currently raise no objection, but as stated above ultimately, it is left to the local planning authority to make the decision as to whether this proposal in an area which is at tidal flood risk is acceptable to the safety of the future occupants. If permission is granted, the EA would recommend a time limit is placed on the siting of caravans at the site so that they are not used for longer than 3 years. After this point, a more sustainable proposal for the site must be put forward e.g. a residential dwelling which is designed in accordance with the King's Lynn and West Norfolk Flood Risk Design Guidance.

The temporary use of the site was authorised by the earlier approval for the mobile homes. The applicant is aware of the implications, is signed up to the EA's Flood Warning Scheme, and there is a source of refuge on a mezzanine floor within the main barn above the predicted flood level at breach scenario. Any permission would be for a limited period as previously allowed.

In response to objections raised, there is a distinct difference between permanent housing and temporary accommodation. The new housing in the village has indeed been raised substantially in order to mitigate against extreme flood risk, as it will be there for some considerable time.

Other material considerations

Drainage:

At the time of compiling the first committee report it was understood that the foul water drainage matters were under investigation under the provisions of the Environment Protection Act. It appears that this investigation has not proceeded and the matter, along with surface water, can be covered via condition.

Encroachment on land: Civil matter between concerned parties; similar to ditch issue.

Highway issues: Highway issues were covered in the original report. Securing the repositioning of the front access gates was to be achieved via condition, to allow vehicles to pull clear of the highway. If visibility is impaired to the south-west of the access, it is by virtue of the neighbour's hedge encroaching over highway land. Should this have been an issue of concern to the LHA, it may have been cut back under their powers. The LHA raised no objection to this application.

Adequate grazing/stable sizes for horses: DIY livery is commonly defined as: 'a field or paddock and a stable are normally provided and the owner usually undertakes all care of the horse and provides all hay, feed and bedding'.

There is a distinct difference between acreage requirements for horses where the grassland is to provide total grazing keep for the animal and where it is only to provide supplementary grazing or turnout exercise. In the combined system of management, where the horses is stabled for part of the time, 1 acre per horse may be more than adequate. Even where adequate pasture is available, stabling the horse helps reduce the effects of long term grazing, giving the grass and ground a chance to recover (The British Horse Society – Welfare Dept. publication 2005).

Whilst certain sizes of stables may be suggested by the British Horse Society, these are not planning regulations and customers will assess the accommodation as to meeting their specific needs.

Lighting plan: Not considered to be necessary. Lighting attached to buildings does not require planning permission.

Notification of application: The application was publicised by way of a site notice and adjacent neighbours notified; the development of houses on the adjoining road frontage were not complete or registered for address points. The requirements for publicity were undertaken in accordance with the Town & Country Planning (Development Management Procedure) Order 2015 as amended.

Unauthorised signs: Signs at the entrance to the site, referring to the proposed new commercial uses, have now been removed as a result of an enforcement investigation.

Failure to comply with previous occupancy restriction: The previous temporary permission for the mobile homes contained the following condition:

“2. The occupation of the mobile homes shall be limited to a person solely or mainly working, or last working in the locality in agriculture or forestry as defined by Section 336 of the Town and Country Planning Act, 1990, or a widow or widower of such a person, and to any resident dependants.” The phrase ‘mainly working’ would not preclude secondary occupation/source of income as long as the rural enterprise is the primary source. The business case would however be based solely on the income from the enterprise. No previous concerns regarding breach of condition were forthcoming prior to this application.

Policy DM6 contains a section on the removal of agricultural occupancy conditions, however this relates to existing tied dwelling houses or bungalows, not temporary accommodation during the establishment of a rural enterprise.

Stricter conditions: This is a mixed use and therefore activities that can be undertaken by separate uses under the GDPO are not applicable; so there is no requirement for a restrictive condition. The uses put forward are considered to have adequate controls imposed given the proposed numbers of horses and dogs and limits imposed by conditions. The success of the business would be addressed after the establishment period. Indeed it would be expected to receive audited accounts at that point.

Crime and Disorder: There are no planning related crime and disorder issues raised by this proposed development.

CONCLUSION

The ostrich farm business operated for over two years and the associated mobile homes have a further short period to run, but that business has struggled to become established and profitable. The applicant is seeking to diversify with the introduction of DIY livery, dog walking field and vintage vehicle storage uses. Given the circumstances and if the above

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operational and mitigation measures are secured via condition, on balance it is considered to be acceptable to allow a further 3 year temporary permission for the mobile homes in order to establish a profitable rural business.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: This permission shall expire on 28.07.2022 and unless on or before that date application is made for an extension of the period of permission and such application is approved:
 - (a) the mobile homes shall be removed from the site,
 - (b) the use of the land for that purpose shall be discontinued, and
 - (c) there shall be carried out any work necessary to reinstate the application site to its condition prior to the mobile homes being brought onto the site.

- 1 Reason: In order that the Local Planning Authority may retain control over the development and allow the applicant to establish a viable rural enterprise in accordance with Paragraph 83 of the NPPF and Policy DM6 of the SADMPP.

- 2 Condition: The occupation of the mobile homes shall be limited to a person solely or mainly working, or last working, in the rural enterprise known as Wilks Place (hay, livery, dog walking field, eggs and storage of vintage vehicles) on the site indicated on Drawing No. 18/8/2095 Revision A, or a widow or widower of such a person, and to any resident dependants.

- 2 Reason: The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the temporary dwellings in connection with a rural enterprise in accordance with the principles of the NPPF and Policy DM6 of the SADMPP.

- 3 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 18/8/2095 Revision A, 18/8/2095/1 Revision C, 18/8/2095/2 Revision A & 18/8/2095/3 Revision B.

- 3 Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Condition: No more than five horses are permitted to be accommodated on the site at any one time.

- 4 Reason: To define the terms of this permission and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.

- 5 Condition: Horses shall only be delivered to or collected from the site between the hours of 0800 and 2000 Monday to Saturday, and the hours of 0900 and 1900 on Sundays and Bank/Public Holidays, strictly by appointment only. Owners/customers are only permitted on site to tend to or exercise their horses between the hours of 0800 and 2000 Monday to Saturday, and the hours of 0900 and 1900 on Sundays and Bank/Public Holidays.

- 5 Reason: To define the terms of this permission and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.

- 6 Condition: Within 1 month of the date of this permission, a skip for the storage and disposal of waste created by horses (including used bedding) shall be located on site. The skip shall be situated at least 10m from the boundary of the site with any neighbouring property. No incineration of horse faeces, bedding or other waste shall occur on site.
- 6 Reason: In order to secure appropriate waste disposal to meet the needs of this facility to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.
- 7 Condition: Within 1 month of the date of this decision, the front gates shall be repositioned as per the approved plans (Drawing No. 18/8/2095/1 Revision C) with the access gates or other means of obstruction hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 7 Reason: In the interests of highway safety to enable vehicles to safely draw off the highway before the gates/obstruction is opened; to accord with the provisions of Core Strategy Policy CS11 of the LDF.
- 8 Condition: The commercial storage of motor vehicles shall be contained within Building C only, as defined on Drawing Nos. 18/8/2095/1 Revision C and 18/8/2095/3 Revision B.
- 8 Reason: To define the terms of this permission and in the interests of visual and residential amenity to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.
- 9 Condition: Within 1 month of the date of this decision, full details of the foul and surface water drainage arrangements for the site shall be submitted to the Local Planning Authority. The scheme shall be implemented as agreed within a further month from the date of agreement and maintained thereafter.
- 9 Reason: To ensure adequate drainage facilities for the site in accordance with the provisions of the NPPF.