

## AGENDA ITEM NO 9/3 (f)

<b>Parish:</b>	<b>Pentney</b>	
<b>Proposal:</b>	<b>Retention of static caravan for temporary residential accommodation in association with livestock farm.</b>	
<b>Location:</b>	<b>The Croft Narborough Road Pentney KINGS LYNN PE32 1JD</b>	
<b>Applicant:</b>	<b>A Burrell &amp; P Macintosh</b>	
<b>Case No:</b>	<b>21/01284/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 23 August 2021 Extension of Time Expiry Date: 13 March 2023</b>

**Reason for Referral to Planning Committee** – The Parish Council object to the proposal which is contrary to the officer recommendation, and the application has been referred to Committee by the sifting panel.

**Neighbourhood Plan:** No

### Case Summary

The application relates to full planning permission for the retention of a static caravan to be used for temporary residential accommodation in association with a livestock farm. The proposal represents development within the countryside but is considered to be in accordance with para 80 of the NPPF and Policy DM6 of the Site Allocations and Development Management Policies plan 2016 as there is a functional need to live on site.

### Key Issues

Principle of Development  
Design and Scale  
Impact on neighbour amenity  
Highways Safety  
Flood Risk  
Other material considerations

### Recommendation

**APPROVE**

### THE APPLICATION

The application site is located to the east of Narborough Road, Pentney and is accessed along an existing farm track. The application site is located within a field to the rear (east) of the roadside field and is screened by a native hedgerow to the west. The application site is set within a larger agricultural field of 4.1 acres (1.66 hectares) which is used for grazing livestock. Also, within the wider site are two agricultural buildings which are used for lambing, with the field divided up by a mix of permanent and temporary stock fencing.

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The application is for the retention of a static caravan to be used as residential accommodation in association with the livestock unit, which if approved would be conditioned for an initial period of three years, in accordance with the usual policy requirements for such applications.

## **SUPPORTING CASE**

The applicants have owned the site at Pentney since 2016 but have kept sheep and some cattle since 2012.

The Pentney site forms the central hub of the sheep farm operations, the mainstay of their business, with the number running annually at 600 head of sheep, including 8 rams. 500 acres of grazing land in neighbouring parishes accommodate the majority of the ewes, and the Pentney site is located in a central location to the grazing areas.

The benefit of this central Pentney location is the presence of two substantial lambing sheds for the four lambing seasons which span from January to October, depending on the different sheep breeds. The Pentney site is central to the lambing and welfare requirements of the holding: An on-site presence here enables close supervision and medical attention for orphaned and sickly lambs, ewes following lambing or hurt in the field, the separate housing of rams for breeding, and the storage and maintenance of equipment and vehicles used for the business.

Profit and loss accounts, details of grazing tenancies, rental arrangements and DEFRA registration details have all been provided as part of the planning application submission.

A mobile home has been located at the site for a number of years and this has been used for temporary accommodation for the applicants during lambing seasons, which have now increased in number and frequency as the flock has grown. Given the sustained viability of the business, the significant investment in the premises at Pentney by the construction of a further lambing shed, machinery and vehicles used for the business and additional stock, the applicants require the mobile home to provide full-time accommodation at the key Pentney site.

Mr MacIntosh is a trained shepherd and visits the grazing fields daily to check on grazing stock and arranging transport as necessary. His partner maintains the Pentney site, administering to the lambs, ewes and rams housed at Pentney. They work together at Pentney during the lambing seasons and arrange stock movements.

The details provided in connection with this application fully satisfy the functional and financial tests in connection with the applicants' business requirements. Accordingly, the occupation of the mobile home on a full-time basis would meet the necessary tests set out under Section 80 of the NPPF, and Policy DM6 of the adopted SADMP.

Due to the intensive nature of the business based from the Pentney site, it is essential for on-site supervision to ensure the welfare of vulnerable livestock as well as during and after lambing times. Other properties and locations have been considered by the applicants, but the business requires an on-site presence with a direct line of sight to the animals tended there on a 24/7 basis.

In highway terms, the Highway Authority has no objection to the proposal based on traffic movements resulting from an on-site presence. In countryside and landscape terms, the mobile home is not visible in the street scene and is well screened by established field boundaries. The site is located within flood zone 1.

The Parish Council has objected to the proposal on the basis that the site is located in countryside and there are issues relating to surface water drainage in the area. It is fully acknowledged that the site is located in the countryside and therefore an exception to policy on the basis of essential agricultural need is being requested. If surface water drainage is a significant concern, and considered to be material to the consideration of the occupation of the mobile home on a full-time basis, the Planning Authority could request such details to be submitted as a condition on any forthcoming permission.

Given that the necessary policy requirements have been fully addressed, it is respectfully requested that Members endorse the officer recommendation and approve this application.

## **PLANNING HISTORY**

20/01433/F: Application Permitted: 22/10/20 - Construction of Agricultural Building (Lambing shed). - Land E of Woodside Narborough Road Pentney

17/00127/F: Application Permitted: 26/06/17 - Create a new gated entrance to field, gate to be set back 15 meters into the field - Farm Buildings Narborough Road Pentney

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** for the following reasons:

- The site is designated as countryside.
- The site has been surveyed by the Parish Council and is prone to flooding due to the overtop of the River Swan and therefore not suitable for full time residential use.
- Parish Council understood the temporary accommodation was only ever intended for lambing season.
- The site surface water drainage provision and maintenance is poor and contributed to flooding in the area, the plans do not show how this is to be managed. Pentney is registered with the Norfolk Strategic Flood Alliance because of the impact of new buildings and the lack of infrastructure to support them to prevent flood and drought.
- The neighbourhood plan is at draft regulation stage 14 (submitted to KLWN Planning Dept) and does not include this site for development.

## **Highways Authority: NO OBJECTION**

The proposal appears to use an existing track to Narborough Road (C74) within a 30mph speed limit. Should your Authority accept that a human presence is justified on site then I would have great difficulty in maintaining that the proposed caravan would generate sufficient additional traffic to justify any objection.

I assume any permission granted would restrict occupancy to persons working in agriculture.

## **Environment Agency: NO COMMENT**

## **Natural England: NO COMMENT**

Please refer to Standing Advice.

## **REPRESENTATIONS**

**ONE** letter of **OBJECTION** covering the following:

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- Neighbouring residential properties not notified of application.
- Floodlighting which is required for lambing should have been detailed within the planning applications for this site. There have been large floodlights at the site from one of the barns facing towards the residential houses for months.
- The site of 4 acres seems larger than it is as not all is grazeable.
- This was initially a small hobby farm with a small number of animals. This has grown with hundreds of sheep passing through the site.
- A permanent static caravan exceeds that which would be considered reasonably necessary to satisfy the functional needs of the holding. Even accepting that the holding requires 1 full time worker with additional help from her partner at lambing season, why do they need to be on site full time for 12 months of the year?
- Security is given as a reason for requiring a presence. Given their main dwelling (unless it is rented) is left empty for long periods, would be a bigger security worry.
- On previous applications and this no mention is made of any waste plan (human and animal) or where foul water is going.
- Monitoring livestock from the site is one of their requirements for full time use at the site, however would their house in Wereham not be better as it is nearer to Foul登?
- There has been a variety of housing on the market at Pentney prior to the application ranging from £139,000 to £700,000 (plus renting) so there could have been alternative property which would suit their needs with modern technology monitoring the site.
- The plan is not robust with the volume of sheep at the site being increased in the last two years. The number of lambs being born are less than the ewes, in a well-managed flock this should be 1.5 times the number of ewes and there is no robust five-year plan.
- Is the transport of 300 ewes to the site sustainable, given they farm as far away as Foul登 and it would involve a large number of journeys.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**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 Design Guide 2021

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 are**

- Principle of development
- Design and Scale
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application

### **Principle of Development**

The application site is located within the countryside as defined within the Site Allocations and Development Management Policies Plan (SADMPP) 2016. The National Planning Policy Framework (NPPF) 2021, specifically paragraphs 79 and 80 states that 'housing should be located where it will enhance or maintain the vitality of rural communities,' and that Local Planning Authorities 'should avoid isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.' Whilst the application site is not physically isolated in the sense that there are lambing sheds immediately adjacent to the proposal and some dwellings in the locality, it is not a sustainable location with regard to proximity to services, and the access leads onto a road with no footpath etc, exacerbating the reliance on vehicular transport.

Policy DM6 (Housing needs of rural workers) of the SADMPP states that development proposals for new occupational dwellings must demonstrate the stated intentions to engage in farming, forestry or any other rural-based enterprise are genuine, are reasonably likely to materialise and are capable of being sustained. Proposals should show that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. The policy goes on to state that if a temporary occupational 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) below (as set out in the wider policy);
  - 3 (a) There is a clearly established functional need, requiring occupants to be adjacent to their enterprise in the day and night.
  - 3 (b) The need could not be met by existing dwellings in 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.

The application was accompanied by a business statement, stock numbers and financial details as well as additional information requested by the planning officer.

**3a) There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprise day and night:**

The agricultural enterprise was first established in 2012 with the purchase of the first flock of sheep which has expanded since this time. In November 2016 the land at Pentney was purchased as there was an existing barn on site and it was considered a good location for lambing as it was contained and fairly centrally located in relation to the enterprises grazing land. A touring caravan was located on site to serve as a welfare unit during lambing season with the applicants dwelling located in Wereham (rented).

Since this time the stock numbers have grown considerably with the enterprise now having approximately 600 sheep. The sheep are grazed on separate parcels of land around the Borough and in Breckland, as well as some land used for growing animal feed (Ashwicken 104.5 acres rented from Sibelco; Foulden 227.5 acres rental limited to 200 ewes; Salters Lode 25 acres; Oxborough 25 acres; land at Kilverstone and Wereham is currently dormant and not used for grazing). The enterprise is managed by both applicants with Mr Macintosh a qualified shepherd who visits the flocks on the other parcels of land during the day, attending to the livestock, mending fencing and tending to any sick animals who are brought back to Pentney for care if necessary, alongside the ewes to be lambed. Ms Burrell tends to the animals at the Pentney site, being on hand for the animals' care and welfare, which can also include tending sick animals and orphaned lambs.

Initially lambing occurred once per year and therefore the touring caravan was only used at this time, however the enterprise now lambs in three separate flocks taken to the Pentney site by a livestock haulier so one trip per group, (January-February, March-April, and April-May) and additional lambing of Dorset sheep takes place in October. Therefore, since the enterprise has grown, lambing now occurs throughout most of the year with lambing starting in January and going through to October, with the subsequent rearing/care that is required after birth. As the enterprise has grown the applicants have spent more time at the site until a constant presence is now required. The applicants' former home in Wereham was rented occupation and not directly associated with the grazing land. As more time was required at Pentney the rental dwelling in Wereham was relinquished.

As well as animal welfare, security of the site, in particular the animals and equipment are a further reason for requiring an on-site presence.

Based upon the information submitted with the application it is considered that it has been demonstrated that there is a clear functional need which requires the applicants to be adjacent to the enterprise day and night.

**3b) The need could not be met by existing dwellings in the locality:**

Given the functional requirement to live adjacent to the livestock, the availability of dwellings has been prohibitive. The agent has confirmed that no alternative dwellings have been available in direct line of site of the animals/lambing yard and there are not properties available in Pentney (shown on Rightmove) adjacent to the site.

Therefore, based upon the currently available information it is considered that there are not alternative dwellings in the locality that could meet the needs to the enterprise.

### **5b) The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned**

The information submitted states that the land was purchased in 2016 and since this date a lambing shed has been erected at the site (planning reference 20/01433/F). It is also clear from the stock numbers and financial details submitted with the application that the enterprise has grown considerably over recent years. It is therefore demonstrated that the applicants have the firm intention and ability to develop the enterprise concerned.

### **5c) The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis**

During the course of the application, profit and loss accounts were submitted for the three-year period April 2018 to April 2021. These accounts demonstrate that whilst large profits were not being made during that time period, the turnover grew considerably as the business expanded. This demonstrates a clear intention to develop the enterprise and that financial profit can be made. Should a subsequent application be made in future it would have to be demonstrated that the enterprise is capable of supporting a more permanent unit of accommodation.

Overall, based upon the information submitted, the applicant has demonstrated that sufficient profit was generated to grow the business and therefore the proposal meets the financial test for this temporary consent.

The Parish Council object to the proposal as it is located within the countryside, however there is policy relating to housing for rural workers as set out above.

There is a third-party objection to the proposal which questions elements of the enterprise and whether the applicants need to be on site for 12 months of the year. They have stated that the site was originally a hobby farm and has now grown so that hundreds of sheep now pass through the site. The application site is located on agricultural land and is an agricultural enterprise which is acceptable in this location. The objector queries whether it is sustainable to bring so many sheep to the site given the parcels of land farmed around the local area and Breckland. In response the agent has stated that the land in Pentney was considered most suitable because it is more contained, had an existing barn and an additional one has been erected, and the site is relatively central to the other parcels of land utilised for the livestock when they are not lambing. The objector queries why various other housing for sale or rent in Pentney prior to the application has not been considered and whether the livestock could be monitored remotely; however the LPA agrees with the applicant that the number of livestock at the site requires an on-site presence for welfare reasons and that there was not suitable housing in close proximity to the site which would fulfil the functional requirements of the enterprise.

Based upon the information submitted it is considered that the application complies with Policy DM6 of the SADMPP with regard to the criteria necessary to allow a temporary occupational dwelling. The proposal therefore also complies with para 80 of the NPPF with regard to the essential need for a rural worker to live permanently at or near their place of work in the countryside.

### **Design and Scale**

The proposal is for the temporary siting of a static caravan which complies with the definition of a caravan as set out within the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968, as amended. The caravan, which is already on site is of a

standard appearance with cream/off panels of a horizontal clad appearance and a terracotta 'pantile style' roof.

The site is well screened to the west by mixed native hedging which incorporates mature trees and whilst it can be viewed from across the fields from the north and west, it is of a scale and distance that it will not materially harm the character and appearance of the surrounding countryside. The proposal is therefore considered to comply with para 130 of the NPPF, and Policies CS06 and CS08 of the Core Strategy 2011.

### **Impact on Neighbour Amenity**

There are no immediate residential neighbours to the application site and therefore the proposal would not have any material impact with regard to being overbearing, overshadowing or overlooking.

There is an objector who states that floodlighting at the application site during lambing is a problem and that this should be included in this application. However, this application is solely for the use of the static caravan as a residential dwelling and cannot control other elements within the wider land which do not relate to this application.

At the time of the site visit no floodlighting was evident and so it is not known whether temporary mobile lighting (which would not require consent) is used during certain times of the year. In addition, the lambing shed is not fully enclosed and so it is possible that internal lighting from this barn is visible across the field to the north.

The proposal is therefore considered to comply with para 130 of the NPPF and Policy DM15 of the SADMPP 2016.

### **Highway Safety**

The application site is accessed off Narborough Road and an existing track. There are no objections from the Highways officer given the existing uses at the site which are agricultural in nature. Should the application be approved a condition would be placed on the decision notice limiting the occupation of the caravan to an agricultural worker and therefore it could be argued that the number of vehicular movements to site could be reduced if there is an onsite presence.

The proposal is therefore considered to comply with the principles of the NPPF and Policies DM15 and DM17 of the SADMPP 2016.

### **Flood Risk**

The application site is located within flood zone 1 and the Environment Agency have stated that they have no comments to make.

The Parish Council has objected to the proposal on the grounds that the site is susceptible to flooding due to overtopping of the River Swan (which is approximately 250m from the application site). The site is also in an area identified as susceptible to groundwater flooding (between 25% and 50% with surface water 1% AEP with climate change). The agent has confirmed that in the time the applicant has been at the site it has flooded once where a watercourse was blocked, but that once this was resolved there have been no further issues.

Given a caravan has been at the site for welfare reasons for a number of years, the presence of a residential caravan for a temporary period of time is not considered to exacerbate the groundwater issues. In addition, the application form indicates that surface



water goes to a soakaway and this, in addition to the fact the static caravan is raised above ground levels means a condition relating to surface water drainage arrangements is not considered to be necessary. Notwithstanding this the agent has indicated that the applicant would be willing to accept a surface water drainage condition should Members consider it necessary.

The proposal is therefore considered to comply with para 159 of the NPPF and Policy CS08 of the Core Strategy 2011.

### **Other matters requiring consideration prior to the determination of this application**

The Parish Council has objected on the grounds that the application site is not in an area designated for development in their draft Neighbourhood Plan. The Neighbourhood Plan is not at a stage where it has been examined and adopted and therefore has no weight in the determination of this application. Notwithstanding this, as set out within the report above, residential development within the countryside is acceptable in principle if it is justified with regard to a rural enterprise where the occupants need to live at their place of work for functional reasons. The application is considered to comply with para. 80 of the NPPF and Policy DM6 of the SADMPP in this regard.

Natural England have stated that they do not wish to comment on the application and refer the LPA to their Standing Advice. Following a site visit the conditions at the site do not meet the criteria where the LPA would require an ecology report.

There was a third-party objection to the proposal, some of the issues have already been discussed above. The objector states that neighbours were not notified of this application or previous applications at the site. The correct procedure was carried out as set out within the relevant regulations and a site notice was erected at the access to the site by Narborough Road. The LPA is not obliged to also notify neighbours in writing; however, the Borough Council does notify immediate neighbours to an application site. In this instance, the surrounding land is agricultural, so the site notice was the only method of notification used in this instance. Notwithstanding this, the objector has been made aware of the application and has made comments on it.

### **Crime and Disorder Act 1998**

No issues arise where the submitted application may give rise to additional crime and disorder. Indeed, an argument is made that the proposal will increase security on site due to an on site presence.

### **CONCLUSION**

The site is within a countryside location where in principle a new dwelling would not usually be permitted. However, this application seeks consent for an agriculturally tied residential caravan for a temporary period of time which could potentially be acceptable subject to consideration against the relevant policy framework, particularly DM6 of the Site Allocations and Development Policies Plan 2016.

It is your officer's opinion that from this application the duties involved in the running of the agricultural enterprise demonstrate that there is a requirement for someone to live on site during the day and night which could not be met by an existing dwelling in the locality. The proposal is considered to meet the principles of the NPPF, in particular the provisions of paragraph 80, Policies CS06 and CS08 of the Core Strategy 2011 and Policies DM2 and DM06 of the Site Allocations and Development Management Policies Plan 2016.

In light of national guidance, development plan policies and other material considerations Members are requested to approve the development as proposed.

## **RECOMMENDATION**

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

- 1 Condition: Permission for the mobile home shown on Drawing No.1673 and on the 'location plan', shall expire on 6th March 2026 and, unless on or before that date an application is made for an extension of the period of permission and such application is approved, the following works shall be carried out:
  - (a) the mobile home shall be removed from the application site, and
  - (b) works necessary to reinstate the application site to its condition prior to the siting of the mobile home and the implementation of this temporary permission shall be carried out.
  
- 1 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality; in accordance with the provisions of the NPPF and the Local Development Plan.
  
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans; Ordnance Survey 'Location Plan' and Drawing no.1673 both received by the LPA on 14th June 2021.
  
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 Condition: The application hereby permitted is for the siting of one static caravan only as defined within the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968, as amended.
  
- 3 Reason: For the avoidance of doubt and to define the terms of the consent.
  
- 4 Condition: The occupation of the static caravan hereby approved shall be limited to a person(s) 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.
  
- 4 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 dwelling in connection with a rural enterprise in accordance with the NPPF.