

09/19/0001

MR B & MISS S STAMP & LAGHOS

**Siting of mobile home for use as a rural workers dwelling with installation of biotreatment plant and staff/visitor toilet within barn at Woodland Way Farm, Raddington, Chipstable (retention of part works already undertaken)**

Location: WOODWAY FARM, RADDINGTON, TA4 2QR

Grid Reference: 302491.126147

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Appendix A Location Plan  
(A4) DrNo ST41597 Appendix B Site Plan  
(A4) Block/Site Plan  
(A4) East Elevation  
(A4) Floor Plan  
(A4) North Elevation  
(A4) Site Location Plan  
(A4) South Elevation  
(A4) West Elevation  
(A4) New Barn - Floor Plan as Existing  
(A4) New Barn - Floor Plan as Proposed

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The

scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 4 August 2023 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason: To prevent the creation of an unauthorised permanent dwelling in an Open Countryside location and in accordance with the provisions of policy H1b of the SADMP

5. The occupation of the temporary dwelling shall be limited to a person or persons, solely or mainly working, or last working in the locality in agriculture, equestrian services or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

#### Notes to Applicant

- . In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

Siting of mobile home for use as a rural workers dwelling with installation of biotreatment plant and staff/visitor toilet within barn at Woodland Way Farm, Raddington, Chipstable (retention of part works already undertaken)

## Site Description

The site is an area of land adjacent to a barn (with internal stables) with land to the south and east in agricultural and equestrian use. It is set within the Raddington

valley and has a pre-existing access

## Relevant Planning History

09/01/0003 - barn - C/A - 30/07/2001

09/13/0022 - agricultural barn - CA - 2012/2013

09/18/0012 - change of use of land and barn for mixed equestrian and agricultural use - C/A (appeal decision) - 02/07/2019

## Consultation Responses

*CHIPSTABLE PARISH COUNCIL* - objects to the application:

- protection of historic church under Core Strategy policies

- unclear from policy DM2 if equestrian business is considered Class B business is from the look of agriculture

- 11.8 acres which represents the land owned by the applicant is insufficient for the business and the other 2 parcels are rented from the family business but it is unclear if a longterm tenancy is in place

The applicants have disregarded planning rules to which other businesses are subject

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice (section 6, parking and turning - sufficient space must be available for parking of at least one vehicle and turning within the site to be able to leave in a forward gear)

*PLANNING ENFORCEMENT* - There is a current enforcement case related to this application

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - no comments received

*LANDSCAPE* - Whilst visible, within the context of existing development at the site, there are opportunities for landscape enhancement that would help assimilate the temporary accommodation. This is particularly true around the site entrance - the arrangement and detail of which neither conserves nor enhances the character of the landscape. I would suggest some native hedgerow planting, as discussed, which would help ameliorate the visual effects of the temporary accommodation from the public highway. This site has the appearance of intensive use and mitigation is required to enhance the landscape in order that the siting of accommodation is acceptably integrated for a temporary period. These comments are provided on the understanding that this structure will be removed from the landscape during, or in, three years.

*ENVIRONMENTAL HEALTH - WATER* - this is satisfactory and shows this non-mains water supply is capable of providing a sufficient water supply based on this pressure and flow.

However, as with many shared non-mains domestic supplies they rely on maintenance to prevent leaks, identifying & replacing old sections of distribution pipework, carrying out inspections (draining and cleaning) of distribution reservoirs to ensure structural integrity etc. The need to do this is especially important where the source water is acidic. We always ask for a detailed plan or drawing of these systems and unsure whether there is one for this shared water supply.

This is quite an important issue, especially during periods of low flows that were experienced last summer and are predicted to become ever more frequent.

*ENVIRONMENT AGENCY* - no comments received

## Representations Received

Approximately 90 letters of representation have been received by the planning authority from 28 named individuals (in some cases couples) opposing the development, and 47 named individuals supporting the application. (In several instances more than letter of representation has been received from the same named individual).

The issues raised in the letters of objection are:

- The commercial use of land is detrimental
- The development is not sympathetic to locality
- The large scale is reason to refuse both applications
- Threats to the ambience and silence of the nearby church
- Negative impacts on heritage and setting of grade I listed church of St Michael
- The development is visually intrusive
- The local road network cannot cope with large construction vehicles and horseboxes, trailers and HGVs
- Meadows are being damaged by equine use
- The character of the area is being changed
- (Two correspondents have mentioned, at length, the interior of the church and works of preservation to the interior)
- The chalet too big to be an agricultural workers' dwelling
- Horses could be a hazard to walkers and riders on the bridleway/PROW
- There is no cashflow forecast
- The lack of a wildlife survey, and impacts on biodiversity
- Dark skies negatively impacted
- The use will lead to soil erosion (from horses using the land)
- The sewage treatment plant is located too close to the water-course
- The building is not temporary
- Mobile home vehicles are dangerous on local roads
- The temporary dwelling can be seen from neighbouring property
- The applicants could stay with father in nearby dwelling (Kingston Mill)
- There is no need to stay overnight to look after horses for breeding/training
- There are views into the site from church
- The refused application and appeal at a site in Stoke St Mary is cited as a precedent (in this case cited the applicant lived 0.5km from the proposed residential site)
- There are animal welfare concerns and in-sufficient land for number of horses
- The business is not viable
- A webcam could be used to observe horses during late maternity period
- The application for temporary dwelling should be considered at the same time as the previous application (which has now been decided and approved by PINS)
- The application is retrospective, following on from enforcement action and therefore should be refused
- There is no land for producing fodder/hay so this will need to be brought in
- Further development will be required in the future

Issues raised in the letters of support are:

- The development will offer support for local people living in the area and making a living
- It is a thriving business in rural location

- It is important to be onsite at all times
- The applicants are hardworking and they need to be there for animal welfare issues
- "I have visited the site" many times and "every time" of new visit it is "looking better and better"
- It will bring visitors to the area which will support local businesses
- It will cut down on trips to and from the site
- Exmoor and surrounding areas need more under 65s
- It is not impacting on neighbours and local community
- People have been unable to send horses there for training as the applicants are not currently living at the site
- There will be "little or no increase in traffic or noise"
- It will generate council tax (plus business rates, PAYE taxes etc) and provide local employment
- It is 'an adequate and great place to train horses'
- One of the applicants grew up in the valley
- The (alternative) use of the land by farmers would mean mud on the roads, large vehicles using narrow lanes and traffic impacts
- The site is not overlooked by neighbours
- The field rotation system will not "cause a blot on the landscape"
- Mobile homes are permitted development
- As "...a client it gives me peace of mind to know they are onsite incase of emergency"
- It "does not have a damaging affect on the area or the views within the parish"
- The population of Raddington is 'dwindling' and there is a need for young families to stay in the area
- The temporary building will be seen in the context of the existing (lawful) barn which is a 'much larger building'
- It will support local blacksmiths/farriers
- "...unless rural businesses are afforded the ability to trade from rural areas... they will die out and... smaller communities with them"

Local ward councillors Eddie Gaines and Dave Mansell wrote letters of objection noting that there are issues such as:

- Appendix D of appraisal has not been made public, (this is the summary of the potential budget for the enterprise), and "planning officers and committee members need to be sure" that the case is made for sound financial planning and a potentially viable enterprise
- Future planning applications at the site
- Wrong location
- Impacts on heritage
- Traffic impacts
- Water pollution
- Noise nuisance
- Impacts on historic and natural landscape

- Not enough land for the numbers of horses

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,  
H1B - Temporary housing for rural workers,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
EN28 - TDBCLP - Development and Flood Risk,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

none

## **Determining issues and considerations**

The main issues are: the principle of development; functional need for a temporary rural worker's dwelling; business viability; design and materials; layout and curtilage; traffic and parking; landscape impacts; heritage impacts; drainage, flooding, foul water treatment and fresh water access; and amenity

### **Principle of development**

This application, which is partially retrospective as the proposed dwelling is in-situ at the site, follows on from a related application for the development of a mixed use agricultural and equestrian enterprise at the site reference 09/18/0012, which was eventually decided, via an appeal for non-determination, by the Planning Inspectorate. The Inspectorate allowed the appeal, which included the change of use of a consented agricultural barn to a mixed equine/agricultural use and the construction of circular training arena for horses. The site therefore now benefits from a lawful mixed equestrian and agricultural use and has the requisite, and lawful, facilities for such a use. This application seeks to allow for the provision of a

temporary rural worker's dwelling to serve a need for housing at the site for the applicants, who are running the business from the site. The business is principally involved in livery, breeding and training a specific breed of horse, the American Paint Horse, but also includes agricultural elements in terms of breeding and rearing a small flock of rare breed sheep. The appeal decision is a significant material consideration in relation to this application as it confirms the lawfulness of the use of the site for the equestrian and agricultural enterprise and therefore establishes a baseline for the application for a place of residence for the owners/operators of the business (the applicants and their family).

The relevant local plan policy for this application is SADMP policy H1b. This policy states that if "a new dwelling is essential to support a new... rural-based enterprise, whether on a newly-created or an established operation, it should... for the first three years, be provided by... a wooden structure which can be easily dismantled..." and it must "satisfy" five tests which are that first, there is "clear evidence of a firm intention and ability to develop the enterprise", secondly there is a "clearly demonstrated functional need", thirdly the business should be "planned on a sound financial basis", fourthly that the "functional need could not be fulfilled by another existing dwelling" or other accommodation "in the local area", and finally that "other normal planning requirements such as curtilage, traffic and highways impacts and landscape impacts are satisfied. Under policy H1b any permission granted is tied, by planning condition, to occupancy by an essential rural worker (or workers and their dependents) and permission is time-limited to a maximum of three years. However it is acknowledged that as consented temporary rural workers dwellings are usually followed, at the end of three year period, by applications under policy H1a for permanent dwellings, this period can be extended (for a limited period) if, in future, permission is granted for a substantial permanent dwelling, whilst it is being built-out. The planning authority's assessment of impacts of a temporary dwelling are based upon the dwelling as a long term feature in the landscape, and do not accord the time-limited factor considerable weight in determination. So, as an example, should the landscape impacts of a temporary dwelling be unacceptable the application is likely to be refused even if the mooted position of a permanent replacement dwelling is likely to be acceptable from a landscape perspective.

The planning authority has a duty under the NPPF and local policies to approve developments which are in accordance with relevant policies without delay, provided all material considerations are satisfied. The main criteria assessed under the current application are the functional need for a dwelling at the site and other relevant planning considerations such as highways impacts, landscape and heritage and so forth. These are discussed below.

### **Functional need and business viability**

The proposed dwelling would be used to house the applicants who are currently running an equestrian and agricultural enterprise from the wider site but live several miles away from the site. The need is based upon the fact that the applicants breed, train and provide a livery service for American painted horses, and operate a rare breeds agricultural enterprise in conjunction with the equine business. The submitted documentation includes an appraisal of functional need from Richard Stagg Rural Surveyors, dated January 2019, which assessed the labour requirements in respect of breeding horses (care during birth, care for young foals, etc), training, and livery

services, and for management of the agricultural activities, as equating to 2.87 labour units, a labour unit being a full-time worker. The two applicants conduct most of the work at the enterprise with some additional part-time employment. On-site specific requirements are highlighted, notably during periods of foaling and lambing, although the livery service and general care for animals at the site is also highlighted as requiring 24 hour presence at the site. The planning authority acknowledge the stated need for a 24 hour human presence at the site as foals and birthing mares have died in the past, and the applicants currently live some distance from the enterprise. The veterinary providers for the enterprise, Western Counties Equine Vets (letter dated 11/7/2019), have provided written confirmation of a functional need to be at the site, stating that in terms of animal welfare there is a need for a “competent person on site to monitor broodmares and youngstock, particularly in the last trimester of gestation (3 months prior to parturition) and for the first 6 months of a foals life. Mares require constant monitoring around the time of parturition as if there is a problem at delivery, emergency veterinary care is extremely time-sensitive”. It is therefore considered that the functional need test of policy H1b is satisfied and submitted documentation from the veterinary service unequivocally backs up this view.

In regards to the tests for business intention and viability the submitted Appraisal from Richard Stagg gives figure £54,000 as initial capital outlay for the business and an income over the preceding twelve months (assumed to be January to December 2018) of £18,000. Whilst this clearly does not indicate that there has been a full return on capital expenditure as yet, the figures clearly indicate both significant capital investment into the nascent enterprise, and the start of a reasonable return. It is therefore considered that the tests relating to business intention, and economic planning on a sound financial basis, are satisfied. Policy H1b does not expect newly established businesses to demonstrate initial profit, especially profit over start-up investment capital. However for policy H1a (relevant for a potential future application for a permanent dwelling) three years’ worth of accounts need to be submitted to show two out of three years in profit. At this stage however, it is not a requirement to evidence a full profit and accepted yield on investment so no further evidence of profitability is required. However the planning authority accept that the specific breed of horses which the enterprise will be based upon are sold at premium prices over many other breeds, and the submitted evidence indicates that the enterprise has both the means and the opportunity to be financially successful.

A further test for H1b is that there are no other dwellings which could be used to house the applicants. The site is in a very small hamlet in which no other properties are available currently for rent or sale. The applicants’ family, (in terms of parents and siblings) live very near to the site at the house known as Kingston Mill, but there is no available space at this dwelling and the applicants have children. It is not considered to be reasonable to expect a young family to reside on sofas and the like at their parents’ house and it is considered that no other suitable dwelling is available in the immediate locality.

## **Design and materials**

The proposed dwelling has already been erected on site. It is composed of two long static caravans which have been placed alongside one another and joined together. A dual pitched roof and exterior wood cladding have been added, with a noticeable



overhang for the roof providing for a veranda to the front elevation. The proposed dwelling is in conformity with policy H1b in that it is a “wooden structure” of as temporary construction which could be removed from the site without longer term impacts (for example without deep foundations, etc). The style is akin to that of chalet at single storey. The dwelling has three bedrooms is considered to be at a scale commensurate with the need for housing for the applicants who have a young family.

In terms materials the structure is clad in vertical timber boarding with metal box-profile roofing. The materials are considered acceptable and of the type to be expected in a rural setting.

### **Layout and curtilage**

The proposed development has included a red line which would establish a domestic curtilage to the property and includes the installation of an underground sewage treatment plant. The dwelling has been sited to the front of the proposed curtilage in an area which, should a future application be submitted, is indicated in the longer-term to be garden. The layout is intended to allow for retention of the mobile home whilst works are taking place to build-out a permanent if, in future, permission is granted for such a development, without the need to move the mobile home. The siting is to the side of the barn building and is on slightly raised ground compared to the internal track within the site. The site's proposed layout is not considered to be inappropriate for the intended purpose of providing a temporary dwelling and the curtilage is relatively modest but adequate for both a temporary and potentially a future permanent dwelling. There is adequate space for off-street parking, and no other area of the land in the applicants' ownership would be better suited to situate the curtilage, within which would be the temporary dwelling. It is setback from the highway and follows the existing pattern of development in the valley so is not in isolation as it has the barn building to the eastern side. The proposed sewage facility would have little visual impact and is considered to be sited appropriately.

### **Traffic and parking**

The site is accessed off of a narrow rural road which is largely single lane. The highways access is pre-existing and is considered to be reasonable for its existing lawful purposes. In terms of impacts from the use for residential purposes these would present both some form of increases but would also decrease trip generation. Currently the applicants live several miles from the site, so have to travel to it every day to manage the animals. If permission was granted this frequency of trip generation would cease, but the use for domestic purposes would also account for some level of trip generation. The highways authority have not raised any objections to the proposal and offered standing advice. The most relevant part of this being in relation to parking, where for parking and turning there must be sufficient space available for parking of at least one vehicle and turning within the site to be able to leave in a forward gear. There is available space for parking several vehicles (at least five or ten on the gravelled track areas) and for turning vehicles. The use of the site for commercial purposes has already been permitted via the appeal decision to application 09/18/0012, and the Inspectorate concluded that the proposed business

at the site would “not harm highway safety” so the business use shall not be discussed further. The domestic use of the site is likely to involve a net decrease in overall trip generation due to the applicants having the ability to live at the site, so there are not considered to be any highway safety grounds to refuse the application.

### **Landscape and Heritage impacts**

The site is the rural hamlet of Raddington and set into the bottom of a valley. The extant pattern of development in the Raddington hamlet follows a line approximately equivalent to the contour line and is clustered in one part (the eastern side) of the valley. The proposed position of the temporary dwelling, and indicative position of a potential future permanent dwelling, are within this historical development area, which has been subject to expansion over time. Many of the dwellings in Raddington have some antiquity and of significant importance is the presence of the Grade I listed Church of St Michael to the western side of the valley hills, and its setting. A second listed building, Kingston farmhouse, is located approximately 110m to the north-west. The site is set below the level of the church and the listed farmhouse and has existing and newly planted trees and hedgerows screening it from general views, and direct sight (from most angles) to the listed farmhouse is not possible as there are other existing buildings within the line of sight. As with the related application 09/18/0012 it is considered that the proposal does not harm the setting of designated heritage assets in the locality, and, as noted by the Inspectorate, the church was built to serve local farmsteads. The creation of a new, albeit temporary, dwelling in this location adds to the potential pool of church attendees and is not considered to be, therefore, out of character with the historic development in the valley. The proposed position of the dwelling is not in isolation to the extant urban form, and is the natural location for development in close proximity to existing dwellings and agricultural buildings, (including one dwelling in the ownership of the same family where one of the applicants was raised), and to the barn which has a lawful use for the business operations.

In terms of soft landscaping the authority’s landscape officer has recommended further plantings, particularly to the roadside boundary. A condition for this will be attached to any permission granted. It is also acknowledged that there are already several new trees which have been planted at the site, which will mature and act to soften the impact of domestic development.

### **Fresh and foul water and flooding issues**

The site is served in terms of clean water, by a private borehole in the ownership of the applicant’s father (from the Kingston Mill house in Raddington). This has been assessed as having an adequate supply for the proposed domestic use. Foulwater and sewage would be managed via domestic treatment plant, which is included within the proposed development. The measures proposed are considered to be adequate. The site is outside of flood zones 2 and 3 (although ground to the south is in a flood zone, but this outside of the proposed development area and set much lower than it) and there are no abiding flood risk issues.

### **Amenity**

The proposed dwelling is located below the level of the nearest adjacent property, Batheram Cottage, to the north-west of site. The neighbours at this property have erected a close board fence and no downward views into the neighbouring property are possible from the proposed dwelling, there is therefore no issues with overlooking. At single storey and set on a level below the neighbours, there are also no issues with overbearing impacts. Clearly any new dwelling will create a certain amount of noise and traffic generation but the site is within a cluster of existing dwellings in Raddington and there are not considered to be any excessive noise or traffic impacts over and above those expected from the existing lawful use of the site.

### **Other matters**

Approximately 90 letters of representation have been received and comments from two local councillors, both opposing the application, as has the local parish council. The main issues raised relate to impacts on the natural and heritage landscape, traffic and highway safety, lack of available land for the equestrian enterprise and questions concerning the viability and profitability of the proposed commercial business. The issues raised are discussed in the preceding report.

### **Conclusion**

The proposed development is considered to be in compliance with relevant local plan policies and there are no material reasons to refuse the application. It is acknowledged that there is considerable local opposition to the proposal but all issues related to the proposal have been fully assessed and the functional need adequately demonstrated and accordingly, the application is recommended for approval with the conditions cited above.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mr Alex Lawrey**