

Application Number	2023/1989/FUL
Case Officer	Charlotte Rogers
Site	Land At 352279 151941 Townsend Priddy Wells Somerset
Date Validated	16 November 2023
Applicant/ Organisation	L Wedmore
Application Type	Full Application
Proposal	Change of use from agricultural to siting of a mobile home to provide a temporary accommodation for a rural worker. (Retrospective).
Division	Mendip Hills Division
Parish	Priddy Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What three words: ///hurricane.different.chop

Referral to Planning Committee:

This application is referred to Planning Committee, following the outcome of the Chair and Vice Chair referral process. The Chair requested this to enable the applicant to explain why this caravan is needed.

Description of Site, Proposal and Constraints:

The application relates to a mobile home situated on agricultural land to the north of Priddy. The application seeks retrospective planning permission for the temporary siting of the mobile home as an agricultural workers dwelling.

The site is located within the Mendip Hills Area of Outstanding Natural Beauty and outside of define settlement limits.

Relevant History:

No relevant planning history has been found in relation to this site.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No comments received

Town/Parish Council: No objection – The recent parish survey conducted by Priddy Parish Council identified a lack of affordable accommodation in the parish. For those working in agricultural and rural industries this is a significant problem. The Councils support for this application is based exclusively on the applicants agricultural links. Priddy Parish Council would, however, not wish acceptance of this application to set a precedent for mobile homes to be given automatic approval in the future.

Local Representations: Two letters of support have been received as a result of public consultation

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (Post JR version)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP3 – Supporting Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip's Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP13 – Accommodation for Rural Workers

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Environment Agency Standing Advice

Assessment of relevant issues:

Principle of the Use:

The proposal is for the regularisation of a mobile home that has been situated on the site as a temporary agricultural worker's dwelling.

CP1 states that in order to enable the most sustainable pattern of growth, the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street).

In rural areas, new development is tailored to meet local needs and is to be provided within 'primary villages', which are to accommodate most rural development and 'secondary villages', which may accommodate more localised housing, business and service needs.

In villages and hamlets, development may be permitted in line with policy CP4, to meet specifically identified local needs. Development in open countryside will be strictly controlled but may exceptionally be permitted in line with CP4. Rodney Stoke does not have a defined settlement boundary and is not identified as a primary or secondary village.

For the purposes of the spatial strategy, the development site lies in "open countryside", where development is strictly controlled but may exceptionally be permitted in line with policy CP4 (in this context, "open countryside" is a spatial strategy classification term, not a landscape term).

CP4 (Sustaining Rural Communities) states that rural settlements and the wider rural area will be sustained by:

3. Making allowance for occupational dwellings in rural locations, where there is a proven and essential functional need, to support agricultural, forestry and other rural-based enterprises set out in Development Policy 13.

Policy DP13 requires that all application provide **clear evidence** to demonstrate that the following criteria have been met:

Proposals for permanent or temporary accommodation outside of defined Development Limits which are necessary to support agriculture, forestry or other rural enterprises will be supported where it can be demonstrated that:

- i) the dwelling and its proposed location are essential to support or sustain the functioning of the enterprise;*
- ii) there is a need for permanent occupation which relates to a full-time worker or one who is primarily employed by the business;*
- iii) all alternative accommodation options have been explored and no satisfactory alternative means of providing accommodation have been identified;*
- iv) the size of the proposed dwelling is commensurate with the established functional requirement for the enterprise;*
- v) the design and siting of the proposal does not conflict with the intentions of Development Policy 5, particularly in relation to Natura 2000 sites and Development Policy 4: Mendip's Landscapes.*

The points of the policy are addressed in turn below:

i) The application states that the dwelling is required in association with lambing and checking the stock. The applicants have purchased 17 breeding ewes which produced 21 lambs and there is an intention to buy calves and birds. There has been no evidence submitted with the application to demonstrate why there needs to be a continuous presence on the site to maintain the ewes and lambs. Projections for possible future calves/birds does not qualify as 'clear evidence' of an essential functional need for a dwelling on the site.

ii) No details of the labour requirements for the enterprise have been provided and as such it has not been demonstrated that the equivalent of one-full time worker is required on site at all times.

iii) The application states there is "no affordable accommodation within this area". No information about the parameters of the search have been provided. This is inadequate evidence to demonstrate that there are no appropriate alternative dwellings available.

iv) The dwelling is a mobile home and includes some associated paraphernalia to be located within the neighbouring agricultural barn. Whilst it is recognised that the mobile home could be removed from the site with little evidence remaining, it has not been clearly demonstrated that a dwelling is required on the site as essential to support or sustain the functioning of the enterprise.

v) This application seeks regularisation for the placement of a mobile home which is to be used in association with the agricultural activities. A mobile home can be removed from the site with minimal evidence of its placement. Furthermore, the mobile home has been positioned adjacent to the existing agricultural barn which reduces the impact of the development. However, without clear justification for the functional need of a dwelling on the site, it is considered that the introduction of a residential property and its associated paraphernalia are out of character within the agricultural context.

It is not considered that the application has demonstrated a clear and essential need for the equivalent of one full-time employee to be on site 24-hours a day. As such, the principle for a dwelling located outside of defined settlement limits, in the open countryside is not considered to have been met.

The financial information submitted provides details of the outgoings for the past year but do not provide any details to assess whether there is a firm intention and ability to develop the enterprise on a sound financial basis. It is recognised that within the Planning Statement the applicant has detailed their intention to introduce calves and birds into the enterprise as well as an aim to build the business over the next 3-5 years. However, there is limited evidence provided with the application to demonstrate how this complies with Policy DP13 of the Mendip District Local Plan Part 1 (2014).

As such, planning permission for a temporary agricultural worker's dwelling on the site, to support the functional requirements of the enterprise, does not meet the criteria set out within Development Policy 13 of the Local Plan and therefore is considered unacceptable in principle because clear evidence has not been provided.

Furthermore, other policies within the NPPF also seek to direct new residential development towards sustainable locations although a number of exceptions are provided for, within paragraph 84, where isolated dwellings in the countryside might be acceptable. However, as the proposal has not demonstrated a case for the use of agricultural workers dwelling, the proposal is not considered to comply with the NPPF.

Design of the Development and Impact on the Street Scene and Surrounding Area:

Criteria 1. v) of DP13 states that the design and siting of the proposal should not conflict with the intentions of DP4: Mendip's Landscapes. DP4 states that proposals for development that would individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

In addition, DP1 states that development should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, and proposals

should be formulated with an appreciation of the built and natural context. Further to this, decisions should take account of efforts made to minimise negative effects. DP7 states that the planning authority will support high quality design, and that development should be of a scale, mass, form and layout appropriate to the local context.

The proposed mobile home is modest in scale and located adjacent to an existing agricultural barn. The placement of a mobile home on agricultural land is considered to be out of character for the site and results in a clear domestic setting within an area of agriculture. The placement of the mobile home can be dismantled and removed ensuring that the site can be returned to its agricultural character.

Given the proposal is not acceptable in principle in terms of DP13, it is considered that the placement of the mobile home within the agricultural field, and the domestic paraphernalia extending into the existing agricultural barn would result in harm to the character and appearance of the surrounding area including the Area of Outstanding Natural Beauty.

In the absence of adequate justification, as reinforced in DP13, the proposal is considered to be harmful to the character and appearance of the surrounding area and does not maintain or enhance the local identity. Despite the temporary nature of the mobile home, the proposal is contrary to DP1, DP4, DP7 and DP13 of the Mendip District Local Plan Part 1 (2014) and the aims of the National Planning Policy Framework.

Impact on Residential Amenity:

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Assessment of Highway Issues:

There are no proposed changes to the means of access to the site and to the proposed mobile home. Given the existing agricultural use, it is not considered that the proposed dwelling would result in a significant increase in traffic movements that would be prejudicial to highway safety.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The proposal has failed to demonstrate that it complies with the Council's policy for rural workers dwellings by virtue of the issues identified relating to lack of essential need, available alternatives, impact on the landscape, and the profitability of the enterprise. The proposal has failed to meet the test of the National Planning Policy Framework for isolated homes in the countryside. The proposal is not considered to represent sustainable development by virtue of the site's distance and poor accessibility and connectivity to local services and facilities which would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited benefits of bringing forward housing supply and the limited economic benefits do not in this case outweigh the harm identified. The proposal is therefore considered to be contrary to the provisions of Core Policies 1, 2, and 4, and Development Policies 1, 4, 7, and 13 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework (with particular regard to paragraphs 88, and 89, and Part 15), and Planning Practice Guidance.

Informatives

1. This decision relates to: 01, 02, 03, 04, 05, 06, Location Plan, Economic Statement , Agricultural Appraisal, Cess Pool Supporting Information, Foul Waste Water Report and Recycling and Waste Management Plan.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.