

Planning Committee: 11 September 2018

Item Number: 8

Application No: W 18 / 1180

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

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Registration Date: 18/06/18

Expiry Date: 13/08/18

Faerie Tale Farm, Rouncil Lane, Kenilworth

Retention of timber cabin for occupation by a rural worker on a permanent basis
FOR Faerie Tale Alpacas Limited

This application is being presented to Committee as it is recommended for refusal and over 5 letters of support have been received.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the permanent retention of a log cabin for a rural worker, which was previously granted at appeal on a temporary basis only. The cabin measures 12m in length by 6m in width with an overall height of 3.3m to the ridge. A 1.5m wide strip of decking runs for the length of the cabin and extends 3m past the end to form a front deck area, all of which is enclosed with a 0.8m high balustrade.

In support of the application the applicant notes that the NPPF provides (Paragraph 79) for the erection of new homes to meet the essential need for a rural worker to live permanently at or near their place of work in the countryside. The supporting planning statement provides the following information:

The previous appeal decision allowed the siting of the log cabin for a temporary period of 42 months to allow the applicant time to build up the business. The applicant presently has:

- 31 breeding age females of which six had given birth by the submission of this application with a further 23 to give birth by October 2018.
- 7 immature females
- 8 female cria (juvenile alpaca) including those born up to the submission of this application
- 13 males including stud males
- 12 male cria including those born up to the submission of this application

The applicant's business revolves around the rearing and selling of alpacas, the selling of the wool and members of the public visiting the farm for 'alpaca experiences'.

It has been acknowledged that the breeding and rearing of alpacas involves similar husbandry to other agricultural practices and that it is appropriate to, and requires a rural location in order to take place. Under the previous appeal decision the Inspector found there to be a functional need for a rural worker to live permanently on the site to tend to the animals and to deal with emergencies in terms of animal welfare and management as alpacas can breed all year round.

THE SITE AND ITS LOCATION

The application site is an area of 10 ha of agricultural land in the Green Belt located off Rouncil Lane on an 'S' bend close to the ford and is also bisected by the Inchford Brook. A caravan, a small number of alpacas, a septic tank, 3 small field shelters, access road and the base of the two buildings are currently on site. A public footpath runs along the boundary on the northern side.

PLANNING HISTORY

Application number	Description of development	Decision
W/10/0923	Erection of general purpose agricultural building and retention of existing concrete hardstanding (Revised Proposal).	Not determined, appeal allowed
W/10/0922	Temporary agricultural workers dwelling and agricultural building	Not determined, appeal allowed
W/09/0023	Erection of general purpose agricultural building (revised proposal)	Not determined, appeal dismissed
W/09/0021	W09/0021 - Siting of a temporary agricultural workers dwelling (revised proposal) ACT 183/17/08 - The unauthorized erection of a residential building W/09/0023 - Erection of general purpose agricultural building (revised proposal)	Not determined, appeal dismissed
W/08/0866	Erection of general purpose agricultural building	Refused
W/08/0862	Erection of temporary agricultural workers dwelling	Refused

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H12 - Housing for Rural Workers (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC2 - Farm Diversification (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Not objecting or supporting, but could not identify location of the cabin from the plans

Beausale, Haseley, Honiley & Wroxall Parish Council: Object on grounds that they believe that Faerie Tale Alpacas Ltd has not proved itself to be a sustainable enterprise

Councillor Gallagher: Objects as application is within the Green Belt

WCC Highways: No objection, subject to conditions

CPRE: Object due to impact on the Green Belt

Warwickshire Ramblers: No objection providing that operation of this site does not interfere with the footpath and the footpath remains open at all times

Public Responses: 63 letters of support have been received on the following planning grounds:

- Well run rural business
- Cabin not out of keeping in the countryside and cannot be seen from the road
- Does not affect footpath

1 letter of objection has been received on grounds that Green Belt land should not be further built upon

ASSESSMENT

Principle of development

The NPPF at Paragraph 79 states that isolated homes in the open countryside should be avoided unless one of five exceptions are met, one of which is where there is an 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. There is no longer a requirement to show a financial need under the NPPF, however at the heart of this document is the need for development to be sustainable.

Local Plan Policy H12 states that permanent housing for rural workers in the open countryside will be permitted where applicants can demonstrate that there is an essential need to live permanently at or near their place of work. In assessing this need, the Council will take into account whether:

- a) there is a clear functional need for the person to be readily available on the site at most times;
- b) the worker is fully or primarily employed on the site to which the proposal relates;
- c) the business is financially sound and has a clear prospect of remaining so;
- d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
- e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

Under the previous appeals the Inspector determined that there was a functional need for a rural worker to be living at the site. The Inspector also considered that the business plan submitted under the most recent appeal, in 2012, showed the business was built on a sound financial basis that supported the granting of a temporary permission to allow the business the opportunity of meeting its business plan.

The applicant has submitted updated financial information under this application to demonstrate the continuing financial soundness of the business and justify the permanent retention of the cabin. The Council have consulted an independent agricultural consultant to assess the submitted financial information. The response received was that whilst there was a functional need for a rural worker to live on the site and that the need could not be met by an existing dwelling within the area, the submitted figures were not sufficient to justify that the business is financially sound and has a realistic prospect of remaining so.

The agricultural consultant has confirmed that "the fall in stock prices [of alpacas] is graphic. For example, the sale price for females (the business base for the applicant's enterprise) in May 2011 was £2,495; for the same class of stock in 2018 the average price was £1,552; a fall of 62%.

"In my opinion, therefore, the long term sustainability of the business must be questioned. The law of diminishing returns is in play here: alpaca prices continue to fall, and for the applicant to achieve profitability at any level more stock must be kept. The farm has an upper stocking level accepted at the 2014 appeal, and

when numbers exceed maximum stocking animals have to be agisted elsewhere at cost further affecting profitability."

Based on this advice it is not considered that the proposal complies with Policy H12 as the business is not considered to be financially sound enough to support the permanent siting of a dwelling. As a result of the business not being considered financially sound the proposal cannot be deemed to be sustainable. Sustainable development is the main theme that runs through the NPPF. The permanent siting of a dwelling for a rural worker in relation to an unsustainable business is considered to be contrary to this principle and the scheme is therefore considered to be contrary to the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 set out exceptions, however, none are applicable in this instance. The proposal is therefore considered to be inappropriate development which is harmful by definition and by reason of harm to openness.

The NPPF does state that 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In the previous appeal the Inspector concluded that there were sufficient considerations to outweigh the harm to the Green Belt. This revolved around the functional need being established, a sound financial need and the temporary nature of the building.

The present application seeks the permanent siting of the log cabin for a rural worker. The retention of the building on a permanent basis would have a greater impact on the openness of the Green Belt by virtue of being a permanent feature. A dwelling has domestic paraphernalia associated with it that would further erode the open nature of the Green Belt. There is an existing agricultural barn located on the site close to the cabin, however this a building which is considered to be appropriate within the Green Belt as set out in the NPPF.

The site is an isolated and unsustainable location where the introduction of a permanent dwelling would cause harm to the openness of the Green Belt. As the business is not considered to have a financially sound future plan that justifies a worker to live on site coupled with the permanent nature for which the dwelling is sought, there are not considered to be special circumstances which would outweigh the harm identified. The proposed development is therefore considered to conflict with the NPPF and Local Plan Policy DS18.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The log cabin is a single storey building which does aid in reducing its visual impact in the area and mirrors the materials of the agricultural building also on the site. Given its siting the building is very visible from the public footpath that runs across the site. The building presently is set at a slight angle to the path but would be better suited set in the corner of the field parallel to the boundary hedges so that it was as unobtrusive as possible. Whilst the design and scale are reasonably minimal the retention of the dwelling on a permanent basis is considered to have a harmful impact on the open, rural character of the area by the introducing an isolated property in an unsympathetic location within the parcel of land. The scheme is therefore considered to be contrary to Policy BE1.

Impact on adjacent properties and future occupiers of the dwelling

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There are no nearby residents that would be affected by the proposal whilst the future occupants would have a good outlook from the dwelling. They would however be heavily reliant on private cars given the unsustainable location of the site. The proposal is however considered to be in accordance with Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The access to the site is off an S-bend via a gravel turnout area, through a field gate which leads to a plastic trackway across the field and along the path of the public right of way. The Highways Authority have been consulted on the application and in their response they make reference to the speed surveys that were undertaken for the previous application which demonstrated the required visibility splays could be met. As such they have no objection to the retention of the dwelling for a rural worker.

This response is based purely on the application being for a rural workers dwelling and does not consider the diversification of the business which includes the alpaca experiences which are available to the general public. Based on the response from the Highways Authority it is considered that the retention of the rural workers dwelling on a permanent basis will not give rise to highway safety concerns and is therefore acceptable having regard to Policy TR1 and TR3.

Low Emission

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This could be secured via a condition if the application was being supported.

Public Right of Way

Public footpath K15/W182 runs across the site between stock fencing and then along a plastic trackway before reaching the kissing gate at the site entrance. The alpacas are kept in fenced paddocks and there is no obstruction of the footpath. As such the proposal is not considered to cause an issue in terms of the public right of way.

Water Efficiency

A condition to ensure compliance with Policy FW3 could be addressed via a condition if the application was being supported.

Conclusion

Given the lack of financial soundness of the business there is not considered to be sufficient weight to overcome the harm to the Green Belt by the retention of the cabin on a permanent basis and as such there is an in principle objection on these grounds. The siting and access arrangements are also considered harmful although they could potentially be addressed through amended plans.

REFUSAL REASONS

- 1 The application site is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with the National Planning Policy Framework. The provision of a new building represents inappropriate development which is by definition harmful unless certain exceptions are met.

Paragraph 79 of the NPPF states that new isolated homes should be avoided within the countryside unless there are special circumstances to justify them, such as the essential need for a rural worker to live permanently at or near the site.

In the opinion of the Local Planning Authority the proposed development is contrary to the NPPF as insufficient evidence has been submitted to demonstrate that the existing business is sustainable based on the financial evidence provided. The proposal is therefore considered to constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness.

The proposal would also introduce an isolated dwelling which would not be sustainable development. No very special circumstances are considered to exist sufficient to outweigh the harm. The proposal is therefore contrary to the NPPF and Policy DS18, H12 and BE1 of the Warwick District Council Local Plan 2011-2029.
