

**16/00864/FUL**

**Ms Sarah Dakin**

**Cllr Ewart & Barrow  
CODSALL**

**Wild Wood, County Lane, Codsall Wood, WV7 3AH**

- 1. Siting of a temporary rural workers dwelling**
- 2. Erection of a general-purpose agricultural building**
- 3. Extension of hard standing**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Site Description**

1.1.1 The application relates to a 10.6 acre paddock which originally formed part of the land associated with Husphins Farm, Codsall Wood. The paddock is accessed from County Lane which forms the boundary with Shropshire. The paddock has fields to the north and east and the highway to west and railway line to the south which is bounded by mature trees.

1.1.2 At present the site has a stable block (four stables and tack room) and a mobile home, set back approximately 170 metres from the road. The site is accessed off County Lane, towards the south end of the paddock.

### **1.2 Site History**

2008, stable block, access road and timber fenced training area, refused (08/00080/FUL)

2009, new stable block and access gate, approved (09/00418)

2014, Use of land for recreational/commercial equestrian use; all-weather riding arena; installation of septic tank and siting of two mobile field shelters, approved (14/00148/FUL)

2015, Erection of a building in association with an established recreational/commercial equestrian use, not determined (15/00186/FUL)

2016, 1. Siting of a temporary rural workers dwelling 2. Erection of a general-purpose agricultural building, refused (16/00499/FUL)

1.2.2 16/00499/FUL grounds for refusal were;

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy.
2. The Local Planning Authority has considered the reasons advanced, but does not consider that these reasons constitute the very special circumstances required to justify inappropriate development in the Green Belt.
3. The proposed development would be an unnecessary visual intrusion into the Green Belt and would be prejudicial to the openness, character and amenity of this part of the Green Belt, contrary to the policies set out in policy EQ11 of the adopted Core Strategy.

## **2. APPLICATION DETAILS**

## **2.1 The Proposal**

2.1.1 The proposal is for;

1. Siting of a temporary rural workers dwelling (**retrospective**)
2. Erection of a general-purpose agricultural building
3. An extension to the hard standing.

The temporary rural workers dwelling and the extension to the hard standing is already in situ.

2.1.2 The rural workers dwelling measures 16m by 7.7m (including the decking) and 3.3m high. Internally the accommodation includes 2 bedrooms, a bathroom, kitchen and a living/dining room. The agricultural building would measure 19.3m by 5.8m with a centrally located full height double door. The decking around the dwelling has not been included in this application. The proposed agricultural building measures 20m by 6m and 5.7m in height. The hard standing has been extended by approximately 950sqm and is finished in grey loose concrete chippings

## **2.2 Agents Submission**

2.2.1 The agent has provided the following documents;

1. Accompanying Letter/Design and Access Statement
2. List of appeal decisions relating to alpaca breeding enterprises,
3. Appraisal by Reading Agricultural Consultants.
4. Email dated 16.11.16
5. Email dated 24.11.16

## **3. POLICY CONTEXT**

3.1 Within the Green Belt

3.2 Core Strategy

National Policy 1: The Presumption in Favour of Sustainable Development

Core Policy 1 - The Spatial Strategy for South Staffordshire

GB1 - Development in the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

EQ4 - Protecting the Character and Appearance of the Landscape

Core Policy 4 - Promoting High Quality Design

EQ11 - Wider Design Considerations

Core Policy 9: Rural Diversification

EV5: Rural Employment

EV7 - Equine Related Development

EV8 - Agriculture

3.3 National Planning Policy Framework

3. Supporting a prosperous rural economy
7. Requiring good design
9. Protecting the Green Belt

## **4. CONSULTATION RESPONSES**

No Councillor comments (expired 19/10/2016)

**Codsall Parish Council comments** (received 13/10/2016): *Refusal to 1 & 2 on the following grounds:*

- *Inappropriate development within the greenbelt*
- *Exceptional circumstances cited were not great enough to warrant building on the greenbelt*
- *Temporary workers dwelling appears excessive in size for the claimed use of the dwelling.*

**Environmental Health comments** (received 19/10/2016) No comments

No landscape comments (expired 19/10/2016)

**Local Plans comments** (received 29/09/2016) *Local Plans have no detailed comments to make on this application, however would ask that the application is considered against policy EV8.*

**Flooding Risk Management comments** (received 30/09/2016) *The proposed development and site location has been reviewed, and there are no recorded Ordinary Watercourses, Surface Water Flow Routes or Flooding Hotspots identified at the development location. Considering the scale, nature of the development and existing site conditions, the Flood Risk Management Team have no further comments to offer in this instance.*

**County Highways comments** (received 14/10/2016) *There are no objections on Highway grounds to this proposal.*

No Shropshire Council comments (expired 29/11/2016)

## **5. APPRAISAL**

5.1 This application is being decided by Planning Committee because it is a departure from the Local Plan and contrary to Green Belt policy.

### **5.2 Key Issues**

- Principle of Development
- Impact on Openness of Green Belt
- Impact on Visual Amenity
- Compliance with Policy EV8
- Agriculture EV8
- Highways and Parking

### **5.3 Principle of Development**

5.3.1 The application site is within the Green Belt where there is a presumption against inappropriate development as outlined in Policy GB1. Exceptions to this include a new or extended building, provided it is for:  
a) purposes directly related to agriculture or forestry; or

- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
- c) affordable housing where there is a proven local need in accordance with Policy H2; or
- d) limited infilling and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

5.3.2 I consider, therefore, that the proposed agricultural building is appropriate development in principle but the temporary workers dwelling is inappropriate development. Only where Very Special Circumstances exist can an application for inappropriate development be viewed favourably. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.3.3 With regards to the hardstanding this would be considered to be an engineering operation. This type of engineering operation which has no elevational elements can be considered to have no material effect on openness and does not need to pass the very special circumstances test.

#### **5.4 Impact on Openness of Green Belt**

5.4.1 The proposal conflicts with paragraph 79 of the NPPF which states that the government attaches great importance to preventing urban sprawl by keeping Green Belt land permanently open. It is also contrary to paragraph 80 of the NPPF which details the five purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. Significant weight must be attached to the detrimental impact this proposal has on the openness of the Green Belt.

5.4.2 The mobile home is in situ and is already impacting on the openness of the Green Belt. The agricultural building would further impact on the openness. This is in addition to the impact which has already occurred as a result of the previously approved and constructed stable block and animal shelters. There will be further impacts resulting from the domestic paraphernalia that accompanies residential development, including for example the decking that has been erected around the temporary dwelling. Other structures are located on the site including a large motorised horse box and two shipping containers which also impact on the openness of the Green Belt although not forming part of this application. Overall the development on the site represents a significant reduction in the openness of the Green Belt, with the exception of the extension to the hard standing.

#### **5.5 Impact on Visual Amenity**

5.5.1 The proposal is well screened by hedgerows and trees on the south east and south west sides of the site. The proposed agricultural building is of a style ordinarily seen in a rural context and will not be an incongruous feature in the landscape. The hard surfacing also has the appearance similar to that of hard surfacing in association with agricultural activity. The temporary dwelling however is an alien feature in the countryside and causes considerable harm to the visual amenity at this location in the Green Belt.

5.5.2 The impact could be mitigated against by further planting. Should the application be approved a landscape condition should be applied to ensure delivery of adequate screening. The proposal therefore complies with EQ12 subject to the application of conditions.

## **5.6 Compliance with Policy EV8**

5.6.1 Core Policy 9 deals with rural diversification which supports in general the diversification of the agricultural economy with Policy EV8 dealing specifically with agriculture. Paragraph g] of Policy EV8 states that proposals for temporary agricultural and occupational workers dwellings will be supported provided that they satisfy certain criteria. The criteria are:

- Clear evidence of a firm intention and ability to develop the enterprise concerned.
- Clear functional need which cannot be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable for occupation by the workers concerned.
- Clear evidence that the proposed enterprise has been planned on a sound financial basis.
- The proposal satisfies all other normal planning requirements

5.6.2 From the evidence submitted it appears to be the applicant's intention to develop both the equine business and the rearing of alpacas. It is also intended that the wool from the alpacas will be processed into balls and woven into garments. The applicant's qualifications and experience are largely based around equine activity however the submission states that further training will be undertaken in relation to the rearing of alpacas. At the present time the business is in its infancy and it is difficult to prove or disprove that there is a firm intention and ability to develop the enterprise. It should be noted however that no mention of the rearing of alpacas was made in the content of previous applications made to the Council in 2014 and 2015 and this development echoes a very similar development at the adjacent site named Skylarks. Even if it were the case that the desire to have residential accommodation for equine purposes preceded the keeping of alpacas, the enterprise may still be successful in the longer term.

5.6.3 An agricultural consultant's report has been submitted in support of this application. This report makes reference to the need for a full time worker to be located on the site at most times to ensure the proper functioning of the enterprise. The report cites the physiological characteristics of alpacas and the security/value of the alpacas as the functional reasons for the need for the on-site residential accommodation.

5.6.4 A search on rightmove at this current time reveals a property for sale for £194,950 located approximately 1 mile or away from Wildwood. However, if it is accepted that there needs to be a worker on site then there is no other existing dwelling on the application site. Whilst there is other existing accommodation in the area which is suitable for occupation by the workers concerned that accommodation is not on the site or even immediately adjacent to it. It must be noted also that no information regarding the workers personal income has been submitted. Only income in relation to the business has been submitted. It is an assumption therefore on the basis that two adult full time workers are looking to live at the site that their joint income could service a mortgage for a house priced at £194,950.

5.6.5 Financial information has been submitted in relation to this proposal which predicts that by year 3 the enterprise will be generating enough profit to provide a reasonable return on the land, labour and capital. Four sources of income are identified in the report; the breeding and rearing of alpacas, the sale of wool and processed garments, equine shiatsu treatments and faecal worm counts. It is proposed to grow the herd of alpacas to 38 individuals by year 3. In the absence of any expert financial advice to the contrary it is assumed that the incomes presented in the agricultural report are a reliable forecast of the future financial viability of the enterprise. It should be noted however that some of the income streams are from equine sources as well as secondary manufacturing.

5.6.6 Overall it is considered that the supporting information submitted with this application adequately addresses the requirement contained in policy EV9 for a temporary 3 year period.

## **5.7 Agriculture EV8**

5.7.1 Core Strategy Policy EV8 confirms the Councils support for the sustainable provision of agricultural buildings. The supporting statement states that the building will be used for the storage of hay, feed and equipment, for use as a farm workshop and for sick or nursing animals and for handling the livestock, shearing and veterinary attention.

5.7.2 The justification for the scale of the building is largely based around the need to store hay on the assumption that further land will be acquired in the future. Initially there was concern that the large scale of the barn was not justified on agricultural reasons alone, therefore the agent submitted additional information to support the statement that further land would be acquired at a later date. Overall it is considered likely that the barn will be used for agricultural purposes though it will be difficult to police this activity.

5.7.3 The proposal is considered to be compliant with Policy EV8 subject to a condition that the building is only used for agricultural purposes.

## **5.8 Highways and Parking**

5.8.1 The site will be accessed from County Lane. There is hardstanding on the site to accommodate vehicle parking. No objections have been received from the County Highways department. It is therefore considered that there are no issues with regards to parking or highways.

## **6 CONCLUSIONS**

6.1 In conclusion, I consider the agricultural building and the hard standing to be not inappropriate development and the residential unit to be inappropriate development in the Green Belt. A case has been made to support the need for the residential accommodation in relation to the keeping of alpacas. The impact on the landscape could be mitigated against and there no issues with regards to access and parking. I therefore recommended that the application be approved.

## **7. RECOMMENDATION      APPROVE**

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 2710/01B received 16.11.2016 2710/03 received 23.09.2016 2710/02A received 14.11.2016.
3. No other stables, containers, caravans, shelters or other ancillary building or structures, temporary or otherwise, shall be sited on the land without the prior approval of the Local Planning Authority.
4. Before the development commences a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority.
5. Before the development commences details of the facing materials to be used for the external elevations shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.
6. No existing trees, shrubs or hedges on the site or its boundaries shall be lopped, topped or cut down without the prior consent of the Local Planning Authority. If any existing trees, shrubs or hedges are cut down or die, they shall be replaced with the same species (unless otherwise agreed with the Local Planning Authority) within the next available planting season and shall be maintained to the satisfaction of the Local Planning Authority.

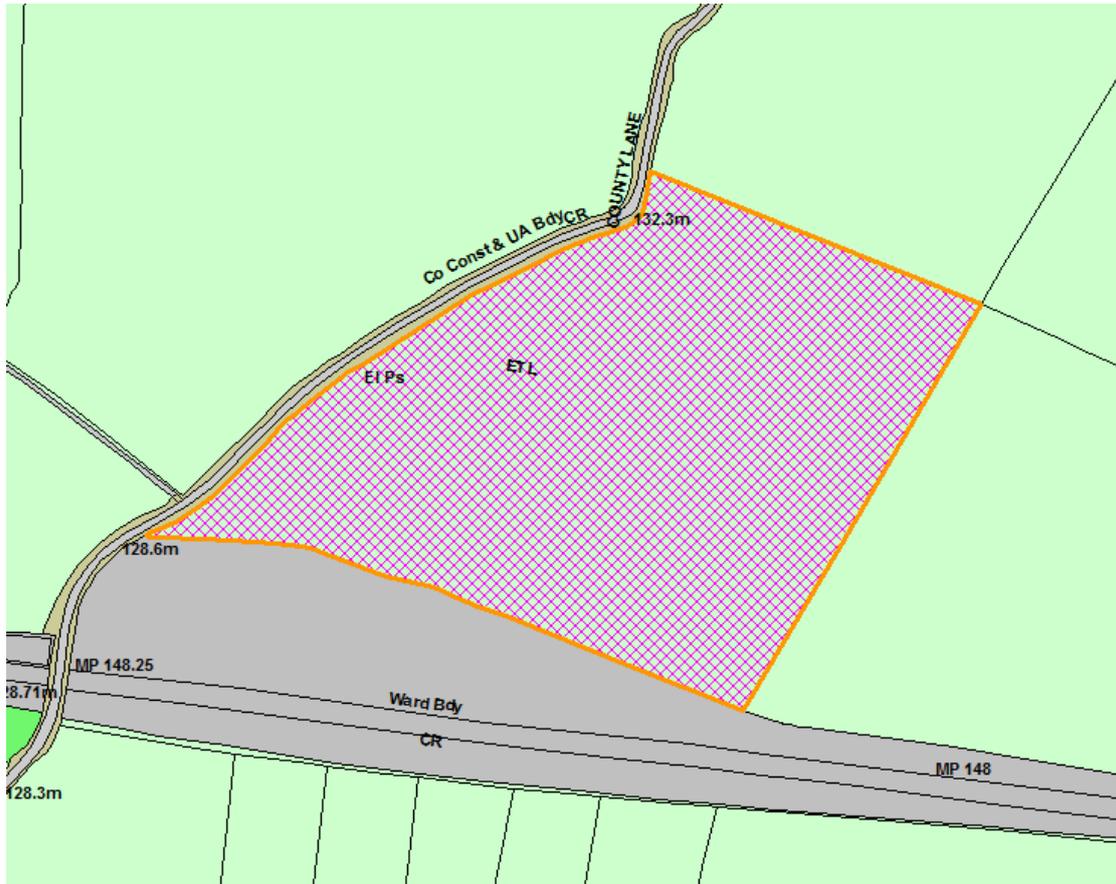
7. The development hereby approved shall be permanently removed from site on or before 2<sup>nd</sup> January 2020.
8. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed locally in agriculture, as defined in Section 336(I) of the Town and Country Planning Act 1990; or in forestry; or a dependent of such a person residing with him/her (but including a widow or widower of such a person).

#### Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
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7. Proactive Statement

The Council has considered the application submitted, but did not consider amendments to the proposal were necessary. The application is considered to be acceptable in accordance with the reasons for granting planning permission above. The Local Planning Authority has therefore worked in a positive and proactive manner in relation to dealing with the planning application, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, 2012.

The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework, 2012.



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