

## PLANNING COMMITTEE – 18 April 2019

### REPORT OF THE OFFICERS

*Background papers, if any, will be specified at the end of each item.*

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AGENDA ITEM No. 5

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#### 5 DEFERRED APPLICATION

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##### **CH/2017/0290/OA (Case Officer: Margaret Smith)**

##### **Temporary rural workers dwelling, erection of general purpose agricultural building and yard, formation of farm track**

##### **Land to the North of Heath End Road, Little Kingshill**

##### **Matter for consideration**

5.1.1 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 2<sup>nd</sup> November 2017. The original Case Officer's report is attached at **Appendix FP01**.

5.1.2 The application was deferred to allow Committee Members more time to consider the financial information received from the consultant and to request further details. These details have now been submitted. Various delays have contributed to the lengthy period of time before this application could be brought back to Committee.

##### **Evaluation**

5.1.3 The original officers' report to the Planning Committee recommended that planning permission be granted for the scheme. However, Members were unhappy with some of the financial information submitted and the siting of the buildings.

5.1.4 The applicant has now provided further information. Following the deferral by Members, the agent verbally confirmed that the applicant would be willing to relocate the proposed temporary dwelling, although they state it is preferable for it to be close to the alpacas for welfare reasons, and/or to marginally reduce the size although it is no larger than a maximum sized caravan and is needed for the farmer and dependents.

5.1.5 The further information submitted includes the following sections:

- i. Labour - The scale of the proposed business will enable greater efficiency and so it is reasonable to estimate a lower unit rate per head of livestock, and the labour requirement is different to the need for an essential presence on the land.
- ii. Fixed Costs - A notional return on land through rental or on working capital was not included in the figures because any appreciation in the value of the land would only be realised on its disposal. However, the figures have been revised and the cost of 1.5 units equates to £22,500 per annum, which exceeds the projected costs of the business.
- iii. Capital Costs - The cost of additional alpacas will be met from the applicant's private funds, which are separate from the day to day financial conduct of the business. The opportunity cost of that capital employed is allowed for as a cost, at 2.5%.

- iv. Hay and Stocking Rates - Bourne Rural quote stocking guidance from Nix Farm Pocket Book at 5 alpacas per acre whereas Nix (46<sup>th</sup> Edition) indicates 5-8 alpacas per acre i.e. a maximum stocking density of 240 alpacas. Consequently there is flexibility to produce hay at the unit as a result of pasture management. However, for the avoidance of continued dispute income from hay production and livery has been removed.

The revised projection shows a business that can achieve viability within the 3 year period.

- 5.1.6 The agent for this application has also confirmed that the agricultural building is the only permanent agricultural building; a building across the road is only used on a casual basis.
- 5.1.7 The agent has also confirmed that the proposed siting of the temporary dwelling and the new building is so that it is near to the birthing paddocks, which are sited to the north of the footpath for reasons of safety and convenience and to accommodate the whole herd. Also they consider that the proposed siting would have minimal impact on the landscape and the proposed track would have no significant landscape impact.
- 5.1.8 The Council's Agricultural Consultant has reviewed the additional information that has been submitted and has concluded as follows:
  - i The agent has acknowledged that livery income and hay income should be removed, a return on working capital should be included, a notional rent on bare land should be included, an increased labour requirement should be incorporated, Band A Council Tax should be included and depreciation should be incorporated.
  - ii The application initially indicated that at Year 3 the enterprise would generate a labour requirement of 1 full time worker and 1 part time worker; this has now been revised to 2.5 full time workers with a 25% reduction for economies of scale. However, these agents would normally expect the need for 3.3 workers at Year 3 with a 25% reduction for economies of scale to 2.5 workers but an additional 15% for management and maintenance, totaling 2.9 workers. At an average labour cost, the total labour cost at Year 3 would exceed the projected profit.
  - iii The financial projections do not take into account all relevant costs and expenditure, for example, stock purchases and investment in infrastructure, tracks, log cabin purchase and the construction of the agricultural building, provision of electricity and water to the site and insufficient projections for depreciation compared to actual depreciation in years 2015/16.
  - iv Stock depreciation and purchases are not included in the financial projections.
  - v The purchase costs, falling value of stock and cost of production etc., is also not evident in the stock valuation figures.
- 5.1.9 The Council's Agricultural Consultant concludes, "For an enterprise to be considered viable and sustainable, it is necessary to ensure that it can be shown to provide a reasonable return on the land, labour and capital used in the business." Based on the information provided, it is concluded that the applicant has failed to demonstrate that the proposed enterprise is capable of achieving financial viability and sustainability.
- 5.1.10 With regard to siting, the Council's Agricultural Consultant previously raised concerns in relation to the proposed siting of the mobile home and the agricultural building some 280m

and 370m respectively from the access; the proposed siting creating two distinct areas of development for which there is no agricultural justification; and the proposed siting generating a requirement for a significant access track.

- 5.1.11 With regard to the applicant's previous comments that the agricultural building needs to be closely related to the paddocks which are sited on the north side of the public footpath running through the field, so that stock may be moved by use of the races, the Agricultural Consultant has advised that in order to graze the number of alpacas proposed, the whole of the land holding will be needed for grazing land. The majority of the land lies to the south of the footpath and so a proposal to site the agricultural building at this location is entirely reasonable and appropriate.
- 5.1.12 The Council's Agricultural Consultant has also asserted that it is usual to site buildings near to the access to provide increased security and to allow for ease of access and that would negate the requirement for the proposed track to transport the animals because they could walk across the holding and fenced walkways could be incorporated where necessary.
- 5.1.13 The Council's Agricultural Consultant again concludes, "It is evident that there is no agricultural justification for the siting as currently proposed. There is scope to consider alternative sites on the holding, which would continue to meet any identified needs of the proposed agricultural activity but reducing the visual impact of the proposed development."

### **Conclusion**

- 5.1.14 The additional information submitted by the agent was in response to the matters for which the application was deferred from the previous Planning Committee meeting. Members will recall that notwithstanding the Agricultural Consultant's previous and continued concerns regarding siting and viability, the application was recommended for approval in accordance with the conclusions of the attached report, and subject to a limited period condition for the dwelling in order to review the viability of the enterprise at the expiry of this period.
- 5.1.15 The Council's Agricultural Consultant continues to object to the proposed development on both viability and siting grounds, and the expert advice of the Council's Agricultural Consultant is accepted with regard to the viability position, due to the greater amount of information now submitted and considered. With regard to the siting of the proposed temporary dwelling and the proposed access track, the NPPF allows in principle for the construction of new buildings for agriculture. However, when considering any planning application in the Green Belt, paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt in addition to any potential harm by reason of inappropriateness. Although agricultural development is not inappropriate, there is potential for additional harm to the Green Belt by reason of the impact on openness. There is also the impact on the landscape character, which is a separate issue. The proposed siting in an exposed location is not necessary for any agricultural reason. This results in a long stretch of hardsurfacing and will impact on the surrounding rural character, resulting in a sprawl of development that will unnecessarily visually encroach on the countryside.

### **RECOMMENDATION**

- 5.1.16 The recommendation, on the basis of the additional information, is to refuse planning permission, for the following reason:
- i Insufficient evidence has been submitted to demonstrate the status of the existing enterprise as a viable agricultural unit and, as such, the justification for a temporary farmworker's dwelling and/or general purpose building and yard. Furthermore, the siting of the proposed dwelling and general purpose building and the associated access would have a potentially intrusive impact upon its setting in the landscape, which would contribute to the

erosion of the openness of this part of the Green Belt, which is its essential characteristic. Furthermore, the proposal would fail to conserve or enhance the natural beauty of the rural landscape of this part of the Chilterns AONB. As such, the proposal is contrary to policies GB2, GB17 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011; Policy CS22 of the Core Strategy for Chiltern District (Adopted November 2011); and section 13 of the National Planning Policy Framework (2018).

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**AGENDA ITEM No. 6**

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**6 ITEMS FOR NOTING**

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**6.1 NEW PLANNING AND ENFORCEMENT APPEALS**

**CH/2018/0299/FA** – Erection of an outbuilding (retrospective), Austens, 11 The Greenway, Chalfont St Peter

**PL/18/2057/FA** - Demolition of existing garage and rear conservatory and erection of part single, part two storey side and rear extensions to existing house with roof level accommodation, Littleholme, Austenwood Lane, **Chalfont St Peter**

**PL/18/2197/FA** - Redevelopment of land to rear of 14-16 Kings Lane, construction of three dwellings with associated access, parking & landscaping, Land to Rear of 14-16 Kings Lane, **South Heath**

**PL/18/2774/FA** - Redevelopment of site (plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding, Woodchester, Woodchester Park, **Knotty Green**

**PL/18/3069/FA** - Extension to building to create a fourth storey to provide six additional apartments in connection with the use of the whole of the resultant building as 53 residential units and associated parking, cycle stores and bin stores, Chalfont Park, Chalfont St Peter Bypass, **Chalfont St Peter**

**PL/18/3418/VRC** - Variation of Condition 8 of planning permission PL/18/2622/VRC (Redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA), Bowers Croft, Magpie Lane, **Coleshill**

**PL/18/3425/FA** - No 9 - Part single/part two storey infill extension to rear. No 11 - first floor extension to rear, 9 and 11 Vale Rise, **Chesham**

**PL/18/4174/FA** – Redevelopment of site to provide 3 detached dwellings following demolition of school buildings, The School House, Little Grove, Grove Lane, **Ashley Green**

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**6.2 APPEAL DECISIONS**

**CH/2017/2037/FA** - Replacement barn to create detached dwelling, Town Farm Meadow, High Street, Amersham

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Dismissed (21.03.2019)**

**CH/2018/0537/SA** - Application for a Certificate of Lawfulness for a proposed operation relating to the alteration of rear pitched roof, two front roof lights and rear dormer, 84 Amersham Road, **Little Chalfont**  
Officer Recommendation: Part approve/part refuse  
**Appeal Decision: Appeal Dismissed (19.03.2019)**

**CH/2018/0779/SA** - Application for a Certificate of Lawfulness for a proposed vehicular access and permeable driveway parking area, 58 Winters Way, **Holmer Green**  
Officer Recommendation: Part approve/part refuse  
**Appeal Decision: Appeal Dismissed (19.03.2019)**

**PL/18/3276/FA** – First floor side extension, 4 The Farthings, **Chesham Bois**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (21.03.2019)**

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### 6.3 CONSENT NOT NEEDED

**PL/18/3574/HB** - Listed building application for new vehicular access, Hill House, 11 Bowstridge Lane, **Chalfont St Giles**

**PL/18/4638/HB** - Listed Building Consent for detached double garage and driveway, Mortimer House, Village Road, **Ballinger**

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### 6.4 PERMISSION NOT NEEDED

**PL/19/0229/TP** - Work to trees in accordance with a submitted schedule - trees protected by a Tree Preservation Order, Three Bears Cottage, Aylesbury Road, Great Missenden

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### 6.5 WITHDRAWN APPLICATIONS

**PL/18/3954/FA** - Erection of three bay garage with home office above, Beechwood House, Hawridge Vale, **Hawridge**

**PL/18/4174/FA** - First floor patio on existing flat roof with glass balustrade and change of window to door, 21 Grange Road, **Chalfont St Peter**

**PL/18/4280/FA** - Part two storey, part single storey front extension, single storey side extension, raising of roof level with two front rear dormers and three front rooflights, 7 Canterbury Close, **Amersham**

**PL/18/4409/FA** - Erection of outbuilding to serve as a residential annexe, The Old Barn House, The Platt, **Amersham**

**PL/18/4804/FA** - Extension to side entrance, demolition of existing conservatory and changes to rear fenestration and balustrade, Ollaberry, Grimms Hill, **Great Missenden**

**PL/19/0195/SA** - Application for certificate of lawfulness for proposed : Single storey infill to rear extension, 71 Broad Street, **Chesham**

**PL/19/0263/PNE** - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for a single storey rear extension (D 8.0 m, MH 2.9 m, EH 2.2 m), Hohturli, Village Road, **Whelpley Hill**

**PL/19/0305/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 6.0 metres, a maximum height of 3.0 metres and a maximum eaves height of 3.0 metres, 2 Sandycroft Road, **Little Chalfont**

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## **6.6 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED**

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

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### **AGENDA ITEM No. 7**

## **7 REPORTS ON MAIN LIST OF APPLICATIONS**

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### **AGENDA ITEM No. 8**

## **8 EXCLUSION OF THE PUBLIC**

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That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act

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