



## Report to East Buckinghamshire Area Planning Committee

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### DEFERRED APPLICATION

Application reference CH/2017/0290/FA (Case Officer: Margaret Smith)

Siting of 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, Buckinghamshire

### Matter for consideration

1.1 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 2 November, 2017. The original Case Officer's report is attached at Appendix 1.

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 been submitted. Various discussions have been undertaken since then, and the matter has taken some time to review and move forward.

1.3 The application site layout has also been revised, proposing the siting of the temporary rural workers' dwelling nearer to the access from Heath End Road and with an adjacent parking area. Also, since the receipt of this application, unauthorised development has taken place on this site including the siting of a residence at right angles to that proposed under this application, the laying of an access track along a different route to that proposed under this application, the enclosure of an area with close boarded fencing in the approximate position of the annotated manure heap and parking area, the erection of 2 polytunnels, yurts and other structures.

1.4 The following additional comments have been received from consultees:

### Parish Council:

Objection:

- a) It is an inappropriate development within the Green Belt
- b) It is an inappropriate development within an Area of Outstanding Natural Beauty.
- c) There are no very special or exceptional circumstances that apply to justify the development within the Green Belt.
- d) In particular the business does not appear to be viable in its present or proposed format.
- e) The nature and size of the proposed dwelling is disproportionate and out of keeping with any rural development within the Green Belt.
- f) The plans with the application do not appear to have been amended to reflect all of the development that has already taken place on site such as the fencing off of footpaths.

**Building Control:**

1.5 Access for fire service will be needed requiring a 3.7m wide access road/drive between kerbs and designed to support 12.5 tonnes with a minimum 3.1m clearance between the entrance gates and with turning facilities.

**Council's Independent Agricultural Consultant (Bourne Rural):**

1.6 "The functional need for a worker to live on site to support an enterprise comprising 50 breeding female alpacas plus a further 100 alpacas, is a matter of agreement. However, I have previously raised concerns in relation to the financial viability of the proposed activity. The additional information provided has, to some extent, overcome those concerns and, although I am not entirely convinced as to the robustness of the financial projections submitted in support of the application, I consider the projections to be sufficiently sound as to meet the requirements for a temporary dwelling. I am satisfied that a temporary permission for a period of three years will allow the applicant the opportunity to demonstrate that the enterprise is capable of achieving financial viability and long-term sustainability.

1.7 However, I remain of the opinion that the development as proposed is inappropriately sited. There is no agricultural justification to require the siting of the agricultural building and temporary dwelling as proposed and there is scope to site the proposed development near to the existing access, in order to limit any unnecessary visual impact at this sensitive location.'

1.8 Since receipt of these comments on 23<sup>rd</sup> May 2019 an amended Location Plan has been received siting the proposed dwelling nearer to the existing access.

**Third party letters received:**

1.9 Three letters of support on following grounds:

- Considerable investment should be rewarded;
- Good diversification;
- Positive agricultural use;
- Fencing and dwelling are necessary for animal protection;
- Former derelict site has been enhanced;
- Revised siting of proposed temporary dwelling seeks to minimize visual impact;

1.10 Additional letters of objection have been received from 8 sources on the following grounds:

- Development has taken place without the benefit of planning permission;
- The proposed farm track is a substantial road with additional hardsurfacing for parking, temporary and permanent buildings;
- The proposed 3 bedroom dwelling is excessive;
- Disproportionate amount of buildings for the proposed agricultural use of the land;
- The works already carried out and the proposed additional development would materially change the character of this area within an Area of Outstanding Natural Beauty;
- The premises are used for a non-agricultural "Alpaca Experience" with tourist and retail uses;
- Increased traffic and disruption in an AONB and via adjacent villages from visitors to a non-agricultural 'tourist type' use;
- Development already undertaken is detrimental to the character of this part of the Green Belt, the AONB and wildlife;
- Unsightly erection of commercial fencing, polytunnel and buildings;

- Obstructing access to public footpaths;
- Financially unsound;
- The proposed occupier does not currently spend time on the site managing the animals;
- Despite poor weather conditions, the animals are not supervised suggesting that 24hr a day supervision is not essential;
- Contrary to Local Plan policy GB17 and Core Strategy policies CS19 and CS22.

1.11 Chilterns Conservation Board objection on the following grounds:

- Does not conserve and enhance the natural beauty of the AONB and great weight must be given to that because it is a statutory duty;
- No Landscape and Visual Impact Assessment has been submitted in accordance with the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (3rd Edition);
- The Chilterns AONB Management Plan 2019-2024 adopted in February 2019 is a material consideration;
- Contrary to policies D01, D02, D03, DP1, DP2, DP5, DP6, DP7 of the AONB Management Plan;
- LCA16.3 of the Bucks Landscape Character Assessment states that this part of Great Kingshill Settled Plateau should be maintained as a pocket of tranquillity;
- Contrary to the NPPF para 172;
- Bourne Rural noted that the proposed siting of the temporary dwelling and the agricultural building would create 2 separate areas of development, unnecessarily spreading development across the site.

## Evaluation

1.12 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 he maintained that it is preferable for it to be close to the Alpacas for welfare reasons, and/or to marginally reduce the size although the agent maintained that it is no larger than a maximum sized caravan and is needed for the farmer and dependents.

1.13 An amended site layout plan has now been received which proposes the siting of the proposed temporary worker's dwelling adjacent to 2 parking spaces and a former manure heap near to the entrance from Heath End Road. However, the amended site plan continues to show a proposed access, comprised of crushed stone, crossing the site to the eastern boundary and then turning northwards, to serve the proposed new agricultural building with an associated parking area and the alpaca fields further to the north-east. No amended plan has been submitted proposing the re-siting of the new agricultural building near to the entrance from Heath End Road.

1.14 The further information submitted since the previous Committee consideration includes the following:

- 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 at 5 alpaca per acre whereas Nix (46 Edition) indicates 5-8 alpaca per acre i.e. a maximum stocking density of 240 alpaca. 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.

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

1.16 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.

1.17 The agent had also confirmed that the originally proposed siting of the temporary dwelling and the new building was so that they were 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 the agent was of the view that the proposed siting would have minimal impact on the landscape and the proposed track would have no significant landscape impact.

1.18 The Council's Agricultural Consultant has reviewed the additional viability 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, totalling 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.

1.19 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.'

1.20 However, the Council's Agricultural Consultant does consider that there is an essential need for an agricultural worker to live on site, and that the agricultural building is reasonably

required for the purposes of agriculture. Although there are some uncertainties over the financial projections, the Council's Agricultural Consultant has concluded that a temporary permission would give the opportunity for the business to become established as planned. Consequently, the Council's Agricultural Consultant has now concluded that there could now be no reasonable objection to granting the siting of the proposed temporary building for a period of 3 years in order to enable a review of the enterprise's finances at the end of that time period. If, at the end of that period, the enterprise has not become financially secure and shows no prospect of doing so, then permission would not need to be granted for a further period for the mobile home.

1.21 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; that proposed siting creating two distinct areas of development for which there is no agricultural justification; and that proposed siting generating a requirement for a significant access track. An attempt to address this objection has been proposed by way of the amended layout, siting the proposed temporary dwelling adjacent to a proposed parking area but two distinct areas of development would still pertain and a significant access track would still cross the application site.

1.22 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 to the south of the footpath adjacent to the amended siting of the proposed temporary dwelling would seem to be reasonable and appropriate.

1.23 Furthermore, the Council's Agricultural Consultant has stated that it is usual to site buildings near to the access to a site to provide increased security and to allow for ease of access and that would negate the requirement for the proposed track. Furthermore, animals would normally be able to be walked across the holding, and in the event of transportation being required, agricultural vehicles are designed to cross uneven terrain such as fields.

1.24 The Council's Agricultural Consultant concluded, '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.' Indeed, there would be scope for the enterprise's birthing and sickness paddocks to be relocated nearer to the access if that was considered essential.

1.25 As stated above, the amended site layout plan now proposes the siting of the proposed temporary worker's dwelling adjacent to 2 parking spaces and the annotated manure heap near to the entrance from Heath End Road. However, the amended site plan continues to show a proposed access, comprised of crushed stone with a width of 3 metres, crossing the site to serve the proposed new agricultural building with an associated parking area and the alpaca paddocks further to the north-east. Furthermore, the dwelling that has now been sited is at right angles to that shown on the amended site layout plan and the proposed access does not follow the proposed access route and other structures are also now sited on the land within the applicant's ownership.

1.26 As stated in the original report to the Planning Committee, this site is located within the open Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB) and the site is highly visible from public vantage points including from the public footpaths that run along the eastern and western boundaries of the land owned by the applicant, and that run diagonally across it.

1.27 Within the open Green Belt most development is inappropriate and there is a general presumption against such development. Although buildings for agriculture are one of the limited exceptions to development within the Green Belt, agricultural worker's dwellings are not listed and so the proposed temporary dwelling constitutes inappropriate development. Chapter 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF states that 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.

1.28 Policy GB17 of the Local Plan is largely consistent with the NPPF and states that in the Green Belt, a new agricultural workers dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established agricultural holding and that an exposed position will not be accepted and that it should be no larger than is necessary to accommodate a worker and his or her immediate dependents.

1.29 With regard to the siting of this proposed development within the AONB, Chapter 15 of the NPPF also states that great weight should be given to conserving and enhancing landscape and scenic beauty within them and the scale and extent of development should be limited.

1.30 The amended site layout proposing the siting of the temporary dwelling near to the access from Heath End Road is less exposed. The application is for a temporary permission and it is not unusual for the Local Planning Authority to grant a temporary planning permission for 3 years to enable an enterprise to develop, in accordance with Core Strategy Policy CS19 and Paragraph 83 of the NPPF which seek to support the rural economy. After the 3 year period, if the business has not succeeded and the applicant has failed to demonstrate that the business is financially sound, the Local Planning Authority has the opportunity to refuse a permanent planning permission at that stage. To prevent a rural business such as this from developing, where it has been established that there is an essential need for a worker to live on site, would be contrary to the aims of Policy CS19 and paragraph 83 of the NPPF.

1.31 Furthermore, the proposed dwelling is a low level temporary structure with 3 bedrooms. This is not considered to be unreasonable and is comparable to other agricultural worker's dwellings, which have been permitted within the former district. As such, no objections are raised with regard to the size of the proposed dwelling.

1.32 However, the proposed agricultural barn is still shown to be sited in the north-east corner of the site and would be visually intrusive and its relocation nearer to the access point and near to the proposed temporary dwelling would reduce the need for the extensive track.

1.33 One of the reasons why the agricultural building is required is to house livestock when the animals are ill or in labour. Although it was initially argued that it would be most practical to

locate the dwelling and barn close to the paddocks that had been arranged in the north, the paddocks would not be surveyed throughout the night when the worker is asleep and it seems that the paddocks have been illogically sited away from the site access and could be re-sited.

1.34 As such, the proposed siting of the agricultural building, near to an unauthorised polytunnel, is unnecessary and unduly prominent and has resulted in a demand for a long access road both of which cause significant harm to the openness of this part of the Green Belt and the landscape and scenic beauty of this part of the AONB. In the absence of any very special circumstances to clearly outweigh the harm of the proposed access track by reason of its inappropriateness and additional visual harm and in the absence of any very special circumstances to clearly outweigh the harm from the adverse impact of the proposed exposed, siting of the agricultural building and the access road in this AONB, these developments are unacceptable.

### **Conclusion**

1.35 The additional information submitted by the agents is in response to the matters for which the application was deferred from the previous Planning Committee meeting and to address continuing concerns regarding the siting of the proposed dwelling and agricultural building, and the proposed access track. The Council's Agricultural Consultant no longer objects to the proposed temporary dwelling subject to the imposition of a limited period condition, but notwithstanding the amended siting of the proposed temporary dwelling, an objection still stands regarding the siting of the proposed agricultural building and the length of the proposed access track.

### **RECOMMENDATION: Refuse permission**

1.36 The recommendation, on the basis of the additional information, is to resolve to recommend Council refuse the proposed development for the reason below.

#### **REASON**

1. The siting of the proposed general purpose building and the length and siting of the associated access would have a potentially intrusive impact upon their 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 and would encroach into this part of the countryside. 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); Policies DM NP1 and SP PP1 of the Draft Chiltern Local Plan: 2036, and sections 13 and 15 of the National Planning Policy Framework (2019).

#### **INFORMATIVES**

1. The applicant is advised that the existing mobile home, access road and polytunnels on the holding are unauthorised and are in breach of planning control. Until or unless planning permission is granted, these structures should be removed from the site to avoid any formal enforcement action.

2. The applicant is advised that Footpath GMI/40/1 crosses part of this site and must not be obstructed.

# REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

## Main List of Applications 2nd November 2017

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### CH/2017/0290/FA

Case Officer: Melanie Beech  
Date Received: **15.02.2017** Decide by Date: **01.11.2017**  
Parish: **Great Missenden** Ward: **Prestwood And Heath End**  
App Type: Full Application  
Proposal: **Temporary rural workers dwelling, erection of general purpose agricultural building and yard, formation of farm track**  
Location: **Land To The North Of  
Heath End Road  
Little Kingshill  
Buckinghamshire**  
Applicant: **Latton Alpacas**

#### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to C Road  
Area Special Advert Control  
Within Chilterns Area of Outstanding Natural Beauty Adjacent  
Public Footpaths and Public Rights of Way  
Within Green Belt other than GB4 GB5  
Public footpath/bridleway  
Gas and Oil Pipe Lines  
Within 500m of SINC NC1

#### CALL IN

Councillor Gladwin has requested that this application be determined by the Committee, regardless of the officer's recommendation.

#### SITE LOCATION

The application site is situated on the northern side of Heath End Road on the western edge of Little Kingshill. The site is located within the open Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). Public footpaths run along the eastern and western boundaries of the land owned by the applicant, and diagonally across it.

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The applicants operate an alpaca breeding business from the land, which is known as Latton Alpacas Ltd. There are currently 73 alpacas on the land, as well as some low level post and rail fencing to create paddocks, and 3 small timber feed shelters. In addition, there is a polytunnel and a yurt which do not currently benefit from planning permission. A current enforcement investigation is pending consideration.

Latton Alpacas Ltd also rent some land to the south of Heath End Road (outside of the application site) which includes an agricultural barn and small shop selling alpaca related products.

## **THE APPLICATION**

The application seeks temporary planning permission for the siting of an agricultural workers dwelling to be situated on the southern side of the land owned by the applicant. The submitted plans show a single storey timber clad building measuring 19.6 metres in width, 6.5 metres in depth and 4 metres in height (with an eaves height of 2.6 metres). The accommodation includes a living area, dining area, kitchen, utility, wet room, 3 bedrooms, an en-suite and a bathroom.

In addition, a new agricultural barn is proposed to the south of the existing alpaca paddocks, to be used for general storage purposes. The proposed barn is to be constructed of dark green profiled steel sheeting with a mineral felt roof. It measures 20 metres wide x 6 metres deep. It is 6 metres high with an eaves height of 4.5 metres.

Finally, a new track is proposed from the road to the new dwelling, barn and alpaca paddocks. This will be made of crushed stone and is approximately 3 metres wide.

## **RELEVANT PLANNING HISTORY**

According to available Council records, there is no relevant planning history for this site.

## **PARISH COUNCIL**

Great Missenden Parish Council and Little Missenden Parish Council object to the application on the grounds of inappropriate development in the Green Belt and the AONB.

Little Missenden Parish Council add that the following points:

- The proposed increase in the business will lead to considerably more traffic into the site.
- The applicant has not considered alternative accommodation in the area (5 properties have been available for rent or purchase in close proximity to the site in the last 2 years).
- The tests of Section 55 of the NPPF and Policy GB17 of the Local Plan have not been met.
- The footpaths across the site are well used and will be impacted by the proposal.
- It appears the intention is to transform the site into a commercial complex with 'Alpaca experiences' and 'crafting courses'. These are not mentioned in the application.
- The proposed barn is large. Suggest reducing the height and rotating it by 90 degrees.

## **REPRESENTATIONS**

12 letters of objection have been received, which are summarised below:

- The proposed buildings and track would be obtrusive, out of keeping and inappropriate in the Green Belt and AONB. They would be clearly visible from surrounding countryside and footpaths.
- An application for stables nearby was refused on similar grounds (CH/2007/0647/FA)
- New dwelling would encroach on the separation between Great Kingshill, Little Kingshill, Heath End and Prestwood
- New dwelling is unjustified as other rental accommodation is available locally, there is no evidence of theft, there are no signs displayed about keeping dogs on leashes and no attempt has been made to spread the current time spent on the site

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- A new dwelling would not deter people and dogs from using the footpaths
- New dwelling would set an unwelcome precedent
- New dwelling would impact negatively on outlook of neighbouring properties and cause loss of privacy for The Steading
- New dwelling would be better sited in the southern corner
- New dwelling is large for a single worker
- It is likely that the new dwelling would become permanent, and/or let out for holiday rental/B&B. This application tries to circumvent Green Belt laws.
- Proposal is inconsistent with NPPF and Development Plan (Policies GB17, CS19 and CS22).
- Use of planning permission CH/2016/1788/FA as justification for this development is disturbing
- A more suitable solution would be for a more appropriate dwelling such as a yurt or mobile home for the few weeks of the year when 'lambing' occurs.
- Query the business plan, which is not fully available for public viewing
- Applicant will soon be of retirement age and the qualifications/interest of the son in the business is questionable
- No mention of other activities promoted at the site such as visits by groups, the craft shop and courses, or the other land and barn used by the applicant
- Barn is not justified given the availability of another barn which is not mentioned in the application, alpacas are able to cope with extreme weather and need minimal supervision.
- The land was in good condition before the business arrived, which has failed to maintain the land
- The polytunnel, yurt and stables are the subject of a current enforcement investigation
- Proposed development does not create additional jobs, contribute to the housing targets in the Local Plan or provide any benefit to the community
- There are many other alpaca farms in Buckinghamshire.

1 letter of support has been received which is summarised below:

- The applicants are good neighbours
- The business supports other rural local businesses and the local economy
- The business plan is genuine and sound
- A temporary agricultural workers dwelling has recently been permitted on Windsor Lane.

### **CONSULTATIONS Buckinghamshire County Council – Highway Authority**

There would be no material increase in traffic and therefore no objection subject to a condition that the dwelling is only used by workers associated with the site.

### **Bourne Rural Planning Consultancy**

Bourne Rural Planning Consultancy have summarised the existing facilities on site, the existing alpaca enterprise and the proposed development. The consultant has set out the relevant planning policies and provided an assessment which is summarised below:

- The proposed enterprise would generate the essential need for a worker to live on site
- Another dwelling nearby would not be suitable to meet the welfare requirements of the developed enterprise
- The proposed agricultural building is reasonably required for the functioning of the agricultural enterprise, is a reasonable size and is well related to the needs of the business
- However, the siting of the dwelling and the agricultural building is not justified in agricultural terms and siting the buildings closer to the access point would remove the need for the track - The consultant considers that the proposed dwelling may be larger than necessary
- She also considers that from the financial projections provided, it is not possible to conclude that the enterprise is capable of achieving financial viability and sustainability.

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## **Building Control**

The new track will need to meet the requirements of the fire brigade, and the bedrooms will require means of escape windows due to their inner room arrangement.

## **Buckinghamshire County Council - Strategic Access Officer**

No objection

## **POLICIES**

National Planning Policy Framework (NPPF), March 2012.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS19, CS20, CS22, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GB2, GB17, GB27, LSQ1, TR2, TR11, TR16.

Chilterns Buildings Design Guide, February 2010.

## **EVALUATION Principle of Development**

1. The site is within the open Green Belt where most development is inappropriate and there is a general presumption against such development. Chapter 9 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

## **Proposed Dwelling - Essential Need**

2. Paragraph 89 of the NPPF clearly states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Although paragraphs 89 and 90 outline some exceptions to this, new agricultural workers dwellings are not included in the list of exceptions. As such, the proposed dwelling is inappropriate development in the Green Belt. In accordance with paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). In accordance with paragraph 88 of the NPPF, VSC 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.

3. Paragraph 55 of the NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Often, but not always, the special circumstances demonstrated for an essential worker's dwelling under paragraph 55 can be accepted as VSC which would allow a new dwelling in the Green Belt.

4. Policy GB17 of the Local Plan is largely consistent with the NPPF and states that in the Green Belt, a new agricultural workers dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established agricultural holding.

5. The applicant has submitted a Planning Statement and a Business Plan to demonstrate why it is essential for an agricultural worker to permanently live on the site. The reasons include the following:

- Supervision of the Alpacas during mating (This can take place any time throughout the year and often needs intervention to ensure fertilisation).

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- Supervision of the Alpacas during breeding (a typical gestation period for an Alpaca is 320-360 days and delivery dates are hard to predict)
- Supervision of the Alpacas during birth (problems can often occur and cold/wet weather can be fatal to new born Alpacas)
- Supervision of new born Alpacas (who often need help with feeding every 2 hours throughout the day and night)

Security of the site (Alpacas are sensitive animals and given the public footpaths, are in close proximity to dogs)

- Constant monitoring of the Alpacas, who give little indication of being ill aside from acting out of character.

6. The applicant considers that their current dwelling in Bois Avenue (15 mins drive away) is not suitable for the level of supervision required, and therefore there is an essential need for an agricultural worker to live on site, which is within sight and sound of the Alpacas.

7. The Council has employed the expertise of Bourne Rural Planning Consultancy for advice on whether there is an essential need for the proposed dwelling to support the agricultural activity. The consultant has concluded that the proposed enterprise does generate the essential need for a worker to live on site and that another dwelling nearby would not be suitable to meet the welfare requirements of the developed enterprise.

8. However, she considers that there is no agricultural justification for the proposed siting for the agricultural barn or dwelling, and that there is scope to consider alternative sites within the holding which may be less visually intrusive. She considers that siting the proposed development nearer to the access point would reduce the need for the track.

9. In addition, she considers that the proposed dwelling is larger than necessary, and the financial projections provided do not adequately demonstrate that the enterprise is capable of achieving financial viability and sustainability.

10. Taking these comments into account, it is considered that there is an essential need for an agricultural worker to live on this site. In terms of the financial projections, the applicant has submitted a business plan, setting out the plans for the next three years. In this regard, the comments from Bourne Rural Planning Consultancy are noted. However, the application is for a temporary permission and it is not unusual for the Local Planning Authority to grant a temporary planning permission for 3 years. This is to enable the enterprise to develop, in accordance with Core Strategy Policy CS19 and Paragraph 28 of the NPPF which seek to support the rural economy. After the 3 year period, if the business has not succeeded and the applicant has failed to demonstrate that the business is financially sound, the Local Planning Authority has the opportunity to refuse a permanent planning permission at that stage. To prevent a rural business such as this from developing, where it has been established that there is an essential need for a worker to live on site, would be contrary to the aims of Policy CS19 and paragraph 28 of the NPPF.

11. Furthermore, it is noted that the consultant has stated that it is often considered that an alpaca enterprise with a core breeding herd of 20 females generates the essential need for a worker to live on site. The current alpaca business on this holding is already well established and has 38 breeding females, which is proposed to increase to 50 females by year 3. An appeal decision relating to an agricultural workers dwelling on an alpaca farm in Wiltshire provides a helpful assessment of financial viability and states the following; "It would appear premature to reach a judgement that financial viability for the suggested enterprise would be out of the question at the end of the trial period. Therefore, on the basis that the alpaca and rabbit breeding

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enterprise is already up and running, there is little reason to dismiss it as not having been planned on a sound financial basis before it has had the opportunity to prove itself during a trial period." (Appeal reference APP/Y3940/A/13/2200283)

12. Based on the current enterprise being up and running, which already has a number of alpacas on the land, it does not seem out of the question that the enterprise is based on a sound business plan which could be financially viable within 3 years. As such, it is considered reasonable to grant a temporary planning permission for 3 years, in order to allow the business to grow in accordance with Policy CS19 of the Core Strategy and paragraph 28 of the NPPF.

13. The siting of the proposed development and the size of the dwelling are discussed in paragraphs 1724 below.

#### **Proposed Agricultural Barn - Reasonably Required**

14. As stated above, paragraph 89 of the NPPF states that new buildings are inappropriate development in the Green Belt. However, one of the exceptions to inappropriate development listed in paragraph 89 is buildings for agriculture and forestry. As such, this element of the proposal is not inappropriate development and is acceptable in principle.

15. Policy GB27 of the Local Plan states that planning permission will be granted for new agricultural buildings where it has been demonstrated that the building is reasonably necessary for the functioning of the agricultural enterprise, that the unit is established or the proposed building would enable a fully operational enterprise to be established, and that no other building could be used or reasonably converted for the purposes intended for the proposed building. It is noted that Policy GB27 pre-dates the NPPF and sets out more stringent requirements for agricultural buildings. Nevertheless, the comments from Bourne Rural Planning Consultancy are noted and it is considered that the proposed building is reasonably required for the functioning of the agricultural enterprise and that it would enable the operational enterprise to be established.

16. Although the applicant rents land on the other side of Heath End Road, which includes an agricultural barn, there are no other authorised buildings on the holding and in order to effectively manage the land and develop the business as proposed, there is a need to have an agricultural building on the holding to provide for agricultural storage, livestock housing and the storage of machinery and equipment.

#### **Siting of Proposed Dwelling and Agricultural Barn**

17. Policy GB17 of the Local Plan states that where the need for a dwelling has been proven to the satisfaction of the Council, it should be sited within an established settlement or group of buildings. If this is not possible, the dwelling should be sited in a position which is not prominent within the landscape.

18. The agricultural consultant does not consider that the applicants have demonstrated an agricultural need to site the dwelling and agricultural building as proposed. As stated above, she considers that the development would be better placed closer to the access point.

19. In response to these comments, the applicant has stated that the agricultural building needs to be closely related to the paddocks which are sited on the northern side of the public footpath running through the field. This allows the stock to be moved by use of the races, which is the usual arrangement for handling camelids. Indeed, one of the reasons why the agricultural building is reasonably required is to house livestock when the animals are ill or in labour. It would seem unreasonable and impractical to require the new building to be located far away from the paddocks.

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20. There are currently no existing buildings on the site but given the justification for locating the agricultural building close to the paddocks, it would seem reasonable to locate the dwelling close to the agricultural building so as to avoid two separate isolated developments. The agricultural consultant also advises that it may be anticipated that the dwelling be sited in close proximity to the agricultural building to provide ready availability of the worker to meet any welfare requirements associated with the housed livestock. Furthermore, one of the reasons that the dwelling is needed is to observe the alpacas more frequently. This is obviously more practical when the dwelling is located in close proximity to the paddocks. To locate the dwelling nearer the access point would reduce the effectiveness of frequently monitoring the animals.

21. It is also noted that the agricultural consultant considers that if the new building and the dwelling were located close to the access, it would reduce the need for the track. However, on the contrary, if the buildings are located far away from the paddocks, a track would be needed to transport the animals from the paddocks to the agricultural barn, particularly if they are ill or in labour. It is recognised that there is a reasonable requirement for the track to access the new agricultural building and dwelling.

22. Based on the above assessment, it is considered that the siting of the proposed agricultural building and dwelling are acceptable.

### **Size of Proposed Dwelling**

23. Policy GB17 of the Local Plan states that the dwelling should be no larger than is reasonably necessary to accommodate a worker and his or her immediate dependents. The agricultural consultant believes that the dwelling may be larger than necessary and there may be scope for a smaller structure. In response to these comments, the applicant has stated that it is the intention for the Sapsford family to live in the temporary accommodation and it is normal to allow the worker and their immediate family to live in the workers dwelling. They also note that the proposed dwelling is within the dimensions of a caravan as defined by the Caravan Sites and Control of Development Legislation (20 metres long x 6.8 metres wide and 3.05 metres internal height).

24. The proposed dwelling is a low level temporary structure with 3 bedrooms. This is not considered to be unreasonable and is comparable to other agricultural workers dwellings which have been permitted within the district. As such, no objections are raised with regard to the size of the proposed dwelling.

### **Summary of Principle of Development**

25. In summary, the comments from Bourne Rural Planning Consultancy are noted and it is considered that there is an essential need for an agricultural worker to live on site, and that the agricultural building is reasonably required for the purposes of agriculture. Notwithstanding the consultant's comments, it is also considered that the siting of the proposed development is justified and that although there are some uncertainties over the financial projections, a temporary permission can be granted to allow the business to become established as planned.

### **Design/Character & Appearance**

26. The proposed dwelling is temporary in nature and as outlined above, is not considered to be any larger than necessary. It is a low level simple building to be constructed of dark stained timber cladding with a mineral felt roof.

27. The proposed agricultural building has a footprint of 120 square metre and in consultation with Bourne Rural Planning Consultancy Ltd, it is considered that the building relates well to the needs of the existing and the proposed enterprise. It is to be constructed of green profiled steel sheeting with a profiled fibre cement sheet roof. It will have the appearance of a standard agricultural building.

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28. The proposed track will be constructed of crushed stone through which the grass will grow. It is approximately 3 metre in width.

29. As stated above, the site is within the Chilterns AONB, where in accordance with the NPPF, great weight should be given to conserving the landscape and scenic beauty of the area. The area has a rural character and the development would be clearly visible from the footpaths adjacent to the site. However, given the appropriate design of the agricultural building and access track, and the simple design of the temporary dwelling, it is not considered that the proposal would harm the rural character of the area, or the landscape quality of the AONB.

### **Residential Amenity**

30. The site is located approximately 80 metre away from the rear gardens of the nearest residential properties, which are situated along Heath End Road. The agricultural barn is sited even further away. Although the neighbouring comments are noted, given the distances to the properties, it is not considered that the proposal would unacceptably harm the amenities of any neighbouring properties.

### **Parking/Highway Implications**

31. The comments from the Highway Authority are noted and no objections are raised with regard to the highway and parking impacts of the proposed development. This is because the proposal would not result in any material change in traffic generation and there is no intensification of the access.

### **Rights of Way**

32. The comments from the Strategic Access Officer are noted and no objections are raised with regard to the impact of the proposals on the nearby Rights of Way.

### **CONCLUSION**

33. Given that there is an essential need for an agricultural worker to live on the site, it is considered that special circumstances have been demonstrated. In this case, given the justification for the siting and the minimal harm to the character of the area, it is considered that there are very special circumstances which outweigh the harm to the Green Belt. No objections are raised to the impact on neighbouring amenities, parking or highway matters, or Public Rights of Way. As such, the application is recommended for approval, subject to conditions.

### **WORKING WITH THE APPLICANT**

34. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by;

- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

### **HUMAN RIGHTS**

35. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

**RECOMMENDATION: Conditional permission Subject to the following conditions:-**

1 The general purpose agricultural building hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2 The permission for a temporary dwelling is granted for a limited period only which will expire 3 years after the date of this permission. At the expiration of this period the dwelling hereby permitted shall be removed from the site immediately and the land reinstated to its former condition.

Reason: Whilst being satisfied in respect of the need for a temporary dwelling here to enable a viable agricultural enterprise to become established, the Authority wishes to take account of the viability of the enterprise at the expiry of this period before agreeing to a permanent dwelling to serve the enterprise.

3 Notwithstanding Section 55 of the Town and Country Planning Act, the temporary dwelling should only be sited in the location shown on the approved plans and constructed as shown on the approved plans, in the materials specified on the application form.

Reason: To ensure that the external appearance of the temporary dwelling is not detrimental to the character of the locality, in accordance with policies GC1 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

4 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry (including any dependents of such a person residing with him, or a widow or widower of such a person.)

Reason: The site is located in the Green Belt where permission for a new dwelling unconnected with an agricultural enterprise would not normally be permitted and because permission is granted having regard to the very special circumstances of the case.

5 AP01 Approved Plans

**INFORMATIVES**

1 INFORMATIVE: The applicant is advised that the existing yurt and polytunnels on the holding are unauthorised and are in breach of planning control. Until or unless planning permission is granted, these structures should be removed from the site to avoid any formal enforcement action.

2 INFORMATIVE: The applicant is advised that consultation with the County Council as highway authority will be required to ensure those sections of the private vehicular access track crossing Footpath GMI/40/1 are suitable for pedestrians.