

APPLICATION NO.	P14/S3891/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.12.2014
PARISH	CHOLSEY
WARD MEMBER(S)	Jane Murphy Pat Dawe
APPLICANT	Mr & Mrs David Wilson
SITE	Land at Caps Lane Cholsey
PROPOSAL	Stationing of a mobile home for occupation by an agricultural worker.(as amended by the following documents received on 16 March, 2015. New noise impact assessment, new transport assessment, new biodiversity survey and report, new design and access statement, new flood risk assessment , new structural survey, new travel plan, new tree survey, new planning statement and new covering letter. The following amended plans - location plan ref KCC1A, block plan KCC2A).
AMENDMENTS	As above.
GRID REFERENCE	460126/186729
OFFICER	Kim Gould

1.0 **INTRODUCTION**

1.1 This planning application is referred to Planning Committee because the officers' recommendation is contrary to the Parish Council's view.

1.2 The 5.25 acre site lies in a rural location off Caps Lane in Cholsey. It comprises 2 fields, the smaller of which at the north of the site currently provides road frontage and access onto Cap Lane. The larger field to the south is close to the Old Reading Road. The site is currently in agricultural use and site lies outside any designated area. An OS extract showing the location of the site is **attached**.

1.3 The site has been purchased by the applicants with the purpose of establishing a poultry rearing business. They moved onto the site in 2014 and have since continued to expand their stock levels. On site at present are a number of pens.

1.4 In September 2014 a planning application on the site, ref P14/S1597/FUL was withdrawn. This application sought to erect 2 no agricultural buildings, an amended highway access, hardstanding and erection of an agricultural workers dwelling.

2.0 **PROPOSAL**

2.1 In its amended form, this application seeks full planning permission to change the use of the land for the stationing of a mobile home and associated curtilage for the accommodation of an agricultural worker for a temporary period of 3 years. A full planning application for the erection of agricultural buildings, associated hardstanding and the creation of a new access on the site is running concurrently with this application under ref P14/S3887/FUL and is also on the agenda for this meeting.

2.2 Since March 2014 the applicants have reared and sold rare breed point of lay pullets from the site. In order to support the proposed enterprise for the site, the applicants

claim that they need to live on site and therefore seek planning permission for the change of use of part of the site for the stationing of a mobile home. A plan showing the siting and the proposed appearance of the mobile home is **attached**. A full copy of all the supporting information submitted with this application including the agent's planning statement is available on the Council's website at www.southoxon.gov.uk

- 2.3 The supporting statement is detailed in relation to the number of birds and their care. In summary, the care of poultry involves a number of stages including egg collection, incubation, hatching and rearing under lamps and rearing in pens. Each breeding season lasts approximately from February until the end of October. Justification put forward by the applicant for being on site include the need to continually monitor and observe the behaviour of the chicks and temperature of the incubators. When outside the chicks need to be protected from predators and other birds as they can be pecked, injured or bullied. The use of CCTV and alarms have been considered by the applicants but such remote monitoring has been found to be inappropriate and too slow in reacting to the needs of the chicks.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Cholsey Parish Council – Object for the following reasons (summarised)

- Will set a precedent for future development
- No justification for building an agricultural workers' dwelling
- Unneighbourly
- Loss of amenity
- Access and traffic issues

OCC (Archaeology) - No objection

Health & Housing - Env. Protection Team - No objection

Neighbour Object (17) (summarised)

- Would set a precedent for future development under the guise of agricultural requirements.
- Several houses to rent or buy within a mile or 2, one being the development at Fairmile hospital where there are numerous houses for sale.
- House for sale opposite the entrance in Caps Lane.
- There has been no residential development in Caps Lane since 1960's.
- Only justification for a dwelling is in support of an intensive chicken rearing operation which we object to.
- Inappropriate location for a dwelling.
- There has been no consultation with local residents.
- Inaccurate information of the application form.
- Scale of 4 bed unit not consistent with planned business.
- Contrary to Development Plan policies
- No need for owners to live on site – insufficient justification.
- Likely to lead to nuisance from noise, smell etc
- Dwelling will be visible through deciduous hedge.
- No certainty that the business will continue as a viable business.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P14/S1597/FUL](#) – Withdrawn (18/09/2014)

Erection of two agricultural buildings, associated hardstanding and agricultural track, amended highway access and erection of log cabin for agricultural workers.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSR2 - Employment in rural areas

CSS1 - The Overall Strategy

CSR1 – Housing in the villages

5.2 South Oxfordshire Local Plan 2011 policies;

A1 - Erection of agricultural building

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

EP6 - Sustainable drainage

EP7 - Impact on ground water resources

G2 - Protect district from adverse development

G4 - Protection of Countryside

H15 – Mobile Homes

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the determination of this planning application are:

- i. Is the principle of a dwelling on this site acceptable?
- ii. Is the stationing of a mobile home in association with the poultry rearing business justified?

6.2 **The principle of a dwelling on this site**

Policy CSR1 of the SOCS allows for new dwellings within the built up limits of the smaller villages such as Cholsey providing a number of criteria are met which include that the proposal represents infill development. Infill development is clearly defined within the policy as being the filling of a small gap within an otherwise built up frontage with one or two dwellings or where a site is closely surrounded by buildings. In this particular case, the site does not lie within the built up limits of Cholsey and the development does not meet the definition of infill development. As such, the principle of residential development on this site is not acceptable.

- 6.2i Furthermore, the advice set out in the National Planning Policy Framework seeks to avoid isolated new homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work. Policies CSS1 and CSR1 of the SOCS seek to ensure that new residential development is directed towards identified towns and villages with a housing strategy for villages. Change outside these towns and villages will need to relate to the very specific needs such as those relating to agriculture. Policies G2 and H15 of the SOLP seek to ensure that the countryside is protected from adverse development and that permission will only be given for single residential caravans or mobile homes in exceptional circumstances. Paragraph 55 of the Framework states that “Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as “amongst other

things the essential need for a rural worker to live permanently at or near their place of work in the countryside.

6.3 **Mobile home**

The applicants are operating a poultry rearing business from the site at present and wish to expand this business and claim that it is essential for the future of the enterprise that they live on site. There are no policies within the SOCS or the SOLP which relate directly to agricultural workers dwellings. As such, an assessment has to be undertaken in light of Government guidance set out in paragraph 55 of the NPPF. This requires a judgement to be made on whether the proposed agricultural business has an essential need for a worker to be on site. Before planning permission is granted for any dwelling on an agricultural site it is necessary for the land owner to establish that there is a viable agricultural business operating from the site for a period of at least 3 years.

6.4 The Council have sought specialist advice on this application and have instructed an agricultural consultant to consider the application and supporting information. The consultant has advised on whether there is an essential need for the owners to live on site. With regards to the enterprise itself the consultant concluded that “The concept is nevertheless well thought out and it is undeniable that the applicants both have an extensive knowledge about the breeds that they sell, and the site is otherwise appropriate for such an enterprise.”

6.5 Having considered the existing and proposed enterprise in relation to whether there was a need for on site presence, the consultant concluded that “It is my concern that they are premature in applying for a permanent dwelling on the site however we would cautiously support an application for a temporary dwelling in order to provide sufficient evidence that the enterprise is sustainable and suitable to establish, in order to ensure that this is not an application to get a permanent dwelling in the countryside.” A copy of the consultant’s report is **attached**.

6.6 In view of this advice, the applicants have amended the proposal to delete the original log cabin and have replaced it with a mobile home. The application for the erection of agricultural buildings in association with this enterprise is recommended for approval and will also be considered at this committee meeting. If the application for agricultural buildings is approved, it is your officers’ view that there is a genuine need for the owners to be on site for the wellbeing of the poultry and to ensure that the business maximises its potential. Such support is in accordance with Government advice as set down in the NPPF which advises Local Planning Authorities to promote and support sustainable development in rural areas.

6.7 It is your officers’ opinion, having sought professional independent advice, that the applicants have demonstrated that there is an essential functional need for a worker to be on site at most times and that the stationing of a mobile home on the site for period of 3 years would give them the opportunity to expand the business as they anticipate and to demonstrate to the Council that the enterprise is viable. Planning permission will expire at the end of 3 years when the situation can be re assessed and a decision taken in relation to whether a permanent dwelling is appropriate.

7.0 **CONCLUSION**

7.1 The Framework is clear that isolated homes in the countryside should be avoided unless there are specific circumstances including the essential need for a worker to live permanently at or near their place of work. In assessing whether a proposal for an agricultural worker’s dwelling is acceptable, a judgement has to be made on whether there is an essential need for the facility. The Council’s Agricultural Consultant has concluded that a temporary planning permission for a mobile home could be supported.

By granting planning permission for a mobile home for a temporary 3 year period, the applicant will have sufficient time to demonstrate that the business is viable.

8.0 **RECOMMENDATION**

8.1 **That planning permission be granted subject to the following conditions and subject to the receipt of amended plans showing reduction in the footprint of the mobile home and the red edged site area to be drawn around the mobile home and access only.**

1. **Commencement within three years - full planning permission.**
2. **Approved plans.**
3. **UNIQUE - temporary permissions.**

Author: Kim Gould
Contact No: 01235 540546
Email: kim.gould@southandvale.gov.uk

This page is intentionally left blank