

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
4(3)	23/02799/FUL Hamstead Marshall	31 January 2024 ¹	Application for a temporary dwelling for a rural worker. Watery Lane Farm, Hamstead Marshall, Newbury, RG20 0JH Watery Lane Farm Ltd
¹ Extension of time agreed with applicant until 22 March 2024			

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02799/FUL>

Recommendation Summary: To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to conditions.

Ward Member(s): Councillor Dennis Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee Determination: Ward Member Call-in

Committee Site Visit: 18 March 2024

Contact Officer Details

Name: Ms Lydia Mather
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Lydia.mather@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for a temporary mobile home for a rural worker associated with the alpaca business on site. The rural worker would be associated with an alpaca farm on the wider site. The proposal is for a mobile home within standard measurements of 20m long, 6.8m wide, 3.05m internal height, with two parking spaces. It is proposed to be located to the north west boundary and accessed via an existing access and track off Watery Lane. The mobile home would be sited close to an existing barn.
- 1.2 The site is in the countryside, outside of a settlement boundary, and within the National Landscape (previously the North Wessex Downs Area of Outstanding Natural Beauty). There is an existing access off the single carriageway of Watery Lane.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
23/01635/AGRIC	Application to determine if prior approval is required for a proposed extension to agricultural barn.	Application required 04/09/2023
20/00770/AGRIC	Application to determine if prior approval is required for a proposed agricultural building.	Application not required 21/04/2020

- 2.2 Also relevant is planning enforcement appeal decision 2023 reference APP/W0340/C/22/3308166 (copy for information in Appendix 1)

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is considered to fall within the description of development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is required. The EIA screening opinion concludes that that proposal is not EIA development and an environmental statement is not required.
- 3.2 A site notice was displayed on 17 January 2024 on a gate post; the deadline for representations expired on 7 February 2024.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

Consultation

Statutory and non-statutory consultation

- 3.4 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Hamstead Marshall Parish Council:	No comments made where the Parish Council meeting was inquorate for discussion on the application.
West Woodhay Parish Council (adjacent):	Objection. Comments: Existing approval and use of land for horses not compatible with use by alpacas at the same time. Full business plan to demonstrate a viable business and justification for the need for accommodation on site is required, along with regularisation of the existing barn on site.
Kintbury Parish Council (adjacent):	No objection.
WBC Highways:	No objection subject to conditions.
Lead Local Flood Authority:	No objection subject to condition.
Economic Development:	Support.
National Landscape:	No comments received.
Thames Water:	No comments received.

Public representations

- 3.5 Representations have been received from 6 contributors, 1 of which support, and 5 of which object to the proposal.
- 3.6 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Matters raised in support:
 - Site not visible from any road or footpath.
 - It is a bonafide farm committed to building a new small enterprise the Council is committed to.
 - Seen the farm enterprise grow over the last few years.
 - They lost a pregnant alpaca recently as no-one was there overnight.
 - Matters raised in objection:

- There is an outstanding enforcement notice on site and is inappropriate to consider any application for further buildings in the National Landscape.
- The National Landscape should be preserved at all costs.
- The property owner has disregarded any planning restrictions in the past.
- Application is unnecessary, there is no proper farm on site, and only arises due to the attempt to sell the farmhouse attached to the land.
- Holtwood Farmhouse was separated from the site in around 2020 which also removed a barn conversion with an agricultural tie. The separation appears contrived.
- Appeal Inspector considered the alpaca business not profitable and the site unsuitable.

4. Planning Policy

4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS1, CS10, CS13, CS14, CS16, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C5, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement on Housing
- North Wessex Downs AONB Position Statement on Setting
- WBC Quality Design Supplementary Planning Document (SPD)
- WBC Sustainable Drainage Supplementary Planning Document (SPD)
- Hamstead Marshall Village Design Statement
- West Berkshire Landscape Character Assessment (2019)
- North Wessex Downs AONB Integrated Landscape Character Assessment (2002)

5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance
- Amenity
- Highways
- Flooding and drainage

Principle of development

- 5.2 The Council's Economic Development support the proposal on the basis it would help support the local economy. They consider the proposed dwelling would support the on-site operations of the alpaca business and its long-term economic viability, which would align with the aim of policy CS10 to retain small rural enterprises and foster growth in rural areas. However, their response does not extend to the policies that relate to new residential development in the countryside.
- 5.3 Policy ADPP1 sets out the District settlement hierarchy for all development. The site is below the hierarchy being open countryside where only appropriate limited development focusing on addressing identified need and maintaining a strong rural economy will be allowed. The proposal would ordinarily be contrary to policy ADPP1 unless it can be demonstrated to address an identified need and maintain a strong rural economy.
- 5.4 Policy CS1 relates to new homes. The application site is not located on land identified by the policy as that primarily suitable for new homes. It is not within settlement, a strategic site, or land allocated for residential development. As such the proposal would ordinarily be contrary to policy CS1.
- 5.5 Policy C1 has a presumption against new residential development outside of the identified settlement boundaries. It lists a number of exceptions to the presumption which includes housing to accommodate rural workers. The proposal is contrary to policy C1 unless it can be demonstrated to be an exception.
- 5.6 Policy C5 sets out the criteria against which housing relating to rural workers is to be assessed:
- i. Proven as essential to the continuing use of the land for a rural enterprise;
 - ii. Detailed evidence shows the relationship between the proposed housing and the rural enterprise and why the housing is required for a full time worker in that location;
 - iii. Demonstrated that there are no suitable alternative dwellings available or could be made available in that location to meet the need.
 - iv. Must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
 - v. Financial viability of the business demonstrated to justify temporary or permanent accommodation;
 - viii. No dwelling serving or associated with the rural enterprise sold or converted from a residential use or separated from the holding in the last 10 years;
- Where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years.
- 5.7 It is understood that the alpaca business is relatively new on site and was part of the enforcement planning appeal. The Planning Inspector concluded, based on the information submitted at that time, that the alpaca business was not profitable on its own and no information on alternative accommodation was provided. At that time one of the flats within the barn was used by the applicants to run the alpaca farm. The Planning Inspector required the residential use of the barn to cease and the bathrooms and kitchens on the mezzanine floor to be removed by 15 August 2023. The Planning Inspector also set out in the background to the appeal that the site is part of a land holding that has been split.

- 5.8 This application includes a business case which has been reviewed by an independent agricultural consultant. This was a desktop exercise and the consultant has not visited the site. They conclude that based on the information now submitted that there is an essential need for a full-time worker to live on or in close proximity to the site. This is on the basis of the welfare requirements of the alpacas. It is considered that criteria i. and ii. of Policy C5 are met.
- 5.9 With regard to the viability of the business the business plan initially stated the business will be profitable from Year 1. This was not agreed by the independent agricultural consultant on the basis the labour costs of the applicants and return on their investment had not been included. Furthermore, the basis for the figures used in the business plan was not known and no reference data was supplied. Lastly, the forecast hadn't taken into account direct costs to be able to support the projections.
- 5.10 The business plan was revised to include the costs advised by the independent agricultural consultant. This was reviewed by the consultant and they consider the business plans are now based on a sound financial basis and if the enterprise grows as predicted it would be profitable from Year 4. On this basis it is considered that it has been demonstrated that the business is financially viable and therefore the proposal meets criteria v of policy C5.
- 5.11 The independent agricultural consultant finds from local searches that there are no suitable alternative dwellings currently available locally and therefore the proposal meets criteria iv. (Their reports are available on the website but for ease are attached as Appendix 2 and 3).
- 5.12 However, the case officer found as part of their site visit that not all the kitchen and bathroom facilities had been removed as required by the Planning Inspector's appeal decision. Whilst those facilities remained they would have been capable of being used for residential purposes, albeit the flats would be unlawful.
- 5.13 The applicant confirmed that the kitchen and bathroom facilities were subsequently fully removed. The case officer visited the site again and confirmed that those works had indeed been undertaken in accordance with the requirements set out by the Inspector in determining the enforcement appeal. Neither of the flats subject to the enforcement appeal decision are now capable of being occupied. It is therefore considered that there are no suitable alternatives to the mobile home proposed. The proposal meets criteria iii.
- 5.14 Overall the principle of a new dwelling for a rural worker has now been established. In particular it has been demonstrated under criteria v that the business is sufficiently financially viable to justify temporary accommodation. No alternative dwellings are available under criteria iii where the flat within the existing barn is no longer capable of being used as residential accommodation and would comply with that part of the Inspectors decision. As such the proposal complies with policies C5, C1, and ADPP1.
- 5.15 The independent agricultural consultant considers that temporary permission is justified. They note that the applicant will need to demonstrate through full accounts that the business is financially viable at the end of the temporary period in order to comply with the policy for a permanent dwelling. Although a temporary period is usually 3 years, it is considered that 4 years would be more appropriate in this particular case. This is on the basis it would align with the business case that a profit is expected in Year 4 by September 2027 and allow a complete financial viability assessment at that time should an application for a permanent dwelling be made following expiration of the temporary permission.
- 5.16 A plan showing the land used for the alpaca farm was requested for clarity and as part of a condition linking the use of the mobile home to the land for the alpaca farm. A plan

has not been submitted. The applicant considers that as the land within the blue line of the location plan is used flexibly between the applicants and the landowner, and that the area of land to be used for the alpaca business will vary depending on the requirements and growth of the business. Not defining the land to which the business relates is not considered in itself sufficient to refuse the application. However, it is considered that it may make it more difficult in future to justify the retention of the mobile home if there is any ambiguity about how the use of the mobile home relates to the whole 8 hectare site.

- 5.17 As set out in policy C5 a condition is recommended to be applied limiting the occupation of the mobile home to those working as part of the alpaca business. With the conditions identified it is considered the application complies with policy C5.

Character and appearance

- 5.18 Policy C5 includes criteria that the size, location and nature of the proposed dwelling be commensurate with the needs of the enterprise and well related to the existing farm buildings, as well as having no adverse impact on rural character or the special qualities and natural beauty of the National Landscape.
- 5.19 Policies CS14 and CS19 outline design and landscape character considerations, in particular the sensitivity of the area to change. Policy ADDP5 and the NPPF require great weight to be given to the National Landscape.
- 5.20 The information submitted with the application indicates that the footprint of the block plan would enable a three to four bedroom mobile home to be installed. This would not ordinarily be considered to be commensurate with the needs of the business; which the agricultural consultant outlined could justify one full-time worker. It would appear to be larger than the existing flat within the barn.
- 5.21 However, the enterprise includes the production of rugs for sale which involves a large loom. This requires a relatively large space – at the case officer's site visit the loom took up much of one room in the first floor mezzanine of the barn. It has been confirmed that no additional external storage is required; all storage for the business can be accommodated within the proposed footprint of the mobile home. Due to the needs of the business it is therefore considered that the proposed mobile home would be commensurate with the needs of the business.
- 5.22 The measurements of the mobile home would form a condition restricting the size of the mobile home on site. The dimensions are not considered to result in a dominant feature within the National Landscape. The mobile home would be sited towards a boundary and would keep the built form relatively clustered in the area of the site used for the alpaca farm. It would be within the site and consistent with the prevailing agricultural land use of the land, and benefits from existing screening of the landscaping to the boundary. As such it is considered to comply with policies C5, CS14, CS19 and ADPP5.

Amenity

- 5.23 Policy CS14 includes quality of life considerations. The Quality Design SPD sets out amenity considerations for residential development. Due to the siting of the proposed mobile home it is not considered to impact on the amenity of other land users. There may be some impact on the occupants of the proposed mobile home where it would be in proximity to the existing barn. However, the main access to the more open area of the barn is to the other side away from the proposed mobile home.
- 5.24 As shown on the location and block plan the proposal is only for the mobile home and associated parking. The remainder of the red line is for access. The area to the east of the proposed mobile home is at a lower ground level and provides access both to the

proposed parking and to the adjacent barn. As such no private amenity area is proposed as part of the application. This is considered appropriate for a temporary dwelling that is only acceptable in this location to meet an agricultural need. Should an application be made in future for a permanent dwelling a larger curtilage would be expected to provide a private amenity area in accordance with the policy requirements at that time (currently 100m²). Overall the proposal is considered to comply with policies on amenity.

Highways

- 5.25 Policy CS13 outlines highways considerations for new development. Policy P1 sets out the parking requirements for new residential development.
- 5.26 The Local Highway Authority have been consulted on the application. They consider the visibility of the existing access to the site is sub-standard, but they do not consider there to be highway safety issues. Where there are existing vehicle movements associated with the alpaca business they consider these would be partly off-set by the future occupiers of the temporary dwelling not travelling to work.
- 5.27 The Local Highway Authority have no objections subject to conditions for the provision of the proposed parking spaces, an electric vehicle charging point, and details of resurfacing for at least 5m from the carriageway into the access to reduce loose material migrating on to the carriageway which is a potential skid hazard.
- 5.28 Whilst an electric vehicle charging point would be a requirement of a permanent dwelling in this instance where the mobile home will be a temporary permission it is not considered appropriate to apply the vehicle charging condition given the infrastructure required and temporary nature of the permission being considered. With the remaining conditions identified it is considered the highways impacts of the development are acceptable and comply with policies CS13 and P1.

Flooding and drainage

- 5.29 Policy CS16 requires all development to incorporate sustainable drainage measures for surface water. The Lead Local Flood Authority has been consulted on the application. They have no objection subject to a condition for details of sustainable drainage measures. With this condition the proposal is considered to comply with policy CS16.

Biodiversity

- 5.30 Policy CS17 relates to biodiversity considerations. It states that biodiversity assets will be conserved and enhanced. All new development should maximise opportunities to achieve net gains in biodiversity. Additional requirements apply to local wildlife sites, biodiversity opportunity areas, habitats/species of principal importance, and landscape features of major importance for wild flora and fauna.
- 5.31 In this case the site is not a local wildlife site, it is not in a biodiversity opportunity area and does not have landscape features of major importance for habitats or species. No tree works are proposed as part of the development. As such the only element of policy CS17 considered to apply to the proposal is opportunities for biodiversity enhancement. It is considered that for a temporary dwelling comprising a mobile home there are not opportunities for biodiversity enhancements. As outlined above the red line for the proposed mobile home does not include a private amenity area and no additional landscaping is proposed or required for the temporary dwelling. The roof of the mobile home would not be suitable for the inclusion of bat tiles. For these reasons the proposal is considered to comply with policy CS17.

- 5.32 Should an application be made in future for a permanent dwelling with associated domestic curtilage and landscaping the biodiversity policy requirements would be applicable and that time and enable full consideration and maximum opportunities for biodiversity enhancements such as bat tiles, bat and bird boxes.
- 5.33 In respect of ecological impacts, the application site is in an existing agricultural use. Officers are satisfied that the use of the site for the alpaca business is agricultural. Those works required to place a mobile home on the site would be, by virtue of their nature, temporary, and as such not considered to generate any ecological impact of any nature and extent beyond that of the existing agricultural land use on the site and such works as might be accomplished under that land use.

Other matters

- 5.34 Objections to this application refer to the unauthorised works undertaken to extend the barn which were, along with the unauthorised creation of residential accommodation within the barn, subject of an enforcement appeal. They refer to the fact that to date the barn has not been reverted to its approved form. However, these works are not themselves, subject of this planning application, and are being addressed via a separate process. These matters therefore do not rightly form part of the consideration of this application, except in as much as the unauthorised residential accommodation formerly located within the barn has now been removed as required by the appeal decision.

6. Planning Balance and Conclusion

- 6.1 The proposed development would contribute to the rural economy in terms of the alpaca business, which represents a legitimate small business that is supported by policy, and it has been demonstrated that there is a need for a rural worker to be based nearby to ensure that the needs of this business can be met. The proposal is acceptable with regard to amenity and biodiversity, and can comply with policies on highways and drainage by the imposition of conditions.
- 6.2 It has been demonstrated that the business plan is financially sound and justifies temporary accommodation on site whilst the business becomes established and is predicted to make a profit in Year 4. The unauthorised flats within the barn are no longer capable of being occupied as residential accommodation within the existing barn on site. The independent agricultural consultant confirms there is no other suitable accommodation nearby. A temporary permission for 4 years is considered appropriate and linked to the land used for the alpaca farm.
- 6.3 Whilst the proposed mobile home would also be larger than required for a rural worker the additional space is considered justified on the basis it would also be able to accommodate the rug making part of the enterprise. The proposed area and size for the mobile home is considered acceptable in its impact on the rural area and National Landscape.
- 6.4 Having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application complies with the development plan and is recommended for conditional approval.

7. Full Recommendation

- 7.1 To delegate to the Development Manager of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan J008512-01 Rev A Block Plan J008512-02 Document detailing standard mobile home measurements</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Mobile home dimensions</p> <p>The mobile home hereby approved shall conform to The Caravan Act. The mobile home shall be sited within the red line of the location plan, have a single level, and be no more than 20m long, 6.8m wide, and 3.05m high (internally from the floor at its lowest to the ceiling at its highest).</p> <p>Reason: The mobile home has been assessed on the basis of the information submitted. A larger mobile home may not be acceptable in terms of identified need or in impact on the rural character of the area and National Landscape. This condition is imposed in accordance with the National Planning Policy Framework and Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy C5 of the West Berkshire Housing Site Allocations DPD 2006-2026.</p>
4.	<p>Surfacing of access</p> <p>The mobile home hereby permitted shall not be occupied until the vehicle access to the highway has been surfaced in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access(es) for a distance of 5metres measured back from the carriageway edge.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
5.	<p>Parking</p> <p>The mobile home hereby permitted shall not be occupied until the vehicle parking spaces have been surfaced, and provided in accordance with the approved plans. The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

6.	<p>Surface Water Drainage</p> <p>The mobile home hereby permitted shall not be occupied until sustainable drainage measures have been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include how surface water from the roof of the mobile home will be managed and consideration to green sustainable drainage and water re-use (for example water butts).</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner, to improve and protect water quality, habitat and amenity in accordance with the National Planning Policy Framework, policy CS16 of the West Berkshire Core Strategy 2006-2026 and the Sustainable Drainage SPD 2018.</p>
7.	<p>Agricultural tie</p> <p>The occupation of the mobile home shall be limited to a person solely or mainly employed and/or working as part of the alpaca farm business on site at Watery Lane Farm.</p> <p>Reason: A dwelling in this location is only acceptable because it provides essential accommodation for a rural worker on site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.</p>
8.	<p>Temporary permission (restoration)</p> <p>The mobile home hereby permitted shall be for a limited period, being the period of 4 years from the date of this decision. The use of the mobile home hereby permitted shall be discontinued and the mobile home shall be removed from site and the land restored to its former condition on or before 31 March 2028 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.</p> <p>Reason: The mobile home is required to meet a particular need on a temporary basis whilst the rural business seeks to become established; a permanent dwelling in this rural location would not normally be acceptable in principle under development plan policies. This condition is imposed in accordance with policies ADPP1 and CS1 of the West Berkshire Core Strategy 2006-2026, policies C1 and C5 of the West Berkshire Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.</p>