

Item No 02:-

17/03045/FUL

**Staple Farm
Withington
Cheltenham
Gloucestershire
GL54 4BH**

Item No 02:-**Mobile home for temporary accommodation for an agricultural worker (Retrospective) at Staple Farm Withington Cheltenham Gloucestershire GL54 4BH**

Full Application 17/03045/FUL	
Applicant:	Mr Matthew Newell
Agent:	
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Robin Hughes
Committee Date:	14th February 2018
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Need for a residential mobile home
- (b) Impact upon setting of listed buildings

Reasons for Referral:

The application is referred to Committee at the request of the Ward Member, Cllr Robin Hughes, for the following reason: -

Thank you for your email forwarding Mr Fox's report in connection with this application, further to our discussion, I would like to bring this to Committee for a decision, please.

There appears to be a difference of opinion over the recommendation because all of the consultees, with the exception of Mr Fox, have no objection to this application. Even Mr Fox's report gives the indication that there is a need for this temporary consent until it gets to his conclusion when he recommends refusal. I wonder if it might be possible for Mr Fox to attend Committee, please, for further clarity.

1. Site Description:

The application site is located to the south of the unclassified road that runs between Colesbourne to the west, and Withington to the east, and is accessed along an unmade track. The land use is agricultural, and also within the Cotswold Area of Outstanding Natural Beauty (AONB).

There are a range of buildings at the site, of which two, Staple Farmhouse and a stone barn to the north-east of the dwelling are both listed buildings. The mobile home subject to this application is located to the eastern side of the stone barn.

2. Relevant Planning History:

No relevant history

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR38 Accessibility to & within New Develop
 LPR42 Cotswold Design Code

4. Observations of Consultees:

Agricultural Consultant - Views incorporated within Officers Comments; full copy attached as an Appendix

Conservation Officer: No objection if for temporary period

5. View of Town/Parish Council:

No response received

6. Other Representations:

None received

7. Applicant's Supporting Information:

Essential Needs Appraisal

8. Officer's Assessment:**(a) Need for a residential mobile home**

The applicant is retrospective for the retention of a mobile home that has been sited at Staple Farm, Withington. The applicant rents Staple Farm house and buildings, plus the shooting rights from the Colesbourne Estate, and runs a commercial shoot.

One of the two employed game keepers has been residing in a mobile home at Staple Farm during the rearing/shooting season, and living somewhere else during the spring. The keeper would like to base himself year round in the mobile home until the present shooting lease expires. The application makes the case that there is an essential need for there to be somebody permanently based on site in addition to the applicant.

The shoot currently puts down approximately 15,000 Pheasants and 8,000 Partridge and runs around 25 commercial days each year, which it is understood includes one or two days each season put on for the Estate owner as part of the shoot lease arrangement, which expires in February 2019.

The Pheasant shooting season runs from 1st October to 1st February whilst the Partridge season runs from 1st September to 1st February.

The Pheasants arrive as poults (7 weeks old) during June and are placed in the rearing/release pens situated around the estate, where they are fed and watered. The pens are walked around each evening, pushing back any birds that have flown out. Eventually the birds will start to distribute themselves throughout the estate, and are then fed with positioned feeders, and also using a mounted spinner driven up the woodland rides and edges.

The Partridge can arrive as early as April as day olds, and are reared through to a more advanced aged bird at Staple Farm, before being put out on the estate closer to the start of the shooting season. Once the birds are out then it is a continuous and often multiple daily routine to keep them on the estate by using a team of dogs and working the estate boundaries and moving the birds back further into the estate. This will continue right up to the end of the shooting season i.e. February 1st.

All the dogs owned by the applicant and the on-site keeper are kennelled at Staple Farm. On the shoot days, the beating line, stops and pickers-up, are run by the two keepers, as continuously overseen by the applicant, who stays in radio contact, whilst himself accompanying the guns.

The applicant is the shoot manager, and is employed full time at the site, being helped with two full-time employed keepers. On shoot days then the applicant employs a team of approximately 15 beaters and 4 pickers-up and arranges the catering with help from his wife. In terms of accommodation at the site, the applicant and his family live in the rented farmhouse, and there is the mobile home subject to this application.

Paragraph 28 of the National Planning Policy Framework states that local planning policy should, in future, promote the development and diversification of agricultural and other land based rural businesses.

However, local planning authorities should in accordance with paragraph 55 of the Framework promote sustainable development in rural areas with regard to housing, but 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.

Notwithstanding the status of the NPPF, Annex A of PPS7 provided clear assessment criteria to assess the essential need for a dwelling and is considered to be a tried and trusted process, which in this case allows consideration with regard to temporary dwellings. Following the publication of the NPPF, the District Council produced Informal Guidance on Agricultural/Occupational Dwellings in the Countryside, which largely reflects Annex A to PPS7, namely that such a temporary dwelling would need to be justified as essential based on such matters as a functional need and financial tests.

The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night. In this case we have to consider responsibility for working dogs and game birds.

Next year, from mid-April through to October there will likely be penned Pheasants and Partridge at Staple Farm. This will include Pheasants from day old to 7 weeks old, and Partridge from day old to poults and older. There will be particularly vulnerable times, for example, when the day olds are introduced to the brooders. Panic caused by noise and predator intrusion can cause birds to bunch up and can cause fatalities. These are amongst the reasons why having somebody on hand is at the very least reasonably necessary during the rearing period.

The dogs are essential for a successful commercial shoot. Despite good game habitat and regular feeding, without regular daily dogging-in of the boundaries, the overall numbers could drop through loss of birds onto neighbouring land and possible shoots. Dogging-in takes place from the early summer right through to the end of the shooting season i.e. a minimum of 7 months. It is carried out first thing, during the day and towards the end of the day.

It would be unsustainable for the shoot dogs to be kept anywhere but on the shoot during the majority of the year. It is understood that there are 16 dogs at Staple Farm at present. The seasonal responsibility for game birds at Staple Farm, and the main use of the shooting dogs for dogging in, together span about 9 months, with February, March and May seemingly being the quieter months.

There have also been some incidents with regard to security, due to the isolated location of the site, however it is not considered that this would be a contributory factor with regards to this application.

However, there would appear to be a need for there to be somebody permanently based on site, which in this case happens to be the applicant residing in Staple Farm. In respect of any further functional requirement for somebody in addition to the applicant to be based on site then there are times when the applicant will be away from the site, for example 'dogging-in' the boundaries or possibly attending another shoot.

It is considered that it is part of the keeper's responsibility, who currently lives in the mobile home at the site, aside from looking after the rearing side during the summer, to be ever present at Staple Farm when the applicant is not there. However, at night the applicant will more than likely be at home on site, and would be there in the event of any out of working hour emergencies that may require quick action.

It may also be the case that it is difficult to employ a keeper with these responsibilities, especially during the rearing season and shooting seasons, without being able to offer some form of accommodation close to the site partly due to the inevitable early starts and late finishes, which can be into the night.

However, whilst these are valid issues, they are not considered to carry sufficient weight to demonstrate an overriding functional need for a second person to be based all year round at Staple Farm. If there was a functional need for a second person to be on site then it would equate to a seasonal requirement, and not a full-time rôle.

With regard to financial viability, it is considered that the business is sustainable and likely to remain so as long as the shooting arrangement continues with the Estate.

Therefore, in accordance with paragraph 55 of the National Planning Policy Framework there is no essential need for there to be somebody based all year round at Staple Farm in addition to the applicant.

(b) Impact upon setting of listed buildings

The farmyard group the subject of this application contains two individually listed buildings, Staple Farmhouse and a large Barn, both dating from the C18 and listed at Grade II. Therefore the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest they possess.

This application seeks a temporary approval for the retention of an existing mobile home for the use by an agricultural worker. The mobile home is located on a piece of land used as a parking/storage area adjacent to the individually listed barn. The mobile home is a low flat-roofed metal structure which sits next to several parked trailers and has a temporary lightweight appearance.

If permission was sought for the retention of such a structure permanently in this sensitive context then this would not be considered acceptable due to the harm that is caused to the setting of the nearby listed barn due to the modern appearance and inappropriate form of the structure together with its close siting directly adjacent to the historic building.

However, the permission applied for is temporary and therefore although the mobile home is a modern structure not particularly in keeping with the agricultural setting of the barn and farm as a whole, it is considered that its transient appearance within the farmyard as a temporary structure would not be harmful.

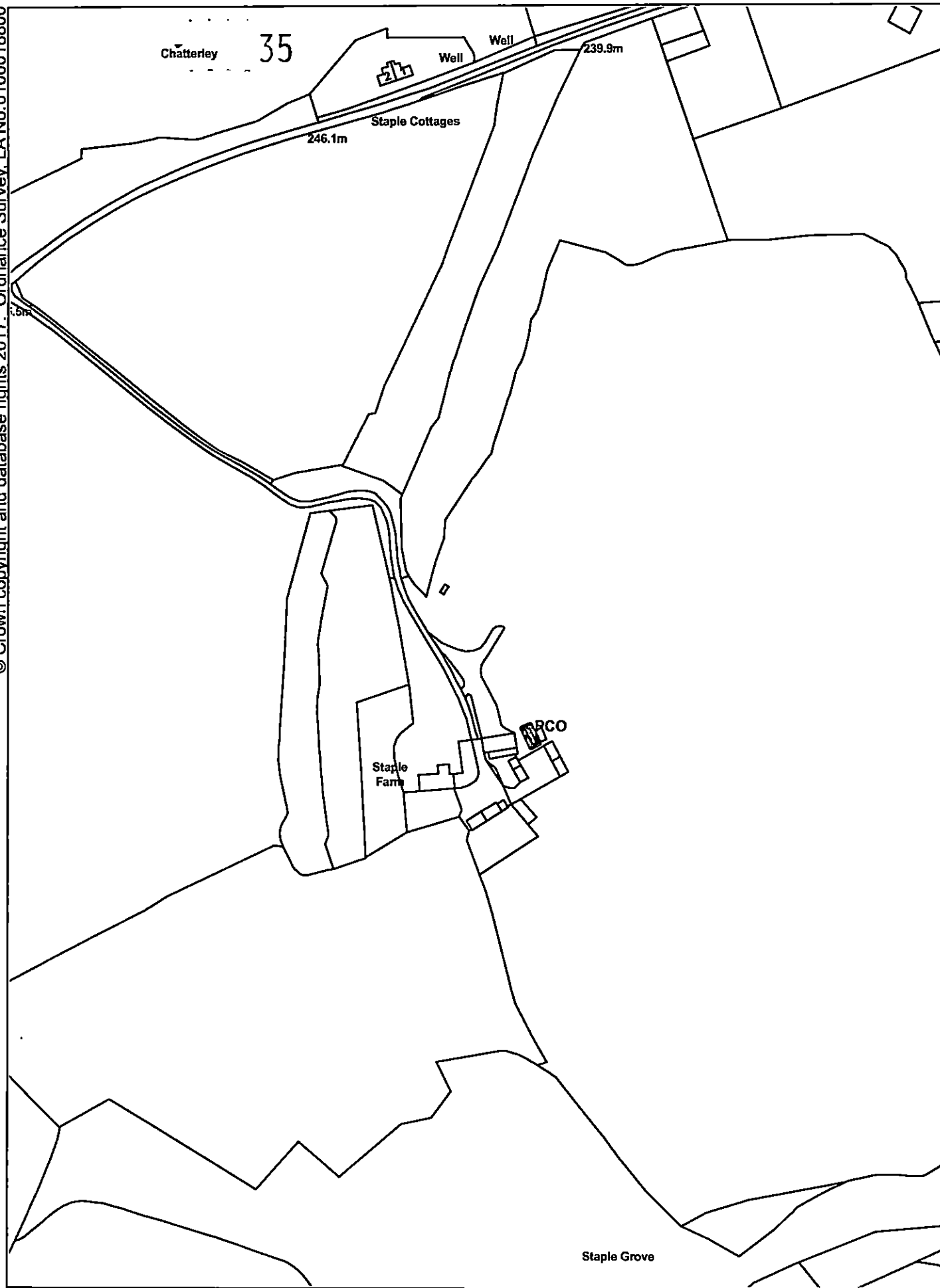
9. Conclusion:

There is no essential need for the temporary siting of the mobile home at Staple Farm in addition to the existing dwelling, contrary to paragraph 55 of the NPPF and Local Plan Policy 19.

The recommendation is for planning permission to be refused, and for delegated authority to commence enforcement action.

10. Reason for Refusal:

The application site is located in an area of open countryside outside a designated Development Boundary. Proposals for new agricultural accommodation in such locations are only permitted where the functional need for such accommodation has been clearly demonstrated. In this instance it has not been demonstrated that the agricultural enterprise justifies the siting a new permanent residential mobile home on the site in addition to the existing accommodation at Staple Farm. The proposal is therefore contrary to Cotswold District Local Plan Policy 19, Policy H5 of the emerging Cotswold District Local Plan, and Central Government guidance contained in paragraph 55 of the NPPF.



COTSWOLD
DISTRICT COUNCIL

STAPLE FARM WITHINGTON

Organisation: Cotswold District Council

Department:

Date: 01/02/2018

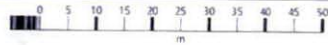
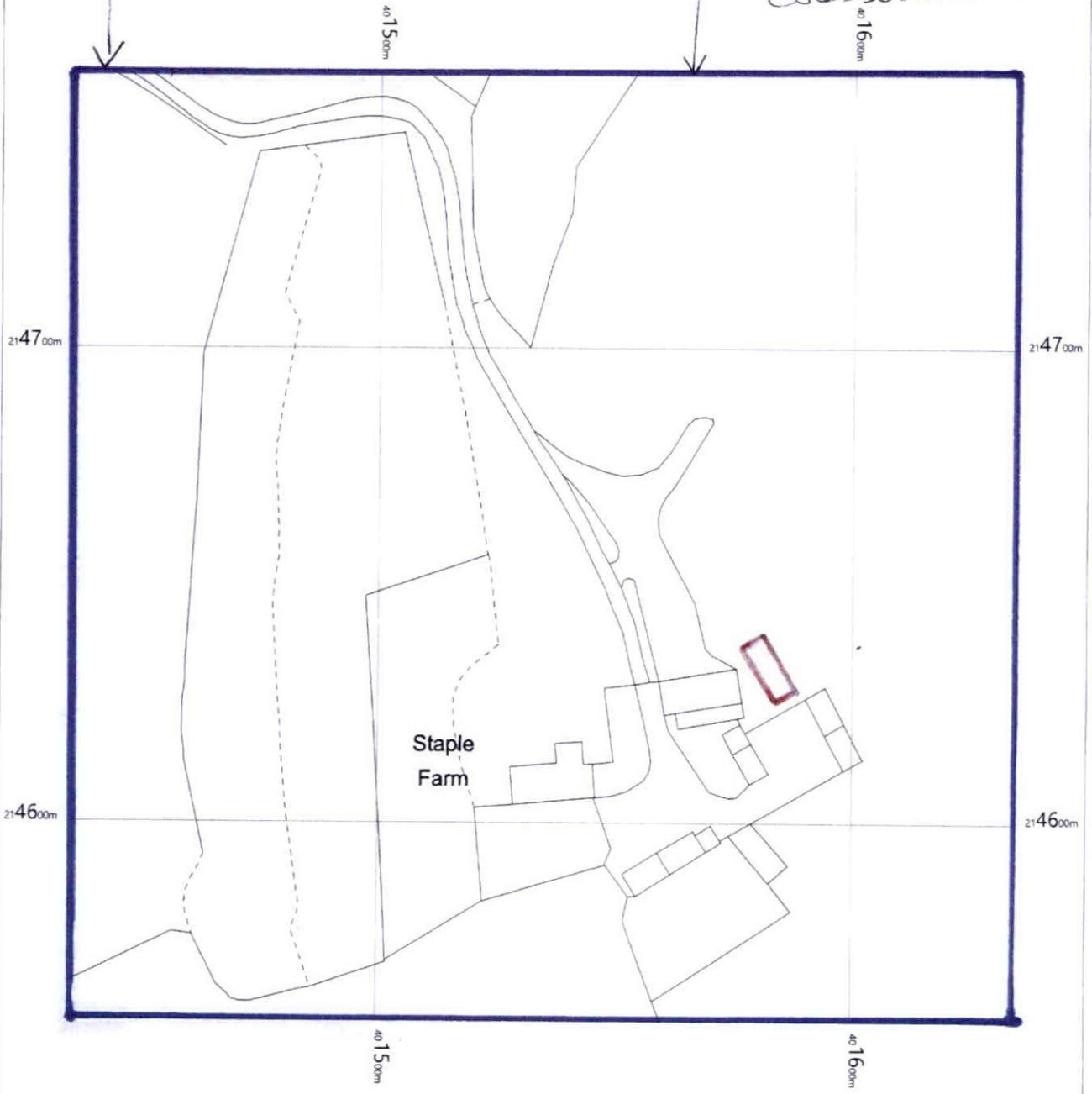
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NORTH

Entrance to the site. 36

This site is within the boundaries of the Colebourne Estate.

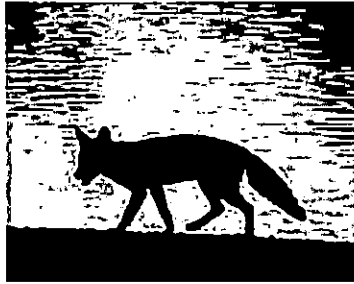


OS MasterMap 1250/2500/10000 scale
 Monday, July 10, 2017, ID: HMC-00638575
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FOX RURAL

PLANNING & LAND MANAGEMENT

COTSWOLD DISTRICT COUNCIL

RURAL PLANNING APPRAISAL

**PLANNING APPLICATION FOR
THE STATIONING OF A MOBILE HOME FOR ALL
YEAR ROUND ACCOMMODATION FOR AN
AGRICULTURAL WORKER**

AT

STAPLE FARM,

WITHINGTON

PLANNING REFERENCE: 17/03045/FUL

Reference

FOX RURAL has been commissioned to undertake an appraisal of an application for the stationing of a mobile home for an agricultural worker at Staple Farm, Withington.

I inspected the site and met the applicant on 1st November 2017.

1.0 Background Information

1.01 Location

Staple Farm is located off a minor road linking Colesbourne and Withington. OS grid reference - SP015146.

1.02 Background and History

The applicant rents Staple Farm house and buildings, plus the shooting rights from the Colesbourne Estate, and runs a commercial shoot.

One of the two employed game keepers has been residing in a mobile home at Staple Farm during the rearing/shooting season, and living somewhere else during the spring.

The keeper would like to base himself year round in the mobile home until the present shooting lease expires. The application makes the case that there an essential need for there to be somebody permanently based on site in addition to the applicant.

2.0 Present situation

2.01 Ownership and Occupation

As I understand the situation, the applicant rents the house and buildings on an Assured Shorthold Tenancy. By a separate arrangement the applicant rents the shooting rights on a lease from the Colesbourne Estate over c2000 acres which expires in February 2019.

2.02 The Shoot Enterprise

The shoot currently puts down c15,000 Pheasants and c8,000 Partridge and runs c25 commercial days. This I understand includes one or two days each season put on for the Estate owner as part of the shoot lease arrangement.

The Pheasant shooting season runs from 1st October to 1st February whilst the Partridge season runs from 1st September to 1st February.

The Pheasants arrive as poults (7 weeks old) during June and are placed in the rearing/release pens situated around the estate, where they are fed and watered. The pens are walked around each evening, pushing back any birds that have flown out. Eventually the birds will start to distribute themselves throughout the estate, and are then fed with positioned feeders, and also using a mounted spinner driven up the woodland rides and edges.

The Partridge can arrive as early as April as day olds, and are reared through to a more advanced aged bird at Staple Farm, before being put out on the estate closer to the start of the shooting season. This is due to Partridges being more difficult to keep around. There were still some Partridge in the pens at Staple Farm on the day of my visit.

Once the birds are out then it is a continuous and often multiple daily routine to keep them on the estate by using a team of dogs and working the estate boundaries and moving the birds back further into the estate. This often referred to as "dogging-in". This will continue right up to the end of the shooting season ie February 1st.

All the dogs owned by the applicant and the on-site keeper are kennelled at Staple Farm.

On the shoot days, the beating line, stops and pickers-up, are run by the two keepers, as continuously overseen by Matt Newell, who stays in radio contact, whilst himself accompanying the guns.

2.03 Labour

The applicant, Matt Newell, is the shoot manager, and is employed full time. He is helped with two full time employed keepers.

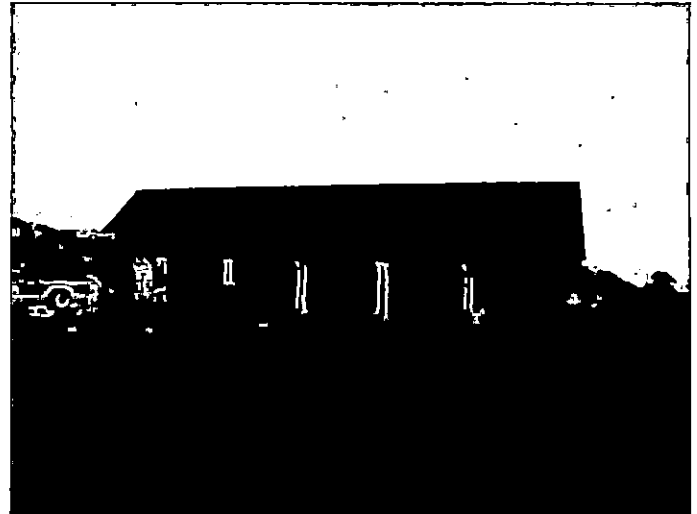
On shoot days then the applicant employs a team of c 15 beaters and say 4 pickers-up and arranges the catering with help from his wife Hannah.

2.04 Dwellings

The applicant and family live in the rented farmhouse. In addition there is the subject mobile home

2.05 Buildings and equipment

There is a range of traditional buildings used for storage of equipment, and some converted to kennelling



3.0 Proposals

3.01 Ownership and occupation

Up until this year, the applicant was running another shoot in parallel with Colesbourne, based in Bedfordshire. This arrangement has now ceased, but the applicant is presently in discussion with regard another shoot, understood to be more locally situated to Colesbourne. It is very possible that all will be in place for the 2018/19 shooting season.

3.02 Enterprises

Rather than buy in all 15,000 Pheasant as 7 week old poults next year, the applicant plans to rear 10,000 Pheasants from day olds. This increases the margin on those birds.

Generally the applicant has hopes of entering into a new 5 year lease running on from 2019.

3.03 Labour

Taking on another shoot has overall labour implications for the applicant's business. More pertinent is the rearing of Pheasants from day olds which will increase the labour requirement over the summer.

3.04 Dwellings

As per the application the proposal is to keep the mobile home on site for all year round keeper accommodation.

3.05 Buildings and equipment

There will be required more rearing housing, penning and equipment due to the plans to rear Pheasants poults from day olds.

4.0 Essential Need Appraisal

Clause 28 of the National Planning Policy Framework (NPPF) states that local planning policy should, in future, promote the development and diversification of agricultural and other land based rural businesses.

In accordance with Clause 55 of the NPPF, local planning authorities are required to promote sustainable development in rural areas with regard to housing but "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."

This exact wording of this special circumstance, originated from clause 10 of PPS7, which went on to recommend that planning authorities should follow the advice in Annex A to PPS7.

Despite PPS7 having been replaced by NPPF, the guidance within Annex A of PPS7 was tried and trusted, and in the absence of any alternative guidance, I shall continue to use Annex A to assess the essential need.

This is an established enterprise and so it would seem appropriate to utilise the tests for essential need referred to for permanent dwellings, despite the proposal being for a temporary period.

4.01 Functional Need

The most frequent reason for a functional need for a rural worker to be permanently based on a site, is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night. In this case we have to consider responsibility for working dogs and game birds.

Next year from mid- April through to say October there will likely be penned Pheasants and Partridge at Staple Farm. This will include Pheasants from day old to 7 weeks old, and Partridge from day old to poults and older.

There will be particularly vulnerable times eg when the day olds are introduced to the brooders.

Panic caused by noise and predator intrusion can cause birds to bunch up and can cause fatalities.

These are amongst the reasons why having somebody on hand is at the very least reasonably necessary during the rearing period.

The dogs are essential for a successful commercial shoot. Despite good game habitat and regular feeding, without regular daily dogging-in of the boundaries, the overall numbers could drop through loss of birds onto neighbouring land and possible shoots.

Dogging-in takes place from the early Summer right through to the end of the shooting season ie a minimum of 7 months. It is carried out first thing, during the day and towards the end of the day.

It would be unsustainable for the shoot dogs to be kept anywhere but on the shoot during the majority of the year. I understood there to be 16 dogs at Staple Farm on the day of my visit.

The seasonal responsibility for game birds at Staple Farm, and the main use of the shooting dogs for dogging in, together span about 9 months. With February, March and May seemingly being the quieter months when the mending of pens and sorting or rearing equipment would likely take place.

There have also been some incidents with regard security relayed to me that highlight the vulnerability of this business and its remote location.

In this particular case I do consider this to be a contributory factor

All things considered, there would appear to be a need for there to be somebody permanently based on site, which in this case happens to be the applicant.

In respect of any further functional requirement for somebody in addition to the applicant to be based on site then there are one or two areas of consideration that are apparent.

It is the nature of the business that the applicant will be away a lot dogging-in the boundaries or maybe in the future, attending another shoot. It is part of the keeper's responsibility, who lives on site, aside from looking after the rearing side during the Summer, to be ever present at Staple Farm when the applicant is not there.

It is peace of mind for the applicant with recent cause of security that there is somebody based here eg if he was away for the day and into the evening on another shoot. The mobile home enables a practical way of ensuring a constant presence.

However at night, the applicant will more than likely be at home on site, and would be there in the event of any out of working hour emergencies that may require quick action.

It may also be the case that it is difficult to employ a keeper with these responsibilities, especially during the rearing season and shooting seasons, without being able to offer some form of accommodation close to the site partly due to the inevitable early starts and late finishes, which can be into the night.

Although these are valid issues, they carry insufficient weight to change my opinion, that **there is not** an overriding functional need for a second person to be based all year round at Staple Farm.

4.02 Full Time Labour

If there was a functional need for a second person to be on site then it would equate to a seasonal requirement not a full time role.

4.03 Establishment and viability

I am happy that the business is sustainable and likely to remain so as long as the shooting arrangement continues.

4.04 Other Dwellings

The other keeper I understand lives in the village of Colesbourne.

There may well be other properties in the locality available for rent that might be suitable.

5.00 Conclusion

In accordance with paragraph 55 of the National Planning Policy Framework there is no essential need for there to be somebody based all year round at Staple Farm in addition to the applicant.

Signed _____

Robert Fox BSc (Hons) MRICS FAAV

Date 8th November 2017



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