

**Item No 02:-**

**19/01595/FUL**

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

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

<b>Full Application 19/01595/FUL</b>	
<b>Applicant:</b>	Mr Matthew Newell
<b>Agent:</b>	Kernon Countryside Consultants Ltd.
<b>Case Officer:</b>	Andrew Moody
<b>Ward Member(s):</b>	Councillor Robin Hughes
<b>Committee Date:</b>	10th July 2019
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**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: -

'I feel that as this is only a temporary consent for 12 months to accommodate a game keeper to the end of the shooting season/lease next February it is quite critical to the welfare of the whole operation.'

**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 the site is 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:**

17/03045/FUL: Mobile home for temporary accommodation for a rural worker (Retrospective). Permitted 15.02.2018

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 DS4 Open Market Housing o/s Principal/non-Pr  
 H5 Dwellings-Rural Workers o/s Settlements  
 EN1 Built, Natural & Historic Environment  
 EN2 Design of Built & Natural Environment  
 EN4 The Wider Natural & Historic Landscape  
 EN5 Cotswold AONB  
 EN10 HE: Designated Heritage Assets

EN15 Pollution & Contaminated Land  
INF4 Highway Safety  
INF5 Parking Provision

#### **4. Observations of Consultees:**

Agricultural Consultant: Comments incorporated within the report; copy of the report attached as an Appendix

Conservation Officer: Comments incorporated within Officer's Assessment

#### **5. View of Town/Parish Council:**

No response received

#### **6. Other Representations:**

None received

#### **7. Applicant's Supporting Information:**

Supporting Statement

#### **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. A temporary planning permission for the retention of the mobile home was granted under reference 17/03045/FUL, with Condition 2 of that decision requiring the mobile home to be removed from the site by 1st March 2019.

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 rears 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 2020.

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 Partridges can arrive as early as April as day old chicks, 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 by two full-time employed keepers. On shoot days 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, whilst the mobile home subject to this application is adjacent to a barn to the north-east.

Paragraph 83 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 79 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. Policy H5 of the adopted The Cotswold District Local Plan (2011-2031) largely reflects the guidance that was contained within Annex A and refers to essential need and the importance of demonstrating viability.

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.

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.

From mid-April through to October there will be Partridge at Staple Farm from day old to poults and older. There will be particularly vulnerable times, for example when the day old chicks are introduced to the brooders. Panic caused by noise and predator intrusion can cause birds to bunch up and can cause fatalities. The applicant contends that this demonstrates that presence on-site is reasonably necessary during the rearing period.

In addition, the applicant contends that the dogs are essential for a successful commercial shoot. Despite good game habitat and regular feeding, without regular daily 'dogging-in' of the boundaries, which includes rounding up straying birds using dogs, 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, the applicant contends that there are times when he will be away from the site, for example 'dogging-in' the boundaries or possibly attending another shoot.

Keepers work extremely unsociable hours, and so ideally keepers would live close to the shoot from the time point the birds arrive through to the end of the season. As a result, it may be difficult to employ/retain a keeper with these responsibilities, especially during the rearing season and shooting seasons, without being able to offer some form of accommodation within an easy commute of the shoot due to the inevitable early starts and late finishes, which can extend into the night.

It is contended that if there are no alternatives, for example a cottage made available on the Colesbourne Estate, then it would be considered essential to the shoot to be able to offer some accommodation for the 9 months covering the rearing and shooting season.

The mobile home currently on site close to the Partridge rearing area and kennels, is ideally located as seasonal accommodation for a keeper. The central issue is whether or not a 9-month seasonal need to provide accommodation within easy access of the shoot (in the absence of any potential alternative arrangements) should justify permitting that keeper to remain on site all year round. It is considered that this might be reasonable, but not essential.

Therefore, in accordance with paragraph 79 of the National Planning Policy Framework, Officers consider that 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**

Staple Farmhouse and the barn to its north east (as well as any historic curtilage structures) are Grade II Listed Buildings. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

Policy EN10 covers the Historic Environment: Designated Heritage Assets. It states that in considering proposals that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and that the more important the asset, the greater the weight should be. It also states that development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Finally it states that proposals

that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm, and that any such assessment will take account of the importance of the asset, the scale of harm, and the nature and level of the public benefit.

Staple Farm is an historic farm set within the AONB. The house and barn both date to the C18 and are built in local materials. The principal elevation of the farmhouse has sash windows and the barn has a typically simpler vernacular design.

The proposal is to retain a temporary mobile home on site for a further year, renewing a previous permission. The mobile home is in closest proximity to the listed barn so has the greater impact on its setting. Within the surroundings of the barn are vehicles, trailers, machinery and other items relating to the current use of the site. All of these, despite being temporary and moveable in nature, have an impact on the setting of the listed building. They do, to some extent, impact upon the historic character of the barn but such items are considered to be part and parcel of any working farm.

The mobile home is a fairly large structure and its design purely modern and functional. If permission was sought to retain it as a permanent installation then refusal would be recommended on the grounds of harm to the setting of the listed farm. But a temporary permission for its retention on site for a further year is not considered sufficiently detrimental to the special interest and significance of the listed buildings to warrant refusal.

Therefore, the proposed temporary retention of a mobile home structure for a further year is not considered to compromise the special interest of the listed barn, farmhouse and other curtilage listed structures, and would not be considered to harm the significance of these designated heritage assets. The proposal is therefore judged to accord with Section 66(1) of the Planning (LBCA) Act 1990, Section 16 of the NPPF and Policy EN10 of the Local Plan.

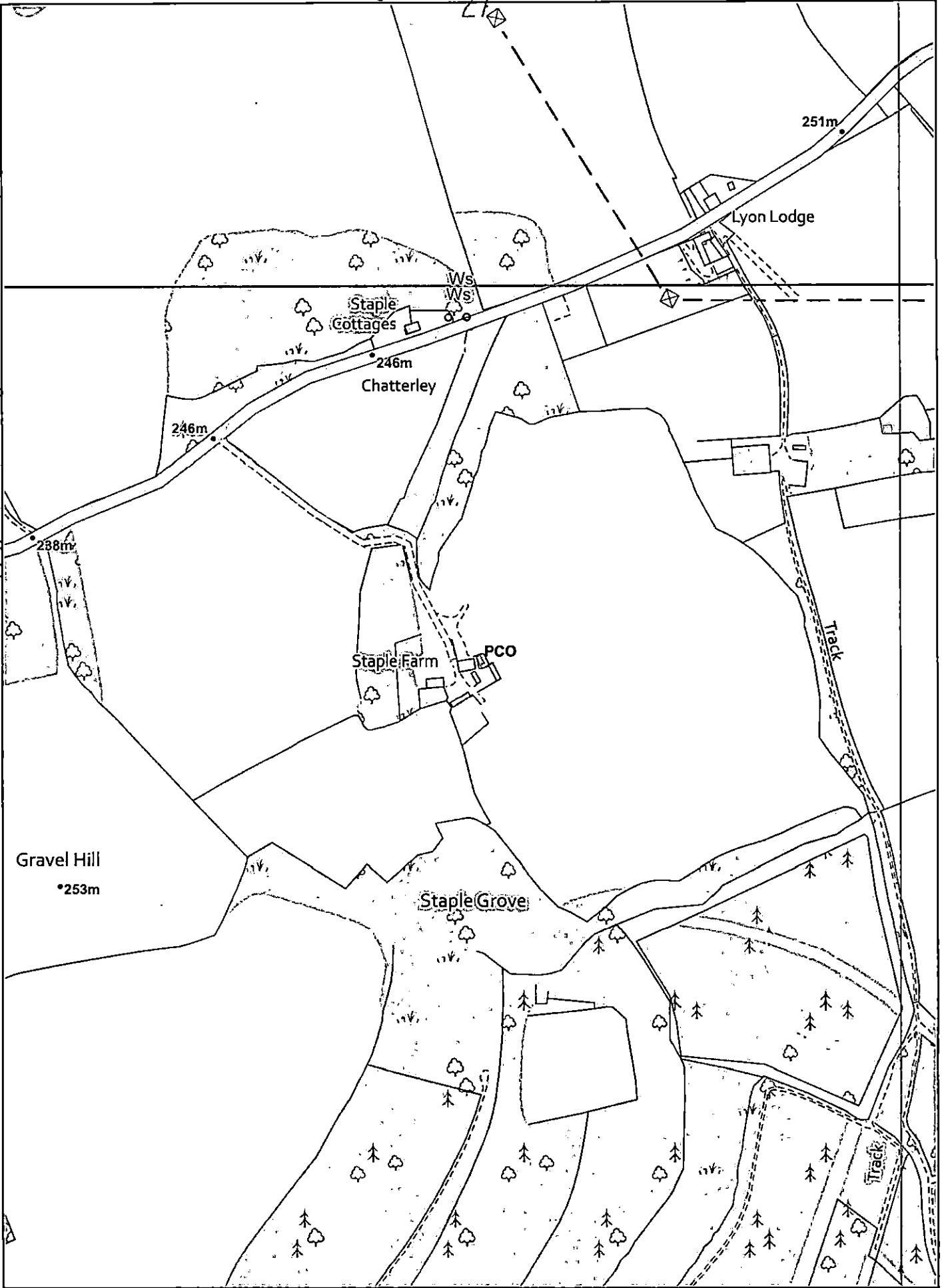
## **9. Conclusion:**

Notwithstanding that there is no objection to a further temporary period for the siting of the mobile home in respect of the setting of the adjacent listed buildings, it is considered that there is no essential need for the year-round temporary siting of the mobile home at Staple Farm in addition to the existing dwelling, contrary to paragraph 79 of the NPPF and Local Plan Policy H5.

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 rural workers 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 rural enterprise justifies the siting of a 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 H5 and Central Government guidance contained in paragraph 79 of the NPPF.



**STAPLE FARM WITHINGTON**

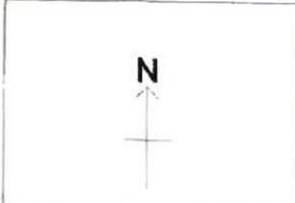
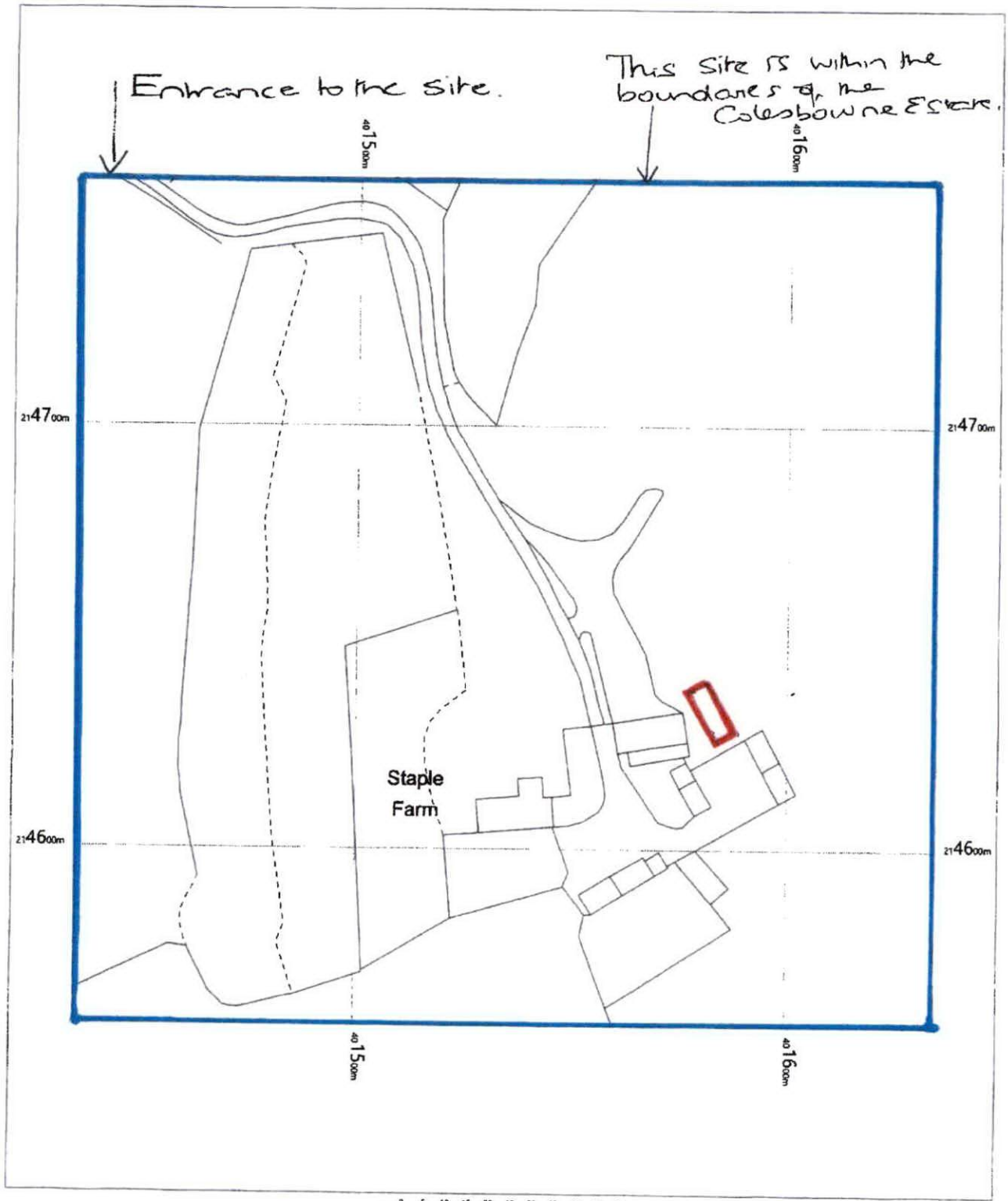
Organisation: Cotswold District Council

Department:

Date: 28/06/2019

Scale: 1:5000





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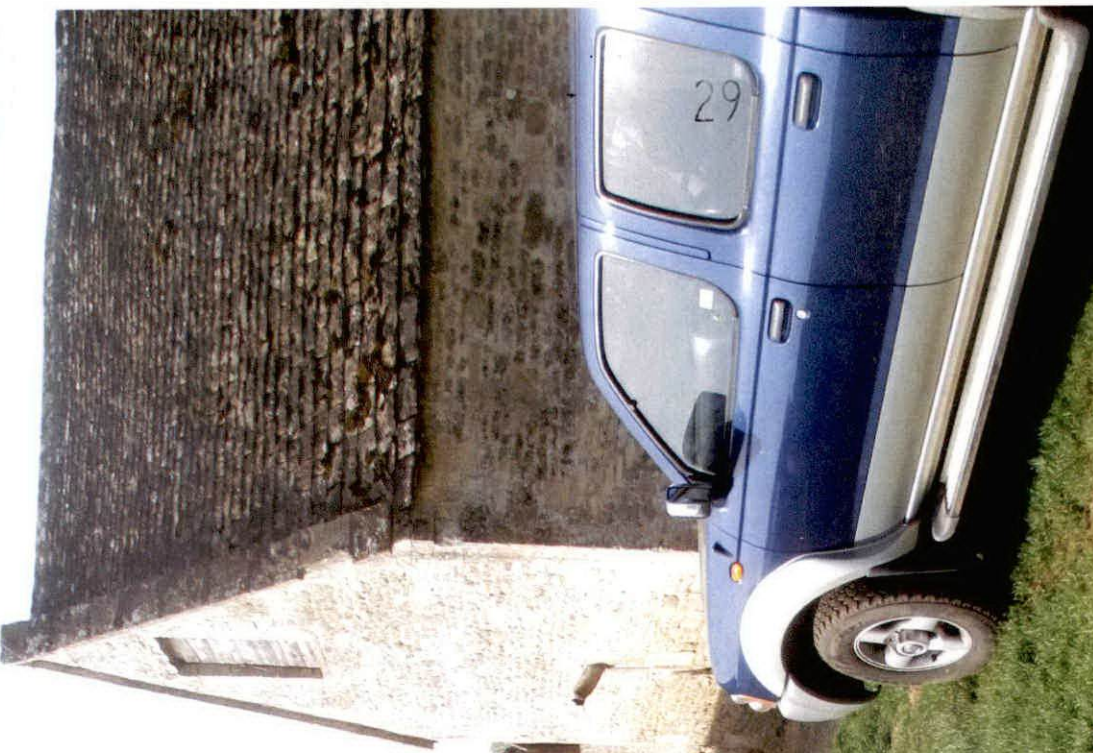
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<b>PLAN</b>	KCC2486/01		
<b>TITLE</b>	Location and Site Plan		
<b>SITE</b>	Colesbourne Shoot		
<b>CLIENT</b>	M Newell Esq		
<b>NUMBER</b>	KCC2486/01 04/19tk		
<b>DATE</b>	April 2019	<b>SCALE</b>	1:1,250 at A4

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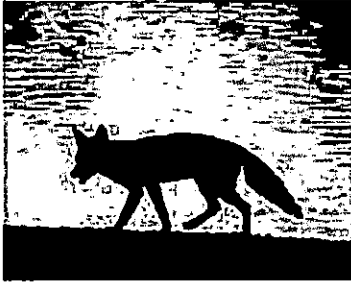


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16/05/2019



# **FOX RURAL**

**PLANNING & LAND MANAGEMENT**

**COTSWOLD DISTRICT COUNCIL**

**RURAL PLANNING APPRAISAL**

**PLANNING APPLICATION FOR  
THE RETENTION OF A MOBILE HOME  
FOR A RURAL WORKER**

**AT**

**STAPLE FARM,**

**WITHINGTON**

**PLANNING REFERENCE: 19/01595/FUL**

## **REFERENCE**

FOX RURAL has been commissioned to undertake a desktop appraisal of an application for the retention of a mobile home for a game keeper at Staple Farm, Withington.

I shall be relying on the submitted documentation and also the last application (17/03045/FUL). Where I make any assumptions, these will be clearly stated.

## **1.0 BACKGROUND**

### **1.01 Location**

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

### **1.02 Background and History**

Prior to the last application one of the two employed game keepers resided in a mobile home at Staple Farm during the rearing/shooting season, and lived elsewhere during the spring.

I inspected the site and met the applicant on 1<sup>st</sup> November 2017 in connection with a previous application (17/03045/FUL), which was to retain the mobile home until the end of March 2019, for year-round keeper's accommodation, being a month after the end of the shooting lease entered into by the applicant.

The application for the mobile home to be used as year-round accommodation (17/03045/FUL) until the end of March 2019 was permitted on 15<sup>th</sup> February 2018 for ... *“special, temporary needs of the applicant or to enable the Local Planning Authority to give further consideration to the use after the temporary period has expired.”*

The applicant continues to rent Staple Farm house and buildings, plus the shooting rights from the Colesbourne Estate, and runs a commercial shoot on a similar basis to the last time I was there, and hence the desktop approach this time.

The shooting lease has been extended until the end of February 2020 and the applicant is now seeking permission to retain the mobile home through to the end of March 2020.

The application makes the case again that there an essential need for there to be somebody permanently based on site at Staple Farm, in addition to the applicant who lives in the main dwelling.

## **2.0 PRESENT SITUATION**

### **2.01 Ownership and Occupation**

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 2020.

## **2.02 The Shoot Enterprise**

The shoot is assumed to be run on a similar basis and scale to how it was during the 2017/18 season.

The shoot 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 1<sup>st</sup> October to 1<sup>st</sup> February whilst the Partridge season runs from 1<sup>st</sup> September to 1<sup>st</sup> February.

The Pheasants arrive as poults (7 weeks old) during June and are placed in the 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 in November 2017.

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 1<sup>st</sup>.

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.

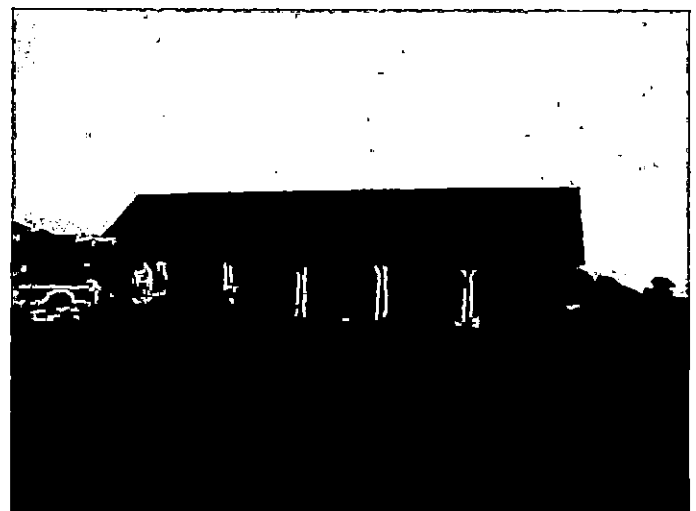
On shoot days then the applicant employs a team of c 15 beaters and say 4 pickers-up and arranges the catering with help from his wife Hannah.

### **2.04 Dwellings**

The applicant and family live in the rented farmhouse. One of the keepers lives in the nearby village of Colesbourne. In addition, there is the subject mobile home where the second keeper is based

### **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**

The shooting lease ends at the end of February 2020. There was reference made by the applicant during the last application to the hope of entering into a new 5-year lease. I have not had sight of the Assured Shorthold tenancy for the house.

During the last application there was mention of the applicant taking on another shoot in the locality to run parallel with Colesbourne, however no reference has been made to this in the current application.

#### **3.02 Enterprises**

Previously it had been indicated that the applicant was going to start rearing c10,000 Pheasants from day-olds which would increase the margin on those birds. There is no referral to this in the current application.

#### **3.03 Labour**

Taking on another shoot would have had overall labour implications for the applicant's business. More pertinent would have been the rearing of Pheasants from day olds which would have increased the labour requirement over the summer.

#### **3.04 Dwellings**

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

#### **3.05 Buildings and equipment**

There would be required more rearing housing, penning and equipment if there was to be the rearing of 10,000 Pheasants poults from day olds.



#### 4.0 ESSENTIAL NEED APPRAISAL

Clause 83 of the National Planning Policy Framework (NPPF) states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses;

In accordance with Clause 79 of the NPPF, planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply including where:

***“there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”***

The reference to the essential need for a rural worker..... to live permanently at or near their place of work, originated from clause 10 of PPS7, which went on to recommend that planning authorities should follow the guidance in Annex A to PPS7.

Despite the status of the NPPF, Annex A of PPS7 provided clear criteria to assess the 'essential need' for a dwelling. This guidance is tried and trusted and continues to be used by professionals and accepted as a process for assessing essential need by planning inspectors, and one which I continue to use.

Policy H5 of the adopted The Cotswold District Local Plan (2011-2031) largely reflects the guidance that was contained within Annex A and refers to essential need and the importance of demonstrating viability.

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.

From mid- April through to say October there will be Partridge at Staple Farm 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

There would therefore appear to be a need for there to be somebody permanently based actually on site at Staple Farm, which is currently covered by the existence of the farmhouse, from where somebody could deal with any issues that might require swift investigation/action at night for instance.

#### **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**

One of the keepers I understand lives in the village of Colesbourne. There may well be other properties in the locality available for rent that might be suitable.

#### **4.05 Other Essential Need Factors**

Keepers work extremely unsociable hours, and so ideally keepers would live close to the shoot from the time point the birds arrive through to the end of the season.

As a result there is recruitment to factor in, whereby it may be difficult to employ/retain a keeper with these responsibilities, especially during the rearing season and shooting seasons, without being able to offer some form of accommodation within an easy commute of the shoot due to the inevitable early starts and late finishes, which can extend into the night.

If there are no alternatives eg a cottage made available on the Colesbourne Estate, then it would be considered essential to the shoot to be able to offer some accommodation for the 9 months covering the rearing and shooting season.

The mobile home currently on site close to the Partridge rearing area and kennels, is ideally located as seasonal accommodation for a keeper.

The main question to be asked here is whether or not a 9-month seasonal need to provide accommodation within easy access of the shoot (in the absence of any potential alternative arrangements) should translate to permitting that keeper to remain on site all year round. My opinion is that it might be considered reasonable, but not essential.

**5.00 Conclusion**

In accordance with paragraph 55 of the National Planning Policy Framework there is no essential need for there to be a mobile home stationed at Staple Farm for year-round accommodation.

Signed \_\_\_\_\_

**Robert Fox BSc (Hons) MRICS FAAV**

**Date: 17<sup>th</sup> June 2019**

**[www.foxrural.co.uk](http://www.foxrural.co.uk)**