

WA/2020/1186 – Use of land for temporary stationing of a mobile home with associated parking and amenity space for use by an agricultural worker at LAND COORDINATES 501600 137180 HIGH LOXLEY ROAD, LOXHILL

Applicant :	A Ward
Ward:	Chiddingfold and Dunsfold Ward
Case Officer:	Rebecca Clarke
Neighbour Notification Expiry Date	05/10/2020
Expiry Date	21/09/2020
Committee Meeting Date:	Eastern Planning Committee 10/11/2021

RECOMMENDATION	That, subject to conditions, permission be GRANTED
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Summary

The application has been brought before the Area Committee at the request of Councillor Gray, owing to the site being locally contentious, the justification for the proposal being called into question and the site being in a prominent location in the AGLV, overlooked by the AONB.

The site falls within the Countryside beyond the Green Belt and AGLV. Permission is sought for the use of the land for the temporary stationing of a mobile home to be used by an agricultural worker. The stationing of the mobile home and associated parking would be provided on existing hard surfacing within the site.

The application has been independently reviewed by Reading Agricultural Consultants, which has concluded that the business is financially sound and viable and the positioning of the proposed mobile home on the site could be supported in agricultural planning terms.

Whilst Officers acknowledge that there would be an impact to the character and beauty of the surrounding countryside and public views would be afforded from nearby public right of way, it is considered that the scale of impact would be minimised and limited by the temporary nature of the permission sought. Furthermore, the mobile home would be located adjacent to an existing agricultural barn which would result in the site appearing as a farm base in a rural location.

On this basis, the proposal is considered to be in accordance with the Development Plan and, as such, planning permission is recommended for approval.

Background

Members will recall this application was brought before the Council's Eastern Committee on 11th August 2021 with an officer recommendation for approval subject to conditions. The Committee resolved to DEFER the item to enable discussion to take place regarding an appropriate mechanism to secure sole implementation of the scheme, should permission be granted. This was having regard to there being an extant permission for the siting of a mobile home at an alternative site to the north west of the current application site (Ref: WA/2019/1687).

Following discussion between Officers and the Council's Legal Services, Officers are of the opinion that the completion of a Section 106 Agreement would be the most appropriate mechanism for securing sole implementation. As such, the officer recommendation is no longer subject to the following condition:

Condition

The siting of the mobile home hereby permitted shall not be exercised or implemented in addition to or in combination with the siting of the mobile home already granted by the Local Planning Authority under application reference WA/2019/1687 on 18/12/2019.

Reason

In the interest of the character and amenity of the area, and the agricultural need for the development, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1, D4 and RD10 of the Local Plan 2002.

However, notwithstanding this opinion, Officers have re-considered the need for securing sole implementation should permission be granted.

The NPPG sets out that planning obligations should only be used where they meet the following tests:

1. Necessary to make the development acceptable in planning terms
2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

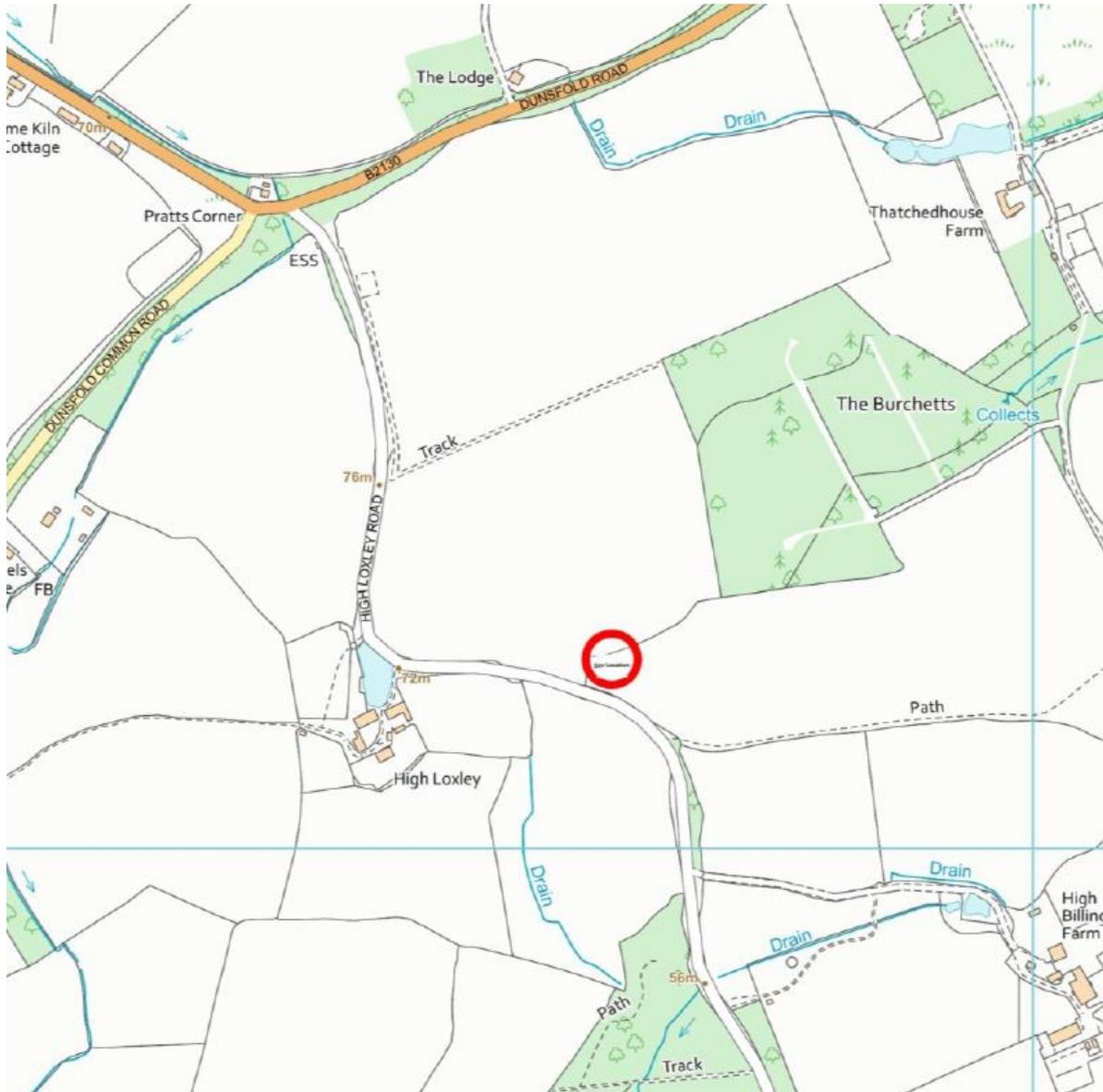
While acknowledging that the siting of mobile homes can result in an associated visual impact, the current proposal would be sited in close proximity to an existing agricultural storage barn and the visual impact and impact on surrounding Countryside beyond the Green Belt is considered to be fairly localised and not of a scale to warrant a material objection.

The extant permission WA/2019/1687 would involve the siting of a mobile home in close proximity to existing buildings and, likewise, no objection was raised by Officers with regard to the impact to the character of the countryside or visual amenities. This permission was granted on 18/12/2019 subject to a condition securing a 3-year time period. Having regard to this, if the extant permission were to be implemented, the permission would cease on 18/12/2022 and the mobile home would be required to be moved off the site.

Taking this timeframe into account, along with the 3-year temporary permission being sought in connection with the current application, Officers are of the view that it would not be necessary to secure a S106 agreement for sole implementation. The cumulative impact on the countryside beyond the Green Belt and visual amenities of the area, in the event that both schemes were implemented at the same time, is considered to not be so materially detrimental to warrant it in Officers' view.

It is, however, considered that it would be reasonable to recommend a new condition to ensure that the occupancy of the mobile home is for an agricultural worker only. Further, it would be reasonable to secure details of proposed utility connections to serve the mobile home, and for the site to be appropriately restored following expiry of the temporary period.

1. Location Plan



2. Site Description

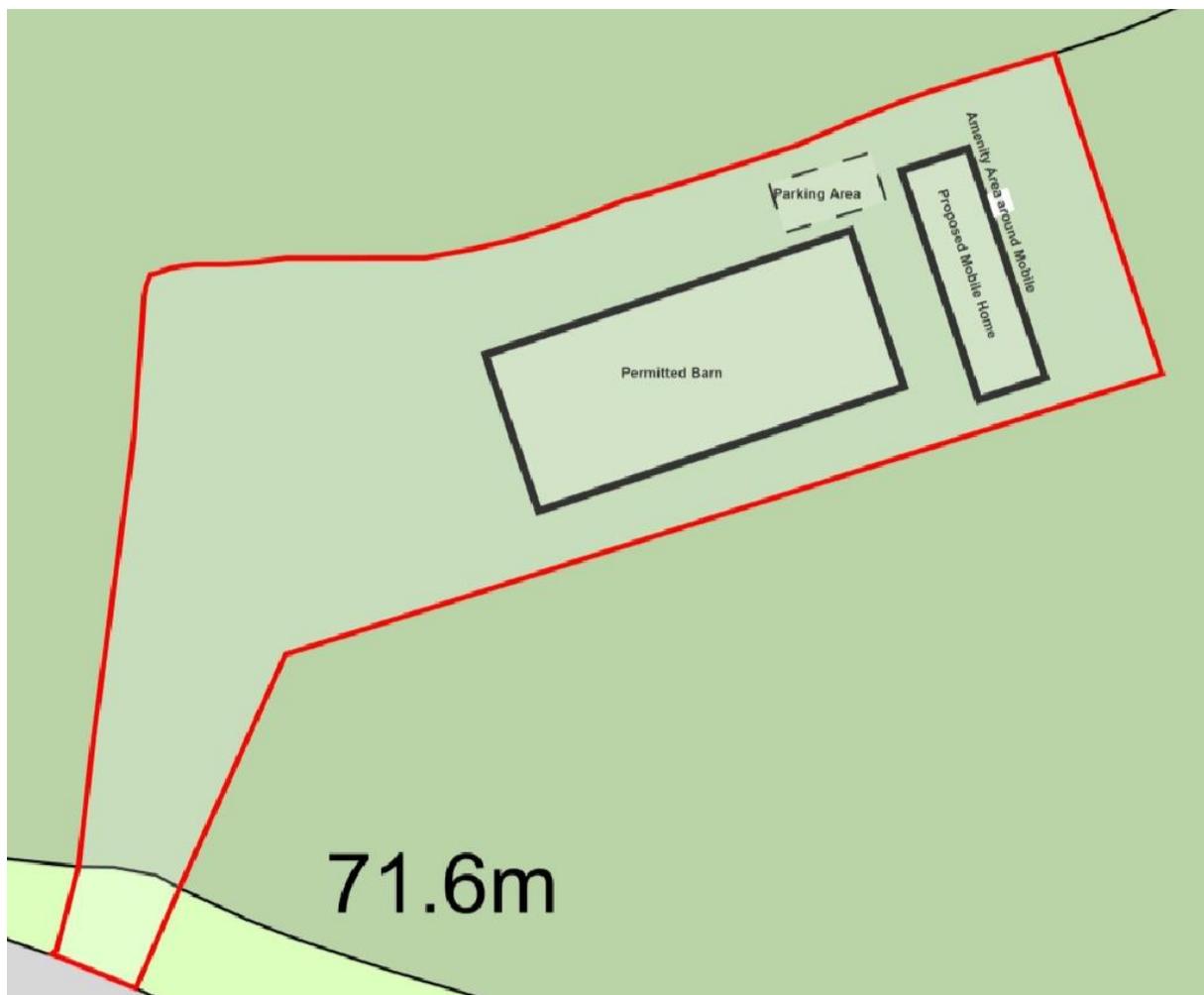
- The application site is located on the eastern side of High Loxley Road.
- It relates to a parcel of land connected to a holding referred to by the Applicant as Loxley Park Farm.
- The site features an agricultural barn with hardstanding.
- The surrounding area is rural in character.

3. Proposal

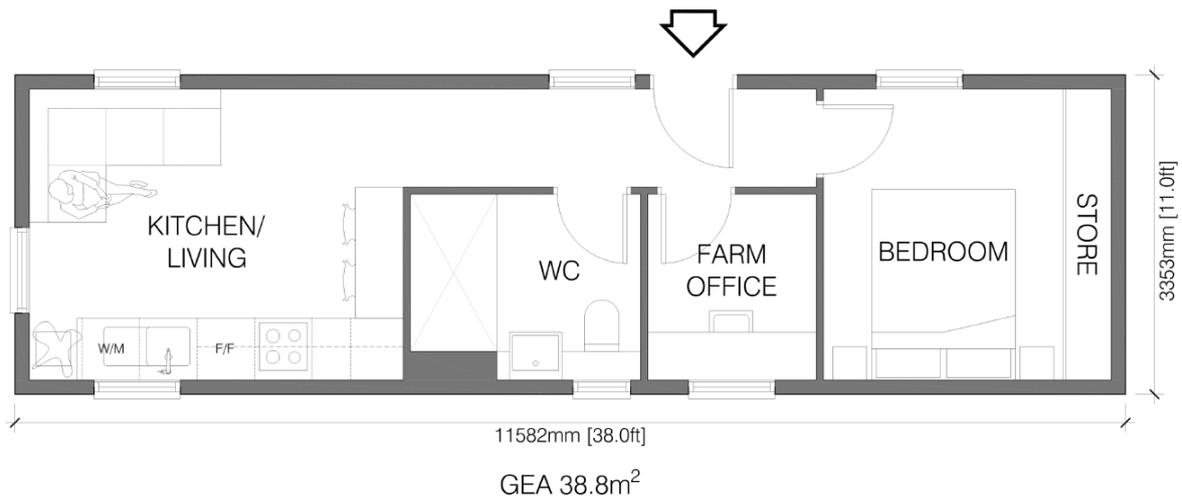
Permission is sought for the use of the land for the temporary stationing of a mobile home with associated parking and amenity space. The mobile home would be occupied by a Shepherd who is currently employed by the farm.

The mobile home would be sited adjacent to the existing agricultural barn on existing hardstanding. It would feature a kitchen/living area, W.C, bedroom and farm office, with an gross external area of 38.8m² (11.582m x 3.353m).

Proposed site plan



Internal floor plan



4. Relevant Planning History

WA/2020/0147	Erection of an agricultural storage barn	Full Permission 11/03/2020 Implemented
AG/2019/0013	General Permitted Development Order 2015 Schedule 2 Part 6 Class A for the erection of a barn for storage of hay and straw	Agricultural Not Permitted Development 30/09/2019

Whilst it relates to a different site (at High Loxely Farm buildings), the following is also of relevance:

WA/2019/1687	Use of land for temporary stationing of a mobile home with associated parking and amenity space for use by an agricultural worker	Full Permission 18/12/2019 Extant
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5. Relevant Planning Constraints

- Countryside beyond Green Belt – outside any defined settlement area
- Area of Great Landscape Value (AGLV)
- Neighbourhood Plan Designation
- Ancient Woodland 500m Buffer Zone
- Nearby Listed Buildings – High Loxley Farm and barns (Grade II)

6. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, RE1, RE3, TD1, NE1, HA1
- Waverley Borough Local Plan 2002 (retained policies February 2018): D1, D4, HE3, RD10

Other guidance:

- The National Planning Policy Framework 2019 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- Dunsfold Village Design Statement (2001)
- National Design Guide (2019)

7. Consultations and Parish Council Comments

Dunsfold Parish Council	Objection
Reading Agricultural	No objection

8. Representations

10 letters (from 6 parties) have been received raising objection on the following grounds:

- It is not clear whether the application will be determined under delegated powers or by Members at Planning Committee.
- The applicant has not provided evidence to displace the default position in the NPPF that an isolated home should be avoided. The agricultural justification and need for the mobile home is called into question – the acreage and tenancy should be subject to scrutiny.
- The land has managed without someone living on site for years.
- Much of the land is laid to pasture and crops
- Unsustainable and isolated location.
- Mobile homes are unsightly.
- There are unresolved planning enforcement matters in relation to application WA/2020/0147 – felling of trees, larger hardstanding area
- There is an extant permission for a mobile home at High Loxley Farm. The applications should be considered on their own merits and there are materially different factors in the current application – isolated setting, independent pocket of land sold off from the main farmstead, greater impact on the landscape and character of the countryside, and on views, material change in

circumstances in relation to the tenancy. The applicant's tenancy is due to expire in September 2021.

- Impact on the countryside and AGLV.
- Notification letters or a site notice were not issued.
- Information reviewed by Reading Agricultural has not been made public.
- The report by Reading Agricultural does not overcome concerns regarding the justification and evidence for the proposal

Enforcement History

It is acknowledged that Third Party letters have referenced works being undertaken at the application site, that of hardstanding being laid and trees being felled.

Firstly, with regard to the felling of trees, as none of the trees in the location are subject to a Tree Preservation Order (TPO) or are located within a Conservation Area, the works would be able to be carried out without any permission or consent from the Local Planning Authority.

Secondly, with regard to the laying of hardstanding, the Council's Enforcement Team has investigated and has concluded that the hardstanding would benefit from deemed planning permission as specified within Schedule 2, Part 6, Class A of the General Permitted Development Order 2015 (as amended) (GPDO).

Whilst the current application does not specify the laying of hardstanding in connection with the siting of the mobile home, the Council's Enforcement Team has liaised with the Council's Private Sector Housing Manager and it has been confirmed that it would be a standard condition of a caravan license that the caravan be stationed on hardstanding. In such cases, the works required by a caravan licence would be permitted development under Schedule 2, Part 5, Class B of the GPDO

Although not referred to in the alleged breach, the Council's Enforcement Team has also investigated the access track and has concluded that as High Loxley Road is classified as D177, the formation of an access and associated hard surface would benefit from permitted development rights under Schedule 2, Part 2, Class B of the GPDO.

On this basis, the Council's Enforcement Team has concluded that there is no breach of planning control in existence at the site and their investigation has been closed accordingly.

Planning Considerations:

9. Principle of development

The site falls within the countryside beyond the Green Belt, wherein the development could be acceptable, subject to it respecting the intrinsic character and beauty of the countryside.

10. Planning history

Planning permission was granted under WA/2019/1687 for the temporary stationing of a mobile home for use by an agricultural worker. This related to an area of land within the main farmstead of High Loxley Farm, which is north of the current application site. Both this prior application and the current application have the same applicant. The temporary period granted was three years.



The current application sets out that the Applicant had a tenancy agreement for the last 15 years over the land on which the mobile home subject of WA/2019/1687 was to be sited. Unfortunately, the landowner passed away around the time of the granting of WA/2019/1687 and the land entered probate. It was for this reason that permission WA/2019/1687 has not been implemented and the Applicant is now seeking permission for an alternative siting on land which is under the ownership of the Applicant.

Whilst there are similarities between these two applications, in that they refer to the same proposal by the same applicant, each application is to be judged on its own

merits. The test is whether the current application is acceptable in its own right having regard to current planning policy.

11. Agricultural Justification

Retained Policy RD10, which carries significant weight due to its compliance with the NPPF, sets out that permission will be granted for agricultural development provided that it is related to and located on an existing agricultural unit and is reasonably required for agriculture.

Paragraph 79 of the NPPF sets out that the development of isolated homes in the countryside should be avoided unless, inter alia, 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 Council has commissioned an independent assessment of the application from Reading Agricultural Consultants, with particular focus on reviewing the following:

- Whether sufficient information has been submitted to demonstrate that the proposed agricultural worker's dwelling (mobile home) relates to an existing agricultural unit.
- Whether the information submitted in support of the application is sufficient to demonstrate that the proposed agricultural worker's dwelling (mobile home) would be reasonably necessary for the purposes of agriculture within that unit.
- Whether sufficient information has been submitted to demonstrate that the rural worker would be required to live at the site to ensure effective operation of an agricultural enterprise.

Reading Agricultural has had sight of all documents available on the Council's website (including all application documents and letters of representation), along with having access to farm business accounts 2017 – 2019 and details of parcels of land owned by the Applicant. These arrangements have been confirmed by several of the landowners. The response received from Reading Agricultural, dated 14th May 2021, followed the carrying out of a site visit.

Officers have had sight of the emails from landowners who have confirmed their arrangements with the applicant, and these have been made public on the Council's website. The farm business accounts, however, contain commercially sensitive information and at the advice of the independent consultant are not to be disclosed. Notwithstanding this, should Members wish to review and discuss the contents of the farm accounts, they are to be appended to this report as an exempt document.

The response from Reading Agricultural sets out the following key details:

- The applicant rented High Loxley Farm (87 ha) between 2004 – 2015.

- A parcel of this land (30 ha) was purchased by the applicant in 2018, with the rest of the land continuing to be rented on a Farm Business Tenancy with a termination date of 29th September 2021. The applicant entered into an agreement with the landowner to purchase the remainder of the farm part during the lifetime of the landowner and part on the death of the landowner.
- The landowner passed away in 2019 and sale terms were unable to be agreed for the remainder of the farm.
- The applicant has chosen not to pursue the sale and instead focus on Loxley Park Farm. A full-time shepherd is employed by the applicant.
- In addition to owning 30 ha Loxley Park Farm, the applicant rents various short-term agreements which combined total over 360 ha.
- Alongside sheep enterprises, the applicant rears beef cattle

Following an assessment of all information, Reading Agricultural conclude the following:

- It is evident that the applicant is running a full-time holding.
- The farm would benefit from having a base – attending to animal welfare requirements, co-ordinating farming activities and managing deliveries etc. The essential need would be best met by providing a rural worker's dwelling at Loxley Park farm, as this is the farm base.
- The benefits of having acquired 30 ha outweigh the loss of the land resulting from not purchasing the remainder of High Loxley Farm.
- No concern is raised regarding the amount of rented land given that the Applicant seems established in renting and farming in this way, there are lots of different rental agreements in place and it is common for arable farmers to let land to sheep farmers between growing their main crops.
- The business is financially sound and viable in accordance with planning policy.
- There is no alternative accommodation available in the vicinity of Loxley Park Farm and the extant mobile home permission would no longer relate to the applicant's needs.
- The positioning of the proposed mobile home on the site could be supported in agricultural planning terms.

It is noted that Third Parties have called in to question the agricultural justification and evidence put forward to support the proposal; however, Officers are satisfied, having regard to the independent review of the application, that the proposal would accord with Policy RD10 of the Local Plan 2002 and the NPPF.

12. Design and impact on visual amenity, the Countryside beyond the Green Belt and the AGLV

Footpath No.281 runs north of High Loxley Farm, finishing at the point where it meets High Loxley Road. Bridleway No. 280 runs to the south of the application site off High

Loxley Road, approximately 100m from the site entrance. Views from the public footpath would be distant, however views would be afforded from the nearby bridleway.

It is acknowledged by Officers that the siting of a mobile home would not be of a particularly attractive design, and by virtue of its introduction into an open countryside location there would be an impact on the character and beauty of the Countryside and AGLV.

However, Officers are nevertheless of the opinion that the impact would be minimised and limited by the siting of the mobile adjacent to an agricultural barn, which would give the appearance of a farm base in a rural location, and the temporary nature of the permission sought. The hardstanding to support the mobile home is present on the land and its lawfulness has been established as set out in the enforcement history section of this report.

Overall, it is considered that the short-term nature of the application would ensure that the intrinsic character and beauty of the countryside and character of the AGLV would be respected in the long term. No material objection is therefore raised by Officers in this respect. The proposal is seen to accord with Policies RE1, RE3 and TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

13. Impact on residential amenity

The site is not located in close proximity to any neighbouring residential properties such that there would be any material impact to their amenity. The proposal would therefore be in accordance with Policy TD1 of the Local Plan Part 1 2018 and retained Policies D1 and D4 of the Local Plan 2002.

14. Heritage considerations

Whilst the site is not located adjacent to any Listed Buildings or in a Conservation Area, there are nearby Listed Buildings at High Loxley Farm. This includes three Grade II Listed Buildings, three (possibly four) curtilage listed buildings and a non-designated heritage asset; the significance of which are as follows:

Significance:

- Farmhouse Significance: 16th century origin, extended 17th century, refaced and altered in 18th and 19th centuries. Sandstone, galleted, and brick with clay roof.
- Two barns: timber framed, 18th century or earlier.
- Granary: mid-18th century, brick built, retains old grain bins on first floor.
- Farmyard walls and outhouse: perhaps 18th century, and pond contribute to a complete and unspoilt traditional Surrey farmstead.

- Small barn, of modern appearance: Footprint shows on the 1871 OS map and 19th century robust timber trusses remain within. Whilst the building, in its current form, retains little architectural merit, it contributes to the enclosure of the farmstead and retains its original plan form.
- Significance of the site: the siting of the entire group, being off a quiet lane truncated by the former military airfield, has an air of seclusion and isolation. There has been no significant development there since at least the 1950s and the character of an early 20th century farm survives, albeit deserted of activity.

Given the separation distance between the proposed siting of the mobile home and the designated heritage assets, it is considered that there would be no impact to their significance. The proposal is therefore seen to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990, Policy HA1 of the Local Plan (Part 1) 2018 and retained policy HE3 of the Local Plan 2002.

15. Response to Parish Council and Third Party comments

Dunsfold Parish Council has objected to the application on the following ground:

- The siting of the mobile home would have an adverse effect on the appearance of the new barn built – the new barn sits comfortably within the landscape

This, along with matters of the isolated location, agricultural justification, visual impact, impact on Countryside and AGLV, planning breaches (enforcement) have all been discussed in relevant sections of this report.

In response to the other grounds of objection raised within representations, Officers would comment:

- In line with the Council's scheme of delegation, following consultation with the Ward Member in light of the number of representations received, this item has been brought before the Council's Planning Committee for determination.
- The nature of the application is such that there is no requirement for a white site notice to be displayed. The application was publicised on the Council's website and notification letters were sent in accordance with legislation.
- The majority of documents associated with the application have been uploaded onto the Council's website in the public domain. Documents containing information of a confidential nature have not been made public; however, as set out in this report, farm accounts are appended as an exempt document for Members' attention only.

16. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, as such, planning permission is recommended for approval.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition

The plan numbers to which this permission relates are unnumbered Location Plan (scale of 1:1250), unnumbered Block Plan (scale of 1:500) and unnumbered Floor Plan. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

2. Condition

The mobile home hereby permitted is granted for a temporary period only, expiring three years from the date of this permission. On or before this date the mobile home shall be removed from the site in its entirety. Following removal of the mobile home, the site shall be restored to a condition as set out in a restoration plan which shall be first submitted to and approved in writing by the Local Planning Authority. The restoration plan shall include a programme of works and shall be submitted to the Local Planning Authority for consideration 6 months prior to the temporary period expiring.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

3. Condition

Prior to the siting of the mobile home on the site, details of landscaping and boundary treatment within the site shall be submitted to and approved in writing by the Local Planning Authority. Landscaping and boundary treatment shall be provided on site in strict accordance with the approved details.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

4. Condition

Prior to the siting of the mobile home on the site, details of the proposed connections to facilities to serve the mobile home, including water supply, wastewater, electricity, gas, shall be submitted to and approved in writing by the Local Planning Authority. Connections will be provided in strict accordance with the approved details.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

5. Condition

The mobile home subject of this permission shall only be occupied by an agricultural worker employed in connection with the use of the application site.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework 2019.
2. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
3. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications.

The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site. Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

4. Community Infrastructure Levy (CIL)

The development hereby permitted is CIL liable.

'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).

Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.

For further information see our webpages (www.waverley.gov.uk/CIL) or contact CIL@waverley.gov.uk

5. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk

For further information please see the Guide to Street and Property Naming on Waverley's website.