

**Application No: 09/0256P**

**Location: WHITE PEAK ALPACA FARM, PADDOCK HILL LANE,  
MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB**

**Proposal: RENEW CONSENT TO RETAIN DWELLING (MOBILE HOME)  
RESUBMISSION OF 08/2046P**

**For MR A HODGSON**

**Registered 17-Mar-2009**

**Policy Item No**

**Grid Reference 381954 379733**

**Date Report Prepared: 8 May 2009**

## **SUMMARY RECOMMENDATION**

Refuse

### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- The impact upon the visual amenity of the area
- Continued justification for the dwelling

## **REASON FOR REPORT**

The application is referred to Committee as it involves development for the erection of an agricultural workers dwelling. The application was referred to Committee under the former Macclesfield Borough Council delegation arrangements.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an extended mobile home clad with Western Red Cedar timber and mineral felt roof slates and forms part of the wider agricultural holding of White Peak Alpaca Farm. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to retain the existing temporary agricultural workers dwelling (originally granted for a 3 year period until 28 September 2008) on the site indefinitely.

## **RELEVANT HISTORY**

08/2046P – Renewal of 05/2623P to allow retention of mobile home for occupation by an agricultural worker – Refused 24.10.2008

05/2623P – Mobile home (reserved matters) - Approved 16.12.2005

05/1853P – Mobile home for agricultural worker (outline) - Approved 28.09.2005

## **POLICIES**

### **Regional Spatial Strategy**

DP1 and RDF4

### **Local Plan Policy**

BE1, GC1, DC1, DC3, DC6 and DC23

## **CONSULTATIONS (External to Planning)**

Mobberley Parish Council – Note that the application has caused considerable controversy within the village, and they make the following points:

- Alpaca farm is clearly part of rural scene.
- No planning notices seen, but witnessed evidence of lobbying by near neighbours.
- Ideal solution would be to reconstruct Ivy Cottage, but accept this is prohibitively expensive due to condition, lack of services etc.
- Consider that permission should be granted for a further 3-5 years, by which time it is hoped the future of Ivy Cottage is more certain.
- Whole site should be kept under observation.

## **OTHER REPRESENTATIONS**

One letter of support has been received from a user of local footpaths noting the pleasure the Alpacas give to passers-by, and the applicants have improved the paths which is an advantage to all. Allegations in distributed letters are untrue.

Eleven further letters of representation have also been received from local residents and users of local footpaths objecting to the proposal on the following grounds:

- Current building is not a mobile home and is 50% larger than originally approved.
- Swimming pool at odds with the temporary nature of the building.
- Out of keeping / detrimental to visual amenity.
- Shop (with associated signage), and commercial machinery in operation inside the barn. A substantial access road also constructed through the site.

- Applicants also own a permanent house at Ivy Cottage on Clay Lane, which also overlooks their land.
- Proposal will set a precedent.
- A generator could be used to provide electricity to Ivy Cottage, as is the case at the neighbouring property, The Yews.
- Provision exists to connect to an existing septic tank if required.
- Accounts not publicly available – Is the shop a significant contributor to the overall profits?
- Applicants only own 8 acres and borrow / rent the remainder. This could be withdrawn at any time.
- Many of the herd graze out of sight of the dwelling.
- Inability to afford repairs to Ivy Cottage not a consideration attached to policy DC23.
- British Alpaca Society state that stocking ratio for Alpacas is 4-5 per acre. The land is therefore overstocked.
- The site cannot produce its own haylage / hay due to extent of grazing. This is an additional cost to the business.
- From the net profit of £26,225 (2008) wages for Mr & Mrs Hodgson (1.5 workers) are taken, as well as other part time workers often seen on the land as well as reinvestment into the business. Average farm workers wages are £18,000.

## **APPLICANT'S SUPPORTING INFORMATION**

A supporting statement has been submitted on the applicant's behalf outlining the following information:

- Business returned a net profit in 2008 of £26,225, a marginal increase on the 2007 figure.
- The applicants draw their wages from the net profit, which is sufficient to pay an agricultural wage with money left over to reinvest in the business.
- Day to day needs are relatively modest due to no off-site housing costs / rent or commuting expenses to find.
- The shop in the barn is ancillary to the business, and principally operates to retail wool and wool products produced on the premises.
- In 2008 accounts, shop takings were £11,854, whilst Alpaca sales were £44,900. Profit from the shop's first year of trading was £1,580 due to purchases of £10,274 to set up the shop.
- The business is profitable, and is sufficient to cover private drawings of the applicants.
- The business has probably reached its potential for the size of the holding and labour input and is expected to continue at this level or slightly higher for the foreseeable future.
- UK Alpaca business is in an expansion, which is likely to last for many years to come.
- Submitted figures from 'Alpaca Seller' website indicate that in most categories of Alpaca, prices have fallen, but turnover is greater so sales remain buoyant.

- The main product of White Peak Alpacas is breeding stock, but income is also generated from sale of animals as pets and wool and woollen products.
- White Peak Alpacas is well located, Cheshire is very accessible and there are very few Alpaca breeders in the North West area.
- Mrs Hodgson has a one-third share in Ivy Cottage, which is considered to be uninhabitable, and the current owners are safeguarding it in its current position until they can decide what to do with it.
- The property has no services (running water, electricity, drainage, cess pool, septic tank, or damp proof membrane).
- In its current condition it has been valued at £70,000.
- This cannot be considered a realistic alternative, as the profits from White Peak Alpacas could not sustain the cost of renovation.

## **OFFICER APPRAISAL**

### **Principle of Development**

Paragraph 1 of Annex A to PPS7 notes that “one of the few circumstances in which isolated residential development may be justified [in the countryside] is when accommodation is required to enable agricultural, forestry and certain other full time workers to live at, or in the immediate vicinity of, their place of work.” The principle of the development was accepted on the site for a temporary period of three years following the approval of 05/1853P and 05/2623P in 2005. The key issue to consider in the determination of this application is whether there is sufficient justification to allow a permanent dwelling on the site.

Several of the letters of objection make reference to the fact that the dwelling is not a true mobile home and that it is 50% larger than the dwelling previously allowed for a temporary period. However, this is not considered to be material to the current application, which seeks to retain the dwelling that now exists on the site indefinitely.

The dwelling is now approximately 50% larger than that which was granted temporary approval in 2005. The extension provides a hydrotherapy / swimming pool and additional seating area. Despite this use, the overall scale of dwelling remains relatively modest, it includes an office area for the business, and overall is considered to be commensurate with the functional requirement of the enterprise.

### **Green Belt / Justification**

Policy DC23 of the Macclesfield Borough Local Plan reflects the advice in PPS7 with its listing of the following criteria that should be met in order for planning permission to be granted for a permanent agricultural dwelling:

- There is a long term need for the dwelling and it is essential to the efficient working of an existing agricultural activity on a well established agricultural unit (functional test).

- The unit and agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (financial test).
- The need cannot be met by another dwelling on the unit.
- There are no buildings available for conversion.
- The need cannot be met by any other existing accommodation in the area, and
- The dwelling should be appropriately located and wherever possible should be sited within and designed in relation to a nearby group of dwellings or a farm complex.

### **Functional test**

The outline permission in 2005 established a functional requirement for an agricultural worker's dwelling within the site. At this time the applicant had a herd of approximately 50 Alpacas. There are currently 85 Alpacas with 35 Crias (offspring) expected in the next month. The applicants state that they own 10 acres of land, which includes 2 acres that was left to Mrs Hodgson with Ivy Cottage. They rent another 10 acres of nearby land on a grazing agreement, which has no fixed term, and a further 7 acres is rented from a neighbour in return for maintaining the hedges. In total they have access to 27 acres, which would meet the British Alpaca Society's stocking ration of four to five Alpacas per acre. Of course, the land holding could be reduced at any time to approximately 10 acres, which would result in a requirement to reduce the herd to between 40 and 50 Alpacas to avoid overgrazing.

At the time of the original outline permission the Council sought the advice of Reading Agricultural Consultants, who noted that with 50 Alpacas there was a requirement for one full time and one part time worker. Reading also made reference to Inspectors being consistently persuaded that even relatively small numbers of animals satisfy the functional test for a dwelling. This is reinforced by the appeal example submitted by the applicant at the time of the previous application (08/2046P) to retain the dwelling indefinitely, which allowed a (temporary) dwelling on a holding comprising 11 Alpacas.

It is understood that there are features of Alpaca enterprises that distinguishes them from most other large livestock enterprises, such as the lengthy breeding season and the disproportionately high value of offspring in relation to the numbers produced. The comments received in representation refer to comments by a member of the British Alpaca Society, stating that although it is preferable to live on site, it would be possible to run a successful breeding business without doing so. These comments are acknowledged; however, for the reasons noted above, it is considered that there is a genuine requirement for a dwelling at the site to allow the proper functioning of the enterprise.

### **Financial test**

Members should be aware that detailed accounts for the year ended 31 August 2008 have been submitted with the application. These have not been available for public view as a result of a request from the applicants, which has resulted in objections from third parties claiming that they should be available and open to scrutiny as they have been submitted to address a specific policy requirement. The key points are discussed below.

Paragraph 8 of Annexe A to PPS7 states that “new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable.” PPS7 and policy DC23 of the Local Plan require the unit and agricultural activity concerned to have been established for at least three years and have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. Submitted financial information indicates that the net profit in 2006 was £19,774, in 2007 it was £26,185 and in 2008 it was £26,225.

These figures would indicate that the business has been in profit since 2006 at a minimum, and evidence submitted with outline application in 2005 suggests that it has been in profit since 2004. However, it should be noted that the profit figures do not include any wage costs. The applicant has also confirmed that any reinvestment in the business will also come from this total net profit.

The submitted profit and loss breakdown does not indicate any expenses for land rental. The supporting statement implies that the land they do not own is the subject of other agreements, possibly goodwill arrangements, rather than financial. It has to be considered that this situation could change at any time, thereby either significantly increasing outgoings or requiring a reduction in total stock. Furthermore, the shop that has been set up, which operates for 6 hours every Saturday and Sunday, brought in £11,854 of income, but due to initial set up costs, resulted in a profit of only £1,580. In subsequent years if this level of income is maintained for the shop, and in the absence of set up costs, it may well contribute approximately one-third of the total net income. Members should also be aware the shop does not have the benefit of planning permission, and whilst it is acknowledged that ancillary farm shops often do not require planning consent, this matter is currently under investigation.

Given the factors excluded from the net profit, the figure is very modest, and it is evident that the business has operated for a number of years on relatively low levels of profitability. However, it is not contrary to policy DC23 or the requirements of PPS7 for the enterprise to operate merely on a subsistence basis. The question remains though, whether the current levels of profitability will ensure that the business remains sufficiently financially sound in the medium to long term? Or whether subsistence living would suit future owners / occupiers of the land holding / enterprise?

Notwithstanding the functional and financial tests, the other requirements of policy DC23 include ensuring that: the need cannot be met by another dwelling on the site; there are no other buildings available for conversion; the

dwelling is appropriately located, and; the need cannot be met by other accommodation in the area.

One of the applicants does own a third share of a property (Ivy Cottage) on land adjacent to the application site. The two other owners live abroad in Australia. The property is in a poor condition with no services (running water, electricity, drainage, cess pool, septic tank, or damp proof membrane). It was occupied up until approximately 2 years ago by two elderly gentlemen, and has been valued at approximately £70,000. The applicant's agent has advised that a structural report has been carried out on the property, which confirms that it is beyond economic repair. A copy of this report is currently awaited from the applicant's agent.

With the intention of avoiding possible abuse of the system, paragraph 5 of Annex A to PPS7 advises local authorities to "investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farm land concerned. Such a sale could constitute a lack of agricultural need." It is understood that Ivy Cottage was left to Mrs Hodgson's mother (who lives adjacent to Ivy Cottage at The Yews) on instruction to pass it onto Mrs Hodgson. Mrs Hodgson in turn had it registered in the name of herself and Mr. Hodgson's two sisters as they were more likely to have the means to do something with it. Details are awaited from the land registry in an attempt to confirm the details and timing of these events. The site of Ivy Cottage lies beyond the area identified in the application as being under the applicant's control, however, it is immediately adjacent to the Alpaca Farm, and appears appropriately located to meet the need for the dwelling arising from the existing agricultural activity associated with White Peak Alpacas. Any additional information received on Ivy Cottage will be reported to Members in an update.

### **Design / Character and appearance**

The dwelling is an extended mobile home, set on concrete blocks, vertically clad in Western Red Cedar down to ground level, which gives the building a more permanent appearance to that of a traditional mobile home. The relatively compact external appearance of the structure is similar to a log cabin.

The building is not prominent from public vantage points and is significantly screened from Paddock Hill by an existing agricultural building. Any glimpses that might be achieved will show the building within the context of this existing timber clad agricultural building. The proposed dwelling is therefore not considered to have any significant impact upon the character of this Green Belt area. No additional landscaping is considered to be necessary.

### **Highways**

The Highways Authority raised no objections to the previous applications on this site subject to conditions relating to parking and visibility at the access, which have been provided. No significant highway safety issues are therefore raised.

### **Other considerations**

Due to the existing relationship with neighbouring properties, no significant residential amenity issues are raised by the proposal.

With regard to the comments received in representation relating to the shop, machinery and road way, these matters are the subject of a current enforcement investigation, and do not form part of this current proposal.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

There is considered to be a functional need for a dwelling to exist at the site to enable the proper functioning of the Alpaca enterprise. However, the relatively low levels of profitability, the limited extent of land under the ownership of the applicants and the informal arrangements for additional grazing land all raise some concern regarding the prospect of the business remaining financial sound in the medium to long term.

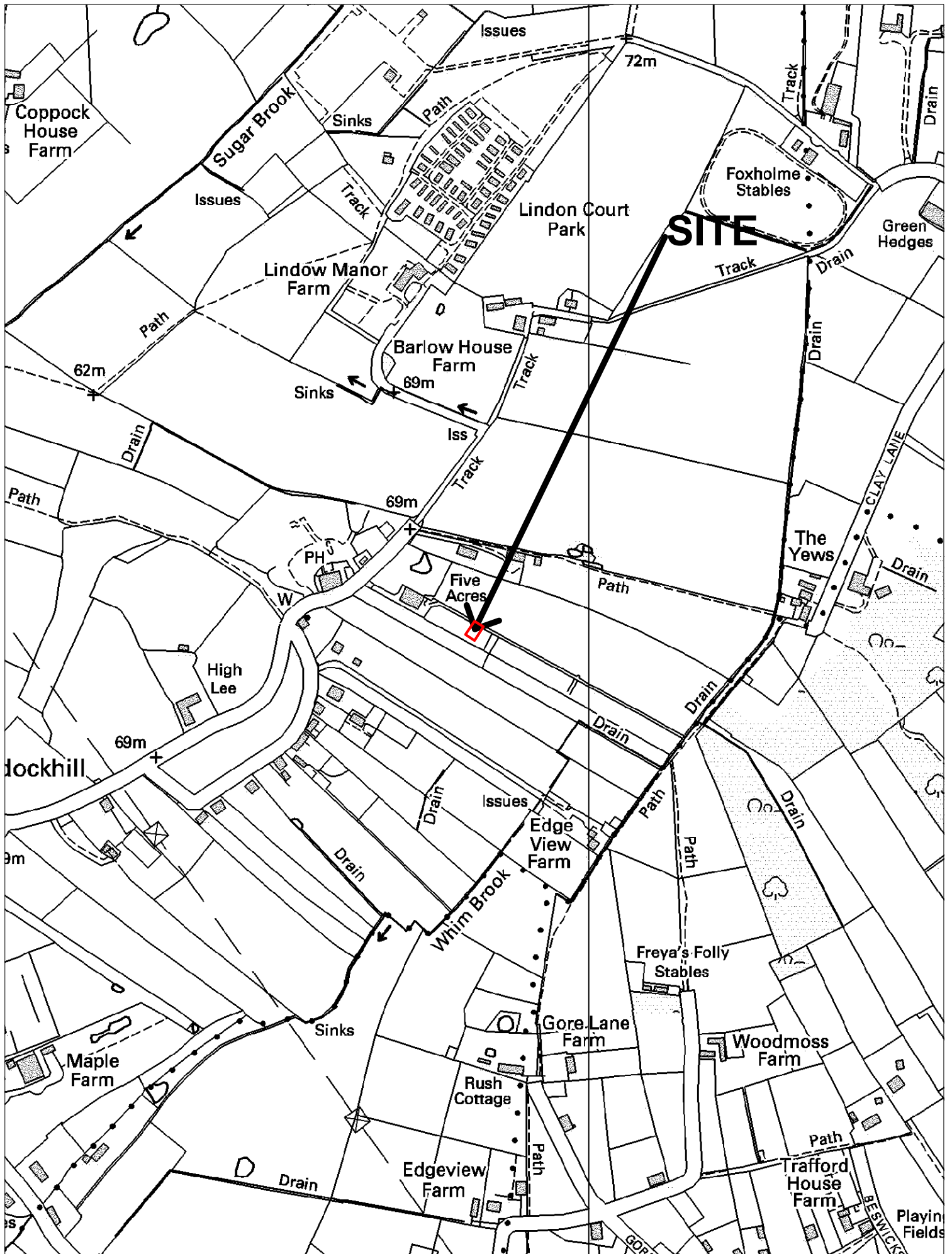
However, it is the existence of the existing dwelling at Ivy Cottage, although in a poor state of repair, which casts most doubt over whether the current proposal complies with the requirements of policy DC23. Ivy Cottage would be capable of conversion/rebuilding, and if this dwelling became unavailable through the applicant's own actions (by registering the property in two additional names) then potentially this is such a situation that paragraph 5 of Annex A to PPS7 seeks to avoid. Ivy Cottage is set in a quiet rural location within the Green Belt and despite its' rather run down state, must have considerable development potential due to its positioning.

It is acknowledged that the applicants have clearly committed themselves to the Alpaca business over recent years, investing considerable time and money in the process. A refusal of planning permission would ultimately leave them with an uncertain future. But it is the uncertainty surrounding the other dwelling at Ivy Cottage, and the circumstances of its changing ownership that has raised the concerns outlined above. Indeed the applicants could apply to site their mobile home on the site of Ivy Cottage in the event of its demolition. As a replacement dwelling in the Green Belt, such development is, in principle, acceptable.

Consequently, having regard to the limited information that is currently available regarding Ivy Cottage, which is an existing dwelling that would arguably meet the requirements of the enterprise equally well as the proposed



mobile home, it is not considered to be appropriate to grant planning permission at this time, and a recommendation of refusal is therefore made.



WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB

NGR : 381,870 : 379,760

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Application for **Full Planning**

**RECOMMENDATION : Refuse for the following reasons**

1. R01LP - Contrary to Local Plan policies
2. R04LP - Contrary to Green Belt / Open Countryside policies