

Application No: 09/3006M

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

Proposal: RENEW CONSENT TO RETAIN DWELLING- RESUBMISSION OF
09/0256P

For MR A HODGSON

Registered 21-Sep-2009

Policy Item No

Grid Reference 381875 379752

Date Report Prepared: 23 December 2009

REASON FOR REPORT

This application is referred to Committee as it is a resubmission of an earlier application that was determined by Northern Planning Committee in May 2009.

SUMMARY RECOMMENDATION REFUSE

MAIN ISSUES

- Whether the proposal is appropriate development in the Green Belt and if not whether there are any very special circumstances that would outweigh any harm caused by inappropriateness and any other harm
- Whether the visual impact of the proposal is acceptable

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a timber dwelling under a felt tiled roof. It 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

09/2640M Creation of new access track (determination) Approval not required
16.09.09

09/0256P Renew consent to retain dwelling (mobile home) resubmission of 08/2046P
Refused 20.05.09

08/2046P Renewal of 05/2623p to allow retention of mobile home for occupation by an
agricultural worker Refused 24.10.08

05/2623P 1no. mobile home approved with conditions Approved 16.12.05

05/1853P Proposed mobile home for an agricultural worker (outline) Approved with
conditions 28.09.05

In December 2009 an enforcement notice was served which requires the timber
dwelling to be removed from the site by 9 July 2010. This notice is due to take effect
on 9 January 2010 unless an appeal is made against it beforehand.

POLICIES

Regional Spatial Strategy

RDF4 Green Belts
DP1 Spatial Principles

Local Plan Policy

BE1 Design Guidance
GC1 New Buildings
DC1 Design
DC3 Amenity
DC6 Circulation and Access
DC23 Permanent Agricultural Dwellings

Other Material Considerations

PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Building Control: agree with submitted Surveyors report that Ivy Cottage in its
present form is uninhabitable and is in need of extensive renovation and
modernisation.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council: consider that the applicant should receive approval to
retain the mobile home on site for a further period of time up to 3 years until the Ivy
Cottage site can either be redeveloped or the said mobile home is re-sited on the Ivy
Cottage site.

OTHER REPRESENTATIONS

To date, 13 representations have been received in relation to the application, all of which apart from one are objecting to the application. Copies of these can be viewed on the application file.

In summary the letter of support states that the property is in keeping with the area; the design, layout and position of the building enables the owners to take care of their herd of valuable alpacas in the most efficient way possible. Their business is a great asset to the agricultural diversity of the area and the property is a vital part of their ability to continue their contribution to the locality and provide the highest standards of animal welfare for their alpacas.

The letters of objection raise the following concerns:

- Question how it is possible for the development on this site to take place without planning permission
- Allowing permission to this application opens the door to similar enterprises
- The applicants own a property (Ivy Cottage) in the immediate area
- Not a mobile home and therefore renewal of consent to retain a dwelling is detrimental to Green Belt policy
- Applicants have mislead the Council on several occasions and extended twice the size they originally had permission for
- Applicants have no regard for planning policy or conditions and if they have sought to do this now without planning permission, what will they stop at in the future
- Inappropriate development in the Green Belt
- Only a matter of time before Ivy Cottage is brought back to life
- Proposal injures the visual amenity of the Green Belt
- Cynical attempt to manipulate the planning laws to unnecessarily build on a greenfield site when a brown field site (Ivy Cottage) is available
- Building is excessive to be considered as a farm workers dwelling
- The need for on site residence to look after alpacas is not proven
- Building not in keeping with the immediate area
- What is on site does not fall within the definition of a caravan
- Information provided is misleading in relation to Ivy Cottage
- When permission was previously granted under 05/2623P the applicants did not have the benefit of owning Ivy Cottage, they do now and should develop this as per the Local Plan
- Whilst Ivy Cottage undoubtedly required renovating this could be undertaken negating the need to establish a new dwelling on Green Belt land. Ivy Cottage is directly adjacent to the farm as the applicants have recently obtained title to the land directly adjacent to Ivy Cottage
- The statements claiming inability of Mrs Hodgson in relation to affording repairs to Ivy Cottage is not a planning consideration as cost of renovating is not a factor attached to policy DC24
- Field adjacent to Ivy Cottage that is owned by the applicants has a mains water supply and the cost of connecting mains water supply to Ivy Cottage would not be as prohibitive as the applicants suggest

- The floorspace of the “mobile home” is similar to that of Ivy Cottage suggesting that it would be adequate for the applicants needs
- Business relies heavily on income from the shop and a supporting letter from Yorkshire Bank indicates that capital was introduced into the business in 2008. This shows that the applicants have capital of their own which could also be used to fund the renovation of Ivy Cottage
- Question viability of the business
- Some of the supporting documents are out of date and question their independence
- A swimming pool is now housed in an extension area and costly geothermal heating has been installed since the original planning application request which seems at odds with the temporary nature of the property
- Valuation of Ivy Cottage is seriously misleading, another valuation carried out by Whittaker & Biggs values it at £200,000 to £250,000 as it stands

APPLICANT'S SUPPORTING INFORMATION

A supporting letter, Design & Access Statement and a report by an independent rural consultant have been submitted in support of the application. Copies of these documents are available to view on the application file.

In summary, the report of the rural consultant states that the business does not have the ability to source the money that would be needed to renovate Ivy Cottage; Ivy Cottage cannot provide adequate supervision of the livestock during the non working, out of hours periods and Ivy Cottage is too small to suit the needs of a key worker employed by the business. The supporting letter states that as Ivy Cottage is not a suitable alternative the proposed retention of the log cabin would not be contrary to policy.

OFFICER APPRAISAL

Principle of Development

The construction of new dwellings in the Green Belt for the purposes of agriculture and forestry is acceptable in principle. However, the Council would need to be satisfied that the applicant has demonstrated that there is a functional need for the dwelling and that the agricultural business is financially sound and has a clear prospect of remaining so. Additionally it would need to be demonstrated that the need cannot be met by any other existing accommodation in the area.

Green Belt / Justification

PPG2 and Local Plan policy GC1 state that the construction of new buildings in the Green Belt is inappropriate unless it is for, amongst other things, agriculture and forestry and GC1 states that the provision of new dwellings will be subject to the principles contained in Policy GC6 which refers to the siting of the dwelling.

Policy DC23 of the 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 at the site. At that time the applicant had a herd of approximately 50 Alpacas. At the time of the previous application (09/0256P) the applicants had 85 Alpacas with 35 offspring expected. The applicants stated that they owned 10 acres of land, which includes 2 acres that was left to Mrs Hodgson with Ivy Cottage. They rented another 10 acres of nearby land on a grazing agreement, which has no fixed term, and a further 7 acres was rented from a neighbour in return for maintaining the hedges. In total they had access to 27 acres, which would meet the British Alpaca Society's stocking ratio 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. The applicant's agent has confirmed that the present stocking levels and land holding is similar to the time of the previous application.

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 a 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 to a previous application referred 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 has

previously been accepted by the Council that there is a genuine requirement for a dwelling at the site to allow the proper functioning of the enterprise.

Financial test

Detailed accounts for the year ended 31 August 2008 were submitted with the previous application and the applicant's agent is relying on all of the information previously submitted.

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 indicate that the business has been in profit since 2006 at a minimum, and evidence submitted with the 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.

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? Additionally the applicant's apparent inability to finance the renovation of Ivy Cottage also casts further doubt on the long term financial viability of the business in the future.

Other Tests

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 owns a third share of a property (Ivy Cottage) on land adjacent to the application site. It is understood that 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 3 years ago by two elderly gentlemen, and a valuation carried out on behalf of the applicants in 2008 valued it at approximately £70,000 in its current condition. A structural report on the property submitted by the applicant states that it is beyond economic repair. The Council's Structural Engineer has inspected the building, considered the report and agrees with its findings.

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) in 2005 and subsequently transferred to the sole ownership of Mrs Hodgson in August 2006. Mrs Hodgson in turn had it registered in the name of herself and Mr. Hodgson's two sisters in July 2008, shortly before the first application for a permanent dwelling in September 2008.

The applicant's rural consultant does not consider that Ivy Cottage is suitable to meet the needs of the holding as he does not consider that it is suitable in terms of its location and size to meet the functional requirement of the business. Additionally, based on the structural report and valuation provided by the applicants, he does not consider that the business can afford to renovate Ivy Cottage.

Turning to the first point, Ivy Cottage lies immediately adjacent to the Alpaca Farm, and officers consider that the site of Ivy Cottage is appropriately located to meet the need for the dwelling arising from the existing agricultural activity associated with White Peak Alpacas. Whilst the site of Ivy Cottage may not be as preferable to the applicant's as the site of the existing dwelling, it is considered that it would nevertheless provide an adequate level of supervision for the animals. The applicant's do not own the piece of land immediately opposite Ivy Cottage, however they do own the land beyond it and currently use this land to keep other animals in their ownership. The boundary of this land is sited approximately 15m from the boundary of Ivy Cottage. Additionally, the larger paddock owned by the applicants in which they currently keep alpacas is visible from the site of Ivy Cottage. Turning to the size of Ivy Cottage, officers agree that it is a modest sized cottage which in its present condition does not provide an adequate level of facilities for modern day living. However, it is considered that subject to cost, it would be possible to renovate and extend the cottage to improve the level of facilities to an acceptable level. Additionally, the existing cottage could be demolished and a new cottage built, or the existing timber dwelling re-located to the site of Ivy Cottage if necessary.

With regard to the ability of the business to finance the renovation of Ivy Cottage, in reaching his conclusions, the applicant's rural consultant had regard to the costs and valuations included within a report submitted by the applicants. In terms of the valuation of the property, in 2008 the applicant's valuer gave it an approximate value of £70,000 in its current state. More recent valuations have been provided by third parties, both dated November 2009. One provided by a local developer values the property at £250,000 to £300,000 and another provided by a local estate agent values it as £200,000 to £250,000 in its current state, though assuming that mains water and electricity would be available and that septic tank drainage would be a feasible option. The applicant's surveyor considers that it would cost in the region of £115,000 to £120,000 to demolish and rebuild the existing cottage and an additional £50,000 to £60,000 to provide electricity, water and drainage. Based on current profits from the business of £26,000, a high street bank has concluded that the business has in the region of £8,000 per year to service any additional borrowing. This would service approximately £85,000 over a twenty year term. Based on the costs and valuations provided by the applicants, their rural consultant therefore concluded that the business could not afford to renovate/rebuild the existing cottage.

However, as stated, it seems that there is some doubt as to the true value of Ivy Cottage and therefore the economic viability of its renovation/rebuild. Notwithstanding its value, even based on the applicant's figures, the business could afford to borrow sufficient funds to provide services to the site which could be used if necessary to service the re-located timber dwelling. Additionally were the costs of connecting services to be reduced, this together with any proceeds from the sale of the timber dwelling and the increased value of the existing cottage, could provide sufficient funds to renovate/rebuild the cottage.

In conclusion, whilst the functional need for the dwelling is accepted, there remains some doubt as to the long term financial viability of the business. Additionally it is considered that the need for a dwelling can be met by the site of Ivy Cottage. Whilst it is acknowledged that there would be a financial cost associated with the use of this site, it is considered that if the business is financially viable, then it should be capable of meeting this cost. In these circumstances the permanent retention of the timber dwelling would seriously undermine the Council's policies which reflect national guidance on this issue and would reduce the openness of the Green Belt.

Design / Character and appearance

The dwelling is a single storey structure vertically clad in Western Red Cedar down to ground level. It has a felt tiled roof. The relatively compact external appearance of the structure is similar to that of 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.

Amenity

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

Other Matters

Whilst the refusal of this application and compliance with the enforcement notice issued on 9 December 2009 would require the applicants to find an alternative site for residence, it is not considered that there is a need for the development that overrides the identified harm caused by the proposal. The interference with the Human Rights of the applicants would be justified when weighed against the impact of the retention of the dwelling in the Green Belt.

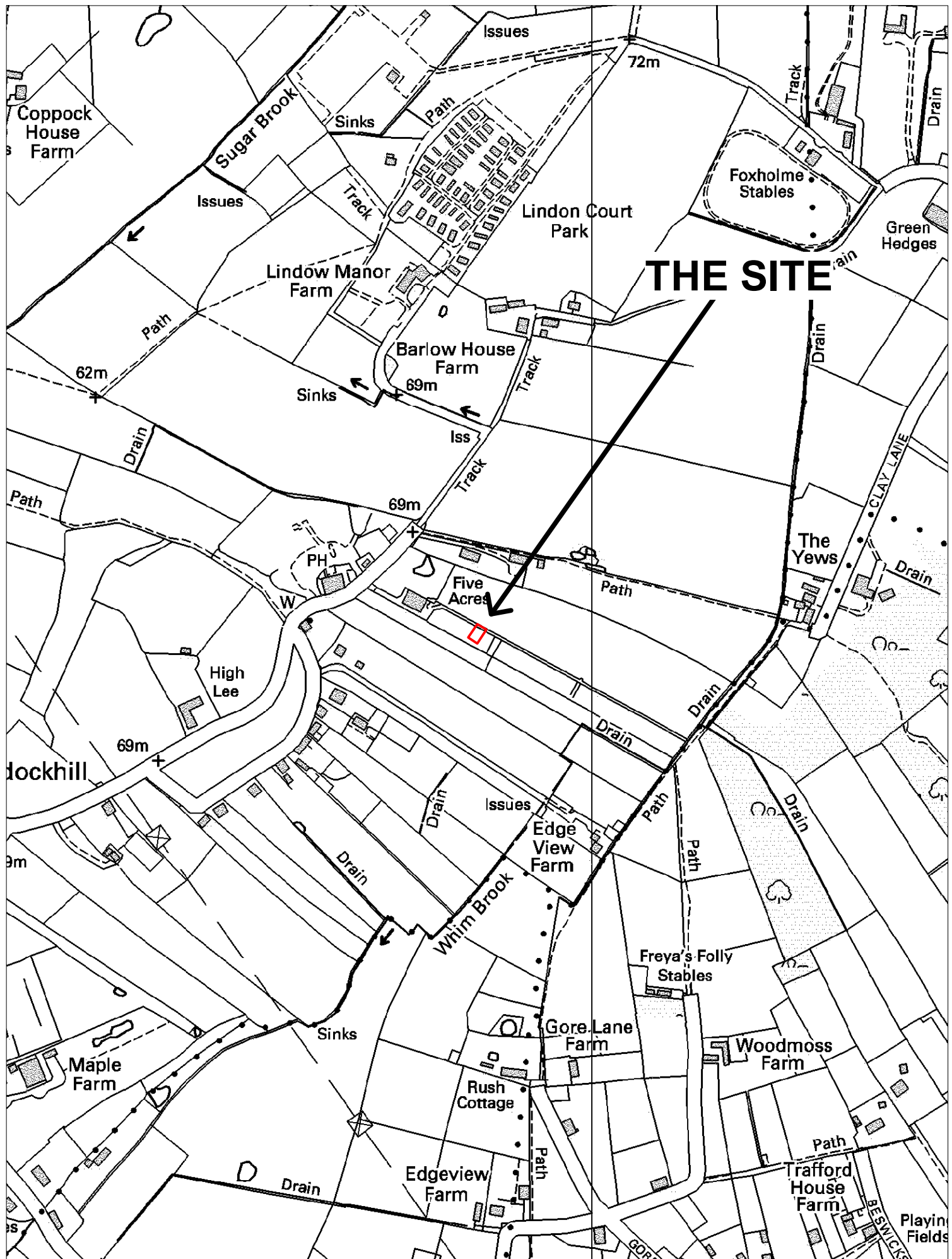
CONCLUSIONS AND REASON(S) FOR THE DECISION

There is considered to be a functional need for a dwelling to exist at the holding 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 financially sound in the medium to long term.

Additionally the existence of the existing dwelling at Ivy Cottage, although in a poor state of repair, casts further 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.

The proposal is therefore considered to be inappropriate development in the Green Belt and no very special circumstances have been put forward by the applicants to justify approval of the application.



09/3006M - WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB
 N.G.R. - 381,870 - 379,750

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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
3. POL01 - Policies
4. Plans