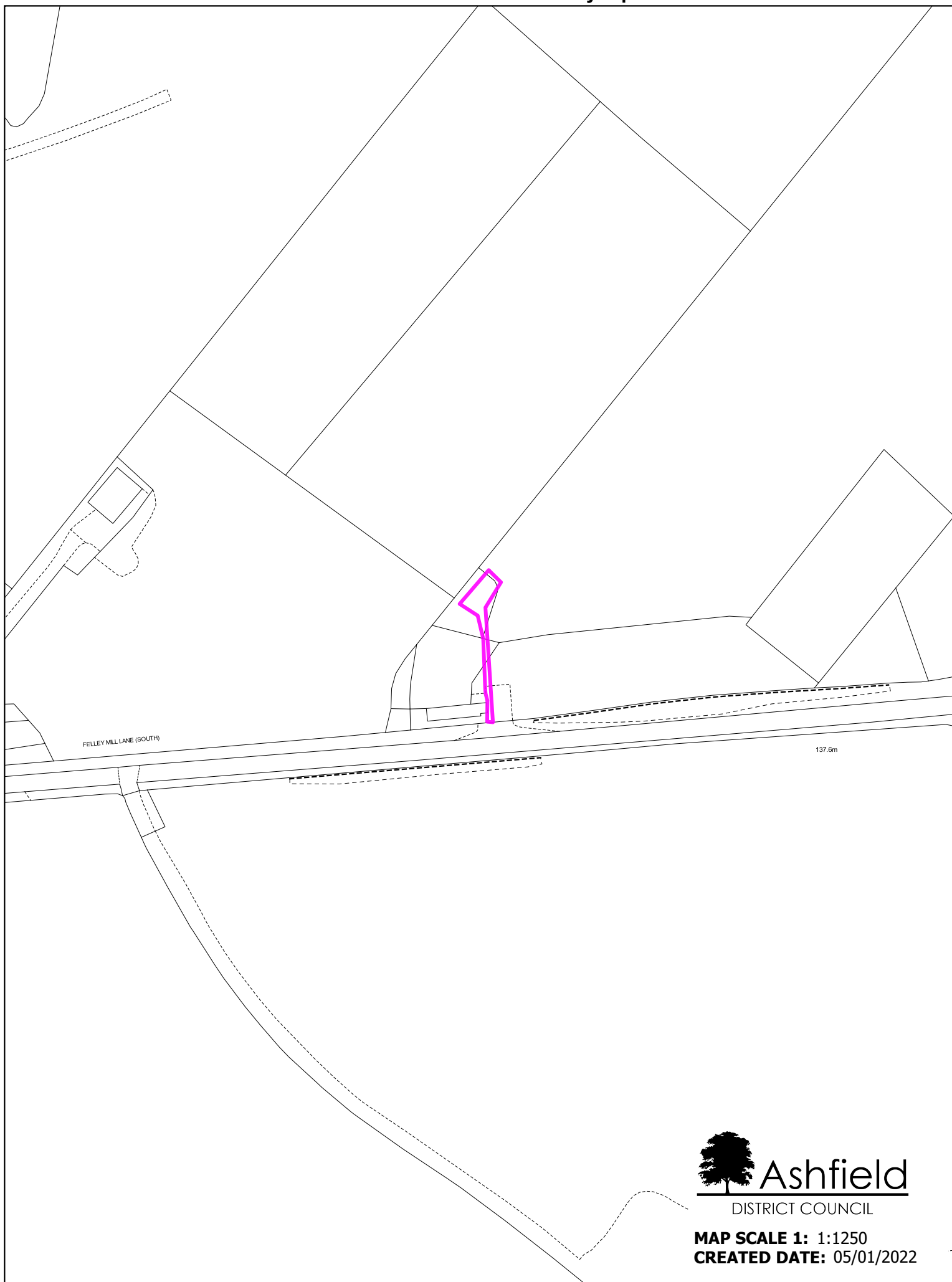


V/2021/0798 - Field West of Felley Alpacas



**MAP SCALE 1:** 1:1250  
**CREATED DATE:** 05/01/2022

<b><u>COMMITTEE DATE</u></b>	<b>26/10/2022</b>	<b><u>WARD</u></b>	<b>Underwood</b>
<b><u>APP REF</u></b>	<b>V/2021/0798</b>		
<b><u>APPLICANT</u></b>	<b>Ms D Roe</b>		
<b><u>PROPOSAL</u></b>	<b>Construction of Agricultural Dwelling.</b>		
<b><u>LOCATION</u></b>	<b>Field West of Felley Alpacas, Felley Mill Lane South, Underwood, Nottingham, NG16 5DQ.</b>		
<b><u>WEB-LINK</u></b>	<a href="https://www.google.com/maps/search/felley+mill+lane+south/@53.0500161,-1.2894463,351m/data=!3m1!1e3">https://www.google.com/maps/search/felley+mill+lane+south/@53.0500161,-1.2894463,351m/data=!3m1!1e3</a>		

**BACKGROUND PAPERS**    A, B, C, D, F, G & K

**App Registered: 01/11/2021**

**Expiry Date: 26/12/2021**

***Consideration has been given to the Equalities Act 2010 in processing this application.***

***This application has been referred to Planning Committee in the interest of transparency as the applicant is related to an employee of the Council.***

**The Application:**

This is a full planning application for the erection of a single 1.5 storey dwelling within the Green Belt to be used as a permanent place of residence by an agricultural worker.

The applicant owns 15 acres (split between two sites, one of which being a Site of Special Scientific Interest (SSSI)), with an additional 8 acres being rented, totalling 23 acres used in associated with the enterprise.

As of 30/09/2022 it is understood that a total of 71 animals are kept across those 23 acres, comprising a mix of sheep, alpacas and llamas. Some horses, chickens and ducks are also present on site.

Business accounts and statements etc have been submitted by the applicant to demonstrate the essential need to live on site permanently at or near their place of work in the countryside.

A 'Desktop Agricultural Needs Assessment' has been produced by 'Kernon Countryside Consultants Limited' to assist the Council with its assessment of this application. Their report is considered to carry significant weight in the consideration of the application, and an unredacted copy of this report is available to view online on the Council's website.

**Consultations:**

A site and press notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

**Resident comments:**

29 objections have been submitted by 14 residents/properties, with an additional 1 representation of support, raising the following points:

**Objections:**

- Green Belt - Impact on character and openness of the countryside.
- House would be at the top of the hill.
- Scale of the proposed dwelling is inappropriate.
- Area is becoming built up.
- Should seek alternative location for agricultural business.
- Functional use of the dwelling is contested – The dwelling is a family property.
- No essential need to live on site and no special circumstances have been demonstrated.
- There is already a caravan on site used as accommodation during lambing.
- Applicant already lives near the site.
- An equestrian use is also on site.
- Query farm equipment storage.
- Will further employment be created.
- Difficult to make a full time living from breeding these animals.
- Dispute the animal registration certificates.
- Dispute the fact alpacas require round the clock supervision.
- Breeders can easily control the breeding of alpacas to time births more accurately.
- Alpacas and llamas only give birth during daylight hours.
- CCTV already monitors the site.
- Lack of grazing space on site for number of animals proposed – no room for expansion.

- Close to SSSI site – is used for grazing.
- Harm to wildlife.
- Impact on view.
- Cause traffic problems.
- Will set a precedent.
- Flood risk.
- Concerned with how application form has been completed.
- The Agricultural needs Assessment has been undertaken by a chartered surveyor and not an agricultural planning lawyer – The consultant did not have full details or visit the site.
- Business plan should be made available for public scrutiny.
- The business will be in competition with another alpaca business next door.

Support:

- Enjoy meeting, feeding and petting the animals and walking the alpacas.
- The applicant has excellent knowledge for animals care and wellbeing.

**Natural England:**

- No objection subject to appropriate mitigation being secured.
- Likely additional treatment measures necessary to treat phosphorous and nitrogen within foul water associated with the use of Package Treatment Plants and Septic Tanks.
- Advisable to seek confirmation from the Environment Agency that the foul water drainage solution proposed is technically fit for purpose.

**Environment Agency:**

- No formal comments to make. Informative advised in relation to foul sewage disposal.

**Nottinghamshire County Council Highways:**

- No objection. It is unlikely that the proposal will result in an unacceptable risk to highway safety.

- Felley Mill Lane South is lightly trafficked and there is space to wait off the carriageway whilst opening the gates at the access which is not to be altered.
- Parking is provided for two cars and a light goods vehicle and there is ample space to manoeuvre to enter and leave the site in a forward gear.

#### **Nottinghamshire Wildlife Trust:**

- The application site is located in close proximity to Freizeland Grassland SSSI/LWS.
- Given the habitats on and adjacent to the site, we cannot rule out the potential presence of protected and priority species, which are a material consideration in the planning process.
- Recommend a desktop assessment, phase-1 habitat survey and assessment of potential impacts on locally designated conservation sites be carried out.
- The report should also make site specific / appropriate recommendations for biodiversity enhancements on site to ensure the development meets the minimum 10% biodiversity net gain requirements.

#### **Selston Parish Council:**

- Object to the proposal as the site is within the Green belt and also lies in a Mature Landscape Area (conflict with local and national policy). It would also be in close proximity to Friezeland Grassland SSSI.
- Also the development of the site is contrary to policy NP3: Protecting the Landscape Character of the JUST Neighbourhood Plan for Selston Parish.
- Worried a precedent would be set for more development in this Historic Green Belt area.

#### **Severn Trent Water:**

Informatives advised.

#### **Policy:**

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002

(saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF) (2021):**

Part 5 – Delivering a Sufficient Supply of Homes.

Part 8 – Promoting Healthy and Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 11 – Making Effective Use of Land.

Part 12 – Achieving Well Designed Places.

Part 13 – Protecting Green Belt Land.

Part 15 – Conserving and Enhancing the Natural Environment.

**Ashfield Local Plan Review (ALPR) (2002):**

ST1 – Development.

ST4 – Remainder of the District.

EV1 – Green Belt.

EV4 – Mature Landscape Area.

EV5 – Sites of Special Scientific Interest.

EV6 – Local Wildlife Sites.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

**Jacksdale, Underwood, Selston (JUS-t) Neighbourhood Plan (2017-32):**

NP1 – Sustainable development.

NP2 – Design principles.

Np3 – Protecting landscape character.

NP4 – Housing type.

### **Supplementary Planning Documents (2014):**

Residential Design Guide.

Residential Extensions Design Guide.

Residential Car Parking Standards.

### **Relevant Planning History:**

**V/2019/0111** - Polytunnel, Greenhouse and Chicken Coup - FUL Refusal - Appeal Allowed.

**V/2020/0443** - Erection of Extension to Stables and Construction of Sand Paddock - FULCC.

**V/2020/0800** - Erection of Dwelling for Agricultural/Equestrian Management Purposes - FUL Refusal.

### **Material Considerations:**

- Principle of Development.
- Visual & Residential Amenity.
- Highway Safety & Transport.
- Other.
- Conclusions.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

### **Principle of Development:**

The application site is located within the Nottinghamshire Green Belt, and as such Policy EV1 of the ALPR 2002 and Part 13 (Protecting Green Belt land) of the NPPF are applicable.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of 'appropriate' development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it.

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 149 of the NPPF goes on to identify various forms of development which are deemed to be 'appropriate' uses within the Green Belt, however residential dwellings are not identified, and as such, are considered to be an inappropriate use within the Green Belt.

However that being said, an exception to this is 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 (NPPF, paragraph 80).

The agent describes the site as being within a mixed agricultural and equestrian use. Along the south boundary of the site is a stable block, with a sand paddock located to the north-east.

There is currently a touring caravan on site which is used as accommodation by the applicant, but it is understood to only be used during certain times of year. Most notably during the months when sheep are lambing (typically be April-July), but it is understood the caravan is utilised on an ad-hoc basis at other times of year in association with the alpacas and llamas on site.

As stated above the applicant owns 15 with an additional 8 acres being rented, totalling 23 acres used in associated with the enterprise.

There was a total of 71 animals kept across these 23 acres (as of 30/09/2022), consisting of the following:

- Sheep = Total of 37, split as follows:
  - Ewe's – 18.
  - Ram's – 3.
  - Lamb's – 16.
- Alpacas = Total of 31, split as follows:



- Female – 20.
- Male – 3.
- Cria (baby) – 8.
- Llamas = Total of 3, all understood to be female.

It is also understood that the sheep lamb in the stables on site, and that there are also a limited number of chickens, ducks and horses also present on site. The animals are rotated around the various parcels of land to graze.

As such the applicant considers that there is a functional need to live on site to enable the animals to be monitored, to assist with births when needed and to ensure proper animal welfare. The applicant also highlights their intention to increase the number of alpacas on site to 50 over the coming year.

The business model adopted by the applicant for income generation appears to have evolved somewhat since the application was first submitted in November 2021. Initially income was to be generated primarily through the breeding of alpacas, llamas and sheep, with supplementary income generated through alpaca walks, petting and renting out studs. However based on the latest accounts etc business appears to now be heading in a direction where breeding and the sales of cria is of less importance as indicated by the shift in income, with monies now predominantly generated through alpaca walks. Additional activities are also understood to take place on site to generate income, such as offering petting and farm experiences alongside educational sessions for nursery and school aged children, and scout groups etc.

It should be noted that the only authorised use of the land and buildings is for agricultural purposes and does not include educational or recreational uses which would have their own implications requiring facilities, health and safety, car parking etc.

The 'Desktop Agricultural Needs Assessment' produced by 'Kernon Countryside Consultants Limited considered paragraph 80 of the NPPF which requires that where there is an alleged essential need for a rural worker to live permanently at or near their place of work, that applications also need to be considered in the context of the following criteria:

- a) whether there is an essential need for a rural worker to live on site;
- b) whether that need can be met by existing accommodation;
- c) whether the enterprise is financially viable or sustainable; and
- d) whether other relevant considerations, such as siting and size, are acceptable.

Given the collective number of livestock kept on the holding it is Kernons view that this would give rise to a marginal need to live on site, but express that the enterprise could be managed in a way that sees animals giving birth over a relatively condensed period of time.

Evidence shows that profits from the holding have increased over the past three years, however a business must be capable of meeting all costs whilst providing a reasonable return on labour to be considered viable.

Based on the accounts for the year ending March 2022 the level of profit is considered not to be capable of providing a reasonable return on labour, and as such, the financial test for a permanent dwelling is not met.

The applicant has submitted further financial information in the form of updated accounts showing a net profit up to September 2022. This information was sent to Kernon who provided an Addendum report (Dated 18/10/2022, Report Ref: KCC3324/se) to their original desk-based assessment. A large proportion of this profit attributed to a stock valuation increase of over £12,000 in a two month period, however there does not appear to be any additional costs associated with the purchase of new alpacas. Despite this, income remains primarily generated from alpaca walking as opposed to the sale of cria or stud fees. Breeding is what gives rise to the main need to live onsite, and the business appears to be headed in a direction where breeding and sales of cria is of less importance than an activity that does not give rise to a need to live onsite.

It is Kernons view that only a dwelling within sight and sound of where breeding takes place could meet the needs of the livestock with regards to breeding etc, but as identified above, there is uncertainty as to whether this would be the predominant strain of income.

Despite the submission of further information, it remains the case that the enterprise is unable to provide a complete set of accounts demonstrating that in an accounting year, all costs can be met whilst providing a reasonable return on labour.

It is therefore considered that the application for a permanent dwelling on site is premature. It is suggested that either:

- a) another application should be submitted at a later date (i.e. in 2023) when a full set of accounts is available for a complete financial year, or
- b) an application should be submitted seeking temporary permission for the siting of a mobile home on the holding to allow the applicant to live on site temporarily, allowing them to expand and operate in the way they are proposing (i.e. increased stock numbers, increased level of breeding, being on site to monitor and assist in births etc). This will allow evidence to be gathered to demonstrate whether or not the business enterprise as proposed is sustainable over time. The collation of this evidence should then be

submitted again at a later date to support any future application for a permanent dwelling in this Green Belt location.

It is expected that any future application should be accompanied with some form of explanation concerning the figures put forward. Specifically, further details should be provided as to the number of alpacas born on the holding for the financial year, how many sales have been made, how many alpacas have been purchased and how the stock valuation has been calculated.

Overall it is considered that whilst the collective number of livestock may give a marginal need to live on site, the current figures indicate the predominant income shifting towards alpaca trekking and not breeding, which would not necessarily require someone to live on site. As such the business at present is considered not to be financially viable and it would not provide a reasonable return on labour. Consequently the financial test for a permanent dwelling on site is not met.

It is therefore considered that the current proposal conflicts with policies contained within the ALPR and NPPF, and represents an inappropriate form of development which is harmful to the fundamental aims and purposes of Green Belt policy, which amongst other things, seeks to prevent urban sprawl and safeguard the countryside from inappropriate encroachment.

### **Visual and Residential Amenity:**

The proposed dwelling located in open countryside, in the designated Green Belt, would have a detrimental visual impact on the openness of the area. The building and associated paraphernalia would amount to a significant visual intrusion and encroachment of development into the countryside and would therefore be contrary to green belt policies unless there are proven exceptional circumstances.

If there are considered to be exceptional circumstances the dwelling will be situated along the western field boundary which is bound by a mature hedgerow, and will utilise the existing access to the site. The topography of the site is varied, and the dwelling would be situated at a higher land level than the highway.

The property itself would be 1.5 storeys in height with an eaves and ridge height of approximately 3.8m and 6.42m respectfully. The property would incorporate gable ends and an external chimney stack. The dwelling would have living space at ground floor level (kitchen, dining, lounge and utility/shower room) and two bedrooms and bathroom within the roof space served by roof lights.

At this time the dwelling is proposed to be constructed from red rustic facing bricks with plain dark grey tiles, although no specific details have been provided this could be secured by way of a condition. It is also suggested that timber windows and doors would be installed, which again could be secured by a condition.

From the information submitted it does not appear as though the extent of any residential curtilage has been defined.

Given the design and scale of the dwelling and if exceptional circumstances are accepted it is considered that it would not unduly harm the character of the street scene.

The separation distances and design of the dwelling would result in there being no detrimental harm to any neighbouring properties by way of overlooking, massing, overshadowing etc.

### **Highway Safety:**

The site will be access directly from Felley Mill Lane South via an existing access, so no additional accesses would be created.

It is understood that at the present time patrons visit the site for alpaca trekking, petting and farm experiences. The applicant also currently uses the existing access, which may be for more prolonged periods such as during lambing as discussed previously. As such it is considered that the level of traffic utilising the existing access would not be too dissimilar from the existing situation, and therefore it is considered that there shall be no detrimental harm to the capacity or safety of the highway network.

It is acknowledged that additional traffic would be generated in the short term from the construction of the dwelling (such as via trade persons and deliveries etc) but this would only be temporary and would not warrant a refusal of the scheme on this basis.

A new track/hard standing would be laid from rolled and blinded hardcore to facilitate access to the dwelling itself.

Comments from the Highway Authority confirm they have no objections as Felley Mill Lane South is lightly trafficked, there is space to wait off the carriageway whilst opening the access gates, and there is ample space to manoeuvre within the site and leave in a forward gear.

### **Ecology:**

An 'Ecological Impact Assessment and Biodiversity Net Gain Report' has been submitted with the application. It identified that the site is dominated by heavily poached improved grassland, with a small area of hardstanding; all of which are considered to be of little ecological value. The peripheral hedgerows are of principle importance and as such represent the most notable floristic feature of the site, however due to the lack of species present per 30m of length (under seven species

per 30m) they are considered not to be classed as 'important' under the Hedgerow Regulations (1997).

There was no evidence on site/the site was not suitable for Great Crested Newts, badgers, reptiles, hedgehogs or bat roosting, although it cannot be ruled out that some of these species may forage or cross the site occasionally due to their transient nature.

Friezeland Grassland SSSI site is located approximately 100m west of the site boundary. Comments received from Natural England confirm they have no objection to the proposed development subject to appropriate mitigation being secured, likely in the form of additional treatment measures necessary to treat phosphorous and nitrogen within foul water associated with the use of any Package Treatment Plants and/or Septic Tanks.

The submitted ecology report also identifies measures to secure an increase of 11.53% biodiversity net gain for habitats and an additional 21.44% for linear features. Such measures include the creation of wildflower meadows, new hedgerow planting, installation of bird and bat boxes, and creation of log piles for additional habitats.

The report also recommends a further 'Biodiversity Enhancement and Mitigation Plan (BEMP)' be produced for the site, which could be secured by way of a condition.

## **Conclusion:**

It is considered that the proposal would represent an inappropriate form of development within the Green Belt. Documentation has been submitted to suggest there is an essential need for an agricultural worker to live permanently at the site.

However following an assessment of these details from both the Council and Kernon Countryside Consultants Limited (both of their reports are considered to carry significant weight) it is considered that the proposal for a permanent dwelling on site is premature and at the present time the enterprise fails to provide a reasonable return on labour and therefore is considered not to be financially viable, consequently failing to meet the financial test for a permanent dwelling on site.

Furthermore whilst the collective number of livestock may give a marginal need to live on site, the current income/projections indicate the predominant income shifting towards alpaca trekking and not breeding, which would not necessarily require someone to live on site permanently/full time.

It is suggested that temporary permission for the siting of a mobile home on the holding is sought to allow the applicant to live on site full-time for a temporary period, allowing them to expand and operate their business in the way they are proposing. This will allow evidence to be gathered to demonstrate whether or not the business

enterprise as proposed is sustainable over time. A future application could then be submitted accompanied by a full financial year of accounts.

There are limited concerns regarding the proposed dwellings impact upon the character of the street scene, amenity of neighbouring properties or the safety/capacity of the highway network.

A number of mitigation/enhancement measures have been proposed which secure an increase in the level of biodiversity on site.

It is therefore recommended this application be refused planning permission, for the reasons as outlined below:

**Recommendation: Refuse planning permission.**

**Reasons:**

1. The proposal is considered to constitute an inappropriate form of development within the Greenbelt, which is harmful to the fundamental aims and purposes of Green Belt policy, which seeks to safeguard the countryside from urban sprawl and encroachment to maintain the openness and permanence of the Green Belt. The substantial weight given to protecting the Green Belt from harm is not outweighed by any other matters, and thus the very special circumstances required to allow the development do not exist. The proposal therefore conflicts with Policies ST1 (a and b), ST4, and EV1 of the Ashfield Local Plan Review (2002), and Part 13 (Protecting Green Belt land) of the National Planning Policy Framework (2021).