

Application Number	18/00410/AS
Location	Pett Farm, Pett Lane, Charing, Ashford, TN27 0DS
Grid Reference	596125/148972
Parish Council	Charing
Ward	Charing
Application Description	Change of use of land for the stationing of a residential mobile home in connection with a farm and equestrian business.
Applicant	Mr B Roberts
Agent	Mrs H Whitehead. Price Whitehead Chartered Surveyors
Site Area	0.05ha

(a) 10/2R 2S (b) Charing PC X (c) KEM X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Clarkson.

Site and Surroundings

2. The application site comprises a rectangular parcel of land which is situated south east of Pett Farm, adjacent to existing farm buildings. Pett Farm is a working farm and livery stables situated in the parish of Charing.
3. Pett Farm comprises some 100 acre of land, 60 acres of which is arable land that is currently let out. The remaining 40 acres is used for hay making, horse grazing, and for free-ranging pigs. There are 18 horses liveried on site. The pigs currently comprise 9 breeding sows and 1 boar, and their progeny (farrowing indoors twice a year, throughout the year). For 6 months of the year the farm also takes in some 40 sheep.
4. Falling outside of the built confines of the village, the application site is in the countryside and the North Downs Area of Outstanding Natural Beauty (AONB) and is within an area of archaeological potential. Pett Farm lies

adjacent Pett Place a Grade I listed building and Court Barn a converted grade II* listed Tithe Barn. Hazel Cottage and Cherry Cottage are Grade II listed and lie south west of Court Barn adjacent to the farm access. Access to the site is through the main farmyard.



Figure 1 Site Location Plan

Proposal

5. Planning permission is sought retrospectively for the change of use of land for the stationing of a mobile home in the style of a log cabin, to provide residential accommodation for an agricultural worker. The mobile home would be occupied by the applicant who owns and runs the farm and the stables business.
6. The proposed log cabin would measure 12 metres by 6.7 metres wide. Additionally, the roof will project beyond the main living accommodation by 3 metres. The overall length including the roof projection will therefore be 15 metres. The eaves will be 2.4 metres and the overall ridge height will stand at approximately 3.6 metres.
7. It would be stationed on a new concrete slab which is proposed to be laid.

8. Following Officer Concerns, the plans have been amended reducing the decking area which is proposed on the north west elevation to a small covered area at the main entrance.
9. The Design and Access Statement states that the proposed site will be served by an existing electricity and water supply, and will also be plumbed into the existing sealed cesspool unit that supports the farm office. There will therefore be no requirement to bring any infrastructure to the site to support this new dwelling facility.

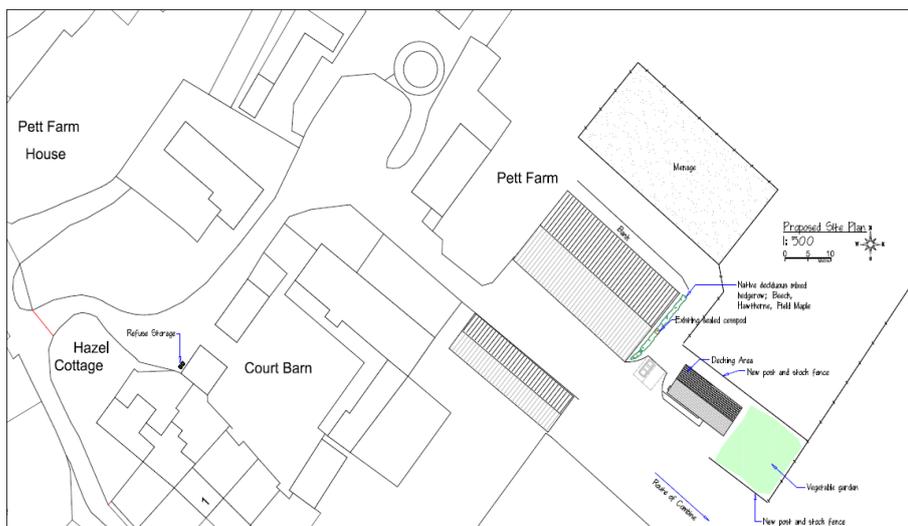


Figure 2: Proposed Site Layout

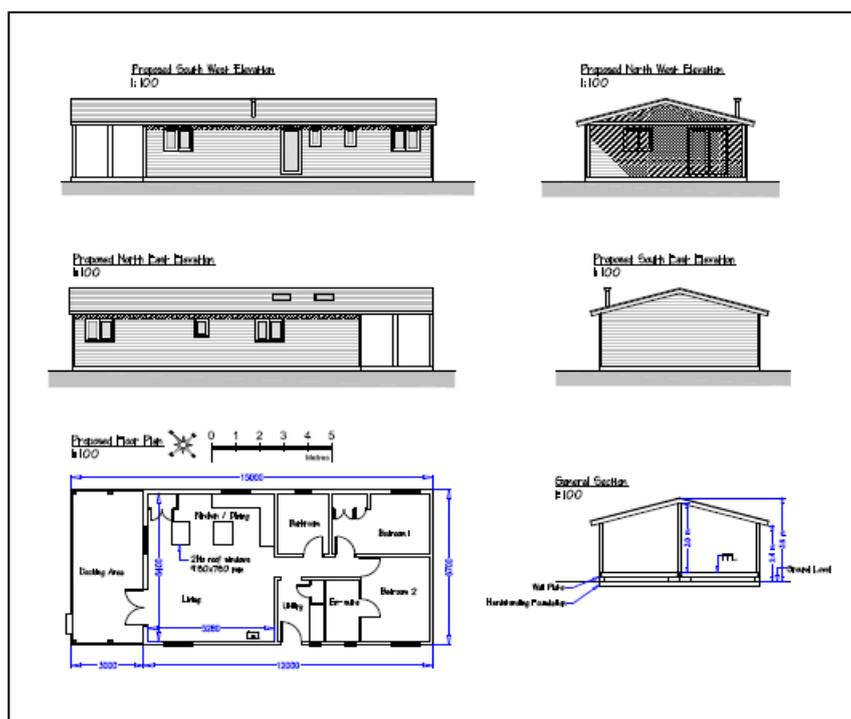


Figure 3: Proposed Plan and Elevations

Planning History

DC	FA	17/01391/AS	Proposed all-weather 20m x 40m horse exercise arena with associated fencing	PERMITTED
DC	CLDE	15/00721/AS	Lawful Development Certificate - Existing - Use of land and buildings for the keeping of horses, DIY livery use, erection of stable buildings, construction of hard surface yard area and erection of horse walker	EXISTING USE IS LAWFUL

Consultations

Ward Members: The Ward Member is a member of the Planning Committee.

Charing Parish Council: Support the application.

Rural Planning Ltd: Makes the following comment

On balance I would agree with the submissions made on behalf of the applicant that for the successful development of the farming and equestrian business, the applicant needs to reside on site to provide proper care for the pigs and out of hours care and security for the horses, in the absence of their owners. The ability to assure horse owners of a responsible supervisory presence on site at all times is an important factor in being able to rent out liveries.

Regarding the prospective viability of the venture, the applicant has provided detailed budgets over the next three years which indicate, by the third year, a reasonable potential level of net profit, as a return for his labour. Whilst the figures include some non-agricultural and non-equestrian rental income, the figures also assume a high level of notional capital depreciation on vehicles and equipment, and a high level total of other overhead costs, and given the relatively low key nature of the business involved, I would anticipate that there is good scope for those costs to be reduced in practice. In any event, the financial success can only be properly judged after the conclusion of the temporary accommodation period that is sought.

Overall, I consider that a sufficient case of need has been demonstrated for the proposed temporary rural worker accommodation.

Neighbours: **10** neighbours consulted. **2** letters of objection received stating the following

- Enforcement action should be taken to remove the mobile home.

[Officer Comment: Whilst the objector's frustration is understood, the NPPG guidance requires LPAs to consider a retrospective application in the normal way with enforcement action being a remedy should a retrospective application not be granted.]

- New residence should not be established in the vicinity an important heritage site.
- Proposed residence is clearly not mobile but is a fixed installation being described as a log cabin.
- Change of use creates a precedent for further residential development.
- No new residences were envisaged in this part of Charing in the recently adopted Neighbourhood Parish Plan or Ashford Borough Plan.
- The proposed log cabin is not in keeping with the style of the surrounding listed buildings.
- Proposal would cause harm to the AONB.
- There are alternative existing properties in and around Charing which could be used for the purposes described in the application.
- Not necessary to live on the premises outside working hours.
- An onsite office building would adequately suffice for the purposes described in the application.
- Proposal will create noise and light thus affecting neighbouring properties and their amenity.
- The applicant is a landlord, he leases out the majority of the surrounding fields and does not work the land himself.
- Proposal will result in unreasonable and unnecessary overlooking and unreasonable loss of privacy.
- No reference is made to additional screening.
- Site of the proposed log cabin is not essential. There are preferable less prominent alternative sites which would not overlook neighbours.

- Unclear whether the mobile will be permitted to remain on site if the supervision of animals is no longer necessary.
- A Section 16 agreement should be agreed tying the mobile home to the applicant and the farm.

[Officer Comment. The NPPF advises that LPA's should consider the use of conditions in the first instance and planning obligations should only be used where it not possible to address impacts though a planning condition. In this case, an agricultural occupancy condition is proposed as Condition 1. I consider that this approach is reasonable, necessary, relevant to planning and the nature of the development concerned and is enforceable. I do not consider a Section 106 agreement is necessary in this case.]

5 letters of support received stating the following

- Proposal will bring comfort to us (the liveryes) knowing that there will be someone on site at all times to look after and provide security to horses especially at night.
- Applicant is always trying to improve the yard and invest in new facilities
- Applicant is considerate. During the snow in February he cleared the road to enable the liveryes to get in and attend to the horses. Without this action no-one would have been able to tend to the animals.
- It is essential for someone to be on site for the welfare and safety of the horse stabled overnight and also the sheep winter grazing on the farm.
- The farm has been subject to theft and so there is a need for someone to be one site to provide security.

Planning Policy

10. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
11. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step

towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

12. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 Protecting the countryside and managing change

Local Development Framework Core Strategy 2008

CS1 Guiding Principles

CS2 The Borough Wide Strategy

CS9 Design Quality

CS20 Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 Minor Residential Development or infilling

TRS2 New Residential Development Elsewhere

TRS17 Landscape character & design

13. The following are also material considerations to the determination of this application.

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1 Strategic Objectives

SP6 Promoting High Quality Design

TRA3a Parking Standards for Non Residential Development

HOU5 Residential Windfall Development in the Countryside

ENV3b	Landscape Character and Design in the AONB
ENV4	Light Pollution
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology

Supplementary Planning Guidance/Documents

Dark Skies SPD

Landscape Character Assessment

Government Advice

National Planning Policy Framework (NPPF) 2018

14. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
15. Paragraph 48 states in relation to the stages of preparing a Local Plan that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Amongst other things, paragraph 70 states that planning policies and decisions should avoid the development of isolated homes in the countryside

unless 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.

National Planning Policy Guidance (NPPG)

Assessment

16. The main issues for consideration are:
- a) Principle of Development and Agricultural Need
 - b) Impact upon Visual Amenity
 - c) Impact upon Residential Amenity
 - d) Archaeology and Heritage
 - e) Highway Safety and Impact upon the local highway network.

Principle of Development and Agricultural Need

17. The application site is located outside a rural settlement and therefore represents a residential use in the countryside. Paragraph 79 of the NPPF states that the development of isolated homes in the countryside should be avoided unless there are special circumstances. Exemptions include an essential need for a rural worker to live permanently at or near their place of work. This approach is consistent (in part) with adopted policy TRS2 of the Tenterden and Rural sites DPD which states that new residential development outside the villages listed in policy TRS1 will not be permitted except in certain circumstances. The policy states that such circumstances include development comprising of an agricultural workers dwelling justified under PPS7.
18. Also material to the consideration of this application is part two of policy HOU5 of the emerging Local Plan 2030. Part two of policy HOU5 is consistent with the NPPF in so far as amongst other things, it states that isolated residential development in the countryside will only be permitted if the proposal is for accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside.
19. Policy TRS2 is not entirely consistent within the NPPF so far as it refers to the now cancelled PPS7. However with no guidance provided within the NPPF or supporting NPPG as to how to interpret 'essential need', the well-established and understood approach set out under Annex A of PPS7

remains useful for LPA's seeking to assess whether there is an 'essential need'.

20. For example, paragraph 12 of Annex A makes provision for temporary residential accommodation where a new dwelling is essential to support a newly created agricultural unit. Accordingly, the principle of temporary residential accommodation is acceptable provided:
 - a) there is clear evidence of a firm intention and ability to develop the enterprise concerned;
 - b) functional need (see paragraph 4 of Annex A of PPS7);
 - c) there is clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by other workers concerned;
 - e) other normal planning requirements, e.g. on siting and access, are satisfied.
21. Pett Farm comprises some 100 acre of land, 60 acres of which is arable land that is currently let out to a neighbouring farmer. The remaining 40 acres is divided between horse grazing, hay making and for free-ranging pigs. For 6 months of the year the farm also takes in some 40 sheep.
22. The pigs currently comprise 9 breeding sows and 1 boar which are Saddlebacks and Berkshire. They pigs farrow twice a year indoors producing an average of 12+ piglets per litter. These are managed on a free range system with the litters turned out with sows at three weeks old having farrowed in the farm buildings. It is stated in the supporting documentation, that the pigs farrow all year round and that the applicant needs to be on hand to assist with any difficult farrowing, to feed, water and rotate the pigs grazing, and to wean and treat all the stock.
23. There are currently 18 horses liveried on site. There is an outdoor riding arena which has recently been installed. In the absence of their owners, it is stated that the applicant tends to the horses, turning them out, providing food and water and provides care in the event of injury and medical emergency. The applicant is responsible for ensuring the land is properly managed, rotated, harrowed and seeded.

24. From autumn until early spring, 40 or so sheep graze the land. These animals need tending to on a daily basis to ensure there are no foot and/or other medical issues and to safeguard their overall health and safety.
25. The applicant also manages the grass leys with his holding producing hay which is sold to the liveries. The applicant makes all the hay up to the point of baling. The bales are then stored on the farm. The bales are a fire risk and are vulnerable to theft which the farm has been subject to. Whilst the applicant has installed CCTV and this has its uses, the applicant indicates that a physical on site presence would act as a better deterrent.
26. The farm is not served by an existing dwelling and there are no agricultural workers dwellings within close proximity which would enable the applicant to provide the care required for the animals kept on site.
27. The applicant has submitted a budget which demonstrates the projected returns and costs over the next 3 years and indicates that the farm will be making a reasonable level of net profit in the third year which the Council's Agricultural Consultant considers to be achievable. In any event, the financial success of the business can only be properly judged after the conclusion of the temporary accommodation period that is sought.
28. On balance, based upon the submissions made by the applicant and for the successful development of the farming and equestrian enterprise it is considered that there is a need for a responsible worker to be resident on site to provide proper care for the pigs and care and security for the horses, in the absence of their owners. It will also enable care to be provided for the sheep when they are present. A permanent residence on site would also enhance security and enable deliveries to be taken as and when required to the benefit of the successful running of the farming business.
29. With regard to the objectors comment that the proposal would set a precedent for the future, the proposal seeks permission for residential use for which an 'essential need' must and has been demonstrated. Any future proposal for residential development would be assessed upon its own merits against the relevant policy criteria.

Impact upon Visual Amenity

30. The NPPF attaches great weight to the conservation of the landscape and the scenic beauty of AONB's and is supported by emerging policy ENV3b which state that proposals will only be permitted provided the location, form, scale, material and design conserves and enhances the character of the landscape. Objectors have commented on the proposal stating that the proposed mobile would cause harm to the character of the AONB.

31. The proposed development would mean the change of use of land in order to be able to site the log cabin in close proximity to existing farm buildings. The siting and the orientation of the log cabin as applied for allows the applicant to have a direct sight line from his main living accommodation to the main entrance gate and right across the stables and farrowing pens. If the building were re-site, or reoriented for example through 90 degrees the site lines would be significantly restricted. The plan below shows how the sight lines down yard are currently achieved in the proposed orientation and how the sight line would be restricted if the cabin were reoriented.

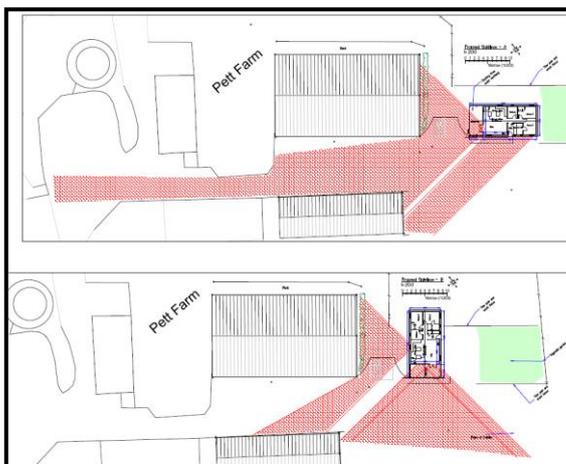


Figure 4 Sight Lines

32. The site directly adjoins the existing farmyard and therefore would link easily into the existing use. The proposed log cabin would not lie in an open or isolated position. The overall visual impact of the cabin would be relatively limited as it is a low lying structure, sited adjacent to the existing farmyard, and so would clearly appear ancillary to the existing farm buildings and would maintain the existing cluster of built development. Any views of the cabin which may be obtainable will be of the cabin in context with far more substantial buildings which exist on the farm and are permanent in nature.
33. In summary, the proposed cabin does not lie in an open or isolated position. Its scale is necessary for its intended purpose and subject to conditions to secure an appropriate colour stain for the timber and a meaningful landscaping scheme, visually, the cabin would comprise acceptable development within the context of the existing agricultural complex. The log cabin would not result in a visually intrusive or incongruous form of development that would cause demonstrable harm to the character of the countryside or the AONB.

Impact upon Residential Amenity

34. Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
35. The cabin would be sited over 60m from the nearest residential property (Pett House). Pet House is bounded to the rear by a closed boarded fence which is approximately 1.8 – 2 metres in height. As such, the height of the fence would preclude views from the single storey cabin into the rear garden and windows on the neighbouring property. Therefore the proposal is not considered to cause significant or unacceptable harm to the amenity of the nearby residents in terms of overlooking and loss of privacy. Notwithstanding this, the applicant has agreed to plant hedging along the boundary. This will help to mitigate against any perceived overlooking and can be secured by condition.
36. Considering the proposed mobile is required for residential purposes and would be occupied by a single person it is not considered the proposal would result in significant or unacceptable levels of noise or disturbance.

Archaeology & Heritage

37. The application site lies close to identified sites of Roman activity and to Pett Place, a 16th century residence which may have earlier origins. In determining applications on a site where the proposed development has the potential to impact upon heritage assets with archaeological interest, the NPPF requires LPA's to request the developer to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
38. It is proposed to site the mobile home where there is an existing electricity and water supply and where there is an existing cesspool. There will therefore be no requirement to bring any infrastructure on the site to support the mobile home and the amount of ground works will be minimal. Some excavation will however be required to lay the concrete slab upon which the mobile will stand.
39. Given that there is known archaeology in the area and that remains associated with Roman or later activity could be exposed during the proposed groundwork, a watching brief condition should be attached to the permission. This would meet the requirements of the NPPF and is therefore neither unreasonable nor unnecessary. It would also ensure that any unknown features of archaeological interest are examined and recorded by an appropriately qualified expert.

40. Set over 50m from the nearest listed building, Court Barn and over 140m from Pett Place, with farm buildings and stables in-between, the development is not considered to result in harm to the setting of these designated heritage assets. Consequently, the relevant tests set out in paragraphs 195 and 196 of the NPPF need not be applied. .

Highway Safety and Impact upon the local highway network

41. The proposed mobile home would be occupied by a single person. There is adequate space within the agricultural complex and adjacent to the proposed log cabin to provide parking to serve the residential unit.
42. The vehicle movements generated by the development would be limited. The proposed development would not generate a type or amount of traffic inappropriate to the rural road network that serves the site.

Human Rights Issues

43. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

44. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

45. To conclude the Development Plan both adopted and emerging, and the NPPF make provision for dwellings for agricultural works provided it is evidenced that there is an essential need for a rural worker to live at or near their place of work.
46. In this instance it is considered that it has been demonstrated that there is an essential need for the applicant to live on the site, to provide immediate care for the animals in particular the pigs and horses. No other dwelling within the immediate vicinity of the site is available. Financial information has been

submitted which details the projected returns and costs over the next 3 years. This has been subject to consultation with the Council's Agricultural Consultant who considers this to be reasonable and achievable.

47. There would be no harm to visual amenity, residential amenity, archaeology or heritage and the development is acceptable in terms of its impact upon highway safety.
48. With no overriding harm, the proposal is considered to be acceptable and in accordance with the Development Plan as a whole. It is therefore recommended that planning permission is granted. It is recommended that planning permission is granted on a temporary basis to enable the LPA the opportunity to re-assess the need for the accommodation once the temporary permission expires.

Recommendation

Permit

Subject to the following Conditions and Notes:

1. The use of the site for the stationing of a single mobile home shall cease by 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm whichever shall occur first. The mobile home, concrete base and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to grass within three months following 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm.

Reason: The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry.

2. The use of the site for the stationing of a single mobile home shall cease by 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm whichever shall occur first. The mobile home, concrete base and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to grass within three months following 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm.

Reason: The site is outside any area in which residential development would normally be permitted.

3. Within one month of the date of this decision, details of the means of disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall thereafter be installed within one month of the approval of the Local Planning Authority having been given and the approved works shall be retained in an effective working order whilst the mobile home remains at the site.

Reason: To avoid pollution of the surrounding area.

4. Within one month of the date of this decision, details of a landscaping scheme for the site which shall include proposed screening on the south west boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out fully within a planting timetable to be agreed as part of the landscaping scheme which shall provide for planting in the forthcoming planting season. Any trees or other plants which within a period of five years following planting die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species unless the Local Planning Authority give prior written approval to any variation.

Reason: In order to protect and enhance the amenity of the area.

5. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

6. The mobile home hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

Reason: In the interests of visual amenity.

7. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

8. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00410/AS.

Contact Officer: Laura Payne

Telephone: (01233) 330738

Email: Laura.Payne@ashford.gov.uk

Annex 1

