

Application No. 11/02007/MFUL

Plans List No. 1

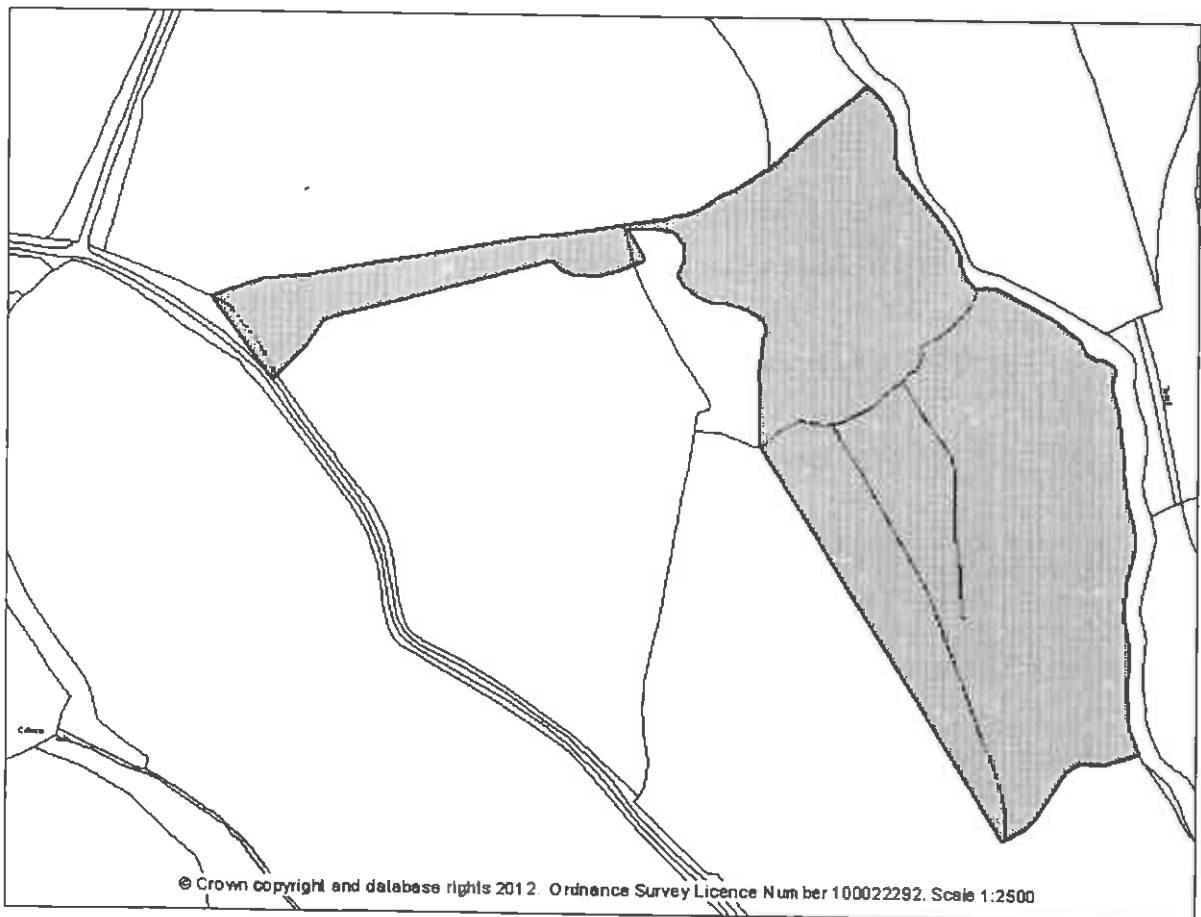
Grid Ref: 307117 : 120011

Applicant: Ecological Land Co-operative

Location: Land at NGR 307117 120011 (Greenham Reach) Holcombe Rogus Devon

Proposal: Use of land for siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, poultry hatchery/brooder, W.E.T. waste water treatment system, bore hole, and alterations to existing highway access and private ways as part of a scheme for new entrants to ecological agriculture

Date Valid: 20th December 2011



Application No. 11/02007/MFUL

RECOMMENDATION

Delegate authority to the Head of Planning and Regeneration to grant planning permission subject to conditions and the prior signing of a single Section 106 Agreement to secure:

- 1) That the freeholder retains the areas relating to applications 11/02007/MFUL, 12/00045/MFUL and 12/00107/MFUL as one whole and indivisible land holding and
- 2) Adherence to an appropriate management plan by the applicant, tenants and all successors in title

PROPOSED DEVELOPMENT

This is the first of 3 applications for the creation of 3 separate but interrelated agricultural holdings. This holding (known as plot C) is located on 8.9 acres with some steeply sloping land.

The proposal includes the following facilities on plot C:

- i) An area indicated for the siting of 1 temporary dwelling 11m x 4m x 2.5m (high) being timber clad with green hexagonal felt shingles on a shallow pitch roof
- ii) A hatchery/brooder building measuring 6.15m x 3.07m x 2.3m (high) being timber clad with a felt covered shallow pitch roof

APPLICANT'S SUPPORTING INFORMATION

Covering letter
Letters of support submitted with the application
Flood Risk Assessment
Waste and water treatment report
Agricultural appraisal
Business plan (held confidentially)
Design and access statement
Management plan and example annual monitoring report
Ecology report
Energy statement
Lease between ELC and tenant
FDA1 form
Draft s106
Transport statement and supplemental information and accident report
Research work:
'Small is beautiful'
Low Impact development - further research by Baker Associated for Pembrokeshire Coast National Park Authority
'One planet Development Policy from Welsh Assembly TAN 6
Low impact policies for sustainable development in South Gloucestershire
Plus the following statement:

The Ecological Land Co-operative (ELC) exists to support responsibly managed land-based businesses in the UK. It is a co-operative society and social enterprise financed through community shares. The ELC's Managing Director, Zoe Wangler BSc, has experience working both in affordable housing development and management and as an environmental researcher, with clients including the International Institute of Environment and Development and the National Consumer Council. She has also spent time working on organic farms and smallholdings. The Board's experience spans the fields of accountancy, land management, sustainability research, and charity and business administration.

The ELC is proposing the creation of a new affordable residential smallholding. It forms part of a proposal for a cluster of three low impact and affordable smallholdings for new entrants to ecological agriculture. The proposal is supported by the following organisations and individuals: Family Farmers Association; John Hemming MP; Home Grown, Community Owned; Tim Lang, Professor of Food Policy and former Commissioner for Land Use and Natural Resources on the Sustainable Development Commission; Jonathon Porritt, founder of Forum for the Future and inaugural Chair of the Sustainable Development Commission; the Permaculture Association; the Scottish Crofting Federation; the Soil Association; Brett Spiller, former Chairman at the Royal Town Planning Institute SW; Sustainable Crediton Food Group; Sustrans; the Transition Network; Wakelyns Agroforestry; professors of and lecturers in Biodynamic Agriculture, Energy, Human Geography and Sustainability Education; as well as independent, experienced organic smallholders.

The prospective tenants are proposing to establish a mixed organic holding with a hectare of market garden, a small vegetable and herb nursery, a hectare of agroforestry to grow top and soft fruit, mushrooms on logs, herbs and perennial vegetables, and pure bred point of lay hens. The prospective tenants are experienced growers. One of the prospective tenants works as a self-employed gardener and they are both founder members of Langport's Diggers Field Allotments where they currently grow vegetables and soft fruits and keep poultry, selling surplus locally. They both have experience in running a small business.

The Parish Council, while supportive, raised a concern that approving this application could create a precedent and lead to a proliferation of smallholdings. However, we have produced "by some way the most carefully prepared application for either an agricultural and/or low impact dwelling I have considered", according to an independent Chartered Planner with over thirty years experience who wrote to the Planning Officer. Few are likely to replicate this. Fewer still would accept the Management Plan, which requires tenants to adhere to a multitude of requirements, and commits the ELC to strict monitoring and reporting of these, as well as the prompt correction of any failings, under threat of enforcement. Among others, the Management Plan includes requirements such as:

- Even though temporary, dwellings must meet Code for Sustainable Homes level 4.
- Single vehicle journeys to and from the entire site will be limited to 4,380 per annum during the first year and 2,190 per annum thereafter. This is equal to 6 return trips per day and 3 return trips per day respectively (including visitors).
- Mandatory ecological footprint analysis for tenants.
- Electricity must be generated on site from renewable sources.
- Water and space heating must be through the use of solar and/or plant biomass crops.
- The smallholding must be occupied by a FTE agricultural worker, working the site.
- Grassland, hedgerows and biodiversity must be conserved/enhanced.
- The smallholding can only be sold on affordably, and retaining all the same conditions.

Some objectors have argued that although the scheme might be a good idea, Greenham Reach is not the right location. The reasons given for this were: a) the lane could not accommodate more vehicular traffic; b) there is no local market; and, c) the site is marginal land. As detailed above, vehicle use will be strictly restricted by way of planning condition. Local markets were researched as part of the prospective tenants business planning and the three independent, expert site evaluations submitted with this application all conclude that the proposed business plan is viable on the land in question. As one of these commented, "granting temporary permission in the first instance allows applicants to show that their business model works at a particular location". Should the project not succeed it can be wound up without damage to the landscape, as all development will be reversible by design. This scheme, to create 3 affordable smallholdings for new entrants to ecological agriculture, would deliver a multitude of benefits to the local and wider community. It will be rigorously monitored and will provide valuable data to inform future discussions on rural development.

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Devon Structure Plan 2001 – 2016

ST1 - Sustainable Development

ST5 - Development Priority 2001 to 2016

TR2 - Co-ordinating for Land/Use/Travel Plan

TR5 - Hierarchy of Modes

TR10 - Strategic Road Network

CO6 - Quality of New Development

CO10 - Protection of Nature Conservation Sites

CO13 - Protecting Water Resources/Flood Defence

Adopted Mid Devon Local Plan (LDF)

S5 - General Development Requirements

S6 - Design of New Development

S11 - Surface Water Drainage

ENV16 - Protected Species

ENV17 - The Wider Countryside

Mid Devon Core Strategy 2007

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR5 - Climate Change

COR9 - Access

COR18 - Countryside

Allocations and Infrastructure Development Plan Document 2010

AL/IN/6 - Carbon Footprint Reduction

CONSULTATIONS

Highway Authority - 18th January 2012 - Observations: I understand from the Agent that additional information is to be submitted regarding the traffic generation of the proposed development. I will provide a consultation response once this information has been received.

Recommendation: The Local Highway Authority is likely to recommend refusal of planning permission in the absence of further information.

9th March 2012 - Observations:

The development proposal is for the siting of a temporary agricultural worker's dwelling for 5 years along with site access improvements and the provision of passing bays.

The site is in a location remote from established settlement boundaries and this raises issues of sustainability. However, should functional need be proved then I would not wish to raise an objection.

The roads giving access to the site are narrow in places and have a limited number of passing places. The application offers additional passing places along the highway frontage within the Applicant's control along with improvements to highway access.

I recommend the conditions set out below are included in any grant of planning permission.

1. No other part of the development hereby approved shall begin until:

(1) Visibility splays of 2.4 metres measured back from the nearside carriageway edge on the centreline of the access to points 43 metres on the nearside carriageway edge in both directions, clear of all obstructions between 600mm and 2000mm above adjacent carriageway level, shall have been laid out, constructed and maintained. The visibility splays shall thereafter be retained and maintained for that purpose at all times, and

(2) For a minimum of its first 6.0 metres back from the nearside edge of the carriageway the site access road, including the bellmouth radii, shall have been hardened, surfaced (not loose stone or gravel), drained and maintained thereafter in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority.

REASON: To provide adequate visibility from and of emerging vehicles and to prevent surface water, mud and other debris being carried onto the public highway.

2. Any site access gates shall be set back a minimum of 6.0 metres from the nearside carriageway edge and shall be hung to open inwards only.

REASON: To enable vehicles to stand clear of the public highway when entering or leaving the site.

3. Within 12 months of the development hereby permitted 2No. passing bays shall have been laid out, constructed and maintained on the site ownership frontage with the public highway in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning authority.

REASON: In the interests of highway safety.

TAUNTON DEANE BOROUGH COUNCIL - 12th January 2012 - No comments.

ENVIRONMENT AGENCY - 10th January 2012 - We have no objections but wish to make the following comment.

Although part of the site is in the flood risk area there are no permanent structures located in this area.

With regards to the foul drainage arrangements the applicant is advised to contact our National Permitting Team (08708 506 506) to discuss if any consent is required. Alternatively our website contains information which will be of assistance.

HOLCOMBE ROGUS PARISH COUNCIL - 30th January 2012 - The Parish Council considered the applications for Plots A and C Greenham Reach at its meeting on 26th January. The papers relating to Plot B arrived too late for consideration at the meeting. Nevertheless the issues and comments raised in this letter will, it is anticipated, be applicable to Plot B also. The applicant and other members of the public attended the meeting and were able to express their views.

1. What is being sought is planning permission to site temporary agricultural workers dwellings on three plots and associated works including an agricultural barn. Your Council, it is understood, advised the applicants to submit three separate planning applications. Our Council considers this to be misconceived.
2. What is being proposed is a community of low impact sustainable smallholdings enjoying common facilities. The smallholdings have been deliberately clustered as part of the proposed project as is borne out by what the applicants say in the applications and underlined by comments of the expert Appraisers who indicate that this should assist in the success of the venture
3. The policies that your Council considers to be most relevant are, we understand the MDDC Core Strategy 2026 and PPS7 - Annex A .
4. These policies can be more clearly understood in the context of traditional agricultural activities where the agricultural dwelling is clearly subsidiary to agricultural enterprise. They do not fit happily with the proposed project at Greenham Reach. The emphasis of low impact living is the promotion of a way of life, the centre of which is the ability to live on the land and to use the land's resources wholly or partly for subsistence in a sustainable manner. For this reason, some caution is required in trying to apply standard policies that were not drafted with this kind of social enterprise in mind. Our Council does not consider that MDDC has any clear policy that contemplates what is being proposed at Greenham Reach. There is case for treating the development proposals as 'sui generis'. If this is correct, the applicants will, it is assumed, need to justify an exception to planning policy.
5. It is crucial in this type of enterprise that the nexus between the occupation of any dwelling and the activities on the actual plot of land is not severed. This is particularly relevant when considering what conditions should be imposed if MDDC decided to grant permission. It is not appropriate to seek to apply standard conditions that were drafted without the current type of project in mind.
6. It will, of course, be helpful to consider the tests that need to be applied in the case of a traditional agricultural worker's dwelling but this should not lose sight of the fact that this proposed social enterprise is qualitatively different.
7. Our Council are generally supportive of the type of social enterprise that the applicants are seeking to establish and were very impressed by the substantial work that the applicants have done in support of the applications.
8. Nevertheless our Council did have a number of concerns and these are mentioned below.
9. Bearing in mind the requirements of Annex A to PPS7, our Council has some concerns about viability given the small areas of land involved. The applicants have provided detailed Appraisals and business plans for 2 of the plots and provided evidence of viability of other small projects. Our Council did not feel that they had the necessary expertise to analyse the data to make a considered judgment. We assume that your Council will take appropriate advice on this issue.
10. Our Council have not seen any evidence of the financial resources of the intended lessees of the three plots or any financial appraisal relating to the provision of the common infrastructure.
11. There are concerns about the amount of traffic that might be generated by the proposed scheme, bearing in mind the narrow roads. The Council is aware of the proposed section 106 Undertaking but there are concerns about additional trips from visitors and produce deliveries. Our Council would ask your Council to consider whether the location of the proposed scheme is acceptable having regard to traffic impact and if so, whether additional controls are required.

12. Given the considerable work done by the applicants to establish the ecological and environmental credentials of the proposed scheme, our Council considers that the Section 106 Agreement or Obligation should be amended to ensure that the objectives of the scheme are achieved -i.e. that this is truly low impact living.

13. Our Council have raised a number of concerns with the applicants about the terms of the leases of the plots. It is considered that some changes will assist in achieving the objectives of the social enterprise.

14. Our Council is concerned that if this project obtained planning permission it should not create a precedent and lead to a proliferation of similar projects in the same locality. This kind of social enterprise is experimental and it will be appropriate to monitor its development and its impact on the neighbouring communities.

15. Our Council have also considered what conditions should be imposed if your Council is minded to approve the proposed scheme as follows:

a. In order to achieve the objective of the scheme the dwelling on each plot must be occupied only by a person working wholly or mainly in agriculture on the relevant plot (and his immediate family). Our Council does not agree that the standard agricultural workers condition in Circular 11/95 is appropriate to this type of scheme (and in any event to temporary permissions) and indeed it would completely undermine the scheme.

b. The first occupier/tenant must be the person whose business has been considered to justify the grant of planning permission.

c. The removal of Permitted Development rights to prevent proliferation of ancillary buildings.

d. Our Council would like to ensure that all temporary dwellings are timber clad and that there are no caravans or mobile homes. This is very important to reduce adverse visual impact.

e. A landscaping scheme will need to be approved so as to ensure adequate screening. Our Council envisages that this will be soft landscaping.

f. Section 106 Agreement or Undertaking to impose an obligation to provide on demand evidence that the occupier of dwelling is wholly or mainly occupied in agriculture on the relevant Plot. Also additional provisions will be required to ensure that the objectives of the scheme are achieved.

g. Conditions to regulate traffic generation.

h. Condition for the removal of temporary dwelling and ancillary accommodation at end of three or five years as the case may be or such earlier date as the dwelling ceases to be occupied by someone wholly or mainly occupied in agriculture on the relevant Plot. Our Council does not object to a five year temporary permission given the nature of the scheme, assuming all other matters are satisfactorily addressed.

Our Council would welcome the opportunity to discuss the above issues and comments with your Council and applicants further.

NATURAL ENGLAND - 12th January 2012 - The proposal does not appear to be located near any designated sites such as Sites of Special Scientific Interests (SSSI) and as such the application is unlikely to have implications for any SSSIs.

From the information provided, the application may affect a local site and we therefore recommend that you ensure that the proposal accords with the local sites policies in the Local Plan/Local Development Framework. If the local planning authority considers that there is a risk of damaging impacts on a local site, the Council should first consider the Key Principles in PPS9 and the policy regarding Regional and Local Sites set out in Paragraph 9. Where this is

not an option, the local planning authority should consider recommending refusal or the use of conditions/planning obligations in the interests of nature conservation to secure adequate mitigation and/or compensation.

Landscape

The proposal is approx 4km from the Blackdown Hills Area of Outstanding Natural Beauty (AONB). In exercising or performing any functions in relation to, or so as to affect, land in an AONB, all public bodies, local planning authorities and Natural England, have a duty to have regard to the statutory purpose of AONBs, which is the purpose of conserving and enhancing the natural beauty of the area (Section 85 Countryside and Rights of Way Act 2000). Local planning authorities are required to take such action as appears to them to be expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty and amenity of an AONB to the extent that it lies within their area (Section 84(4) Countryside and Rights of Way Act 2000). The critical test, as for proposals within protected landscapes, is to demonstrate that the development will not compromise the purpose of designation. Natural England therefore considers that the bar can also be set higher in locations outside of designated areas where development may compromise the objectives of designation. This may include areas where developments can be seen from designated areas, or where development would adversely affect views of designated areas. Furthermore, careful consideration must be given to situations where development may adversely impact on or affect the understanding, interpretation and coherence of related or functionally linked landscape areas.

The nature and scale of the development is unlikely to have an impact on the protected landscape, however, Natural England would advise that careful consideration be given to evidence submitted with and in response to the application in respect of impacts and effects on the landscape and visual resource. In particular, Mid Devon Council should be satisfied that their decision in respect to this proposal meets their statutory duty of regard to the purposes of conserving and enhancing the landscape designated as an Area of Outstanding Natural Beauty. We would consider this test may be best answered by the AONB unit would support their view should they wish to comment.

Protected Species

Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species as they are unlikely to be adversely affected by the proposal. This is subject to the recommendations in the ecological report (Ecological Appraisal Ecological Co-operative Dec 2011) for all species being included as conditions on the permission should the council be minded to grant the application. In particular:

Retention of a suitable riparian buffer to prevent disturbance to otter on the River Tone.

If any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005. If the application is amended with this additional information, Natural England should be consulted for a further 21 days in accordance with Circular 08/2005.

The protection afforded these species is explained in Part IV and Annexe A of ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System. Paragraph 98 of the Circular states that 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

We would urge the Council to note that local authorities have many and varied responsibilities and duties on biodiversity matters, including as owners of the land designated as a Site of Special Scientific Interest (SSSI) (i.e. as section 28G bodies), and in respect of European protected species and habitats. Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. The duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making. Further, the potential importance is addressed in detail under regulation 3(4) of The Conservation (Natural Habitats & c.) Regulations 1994 and section 74 of the Countryside & Rights of Way Act 2000.

These duties and others are set out in detail in the legal Circular 06/2005 to PPS9 Biodiversity and Geological Conservation' and we would urge the Council to bear this in mind in the execution of its nature conservation related functions.

In accordance with Section 4 of the Nature Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal.

REPRESENTATIONS

At the time of writing this report 54 letters of support and 9 letters of objection had been received. The letters of support raise the following issues:

- a) Cannot see the smallholders doing any harm whatsoever with clear benefits to surroundings and community
- b) Little traffic on road and nature of holdings means little will be added
- c) Admirable proposal which fits in well with surroundings
- d) Shortage of affordable holdings and housing for young farmers. The concept of ELC buying land and subdividing into smaller plots means it's affordable.
- e) With rising oil prices, enterprises which are not dependant on diesel should be encouraged
- f) Long term benefits to environment and land and enable other parishes to learn from this project.
- g) Likely to lead to local employment opportunities
- h) Lammas obtained planning permission in Pembrokeshire in 2009 for 9 eco-smallholdings. Site was considered marginal and suitable only for hill farming/ grazing by conventional agriculture. They were able to prove they could make it viable. It is now operating successfully but too early to offer definitive advice but evidence suggests to date that it will be possible.
- i) Need to live on site for this type of low impact initiative to be successful
- j) Letter from organic vegetable producer with 10 acres supporting the families livelihood. Similar type of ground to that at Greenham Reach
- k) ELC will be supporting residents of the sites
- l) In true sustainable development, there needs to be a diversity of managed food sources such as at Greenham Reach
- m) Those dedicated to low impact living are willing to forego the normal material trappings of modern life
- n) ELC are reliable, well-run organisation with benefits to small holders and local area
- o) Provides a ground breaking template for local communities to deal with land use challenges they face.
- p) U.N. backed International Assessment of Agriculture Science and Technology for Development report called for more small-scale farms supplying local markets
- q) Carefully prepared planning application which shows there are material considerations which weigh in favour of application
- r) NPPF should be given considerable weight
- s) Promotion of public access to farms for education purposes
- t) Application site has been for sale for some time but not purchased as it's impractical for traditional agriculture

u) This results in the provision of affordable housing in the same way as it does when an RSL provides affordable housing

The letters of objection raise the following issues:

- 1) Contains no financial information on which to judge viability but concerns that one parcel of land fall sharply towards river and quality of land is poor
- 2) Poultry, hatchery and sheep unlikely to lead to returns which justify capital investment
- 3) Tenancy gives 999 year lease which is considerably longer than 5 year temp consent. ELC will have limited powers to remove occupants and site will be left as a derelict wasteland
- 4) Would set precedent for small scale ecological small holdings
- 5) S106 has not been signed so contains no substance
- 6) Difficult to address requirements of policy
- 7) Only a requirement to be on site at lambing time and at no other time
- 8) Plenty of examples locally of similar activities on sites which do not require overnight accommodation
- 9) MDDC should use professional appraiser
- 10) How will occupants guarantee a market? Greenham does not have a ready market in easy reach
- 11) Most smallholders rely on an additional off-site income
- 12) MDDC should commission report on how many businesses have started and failed under 10 acres
- 13) Highway leading to site is narrow and further traffic will be a danger. Used by walkers and horse riders. Applicants have acknowledged sub-standard by including passing bay in proposals.
- 14) Road closed by snow on occasions and flooding
- 15) Commercial livery stable at Ramsay Farm refused on highway grounds
- 16) Employees, volunteers, children attending school, friends visiting etc will all create extra traffic
- 17) Restricting the number of vehicles at the site will not reduce the number of journeys made
- 18) Where will all wood required for woodburners come from?
- 19) Plenty of smallholdings on the market
- 20) This type of intensive agriculture will alter landscape character
- 21) No guarantees that ELC will exist forever
- 22) Application claims local consultation but failed to consult with local residents
- 23) Another source of demand on water will make existing boreholes unviable
- 24) Would query how the management plan can be enforced
- 25) Good idea but practicality and reality do not match up

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are policy, whether the proposal complies with the requirements of the National Planning Policy Framework and other material considerations such as, highway safety, impact on amenity of neighbouring residents and all information set out in Agenda Item 8 should also be considered in the determination of this application

The proposed enterprise

The proposed enterprise is based on a land area of 8.9 acres which drops steeply to the east down to the river. The appraisal and business plan submitted with the application shows that the proposed enterprise consists of the following:

Silvopastoral agroforestry - based on a forest edge ecosystem with floodplain meadow grazed by sheep and with isolated trees gradually joining existing old hedgerow and extended to include native woodland trees, soft fruit, perennial vegetables and inoculated mushroom logs. There will also be research aspects and unusual species such as hardy kiwi, Szechuan pepper, groundcover raspberries.

Conservation grassland – for grazing a flock of sheep

Market garden (1ha) - requiring the provision of polytunnels with a vegetable and herb

nursery and making processed food such as jams, chutneys and pickles from the surplus produce.

Orchard

Poultry enterprise - hatchery and free-range with 300 birds to supply pure breed point of lay hens for sale

The temporary dwelling measures 11m x 4m x 2.5m high to ridge. The submitted drawings show the building to be timber clad with felt shingle roof. The hatchery measures 6.1m x 3m x 2.3m to the ridge. It will be a timber building with roof sheeting. The building has a double entrance door on one end with a row of windows along one side. The plans indicate that both the buildings will have a 1000 litre water butt to collect roof water. Both the buildings are small scale, consist of suitable materials for its rural location and is not considered to have a visual impact so great as to warrant refusal.

Whether there is an essential need to live on site

The submitted appraisal refers to the need to be on site for the following reasons:

- early season production of sensitive seedlings and sudden drop in temperature requiring immediate assistance
- polytunnel crops such as tomatoes, cucumbers and peppers are planted out in April and must be protected against frost. In summer, watering must be done early in the morning or late at night and leafy salads need harvesting early in the morning
- pest control of outside crops against rabbits, deers etc will benefit from human presence late at night or early morning
- chick incubation raising 360 chicks per year to point of lay (16 weeks) requiring frequent monitoring day and night of temperature and humidity
- Free range chickens need to be brought in at dusk which may be 9.30pm in summer
- livestock such as the sheep will need regular milking and overnight presence at lambing time

There is no doubt that the amount of livestock proposed is limited and that automatic temperature and heating mechanisms can assist with fluctuating temperatures in the poly tunnels and alarms can be used to assist with predators. With regards to financial returns these are also limited and take several years to realise a small profit. Therefore the various agricultural activities envisaged on plot C would not in themselves justify an on-site residential presence. Previously, it would have been considered to fail against the 'functional need' set out in PPS7. The test now is whether there is an 'essential' need for 'rural workers' to live at or near their place of work.

Having said that, the information put forward by the applicant as set out in Agenda Item 8 (not repeated here) are considered to justify a dwelling on site for a temporary period of 5 years as it is 'essential' for the success of this project that the occupiers work and live on site. The ecological and low impact credentials of the project can be for a temporary dwelling on the basis that it would allow the pilot project to take place.

Highway safety

A number of letters of objection received refer to the inadequacies of the surrounding roads and access to the site. The Highway Authority have been consulted and have not raised any objection. The roads to the site are not untypical of many of the roads found in Mid Devon. They are narrow and have high hedges on either side. However, this application is for an agricultural dwelling to serve an agricultural piece of land. The Highway Authority have also been made aware of the management plan accompanying this application. Given the low impact nature of the proposal, a restriction of the number of vehicular movements permitted, and that fact that this land could be used in the same manner without their being a dwelling on the site, the Highway Authority are not raising an objection. The applicant has proposed the provision of 2 further passing places on the approach road (within land they control) and on this basis, the Highway Authority are recommending conditions.

Visual impact

A number of letters of objection received refer to how visible the proposal will be. The site is

already agricultural land and its use for 'permaculture' does not in itself require consent. The use of land for siting temporary dwelling and hatchery, communal building, access, and track are the only aspects which need consent and with the exception of the dwelling all these elements would be required for carrying out an agricultural use on the land in any event. The area of land where buildings, dwellings etc are to be located is relatively level and not highly visible for surrounding properties. The applicants are proposing further landscaping which will assist. On this basis, it is not considered that the visual impact of this proposal will be so great as to recommend refusal

Landscape character

The site has been identified as 'Lower rolling farmed and settled valley slopes' in the Mid Devon Landscape Character Assessment. The landscape character of the area is described as 'gently rolling and strongly undulating landscape, broadly characterised by intensively farmed light soils, creating easily managed land that is versatile and enables agricultural operations to be wide ranging and for these farms to be productive.' It sets out the key characteristics including:

- i) Roads are mostly winding with beds that are frequently sunken
- ii) great soil fertility for arable farming
- iii) tree rows enclosing fields give vertical rhythm and make a varied texture landscape
- iv) Notable visible features include stone walling, allotments and smallholdings
- v) Mixture of building styles from traditional cob to modern

Taking into account the key characteristics, special qualities and forces for change, it is not considered that this proposal will adversely impact on the landscape character of the area

Other issues raised

Concerns have been expressed that the sinking of a further bore hole will affect other bore holes already operating in the area. The management plan limits the amount of water which may be extracted annually and in any event, over a certain level an Environment Agency licence is required. It is not considered that this is material to the consideration of this application

The suggestion has been made that the LPA use a professional appraiser to advise us on this application. However it is considered that the applicant has provided sufficient detail for your officer to make a professional judgement in this instance

Concern has been expressed that there is no ready market in this location. However the submitted appraisal lists numerous ideas including markets and shops in the areas. Some are further afield but it is not considered that this amounts to a reason to refuse the application.

A 5 year consent is recommended but there are concerns that the ELC website refers to 999 year leases being sold and that this would make it difficult to remove tenants from the site. However the length of the leases has now been brought down to 50 years and ELC consider they have sufficient powers to remove tenants from the land. In any event, there are enforcement provisions that the LPA can rely on at the end of the 5 year period

All other issues raised have been considered but not lead to a different recommendation being made on the application

Use of conditions and s106

The Parish Council have been involved in meetings with the applicant and the LPA regarding the possible wording of conditions. The Parish Council strongly support the use of a s106 agreement as well.

Section 106 Agreements and their content must comply with the Community Infrastructure Levy Regulations 2010. S122 of the Regulations stipulates that Section 106 Agreement must meet the following tests:

1. Necessary to make the development acceptable in planning terms,
2. Directly related to the development and

3. Fairly and reasonably related in scale and kind to the development

In this instance, the applicants have been promoting the adherence to the management plan as being a key factor in the determination of this application and your officers confirm this. Therefore it is considered that adherence to it and its requirements complies with the tests set out above

An agricultural occupancy condition and a temporary consent are attached as conditions together with further conditions requiring that the passing bays and landscaping are carried out. The temporary consent will allow members to review the benefits of the project at the end of the 5 year period

Local Finance considerations

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years is therefore estimated to be £6,168. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

CONDITIONS

1. The use hereby permitted shall be discontinued on or before 30th May 2017 and the temporary dwelling dismantled and removed from the application site in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority no later than 30th March 2017.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The agricultural building and hatchery hereby approved shall be used only for agricultural purposes. On its becoming redundant for such purposes, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 3 years of the date this occurs.
4. The first occupier of the site shall be Mr and Mrs Guskov or such other person as shall be agreed in writing by the Local Planning Authority following the submission, assessment and approval in writing of their agricultural appraisal and business plan by the Local Planning Authority.
5. The temporary dwelling shall only be occupied;
 - a. By an adult person solely working or 2 adult persons mainly working, on the application site in agriculture (as defined by Section 336(i) of The Town and Country Planning Act 1990) or in forestry with his or her family,
 - b. As the sole residence of such persons and
 - c. By persons who are members of the Ecological Land Co-operative,
6. If any one of the application sites that are the subject of applications 11/02007/MFUL, 12/00045/MFUL or 12,00107/MFUL (or a substantial part of the application site) shall be amalgamated into another of the application sites (or a substantial part of it) and farmed as one holding, only 1 temporary dwelling shall be permitted on the amalgamated sites and any additional temporary dwelling shall be removed from the land within 6 months of the date that the amalgamation occurred, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the Local Planning Authority.

7. Prior to the provision of the temporary dwelling on the site, details of the location and means of construction of 2 passing bays on the County approach road to the site, shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to the provision of the temporary dwelling on the holding, a timetable shall be submitted to and approved in writing by the Local Planning Authority setting out the timing for the provision of the following:
 - i) Access and visibility splay improvement at the site entrance in accordance with the approved drawings
 - ii) The provision of the passing bays as required by condition 7 above
 - iii) Provision of visitor parking area in accordance with the approved drawings
 - iv) Provision of the communal barn with solar PV in accordance with the approved drawings
 - v) Provision of the WET water treatment facilities in accordance with the approved drawings
 - vi) Provision of the landscaping scheme
 - vii) Provision of access trackway in accordance with the approved drawings
 - viii) Provision of the bore hole
 - ix) Provision of composting toilets
9. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme. Any trees or plants comprised in the approved landscaping scheme which within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. During the first 16 months after the date of this permission, a caravan (according with the definition of a caravan as set out in The Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as subsequently amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006) may be used for residential purposes pending the construction of the temporary dwelling. The caravan shall be removed from the application site no later than (16 month date in here).

REASONS FOR CONDITIONS

1. To enable the Local Planning Authority to ascertain whether the aims and objectives of the project have been achieved, whether the management plan has been complied with and to consider whether the benefits of the proposal outweigh any harm in line with Policies ST5 of the Devon Structure Plan 2001-2016, Policy COR18 of the Mid Devon Core Strategy 2007 and the Policy set out in the National Planning Policy Framework (NPPF).
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the rural character of the area in accordance with Policy COR18 of Mid Devon Core Strategy 2007 and Policy E14 of Adopted Mid Devon Local Plan (LDF).
4. Consideration has been given to the submitted agricultural appraisal and business plan in determining this application. Any substitution of this should be considered in full by the Local Planning Authority to ensure that there remains an 'essential' need for a workers to reside on the holding in line with the advice set out in the National Planning Policy Framework (NPPF).
5. To concur with the aims and objectives of the management plan, whereby occupiers should be signed up to the aims and values of the ELC and to accord with the sustainability objectives of the project in line with the National Planning Policy Framework (NPPF).

6. Given the small size of the holdings, it is not considered that one holding would justify more than one dwelling in line with the 'essential' test set out in the National Planning Policy Framework (NPPF).
7. In the interests of highway safety in accordance with Policy TR10 of the Devon Structure Plan 2001-2016 and Policy COR9 of the Mid Devon Core Strategy 2007.
8. To ensure that all matters are delivered in a timely manner in the interest of visual, highway safety and other impacts in line with Policy TR10 of the Devon Structure Plan 2001-2016, Policy COR9 of the Mid Devon Core Strategy 2007 and Policy S5 of the Adopted Mid Devon Local Plan (LDF).
9. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S5 and S6 of Adopted Mid Devon Local Plan (LDF) and Policy CO6 of Devon Structure Plan 2001-2016.
10. To enable the occupiers to establish the business whilst living on site in the first 16 months but thereafter requiring the construction of a sustainable temporary dwelling in line with the ethos of the project and the objectives in the management plan in line with the sustainability requirements of the National Planning Policy Framework (NPPF).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is in the open countryside where local policy seeks to ensure that development is strictly controlled. The NPPF permits appropriate rural workers dwellings where there is an 'essential' need for workers to live at or near their place of work. Whilst the agricultural proposals are not in themselves considered to result in an essential need to live on site, it is the aims, objectives and ethos of this pilot project which do require it. Particularly the communal approach to permaculture, renewable energy generation and sustainable living which seek to develop a model for providing new entrants with a low cost entry into agriculture and delivering sustainable agricultural production in the longer term. The success or otherwise of this pilot project can be judged through the requirement to adhere to and report annually on a management plan which seeks to ensure that the freeholder and tenants manage the land in an ecological way, live in a sustainable manner and involve the community through education. A temporary consent will enable the Local Planning Authority to consider the success or otherwise of the project at the end of the 5 year period. All other issues relating to visual impact, landscape character, highway safety etc have been considered. The proposal is considered to comply with Policies ST1, ST5, TR2, TR5, TR10, CO6, CO10 and CO13 of the Devon Structure Plan 2001-2016, Policies COR1, COR2, COR5, COR9 and COR18 of the Mid Devon Core Strategy 2007, Policies S5, S6, S11 and ENV16 of the Adopted Mid Devon Local Plan (LDF) and AL/IN/6 of the AIDPD together with Government policy in the NPPF.

