

APPLICATION NUMBER		22/00961/FUL	
SITE ADDRESS:		Land East Of Turlowfields Lane, Hognaston	
DESCRIPTION OF DEVELOPMENT		Erection of temporary rural workers dwelling for a period of 3 years	
CASE OFFICER	Mr Gareth Griffiths	APPLICANT	Mr P. Kerry
PARISH/TOWN	Hognaston	AGENT	Willis & Co. (Town Planning) Ltd
WARD MEMBER(S)	Cllr. Janet Rose	DETERMINATION TARGET	18 th October 2022
REASON FOR DETERMINATION BY COMMITTEE	Ward Member requests application is considered by the Planning Committee, with a site visit, as very controversial.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required. Members visited the site on the 12 th December 2017.

MATERIAL PLANNING ISSUES

- Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation, whether it is planned on a sound financial basis and whether there is any other suitable alternative accommodation nearby, and;
- The impact of the development on:
 - The local landscape / character and appearance of this part of the countryside;
 - Highway safety;
 - The amenity of the occupants of neighbouring properties/land uses, and;
 - The local environment.

RECOMMENDATION

Approval with conditions

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises a field some 2.9 hectares in an area of open countryside, off Turlow Fields Lane, Atlow. Access is via a recessed gate at the south western corner of the field. The site is bounded on all sides by native species hedgerows containing a number of mature trees. All hedgerows, but particularly those on the southern, northern and western sides are substantial and screen views into the field from the road and from neighbouring property to the north. There are structures on the site in connection with the former free-range rabbit breeding and rearing enterprise. There is a mobile home, granted planning permission (ref: 17/00489/FUL) which has been unoccupied for some time.



2. THE APPLICATION

- 2.1 A three year, temporary planning permission is sought to site a timber cabin at the south western corner of the site, close to the main site access, to provide temporary accommodation for an agricultural worker in association with a new alpaca rearing enterprise. The accommodation would comprise two bedrooms, a kitchen, bathroom and open plan dining and living room.
- 2.2 By way of background, planning permission was granted for a temporary dwelling at the site in 2017 for a rabbit farm (17/00489/FUL). A planning application for a permanent dwelling to support that activity was submitted in 2021 (ref: 21/00130/FUL) but the applicant advises that he then decided to cease rabbit farming at the site and transfer his attentions to establishing an alpaca breeding, rearing and selling enterprise. It is advised that the applicant has long been interested in establishing an alpaca breeding operation and attended a training course at Fowberry Alpacas, Yorkshire as long ago as July 2010. It is advised that the closure of the rabbit farm has now enabled those long-held plans to be realised, hence the application to the Council for a rural worker's dwelling for a temporary period.
- 2.3 It is the applicant's intention to develop the holding with alpacas over the next three years and to seek to establish it as a viable and sustainable unit. The agricultural business would include the keeping, breeding and rearing of alpacas for sale and the selling of alpaca fibre and fibre products. The aim is to establish a breeding herd of some 25-30 female alpacas, plus stud males and young stock. Although no stock has been purchased to date, the applicant is of the view that planning policy has always permitted the provision of a temporary rural worker's dwelling to enable the establishment of an agricultural business prior to commencement. Nevertheless, it is advised that initial discussions regarding the purchase of a starter herd of alpacas have occurred with a view to purchasing 25 females with cria at foot and a stud male.

- 2.4 It is advised that, over the next three years, the applicant will grow the herd through natural expansion, with additional alpacas being purchased to accelerate herd growth if required. Sales of alpacas are proposed to occur from Year 1 (with wethers), with additional income streams being developed, including fleeces and wool products. Should grassland prove insufficient, it is advised that additional land would be rented as required. However, the keeping of alpacas on a commercial scale cannot commence until the welfare of the stock can be assured and, therefore, temporary planning permission is sought for a rural worker's dwelling in order that farm staff can live close to and monitor the livestock.
- 2.5 The applicant refers to Policy HC13 the Adopted Derbyshire Dales Local Plan (adopted December 2017). This states that

The District Council will support proposals for the provision of dwellings to meet the needs of agricultural, forestry or other rural based workers. Planning permission will be granted where it can be demonstrated that all of the following criteria are satisfied:

- a) there is a clearly established functional need;*
- b) the need relates to a full-time worker or one who is primarily employed in agriculture, forestry or other rural based enterprise which needs to be located in the area and does not relate to a part-time requirement;*
- c) the unit and the agricultural/forestry or other rural based enterprise has been established for at least three years and has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so. Where this need is unproven or a new business is being established, a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will only be permitted for a maximum period of 3 years;*
- d) the functional need cannot be fulfilled by another existing building on the unit or within the locality that could be converted, or another existing dwelling on the unit or within the locality which is suitable and available for occupation by the worker concerned;*
- e) the size of the dwelling is commensurate with the needs of the enterprise and is sustainable in terms of the viability of the activity;*
- f) the dwelling is well related to either existing dwellings or buildings associated the activity with which it is required;*
- g) the dwelling is not situated within an area of unacceptable flood risk..*

- 2.6 The applicant advises that the policy is broadly consistent with the revised National Planning Policy Framework (NPPF) (2021) and cites Paragraphs 7, 11, 38 and 78 which promote sustainable development in rural areas. More specific to this application, the applicant refers to Paragraph 80 which advises:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) 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...*

- 2.7 The applicant also refers to guidance on the NPPF provided in the National Planning Practice Guidance (NPPG). The updated text relevant to paragraph 80 was published in July 2019 and states:

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar*

land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period...*

2.8 In this respect, the applicant considers that there would be a clearly established functional need and that he has already agreed terms for the purchase of the nucleus herd and will move them to site when their welfare, safety and security can be assured. The applicant advises that, with alpacas, the need to live on site has been examined at numerous planning appeals and it is generally accepted that, in order to establish a breeding herd of alpacas properly at a commercial scale, it is necessary to live close to the animals to ensure their well-being.

2.9 Specific issues are known to include mating, birthing, rearing, abortions and still-births and the day-to-day management to ensure that any health or welfare issues arising are spotted promptly and can be dealt with. It is advised that alpacas are notorious at hiding the symptoms of illness and close vigilance is required to spot subtle changes in behaviour. The applicant refers to three cases where temporary rural workers dwellings have been allowed on Appeal by the Planning Inspectorate where the above matters of animal welfare are referred to, as are issues of theft and security.

2.10 The applicant advises that the labour required to run the unit can be estimated with reference to published labour coefficient data, such as that in the John Nix Farm Management Pocketbook, 52nd Edition (FMP) and other scientific papers. The appellant estimates that the operation would involve 323 standard man days, which is equivalent to one full-time worker.

2.11 Income would be derived from the breeding and rearing of alpacas for sale and the sale of alpaca yarn and products. The long term plan is to build up and maintain a herd of some 25-30 breeding females by the end of Year 3. The plan will commence with the purchase of 25 females at the start of Year 1, with cria at foot, and a stud male. The applicant advises, once the fixed costs are deducted from the gross margin, the forecast net profit would be approximately £34,000 in Year 3, rising as the enterprises become more established.

2.12 The applicant has considered alternative accommodation, other than the existing mobile home on the site, but there are no other buildings on site that could be used to meet the identified need. The applicant has also examined the Rightmove website and advises that there are no other dwellings available in the locality which is both suitable (in terms of sufficient proximity to the land and the livestock, size and cost) and available to meet the agricultural need.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- S9 Rural parishes Development Strategy

PD1 Design and Place Making
PD3: Biodiversity and the Natural Environment
PD5 Landscape Character
PD7 Climate Change
PD9 Pollution Control and Unstable Land
HC13 Agricultural and Rural Workers Dwellings
HC19 Accessibility and Transport
HC21 Car Parking Standards
EC1 New and Existing Employment Development

3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)

3.4 Other:

National Planning Policy Framework (2012) (NPPF)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

11/00104/FUL - Erection of agricultural barn for rabbit breeding and 3 no polytunnels – Refused

14/00438/CLPUD - Certificate of lawful proposed development - siting of caravan – Granted

17/00489/FUL - Erection of temporary agricultural workers dwelling and agricultural storage building – Granted.

17/00489/AMD - Non-material amendment - Move position of agricultural storage building - Refused

21/00130/FUL - Erection of rural workers dwelling and agricultural/food production building – Refused - Appeal withdrawn

5. CONSULTATION RESPONSES

5.1 Hognaston Parish Council:

- Object
- the business case for this application is deemed to be inadequate and not financially viable
- questioned whether this type of business will be able to operate on a site of such a small size
- concerned that this application is just a step towards obtaining future planning permission for a permanent dwelling on this site which is in the open countryside
- an enforcement notice has been served on the site for the removal of a caravan - the owner has yet to comply and the caravan remains in place and it is an eyesore and hazardous
- lack of co-operation with Derbyshire Dales District Council's Planning Department illustrates the applicant's lack of respect for the planning process, local environment and community.

5.2 Local Highway Authority:

- no objection.

5.3 Environmental Health:

- no objections subject to conditions to secure the appropriate management of waste, pest control and any noise associated with the proposed operation.

5.4 Environment Agency:

- development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.

6. REPRESENTATIONS

6.1 The applicant has noted that many of the representations on the District Councils website do not contain the objectors address and that the Council's website makes it clear that the Council will not take into account representations which do not contain the objectors name and address. To this end, the representations have been summarised as follows:

25 attributable representations have been received, of which 5 are from residents of Derbyshire Dales, objecting to the proposed development for the following reasons:

Policy

- another cynical attempt to exploit the planning system to allow the building of a dwelling on a site where no such permission would normally be allowed
- allowing a dwelling on this site would set a dangerous precedent and likely lead to further applications of a similar nature

Functional Need

- no objection to the keeping of alpacas but would strongly refute the need for a dwelling on the site
- all the other livestock in the area seems to do perfectly well with a daily or twice daily visit by the owners
- the intention to keep any livestock on this site does not justify a dwelling for their maintenance
- if permission was to be granted, a dangerous precedent would be established which would lead to further abuse of the planning regulations

Character and Appearance

- site should be protected and retained as open countryside which is an asset to local people, agriculture and visitors to the area
- area is popular with tourists and any further residential development in this locality would be detrimental to the rural environment.

Environment and Ecology Impact

- site is located in a SSSI Impact Risk Zone
- no environmental Impact Assessment submitted
- highly inappropriate in a SSSI risk zone and therefore a full Environmental Impact Assessment must be carried out
- land used is a natural space and this development will cause harm to wildlife and habitat
- shrinking zones for nature and the additional impacts on the surrounding area with noise and obstruction

Health Matters

- proposed use of animals on the space will contribute further to environmental and public health issues
- Alpacas can carry a range of diseases such as Tuberculosis which can be passed to other farmed animals and wildlife.
- the risk of animals being transported on the roads
- waste/run off

6.2 non-attributable representations have been received, objecting to the proposed development for the following reasons:

Policy

- paragraph 8 of the National Planning Policy Framework advises that the planning system has the environmental objective “to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (see also paragraphs 7, 9- 14 and 152-188)
- proposed development is inconsistent with the imperative to move to a low carbon economy - greenhouse gas emissions have not been taken into account in the application
- transitioning toward a low-carbon society involves transitioning to renewable energy and active transport; shifting to affordable low-meat, plant-rich diets; and green buildings and nature-based solutions (all as set out in more detail on page 545 of the latest IPCC report)
- Policy PD3 of the Adopted Local Plan states that the District Council will seek to protect, manage, and where possible enhance the biodiversity and geological resources of the Plan Area and its surroundings by ensuring that development proposals will not result in harm to biodiversity or geodiversity interests - there is nothing within the application to demonstrate how the proposal will conserve or avoid harm to the local environment
- Policy S4 states that the District Council will seek to ensure that new development protects and, where possible, enhances the landscape’s intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park - believe the planned building would contravene this

Character and Appearance

- the static caravan and shed already situated on site are eyesores in the immediate setting and surrounding natural environment in the open countryside, resulting in landscape and visual harm to the surrounding scenery
- the current agricultural building is also arguably excessively large for the operation, as a lot of it is left largely empty and nothing stored in it requires it to be the height it is

Environment and Ecology Impact

- applicant is using this application as a means to develop on untouched land which will bring nothing but harm to the local wildlife
- Alpacas carry a range of diseases such as TB, which is highly contagious and if passed to wildlife in the area (or other farmed animals in the vicinity) would have catastrophic results
- any plans submitted for development have to be assessed for their likely impacts on surrounding SSSI's, SAC's, SPA's and Ramsar sites

- site is an area of importance for birds such as Lapwings and Tree Sparrows and lies within a strategic opportunity area for Great Crested Newts, which are legally protected and are of great importance to Britain's natural habitats
- site is also part of a Higher Level Stewardship Theme whose primary objectives are wildlife conservation, natural resource protection, protection of historic environment and promotion of public access and understanding of the countryside
- the site is in an area of groundwater vulnerability classified as medium – concerned with excess water needed for the alpacas as well as additional inlet and waste that occupy
- applicant has further neglected to include an environmental impact study in this application, which shows that they have given no consideration to how the development will impact the local environment and minimise that impact – this is more given that the proposed area for development is already an SSSI Impact Risk Zone
- within a 'Farm Wildlife Package Area' and is a known home to protected wildlife but no ecological survey has been completed

Health Matters

- would necessarily increase traffic in the area if excrement is removed to go to landfill so air quality would worsen, thus impacting the local population.

Other matters

- Alpacas are exotic animals which require specialist care, something which it is believed that neither the applicant, or his proposed on-site worker, have knowledge of
- the applicant may be a developer and could be using this application as a means to build on untouched land which will harm local wildlife

6.3 A non-attributable petition has been submitted by People for the Ethical Treatment of Animals with 13,162 names but no signatories or addresses given to the names given. The material planning issues raised are as follows:

- operations on the farm would likely result in additional vehicle movements that would increase traffic in the area and generate more pollution
- the Local Highway Authority previously considered the existing site exit to have poor visibility and increased use of the site exit would increase the likelihood of road accidents
- the proposed facility is in an area of outstanding natural beauty, and the erection of the elevated buildings could diminish the natural vista
- proposed facility is situated next to a public footpath and would likely be visible to the public and local residents wishing to use this footpath.
- proposed facility would be a potential breeding ground for bovine tuberculosis (bTB), a disease that can infect alpacas, other animals and humans - reports show that alpacas in the UK have recently tested positive for TB, and some have been killed,
- animal agriculture is responsible for 14% to 18% of global greenhouse gas emissions – which is, by some estimates, more than all forms of transportation combined - Alpacas produce methane, and their daily care will result in a large carbon and water footprint
- these gentle, social, curious animals would be subjected to shearing for their fleece
- a PETA exposé into the world's largest privately owned alpaca farm in Peru revealed workers restraining struggling, crying alpacas by the legs with rope as they roughly sheared them with electric clippers, causing some to spit, cry out, and vomit out of fear and leaving others with deep wounds.

7. OFFICER APPRAISAL

7.1 The main issues for consideration are:

- Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation, whether it is planned on a sound financial basis and whether there is any other suitable alternative accommodation nearby, and;
- The impact of the development on:
 - the local landscape/character and appearance of this part of the countryside;
 - highway safety;
 - the amenity of the occupants of neighbouring properties / land uses, and;
 - the local environment and ecology.

Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation

- 7.2 Policy HC13 of the Adopted Derbyshire Dales Local Plan deals specifically with agricultural and rural worker dwellings and is supportive of such development where there is a clear established functional need, the need relates to a full time worker, the unit has been established for at least three years and has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so and the functional need cannot be fulfilled by another existing dwelling amongst other considerations. Policy HC13 is consistent with the National planning Policy Framework (NPPF) and therefore should be given full weight in the determination of the application.
- 7.3 This application seeks temporary permission for an agricultural worker to be resident on site in association with a new agricultural enterprise. The Local Planning Authority is satisfied that the enterprise, which requires outdoor grazing space, justifies a countryside location. Whether there is a functional need for an agricultural worker based on the nature of the proposed agricultural operation and that need is for a full time worker is therefore an important consideration.
- 7.4 The purpose of the temporary accommodation is to enable the applicant to demonstrate that the enterprise is financially sound and capable of sustaining a permanent dwelling in the long term. Consideration of whether there is an essential functional need for the development is a key aspect of the development proposal the Local Planning Authority has engaged the services of an independent agricultural consultant; Kernon Countryside Consultant (KCC).
- 7.5 Based on the report prepared in support of the application by Reading Agricultural Consultants (RAC), Kernon Countryside Consultants understand that it is the applicant's intention to purchase 25 breeding females with cria at foot, and a stud male. The long-term intention is to build up and maintain in the order of 25-30 breeding females. Once the enterprise is fully operational, it is understood that total numbers of alpaca that will be maintained on the holding will be approximately 75. This would include cria and will fluctuate depending on the time of year and how many sales have taken place. The focus of the enterprise will be the sale of breeding females.
- 7.6 It is noted that the total holding extends to approximately 3 hectares (7.1 acres), albeit a proportion of this comprises of the existing access, hardstanding and areas of shrub and mature vegetation. The total available grazing appears to be closer to 1.9 hectares (4.8 acres). Since the original NPPF was published it has become clear that all applications need to be considered carefully against the following criteria:
- i) whether there is an essential need for a rural worker to live on site
 - ii) whether that need can be met by existing accommodation;
 - iii) whether the enterprise is financially viable or sustainable; and

iv) whether other relevant considerations, such as siting and size, are acceptable.

There has also been guidance issued on the online Planning Practice Guidance resource in Paragraph: 010 Reference ID: 67-010-20190722.

- 7.7 Based on the numbers of alpaca proposed, it is advised that this will generate a need to live onsite. The need relates to, in particular:
- the problems of abortion and re-mating;
 - in the run-up to and during the birthing process; including abandonment and bottle feeding requirements
 - when the cria are young it is particularly important to monitor their health;
 - when new animals arrive, or animals are being prepared for sale and must be separated
 - animals in quarantine facilities need close monitoring;
 - overseeing and husbandry of the followers and any on agistment (i.e. livery) of alpaca that have been sold but are still on the farm awaiting collection or export; and
 - for the safety and security of all alpaca across the farm; they can be disturbed by dogs or trespassers and are vulnerable to theft as they are tame and valuable
- 7.8 The main concern raised by KCC is whether the stocking density is achievable. Whilst there are various factors to consider, such as rotational grazing and quality of pasture, a typical stocking density is in the region of 6 alpaca per acre. With 55 adult alpacas to be maintained on the holding, they will require in the region of 9 acres. This would need the landholding to be doubled to allow rotational grazing and land to be rested. The holding benefits from approximately 4.8 acres of land available for grazing. As such, renting additional land will be crucial if the enterprise is to expand as anticipated.

Whether there is any other suitable alternative accommodation nearby

- 7.9 The site benefits from a mobile home that was occupied in connection with the rabbit breeding enterprise, albeit this has been vandalised. KCC advise that, owing to the isolated nature of the land, it is unlikely that any other dwellings in the locality could meet the needs of the enterprise. It is advised that existing mobile home is the most suitable option but that this would need to be replaced by the proposed timber cabin.

Whether the proposed enterprise is planned on a sound financial basis

- 7.10 A three-year temporary permission is the only suitable means of testing such an enterprise that has not yet been established. Based on the figures put forward within the Rural Worker's Dwelling Appraisal, KCC advise that the enterprise generally appears to be planned on a sound financial basis. However, the amount of land required to support the enterprise is likely to be significantly higher than what the fixed costs are based on. Even so, the expected net profit is likely to be sufficiently high to cover additional fixed costs associated with renting and utilising additional land.

Siting and size of temporary dwelling

- 7.11 A rural workers' dwelling should be within sight and sound of where the most intensive livestock operations take place. Assuming all the most intensive operations take place on the land owned by the applicant, the dwelling would be well-sited to meet the needs of the livestock and there are no concerns regarding the size of the mobile home. In terms of size, it is considered that a two bedroomed timber cabin is adequate as temporary accommodation.

Summary of justification

7.12 Given the above, KCC are satisfied that the proposed number of alpacas will give rise to a need to live onsite, and have no concerns with regards to the finances in principle. However, the key concern relates to the availability of grazing which, in turn, impacts the numbers of alpaca kept on site, the functional need and the finances. Therefore, it is concluded that, unless additional land is rented, it is unlikely that the business could be expanded to the numbers proposed. In respect of Policy HC13, it is the view of KCC that:

- there will be a need to live onsite based on the proposed numbers of livestock but the scale of enterprise proposed will only be achievable if additional grazing is available;
- based on the proposed numbers of livestock, the need will relate to a full-time worker;
- whilst the unit is not yet established, a three-year temporary permission will enable the enterprise to prove itself in terms of financial sustainability;
- the functional need could be met by the existing, albeit unlawful mobile home onsite;
- the size of the mobile home is commensurate with the enterprise; and the dwelling is well sited to meet the need.

7.13 The applicant was advised of the concern raised by KCC with regard to the amount of grazing land available to the business and the advice that the Council have two options:

- i) allow the Applicant to investigate renting additional land in the locality during the course of the three-year temporary permission; or
- ii) withhold granting planning permission until such a time that the applicant can clearly demonstrate that additional land is available to the business.

7.14 The applicant has responded to the above by stating that they are aware that some additional land will be needed before the end of the three year trial period. However, they consider the suggestion by KCC that the area needed to graze 55 adult alpacas would be 18 acres is incorrect. KCC say that the stocking density would need to be halved (by doubling the amount of land) to allow rotational grazing and the land to be rested. This is advised by the applicant to not be the correct approach as alpaca breeding enterprises typically operate with a number of relatively small paddocks to keep groups of animals (i.e. males and females) separate and to manage the grazing, allowing paddocks to be rested and that the stocking density recommended by the BAS of 6/acre takes this into account.

7.15 To this end, the applicant considers that there is no requirement to double the amount of land required, as suggested, and they know of no alpaca breeding enterprise which operates in the way suggested by KCC. The applicant also has the opportunity to 'buy in' hay for supplementary feeding, which could allow for a higher stocking density, reducing the amount of grazing land required; it is advised that most alpaca breeding enterprises do use hay to supplement grazing to some extent. However, what the applicant considers to be clear, and accepted by KCC, is that the additional rented land is not required in the first couple of years of the enterprise; it will only be required towards the end of the trial period, in year three of the trial period and beyond.

7.16 On this basis, the applicant advises that, if it is accepted that there is around 5 acres of land available at the application site (as suggested by KCC), there will be sufficient grazing for 30 adult alpacas. The applicant would only need a further 4 acres or so to supplement the owned land from year 3 onwards, and not 13 acres as initially suggested by KCC. The applicant is of the view that, whilst there are always small parcels of agricultural land available to rent for grazing, it is wholly unreasonable for the Council to ask the applicant to rent land now (which is simply not needed), or to provide evidence that land can be rented in two years' time, when it is required, as the market for rented land does not operate in this way. The applicant advises that the best that could be done would be to submit a letter from an agent or a landowner to say that land could be made available in two years' time, but that this would also be meaningless as it would not clearly demonstrate that the land would be

available when needed, and would not satisfy the third party objectors who the applicant advises would no doubt be encouraged to challenge the Council's decision on this basis.

- 7.17 To this end, the applicant considers that KCC recommend the very reasonable option of allowing the ability to find additional land and to rent it during the three year 'trial period' and that this is an entirely reasonable approach which recognises the practical issues of renting small parcels of land for grazing. In addition, before an application for a permanent rural workers dwelling is submitted, the applicant would need to produce evidence, for the additional land and, if such evidence was not forthcoming, then the Council could consider refusal of an application for the permanent rural worker's dwelling at that time.
- 7.18 The comments of the applicant were referred to KCC who advised that additional land would not necessarily need to adjoin the site for there to remain a need to live onsite. The most low risk aspect of the enterprise is when livestock are out grazing and the need to live on-site is more to do with animals when they are housed and/or giving birth. Typically animals would be brought into buildings or grazed in close proximity to farm dwellings in the lead up to giving birth. To this end, it is agreed that a permanent dwelling could be turned down if additional land could not be found but, alternatively, the applicant may be able to manage the enterprise through the purchase or supplemental feeding. On this basis, KCC consider that the applicant could be given the opportunity to at least explore this enterprise.
- 7.19 Taking the above into consideration, it is considered that there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation in this case and that the enterprise is planned on a sound financial basis and there is no other suitable alternative accommodation nearby.

The impact of the development on the local landscape/character and appearance of this part of the countryside

- 7.20 The proposed buildings would be well screened by existing vegetation. Adopted local plan policies also support new agricultural development that maintains the landscape quality and character of the countryside. The timber cabin is considered to be of an appropriate scale and design and suitable to meet the requirements of the proposed agricultural enterprise in this case. It will be necessary to remove permitted development rights to prevent the domestication of the site.

The impact of the development on highway safety

- 7.21 The Local Highway Authority has considered the application and has raised no objections. Concerns with regard to the visibility on exiting the site, which were raised with the planning application for the previous temporary dwelling, have been addressed.

The impact of the development on the occupants of neighbouring properties/land uses

- 7.22 The nearest residential dwelling to the site is at Turlowfields Farm, which is located approximately 150m to the north of the proposed timber cabin. Concern has been raised with regard to the spread of disease and the storage of waste. The District Council's Environmental Health Section has considered the proposals and advise that, if temporary planning permission is granted, that there are no objections subject to conditions to secure the appropriate management of waste, pest control and any noise associated with the proposed operation.

The impact of the development on the local environment

7.23 Little alteration is proposed to the site other than the provision of the timber cabin. It is considered reasonable to attach a condition that the vandalised mobile home is removed as, in any event, the mobile home is subject to planning enforcement to secure its removal.

Ecology

7.24 The applicant refers to representations with regard to environmental impact and notes that the site is within the SSSI Impact Zone. Whilst the Local Planning Authority is required to consult with Natural England in respect of certain classes of development, the proposal does not fall within the scope of these. Furthermore, the use of the land for grazing livestock does not require planning permission and intensive grazing is not proposed. The applicant states that the application is to place a mobile home on the land for an agricultural worker, something which the Local Planning Authority previously agreed in this location in 2017. The Local Planning Authority did not require further information in terms of ecology in 2017, or in determining the application for a permanent rural workers dwelling here in 2021. The applicant is therefore of the view that there is no reason why an ecological assessment should be required in support of this current planning application.

7.25 It is the view of Officers that the proposed placing of a temporary dwelling on the site will not raise environmental impacts to a significant extent and will not harm nearby designated sites. And, as the applicant advises, such development has previously been accepted on the site. In addition, in considering a previous application, Natural England advised that they had no comments to make on the proposal.

Conclusion

7.26 Subject to conditions, the proposed development would, it is considered, satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017) and a recommendation of approval is put forward on this basis with similar conditions that were attached to the previous grant of temporary planning permission where they remain relevant.

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

1. The timber cabin (temporary dwelling) hereby permitted and any associated infrastructure and services shall be removed from the site within 3 years of the date of this permission and the land shall thereafter be restored, with the seeding of grass to blend with the field, within three months of the removal of the timber cabin.

Reason:

The timeframe is considered reasonable to demonstrate whether the agricultural enterprise is capable of sustaining a permanent dwelling on site in accordance with the aims of Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

2. The occupation of the timber cabin (temporary dwelling) hereby permitted shall be limited to a person solely or mainly employed in association with the Alpaca breeding and rearing enterprise on site or a dependent of such a person residing with him or her only.

Reason:

To ensure that the unit is occupied by a worker related to the enterprise upon which a functional need to reside on site has been demonstrated in accordance with the aims of Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the timber cabin (temporary dwelling) being provided on the site, the mobile home currently on the site shall be removed from the land holding and the land on which it is located shall be reinstated to its former condition.

Reason:

The mobile home is an unauthorised and unsightly structure in its current condition, unnecessary for the purposes of agriculture, and its removal is to ensure a satisfactory appearance of the site in order to protect the character and appearance of the area of this part of the countryside in accordance with the aims of Policies S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no alterations or extensions shall be carried out to the timber cabin (temporary dwelling) hereby approved and no buildings, structures, hardstanding or means of enclosure shall be erected on the site without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To ensure a satisfactory appearance of the development and to protect the character and appearance of the area of this part of the countryside in accordance with the aims of Policies S4, PD1 and PD5 of Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the occupation of the timber cabin (temporary dwelling), a management plan, which shall set out details of the following, shall be submitted to and approved in writing by the Local Planning Authority:

- a control plan for pests that may be attracted to the site, such as flies and vermin;
- a control plan for manure, detailing how this will be stored and managed, and what measure will be in place for odour control
- should artificial lighting be required, how will this be managed to prevent disturbance to surrounding properties

The site shall thereafter be managed in strict accordance with the approved details.

Reason:

In the interests of protecting the environment and safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies S4, PD1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. The provision of the timber cabin (temporary dwelling), and any associated construction work, shall only be conducted during the reasonable hours of 8am-6pm Monday–Friday and 8am-1pm Saturday. No work shall be carried out on Sunday, bank holidays or public holidays.

Reason:

In the interests of safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies S4, PD1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. No generators for the purposes of producing power shall be brought onto the site without the prior written approval of the Local Planning Authority, having been provided with details of the generator and any acoustic housing beforehand.

Reason:

In the interests of protecting the environment and safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies S4, PD1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in information being submitted in relation to concerns raised with respect to rented land availability going forward.
2. The applicant should note that the development hereby granted consent does not override the statutory protection afforded to protected species under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000 and you are advised to seek expert advice if you suspect that the operation would disturb any protected species. For further advice, please contact Natural England.
3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

4. This Decision Notice relates to the following documents:

Drawing Nos. SC/BCH/01, 03, 04 and 05 received on 23rd August 2022

Covering letter received on 23rd August 2022

Appraisal by Reading Agricultural Consultants received on 23rd August 2022

Further information received on 12th October 2022.