



Delegated Report (Major Application)

Application:	2020/1439/FUL	ITEM	
Proposal:	Erection of 1 no. Temporary Rural Workers Dwelling and 1 no. Agricultural Building.		
Address:	Land Adjacent To Lyndon Top, Lyndon Lane, Hambleton, Rutland		
Applicant:	Mr P Kerry	Parish	Hambleton
Agent:	Willis & Co.	Ward	Exton

RECOMMENDATION

REFUSAL, for the following reasons:

The agricultural building would be sited on higher ground at unclear levels, it has not been justified by details of its precise use and essential need. The development would be unrelated to existing buildings or landscape features and would appear particularly prominent and would cause significant harm to this largely undeveloped sensitive landscape by altering the undisturbed character of the area and reducing the tranquil perception.

In the absence of the agricultural building there would be no enterprise and hence no need for the mobile workers dwelling on site.

Policy CS24 relates to the Rutland Water Area and indicates that new development outside of the five defined Recreational Areas will be restricted to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape. The proposed development is not required for one of the designated forms of development and given the size of the buildings and their prominence in the landscape it is not appropriate in terms of its location, scale and design and would have a detrimental and adverse impact on the character and appearance of this countryside location which policy CS24 seeks to protect.

The proposal would thereby be contrary to Policies CS4, CS16(a), CS19(a), CS21(g) and CS24 of the Rutland Core Strategy (2011), Policies SP7, SP13 (a) and (b), SP15, SP23, the objectives in the Rutland Landscape Character Assessment (2003) and the advice in NPPF

Site & Surroundings

1. Rutland Water was constructed in the 1970's and has evolved as an internationally renowned site for wildlife. The site is designated under international, European and

national designations, namely a wetland of international importance (RAMSAR site), Special Protection Area, which is a strictly protected site classified in accordance with Article 4 of the EC Birds Directive, and a SSSI. These designations essentially relate to the area covered by water. The appeal site is not within the designated areas of nature conservation, but is adjacent to them. The appeal site is within the Rutland Water Policy area as defined in the development plan.

2. The site extends to some 0.75 hectares (see DAS) of a wider site of some 5.2Ha owned by the Appellant and is located on a north facing slope in open countryside to the south of Rutland Water, some 1250 metres north east of the village of Manton. The site is actually within Hambleton Parish but became separated from Hambleton village when the reservoir was constructed in the 1970's.
3. The site comprises open land with some areas set with vines in 2009, some fruit trees and approximately 21 separate 'compartments', defined by low hedging, some of which have been offered for sale separately. Some small sites outside the appeal site have had sheds erected by new owners, some have now been removed following breach of planning control investigations
4. To the north is a visitor centre connected with the reservoir and to the east is a private dwelling known as Barn Owl House. The site is generally bounded by a hedge. The application site is at a slightly lower level than the previous appeal site which was on the highest, southern part of the site.
5. Land to the south of the site is used as a Certified Location site. Land to the east of the access lane has been used for caravans.



Main Site (red) with approx. locations of buildings (yellow). 2 existing static caravans shown in green.



Site of Buildings looking west

Proposal

It is proposed to erect an agricultural building approximately 35m x 15m with a ridge height of around 6m and eaves of 5m. This would be cut into the ground at one end and on filled land at the other. It is also proposed to erect a temporary mobile home for a farm worker approximately 12m x 6m. This would be to the north of the agricultural building facing Rutland Water.

These buildings would be used in association with a proposed rabbit farm which would be let under a franchise, similar to other sites in the UK owned by the applicant. There would also be external runs with herras fencing to keep rabbits in.

An appeal against a previous refusal for similar development on adjacent land was dismissed (Ref APP/A2470/W/18/3211129). The site for that appeal was further to the south within the wider applicants land, on slightly higher ground.

Relevant Planning History

2010/0826 – Barn & 2 polytunnels – Invalid – disposed of

2011/0193/FUL – Agricultural tracks – refused

2011/0870/AGP – Agricultural prior approval – building - refused

2012/0602/FUL – Retention and re-surfacing of tracks – Refused – Appeal allowed conditionally

2013/0440/FUL – Agricultural building for winery and blockwork enclosures for plant

cultivation – refused. Article 4 served.

2013/1088/CLE – Lawful existing use for timber shed – refused – appeal dismissed

2013/1094/CLP – Lawful proposed use for siting of caravan for agriculture – Withdrawn

2016/1088/CLP – Lawful proposed use for siting of caravan for agriculture – Refused – appeal dismissed

2018/0155/FUL – Erection of temporary rural workers dwelling and agricultural building – Refused – Appeal dismissed 11 July 2019. (APP/A2470/W/18/3211129)

There are current enforcement investigations being carried out in relation to the siting of 2 static caravans and shepherds huts and the installation of drains and water supplies across the site. Some rabbits are kept on the wider land but outside the red line application site.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 5 (Para 80) – Isolated Homes in the Countryside

Chapter 6 – Supporting a prosperous rural economy

Chapter 12 – Achieving well designed places

Chapter 15 – Conserving and enhancing the natural environment

Core Strategy Development Plan Document (2011)

- Policy CS1 – Sustainable development principles
- Policy CS2 - The spatial strategy
- Policy CS4 - The location of development
- Policy CS16 – The rural economy
- Policy CS19 – Promoting good design
- Policy CS21 - The natural environment
- Policy CS24 - Rutland Water

CS24 states as follows:

Development in the defined Rutland Water Area will be carefully designed and located to ensure that it respects the nature conservation features of this internationally important site and does not have an adverse impact on the landscape and wildlife interests and the general tranquil and undisturbed environment of Rutland Water.

New development will be limited to small scale recreation, sport and tourist uses within the five defined Recreation Areas around the shores of Rutland Water where this is directly related to the use and enjoyment of Rutland Water and appropriate in scale, form and design to its location.

Outside the five defined recreation areas, new development will be restricted to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape.

Caravan and camping sites will not be acceptable outside the defined recreation areas and only within the defined recreation areas where appropriate to the area in terms of its scale, location and impact on the surrounding area.

Site Allocation and Policies Development Plan Document (2013)

- Policy SP1 - Presumption in favour of sustainable development
- Policy SP6 - Housing in the countryside
- Policy SP7 – Non-residential development in the countryside
- Policy SP13 - Agricultural, horticultural, equestrian and forestry development
- Policy SP15 – Design and amenity
- Policy SP19 – Biodiversity and geodiversity conservation
- Policy SP23 - Landscape character in the countryside
- Appendix 1 of the Site Allocations document.

Rutland Landscape Character Assessment (2003)

High Rutland Character Area A(ii) – Ridges and Valleys

Recommended Landscape Objectives High Rutland - Ridges and Valleys

To sustain and restore the rural, mixed-agricultural, busy, colourful, diverse landscape with regular patterns, straight lines, frequent movement, many large and small historic, stonebuilt conservation villages that fit well with the landform, to protect the landscape setting and conserve and enhance the edges of villages, to increase the woodland cover and other semi-natural habitats whilst protecting historic features and panoramic views from the ridges.

Consultations

Environment Agency

The Environment Agency does not wish to make any comments on this application. It does not appear to meet any of the criteria listed on our External Consultation Checklist and it was therefore not necessary to consult us.

Ecology

Thank you for consulting us on this planning application to which I have no objections. An ecology survey will not be required however, I recommend that Natural England are consulted given the proximity of the development to Rutland Water.

Hambleton Parish Council

I write as chairman of the Hambleton Parish Meeting. I believe that this application's proposals fail to meet the Council's policies applicable to the location and that the application should be refused. The applicant seeks to have the Council decide on the application solely by reference to Policies currently in force (adopted in 2011 and 2013). It is suggested that 'little weight' be given to the updated Local Plan, statutory consultation on which has been completed. The language of 'little weight' reveals that the applicant accepts that weight must be given to the updated Plan – the issue is 'how much weight?' and, given the stages through which the new Plan has already passed and the stage at which it is now at, the answer should not be 'little weight', but 'very considerable weight.' Having regard to Policies in the updated Local Plan, the following are reasons why the Council should refuse the application. The proposals do not meet the requirements of the Council's policy applicable to non-residential development in the countryside; they are not 'essential' and they do not keep adverse effects to a minimum. The proposals do not meet the requirements of the Council's policy applicable to the

Rutland Water Area. They do not respect the nature conservation features of the Area; they are not within the category of small scale recreation, sport and tourist uses nor essential for Anglian Water operational purposes; they would detract from the appearance of the shoreline and setting of Rutland Water (in particular as seen from Hambleton); they would be detrimental to nature conservation interests; they would be detrimental to local amenity.

In the event that the Council does not consider that assessment of the application should have significant regard to the updated Local Plan, I believe that existing Policies also include requirements which, for reasons similar to those given above, call for refusal of the application.

Manton Parish Council

Following our Parish Council Meeting last night, I write on their behalf to object to the above planning Application with regard to the Erection of 1 No. Temporary Rural Workers Dwelling and 1 No. Agricultural Building. Whilst this, in the first instance, is addressed to the Hambleton Parish Meeting, the proximity of this development at Lyndon Top, Lyndon Lane, very much relates to the village of Manton and our residents. The grounds upon our objection are summarised below:-

1. The proposed structures will have a detrimental visual impact on the surrounding landscape. Lyndon Top and the surrounding area adjacent to the proposed development is an important area for many local people and tourists each year. People are attracted here to a large degree because of the landscape and rural surroundings.
2. The character of the landscape, the Council believe, would be adversely changed and not enhanced by the proposed development of a particularly large agricultural building together with the adjacent residential building
3. Relating to the previous Planning History in June 2019, when permission was not granted, the Inspector said: "As the development would be unrelated to existing buildings or landscape features it would appear particularly prominent and would cause significant harm to this largely undeveloped sensitive landscape by altering the undisturbed character of the area and reducing the tranquil perception.' This very much echoes the Parish Council's views in our objection which we do not believe is significantly improved by the re-siting of the buildings in this revised application.
4. Further concern was raised with regard to the effect on local wildlife with specific worry about the internationally known grounds of the Ospreys on Rutland Water which is a SSSI, RAMSAR and SB site. We understand that Leicestershire and Rutland Wildlife are in the process of preparing their submission on the application and therefore rely on them to make detailed comments on the potential wildlife impact of their proposals.
5. We note that Natural England and the Rutland Natural History Society commented on the previous application (2018/0155/FUL) and suggest that their views should be sort on this revised application. Finally, the Council had concern as to the nature of the actual business in terms of whether the proposed building would be used for the slaughter of rabbits which may result in possible odour problems and noise pollution in the immediate vicinity

Natural England

No objection - subject to appropriate mitigation being secured We consider that without appropriate mitigation the application would: • have an adverse effect on the integrity of Rutland Water Special Protection Area/ Rutland Water Ramsar • damage or destroy the

interest features for which Rutland Water Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required: As part of the Habitats Regulations Assessment (HRA), the Local Planning Authority (LPA) should ensure that there will be no harmful discharges of foul or surface water from the application site into Rutland Water or its catchment. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's advice on other natural environment issues is set out below.

FURTHER ADVICE ON MITIGATION Foul Water Drainage: Our preference is for foul water drainage to be connected to the mains sewer subject to capacity at the relevant sewage treatment works. Where a non-mains drainage solution is proposed, the LPA should satisfy itself that the drainage solution proposed, whether a package treatment plant, septic tank or sealed cesspool, will not result in any harmful discharges of foul water from the application site into Rutland Water or its tributaries. Effluent discharging from package treatment plants and septic tanks may contain high phosphate levels meaning that additional treatment measures may be required to ensure the discharge is of an appropriate quality before it enters the water environment. It would be advisable for the LPA to seek confirmation from the Environment Agency that the foul water drainage solution proposed is technically fit for purpose. **Surface Water Drainage:** Our preference remains for a surface water drainage scheme which disposes of all surface water from new roofs, converted roofs, new hard surfacing etc. harmlessly on site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDS) or rural suds1, incorporating systems to clean the water. Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance and will include at least one water quality treatment train. For technical advice on surface water drainage, the LPA should refer to the relevant Lead Local Flood Authority (LLFA). Maintenance of the sustainable drainage system proposed is essential to ensure that it continues to function as designed and constructed. The long-term monitoring and maintenance of the surface water drainage system should be secured by condition or legal agreement. Other advice Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Leics & Rutland Wildlife Trust

Objection – close to Rutland Water SSSI And LRWT Visitor Centre (25,000 visitors a year)

Contrary to Policy CS24

Unconvinced that a dwelling is warranted or sufficiently reversible Impact on rural ambience

Peterborough City Council Licensing

Licensing will not be taking any action as the applicant has confirmed that none of the animals proposed to be there will be sold as pets.

Archaeology

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).

Public Protection

Is there going to be any external lighting associated with development? If so this should comply with E1 Environmental Zone of Guidance Note 1 for the reduction of obtrusive light 2020. I have concerns about the foul water irrigation system from the septic tank given the underlying geology and land form. Has the viability of a unit been assessed or not? Is there a potable water supply to the premises? Will there be any accumulations of waste in the form of bedding or droppings and how will this be managed?

Four Paws UK

The development of an intensive Rabbit farm in the UK is both unnecessary and illogical. Within the UK, over 95% of meat is purchased through one of our national retailers, all of whom now refuse to sell farmed rabbit meat. Since 2011, FOUR PAWS have campaigned against the intensive farming of rabbits in the UK. Through research, we identified that the majority of farmed rabbit meat in the UK was being used in pet food. This negates any perceived notions that there is a demand for rabbit meat for human consumption in the UK. The financial point that Waitrose saw a 350% rise in demand raised in the supporting evidence dates back to 2011 and is thus no longer relevant as a point to support this farm as Waitrose no longer stocks pet food products containing intensively farmed rabbit. Back in 2011, most of the farmed rabbit meat was coming from Europe, where the animals were kept in harrowing conditions that would be extremely similar to standards proposed here. Media coverage of this was shocking and outlined the reasons why rabbit farming cannot be animal friendly in any way, and the backlash of a new farm like this would be detrimental to the local authority and British Government, who hold animal welfare in high regard. Although some farms exist in Britain, these are all small scale and predominantly game-based systems. According to a report in 2014 by Compassion in World Farming, an estimated 97 tonnes of rabbit meat was imported into the UK. The majority of rabbit meat was destined to be pet food, so FOUR PAWS responded with our campaign to stop farmed rabbit meat imports. The campaign was hugely successful with 100% of British supermarkets, as well as Nestle and Mars pet food labels, all committing to remove rabbit meat from their pet food products being sold in the UK. All these organisations unanimously agreed that rabbits could not be farmed humanely and therefore would not support this activity going forward. There is little human demand for this meat, and therefore we expect import figures to have drastically fallen as a result of this campaign. Pet supplies retailer Pets at Home said: "We have become aware that conditions under which rabbits are bred and reared on farms in Europe fall far short of what we would accept for the rabbits we sell as pets in our stores. So, we have decided to stop buying pet food with flavour variants that include rabbit." There is no way to farm rabbits that can meet their welfare needs. Although rabbits have become domesticated animals, they have the behaviours of their wild counterparts, and are unable to express these behaviours within intensive keeping systems. So, this means that they suffer in unimaginable conditions during their short lives. The argument that T&S farms provide 'free-range' pens for their rabbits does not remove the fact that females undergo a 'constant process of mating, gestation and parturition' in which they are often separated and kept in isolation. This rabbit farm will

be exempt from various EU regulations provided the sales are localised to Rutland. The backlash this farm has caused to residents, whether it be due to environmental or animal welfare concerns, is evident in the comments objecting this planning proposal. The farm would be limited to catering to a demographic which frankly does not exist. In addition, the proposal states that excess stock will be sold live or sold as pets. This raises a number of concerns regarding the suitability of these specific rabbit breeds as pets and whether the conditions in which they are kept allow for the rabbits to be truly domesticated to a pet standard. Live transport is currently undergoing government consultation, with animal welfare concerns regarding the movement of animals across borders a highly debated subject. As an animal welfare organisation, through experience and scientific research we believe that there is no way to suitably farm rabbits that can maintain the necessary levels of animal welfare they need. We stand by the people of Rutland and the rest of Britain, and object to this planning proposal and would be happy to provide any additional research to support our argument. Previous cases of public outcry and scientific research has led local authorities elsewhere to veto the construction of new rabbit farms. Stafford Borough Council rejected plans for a major rabbit farm run by Romanian food wholesaler POE back in 2016. There are a multitude of reasons why this rabbit breeding facility should not be built, but the most pertinent given the current climate is disease risk. Mammals (such as rabbits) are particularly high risk taxa for hosting zoonotic diseases that can be transmitted to people, particularly in farm environments. The most recent example is the spread of SARS-CoV-2 between minks and humans at a mink farm in the Netherlands and the subsequent cull of 20 million + mink across farms throughout Europe. Now, more than ever, it is important to consider these risks and mitigate any additional potential threats to public health.

This proposed rabbit farm would be a huge step backwards for animal welfare, encouraging more farms like this to pop up across the country and undermine a decade of work from animal welfare organisations. The Government has made numerous commitments to uphold our high animal welfare standards post Brexit, but schemes like this directly undermine this and lead with profit in mind rather than a commitment to prioritise animal welfare. Brexit is not an opportunity to go backwards, but to move forwards. The corporate sector supports this move away from rabbit farming, and it is time that local government does as well. Do not let Rutland be known for inhumane farming systems in this country.

Humane Society International

We wish to raise an objection regarding planning application 2020/1439/FUL, for the installation of a temporary worker's dwelling and the erection of an agricultural building in order to establish a commercial rabbit farm, on the grounds of animal welfare. We are also aware of the local opposition to this application, citing a range of issues and concerns regarding the detrimental effect this proposal would have on the local area. We have read the comments of Hambleton Parish Council which objects to the proposal as it does not meet the Council's policy on non-residential development in the countryside or the requirements of its Rutland Water Area policy, nor does it respect the nature conservation features of the Area, would detract from the shoreline and setting of Rutland Water, and would be detrimental to nature conservation interests and local amenity. We note the proposed development is near to the renowned Rutland Water, a reservoir set in over 3,000 acres of open countryside. The area welcomes thousands of visitors each year and encourages them to explore the area using its footpaths and cycle paths, to take in the views and to spend time in the hides around the tranquil nature reserve (which is a Site of Special Scientific Interest, a Special Protection Area

and a RAMSAR site) spotting the area's wildlife, waterfowl and, especially, the famous ospreys. According to the Leicestershire & Rutland Wildlife Trust's submission, its nearby Visitor Centre attracts "upwards of 25,000 visitors each year", the majority of them one must assume are attracted to the area to see its abundant wildlife and enjoy the natural surroundings. The application has attracted more than 160 public comments via the planning website and a national petition opposing the development has attracted more than 10,500 signatures so far. The planning application states the enterprise will consist of a 250-doe, free-range unit which will be developed over three years to produce "approximately less than 10,000" meat rabbits per year. Very similar applications have recently been submitted by the same company to planning authorities in Cornwall and Buckinghamshire. We understand that there is little demand for rabbit meat for human consumption in the UK, and according to a 2017 report by the European Commission there has been a "continuous decline" in the consumption of rabbit meat in the EU, citing changes in consumer habits, losing the habit of eating rabbit meat and the increased perception of the rabbit as a pet. While the application states the plans are to facilitate a "free-range" rabbit breeding and rearing farm, it is clear that the breeding does will be kept in hutches prior to giving birth and that they will be bred from six times each year. The application gives an insight into the intensive nature of the process the breeding does will endure, stating that there will be: "an almost constant process of mating, gestation, parturition and recovery (dry period) for each female animal, and a 16-week rearing phase for the progeny." We note there is no information in the application regarding the methods of killing of the young rabbits at 16 weeks of age, or the does once their reproductive lives have ended, or where that killing will take place, by whom and what facilities will be provided for such a process. We understand there are no commercial slaughterhouses for rabbits in the UK. Rabbits are known to suffer from several diseases and it is concerning to note that Mr Kerry stated, in a previous report and presumably of an experience on an existing rabbit farm he owns, that "we were struggling with a genetic breeding problem where many of the progeny were dying at around the 12 week[s]" and the "problem continued into the following year" and that he had concerns that it may have been "rabbit viral Haemorrhagic disease". The application also states the need for managing predators at the site. We are concerned about the impact this would have on local biodiversity and the methods that would be used in any such control. Further, whilst the application only briefly mentions of the possible sale of rabbit pelts, the website of the applicant, Mr Kerry of T&S Rabbits, sells rabbit fur products "from our free range rabbits". It should be noted that the vast majority (93%) of the British public reject real animal fur, only 3% of the British public wear it, and our #FurFreeBritain petition has attracted almost one million signatures in support of a UK fur sales ban currently being considered by the government. The British public's decades-long objection to fur provides us with a strong expectation that this site could become a focus of protests for people who reject fur as cruel, outdated and unnecessary.

We believe there is little public appetite for either rabbit meat or rabbit fur in this country. This application raises many concerns from an animal welfare perspective, and we believe the establishment of a rabbit farm near Rutland Water would be a retrograde step not only for the local area, but also for the county and for the country as a whole

Neighbour Representations

There have been 584 objections received from individuals all over the UK and Ireland and from as far afield as the USA and New Zealand. Objections have also been received from Campaign Groups: Four Paws UK, Animal Aid and Humane Society International/UK.

These are on the planning related grounds of:

- Breach of policy
- Impact on SSSI, Ramsar site and Special Protection Area
- Impact on landscape
- No proposals for waste - pollution
- Deters tourism

None planning objections:

- Rabbits are loving, small, fluffy beings who just want to be left alone
- No need for this here
- No slaughter houses for rabbits
- Cruelty
- Fur farming by the back door
- Inhumane slaughter methods
- Low demand for rabbit meat in UK
- No disease management proposals included
- Would attract disruption/protests

An on-line petition at Change.org had 133,512 signatures as of 3 March 2022.

A petition containing 21,300 signatures has been received from People for the Ethical Treatment of Animals

It is clear that most objectors are concerned about the ethics of rabbit farming and animal welfare which are not material planning considerations.

Planning Assessment

The main issues are policy and the need for the development in this location, the need for residential accommodation in this location and the impact of the development on the Rutland Water Area and landscape. Any references to the replacement Rutland Local Plan are irrelevant since it was withdrawn from Examination in September 2021.

Clarification of Issues to be considered

Many objections have been received relating to animal welfare and/or the principle of rabbit farming per se. It is a well established principle that the land use planning process cannot not take such issues into account as they are governed and enforced by other legislation and agencies. The proposal therefore has to be determined on the issues set out above.

In an appeal decision for rabbit farm in Stafford, an Inspector made the following statement:

I acknowledge that this proposal has generated a large amount of objections in relation to animal welfare. However, these concerns are not for me to address and are more properly dealt with under other legislation.

The actual use of the land for rabbit farming is therefore an agricultural use and does not require planning permission. On that basis this issue cannot be taken into account in reaching a decision which is only for the erection of the buildings.

Policy/Need for the development

A previous appeal for similar development further south on this land, at the highest point, was dismissed. The Inspector found that there was a need for someone to live on site in the event that rabbit farming was taking place on the scale set out in the application. However, she found that the scheme would have had a detrimental impact on the character of the landscape in the Rutland Water Area (Policy CS24). Unfortunately she was silent on interpretation of the policy which on its wording appears to rule out this development anyway (see policies above). The policy is specific on its remit, it makes no mention of new buildings for setting up new businesses or enterprises, only for development for operational requirements of existing facilities. There are no facilities on this site.

Outside the five defined recreation areas, new development will be restricted to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape.

So, whilst there would be a need for the mobile home on site if an agricultural enterprise of the description applied for would be justified, the policy does not permit the erection of any new buildings for a new enterprise in the Rutland Water Area. There is no enterprise being carried on at the site that would justify buildings at present.

The agricultural building is very large for a general purpose building and it is not clear precisely what it would be used for. Its measurements are as set out above. It would have 2 x 5m wide roller shutter doors at full eaves height. Anecdotal evidence suggests that there are no slaughter houses for rabbits so presumably this would take place on site. However, apart from storage of bedding and feed there seems to be little justification of a building of this scale. No detailed information regarding the use or need for the building has been submitted.

Impact on Rutland Water Area

The dismissed scheme in the previous appeal was sited at top of the slope of the applicant's wider land. This was in the most prominent position possible on the site and was visible from across the reservoir as noted by the Inspector. See IR paras 22 to 30. She did not make any reference specifically to the agricultural building. Specifically she said:

22. Development on this side of the water is sparsely located and the landscape is well preserved, this and the wide-reaching views across the water and surrounding landscape, gives the site an open and tranquil feel, recognised by its inclusion in The Rutland Water Area

The current proposal moves the buildings approximately 130 metres to the north (closer to the reservoir), further down the slope but still on higher land compared to the level of the reservoir. The building would be no less prominent from across the water than the appeal scheme, even allowing for the landscape strategy submitted. The larger of the 2 buildings would be higher up the slope than the land where additional tree planting would take place, and even if this was implemented, it would take many years to screen the building if at all, especially with native species.

The Landscape Appraisal suggests the impact would 'potentially' be reduced from 'moderate adverse' to 'slight or negligible' in time with reinforcement of the characteristic hedged and woodland boundaries. As set out above, reinforcement of hedges will make no difference to the visual impact and trees would take a long time to reduce impact.

The appraisal also states that 'A careful choice of the appropriate locally responsive materials for the proposed buildings is likely to reduce their prominence'. The application form states that the agricultural building would be profiled steel sheet which is not a 'locally responsive material'.

There is no justification for a building of this size put forward in the submission, either in the DAS or the agricultural appraisal.

The agricultural building would sit sideways on to the water making it even more prominent. It is not clear if the sectional drawings of the building are accurate but there would be a large amount of fill, reinforcing the incongruous appearance of this building in this largely unspoilt rural landscape.

The applicant sought to Judicially Review the Inspectors comments in Para 32 regarding the availability of another site to fulfil the need but was refused leave to appeal to the Courts.

In conclusion, the agricultural building whilst being moved lower on the applicant wider land would still be prominent and have no less an impact that was identified by the Inspector in the previous appeal. There may be need for someone to live on site in the event that (rabbit) farming was taking place (which it isn't at present) and the Rutland Water policy rules out buildings for new enterprises in this area. The building would be prominent in the landscape, not associated with other buildings and would thereby be detrimental to visual amenity and harm the pastoral rural landscape of this important area. As the Inspector concluded:

As the development would be unrelated to existing buildings or landscape features it would appear particularly prominent and would cause significant harm to this largely undeveloped sensitive landscape by altering the undisturbed character of the area and reducing the tranquil perception.

There is no reason to determine that this proposal would be significantly different and should be refused.