

Our ref: SC/T&SN

11th December 2020

Head of Planning Services
Rutland County Council
Catmose House
Catmose Street
Oakham
LE15 6HP

Willis & Co.

Chartered Town Planners
30 The Causeway
Chippenham
Wiltshire
SN15 3DB

Telephone: (01249) 444975
Facsimile (01249) 655556
Email: Willisplan@aol.com

Dear Sir,

**Town and Country Planning Act 1990
Erection of a Temporary Rural Workers Dwelling and Agricultural
Building at Land at Lyndon Top, Hambleton, Oakham LE15 8RN**

1. We are instructed by Mr Phil Kerry to prepare and submit this full planning application for erection of a temporary rural workers dwelling and agricultural building at the above site to enable the establishment of a free-range rabbit breeding and rearing enterprise.

2. Please find enclosed in support of the planning application;

- The completed planning application forms and certificates
- Planning, Design and Access Statement (this letter)
- Agricultural Need Assessment
- Location plan, number SC/BCH/01 with the application site outlined in red
- Block plan as proposed, number SC/BCH/02
- Plans and elevations of the proposed, number SC/BCH/04 and SC/BCH/05
- The appropriate application fee of £558.

3. Please note that the financial section of the submitted business plan is CONFIDENTIAL and should not be placed on the Council's website or otherwise shared with any third party (except for the Council's agricultural advisor) without the express consent of the applicants.

Site Description

4. The land in the applicant's control extends to 5.2 ha. The unit is located to the east of Manton and immediately south of Rutland Water (reservoir) which is designated as a SSSI. The proposal is to develop the free-range rabbit farm enterprise described in the business plan/assessment prepared by Reading Agricultural Consultants as submitted herewith. I do not propose to repeat the contents of the report, but you will see that the report concludes that there is an essential need for a worker to be available at the site at most times in connection with the proposed enterprise and that the enterprise has been planned on a sound financial basis.

5. The proposed site is approximately 0.75 hectares in size and is part of an existing vineyard with a number of remnants of its past use as a plant nursery.

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To the north, lies a plateau, which then slopes steeply towards Rutland Water from around 120m AOD to around 90m AOD in the very north western corner of the site. The ground levels out at the bottom (northern part) of the site.

Proposed Development

6. The proposed is for the redevelopment of part of an existing vineyard/ orchard into a new free range rabbit farm with runs and hutches to accommodate up to '250 does' along with security fencing, a temporary rural worker's dwelling and a larger agricultural building.

7. The proposal is to retain the existing site access and access tracks, but clear the existing vegetation from a 0.75 hectare area at the centre of the site and establish the rabbit farm in this area. The temporary rural workers dwelling is proposed to be a single storey, two bedroom timber cabin located towards the eastern boundary of the site. The agricultural barn will 6m in height and approximately 35m x 15m in footprint. This is proposed at the centre of the site, slightly closer to the eastern boundary.

8. The proposed development would also necessitate the erection of permanent security fencing, rabbit runs and hutches. The fencing would surround the extent of the proposed red line boundary site and the runs and hutches would fill the remainder of the space (minus access tracks).

9. A static caravan has already been located on the site, the principle purpose of which is to manage various engineering works such as repairing and installing land drainage, replacing leaking water pipe, and post and wiring the Vineyards. A Rabbit breeding enterprise has also been established upon the site and has been operating for approximately 5 months.

10. The application includes a Landscaping Assessment and Mitigation Plan which seek to mitigate any potential impact of the proposed development on the Landscape Character Area.

Planning History

11. In June 2019 the a similar development on the site was subject to a planning appeal and a decision made by a Planning Inspector. The final findings of the Inspector were that a temporary rural workers dwelling was necessary in the context of the rabbit farm, however *'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.'*

12. The proposed site layout has been iterated in response to operational needs and the conclusions of a Landscape and Visual Assessment (LVA) commissioned. The proposed buildings (agricultural shed and a temporary

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dwelling) were previously located along the southern boundary, at the most elevated part of the site. The LVA raised concerns with the geometric built form 'cresting' the ridge of a generally wooded skyline, causing adverse visual impacts when viewed from Hambleton Peninsula to the north.

13. The new layout shows the proposed buildings located at the centre of the land ownership boundary, over 100m further north and importantly further down the slope. The new position of the proposed buildings have been reassessed, focusing on the potential visual impact on the wooded skyline and the opportunity for the appropriate landscape mitigation to reduce the adverse impacts and even offer beneficial effects in the long term.

14. There have been several previous applications and appeals on this wider site owned by the applicant in addition to the appeal which have been listed below:

- 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 shed – refused – appeal dismissed
- 2013/1094/CLP – Lawful proposed use for siting of caravan for agriculture – Pending 2016/1088/CLP – Lawful proposed use for siting of caravan for agriculture – Refused – appeal dismissed
- 2013/1094/CLP was by a different applicant who certified that they owned the land, the site of which is now part of this current application, 2018/0155, certified as being owned by the current applicant.

Relevant Planning Policy Guidance

National Planning Policy Framework

15. The National Planning Policy Framework (NPPF) published March 2012 saw the revocation of Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004) including Annex A, which set out the well-established and detailed guidance for the determination of applications for rural workers dwellings.

16. The NPPF encourage local planning authorities to support sustainable development. The following paragraphs from the NPPF are considered to be particularly relevant to the determination of this planning application.

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17. Paragraph 11 of the NPPF states at “Plans and decisions should apply a presumption in favour of sustainable development”. It suggests that planning permission should be granted unless any adverse impacts would be so significant as to outweigh the benefits of the development. This paragraph requires a presumption in favour of sustainable development. It is considered that the proposed development accords with this paragraph.

18. The NPPF encourages local planning authorities to support sustainable development in rural areas (particularly when the NPPF is read together with Planning for Growth).

19. Paragraph 79 relates to rural housing and sets out that:

***“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;”***

20. Paragraph 83 of the NPPF sets out national guidance in respect to supporting the rural economy, and states:

***“Planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;”***

21. The NPPF saw the revocation of Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004) including Annex A, which set out the well-established and detailed guidance for the determination of applications for rural workers dwellings.

Local Planning Policy Guidance

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

23. The site is located within Rutland County Council’s boundary. The development plan for Rutland consists of the Core Strategy Development Plan Document (Hereafter “Core Strategy”), Adopted on 11th July 2011, and the Site Allocation and Policies Development Plan Document (Hereafter “Site Allocations Document”), Adopted on 13th October 2013.

24. The Council is currently reviewing the Local Plan in order to extend the plan period to 2036 and to provide for any additional new housing, employment or other development that may be needed over the extended plan period.

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However, the Council has postponed the launch of the final public consultation on its Draft Local Plan in response to Coronavirus (COVID-19). Given the document has not been through examination as of yet it is considered that this document should be given little weight in the determination of this application.

25. It is considered that this proposal falls to be determined in the light of policies CS1, CS2, CS4, CS16, CS19, CS21, CS24 of the Core Strategy, as set out below;

Policy CS1 – Sustainable development principles

New development in Rutland will be expected to:

- a) minimise the impact on climate change and include measures to take account of future changes in the climate; (see Policy CS19 and 20)***
- b) maintain and wherever possible enhance the county's environmental, cultural and heritage assets;(see Policies CS21 and 22)***
- c) be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport; (see Policy CS4 and CS18)***
- d) make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land;(see Policy CS4)***
- e) respect and wherever possible enhance the character of the towns, villages and landscape; (see Policies CS19, 20, 21, 22)***
- f) minimise the use of resources and meet high environmental standards in terms of design and construction with particular regard to energy and water efficiency, use of sustainable materials and minimisation of waste; (see Policies CS19 and 20)***
- g) avoid development of land at risk of flooding or where it would exacerbate the risk of flooding elsewhere (see Policy CS19);***
- h) contribute towards creating a strong, stable and more diverse economy (see Policies CS13, 14, 15, 16, and 17)***
- i) include provision, or contribute towards any services and infrastructure needed to support the development (see Policy CS8)***

Policy CS2 - The spatial strategy

The spatial strategy is to provide for sustainable development to help create safe and healthy communities and meet the needs of the local economy through...

...

supporting small scale developments for appropriate employment and tourism uses in the towns, villages and rural areas; (see Policies CS15,16)

[Redacted for Clarity]

Policy CS4 - The location of development

In order to contribute towards the delivery of sustainable development and meet the vision and the strategic objectives of the Core Strategy...

Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.

[Redacted for Clarity]

Policy CS16 – The rural economy

The strategy for the rural economy is to:

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a) encourage agricultural, horticultural and forestry enterprises and farm diversification projects where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness;

[Redacted for Clarity]

Policy CS19 – Promoting good design

All new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

[Redacted for Clarity]

Policy CS21 - The natural environment

Development should be appropriate to the landscape character type within which it is situated and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.

The quality and diversity of the natural environment of Rutland will be conserved and enhanced. Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected.

Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment.

[Redacted for Clarity]

Policy CS24 - Rutland Water

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.

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.

[Redacted for Clarity]

26. It is considered that this proposal falls to be determined in the light of policies SP1, SP6, SP7, SP13, SP15, SP19 and SP23 of the Site Allocation Document, as set out below;

Policy SP1 - Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise...

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[Redacted for Clarity]

Policy SP6 - Housing in the countryside

2. New housing to meet essential operational needs

Applications for rural worker's dwellings will only be permitted where it can be clearly demonstrated that:

- a) there is clearly an established existing functional need in accordance with advice set out at Appendix 1 paragraph 4;**
- b) the need relates to a full-time worker, or one solely or mainly employed locally in agriculture, forestry or an established enterprise requiring a rural location;**
- c) the proposed dwelling is of a size commensurate with the functional requirement and financial capabilities of the enterprise;**
- d) wherever possible, the dwelling is sited within, and designed in relation to the main building complex, or a nearby group of dwellings.**

Further guidance on the application of the Council's 'needs test' and advice on how the Council will apply this policy is set out at Appendix 1 to this plan.4

[Redacted for Clarity]

Policy SP7 – Non-residential development in the countryside

Sustainable development in the countryside will be supported where it is:

- a) essential for the efficient operation of agriculture, horticulture or forestry;**

Provided that:

- i) the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages;**
- ii) the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose;**
- iii) the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages;**
- iv) the development would not adversely affect the character of, or reduce the intervening open land between settlements so that their individual identity or distinctiveness is undermined; and**
- v) the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.**

[Redacted for Clarity]

Policy SP13 - Agricultural, horticultural, equestrian and forestry development

Development comprising new agricultural, horticultural, equestrian and forestry buildings and structures will only be acceptable where:

- a) it is not unduly prominent, particularly on the skyline, and will not detract from the appearance of the street scene or the landscape;**
- b) wherever possible it is well integrated with existing buildings;**
- c) it will not lead to an increase in pollution, through for example, the disposal of effluent;**
- d) it will not have any undue adverse effect on residential amenity in terms of noise, dust, smell or disturbance;**
- e) no undue disturbance will arise from vehicular movements;**
- f) an adequate, safe and convenient access will be provided;**
- g) it will not be detrimental to environmental and highway consideration generally and;**
- h) it will have no adverse impact on biodiversity, habitats and species.**

Policy SP15 – Design and amenity

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All new developments will be expected to meet the requirements for good design set out in Core Strategy CS19 – Promoting good design.

[Redacted for Clarity]

Policy SP19 – Biodiversity and geodiversity conservation

Development proposals will normally be acceptable where the primary objective is to conserve or enhance biodiversity or geodiversity.

All new developments will be expected to maintain, protect and enhance biodiversity and geodiversity conservation interests in accordance with Core Strategy CS21 (The natural environment).

[Redacted for Clarity]

Policy SP23 - Landscape character in the countryside

Proposals to develop on land in the countryside will only be permitted where the development complies with either Policy SP6 (Housing in the countryside) or Policy SP7 (Non-residential development in the countryside) and Policy SP15 (Design and amenity) and Policy SP19 (Biodiversity and geodiversity conservation).

New development in and adjoining the countryside will only be acceptable where it is designed so as to be sensitive to its landscape setting. Development will be expected to enhance the distinctive qualities of the landscape character types in which it would be situated, including the distinctive elements, features, and other spatial characteristics as identified in the Council’s current Rutland Landscape Character Assessment. Proposals will be expected to respond to the recommended landscape objectives for the character area within which it is situated.

27. Policy SP6 sets out that additional guidance in respect to rural workers dwellings is provided in Appendix 1 of the Site Allocations document. In respect to temporary dwellings Appendix 1 sets out, at paragraph 12, that:

If a new dwelling is essential to support a new farming activity, whether on a newlycreated agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);***
- (ii) functional need (see paragraph 4 of this Appendix);***
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;***
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and***
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.***

28. Given the national and local planning policy framework of positive support for agriculture and new economic opportunities in rural areas it is necessary to examine, in particular:

- (a) there will be an essential functional need for a worker to reside on the holding, as opposed to nearby (i.e. the functional test); and,

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(b) whether the project has been planned on a sound financial basis (i.e. the financial test).

29. This letter will then consider the other elements of the application along with the impacts of the development in respect to Rutland Water, Landscape and Design/Amenity.

30. It is noted that agricultural development is not specified in policy CS24 in respect to appropriate development in the Rutland Water Area; however, the land in question is already in agricultural use. The application does not propose a change of use to the land, but merely seeks some small scale operational development in support of the established use of the site.

The Functional Test

31. In respect to the Functional test, paragraph 4 of Appendix 1 of the Site Allocations document states that a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night in case animals or agricultural processes require essential care at short notice.

32. I draw attention to section 2 of the Reading Agricultural Consultants report submitted herewith. The proposal seeks the development of a 250-doe, free-range rabbit production unit over the next three years. In addition, the tree nursery will continue to be developed. The rabbit farm will occupy approximately 2 acres of the site.

33. As is normally the case with a new enterprise, it may take several months to build up the business to a point where it will require at least one full-time worker. In these circumstances, it is necessary to consider the labour requirements of the enterprise not as it is today, but as it is intended to be at the end of the trial period, three after the grant of the temporary permission. The labour requirements of the proposed enterprise are discussed in section 4 of the Reading Agricultural Consultants report submitted herewith. This clearly shows that the enterprise will require the labour of at least one full-time worker by the end of the three year trial period.

34. Rabbit farming is a relatively new agricultural activity in the United Kingdom. There have been a few planning applications/appeals allowed for proposals for temporary dwellings in conjunction with free-range rabbit breeding. One such appeal was at Barnstone Lane, Granby (APP/P3040/A/12/2175713). In determining this appeal the Inspector concluded that there would be a functional need for a rural worker to live permanently at or near the business specifically with regard to the birthing process, the health and well-being of the stock, security and the management of predators.

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During the appeal the appellant referred to the other free-range rabbit rearing businesses in support of the need. The appellant set out that similar businesses reduced losses from 25% to 10% following the on-site occupation, which enabled kittens born outside during the night to be taken into the hutches.

35. It is noted that in a number of cases that it has been argued that this could be addressed through the use of the CCTV rather than on site occupation. However, the Inspector at the Barnstone Lane appeal concluded that whilst it was accepted that security could be improved by the use of CCTV, alarms and more substantial boundary treatment, that even with these improvements, the proven need to attend to the rabbits on a regular basis at unsocial hours would require a presence nearer the site.

36. This was supported by appeals at Land at Hadenham Farm (APP/P0240/C/10/2124091 and APP/P0240/A/10/2129850) where the appellant provided evidence that in order to be effective such a system would require both visual and audio facilities. Whilst it was considered that this would allow for a visual check to ascertain whether or not on site presence was required, neither the appellants nor the Council were aware of any enterprises that operated such systems without an onsite presence as well. Furthermore, the appellant contacted a number of agricultural consultants to ascertain if they were aware of the effectiveness of remote monitoring technology and whether they were aware of any examples of commercial bloodstock and or livestock enterprise that utilised such techniques. No such examples were identified. It was therefore considered that this approach was untested and that the functional need could not be met by the use of remote monitoring equipment. These appeals related specifically to equine/alpaca breeding; however, the conclusions are considered to be of relevance to rabbit farming which is subject to similar demands. It is also the case that no similar businesses are known to operate solely through the use remote monitoring equipment.

37. At the end of three years there will be around 250 does. It is clear from the appeal decisions that a rabbit farming enterprise of this type and scale will comfortably exceed the requirements of the functional test set out in PPS7 Annex A and the NPPF. There will clearly be an essential need for a worker to be available at the site at most times. The enterprise as it is proposed cannot operate properly without a key worker being available at short notice and at most times. This can only be achieved if there is a dwelling available on the site.

38. It is, of course, necessary to consider if there is an existing dwelling which could be used to accommodate the key worker. PPS7, Annex A requires that an assessment must be made of other dwellings which might be both suitable and available to meet the functional test. An online search was carried on the 18th November 2020 to identify available housing in the local vicinity. There are no existing dwellings within the immediate vicinity of the site which are presently suitable and available for occupation by the applicants. In fact the closest

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available properties were located in Edith Wexton, some 3km from the site, with the cheapest available valued at £550,000. The closest rental property identified was similarly over 2km from the site in Manto and would cost £595 per calendar month (equivalent to £7,140 per annum). A search of the Council website was also carried out, on the 19th January 2018, to identify if there were any rural workers dwelling in the immediate vicinity. No such dwellings were identified.

39. In the Barnstone Lane appeal the Inspector set out that the Council identified available accommodation to rent 2.5 miles (4km) and reasonably priced accommodation for sale that is about 1 mile (2km), away from the site. However, at the hearing the appellant gave a cost for the log cabin, allowing for its resale value after 3 years, which was significantly lower over the 3 year period than the cost of either rented or purchased accommodation. This was not contested. Given the relatively tight financial budget forecasts, the additional cost of alternative accommodation would be difficult to sustain at a time when the rabbit breeding enterprise would need to be established.

40. In the Little Park Farm, Doddiscombsleigh decision (APP/P1133/A/2188539), the Inspector reviewed a number relating to alpaca farms and found that dwellings in excess of 670m from the site were '*well beyond the maximum realistic distance*' for the functional test to be met. Whilst this relates to a different type of agricultural enterprise it is considered that the requirements are comparable.

41. It is not disputed that there are dwellings in nearby settlements which are presently *available* to rent or buy. However, a dwelling in one of these nearby settlements would not be *suitable* to provide the necessary degree of supervision and security for the proper operation of the enterprise. The enterprise would not be operated properly and appropriate standards of animal welfare and security would not be met. Furthermore, the cost of these properties would make the enterprise unviable.

42. There is no dwelling previously associated with this land which has been sold off or retained separately. The applicant does not own any other land within the area that could be used for the proposed business and having conducted a search of online land agents on the 8th June 2020 we were unable to identify any sites of sufficient size and those which were would cost upwards of £465,000 and would therefore not be viable.

43. The point of access is well established and the proposed use of the site will not result in any significant increase in the use of the access or the local highway network. The nearest property would be over 400m away, so there should be no issues in terms of residential amenity.

The Financial Test

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44. There is no national guidance (save for the now revoked PPS7, Annex A) or guidance in the Local Plan which explains how an assessment of the viability of the enterprise is to be assessed. However, the financial test for a temporary relevant case law and a large number of similar appeal decisions.

45. Published data, such as that provided in the John Nix Farm Management Pocketbook, 47th Edition, suggests that a 200-doe unit can generate a gross margin of some £45,000 per annum based in selling to wholesale outlets. Further profits can be achieved by selling retail to the public and possibly selling pelts.

46. In this instance, the applicant has already developed the business model elsewhere and can demonstrate that a 250-doe, free-range rabbit production unit is eminently profitable and entirely sustainable. The farm business accounts for the unit at Granby are available for inspection but are CONFIDENTIAL and are not for public scrutiny (as they are commercially sensitive). The accounts show a progressive rise in the profitability of the business over the past four years with profits from the holding rising from approximately £5,000 in 2013 to over £35,000 in 2016 - after all costs associated with the business have been met, including all labour.

47. In order to demonstrate sustainability, it is necessary to show that the forecast profit is sufficient to provide a reasonable return to the inputs deployed in the business - namely, land and capital. (As all labour costs are met by the business (as wages) there is no significant return on unpaid labour to account for).

- a reasonable return to the land is considered the rental value of the land, say, £750 based on £250 per hectare;
- and a reasonable return to capital is 2½ percent, which will equate to some £2,500 for the investment (excluding land).

48. The business should generate a profit that amply meets these requirements.

49. The only outstanding matter is the cost of the temporary dwelling. A mobile home is likely to cost in the order of £10,000 and a loan for this amount will cost approximately £1,000 per annum to service. Significantly less than it would cost to buy or rent an existing property nearby. The forecast profit can meet this additional requirement though in reality, the applicant has the necessary bank reserves to finance this cost.

50. As the production and business model to be used is identical to that used at Granby, it is considered that this can provide the necessary assurance that the business has a reasonable prospect of being profitable and sustainable,

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sufficient to grant temporary permission for residential accommodation, whilst the unit is established.

Principle of Development

51. Policy CS4 of the Rutland Local Development Framework Core Strategy Development Plan Document adopted July 2011 (the Core Strategy) sets out the spatial aims for the location of development across Rutland and states that development in the open countryside will be strictly limited to that which has an essential need to be located in the countryside.

52. Policy CS16 of the Core Strategy states that the strategy for the rural economy is (a) to encourage agricultural, horticultural and forestry enterprises and farm diversification projects where this would be consistent with maintaining and enhancing the environment and contribute to local distinctiveness.

53. Policy CS24 of the Core Strategy is specific to the defined Rutland Water area, within which the appeal site is located. It states that outside the defined 5 recreation areas new development will be restricted to certain types including where essential for operational requirements of existing facilities and subject to being appropriate in terms of location, scale, design and impact on the landscape.

54. Policy SP6 of the Rutland Local Plan Site Allocations and Policies Development Plan Document adopted October 2014 (the Local Plan) states that applications for mobile workers dwellings will only be permitted when it can be clearly demonstrated that there is an established existing functional need in accordance with advice set out at Appendix 1. Appendix 1 requires a functional test to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Paragraph 12 of the appendix refers to temporary agricultural dwellings and requires that a number of criteria are satisfied, it does not require an existing established functional need to be demonstrated.

55. Paragraph 79 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. As the Inspector in the appeal decision relating to the appellant's business at Granby considered, whilst the Framework does not define what constitutes an essential need, it would be reasonable to assume that there would have to be a physical or functional need for someone to be on the site at most times to meet the requirement and, that there is evidence that the business is likely to endure in the long term. Paragraph 83 of the Framework states that planning decisions

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should enable the development and diversification of agricultural and other land based rural businesses.

56. It was agreed by all parties at the hearing relating to the previous application that Policies SP13, SP15 and SP23 of the Local Plan and Policies CS19 and CS21 of the Core Strategy relate to landscape protection and design matters and neither party raised any specific comments about these policies.

57. Based upon the evidence provided the Inspector concluded that there is an essential need for a rural worker to live on the site in accordance with Policies CS4 and CS16 of the Core Strategy, Policy SP6 of the Local Plan and the Framework. It is not considered that the proposal has changed and therefore these conclusions remain valid.

Landscape Impact

58. Built form in the area is generally scattered farmsteads and concentrated in the small settlements around Rutland Water. Locally in Manton and Lyndon built form is a mixture of two storey houses constructed from either stone or brick with a tile roof. Some properties have a thatched roof, closer to the core of the settlements.

59. In the wider landscape small blocks of woodland are present, breaking up the dominant agricultural land use. The woodland is generally associated with ridge and hill tops, or the lower slopes of small river and stream corridors and especially around the edges of Rutland Water. The agricultural fields are generally bound by mature hedgerows with hedgerow trees increasing the 'treed' character of the area.

60. Due to the undulating nature of the local topography views can range from open and expansive on slightly higher ground to more restricted around mature woodlands, hedgerows and built form, making parts of it (including the site) visually contained.

61. The site lies within National Character Area NCA 74: Leicestershire and Nottinghamshire Wolds. At a local level the site is within the Rutland Landscape Character Assessment (RLCA), 2003, LCT 'Rutland Water Basin'.

62. The site is broadly typical of the local character area, being agricultural in nature. The existing trees and hedgerows around the site generally screen it to proximal views, although local topography allows for more distant views from the north.

63. Landscape impacts are predicted to be moderate adverse, with slight or negligible adverse effects predicted in time, through the appropriate and suggested landscape mitigation and management. The proposal and mitigation are expected to only affect the landscape fabric of the site itself. Conservation

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and enhancement of the existing field boundaries and responding to the local architectural style will help to preserve local landscape character.

64. As much of the study area is visually separated from the site by the local topography, the viewpoints chosen are focussed in two general locations: close to the site where glimpsed views through field boundaries are available and around Hambleton Peninsula to the north. There is an isolated view available from outside the study area at Burley-on-the-hill House (5km north), however from this distance, the proposal is at such a small scale that it is expected to be very difficult to see.

65. Visual impacts are predicted to be moderate adverse initially, but with the completion of development becoming slight beneficial in places, with the implementation of the mitigation proposals. The worst impacts are predicted during the construction period which is a short term and temporary phase of the development.

66. The retention and enhancement of the existing field boundaries to provide additional connectivity with the wider landscape and provide further screening to the proposed buildings are key to achieving lower adverse impacts. Careful choice of construction materials, primarily in 'earthy' tones would help the buildings blend into the landscape, especially as viewed from Hambleton in the north.

67. The existing trees on site should be retained and the age diversity improved with the planting of new large stock size trees. Measures such as a detailed landscape scheme and landscape management plan are suggested to minimise the impacts of the proposed development. It is anticipated that these measures can be adequately secured by landscape conditions attached to a planning consent.

68. The application is accompanied by a detailed LVIA which provides further details on the landscape impact and how this can effectively be mitigated.

Design and Amenity

69. The design and materials of the proposed reflect the agricultural nature of the development. The siting and scale of the development are considered to be commensurate given the proposed use and the need for development as demonstrated previously in this letter.

70. The use is not considered to impact on the amenities of neighbouring properties given the distances between the site and those properties and the existence of mature landscaping and proposed additional landscaping.

Biodiversity

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71. The site is located within close proximity to the Rutland Water SSSI. It is not considered that the development would result in any adverse effect to the SSSI given that it is relatively small scale and of a temporary nature.

72. In respect to waste, the faeces and urine produced is deposited on to the grass in the same manner as other types of farm animal. Rabbit waste is odourless unlike other farm animals. It is also known as cold waste as opposed to hot waste associated with cows, pigs, sheep etc. Rabbit manure is made up of 2.4% nitrogen, 1.4% phosphorus and 0.6% potassium plus trace elements. Unlike other farm animal waste, rabbit droppings have no need to compost and will fertilise immediately. The urine is alkaline PH 8 to 9 and is rich in nitrogen, potassium, phosphorous, calcium, magnesium and zinc. It is an excellent foliar feed and soil conditioner. The waste is therefore an excellent organic fertilizer. The process does not attract insects or vermin. Waste and carcasses are kept in sealed bins and disposed of regularly by a licensed commercial operator.

Conclusions

73. This is a proposal for erection of a temporary rural workers dwelling and agricultural building. In accordance with current Government advice and the Local Plan, there is a presumption in favour of permitting sustainable economic development in the countryside. The application fully accords with Government guidance as set out in the NPPF and policies and the relevant paragraphs of the adopted Local Plan.

74. The application has been assessed in the context of the advice in the National Planning Policy Framework for temporary accommodation for rural workers and it has been demonstrated that:

- it is essential that someone is readily available at most times to manage the rabbit enterprise, specifically to:
 - manage the birthing process and ensure doe and kits are retained within the nest area;
 - ensure kits obtain adequate colostrum and milk;
 - ensure the health and well-being of the stock generally;
 - provide a security deterrent against wild animal and human intruders;
 - manage predators;
 - provide a point of contact for customers.
- budgets suggest that the enterprise ought to be capable of generating a profit in excess of £25,000 by Year 3 and will cover notional and Fixed Costs;
- no dwellings are available to rent or buy that can service the identified need.

75. There are no residential amenity issues. The site is not at risk from flooding. The proposed development will not significantly increase the use of the

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existing access and on that basis there is no adverse impact on highway safety. The LVIA demonstrates that any landscape impacts can be effectively mitigated and that this can be secured via condition if appropriate.

76. I trust this is clear. Please do not hesitate to contact me should you require any further information or clarification.

Yours faithfully,

Samuel E. Croft MRTPI