

has been omitted from the list contained within paragraph 90 of the current national policy. The appellant has drawn attention to this in deciding that the proposed siting of the temporary dwelling is not inappropriate development.

20. As the *other forms* of development that are not inappropriate are listed within paragraph 90, the exclusion of material changes of use is significant. It indicates that such development is inappropriate development in the Green Belt. Paragraph 87 of the Framework is clear that, in common with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues by noting that substantial weight should be given to any harm to the Green Belt.

Openness of the Green Belt

21. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open.² The Framework identifies the essential characteristics of Green Belts to be their openness and permanence.
22. Even though the proposed dwelling would be temporary, it would result in a loss of openness from its presence on land that is currently open. The scale of the development would be sufficient to be harmful to the openness of the Green Belt. In this respect the Appeal A scheme conflicts with the aims of the Framework and this harm adds significantly to the harm by inappropriateness.

Other considerations

Character and appearance

23. LP policies DP1 and DP3 are only permissive of development that would positively contribute to the quality and character of its environment through good layout and design.
24. The District Council refers to the Warwickshire Landscapes Project which characterised the landscapes in this region. Paragraph 4.23 of the supporting text to LP policy DP3 refers to the associated guidelines, which have been adopted as Supplementary Planning Guidance (SPG), and indicates that development proposals will have to accord with the principles set out in the guidelines to comply with LP policy DP3. The previous Inspector noted this, that consultation had taken place on the document, and accorded the SPG significant weight.³ These circumstances remain and I therefore agree with the weight attributed to the SPG.
25. The SPG's general development guidelines indicate that development should seek to integrate with the landscape, which in this instance the document shows to be an area in decline and in need of enhancement. Contemporary agricultural buildings are noted to benefit from careful siting that should consider landform and tree cover. Guidelines for the Arden landscape area highlight the role of wayside cottages in forming hamlets. Attention is drawn to the need to place new dwellings in hamlets and that development should not be permitted along lanes that are currently undeveloped.

² Paragraph 79 of the Framework

³ Paragraph 32 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

26. The appeal sites fall within the Arden parklands, which is a planned estate landscape closely associated with former wood pasture and historic deerparks. The area has an irregular road network that reflects the ancient landscape pattern and runs through a typically enclosed, gently rolling landscape with woodland edges, parkland and belts of trees. These characteristic features of the Arden parkland, including thick roadside hedgerows, are evident in the locality around the appeal sites.
27. The SPG seeks new development to be sympathetic to the vernacular style. Dwellings on Rouncil Lane are typically substantial brick and render structures, with pitched roofs, associated gables, dormers and outbuildings. The proposed temporary dwelling includes prominent overhanging eaves. While this would cause it to depart from the characteristic buildings around it, it is of a type that was envisaged by PPS7 for such a proposal.⁴
28. Although the previous Inspector found the form, design and materials of the dwelling to be acceptable for a temporary period, its siting in that instance was considered to be highly visible from a number of public vantage points and unacceptably harmful to the character and appearance of the locality.
29. The District Council has referred to appeal decision ref: APP/T3725/A/06/2030585 regarding a site in Hatton, where the Inspector concluded that the temporary siting of a chalet style building would not have been suitable in that case. However, that case preceded the decisions in relation to appeal refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & APP/T3725/A/09/2103183 and also, it has not been shown that the circumstances of the site in Hatton were comparable to the siting of the proposed temporary dwelling in this case. Consequently, appeal decision ref: APP/T3725/A/06/2030585 is not a precedent in relation to this case.
30. It is a "Core planning principle" of the Framework to always seek to secure high quality design. The District Council notes that no exception to this is signalled for temporary dwellings, and a "traditional shepherd hut" may be good design in this location. The proposed temporary dwelling in this case is a substantial structure with a "log cabin" style appearance. Paragraph 56 of the Framework states the importance that the Government attaches to the design of the built environment and that good design is a key aspect of sustainable development. However, in this case it is proposed to site the dwelling for a temporary period only.
31. The previous Inspector who considered the proposed dwelling took into account both the short term nature of the proposal, and the possible alternatives to it. A wooden dwelling was found to be unusual in this location, but not unacceptable for a temporary period, and would perhaps be less conspicuous than a conventional caravan.⁵
32. It was also concluded that the prominent siting of the agricultural building could be addressed through the use of a position closer to the site entrance. This was noted to provide greater opportunity for planting around the agricultural building and to reduce the possibility of its form breaking the skyline when viewed from the footpath.⁶ In considering this possible siting, the Inspector took into account the wet area of ground next to the highway and as

⁴ PPS7 Annex A paragraph 12

⁵ Paragraph 38 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

⁶ Paragraph 124 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

a consequence such a siting would, to a certain extent, be necessarily set back from the highway.

33. The Appeal A scheme would site the dwelling closer to the highway and at a lower level than previously proposed. Although its single storey construction results in a larger footprint than for a similar sized two storey structure, the proposed form would help to reduce visual impact associated with its height. In some views, including those from the site entrance and along the footpath that crosses the appeal site, evidence from the District Council shows the roof of the temporary dwelling would break the skyline. Any landscaping sought through a planning condition would not be likely to have a significant mitigating effect in relation to these aspects, but the views where the skyline would be broken would be limited.
34. Any temporary dwelling would be expected to introduce new sources of light into this location. A condition has been suggested to control fixed external lighting that would prevent a level and number of illumination sources in excess of that reasonably expected in this rural location.
35. The overall strategy and guidelines for Arden aim to maintain the historic dispersed pattern of hamlets and scattered farmsteads, which in this location contributes to Green Belt openness. The temporary dwelling would not be a form of wayside development in common with the examples provided in photographs from the District Council. These show dwellings near to the highway, without the characteristic thick hedges found elsewhere at the roadside. However, there are a significant number of buildings on Rouncil Lane that are noticeably set back from the highway.
36. Retention of the hedge between Rouncil Lane and the temporary dwelling would maintain the Arden parklands characteristic sense of enclosure and screen the agricultural building of the Appeal B scheme, while addressing the set back positioning considered by the previous Inspector. In addition, landscaping carried out to meet the requirements of a planning condition would have the potential to enhance the characteristic sense of enclosure and thicken hedges on the agricultural unit.
37. The Appeal A scheme would reflect the placement of other dwellings in the locality, while retaining and potentially enhancing existing characteristic features of the Arden parklands landscape. In this respect and for the reasons above, as a temporary dwelling the Appeal A scheme complies with LP policies DP1, DP3 and the SPG and this provides some weight in favour of the proposal.

Other matters

38. Evidence to the inquiry sought to address PPS7 Annex A paragraph 12, which stated that if a new dwelling were to be essential to support a new farming activity, for the first three years it should normally be provided by a caravan, a wooden structure that can easily be dismantled, or other temporary accommodation. This was within the context of the five criteria within Annex A paragraph 12 being met, and these matters were the subject of evidence and exchanges during the inquiry.

Intention and ability

39. The first criterion sought clear evidence of a firm intention and ability to develop the enterprise concerned and highlighted that significant investment in

new farm buildings is often a good indication of intentions. Given the scale of the operations at Faerie-Tale Farm, the Appeal B scheme would be a significant investment in a farm building that would have assisted the appellant during recent harsh winters.

40. In relation to the previous appeals, the Inspector looked at the appellant's ability to breed alpacas as the basis for the business to succeed. The key drivers for delivering the projected budget were identified as ensuring the health of the young alpacas, known as cria, and the quality of the stock. When the previous appeals were heard (refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & APP/T3725/A/09/2103183), Miss Vaidya had attended courses, developed links with mentors in the alpaca business community and planned to establish a website. The Inspector specifically noted that "crucially" Miss Vaidya had gained experience in delivering cria and dealing with the associated problems.⁷
41. The herd has been wintered off-site (i.e. "agisted") for three winters out of the past four. These periods were in the region of 10 weeks in 2008/09, 16 weeks in 2010/11 and the animals had been agisted for 6 weeks on the last sitting day of the inquiry. The only year that the alpacas remained at Faerie-Tale Farm throughout the winter was when the temporary dwelling was on-site in 2009/10.
42. A touring caravan was then brought onto the site that would have provided a much more basic level of accommodation during the unusually cold winter temperatures experienced in the winter of 2010/11. Although cold weather can kill alpacas quickly, especially older animals with poor fleeces, alpacas are noted to be a hardy species that are at more risk of harm from wet conditions than low temperatures.
43. Farmers have to be prepared to work during extreme weather conditions and maintaining a water supply to stock is one of the matters that would need to be attended to. It is not accepted that the stock on this holding would need to be agisted off-site for this reason, any more than stock on other farms in the locality would need to be. However, in this instance the use of a touring caravan as farm workers' accommodation understandably led to agistment during these periods and planning for further extreme weather conditions during the winter of 2011/12.
44. The inquiry heard that the appellant continued to be involved in the management of the herd's welfare during its agistment at Toft Alpacas in 2009. As a consequence, while agistment periods must reduce the day to day animal husbandry by FTA, a degree of contact between FTA and the herd has and could have been maintained during agistment periods.
45. Any sheep held by the holding were also moved off-site. These are often kept at distance from a farmer's residence and their agistment has not been adequately explained.
46. Since the previous appeals Miss Vaidya has attended a number of training events, including a birthing course. It would not be unusual for a new farmer to seek help or assistance as they develop their animal husbandry skills, and of course, there will be instances where veterinary assistance will be necessary. Veterinary evidence to the inquiry confirmed this. Within the context of the

⁷ Paragraph 43 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

previous Inspector's conclusions regarding cria deliveries and the birthing records before the inquiry, there is no convincing evidence to suggest the recent birthing course was necessary due to a lack of ability. Given the farm activity that has been carried out, it would be more appropriate to consider it to be a course that built on and improved the existing ability developed since 2008.

47. Witnesses for the appellant confirmed the FTA breeding strategy to be the use of stud males from other herds to develop the FTA bloodline. In 2010 one stud farm provided matings for 17 FTA dams. This approach is reflected in the expenditure on stud fees (budgeted at £8000 in 2011/2012), which is significantly less than the costs associated with purchasing a stud male of sufficient quality to develop the herd. Elite stud males that the FTA business plan seeks use are worth tens of thousands of pounds, with a Supreme Champion having been sold for £75,000. In addition, it is evident that if a single stud male were to be purchased it would not provide the variety of quality and fleece colour sought in developing a unique FTA bloodline.
48. The business strategy adopted by the appellant company seeks long term security through careful breeding during the establishment of the herd. Mrs Bettinson confirmed the herd is not yet of sufficient quality to deliver the best returns from its animals and the associated products. Although the current handling of stud males may be carried out by other people, the choice of breeding partners is a matter dealt with and planned by FTA and Miss Vaidya is present when matings occur. Therefore, while the lack of stud males at FTA is likely to require further investment during the period of the proposed temporary dwelling, this is a consequence of the business strategy adopted rather than being an indication of a lack of intention or ability.
49. FTA uses specialist sheering contractors, who also carry out work on alpaca teeth. Other contractors have provided fencing and carried out "topping" of the land at Faerie-Tale Farm. Miss Vaidya, with assistance in the absence of an agricultural building and crush, can deal with alpaca toe nails, drenching and injections. These are considered to be normal approaches to alpaca husbandry and land management and do not question either intention or ability.
50. Parties to the inquiry referred to a television series entitled My Dream Farm, which featured an episode on Faerie-Tale Farm. It was agreed that I would not view the programme. The District Council has sought to take weight from commentary on the television documentary regarding the appellant's intention and ability. However, FTA does not agree with comments made in the commentary and highlighted that the television channel has stated that the programme was not questioning Miss Vaidya's ability as an alpaca breeder. In any event, the evidence prepared specifically for this inquiry, and the background to it, has been tested during the proceedings. As such, it attracts significantly greater weight in comparison to the reported views from the television programme.
51. During the inquiry the business model for FTA was thoroughly examined and it became apparent why the alpaca and product sales had yet to bring in a significant income. This is largely due to the business planning for a robust presence in the market for alpaca products, which takes time to develop. Given Miss Vaidya's marketing background and her father's management expertise, there should be no lack of ability within FTA to develop the value

added product lines and the enterprise as a whole. I shall return to the financial implications of this approach below.

52. The District Council considers the management of the herd has shown a lack of commitment, which could question intention or ability. Nevertheless, overall the approaches taken have been adequately explained to demonstrate that there is clear evidence of a firm intention and ability to develop the enterprise concerned.

A sound financial basis

53. A presumption in favour of sustainable development lies at the heart of the Framework.⁸ It is the local planning authority's view that any business venture based on an imprudent business model, or grounded in unsound or unrealistic projections, could not be considered to be *sustainable*.
54. The third criterion within PPS7 Annex A paragraph 12 was whether there is clear evidence that the proposed enterprise has been planned on a sound financial basis. This differed from the demonstration of profitability required by PPS7 for proposals regarding a permanent agricultural dwelling.
55. The previous Inspector for this site concluded a *sound financial basis* to be whether the budget is realistic.⁹ He found that while the budget before him indicated a profit in every year between 2008 and 2013, the degree of variance between the budget and the year one accounts had not been adequately explained.
56. The Inspector's queries regarded the capital expenditure, the income provided to Miss Vaidya and the income streams that would support the enterprise, the possible need for fresh injections of capital, and the lack of recognition in the budget of a £170,000 loan and the return of capital in relation to it; and, the dependency of the business on parental support that may be withdrawn in the future. In concluding that there was not clear evidence that the enterprise had been planned on a sound financial basis, the Inspector deliberately did not focus on the £140,000 cost of purchasing the land, or the *apparent element of gift* (of almost £47,000) to the appellant in that case. It was concluded that the business could not be sustained for another three years without a further injection of capital.
57. The structure of the business at Faerie-tale Farm has changed significantly since the previous appeals. This has resulted in the landlord's considerable investment in purchasing the land being separated from FTA, which is the tenant company, and the loan has been written-off. Neither of these matters would be unusual for businesses that are fortunate enough to benefit from such circumstances, including the level of family support made available to it.
58. However, for FTA to demonstrate that the enterprise has been planned on a sound financial basis, it is necessary for the company to show that its budgets and business forecasts are credible, within a business model that places considerable emphasis on the initial setup period required to establish the desired quality of the herd's bloodline.

⁸ Paragraph 14 of the Framework

⁹ Paragraph 49 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

59. Attention has been drawn to an inaccurate statement regarding the share value of FTA and the working capital injected into it.¹⁰ FTA is a limited company registered in 2010. Share capital of approximately £88,000 has been introduced to the company, of which £35,000 has already been used by the business.
60. Mr Donaldson set out four matters that he considered would need to be demonstrated to provide the clear evidence sought that the business had been planned on a sound financial basis. These were that: (i) the business is trading and is expected to trade profitably; (ii) the funding requirements in capital and trading losses are understood; (iii) adequate banking or alternative funding facilities are available; and (iv), the business can provide a return for labour and capital investment.
61. FTA is trading, but at a very low level. To a certain extent this is to be expected during the establishment of both the herd, and the markets for the fleece products. Even so, at present the business does not provide Miss Vaidya with an income comparable to the average agricultural worker's wage, the national minimum wage, or the £16,000 net (£18-19,000 gross) identified by the Office for National Statistics as necessary for a single person to live on, nor has it been shown that as a company Director (and a family member), her receipt of rent addresses the shortfall. In addition, the Parish Council has highlighted the requirements of employment legislation and how this could have been reflected in the company's budget.
62. Ms Vaidya has confirmed that, in the circumstances, she can live on the available funds. If she were not to be the employee, it is not clear how the living expenses for the labour requirement identified by the appellant company would be provided. It would not be until 2013/2014 that profitability would enable Mr Donaldson's matter (iv) to be addressed. That is the business model adopted by FTA and the associated budget makes no allowance for the provision of employee accommodation.
63. The Parish Council has referred to the Accommodation Offset arrangements that are available to FTA under sections 30 and 31 of the Agricultural Wages Order 2011. It has not been suggested that, given the circumstances that pertain to the Appeal A scheme, there is a requirement for the company to use this mechanism. Instead, the temporary dwelling for which planning permission is sought is owned by Miss Vaidya and is a cost that would be borne by her as the employee. There is no reason to doubt that FTA would have access to the landholding during the temporary period sought for the siting of the dwelling, Miss Vaidya would be the employee and the cost of the accommodation would not place a demand on the business.
64. Turning to Mr Donaldson's matter (ii), in addition to the loan that has been written off and the share capital referred to above, the circumstances of FTA would be expected to require further cash inputs of several thousand pounds per month until the forecast return in 2013/14. Mr Vaidya noted the family had always met cash flow requirements in the past and would continue to do so within the context of the budget, and in this way addressed point (iii).
65. However, there would be a cut-off point for the family's financial support to the business and when that point would be reached was not clear. This is

¹⁰ Paragraph 86 of the appellant's response, dated 02-Nov-10 – within Appendix 2 of Mr Rhodes proof of evidence

especially so as the previous Inspector found the £250,000 upper-level of financial commitment before him (which included the now separate land purchase) had already been breached.¹¹

66. While the modification of the FTA budget, through inquiry document 5, could have been seen to reinforce the uncertainty regarding the budget, it is accepted that both the original omission of professional fees in relation to these appeals, and the current adjustment, can be explained by the expectation of planning permission being granted.

The UK alpaca market

67. Alpacas in the UK are not farmed for their meat. Some animals are sold as pets and others for breeding. To a certain degree this insulates the UK alpaca market from the peaks and troughs associated with other farm animal prices, but representations have compared the business to pyramid selling. The previous Inspector in relation to this site reflected this by agreeing with comments in appeal decision letter ref: APP/U2235/A/08/2081974 that "...there must be dangers in a business model based on buying expensive animals for breeding, and selling them to other people to do the same thing...".¹²
68. Prices paid for animals reflect the bloodline of the herd and the quality of the fleece that is produced. While a herd valuation is not a source of income, in August 2011 Mrs Bettinson confirmed that it would be reasonable to expect pregnant females from the existing FTA bloodline to be worth between £3,000 and £4,500.
69. The quality of the bloodline, which FTA seeks to improve, would be expected to influence the demand for their animals. While the limitations of the alpaca market are apparent and have been highlighted by previous Inspectors, and FTA has yet to sell any animals or fully develop its bloodline (which is intended to be its "unique selling point"), the market is functioning and would be expected to support a business selling animals that are attractive to it.
70. Even so, prices for breeding alpacas were shown to have fallen 21% between January 2010 and May 2011. While I do not share the District Council's pessimistic outlook regarding the ability of FTA to sell animals, if the value of the company's principal income stream were to continue to fall, this would have clear implications for the robustness of the FTA budget. However, to what extent there is a downward trend has yet to be confirmed.
71. Fleece products are shown to be a lesser component of the farm's predicted income, along with sheep sales, the single farm payment and "ELS". The experience of other breeders suggests that the sale of added value fleece products could generate a higher income than budgeted. Although this remains only a possibility at this stage, it has not been shown that the variety of colours provided by FTA alpacas, rather than easily dyed white fleeces, would be a significant disadvantage in the future.

The alpaca income stream

72. Clarification of land ownership at Faerie-Tale Farm has resulted in a slight reduction in the area of land available to the business from 14.8 acres to 14.55

¹¹ Paragraph 86 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

¹² Paragraph 78 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

acres. The usable area is further reduced by the presence of the brook and the public footpath which run across the land, and also the areas proposed for the agricultural building, concrete pad and the temporary dwelling. Mrs Bettinson noted that she stocks on the basis of a maximum of 5 animals per acre, but reduces this by a third to allow land to recover and has rented adjacent fields to enable the business to grow.

73. FTA plans a herd of approximately 50 alpacas in 2013/14. The suitability of the holding for this number of alpacas would be dependent on the quality of the land and its management. Although the proposed herd size would be at the upper end of the stocking levels used by Mrs Bettinson, it has not been demonstrated that the FTA holding would have difficulty accommodating the numbers proposed.
74. Budgeted breeding costs were shown to vary depending on the number of unsuccessful or unused matings, which are associated with the out of season births (referred to below in regard to Functional need) that seek to maximise the income from alpaca sales.
75. Alpaca sales are intended to be the principal income stream that leads to the forecast profitability in 2013/2014. Although FTA had not sold any animals in the period up to the inquiry, the bloodline being developed would be expected to make FTA animals attractive to the market. Therefore and within the context of the business model, the lack of sales at this stage is not a clear indication that the forecast profitability would fail to be achieved.

Added value products the second income stream

76. As noted above added value products are a smaller, but nonetheless important part of the FTA income. Evidence to the inquiry confirmed both the quality of UK alpaca wool and the shortage of mills to process it. Delays experienced by FTA due to changing mill ownership and availability have been adequately explained. While attention has been drawn to the differing figures produced for previous budgets, and the variability in these is a cause of concern, the prices obtained for the initial finished products support the amounts in the current budget, with potentially greater profitability if the FTA brand becomes established.¹³
77. Much of the marketing effort has been on this area of income. This is understandable as alpaca (and sheep) sales would be into an established market place, whereas milling and the outlets for added value products need to be found and developed. Given the stage of the FTA herd establishment and the differing nature of the company's income streams, the marketing emphasis is not seen to indicate unsound financial planning. However, Mrs Vaidya has been active on this side of the business, without her contribution being apparent in the budget.

Suppressed costs

78. Concerns were raised regarding budget provision for fuel and capital expenditure. While a capital expenditure budget of £2,000 is included within the budget, it is unclear how the costs of transporting and assembling the temporary dwelling, and the meeting of any associated conditions, would be met and by whom. Nor is it clear how the quad bike discussed during the

¹³ 20kg of FTA wool sheared in 2010 - 7kg of wool has yielded £1500 of sales with £600 stock remaining

inquiry, and other equipment, would be purchased and when. Nevertheless, it has not been shown the budgeted figures for fuel and capital expenditure would be insufficient to address these matters.

Financial conclusion

79. Some family funded businesses may not be forecast to make a profit for a number of years and that is the position in this case. The previous Inspector found the budget ignoring the existence of a £170,000 loan introduced a significant degree of artificiality. That loan has been written-off and the deficit that it would have shown in the current budget does not exist.
80. The District Council has described the effect of the current structure to be a lack of transparency that is no more than a contrivance to remove significant sums from the company's balance sheet. However, that is the model that is before the inquiry and the budget, which has elements of concern within it (in addition to financial compliance issues that have been raised), is nonetheless realistic.
81. Concerns have been raised that FTA is in effect an expensive hobby that could result in a permanent dwelling on the appeal site following the failure of the business. Withdrawal of funding support for FTA during the establishment phase for the business could indeed result in its closure. However, the Appeal A scheme is for a temporary dwelling, which would provide the business with an opportunity to demonstrate that it can become profitable, and in this respect, sustainable in the longer term.

Other normal planning requirements

82. Reference has been made to the potential presence of badgers in the area. The Protection of Badgers Act 1992 protects badgers and their setts, making it an offence to wilfully, kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so, or to interfere with a sett, obstruct its entrance or access, or disturb a badger occupying a sett. No evidence has been produced to suggest the appeal schemes would be likely to do any of the things listed above.
83. Inchford Brook bi-sects the fields that are farmed for the alpacas and the scheme addresses potential flooding associated with this watercourse. A condition has been suggested in regard to drainage that would ensure that sewerage from the proposed development would be adequately dealt with. Other suggested conditions would address vehicular access to the site in the interests of protecting highway safety.

Functional need

84. The Framework seeks the delivery of a wide choice of high quality homes, with paragraph 55 of document addressing housing in rural areas. It indicates that new isolated homes in the countryside should be avoided unless special circumstances apply, such as the essential need for a rural worker to live permanently at or near their place of work. The appellants have sought to show that an alpaca operation of the scale proposed would require at least one full-time worker to be readily available at most times.
85. The previous Inspector found it to be highly material that the District Council had acknowledged there was a functional need for the dwelling, and he accepted the consensus view of the expert evidence before him. However, the

same experts have not reached a consensus in this case. Mr Rhodes has explained the subsequent change in his position, and that of the District Council, results from the way in which the business has been managed and births arranged since the previous inquiry.

86. A footpath passing through Faerie-Tale Farm provides access for the general public that could have both positive and negative effects regarding security. Instances of vandalism at the farm and a theft at the time of the inquiry have been reported, and attacks by dogs on alpacas have occurred elsewhere. As noted above, alpacas are valuable animals, but so too are many horses, pedigree cattle and sheep which are also present in the countryside, and located in fields some distance from dwellings.
87. Electronic surveillance could be employed to assist off-site monitoring, especially if the agricultural building were to be present. If Miss Vaidya and her dogs were to be living at Faerie-Tale Farm there would be additional surveillance to that provided by local residents and people using the highway network. Therefore, although the risk of theft or injury to animals may contribute to the need for an agricultural dwelling, it would not by itself be sufficient to justify one.
88. Veterinary evidence highlighted the general increased focus on animal welfare, and the higher levels of care that tend to occur on alpaca farms. To some extent this reflects the backgrounds of alpaca owners. However, higher levels of care and associated monitoring is also a product of these animals often failing to display clear signs of illness, which reduces the window for treatment.
89. Nonetheless, stock cannot be watched at all hours which has resulted in unaided night-time births at Faerie-Tale Farm. This demonstrates that in common with other farm animals, there will be circumstances where alpacas can be effectively monitored by regular visits, possibly including by remote means, from a nearby (rather than on-site) dwelling.
90. However, the expected frequency of late-night bespoke visits to address individual animals would increase with herd size and the practicability and sustainability of such movements needs to be considered. In this case, the main area of market housing for sale or to rent would be in Kenilworth. The District Council's suggested form of husbandry is based around residence in Kenilworth, with a late evening visit and if necessary, the ability to stay overnight in the touring caravan.
91. The previous Inspector was explicit that his starting point in relation to the availability of alternative accommodation was *the consensus between the agricultural experts*. The appeal site was noted to be remote from Kenilworth and other villages, and that there were no other dwellings available to meet the identified functional need that had been based on unpredictable birth times and the intensive care of valuable stock.¹⁴
92. Kenilworth is in the region of two miles away and the use of a dwelling in the settlement would require vehicular transport. The settlement is of sufficient size for it to be reasonable to expect that there would be available and suitable accommodation for FTA employees. This remote accommodation would be adequate to address predictable measures, such as, providing coats for older alpacas in cold weather. However, staying in Kenilworth would make late night

¹⁴ Paragraph 95 of appeal decision letter refs: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & .../2103183

monitoring much less convenient, and the potential frequency of these journeys suggests, not least in terms of sustainable transport movements, that a worker should be resident on the holding.

93. A considerable number of appeal decisions have been provided by the District Council and the appellant that address the functional test in relation to alpacas. The cases supplied by the appellant include a recent appeal decision ref: APP/F4410/A/2154297, where the Inspector concluded that the need for supervision of alpacas appeared to be greatest during late pregnancy and in the first weeks of life. This is consistent with the evidence heard in this case.
94. The Inspector in that appeal also concluded that the likely frequency of when intensive supervision would be likely to be required increases with animal numbers to a point where it is needed on-site at all times when the herd includes 20 or more breeding females. This would appear to be a significantly larger herd of alpacas than considered by the Inspector in appeal decision ref: APP/U2235/A/08/2081974, where the limited number of animals contributed to the finding that the functional test had not been met.
95. The agricultural appraisal submitted at the application stage for the current appeal scheme noted the proposal to be based on a minimum of 16-18 breeding females.¹⁵ Evidence presented to the inquiry indicated that the FTA business model is based on approximately 20 breeding females within a herd of 50.¹⁶ In terms of herd size, this will place FTA within the top 25% of British herds and close to being in the top 7.5%.¹⁷
96. Alpaca matings can be planned due to the dams being induced ovulators. While there is a degree of complexity in the process, the requirements have not been shown to include all parts of the day and therefore mating would not in itself be justification for a dwelling.
97. The term of the pregnancy can vary which causes birthing to be much less predictable than in, for example, cattle. Reference was also made to alpacas' ability to suspend foetal growth causing the length of the pregnancy to vary between 300-400 days. Mr Broadbent, who is a specialist camelid vet with extensive experience that includes being President of the British Veterinary Camelid Society, confirmed that if this occurred it would be to a herd or on a national basis, rather than a single animal. This reduces the potential for there to be unexpected births associated with this extreme variation in length of pregnancy and therefore, an elongated birthing season, as referred to in relation to 2010 and 2011.¹⁸
98. Minimising the number of intact males kept at Faerie-Tale Farm helps to prevent unexpected matings. Even so, cria births can occur outside the preferable spring/summer season. This is most likely when unsuccessful matings are addressed (or pregnant females are imported). Given the number of breeding dams at Faerie-Tale Farm and the prices that would be sought when cria are eventually sold, postponing a mating until the next season would be a significant loss of income to the FTA business.

¹⁵ Appeal document N – Mike Warren Consultancy Ltd Agricultural Appraisal – June 2010 – paragraph 3.7

¹⁶ Proof of evidence from Mr Vaidya and Mr Warren paragraph 3.5

¹⁷ Proof of evidence from Mr Vaidya and Mr Warren paragraph 6.12

¹⁸ Appellant's comments in Appendix 2, page 18 of Mr Rhodes' Proof of Evidence

99. Both the temporary dwelling and the agricultural building have been linked to enabling birthing at FTA outside the spring/summer window. A number of the precautionary animal welfare measures referred to within the evidence, such as separating a sickly animal from the herd to keep it warm and dry, could also be addressed by the provision of an agricultural building.
100. Case Law and Practice Guidance from The Planning Inspectorate was referred to within the evidence. It emphasises that: alpacas can give birth throughout the year; they show little sign of imminent birth or oncoming ill health; and, they can have complicated births. It also indicates that arguments that alpacas have special care needs beyond cattle, horses and sheep should be treated with caution.
101. The appellant's case in closing states that this issue is to be judged at the end of the temporary permission for which permission is sought, but that functional need can also be demonstrated in principle before an operation commences, or realises its future functional requirements.
102. Evidence shows the case in regard to functional need in this appeal to be finely balanced. Much of the animal husbandry at Faerie-Tale Farm could be carried out by a worker living off-site, for example in Kenilworth, who would travel to the holding and occasionally stay in the touring caravan. However, the proposed scale of the operation, along with the likelihood of births and a need for animal welfare outside the spring/summer birthing season are sufficient to demonstrate that a functional need exists in this case.
103. Other former PPS7 Annex A paragraph 12 criteria that are met contribute to this finding. This includes the lack of evidence that this functional need could be readily addressed by any dwellings in the immediate vicinity of the appeal site, and especially given the current income from the business.

Rural housing

104. Within the context of current national policy, rural housing is now the subject of paragraph 55 of the Framework. It states that isolated new homes in the countryside should be avoided unless there are special circumstances that would justify the dwelling. The identified functional need is one of the four examples of "special circumstances" provided by paragraph 55. The proposed temporary development would provide an opportunity for the business to demonstrate that the essential functional need would be in relation to a business that could be sustained.

Supporting a prosperous rural economy

105. The Framework is unambiguous regarding the support that should be given to supporting economic growth in rural areas. Paragraph 28 seeks planning policies to promote the development and diversification of agricultural and other land-based businesses. The proposed temporary dwelling would support the growth of the FTA business, which provides significant weight in favour of the Appeal A scheme.
106. The proposal would assist the management of the land to retain it as an attractive area for walkers and others to enjoy. However, this in itself provides little weight in favour of the proposal as, in the absence of alpaca, pasture on the site could benefit from other agricultural practices that could be carried out without a temporary dwelling. Indeed, other agricultural practices would

reasonably be expected to also make a contribution towards a prosperous rural economy.

The presumption in favour of sustainable development

107. Given the identified functional need for the dwelling, this proposal would support and enable the intended direct economic benefits to be demonstrated. These include the provision of employment for FTA staff, along with business for the mill and the knitters who work on the fleece to create products for sale. As reflected above, the Framework places significant weight on the need to support economic growth through the planning system.¹⁹
108. Sustainable development has three dimensions and the roles of the planning system in relation to these are described within the Framework.²⁰ In this case, the temporary period sought would provide the appellant with a period of time in which to demonstrate the long term economic sustainability of the business. In social terms, it would provide the temporary dwelling that is necessary to do this, and while it would reduce the characteristic openness in this location, the on-site presence of a worker would reduce transport movements to and from the site for stock management. In these ways, the Appeal A scheme would promote sustainable development in this rural area and complies with paragraph 55 of the Framework, which provides significant weight in favour of the appeal scheme.
109. In addressing the presumption in favour of sustainable development, the Framework states that where a development plan is silent, absent or out of date planning permission should be granted unless: any adverse impacts would significantly outweigh the benefits when assessed against the policies of the Framework as a whole; or, there are specific policies within the Framework that indicate the development should be restricted.²¹
110. In this respect, paragraph 87 of the Framework states that inappropriate development in the Green Belt should be restricted and only allowed in very special circumstances.
- Whether any harm by the reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the temporary agricultural dwelling proposed*
111. Evidence from the appellant in this case includes a considerable number of planning appeal decision letters and a few of these, for example appeal ref: APP/J1535/A/09/2115187, found very special circumstances to have been demonstrated in relation to alpaca farming. Each application and appeal is determined on its individual merits, with regard to the policies and circumstances that apply to it. Therefore, a finding of very special circumstances in another appeal does not set a precedent in relation to this case.
112. In this area of Green Belt, policies within the Framework seek to prevent development that would reduce openness and be contrary to the purposes for including land within the Green Belt. Indeed, the protection of the Green Belt is a "Core planning principle" of the Framework, and the Green Belt harms

¹⁹ Paragraphs 19 and 21 of the Framework

²⁰ Paragraph 7 of the Framework

²¹ Paragraph 14 of the Framework

identified above in respect to inappropriateness and openness provide substantial weight against the proposal.

113. The need to support sustainable economic development is also a "Core planning principle" and the identified essential need is a *special circumstance* within the context provided by paragraph 55 of the Framework. Nevertheless, when the other considerations (and the scope of suggested conditions) are set against the identified Green Belt harms, the Green Belt harms are not clearly outweighed. Nor when taken as a whole are the circumstances of this case, as set out above, capable of being described as *very special* for the other considerations to amount to the very special circumstances necessary to justify the temporary development proposed.

Appeal B – Main Issue

114. This is considered to be the effect of the proposed agricultural building and the concrete pad on the character and appearance of the countryside.

Appeal B – Reasons

115. The rural character of this locality and the Green Belt openness within it are described above. It is common ground between the main parties to this appeal that the proposed size, design and materials of the agricultural building are acceptable. It would be of a form and construction that would reasonably be expected to be found in a rural setting for the intended agricultural purpose. Given the number of animals proposed for the holding and the role of the building in their management, I agree that its size would also be appropriate. However, there is disagreement between parties to the inquiry regarding the acceptability of the proposed location.
116. As noted above, in determining appeals ref: APP/T3725/C/09/2105468, APP/T3725/A/09/2103181 & APP/T3725/A/09/2103183, the previous Inspector concluded that the agricultural building could, along with the temporary dwelling, be located closer to the site entrance.
117. The current Appeal B scheme would place the agricultural building considerably closer to Rouncil Lane. District Council drawings show that in views from the site entrance the ridge line of the agricultural building, in common with the temporary dwelling, would break the skyline. In these aspects and on the footpath that crosses the appeal sites, the agricultural building would be a prominent feature. However, this would not be so in many other views and the number of people who would view the building from the site entrance, which is setback from Rouncil Lane, would be limited.
118. While the agricultural building would be too far from the site boundary to appear as a form of roadside development that would be similar to examples provided by the District Council, it would be set lower in the landscape than previously proposed. These factors, along with the topography around the site and the more limited aspects from it, would significantly reduce the visual impact of the agricultural building in the wider landscape.
119. As a built form in Green Belt countryside, the agricultural building would reduce its characteristic openness. The concrete pad is some distance from the location of agricultural building. It was the base used for the previous positioning of the temporary dwelling, which the previous Inspector noted could be seen from both near and more distance views further along Rouncil Lane.

He also commented that to effectively screen something in this location could result in an alien feature.

120. Although in the absence of the concrete pad, materials could be stored on the former site of the structure, the likelihood of such storage and associated parking would reasonably be expected to be greater with the concrete pad in place. In cross-examination the District Council's planning witness highlighted that the effect of the concrete pad would increase the farm area.
121. The application for the agricultural building and concrete pad are for permanent forms of development, and the appellant has highlighted the separation between the Appeal A and Appeal B schemes. In the absence of the temporary dwelling the physical separation between of the concrete pad and the agricultural building would be emphasised. While the appellant has drawn attention to the possible advantages of stock management from the elevated position of the concrete pad, it is not a farm layout that is evident as being a characteristic of the locality. Indeed, other farms appear to have stock handling areas in close proximity to the agricultural buildings.
122. The effect of the proposed remote "farm yard" would be to extend the erosion of the undeveloped countryside in this location in a manner that would neither reflect the scale of the holding or the characteristic layouts of the farms around it. A condition could be imposed to limit open storage on the concrete pad, but this could lead to open storage on the grassland immediately around it and in any event, the concrete pad would reasonably be expected to remain a focus of activity on the site in an elevated position.
123. It is a "Core planning principle" within paragraph 17 of the Framework that planning should always seek to secure high quality design. This is confirmed in paragraph 56 of the document which is explicit regarding the "great importance" attached to design, and that good design is both indivisible from good planning and is a key aspect of sustainable development.
124. Consequently, while the proposed agricultural building complies with the SPG, the retention of the existing hardstanding would be unacceptably harmful to the character and appearance of this countryside, and suggested conditions would not overcome this harm. As a result, the Appeal B scheme conflicts with the aims of the Framework as expressed in paragraphs of the document that include nos.17 and 56, and LP policies DP1 and DP3.

Conclusions

Appeal A

125. For the reasons above and following consideration of all matters raised in this case, the Appeal A scheme should be dismissed.

Appeal B

126. For the reasons above and following consideration of all matters raised in this case, the Appeal B scheme should be dismissed.

C Sproule

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Cooke	Counsel, instructed by Warwick District Council
He called	
Andrew Donaldson	Director, BTG Global Risk Partners
BA(Hons) ACA FRSA	
Paul Rhodes	Rhodes Rural Planning & Land Management
MRICS	
David Edmonds	Senior Appeals Officer, Warwick District Council
BSc(Hons) DipTP MRTPI	

FOR THE BEAUSALE, HASELEY, HONILEY & WROXALL PARISH COUNCIL:

Cllr. Janet Gee	Member of the Parish Council
Cllr. Richard Wood	Member of the Parish Council
Cllr. Chris Lewis	Chairman of the Parish Council

FOR THE APPELLANT:

Hugh Richards	Counsel, instructed by Willis & Co
He called	
Robert Broadbent	Stow Veterinary Surgeons
Bvet Med MRCVS	
Kierti Vaidya	Director, Faerie Tale Alpacas Limited
Shirley Bettinson	Toft Alpacas
Mike Warren	Mike Warren Consultancy Limited
BSc(Hons) FBIAC	
Kirit Vaidya	Director, Faerie Tale Alpacas Limited
BSocSc FRSA	
Marc Willis	Managing Director, Willis & Co
BTP MRTPI MBIAC	

INTERESTED PERSONS:

Jane Heydecker	Speaking in support of the applicant
Mick Hutchcox	Speaking in support of the applicant
Dr Andrew Entwistle MBE	Speaking in support of the applicant

DOCUMENTS

- 1 Statement of common ground
- 2 Agenda Item 8 of Report Prepared 20 October 2011 – Application No. 11/1803M White Peak Alpaca Farm, Mobberley, Knutsford, Cheshire WA16 7DB
- 3 Statement on behalf of Beausale, Haseley, Honiley and Wroxall Parish Council
- 4 Letter from Clare E Whitehead BVM&S MS MRCVS DACVIM (Large Animal) – dated 10 January 2012

- 5 Appendix 26 (modified) : Budget – Faerie Tale Alpacas Ltd 2010/2011 to 2013/2014
- 6 Promap extract with farmsteads highlighted that are set back from the highway
- 7 Suggested replacement condition no.2 and additional condition no.9 within an e-mail between the Appellant and the District Council dated 12 January 2012
- 8 Costs application of behalf of the Appellant
- 9 Response of Warwick District Council to the Appellant's Costs Application

APPENDIX 3



Appeal Decisions

Hearing and site visit held on 26 June 2012

by **Clive Kirkbride BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 August 2012

Appeal Ref: APP/C1625/C/12/2171928 and 2172069
Bird Farm, Stancombe, Dursley, Gloucestershire, GL11 6AY

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Rodney and Mrs Emma Bird against an enforcement notice issued by Stroud District Council.
 - The Council's reference is S.11/0162/UNCHU (7415).
 - The notice was issued on 22 February 2012.
 - The breach of planning control as alleged in the notice is a material change of use of the land from use for agriculture to a mixed use of agriculture and as a residential caravan site.
 - The requirements of the notice are to permanently cease the residential use on the site and permanently remove the caravan and all domestic paraphernalia from the site.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal Ref: APP/C1625/A/12/2171046
Bird Farm, Stancombe, Dursley, Gloucestershire, GL11 6AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rodney and Mrs Emma Bird against the decision of Stroud District Council.
 - The application Ref S.11/2449/FUL, dated 5 December 2011, was refused by notice dated 8 February 2012.
 - The development proposed is the siting of a temporary agricultural workers dwelling with treatment plant for a period of 3 years.
-

Decisions

APP/C1625/C/12/2171928 and 2172069

1. The appeals against the enforcement notice are allowed on ground (g), and the enforcement notice is varied by the deletion of 6 months and the substitution of 9 months as the period for compliance. Subject to this variation the enforcement notice is upheld, the appeals are dismissed and planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

APP/C1625/A/12/2171046

2. The appeal is dismissed.

Background

3. The notice land is situated within an area of countryside comprising a secluded valley adjacent to an escarpment and forms part of the Cotswolds Area of Outstanding Natural Beauty (AONB). The land extends to an area of about 3.8ha and is generally well screened by hedgerows and trees. The B4640 runs along the north eastern boundary, a minor rural road runs along its southern boundary and there is a public right of way along the western boundary. The land is currently being used for breeding alpacas and by free range poultry and pigs with the original, single large field subdivided by stock fencing into a number of paddocks. The appellants have also planted a small area of willows.

4. A permitted new vehicular access has been constructed in the south eastern corner of the site and the land also benefits from a permitted area of hardstanding and an electricity supply. A range of lean-to structures and storage containers benefit from a temporary permission due to expire in September 2014. The appellants also have permission to construct a new agricultural building on the site where the appeal caravan is currently stationed. Their intention is to construct this once they have erected the new temporary dwelling (as a replacement for the caravan) in the position shown on Drawing No. GB20 submitted with the original planning application.

Planning policy framework

5. The Government published its new National Planning Policy Framework (the Framework) in March 2012. This cancelled a raft of Government planning policy statements (PPSs) and guidance notes, including PPS7 *Sustainable Development in Rural Areas*, with immediate effect. Annex A of PPS7, amongst other matters, set out a tried and tested methodology for assessing if there was an essential need for an agricultural worker's dwelling on a holding.
6. Saved Policy HN10 of the Stroud District Local Plan (LP) adopted 2005 seeks to restrict new residential development outside defined settlement boundaries unless there is an essential agricultural or forestry need. This is generally consistent with the wording in paragraph 55 of the Framework about local planning authorities avoiding new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. However, the explanatory wording to Policy HN10 relates directly back to PPS7 and Annex A and potentially causes a problem when assessing essential need as it is now necessary to decide, on a case by case basis, what factors to take into account and give weight to. The methodology set out in Annex A can still be a material consideration, but no longer on the basis that it is Government policy. Submissions on this matter were made in writing prior to the hearing taking place and during the hearing itself.
8. Having given careful consideration to the points made by all parties I find as follows: Firstly, the essential need for a rural worker to live permanently at or near their place of work in the countryside has to be judged objectively; secondly, whilst it is no longer the case that evidence of essential need must be assessed against the tests set out in Annex A, this does not mean that evidence that shows that the requirements of Annex A are not met cannot be taken into account; thirdly, the Annex A test remains an appropriate way to assess 'essential need' as it is well-established and well understood, even though it no longer forms part of Government policy. It is, therefore, still open to decision makers to assess need against the tests set out in Annex A and conclude, in particular local circumstances, when those tests have not been met, even though PPS7 can no longer be cited as the authority for carrying out such an assessment.
9. However, the Framework does give appellants the opportunity to demonstrate that there is an essential need on the basis of evidence that does not seek to, or cannot, show that all the factors contained in Annex A have been met. The appellant suggested that the only test that mattered was the Framework's presumption in favour of sustainable development; this could include the Annex A functional needs test but not the financial one. However, no reasons were given for assessing the appeal development against one test but not the other.
10. A convincing case has to be made that there is an essential need, as required by paragraph 55 of the Framework, for the appellants to live permanently at or near their place of work in the countryside. I consider that the test for a temporary dwelling set out in Annex A to PPS7 is an appropriate starting point, even though it must carry less weight now than it did before the Framework was published.

The ground (a) and S78 appeals

Main issue

11. I consider this to be whether there is an essential need for the appellants to live at or near their place of work.

Reasons

12. The appellants are intent on developing a mixed rural enterprise. Although based predominantly on their expanding alpaca herd, they also breed and sell poultry, sell free range eggs at the farm gate, and raise pigs for meat sold to a range of local outlets, although no details were provided. Mr Bird also does local contract work including installing hurdles made from willow grown on the farm and Mrs Bird produces a range of craft products for sale at local farmers' markets made from their own alpaca fleece and harvested willow stems; she also runs weaving and basketry courses. The farm is also used as an outlet for NVQ students studying animal husbandry at colleges in Stroud and Filton.
13. In short, this would appear to be exactly the kind of rural enterprise that the Framework aims to encourage through its presumption in favour of sustainable development and support for a prosperous rural economy. Nevertheless, it is necessary to establish whether the appellants' stated intentions are reasonably likely to materialise, are capable of being sustained for a reasonable period of time (that is, they have been planned on a sound financial basis) and that the needs of their enterprise require them to live on the land itself, rather than in an existing dwelling nearby (in other words, that there is a functional need for a dwelling on the holding).

Intention and ability

14. The appellants are clearly intent on establishing and making a success of their enterprise. The Council has expressed concerns about their limited agricultural experience but I heard no compelling evidence which supported those concerns. On the contrary, the appellants clearly enjoy the support and encouragement given by an established and successful alpaca breeder (Mr Atkins) and it is the alpaca element of the appellants' business which both underpins the financial viability of their entire enterprise and leads them to consider that it is essential they live on the land.

Financial basis

15. Many of the concerns raised were based on the holding being too small to accommodate the numbers of animals proposed when the need for rotational grazing, fallow periods and the area of land which cannot not be utilised for grazing (the willows, the wildlife pond, buildings and area of hardstanding) is accounted for. As a consequence, there remain questions about the appellants' ability to maintain the proposed level of breeding stock which underpins the business plan.
16. However, it was generally acknowledged that whilst there was no obvious pattern, the sale of pedigree alpacas was very profitable and I heard evidence that viable herds have been developed on smaller areas of land than the appeal holding. I also heard that Mr Atkins had recently sold off most of his stock and may source replacement animals from the appellants whose stock was genetically similar to his own. However, there is no firm evidence that this would be the case.
17. It was also noted that alpaca prices had fallen some 25-30% between 2007 and 2011 which would impact on projected income levels. Mr Atkins has a proven record, reputation and bloodlines built up over a 10 year period whereas the appellants are, by their own admission, newcomers and novices. In such circumstances, I do not consider that their achievable income should be compared with Mr Atkins'.
18. Two local vets considered it was folly to start up an alpaca breeding herd in such a well-documented bovine tuberculosis (TB) hot-spot. Alpacas are especially vulnerable to the disease for which there is currently no reliable test and existing vaccines are unreliable and ineffective. The vets considered that the failure of the business plan to make any provision for the loss of stock to TB and that it greatly under-estimates vets' and alpaca healthcare costs were particular weaknesses. They were also concerned about bio-security risks; visitors to the farm are positively encouraged, including students and course participants, and the appellants' plans include keeping alpacas on livery in addition to their own herd.
19. Their income would be drastically hit in the event of a TB outbreak and, whilst steps could be taken to reduce the risk from TB, including badger-proofing the perimeter of the land, no such costs were included in the business plan.

20. Even though the appellants produce the majority of their own feed on rented land and are virtually self-sufficient in this respect, expenditure on alpacas is only shown to increase by a relatively small amount over the period 2011 – 2014. This is despite the planned increase in herd size and the fact that actual expenditure on this item in 2011 was more than double the estimated cost. There are also numerous established producers selling pork and free range eggs at the farm gate leading to questions about the profitability of these parts of the business without evidence of other more reliable outlets.
21. Even so, the appellants stressed that a strength of their mixed enterprise is that it has a variety of different income streams. In addition to producing breeding stock, eggs and meat they also produce, for example, a variety of craft products which have proven to be particularly profitable by adding value to willow stems and alpaca fleece grown and produced on the holding. However, I also heard that the success of this element of their business was due, in part, to the help freely given by family members living close by. More significant, however, is the fact that there is no allowance in the business plan for the cost of the dwelling intended as a replacement for the existing static caravan or for constructing the permitted agricultural building.
22. Based on the evidence before me, I find that the three year business plan over-estimates the likely income to be generated and under-estimates the level of expenditure likely to be incurred to the extent that the appellants' stated intentions would be unlikely to materialise or be sustainable. Therefore, I conclude that the appellants' enterprise has not been planned on a sound financial basis.

Functional need

23. The Council's independent agricultural appraisal found that the animal welfare requirements of the relatively small herd of alpacas proposed did not justify a full time worker living on site. Alpacas are relatively hardy and do not generally require round-the-clock supervision and birthing times could be planned to coincide with spring and summer. Non-routine welfare issues would then be primarily seasonal, requiring temporary not year round accommodation, and could be met by agricultural permitted development rights.
24. This finding was supported by the local vets who attended the hearing. They found similarities between alpaca breeding and equine enterprises and also related incidences of being called out during the night to attend the birth of lambs and calves in isolated fields, which they considered to be part-and-parcel of animal husbandry and welfare. Reference was made to alpacas generally birthing during daytime on one site and to peer-reviewed scientific papers which have found that the frequency of alpaca birthing problems is very low. The appellants are newcomers to alpaca breeding and, whilst they may be able to call on the advice and support of Mr Atkins, I consider the advice that they should plan for birthing during the spring and summer months, rather than year round, to be sound.
25. The contrary argument is that, increasingly, birthing is no longer seasonal and that many larger breeders with the right facilities will birth all year round to aid cash flow. Birthing can be straightforward for much of the time but if problems do occur, especially with night time births, workers living on site are best positioned to respond and deal with problems quickly. Prematurity, in particular, is relatively common and new born cria need immediate attention. UK practice has been to minimise contact at birth but many breeders are now following US practice of close personal contact, with smaller producers such as the appellants being particularly concerned about animal welfare.
26. The appellants consider that supervision and observation of every single birth is critical, ideally on a 24 hour basis between April and September, but outside these months as well. As alpacas also tend to show few symptoms during the early stages of illness it was argued that their welfare requirements could only be tended to by living on site and the appellants related a number of recent incidences of out-of-hours working to support their case.
27. In the appellants' view, the more time spent with their alpacas the better their chance of survival and the greater the chance their enterprise has of succeeding. This includes being on hand to at all times to defend their stock against predation by dogs and foxes, of which graphic evidence was provided by Mr Atkins. Alpacas are far more valuable than sheep and the loss of even a single alpaca could affect profitability, whereas a sheep farmer would be

likely to recover from multiple losses. There was, however, no evidence of any predation incidents having actually occurred on the appellants' land.

28. The Council and other parties argued that even if a functional need could be demonstrated this could be met by seasonal occupation of the land given that much of the appellants' work is routine, is not dependent upon them living on site and the land is not particularly remote. The appellants' search for alternative properties concentrated only on small holdings, so that they could take their animals with them, and they found none that were locally available and affordable. There is, however, good evidence of a number of dwellings being available locally for sale and rent, with prices ranging from £125,000 and £600 per month upwards. There is no evidence before me demonstrating that the appellants could not afford to buy or rent a locally available property; rather it was their choice not to do so.
29. On balance, I am not persuaded from the evidence before me that there is a requirement for the appellants to live on the land. In my judgment, a combination of living nearby and making use of permitted development rights to be on hand during a planned birthing season would enable the appellants to attend to the welfare requirements of their alpacas.

Overall conclusions on the ground (a) and s78 appeals

30. I have found that the appellants' intentions to establish a diverse rural enterprise to be genuine and generally in the spirit of the new Framework. However, I have found that their enterprise has not been planned on a sound financial basis and that there is no functional need for a dwelling on the land.
31. Consequently, I consider that the special circumstances envisaged in paragraph 55 of the Framework justifying an isolated new dwelling in the countryside do not exist. The appeal development conflicts with LP Policy HN10 in this regard and would be contrary to the Framework requirement that great weight should be given to conserving landscape and scenic beauty in nationally designated areas, such as AONBs, which have the highest status of protection.

The ground (g) enforcement appeals

32. The appellants' request that the compliance period should run for the same length of time as the temporary permission for their lean-to structures and storage containers, that is until September 2014, would almost be synonymous with granting temporary permission for an agricultural dwelling.
33. There is no physical difficulty in complying with notice requirements within the compliance period and I heard that the appellants have other properties they could live in, in the event they were to experience difficulties in finding alternative accommodation in relatively close proximity to the notice land. However, the Council raised no objections to the compliance period being extended to nine months in order to enable the appellants to concentrate on their farming and related activities for the remainder of the season without the worry also of finding alternative accommodation. On this limited basis the ground (g) appeals succeed.

C.S. Kirkbride

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gavin Jones, BSc MA MRTPI	The appellants' planning consultant and agent
P Duncan, BSc(Hons) MRICS	Consultant acting for the appellants
Ray Cheriton	The appellants' agent for the planning application
Rodney and Emma Bird	The appellants
Robert Broadbent, BVetMed MRCVS	Expert veterinary witness for the appellants
M Holland	
Nick Atkins	Local alpaca breeder
Rachel Mackenzie	Student on work placement with the appellants

FOR THE LOCAL PLANNING AUTHORITY:

David Corker, DipTP	Principal Appeals and Enforcement Officer, Stroud District Council
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INTERESTED PERSONS:

Paul Rhodes	Planning consultant acting on behalf of local residents
Keith Larkin and Rex Symons	North Nibley Parish Council
Mark Patterson, MA VetMB PhD MRCVS	Local vet
Nick Eames, BVSc MRCVS	Local vet
Ben Harford	
Sue Convery, Ben Hoffnung, Robert Maxwell, David Palmer and Audrey Sewell)) Local residents)

DOCUMENTS

- 1 Supportive emails dated 21/06/12 and 25/06/12 from Richard and Melodie Morris and Cllr Paul Denney, respectively (submitted for the Appellants)
- 2 Financial plan: First Year (2011) comparison of Plan vs Actual and Summary of Sales from 5 April 2012 to 9 June 2012 (submitted for the Appellants)
- 3 Price list for alpacas sold by Mr Atkins
- 4 Copy of Policy NE8 (development within the Cotswolds AONB) of the Stroud District Local Plan (submitted by North Nibley Parish Council)
- 5 Suggested conditions (submitted by the Council)
- 6 Bundle of documents relating to tuberculosis in camelids (submitted by Nick Eames)

PHOTOGRAPHS

- 1 Bundle of photos of the appeal site taken at different times of the year from high ground to the south (submitted by the Parish Council)
- 2 Injuries to alpacas caused by dogs (submitted by Mr Atkins)

APPENDIX 4

Average prices for Alpacas
Extract from Alpaca Seller Web site
Comparing average prices at January 2010 and May 2011

January 2010

- Pregnant females £4,851
- Females £3,314
- Females with cria £4,956
- Wethers £533
- Young males(intact) £925
- Stud males £4,849

May 2011

- Pregnant females £3,862
- Females £2,495
- Females with cria £4,107
- Wethers £479
- Young males(intact) £675
- Stud males £4,748

(6) Application No: PAP/2015/0268

Land at junction with A446, Gorsey Way, Coleshill,

Erection of a 3 bedroom bungalow, for

Mrs Tracy Rawlins

Introduction

The application is reported to Planning and Development Board at the discretion of the Head of Development Control.

The Site

The site is a parcel of land in close proximity to the junction of Gorsey Lane and the A446. Gorsey Way is a residential road that extends to Chattle Hill. The land is laid to grass but with a landscaped earth bund and substantial landscaping along its rear boundary where the site backs onto the A446. The parcel of land is located within the Development Boundary for Coleshill. It is not designated as open green space and it does not have a special designation but has an amenity value to the residents. The site area of the parcel of land is approximately 0.714 hectares and to the rear of the application site boundary is a public footway. The site in relation to its context is illustrated in the aerial view below:



The Proposal

It is proposed to erection of a three bedroom bungalow and a detached garage. The design of the dwelling and the garage and the section of the site can be viewed at Appendix B.

Background

Back in 1977 a planning permission was granted for the six houses that currently occupy Gorse Way. The parcel of land earmarked for the proposed bungalow was shown as being left open. In 1979 planning permission was refused for one bungalow and on appeal with the Inspector saying that *'the Local Planning Authority has consistently refused to permit development between the service road and the trunk road and the erection of a dwelling on this site would be inconsistent with the open fronted character of the residential development in this area'*. There have been subsequent refusals for two bungalows in 2001 and for one bungalow with a garage in 2001. The reasons cited were noise, the loss of the landscaped buffer zone and the impact on the privacy of the houses opposite. In 2003 an application for a certificate of lawfulness for a fence around the perimeter of the land was refused and a further application for a certificate of lawfulness was also refused, which following an appeal was found not to be permitted development.

This site history suggests that the parcel of land should be retained for the amenity of the street scene, given that all of the previous applications on this parcel of land have been consistently refused. However there was a substantial change in 2014 when, following this Council's refusal of planning permission for a two bedroomed bungalow, an appeal was allowed. The arrangement allowed at Appeal is available at Appendix C along with the Inspector's decision at Appendix D.

This appeal decision is a material planning consideration of substantial weight in looking at the current application.

Development Plan

The Core Strategy 2014 – Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development) and NW13 (Natural Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

The National Planning Policy Framework - (the "NPPF")

Representations

Coleshill Town Council – There is an objection on six grounds: highway safety concerns on a busy dual carriageway; loss of visual amenity to occupiers of local properties, loss of vista for those travelling through the junction, the fencing of the area would be incongruous in an open environment, potential archaeological issues, loss of arboricultural benefit and the noise buffer effect of the trees.

Coleshill Civic Society – It objects to the scheme proposed at the narrow and busy entrance to the estate. In this example of infill we see no merit in shoehorning a building into a space that is better left to retain openness which has some amenity value. There is a degree of incongruity about the proposal.

Five objections have been received from the local residents. The matters raised include:

- The area is presently used as a play area fostering community spirit.
- It acts as a safety barrier should accidents occur on the A446 as in the past
- The development is cramped and intensive
- There will be loss of trees and wildlife habitat thus diminishing its ecological value
- Parking difficulties would increase
- Loss of privacy through overlooking
- There are utilities under the land
- There will be increased noise from the A446

Consultations

Warwickshire County Council as Highway Authority – No objection is raised subject to conditions regarding further approval for details of surfacing; drainage, levels, the provision of visibility splays and for the prevention of the spread of extraneous materials onto the public highway.

Environmental Health Officer – No comments received.

HS2 Ltd – No comments.

Severn Trent Water – No objection subject to drainage plans for the disposal of surface water and foul sewage.

Police Architectural Liaison Officer – No objection

Observations

The site lies within the Coleshill settlement boundary defined by the Development Plan, and Coleshill is a town identified in that Plan as being an appropriate location for a minimum of 275 houses in its plan period. It is not an area of land that has any open space or amenity land designation within that same Plan. As such there is no objection in principle to the release of this land for a dwelling. Indeed there is a detailed planning permission for a bungalow and a garage on the land – granted on appeal in 2014. This permission is extant and will be until January 2017. This is a material planning consideration of substantial weight in the determination of this case, as this permission can be taken up even if there is a refusal of this current application.

The key issues here are therefore whether the current proposals are so materially different from the 2014 approval to warrant and to sustain a refusal. The differences are:

- The siting of the bungalow on the land is the same as the 2014 permission being along its Gorse Way frontage. The appearance of that now proposed is substantially the same too but it elongated to accommodate an additional bedroom; it has gable ends rather than “hips” and the chimney has been removed. The overall length is proposed to increase by 4.3 metres; the width remains as approved and the overall height is increased by 0.8 metres to 5.3 metres.
- The detached double garage is replaced by a single garage to the south as before, but set further back into the site. Three rather than four parking spaces are provided.
- There is a larger rear garden

In terms of parking provision then despite the reduction of one space, the provision meets that set out in the Development Plan. Additionally there would be minimal extra traffic generated by the addition of one bedroom. The Highway Authority recognises both of these matters and hence has not raised an objection.

The appearance and design of the bungalow is very similar to that approved in 2014. It is keeping and is not so materially different to that recently approved to warrant a refusal.

It is agreed that the rear garden is enlarged but there is still a significant area of the existing bund and landscaping remaining to act as a buffer zone.

In terms of impact on the residential amenity of the opposite properties then the general siting has already been agreed in 2014 as being satisfactory in respect of separation distance. Hence the elongation now proposed would not be materially different. The increased ridge height is not so large to have a material impact – there would still be a 15 metre separation distance and the existing houses have a west facing outlook.

There would be very little difference in the noise environment experienced by existing residents arising from the approved scheme and that now proposed. Noise mitigation measures for the new bungalow would be required.

There is no worse ecological impact arising from the current scheme over and above that arising from the approved scheme, and there are no archaeological interests here protected by the approved scheme.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the revised plans numbered 30524 01 Rev B and 30524 02 received by the Local Planning Authority on 1 July 2015.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development shall be commenced before sample of the facing materials and roofing tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

5. All planting, seeding or turfing comprised in the approved details of landscaping required by condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

6. No development or site works whatsoever shall commence on site until details of measures for the protection of existing trees have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

7. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

8. The access to the site for vehicles shall be located in the position shown on drawing number 30524 01 Rev B. The access shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

9. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

10. The dwelling shall not be occupied until the footpath/footway link as shown on drawing number 30524 01 Rev B has been constructed to the satisfaction of the Highway Authority.

REASON

In the interests of safety on the public highway.

11. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

12. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway and to clean the public highway of such material.

REASON

In the interests of safety on the public highway.

13. No development shall take place on site until full details of noise mitigation measures are submitted to and approved in writing by the Local Planning Authority. This must include detailed specifications for the fencing and bunding of the garden areas, details of acoustically attenuated glazing and ventilation. All works which form part of the agreed scheme shall be completed before the first occupation of the dwelling.

REASON

To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity

14. Non construction deliveries or construction work shall take place outside of the hours of 08.00 hours and 18.00 hours Monday to Friday and 08.00 and 13.00 on Saturdays. Non construction, deliveries or construction work shall take place on Sundays or Public Bank Holidays.

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework
2. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

3. The applicant/developer is reminded of the protection afforded to nesting birds and bats may be foraging in the trees located within the limitations of the development. Therefore works should take place outside of nesting bird season and should nesting birds or foraging bats be present works must cease and the ecology division of Warwickshire County Council should be contacted on 01926 410410.
4. Condition numbers 8 and 9 requires work to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
5. Condition number 10 requires works to be carried out within the limits of the public highway. The applicant/developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.
6. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required. c. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway.

The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

7. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant must take all necessary action to ensure that extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement, issue of any licence or similar action which may be incurred as a result of the applicant's/developer's failure to make an application for such an agreement/licence sufficiently in advance of the works requiring to be executed, or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.
9. Under Section 142 of the Highways Act 1980 the [Agent] Highway Authority may, by licence, permit the occupier or owner of any premises adjoining a public highway to plant or retain and thereafter maintain trees, shrubs etc., in the part of the highway adjoining their premises. Before any of the permitted development is commenced the applicant/developer should make an application to the [Agent] Highway Authority for the issue of a licence under Section 142 for the future maintenance of all trees, shrubs etc.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0268

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/4/15
2	Mr Burke	Representation	20/5/15
3	Ms Cattell	Representation	21/5/15
4	S Boodle	Representation	23/5/15
5	WCC Highways Authority	Consultation reply	1/6/15
6	Coleshill Town Council	Consultation reply	3/6/15
7	Mr Henschker	Representation	8/6/15
8	HS2	Consultation reply	8/6/15
9	Case Officer	E-mail	17/6/15
10	Case Officer	E-mail	18/6/15
11	NWBC Forward Plans	Consultation reply	22/6/15
12	Agent	Revised plan	22/6/15
13	Mr Dunlevy	Representation	23/6/15
14	Case Officer	E-mail	25/6/15
15	Coleshill Town Council	Consultation reply	26/6/15
16	Agent	Revised plan	30/6/15
17	Case Officer	E-mail	30/6/15
18	Coleshill Civic Society	Consultation reply	1/7/15
19	Agent	Revised plan	1/7/15
20	Case Officer	E-mail	2/7/15
21	Mr Dunlevy	Representation	2/7/15
22	Police Architectural Officer	Consultation reply	3/7/15
23	Severn Trent Water	Consultation reply	6/7/15
24	Agent	Extension of time	6/7/15
25	Coleshill Civic Society	Consultation reply	16/7/15
26	WCC Highways Authority	Consultation reply	17/7/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



APPENDIX B

LOCATION PLAN - 1:500

PROPOSED SITE PLAN - 1:200

PROPOSED FLOOR PLAN - 1:50

PROPOSED ELEVATIONS - 1:100

PROPOSED SITE SECTION A - 1:100

PROPOSED SITE SECTION B - 1:100

REVISIONS

#	DATE	DESCRIPTION
1	15/08/17	ISSUE FOR PERMIT
2	15/08/17	ISSUE FOR PERMIT
3	15/08/17	ISSUE FOR PERMIT

NBA
 NORTHERN BUILDING ARCHITECTS
 111-113 DUNDAS STREET WEST, TORONTO, ONTARIO
 M5G 1C6
 TEL: 416-927-8888
 WWW.NBA.ARC.CO.UK

CLIENT: AM & JANE BAWLING

PROJECT: PLANNING DEVELOPMENT OF 10000 RAY COLEMAN BLVD

DRAWING TITLE: PROPOSALS

SCALE: AS SHOWN

SHEET: AT

DATE: MARCH 2014

DRAWN BY: DJ

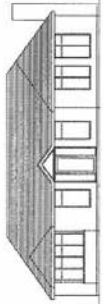
CHECKED BY: DS

REV: #

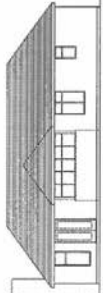
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DATE RECEIVED: 02/07/2015
 PLANNING DEVELOPMENT
 PERMIT

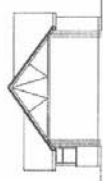
Gorsey Way Coleshill



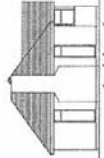
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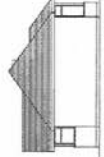
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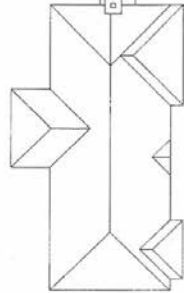
proposed side elevation



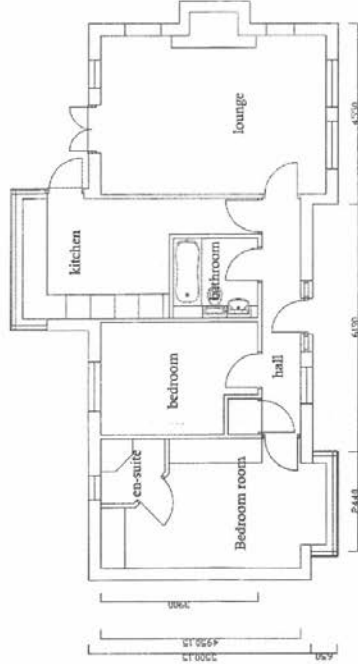
proposed side elevation



proposed side elevation



proposed roof plan



proposed ground floor

PROJECT NO.	0252
DATE	15/02/13
BY	W.D.
CHECKED BY	W.D.
SUBJECT TO CONDITIONS	CONDITIONS

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This drawing was produced from the following information:

Project
 Proposed detached 2 bed bungalow with detached garage off Gorsey Way, Coleshill
 Warwickshire
 B46 1LR
 For Eaglebeam Ltd

Proposed detailed dwelling plans, section and elevations

DATE	15/02/13	BY	W.D.	CHECKED BY	W.D.
SCALE	A1	DATE	15/02/13	BY	W.D.
NO.	001	DATE	15/02/13	BY	W.D.
REV.		DATE		BY	
		DATE		BY	
		DATE		BY	
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 14 GORSEY WAY, COLESHILL, WARWICKSHIRE, B46 1LR
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Appeal Decision

Site visit made on 30 December 2013

by **Jonathan Manning BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2014

Appeal Ref: APP/R3705/A/13/2205830

Land on west side, Gorse Way, Coleshill, Warwickshire, B46 1LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Noel McLean Senior against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2013/0252, dated 22 May 2013, was refused by notice dated 28 August 2013.
- The development proposed is erection of two bed bungalow with detached garage, noise attenuation measures and landscape re-modelling.

Decision

1. The appeal is allowed and planning permission is granted for erection of two bed bungalow with detached garage, noise attenuation measures and landscape re-modelling, at Land on west side, Gorse Way, Coleshill, Warwickshire, B46 1LR, in accordance with the terms of application ref PAP/2013/0252, dated 22 May 2013, subject to the conditions in the attached schedule.

Procedural Matter

2. The appeal site has a planning history which includes a previous appeal (APP/5395/A/80/01480) against a decision for the erection of a bungalow. Although the appeal concerned a similar proposal to that subject of this appeal, the appeal was over 33 years ago. Therefore, planning policy and guidance has changed since this time and the appeal pre-dates the Council's adopted development plan and the National Planning Policy Framework. With this in mind, I have given the previous appeal findings only limited weight and have considered the proposal on the merits that are before me.

Main Issue

3. The effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a parcel of land that is surrounded by the A446 dual carriageway, Gorse Lane and the residential area that is accessed via Gorse Way, which extends into Chattle Hill. The appeal site is currently laid grass with an earth bund and is currently landscaped. I observed dense landscaping at the rear of the site, where it backs onto the A446. There is also a footpath along the appeal site's rear boundary. Directly opposite the appeal site are

semi-detached two-storey houses. The appeal site is located within the development boundary of Coleshill and therefore the Council do not object to the proposal in principle.

5. There has been much discussion about the current use of the site, the Council consider that it is open space for the benefit of visual amenities. It is also noted that children play on the site and vehicles use it for parking. However, I am mindful that the sites topography with large earth bund does not lend itself to being useful amenity space, the site is in private ownership and is not designated as green space nor does it have any other designation. I observed on my site visit that the appeal site provides landscape screening to the dwellings opposite from the A446 dual carriageway and in my view that is its main purpose within the street scene. The Council maintain that the loss of the open space would be detrimental to the street scene.
6. The proposal would deliver a single-storey 2 bedroom bungalow and detached double garage. The design would reflect similar bungalows that are located at Chattle Hill within close proximity to the appeal site and the Council do not object to the design of the proposal. I observed that much of the existing screening vegetation on the site would be maintained, much of which would be taller than the proposed bungalow and substantial new landscaping is proposed. Given this and the single storey height of the proposal, I consider that the open appearance of the site in the street scene would not be so significantly reduced to warrant the refusal of the appeal. In addition, I consider that the proposal would have little effect on the sites current purpose in the street scene of screening the A446 from the properties opposite the appeal site.
7. In conclusion, I consider that the proposal would not harm the character and appearance of the area and therefore complies with Policy ENV12 Urban Design of the North Warwickshire Local Plan (2006). I also consider that the proposal complies with emerging Policy NW10 Quality of Development of the North Warwickshire Core Strategy (CS). However, the CS has not yet been examined and therefore only limited weight can be afforded to the policy.
8. The Town Council has set out that the fencing of the area would be incongruous in an open area. However, I observed on my site visit that the properties opposite the appeal site have boundary walls and fencing. As a result, I do not consider that fencing on the appeal site would be unacceptable.

Other matters

9. The appellant has set out that the Council can not demonstrate a 5 year housing land supply and therefore the LP policies relating to housing supply can not be considered up to date. However, the LP policy that has been referred to in this case does not relate to the supply of housing and therefore can not be considered out of date. The proposed development would have the benefit of making a small contribution towards housing targets. Nonetheless, I accept that it would have very little effect on the overall supply of housing land and therefore I have given limited weight to this matter. I am also mindful that the appeal site is sustainably located close to local amenities, which is a further matter in favour of the proposal.
10. There has been concern that the proposal would lead to increased noise from the dual carriageway to properties opposite the appeal site. However, I have carefully reviewed the supporting Noise Assessment and concur with the

Council's Environmental Health Officer that the findings are acceptable. In addition, I am mindful that a suitable noise mitigation scheme can be secured via a planning condition.

11. Concern has also been raised that the proposal would lead to the loss of trees and wildlife, would effect highway safety, may have archaeological concerns and would effect the living conditions of the occupants of the properties opposite. However, I note that the Council do not share such concerns and there is no evidence before me to suggest that I should take a different view.

Conditions

12. The Council has suggested 11 conditions that it considers should be imposed in the event of planning permission being granted. I have considered the conditions against the guidance provided by Circular 11/95 and have amended them where necessary. In the interests of sound planning and for the avoidance of doubt, I shall impose a condition requiring the development to be carried out in accordance with the approved plans.
13. To ensure the satisfactory appearance of the proposed development, I will impose a condition requiring the submission of samples for the facing bricks and roofing tiles and a condition that all planting and seeding is carried out in the first planting season and any dead, damaged or diseased trees or plants are subsequently replaced where required.
14. I will impose a condition that requires the submission of details of all drainage, to prevent pollution of the water environment. To ensure highway safety conditions are imposed: requiring the submission of full details of the surfacing, drainage and levels of the car parking area; the provision of suitable visibility splays; and the requirement for a public highway footway/verge crossing to be laid out and constructed.
15. To ensure that the living conditions of future occupants are acceptable and those of local residents are maintained, I shall impose a condition requiring the submission of noise mitigation measures and for the latter a condition that controls construction activities to acceptable times.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, including the views of local residents, Coleshill Town Council and the Coleshill and District Civic Society, I conclude that the appeal should be allowed.

Jonathan Manning

INSPECTOR