

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	13 December 2017
Application Number	17/04707/FUL
Site Address	Land at Whaddon Lane, Hilperton, Wiltshire BA14 6NR
Proposal	Siting of a temporary rural workers dwelling and access track
Applicant	Mr & Mrs S Yalland
Town/Parish Council	HILPERTON
Electoral Division	HILPERTON – Councillor Ernie Clark
Grid Ref	387960 160165
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Ernie Clark has requested that if officers are minded to approve the application, it should be reported to the Planning Committee for the consideration of the following:

- The Scale of Development
- Visual Impact upon the Surrounding Area
- Design - Bulk, Height, General Appearance
- Environmental or Highway Impact
- The Parish Council objects to the application proposal and have requested that it is call to committee for the elected members to determine.
- Financial viability of the proposed development (despite requesting the accounts nothing has been received)
- Areas of the 'rented land' seem to have only informal grazing rights at limited times of the year
- The land owned by the applicant is not large enough to warrant any type of agricultural dwelling

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

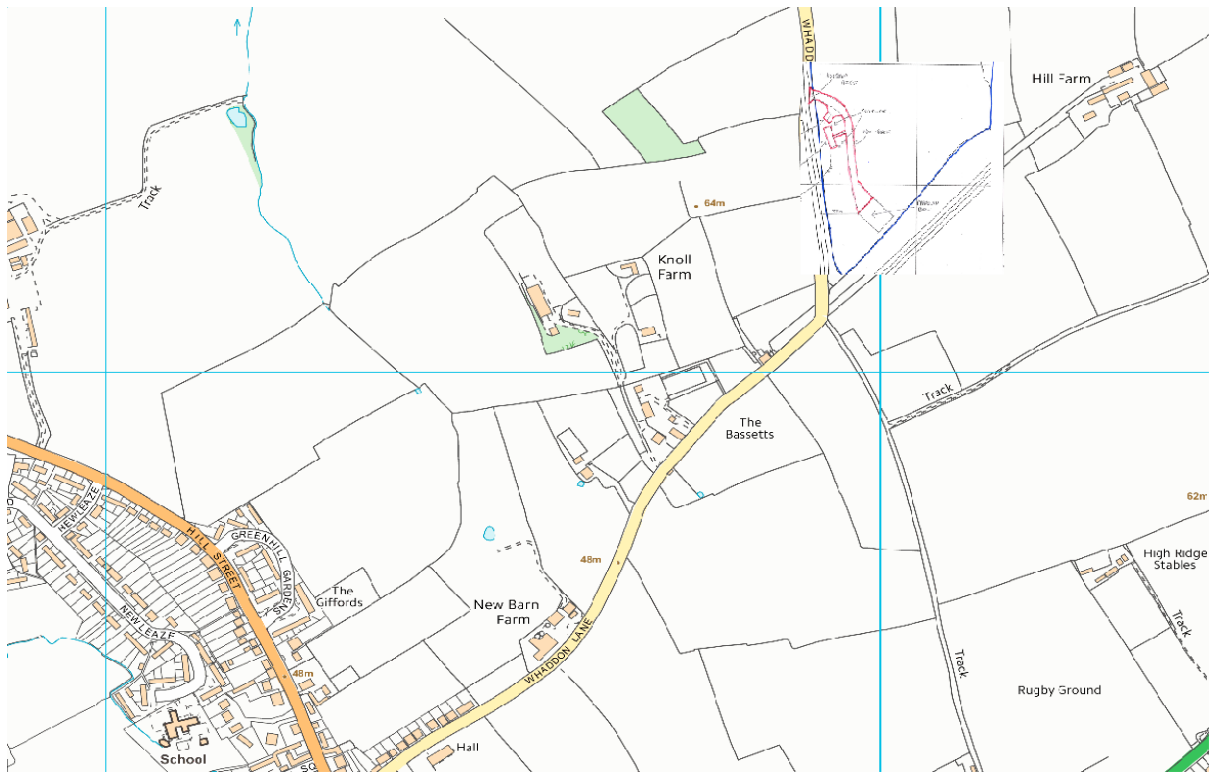
2. Report Summary

The main issues to consider for this application are considered to be:

- The Principle of Development
- The Impact on the Character of the Area
- The Impact on the Living Conditions of Neighbouring Residents
- Highway Safety/Parking Issues
- Drainage Issues

3. Site Description

The site is located within the open countryside beyond any defined settlement and consists of a field located to the east of Whaddon Lane. The field is bordered by hedgerows and an existing agricultural barn is located on the site. The applicants have recently advised that they now live on site within a touring caravan. Officers have been further advised that the applicants used the proceeds of sale from their freehold dwelling to fund the purchase of the freehold land. The touring caravan is located to the south of the aforementioned barn. The nearest residential dwellings are located at Hill Farm approximately 430 metres to the northeast, Sharkays, Whaddon Lane approximately 220 metres to the southwest and Knoll Farm located approximately 260 metres to the west. The plan insert on the following page illustrates the application site being overlaid on a wider plan of the local area followed by a more detailed site plan.



The Existing Farming Practice

The holding is run as a livestock breeding and rearing business. The core enterprises are the production of finished lambs from a ewe flock, the production of finished cattle from a small suckler herd and rearing and sale of cattle from purchased calves. In addition to the “conventional” livestock the applicants also breed and sell pygmy goats.

The ewe flock comprises some 470 ewes. Lambing is split, with 100 Dorset mules due to lamb in September, a further part of the flock to be lambed in January and the maincrop lambing from March to May. Finished lambs are sold to slaughter. The applicants advise that September lambing takes place outdoors, with all other lambing taking place at the farm building. In addition to the breeding flock the applicants also have some 750 head of sheep on tack over winter. Cattle are reared either for sale as stores or as finished animals from a small

suckler herd. The most recent batch of calves comprised 40 head with sales split 50/50 between weaned animals and 12 month stores. The pygmy goats comprise some 30 head of nannies, which are bred to produce offspring which are sold to private buyers as pets.

The farm enterprise is supported by a sole building on site which is a covered yard, constructed with a four bay portal frame main span and lean-to. The building has fibre cement sheet to the roof, spaced timber boarding to the upper elevations and concrete panels to the lower elevations. At the time of the Council's agricultural consultant's site visit in June, the building was recently constructed and close to completion. The overall dimensions of the building are 24m x 18m including the 6m lean-to.

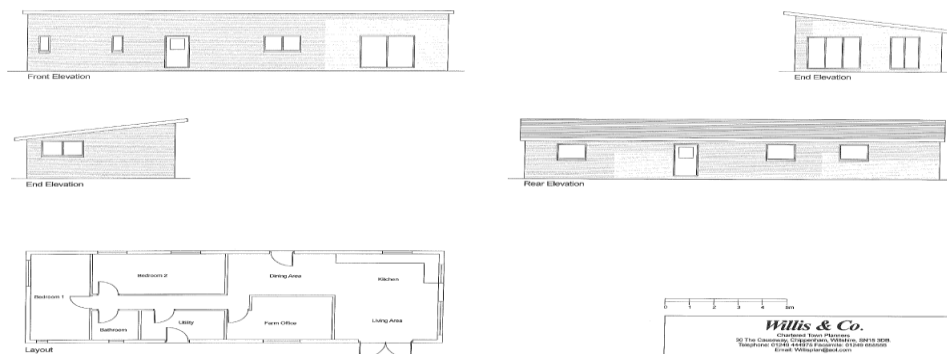
4. Planning History

16/06363/APD - General Purpose Agricultural Building – Refused 25.07.2016 for the following reason: *“The proposed development is not permitted development by Part 6, Class A.1 (i) because the development would be located within 400 metres of the curtilage of a protected building and the proposed building would be used for the accommodation of livestock”.*

16/08376/AGD - Erection of agricultural building for the storage of agricultural vehicles, tools equipment, feed and fodder and the provision of an area of hardstanding – Approved 16.09.2016.

5. The Proposal

This is a full application seeking temporary planning permission for a three year period for the siting and occupation of a timber clad mobile home to be used as a farm workers dwelling. As illustrated in the plan below, the proposed dwelling would be single storey and rectangular in shape measuring 6 metres wide and 17 metres long. Accommodation would comprise 2 bedrooms, office, living room, dining room and kitchen. It is noted the proposed study could form a third bedroom. 2 parking spaces would be provided on site with vehicle access being accommodated via an existing access off Whaddon Lane.



The Proposed Farming Practice

The proposal is to expand the enterprises over the next three years. The ewe flock will be expanded to approximately 600 head. The suckler herd is likely to stay at its current size. The pygmy goat enterprise will be expanded to 100 head of nannies. A turkey rearing enterprise will be introduced, with the applicants taking on a franchise arrangement under the “Kelly Bronze” brand. Some 500 poults will be purchased and reared in the farm building. Under the franchise the franchiser takes a proportion of the finished animals with the balance sold by the applicant under the Kelly Bronze brand.

6. Planning Policy

Wiltshire Core Strategy - CP1: Settlement Strategy; CP2: Delivery Strategy; CP48: Supporting Rural Life; CP51: Landscape; CP57: Ensuring High Quality Design and Place Shaping; CP60: Sustainable Transport; and CP61: Transport and new development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - U1a Foul Water Disposal; the Wiltshire Local Transport Plan 2011- 2026; and the Emerging Hilperton Neighbourhood Plan

The National Planning Policy Framework (NPPF) – Chapter 6: Delivering a wide choice of high quality homes; Chapter 7: Requiring good design and Chapter 11: Conserving and enhancing the Natural Environment; and The National Planning Practice Guidance (NPPG)

7. Summary of Consultation Responses

Hilperton Parish Council: Objects. *'The land in question is outside Village Policy Limits and the information on the application is insufficient, making it difficult for the Parish Council to make a reasoned judgement. However, we are not at all convinced that there is any justification for the proposal or any necessity for this dwelling for agricultural purposes.'*

Wiltshire Council's Agricultural Consultant: No objection – please refer to the consultant's detailed appraisal of the proposal contained within section 9 of this report.

Wiltshire Council's Local Highways Officer: If the committee is minded to approve the application, the highway officer has recommended a series of conditions to improve the visibility splays and ensure safe ingress and egress of vehicles using the access.

8. Publicity

The application was publicised via a site notice. Following the publicity, 5 letters of objection were received raising the following concerns:

- Increased traffic and associated risk
- Adverse impact on open countryside
- Development out of character
- Unwelcome noise
- No need for an essential rural worker to be located on site
- Applicants already live in the area
- Contrary to policy
- Not a viable agricultural enterprise
- Concerns about type of foundation of building
- Power supply to building
- Soakaways do not work

3 letters of support were also received with the following comments:

- There would be no increase in traffic movements
- By living on site, the applicants can continue to grow their business

9. Planning Considerations

9.1 Principle of development - Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF advises that *'Local planning authorities should avoid 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'* (Note – the emphasis has been added by officers).

9.1.1 WCS Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life),

residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan). Core Policy 48 states that proposals for residential development outside the defined limits of development will be supported where these meet the accommodation needs required to enable rural workers to live at or in the immediate vicinity of their place of work and such proposal should be supported by functional and financial evidence.

9.1.2 The Council's agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise. It is therefore firstly relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the farm enterprise. On this point, the Council's agricultural consultant concludes by saying (with paragraphs duly referenced) that:

'6.3 It is my view that the key aspects of essential need are lambing, calving, kidding and the close care of neonatal animals, including the turkey poults. The quantity and spread of births proposed across the year will in my view present a requirement for essential care at short notice across most of the year.'

6.4 It is my view that the implementation of the business plan will result in an essential need for a presence on site at most times'.

9.1.3 The Council's agricultural consultant therefore concludes there is an essential need for a person to live on or near the site.

9.1.4 In cases such as this, it is necessary to assess the existing and proposed business as part of understanding the justification for the proposed rural dwelling. Such an assessment is critical to forming an opinion on the "essential need". In this case the essential need described and recognised above will only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail; and, in such cases the application for a temporary basis is considered most appropriate to proof the viability of the agricultural business. Should the enterprise fail, the mobile could be easily removed from the site and the land restored to avoid the site being left with a dwelling with no "essential need" for its presence.

9.1.5 In assessing the applicant's business plan, the Council's agricultural consultant has made the following comments:

"7.1 There is no express reference in the NPPF to a financial assessment of either an existing or proposed business which will operate in association with the proposed rural dwelling. It is my opinion that such an assessment is critical to forming an opinion on the continuation of the "essential need..."

7.2 The applicant has submitted profit and loss accounts for the last four trading periods, together with a projected profit and loss for the three years of the business plan, along with a document which describes the current farming practice and sets out the proposed practice.

7.3 Whilst the recent accounts show a profit and salaries to the applicants there is also reliance on a large proportion of gross income from agricultural contracting off-site. In my view the historic profitability offers little value in assessing the business on site due to the extent of the income earned off site.

7.4 The projected accounts show a very significant reduction in off-site income. It is my view that for profit and loss the business plan appears to be planned on a relatively sound basis.

The capital accounts show that the business has a high level of gearing and a small proportion of net assets. In order to expand it is likely that the business will need further capital; I understand this is likely to be available from Director loans”.

9.1.6 The council's agricultural consultant has concluded that the business plan has been planned on a relatively sound basis with a requirement for further capital in order to expand the business. The Council's agricultural consultant has raised concerns that there is a heavy reliance on use of third party land under short term agreements, which provides no long term security on use of the land. However, he does conclude that there is a plentiful supply of land available on short term arrangements and there is no evidence to suggest that such supply is likely to significantly reduce in the short term and the availability of such land offers the means by which new farming businesses such as that promoted by the applicants here, can gain quick establishment.

9.1.7 In terms of land, the applicants own 12 acres freehold which comprises the field on which the temporary dwelling would be located. In addition the applicants have access to approximately 124 acres of land rented annually on a formal basis. This land lies adjacent the application site and with the freehold land forms a central block of 136 acres. This land is used mainly during the spring and summer to graze sheep and cattle. The applicants also have access to approximately 502 acres of land rented over the winter period to graze sheep on an informal short term basis.

9.1.8 Although it is recognised that there is a heavy reliance on short term agreements, it is considered that the applicants have access to sufficient land, either freehold or rented annually (approx. 136 acres), to support the business in the short term and to support this fledgling business.

9.1.9 It is furthermore noted that concerns have been raised that there is a heavy reliance on off-site contracting work. However the Council's agricultural consultant has concluded that the business is nevertheless planned on a sound financial basis and the applicant has confirmed that his income and time committed to the off-site agricultural contracting will diminish over the three year term. In response to this, the Council's agricultural consultant states that:

“5.2 The proposed expansion of the enterprises will present a labour requirement in excess of one full time unit; [and within paragraph] 9.0 The expansion of the business will present an essential need for a presence on site at most times. The business appears to be planned on a sound financial basis, however, the position on net assets is not strong”.

9.1.10 Based upon the information provided it is considered that there is an essential need for one agricultural worker to live on the site and that the farm enterprise is financially sustainable in the short term. The principle of development for the erection of a temporary dwelling for three years for an essential farm worker would be compliant with WCS CP48 and paragraph 55 of the NPPF and it can therefore be supported.

9.2 Impact on the Character of the Area - Core Policy 51 of the Wiltshire Core Strategy states that development proposals should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced. Core Policy 57 states application for new development must respond positively to the existing landscape to effectively integrate the building into its setting.

9.2.1 The proposed timber clad mobile would be relatively modest in size at approximately 3.7 metres to the eaves and 5 metres to the ridge; and 6 metres wide and 17 metres long.

The building would be located within 6-8 metres of the western boundary of the field and adjacent to Whaddon Lane and would not appear as an incongruous or isolated form of development. Due to the height of the hedgerow adjacent to the highway the proposed dwelling would be sufficiently screened from Whaddon Lane.

9.2.2 When viewed from across the fields, in particular from the east, the proposed temporary dwelling would be seen against the back drop of the existing hedgerow. Due to the proposed position of the dwelling on site, its modest size and height and the exterior materials in its construction, it is not considered that the dwelling would have an adverse impact on the rural character of the area. The development is considered acceptable and would comply with Core Policies 51 and 57 of the Wiltshire Core Strategy.

9.3 Impact on the Living Conditions of Neighbouring Residents - Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development has regard to the compatibility of adjoining buildings. The nearest residential dwellings are located at Hill Farm approximately 430 metres to the northeast, Sharkays, Whaddon Lane approximately 220 metres to the southwest and Knoll Farm located approximately 260 metres to the west. As such, the proposed temporary dwelling would be located a sufficient distance from neighbouring residents and would have no material impact on their living conditions/amenities. The development therefore complies with Core Policy 57 of the Wiltshire Core Strategy and advice contained in the NPPF.

9.4 Highway Safety/Parking Issues - Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Policy 61 furthermore advises that new development should be served by safe access to the highway network. In this particular case, the Council's highway officer states the existing access is substandard in terms of visibility however this issue can be addressed by requiring certain improvements along the site frontage on land owned and controlled by the applicants. Should the committee be minded to approve temporary planning permission, the condition should require visibility at the access to be improved before the development is brought into use.

9.4.1 Sufficient space is available on site to accommodate 2 off road parking spaces. As such the scheme complies with current council parking standards. The proposed development would therefore not result in severe or cumulative harm to highway safety and the scheme complies with the advice contained within the NPPF and policy CP61 of the WCS.

9.5 Drainage Issues - Paragraph 103 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case, the site is recognised as being flood zone 1 and there are no known land drainage constraints which cannot be addressed. The applicant proposes to deal with foul water drainage by an on-site septic tank. A condition is recommended approval requiring details of surface water drainage to be submitted before works on site commence.

9.6 Other Material Issues - Other issues have been raised by third parties namely concern over the proposed foundations of the building and power supply, however these issues carry little weight in the planning determination. In addition concern has been raised about unwelcome noise from the development however these issues are dealt with under other legislation such as Environmental Health legislation.

10. Conclusion (The Planning Balance) - In conclusion, the Council's agricultural consultant advises that the implementation of the business plan would result in an essential need for on-site occupation at most times. He concludes that the current business is viable and whilst the projected accounts show a very significant reduction in off-site income, the business plan for the upcoming three year period appears to be planned on a sound basis. Although there is a

large amount of land held by the applicant under temporary or short terms agreements, the agricultural consultant has concluded that there is no evidence to suggest that such supply is likely to significantly reduce in the short term. The siting of a temporary workers dwelling would not significantly or adversely affect the rural character of the area, the living conditions and amenities of neighbouring residents or highway safety interests. The application therefore complies with Core Policies 48, 51, 57 and 61 of the Wiltshire Core Strategy and the advice contained within the NPPF. It would need to be subject to rigorous planning conditions, which are set out within section 11.

11. RECOMMENDATION: Approve temporary planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Location Plan; Site plan scale 1:500 received 19 May 2017; Proposed Layout and Elevations Plan (dwg no. 2629/02) received 19 May 2017; Septic Tank details received 19 May 2017; Attenuation treatment details received 19 May 2017; Visibility splay details received 27 July 2017.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

4. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 13 December 2020 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately

drained.

6. The development hereby permitted shall not be occupied until the means of foul water drainage for the temporary dwelling (i.e. the septic tank details received 19 May 2017) have been completed in accordance with the submitted details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

7. The development hereby approved shall not be first occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres in both directions from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8. The development hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

10. Within 1 month of the occupation of the temporary agricultural workers dwelling hereby approved the touring caravan shall be permanently removed from the site.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit additional permanent residential accommodation in tandem with the approved.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy