

# AGENDA

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**Meeting:** Western Area Planning Committee

**Place:** Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Wednesday 5 July 2023

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Ellen Ghey - Democratic Services Officer of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email [ellen.ghey@wiltshire.gov.uk](mailto:ellen.ghey@wiltshire.gov.uk)

Press enquiries to Communications on direct lines 01225 713114/713115.

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## Membership:

Cllr Christopher Newbury (Chairman)

Cllr Bill Parks (Vice-Chairman)

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Andrew Davis

Cllr Edward Kirk

Cllr Stewart Palmen

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr David Vigar

Cllr Suzanne Wickham

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## Substitutes:

Cllr Matthew Dean

Cllr Jon Hubbard

Cllr Tony Jackson

Cllr Mel Jacob

Cllr George Jeans

Cllr Gordon King

Cllr Mike Sankey

Cllr Graham Wright

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

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# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 7 June 2023.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting.** If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 28 June 2023** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 30 June 2023**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 9 - 18*)

To receive details of completed and pending appeals and other updates as appropriate.

**Planning Applications**

To consider and determine the following planning applications:

7 **PL/2022/09147: Meadow View Farm, Bradford Leigh** (*Pages 19 - 56*)

Erection of agricultural worker's dwelling and associated works.

*Please note that this report contains an appendix that outlines the appeal decision with regard to application PL/2021/11357.*

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

## Western Area Planning Committee

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**MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 JUNE 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar and Cllr Mike Sankey (Substitute)

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27 **Apologies**

Apologies for absence were received from Councillors Bill Parks and Suzanne Wickham.

Councillor Wickham was substituted by Councillor Mike Sankey.

There was discussion of the constitutional changes approved by Full Council on 16 May 2023, which permitted each group to appoint more than four substitutes for planning committees and encouraging group leaders to appoint further substitute members at the next opportunity.

28 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 May 2023 were presented for consideration, and it was,

**Resolved:**

**To approve and sign the minutes as a true and correct record.**

29 **Declarations of Interest**

There were no declarations.

30 **Chairman's Announcements**

There were no specific announcements.

Through the Chair Councillor Stewart Palmen reported that since the last meeting an appeal had been refused for application PL/2021/07458 regarding a partial retrospective application for extension and conversion above a shop along Newtown, Trowbridge, which could now be subject to enforcement action.

31 **Public Participation**

The procedure for public participation was noted.

**Commons Act 2006 - Sections 15(1) and (2): Application to Register Land as Town or Village Green - Southwick Court Fields, Southwick and North Bradley - Application no.2020/02TVG**

Public Participation

Cllr Graham Hill, Trowbridge Town Council, Grove Ward, spoke in support of the application in his personal capacity.

Geoff Whiffen spoke in support of the application.

Francis Morland made comments in respect of the application process.

Janice Green, Senior Definitive Map Officer, presented a report to consider evidence submitted regarding an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green, application no.2020/02TVG, in order to determine whether or not Wiltshire Council, as the Commons Registration Authority, should appoint an independent Inspector to preside over a non-statutory public inquiry to assist in its determination of the application. The officer set out details of a late representation received since publication of the agenda regarding an appeal lodged against refusal of a planning application across part of the site.

The officer explained the legislation which governs applications to register a town or village green; The background to this application and the trigger events which have affected it; The identification of Grove Ward, Trowbridge as the locality for the application, in which area most of those supporting the application are resident; The Council as Commons Registration Authority has no investigative powers; that the burden of proof rests with the applicant; That in dealing with an application, the Council is required to observe the rules of natural justice; The evidence required to register land as a town or village green is that a significant number of inhabitants of any locality or neighbourhood within a locality have indulged, as of right, in lawful sports and pastimes on the land for at least 20 years and continue to do so.

Members of the Committee had the opportunity to ask technical questions of the officer. Further details were sought on the two planning trigger events, and it was confirmed that should the refusal of planning permission on part of the site be upheld at appeal, the same part of the site would remain subject to the trigger that was the adopted Wiltshire Housing Sites Allocation Plan, meaning only a small area of the application land could be approved.

There were queries on what activities constituted lawful sports and pastimes, and the status of hedgerow fruit picking on the land. It was confirmed that testing of the evidence submitted would require the holding of a non-statutory public inquiry, which was likely to result in additional evidence coming forward. Further details were also sought on the recorded rights of way and other tracks across the site, and land which appeared inaccessible and might not be included should the application be ultimately successful.

In this case, there was a conflict in the evidence provided and the officer's recommendation was, therefore, to appoint a barrister to hold a non-statutory

public enquiry which would provide an opportunity for the evidence to be tested and for witnesses to be cross-examined. The barrister would provide a report and his recommendation would be advisory on which the Committee would be asked to make a decision.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

Councillor David Vigar, as the Local Member for Trowbridge Grove, then spoke in support of the recommendation set out in the report. It was noted the applicant, Mr Swanney, was very unwell and unable to attend the meeting.

On the motion of Councillor Vigar, seconded by Councillor Pip Ridout, it was then,

**Resolved:**

**To appoint an independent Inspector on behalf of the Commons Registration Authority (CRA) to preside over a non-statutory public inquiry at which the evidence of all parties will be heard and tested through cross-examination, and to produce an advisory report and recommendation regarding the application to the Western Area Planning Committee, to assist the CRA in its determination of the application to register land as a Town and Village Green at Southwick Court Fields, in the parishes of Southwick and North Bradley, as soon as is reasonably practicable.**

33 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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**Wiltshire Council  
Western Area Planning Committee  
5<sup>th</sup> July 2023**

Planning Appeals Received between 27/04/2023 and 23/06/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/00529/ENF	23 Mascroft Road, Trowbridge, Wiltshire, BA14 6GD	Trowbridge	Installation of balcony to rear	DEL	Written Representations	-	23/05/2023	No
20/09856/FUL	Oakenclyffe, 2 Warminster Road, Monkton Combe, BA2 7HZ	Limpley Stoke	Erection of garage, access and drive	DEL	Written Representations	Refuse	13/06/2023	No
PL/2022/02376	The Olde Cheese House, 28 Upton Lovell, Warminster, BA12 0JW	Upton Lovell	Replacement windows to front of property	DEL	Written Representations	Refuse	16/05/2023	No
PL/2022/02675	Land Adjacent to 6 Guinea Cottage, Forest Road, Melksham, SN12 7RB	Melksham Without	Erection of a dwelling	DEL	Hearing	Refuse	01/06/2023	No
PL/2022/06812	Land adjoining 59 and 60 Summer Down Walk, Trowbridge, BA14 0LJ	Trowbridge	Erection of attached dwelling and associated works	DEL	Written Representations	Refuse	13/06/2023	No

Planning Appeals Decided between 27/04/2023 and 23/06/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/07458	12 Newtown, Trowbridge, Wiltshire, BA14 0BA	Trowbridge	Extension and conversion of shop and accommodation to be used as house of multiple occupation over three floors	DEL	Written Reps	Refuse	Dismissed	24/05/2023	None

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# Appeal Decision

Site visit 23 May 2023

**by Helen O'Connor LLB MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 May 2023**

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**APP/Y3940/W/22/3313247**

**12 Newtown, Trowbridge, Wiltshire BA14 0BA**

- 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 Michael Thomas against the decision of Wiltshire Council.
  - The application Ref PL/2021/07458, dated 22 July 2021, was refused by notice dated 15 June 2022.
  - The development proposed is the extension and conversion of shop and accommodation to be used house of multiple occupation over three floors.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description used in my heading above from that on the Council's decision notice as it is more concise than that on the original planning application form.
3. Development has commenced at the site, including the installation of a steel frame and works to the shop, but has not yet been completed. Therefore, the development is partly retrospective in nature.
4. The drawing submitted shows a mixed-use proposal for a takeaway unit and seven rooms to be used as a house in multiple occupation. The appellant refers to this drawing as plan number 2 and accepts that this is the plan to which this appeal relates<sup>1</sup>. In addition to plan number 2, I am also provided with two other plans, one labelled MAT3A showing a street scene and site plan. I have had regard to this plan as it shows contextual information that is supplementary to the appeal proposal.
5. The other plan, referred to by the appellant as plan number 3, shows an alternative mixed-use proposal, including five rooms, that was the subject of a separate planning application. The Council resolved to decline to determine that planning application under section 70B of the Town and Country Planning Act 1990 and so it has not undergone public consultation. It is clear from planning application PL/2021/07458 that there is local interest in the development of the appeal site. Consequently, taking account of plan number 3 as an alternative proposal would be likely to prejudice interested parties, as they have been unable to comment. Accordingly, my determination is based on plan number 2.

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<sup>1</sup> Conclusion of Appellant's Appeal Statement

## **Main Issues**

6. The main issues are:

- The effect of the proposal on the character and appearance of the area, including paying particular attention to the significance of the Trowbridge (Newtown) Conservation Area (CA) and the setting of nearby listed buildings.
- The effect of the proposal on the living conditions of the occupants at 13 Newtown, having particular regard to outlook and privacy of their outdoor space.
- The effect of the proposal on the living conditions of future residential occupants of the house in multiple occupation.
- Whether the proposal makes sufficient provision for cycle and car parking.
- The effect of the proposal on biodiversity.

## **Reasons**

*Character and appearance, including designated heritage assets*

7. The CA covers a predominantly established residential area and its significance derives primarily from how its layout and aesthetic qualities reflect a period where the core of Trowbridge was expanded. The CA contains a concentration of mostly residential stone and brick terraced properties of traditional construction. The strong building lines and repeating relatively simple form of houses conveys a pleasing impression of coherence in the street scene in Newtown. Architectural detailing is limited, but the placement and proportions of windows reinforces the sense of order. Of note is the Grade II listed terrace (nos.14-26 Newtown) of three storey late 18<sup>th</sup> century former weaver's houses on the west side of Newtown. This terraced group enriches the aesthetic and historic significance of this part of the CA.
8. The appeal site lies within the CA. It is also sufficiently close to the terrace of listed weaver's houses such that it is in contiguous views along Newtown and would feature in the foreground of such street views when proceeding along Newtown from the northwest. Hence, it forms part of the surroundings in which these heritage assets are experienced and thus, forms part of their setting. I am mindful of the statutory duties<sup>2</sup> to give special attention to the desirability of protecting the setting of listed buildings and of preserving or enhancing the character or appearance of the CA.
9. Although the appellant refers to the historic evolution of the appeal site, the submitted plans show that prior to the works commencing, the three storey component of no12 was set deep into the plot behind a modest single storey protrusion. Accordingly, although it differed in form from most of the terraced development nearby, it had a receding presence that deferred to the listed weaver's houses. As such, it had a broadly neutral impact on the character and appearance of the CA and setting of these listed buildings.

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<sup>2</sup> Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

10. The proposal would add considerable volume to the building to provide accommodation at first and second floor levels. This would include extending over the single storey front portion, which would dramatically change the appearance of the northwest elevation. The extension would also elongate the width of the upper portion of the building over the side passage. Consequently, the building would appear considerably bulkier, with the increase in width making it appear awkward and having an uncomfortable relationship to the plot.
11. The resulting roof profile would have hipped and flat roof components that would depart further from the simpler roof form evident in nearby terraces, whereby the main roof ridges run parallel to the road. In addition, the grey render horizontal and vertical banding would give an odd, compartmentalised effect to the front elevation. Furthermore, the bands around the windows would emphasise the unsympathetic window placement and casement style proportions. Overall, this would result in a disjointed and unattractive building.
12. Moreover, it would have a prominent and immediate presence in the street which would erode the coherent appearance of the CA and appear disproportionate to the adjacent modest two storey dwelling at no.13. The largely blank north-western elevation would have an obvious presence that would deflect attention away from the listed weaver's houses when proceeding along Newtown from the northwest. Even seen from the southeast, the roof form would protrude uncharacteristically, thereby drawing the eye.
13. Taking these factors together, the proposal would be an insensitive addition in this context. I consider that the CA and listed weaver's houses are intrinsic to the quality of the existing townscape. Therefore, I find the distinction the Council has made to be an artificial one whereby they find harm would result to the townscape but not to the designated heritage assets that form important constituent parts. It follows that I find the proposal would result in harm to the significance of the CA as well as the setting of the terraced group of listed weaver's houses.
14. Cognisant of the relatively modest scale of the proposal, in both instances this would be less than substantial harm. Paragraph 202 of the National Planning Policy Framework (the Framework) indicates that in such circumstances the harm should be weighed against the public benefits of the proposal.
15. The main benefit would be the provision of additional residential accommodation in a reasonably accessible location, which would make more efficient use of the land. Nevertheless, the increase in provision would be modest, and therefore, attracts moderate weight.
16. Paragraph 199 of the Framework stipulates that great weight should be given to conserving the significance of designated heritage assets. The moderate weight attributed to public benefits would not outweigh the harm identified to the significance of the designated heritage assets in this case.
17. The appellant points out that other developments have taken place nearby, including flats and an extension to a car park which is shown on the contextual plan labelled MAT3A. Nevertheless, upon examining the site plan and street scene, I am not confident that the street scene provided is accurately to scale. In any event, the limited details in the illustration provided generally indicate a two-storey terraced structure, with a pitched roof with ridge running parallel to

the road. Hence, it has elements that would better reflect positive qualities of the CA, and so, would not provide sound justification for the appeal scheme.

18. Therefore, I find that the proposal would cause considerable harm to the character and appearance of the area and would undermine the significance of designated heritage assets, contrary to national historic environment policy. Accordingly, it would be contrary to Core Policy 57 of the Wiltshire Core Strategy, January 2015 (CS). This policy, amongst other matters, seeks to ensure high quality design whereby developments respond positively to the existing townscape, and which are sympathetic to the historic environment.

*Living conditions of occupants of 13 Newtown*

19. Amongst other matters, Core Policy 57vii of the CS requires development proposals to have regard to the impact on the amenities of existing occupants. 13 Newtown is a modest two storey dwelling with a small rear outdoor space adjacent to the appeal site.
20. The appeal scheme would result in built form across the depth of the appeal site. Consequently, it would align with the length of the side boundary of no.13 including the full length of the rear garden area. Furthermore, the proposal would enlarge the three-storey element of the building further to the rear and the increase in width would bring the extended form closer to the side boundary with no.13.
21. The combined proximity, height and extent of this built form would have a looming presence above the boundary fence to no.13. Taking into account the limited size of the outdoor space and presence of existing buildings, this would have an unreasonably confining effect on the outlook of occupiers seeking to enjoy the outside area.
22. The Council also raise concerns that introduction of first and second floor windows in the rear elevation of the proposal would compromise the privacy of the garden space at no.13. However, these windows would be positioned at a point broadly equivalent to half the depth of the garden and would face southwest rather than directly towards the outdoor space. Whilst oblique views would be possible, such a configuration is not unusual in urban areas, and indeed is generally evident in the nearby terraced housing. Little substantive evidence has been provided that in this case, such a relationship would be harmfully intrusive. Nevertheless, this would not negate the harm to outlook that I have identified.
23. Accordingly, I find that the proposal would result in unacceptable harm to the living conditions of the occupants of no.13 owing to the effect on outlook. Therefore, further conflict would arise with Core Policy 57 of the CS in this regard.

*Living conditions of future residents*

24. Core Policy 57vii of the CS further stipulates that development proposals should have regard to the compatibility of adjoining buildings and uses and ensure that appropriate levels of amenity are achievable within the development itself. Furthermore, paragraph 130f of the Framework states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

25. Neither local nor national policy expressly mention the provision of outdoor space nor set a mandatory requirement. However, in the absence of other evidence, it is reasonable to suppose that this is a factor that could directly influence the living experience of future residents in the proposed house in multiple occupation.
26. No provision has been made for outdoor space, which the appellant points out has historically been the case at the appeal site. However, the provision of seven rooms as part of a house in multiple occupation would be likely to increase the number of residents living at the site. Moreover, unlike accommodation whereby residents have access to a number of rooms within a building, the majority of the rooms have a single aspect window and the four rooms across the first and second floors towards the front of the building are small. Consequently, future occupants would have limited internal space and no alternative outlook from within the property.
27. Given these circumstances, it is foreseeable that the level of provision of outdoor space would significantly affect the quality of the day to day experience for such occupants. No evidence has been provided to show that nearby, suitable public open space would adequately address this. Accordingly, I find that the lack of such provision would render the living conditions of future occupants unsatisfactory and considerably below the high standard of amenity encouraged by the Framework.
28. Furthermore, the seven rooms would be provided above or behind the ground floor takeaway food outlet. Such an enterprise is highly likely to generate some cooking odours, customer activity, noise from equipment and associated refuse. Furthermore, such activity is likely to be greater in the evenings and at weekends, which would coincide with when residential occupants could be more likely to want to relax or sleep. No substantive evidence has been provided to show that these matters would be adequately managed in order to avoid unacceptable levels of disturbance being caused to future residents due to noise or smells.
29. To my mind, these matters could potentially erode the standard of living conditions for future residents in this case to such an extent, that they are too important to be left to a condition on the assumption that a suitable solution might be found at a later date. My concerns are reinforced by the objection of the Councils Public Protection Officer regarding the lack of a noise assessment and details of ventilation and extraction. Given their experience and expertise, this carries considerable weight.
30. Accordingly, based on the evidence before me, I find that the proposal would fail to provide an adequate standard of living conditions for future residential occupants of the appeal site contrary to Core Policy 57 of the CS.

#### *Parking provision*

31. Amongst other things, Core Policy 60 of the CS seeks to promote sustainable transport alternatives to the use of the private car. This generally aligns with the encouragement given to promoting sustainable transport in section 9 of the Framework.
32. The Wiltshire Local Transport Plan 2011-2026, Cycling Strategy March 2014 (the cycling strategy) reinforces the role that cycling can play in this regard,

- and identifies that providing suitable cycle parking assists in reducing barriers to higher levels of cycling. It goes on to specify cycle parking standards for new developments in Appendix 4. This does not explicitly deal with mixed-use development, nor houses in multiple occupation.
33. The closest reference is in relation to class C3 houses and flats which requires 1 covered space per bedroom for up to 3 bedroom dwellings, then 3 covered spaces per unit for 4 bedroom dwellings and 4 covered spaces per unit for 5 bedroom dwellings and so on.
  34. The Council do not explicitly state the minimum amount of cycle parking provision that they consider should apply in this instance. However, given the thrust of the cycle parking standard published, it would be reasonable to expect provision for one cycle parking space per room in the house of multiple occupation.
  35. The cycling strategy goes on to state that residential cycle parking should be in an internal area or within a covered, lockable enclosure where access to the highway must be convenient. The appellant does not dispute the need to provide suitable cycle parking and highlights some of the environmental benefits of promoting sustainable travel choices.
  36. However, the submitted plan does not identify dedicated cycle storage space. Although the appellant asserts that provision can easily be accommodated within the development and suggests the use of a condition, this is in relation to an alternative scheme with fewer rooms than the appeal proposal before me. As such, it is unclear where such provision would be accommodated, and therefore, imposing a condition in these circumstances would not be appropriate.
  37. In addition, Core Policy 64d of the CS refers to residential car parking standards. It goes on to explain that new residential development will be based on minimum parking standards but that reduced levels will be considered where there are significant urban design or heritage issues, where parking demand is likely to be low or where any parking overspill can be controlled.
  38. The Wiltshire Local Transport Plan 2011-2026, Car parking Strategy sets out minimum residential car parking standards<sup>3</sup>. For dwellings with more than 4 bedrooms this indicates a minimum of three spaces. It also provides flexibility to allow for a lower level of provision where specific circumstances can be demonstrated.
  39. In this case a mixed-use takeaway and house in multiple occupation development is proposed and no off-street parking would be provided. Although no off-street car parking presently exists for the business or accommodation, the proposal would be likely to increase the number of residents at the appeal site.
  40. The Council calculate that to meet the required minimum standard, the extension to provide seven rooms in the house of multiple occupation would require a net additional 5 off-street car parking spaces to be provided, and I have not seen evidence to the contrary. There is insufficient space at the appeal site to do so.

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<sup>3</sup> Table 7.1

41. There is no dispute that the appeal site is within a reasonable walking distance to public transport facilities in the town centre. However, it does not automatically follow that all future residents of the appeal proposal would be car free as a result. It is foreseeable that some future occupants would own a car, even if the accessible location means that they might use it less frequently. Moreover, the ability to park on-street within the vicinity of the appeal site is constrained owing to double yellow lining and car parking restrictions.
42. As such, the proposal would be likely to intensify competition for unrestricted on street parking spaces within the vicinity of the site. The evidence before me suggests that the demand for such spaces is high given the incidence of predominantly terraced housing, often with no off-street parking facilities.
43. In turn, this would be likely to increase instances of anti-social parking problems such as restricting visibility near junctions and preventing the free flow of traffic. This would be detrimental to highway safety, and it would also add to the everyday frustration for existing residents who are reliant on on-street parking in finding available space.
44. As such, the evidence presented does not show that the proposal would fall within the circumstances whereby a lower provision of off-street parking would be supported by Core Policy 64d of the CS. Rather, the proposal would lead to an unmet parking demand likely to increase the level of on-street parking within the vicinity of the site.
45. Therefore, I find that the proposal would fail to make sufficient provision for cycle and car parking. Consequently, the proposal would conflict with Core Policies 60 and 64 of the CS respectively.

#### *Biodiversity*

46. Amongst other things, Core Policy 50 of the CS states that all development should seek opportunities to enhance biodiversity. This broadly aligns with paragraph 180d of the Framework which outlines the principle that opportunities to improve biodiversity in and around development should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
47. The Council is concerned that no information has been provided to show that no net loss of biodiversity would result owing to increased coverage of outdoor space by built form.
48. However, the appeal site is in an urban area and the footprint of the existing buildings and hard surfaces largely cover the plot. As such, the extent of these constraints would have rendered it highly unlikely to be conducive to supporting meaningful biodiversity. Additionally, the additional built form of the proposal is largely at upper levels. Hence, the changes to the footprint would be likely to have only a marginal impact and I have not seen substantive evidence to show otherwise.
49. Given the context and relatively modest scale of the appeal site, insisting on the provision of an ecological survey for this reason would be disproportionate. Moreover, it is likely that small scale improvements to biodiversity could be secured by a planning condition.

50. The site falls within the Bradford on Avon and Bath Bat Special Area of Conservation (SAC). However, it is clear from the Council's case officer report that their concerns on this main issue derive principally from increased coverage of the plot rather than impact to the SAC. Given my findings in relation to the other main issues, the impact on the SAC is unlikely to be determinative and therefore, it is unnecessary to consider it further.
51. Accordingly, based on the evidence before me, I do not find a conflict with Core Policy 50 of the CS would arise in these circumstances.

### **Other Matters**

52. The appellant explains that he commenced work on the appeal property in the expectation that he would be able to take advantage of amended permitted development rights. Be that as it may, there is no dispute that the proposed development does not constitute permitted development. Therefore, I am required to consider it against the development plan, taking into account material considerations.
53. The appellant also gives an account of the events that led to formal enforcement action being taken by the Council. This includes concerns regarding the behaviour and comments of some local residents, a Councillor and Council officers. These are matters that fall outside the scope of my determination, which I have based on the planning merits of the scheme.

### **Conclusion**

54. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise<sup>4</sup>. I have found that the proposal conflicts with the development plan taken as a whole, and there are no other material considerations that would outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Helen O'Connor*

INSPECTOR

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<sup>4</sup> Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.

## REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	5 July 2023
<b>Application Number</b>	PL/2022/09147
<b>Site Address</b>	Meadow View Farm, Bradford Leigh
<b>Proposal</b>	Erection of agricultural worker's dwelling and associated works
<b>Applicant</b>	Mr Andrew Hillier
<b>Town/ Parish Council</b>	South Wraxall Parish Council
<b>Electoral Division</b>	Cllr Johnny Kidney
<b>Grid Ref</b>	53.301416, -5.563484
<b>Type of Application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

### **Reason for the application being considered by Committee**

This application has been called in for committee consideration by Cllr Johnny Kidney, should officers be minded to support the above application, citing the following concerns:

- Visual impact upon the Green Belt / surrounding area
- Relationship with adjoining properties

### **1. Purpose of Report**

This report considers the relevant planning considerations for this development proposal, including the consultation responses within the context of local and national planning policy and guidance. The report identifies the various planning constraints and considers whether this proposal represents a sustainable form of development having regard to the social, environmental and economic strands as set out within the NPPF.

### **2. Report Summary**

The key issues for consideration are:

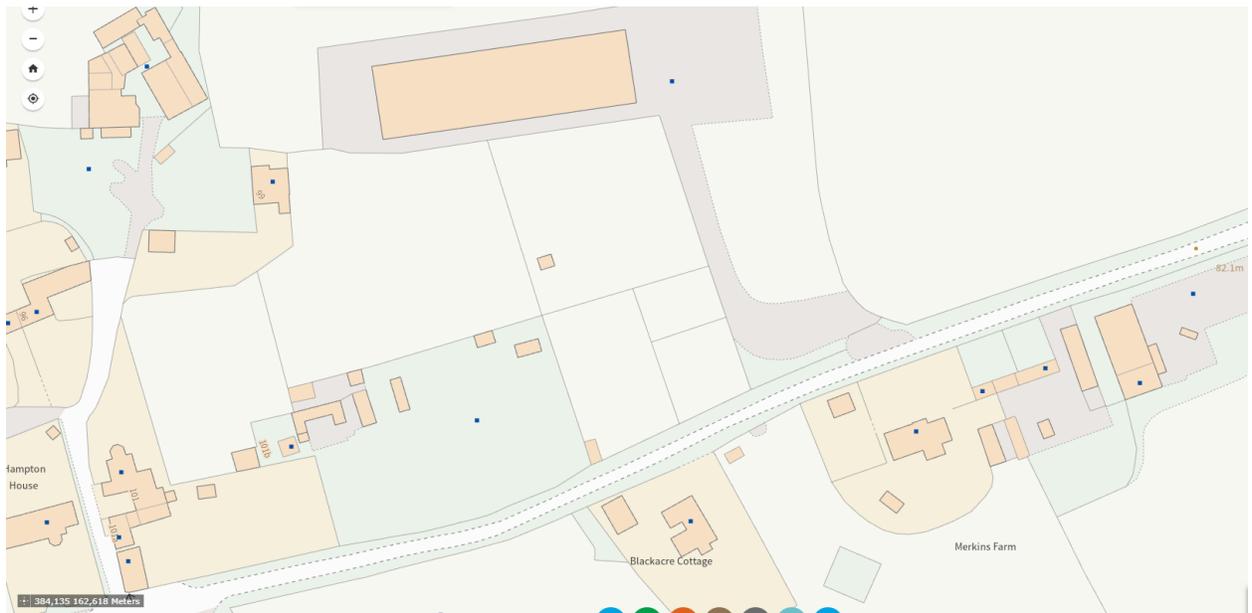
- Existing and Proposed Agricultural Practices and Need
- The principle of development / Wiltshire's 5-year housing land supply
- Impact on the openness of the Green Belt
- Landscape Visual Impacts
- Impact on the amenity of neighbouring residents
- Drainage issues
- Highway issues
- Ecology issues
- Other issues

### **3. Site Description**

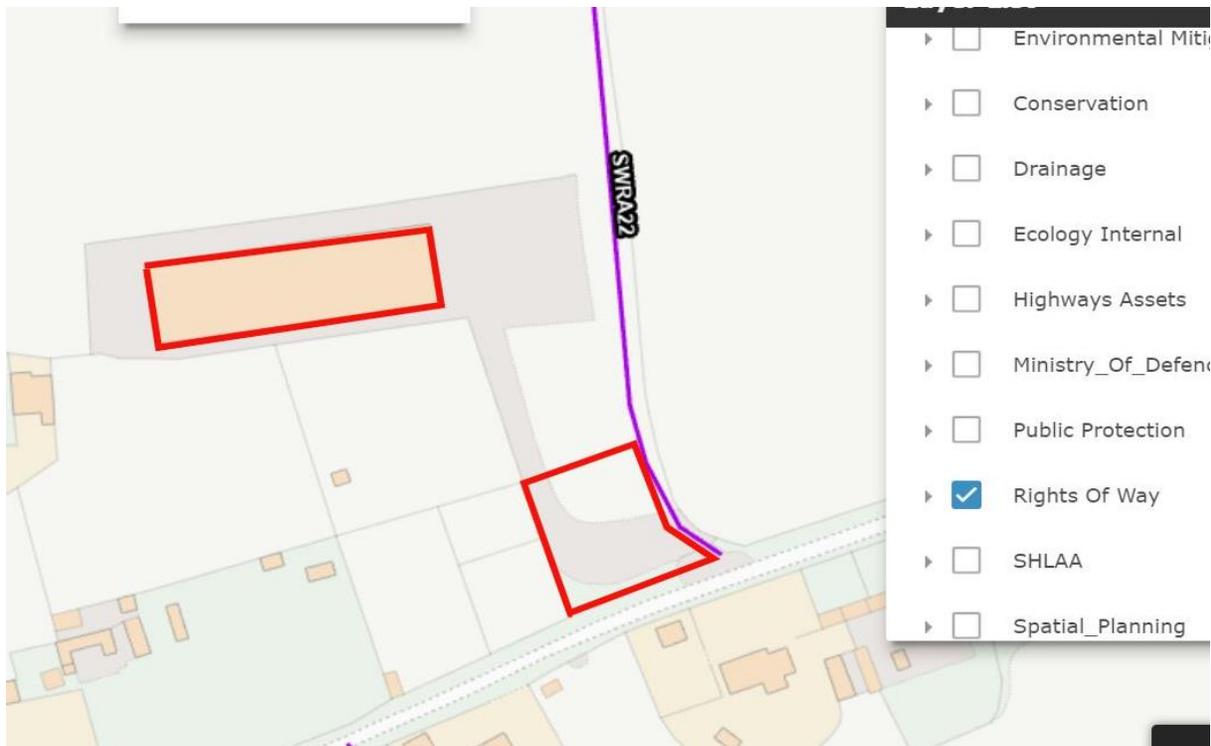
The application site forms part of Meadow View Farm within the open countryside to the west of the B3109 Leigh Road and about half a mile northeast of Bradford Leigh crossroads. The defined site is adjacent and to the west of the existing farm access off Leigh Road that also serves modern agricultural barns as illustrated on the following location plan insert.



As shown above and on the additional insert below, sporadic dwellings and buildings are set out in a ribbon development fronting Leigh Road, with driveways and landscaped front gardens fronting the highway, forming part of the character and appearance of the area.



The application site slopes gently northwards up to the agricultural buildings where the landform undulates more to the north and west. Public footpath SWRA22 is located directly adjacent the site to the east as shown in the following insert.



The site is located within the Green Belt and within the buffer zone of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC).

The application site is shown above by the irregularly shaped red outline and includes the vehicular means of access from Leigh Road, also highlighted in red above, is the rectangular approved agricultural building approved under applications 18/05367/APD and 20/07499/APD.



Aerial photo of the site in relation to public footpath and the approved agricultural barns



Photograph of proposed site taken from the existing farm access off Leigh Road



Photograph of proposed site taken from the north looking south

#### **4. Relevant Planning History**

PL/2022/07389 – Proposed agricultural workers dwelling and associated works – Refused, for the following reasons –

1.The NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal as referenced by the applicant, would not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify the proposal do not exist and the development is contrary to the development plan and the Framework in particular paragraphs 147, 148 and 149 of the Framework.

2.The proposed development, by reason of its siting, scale, design and visual impact, would detract from the rural character of the area and would result in the urbanisation of the rural landscape and diminution of the Green Belt. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.

PL/2021/11357 – Proposed agricultural workers dwelling and associated works for a different site some 80-100m further to the north of the present application site – which was refused by officers under delegated powers, and a subsequent appeal was dismissed. The application was refused for the following reasons –

1.The NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify the proposal do not exist and the development is contrary to the development plan and the Framework in particular paragraphs 147, 148 and 149 of the Framework.

2.The proposed development, by reason of its siting, scale, design and visual impact, would detract from the rural character of the area and would result in the urbanisation of the rural landscape and diminution of the Green Belt. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy

3.Insufficient information has been submitted to demonstrate that the proposed development can be appropriately serviced by essential services such as surface water drainage. In particular no information has been submitted to show that soakaways would work in this area. As such the council cannot determine whether the scheme would lead to additional flood risk elsewhere. The proposed development is therefore contrary to Core Policy 67 of the Wiltshire Core Strategy and advice contained in the Framework.

The refused application and dismissed appeal were subject to the following plans:



Pursuant to the above cited appeal decision, a full copy is attached to this report, and it is considered material to note that despite dismissing the appeal, the planning inspector concurred with the Council’s agricultural advisor in concluding that the applicant had demonstrated an essential need for a rural worker to live permanently on the site and that the appealed dwelling could be adequately serviced and would be “*commensurate with the scale and needs of the farming enterprise*” (source: paragraphs 14 and 31).

In summary, the appeal was dismissed on the basis that the siting of the appealed 2-storey dwelling on the brow of the hill would be visually incongruous and “...*would have a typically urban appearance, at odds with the rural character of its surroundings*” and consequently would be harmful to the Green Belt. The appeal was also dismissed citing a conflict with “*Core Policies 51 and 57 of the Wiltshire Core Strategy (Core Strategy) (2015), which requires development to protect, conserve and where possible enhance landscape character, and to ensure development relates positively to its landscape setting and the existing pattern of development*”.

PL/2021/07745 – Outline application with all matters reserved for the erection of an agricultural workers dwelling – Withdrawn

PL/2021/04826 – Non-Material Amendment to 18/05367/APD to allow the agricultural building on site to be used for housing of livestock, storage of hay, straw, fodder and machinery. – Refused, for the following reason -

1. The housing of livestock in the barn would require a change in the original application description. In addition, it is considered adjacent residents should have a chance to comment on the proposed new use of the barn. As such the application cannot be considered non-material. However, if the reason for use of the barn is to house quarantined livestock, then the development would fall under the provision of Part 6 paragraph D1 (3) of The Town and Country (General Permitted Development) (Amendment) (England) Order 2015.

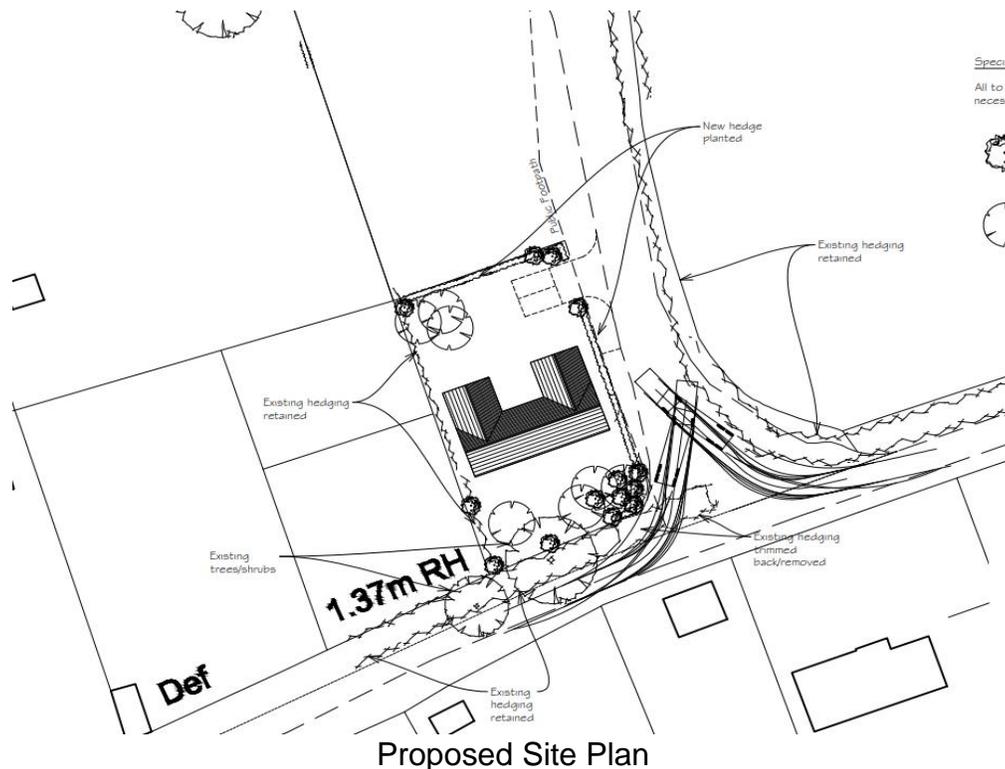
20/07499/APD – Erection of a steel framed portal building for the storage of hay, straw, fodder and machinery – Prior Approval Not Required

18/05367/APD – Proposed agricultural building for storage of hay, straw, fodder and machinery – Prior Approval Not Required

## 5. The Proposal

This full application is materially different to that which was refused under application PL/2021/11357 and dismissed at appeal. This application relates to a parcel of land fronting Leigh Road and the applicant no longer proposes a 2-storey house, but instead seeks permission for the erection of a single-storey detached 2 bed farm workers dwelling consisting of a living room, study, utility room, kitchen, dining room and the 2 bedrooms.

External materials would include Marshall's stone walling with red brick quoin detailing, and unstained timber boarding infill elements below the southern facing windows and a dark clay double roman tiled roof. Two off road parking space are proposed. Access to the site would be off the existing agricultural access via Leigh Road.



The proposed building would measure approx 11.6 metres wide and 17.8 metres long and would be 4.4 metres high to the apex of the ridge roof and 2.4 metres high to the eaves. The proposed floorspace would be approx. 174 square metres measured externally. The scheme includes amenity space to be partially enclosed by a new hedge planting to the north and east of the site.



Proposed Elevations

## 6. Planning Policy

Wiltshire Core Strategy (WCS)– Core Policy 1: Settlement Strategy;

Core Policy 2: Delivery Strategy; Core Policy 7: Bradford on Avon Community Area Strategy; Core Policy 41: Sustainable Construction & Low Carbon Energy; Core Policy 48: Supporting rural life; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and New Development; Core Policy 64: Demand Management; Core Policy 67: Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration)

U1a Foul Water Disposal

National Planning Policy Framework 2021 (The Framework)

### Other Matters

Planning Practice Guidance (PPG)

Wiltshire Local Transport Plan 2011-2026

Wiltshire Council's Housing Land Supply Statement dated May 2023 (with baseline date of 1 April 2022) confirms that the Council cannot demonstrate a 5-year supply of land for housing. It should however be noted that NPPF paragraph 11 is not *inter alia* automatically engaged where there is harm identified to protected sites such as the Green Belt.

## 7. Summary of Consultation Responses

South Wraxall Parish Council: Objects to the application as it has to all previous planning applications on this site. We believe the logic of the applications remain flawed notwithstanding the revised scale and location of the proposed building.

### **Loss of Green Belt**

*As this proposal is to build a new dwelling in the Green Belt, this would be an inappropriate encroachment of development into the countryside and close up the openness provided by the fields on which it is to be developed. Due to the proposed site of this development the field presently visible from the highway will be lost and replaced with only a clear view of the track.*

*The Parish Council therefore sees this as further unwarranted encroachment into the Green Belt.*

### **Lack of Justification for an Agricultural Dwelling**

*The Parish Council has vehemently disputed the justification for an agricultural dwelling at Meadow View Farm during previous applications and appeals - there is no change in our view regarding this application.*

*Every decision made by the Wiltshire Council's Planning Officer, Wiltshire Council's Agricultural Adviser, the Planning Inspector and the applicant's agents have been based on the original Agricultural Planning Appraisal (APA) provided by Cooper and Tanner which was flawed. It stated that both barns built on this site, now conjoined, have permission to house livestock. This is incorrect. The barns were erected in 2018 and 2021 under permitted development rights. This combined large barn is within 30m of the curtilage of the nearest dwelling and within 400m of approximately 23 other dwellings in Bradford Leigh. However, the accommodation of livestock housing within 400m of dwellings is not permitted under development rights in order to protect the neighbourhood amenity.*

*The original APA stated that at that time there were 98 cows together with their calves kept and managed at Meadow View Farm - the applicant later 'clarified' to the Wiltshire Council Planning Officer (Reference C)) that 'there were approximately 40 cows calving in 2021 and (in) 2022 there were 110 cows calving in the fields'. However, no cows have been seen running with calves in any of the three fields of Meadow View Farm over the last three years by residents of Bradford Leigh or members of the Parish Council.*

*The applicant's agent for the previous application quotes from the Planning Inspector's report (Reference A page 4) that the 'agricultural justification exists and has been rigorously appraised'. The Parish Council would contend this conclusion as it is doubted that any of the agents or Planning Officers, the Agricultural Adviser or Planning Inspector have personally seen cows and calves on this site. This justification is based on the word of the applicant which the Parish Council contend is misleading.*

*The applicant continues to use the barns to house cattle under the exemptions provided by the Town & Country (General Permitted Development) (Amendment) (England) Order 2015, on the grounds that the cattle are being housed for tuberculosis quarantine purposes. As aforementioned in this letter one barn is licensed as an Approved Finishing Unit (AFU), for such buildings the terms and conditions state 'AFUs are not intended for milk production nor for pregnant animals and no breeding must take place in these units. Contingencies must be in place for any calves born unexpectedly in an AFU'. Where the applicant's agents have*

*referred to the barn providing temporary accommodation to calves on welfare grounds this would not be possible in an AFU without contravening the licence.*

*The original Agricultural Planning Appraisal concludes that an agricultural worker needs to reside on the Meadow View Farm holding so that he can supervise the livestock on a 24-hour basis. Given that calving cows require checks on an hourly basis throughout that period, accommodation for a single agricultural worker would not be sufficient for that supervision; nor can any individual worker be expected to work without any time off duty. It is noted that the applicant also owns the neighbouring Norbin Farm, which would be better suited for calving cows. This would allow the applicant to easily stand in to care for the cows when the agricultural worker is unavailable, and an additional agricultural dwelling could be created at Norbin Farm by repurposing an existing holiday or long term let.*

*It is also noted that after comments were submitted by the Parish Council on previous applications, the Wiltshire Council Agricultural Adviser amended his report in this respect. His reports now notes that cattle cannot be kept in the barns due to these planning limitations.*

*The Parish Council therefore contends that there is no justification for an agricultural dwelling at Meadow View Farm.*

### **Conclusion**

*South Wraxall Parish Council has also received concerns from numerous parishioners regarding this application. For the reasons expressed above, the Parish Council believes that there is no reason to approve this application, and requests Wiltshire Council refuses the application.*

*Should permission for this development be granted, the Parish Council would request that a condition is imposed so that no building on any part of the development shall exceed 1 storey in height.'*

Holt Parish Council: Objects to this application on the grounds that it is undesirable urbanisation of greenbelt land and would like to know the justification for approving for such an application.

Wiltshire Council's Agricultural Consultant: The proposed expansion of the enterprise at Meadow View would, in my view, generate an essential need for a presence on site. The wider farming business is substantial and both profitable and viable. It is my view that the size of the proposed dwelling is not excessive in relation to the identified essential need.

Wiltshire Council Highways Officer: If the principle is accepted, no highway objection is raised. The proposed car parking area shall be located further to the north, this will avoid conflict with vehicles using the junction from the lane to the site. However, a scheme for the discharge of surface water from the site onto the highway (including surface water from the access/driveway), incorporating sustainable drainage details should be submitted.

Note – Revised plans were received that allocated parking to the north of the proposed dwelling as detailed on the proposed site plan above and no further comments were raised from the highways team.

Wiltshire Council Rights of Way Team: Public footpath SWRA22 runs to the east of the site along the west side of the field boundary. It should remain clear of obstruction during and after construction. I have no objection to the proposal subject to the following informatives being imposed on any permission:

The applicant should note that it is a criminal offence to obstruct a public right of way under section 130 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way SWRA22 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.'

## **8. Publicity**

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site and erection of a site notice.

As a result of this publicity 25 representations have been received. The representations have been summarised as follows:

- Drainage of effluent from cattle sheds
- Highwaysafety issues
- Noise and disturbance
- Loss of privacy to residents of No. 99
- Noise and smell from cows
- Development would set a precedent
- Adverse impact on character of countryside
- Scheme does not protect, conserve or enhance landscape character
- Destruction of open countryside
- Adverse impact on Green Belt
- Result in urbanisation of the countryside
- Loss of views
- Noise from lorries entering and exiting the site
- Inaccurate planning statement/form/plans
- Development would be visible from the highway
- No permission to house livestock in the existing barns
- No justification for a farm worker to live on site
- Conflict with policies of the NPPF
- No material changes to the previous two planning applications that were rejected
- Barns are an eyesore
- Adverse impact on use of adjacent public footpath
- A cycleway runs along Leigh Road

- Run off from the manure heaps currently on-site flows into a small ditch (less than 20 metres away),
- Public footpath has been fenced inappropriately, damaged and reduced making it inaccessible
- Conflicts with Core Policy 57 of the WCS
- Drainage issues in the local area
- Lack of enforcement
- Poor design
- Applicant has already widened the entrance

## **9. Assessment**

### 9.1 Existing/Proposed Farming Practice

Meadow View Farm is run as part of the wider Norbin Farm. The total farmed area is approximately 419ha (1,035 acres) comprising 123ha (305 acres) freehold and the balance 296ha (735 acres) held under a variety of leasehold arrangements and licences. There are 19 ha (48 acres) in a ring fence at the application site.

The farm business is run as a mixed arable and livestock unit with Meadow Farm being used as the base for the suckler herd. The applicant advises that his purchaser's preference has altered to home bred and reared cattle, therefore it is important that aspect of the business is expanded.

It is understood that Meadow View was purchased by the applicant partly to assist with TB management. The unit is separate to the wider farm and has a separate holding number. Thus, in the event of an outbreak of Bovine TB at Norbin Farm, Meadow Farm is unaffected (and vice versa).

The proposal is to expand the current regime at Meadow Farm to 250 breeding cows plus progeny. Cattle will continue to be calved across the year, but the scale will increase significantly. The application is accompanied by an Agricultural Planning Appraisal dated February 2022 which concludes that the proposed dwelling is essential to support the day-to-day function of the agricultural business.

It should be noted that the justification for the farm business expansion has not changed since the appeal for application PL/2021/11357 was determined. As previously reported, officers, the Council's agricultural advisor and the 2022 appeal inspector for APP/Y3940/W/22/3294187 are on record as being satisfied that the applicant can demonstrate an essential need for a dwelling to support the agricultural enterprise.

Although it has been updated, the submitted Agricultural Planning Appraisal which supported the PL/2021/11357 application, continues to form the basis of this assessment.

The applicant's agricultural appraisal sets out the intention to expand the enterprise over the next few years. Norbin Farm Ltd has access to over 123ha of land with access to an

additional approximate 296ha of land held under a variety of leases. Meadow View Farm (the subject of this application) was purchased to extend this business and consists of approximately 19ha of land. The farm is therefore made up of a combination of pasture and arable land totalling over 1000 acres of land. The farm is a beef rearing unit specialising in the finishing of both conventional and organic beef.

As previously mentioned, the two consented modern agricultural buildings at Meadow View Farm are essentially for agricultural storage. The overall dimensions of both buildings are 36.6m x 21.3m (120' x 70') with 4.5m eaves. Both buildings have fibre cement roofs, spaced boarding to the upper elevations and pre-formed concrete panels to the lower elevations.

The principal buildings at Norbin Farm are used to fatten the beef. Meadow View Farm is used to house the organic suckler herd which provides some of the organic beef cattle.

Information submitted on the business practices at Meadow View Farm (provided under application PL/2021/11357 and dated 16 February 2022) confirmed that cattle are bred on the farm from a herd of 98 suckler cows, all purchased and bred cattle are reared on to sale direct to slaughter, finished at approximately 24 months and overall, the business fattens and sells approximately 1,000 cattle per annum. The cattle are calved across the year. Progeny are reared at the unit until 10 – 12 months old when they are transferred to the rearing unit at Norbin Farm.

The business at Meadow View Farm has been operating for approx 3 years and the applicant has advised that there were approximately 40 calvings in 2021 and in 2022 there were 110 cows calving in the fields. In addition, on average a calf would spend approx 24-48 hours in the agricultural barns after being born. The applicant also clarified that outside of summer and autumn, cattle would be fed via ring feeders outside in the fields (source information dated 16 February 2022 submitted in support of application PL/2021/11357).

The agent clarified in correspondence dated 9 February 2023 – '*...the financial justification underpinning the operation's essential needs...is unchanged...*' and '*the operations are still clearly capable of funding the building of the farm worker's dwelling required and thus meet the financial test if considered relevant.*'

With regard to the use of the agricultural buildings and in response to the challenge raised by the parish council, the agent argues that '*the business is based on the cattle being on the grass for as much of the year as possible at Meadow View, which is unchanged.*'

Third parties have raised the issue of the agricultural unit at Meadow View having an Approved Finishing Unit (AFU) license. The applicants confirm that one of the two agricultural storage buildings at Meadow View Farm is licensed as an AFU while the other building is used for general agricultural storage (which extends to the provision of temporary housing for calving cows in the event it is required).

The applicant has confirmed that the AFU licence is not permanent and can be removed when no longer required, at which point, the building would revert to general agricultural

storage (as confirmed by submissions dated 16 February 2022 made pursuant to application reference PL/2021/11357).

It should be noted that the 2 agricultural buildings on site (approved under prior approval applications 18/05367/APD and 20/07499/APD) have permission to be used the storage of hay, straw, fodder and machinery only and there is no planning permission granted for the housing of livestock in either of these buildings.

However, under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 6, the buildings can be used for the quarantine of livestock, to temporarily accommodate sick livestock, for the giving birth or for newly born animals and/or to provide shelter in extreme weather conditions (as set out within part D.1 paragraph (3) of the GPDO).

Readers should refer back to the inserted plans and photos for the location of these buildings in relation to application site.

Returning to the Parish Council challenge on the essential need, it is important that the Council does not act unreasonably, and it is equally important to accept that the point of need has been independently appraised not only by the Council's appointed agricultural advisor but also by the appeal inspector for refused application PL/2021/11357. Pursuant to the above, it is necessary to quote from the appeal decision as follows:

*22. In supporting sustainable development, the Framework seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 80 of the Framework and include reference to situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.*

*23. The Council's agricultural consultant concluded that the proposed expansion of the enterprise at Meadow View would generate an essential need for a presence on site. They also found that the wider farming business is substantial and both profitable and viable. I have no reason to come to a different conclusion on the matter.*

*24. The Council's agricultural consultant, as well as local residents, have queried that the two agricultural buildings on site are not authorised to be used for the accommodation of livestock. As a result, the farming policy identified, which gives rise to the essential need for the proposal, cannot at present be implemented without contravening the planning permissions for the buildings at Meadow View Farm. However, the Council have clarified that there is a provision under the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) to house livestock that arise from quarantine requirements (section (i)) and in the case of animals normally kept outdoors, when they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born.*

25. *The appellant has clarified that the barns are only used for emergency quarantine purposes, calving and short term occupation by just born calves. In the absence of a Certificate of Lawful Use, it is not my role to determine whether the use of the existing building is lawful. However, based on the evidence before me, I am satisfied that the farming enterprise at Meadow View Farm and the subsequent justification for the agricultural workers dwellings is acceptable. I therefore attach the essential need for a rural workers dwelling on the site significant weight in my decision* (emphasis added).

It should also be acknowledged that the site was visited not only by officers as part of the assessment of the applications, but also by the appeal inspector (on 14 June 2022).

There is a dwelling at Norbin Farm, which is occupied by the applicant. The unit at Meadow View is managed by a full-time employee who lives approximately three miles distant. The intention is for the employee to occupy the proposed dwelling. The current requirement at Meadow View is approximately one full time unit of labour and with the anticipated expansion, there would be a requirement for one full time and one part time labour unit at Meadow View Farm.

## 9.2 Principle of Development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application is as follows; the Wiltshire Core Strategy (WCS), adopted 20th January 2015, and saved policies of the West Wiltshire District Plan 1st alteration (2004) as outlined in Appendix D of the WCS and Adopted minerals and waste development plan documents.

The proposal site lies in the open countryside location outside any settlement boundary to the northeast of the village of Bradford Leigh. Paragraph 80 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work.

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 is discouraged 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 new housing outside the defined limits of development will be supported where it meets the accommodation needs required to enable rural workers to live at or in the immediate vicinity of their place of work and such proposals should be supported by functional and financial evidence.

The Council's agricultural consultant has assessed the need for an agricultural worker's dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise (based on the supporting evidence contained within the Agricultural Planning Appraisal by Cooper and Tanner dated 4 February 2022, as amended by email on 21 Feb 2023).

It remains the case that the applicant can demonstrate an essential need for a dwelling to accommodate a farm worker. The Council's agricultural advisor was re-consulted for this fresh application and confirmed the following:

*"6.3 A suckler cow enterprise presents a requirement for an essential presence immediately before, during and post calving. The level of human intervention at any single calving can range from minimal observation right through to full veterinary surgery. The requirement depends on the age and circumstances of the dam, presentation of the calf, external conditions, nutrition and a range of other factors.*

*6.4 The applicant proposes that calving will remain across the whole year but will be increased to 250 occurrences and therefore an average frequency of more than one calving every other day.*

*6.5 It is my view that the expanded enterprise will present an essential requirement for a worker at most times".*

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 the authority would be left with a dwelling with no "essential need" for its presence serving Meadow View Farm.

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

*'7.3 The applicant has submitted profit and loss accounts for the last two years. The accounts indicate that the business is profitable and in my view the level of profit demonstrates viability.'*

The applicant has provided information on both functional and financial need for an agricultural dwelling at Meadow View Farm, in line with the requirements of Core Policy 48. 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.

The Council's agricultural consultant also concluded that:

*'8.1 As indicated above, the unit is currently managed by a worker who lives remotely. The applicant advises that such a situation is not tenable for the expansion of the unit. It is my view that the identified essential need should be met through a dwelling at the holding.'*

With regard to the 2 agricultural buildings at Meadow View Farm (approved under applications 18/05367/APD and 20/07499/APD) the Council's agricultural consultant furthermore advised that –

*'8.3 I have previously raised specific concerns about the use of the two agricultural buildings at the site. I understand that the planning permissions for each of the buildings do not extend to their use for the accommodation of livestock. The Council has previously refused a planning application for such use in relation to one of the buildings, on the basis of Green Belt policy.'*

*'8.4 The applicant is clear that the cattle will be outwintered and calved outdoors across the year. The applicant has been clear to state that the farm buildings would only be used to accommodate cattle in emergency situations, which is allowed for under the current permissions.'*

The agricultural consultant therefore concluded that -

***'The proposed expansion of the enterprise at Meadow View will, in my view, generate an essential need for a presence on site. The wider farming business is substantial and both profitable and viable. It is my view that the size of the proposed dwelling is not excessive in relation to the identified essential need.'***

For clarification, the agricultural storage buildings erected on site under permissions 18/05367/APD and 20/07499/APD have permission for the storage of hay, straw, fodder and machinery granted under the provisions of the GDPO 2015 (as amended). However under section D.1 para (3) class 6 of the GDPO there is provision to house livestock that arise from quarantine requirements (section (i)) and in the case of animals normally kept out of doors, they can at times require temporary accommodation in a building or other structure because they are sick or giving birth or newly born (section (ii)), and this would not contravene planning rules.

The applicant confirmed (as part of application PL/2021/11357) that the barns are only used for emergency quarantine purposes, calving and short-term occupation for newly born calves. In addition, the applicant maintains that *'The cattle are grazed during the summer and for as much as the autumn as possible depending on the weather and the condition of the grazing land available. Calving normally takes place outside, with the buildings available only in cases where the welfare of the animals is at risk. The cows are situated on land which is immediately adjacent to the proposed siting for the new dwelling so that they can be monitored easily'* (source: section 6.1.1 of the applicants APA).

The applicant has also clarified that outside of summer and autumn cattle would be fed via ring feeders outside in the fields.

*The financial justification underpinning the essential need has not changed and the Council's agricultural advisor is fully satisfied that the business is clearly capable of funding the building of the farm worker's dwelling.*

To avoid any misunderstanding, it is important to be clear that the business is based on the cattle being on the grass for as much of the year as possible at Meadow View and there is no reliance placed on the two agricultural storage buildings for cattle housing, except for in emergencies.

**On the basis of the above, officers are fully satisfied that the applicant has satisfied the functional and financial need for an agricultural dwelling on the site, in line with the requirements of Core Policy 48 and the NPPF.**

**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.**

### 9.3 Impact on the Openness of the Green Belt

There are no relevant WCS development plan policies relating to the Green Belt, therefore the NPPF provides the policy direction and sets out within paragraph 137 that “*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*”.

Paragraph 138 the NPPF sets out five key purposes of the Green Belt with one being to safeguard the open countryside from encroachment, while paragraph 149 sets out the categories of development which are designated as being ‘appropriate’ in the Green Belt.

Although it is accepted the proposed dwelling would support the agricultural enterprise at Meadow View Farm, that would not be its primary function. Its primary function would be a residential dwelling.

This was made very clear by the appeal inspector in determining the appeal for refused application PL/2021/11357 – which confirmed that the development would not fall within category a) listed under para 149 of the NPPF i.e., ‘buildings for agriculture and forestry’.

For completeness sake, the NPPF paragraph 149 is reproduced below -

*149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*a) buildings for agriculture and forestry;*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The development is therefore considered ‘inappropriate,’ when tested against paragraph 149 of the Green Belt.

Paragraph 80 of the Framework states planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst others, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Paragraph 147 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The two key characteristics of the Green Belt are its openness and its permanence. The application site comprises a section of field boarded by trees and hedges to the west and south. An existing farm track passes through the site. Open fields lie to the north and east while residential development is located to the south of the site on the opposite side of the road.

As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

The proposed single storey dwelling represents a far more modest proposal compared to what was previously refused by the Council that was dismissed at appeal. However, at 11 metres wide and 17 metres long, it would have a fairly large footprint.

In terms of the visual impact of the development, the identified site is not on the brow of the hill and would be enclosed by existing hedgerows on three sides. When viewed from the south, the site would be partially screened from the highway by an existing mature hedgerow as detailed in the photo below.



Site photo taken from the highway detailing mature hedgerow to south boundary of the site adjacent the access

When viewed from the east and west, the site would also be substantively screened by existing hedgerow boundaries. Views of the site from the north would be limited due to the topography of the land sloping down towards the north where it meets the brow of the hill further to the north. However, the site would be visible from the adjacent public footpath to the east.

As stated above, the proposed dwelling would fail to accord with any of the exceptions set out within the NPPF. However, paragraph 148 makes it clear that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”

The Council is therefore tasked with assessing whether the applicant can demonstrate very special circumstances.

The proposed dwelling would be modest in terms of its height and officers are far more supportive of the revised siting away from the brow of the hill and the revised single storey form – compared what was refused under PL/2021/11357.

The current proposal, save for an open vantage gained from the immediate east and the PROW/highway access point, would be reasonably well screened by the well-established

hedgerow that fronts the highway, the dwelling and associated parking/garden space would nevertheless reduce the openness of the Green Belt.

However, there is a functional requirement for an agricultural dwelling to support the agricultural enterprise, and the harm that would be caused to the Green Belt (through loss of some openness) must be weighed against the essential need – which as the appeal inspector confirmed, merits being given significant weight in the planning balance.

The proposal would also meet the requirements of paragraph 80(a) of the Framework in respect of justifying new housing in the countryside and would also comply with policies in the Framework in respect of supporting a prosperous rural economy – which officers submit merit being given substantial weight in the planning balance.

With the proposal consisting of more appropriate siting and the modest single storey (compared to what was previously refused), and fully mindful of the essential need being satisfied for a new dwelling to support the farming operations, officers submit that the application can be supported and the harm to the openness of the Green Belt would be sufficiently outweighed by the very special circumstances necessary to justify the development.

**On the basis of the above, the proposed development is supported in terms of the impacts on the Green Belt.**

#### 9.4 Impact on the Character and Appearance of the Area

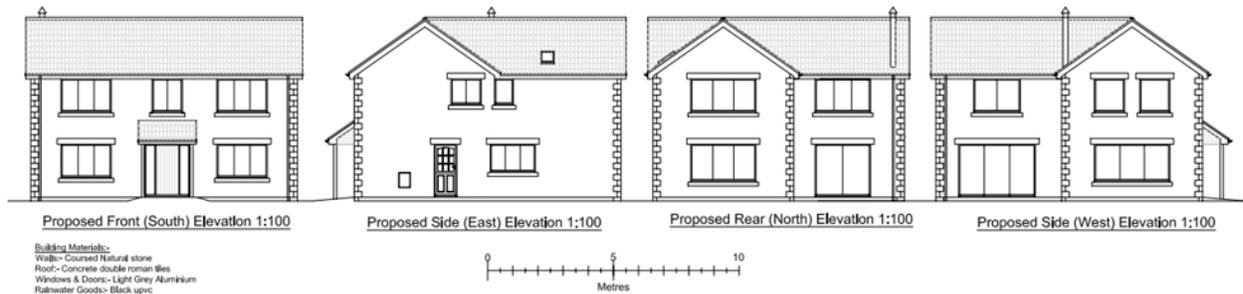
Core Policy 51 of the WCS outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applicants to demonstrate how development proposals would conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures. Core Policy 57 requires a high standard of design in all new development and development should respond positively to the existing townscape and landscape.

The site lies within the Limestone Lowland landscape character area – which consists of gently undulating lowland farmland, a rural landscape with subtle variations in character relating to the varied geology, topography and water courses, a mix of permanent pasture and arable farmland and a strong network of hedgerows with hedgerow trees. Pressures on this landscape character include, amongst others, pressure for new development along rural lanes and around existing settlements and increasing traffic on the narrow rural lane network which has the potential of leading to additional urbanisation of the countryside through additional buildings, highway and kerbing, additional lighting and signage.

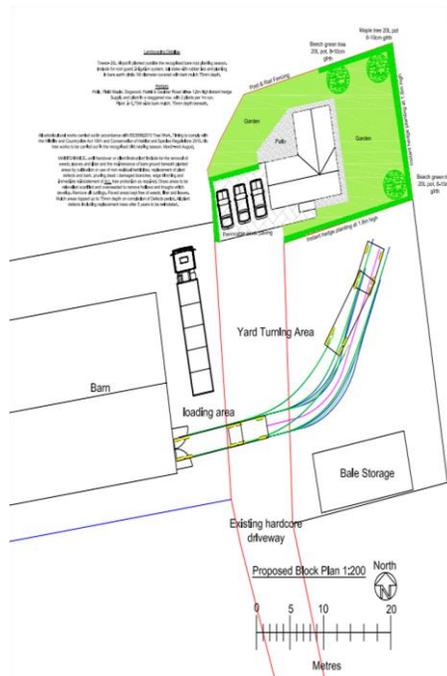
The application site forms part of an existing agricultural field located in the open countryside. The site is enclosed by existing hedgerows on three sides and would provide substantive screening mitigation. Views of the site from the north would be limited as the land slopes down towards the north where it adjoins the agricultural buildings, and the site

would be visible from the adjacent public footpath to the east. The nearest residential property to the site is located to the south on the opposite side of the highway.

As reported above, officers are satisfied that this application is far better sited with meaningful screening and the consequential visual impacts of the proposal would be acceptable. This application would not have the same harmful impacts that were identified for the refused PL/2022/11357 application. There would still be some harm to the rural landscape through the construction of the proposed dwelling and its associated infrastructure, but the impacts are considered acceptable. The refusal reasons for application PL/2021/11357 are considered justified or defensible. To remind readers the following inserts reflect what was previously proposed and refused (and dismissed at appeal)

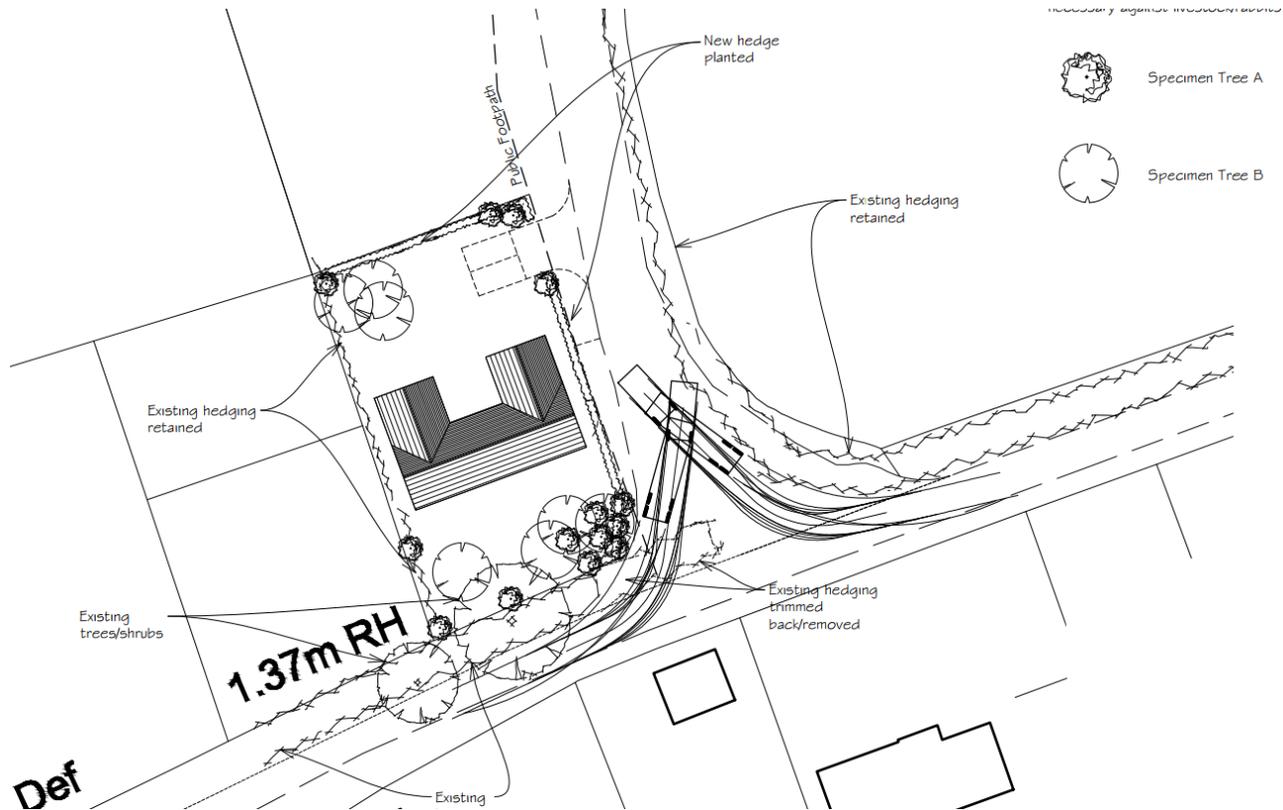


Elevations – refused dwelling application PL/2021/11357



Site plan – refused dwelling application PL/2021/11357

The current development, as detailed above, is for a single storey dwelling located in, what is considered, a far less prominent position near a well-established mature hedgerow and along the southern boundary of the site. The dwelling would be located adjacent the existing farm access and would be relatively well screened by mature hedgerows to the east, south and west.



Additional hedge screening is proposed along the northern and eastern boundaries of the site as detailed on the site plan above. It is also the view of officers that by siting the proposed dwelling closer to the highway, the proposal would be more consistent with the established pattern of the development in the immediate area, whereby several properties front the highway, albeit at varying distances.

**Although it is recognised that the development would result in some additional urbanisation of the open countryside with some loss of rural character, there would be substantive screening provided by the established mature hedgerows, and with the proposed additional landscaping, the modest single storey dwelling would not have such a harmful impact upon landscape character to justify a refusal of planning permission. The proposed development therefore complies with Core Policies 51 and 57 of the Wiltshire Core Strategy and the advice contained in the Framework.**

#### 9.5 Impact on the Amenity of Neighbouring Residents

Core Policy 57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself,

including the consideration of privacy, overshadowing, vibration, and pollution (e.g., light intrusion, noise and effluent amongst others).

**The nearest residential property to the site is located approximately 30 metres to the south on the opposite side of Leigh Road. Due to this separation distance, the proposed single storey dwelling, and the intervening mature hedgerow and the highway would provide sufficient mitigation, and it has been concluded that the development would have no adverse impact on the living conditions of neighbouring residents in terms of loss of privacy/ overlooking or overbearing impact.**

#### 9.6 Drainage Issues

Paragraph 167 of the Framework states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Core Policy 67 of the adopted Wiltshire Core Strategy seeks to secure measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (via sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

**The applicant proposes that surface water would be discharged via a soakaway. Although no detailed information has been submitted with the current application, it is noted that a ‘Surface Water Proposal Statement’ was submitted as part of the appeal of application PL/2021/11357 and the appointed inspector was “*satisfied that the proposed soakaway would be acceptable...[and] it would ensure that there would be no increase of flooding elsewhere.*”**

**The current application is located approximately 80 metres southwards of the appealed development with the site on a lower level and adjacent to the highway. To comply with CP67 and the NPPF, a bespoke planning condition is considered necessary to secure the appropriate surface water drainage management for the site as well as the appropriate installation of the foul sewage package treatment plant.**

#### 9.7 Highway Issues

Core Policy 61 of the WCS seeks to ensure that all new developments are capable of being served by safe access to the highway network. Core Policy 64 sets out to manage the demand for parking which along with the Council’s Car Parking Strategy sets minimum parking standards for residential development.

It is also important to note that Paragraph 111 of the NPPF establishes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**Following the submission of revised plans, two parking spaces are proposed on the site and located to the north of the proposed dwelling. Vehicular access would be shared with the existing farm access off Leigh Road, and the Council’s highway officer is satisfied the development would be served by a safe access and there would be no policy conflict with local and/or national policy.**

### 9.8 Ecology Issues

Core Policy 50 of the Wiltshire Core Strategy states that development proposals must demonstrate how they protect features of nature conservation, and there is an expectation that such features shall be retained, buffered and managed favourably in order to maintain their ecological value.

The application site comprises a section of agricultural field near to the existing farm access and there are no known protected species on site. The existing mature hedgerows to the west and south of the site would not be impacted by the development while the scheme would include additional hedge planting on the north and east boundaries of the site which would provide net biodiversity gain. A condition requiring details of external lighting is recommended to ensure there is no harmful light pollution. It is also noteworthy to mention that in determining the PL/2021/11357 appeal, the appointed planning inspector raised no ecology concerns.

**As such considering the above and the scale of the proposed development, a proportionate assessment has been carried out and no substantive ecological objection is raised.**

### 9.9 Other Issues

Comments have been received from third parties with regard to the use of the existing agricultural barns erected on the farm holding under prior approval applications 20/07499/APD and 18/05367/APD. These are no part of this application, but it has been confirmed that the consented barns are for the storage of hay, straw, fodder and machinery, under the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 6. The barns have and can be used for the quarantine of livestock, to provide temporary accommodation for livestock that are sick, giving birth or for newly born calves and/or to provide shelter in extreme weather conditions (part D.1 paragraph (3) of the GPDO).

Concerns have also been raised by third parties with regard to use of the adjacent public footpath. However, the upkeep of this path is not an issue relevant to this planning application, and any substantiated unauthorised works to the PRoW would be a separate enforcement matter for the requisite officers to investigate.

Third parties have also raised concern with regard to the ongoing agricultural business including the storage of manure, slurry, waste disposal and noise and smells created by livestock - as well as the use of the barns for quarantine purposes and related health and safety issues. None of these concerns are relevant to this application which relates to the proposed construction of a dwelling for a farm worker.

## **10. Conclusion (The Planning Balance)**

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is seeking permission for the erection of one farm workers dwelling for which the applicant has

provided substantive justification satisfying an essential need on the site, in line with the requirements of Core Policy 48 and the NPPF. Based upon the information provided, officers and the Council's agricultural advisor are satisfied that there is an essential need for an agricultural worker to live on the site. Accordingly, the proposal complies with paragraph 80 of the NPPF and this consideration merits significant weight as part of the planning balance.

The site is located in the Green Belt and paragraph 149 of the Framework sets out the categories of development which may be regarded as being 'appropriate' in the Green Belt. In this particular case, the proposal does not fall within any of these listed appropriate forms of development. As such the development is considered inappropriate in the Green Belt

Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Officers submit that there exist very special circumstances for this application through the essential need for a rural worker to live on-site.

Officers are also satisfied that there would be substantive screening mitigation provided by the existing well-established hedging which would be supplemented by additional planting to reduce the visual impacts of the development. In terms of the Green Belt, the application is supported, subject to conditions.

There would be some short-term benefits generated through the construction of the dwelling through direct and indirect job creation and future council tax revenues. In addition, the development would contribute towards CIL infrastructure funding in the area. These benefits can cumulatively be given moderate weight in the planning balance.

In terms of providing the additional dwelling, it would assist modestly towards the current under supply of housing albeit, it would be tied for an agricultural/rural worker and would not be available for the open market, but nevertheless, the delivery of one dwelling within this rural location would bring about some localised social and economic benefits which merit moderate weight.

In terms of neutral impacts, officers are satisfied that the proposed development would not harm neighbouring residential amenities. Sufficient off-road parking can be provided on site and the development would be served by a safe access to the road network. Subject to conditions, suitable drainage infrastructure can be secured and there would be no residual flood risk. The proposed development would have no adverse impact on local biodiversity, protected species or protected habitats, and indeed through the retention and additional provision of landscape planting, there would be biodiversity net gains.

The NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

In this case, officers are satisfied that the essential need for a rural worker to accommodate the proposed single storey dwelling merits very special circumstances and in combination

with the aforesaid mitigation and safeguards, the merits for the proposal would outweigh the harm to the Green Belt.

The application is therefore recommended to the elected members for approval subject to the following recommendation.

**RECOMMENDATION:** APPROVE subject to 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:

Location plan scale 1:1250 drg no. LPC 5325 EX 01 B  
Proposed site plan scale 1:500 drg no. LPC 5325 PR 01 B  
Proposed floor plans scale 1:100 drg no. LPC 5325 PR 02 A  
Proposed elevations scale 1:100 drg no. LPC 5325 PR 03 A

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

3. The occupation of the dwelling 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargement to the dwelling hereby approved.

REASON: In the interests of protecting the openness of the Green Belt and to enable the Local Planning Authority to consider individually whether future planning application proposals should be granted for additions, extensions or enlargements.

5. The dwelling hereby approved shall not be brought into use until the associated parking space(s) together with access thereto, have been completed in accordance with the

details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

6. No development hereby approved shall commence above ground floor slab level until a detailed scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 and including all necessary permits, consents and permissions, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

7. No development shall commence on site above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - A detailed planting specification showing all plant species, supply and planting sizes and planting densities.
  - All hard and soft surfacing materials.
  - Details of the protection of the existing hedgerows on site during construction.

REASON: In order that the development is undertaken in an acceptable manner and to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: In order that the development is undertaken in an acceptable manner and to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. No external lighting shall be installed on site until exact details showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021' (ILP, 2021). The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site.

10. Existing hedgerows on site shall be retained in accordance with Plan Drawing LPC 5325 PR 01 B.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Informatives 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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

The applicant should note that it is a criminal offence to obstruct a public right of way under section 130 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way SWRA22 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire Council.

Appendix 1 – Appeal decision with regards application PL/2021/11357 (appeal ref. APP/Y3940/W/22/3294187)



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## Appeal Decision

Site visit made on 14 June 2022

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> August 2022

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**Appeal Ref: APP/Y3940/W/22/3294187**

**Meadow View Farm, Bradford Leigh, Wiltshire BA15 2RW**

- 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 Andrew Hillier of Norbin Farm Ltd against the decision of Wiltshire Council.
  - The application Ref Pl/2021/11357, dated 6 December 2021, was refused by notice dated 18 February 2022.
  - The development proposed is proposed agricultural workers dwelling and associated works.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the area;
  - whether surface water from the development site would be adequately dealt with; and
  - if the proposal is inappropriate development, whether the harm by 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 development.

### Reasons

*Whether the proposal is inappropriate development in the Green Belt*

3. The appeal property is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) (2021) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 149 and 150 of the Framework list a number of exceptions to this.
4. The appellant contends that the dwelling would accommodate an agricultural worker and therefore it should be considered to be a building for agriculture in

accordance with criterion a) of paragraph 149 of the Framework. However, whilst the dwelling would support the agricultural activities that take place on the site, the building would primarily be intended for residential use and not agriculture. Accordingly, it would not be a building for agriculture.

5. The appellant also contends that the proposal should be regarded as a form of 'limited affordable housing for local community needs', as stated in criterion f) of paragraph 149 of the Framework, as a result of the conditional restriction which would maintain the dwelling's affordability for the rural agricultural community. However, affordable housing is defined within the glossary at Annex 2 of the Framework and the proposal would not meet the definitions listed under a) to d) of the glossary of the Framework. The glossary of the Framework also confirms that 'rural exception sites' are small sites used for 'affordable housing in perpetuity'. Therefore, their inclusion in criterion f) is simply as another way of delivering 'affordable housing' as defined by the Framework.
6. Therefore, as the proposal would fail to accord with any of the exceptions set out in paragraphs 149 or 150 of the Framework, it would be inappropriate development under the Framework, which is, by definition, harmful to the Green Belt.

#### *Openness*

7. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
8. The dwelling would be a 2 storey dwelling and would be positioned to the east of the existing barns. It would be located in a field which is currently free from any built form. The introduction of the proposal on to a parcel of land that is currently absent of any built form, due to its size and bulk, would inevitably lead to a loss of openness. It would be reasonable to expect a more intensive residential use of the land immediately around the proposal, including planting and domestic paraphernalia. There would also be an area of block paving which would be large enough to accommodate 3 cars. These features would also result in an erosion of openness.
9. I do not agree with the appellant that the views from the public right of way (PROW), which runs to the east of the site, would be limited. The site is part of the open vista across the open countryside when viewed from the PROW, especially the outlook to the north and northwest from the PROW. It would also be visible from the public highway to the south from which there is currently an open view out to the north.
10. The land rises at a slight gradient from the highway to the south, levels out where the proposal would be sited and then falls away to the north beyond the site of the proposal. The siting of the proposal would therefore be positioned on the brow of a gentle hill. As a result of this siting, the proposal would be visually intrusive and thus diminish the openness of the Green Belt.
11. I find that the visual intrusion of the dwelling and its erosion of three-dimensional space arising from its size and bulk would result in the erosion of openness, which would conflict with paragraph 137 of the Framework which

identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 138 of the Framework.

#### *Character and Appearance*

12. The appeal site is located within an open countryside, rural setting. Undulating farmland lies to the north and west of the site. The existing agricultural barns associated with Meadow View Farm are located to the west of the proposal. Sporadic dwellings and buildings are set out in a ribbon development fronting Leigh Road, with driveways and landscaped front gardens fronting the highway, forming part of the character and appearance of the area.
13. The proposal would be positioned adjacent to the existing barn on site, albeit at a distance. The siting of the dwelling would encroach into the open countryside to the north, further than the existing agricultural buildings on site. Its position on the brow of the gentle hill would also further emphasise its incongruity in the rural area.
14. It is accepted that the size of the proposal would be commensurate with the scale and needs of the farming enterprise. However, the visual impact of the proposal, as a result of its design and bulk, would have a typically urban appearance, at odds with the rural character of its surroundings. The garden and parking area associated with the proposal would also result in the urbanisation of the open countryside. The proposal would result in material harm to the character and appearance of the area.
15. The planting of a hedge to the south and east of the proposal would assist with mitigating the visual impact of the dwelling but it would not make up for the inappropriateness of the proposal's siting. There would be no permeance to the positioning of the hay bale storage which would be sited between the highway and the proposal. Therefore, I can only attach limited weight to the existence of this feature.
16. The appellant has included reference to the officer's report associated with the first agricultural barn on site, which stated that it would 'be sited close to a well-established planted boundary which would provide a degree of screening and the building would be viewed in combination with the range of buildings located to the west'. However, the proposal would be situated further east than the existing barns, away from the buildings to the west, and would not benefit from the 'well-established planted boundary' that helps to screen the existing barns.
17. In view of the above, the proposal, as a result of its siting, design and bulk, would be harmful to the character and appearance of the area. It would be contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy (Core Strategy) (2015), which requires development to protect, conserve and where possible enhance landscape character, and to ensure development relates positively to its landscape setting and the existing pattern of development.

#### *Drainage*

18. As part of their appeal evidence, the appellant has provided a Surface Water Proposal Statement (prepared by Harlow and Son), together with a set of infiltration tests and the related soakaway location plan. Infiltration testing has

demonstrated that the proposed soakaway would be adequate and that it would present a sustainable discharge of surface water arising from the proposal. I note that the appellant states that the existing agricultural barns on site also use a soakaway drainage system to manage surface water drainage.

19. The Council has not commented on the Surface Water Proposal Statement. However, based on the evidence before me, I am satisfied that the proposed soakaway would be acceptable. It would ensure that there would be no increase of flooding elsewhere.
20. Therefore, it is considered that surface water from the development site would be adequately dealt with. Any further details required would be secured by condition, should I be minded to allow the appeal. The proposed development would therefore be in accordance with Core Policy 67 of the Core Strategy which requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground.

#### *Other Considerations*

21. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness, the conflict with the purposes of including land within it and the harm to the character and appearance of the area so as to provide the very special circumstances required to justify a grant of planning permission.
22. In supporting sustainable development, the Framework seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 80 of the Framework and include reference to situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
23. The Council's agricultural consultant concluded that the proposed expansion of the enterprise at Meadow View would generate an essential need for a presence on site. They also found that the wider farming business is substantial and both profitable and viable. I have no reason to come to a different conclusion on the matter.
24. The Council's agricultural consultant, as well as local residents, have queried that the two agricultural buildings on site are not authorised to be used for the accommodation of livestock. As a result, the farming policy identified, which gives rise to the essential need for the proposal, cannot at present be implemented without contravening the planning permissions for the buildings at Meadow View Farm. However, the Council have clarified that there is a provision under the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) to house livestock that arise from quarantine requirements (section (i)) and in the case of animals normally kept outdoors, when they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born.
25. The appellant has clarified that the barns are only used for emergency quarantine purposes, calving and short term occupation by just born calves. In

the absence of a Certificate of Lawful Use, it is not my role to determine whether the use of the existing building is lawful. However, based on the evidence before me, I am satisfied that the farming enterprise at Meadow View Farm and the subsequent justification for the agricultural workers dwellings is acceptable. I therefore attach the essential need for a rural workers dwelling on the site significant weight in my decision.

26. There are some other benefits with the proposed scheme, such as meeting the social needs of the farm worker, the release of a market house for others in this location and the removal of the current daily commute of the farm worker. The proposal would also have some labour and supply chain benefits associated with the construction phase of the development. There would also be some economic benefits in meeting the operational needs of the growing business and supporting the development of all types of rural businesses in order to provide for a prosperous rural economy, as stated in criterion b) of paragraph 84 of the Framework. Accordingly, they would attract moderate weight.
27. The appellant has drawn my attention to a number of other appeal decisions and officer reports relating to situations where it was found that 'very special circumstances would exist in regard to other proposals for specialist types of housing (including rural worker dwellings). However, the circumstances in each proposal are likely to be different and I do not have full details of the relevant proposals. I attach limited weight to these other decisions and have considered this appeal proposal on its own merits.

#### **Other Matters**

28. The development would provide a dwelling in an area where the Council is unable to demonstrate a five-year housing land supply. However, I have found that the proposal would harm the Green Belt. Therefore, this is a situation in terms of paragraph 11 (d) (i) of the Framework, where the presumption in favour of sustainable development is not engaged because the application of the policies in the Framework that protect land designated as Green Belt<sup>1</sup> provides a clear reason for refusing the development proposed.

#### **Planning Balance**

29. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
30. The proposal has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. Whilst the overall loss of openness would be moderate, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Furthermore, the development would significantly harm the character and appearance of the area.
31. I am satisfied that it has been demonstrated that there is an essential need for a rural worker to live permanently on the site which I have given due weight in my decision. As explained above, I give moderate weight to the other benefits cited in support of the proposal. Limited weight has been given to the other decisions cited in relation to specialist types of housing. However, I find that

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<sup>1</sup> Framework paragraph 11 d), footnote 7

the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would be contrary to the Framework, which seek to protect the Green Belt from inappropriate development.

**Conclusion**

32. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Laura Cuthbert*

INSPECTOR



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