

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	21 st March 2024
Application Number	PL/2023/10902
Site Address	Saddlepack Farm, Stert, SN10 3HZ
Proposal	Temporary Agricultural Workers Dwelling (Retrospective)
Applicant	Mr & Mrs Elderfield
Town/Parish Council	Stert Parish Council
Ward	Urchfont & Bishops Cannings ED (Cllr Phillip Whitehead)
Type of application	Full Planning Permission
Case Officer	Jonathan James

Reason for the application being considered by Committee:

This application has been 'called-in' by Cllr Whitehead to enable discussion regarding the impact of the proposed development in terms of its visual impact upon the surrounding area, its relationship to adjoining properties, along with environmental and highway impact matters.

1. Purpose of Report

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

2. Report Summary

The key issues for consideration are:

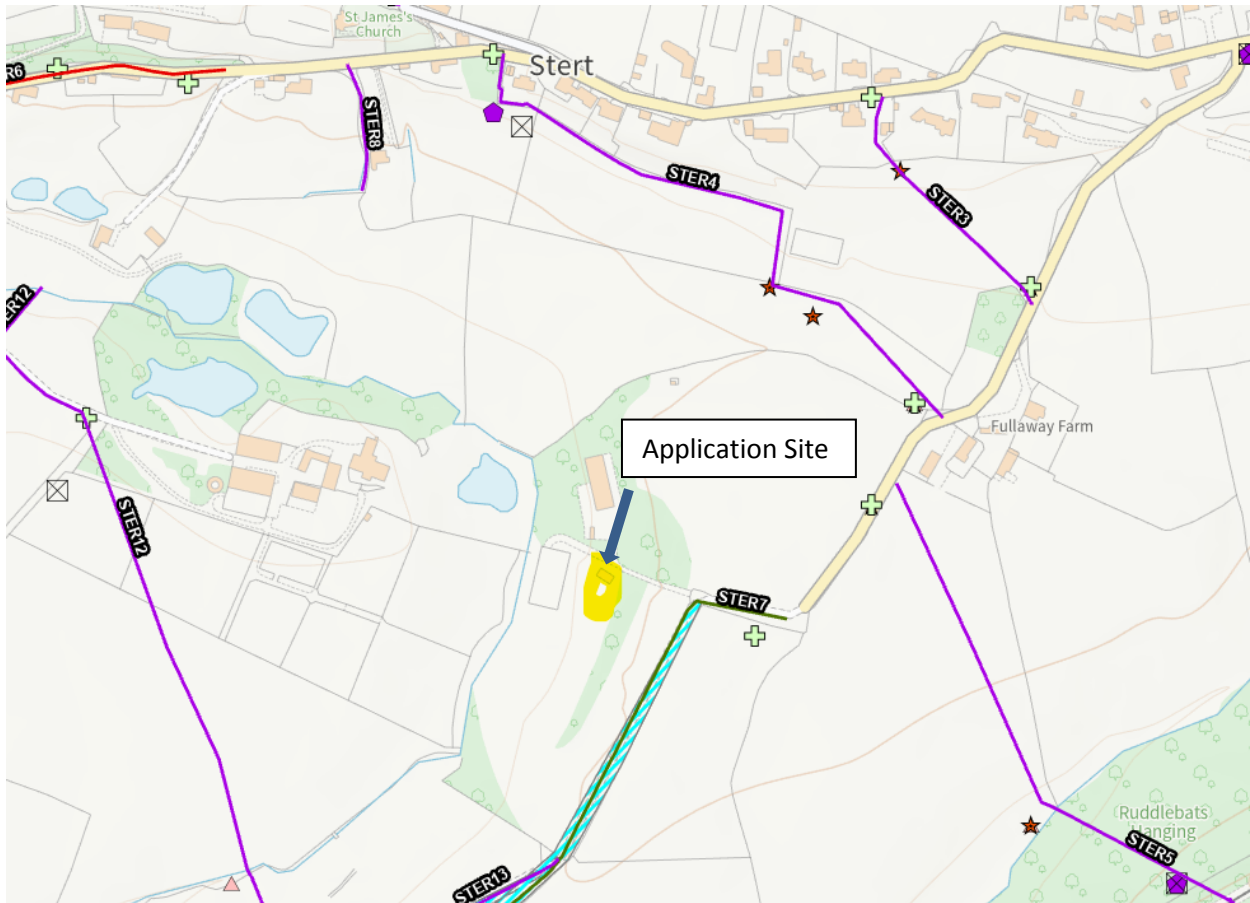
- Principle of development CP1, CP2 & CP48
- Landscape and visual impact (including design) CP 51 & CP 57
- Impact on heritage assets CP58
- Impact on neighbour amenity CP57
- Highways impact CP 61
- Environmental and ecological impacts CP 50

3. Site Description

Saddlepack Farm is situated to the south of the village of Stert in an area of open countryside. The site in question is positioned in an area of woodland adjacent to an agricultural storage barn (ref: 20/05021/APD).

The site is accessed via an existing track which stems from an unclassified no through road and PROW Bridal Way (STER7) to the southeast of the application site. The area of woodland has been previously cleared of undergrowth and vegetation to accommodate the aforementioned storage barn, a mobile home and storage container, and associated parking and hardstanding.

The woodland within which the existing barn and existing caravan and other paraphernalia are located is identified as a 'Priority Habitat' area.



Site Location

The mobile unit and container have been on site without the benefit of the necessary permissions for some time and there is an associated enforcement notice in place. This was initially due to the applicants being incorrectly advised by the LPA in 2020 that siting a caravan on the land in question temporarily during construction of the neighbouring storage barn would constitute 'permitted development' under Schedule 2, Part 4, Class A of The Town and County Planning (General Permitted Development) (England) Order 2015. This advice has since been corrected and the applicants are aware that full planning permission is required. The applicant's business plans have evolved during this time; with the recent approval of a larger cattle barn (ref: PL/2023/01303) within an adjacent barn, the applicants now seek to site a mobile unit on the land for use as an agricultural worker dwelling. The application is for a temporary worker dwelling for a period of three years, which is standard practice, while they seek to establish their cattle rearing enterprise.

The site is well bounded by existing mature trees and hedgerows, although the proposed structure would be visible from within the public realm, to the west. The only known constraint within the site boundary is the designated Priority Habitat. The applicants' holding comprises approximately 210 acres in total, which includes 60 acres within their ownership – this is where the mobile unit is located.

'Byde Farm' is positioned approximately 145m to the west; 'Churchview' is some 200m to the north-east; and 'Fullaway Farm' is approximately 275m to the north-east. The site location plan above shows the location of the site in the context of the wider area.

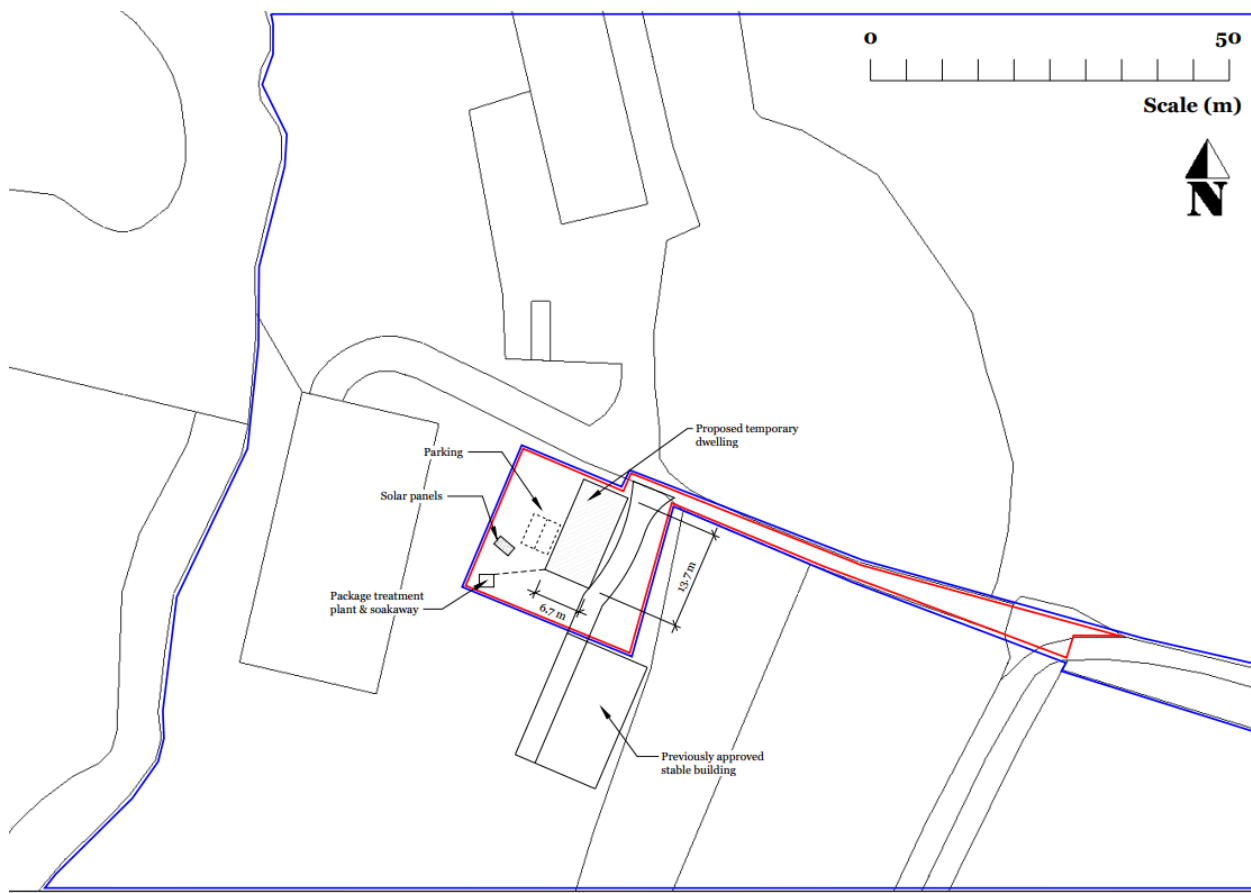
4. Planning History

- 20/05021/APD - Land South of Stert, Agricultural Storage Barn - Prior Approval Not Required
- 20/08044/FUL - Change of use of land and erection of stables – Approve with conditions - 26/11/2020
- 21/01553/FUL - Formation of Manege – Approved with conditions - 07/05/2021
- PL/2022/03449 - Agricultural general purpose / feed storage building - Prior Approval Not Required - 31/05/2022
- PL/2022/07031 - Stable building – Refused - 12/01/2023 – approved under appeal
- PL/2023/01303 – Erection of cattle barn – Approved with conditions – 14/07/2023
- PL/2023/04004 - Temporary Agricultural Workers Dwelling (Retrospective) - withdrawn

5. The Proposal

Since the submission of the application, the applicant has taken delivery of the mobile home that is the subject of this application. The unit has been placed on site but has not been connected and set up for residential occupation.

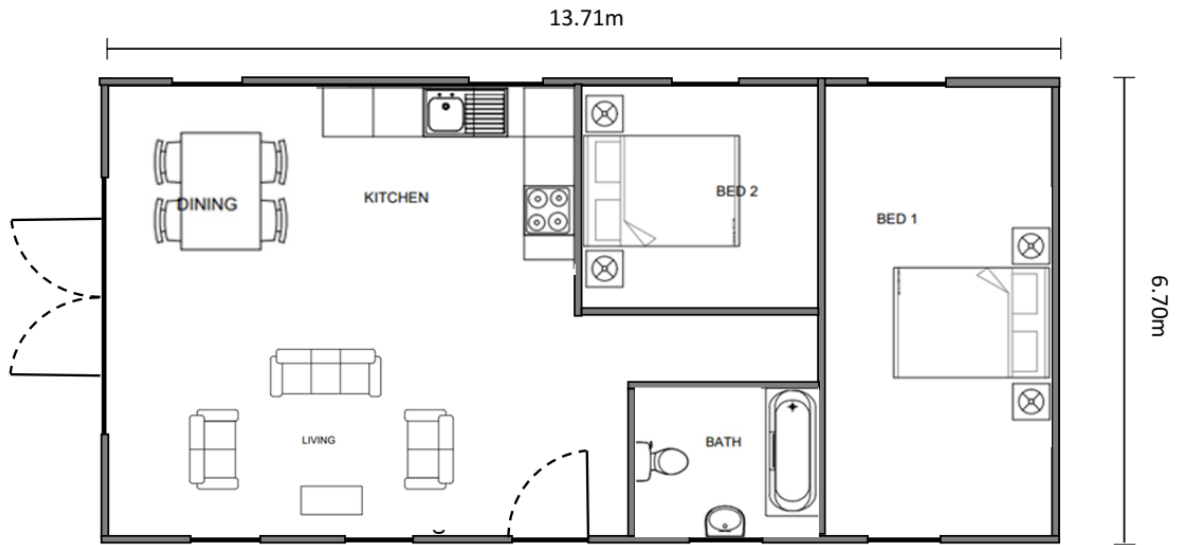
The application now being considered seeks planning permission for the siting of the mobile home on site, with associated hard standing for car parking, to be used as an agricultural worker dwelling relating to the cattle rearing enterprise being established at the holding. The application seeks temporary planning permission for a 3-year period.



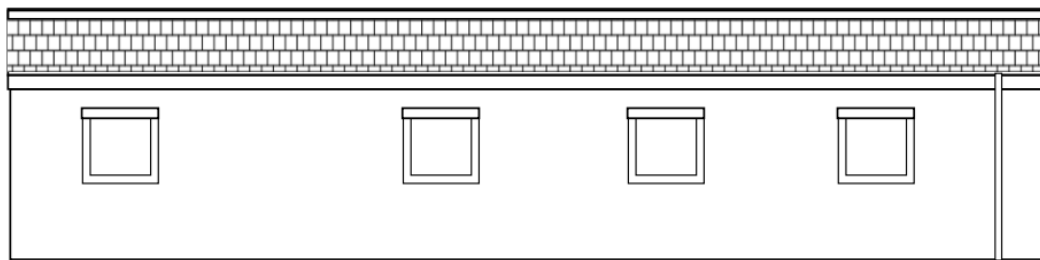
Site Layout / Block Plan

The location of the mobile unit is now to be outside of the designated Priority Habitat, adjacent to the existing track and the site of the approved stable block, as per the site layout plan above. The proposed associated parking would be situated to the west of the unit. The proposed unit would

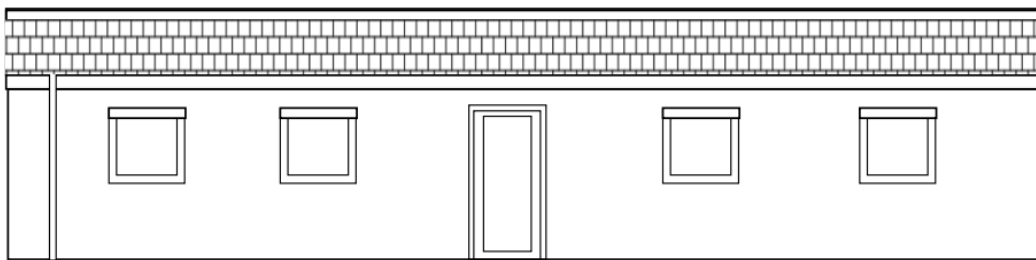
measure 13.71m x 6.7m, 2.46m to eaves and 3.33m to the ridge. The structure is prefabricated and has arrived on site in two parts, which will then be bolted together and made weather tight. The unit will be sited on a hardstanding, with the proposed package treatment plant and soakaway positioned to the southwest of the unit.



Mobile Home Floor Plan

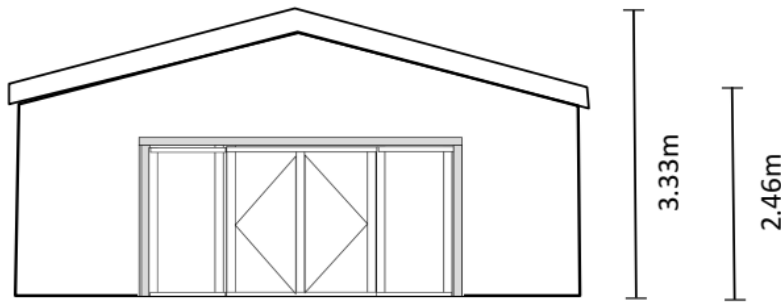


West Elevation

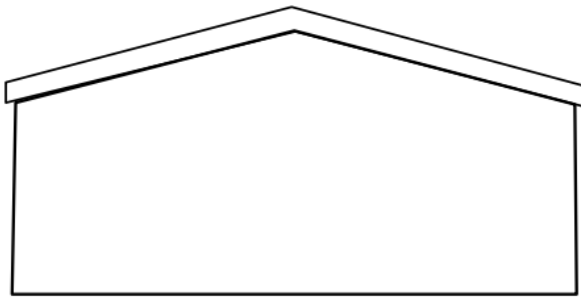


East Elevation

East and West Elevations



South Elevation



North Elevation

North and South Elevations

As described above, the mobile home comprises a prefabricated static caravan that will need to be positioned on supports above ground; the DAS specifies that it will be on a hardstanding. The application includes the provision of solar panels.

The application is for a 'temporary agricultural worker dwelling' and whilst certain elements may be 'retrospective', the proposed use as an agricultural worker dwelling is not. This relates to a new business venture at the holding for the rearing of calves. As described in the submitted DAS, the new unit relocates the on-site accommodation from within the Priority Habitat to an area outside of it. Additional planting is proposed on the former location of the temporary dwelling, as well as copse planting to the north.

6. Planning Policy

National Context:

National Planning Policy Framework 2023 (NPPF)

Planning Practice Guidance (guidance on the policies contained within the NPPF)

Local Context:

Wiltshire Core Strategy (WCS)

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy

- Core Policy 12 - Spatial Strategy for the Devizes Community Area
- Core Policy 45 – Meeting Wiltshire’s Housing Needs
- Core Policy 48 – Supporting Rural Life
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 – Landscape
- Core Policy 52 – Green Infrastructure
- Core Policy 57 - Ensuring high quality design and place shaping
- Core Policy 58 - Ensuring the Conservation of the Historic Environment
- Core Policy 60 – Sustainable Transport
- Core Policy 61 - Transport and Development
- Core Policy 67 – Flood Risk
- Core Policy 68 – Water Resources

7. Consultations

Stert Parish Council – Object:

‘This statement is made by Stert PC after email consultation with Stert Parish Councillors. This proposed dwelling is contrary to the Wiltshire Councils Core Policy 51 (Landscape) and Core Policy 57 (Ensuring High Quality Design and Place Shaping) and Core Policy 58 (Ensuring the Conservation of the Historic Environment).

The proposed development is within the ‘Blue Green Infrastructure’ as identified by Devizes Town Council and is material to planning decisions. As such this site is integral as a wildlife corridor for nature recovery across the county and is protected under the Environment Act 2021.

Stert Valley is recognised by the Wiltshire Ecology Officer as an ‘environmental hotspot’ and as such is unsuitable for the site of a dwelling.

The site adjacent to woods where rare protected bat species - Bechstein’s and Barbastelle bats – have been recorded by the Wiltshire Mammal Society and acknowledged by Wiltshire ecology. It is likely that existing recent development on the site will have already negatively impacted breeding. The proposed dwelling on site, with its attendant light and noise, will almost certainly prevent any chance of recovery.

The development of the dwelling in this location would be contrary to Core Policy 61; There are no proven exceptional circumstances to justify residential use. We refer to application 20/20833, Crookwood Mill Farm is situated further down the same track that services Saddlepack Farm. Permission for another dwelling at this site was refused and one of the reasons given was: 'the site is in an isolated location... the occupants would be heavily reliant on the use of motor vehicles. The development of the dwelling in this location would be contrary to Core Policy 61'. There have been 2 recent incidents on the lane servicing Saddleback. One involved a delivery van leaving the road and one involved a concrete lorry that tipped on its side. The concrete contents had to be dumped into adjacent fields. There is also significant damage to the banks at the top of the lane in the village and to the verges of a neighbouring farm caused by large agricultural, construction vehicles and large horseboxes.

The PC dispute some of the claims and information in the Application.

- Trees and hedges – the application states that no trees or hedges adjacent to the proposed development that could influence the development or might be important as part of the local landscape character. The site is directly adjacent to a priority woodland.
- Contamination – The PC believes that unfiltered waste material from Grist Recycling has been used as hard core to underpin the hard standing on this development. We would ask Wiltshire Council to ask to see the waste license for this rubble to verify contamination or not.
- The Design and Access Statement states that ‘Additional planting is proposed in the former location of the temporary dwelling...’. The former location consists of hard standing. We assume

that this hardstanding, which was installed in advance of planning permission, would need to be removed before any planting would be possible. Start PC would like to see all work done in advance of planning permission removed before any further applications are considered.

- The site layout plans make no reference to the shipping container on site. We understand a second shipping container has recently been installed on site.'

WC Agricultural Consultant – Comments:

'The proposal, when fully implemented, will generate an essential need for a person on site at most times. The financial information provided between the current and previous applications is sufficient to show it has been planned on a reasonable financial basis. The projections show a viable financial position at year three.'

WC Highways Department – Comments:

'The location is one which is not suitable for an independent dwelling in terms of sustainability policy. However, this is for an agricultural worker in association with the site uses and as such I am happy to accept vehicle movements will not be excessive enough to warrant an objection.

Based on the information provided I am minded to offer no highway objection.'

WC Arboricultural Officer – No objection.

WC Ecology – No objection subject to conditions:

'Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species. Information reviewed to inform this response included:

- Biodiversity Mitigation and Enhancement Plan. December 2023. Cotswold Environmental;
- Proposed Site Plan. December 2023. Symonds and Sampson and;
- Proposed Elevations and Floor Plan. Symonds and Sampson.

We note the proposal to erect a temporary workers dwelling at Saddlpack Farm adjacent to the stable building within the field parcel. We welcome the Mitigation and Enhancement Plan submitted in support of the application which includes proposals to reinstate the area of priority woodland together with hedgerow planting on site. In addition, the proposals to include bird and bat boxes on site are welcomed.

We welcome the proposals to reinstate the area of priority woodland that was cleared. However, we note that this area is not proposed to be fenced off from potential grazing and/or encroachment. We would advise that this area is also fenced off to ensure it is protected in perpetuity. This could be secured through a condition.'

WC Rights of Way - No comments received.

Dorset and Wiltshire Fire and Rescue Service – Comments:

'The application falls within the area for which DWFRS are responsible for delivering operational and emergency response. In the event consent is granted building regulation requirements under B5 of Approved Document B should be met.'

8. Publicity

The application has been advertised by way of writing directly to adjoining landowners and relevant consultees, through the posting of a site notice and within the local press. At the time of drafting this report, the Council had received 25 letters in support and 27 letters in objection, although there are examples of repeat correspondence from the same individuals. The following is a summary of the comments received:

Objections:

- Contrary to the Core Policies of the Wiltshire Core Strategy
- Contrary to NPPF, Environment Act, Listed building Legislation, Habitats Regulations, CRoW Act, Hedgerows Act and WC Climate Strategy
- Support Stert PC comments
- No need or justification for the applicants to live on site
- If approved will set a precedent for similar development
- Business case fails to establish the need
- Business case is financially flawed
- Applicants have already been on the land longer than three years, how many years do the need
- Over development of the site
- Visual impact within the landscape
- Landscape harm
- Visible from public vantage points
- Light pollution
- Odour pollution
- Scheme is environmentally unsustainable
- Environmental impacts remain the same as previous case which WC rejected
- Impact on ecology / biodiversity
- Loss of priority woodland
- Destroyed ancient woodland and animal habitats
- Offences against ecology greater than contravention of planning law
- BNG must delivered in line with statutory legal requirements
- Application should be assessed against the sites environmental credentials before clearance and development taking place
- Mitigation and enhancement plan inadequate
- Insufficient information relating to ecology
- Proposed mitigation not adequate and proposes relocation and not replacement
- Highway impact
- Conflict of traffic movements of the site with pedestrians and other users of the highway
- Generated traffic will impact biodiversity
- Applicants other land will encourage traffic movements along the local highway network to the detriment of other users
- Inadequate parking
- Visible from Stert Conservation Area
- Uncontrolled waste imported on to the site
- No infrastructure on site
- How will sewage be dealt with
- No access to water mains
- Site has not been used for walking dogs on
- The development has already been carried out
- Insufficient detail supplied in relation to multiple matters
- Application form contains inaccuracies

Support:

- In accord with the core policies, the NPPF and planning legislation
- Provides affordable dwelling for the applicant
- Supports a sustainable rural business
- Further supports other local rural businesses
- Application has been appropriately justified
- Genuine need to live on site to tend to stock
- Supports locally grown produce
- Supports better food security for the country
- Reduces the environmental impact of food miles
- Proposed design and siting is sympathetic
- Well located in relation to the stables and barns on site
- Limited visual impact
- No loss of mature trees, only of old hawthorn and lesser quality trees appropriate to land management
- New woodland of mixed native deciduous and coniferous species has been planted and fenced off
- Land management enhances wildlife and strong biodiversity
- Existing trees fenced off to protect them
- Additional planting within hedgerows and grasses also taken place
- The site is well screened with only glimpses to it
- Located outside of the priority habitat
- Proposed biodiversity enhancement plan enhances the area
- No objection from highways
- Access services two other working farms
- Such lanes typically support farms across the country
- Site utilises solar energy
- Water supply issues not down to the applicants
- Land is historically agricultural
- Planning Inspectors report is a material planning consideration

Other comments:

- Untrue and unfounded statements
- Misinformation and speculation
- No evidence that applicants vehicles have damaged verges and banks to highway
- Evidence has been gathered and legal action will be taken
- Question if procedures have been followed in determining this application
- Right to water - land registry, deeds and maps show a legal right and access to water
- Nimbyism / Not nimbyism
- Dogs entering land
- Use of electric fences
- Comments from third parties outside of the community
- Local residents views should carry more weight
- How can equestrian simply fall back to agricultural use
- Insufficient water supply to meet fire regulations
- Breach of existing planning conditions
- Abuse of the planning system

All consultee and third party comments are available to view on the Council's webpage, through this link: [Planning Application: PL/2023/10902 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2023/10902)

9. Planning Considerations

Principle of development

The new dwelling would be situated in the open countryside where under Core Policy 1 and 2 there is a presumption against new residential development outside of the defined Limits of Development of the settlements unless it meets one of the exception policies within the WCS. In this case, the relevant policy would be Core Policy 48. This policy states that new dwellings in the open countryside are permissible subject to them being required to meet the essential needs of a rural worker who is required to live permanently at or near their place of work, to ensure the proper functioning of the business. However, this need must be supported by functional and financial evidence.

The application is supported by an Agricultural Appraisal which outlines the business plan for a new calf rearing enterprise on the holding. The appraisal has been assessed by an independent agricultural consultant who considers that the appraisal addresses the functional need for an agricultural worker dwelling on site and confirms that a worker will be required on site at most times, predominantly for (but not limited to) animal welfare. The appraisal also seeks to address the 'financial test' and includes financial projections for the enterprise. The appraisal concludes that there is an immediate need for an agricultural worker dwelling on site, that there are no suitable alternative buildings that could be utilised for that purpose, and that there is no affordable market housing within close enough proximity which would allow for the proper care, on site presence and protection required for the business.

In light of the above, it is concluded that the reasons for the dwelling are genuine and it complies with planning policy provided that the accommodation is required on a temporary basis. As the application is for the temporary siting of the dwelling, the LPA will have the ability to assess if the business plan has been fully realised by year three should an application be made for a permanent dwelling (or for the temporary dwelling for a longer period of time).

Concerns have been raised that there are alternative dwellings within a 3-mile radius which would provide suitable accommodation. Whilst it is acknowledged that there may be dwellings in nearby settlements which are presently available to rent or buy, a dwelling in these locations would not be suitable to provide the necessary degree of supervision and security for the proper operation of the enterprise.

In addition to the WCS, the NPPF is clear and concise regarding rural workers dwellings and states under paragraph 84a) that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

It is therefore considered that the principle of the development for a temporary agricultural worker's dwelling is acceptable and would accord with the aims of the NPPF and Core Policy 48 subject to other material planning considerations, as assessed below.

Landscape and visual impact (including design)

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character.

In terms of the building itself, the mobile home is of a standard design and size for a twin unit and dimensionally remains within the definition of a caravan as cited in The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006. The unit provides accommodation comprising a

kitchen/living area, bathroom and two bedrooms. The unit is single-storey and built using prefabricated materials, as standard. To the west of the unit would be the proposed two parking spaces and solar panels.

The siting of the unit has been relocated from the position proposed under the last application (PL/2023/04004) onto an area of land adjoining the stable block that was approved on appeal.

It is acknowledged that the site lies within the landscape character area of Trowbridge Rolling Clay Lowland, whereby the objective is to minimise small scale incremental change. The surrounding area near the site is generally characterised by an undulating landscape of fields bounded by hedgerows and mature trees, with wooded areas and sporadic dwellings and buildings. The area has a pleasant rural and pastoral character. The field slopes down to the west and towards the applicants riding arena, which has been cut into the field, with a line of mature trees along its edge. Beyond that the land is gently rolling and the buildings of Bye Farm are noticeable through the trees. To the east, is a steep bank that is covered with trees and vegetation, which provides a close backdrop to the site. Beyond that, the land continues to rise towards the public bridleway.

The appeal inspector found that, due to the local topography, with the site set low in the landscape, as well as intervening vegetation, the proposed building would not be obvious in views from the east, including the public bridleway. The mobile home proposed will be sited adjacent to the approved stable block and will be viewed in the same context. In light of this relationship and the fact that the appeal inspector concluded that, in visual terms, the stable block was acceptable, a refusal on visual impact grounds would not be justifiable.

Photographs received from local residents identify that the structure will be visible from views to the west and this is acknowledged. However, having regard to the topography of the field, the site does not appear incongruous within its setting, even when taking into consideration that the unit will be positioned adjacent to the approved stable block.

The stable approved under the appeal scheme was considered a relatively small structure in the context of agricultural developments that are visible in the locality. From wider views, including from Stert and to the west, it would be read as part of the existing developments, including the access track, farm building, yard and the riding arena, forming part of a group of existing development within the landscape. The new unit would be seen within this context and does not create a significant increase in built form.

The unit would be located against the backdrop of the surrounding fields and trees and would not be seen as a prominent building within this landscape. Such development is not unusual in countryside locations and set amongst existing built form supporting the agricultural business. Given the context of the existing developments, the scheme would not intrude into the landscape, nor would it diminish the scenic beauty and verdant appearance of the surroundings.

With regard to lighting and light pollution, the scheme has the potential through light spill to be more prominent at night, however, the provision of external lighting can be reasonably controlled through condition and the impact from any resulting light spill from windows would not be so significant as to warrant a reason for refusal.

It should be noted that the applicant states within their submission that the site of the current caravan would be reinstated through planting and as such this would be a betterment for the priority woodland. This can be ensured through a condition.

With the dwelling being a mobile home, it will not benefit from any permitted development rights however, it is considered that a condition restricting permitted development rights for additional structures, fencing and means of enclosures erected or placed anywhere on the site unless a separate planning application is made for those purposes would be reasonable and necessary.

This condition would ensure that the character of the area is not further eroded through the creation of further domestic paraphernalia.

Beyond the temporary 3-year period, should a sound business case arise, then the applicant could seek to apply for a permanent dwelling on the site. Whilst not wanting to speculate on future development, any design of such would naturally need to comply with landscape policy and guidance at that time. The allowance of a temporary dwelling in this location does not automatically mean a permanent dwelling will be allowed on this site that goes beyond the scope and scale of what has been considered here (and in any event, all hinges on functional and financial needs still being proven).

In terms of visual impact, it is concluded that the unit would generally comply with CP57 of the WCS in terms of its design being fit for purpose, being well screened from views, and placed within the context of existing agricultural structures. To ensure that the suggested planting takes place, it would be reasonable and necessary to add a landscape condition securing the delivery of planting enhancements for the area.

Impact on heritage assets

Local Authorities are required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals that affect the setting or views into it. This is locally reflected within Core Policy 58.

The boundary of the conservation area (CA) lies approximately 240 metres to the north of the site. Statute places a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. The significance of the CA lies, in part, in Stert's historic core, traditional built vernacular and its verdant setting.

Whilst it is noted that partial views of the site can be achieved from public vantage points, this is generally fleeting and at some distance. The site is set down within a large panoramic view and the building would typically be partially screened by trees and would be read within the context of the roof of the existing larger agricultural building. As a result, it would have a negligible effect on the setting of the conservation area and would not harm its significance.

The proposed development would not cause any harm to heritage assets or to the setting of heritage assets within the area. Overall, the development would be in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act (1990), Section 66(i), the NPPF, section 16, as well as the relevant provisions of the Wiltshire Core Strategy (2015).

Impact on neighbour amenity

Core Policy 57 of the WCS (2015) requires proposed development to be designed to ensure no detriment to residential amenity.

By virtue of the single storey nature, location, and intervening distances to any neighbouring properties (more than 100m), the proposed development would not give rise to any unacceptable impacts upon amenity in terms of overbearing effect, loss of light, overshadowing or overlooking.

Issues pertaining to odour pollution within a countryside and farming community are not considered relevant to the scheme for a temporary worker dwelling.

Highway impact

As the proposal falls within one of the exception policies of the WCS (CP 48), an agricultural worker dwelling in this location is considered acceptable, and the use of private motor vehicles

associated with this use would be expected due to the location within the open countryside. It is also considered that being on site would remove the need for the applicants to travel to and from the site multiple times day and night if they were to live elsewhere, as such there could be a reduction in use of the highway if the application were to be approved.

The concerns and objections raised regarding the potential for conflict with other users, impact on biodiversity and impact on grass verges etc. are acknowledged. However, traffic movements by large vehicles such as tractors pulling trailers and feed delivery lorries can occur now as part of the farming activities that can take place on the land without any planning consent required. The site is located in a rural environment, along a lane along which such traffic movements can be seen across the country in rural areas. Adequate parking can be provided for all vehicles associated with the use of the site and do not necessarily need to be immediately adjacent to the proposed residential unit.

Comments received by the highways officer identify that the location is one which is not suitable for an independent dwelling in terms of sustainability policy. However, this is for an agricultural worker in association with the site uses and as such it is accepted that the vehicle movements associated with the development would not be excessive enough to warrant an objection.

In terms of highway safety, the scheme is considered to generally accord with the requirements of the Core Policies of the WCS (2015). Para. 115 of the NPPF (2023) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road network would be 'severe'. It is considered that the development would not result in a severe negative impact on the road network and that the proposal would not create a severe impact on highway safety.

Environmental and ecological impacts

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy (CP) 50 provides the Council's stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, provide appropriate mitigation. Core Policy 50 also requires all development to demonstrate no net loss of biodiversity and the NPPF also encourages applications to deliver measurable net gains (para 180 d). The government has signaled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain, however this is currently only in place for major development, which this scheme is not.

Objections raised argue that the scheme is environmentally unsustainable and there would be an unacceptable impact on ecology and biodiversity, loss of priority woodland and insufficient mitigation and biodiversity net gains. It is argued that the application should be assessed against the site's environmental credentials before the clearance and development took place and that BNG must be delivered in line with statutory legal requirements. Currently insufficient information relating to ecology has been submitted.

Comments received from the Council's ecologist clarify that they have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species. The information that has been reviewed includes:

- Biodiversity Mitigation and Enhancement Plan. December 2023. Cotswold Environmental;
- Proposed Site Plan. December 2023. Symonds and Sampson and;
- Proposed Elevations and Floor Plan. Symonds and Sampson.

It is acknowledged that the siting of the unit is now to be adjacent to the stable block that was approved on appeal under application reference PL/2022/07031. The site is located within the field parcel, backdropped by rising land and trees to the east. The scheme therefore removes a residential unit out of the priority habitat.

The Council's ecologist supports the Mitigation and Enhancement Plan submitted in support of the application and recognises that it includes proposals to reinstate the area of priority woodland together with hedgerow planting on site. In addition, the submission includes the provision of bird and bat boxes on site. Furthermore, the proposals to reinstate the area of priority woodland that was cleared is supported. However, it is noted that this area would not be fenced off from potential grazing and/or encroachment. It is advised that this area should also be fenced off to ensure it is protected in perpetuity and it is suggested that this could be secured through a condition. The ecologist therefore raises no objection to the scheme subject to the imposition of conditions.

The scheme will provide, through enhanced planting and bat and bird boxes, biodiversity and ecology opportunities that are considered appropriate for this scale of development. It is therefore considered that the proposed development accords with Core Policy 50 of the WCS and requirements in Section 15 of the NPPF.

Any other matters

The site is located within an existing field parcel, approximately 35 metres between the edge of the site and the western boundary along which a watercourse runs. Surface water is proposed to be disposed of through a sustainable drainage system and foul sewage would be disposed of via a package treatment plant. Both systems would ensure that pollutants do not impact on the watercourse. Due to the distance from the nearby watercourse, it is considered that surface water run off could be accommodated without affecting the watercourse or causing any environmental concerns. It would be reasonable for further detail on this matter to be conditioned.

10. Conclusion / Planning balance

In conclusion, the principle of having an agricultural worker dwelling on site is considered acceptable. The applicant has provided functional and financial evidence to support the case and there is no reason to challenge this, a view which is also supported by the appointed Agricultural Consultant. The proposed unit does not give rise to significant concerns in terms of visual impact, impact on the highway network and impact on neighbour amenity, albeit conditions are required to be imposed relating to landscaping and lighting to safeguard the visual amenity of the area. Turning to the requirement for a landscaping scheme, this would seem an appropriate method to ensure enhancements to the boundary features to safeguard protected species and to visually enhance the area.

It is recognised that the applicants have been occupying the site within a unit located within the priority habitat on an area of hardstanding. The current scheme removes the accommodation from the priority habitat, thereby removing the previous conflict that was identified due to the applicants residing within the woodland. As identified above, submitted documents include proposals to reinstate the area of priority woodland together with hedgerow planting on site. Such provisions can be reasonably captured through conditions. In addition, further details are required to secure both foul and surface water drainage at the site. As the unit has already been moved onto the site, these elements of the scheme should be secured through appropriate conditions, albeit due to the retrospective nature of the development, any conditions proposed should require action within a set timeframe to ensure they are carried out as soon as reasonably possible.

It is considered that the proposal accords with local and national planning policy, the structure will be well associated with existing and approved development at the site and it will be served by adequate infrastructure. The application is therefore recommended for approval subject to the following conditions set out below.

RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Application Form
 - Design and Access Statement (Dec 2023)
 - Agricultural Statement (Nov 2023)
 - Site Location Plan
 - Proposed Site Plan
 - Proposed Elevations and Floor Plan

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

3. No works on site shall be permitted until the Biodiversity Enhancement Map has been updated to show the location of fencing around the priority woodland restoration area.

REASON: In the interests of conserving biodiversity.

4. The development will be carried out in strict accordance with the following document:
 - Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental)

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

5. No development shall commence on site 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. location and current canopy spread of all existing trees and hedgerows bounding the application site;
 - b. full details of any to be retained, together with measures for their protection in the course of development;
 - c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - d. any trees (details of their size, species and locations to be agreed in writing with the Local Planning Authority), shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

6. 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, within a period of five years, 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: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. Prior to the occupation of the temporary accommodation hereby approved, a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be constructed in accordance with the approved scheme within three months of the occupation of the dwelling.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. Prior to the occupation of the temporary accommodation hereby approved details of the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall also not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

9. 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.

10. The mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before the [**date - 3 years from the determination of this application**] in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission would not normally be granted, but regard has been had to the functional needs of the agricultural enterprise in granting a planning permission of limited duration. Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

11. The accommodation hereby approved shall not be occupied until the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In order to restore that part of the priority habitat in the interests of biodiversity and ecology and the character and appearance of the area.

12. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

13. Informative:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that any planning consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

14. Informative:

Breeding Birds

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.