

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	8 th September 2022
Application Number	PL/2022/04676
Site Address	Bourne Farm, Preston, Ramsbury, Marlborough SN8 2HF
Proposal	Erection of 1 no. new dwelling in lieu of renewed temporary permission of use of mobile home as agricultural workers accommodation.
Applicant	Mr Andrew Card
Town/Parish Council	CHILTON FOLIAT
Electoral Division	Aldbourn & Ramsbury (Cllr Sheppard)
Grid Ref	
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is called to committee at the request of Councillor Sheppard due to concerns over the essential need for a rural worker's dwelling on the site.

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 granted planning permission.

2. Report Summary

The main issues to be considered are:

- The principle of a new countryside dwelling in this isolated position, with particular regard to the functional need and financial 'tests' established in former PPG7 Annex A which appeal inspectors have satisfied to use as a framework for establishing the justification for such dwellings (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51); and,
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64).

3. Site Description

The application concerns Bourne Farm in the hamlet of Preston near Ramsbury. The applicant's freehold ownership at the site extends to 3.2 ha (8 acres); in addition, the applicant has the option to hold a further 2.4ha (6 acres) of land under a Farm Business

Tenancy (FBT) but, has no need for it at this present moment in time. The freehold land is mainly flat, with an extensive frontage to the B4192; the FBT land rises to the northeast.

The site lies in the open countryside to the east of the B4192 within the North Wessex Downs AONB.

A Public Right of Way (PRoW) runs to the east of the site (ALD46).

Part of the site lies within Flood Risk Zones 2 and 3.

Below is a location map that shows the context of the site.

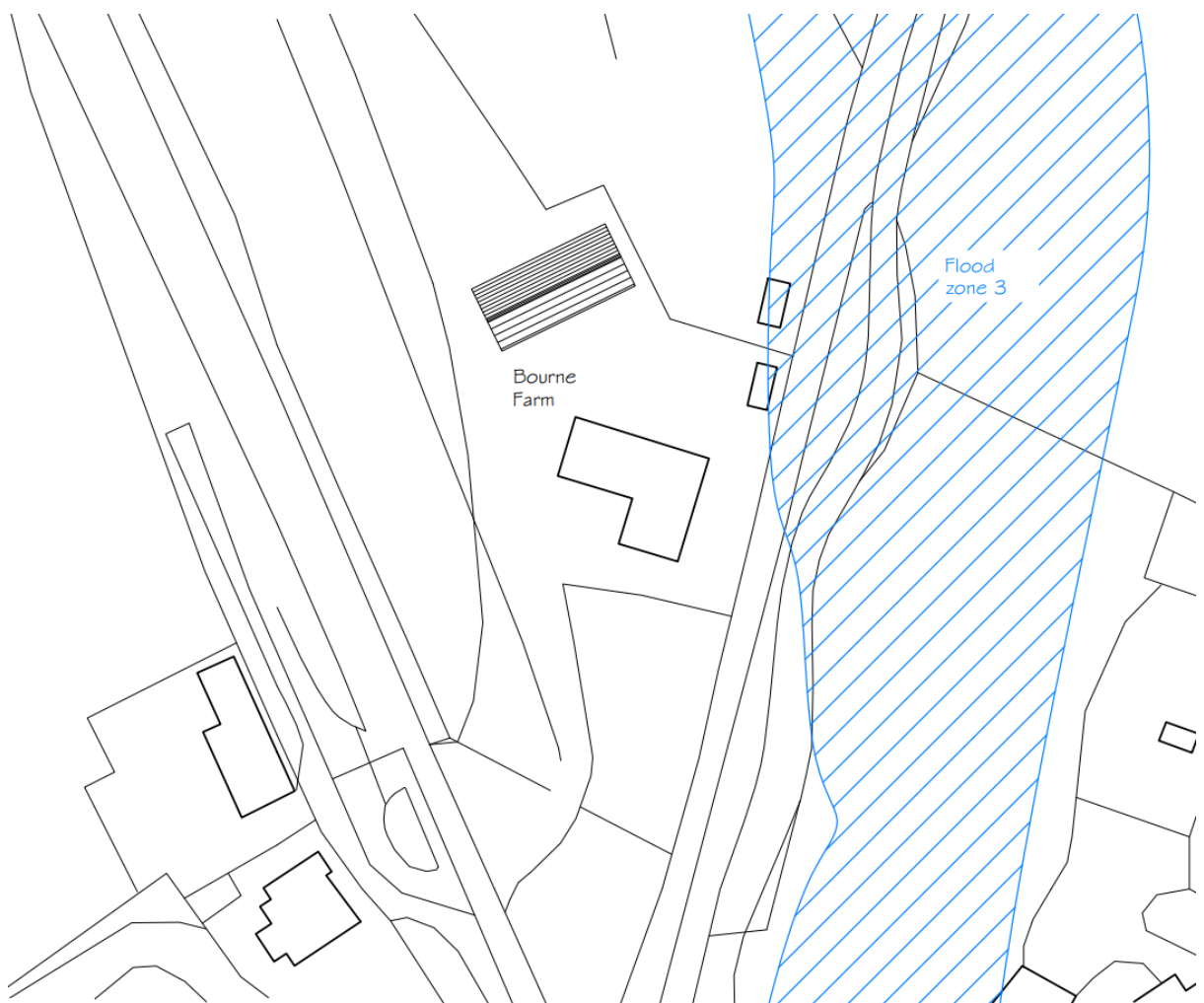


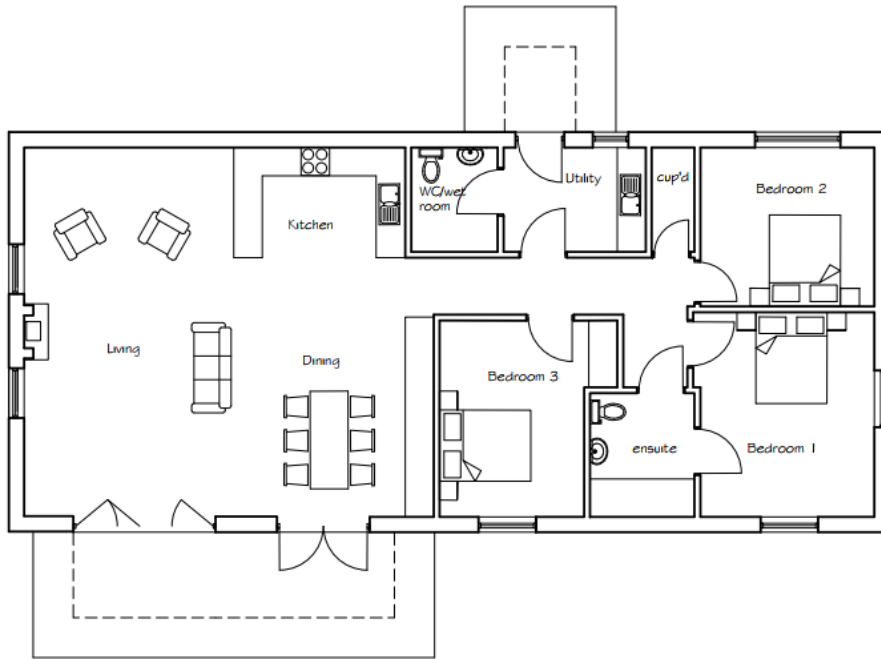
4. The Proposal

The planning application seeks full planning permission for the erection of 1 no. new dwelling in lieu of the mobile home which was granted renewed temporary permission for use as agricultural worker accommodation.

The dwelling will have a footprint of approximately 157m² with a ridge height of 5.2m. The dwelling is to be constructed of horizontal timber boarding, left to weather naturally, above a brick plinth with a natural slate roof. The dwelling will be accessed via the main farm entrance off the B4192 and will be served by 2 parking spaces.

Below is the proposed site plan along with a floor plan and elevations of the proposed dwelling.

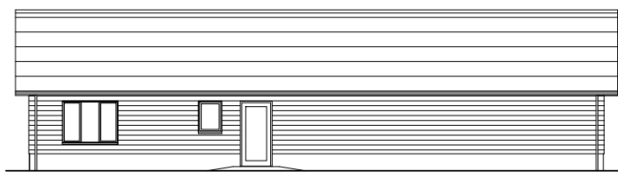




SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION




TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS
 L.P.C. 2627 PR 03
 Mr A Card
 Bourne Farm, Preston
 ELEVATIONS PROPOSED
 L.P.C. 2627 PR 03

5. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 14 – Marlborough Community Area Strategy
- CP 48 – Supporting Rural Life
- CP 50 – Biodiversity and Geodiversity
- CP 51 – Landscape
- CP 57 – Ensuring High Quality Design and Place Shaping
- CP 60 – Sustainable Transport
- CP 61 – Transport and New Development
- CP 64 – Demand Management

National Planning Policy Framework 2019 (NPPF)

Section 85 of the Countryside and Rights of Way Act 2000: requires the Local Planning Authority to ‘have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.

Wiltshire Landscape Character Assessment (2005)

The Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) and associated Landscape Character Assessment (1999).

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019.

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

6. Relevant Planning History

In 2017, an application was submitted to Wiltshire Council (17/11854/FUL) for the retention of a mobile home as a rural worker’s dwelling for a temporary period of 3 years. To support this application, evidence was submitted by Reading Agricultural Consultants (RAC) to demonstrate that there was a functional requirement arising from the farming activities at Bourne Farm. This was independently assessed by the Council’s own agricultural advisor, APA Consultants. At the time, it was considered that a temporary permission for 3 years could be given to enable the applicant to fully realise the business plan set out by RAC in their supporting statement and that, once realised, there would be a functional need arising at Bourne Farm that is capable of being financially viable. The full reasoning is set out in the case officer report attached to that application. It was approved with conditions on 1 February 2018.

In 2021, an application (ref. PL/2021/03101) was submitted for the erection of a permanent dwelling in lieu of the temporary permission for use of the mobile home as agricultural worker accommodation. It was withdrawn on 22 June 2021 as the applicants had failed to demonstrate that the business was financially viable. Principally, due to

restrictions during the COVID pandemic, the applicant was unable to fully realise business plan that was set out in 2017 and therefore support could not be given for the application at that time as the business was not deemed viable. Due to the exceptional circumstances that arose during these 3 years (i.e. the COVID pandemic), it was felt that a further temporary consent could be applied for to afford the applicants the chance to fully realise the business plan post COVID.

Later in 2021, an application (ref. PL/2021/08229) was submitted for the retention of the mobile home as a rural worker's dwelling for a further temporary period of 3 years. This was approved with conditions on 17 November 2021 as the business plan set out by RAC had not changed and, if fully realised, then according to APA consultants a functional need would still arise that could be planned on a sound financial basis.

7. Summary of consultation responses

Wiltshire Council Agricultural Consultant

Having reviewed the agricultural appraisal by Reading Agricultural Consultants, it is their opinion that there is a functional need for a dwelling on site and that the business has been planned on a financially viable basis. They also conclude that the dwelling is commensurate in scale to the needs of the holding. The full report can be viewed on the file.

Wiltshire Council Ecology

No comment

Aldbourn Parish Council

The Council reiterates the objections made in 2017 & 2018, a summary of which are below.

- The whole site is close to an existing water course, and whilst the proposed property is outside the identified flood risk area, a large part of the surrounding land does flood. This will inevitably reduce the viability of that land for farm business.
- Under Core Policy 1 and 2 it states 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. The applicant states that Core Policy 48 is the relevant policy that meets the exception. The Parish Council do not agree that this Core Policy 48 is relevant to this proposal and that it is hard to see that a permanent dwelling would be desirable at this site. We specifically refer to the following clause in CP48: - 'Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.'
- We therefore ask that the business plan be thoroughly reviewed by Wiltshire Council. This site, which has a significant area of it that can flood regularly, is unlikely to be viable as an agricultural unit in its own right.

8. Publicity

The application was advertised for a period of 21 days. As a result of this, a couple of letters of objections have been received noting the following:

- No essential need for the dwelling arising from a holding of this scale
- Would set a precedent for similar small holdings in the AONB
- No evidence of other local accommodation being considered and discounted
- Given its small scale the enterprise offers little or no economic or social benefit to the area beyond the supply of eggs and pork to a few local traders.
- It does not generate local employment
- Flooding concerns given the sites proximity to the watercourse and flood zone
- Environmental concerns from keeping pigs close to the water and the potential for run-off pollution to enter it.
- A similar application for outline planning permission was withdrawn by the Applicant in light of a negative Council Agricultural Advisor's report only 12 months ago. It would be unwise, premature and unsafe for the proposed permanent dwelling to be approved on the basis of only one year's further activity and financial data, particularly in view of the present and continuing major uncertainties in the farming sector, its market and worldwide regarding input prices, labour costs and energy costs and supply chain (including abattoir) problems.
- The enterprise's prospects remain aspirational at present and more time to gather evidence proving sustainability in the longer term is needed before any Application for a permanent agricultural dwelling together with its attendant impact on the landscape and environment can properly be considered.
- Agricultural activity doesn't appear to be at the levels suggested in the RAC report.
- No tree nursery or other plant propagation activity at the smallholding has been evident at any time during the past four years or currently. If it does take place , it must be on such minor scale as to contribute little to the business' income and profit.
- The horticulture/landscape business activities should not be considered in the viability assessments
- Question whether the barn is being used for agricultural purposes
- The aspirational development aims used in support of the Applicant's 2017 submission remain largely unrealised after more than 4 years.
- Lack of enforcement on the site does not give confidence that farming activity at a sustainable level will be continued once the desired permanent accommodation approval is obtained.
- The NPPF discourages repeated Applications; this is the third in the past 12 months.
- Half the site is unusable so how can the remaining land support a full-time worker

In addition to the above comments, around a dozen letters of support have been received. The following is a flavour of the comments made in support of the application:

- Provides good quality eggs
- An asset to the community selling quality local produce
- An honest farmer with a business that supports the local community
- The British Pig Association strongly supports the application.
- Support for the conservation of rare breed pigs

- Many in support have been long standing customers of Mr Card
- Andrew has always been a good neighbour and maintains his property well.
- Mr Card support's local people and businesses, through his farming activities.
- I regularly use stud services from his boar for my rare breed Large Black sows. If Andrew's boar was not available, I would need to travel a lot further to find another Large Black boar that would be available to service my sows.
- I have been a customer of Mr Card for a number of years and fully support his application to build a proper home for himself and family
- If this business was to cease due to uncertainty of living arrangements etc it would be another nail in the coffin of local food producers.
- I feel it a shame that small farms are not given the support that supermarkets and warehouses seem to get.
- I understand that Andrew support's local people and businesses, through is farming activities.
- It is great to see Andrew continuing a family tradition of excellence in agricultural.
- I have been a customer at Bourne Farm for 10 years+, I have bought chickens from Andrew Card and eggs on a weekly basis. We are so lucky to have such a well run local business on our doorstep.
- I have been involved in the pig business all my life. I am a pedigree and commercial pig breeder. I show pigs, supply pigs, export pigs, and have contracts with abattoirs and butchers.
- I am a customer of Bourne Farm for pedigree Large Black breeding stock, for the domestic market, and for exports to the EU.
- I believe Andrew's diverse farm business, which supplies local food, livestock, agricultural supplies and services should receive full support from the local authority.
- It is very beneficial for my business to stock and sell quality local produce, and it is just over 1 food mile from Bourne Farm to my shop.

9. Planning Considerations

Principle of Development

Core Policy 48, along with Paragraph 80 of the NPP, allows for the provision of rural workers dwellings where there is an essential need for someone to live permanently close to or at their place of work. The term "essential need" means necessary for the proper functioning of the enterprise i.e., one or more workers must be readily available at most times. In other words, a functional requirement exists that ensures an agricultural enterprise is not financially or materially harmed because there is no on-site presence to monitor situations that could lead to that, for example, birthing complications, loss of livestock etc.

The applicants have submitted an agricultural justification statement produced by RAC. It clearly sets out that the business plan is the same as that proposed in 2017, just that profit margins have now increased post pandemic and have allowed the business to become a financially viable one.

In short, the applicant's income is derived from the following:

- Pigs
 - Sales of pedigree sows and boars
 - Sales of weaners
 - Stud fees and services
- Poultry
 - Eggs for shops and farm gate sales
 - Hatching eggs
 - ChicksLPC2627 - Planning Statement 5
 - Breeding stock
 - Laying hens and point of lays
 - Ex layers
- Miscellaneous
 - Poultry and pig food sales
 - Farmyard manure

The statement by RAC sets out clearly how, in managing the above stock, an essential need arises for the applicant to be based on the site at most times of the day. The statement submitted by RAC has been appraised by APA consultants whereby they conclude that:

“In my view the agricultural business has developed to a point at which there is an essential need at most times. The submitted accounts for the agricultural business for 2022 show that it is viable. The proposed dwelling is not excessive in relation to the business and the essential need.”

In light of the views expressed by the Council's agricultural advisor, officers assert that a functional need *does* arise on the site for an agricultural worker dwelling. It is also the opinion of officers that the business has been planned on a sound financial basis and is therefore viable, even when one considers the build and operational costs of the dwelling. As with the previous permissions, a condition will be necessary to restrict occupancy to an agricultural worker.

Design and Visual Impact

The proposal is to construct a simple single-storey dwelling, designed in a manner to reflect the existing agricultural building on the site both in terms of architectural style and materials employed. The proposed dwelling is considered to be modest in scale and height; a point agreed by the Council's agricultural advisor who asserts that the dwelling is commensurate in size to the needs of the enterprise.

It is considered that the dwelling will read as a subservient addition to the main farm building and wider farming complex. The materials are acceptable (timber boarding left to weather naturally, under a slate roof) and so too is the form of the dwelling which takes on a simplistic plan reflective of the agrarian style buildings within the wider area (and on the site). Overall, officers consider the design of the scheme to be acceptable.

In landscape character terms, the site has already fundamentally changed. What was once open pasture/grazing land has now been enclosed by fencing and additional planting with the keeping of pigs and chickens on the site. The site contains a hardstanding and track, and permission has been given for an agricultural building which is now complete. The addition of a permanent dwelling will not significantly alter the character of the site above and beyond what is there presently (which includes a mobile home). Furthermore, the wider landscape contains dispersed farm dwellings associated with agricultural buildings and as such the arrangement being proposed here is not uncommon to the character of the landscape. Although it is considered that some impact to landscape character would inevitably result from the siting of a permanent dwelling, this is not considered to amount to significant harm. Cumulatively, the addition of a dwelling in conjunction with other development on the site does not alter this conclusion.

In terms of visual effects, whilst there are some sensitive receptors within the vicinity of the site (the B4192, Marrison Hill and ALD46) significant views of the site are not afforded given the amount of planting in and around the site and intervening structures/buildings. Views from the B4192 are largely screened by the roadside hedging and trees and any glimpse views afforded of the site would be from vehicles travelling at speed. Some distant views of the site are afforded from Marrison Hill where gaps in the hedging exist, but these are somewhat limited and, in any event, they are views from the road as opposed to any PRoW and again, mainly from vehicles travelling at speed. From ALD46, glimpse views would be afforded through gaps in the hedging during summer, however, in the winter months, it is appreciated that more views into the site would open up. That said, the section of the site that contains the dwelling represents a very small length of the overall PRoW and thus the visual effects to users of this PRoW would not be demonstrably different when travelling in either direction. Furthermore, a dwelling associated with an agricultural business with its associated buildings and farmyard machinery is not an uncommon feature within the rural landscape. It has also been sited so far as practicably possible in a position that will help to minimise its visual impact yet afford the applicant the ability to keep an eye on the important aspects of his enterprise (e.g., the livestock and site entrance). With all of this in mind, the views of the site afforded by users of the adjacent road network and PRoW would not be deemed significantly harmful.

It should be noted that farming does play a key role in managing the landscape within the AONB and is a large part of the rural economy within it. Therefore, it is essential that the right balance is struck between farming interests and the underlying purpose and function of the AONB designation itself, which is to safeguard the natural beauty, views and visual amenity of this highly valued landscape for current and future generations. It is considered in this case that the right balance has been struck between the essential need for a farm worker dwelling and the landscape character and visual effects that it would pose upon the AONB. Were it not for the essential need requiring the presence of a dwelling on site, and the limited size of the holding restricting where such a dwelling could go, the balance on landscape impacts could well be very different.

The location within the AONB does however mean that the development should be subject to conditions that remove permitted development rights for the erection of fences, sheds/outbuildings and for extensions and alterations to the dwelling. This will enable the LPA to retain control over how the site is potentially developed going forward in the

interests of preserving the AONB landscaping. Furthermore, agricultural workers dwellings should not be excessively large as they are there to meet a functional need, and so control of any size increases would be prudent to consider by the LPA. In addition to these controls, officers would expect materials to be controlled via condition given the sites sensitive location.

Based on the above comments and coupled with the additional planting in and around the site which serves to greatly limit the views of the dwelling, it is considered that the dwelling will preserve landscape character in accordance with the requirements of Core Policy 51 of the WCS.

Neighbour Amenity

The nearest neighbour to the mobile home is some 60 metres away. At this distance, it can be reasonably concluded that no neighbours will be adversely affected by the proposal by reason of loss of light, privacy or overbearing impacts.

Highways Safety / Parking

It is noted that the site lies in an unsustainable location however, as the new dwelling is being sought under one of the exceptions policies listed at paragraph 4.25 of the WCS this cannot be sustained as a reason to object to the planning application.

In terms of access and parking the Local Highways Authority have always been satisfied that the site can adequately provide these on previous applications. The situation is not changing and therefore, it would be difficult to raise objection now on those grounds. As such, it is considered that the highways impacts associated with the development are acceptable and that no severe impacts will arise.

Drainage/Flood Risk

The application:

- Is not classified as a major development
- does not have a site area greater than 1ha in flood zone 1
- is not within flood risk zones 2 or 3
- site is more than 20m from a main river

Due to the above, the applicants have not been required to produce a Flood Risk Assessment (FRA) and the LPA has not been required to consult with the Lead Local Flood Authority or the Environment Agency.

The applicant proposes to use soakaways to deal with surface water drainage which is considered an acceptable method. The matter would be picked up at building regulations stage under Building Regulations Approved Document H to ensure the soakaways are acceptable.

Foul sewerage at this stage is stated as unknown on the application form. Whilst the applicant's agent has confirmed there is a septic tank on site that is currently used for the mobile home, it is not known whether this will be used for the dwelling or indeed, even be

suitable. As such, a condition is recommended to secure details of foul drainage prior to occupation.

Ecology

The Council's Ecologist had no comments to make on the application. As such, it is concluded that there are no ecological issues that need to be considered as part of the assessment of this application.

10. Conclusion (The Planning Balance)

Two agricultural consultants have assessed the essential need for a dwelling on site. Whilst one is on behalf of the applicants the Council's consultant has independently assessed the business plan and has drawn the same conclusions. The business plan has not changed since the original application was made in 2017 and so there is no reason to take a different view now that it has been fully realised. The requirements of Core Policy 48 of the WCS and paragraph 80 of the NPPF have thus been satisfied to ensure the principle of development is acceptable.

The visual impacts of the development when weighed alongside the interests of farming and the genuine essential need for an agricultural worker's dwelling on site, are not considered to be adversely harmful and thus accord with the Council's landscape policy (Core Policy 51). Furthermore, the design of the dwelling is considered to meet the standards expected of it under Core Policy 57 of the WCS.

No impacts have been identified that relate to highways or neighbour amenity matters that would weigh negatively in the balance/conflict with the development plan.

In addition to the development plan, the NPPF is supportive of the growth of agricultural businesses in order to help sustain the rural economy. Allowing permission for an agricultural worker dwelling would not only ensure the proper functioning of this agricultural business, but it would also help serve the wider rural economy (it is noted from the support letters that there are many that use/rely on this business for trade). Positive weight can be attributed to this point.

There are no additional material considerations that indicate the proposal should be determined other than in accordance with the statutory development plan for the area. The proposal complies with the development plan as a whole. The application is therefore recommended for approval subject to any conditions outlined in this report.

RECOMMENDATION

That planning permission be GRANTED subject to the conditions set out below:

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 has been permitted in accordance with the following plans and documents:

Dwg Ref: Application Form

Dwg Ref: Location Plan 1:2500

Dwg Ref: LPC 2627 PR 01 Site Plan - Proposed

Dwg Ref: LPC 2627 PR 02 Plan Proposed

Dwg Ref: LPC 2627 PR 03 Elevations Proposed

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

- 3 No development shall commence on site above ground floor slab level until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans/details.

REASON: 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.

- 4 No development shall commence on site above ground floor slab level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area which is within the AONB.

- 5 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area which is within the AONB.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area which is within the AONB, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations as the scale of the dwelling approved was considered in line with the functional need it was meeting.