

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	1 st June 2022
Application Number	20/09188/FUL
Site Address	Lower Marshes Farm Semley
Proposal	Erect replacement multipurpose agricultural/equestrian building and horse walker.
Applicant	Mr P Drummond
Town/Parish Council	Sedgehill and Semley
Electoral Division	Nadder and East Knoyle - Councillor Bridget Wayman
Grid Ref	915, 957
Type of application	Full Planning
Case Officer	Jonathan Maidman

Reason for the application being considered by Committee

The application has been called in by Councillor Wayman citing concerns regarding the Scale of development, Design - bulk, height, general appearance, Environmental or highway impact, and concerns regarding the replacement of barn – almost doubling in size, and change of use to equestrian use.

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. Site Description

Lower Marshes Farm extends to approx. 20.5ha and is all in grass and held within a ring fence and currently in a period of land maintenance pending the implementation of the proposed farming practice.

3. Planning History

20/09189/FUL Siting of mobile home for rural worker's accommodation. -associated planning application under consideration

14/10611/106 Modification of section 106 agreement of S/2002/0058 dated 10 July 2002 to allow a section of land to be sold separately from the existing land – Approved
S/2002/0058 Demolition of existing extension and building new extension to the house
demolition of existing sheds and building new stables garages and grooms room
construction of new access. – Approved with conditions & S106

4. The Proposal

Erect replacement multipurpose agricultural/equestrian building and horse walker.

5. Planning Policy

National Planning Policy Framework

- 2. Achieving Sustainable Development
- 4. Decision-making
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Wiltshire Core Strategy

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 17 Spatial Strategy: Mere Community Area
- Core Policy 50/52: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 64: Demand Management
- Core Policy 69 River Avon SAC
- Cranborne Chase Area of Outstanding Beauty Management Plan 2019-2024

6. Consultation responses

Sedgehill & Semley Parish Council - Objection

Majority of Cllrs Object to Planning Proposal 20/09188/Ful in its current form due to its impact on: local amenities; lighting in a Dark Skies Preserve; the Cranborne Chase Area of Outstanding Natural Beauty ((AONB), who have responded separately to WC at Ref G); nature and wildlife; extra vehicle traffic on a public right of way (Footpath SESE26); concerns over the load bearing capacity of the access road (which would need to be authorised); the viability of the agricultural/equestrian enterprise proposal on such limited-size, wet land; and that the application appears to fall outside of policy (Reference C). In addition, Cllr Wayman has concerns over this proposal which has been “Called In” at Reference H.

WC Ecology – No objection subject to conditions

WC Highways - No objections following applicants details of vehicle numbers

WC Rights of Way– No objection subject to informatives

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

Reason: To ensure the public right of way remains available and convenient for public use.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

Cranborne Chase AONB

The AONB Partnership has the following comments on this application (SUMMARY).

10. *This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.*

11. *The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings*

12. *The site is in the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in full on our website.*

13. *The proposed farm, which apparently is about 25% of a much larger holding, is relatively isolated and it seems that the site currently has a decayed building that is currently unusable. The proposal of application 20/09188/FUL would be to replace that building with one twice the size, 20m x 15m. The Supporting Letter refers to training polo ponies but the proposed agricultural / equestrian building lacks details and does not show whether the four individual units within the south eastern side of the building are intended to be stables or whether they are for some other part of the enterprise. Furthermore, the height of the building is not given on the plan, although it appears to be in the order of 6 metres to ridge height. There is no indication on the Application Form of the colour of the proposed building and, of course, in this AONB building materials and colours are important if integration within the existing landscape is to be achieved quickly.*

14. *This is a relatively isolated location in the open countryside of this AONB. Whilst the documentation refers to equestrian use and the training of polo ponies, I note that only the proposed barn and proposed horse walker are identified as being included within the red line area. That would appear to preclude the fields from being put to equestrian use. To avoid any potential misunderstandings the AONB advises that is an issue that needs to be clarified before any decision is made on either of the applications.*

15. *Equestrian operations almost invariably require a muck heap and the location of it is important, not just in relation to any residential accommodation but also in relation to*

drainage, and potential pollution, from it. The AONB is aware that there are nutrient issues associated with development in the catchments that drain to the River Avon, and such issues may put a hold on what is effectively new, additional, development.

16. Application 20/09189/FUL indicates that the proposed mobile home would be sited alongside the proposed barn. The proposed mobile home appears somewhat substantial with dimensions appearing to be some 20 metres by 6.5 metres, which appears to make the proposed mobile home longer than the barn would be wide. No information is given about the colour of the proposed mobile home and, again, colour can be a significant issue enabling a structure to integrate with its local landscape.

17. I see there is a substantial Agricultural Appraisal submitted with this application. It is, however, noticeable that in referring to the location and planning policies no mention whatsoever is made of the location within one of the nation's finest landscapes, this Area of Outstanding Natural Beauty. Furthermore, the many quotations from appeal decisions appear to relate to locations in undesignated countryside and, therefore, I have to advise that the examples do not take account of the application of NPPF paragraph 172 and the associated paragraphs in the Planning Practice Guidance.

18. There is no limitation on the application to site a mobile home. It could, therefore, be interpreted that this is simply a proposal to test the authority's attitude to a residential dwelling within this group of fields. Whether or not your Council is prepared to contemplate a new residential dwelling in the open countryside, this AONB has to advise that, subject to clarification of all of the other issues, a case has not been made for the presence of a worker living on site throughout the year, other than during the lambing season. The indications are that the welfare needs argument would apply for that relatively short period. That could mean that any permission should be strictly time limited. The Agricultural Appraisal refers to three years to test the viability of the holding and the associated enterprises. It would seem, therefore, appropriate to limit any on site accommodation, if it is necessary, to three years.

19. In relation to both applications, if you are minded to consider approvals after gaining the appropriate clarification on the issues raised, there should be no external lighting that is not explicitly approved by the Local Planning Authority. Any such lighting should comply with this AONB's Position Statement on the control of light pollution, Good Practice Guides on Good Lighting, and dark sky criteria. Any such lighting should be installed as approved and maintained thereafter. The need for external lighting to be explicitly approved by the Local Planning Authority is to ensure that the Council meets its obligations to protect the night skies of this International Dark Sky Reserve.

20. As you know, the AONB provides guidance on colour in the landscape and new agricultural buildings. I would, of course, be happy to consider any further information you may receive.

7. Publicity

Neighbour / Third party representations

The application was advertised by neighbour notification letters and the posting of a site notice outside the site. The proposal has generated 16 response as follows (summary)

- Need/ Principle/ Lack of justification/ Business viability
- Suitability of the land for equine activities
- Inappropriate development in the AONB
- Noise, disruption, light pollution
- Traffic, impact on footpath users
- Impact on the character of the area
- Creeping development

8. Planning Considerations

- Principle of development
- Scale, siting, design, impact on the wider landscape within the Cranborne Chase AONB
- Impact on amenity
- Highways
- Ecology/ River Avon SAC

9. Assessment

Principle of development

The application site consists of just agricultural land with a dilapidated barn, and there's no current farm enterprise at the site. The application consists of the erection of a horse walker and a replacement barn for agricultural/livestock and equestrian uses.

The proposed development at the site is considered acceptable in principle, provided the development is appropriate in terms of its scale, siting and design to its context, and provided other interests including the impact on the landscape character of the area within the Cranborne Chase AONB, amenity, highways and ecology are addressed.

Scale, siting, design, impact on the wider landscape within the Cranborne Chase AONB

Core Policy CP51 states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy CP57 states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The footprint of the existing dilapidated barn measures 15.24m x 21m, which is 320m². The footprint of the proposed replacement mixed use building is 15m x 21m and is therefore

315m². The replacement building would sit on the same footprint of the existing building and there is no increase in footprint.

The existing building has a double pitch, with the eaves height 3.9m and the two ridge heights each being approximately 4.7m. This is to be replaced by a single pitched roof building – eaves height 3.9m and ridge height 5.2m.

In respect of the exterior materials to be used for the building, the elevations are timber boarding over a brick base and the roof would be covered in profile sheeting. Following advice from the Cranborne Chase AONB regarding the colour of the building, the applicant has confirmed the timber cladding would be stained to help the building merge into the scenery. In respect of the roof colouring, an 'anthracite' colour in a matt finish is proposed and the cladding and doors would be of 'moorland green'.

The horse walker is formed of a circular fenced enclosure 2.2m in height and with a radius of 14.7m. It would be sited approx. 25m northwest of the replacement barn.

The applicant has confirmed that they are proposing to manage and improve the land and that the fields will only be used for grazing purposes. Therefore, it would appear a change of use application is not required for the land itself.

The applicant is aware of the sensitivity of the location and relating to Dark Skies and would confirm that it is not intended for there to be any spot or floodlights. Nevertheless, the applicant has confirmed they would be happy to accept a condition requiring approval of any external lighting if required.

The concerns of third parties and the AONB group are noted. However, given the divorced nature of the site; its relatively well screened nature at distance, and the lack of objections from the highway/rights of way officer regards the impact on the right of way, it is considered that a refusal of the scheme based on the wider impact on the landscape character of the AONB would be difficult to justify, particular as a barn and horse walker structure are typical features of such a landscape, and the site has clearly had a structure on it previously.

Impact on amenity

Core Policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

Given the setting and resultant separation distances, it is unlikely that the proposal would give rise to undue harm to the nearest residential properties.

Highways and rights of way

Core policy CP57 ix. states that proposals should ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

The site is accessed via ROW footpath SESE26.

The applicant has confirmed that:

In respect of vehicle movements, the land is currently being farmed and, therefore, there are a number of vehicles entering and leaving the Farm at the present time. We would summarise these as follows:

- 1. Car traffic – 5 movements average per day (owner and staff visiting livestock and general car movements).*
- 2. Tractor movements – average 1 per day.*
- 3. Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
- 4. Contractors – variable – 2-3 movements average per month.*

When the business is operating there will of course be the worker on site and there will not be any need for tractors to come to and from the Farm from elsewhere. We would anticipate therefore that vehicle movements would be reduced and would average as follows:

- 1. Car traffic – average 2-3 per day - reduction because staff will be on site.*
- 2. Tractor movements – average 2-3 per week – reduction because tractors will be kept on the Farm.*
- 3. Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
- 4. Contractors – variable – 2-3 movements average per month.*

On the basis of the above, WC Highways and Rights of Way have been consulted and do not object to the proposal. As a result, a refusal based on the impact of the proposals on the right of way and surrounding highway system would be difficult to justify.

Ecology/River Avon SAC

Core policy CP50/52 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

An Ecological Survey have been submitted for consideration. WC Ecology have been consulted and the submitted assessment concludes that the ecological impact of the proposals will be low and protected/notable species unlikely to be affected. Measures to avoid impacts on foraging and commuting bats, nesting birds and other protected and notable species as detailed in Section 5.0 and should be adhered to and secured via condition.

This application lies within the River Avon SAC catchment therefore a test of likely significance has been carried out by the Appropriate Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

Conclusion (The Planning Balance)

The horse walker and equine use of the replacement barn would be tied to the enterprise by condition and being a temporary consent, after three years if the enterprise does not prove viable, the horse walker home and any associated equine structures would be removed entirely and the site would be returned to agricultural use and the land restored to its former condition. The proposal would be unlikely to cause significant harm to the landscape of the AONB, general amenity of the area, or to the surrounding highway systems. There are no significant ecology issues.

The proposed development accords with the aims of CP50 & 52, CP51 and CP57 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, the Local Planning Authority considers that planning permission should be granted.

RECOMMENDATION:

Approve subject to the following conditions:

01 The horse walker and any ancillary equine works or structures shall be removed and the land restored to its former condition on or before three years of the date of this decision notice in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Following three years of the date of this decision notice the replacement barn shall be retained for agricultural purposes only.

REASON: A temporary permission is granted in order that the local planning authority can review the applicant's circumstances at the end of the limited period specified.

02 The horse walker and the replacement barn shall only be used in connection with the associated equine/agricultural business at Lower Marshes Farm, Semley.

REASON: In the interests of the amenities of the area.

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

Drg. no. 18194 – 1 B Site Location Plan (revised) Date rec. 13 April 2021

Drg. no. 18194 – 2 A Block Plan Date rec. 20 October 2020

Drg. no. 18194 – 3 A Plans & Elevations as Proposed Date rec. 20 October 2020

Drg. no. 18194 – 4 Proposed Horse Walker Date rec. 20 October 2020

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

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

REASON: In order to reduce light spill and the impact on the AONB

05 Prior to occupation of the barn the following mitigation and enhancement measures must be provided in accordance with recommendations detailed in the submitted Preliminary Ecological Assessment report prepared by David Leach Ecology Ltd (July 2021): Installation of a woodcrete bat box on a nearby tree. Installation of a Viva pro bird box on nearby tree. Instillation of insect features on nearby trees. Native and wildlife friendly planting.

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement, in accordance with Core Policy 50 and the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVE

Informative for birds and the nesting season

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.

Right of Way

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.