

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	2 <sup>nd</sup> November 2023
<b>Application Number</b>	PL/2023/02789
<b>Site Address</b>	North Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB
<b>Proposal</b>	Creation of a community farm (including farmhouse), farm track and rural employment units and associated works (resubmission of PL/2022/02887)
<b>Applicant</b>	Mr Nigel Grist
<b>Town/Parish Council</b>	DEVIZES and POTTERNE
<b>Electoral Division</b>	DEVIZES NORTH and DEVIZES SOUTH
<b>Grid Ref</b>	398461 160814
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jonathan James

### Reason for the application being considered by Committee

The application has been 'called-in' to committee to enable discussion of the environmental and highway impacts associated with the proposed scheme.

#### 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 refused.

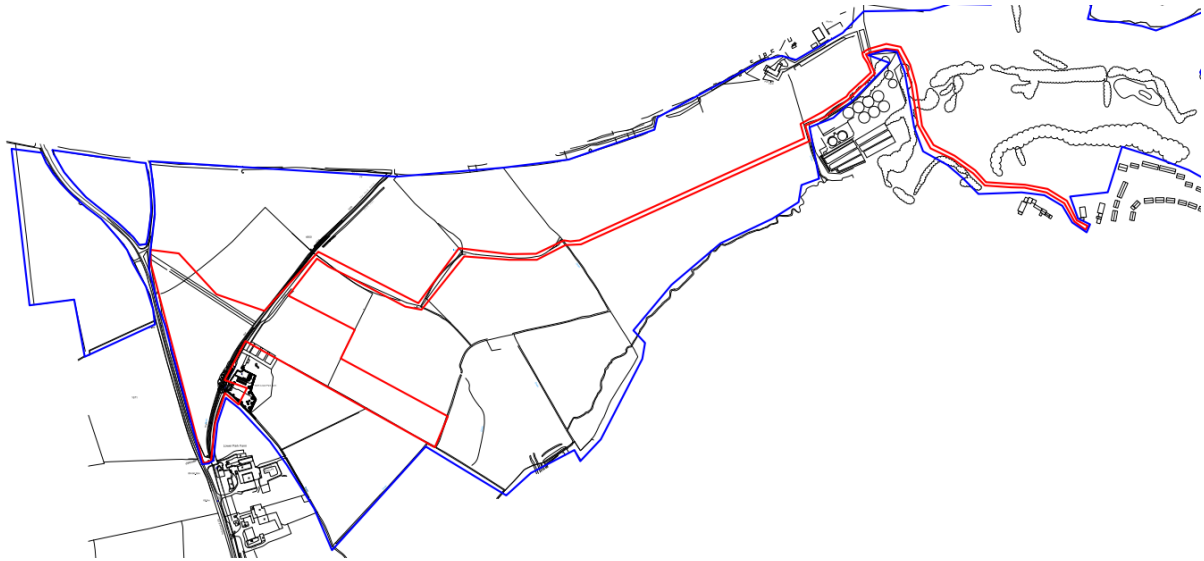
#### 2. Report Summary

The main points to be considered are as follows:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design in terms of layout (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the proposal would result in the loss of the best and most versatile agricultural land (NPPF 170)
- Whether the site can be adequately drained (CP 67)
- Whether there would be a harmful impact upon protected species or habitats (CP 50)
- 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)
- Whether there any other planning concerns associated with the development

### 3. Site Description

The site occupies a countryside location outside of any defined limits of development. It is located on a parcel of land at North Lower Park Farm, just off Whistley Road, to the north of the village of Potterne and to the south-west of the market town of Devizes. In its wider context, the site lies within a clay vale that wraps around the western edge of the North Wessex Downs Area of Outstanding Natural Beauty. It also lies partially within the old deer park formerly associated with Devizes Castle. The Old Park Ditch (roughly delineated by the route of Footpath DEVI13) forms part of the park pale, which denotes the boundary of the deer park, runs along a track and divides the Community Farm and the commercial development area.



*Site location*

Part of the land that is the subject of this application has been used for unauthorised storage (ref. photos below) and has a harmful visual impact, being completely out of character with the rural surroundings.



*Photo of unauthorised storage on site*



*Photo of unauthorised storage on site*

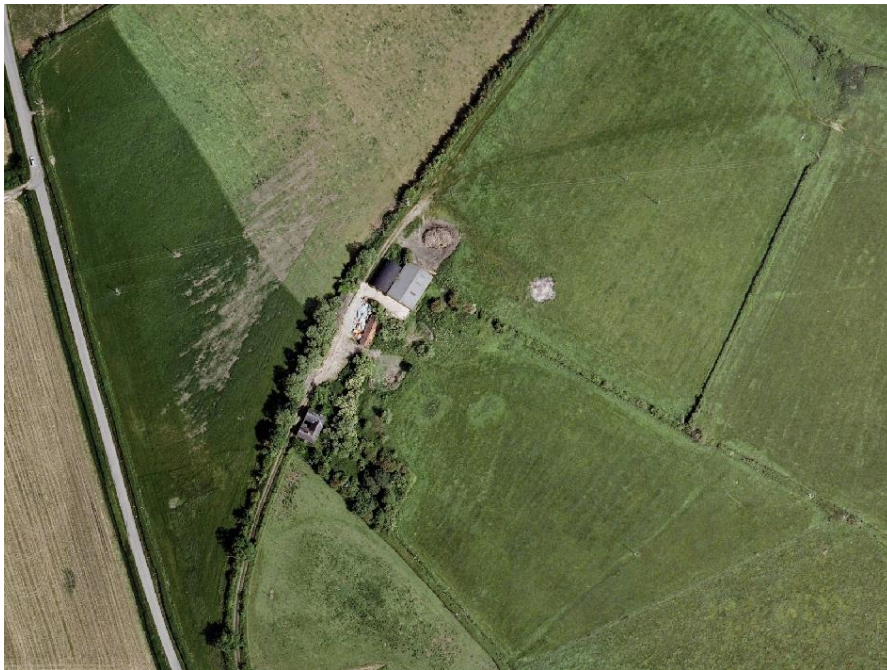


*Photo of unauthorised storage on site*



*Photo of unauthorised dwelling on site*

The following aerial photographs provide a snapshot of how the farm used to look and the extent of sprawl that has occurred over the years as a result of unauthorised activities.



*2005/2006 aerial photo*



*Present day photo*

This is the starting point for the consideration of the current planning applications; notwithstanding the betterments referenced within the supporting documents, it must be borne in mind that the land has already undergone significant change. This causes concern as to how the site will be managed in the future, especially as the proposed development will now sprawl further to the south-west of the existing farm buildings and to the north. In addition, the proposal includes a surfaced track, described as recycled and compacted stone, however, concerns are raised at the quality of any 'recycled' stone that may be utilised here.

The site also contains several agricultural fields bounded by a mixture of fencing, hedgerows and mature trees. The land rises to the north-east and more significantly so closer to Devizes.

The permissive path and new agricultural track run across the farmland to the nearby sewage works, with the permissive path bounding the sewage site on three sides before running across the open fields to Hillworth Road.

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

- PL/2022/02887 – Creation of community farm and farmhouse, veterinary practice and local employment complex, along with the creation of internal roads, parking areas, landscaping/wildlife areas, farm track, permissive paths and associated works - North Lower Park Farm, Whistley Road, Potterne, Devizes, Wilts, SN10 5TB – Withdrawn
- 21/00304/FUL - Retention of house and garage as built (amendment to planning permission K/55774) with use as a house in multiple occupation with a self-contained family unit - Withdrawn
- PL/2021/06663 - The erection of a building and its continuous occupation as a single dwellinghouse in excess of 4 years - Approve
- PL/2021/06667 - Construction of a dwelling (retrospective) – Approve with conditions
- K/55774/F – Replacement dwelling – Approve with conditions
- K/33981 - The erection of an implement/storage shed – Approve with conditions

Application PL/2022/02887 was withdrawn by the applicant following an indication by officers that they would not be looking to support the scheme due to the conflict of the proposed scheme with the policies of the plan and NPPF, the impact on the character and appearance of the area, and a lack of information relating to highway issues. The application included unauthorised development that had been carried out.

Application 21/00304/FUL was withdrawn following a clear indication being given that the development would be refused on grounds of the site occupying an unsustainable location and being inappropriate development within the countryside. The application had been submitted to regularise unauthorised works that had been carried out on the site.

Application PL/2021/06663 was approved for an unauthorised structure in use of as a dwelling in excess of 4 years. A garage unit that had been approved under application K/55774 was built out and then lived in by the applicants for a period in excess of 4 years, thereby removing the local planning authority's ability to take enforcement action requiring the removal of the structure.

Application PL/2021/06667 was for the retention of a dwelling that was originally granted consent under application K/55774 but was actually built out slightly larger than what was approved.

Application K/55774/F was approved in February 2007 for the replacement of the existing farm dwelling with a new dwelling and associated garage. The scheme included the demolition and removal of the existing dwelling with proposed landscaping running across the position of the existing dwelling. Concerns raised by the then landscape officer regarding the visual impact of the development were alleviated due to assurances that a suitable landscaping scheme would be implemented.

#### **5. The Proposal**

The application is for the creation of a community farm (including farmhouse), farm track, employment units and associated works (resubmission of PL/2022/02887). The proposed

employment element would comprise of 7 units, split between 3 buildings, with associated parking and infrastructure. The farmhouse has already been erected so the scheme includes retention of this dwelling. It is stated that the farmhouse would be occupied by workers on the community farm, thus enabling them to be present on the site at all times and ensuring 24-hour care for any animals. There is no agricultural justification for this.



*Block Plan*

Access to the site would be taken from the existing access tracks for North Lower Park Farm both of which lead from Whistley Road. The proposal includes the creation of an approx. 1.9km 'permissive path' through the countryside; this would be from the site to a part of Devizes that is east of the proposed community farm (Hillworth Road area). The proposed farm track would be approx. 1.3km long, constructed from recycled and compacted stone, and has been described as necessary to provide all-weather access to the animals on the farm.

## **6. Planning Policy**

### Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP12 – Spatial Strategy for the Devizes Community Area
- Core Policy 34 Additional Employment Land
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire's Housing Needs

- CP48 – Supporting Rural Life
- CP49 – Protection of rural services and community facilities
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

#### Wiltshire Waste Core Strategy

- WCS6 (Waste Audit)

#### Devizes Area Neighbourhood Plan (2015)

#### Potterne Neighbourhood Plan (2017)

Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015).

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

Wiltshire Housing Site Allocations Development Plan Document (DPD) (adopted 25 Feb 2020)

National Planning Policy Framework (NPPF) (2023)

Planning Practice Guidance (PPG)

### **7. Consultation responses (a summary of the comments provided)**

Potterne Parish Council: Object; this Application relates to land which straddles the boundary between the parishes of Devizes and Potterne, and is in place of an earlier Application (PL/2022/02887) (“the 2022 Application”) which was withdrawn following very strong local opposition in Potterne. It essentially proposes two entirely different developments (“the Scheme”):

a) a ‘community farm’, which is a relatively minor development on exactly the same terms as in the 2022 Application, making use of existing farm buildings. It is situated entirely on the Devizes side of the boundary; and

b) ‘rural employment units’, being a major development comprising the building on prime agricultural land in a wholly agricultural area of a complex of 7 new light-industrial units, a network of roads and parking for a claimed 34 cars - but actually a minimum of 48 cars if one counts the parking spaces shown in the plans submitted. This development, being by a long way the major of the two, is wholly within the parish of Potterne.

In the ‘Statement of Community Involvement’ (‘SCI’) the Applicant claims that the current Application ‘has significantly reduced the scale of the proposals’ of the 2022 Application as a result of the responses to it: there will now no longer be a veterinary practice, car parking will be reduced and the design will use more locally appropriate materials. As far as Potterne

Parish Council is concerned, none of these measures change the rules and principles governing the 2022 Application, and certainly do not prove (as claimed by the Applicant) that 'when assessing the 'planning balance' the benefits of the scheme outweigh the harms'. There is also very strong local opinion against this Application.

Potterne Parish Council unanimously and strongly OBJECTS to this Application for the following reasons:-

1. Core Policy. Wiltshire Council's Core Strategy outlines a sustainable spatial strategy for future developments in the county and includes key principles of development, the location of strategic sites for new housing and employment development, and the policies with which planning applications will be assessed. The Applicant 'freely admits' that the site does not conform to Core Policy 34 (additional employment land) nor Core Policies 1 and 2 regarding the general location of the development. If this Application is approved while these policies remain in force it would render Wiltshire Council's Core Policies meaningless, so for that reason alone it should be refused.

2. Road Safety. The only vehicular access to the site is from the Whistley Road. As detailed and specified in the large number of public objections raised, this road is single track over much of its length and completely impassible for large vehicles at the Potterne end and the scene of accidents and long blockages because it cannot safely cope with its current traffic. Amongst the residents of Whistley Road there is both widespread disbelief at the reported results of the Applicant's traffic survey and also serious alarm at the prospect of any increase, let alone the 48+ cars accessing the site plus visitors, deliveries and service/emergency. The only supporter referred to in the SCI is quoted as saying (page 13) "These traffic issues have existed for years and have yet to be successfully resolved". We utterly reject the Applicant's claim (SCI page 9) that 'the level of traffic generation associated with the development is low'. A large proportion of the extra traffic resulting from the Scheme will inevitably come through Potterne thus making the Whistley Road positively dangerous: the impact on highway safety of any increase in traffic here would unquestionably be 'severe', so the Application should be refused under NPPF para 111. We note that the only supporters of the Scheme live well outside the area.

3. Neighbourhood Plans. Such development would contravene the Potterne NDP as it would be well outside (by about 1½ miles) the Core Settlement Boundary. It would also contravene the Devizes NDP, for the same reason.

4. 'Need'. We question there is any 'need' for this development. Almost next door to the site there already exists The Caen Hill Countryside Centre ([www.Caenhillcc.org.uk](http://www.Caenhillcc.org.uk)), a 70-acre farm owned by Wiltshire Council and which brings countryside learning to children, young people and communities. So where is the need for another? It is claimed the employment units "will meet local demand for employment space or workshops", which is apparently "much needed", but there is no actual evidence of this need other than an offer of accommodation for the Devizes Men's Shed. However we note from its website ([www.devizesmensshed.org.uk](http://www.devizesmensshed.org.uk)) that it was decided at their recent General Meeting that "because some sessions were oversubscribed" the problem would hopefully be solved by their doubling the number of sessions from one to two days per week. Relocating the Shed from the very middle of Devizes to a remote unit 2½ miles away, well outside the conurbation of Devizes, would not therefore appear necessary.

5. Environmental. Whilst Potterne Parish Council supports the charitable aspirations of the Scheme it cannot agree to a development which is both unwarranted and unnecessary, and one which would endanger its residents and also permanently destroy prime agricultural land. There must be many more appropriate, less environmentally destructive, sites nearer the centre of Devizes.

Devizes Town Council: No comments received

Wiltshire Council Highways: Comments; I have considered the information provided and I have the following comments to make:



The location is remote and does not benefit from direct public transport connections or pedestrians facilities and as such it could be considered contrary to policies promoting and maintaining sustainable patterns of development. However, I am mindful that the uses proposed include an already existing agricultural use, a new commercial/community but agricultural use and small E class units which could be considered as acceptable under farm diversity.

The units proposed are of a small scale and the use class will mean that the likely transport associated with the uses are to in the majority likely to be cars (private vehicles) and white van deliveries. I am minded that the majority of movements will be from the A361 due to the ease of access to and from the site. If vehicles do choose to come from the south I am mindful that this is unlikely to be a large number and the types of vehicles (non-HGV) should be accommodated on the road network. Information provided by third parties suggest that Whistley Road is well used . I am of the opinion that the possible vehicle movements associated with the uses will not be so high that there will be a significant negative impact on the amenity and safety of the users of the highway.

The internal arrangements provide adequate parking and servicing areas .

I note that the applicant wishes to maintain access for the farm uses via the PROW and existing access , I am willing to accept that position but there should be a restriction to ensure the other uses are restricted to the main access route.

Therefore , I am minded to raise no highway objection subject to conditions.

Wiltshire Council - Lead Local Flood Authority: Support subject to conditions; surface water drainage condition

Wiltshire Council Public Protection: Comments; I have no objection or conditions to recommend with regard to the above planning application.

Wiltshire Council Ecology: Objects, further information required;

- Documents to evidence the Biodiversity Net Gain Assessment,
- A plan showing the root protection areas (or suitable buffer) of hedgerows and trees on the site.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

WC Landscape Officer: Objects; I previously objected to the last application (PL/2022/02887) on landscape grounds due to the impact on the landscape both visually and also on the landscape character. The Applicant subsequently withdrew their application and resubmitted following changes to the scheme. Despite these amendments to the scheme much of my original objections still hold.

I acknowledge that the applicant has attempted to reduce the impact of the proposed business park both visually and in terms of landscape character. However, I still do not believe that this development is in the appropriate location and would still cause unacceptable harm to the rural countryside. This is the same for the proposed track across the fields to the east of the farmstead. I do not have a landscape objection to the community farm.

Should the applicant decide to bring forward the community farm only then I would be happy to reconsider my landscape holding objection

Wessex Water: Comments; Wessex Water will provide a point of connection for a new 90mm water main to be laid to the development site, either through a Section 41 agreement or a self-lay arrangement. There is capacity within the 4" (100mm) supply main on the A361 north of the site to supply domestic type requirements.

Wiltshire Council Waste and Recycling: Comments; Waste management - Non-residential premises will require suitable storage space for waste containers that is accessible to a RCV. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Any tracking provided should show that the RCV can access the storage point or a designated collection point.

The information in Table 5 & 6 of paragraph 6 in the guidance should allow developers to design adequate storage for waste containment.

No section 106 needed for 1 residential property

Environment Agency: No objection, request informatives added to any consent

Wiltshire Council Archaeologist: No objection subject to condition

Wiltshire Council Rights of Way: No comments received

Wiltshire Council Waste management: Non-residential premises will require suitable storage space for waste containers that is accessible to a RCV. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Any tracking provided should show that the RCV can access the storage point or a designated collection point.

The information in Table 5 & 6 of paragraph 6 in the guidance should allow developers to design adequate storage for waste containment.

No section 106 needed for 1 residential property

## **8. Publicity**

The application was advertised by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. The following is a summary of the issues raised by members of the public / third parties:

### *Object:*

- Site is outside of development boundary
- Conflicts with the core policies and the relevant neighbourhood plan
- Application confirms that it does not comply with the policies
- Additional business properties are not seen as a priority for the village
- Commercial development in a rural environment
- Does not comply with policy which direct development to within settlements
- Only in exceptional circumstances can the conflict with the core principle be overcome
- Provides no real benefits to the community that are not already being met
- Reduced scheme is still contrary to the policies of the plan and does not therefore make it acceptable in principle

- The benefits of the scheme do not outweigh any harms
- Development elongates built form along Whistley Rd eroding the separation between Devizes and Potterne
- Visual impact
- Need to safeguard the countryside
- Loss of existing farmland
- Question demand for industrial units and community farm
- Existing community farm (Caenhill Countryside Centre) within 1/2 mile of the site
- Undermines existing facilities
- Commercial properties already vacant within Devizes and have been for some time
- Question the need for the commercial units
- Whistley Road is too narrow in places to allow vehicles to pass
- Few safe passing places
- Existing traffic speeds along Whistley Rd, vehicles travel too fast
- Junction of Whistley Road and Caen Hill is well known accident blackspot
- Access to Whistley Road at both ends is hazardous
- Visibility at junctions inadequate
- New increase in traffic will exacerbate negative effects
- Unsafe highway for existing users
- Conflict between pedestrians and vehicle users
- Impact from increase in traffic will be unacceptable and severe
- Existing highway is pot holed and infrastructure does not exist to support proposed development
- Whistley Rd is often used as a short cut to the dual carriageway
- Significant increase in traffic
- Insufficient pavement to support pedestrians
- Impact on highway safety would be severe
- Highway drainage remains an issue, with the highway often flooded for periods of time
- Traffic survey is nonsense
- Impact on road verges through traffic passing, results in impact on verge re-wilding
- Insufficient on-site parking
- The impact on traffic, access and safety on the Whistley Road will be both unacceptable and severe
- No public transport
- No community involvement, applicant has merely taken the objections raised on the first application and provided responses to the objections raised
- Conflict between users of the site
- Object to closure of right of way
- What is the long-term use of this site?

*Trust for Devizes:*

*“The developments proposed in this application appear to conflict with Core Policy 2 of the Core Strategy and H1 of the Neighbourhood Plan, being in open countryside outside Devizes’ limits of development. They also appear to conflict with CP34 (Additional Employment Land) and CP60 (Sustainable Transport), as they will add to the need to travel by car. We doubt the public benefits of attempting to provide a Community Farm or a Men’s Shed in a location that can in practice only be accessed by car. The public benefits of permissive footpath access across the Old Park Valley, and of the restoration of semi-natural habitats are potentially substantial, but there is no detail on how they would be delivered, or maintained for the medium to long term. In the absence of such information, these potential benefits should, in our view, be discounted. In particular, the access proposals include an engineered farm track linking*

*Webbs Lane to Whistley Lane, and two business premises operated by the applicant (one at Webbs Lane and one or more at Lower Park Farm). There appears to us to be a risk that the track could be used as a haul road linking Webbs Lane to Whistley Lane. This would lead to extra traffic on Webbs Lane, or Whistley Lane or both, which does not appear to be taken into account in the Transport Assessment (TA). Such movements would damage the countryside of the Old Park Valley, and add to traffic in Whistley Lane and/or at Prison Bridge on the A361, with unpredictable effects on road safety. This risk should be prevented, preferably by a permanent physical barrier, or legal ban. The TA appears to be an old-fashioned traffic impact assessment, as it does not attempt to assess accessibility by means other than the private car. This application should be refused. If the applicant wants to proceed with some of the more promising elements, they should be the subject of proper consultation and negotiation, without the unnecessary complication of a speculative planning application”.*

*Support:*

- Significant improvement
- Generally environment positive
- Visual positive
- Community positive
- On the right side of town
- Supports employment units that will reduce traffic through town
- Includes workshop for the men’s shed which is much needed
- New workshop will get more residents out of isolation and reduce mental health

## **9. Planning Considerations**

### **9.1 Principle of Development**

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance.

Turning therefore to the development plan (the WCS), the site lies outside the Limits of Development of Devizes or Potterne within what is defined as countryside, whereby under Core Policies 1 and 2 of the WCS, development is not permitted other than in circumstances permitted by other policies within this plan, as identified in paragraph 4.25.

Core Policy 34 of the WCS supports the provision of additional employment land. The site lies outside of the Limits of Development of Devizes (a Market Town) and Potterne (a large village) so it is therefore classed as being within the countryside. The scheme does not fall within any of the criteria i) to iv) and so fails to comply with this policy. In addition, the site does not meet the sustainable development objectives of the WCS policies or the NPPF and is not consistent in scale with its location. The proposal is thereby considered to adversely affect the local area, a justification for economic and social needs is lacking and there is a question over whether it is supported by adequate infrastructure.

With regard to the retention of the dwelling, it has been argued that this is required for the managers of the proposed community farm. Core Policy 48 supports proposed residential development where it meets an essential need for workers to live at or in the immediate vicinity of their place of work, in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside must be supported by functional and financial evidence. This policy is

broadly in line with the requirements of the NPPF (para. 80) in respect of such development, which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. However, in this case no agricultural assessment has been provided in support of the application to demonstrate that there is an essential need for a rural workers' dwelling in this location.

The site is located in what is construed as an unsustainable location for the type of development proposed, being outside of the limits of development of Devizes. The strategic policies for development do not support the development proposed within this location and on this basis the application should not be supported.

As already mentioned, the site falls outside of any defined limits of development and has not been brought forward under either the Neighbourhood Plan or allocated through the development plan document for the area. Therefore, the development fails to comply with the requirements of Core Policies 1 and 2 of the WCS. The proposed development is therefore considered to be contrary to the relevant core policies of the development plan and is unacceptable in terms of principle so it should be refused on these grounds.

## **9.2 Heritage Impact**

There are no listed buildings on or within the vicinity of the site, however, it does lie within the historic deer park adjacent to Devizes Castle. Comments from the county archaeologist identify that the site is in an area with some potential for early to later medieval settlement. It is possible that groundworks associated with the construction of the buildings in the green field immediately to the west of North Lower Park Farm could impact upon, or expose, sub-surface medieval remains, while there is a chance of remains from the later prehistoric and Roman periods also existing here. It is therefore advised that any groundworks in this field are monitored by qualified archaeologists.

On balance, it is considered that the proposed development would not result in an impact on any heritage assets or their setting within the area. However, this does not remove the fact that the site is located within an identified historic landscape.

## **9.3 Landscape and Visual Impact**

Concerns have been raised by local residents regarding the visual impact that the development would have on the landscape and wider area. It is considered that the development and subsequent loss of the green space would undermine the character of the area and the built form would result in irreversible and irreparable damage to the landscape, in contravention of Core Policies 51 and 57 of the WCS.

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. These policies are in general compliance with the general thrust of section 15 and more specifically paragraph 174 of the NPPF (2023).

The site is agricultural in character and consists of grassland bounded by a mixture of post and wire fencing, mature hedgerow interspersed with trees, with existing buildings developed over time forming the core farmyard area. There has been some sprawl through external storage of items unrelated to agriculture beyond these areas as can be seen in the photos above.

Subdividing the site is the historic 'park pale', a feature that forms part of the deer park associated with Devizes castle and within which the site is located. The 'deer park' stretches in a large oval from Devizes castle out and around the site and south, encompassing a swathe of low land. It is acknowledged with reference to appeal decision APP/Y3940/W/23/3317362 that the 'deer park' has incurred several interventions, the most significant being the sewage treatment works; however, this site is in a more isolated part of the parkland which is predominantly appreciated as lying within the valley. It is therefore considered that this scheme would harmfully erode the historical association with the surrounding landscape.

Heritage England's website includes details on the Grade 1 Castle. In the detailed description is the following:

*'The original castle built by Bishop Roger of Salisbury in reign of Henry I has virtually disappeared. It was partly in ruins in the C16, but finally destroyed at the end of the Civil Wars by Order of Parliament. The site is a magnificent one with a great mound and moat. The mound falls steeply on 3 sides towards the undulating ground to the south-west. The rich parklands of the Old Park form with the Castle mound a fine piece of landscape, which should always be preserved.'*

Along the park pale is the line of the existing public right of way (DEV13). It is acknowledged that the site is highly visible from these public vantage points and would likely impact on how the users of these features perceive and interact with the local landscape. Currently, setting aside the unauthorised development and storage currently taking place, the character of this area is countryside and not an industrial estate / commercial park, which in essence is what is being sought. The urbanisation of this site would create an urban extension beyond the boundaries of Devizes town – this would be an anomaly out of character within this location.

During the assessment of application reference K/55774/F, the Council's landscape officer at the time considered that the new build was of such a radical design that it would result in some harm through visual impact on the landscape and that the harm could be mitigated through landscaping. It was acknowledged that this scheme would also involve the removal of an existing farmhouse, with the benefit of a reduced built form on the site. The applicant for the current application argues that there was no condition imposed for the removal of the former farmhouse and so it was therefore rebuilt following its demolition. This is not a justification for the retention of this building and does not remove the combined harm that the sprawl of built form will have in this location.

Application K/55774/F allowed for the erection of a new dwelling and associated garage. The scheme included the demolition and removal of the existing dwelling, with proposed landscaping running across the position of the existing dwelling. It is considered that the retention of the farmhouse forms part of the cumulative built form within this location, further eroding the rural character of this area and adding to the sprawl of development and urbanisation of this landscape, a landscape that is identified as forming part of the historic setting for the medieval deer park.

The LVIA submitted in support of the current application has drawn on a number of documents through its production – these are not restricted to but include the Wiltshire Landscape Character Assessment (2005), and the East Wiltshire (formerly Kennet District) Landscape Character Assessment (1998). Also of relevance is the Kennet Landscape Conservation Strategy (2005). These are highlighted as they were also relevant to the decision reached under application K/55774/F.

The submitted LVIA argues that the Overall Visual Sensitivity of the study area is Medium. The Overall Magnitude of Visual Change is classified as Moderate, resulting in the Overall

Level of Visual Effect being Moderate. The argument put forward is that whilst there will be an element of localised adverse visual effect due to the increase in built form and vehicles, the proposals can be integrated existing farm development through the careful design and the use of sympathetic materials. It is also asserted that an appropriate landscape scheme will help the scheme integration with its surroundings. As such, the Overall Nature of Visual Effect of the proposed development will be largely Adverse.

The LVIA concludes that as a result of the appraisal of landscape and visual effects, it has been determined that, due to the site's level of containment within the local landscape and the removal of an area currently used for disused vehicle/other disused paraphernalia, the proposed development can be successfully integrated into the rural landscape of the study area. The recommended landscape mitigation and enhancement measures will see the effect on specific receptors being reduced, and adverse effects having been mitigated as far as possible through appropriate landscape measures.

It is important to note that the removal of the various items not related to agriculture, as highlighted earlier within this report, are subject to ongoing enforcement action and the removal of this unauthorised storage is not subject to the positive determination of this application. As such, the suggestion within the LVIA that this could in any way be considered a benefit to support the approval of the current application is a misnomer.

It is also worthy of note that in respect of appeal reference APP/Y3940/W/23/3317362 (to the east of the site), the Council's landscape witness referred to the site that is subject to the current application and reached the same conclusion as the Council's Landscape Officer did for this scheme, namely that development within this highly valued landscape would be inappropriate and would result in a harmful impact on its character.

The findings of the planning inspector in respect of the recent Hillworth Road appeal acknowledged that "*there is also a significant delineation between the parkland to the north and west due to the appeal site occupying a position at a higher ground level, whereas the parkland is predominantly appreciated as lying within the valley*". It is clear from the historic maps that this site is partially encompassed within the park and that the park pale subdivides the site, with the remaining part of the development sat adjacent impacting on the setting of the historic landform.

It is considered that the proposed scheme would urbanise a countryside location; although it on the edge of, the rural landscape that surrounds Devizes, the site however would be experienced in isolation from the towns built form. Consequently, there would be a loss of countryside resulting in a diminution of the green and verdant setting of the town, which would be particularly so due to the nature of the existing built form of the agricultural court yard adjoining. The scheme would therefore be an urban intrusion into the landscape, extending the built form.

Objections received from the Councils Landscape Architect are consistent with those given for the first application, confirming that the proposal will result in harm to this area, contrary to Core Policy 51 of the WCS (2015) on the following grounds:

- i. The site consists of development outside the settlement boundary and is therefore contrary to Wiltshire Councils Core Strategy and in particular Core Policy 51:
- ii. The locally distinctive character of settlements and their landscape settings.
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.
- iv. The historic features and setting of the deer park as noted in Core Policy 51:
- v. Landscape features of cultural, historic and heritage value.

- vi. The tranquillity of the rural landscape due the large number of vehicle movements, external lighting associated with the new uses as noted in core policy 51:
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

It is acknowledged that the scheme has been reduced following the withdrawal of the original application, however, despite these amendments to the scheme many of the original objections still remain.

The location of the business units is still on a green field site away from population centres. para 174 (b) of the NPPF notes that planning decisions should recognise the '...intrinsic character and beauty of the countryside...', the condition of the rolling clay lowland is judged as 'Good' with a strength of character of 'moderate'. The Wiltshire Landscape Character Assessment (WLCA) recommends a strategy of conserving and strengthening the landscape character of the Roll Clay Lowland.

Forces for change as noted in the Trowbridge Rolling Clay Lowland (11C) WLCA include '...Pressure for further expansion of settlement and new development threatening the character of the small villages and scattered farmsteads.' Despite the changes to the development from the previous 2022 application, it is considered that the inclusion of business units on a green field site in a location away from the historic farmstead (i.e. south-west of the non-designated park pale heritage asset) is a threat to the character of the farmstead and this section of the rolling clay lowlands.

Whilst the East Wiltshire (Kennet) LCA notes the site as within 'Enclosed farmland with intact hedgerow structure' that is '...potentially more able to accommodate that essential development which must be located in the countryside...' but this is '...only where it would not compromise their rural, unspoilt character.' This site of the proposed business units has traditionally been pasture, or be it now 'improved' pasture, however the EWLCA notes that 'remnant pastures and meadows along the vale floor represent a scarce landscape and ecological resource, making them particularly unsuitable for development.' The 'Know Your Place' Historic Landscape Character website quotes the Wiltshire and Swindon Farmsteads Guidance (2014) that notes the remaining farm buildings and the farmhouse as being in an 'isolated location.' It is considered that this site is not suitable for the proposed development as it would have an unacceptable detrimental impact on the character and tranquillity of the rural countryside through urbanisation.

This is contrary to NPPF para 174 part b, as previously quoted, along with WCS Core Policy 51:

- ii. The locally distinctive character of settlements and their landscape settings.
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

It should be noted that the landscape improvements (additional tree planting / ponds / improved wetland habitat) can be secured outside the development process through environmental land management grants. The site also falls within the great western Community Forest Area which provides generous planting and maintenance grants for tree and woodland planting including hedgerow and wood pasture planting.



With reference to the proposed track, the applicant has stated - based on previous concerns raised regarding the need for this track across the land from the farmstead across fields to the east – that it is required for vet visits to the large number of livestock held on the farm. All farmers need to make daily checks on their livestock and regular veterinary health checks. However, this has not meant the widespread development of hardstanding tracks across landholdings to provide such access. The application fails to justify the creation of a new surfaced access track across fields within the old hunting park and rural countryside. The only concerns raised with regard to the community farm agricultural building is that the roofing material and cladding colour is carefully considered to ensure that its impact is reduced.

In conclusion, it is acknowledged that the applicant has attempted to reduce the impact of the proposed business park both visually and in terms of landscape character. However, it is considered that the development would not be sited in an appropriate location and would cause unacceptable degree of harm to the rural landscape. This is the same for the proposed track across the fields to the east of the farmstead.

Given the above, it is considered that the proposal, by reason of its urbanising effect would have an adverse impact on the character and appearance of the countryside, causing irreversible loss of an attractive and historic landscape. The proposal, therefore, fails to protect, conserve and where possible enhance landscape character, contrary to the provisions of the policies of the development plan, more specifically Core Policy 51, Core Policy 52, Core Policy 57 and Core Policy 58 of the Wiltshire Core Strategy 2015; policies H1 and ESD1 of the Devizes Neighbourhood Development Plan 2016-2026 December 2015, as well as the principles set out within the Framework (2023).

#### **9.4 Agricultural Land**

The Council's mapping data (ref. figure below) classifies the land in question as grade 3 agricultural land, although there is insufficient detail to clarify if this is 3a or 3b. However, the extent of land likely to be lost to agriculture relates to only 2.5 hectares. Natural England's concerns over loss of best agricultural land (BMV) generally only applies where areas greater than 20ha would be lost. The portion of land associated with this site falls well below that threshold and, therefore, its loss is considered acceptable.

#### **9.5 Drainage**

CP 67 of the WCS states that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). Concerns have been raised by local residents at the potential for flooding within this area and regarding the discharge channel to the south of the site.

Comments from the Council's Drainage Officer support the scheme subject to conditions. It is noted that the applicant has provided outline design calculations to demonstrate the feasibility of the drainage strategy and that additional details will be provided as part of subsequent planning submissions. Consequently, no objections to the application have been raised at this stage subject to the imposition of a surface water condition, which is considered reasonable.

#### **9.6 Ecological Impact**

Initially, the application was subject to a holding objection from the Council's Ecologist until further information had been provided, namely the biodiversity metric spreadsheet and an arboricultural survey. Further details have now been submitted in relation to these issues, including clarification on the proposed hedgerow planting in relation to the proposed car parking area.

The application has been supported by appropriate surveys and a biodiversity metric spreadsheet. The submitted details conclude that the proposed scheme will not affect the ability of local wildlife to survive, breed or reproduce; to rear or nurture their young; or to hibernate or migrate; and will not adversely affect the local distribution or abundance of local wildlife species. The proposed scheme is concluded to actively improve the situation for some target species especially bats, birds and invertebrates.

Given the absence of a significant residual adverse impact, combined with appropriate and significant habitat creation/enhancement and the inclusion of wildlife features which enhance the study area for a range of wildlife, including protected and nationally notable species found within the local landscape, the residual ecological effect of the proposed development is considered to be positive in a local context.

The proposed development provides a significant biodiversity net gain and it therefore complies with both national and local planning policies (NPPF and Wiltshire Core Policy 50) which seek to maintain and enhance biodiversity, in particular those habitats and species found on or adjacent to the application site that are identified as priorities in the UK and Wiltshire.

Comments from the Council's Ecologist only raised questions in relation to the required biodiversity matrix spreadsheet and the need for further information relating to trees / hedgerows and their location in respect of proposed parking areas / access. Clarification has been provided in relation to the proposed planting which thereby removed the necessity for further arboricultural work and the spreadsheet was provided. No further objections have now been raised by the Council's Ecologist and the submitted details are therefore considered to satisfy the requirements set out in CP 50 of the WCS.

## **9.7 Highways**

CP 60 and 61 of the WCS have the objective of reducing the need to travel, particularly by private car, to support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

Strong concerns have been raised by third parties that the proposal would result in a severe impact on highway safety through the intensification of traffic onto highways not capable of dealing with the extra loading, as a result of the additional traffic being in conflict with existing pedestrian users and existing traffic movements and the hazardous access points off Whistley road at either end. The concerns raised highlight that the supporting highway is too narrow in places to allow vehicles to safely pass and that traffic travels along Whistley Road at high speed. It is further commented that Whistley Road is used by existing residents and as a 'rat run' so the increase in traffic movements will exacerbate highway safety issues.

The proposal includes the creation of new access tracks across the surrounding fields providing a pedestrian and agricultural vehicular access to parts of Devizes. Even with these new tracks, it is considered that the site has limited connectivity and would likely be accessed on a daily basis by private motor vehicles along Whistley Road. The core policies of the plan seek to place new development in locations where they reduce the need for travel particularly by private car. The Council's Highway Officer confirms that the location is remote and does not benefit from direct public transport connections or pedestrians facilities and as such it could be considered contrary to policies promoting and maintaining sustainable patterns of development. It is considered that the erection of a commercial enterprise within this countryside location would not be a sustainable location for this form of development.

It is acknowledged that the highway - Whistley Road - that skirts the western boundary of the site - does become narrower and windier, with poor passing places as you travel along it to

the south towards Potterne village. However, whilst a single carriageway, the road is wide enough to the north of the site to easily allow two vehicles to pass safely moving towards the A361. The objections raised in relation to the access onto the A361 to the north are acknowledged. The highway officer recognises that the majority of movements will be from the A361 due to the ease of access to and from the site in this direction.

The information provided shows an increase in vehicle movements across the road network but of a number which can be accommodated without leading to a significant detrimental effect. This showed an approximate 483 movements over a day with an approximate another 141 movements associated with the site. Due to the location of the site, this would be split between north and south. There is also a weight limit at the Potterne end of Whistley Road, which would restrict the use of this route by the small number of HGVs likely to be associated with the development.

The Council's Highway Officer considers that if vehicles do choose to come from the south, this is unlikely to be a high number and the types of vehicles (non-HGV) should be accommodated on the road network. Information provided by third parties identifies that Whistley Road is well used, however, the highway officer is of the opinion that the possible vehicle movements associated with the uses will not be so high that there will be a significant negative impact on the amenity and safety of the users of the highway. It is acknowledged that the internal arrangements provide adequate parking and servicing areas.

Taking into consideration all of the comments made, and the supporting information provided in support of the application, it is acknowledged that the scheme will likely result in an increase in traffic movements along Whistley Road to some extent. However, the development is unlikely to cause such a severe impact as to justify a reason for refusal on highway safety grounds in this instance. The NPPF at para. 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is considered that the impact would not be classified as severe nor would there be a cumulative impact on the adjoining highway network.

## **9.8 Other Planning Matters**

### **Public Protection**

It is considered that the proposed development will lead to an increase in the number of car trips travelling in the Devizes Air Quality Management Area. The proposed development is likely to exacerbate the existing areas of poor air quality in Devizes by adding car trips. In line with Core Policy 55 of the WCS, the development would need to demonstrate how emission levels can effectively be mitigated to protect public health. Notwithstanding this, no objections or comments have been raised by the Councils Public Protection team.

### **9.9 Community Infrastructure Levy (CIL)**

The development would be the subject of CIL payments. The Community Infrastructure Levy is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help deliver the infrastructure needed to support development in an area.

## **10. S106 contributions**

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an

appropriate financial contribution prior to, or in conjunction with, new development. This policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

There are no infrastructure items requested in relation to the proposed scheme.

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

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance.

At the heart of the NPPF, there is a presumption in favour of sustainable development, requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11 of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless exceptional circumstances apply such as there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Core Policy 48 of the WCS is broadly in accordance with the requirements of para. 80 of the NPPF.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land, at the time of drafting this report the current supply figure is set out in the latest Housing Land Supply Statement as 4.6 years. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The site is in what is construed to be an unsustainable location for the type of development proposed, outside of the defined limits of development of Devizes. The strategic policies for development do not support the type of development proposed within this location and on this basis the application should not be supported.

Core Policy 34 of the WCS supports the provision of additional employment land. The site falls outside of any defined settlement boundaries (Limits of Development) and has not been brought forward under either the Neighbourhood Plan or allocated through the development plan document for the area. The scheme does not fall within any of the criteria i) to iv) and so

fails to comply with Core Policy 34 of the WCS. Therefore, the development fails to comply with the requirements of Core Policy 2 of the WCS and there is also consequential conflict with Core Policies 1 and 12 of the WCS. The proposed development is therefore considered to be contrary to the relevant core policies of the development plan and is unacceptable in terms of principle so should be refused on these grounds.

The scheme is, however, considered to comply with the requirements of Core Policies 60 and 61 of the WCS in terms of impact on highway safety, and with Para. 111 of the NPPF, which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. It is considered that the development would not result in a significant negative impact on the road network or on highway safety. Bearing in mind the adverse visual impacts and non-compliance with the relevant policies of the plan, little weight can be attributed to this as a benefit.

Whilst concerns have been expressed at the potential for impact on protected species within the area, the submitted survey work has been found to be acceptable by the Council's Ecologist to safeguard species using the area. It is suggested that the enhanced planting etc. across the site are a positive benefit that supports the inappropriate development. However, this development is not required to deliver biodiversity for the area; planting can be carried out now that would support green infrastructure for species without requiring planning consent. This argument therefore carries little weight in the planning balance.

The scheme, if approved, would deliver economic benefits such as employment opportunities within this location both during the construction phase, where local trade and suppliers may benefit, and post development through the provision of commercial units. However, there are existing allocated sites within the development plan for commercial premises; this site is not amongst the allocations for Devizes and is located in a less sustainable location. In addition, the provision of commercial premises on land not allocated has the potential to undermine the viability of units coming forward within allocated sites.

The farmhouse forms part of the cumulative built form within this location, thus further eroding the rural character of the area. It is acknowledged that it was an existing farmhouse, however, this was due to be demolished under the K/55774/F consent and proposed landscaping, recognised as necessary by the landscape officer, was proposed within this position. There is no supporting evidence to justify the need for an essential worker(s) in this location and there are already two existing dwellings at this location.

It is considered that the proposal, by reason of its urbanising effect, would have an adverse impact on the character and appearance of the countryside, causing irreversible loss of an attractive and historic landscape. The proposal, therefore, fails to protect, conserve and where possible enhance landscape character, contrary to the provisions of the policies of the development plan, more specifically Core Policy 51, Core Policy 52, Core Policy 57 and Core Policy 58 of the Wiltshire Core Strategy 2015; policies H1 and ESD1 of the Devizes Neighbourhood Development Plan 2016-2026 December 2015, as well as the principles set out within the Framework (2023). Significant weight is attributed to the visual impact of the proposed development as such the application is recommended for refusal.

## **RECOMMENDATION:**

That planning permission be **REFUSED** for the following reasons:

1. The site lies outside the Limits of Development of Devizes or Potterne within what is defined as countryside, whereby under Core Policies 1 and 2 of the Wiltshire Core Strategy,

development is not permitted other than in circumstances permitted by other policies within this plan, as identified in paragraph 4.25.

Core Policy 34 of the Wiltshire Core Strategy supports the provision of additional employment land; however, the proposal does not fall within any of the criteria i) to iv) and so it fails to comply with this policy. In addition, the site is considered not to meet the sustainable development objectives of the Wiltshire Core Strategy policies and the National Planning Policy Framework (2023), is not commensurate in scale with its location, and would thereby adversely affect the local area, with inadequate justification for the economic and social needs and questions over whether it is supported by adequate infrastructure. The site occupies what is deemed to be an unsustainable location for the type of development proposed, outside of the defined Limits of Development for Devizes. The strategic policies for development do not support the creation of the type of development proposed within this location.

Core Policy 48 supports proposed residential development where it enables workers to live at or in the immediate vicinity of their place of work, in the interests of agriculture, forestry or other employment essential to the countryside. This policy is broadly in line with the requirements of the NPPF (para. 80) for such development, which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker. No agricultural assessment has been provided in support of the application to justify that there is an essential need, including a functional or financial need for a rural workers' dwelling in this location.

The site falls outside of any defined Limits of Development and has not been brought forward under either the Neighbourhood Plan or allocated through the development plan document for the area. Therefore, the development fails to comply with the requirements of Core Policies 1 and 2 and thereby Core Policy 12, and is not supported by exception policies 34 and 48 of the Wiltshire Core Strategy.

2. The proposed development, by reason of its urbanising effect, would have an adverse impact on the character and appearance of the area, causing irreversible loss of an attractive and historic landscape. It would therefore fail to protect, conserve and where possible enhance, landscape character, which is contrary to the provisions of the policies of the development plan and more specifically Core Policy 51, Core Policy 52, Core Policy 57 and Core Policy 58 of the Wiltshire Core Strategy 2015; policies H1 and ESD1 of the Devizes Neighbourhood Development Plan 2016-2026 December 2015; as well as the principles set out within the National Planning Policy Framework (2023).