

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room, Corn Exchange, Devizes, SN10 1HS

Date: Thursday 31 January 2013

Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Jane Burton	Cllr Jerry Kunkler
Cllr Trevor Carbin	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Jemima Milton
Cllr Richard Gamble (Vice Chairman)	Cllr Christopher Williams
Cllr Charles Howard (Chairman)	

Substitutes:

Cllr Liz Bryant	Cllr Simon Killane
Cllr Nigel Carter	Cllr Christopher Newbury
Cllr Bill Douglas	Cllr Jeffrey Ody
Cllr Peggy Dow	Cllr Jonathon Seed
Cllr George Jeans	Cllr Stuart Wheeler

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting (Pages 1 - 6)**

To approve and sign as a correct record the minutes of the meeting held on **22 November 2012**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the

officer named on the front of this agenda **no later than 5pm on Thursday 24 January 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications**

To consider and determine planning applications as listed below:

6a **E/2012/1357/FUL: Tyddyn Terrwyn, Mill Lane, Five Lanes, Potterne, Wiltshire, SN10 5TD (Pages 7 - 20)**

7 **Urgent items**

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

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 NOVEMBER 2012 IN THE WESSEX ROOM CORN EXCHANGE DEVIZES SN10 1HS.

Present:

Cllr Liz Bryant (Substitute), Cllr Trevor Carbin, Cllr Nigel Carter (Substitute), Cllr Peggy Dow (Substitute), Cllr Charles Howard (Chairman), Cllr Jerry Kunkler, Cllr Jemima Milton, Cllr Jonathon Seed (Substitute) and Cllr Christopher Williams

69. Membership

The Committee noted the changes to the membership of the Committee, as follows:

Full Members Removed: Cllr Chris Humphries (Con)
Cllr Peggy Dow (Lib Dem)

Substitutes Removed: Cllr Francis Morland (Ind)
Cllr Jerry Kunkler (Con)

Full Members Added: Cllr Trevor Carbin (Lib Dem)
Cllr Jerry Kunkler (Con)

Substituted Added: Cllr Peggy Dow (Ind)
Cllr Stuart Wheeler (Con)

70. Apologies for Absence

Apologies for absence were received from Cllr Laura Mayes, Cllr Richard Gamble, Cllr Nick Fogg and Cllr Jane Burton.

Cllr Mayes was substituted by Cllr Jonathon Seed.

Cllr Gamble was substituted by Cllr Liz Bryant.

Cllr Fogg was substituted by Cllr Peggy Dow.

Cllr Burton was substituted by Cllr Nigel Carter.

71. **Minutes of the Previous Meeting**

The minutes of the meeting held on **01 November 2012** were presented. It was,

Resolved:

That subject to the correction to the numbering of Conditions for Minute 67a, to remove the inclusion of Two Condition Fives, to APPROVE as a true and correct record and sign the minutes.

72. **Declarations of Interest**

There were no declarations.

73. **Chairman's Announcements**

There were no specific announcements.

74. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

There were no questions submitted.

75. **Planning Applications**

75.a E/2012/0943/FUL: Land to the rear of 1-6 London Road, Marlborough, SN8 1PH

Public Participation

Mr Christopher Loveday spoke in objection to the application.

Mr Marc Willis, agent, spoke in support of the application.

Mr Peter Riddle spoke in support of the application.

The Area Development Manager presented a report which recommended the application be approved. The level of recent development in the area was noted, and it was stated that Highways officers considered one parking place per dwelling was acceptable given the near town centre location. It was highlighted that the principle of two dwellings on the site had been accepted with previously granted permissions, and that the key issue was the impact on the character and amenity of the area.

The Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the previous residential planning

permission on the site, and also regarding the rear pedestrian access for houses along the London road, next to the proposed dwellings.

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

The Local Member, Cllr Peggy Dow, then spoke in objection to the application.

A debate followed, during which the appropriate level of parking for the site was raised, along with whether the application constituted an overdevelopment of the site. The quality of the design in respect of the wider area was also discussed.

At the conclusion of debate, it was,

Resolved:

That the application be GRANTED subject to the conditions set out below and for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1 and HC1.

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. No development shall commence on site until details of the proposed ground floor slab levels of the 3 dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON:

In the interests of visual amenity and to safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

3. Notwithstanding the submitted details, no development shall commence on site until details and samples of the materials to be used for the external walls (including the string course and boundary walls) and roofs have been submitted to and approved in writing by the Local Planning Authority. The roof material shall comprise either natural slate or a plain clay tile. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

4. The brickwork on the houses and walls hereby permitted shall be constructed using English bond unless otherwise agreed in writing by the local planning authority.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

5. Notwithstanding the submitted details, no development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details of all windows, including the fan window above the front doors), doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

6. No development shall commence on site until a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) hard surfacing materials, and
- (e) Details of all boundary walls within the site. This shall make provision for a front boundary to plot 3.

Development shall be carried out in accordance with these approved details unless otherwise submitted to and agreed in writing by the local planning authority.

REASON:

To ensure a satisfactory hard and soft landscaped setting for the development.

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

accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON:

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

8. No development shall commence within the application site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON:

To enable the recording of any matters of archaeological interest.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E and G-H, and Part 2, Class A shall take place at the dwellinghouses hereby permitted or within their curtilage.

REASON:

In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

10. The rear-facing windows at first floor level of plot 1 and plot 2 shown on the approved plans shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such thereafter.

REASON:

In the interests of the privacy of neighbouring properties.

11. No part of the development hereby permitted shall be first occupied until the three parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON:

In the interests of highway safety.

12. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement

action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

**Drawing no:11999/5, Received on the 2nd October 2012, and
Drawing no:11999/6, Received on the 2nd October 2012.**

76. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 6.30 pm)

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

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	10 th January 2013
Application Number	E/2012/1357/FUL
Site Address	Tyddyn Terrwyn, Mill Lane, Five Lanes, Potterne, Wiltshire SN10 5TD.
Proposal	Stationing of temporary agricultural dwelling, erection of barn and greenhouse, stationing of polytunnels and installation of sewage treatment plant (Resubmission of E/2012/0349/FUL)
Applicant	Mrs G Phillips
Town/Parish Council	POTTERNE
Grid Ref	398472 159331
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

The application has been called to Committee at the request of the Division Member, Councillor Bryant.

1. Purpose of Report

To consider the recommendation that the application be approved with conditions.

2. Report Summary

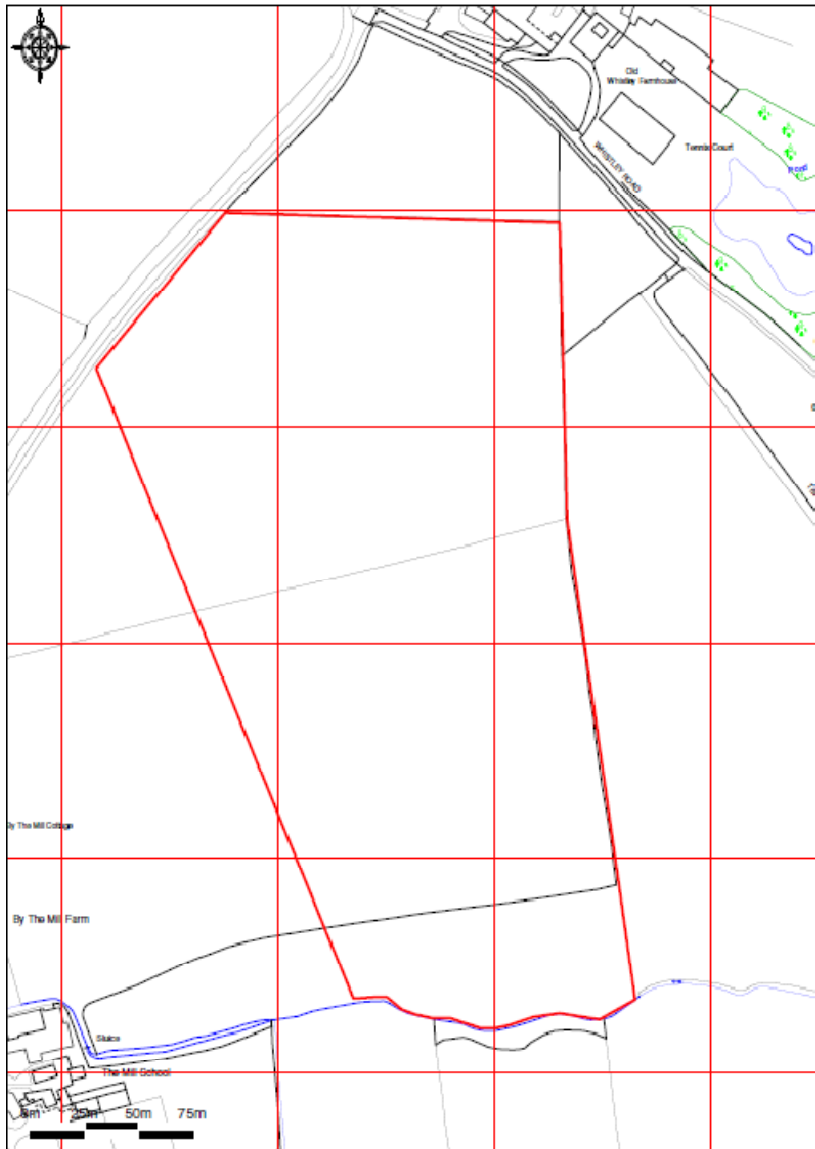
The key issues in the determination of this application are considered to be:

- a) The principle of the proposed new farm and the principle of the proposed temporary dwelling, and in particular whether there is a functional need for an agricultural worker to live on site and whether the business plan and other supporting information justify granting a temporary permission to enable the business to establish a firm financial footing;
- b) Whether the proposals would result in harm to the visual amenities of the area;
- c) Impact on highway safety;
- d) Noise, disturbance and odour;
- e) Impact on ecology; and
- f) Drainage.

3. Site Description

The application site occupies a rural position just off Whistley Lane which runs between the A361 (Caen Hill) and the village of Potterne. It can be accessed by proceeding out of Devizes on the A361 towards Melksham, turning left at the start of the dual carriageway (signed Potterne). Proceed for just over 1 mile and turn right into Mill Lane, which is a no through road. The site can be accessed a short distance along the lane on the left hand side. The lane then continues on, passing a boarding kennels and proceeding to a former primary school which has recently closed.

The application site comprises a series of open fields bounding Mill Lane. The top section of field adjacent to Whistley Road is not owned by the applicant. The site proposed for the new farm would have open fields to its north, south, east and west. A public footpath runs through the site from the access in a south-easterly direction and other rights of way exist to the north and west from which some filtered views of the site exist.



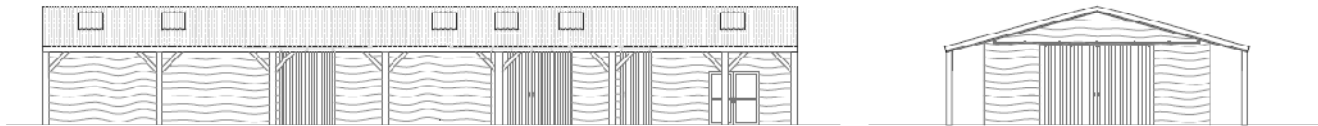
Site Location Plan

4. Planning History

E/2012/0349/FUL Erection of a temporary dwelling, barn, polytunnels, greenhouse, chicken houses and creation of farm track. Running of training courses.

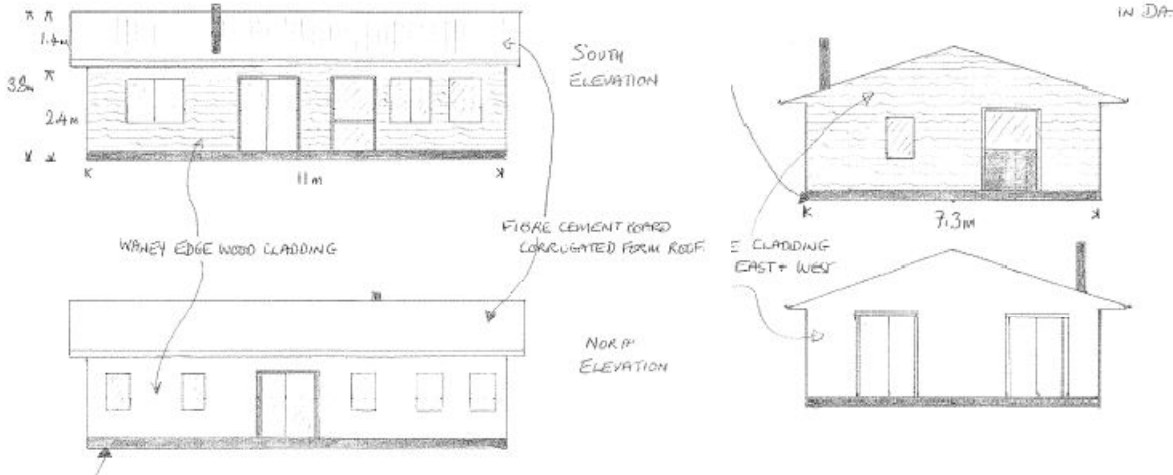
This application was withdrawn following officer concerns relating to the positioning of the buildings which were remote from the access and did not follow the wider pattern of development.

Note: The Council's agricultural advisor and the applicant's supporting justification refer to previous history at Moonraker Farm, Bottlesford, where the applicant set up a similar farm smallholding with her now ex-husband, achieving planning permission firstly for a temporary dwelling justified on the basis of functional need and latterly for a permanent bungalow by establishing the farm business on a firm financial footing. Relevant historical applications for this site include: K/53136/F, E/10/0272/FUL, E/10/1125/FUL and E/2011/0894/FUL.



Timber constructed barn clad with wavy edge timber cladding and roofed with corrugated cement board with deer roof lights.

Proposed Barn



Proposed Temporary Dwelling

6. Planning Policy

The National Planning Policy Framework is relevant, with particular regard to Chapter 3: Supporting a prosperous rural economy, Chapter 6: Delivering a wide choice of high quality homes, Chapter 7 Requiring good design and Chapter 11: Conserving and Enhancing the Natural Environment.

Policies HC26 (Housing in the Countryside), PD1 (General Development and Design), NR6 (Sustainability and Protection of the Countryside) and NR7 (Protection of the Landscape) of the adopted Kennet Local Plan 2011 are also applicable.

7. Consultations

Wiltshire Council Agricultural consultant – Officer note: The proposed operations and business plan are essentially the same for the current application as per previous application reference E/2012/0349/FUL. This was assessed by the consultant following the publication of the NPPF and there are no material changes in planning circumstances which would warrant taking a different view. Consequently, the previous report remains relevant. This confirmed that the proposed operations would generate a functional need for a full time employee to live on site and that the business has been planned on a sound financial basis. Mrs Philip’s implementation of a very similar business at Moonraker Farm also demonstrates ability and intent to implement the business.

Wiltshire Council Landscape consultant - Originally objected to the previous application on the grounds that the proposal represented a visual intrusion into the open landscape. The amended siting submitted under the current application is well related to the road and access, and the scale, positioning and design of the buildings would assimilate better with the site’s surroundings. No objection is raised subject to appropriate landscaping. The landscaping scheme previously contained a number of unsuitable species but this has been amended; the landscaping scheme is now acceptable subject to final details, including details of bunding and tree / hedge protection during the course of construction.

Wiltshire Council Environmental Protection –No objection is raised to the principle of the proposed farm subject to conditions to control certain elements about which more details were required.

The Environmental Protection Officer has commented that the application does not contain sufficient information about how the poultry would be managed with respect to their waste, dead birds, feathers and material resulting from dressing the meat birds, or information about how pests such as rats and flies will be controlled. The Council needs to be advised how waste will be stored and disposed of in order to ensure that odour, flies and run-off does not cause a nuisance to neighbouring residents. To this end, a condition requiring submission of a poultry management plan is recommended, together with a condition preventing any burning on site.

Furthermore, the applicant proposes to produce ready meals but there are no details about where this will be done. Therefore EP Officers have to assume that this will be carried out in the domestic kitchen in the temporary dwelling. The installation of any install commercial sized cooking facilities and ventilation systems now or in the future and their impact upon residential amenity would need to be assessed and therefore a condition restricting the use of commercial scale equipment is recommended.

The Environmental Protection Officer additionally raised concerns regarding the management of cockerels which have the potential to cause a noise nuisance. In response to this, the applicant has pointed out that the chicken houses are chattels and are not development requiring planning permission, neither does the farming of chickens on the land require consent. Consequently, it is not considered reasonable to impose this latter condition. However, noise nuisance can be controlled separately under the Environmental Protection Act should this prove to be a problem.

Wiltshire Highways – no objection subject to appropriate conditions. Detailed comments below:

“The access needs some slight further improvements as set out below. To achieve the required visibility splay to the north-east a small additional amount of hedge cutting back will be required.

“In the event that you are minded to recommend permission there should be conditions to cover the following points:-

- The provision of visibility with nothing to exceed the height of 900mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre-line of the access from the carriageway edge to points on the nearside carriageway edge 45 metres to the north-east and 45 metres to the south-west.
- The applicant should be informed that the Highway Authority recommend that visitors to the site (particularly attendees of the training courses) be encouraged by pre-course notes etc. to access and egress the site by using Whistley Lane to and from the A361, and not to and from Potterne.
- The applicants should be informed on any grant of permission that a public footpath crosses the site. Any gate erected across the footpath must be made to be easily openable by users or a stile provided alongside.”

Parish Council – We have two principal objections to this application:

1. We believe it is contrary to the Council’s own policy on the protection of the landscape, as the development will have an adverse and unsuitable impact on the local area which is basically a patchwork of permanent grassland surrounded by ancient hedgerows.
2. We object most strongly on the grounds of traffic generation along Whistley Road. The application states that it expects to have educational facilities on site and farm gate sales which are to be catered for by twenty parking places. For many years all local councils have

supported the parish in its endeavours to contain the amount of traffic using Whistley Road. All traffic has to negotiate the single carriageway that leads into Whistley itself and onto the A360. The Area Board are already well aware of traffic problems along Whistley Road.

Wiltshire Council Ecologist - Considers there would be no potentially damaging effects on the local biodiversity as a result of implementing these proposals. No objection is raised on ecological grounds to the current proposal.

8. Publicity

This application has been advertised by way of a site notice erected at the entrance to the site and through letters sent to neighbours.

At the time of writing a total of **eight letters of objection** have been received from different nearby residences. These representations are extensive and can be viewed in full on the Council's website. However, the main concerns can be briefly summarised as follows:

- The application is defective in that the agent has filled in the agricultural holdings certificate part A and part B but has failed to serve notice on anyone. [Officer note: this is correct as it is understood the land forms part of an agricultural holding but is in the sole ownership of the applicant.]
- Adverse effect on the amenity of the traditional landscape and character of this part of the Bristol Avon Clay Vale. It will result in the development of a greenfield gap between buildings on Whistley Road and buildings closer to the valley floor which would have an unsuitable visual impact in stark contrast to the current typical rural pasture divided by hedgerows.
- The work carried out to date on the site by the applicant already demonstrates adverse impact on the countryside which would fail to preserve Wiltshire's green infrastructure and is contrary to the draft Wiltshire Core Strategy – including plastic sheeting, access, erection of fencing and changes to the public footpath.
- The proposed development would be prominently overlooked from the north and from long established dwellings along Whistley Road.
- The scale of the structures would be too large (height and depth) and together with their massing, grouping and the chicken houses, would be unduly obtrusive. This would be exacerbated by unsuitable materials and reflective surfaces and lightspill, including the green corrugated tin proposed for the roof of the temporary dwelling, greenhouse glass, plastic sheeting and rooflights.
- The temporary dwelling is too large and durable for a temporary structure.
- The relocation of buildings to the north-west of the site has the advantage of removing it from the centre of the land but would fill in an attractive rural void with development.
- The landscaping may help but will take too long to establish, will not be effective in the winter and will not mitigate the impact from many viewpoints – including when viewed from higher land to the north and from the public footpath which runs through the site, nor will it prevent glare from greenhouses and polytunnels. The submitted photographs and site sections do not depict this accurately.
- The extensive nature of the landscaping scheme illustrates the incompatibility of the proposal with the landscape.
- The Business Plan should not be withheld from members of the public as this forms a necessary part of the application which is not open to public scrutiny.
- The applicant has not taken account of the soil type which is unsuitable for the nature of the proposed business and therefore the projections based upon productivity are inaccurate.
- The application relies on the applicant's previous ability to establish a 'successful business' and presumably on what the applicant has told the Council's agricultural consultant. He states that the applicant could have gone further in demonstrating cash flows etc.; however, a case officer's report from Moonraker's Farm in 2010, 5 years after the establishment of the business, commented that the business 'falls some way short of demonstrating viability'. [Officer note: this was partly due to the level of information that was submitted to accompany the application and in 2011 planning permission was granted for a permanent dwelling on the basis that the business had demonstrated a firm financial footing].

- The proposal would deliver no local economic benefit.
- The test of whether a viable agricultural holding supporting full time employment where a labourer requires a dwelling is not addressed.
- There are no existing buildings on site, no existing agricultural business and the application is therefore premature; the fact that no dwelling exists on site is something the applicant was aware of when purchasing the land.
- There are no special circumstances which would justify a dwelling - the applicant is seeking to create them.
- It is wholly disputed that there is any functional need for a worker to be on site arising from the maintenance of equipment, responding to breakdowns, nor is there any real security risk. These tasks could all be achieved either during daily visits or through forecasts and alarms.
- The applicant's motive is clearly to obtain a permanent dwelling on site as can be seen from history.
- The applicant has not consulted with neighbours.
- No details of surface water drainage are provided – what are SUDS and how/where will they be constructed?
- How has the applicant arrived at 20 parking spaces? This implies a significant number of potential vehicle movements which will have a detrimental impact on highway safety on Five Lanes and Whistley Road and, as a result, to residents of these areas. It will also be inconvenient to other businesses accessed on Five Lanes.
- Delivery vehicles may exceed the weight limit on Whistley Road.
- Polytunnels are not typical of the countryside in this location.
- Lack of evidence of long term viability and sustainability for the proposed smallholding business.
- Disturbance to local residents by possible light pollution, noise, smells and vermin.
- The scheme would adversely affect biodiversity and geological – roaming deer are already affected by fencing.
- No tree survey has been submitted.
- Has the applicant obtained the necessary licenses for effluent/ slaughter/ waste disposal?
- Farm gate sales and courses are planned but no opening hours are specified.
- No details have been provided about the type of machinery / plant required or ventilation etc. which may cause noise and odours to nearby residents.
- Environmental Impact Assessment should be carried out [Officer note- the nature of this development does not fall within Schedule 1 and falls well short of the indicative thresholds identified in Schedule 2 of the EIA Regulations and EIA is therefore unnecessary.]
- What guarantees are there that the Business Plan will be implemented and what safeguards are there to restore the land in the event the business fails? Without the implementation of this plan there will be no 'essential need'.
- How will it be ensured that any landscaping scheme will be planted and maintained?
- The works that have been carried out to date are very presumptuous.
- How will poultry be fenced in?
- Production of ready meals could be carried out in more suitable locations.
- The application is a romantic ideology and would be a tremendous loss of open green space in this area of natural beauty [Officer note: the site does not lie within designated greenbelt or an Area of Outstanding Natural Beauty as indicated by some objectors]. There are better places to carry out such speculative development
- Planning rules are being abused by this application which would set an unwanted precedent which would make it hard to stop future proposals.
- Size, depth, height and massing are unacceptable and would have an adverse impact on the amenities of properties immediately adjacent and nearby by reason of overlooking, loss of privacy and visually overbearing impact.
- Whilst significant attempts to reduce the impact have been made, it does not go away.
- Facilities will be required for feed, storage of waste facilities and disposal which may have an unacceptable impact.
- The proposal represents an inappropriate and harmful development on open, rural and undeveloped character of the land.

- A new access road will be needed and an entrance has already been modified in a way which is completely out of character.
- The submitted plans are insufficiently detailed.
- There are no exceptional circumstances, essential need and no functional need.
- The intent of this application is for a dwelling and the business enterprise is being used as the case for this.
- Just because the proposals may have been prepared on a sound financial basis does not mean that it represents a financially viable enterprise.
- The structures are unduly large, represent a large consolidation of buildings and together with the sprawling chicken houses would spoil uninterrupted views.
- How long would any temporary permission be for?
- The consultants are biased.
- The proposals are wholly out of keeping with the character of the landscape and would do irreversible damage outside the village and would be a step towards a permanent dwelling in the countryside on an unsuitable site.
- The applicants actions have already likely resulted in additional flooding and there are concerns that with farming practices and increased run off, this would be exacerbated and the applicant should be required to provide new drainage ditches to deal with this.

9. Planning Considerations

9.1 The principle of the proposed new farm and temporary dwelling

Chapter 3 of the NPPF states that '*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should ... promote the development and diversification of agricultural and other land-based rural businesses*'. In Chapter 6 it goes on to state that '*local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside*'. This is consistent with Kennet Local Plan policy HC26 and the tests previously set out within Planning Policy Statement 7 which although not now policy, provide a useful basis upon which to assess proposals for countryside worker dwellings. Within Annex A to PPS7, five tests in relation to the justification of agricultural workers' dwellings were set out. These were:

- a) clear evidence of a firm intention and ability to develop the enterprise concerned;
- b) functional need;
- c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- e) other normal planning requirements e.g. on siting and access and impact upon amenity are satisfied.

In respect of (a) and (c) above, the applicant has previously established a new farm at Bottlesford with her ex-husband and following a number of years operating from a dwelling with temporary consent she was able to satisfy the Council regarding the viability of the agricultural business and the need for an agricultural worker to remain on site. The proposed business in Potterne is similar in nature to that previous business and it is reasonable to assume that the applicant has knowledge and experience of establishing and operating such a business, which would likely assist in turning this into a viable new farm. The applicant has taken account of the difference in localised conditions (such as soil type) and has provided a business plan and detailed agricultural justification in support of her intention and ability to develop the enterprise concerned.

The applicant has already taken steps to try and establish the business and her livelihood upon which she depends, through carrying out various works (installing drainage, water, plastic sheeting over crops and access modifications) which do not constitute development or are permitted development. This has been locally controversial as this has been seen by some objectors as presumptuous on the part of the applicant but nevertheless appear to show an intention to implement the business.

The Council's agricultural consultant has examined the business plan and although he has stated that more could be done to demonstrate cashflow and business growth, he considers the details are sufficient and that the business proposal has been planned on a sound financial basis.

In respect of (b), the applicant considers the business will generate sufficient work for one full time worker with part time support and this appears likely from the proposed scale of operations. The Council's consultant considers that both the poultry enterprise and horticultural aspects of the business proposed would present a requirement for an essential presence on site at most times.

In relation to (d), there are no existing dwellings on site, nor are there any available within sight and sound of the proposed site likely to provide suitable accommodation. The remainder of the report will cover the proposal against other normal planning requirements set out in (e).

In summary, the consultant employed independently by the Council to scrutinise the proposals is satisfied that the proposals would result in a functional need for a full time worker to be on site and that the business plan is realistic and, if followed, would likely result in a viable concern. Consequently, the consultant has raised no objections to the principle of the proposed buildings together with temporary consent for the proposed dwelling and considers that the proposed new farm is policy compliant.

Clearly the business is not yet established and therefore the applicant is seeking a temporary permission for the dwelling. The applicant has provided additional information regarding the construction of the dwelling and officers are satisfied that this structure could be readily removed and the land restored to its former condition in the event that the applicant fails to demonstrate the viability of the business and temporary permission lapses. In the event that Members are minded to grant planning permission, temporary consents such as this are normally granted for a period of three years to allow the applicant the opportunity to keep accounts over this period and to implement the business plan with a view to demonstrating ongoing viability. An occupancy condition is also recommended in order to restrict occupation to a countryside worker mainly or solely employed in agriculture or forestry.

The impact of the proposed buildings are considered in their own right below, but essentially, if Members are minded to agree, officers consider that the buildings themselves are of an agricultural appearance and are positioned and designed such that they would cause no significant harm to the visual amenities of the area. Consequently, if consent is granted, it is not considered necessary to condition these other buildings as temporary.

9.2 Landscape and visual impact

The previous application proposed the farm in a position remote from the access and roads in a field. It is understood that the applicant originally chose this position as she felt it would be the least intrusive, being lower lying and away from Mill Lane and bounded by hedges. However, the landscape consultant and officers felt that this positioning was not appropriate in that it did not follow the pattern of development in the area, which is largely sited along the roads, and that both the buildings and access track would represent a harmful visual intrusion in this open landscape in such a remote position. The applicant has therefore modified her proposals by engaging in pre-application discussions in order to address these concerns including siting the buildings closer to the access, careful consideration of contours, levels, positioning and materials to assist in assimilating the buildings into their rural context and significant additional landscaping in order to help filter views of the buildings, in addition to the retention of the mature hedges and some trees which already provide useful softening of the boundaries of the site. The landscaping scheme submitted with the

current application has been adjusted to take account of detailed concerns and additional confirmation relating to the proposed oak species has been provided.

The area is not designated as greenbelt or an Area of Outstanding Natural Beauty as stated by some objectors, however it is nevertheless an attractive rural landscape, characterised by rolling contours and pastures bounded by mature native hedging. The proposed farm would undoubtedly alter the appearance of the site by developing buildings upon it but they have been designed to minimise their impact on the wider landscape. The buildings are designed to be compatible with the rural character of the area and are to facilitate a new farming business to produce and educate and become a viable concern, which in time could make a valuable contribution to the rural economy. Whilst the buildings would be visible above current hedgerows and through gateways from higher land, the access into the site and public footpath which runs through the site, their siting, scale and proposed finishes together with additional landscaping would not be considered to result in such an alien feature or significant harm to the visual amenities of the area so as to warrant refusal of planning permission on this basis.

9.3 Highway safety

Highway officers have raised no particular concerns about the proposed farm and the likely number and type of associated vehicle movements. The former Five Lanes school which is situated at the end of this lane has failed twice and it seems unlikely that the level of associated movements previously resulting from this use will continue. In the event that planning permission is granted for a temporary dwelling then this would save the applicant travelling to and from the site on a regular basis and from this perspective it would represent a sustainable form of development.

Highway officers have recommended a slight alteration to the access in order to facilitate better visibility by means of a planning condition in the event that Members are minded to grant planning permission.

9.4 Noise, disturbance and odour

It is of note that the agricultural use of land and the installation of chattels on the land (such as the proposed portable chicken sheds and keeping of chickens) do not require planning permission.

Environmental Protection Officers were raises no objection to the principle of the proposal subject to additional details. On this basis, it considered that subject to a condition requiring the submission of appropriate details relating to poultry management at the site, any resulting harm to the amenities of neighbouring occupiers would not be significant. This is following consideration of the proposed operations, prevailing wind and distance to neighbouring properties.

A condition relating to the keeping of cockerels on the land previously recommended is not considered reasonable given that such operations could be carried out without the need for planning permission. However, this would in any case be covered separately by environmental protection legislation in the event of nuisance.

9.5 Drainage

The proposals are relatively minor in scale and are outside flood risk zones 2 and 3 and it is unlikely that surface run off would be significantly altered by the proposals, particularly given the applicant has proposed permeable surfacing and careful positioning of buildings. A package treatment plant is proposed for foul sewage, and this can be secured via condition.

10. Conclusion

The principle of the proposed new farm and temporary dwelling are considered acceptable. The visual impact of the proposal is finely balanced and locally controversial; however, the proposed landscaping details which have been modified since the original submission, together with the building

designs, positioning and materials would mitigate the visual impact satisfactorily and it is not considered that the proposals would result in significant harm to the visual amenities of the area. The application does not include full details about certain elements of the proposed operations which have the potential to cause harm to residential amenity; planning conditions are therefore recommended to control these aspects of the development – e.g. in relation to poultry management to address issues relating to odour, flies, rodents and waste.

RECOMMENDATION

That planning permission is GRANTED for the following reason and subject to the conditions listed below.

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the Kennet Local Plan 2011 namely: policies HC26, NR6, NR7 & PD1.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively by engaging in pre-application discussions to ensure that the proposed development takes account of the planning policies and location of the site.

- 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 temporary dwelling hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before 10th January 2016, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority, unless before that date planning permission has been granted for these structures to remain for a further period.

REASON:

Planning permission has been granted on a temporary basis to establish whether the business enterprise is financially viable and capable of being sustained on a long term basis.

- 3 The occupation of the temporary dwelling hereby permitted 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 and functional need for this establishing business.

- 4 The barn and temporary dwelling hereby permitted shall not be brought into use until the external walls have been clad in timber (which shall be allowed to weather naturally or alternatively stained dark brown) as per the submitted sample. The roofs of both buildings shall be constructed using fibre cement roof sheets in Van Dyke Brown or Marley Eternit Farmscape Anthracite fibre cement roof sheets or Briarwood Products

EUROSIX Anthracite fibre cement roof sheets, unless an alternative product of similar colour is first agreed in writing by the Local Planning Authority. The building finishes shall be retained as approved thereafter.

REASON:

In the interests of visual amenity.

- 5 No development shall commence on site until a plan showing the exact position of existing trees and hedges to be retained and details of protective fencing to protect those trees and hedges in the vicinity of the proposed development has been submitted to and approved in writing by the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details and it shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. The fencing shall not be removed or breached during construction operations.

No retained tree or hedge shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 'Tree Work - Recommendations' or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree or hedge is removed, uprooted, destroyed or dies, another tree or hedge shall be planted in a place and at a size and species and planted at such time that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained tree or hedgerow or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree/ hedge" means an existing tree/ hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of this permission.]

REASON:

In the interests of preserving important landscape features.

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

REASON:

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

- 7 No development shall commence on site until a Poultry Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Poultry Management Plan shall include details of the storage (including location of such storage) of manure, soiled bedding and other animal waste and its disposal from site (including frequency). The plan shall also include details of how pests (such as flies and rodents) will be managed. Before the development is first brought into use, the works required for storage and disposal of manure, soiled bedding and other animal waste shall be completed in accordance with the approved details. No storage of manure, soiled bedding or other animal waste shall take place outside of the storage area approved under this condition and the approved storage areas shall be kept available for these purposes thereafter. The Poultry Management Plan shall be implemented in accordance with the approved details.

REASON:

In the interests of public health and safety.

- 8 There shall be no burning of waste material or animal bedding on the site.

REASON: To protect the amenities of the area.

- 9 No development shall commence on site until details of any bunding exceeding 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 10 Prior to the first use of any building hereby approved, a visibility splay shall be provided with nothing to exceed the height of 900mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre-line of the access from the carriageway edge to points on the nearside carriageway edge 45 metres to the north-east and 45 metres to the south-west. This visibility splay shall thereafter be kept free from obstructions to sight.

REASON:

In the interests of highway safety.

- 11 All sewage disposal on the site shall be via a package treatment plant which shall be installed prior to the temporary dwelling being first occupied. No other form of sewage disposal (including cess pit and septic tank) shall be used.

REASON:

To ensure satisfactory provision is made for sewage disposal.

- 12 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and retained as such thereafter.

REASON:

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

- 13 The cooking facilities at the development hereby permitted shall be restricted to a domestic-size cooker and extracting hood. No other form of cooker, ventilation or extraction equipment shall be installed on the premises without a fresh grant of planning permission.

REASON:

In the interests of the amenities of neighbouring occupiers.

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

- Application Form
- Design and Access Statement
- Agricultural Appraisal
- Business Plan
- Site Location Plan
- Site Location Plan and photographs
- Plans and Elevations (BARN)
- Greenhouse Photograph
- Proposed Glasshouse and Polytunnels
- Illustration of Building Heights
- Cross Section of Site
- Context Plan

all received on the 24th October 2012, except insofar as amended by the following:

- email received from the applicant's agent on 10th December 2012 in relation to timber boarding and roof finish; and
- Amended Temporary Dwelling Elevations and Plan (detailing flue and amended materials) received on the 10th December 2012; and
- Amended landscaping details as updated by email from applicant on 10th December 2012 including amended plan and change of the Pin and Sessile Oaks for other trees from the list.

REASON:

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

- 15 **INFORMATIVE TO APPLICANT:**
The Highway Authority recommend that visitors to the site (particularly attendees of the training courses) be encouraged by pre-course notes etc. to access and egress the site by using Whistley Lane to and from the A361, and not to and from Potterne.

- 16 **INFORMATIVE TO APPLICANT:**
The applicant should note that a public footpath crosses the site and that nothing in this permission authorises the stopping up or any obstruction of any public right of way. Any gate erected across the footpath must be made to be easily openable by users or a stile provided alongside.