

Date of Meeting	27 June 2018
Application Number	18/03933/FUL
Site Address	Sienna Valley Farm, Huntenhall Lane, Chapmanslade BA13 4AS
Proposal	Temporary rural workers dwelling.
Applicant	Miss S Snook
Town/Parish Council	CHAPMANSLADE
Electoral Division	WARMINSTER WITHOUT – Councillor Fleur de-Rhe-Philippe
Grid Ref	382559 147589
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Fleur de Rhe-Philippe has requested that this application be called-in for the elected members to determine should officers be minded to grant permission and for members to appraise the following key matters:

The design – bulk, height, general appearance
The visual impact upon the surrounding area; and
The relationship to adjoining properties

1. Purpose of Report

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

2. Report Summary

This report assesses the proposal in the light of the principle of the development, the impact upon the character and appearance of the area and potential neighbouring amenity impacts, as well access and highway matters and recommends that planning permission should be granted.

Chapmanslade Parish Council – objects to this application for the reasons set out within section 7 of this report.

The application has resulted in 39 letters of representation, 20 in opposition and 11 supportive and 8 neutral representations neither supporting nor objecting.

3. Site Description

The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area. The site lies immediately North West of Huntenall Lane and approximately quarter of a mile south west of Chapmanslade. The site is in a valley, within the open countryside. There are a group of existing residential dwellings located to the south west of

the site which the following site location plan illustrates.



4 Planning History.

16//08350/FUL – Temporary rural workers dwelling and alterations to access (resubmission of 14/09500/FUL) – The Local Planning Authority exercised its power under section 70A of the Town and Country Planning Act to decline to determine the application as it was similar to an application that within the last two years had been dismissed by the Secretary of State on appeal (14/09500/FUL was dismissed on 6 April 2016).

14/00852/ENF – An enforcement notice was issued on 10 July 2015. The breach of control comprised:

Without planning permission, the material change of use of land from agriculture to a mixed use of agriculture and use as a residential caravan site for the stationing and residential occupation of a mobile home, the stationing and storage of a touring caravan and; operational development comprising the excavation and re-profiling of the land on which to station the mobile home, together with the installation of a septic tank, construction of decking, construction of a base for an extension to the mobile home, erection of timber fencing and external lighting and supporting pole, all being integral to the material change of use.

This notice was upheld on appeal other than the compliance period to remove all the aforesaid structures from the land being changed from 6 months to 12 months.

14/09500/FUL – Siting of a mobile home for use as a rural workers dwelling and alterations to access – Refused 10 June 2015 for the following reason:

The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by policy CP48 to that required to meet the needs of employment essential to the countryside. The Council consider that the functional need for accommodation to oversee any birthing/sick animals could be met through permitted development rights to be on hand during such events and does not justify a year round presence. The applicant has failed to submit robust financial information to support such a dwelling and no evidence has been submitted demonstrating that the appellants could not provide sufficient oversight of the

holding from a dwelling in a nearby settlement. Furthermore, the siting of the temporary dwelling harms the character and appearance of the Special Landscape Area. The proposal fails to comply with Core Policies 48, 51 and 57 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan and the NPPF, namely paragraph 17 and 55.

The appeal was dismissed on 6 April 2016 due to the impact upon the Special Landscape Area.

14/03770/FUL – Extension to Barn– Refused 11 June 2014 for the following reason:

The proposed extension would exceed the justified need and have an adverse impact upon the special landscape character area contrary to Saved Policies C3 and C31a of the West Wiltshire District Local Plan (Adopted 2004)

The above refusal reason was upheld on appeal on 30 April 2015

14/00987/FUL – Erection of a Barn – Approved with conditions 31 March 2014

13/06809/FUL – Extension to Barn – Withdrawn 29 January 2014

12/02185/FUL - Agricultural Barn and retrospective hardstanding – Approved with conditions 24 January 2013

W/12/01833/FUL – Erection of an agricultural barn – Refused 06 November 2012 for the following reason:

The proposed development, by reason of its siting and size in this location would be visually intrusive and would cause unacceptable harm to the character and appearance of the landscape in this part of the Special Landscape Area. This would conflict with policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the National Planning Policy Framework.

W/12/00639/AGD – Erection of a barn – Prior Approval Required 01 May 2012 with the following reason:

A Prior Approval application will be required to determine the siting, design and external appearance of the building as under the conditions of Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995.

W/11/00040/FUL – Erection of an agricultural building and retention of hardstanding – Refused 03 August 2011 for the following reasons:

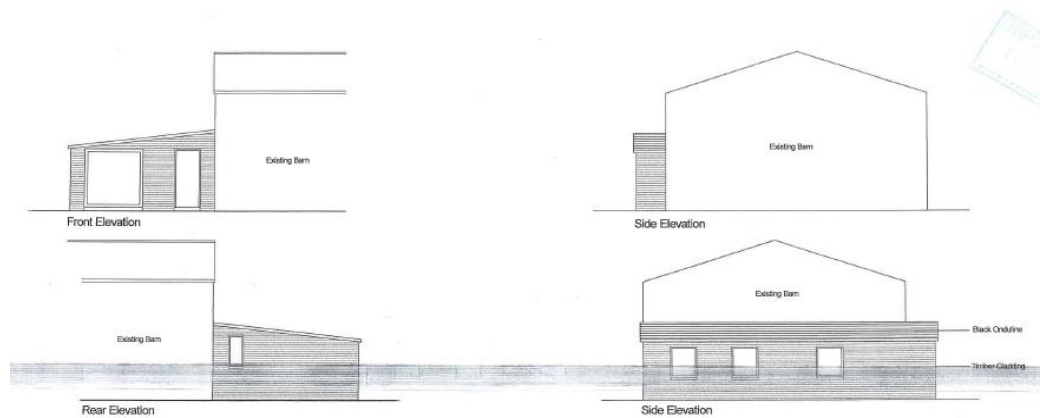
The proposed development, which is not justified by the agricultural needs of the land, would be contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

The proposed development, by reason of the size, scale, form and siting of the building, would be visually intrusive in the open landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to policy C3 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

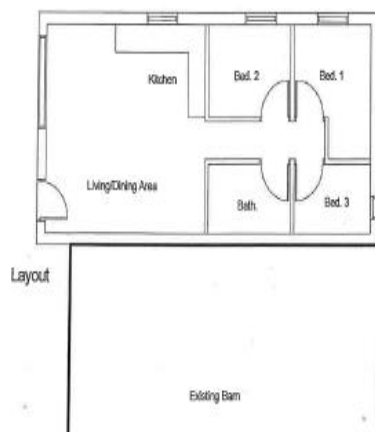
5. The Proposal

The proposal is for a temporary rural workers timber clad dwelling to be located adjacent to

the existing barn. This application differs from the previously refused application which saw the retrospective siting of a mobile home in a different location. The proposed temporary dwelling would measure approximately 5 metres in width and 10 metres in length and is illustrated in the plans below.



The proposed temporary dwelling would have 3 bedrooms, a living/kitchen area and a bathroom:



The applicant's freehold farm holding at Sienna Valley Farm extends to approximately 4.7 hectares (11.6 acres) of pasture and was purchased by the applicant in 2009 and intends to develop a viable agricultural holding. The applicant also has 0.75 hectares of land five miles away which is held under a farm business tenancy.

The applicant's proposal at Sienna Valley Farm comprises the establishment of a specialist alpaca breeding and rearing unit. At present there are 21 breeding females at the holding (plus 2 stud males and 6 other alpacas) and over the next three years, the applicant plans to increase the herd to approximately 30 breeding females with breeding stock, fleeces and wool would be sold. A poultry enterprise is also proposed with the keeping of chickens, quail and ducks for egg production which is planned for Year 3. Two Kunekune sows are presently on site and weaners would be sold. The farming labour would be provided by the applicant with assistance from friends and family as required.

The Sienna Valley Farm has a three bay shed, constructed with a steel portal frame, profile sheet cladding to the upper elevations with the lower elevations open. The overall dimensions of the building are approximately 9m x 12m with 4.2m eaves; and two mobile timber field shelters.

The applicant and her family live in a dwelling in Frome. There is no dwelling on the farm holding at Sienna Valley.

The planning statement submitted with the application argues that in order to run this farming enterprise properly, the applicant is required to live on site. It also states the following:

- There is a clear intention to develop the agricultural business (the applicant has done so over the last 5 years through securing stock, land clearance, shown alpacas and won prizes, The applicant has had training in the management and keeping of alpacas and has been looking after the stock in their care for the last 2-3 years);
- There is functional need for a full time worker (it is generally accepted that in order to farm alpacas properly, at a commercial scale, it is necessary to live close to the animals to ensure their wellbeing. Specific day-day management requirements comprise being responsive to mating, abortions and still births, births, rearing, and more general animal husbandry responsibilities.

6. Planning Policy

Wiltshire Core Strategy - CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP31 – Spatial Strategy Warminster Community Area, CP48 – Supporting Rural Life, CP51 – Landscape, CP57 – Ensuring High Quality Design and Place Shaping, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - C3 - Special Landscape Area, U1a - Foul Water Disposal, U2 - Surface Water Disposal

National Planning Policy Framework 2012 (NPPF) and the National Planning Practice Guidance (PPG) are also relevant to this application.

7. Consultations

Chapmanslade Parish Council: Objects. The application is not considered as justified development within the Special Landscape Area. The application documents do not identify a significant change from the previous appeal. The financial plan is not considered robust and lacks clarity. The plans are not drawn to scale and concerns are raised about a potential fire hazard due to the house being proposed next to a hay barn. The 3 year business plan would not start until the application is approved and this is not clearly detailed within the application. The business plan is not robust. It states that the applicant has been actively developing the business over the previous 5+ years but this is not correct. There is insufficient new evidence to support the need for a new dwelling – especially one with 3 bedrooms. Alpacas have remained onsite since the previous dismissed appeal with no workers living on site.

The Parish Council maintains the view that it is not essential for a worker to live on site. In responding to this application, the Parish Council attached their response to the previous application.

The Council's Agricultural Consultant: Supportive. The proposed business will generate a labour requirement of just over one and a half full time units of labour and generates an essential requirement for a presence on site. The business plan appears sound and the agricultural business should attain viability.

Wessex Water: No objections

8. Publicity

The application was advertised by a site notice and individual neighbour notification letters. The deadline for public representation was 6 June 2018.

Following the above notifications, 20 letters of objection were received making the following comments:

- The current application is basically the same as previous requests which have been turned down by Wiltshire Council and by the Planning Inspectorate
- The area is a Special Landscape Area, the workers dwelling along with its domestic paraphernalia would cause harm to this special area
- Since the removal of the mobile home last year, the applicant has been able to continue her business rearing alpacas without the need for someone to be on site some 2.9 miles away
- The applicant and agent still tended their animals during the red weather warning in March 2017 – proving that they can travel and tend to their animals welfare
- There are always properties for sale or to rent in Chapmanslade which are in close proximity to the site – indeed there are currently 2 properties for sale that overlook the site and one for rent and there have been many more over the last two years
- The applicant just wants a permanent home on the site
- Noise from people living on site will be detriment to our amenity
- An application to extend the existing barn was refused in 2014
- There is no evidence of the Farm Tenancy Agreement on some agricultural land in Frome
- There is no functional need for someone to live on site
- No financial details have been provided and therefore the proposal fails the financial test
- The size of the proposed dwelling is directly comparable with the mobile home for which planning has been refused
- Attaching a timber framed and timber clad dwelling to a hay barn would cause a fire risk – against DEFRA and Fire and Rescue Service guidance
- The plans are poor and not drawn to scale – the proposed dwelling would be considerably closer to the boundary than shown and as such would be highly visible from Hunten hall Lane.
- The proposed excavation would cause significant noise disturbance to neighbours
- The people supporting this application do not even live in the village and are not affected by the proposal.
- Under the terms of the Agricultural Wages (England And Wales) Order 2012, the smallholding business would have to generate £38,126.40 to pay 2 x full time workers -. This is ridiculous when compared to the acreage of the small holding. If the business plan does not factor for the generation of this level of wage bill then the small holding business is clearly uneconomic and should not be allowed to justify the development, temporary or permanent.
- The proposal clearly fails to comply with all the criteria in CP44 and CP48.

The application also received 11 letters of support (1 of them being from the agent) raising the following comments:

- Alpacas need someone in attendance during pregnancy and birthing as they are adept at concealing any problems
- Hard working farmers need support and the Council has a duty to support them
- A house will be made available for someone to live in when the country is crying out for housing
- The applicant has overcome previous reason for refusal
- The wooden dwelling is almost invisible
- 2 agricultural dwellings have been approved since the last application in the SLA

- The applicant went to the Royal Bath and West show and won rosettes and champion sashes
- The alpacas are a welcome addition to Chapmanslade which is a bland countryside lacking animals
- The Planning Inspectorate agreed the financial/functional test and there is no material change to that
- The plans have been beautifully drawn with all the detail you need.

In addition to the above, 8 representations were received which are considered neutral neither supporting nor objecting raising the following comments:

- With Wiltshire Council not meeting its legal obligation for travellers sites – a traveller site would be perfect here
- The Council does not have a 5 year housing supply
- Inward investment into Chapmanslade should be supported
- The farmer has suspended her breeding programme as she does not live on site.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development

9.1.1 Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF advises 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*' (Note – the emphasis has been added by officers).

9.1.2 Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development should take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan).

9.1.3 Core Policy 48 deals with dwellings required to meet the employment needs of rural areas and an application for a dwelling at a rural site should comply with it. The policy states:

“Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable 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 should be supported by functional and financial evidence”.

9.1.4 The Council's agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise. As reported within section 7 of this report, the Council's

agricultural consultant concludes that there is an essential need for a farm worker to be resident on the site arguing that whilst general animal husbandry duties can be performed without a dwellinghouse being on the site, there are exceptional justification for alpaca breeding enterprises. Cria, when first born are weak and require very close attention to ensure they receive colostrum, to spray their navels with antibacterial/antiseptic spray to prevent infection.

9.1.5 The care of sick animals and during calving times also justifies an essential need for a house on the site. It is accepted that animals which are sick or close to, during or immediately after calving often require essential care at short notice. Alpaca calving dates vary for two key reasons: firstly the females run with the stud and are not artificially inseminated; secondly the gestation period of the individual female can vary very significantly with the animal showing few external signs of prior to giving birth.

9.1.6 The Council's agricultural consultant furthermore submits that in his experience through planning appeals, in applying the functional test planning inspectors have paid close attention to the variability of calving dates and the need for quick intervention at calving times and this has often lead to the functional test being passed by enterprises of an equivalent size to that set out by the applicant at Sienna Valley Farm.

The Functional Need

9.1.7 It is worth recording that as part of the previous appeal, the planning inspector concluded that there was a functional need for a temporary farm workers dwelling at the applicant's enterprise and that it was policy compliant with Core Policy 48 and Paragraph 55 of the NPPF. The following summarised evidence and arguments remain relevant to this present case:

- Alpacas usually give birth to one Cria a year and mate naturally without artificial insemination although it can take several matings to achieve a pregnancy
- The gestation period of alpacas can be almost a year plus or minus 30 days
- Abortions are not unusual – and can be as much as 50%
- It is difficult to tell when a pregnant female is likely to give birth but they are induced to do so in daylight so nearly always give birth in the morning. 97.6% of live births are without complications
- Advice from the British Alpaca Society (BAS) states that breeding females require a much higher level of supervision than the normal recommended checks of twice a day
- A single loss of an alpaca can be financially troublesome
- There is highly contradictory evidence with regards to the keeping of alpacas
- CCTV was considered not to be an appropriate solution
- Under the previous appeal, the Inspector argued that:

“The maximum number of breeding females is intended to be 32. Given the uncertainty over the conception and delays caused by that process, the high number of likely abortions and the length of gestation, at nearly a year, in any 12 month period there are unlikely to be anywhere near 32 live births. If the 50% abortion rate is accurate there will be less than 16 live births in any 12 months. The question is then how many of those are likely to be at anti-social hours and how many of that smaller subset are likely to have serious complications. Despite the appellants rather unfortunate experience the answers seem to be not many and even less. Even if all 32 females gave birth to a Cria in one year, it would still seem to be unlikely there would be more than one incident a month that would need out of hours on-site supervision. However, the inherent unpredictability of that event is an issue and I accept that there does seem to be a more regular problem in the early days where the Cria have difficulty feeding”.

The Financial Test:

9.1.8 The previous appeal also confirmed that despite the wording of Core Policy 48, paragraph 55 of the NPPF does not require a financial case in the same way that Annex A to Planning Policy Statement 7 previously required. However, officers and the Council's agricultural consultant maintain the argument that is important for any farm enterprise to demonstrate there is a sound business plan in place which does bear on the 'essential need' test. As the previous inspector argued, *"if a business has no chance of succeeding then the need is lessened. The appellant pointed out the whole point of the 3 year trial run was to see if the enterprise could be made profitable. If not then there would be no case for a permanent dwelling. In my view the business plan is sufficiently robust to suggest there is a reasonable chance the business could succeed. The proposal is not contrary to Core Strategy policy 48"*.

9.1.9 The functional and financial tests have not changed since the previous appeal and officers submit that there is a functional and essential need for a dwelling to be on site; and the Council's agricultural consultant argues the business plan is sound and the enterprise could well be viable within the testing period of three years to which this application relates.

9.2 The Impact upon the character and appearance of the area

9.2.1 The site lies within the Chapmanslade Greensand Ridge Special Landscape Area. West Wiltshire District Plan – 1st Alteration saved policy C3 seeks to conserve and enhance the landscape character of Special Landscape Areas *"and development will not be permitted which is considered to be detrimental to the high quality of these landscapes"*. Furthermore, Core Policy 51 seeks to *"protect, conserve and where possible enhance landscape character"* and within paragraph 109 of the NPPF the need for *"protecting and enhancing valued landscapes"* is identified. In the most recent appeal the Planning Inspectorate considered the Special Landscape Area as a *"valued landscape"*.

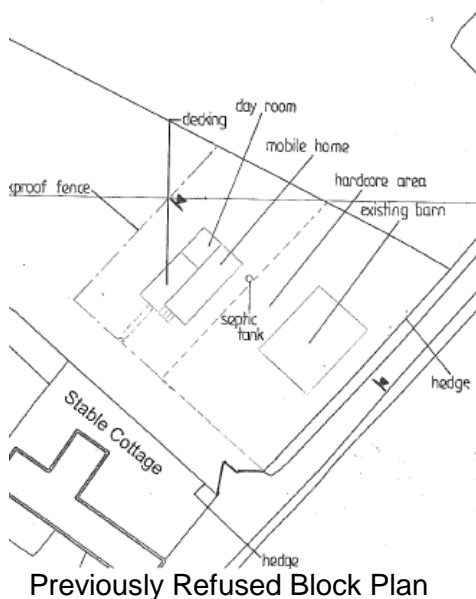
9.2.2 As part of the previous appeal, the inspector confirmed that *"although the site is in the countryside it is not isolated. Immediately to the south is a cluster of farm buildings converted into dwellings, where several of the local objectors lived. From within the site a housing estate was visible across the road to the east and to the north the roofs of a trading estate were also visible. Nevertheless, this is still an attractive part of the countryside. The appellant's land curves around behind the converted farm buildings, following the contours of the land and forming a small valley that runs down from a public footpath across the top of the site to the road. There are attractive views across towards the countryside beyond. The West Wiltshire District Landscape Character Assessment summarises Chapmanslade as being on top of a hill overlooking the greensand terraces below. The countryside is made up of farmland with small fields and many intact hedgerows, creating a strong sense of tranquillity and enclosure"*.

9.2.3 In considering the qualities of the countryside, the previous appeal inspector found it to be *an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land. At present the valley is filled with the pens associated with the farm, for the alpacas, pigs, chickens, ducks and geese as well as several large field shelters, and a miscellany of sheds. At the bottom of the site by the road is the barn and the mobile home with its decking, hot tub and fencing, surrounded by a large area of hardstanding on which is stored a touring caravan and various vehicles including a digger"*.

9.2.4 With respect to the previous dismissed appeal, *"the mobile home and the surrounding domestic paraphernalia were considered to be highly visible and intrusive. Although their bulk was much smaller than that of the proposed extended barn, they spread development across the site in a manner which is also incongruous and which dominates views across the*

site... [which was found to be] significantly harmful and contrary to policies 51 and C3 and to paragraph 109 of the NPPF. The appellant made it clear that the farming business cannot be sustained without a place to live on site and so it is reasonable to assume that if the appeal is dismissed many, if not all, of the structures associated with the intensive use of the site for animal rearing and egg production will go. The original intention was to use the land for hay production, hence the need for the barn, which does not require any of the other structures to be on the site. At the very least there is a strong likelihood that without the mobile home the land would be used less intensively”.

9.2.5 In full appreciation of the above appraisal and reasons behind refusing and dismissing the applicant’s previous application proposal, it is important to note that this present application is materially different to the previous refused application. Instead of proposing a standalone residential unit on the site, the applicant proposes to extend the existing barn to accommodate the residential accommodation.



9.2.6 The applicant submits that the proposed temporary dwelling would be sited approximately 1.5 metres below the land level of the previous mobile home and would as a consequence, be less visible in the wider landscape. Moreover, the elevational treatment would be materially different. Instead of the stark white coloured façade of the previous caravan, the applicant proposes a timber structure which would assimilate better with the immediate surroundings.

9.2.7 As part of the previous (refused) application there was an unauthorised decking area, hot tub, fencing, and children’s play equipment which all added to the Inspectors concerns when assessing the impact upon the Special Landscape Area. Should members be minded to approve this application, the fixed site parameters would limit the amount of land that could have a washing line, children’s play equipment and other domestic paraphernalia.

9.2.8 From the case officer’s site visit, it was observed that the varying land levels on the site would enable the proposed farm workers dwelling to be constructed as an extension to the barn on lower ground than the previously refused caravan. Some site excavation work would be required, but it would not be excessive. During the case officer’s site visit, she traversed the public footpaths that are located near to the site (namely CHAP34, CHAP10, CHAP11, CHAP8) and it was observed that some limited views of the barn roof were visible.



9.2.9 Taking the above into account, officers argue that the proposed temporary dwelling would not be substantively visible from these public rights of way and there would therefore be no harm caused. Any consequential residential paraphernalia would be located and restricted to the west and south west of the existing barn which was not visible from the Public Rights of Way due to well established intervening vegetation and boundary treatments. The proposed temporary rural dwelling would also not be visible from Huntenhall Lane due to the dense tree/hedge boundaries

9.2.10 Officers are satisfied that the revised proposal addresses and overcomes the previous reason(s) for refusal and responds to the conclusions reached by the planning inspectors. The proposal is therefore considered to comply with CP51, Saved Policy C3 and Paragraph 109 of the NPPF.

9.3 The Impact upon neighbouring amenity

9.3.1 Through the siting of the proposed temporary rural workers dwelling on the north east elevation of the existing barn, officers submit that there would be no substantive impact upon neighbouring amenity in terms of overlooking, overshadowing or overbearing as it would be located away from neighbouring boundaries. The proposal is therefore considered to comply with the relevant criteria of Core Policy 57.

9.3.2 Concerns have been raised regarding noise impact from the site excavation that would need to take place to site the mobile home. As this would only be temporary this would not be sufficient to warrant a refusal reason. Third party concerns have also been raised regarding the increase in noise from a new residential dwelling being located on the site. There is however, no substantiated reason why the proposed dwelling would introduce harmful noise levels and such a concern does not justify a reason for refusal.

9.4 Highway Impacts

9.4.1 The proposed development would utilise an existing access and the parking arrangements are considered to comply with CP60, CP61 and CP64 and there would be no NPPF conflict in terms of highway safety impacts.

9.5 Other Matters

9.5.1 It is fully appreciated that some third party concerns have been raised regarding the location of the temporary rural workers dwelling adjacent to a hay barn. Following receipt of these concerns, the case officer approached the Council's Building Control team and asked about the perceived fire hazard concern and was advised that a dwelling can be constructed

in such a manner and there is no in principle opposition to such a proposal under building regulations. The applicant would need to satisfy the regulations but this is not a reason to refuse the application at the planning stage.

9.5.2 Additional objections argue that the applicant has continued to run her business without the need for someone to live on site. The applicant has confirmed that although there have been alpaca on the site, she has not been able to increase her herd because nobody has been living on site and confirmed that the business expansion plan would only start following the grant of planning permission. The applicant also confirmed that although there are properties to rent and buy in Chapmanslade (including one that is close to the site) these are not considered to be appropriate because they do not overlook the entire site which is required.

9.5.3 Concerns have also been raised that if this application were to be approved, the applicant would apply for a permanent dwelling after 3 years. In response, it has to be said that providing the business is viable, after three years, the Council should expect the applicant to plan for a permanent solution. A temporary dwelling is granted for 3 years to allow a business to develop and then if it was profitable then a permanent dwelling could be applied for. Any application for a permanent dwelling would however need to provide business accounts to prove that the business had been profitable and it would need to be assessed against the relevant policy criteria at the time of submission. It is important to note that should the applicant seek to extend the temporary time period, special justification would be required. If the local planning authority is not suitably convinced it would be within the LPAs reasonable authority to refuse such an application and seek the removal of the temporary accommodation invoking the recommended planning condition listed at the end of this report. It would be for the applicant to prove that a permanent dwelling meets the required tests within the next three years. It is also important to note that temporary dwellings do not have permitted development rights and therefore the applicant would not be able to extend the development subject of this proposal.

9.5.4 As part of the public participation, it is duly noted that third parties claim the LPA cannot demonstrate a 5 year housing land supply which is not the case as the March 2018 published Housing Land Supply Statement confirms.

9.5.5 Additional representations set out an argument that the site would be suitable for travellers. This is not relevant to the consideration of this application since it must be determined on its own merits.

9.5.6 Another third party representation raised an objection citing that the application was contrary to Core Policy 44 which refers to Rural Exceptions Sites. This application is for an agricultural workers dwelling and as such does not need to comply with CP44.

10. Conclusion

The proposal complies with the relevant policies of the Local Plan and officers submit that the application addresses and overcomes the previous reason for refusal and the dismissed appeal and as such, it is recommended for approval.

RECOMMENDATION: Approve temporary planning permission subject to the following conditions:

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

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

2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for residential accommodation in this location having been demonstrated.

3. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 27 June 2021 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

4. The development hereby approved shall not be brought into use until the proposed septic tank and soakaway details incorporating sustainable drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage works shall be completed in accordance with the submitted details prior to the dwelling being occupied.

REASON: The application contains insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

5. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 1 - Layout and Elevations; Drawing No 2 - Location and Site Plan - both registered on 9th May 2018

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

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy