

**SOUTHERN AREA PLANNING COMMITTEE 14/04/2011  
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

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Agenda Item 6

Enforcement Team Leader –brief summary of background to the report:

- 22<sup>nd</sup> April 2010: Committee refused a partially retrospective planning application on part of the site to establish a caravan & camping site, above the 5-caravan Caravan Club site he had already created with permission. At their site visit Committee had observed ongoing development at the site (including works on the campsite area and a manege) and unlawful signage. They asked for a report to be brought to the next meeting concerning options for enforcement action and Officers to investigate serving a Temporary Stop Notice.
- 30<sup>th</sup> April 2010: Temporary Stop Notice served prohibiting caravanning and camping activity other than that being done under permitted development, and; further operational development. The Notice expired 28 days later.
- 3<sup>rd</sup> June 2010: Report to Committee with options for enforcement action. Prior to Committee, the owner offered to enter into Section 106 Undertakings to restrict him to camping within the 28 - day limit on the part of the site then used for camping and; restrict further building works until all planning conditions had been complied with. Committee asked for a progress report at the next meeting and asked that enforcement notices be drafted in readiness, should negotiations fail.
- 23<sup>rd</sup> June 2010: Undertakings completed. However Officers received allegations of camping on the owner's land outside of that bound by the Undertaking.
- 16<sup>th</sup> September 2010: In July and August further allegations were made regarding camping including noise and disturbance and amplified music. Officers were asked to make a further report regarding enforcement action. Committee authorised service of an enforcement notice to prevent further camping in excess of what was permitted. Committee further resolved that they considered the site was one, not two, in planning terms. Additionally, Committee resolved that Officers should investigate serving an Article 4 Direction to restrict permitted development rights in future. At the same meeting, Committee were informed that the Caravan Club were withdrawing their permission for their site from 31<sup>st</sup> December.
- 28<sup>th</sup> October 2010: A retrospective application for the caravan pitches and facilities was refused by Committee. A second enforcement notice was then issued to secure removal of these works.
- 17<sup>th</sup>-19<sup>th</sup> May 2011: Public Inquiry scheduled to deal with appeals against refusal of planning permission and issue of enforcement notices.

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Landscape Officer:

Further clarification regarding the extent of the site over which the Direction should be sought. Key views into the site are as follows:

- The most prominent view is obtained from the B3083 travelling south. From this vantage point the whole length of the site can be seen although the former CL is less visible due to its lower position. The Rally Field is on the higher ground and is highly visible. Caravans, tents and cars can be clearly seen as can vehicles using the access track.
- There are views into the site from footpaths (WST01 & WST02) to the east of the site although these are limited to the former CL (rather than the Rally Field) and to the area to the south of the poultry shed.
- Long distance views of the campsite are also available from byway (BSJA3) by the old pig farm on downland to the west. From this higher vantage point the Rally Field and camping area to the south of the poultry shed are visible.

A Landscape and Visual Impact Assessment prepared independently by Indigo Landscape Consultants concurs with the views listed above.

E-mail from owner:

Objects to the Direction for 13 reasons including no exceptional reasons for making a Direction-no evidence of harm, landscape not exceptional, harm not identified by Officers, site is used temporarily between Easter and August when landscaping is in full effect, the action is unprecedented, Public Inquiry will consider the issues next month, why do Committee need to make a decision, compensation payable, will close a local business, 25 letters of objection to Direction last time, Unilateral Agreement provides control, disproportionate.

Letter from owner's agent:

Addressed to the Chairman and Vice Chair, this refers to the forthcoming Public Inquiry and various conditions to control camping and caravanning at the site that the owner would agree to being imposed in the event his appeals area allowed, in order to safeguard the landscape and neighbouring amenities. These include:

- Caravan site maximum 15 pitches;
- Tents only on rally field between 19<sup>th</sup> March and 30<sup>th</sup> September.
- No amplified music.
- No stationing of tents or caravans elsewhere on site.
- No more than 10 fire pits.

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Suggest that given the limited period between the Committee and the Inquiry and potential for further litigation, members should consider deferring this item until the outcome of the appeal is known. Owner undertakes not to exceed permitted development limits unless his appeal is allowed (summary).

Berwick St. James Parish meeting:

At the meeting on 11<sup>th</sup> April, 21 people supported the Officer recommendation, 3 opposed it and 2 abstained. Letters supporting the recommendation were also received from 7 other people (summary).

Local residents:

8 further letters/e-mails received from residents who have already commented, supporting the Council on grounds of visual and noise impact, site is steadily becoming a commercial campsite and precedent for further development; proposed Direction is proportionate and necessary in view of extent and ambiguities in permitted development; works undertaken have altered the site, impact on neighbouring amenities by campers and loud music, lack of cooperation by owner; campsite has completely changed nature of the site and surroundings; camping out of scale with surroundings; Council needs to control and regulate the site; letter sent by owner to local businesses etc. and comments on website (details enclosed) misleading as campsite would not close if Article 4 were applied; letters objecting do not come from villagers or businesses in the nearest villages-they come from staff, previous customers or companies involved in the site ; bunding, fencing and additional screen planting undertaken since last year out of keeping with surroundings; both Parish Council, who represent villagers, support a Direction (summary).

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Plans List Item 1

S/2011/0024 Tokes Farmyard Tokes Lane Semley Shaftesbury SP7 9BP

|                     |  |                 |              |
|---------------------|--|-----------------|--------------|
| Application Number: | S/2011/0024  |                 |              |
| Applicant/ Agent:   | Mr R MacClelland   |                 |              |
| Location:           | Tokes Farmyard Tokes Lane Semley Shaftesbury SP7 9BP                       |                 |              |
| Proposal:           | Extension of agricultural buildings and construction of temporary dwelling |                 |              |
| Parish/ Ward        | SEDGEHILL & SEMLEYNADDER/EASTKNOY  |                 |              |
| Conservation Area:  | LB Grade:  |                 |              |
| Date Valid:         | 12 January 2011  | Expiry Date     | 9 March 2011 |
| Case Officer:       | Mr M Legge   | Contact Number: | 01722 434398 |

**APPROVED WITH CONDITIONS**

This application related to the extension of an agricultural building and for the erection of a temporary habitable dwelling/structure on Tokes Farm to serve the (at the time of inspection of the LPA's commissioned agricultural appraisal) existing activities on the application site relating to the calving of Heifers. The LPA remains somewhat unclear concerning the justification of need for the temporary dwelling, however the LPA's commissioned Agricultural Appraisal for this application raised no objection concerning the functional need for the temporary dwelling and therefore it is a balanced opinion that the permission to grant a temporary habitable dwelling/structure on Tokes Farm would abide with the aims of Annex A to PPS7 and also the aims of the Adopted and saved Salisbury District Local Plan policy H28.

It is considered that given the balanced views of the acceptability of this application against the assessment criteria within section 12 of the Annex A to PPS7 that the application will therefore outweigh the sustainable highways objectives within PPG13. It is considered that this application would not have a demonstrable harmful affect upon AONB nor to neighbouring amenities and as such it is considered that the application is on balance compliant to the Adopted and saved Salisbury District Local Plan policies G1, G2, H23, H32, C2, C4, C5, C13, C20 and R2

(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 habitable structure / dwelling shall be removed from the site and the land restored to its former condition on or before 11/03/2014 (3 years of the date of this permission).

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

**POLICY:** H28

(3). The occupation of the temporary habitable structure / dwelling shall be limited to a person solely or mainly working in association with the agricultural development hereby approved at Tokes Farm, or their dependants.

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

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POLICY: PPS7 & H28

(4). No development shall commence until a scheme for the discharge of surface water and foul sewerage from the temporary habitable building hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be carried out as approved.

REASON: To ensure that the development is provided with a satisfactory means of surface water and sewerage disposal.

POLICY: G5

(5) 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 that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the temporary habitable structure / dwelling hereby permitted.

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.

POLICY - H28 & PPS7

(6) The development shall be carried out in complete accordance with the following drawings:

|   |            |
|---|------------|
| Temporary Dwelling – West Elevation                     | 14/12/2010 |
| Temporary Dwelling – South Elevation                    | 14/12/2010 |
| Temporary Dwelling – North Elevation                    | 14/12/2010 |
| Cattle Building – Existing and Proposed East Elevation  | 14/12/2010 |
| Cattle Building – Existing and Proposed South Elevation | 14/12/2010 |
| Cattle Building – Existing and Proposed West Elevation  | 14/12/2010 |
| Cattle Building – Existing and Proposed North Elevation | 14/12/2010 |
| Block Plan  | 12/01/2011 |
| Location Plan   | 12/01/2011 |

REASON: For the avoidance of doubt.

**Letter from the Agent:**

The Farm Consultancy Group (having read the Officer's Report). This letter reiterated the justification for the temporary dwelling. *"Therefore it is necessary to have a skilled stockman on site and together with the extension of the cattle building this forms the basis of this application"*

