

<b>Date of Meeting</b>	2 <sup>nd</sup> December 2021
<b>Application Number</b>	PL/2021/04650
<b>Site Address</b>	Land south of West Kennett Farm, East Kennett
<b>Proposal</b>	Temporary Rural Worker Dwelling and Replacement Stabling
<b>Applicant</b>	Dr E Seidel
<b>Town/Parish Council</b>	FYFIELD & WEST OVERTON
<b>Electoral Division</b>	West Selkley (Cllr Davies)
<b>Grid Ref</b>	SU 11286 67804
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

The application is called to committee at the request of Councillor Davies, due to concerns over the visual impact of the development on the surrounding area (World Heritage Site (WHS) and North Wessex Downs Area of Outstanding Beauty (AONB) and the environmental or highways impacts it would have.

#### 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

The main issues to be considered are:

- The principle of a new countryside dwelling in this isolated position, with particular regard to the functional need and financial 'tests' established in former PPG7 Annex A which appeal inspectors have satisfied to use as a framework for establishing the justification for such dwellings (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the scheme would impact upon any attributes of Outstanding Universal Value within the Avebury WHS (CP 69);
- Whether the proposal will have an acceptable impact upon any Archaeology on the site; and,
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64); and

### 3. Site Description

The application concerns land off byway EKEN2 which is located to the south of West Kennet and to the north-west of East Kennet. The byway can be accessed via Gunsite Road. The site is adjoined on all sides by agricultural land. It is considered to be open countryside.

The site and its surroundings lie within the North Wessex Downs AONB and Avebury WHS.

Below is a location map that shows the context of the site.

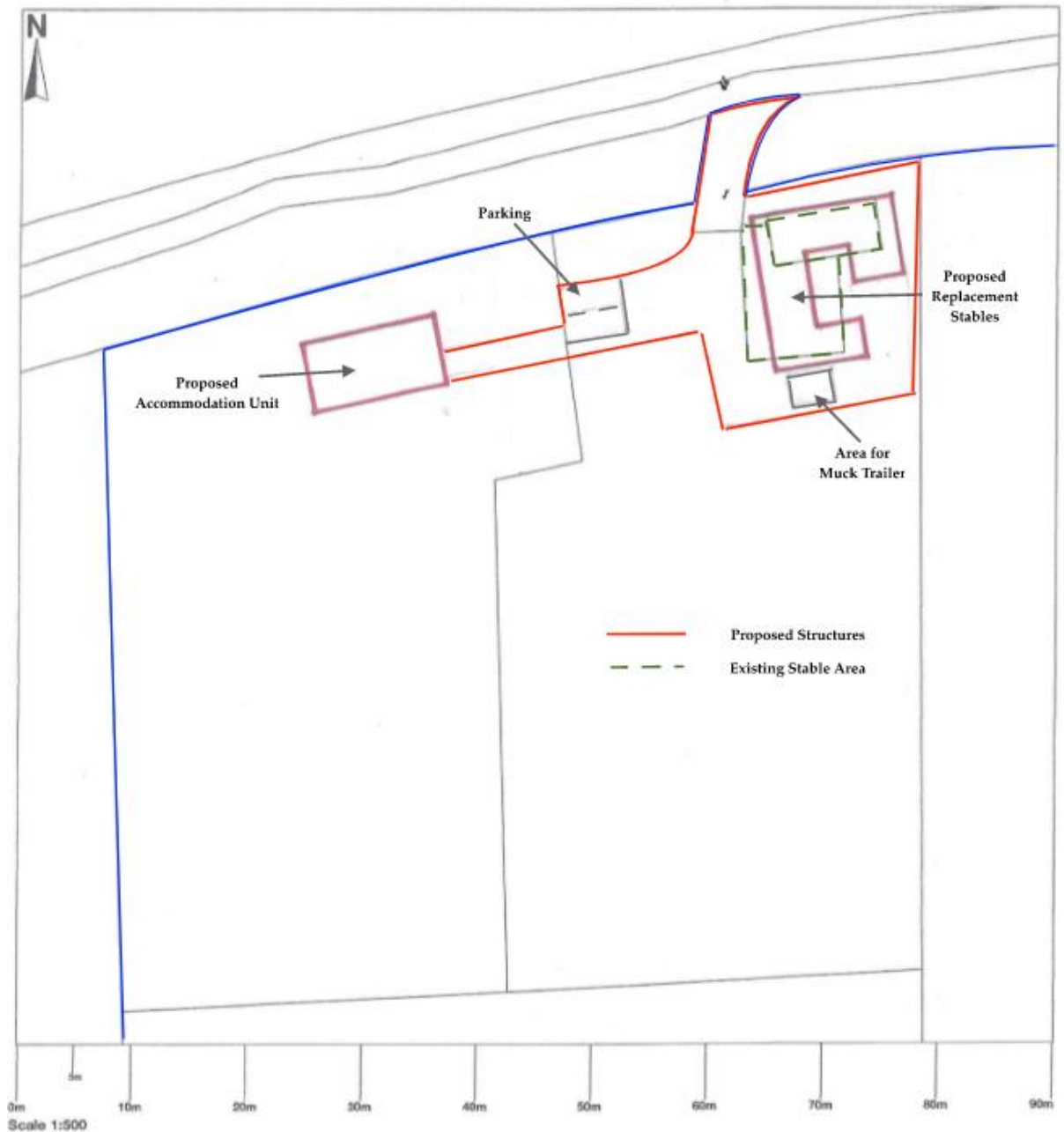


#### 4. The Proposal

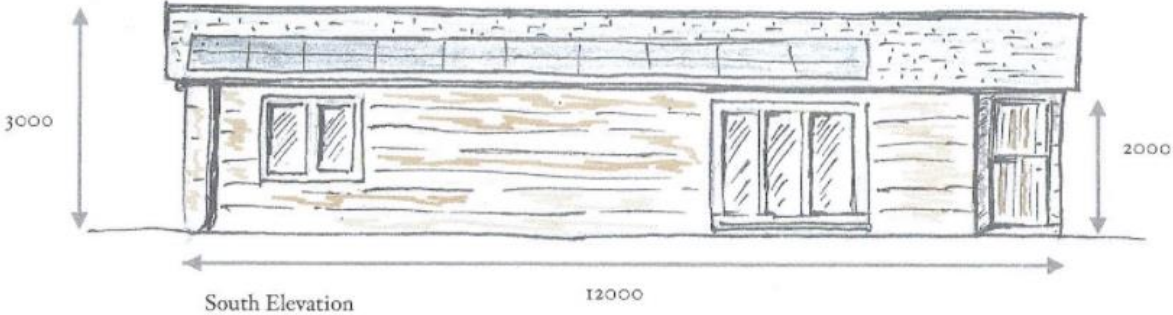
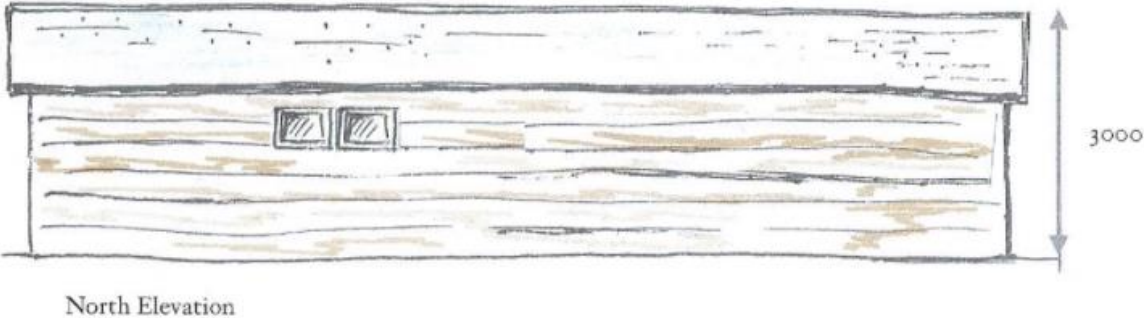
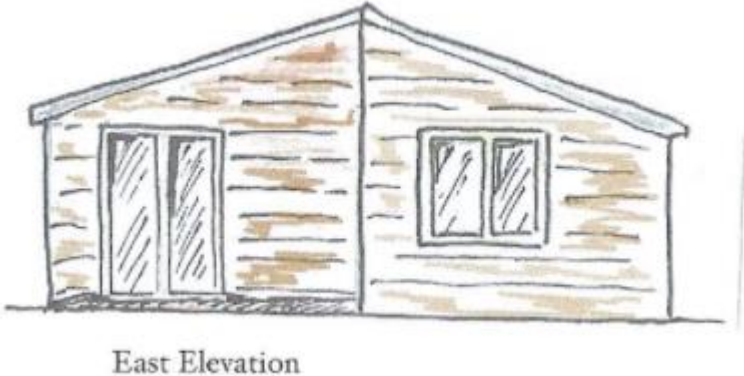
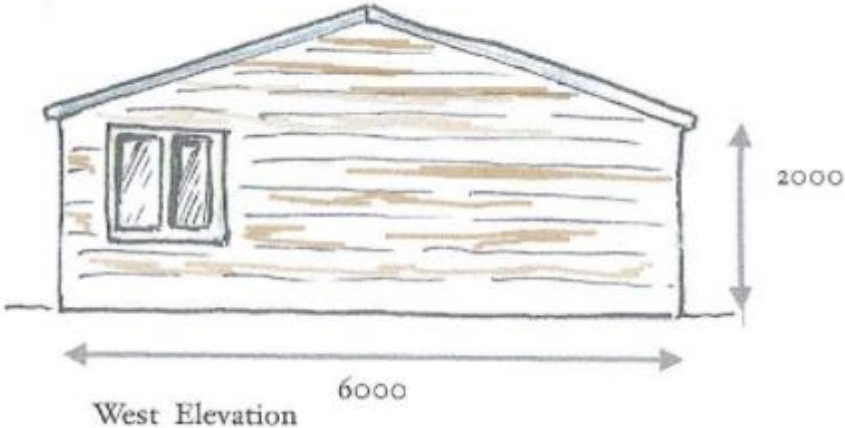
The application proposes the erection of a temporary rural worker's dwelling and replacement stabling.

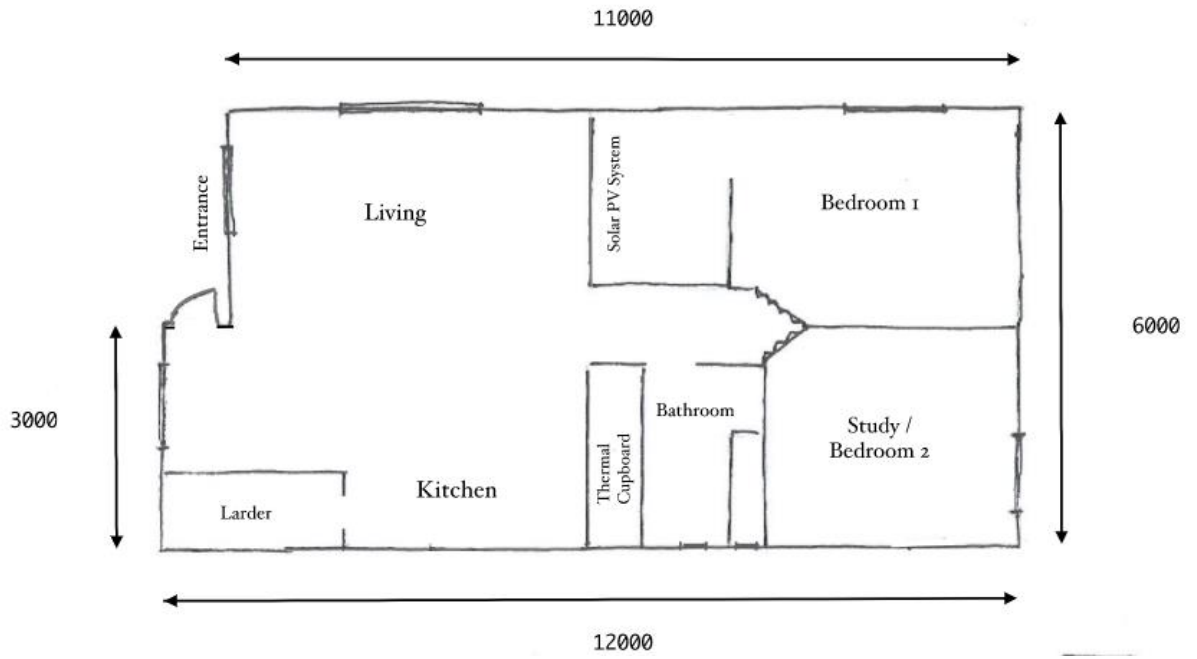
Below are the proposed floor plans and elevations of the scheme.

### Block Plan Land South of West Kennet Farm

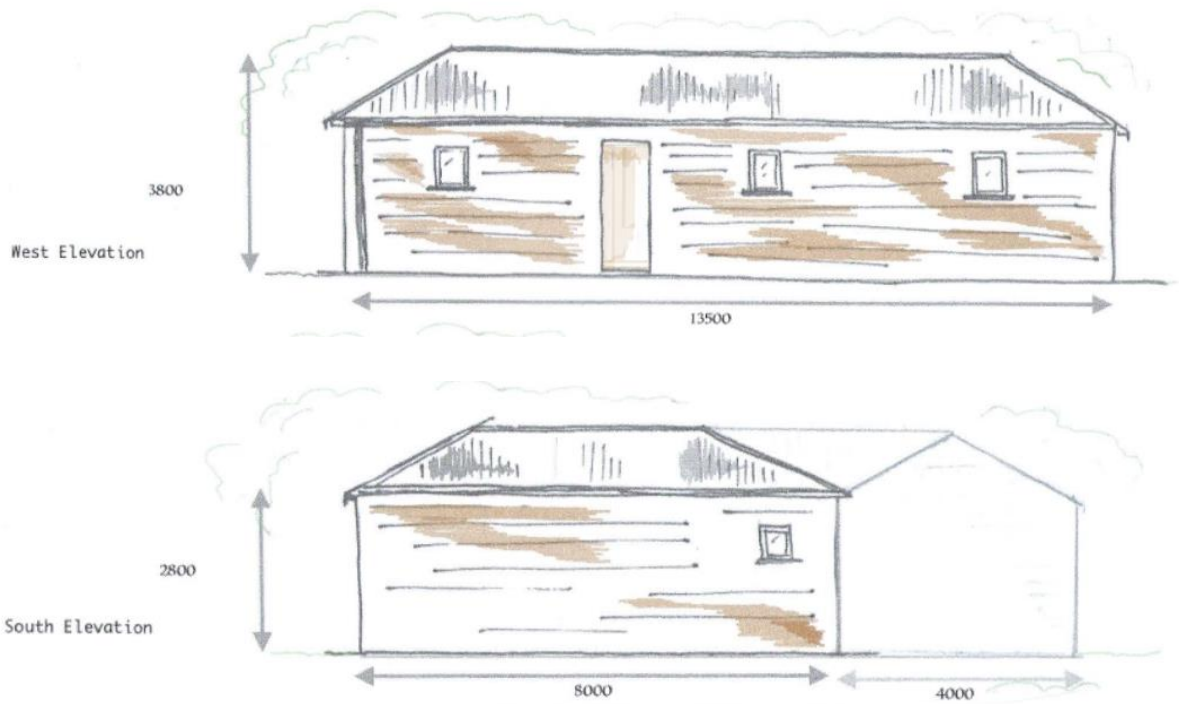


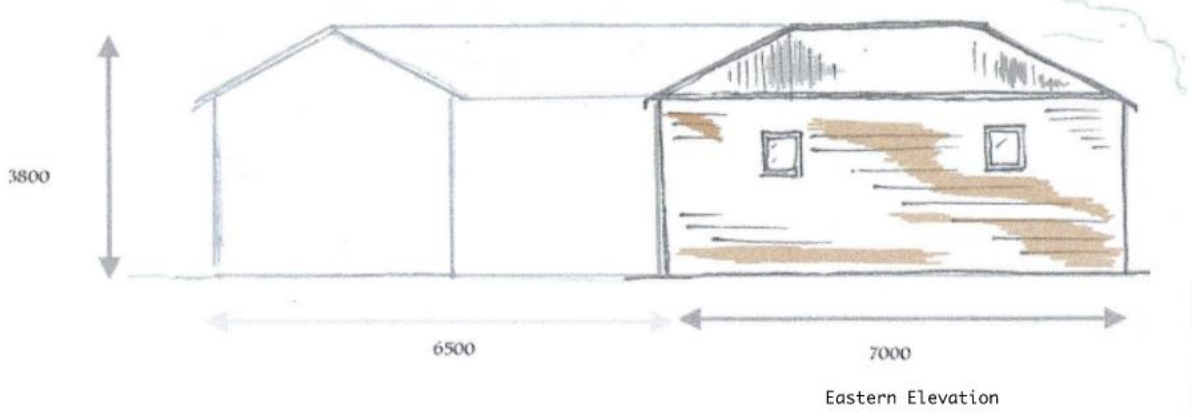
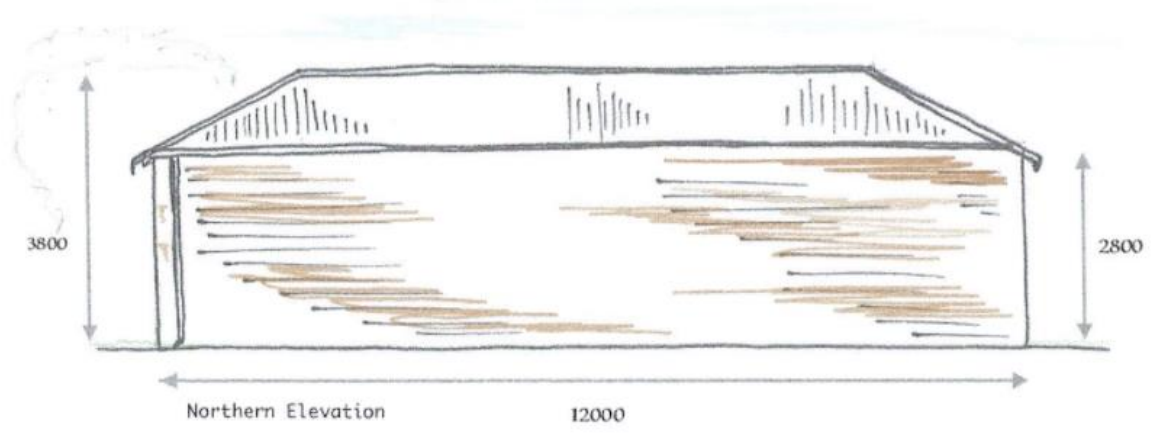
Dwelling Elevations and Plans

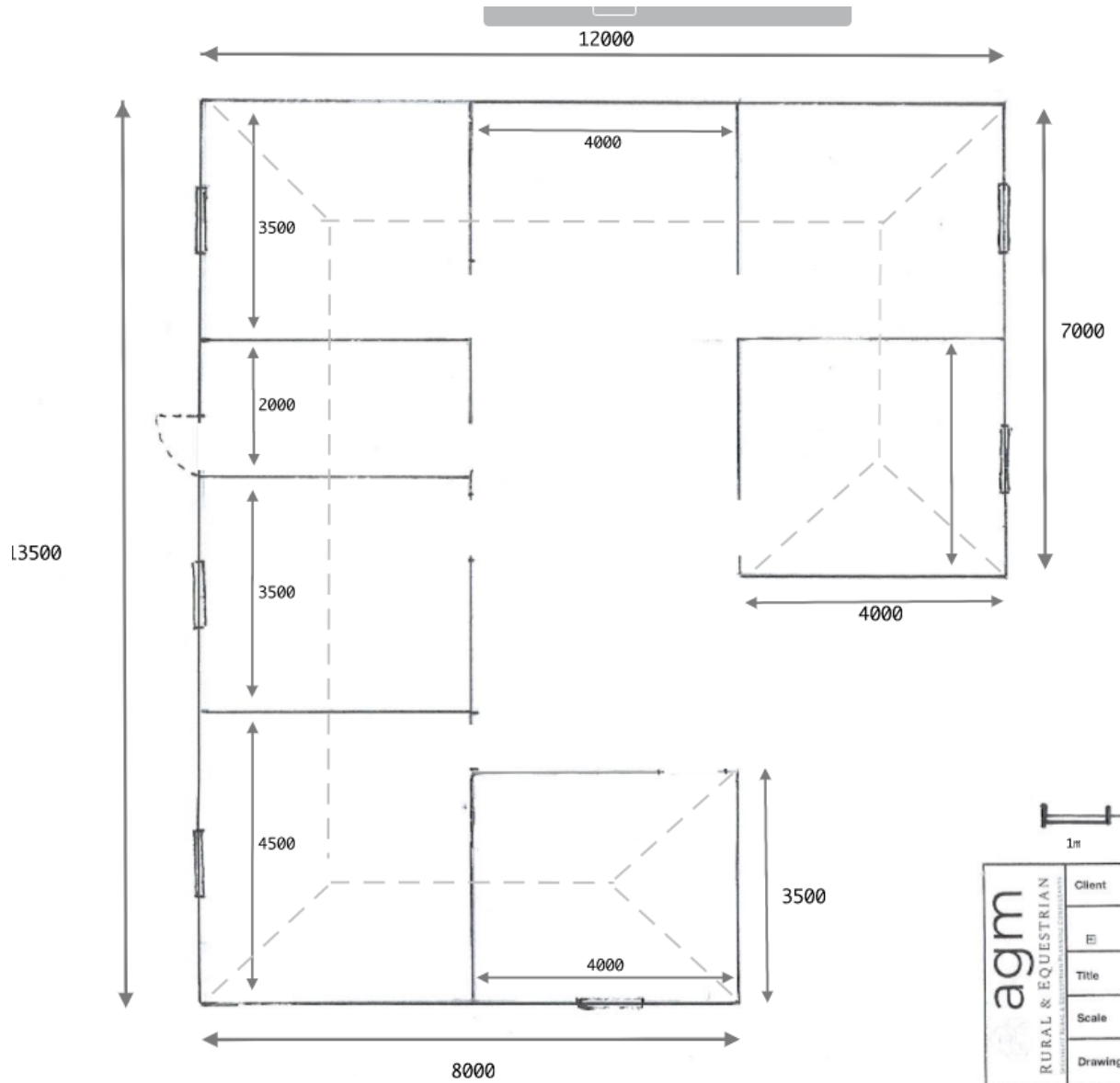




### Stable Elevations and Plans







## 5. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 14 – Marlborough Community Area Strategy
- CP 48 – Supporting Rural Life
- CP 51 – Landscape
- CP 57 – Ensuring High Quality Design and Place Shaping
- CP 59 – The Stonehenge, Avebury and Associated Sites World Heritage Site and its Setting
- CP 61 – Transport and New Development
- CP 64 – Demand Management

### National Planning Policy Framework 2019 (NPPF)

Section 85 of the Countryside and Rights of Way Act 2000: requires the Local Planning Authority to 'have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.

### Wiltshire Landscape Character Assessment (2005)

## 6. Relevant Planning History

No relevant planning history pertaining to the site.

## 7. Summary of consultation responses

### Avebury Parish Council

'At a full council meeting held on 1 June 2021, Avebury Parish Council resolved to object to the above application ref: PL/2021/04650 for the following reasons:

Whilst the Parish Council has no objection to the replacement stabling, it does object to the erection of a new dwelling designed for accommodation because it would represent a significant increase in adverse environmental impact.

The Parish Council was dismayed that approval was not sought from the planning authority before going ahead with the work.

The Parish Council understands that the dwelling is fully sustainable i.e. off-grid but draws attention to the fact that the only access is from a byway open to all traffic that is in a poor state of repair and likely to degrade further during winter months, limiting access by other users.

The Parish Council further notes that:

1. This is a retrospective application for a dwelling in a rural setting within a highly sensitive area, namely the UNESCO-inscribed Avebury and Stonehenge WHS and the North Wessex AONB.
2. There would be an adverse effect on the setting of nearby heritage assets including the West Kennet palisaded enclosures and long barrow.
3. Granting even temporary permission could set a precedent for future illicit developments in the WHS.



### East Kennet Parish Council

'Due to Covid restrictions we were unable to hold an Extraordinary Village Meeting to discuss planning application PL/2021/04650. However we conducted an online survey which resulted in a majority of 62.50% AGAINST the planning application.

Below is a sample of the reasons given:

\* It has a significant impact on the Avebury and Stonehenge World Heritage Site and North Wessex AONB.

\* The development includes a permanent residence that was constructed prior to the submission of the planning application. If approved, this will set a dangerous precedent that will see a proliferation of similar developments in the area.

\* Previously, a much smaller scale development on this site has been refused planning permission.

\* Access to the site is via a byway (open to all traffic) that is already heavily rutted and prone to flooding.

\* This building is in an Area of outstanding natural beauty and will open flood gates to everyone building on fields here. Also it is clearly not temporary and is a full time home. This is a blatant attempt to manipulate planning laws.

\* A new build in the World heritage site, the complete lack of normal planning procedures and the setting of precedents to the detriment of the area.

\* Building was built without planning and despite a council order to stop building they ignored the instructions. Previously planning permission has been refused in this area. It is also outside the village building plan.

\* It was built before planning was obtained and it is clearly a dwelling and not just stables making a mockery of planning rules.

\* I feel that this cannot be allowed. Firstly the application is in an AONB, a Conservation area and a World Heritage Site. They have also put up this building without consultation and now want to turn it into temporary accommodation. The description of the proposed use of the building and also the expansion of the existing building for a business, where there are alternatives which they could pursue by renting a stable yard makes me think that temporary will then become permanent. The fact that it would appear that they have also started this building without permission is of concern. For that and other reasons like churning up the byway with vehicles, rubbish, and many other factors this cannot be allowed to proceed.'

### Wiltshire Council Highways

'Based on the information provided I wish to make the following comments:

1. The location is remote and completely reliant on the use of a private vehicle. As such an objection on the unsustainability of the proposal should be raised.
2. The location of the property on a By way will mean that refuse vehicles are unable to access the plot and as such the resident will be reliant on managing their own waste, this is not ideal.

3. The main access is over a By-Way the applicant will need to be able to demonstrate that they have vehicle rights over the route and that the PROW Team are accepting of the additional vehicle use.
4. In terms of vehicle movements I am minded that though narrow on balance the adjacent network should be able to accommodate the movements associated with a single dwelling .
5. The construction vehicles will have a big impact on the road network in terms of capacity and surfacing and as such a CMS should be provided with pre-condition surveys and a full outline of types, sizes and numbers of vehicles. (I note comments suggest that this is a retrospective application, if this is the case then the applicant will need to discuss with the PROW Team the making good of any damage which occurred through the construction. As well as conversation with the Area Highway Office to consider and put right any damage on the adopted Gunsite Road).

In summary the location is not suitable in terms of policy for a dwelling , the number of vehicle movements associated with a single dwelling are low, though the PROW is not necessarily suitable for a significant number of movements in a year , based on the information provided I am mindful that there is likely to be a reduction in movements associated with the stabling because the applicant will be living there and as such I am not minded to raise an objection.

As such based on the information provided by the applicant, I am minded that there is not likely to be a significant detrimental effect on the By-Way (BOAT).

Subject to a strong CMS I am raising no highway objection.'

#### CPRE

'CPRE objects to this retrospective application for a dwelling which is almost complete, and replacement stabling, in a sensitive location in the open countryside of the World Heritage Site and the North Wessex Downs AONB.

We note that there is no concomitant application for a change to equestrian and/or business use of the site. Core Policy 48 (Supporting rural life) states: "Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence." This information has not been convincingly provided.

A recent inspection of the site evidenced that the new dwelling and its "eco-friendly" features are very prominent in views from the Byway. Again, the proposal appears contrary to CP48 which states that such proposals "will be supported where the development will not be to the detriment of the local environment". The local environment in this case is acknowledged to be of particular scenic value.

On the day of our visit to the site, there had been no significant rainfall for many days but the track giving access to it, Byway EKEN 2, was in places under mud and water. It would appear that the damage to the surface of the PROW has been exacerbated by 4x4s and heavy goods vehicles attending the site. We question its use as the only access to the development and that there is no information given concerning the maintenance of the Byway, particularly with additional vehicular use. Given its condition, it is hard to imagine it as suitable for injured animals to be driven in trailers or led along it from the highway.

The Design & Access Statement suggests that the proposed use of the facilities is 'solely private to the applicants', which does not chime with statements made by the applicants that they are seeking to operate a business from the site.

It is also unclear precisely what is being applied for. The temporary dwelling is for full-time private and business use. It is unspecified whether the intention would be to use the dwelling on a permanent basis or for a fixed (temporary) period. The replacement stabling application appears to be contingent on permission for the dwelling.

The proposed stable block provides six stables and a very small tack/feed room, but the application fails to state where and how bedding and hay for a significant number of horses would be stored.

We can find no information about services to the site, other than rainwater harvesting, which would clearly be inadequate for the number of horses anticipated, who will need approximately 50 litres a day each, plus water for washing/hosing down. How is electricity to be provided for the accommodation and stable yard?

Despite Thames Water's view that "if the developer follows the sequential approach to the disposal of surface water we would have no objection", there are no indications as to water supply to and drainage on a sloping site. The area around the bridge over the Kennet and entrance to the byway is subject to river and groundwater flooding: this again indicates that the proposal is impractical for year-round access for cars and trailers. It also raises – along with the condition of the byway – concerns about emergency access.

There is no archaeological evaluation of the site. It would be appropriate for one to be undertaken, given the sensitivity of the World Heritage Site.

Finally, we see no clear evidence that the proposal would meet any of the provisions of NPPF para 79.

We hope that the Council will refuse this application.'

#### Thames water

##### *Waste Comments:*

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelop>

[rs.thameswater.co.uk%2FDeveloping-a-large-site%2FApply-and-pay-for-services%2FWastewater-services&data=04%7C01%7CDevelopmentmanagement%40wiltshire.gov.uk%7Ce4f9b5e138ee40e06e4f08d919d104af%7C5546e75e3be14813b0ff26651ea2fe19%7C0%7C0%7C637569207780379424%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjA%7CwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C1000&sdta=Qjyvs4TLQCUHrf5vqyaAyaEHQqoYCyNUE6FGKbuM8jM%3D&reserved=0.](https://www.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services&data=04%7C01%7CDevelopmentmanagement%40wiltshire.gov.uk%7Ce4f9b5e138ee40e06e4f08d919d104af%7C5546e75e3be14813b0ff26651ea2fe19%7C0%7C0%7C637569207780379424%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjA%7CwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C1000&sdta=Qjyvs4TLQCUHrf5vqyaAyaEHQqoYCyNUE6FGKbuM8jM%3D&reserved=0.)

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

*Water Comments:*

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'

Archaeology

'The site is located within the Stonehenge and Avebury World Heritage Site and so I would ask you to consult with the World Heritage Site Officer, Sarah Askham on this application as a matter of course.

The site is located in an area of very high archaeological potential with extensive late Neolithic funerary monuments located to the north west and south west of the site and with the Bronze Age round barrows located with the north west and south. There is a very high possibility of groundworks associated with the construction of the replacement stabling and the temporary rural worker dwelling exposing and impacting upon hitherto unrecorded archaeological features (possibly of high value) that date from the later prehistoric era. I note from the supporting documentation that no effort has been made to address cultural heritage issues, something I find surprising considering the celebrated nature of the local archaeological resource.

I would therefore advise that the footprint of the temporary accommodation and those parts of the replacement stables that are currently not beneath standing buildings, be investigated for archaeological remains prior to the determination of this application. This work would consist of a geophysical survey of the whole development area, followed by the excavation of the accommodation and stable footprints by qualified archaeologists, following the standards and guidelines for archaeological excavation as set out by the Chartered institute for Archaeologists (CIfA). I would advise the applicant to engage the services of an archaeological consultant to prepare a Written Scheme of Investigation (WSI), setting out how the geophysical survey and the excavations will be carried out and how the results of this work are to be published. This WSI should be presented to Wiltshire Council Archaeology Service (WCAS) for review and approval before any fieldwork takes place.

Were planning permission to be given for this proposed development, I would also advise that once the current stables are demolished, the remaining footprint of the new stabling should also be made the subject of an excavation, this excavation to be secured via a condition to be attached to the granted permission. Such a condition would be worded thus:

'No development shall commence within the area indicated by application PL/2021/04650 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.'

The costs of this work are to be borne by the applicant.'

## 8. Publicity

The application was advertised for a period of 21 days. As a result of this exercise, objections have been received from 4 individuals. The principal comments put forward are highlighted below:

- The access is along the Byway both for horse boxes, residents and visitors which is unsatisfactory. The Byway has been in a dreadful condition for many years and has materially deteriorated during the current building work.
- It is contrary to regulations governing AONB and World Heritage Sites and if approved would make a nonsense of the council's past decisions in relation to this area (eg rejected applications 17/04754/FUL and K/57333F).
- What happens if business fails – what happens to the approved dwelling?
- It is close to the West Kennett palisades and other neolithic features.
- Allowing this development and associated expansion sends the wrong message to other landowners and If this is allowed there is scope for further expansion of the site with little accountability to Wiltshire planning.
- My objections to the above planning application are as follows:
- It sets a dangerous precedent, The building looks like a main residence and not a workshop and should be firmly dealt with as there are plenty of field owners who would love to build residential units/log cabins in the area.
- Retrospective application and the total disregard for the planning process and the authorities.
- A very sensitive area within the AONB and WHS.
- The building is fully plumbed and not mobile.
- It is a 2/3 bed dwelling not a workshop.
- Public right of way is parked on by the applicants all the time, blocking it.
- No need for the business here – could be located elsewhere
- Anyone would be able to set up an animal sanctuary with a log cabin if this gets approved.

In addition to the above, 1 letter of support has been received, stating the following:

- They run a legitimate business based on their land holding in East Kennet and have demand of their services relating to horse rehabilitation and management.

- The site within the AONB and beyond the built environs of East Kennet is well hidden with access via a muddy by way used by walkers, the odd cyclists and very occasional farm vehicle.
- The nature of the design and scale of the accommodation building means that it has minimal impact on the surrounding land and doesn't need to draw on mains utility services. It is well screened by existing hedges and trees and has to be particularly looked for to find it.
- The replacement stable block will replace a dilapidated existing unit and will improve on what is currently at the site.
- Together the accommodation and plans for the replacement stable will secure continued employment and make provision for quality equine rehabilitation which is important in this rural area.
- In short this fits in with guidance from both local plans and the national planning framework and the objectives of the AONB.

## 9. Planning Considerations

### Principle of Development

The proposed dwelling would be situated in the open countryside where under Core Policy 1 and 2 there is a presumption against new residential development outside of the defined Limits of Development of the settlements unless it meets one of the exception policies within the WCS. In this case, the relevant policy would be Core Policy 48. This policy states that new dwellings in the open countryside are permissible subject to them being required to meet the essential needs of a rural worker who is required to live permanently at or near their place of work to ensure the proper functioning of the business. However, this need must be supported by functional and financial evidence. In addition to this policy, paragraph 80 of the NPPF states:

*“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”*

The applicants have explained how the business will operate on the site and exactly why the need arises for a dwelling on site in the Design and Access Statement. Officers are satisfied that the reasons for the dwelling are genuine and meet with policy requirements. For example, being within earshot of the stables to tend to sick and injured horses is a standard functional justification for requiring an equestrian worker's dwelling (emphasised more in this case given the nature of the business will be tending to sick horses as part of remedial and holistic treatment).

Although it has been suggested that the business could be operated elsewhere, this is the extent of the applicant's land ownership. They do not own land elsewhere and as such, the local planning authority (LPA) cannot simply use this as justification to refuse an application. Furthermore, the applicants have built up a client base in the locality which provides for a viable business. A location such as this is within the heart of an area which is steeped in 'horsiculture' with many other equestrian enterprises nearby.

### Design / Visual Impact

The site lies within the AONB where planning policy places great weight on conserving its landscape and scenic beauty which has the highest status of protection in relation to these matters (paragraph 176 of the NPPF). It is appreciated that there have been a number of objections surrounding the impact to the landscape of the area and wider AONB as a result of the proposal.

The existing stables are somewhat dilapidated and of no architectural merit. As such, there is no objection to their removal. However, that does not automatically mean replacement stables are an appropriate response to the sensitive landscape in which they would sit. That said, when taking account of the scale of the proposed stables, they will not be too dissimilar from the existing. They will also be of higher quality design. Couple this with the existing screening that the site benefits from and it is considered that they would not cause significant adverse impacts upon the AONB.

More specifically, the land in question is already in equestrian use and, as stated above, contains a block of stables on it. It would be hard to suggest that the proposed stables, on broadly the same footprint, would alter the character of this part of the landscape to a harmful extent as the make-up of the site and its landscape components are not changing. As such, with regards landscape character, your officers consider the scheme not to have any adverse effects.

In respect of visual effects, similar conclusions are drawn to the above. The character of the site will remain broadly the same and is one which is part and parcel of the countryside (notably in this area where there is a diverse and rich equestrian community). Therefore, users of the nearby BOAT would, when able to see into the site (which is limited), not be faced with an unsurprising feature i.e. stables are a common appearance in the countryside. Taking account of topography and existing vegetation and buildings, views into the site from other public vantage points are very limited. Accordingly, the visual effect upon the AONB is very localised and one that does not amount to significant harm – to suggest that would be implying that its visual envelope extends far beyond the application site. Accordingly, the proposed stable block is considered to comply with the requirements of Core Policy 51.

The design of the stables is fairly standard with an appropriate form and choice of materials. Its scale and height are in keeping with the existing structure it is intending to replace and respectful of the context of the site. The site itself is large enough to accommodate the stable block without the appearance of overdevelopment. Officers conclude that the stable block is in broad accordance with the requirements of Core Policy 57 of the WCS.

With regard to the dwelling, the application before the Council is to consider the visual impact of a temporary structure. In respect of the temporary nature of the existing structure on the site, the applicant has submitted a statement regarding the mobility of the it and that its sizes meet the definitions stipulated within the Section 13(1) of the Caravan Sites Act 1968. Officers are satisfied that it is a mobile structure and does not constitute a building operation. That aside, whilst this is a temporary permission, it is still prudent to consider the implications beyond the temporary 3-year period i.e. the visual impacts if an application were to be made for a permanent dwelling on the site at a later date should the business case still arise.

In this case, the structure is sympathetic to its rural surrounds in terms of height, scale and materials, and is positioned within the corner of the field such that it can take advantage of the boundary screening. Whilst the character of this part of the site will indeed change with residential use that is not necessarily to a harmful extent. The components that make up the character of this part of landscape have not been removed or eroded to accommodate this temporary dwelling, and it will be possible to control certain aspects via condition to ensure the land does not take on an overtly domestic nature. As such, the temporary dwelling will not have an adverse impact on the landscape character of this part of the AONB.

Although elements of the dwelling are visible from the BOAT, these are mostly limited to the point where access is attained into the site and thus are very localised. For the most part, the BOAT is well apportioned with vegetation, and the lie of the land (the BOAT is slightly sunken below the application site) seek to restrict/greatly reduce the intervisibility between it and the dwelling. As with the stables, from more distance views, buildings, topography, and vegetation will limit the dwellings visibility. Although, where visible, a dwelling may seem out of place, in conjunction with an equestrian business containing a stables and paddocks, it will not be uncommon or surprising feature within a wider landscape where similar dwellings can be found. Overall, therefore, the temporary dwelling will not have significant adverse visual effects.

Based on the above assessment, it is reasonable to assume that a permanent dwelling could be accommodated on the site without adverse impacts. The design of course is critical, but, assuming a similar style log cabin was constructed on the site of a comparable scale then one would assume the impacts would be broadly the same. Such matters could be controlled through subsequent applications made on the site and by the submission of a robust landscaping plan.

In respect of the design of the dwelling, it is a mobile structure and as such, does not constitute a building operation that need be assessed under our design policy. Information has been supplied by the applicant to confirm this. Your officers do not disagree with this assessment. That said, its log cabin style design is perhaps more sympathetic to the context of the site than the all too familiar standard metal clad mobile home. There are no issues to consider here against the criteria of Core Policy 57 of the WCS. The use of the land for residential purposes associated with the equestrian business proposed in this application is not considered to cause conflict with Core Policies 51 or 57 given the fact that no domestic curtilage is provided (the red line plan is drawn tightly around the dwelling, path and parking spaces). However, for the avoidance of doubt, permitted development rights are to be removed for sheds, fences, outbuildings etc. by way of condition, in the interests of visual amenity.

The proposal is therefore considered to protect / conserve landscape character in accordance with the requirements of Core Policy 51 of the WCS and Section 85 of the Countryside and Rights of Way Act 2000. The scheme is also considered to be in broad accordance with the requirements of Core Policy 57 of the WCS and is thus of acceptable design.

#### Neighbour Amenity

There are no neighbours in close proximity to the site that stand to be affected by the proposal. The nearest dwelling is over 400m away.

#### Highways Safety / Parking

With regard to the location, if deemed acceptable as a rural worker's dwelling, this cancels out the objection on the grounds of sustainability as such uses are permitted in the open countryside.

In relation to traffic movements along the Byway Open to All Traffic (BOAT), the applicants have stated on page 11 of their Design and Access Statement that the estimated no. of movements a year is currently 3,807. If the applicants are able to attain planning permission for a dwelling on the site, then this figure drops to 1,617 movements a year as they are no longer having to travel to the site a few times a day to tend to the horses.

The existing use is one in which the LPA cannot control and results in a far greater number of vehicles entering and exiting the site and driving along the BOAT than the proposed



use would. This is what one would consider as the fall-back position i.e. the use that could occur on the site without the need for planning permission.

The NPPF states at paragraph 109 that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

With a significant reduction in vehicle movements along the BOAT, it would be difficult to suggest that the proposed use would have a greater impact upon it, or indeed, the surrounding highway network. It is because of the reduction in trip numbers that the local highway authority are raising no objections to the scheme.

Whilst it is noted by locals that the applicants park their cars on the BOAT, the granting of planning permission would not sanction/authorise this. Obstruction of a public right of way is a matter controlled through other legislation outside of the planning remit.

#### World Heritage Site

The site lies in a secluded position with limited intervisibility between it and the wider area due to the topography and the existing dense boundary vegetation. It contains no individual monuments (both designated or non-designated) that may contribute to the archaeological or monumental significance of the WHS. The submitted World Heritage Site Impact Assessment states that:

*“It is considered that the Site forms part of the wider landscape of the WHS. The field containing the Site is assessed to offer a negligible contribution to the OUV of the WHS due to its secluded nature, very small scale in relation to the whole WHS, and its lack of any known archaeological or monumental component.”*

Officers are inclined to agree with this statement about the site’s contribution to the WHS.

Taking account of the above, the dwelling will not be readily visible from outside of its immediate field setting. It is a single storey structure with no foundations fixing it to the ground and constructed from materials that are harmonious with its surrounds. The ‘eco’ design means that it does not require connection to utilities which further reduces its impact upon the WHS. It is considered that the temporary dwelling would not have a harmful impact upon the WHS or any components within it that are of Outstanding Universal Value.

The proposed stables are very similar in scale and form to the existing ones. As such, they will not present much of a differing impact to the World Heritage Site and therefore, it can be concluded that the status quo will remain in this regard. It would be difficult to argue the case otherwise.

Furthermore, it is noted that the WHS does contain other equestrian facilities – a notable one being the racing stables at Beckhampton. As such, equestrian-related activities with associated small-scale buildings would not be introducing a use within the WHS that is not already present.

#### Archaeology

The site is in an archaeologically sensitive area and as such, archaeological investigation should have taken place prior to ground disturbance works. As the dwelling has already been built, groundwork has already taken place and any damage to below ground assets will have already occurred. Accordingly, having discussed the matter with the County

Archaeologist, it is no longer considered necessary to insist upon investigatory works for the dwelling.

With regard to the replacement stables, should the concrete slab the current ones sit on be removed and replaced, or simply enlarged, then it would be expected that archaeological investigation should take place. This could be conditioned in line with the County Archaeologist's recommendations. Should no ground disturbance work be occurring (i.e. the stables can be constructed entirely on the current concrete slab), then such works would not be necessary.

#### Issues Raised by Third Parties

Unless future plans are included in the application documentation then worries or hearsay about possible future expansion or alternative uses of the application site are not a material planning consideration. In any event, such uses would be subject to planning controls and would be determined on the planning merits of the case at the time.

Precedent should not be over-emphasised. Allowing this use and buildings to be located on this parcel of land does not automatically pave the way for other fields around East and West Kennet to be built upon. Every application is determined based upon its individual planning merits.

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

In principle, the application meets the requirements of Core Policy 48 in that there is a functional and financial justification for the dwelling. In addition, support is mustered from paragraph 84 of the NPPF which seeks to ensure a prosperous rural economy. As such, there is no 'in principle' objection to the development.

Officers consider the design of the scheme to be in broad accordance with the requirements of Core Policy 57 of the WCS – the dwelling itself being temporary and the stables being of similar appearance and scale to the existing ones on the site. A reason for refusal would therefore not be warranted on design grounds.

Overall, the visual impact of the scheme upon the AONB landscape would not be significant. This conclusion is drawn when taking account of existing planting, the undulating topography, and the limited public vantage points of the site. Landscape character would thus be reserved in accordance with Core Policy 51 of the WCS.

For similar reasons as above, and the fact the site itself does not contain any archaeological or monumental features, it is not considered that the scheme would harm the Avebury World Heritage Site or any of its attributes of Outstanding Universal Value to an extent that would justify refusing planning permission. Therefore, the scheme is considered to comply with Core Policy 59 of the WCS.

Whilst accepting that access onto the site from the BOAT is not the most suitable, given the proposal will result in far fewer vehicle movements than at present, the local highway authority has not objected to the scheme. Officers consider that the development accords with Core Policy 61 of the WCS and that a reason for refusal would be difficult to substantiate.

## **RECOMMENDATION**

That the application be APPROVED 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 mobile home hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this permission.

REASON: In the interests of the landscape character and appearance of the AONB and World Heritage Site and in order to secure the restoration of the land upon removal of a building for which permission can be justified only on the basis of a special temporary equestrian need.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Dwg Ref: Application Form
- Dwg Ref: Location Plan 1:2500
- Dwg Ref: Proposed Site Plan 1:500
- Dwg Ref: AGMRE – 001 Proposed Accommodation Elevations
- Dwg Ref: AGMRE – 002 Proposed Accommodation Unit Floor Plan
- Dwg Ref: AGMRE – 003 Proposed Stable Elevations 1
- Dwg Ref: AGMRE – 004 Proposed Stable Elevations 2
- Dwg Ref: AGMRE – 005 Proposed Stable Floor Plan

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

4. No further development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment; and,
  - i) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out other than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects upon the Public Right of Way that is used to access the site.

5. Once the current stables are demolished, the remaining footprint of the new stabling shall be made the subject of excavation prior to its erection. This shall include:
  - 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.

6. The occupation of the accommodation hereby permitted shall be limited to a person solely or mainly working, or last working, in the training/keeping/breeding of horses, in agriculture or in forestry in the locality, 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 a new dwelling/residential accommodation in this location having been demonstrated.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area which is within the North Wessex Downs AONB and Avebury World Heritage Site.