

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28.09.2011		
Application Number	W/11/01460/FUL		
Site Address	Oak Tree Farm Os 6600 Great Chalfield Atworth Wiltshire		
Proposal	Siting of temporary dwelling (3 years) for agricultural worker with package treatment plant and new access track		
Applicant	Janet Kennedy		
Town/Parish Council	Atworth		
Electoral Division	Melksham Without North	Unitary Member:	Mark Griffiths
Grid Ref	386636 164052		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 15174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Griffiths has requested that this item be determined by Committee for the following reasons(s):

To encourage diverse farming in the countryside, if officers are minded to refuse the application.

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

Neighbourhood Responses

Two letters of support

Five letters of objection

Parish Council Response - Supports application subject to conditions.

2. Report Summary

The main issues to consider are:

Justification for an agricultural workers mobile home in open countryside

Impact on heritage assets / the open countryside

Servicing and road safety interests

3. Site Description

The application site forms part of an existing 12 hectare DEFRA registered agricultural holding known as Oak Tree Farm, which is located about 0.5 Kilometres (as the crow flies) from the defined village boundary of Broughton Gifford, and is therefore within the open countryside. The holding is set back about 150 metres from the road which leads to Great Chalfield Manor, which is located about 1 kilometre to the south west of the application site. Due to heavily planted field boundaries and natural topography, no part of the Grade 1 Listed Manor is visible from Oak Tree Farm.

The farm is located south-west of Broughton Gifford less than 1 mile by road. There is a network of public right of way paths within the surrounding area, but none run through the Oak Tree Farm holding and the closest path is approximately 240 metres distant with only fleeting glimpses of the site through heavily planted hedgerows.

There are four timber shelters sited within the fields which appear to serve as shelters for the alpacas, which could also be used for storage purposes. In addition, the holding has four timber loose boxes, occupied at the time of the site visit by horses, a traditionally constructed open fronted shed and two-bay shed, constructed with a steel frame which is used for storage purposes and a polytunnel.

The holding has been sub-divided into 5 paddocks using post and netting fences to form the grazing areas for breeding females, entire males and for weaned young alpacas.

4. Relevant Planning History

00/01289/FUL - general purpose farm buildings and stable block - Permission 01.06.2001

5. Proposal

Under this application, the applicant seeks planning permission to site a 18.3 m x 6.8 m timber clad 3-bed mobile home for a temporary period for three years on land immediately to the south of an existing polytunnel and part of a cluster of buildings at Oak Tree Farm, which is an operating alpaca enterprise. The mobile unit would be for the owner and alpaca farmer to occupy. The proposed unit would be about 4 metres in height and would be accessed off the existing hardcore track. A private package treatment plant is also proposed to service the mobile unit.

The applicant currently resides at 48 The Common, a property located less than a mile away within the village of Broughton Gifford. There are no dwellings on the agricultural holding and it is accepted that there are no buildings currently on site, suitable for residential conversion.

In support of this application, the applicant and her agent have submitted a Design _ Access Statement, a Planning Statement and an Agricultural Appraisal. The applicant's vet has also submitted a letter of support claiming that "it is essential that a person responsible for the care [of alpacas] is permanently resident on site".

The alpaca enterprise at Oak Tree Farm has been operating for nearly two years (although the applicant does acknowledge that "it takes between 3-5 years to establish a full time viability enterprise". The farm currently has 11 females, 8 of which are pregnant and 4 stud males on the holding. The applicant suggests that the holding could accommodate up to 150 alpacas, however the intention is to expand the enterprise to 40-50 alpacas, and "make it one of the larger alpaca breeding and rearing units in the UK". A stud service is also proposed, using home bred grey/black fibre producing males.

The applicant submits that it is essential for good animal husbandry and on site security reasons for her to reside on site. It is claimed that the alpaca enterprise has a 12 month essential functional need for on-site residential accommodation as alpacas calve all year round, producing highly valuable crias. Although relatively healthy and hardy animals, they can panic when confronted with dogs and stress, which can cause them to reabsorb their foetus. The applicant further submits that the enterprise is now becoming difficult to manage without being resident on site. In 2010, one cria was

found dead in the field in the morning. Had there been a house on site, the applicant claims this loss may not have happened.

As part of the supportive statements, the applicant's agent has made reference to an appeal case in the Cotswolds in 2002 which related to a 1.5 hectare holding with 20 breeding alpacas, and that the appeal for a supervisory dwelling was allowed.

6. Planning Policy

Government Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS5 - Planning for the Historic Environment
PPS7 - Sustainable Development in Rural Areas
PPS10 Planning for Sustainable Waste Management
PPG13 Transport

West Wiltshire District Plan - 1st Alteration

C1 - Countryside Protection
C4 - Landscape Setting
C6a - Landscape Features
C31a - Design
C32 - Landscaping
C35 - Light Pollution
C38 - Nuisance
H17 - Village Policy Limits
H19 - Development in Open Countryside
H24 - New Housing Design
T10 - Car Parking
T12 - Footpaths and Bridleways
U1a - Foul Water Disposal
U2 - Surface Water Disposal

7. Consultations

Parish Council - Supports subject to the following conditions:

That the temporary dwelling remains single storey and that there is a 3 year limit on its siting and that it is not sub-let.

Highways - In normal circumstances, would wish to raise a highway objection to a proposed dwelling in the countryside. However, if the Council is satisfied that an agricultural dwelling is justified in operational terms, no highway objection would be pursued, subject to planning conditions.

Wessex Water - No comments.

English Heritage - The application should be determined in accordance with national and local policy guidance and on the basis of your own conservation advice.

Environment Agency - Informative(s) recommended if a new septic tank/treatment plant system is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system.

Fisher German/Esso - Esso Petroleum Co Ltd does have apparatus situated near the proposed works, however Esso does not wish to object to the application. providing the applicant/developer adheres to the produced "Special Requirements for Safe Working" booklet and the covenants contained in the deed of grant.

The Council's Agricultural Advisor - Has assessed the application in relation to the two tests set out in PPS7. These are a financial test (Has the business has been planned on a sound financial basis?) and the functional need (is there a need for a worker to be readily available at most times and if so, can this need be met by other accommodation in the area?).

On the first test, he concludes that there is evidence that the business has been planned on a sound financial basis , although this is dependent on the current high value for breeding stock and the level of sales is predicated on the continuance of the current high value of breeding stock.

On the second test, he concludes that the functional need is partial and that this need can be managed from the applicant's existing dwelling. He points out that this view was supported in a recent planning appeal on a similar alpaca enterprise at Mudmead Stables, Steeple Ashton in November 2009. In sum, he concludes that the functional need for a dwelling on the holding is not met.

A copy of the appeal decision at Mudmead is attached as an appendix to this report.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 10.06.2011

Summary of points raised:

Two letters of support raising the following points:

Has known applicant for over 6 years.

Applicant is considerate and thoughtful with all aspects of her business, neighbours and land.

It is essential that the applicant resides on the land holding to carry out the daily duties of running a farm.

It is a practical and worthy application.

The breeding of alpacas represents an important positive contribution to the revival of agricultural activity and employment which has been in decline.

Five letters of objection received raising the following points:

Alpaca enterprises are a well known ploy to obtaining planning permission in otherwise protected countryside/green belt. As a journalist, I have investigated the alpaca industry and have many examples when they have been used as a pretext to obtain planning permission on protected/green belt land.

This application for a temporary dwelling is not a sound plan. We work hard to enhance and maintain the landscape around the Manor and this is a step in the opposite direction. It will have an adverse effect on public enjoyment. I have over 30 years farming experience, a dwelling at this site is not necessary. I recall that when Mr Rawlings operated a dairy smallholding on this site he lived in the village like the applicant. This seems a better, more appropriate solution.

As someone with 30 years experience in farming, there is no necessity for a house to be located on this site. When Mr Rawlings operated a dairy on the land holding he lived in the village, as does the applicant.

Great Chalfield Manor attracts thousands of visitors a year from across the world, as well as locals who walk or cycle through the estate. All of them value the rural tranquillity and unspoilt landscape of the Manor's immediate surroundings and therefore any development should be viewed with concern.

The proposal for a three/four bedroom "log cabin", packaging plant and associated track to join the drive to the manor would be a major visual intrusion into the fieldscape. The cabin is far larger than the requirements of an "agricultural worker" who could be easily accommodated in a caravan, as happens on the farm where I live.

What powers does the planning committee have to impose restrictions on the applicant? In previous cases the change from permission for a "temporary" to a permanent dwelling has been little more than a formality if the business is still extant after three years. Can the committee impose restrictions that would ensure this would never happen here?

There is a covenant on the land which states that "no planning consent should be applied for residential use" without the consent of the vendor - RC Floyd of Great Chalfield Manor. It is further understood that such consent has not been obtained. The covenant was imposed to preserve the character of the drive leading to the 14th Century Great Chalfield Manor House. The landholding is also subject to a National Trust covenant.

The proposed site and drive and parking area is sited close to an Esso gas pipeline.

There is currently no real market for the fibre in this country and the value of the animals has declined significantly so they are no more prone to rustling than any other livestock. Any responsible owner will know when their animals are due to calve so provision can be made to have someone on site if that is felt necessary. I am not suggesting the current applicant is using these animals as a stalking horse for this or further development but many of the arguments justifying the need for such substantial accommodation are incorrect.

I hope the committee will seek the views of the National Trust, English Heritage and the CPRE who should all have an interest in preserving the Great Chalfield estate. The committee should also consider that once permission of this nature is granted it will be very difficult to ever restore the site to its original unspoilt character.

The site is on top of a hill and a temporary dwelling, which may become permanent in due course, would erode the rural character of the area. As owners of the Manor, we work hard to enhance and maintain the character of the landscape for the long term future. This proposal would be a step in the wrong direction.

This proposal may affect views from the public road to the Manor, which is designated as a Parkland by English Heritage, and is enjoyed by many walkers from the lodge, the footpath network and the village of Broughton Gifford.

The National Trust - Owns Great Chalfield Manor which attracts 28,888 visitors per annum. We have covenants over the land immediately to the south of the site that is the subject of this proposal and our ownership includes fields immediately to the south of that. We also own the roadway and verges to the west of the site. The avenue line of Edwardian oak trees on the applicant's land is designated as parkland by English Heritage.

The Trust is opposed to this application as we feel that once planning permission is granted for a temporary dwelling, it will not be difficult for the applicants to get full planning permission for a permanent dwelling on this site. This is contrary to Policy C1 which states that development proposals in the open countryside will not be permitted except in certain circumstances. We do not feel that the reasons given justify the damage this proposal will do to this open countryside. The development is likely to erode the rural character of the area. There is also the danger that if planning permission is granted for this dwelling, this will set a precedent creating a cumulative effect leading to more applications of this nature for dwellings on small plots of agricultural land.

Policy C6a states that development which would have an adverse effect on the District's characteristic landscape features will only be permitted if the planning benefits of the proposal outweigh the harm. Historic parklands are included on this list and we consider that policy should apply here since the proposal affects the setting of Great Chalfield Manor, a grade 1 listed property.

Policy H17 concerns Village Policy Limits which are defined for Broughton Gifford. This proposal is not within the limits of this village and should not therefore be allowed.

Policy H18 states that it is important to protect open spaces within villages from any development which would be detrimental to the character of the settlement. This proposal is outside the village and so the site should be given even greater protection from development.

Policy H19 states that new dwellings in the open countryside will not be permitted unless justified in connection with the essential needs of agriculture. We do not feel that the proposal fully justifies the need for a dwelling. A former occupant of this land, Mr Rawlings apparently lived within the nearby village despite operating a dairy small holding on this land until about 1960. The proposed farming enterprise with alpacas is unlikely to be viable. The applicant argues that there is a need for a dwelling in order to be able to look after the alpacas. The Trust feels that the applicant should in fact have looked to put her alpacas on a more suitable site where there was already a house. The alpacas do not need to be kept on this particular site. Planning permission should be refused on the grounds of conflict with planning policy, impact on the landscape/ setting of Great Chalfield, non viability of the farming enterprise and need to be on site rather than remaining in the village where this land is traditionally managed from.

9. Planning Considerations

Justification for an agricultural workers mobile home in open countryside

PPS7 provides clear advice on how applications for agricultural dwellings should be treated. It recognises that there are cases in which the demands of farming make it necessary and essential for one or more persons to live at or very close to the site of their work. Whether this is essential in any particular case will depend on the needs of the farm enterprise concerned.

A temporary dwelling (i.e. a caravan or a wooden structure which can be easily removed) should satisfy the following criterion:-

1. providing clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
2. proving a functional need;
3. providing clear evidence that the proposed enterprise has been planned on a sound financial basis;
4. satisfying the Council that the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and,
5. other normal planning requirements, e.g. on siting and access, are satisfied.

It is understood that alpacas require sensitive management; and as noted above, alpacas are identified as having considerable value for breeding purposes and for their fibre. Livestock welfare and security are therefore important considerations. However, it cannot be ignored that Paragraph 12 (4) of Annex A of PPS7 states that any proposed temporary agricultural dwelling proposal must meet financial and functional tests, which cannot "be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned..." PPS7 also requires any applicant wishing to erect new housing in the open countryside to satisfy the Council that there is a clear functional need "to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times..."

PPS7 also states within paragraph 13 of Annex A that the Council, as the local planning authority "should not normally give temporary permissions in locations where they would not permit a permanent dwelling".

In consideration of the above listed criterion (as defined within paragraph 12 of PPS7 Annex A), members are advised that:

The applicant has demonstrated a clear and firm intention and ability to develop the existing alpaca enterprise. In forming this view, the Council acknowledges the content of paragraphs 4.2-4.4 of the submitted Agricultural Appraisal. The applicant has also presented a business plan that would achieve a level of profit in excess of the minimum wage within 3 years (during 2013), after having produced decreasing losses during 2011-2012. It should however be recorded that the financial tests

would only be met if the alpaca high values continue. Should they fall, the business would be vulnerable.

As outlined within section 7 above, the Council's expert agricultural advisor advises that the proposed development fails to fully satisfy the functional test, which is a fundamental requirement as enshrined within PPS7.

Officers have fully considered the applicants/agent's supporting comments, and whilst the loss of any animal is to be deeply regretted, this alone cannot justify the siting of a house in the open countryside. PPS7 covers this matter within paragraph 6 of Annex A. It is noted that the British Alpaca Society and alpaca breeders make pertinent comments regarding alpacas being "easy to keep", "hardy and healthy animals that suffer from very few health problems". However, like any livestock, on occasion "they can be subject to ill health and disease". Nationally, it is widely recognised that a regular daily programme of inspection is essential. It is also duly noted that alpaca births cannot be reliably predicted, as the gestation period for cria is variable, and that alpacas often disguise health or breeding problems. Having carefully assessed the applicant's justification and considered the expert agricultural advice provided by the Council's Agricultural Consultant, it is considered that there is not an essential need for someone to be living on site at Oak Tree Farm.

Officers recognise the risks associated to rural farm holdings, and note the highlighted break-in's and damage to property. As argued in response to defending the planning appeal relative to Mudmead Stables, the Council stressed that any rural business / site could be better protected from criminal intent by introducing a CCTV system, linked direct to the Police. Paragraph 6 of Annex A recognises that the protection of livestock from theft or injury by intruders may contribute to the need for an on-site agricultural dwelling, although it would not in itself, be sufficient to justify one. On the basis of the evidence submitted by the applicant and her agent, it is submitted that the applicant could reduce the risk of crime with introducing a CCTV system and making the site more secure. It should furthermore be duly acknowledged that unlike the case with Mudmead Stables, there are no public rights of way through the Oak Tree Farm holding, therefore the public interface with alpacas is very limited, and there should be little or no opportunities for dogs to interfere with the alpacas.

Members are advised that the need for regular presence on the site is currently met by the applicant. The fact that the applicant has a developing enterprise suggests that daylight hours would be spent on-site, with office based, farm management duties conducted at home. This is of course something which is very common on almost every farm in the country.

The Council must be mindful of the applicant's relative close proximity to the agricultural holding. A distance of less than 1 mile, or thereabouts is not considered excessive for a farmer/farm worker to travel to their holding(s) to check the welfare of their herd. Such a distance could be driven in a few minutes, and is considered even walkable. This key determination was accepted by the Planning Inspectorate in assessing the cited Mudmead Stables appeal in November 2009. At both the local and national level, farmers often travel further distances to fulfil their animal husbandry duties. The 1 mile distance from home to holding is not considered excessive.

This fact severely weakens the functional test and justification for a new dwelling to be erected in the open countryside. Significant doubt is cast that there is an "essential" need for a dwelling on the application site (as required by PPS7). By living only a maximum of a few minutes drive away, the applicant should be able to provide the necessary care and short notice attention and deal with any emergencies on site, and thus negate any need for new housing, at this location.

The proposed development therefore fails to accord with the criterion listed within Annex A of PPS7. In addition, where the Council is of a view that a proposal fails to satisfy PPS7, such a proposal would also fail to satisfy West Wiltshire District Plan Policy H19 (and paragraph 3.2.99), which states that "new residential development in the open countryside is to be resisted and restricted to that required for the essential needs of agriculture..."

It is also duly noted that the applicant's agent has made reference to previous successful applications and appeals that supported new housing for alpaca related enterprises. Whilst contemporaneous decisions can be material considerations, it should be equally acknowledged that there have been other alpaca related proposals which the Council and the Planning Inspectorate have refused and

dismissed. Notwithstanding any previous decision made by the Council, whether by Wiltshire Council or its previous District Council's, each and every application must be assessed on its own individual merits.

The proposed siting of the temporary structure would not compromise the integrity of the Esso Gas Pipeline, providing the developer/applicant conforms to the associated guidance produced by linewatch.

In responding to the alleged covenants that may exist preventing residential access being taken off National Trust land, this is a private matter and not one that the committee can take into account.

Impact on heritage assets / the open countryside

The proposed siting of the temporary mobile unit would not cause demonstrable harm to the special character of Great Chalfield Manor, a Grade I Listed Building. This is because it is well screened from it by existing vegetation and hedgrows, despite the fact that it is a larger building than most temporary dwellings (it measures 18.4 m x 6.8 m). However, the lack of an essential need means that the unit would be inappropriate development in the open countryside, contrary to the above cited Government Guidance and adopted District Plan policies.

Servicing and road safety interests

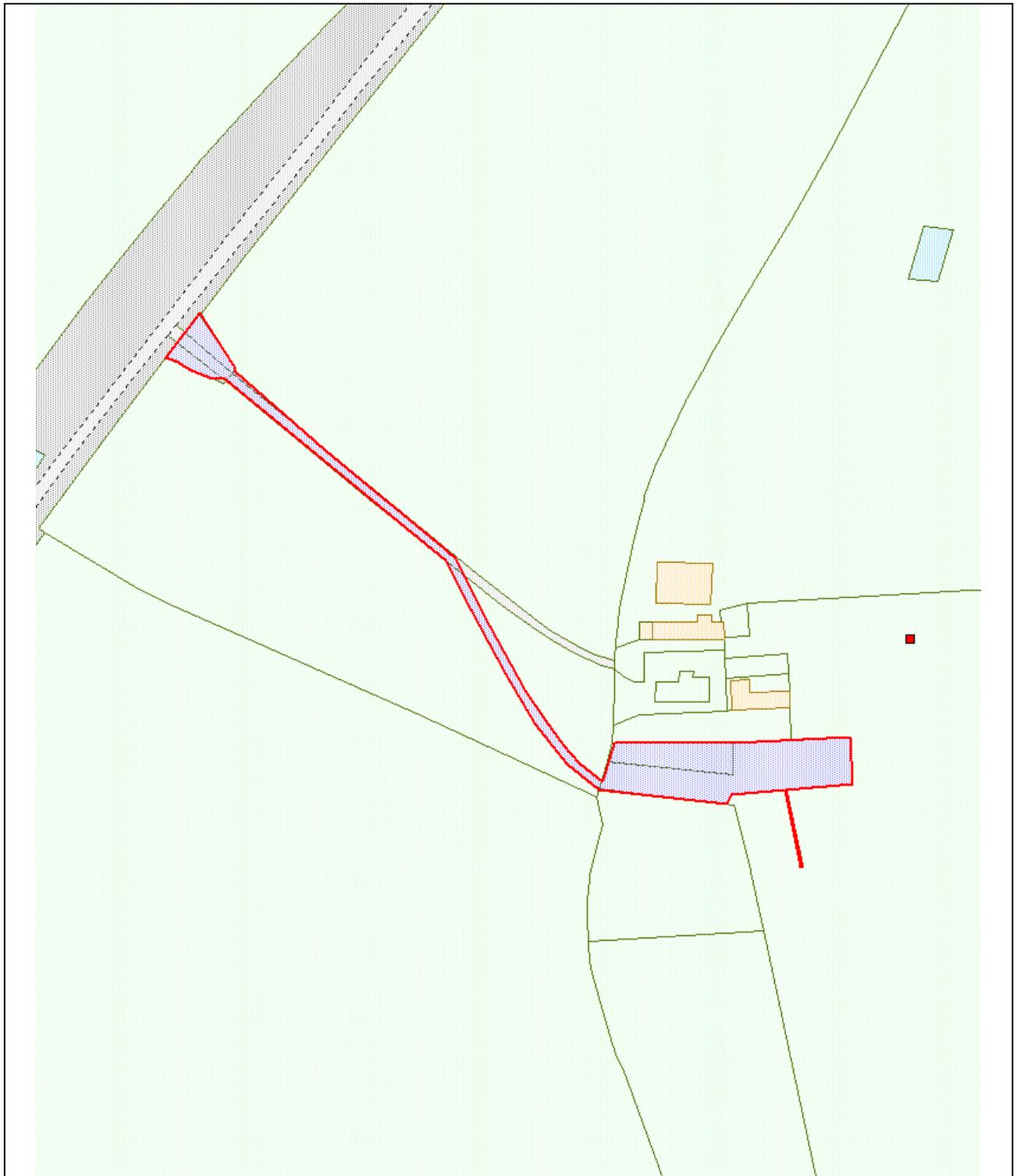
No objections are raised in terms of the site servicing and road safety interests.

Recommendation: Refusal

For the following reason(s):

- 1 The applicant has failed to satisfy the Council that there is an essential need for a temporary dwelling to be sited at this particular site. The application fails the functional test as set out in Annex A to PPS7. The applicant currently occupies a dwelling in the village of Broughton Gifford, a short drive, cycle or walk from the site. The existing dwelling provides the required level of accommodation necessary to fulfil the functional needs of the enterprise. On this basis, an additional dwelling on the site would run contrary to the advice contained within Annex A of PPS7 and to West Wiltshire District Plan Policies C1 and H19.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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