

Date of Meeting	08 April 2015
Application Number	14/11851/OUT
Site Address	Kingsdown Farm, Lords Hill, Longbridge Deverill, Warminster BA12 7DY
Proposal	Erection of an agricultural workers dwelling (Outline application with all matters reserved)
Applicant	Mr & Mrs Phillips
Town/Parish Council	SUTTON VENY
Ward	WARMINSTER WITHOUT
Grid Ref	389208 139116
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Fleur de Rhe-Philippe for consideration of the relationship to adjoining properties and inappropriate siting.

1. Purpose of Report

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

2. Report Summary

The key issues to be considered are whether or not the financial and functional tests to support an agricultural worker dwelling are met, and if so whether the development would have an acceptable impact on the character and landscape of the area of outstanding natural beauty (AONB).

Neighbourhood Responses: 9 replies were received, including 1 objection, 7 letters of support and 1 "no objection".

Sutton Veny Parish Council – Notes agricultural need but has concerns with locality (further discussed within section 7 below).

Longbridge Deverill Parish Council - objects to the location (also further discussed within section 7 below. Note: The site lies within Sutton Veny Parish Council boundaries, but Longbridge Deverill PC lies to the west in fairly close proximity).

3. Site Description

The application site is located within the nationally important landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The site is furthermore within a designated area of archaeological potential. The specific area on which it is proposed to erect the dwelling is in an elevated locality some 420m south of an existing dwelling with an agricultural occupancy condition, also under the ownership of the applicant. The site is in close proximity to a redundant reservoir and cluster of trees. The curtilage measures approximately 29.5m x 27m forming part of fenced land containing the wooded area.

The property is some 2.5km south east of Longbridge Deverill and to the east of the A350 from where access would be gained over by-ways/tracks in relatively poor condition.

4. Planning History

W/05/01858/FUL	Farmhouse and garage : Permission : 20 February 2006
W/09/01142/FUL	Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings : Refused : 16 July, 2009 and Appeal dismissed
W/10/02377/FUL	Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL) : Permission : 20 October 2010

5. The Proposal

The application is for outline planning permission with all matters reserved. Indicative details are for a dwelling with a 12m x 6.5m footprint plus a "T"- extension of 6m x 7m. Accommodation is also indicatively proposed to the roof-space. The indicative height of the building is approximately 6m above adjacent ground level.

6. Local Planning Policy

Wiltshire Core Strategy – the following policies are relevant:
Core Policy 1: Settlement Strategy; Core Policy 48: Supporting Rural Life; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 60: Sustainable Transport

The National Planning Policy Framework supports sustainable development.

7. Summary of consultation responses

Sutton Veny Parish Council

The Parish Council commented as follows:

"By a narrow majority of Councillors, the following comments are given:-

Whilst appreciating the requirement of the worker's dwelling it was felt that this is the wrong location, given that it would be widely visible in an AONB and it would change the local scene."

Longbridge Deverill Parish Council

(The site lies within Sutton Veny Parish Council boundaries, but Longbridge Deverill PC lies to the west in fairly close proximity)

Objected on the following grounds:

1. The development is on the most visible location on the farm land.
2. The development should be much closer to the farmhouse and its associated outbuildings.

Wiltshire Council Highway Officer

There are no highway objections on the basis that the proposal is justifiable on agricultural grounds. If not, refusal is recommended on the grounds that the proposed development is outside any defined housing policy boundary and is contrary to local and national sustainable transport policy guidance.

Wiltshire Council Archaeologist

Given the small scale of the development, it is not considered necessary for any pre-determination archaeological investigations to be undertaken. However an archaeological investigation is recommended as a condition of any planning approval, likely in the form of an evaluation trench across the footprint of the dwelling. Depending on the results of the evaluation it may be necessary for further mitigation to be carried out.

AONB Team

The AONB objects to the proposal.

The Officer notes that the proposed dwelling is some distance from the animal housing and questions the accuracy of the details in relation to the development that has taken place on the property. The dwelling would therefore be isolated contrary to policy. It appears that the existing screening of the scrub is somewhat over-estimated, particularly given that the study hasn't been done in winter when the leaves are off the trees. This suggests that the LVIA is under-estimating the impacts of the proposed development. A full application with all details rather than an outline proposal would have been preferable given the AONB setting, The officer questions the case for an additional farm-worker dwelling on the site to serve animal welfare, given the history and reasoning behind the existing dwelling.

Wiltshire Council Agricultural Advisor

The advisor notes that the applicants own the freehold of 299 hectares (739 acres) at Kingsdown Farm. In addition to the freehold land the applicants also occupy a further 167 ha (413 acres) of land. The farming practice is the production of beef cattle from a herd of suckler cows. At present some 388 breeding cows are kept, producing single suckled calves each year. The herd is calved year round; the cows are kept outdoors for as long as possible and then brought in for calving for six to eight weeks. The long calving period ensures that there is a continuity of supply of offspring for sale. Cattle are sold at market.

The land use is split between arable and forage production. Current cropping comprises 52 ha (128 acres) of winter oilseed rape, 105 ha (259 acres) of spring barley with 105 ha of stubble turnips preceding the spring barley; 53 ha (131 acres) of winter wheat; and 256 ha (633 acres) of permanent and temporary pasture. Contractors are used for forage harvesting and to drill, spray and combine the arable crops; all other cultivations and field operations are undertaken by farm labour. Harvested grain is part utilised in a mill and mix for the cattle

feed and part sold. The herd of suckler cows will be expanded to 470 head over the next 18 months through the retention of suitable heifers and through the selective purchase of additional breeding cows.

The applicants purchased Kingsdown Farm in 2000. There are two main buildings on the farm, one is used as a covered yard to accommodate store cattle with the second used part for calving and part as a grain store. The applicants also have an extant planning permission for two additional covered yards, a store for bulk fodder and a dung store.

Existing accommodation is the present dwelling at the farm, completed in 2009 and subject to an agricultural occupancy condition. The applicants occupy this dwelling. Both applicants work on the unit full time, together with two full time employees and part time assistance at peak periods. The proposed dwelling is for accommodation for a full time herd manager in addition to the existing staff.

The advisor's detailed assessment is discussed in Section 10 below.

Wiltshire Council Ecologist

The Officer noted that an Extended Phase 1 Habitat Survey was submitted with the application. The officer furthermore notes the content thereof. The Extended Phase 1 Habitat Survey report concludes that the habitats present on site are considered to be of low ecological value and the potential for protected species is negligible. However, precautionary methods for site clearance are recommended with regard to the low risk of finding nesting birds and reptiles. The report also refers to the retention and protection of all "mature trees on the site boundaries" and refers to BS5387:2012. It also recommends a sensitive landscape design that could provide enhancements for biodiversity in accordance with Chapter 11 of the National Planning Policy Framework.

The application site is within an isolated patch of scrub adjacent to a covered reservoir that is surrounded by an arable field. It is grazed with livestock (sheep present in photographs of the site in the Extended Phase 1 Habitat Survey report) and does not contain any notable plants or priority habitat. The main ecological issues are the likely presence of nesting birds and reptiles, and precautionary site clearance methods are recommended in section 6.1 of the Extended Phase 1 Habitat Survey report.

There is potential to create new habitat as part of the proposed development, particularly hedgerows associated with the proposed new driveway to the dwelling.

The Officer therefore recommends that development be carried out in accordance with Section 6.1 of the Extended phase 1 Habitat Survey report and that the landscaping scheme for the site incorporates the creation of new, native, species-rich hedgerows.

8. Publicity

Of the nine responses received there was one objection, on the grounds of the location on an elevated site, particularly considering the site history where the prominent farmyard was approved.

Supporting letters were on the grounds of the need for agricultural workers' dwellings, the nature of the farming activity on site, the locality (for health & safety reasons should not be in existing farmyard area) and the need to support the future development of the farm.

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 Requirement for agricultural justification for a dwelling in the open countryside

Core Policy 48 (Supporting rural life) of the WCS states that “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.*”

The Council's Agricultural Advisor notes that the application for the dwelling is associated with the existing suckler cow enterprise. In terms of National Policy, the NPPF in paragraph 55 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 manager would occupy the proposed dwelling as part of their conditions of employment. Under the NPPF (and CS Policy 48) it is therefore relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the enterprise.

The Advisor notes that the principal business at the holding is the production of store cattle from a herd of suckler cows. Suckler cows require close attention immediately before, during and after calving; in addition neonatal calves require close attention in the first few weeks of life. At present, including replacement heifers there are some 440 calvings at the farm buildings in any year. The advisor's view is therefore that the current quantity of calvings presents an essential need for an additional worker on the holding at most times, in order to provide a more even distribution of workload.

With regard to the financial assessment requirements of CP 48 (and whilst there is no express reference in the NPPF to a requirement for this for either an existing or proposed business which will operate in association with rural dwellings), such an assessment is critical to forming an opinion on the continuation of the “essential need”. In this case the essential need would only continue through the operation of the business. If the business

does not operate on a profitable and viable basis then it will fail and the authority would be left with a dwelling but no “essential need” for its presence.

The Advisor has considered the profit and loss accounts for the last three trading periods that were submitted in support of the application. The accounts show the business was profitable in the most recent trading period. The level of profit is sufficient, in the Advisor’s opinion, for the business to enable viability.

On general matters, the Advisor notes that the planning application is for outline permission only. However, the indicative Gross Internal Area (GIA) of the proposed dwelling of approximately 140m² is considered to be in line with the essential need as identified. Further, the proposed dwelling is shown located away from the farm buildings, along the access track to the farm; the location appears to be out of sight and sound of the buildings and therefore the accommodated livestock. The location has however been identified in order to minimise the visual impact of the proposed dwelling.

The advisor concludes that the existing business presents an essential need for an additional worker at the holding. The existing business is profitable and the level of profit enables viability.

In view of the evaluation by the Advisor it is considered that there is an agricultural justification for the new dwelling to serve the farming business.

9.2 AONB & Countryside setting

The site lies within the Cranborne Chase and West Wiltshire Downs AONB. The NPPF in Paragraph 115 states that “*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*” This is reinforced in Core Policy 51 (Landscape) which requires that “Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*
- ii. The locally distinctive character of settlements and their landscape settings*
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe*
- iv. Visually sensitive skylines, soils, geological and topographical features*
- v. Landscape features of cultural, historic and heritage value*
- vi. Important views and visual amenity*
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise,*

and motion;

viii. Landscape functions including places to live, work, relax and recreate, and

ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

The dwelling would be sited on what is a high point in the local topography and therefore has the potential to be visible in the wider surrounds and thus be contrary to requirements for the protection of the nationally important AONB landscape. It is characterised by a mixed wooded and scrubby area set around a redundant reservoir. The dwelling would be located within a cleared section at the south eastern corner of the wooded area.

The application has been supported by an extensive and detailed Landscape and Visual Impact Assessment.

The relevant images and plans used in the analysis will be displayed at Committee to demonstrate the conclusions, but the key considerations of the analysis to be read in conjunction with these are as follows:

Drawing No. 1007/PL15 analyses the potential visual impact of the site and indicates the viewpoints discussed below, assessments identifies the “Zone of Visual Influence” of the proposal. This is shown edged and shaded in yellow on the plan and is confined to a corridor of view from glimpses over and through the roadside hedge along the A350 when travelling south and views travelling south on the public byway from Haycombe Hill Farm.

The photographs on Drawing Nos. 1007/PL13 and PL14 show the views towards the Application Site at a time the vegetation is fully in leaf. Whilst noting that the images were taken in summer, the author considered that during winter this vegetation will be dense enough, especially along the southern and western boundaries of the reservoir site, to screen and filter views. There will however be the possibility of a fleeting glimpse from points on the busy A350 as shown.

The image of Drawing No. 1007/PL13 includes four viewpoints taken from and adjacent to the A350 from Rook Hill at the south, past the Application Site to the west, to the southern edge of Longbridge Deverill at the entrance to Field Barn Farm. There are no views of the Application Site from the south (Viewpoint 1) and southbound views from the A350, plus views over and through the roadside hedge at the lay-by on the road and farm gateway are very limited. Travelling south from Longbridge Deverill (Viewpoint 4), the vegetation around the reservoir is seen on the horizon, the potential visual impact is assessed as insignificant in the LVIA.

Other viewpoints from locally accessible areas are shown on Drawing No. 1007/PL14 contains a series of views from the public byway running approximately 800m north east of the Application Site on a low ridge looking back across a small open valley. From each of the representative viewpoints the Application/Reservoir Site is seen at the top of Parsonage Down on the horizon. To the immediate left of the vegetated reservoir site an existing spoil/silage mound can be seen.

The site of the proposed dwelling lies to the right of the mound against the backdrop of existing vegetation. The potential visual impact from Viewpoints 5 to 8 inclusive is considered to be minimal.

The LVIA concludes that *“From the foregoing Visibility Photographs the potential visual impact from views on the A350 varies from **Insignificant/Low** as the viewer approaches the site, a higher impact is not indicated as the majority of the road users will be in vehicles, perhaps the occasional cyclist, there is no pedestrian route and horse riders are rare on this busy road, and the duration of view will, in the majority of cases, be very short. These views will have less impact once the recently planted roadside hedge has become more established.”*

Over and above these considerations, there are no neighbouring dwellings (other than that of the applicant) in close proximity and views from any settled properties would be from some distance and of limited impact.

The site and surrounds were visited by the case officer in order to assess the LVIA statements. The A350 fleeting and limited views are confirmed and the views from the By-way 800m distant would indeed have the treed reservoir as a backdrop. It is considered furthermore that the analysis confirms that, notwithstanding the elevated location, the local topography is such that impact on the wider landscape would be limited.

A further consideration is however the fact that the existing farmhouse and agricultural buildings form a cluster of development to the north of the site. Consultees raise the question of why the new dwelling should not be located within this cluster. The case argued by the applicant is that of health and safety for children within the future household should the dwelling be located within what would be a busy farmyard complex. Some weight could be attached to this argument, but on its own it is not considered to carry sufficient weight to justify the relative separation of the proposed building and the existing complex. However, the existing cluster of buildings presently forms a highly visual grouping particularly when seen in approaches from the north along the A350. Seen in the context of the relatively limited views of the application site from the wider surrounds, it is considered that the siting is in fact preferable to a further addition to the massing of the existing cluster. The application site is within wholly reasonable proximity to the farmyard, linked by a well established (albeit fairly low standard) access road. The screening and backdrop offered by the vegetation and trees surrounding the old reservoir site further limit the likelihood of the dwelling being prominent in the landscape. For these reasons the siting is considered to be acceptable and not harmful to the AONB landscape.

9.3 Other Considerations

There are no highway objections unless the dwelling does not meet the requirements for an agricultural occupancy. The Agricultural advisor has confirmed that it does. The Ecologist has raised no objections subject to conditions.

11. Conclusion

Where it has been demonstrated that there is an agricultural justification for the dwelling and the location is acceptable within the AONB setting and there are no other planning reasons

militating against approval it is recommended that Planning Permission is granted subject to relevant conditions.

RECOMMENDATION

Grant permission subject to the following conditions:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4 The development shall be carried out in accordance with the following approved plans:

Drawing: Site Location Plan received on 12 December 2014; and

Drawing: Proposals Plan and Cross Sections received on 12 December 2014 (in respect of red-outline site plan)

Read together with any plans subsequently approved under and Application for the Approval of Reserved Matters.

REASON: In order to define the terms of this permission.

- 5 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 a new dwelling/residential accommodation in this location having been demonstrated.

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

REASON: The dwelling in this location is only permitted on the basis of the special agricultural justification presented and any dwelling must remain, in terms of the amount of accommodation provided, commensurate to the essential agricultural need. This will ensure that the amenity of the area and appearance of the AONB will be protected and enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in light of the on-going essential agricultural need at any given period.

- 7 The Gross Internal Area (GIA) of the proposed dwelling shall not exceed 140m² in extent and the maximum ridge height shall be 6m above adjacent ground level.

REASON: In order to reflect the special justification and essential need demonstrated; and to define the terms of this permission.

- 8 No development shall commence on site until details of the existing and proposed site levels, including no raising of ground levels and details of the proposed ground floor slab levels, have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of visual amenity.

- 9 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

- 10 The landscaping details provided in accordance with Condition 2 shall include details of habitat creation to enhance the biodiversity value of the site to include native, species-rich hedgerow creation with locally characteristic species.

REASON: To provide biodiversity enhancements in accordance with paragraph 118 of the National Planning Policy.

- 11 The development hereby approved shall be carried out in accordance with the recommendations made in section 6.1 of the Extended Phase 1 Habitat Survey report dated November 2014 prepared by Sedgheill Ecology Ltd, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats.

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

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

- 13 No development shall commence within the area indicated (proposed development site) until:

- 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

- 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.

- 14 Informatives:

The Archaeological investigation work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.