

Report To The South Area Planning Committee

Report No.

Date of Meeting	30 April 2014
Application Number	15/01047/OUT
Site Address	Farmer Giles Farmstead, Teffont, Salisbury, Wiltshire, SP3 5QY
Proposal	Demolition of some existing buildings and cessation of business. Erection of a dwelling all matters reserved save for access, scale and siting.
Applicant	Mrs M Corrie
Town/Parish Council	Teffont
Ward	Nadder and East Knoyle
Grid Ref	398481 132831
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The applicant is related to Cllr Tony Deane. The application has generated objections, so requiring determination by the Southern Area Planning Committee.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that the application should be **APPROVED subject to conditions**.

2. Report Summary

The application seeks permission to cease the existing Farmer Giles Farmstead visitor attraction business, demolish buildings a car park and other paraphernalia associated with that business, and erect a single detached dwellinghouse.

The application has received support from Teffont Parish Council and two third parties, objections from eight third party, and comments from the Cranbourne Chase AONB group.

The application follows an application made in July 2014 for the same proposal, which was refused by the Southern Area Planning Committee in October 2014. The current application differs in that it is accompanied by an updated 'Design and Access Statement' and a 'Landscape and Visual Report'.

3. Site Description

The application site lies in open countryside, away from the 'Small Village' of Teffont and outside the Teffont Conservation Area. The site, Teffont and the surroundings lie within the Cranbourne Chase Area of Outstanding Natural Beauty.

The site itself mainly supports the Farmer Giles Farmstead visitor attraction. This comprises a number of contemporary agricultural buildings (used to display agricultural artifacts and to provide a cafe, souvenir shop and other facilities), incidental paraphernalia including a play area, a large visitors' car park, and small paddocks/enclosures for farm animals. In addition there are three holiday log cabins, a stored (not occupied) mobile home, stabling for the applicant's horses, and a horse exercise arena. The Farmer Giles Farmstead visitor

attraction is presently closed but the use as such has not been 'abandoned' for planning purposes.

The site gently rises from east to west (away from the public highway and site access). It also rises from approximately its centre line to the north and to the south. The existing buildings 'sit' in the central hollow created by these changing levels.

The site supports various trees, tree lines and tree groups. Most notable are a central group at the back of the existing car park which largely screen views to the land beyond, and a planted line of tall trees running just inside the northern edge of the site.

Beyond the site to its south-east side is a large farmyard in separate ownership supporting mainly contemporary farm buildings. On all sides of the site (and also beyond this adjoining farmyard) is open countryside. Teffont village lies to the south, some 250m away.

An extract from the local plan map showing the various designations follows:



4. Planning History

The Farmer Giles Farmstead has been the subject of many applications over the years. Notable applications include the following:

S/1987/0586 – “Erect agricultural building partly to incorporate viewing area for public to see working farm, to form car parking and improve vehicular access” - approved 01/07/87 - (this appears to be the earliest approval relating to the use of the site as a visitor attraction)

S/1988/1497 – “Use of land as picnic/recreation area, provision of tea room, construction of toilet block, extension of building to form entrance lobby” – approved 12/10/88

S/1989/0819 – “Change of use of part of building used in connection with Farmer Giles farmstead for the sale of tickets and as a shop” – approved 08/08/89

S/1989/0820 – “Make alterations to and change use of building approved under planning permission s/88/0134/tp for the display of agricultural machinery in connection with Farmer Giles” – approved 09/08/89

S/1989/0821 – “Extend area of tea room approved under planning permission - S/1988/1497” – approved 09/08/89

.....

S/1999/1927 – “Change of use to horse training area with erection of loose boxes” - approved 10/02/2000

S/2003/0727 – “Erect 3 holiday lodges” – approved 28/10/03

14/06726/OUT – “Demolition of some existing buildings and cessation of business. Erection of a dwelling all matters reserved save for access, scale and siting” – refused 16/10/14. Reason for refusal follows:

- 1. The application site lies in open countryside and an Area of Outstanding Natural Beauty. Within the countryside there is effectively a presumption against new residential development except in limited circumstances not relevant to this case. This presumption is in the interests of sustainability and amenity. It follows that as a matter of principle the proposal comprises unacceptable development.*

In terms of harm, the proposal would introduce a house and its curtilage with inevitable domestic paraphernalia, and these would be visually intrusive and alien in such an isolated and rural location, distant from other residential properties or any settlement. By reason of their visibility and alien appearance, the house and its curtilage would detract from the wider appearance of the landscape, neither conserving nor enhancing its status as an Area of Outstanding Natural Beauty. There are no exceptional circumstances which would outweigh the harm to the countryside and landscape.

The proposal is, therefore, contrary to the principles of the settlement strategy set out in Policy CP1 of the South Wiltshire Core Strategy (and Policies CP1 and CP2 of the emerging Wiltshire Core Strategy) and 'Saved' Policies C2 and C4 of the Salisbury District Local Plan, and the guidance in the National Planning Policy Framework - paragraphs 109 and 115.

- 2. The development would be contrary to saved Policy R2 of the Salisbury District Local Plan, as provision for public open space has not been made.*

5. The Proposal

The proposal is to cease the farm attraction use and remove the majority of buildings, car parking areas and other paraphernalia associated with that use, and erect a single two-storey house with attached garage wing. The application is in outline form with all matters reserved except access and scale.

Buildings to be removed comprise the reception/ticket office and the main farmstead exhibit building (which also contains the souvenir shop, cafe and toilets). The car park and stored mobile home would also be removed. All land under the removed buildings and car park would be restored to pasture, although with a driveway retained to serve the proposed dwelling.

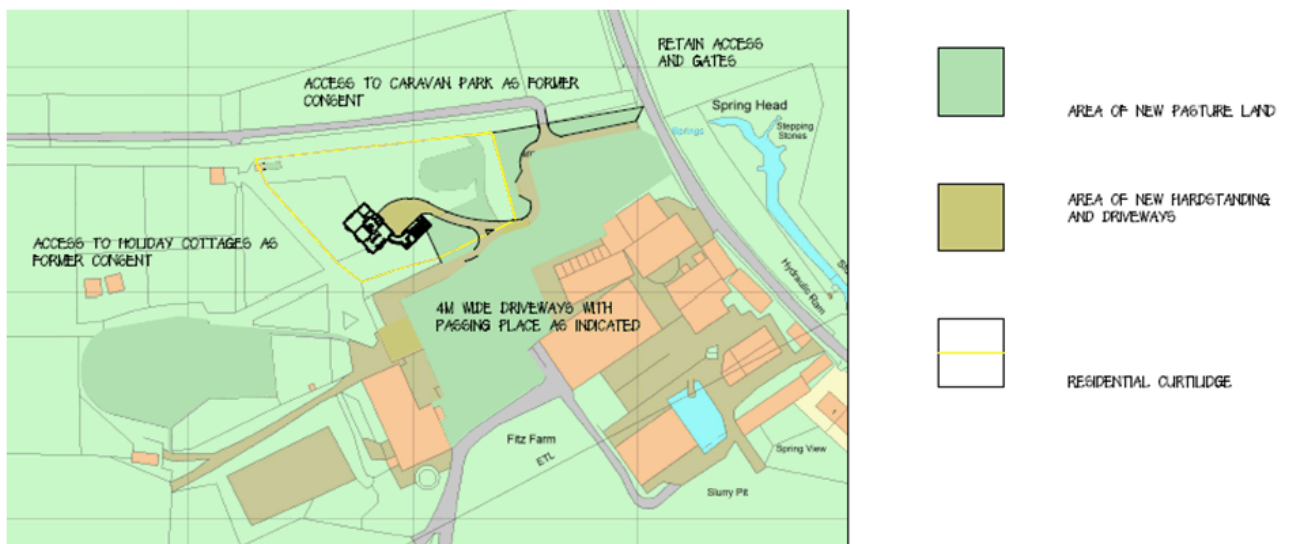


Plan showing buildings to be demolished

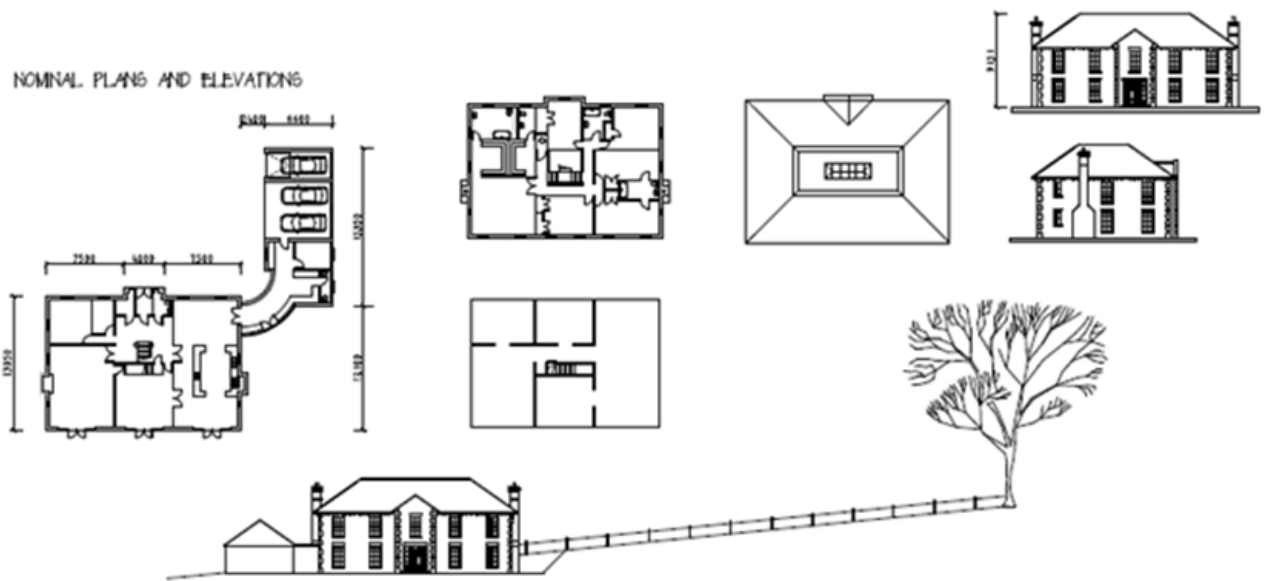
The proposed dwelling would be sited on presently open land to the north of the existing main exhibit building. Although an outline application, the scale parameters of the building are for consideration now. The drawings indicate a two storey house of some 600 sq m (including garaging), with ridge height of 9.2m. Siting is indicated to be approximately 100m from the public highway, beyond the central tree group which is indicated to be retained. In view of the change in levels across the site, the dwelling would be cut into the ground.

A driveway would be created to serve the dwelling. It would utilise the existing access to the visitor attraction. Width would be approximately 4m for the majority of its length.

One visitor attraction building would be retained to accommodate the applicant's horses.



Site Plan – Proposed



Indicative plans/elevations of proposed house

6. Relevant Planning Policy

Wiltshire Core Strategy:

CP1 – Settlement strategy

CP2 – Delivery Strategy

CP3 – Infrastructure requirements

CP48 – Supporting rural life

CP51 – Landscape

CP57 – Ensuring high quality design and place shaping

Salisbury District Local Plan ('saved' policies):

none

Other considerations:

Teffont Village Design Statement

Cranbourne Chase AONB Management Plan

7. Consultations

Teffont PC

Support subject to conditions.

Suggested special conditions based on local knowledge -

- Teffont PC is uneasy that this is presented as an outline application. In supporting it the PC wishes to make it clear that such support does not imply future support of any full application, and that the PC expects in due course to consider any such application.
- The PC recognises this site as a key location on a main entrance to the village from the A303. The PC's prime concern is to limit the visual impact upon entry to the village.

- The PC is concerned at the degree of excavation that may potentially be necessary to reduce the visual impact, including potential impact on water tables and run-off.
- The PC's previous support was on the basis of the offered cessation of Farmer Giles Farmstead as an open farm. The PC's current support is subject to such a closure and the removal of redundant buildings as stated in the application.
- Teffont PC's support is on the basis that, if permitted, there shall be no further residential or commercial infill development.

Wiltshire Council Highways

Recommendation is similar to that for the earlier 14/06726/OUT application.

On the basis that the traffic generated by the proposed new dwelling would be likely to be significantly less than that generated by the current use of the site, no highway safety objection in principle. Also no highway objections to the use of the existing site access as proposed.

On the basis that the Farmer Giles Farmstead would cease, the current car park and certain buildings would be removed from the site and the new dwelling would not create a precedent for further dwellings, no highway objection to the proposed development on transport sustainability grounds.

Farmer Giles Farmstead is advertised by brown and white tourism signs. In the event of this attraction ceasing, the cost of removing these will be sought from the owner.

Wiltshire Council Public Protection

No objection in principle. There is a good separation between the proposed site for the dwelling and the adjacent farmyard.

There is potential for disturbance from the adjacent campsite. This department has experience of investigating noise problems where residential properties that are not associated with a nearby campsite are impacted by noise from campers. It is reasonably foreseeable that should the house and campsite be owned by different people in the future then residents of the property may be disturbed by noise from the use of the campsite. It is therefore recommended that the occupation of the proposed residential property is tied to the use of the campsite through a condition.

Wiltshire Council Ecologist

The application is supported by an Extended Phase 1 Habitat Survey and Daytime Bat and Nesting Bird Survey (Sedgehill Ecology, July 2014). Appendix VIII contains the results of the inspection for bats and birds carried out in June 2014. The conclusions of the survey note that the buildings due to be demolished do not currently contain bats and from the description and photographs submitted it appears that the risk of bats occurring in the future is low. The development lies 1.6km from the Chilmark Quarries SAC which is notified for hibernating bats. Therefore although the site is unlikely to provide roosting potential for these bats, it is within the foraging range of greater horseshoe, lesser horseshoe and possibly Bechsteins bats. Tree planting such as the line of beech trees along the northern boundary and around the car park could provide foraging habitat for these species and should therefore be retained as part of future plans for the site. 6

Two pairs of sparrows were found nesting in one of the buildings. New provision for nesting birds is proposed by way of bird boxes. The only other protected species which the consultant considered could be present on site, are reptiles and recommendations are provided to discourage these from occupying areas due for construction in advance of works taking place.

The description of the two ponds (one of which is reported to be filled) demonstrates that these hold little potential for great crested newts.

The intentions of the applicant / recommendations of the report regarding enhancement are noted: namely the provision of bats boxes, a wildlife pond and sowing of a chalk grassland wildflower mix immediately to the south of the line of beech trees. These measures for enhancement are welcomed but the range of calcareous wildflowers that succeed in the shade of the beech trees may be limited and it is suggested therefore that a less shaded position is found if possible.

A condition and informative are recommended in line with the Council's policies for retention of existing wildlife habitat / enhancement in accordance with core policy CP50 in the core strategy as well as paragraph 109 and 118 of the NPPF.

Wiltshire Council Spatial Planning

Objection - The proposal would result in the development of an isolated dwelling in the undeveloped countryside, which is not in accordance with national and local policy. It is not felt that adequate justification to deviate from this policy position has been provided.

Wessex Water

No objection, subject to other necessary consents in place.

Wiltshire Fire & Rescue Service

Recommends measures to improve safety and reduce property loss.

8. Publicity

The application was publicised by way of a site notice and letters to near neighbouring residential properties. Two third party representations of support have been received and eight third party representations of objection. Comments have also been made by the Cranbourne Chase AONB group.

The support is summarised as follows:

- The underlying basis of the application – to 'trade' the visitor attraction and some associated buildings for a small equestrian/farmstead with dwelling – is sound and in the interests of the village. Retention of the stable building and holiday lodges is not inappropriate and compliments the overall use of the site;
- The proposal would result in a visual improvement at the entrance to the village and within the AONB, subject to appropriate controls to ensure removal of existing buildings and hardstandings. The two existing farmsteads are mostly a blot on the landscape and intrusions in the AONB. These material considerations make the proposal acceptable;

- An on-site dwelling would add security to the site and all remaining buildings/uses. The site has a history of thefts, trespass, etc.;
- A well-designed dwelling would cause no demonstrable harm to the environment, particularly if built in accordance with 'green' principles;
- Retention of the lodges will allow visitors to continue to enjoy the area;
- NPPF allows very occasionally isolated new houses of exceptional quality and innovation;
- There are brownfield sites that could be less tastefully developed under other planning policies and guidance.

The objections are summarised as follows:

- Previous application refused – nothing changed to allow different decision now;
- Contrary to Core Strategy. New housing not allowed in countryside except in exceptional circumstances;
- Contrary to NPPF – “.... Great weight should be given to conserving landscape and scenic beauty in ... AONB's ...”;
- No benefit to Teffont;
- A house would detract from AONB, and have much greater impact than existing buildings / car park to be removed. Car park is not intrusive in any event. L&V Report does not demonstrate acceptable impact;
- House is too big. House is on open land – not on footprint of existing building. House is not a conversion;
- Because outline, insufficient detail to properly assess quality of design. Not necessarily an objection to modest house on site of existing buildings.
- Unanswered questions in respect of holiday lodges and camp/caravan sites – which are required by condition on their planning permission to be removed if FGF business ceases;
- Visitor numbers, and resulting impact of traffic, etc., on Teffont exaggerated. Farm Giles Farmstead appears to be uneconomic as a visitor attraction and an alternative use for the site is needed;
- Potential adverse impact from construction on springs;
- Not in accordance with Teffont VDS;
- No other precedents in area – this will set precedent.

The Cranbourne Chase AONB group states the following:

The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area which straddles three County, one Unitary and five District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital. The AONB Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' Objectives and Policies for this nationally important area. The national Planning Practice Guidance [Natural Environment paragraph 004] confirms that the AONB and its Management Plan are material considerations in planning.

The National Planning Policy Framework states (paragraph 109) that the planning system should contribute to and enhance the natural and local environment by protecting

and enhancing valued landscapes which include AONBs. Furthermore it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 14 footnote 9, due to other policies relating to AONBs elsewhere within the Framework. It also states (paragraph 115) that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas.

The site is in the West Wiltshire Downs landscape character area.

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I note that there are at least three specialist consultants involved in this application. Red line area and architectural matters being dealt with by Nigel Lilley, the Planning Design and Access Statement being handled by Allen Planning Ltd, and a Landscape and Visual Report being provided by WH Landscape Consultancy Ltd.

The proposal is for the removal of some buildings to the south of the existing car park, which would itself be removed, and the building of a house. The proposed development would involve cutting a trackway in a north-westerly direction to reach a site north of the retained barn (which accommodates stables for a number of horses) where the proposed new development would be the construction of a significant house and triple garage on an area that is currently grass paddocks.

The red line area includes the car park, a significant part of the area to the west of it, as well as the existing farm type buildings on the site. However, the plan with the red line from the architect shows two ponds further to the west. The smaller one no longer exists. The larger pond is outside of the application area but, nevertheless, is shown on the drawing that is entitled 'Finished areas for residential use and farm / equestrian use' as having been filled in. It appears, therefore, that a significant engineering exercise is being proposed that is outside of the red line application area.

The Planning, Design and Access Statement dated February 2015 appears to be based on the premise that the site is within the category of previously developed land. However, the definition of previously developed land in the Glossary to the NPPF is quite clear that the definition excludes 'land that is or has been occupied by agricultural or forestry buildings'. It would appear, therefore, that the basis on which this Planning, Design and Access Statement is predicated is ill-founded.

Furthermore the focus on planning policy (Section 4) misinterprets the application of paragraph 14 of the NPPF as I have set out above. Moreover, the document fails to refer to paragraph 116 of NPPF which relates to major developments in designated areas such as AONBs. The red line area is clearly sufficiently large to fall within the definition of major development in relation to the way the application is handled. Whether, when it comes to the actual decision making process, it is felt to be sufficiently large to be a major development, is a matter for the decision maker. Nevertheless, the proposals relate to a significant area of land involving changes of use, removal of significant buildings that are not at the end of their functional life, and the removal of a substantial area of surfaced car parking. There also appears, as I have already pointed out, to be a pond filling exercise which covers an area very nearly as large as the car park. A crucial feature of paragraph 116 of the NPPF is the need to

demonstrate exceptional circumstances, which does not appear to have been done.

The Planning, Design and Access Statement helpfully indicates key policies in the Wiltshire Core Strategy 2015. However, particularly in light of the decision recently at Chilmark, the proposed development at Farmer Giles, on the edge of the settlement, does not appear to be 'infill'. Although paragraph 4.17 of the supporting statement relates to Core Policy 51, which requires proposals for development within or affecting Areas of Outstanding Natural Beauty to demonstrate that they have taken account of the Objectives, Policies and Actions set out in the AONB Management Plan, neither the Statement, nor any of the other submitted application material, demonstrate how the Management Plan has been taken into account. The proposal is, therefore, also lacking in respect of policy CP51.

The Planning, Design and Access Statement fails to acknowledge that the existing buildings have weathered over the years and formed part of the larger group of buildings that appear as one with the farm buildings on the neighbouring site. The practicality of being able to return the car park and the concrete bases of the farm building to pasture as a realistic and affordable proposal does have to be questioned. Furthermore, the existence of the three tourist lodges is given scant attention within the application. It would appear that they would be features in the view from the proposed site of the proposed house.

Paragraph 6.4 continues to assert that the site is 'brownfield' whereas Farmer Giles has clearly been a farm diversification exercise based on agricultural activities. Furthermore, the fact that this additional activity has not really been operating for the last two years, but agricultural and equine activities have continued, suggests that this is still fundamentally an agricultural holding.

I also note that the paragraph quoted from the Planning Authority's letter of 16 May 2014 in paragraph 6.8 of the Planning, Design and Access Statement referring to changes likely to enhance the countryside and its status as AONB were not based on any input from the AONB team, and before the planning office had received any advice on the landscape or visual impacts of the proposals.

Paragraph 6.11, again, asserts that the site is previously developed land despite national and local policy. Paragraph 6.13 states 'where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting'. This is misleading as the proposal is not for the re-use of buildings but for the demolition of buildings that clearly still have quite a significant useful life.

The extracts from the Landscape Report that are included in the Planning, Design and Access Statement are, out of necessity, brief and edited. They do, therefore, tend to emphasise the assertions that are then put forward without any significant, substantive reasoning or evidence behind them. Furthermore, without details of the way the access route would be cut into the hillside, the house itself set into the sloping ground, together with details of the height of the proposed building, it is not feasible to make a realistic assessment as to whether or not such a building could be accommodated within the existing topography of what is quite a complex site. It would, therefore, not be reasonable to leave the primary consideration of the development proposal, namely the installation of a significant house and triple garage, to be addressed at the reserved matters stage.

The AONB has to **advise** you that the continued assertion that the development site is previously developed land in paragraph 7.1, is not founded in national or local policy and the actual proposed location for the house is clearly, currently, a greenfield in any sense of that terminology.

The removal of buildings that have weathered into the local scene is a matter that I shall return to later but in the **considered opinion** of the AONB little would be gained and there could be a considerable loss by the removal of the main agricultural style building on the site. Furthermore, the assertion that the car park area is 'visually prominent' in paragraph 7.5 is not supported by evidence. The reference to ecological enhancement is also unsupported and, therefore, I would **suggest**, irrelevant.

As I am confident you will be aware, the AONB Management Plan is supportive of affordable housing within the AONB where this provision does not conflict with Conservation Area or Listed Building issues (Policy VRC4). Market housing should be provided in line with national and local policies and it is acknowledged that exceptions can be made in the interests of the welfare of livestock.

When I met Councillor Deane and Mrs Corrie on site it was explained to me there had been concern expressed from the planning office about the visibility of buildings on the site. I did, therefore, take the opportunity at the time of year when screening by vegetation is at a minimum to evaluate the visibility of the existing site from the primary area where it can be perceived by the public, namely the road from the A303 into the village.

I **concluded** that the only place whence the car park is visible is from the entrance to that car park. The belt of evergreen trees on the northern side of the car park provides significant, all season screening.

I also noted that along the northern boundary of the overall, blue line, area there is a substantial belt of mature Beech trees. On inspection I found that on the northern side of that there has been additional planting of Beech trees, and that these are now approaching a third of the height of the main line of trees. Clearly during the summer these would provide a significant visual barrier. However, during winter there is a thinning of the screening effect in an area from approximately ground level up to about 4 metres. That could be mitigated by an evergreen planting scheme. The current tree screen still has some effect and whilst it was not possible to see specific buildings and structures on the site there was, at late morning, some reflection I shine from some roofs within the site (e.g. from the tourist lodges). The substantial agricultural buildings were not visible.

Driving down the road towards the village I did note that there was a barn roof that was not screened by the evergreen trees beside the car park and this was fairly constantly within the view. When I arrived at the entrance to Farmer Giles it became clear that the visible roof is not on the Farmer Giles site. It is on the land adjacent to it, and is a roof that is within the property of the neighbouring group of farm buildings on the southern side of Farmer Giles. It does, therefore, appear that the removal of an existing agricultural building on the Farmer Giles site that still has useful life would not provide any measurable benefit to the AONB. As I have mentioned in my previous letter (19th August 2014) the loss of Farmer Giles visitor activities could be seen as a loss to the rural economy of the AONB.

*In the light of my site visit and assessment of one of the key issues relating to landscape matters, I now turn to the submitted Landscape and Visual report. It is noticeable that the report was provided after the development scheme had been decided upon and therefore it does not follow best practice of informing the applicant and other advisors of the site opportunities and the potential options for achieving a development that could integrate with the landscape. I note that it was carried out prior to the adoption of the Wiltshire Core Strategy and therefore the policy references within it have been **superseded**. I understand that the report was not commissioned as a detailed Landscape and Visual Impact Appraisal and therefore elements that I would, as a professional landscape architect, have anticipated do not appear. I note, for example, that reference is made to a number of landscape character assessments, but these are simply 'cut and paste' extracts without any analysis or synthesis to establish the landscape context for the proposal. Similarly, reference has not been made to the AONB's Landscape Sensitivity Study 2007.*

Possibly because the work was undertaken after the scheme had been prepared, the framework of the report does not cover 'avoidance of impacts' in addition to 'mitigation' after impacts have been avoided. Furthermore, the report says very little about the scale, form and impacts of the proposed development, and mixes baseline description work with assertions about whether or not the development would have landscape or visual impacts. Paragraph 3.7.9, for example, is an assertion that does not give reasons and is based on characteristics of a development that have not been clearly described.

*Possibly because the Wiltshire Core Strategy had not been adopted the advice in connection with Policy 51 is **out of date** and inappropriate. Nevertheless that could have been picked up from the Core Strategy Examination track changes version of the Core Strategy that the Inspector was making his decision upon.*

Unfortunately the viewpoint findings are based on a 50 mm focal length lens to a traditional SLR camera despite the well publicized work of the University of Stirling indicating that a 75–80 mm lens more realistically represents the view as perceived by the human eye. Furthermore, the viewpoints seem to be from specific, rather than representative, positions and, therefore, structures in the foreground of photographs can have an inappropriate influence on the character of the scene in contrast to the scene when viewed in real life on site. Viewpoint 4 appears to have the 'site of proposed house' positioned significantly nearer to the east than would be the actual case and so could be misleading.

The Landscape Report in Section 5 moves to mitigation and enhancements but does not indicate how the substantial concrete platform for the existing farm buildings and the compacted hard surface for the car park could be restored to the pasture and paddocks indicated on the architect's plans. The proposals may, therefore, not be achievable.

*From my detailed appraisal of the submitted documentation and site visit I **conclude** that if a case is to be made for a house on this property, then a detailed application is needed so that all relevant issues can be evaluated in relation to this edge of village situation within the sensitive landscape of the Area of Outstanding Natural Beauty.*

I understand from my site visit that currently there is livestock on site and that would be highly likely to continue. I also noted that there are other locations on site where a

property could be located with less ground works and less cutting into the topography of the landscape. Regardless of any observations on the scale and form of the proposed house and garages, the current proposal appears to involve substantial earthworks and cutting into the landscape that do not enhance the amenities of the site or provide for more effective oversight of the holding and its animals.

The AONB does, therefore, most strongly recommend that if the applicant wishes to proceed a full detailed application should be made. In the light of my site visit I would also strongly advise that the fundamentals of the proposal are reappraised, not just in relation to landscape issues, but also the objectives and policies of the adopted AONB Management Plan.

9. Planning Considerations

Principle

The first issue relevant to the consideration of this application is the principle of what is proposed.

Planning law requires local planning authorities to determine applications in accordance with the development plan, unless material considerations indicate otherwise. If the development plan contains material policies and there are no other material considerations then planning applications are required to be determined in accordance with the development plan. Where there are other material considerations, the development plan will be the starting point, and other material considerations should be taken into account in reaching the decision. Such considerations will include whether the plan policies are relevant and up to date.

Case law relating to material considerations states that *“in principle ... any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances”*, (Stringer v MHLG 1971). Material considerations must be genuine planning considerations - that is, they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the planning application(s) concerned, (R v Westminster CC ex-parte Monahan 1989).

Core Policy 1 of the Wiltshire Core Strategy sets out the ‘Settlement Strategy’ for the county, and identifies four tiers of settlement – Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Within the Settlement Strategy Teffont is identified as being a Small Village. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development, and there is a general presumption against development outside of these. That said, some very modest development may be appropriate at Small Villages to respond to local needs and to contribute to the vitality of rural communities.

Core Policy 2 of the Wiltshire Core Strategy sets out the ‘Delivery Strategy’. It identifies the scale of growth appropriate within each settlement tier. The policy states that at the Small Villages such as Teffont development will be limited to infill within the existing built area where this seeks to meet housing needs of the settlement or provide employment, services and facilities and provided that the development:

1. respects the existing character and form of the settlement;

2. does not elongate the village or impose development in sensitive landscape areas; and
3. does not consolidate an existing sporadic loose knit areas of development related to the settlement.

Infill is defined in the Core Strategy as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.

Core Policy 48 ('Supporting Rural Life') of the Wiltshire Core Strategy more specifically relates to rural areas. It 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 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, subject to appropriate evidence.

In this case the application site lies within the countryside, outside of Teffont. In essence a principal component of the proposal is to erect a house on the site which is neither essential to support a rural enterprise nor to provide affordable housing under the limited circumstances allowed by Policy CP48. It follows that the proposal is not in accordance with the settlement and delivery strategies of the Core Strategy, and does not comply with any of the 'rural life' exceptions set out in CP48, and so as a matter of principle conflicts with the Core Strategy.

That said, it is considered that in this case there are 'material considerations' which do, exceptionally, 'tip the balance' away from the usual presumption against otherwise unacceptable development in the countryside. These material considerations are the visible improvements to the site and surrounding AONB resulting from the cessation of the existing use and the removal of the related operational development from the site; and the benefits to certain principles of sustainable development and the general tranquillity of Teffont, again, arising from the permanent cessation of the existing use and the removal of its associated traffic (albeit limited traffic at this time in view of the present 'mothballed' status of the farm attraction). It is considered that the weight to be attached to these considerations as material considerations is sufficiently high to override the policy position. This is explained in greater detail in the following sections of the report.

AONB

The Countryside and Rights of Way Act 2000 states that "*a local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area*"; and "*in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*".

Core Policy 51 of the Wiltshire Core Strategy states 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*". The policy further states that "*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”.

More specifically CP51 states that “.... proposals will need to demonstrate that aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures”. Relevant ‘aspects’ required to be conserved or enhanced include –

- *The locally distinctive character of settlements and their landscape settings; and*
- *The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.*

The NPPF 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*”. In respect of ‘brownfield’ land the NPPF further states that “*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value*”.

This application differs from the previous refused application in that it is accompanied by a Landscape and Visual Report. This provides an assessment of the landscape and visual impacts resulting from the proposal. It is informed by a number of reports including the Wiltshire Landscape Character Assessment (2005), the Salisbury District Landscape Character Assessment (2008), and the Cranbourne Chase and West Wiltshire Downs AONB Integrated Landscape Character Assessment (2003). It identifies the effects of the development, the magnitude of those effects and their nature and significance, and possible mitigation measures.

The report is highly detailed. It summarises the outcomes of its assessment as follows:

“The purpose of this report is to provide an assessment of the application on the landscape and visual aspects of the surrounding countryside. It has been made apparent through a desk study and site visit that the proposed dwelling will have limited detrimental and landscape and visual impacts and is well contained by existing buildings and the landform and tree cover. The following observations have been made which counter Reason for Refusal No. 1:

1. *The dwelling is located on the developed edge of the village of Teffont Magna, and within 1km of the village of Chilmark. The dwelling will also be within close proximity to two other dwellings within the curtilage of the farmstead. These factors mean that although the dwelling will be sited in a rural location, it is not seen to be an isolated feature remote from existing development.*
2. *The location of the dwelling on the lower part of the slope within the site ensures that the dwelling will neither break the skyline nor be seen out of context of the existing buildings in the Farmer Giles Farmstead. The existing boundary vegetation also filters the majority of the public views into the site.*
3. *The landscape will be enhanced from its existing state by the removal of redundant farm buildings and a car park to make way for the regeneration of pastoral land. This additional pastoral land more than compensates for the footprint of the house and driveway. Additional trees and hedgerows will also be planted on the*

development site's boundaries, thus contributing to habitat creation and wildlife corridors to the wider countryside."

The report concludes as follows:

"The proposed dwelling will have a limited impact on both the landscape and visual amenity in the AONB setting, with the scope for enhancing a redundant piece of farmland on the northern edge of the Farmer Giles Farmstead. The new dwelling and associated landscape enhancements will have a positive impact on the landscape and setting of the farm as a result of the removal of the redundant barns and car park, and the restoration of the land to pasture."

These results and conclusions are accepted. The proposal is to cease the existing visitor attraction use and remove operational development associated with it. This includes demolition of two large contemporary buildings and removal of a car park and other related paraphernalia, and then the restoration of the land to pasture. In purely visual terms it is considered that restoration of the site in this manner would result in an enhancement in its appearance and the appearance of the wider landscape, and so fulfil the local planning authority's AONB 'duties' as referred to above.

The 'trade off' is the proposal to erect the dwelling on the site. Exceptionally this is considered acceptable in view of the overall improvements to the appearance of the site resulting from the restoration of the other parts to pasture, this leading to net enhancement of the AONB. This is the first material consideration which tips the balance in favour of the proposal.

The dwelling would be sited at least in part on a more open part of the site (presently partly occupied by a children's play area, which would be removed). However, siting it here would not be harmful to the general openness of the countryside, the location being largely screened by the lie of the land and/or established tree and hedgerow planting, and close to the existing buildings in any event. Although indicated to be a large house, the 'footprint' would be significantly smaller than that of the buildings and car park area to be removed. Any views of the dwelling from highways or other public vantage points would be distant and glimpsed only, and would not be inappropriate if towards a suitably designed house. As this is an outline application the design shown in the application particulars is illustrative only. It is not considered critical to the determination of this application to have the detailed design of the house presented now; nor is it considered critical to have a full landscape and visual impact assessment given the context of the site and the adequacy of the Landscape and Visual Report now accompanying the application.

Regarding the social and economic considerations, removal of the visitor attractive would inevitably result in the loss of a rural enterprise and related potential job opportunities. That said, the attraction is not considered to be a significant employer (particularly now it is 'mothballed'), and the visual enhancements stemming from the proposal are considered to outweigh the economic impacts in any event. This is considered further below.

To sum up on this issue, the enhancement to the AONB resulting from the overall 'package' of proposals is considered to be a material consideration which in this instance overrides the usual policy presumption against new residential development outside of defined settlements.

Sustainability

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. It further states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) "..... replacing poor design with better design" . More specifically, the NPPF states that to fulfil the principles of sustainability local planning authorities should promote the development and diversification of agricultural and other land-based rural businesses; and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The NPPF further states in more general terms that local planning authorities should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

There are a number of issues to consider in relation to the application arising from these sustainability considerations. Firstly, the site lies in a less accessible part of the countryside and so it is inevitable that the proposed dwelling would generate trips by car rather than public transport. This less sustainable outcome must be balanced against the likely significant drop off in car trips made historically by visitors to the farmstead attraction. WC Highways consider that the overall reduction in trips by car to and from the site resulting from the proposal means a better and more sustainable position in these terms, and so no objection is raised for this reason.

Secondly, the proposal would result in the loss of a rural enterprise. This is unfortunate, although it is not considered that the farmstead necessarily made a significant contribution to the rural economy in any event. Furthermore, by virtue of the visual impact of the farmstead (and in particular its large car park at the front of the site) it is not considered that it necessarily satisfied the NPPF test requiring economic development to be respectful of the countryside. Nor is it considered that the location of the site, close to the edge of a village accessed via relatively narrow lanes, was necessarily suited to this form of enterprise which is dependent on car and coach borne visitors. On balance, it is, therefore, considered that the loss of the enterprise in this particular case would not conflict with the economic aspirations of sustainability policy.

To sum up this section of the report, it is considered that the proposal, although not strictly sustainable, would result in a more sustainable position than exists presently and would not adversely impact on the rural economy. To its merit, the proposal would reduce traffic in a rural village which would be beneficial to the environment in general. These second material considerations are considered to, again, tip the balance in favour of the proposal against the settlement strategy policies of the development plan.

Other matters

There are no residential amenity issues arising from this proposal in view of the distance of the site from other residential properties. WC Public Protection is satisfied that the proposed dwelling can be sufficiently distanced from the adjoining farmyard to ensure no loss of amenity to the new occupiers.

The Teffont Village Design Statement provides useful guidance and information on ¹how

new development should be designed to 'fit'. Notably the VDS states "Good quality and interesting design really will enhance the surroundings. This does not mean the building need be more costly, just that attention is paid to detail such as placement, proportions and heights of buildings; their relationship to the size of the plot and their roof pitches and 'features'. They should also demonstrate sensitivity to the spirit of the entire village, the adjacent buildings and their occupants, and the environmental setting". This is a material consideration to be given weight at the reserved matters stage when detailed design would be addressed.

Previously developed land

The response from the AONB group questions the applicant's reference to the site as being 'previously developed land' (or 'brownfield'). It also refers to the proposal as being 'major development'. On the first point, previously developed land is defined in the NPPF as follows:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The wording of the exclusion as 'land that is or has been occupied by agricultural or forestry buildings' was examined in a high court case decided in January 2015. R (on the application of Lee Valley Regional Park Authority) v Broxbourne Borough Council. The question arose: if agricultural buildings had once occupied a site, whether they had changed their use long ago, or had been demolished and replaced with non-agricultural buildings with permission, would the site still be considered as previously developed land? It was held that to consider such land as previously developed land would introduce some very odd consequences which the judge could not accept had been intended. In other words, it cannot be argued that because land has previously been occupied by agricultural or forestry buildings it must remain as previously developed land.

The Farmer Giles Farmstead, although a farm-based attraction, is not a farm. As can be seen from the Planning History, the previous agricultural use has over the years been the subject of various changes of use to non-agricultural, sui generis uses. It follows that because it is occupied by permanent structures, and because these are no longer agricultural, the site does comprise previously developed land.

On the second point, the national Planning Practice Guidance refers to major development in AONB's in the following terms:

Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving¹

landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.

In this case the proposal is to restore part of the site to open land and erect a single dwelling. Although these proposed works encompass a relatively large area of land they do not amount to 'major development' in quantity and in terms of the impact on their context. It follows that the presumption to refuse major development in the AONB does not apply.

Conditions are recommended to deal with the cessation of the visitor attraction use and the phasing of demolition and site clearance works. Conditions are also proposed to manage the use of the stabling building to be retained.

Saved policy R2 of the SDLP requires a contribution towards local recreation provision. However, recent changes to the National Planning Policy Guidance mean that this cannot be sought in this case.

There are no other issues arising, including highway safety and ecology.

RECOMMENDATION

Approve 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The layout of the development;
- (b) The external appearance of the development;
- (c) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country

Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 4 Prior to commencement of construction of the dwelling hereby approved all existing buildings indicated to be demolished on drawing no. FGr/pa/03a dated March 2014 and received by the lpa on 2 March 2015 and all of the existing open car park areas (with the exception of that part which will form the access drive to the dwelling as shown on drawing nos. DT/P/101A and FGr/pa/01B dated August 2014 and March 2014 respectively and received by the lpa on 2 February 2015) shall be demolished and the resulting waste materials removed from the site. Following removal of the waste materials and prior to occupation of the dwelling the land shall be re-graded to original levels which existed prior to construction of the farm buildings and hardstandings and laid out as new pasture land in accordance with drawing no. DT/P/101A dated August 2014 and received by the lpa on 2 February 2015. The new pasture land shall be retained as pasture land thereafter.

REASON: To accord with the terms of the planning application and to ensure that the development results in enhancement of the Area of Outstanding Natural Beauty which is one of the exceptional reasons planning permission has been granted in this case.

- 5 Prior to first occupation of the dwelling hereby approved the use of the site as a farm visitor attraction shall cease and thereafter that part of the site occupied by the dwelling and its curtilage shall be used for residential purposes, that part of the site occupied by the exhibit building/stabling to be retained shall be used for storage of equipment required for the maintenance of the site and stabling of horses (including for livery purposes but not as a riding school), and the remainder of the site (including the horse exercise arena) shall be used as farmland and/or for the grazing/exercising of horses.

REASON: To accord with the terms of the application and to reflect the special circumstances under which the development has been found to be acceptable - in particular, the resulting enhancement of the AONB as a consequence of the cessation of the farm visitor attraction use.

- 6 No development shall commence on site until details of the proposed ground floor slab level for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

- 7 The domestic curtilage serving the dwelling hereby approved shall be limited to the area edged in yellow on drawing no. DT/P/101A dated March 2014 and received by the lpa on 2 February 2015. Prior to commencement of development details of the intended method of enclosing the domestic curtilage shall be submitted to the local planning authority for approval in writing. The approved method shall be implemented in full prior to the first occupation of the dwelling, and it shall be retained and maintained as approved in perpetuity thereafter.

REASON: To clarify the terms of the planning permission and to minimise domestic encroachment into the countryside in the interests of visual amenity.

- 8 Prior to commencement of construction of the dwelling hereby approved detailed drawings of the driveways within the site shall be submitted to the local planning authority for approval in writing. These drawings shall be at a scale no less than 1:200, and they shall specify the dimensions of the driveways, levels, the surfacing materials, and a programme for construction. The driveways shall be constructed in accordance with the approved drawings and programme, and permanently retained as constructed thereafter.

REASON: The application contains insufficient detail to enable this matter to be considered at this stage and to so ensure that the appearance of the AONB will be enhanced.

- 9 No external lighting shall be installed without the prior approval of the local planning authority. Where external lighting is required details of the lighting shall be first submitted to the local planning authority for approval in writing. The lighting shall then be installed strictly in accordance with the approved details, and retained and maintained as such thereafter.

REASON: To enable the local planning authority to retain control of external lighting having regard to the site's location within a remote and dark part of the Area of Outstanding Natural Beauty.

- 10 Before any works commence, details of a scheme for protecting and enhancing the landscape and ecology of the site shall be submitted to the local planning authority for approval in writing in line with the principles set out in the Extended Phase 1 Habitat Survey and Daytime Bat and Nesting Bird Survey Report (Sedgehill Ecology, July 2014). The scheme shall identify existing features of interest which will be retained and enhancement measures. The scheme shall be implemented in the first year following first occupation of the new dwelling.

REASON: In the interests of protecting protected species and enhancing habitats.

- 11 No construction or demolition machinery shall be operated on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site plan and residential curtilage plan undated and received by the lpa 23 February 2015; DT/P/101A dated August 2014 and received by the lpa 2 February 2015; FGr/pa/01B dated March 2014 and received by the lpa 2 February 2015; FGr/pa/03a (demolition plan) dated March 2014 and received by the lpa 2 February 2015.

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

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act

(1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.