

Deadline	18/08/2009		
Application Number:	S/2009/0892		
Site Address:	TRICKY'S PADDOCK BRICKWORTH ROAD WHITEPARISH SALISBURY SP5 2QG		
Proposal:	CHANGE OF USE OF LAND FOR USE AS A GYPSY SITE FOR ONE SMALL FAMILY TO SITE ONE MOBILE HOME AND PROVISION OF DRIVE, PARKING AND TURNING AREAS AND LANDSCAPING		
Applicant/ Agent:	SOUTH WEST LAW LTD		
Parish:	WHITEPARISHALDER/WHITE		
Grid Reference:	421130.4 123576.2		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Application Number	S/2009/0892
Proposed Development	Change of use of land to site a mobile home for use by a gypsy family
Officer Report	

Reason for the application being considered by Committee

Councillor Britton has requested that this item be determined by Committee due to concerns regarding highway safety, the visual impact upon the surrounding area and the public concern.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

2. Main Issues

The main issues to consider are :

- 1) Planning history
- 2) Principle/Policy framework
- 3) Need for pitches/sites
- 4) Impact on Special Landscape Area
- 5) Impact on highway safety
- 6) Location/sustainability factors
- 7) Impact on residential amenity
- 8) Policy R2
- 9) Other Matters
- 10) Human Rights Implications

3. Site Description

This application relates to approximately 0.8ha of land lying on the southern side of Brickworth Road (A27) about half a kilometre from its junction with A36 Salisbury to Southampton trunk road and about one kilometre west of the village of Whiteparish.

The site is roughly rectangular in shape, consisting of the northern part of a field which has a road frontage alongside the A27 of approximately 90 metres. The surrounding land is generally open in character being mainly grazing land and the site is very open and fairly level, though it rises very gradually from the Brickworth Road towards stables and agricultural buildings (in other ownerships). The site appears to be mainly laid to grass

The vehicular access to the site is off an established agricultural track which currently serves the adjacent fields and some stable buildings. At this point the speed limit on the Brickworth Road is the national limit of 60mph.

The site is located within the Special Landscape Area and is outside of any village Housing Policy Boundary being in an area designated as open countryside.

4. Planning History

The application site; is part of a larger site which has a long and complex history. The relevant applications are as follows:-

90/1349	Mobile home for agricultural use at Highfield	R
90/21ENF	Enforcement Notice issued against removal of unauthorised stationing of a mobile home	Complied with
90/56/ENF	Unauthorised access	Withdrawn
91/0386	Appeal against enforcement notice in relation to siting of a mobile home for use in connection with a proposed market garden	Dismissed Dismissed
91/1413	Use of land for & laying out of 15 pitch gypsy caravan site construction of vehicular access at Highfield	R App Dis
92/19ENF	Enforcement notice against the change of use of the land from open land to use for the stationing of residential caravans	Effective Complied with
92/20ENF	Enforcement notice against the construction of new vehicular access from the land on to the A27 road & the layout of gravel hardstanding for 15 caravans	Effective 30.07.92 Appeal Dismissed Complied with
93/0400	Change of use of land to accommodate one gypsy family, including construction of vehicular access	Not determined

93/1090	Change of use of land to accommodate one Gypsy family for 3 years, including new access at Highfield	Not determined
93/1703	To site one caravan to house one gypsy family	R Appeal dismissed
96/0032	To site one caravan to house one gypsy family for a temporary period of 10 years, subject to personal and family occupancy	Decline to determine
96/0782	To site a mobile home for agricultural use	R
98/0098	To erect poly tunnels for horticultural use	R
98/2057	Construction of stable block, tractor storage and use of land for equestrian purposes	AC
04/1256	Roof on existing walls for tractor shed, Extension	AC
08/0708	Change of use of land to site a mobile home for use by gypsy family	R Appeal not yet determined

5. The Proposal

This is a full application for a change of use of the land to site a mobile home for the use of a single gypsy family. The accommodation is to comprise of a single mobile home unit which has been placed on the site. Thus the application is partially retrospective, in that the mobile home is present on the site; but members should note that it is not currently inhabited. Mains water is available in the vicinity, but sewage disposal is proposed to be via a septic tank.

6. Planning Policy

the following policies are considered relevant to this proposal:-

Saved policies G1 and G2 (General criteria for development), H23 (Application of Housing policy to undeveloped land) H26 (Affordable housing), H27 and H28 (Housing for rural workers), H34 (Gypsy sites), C2 (Development in the countryside), C6 (Special Landscape Area), R2 (Public Open Space) of the Adopted Replacement SDLP are of relevance to this application.

Also of relevance are:-

Policies DP1, DP15 and C9 of the Approved Wiltshire and Swindon Structure Plan 2016
National planning guidance in PPS1, PPS7 and PPG13
ODPM Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites

7. Consultations

Parish Council

Whiteparish Parish Council believe that their objections to S/2008/708 apply equally to this new application (S/2009/892), in spite of the weighty documents in support of the application. Below are a few additional comments:

1. Box 18 of the "Application for Planning Permission" form should include gain of Proposed Market Housing, together with an entry against Existing Market Housing of nil.
2. In "Achieving Sustainable Development" Box 23 may be incorrect, or worse, misleading. The proposal does not include any affordable housing for local people, nor is there any identification of local people.
3. Paragraph 5 of the document which "provides in bullet form the issues which appear to be addressed", under the heading Design, the second sentence is incorrect in asserting that there is no alternative provision of a site and that: "this site is as good as any". The site is exposed and in the countryside where, under the Local Plan Policies H23 and H32:
 - (a) Mobile homes are subject to the same policies and criteria as for permanent housing;
 - (b) The only permanent housing permitted outside housing policy boundaries are under Policy H26 - affordable housing for local people or under Policy H27 - housing for rural workers.
4. In the "Submissions in Support of the Application":
 - (a) paragraph 2 of the Introduction, states that the accommodation is for two adults and two children (of different sexes); a one-bedroom (3 metres x 3 metres) facility is not appropriate or adequate for such a family unit.
 - (b) It is incorrect to claim that the applicant has no lawful place to live (paragraph 5). There are existing authorised gypsy or traveller sites across the south of England. That he might not like his potential neighbours (paragraph 48) cannot be a material planning consideration.
 - (c) Paragraph 41 states that the applicant: "now seeks a settled base to provide a home for his family and education for his children". Therefore the applicant should apply for publicly funded housing, regardless of his claimed status of "Gypsy and Traveller".
 - (d) Paragraph 46 is clear. The applicant: "has a need for a settled base in Salisbury ...".
 - (e) By Paragraph 68, the application has become for "temporary planning permission". This is not reflected in the Application for Planning Permission forms, nor is it in the 'conclusion' paragraphs 75 and 76.
 - (f) Much of the content of the "Submissions in Support" relates to social issues not planning issues. Planning policies reflect social issues and it is against the extant policies (SDC Local Plan 2003) that the planning application should be judged.

Whiteparish Parish Council's comments on application S/2008/0708 were as follows:-

Whiteparish Parish Council does not feel that this site falls into the category of Gypsy Site under SDC Local Plan Policy H34. It is felt that H34 probably implies multiple facility. Policy H32 states that proposals for siting mobile homes will be subject to the same policies and criteria as for permanent housing.

Policy H23 allows for permanent housing outside Housing Policy Boundaries only where provided for under Policies H26 affordable housing for local people or H27 housing for rural workers.

The application for change of use for Tricky s Paddock contravenes Policy H23 and H32 because it is outside the Housing Policy Boundary. Therefore Whiteparish Parish Council object to this application.

Highways

I confirm that the position of this Authority as Highway Authority remains as stated for the earlier submission, S/2008/0708, as no material change has been provided with the current submission.

It is the recommendation of the Highway Authority that road safety and transport sustainability are key considerations and the shortfall in visibility at the access point is sufficient on this section of high speed rural A27 to offer the refusal ground as previously stated. I also confirm that I have considered the Government Circular 01/06 and consider the site location to be sufficiently unsustainable in transport terms to maintain my objection as follows:-

The conflicting pedestrian and traffic movements resulting from the proposed development adjoining the Class1 road, A27, at a point where visibility is restricted, where no footways exist and which is remote from public services, would be a source of danger and inconvenience to occupiers of the proposed development and to other road users to the detriment of highway safety.

Environment Agency

We have **no objection** to the proposal, as submitted but as mentioned in our previous response, due to the location of the development in relation to the flood zone consideration needs to be given to safe access/egress during an emergency. We would recommend liaising with the emergency services on this matter.

Also, the applicant proposes use of non-mains (private) drainage facilities. However, if the site is located within an area served by a public sewer, according to Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is unfeasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details on Consents to Discharge.

Please note, the Consent to discharge application may be subject to an Appropriate Assessment under the Habitats Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a watercourse that is within or up to 3km upstream of a SAC, SPA, Ramsar or SSSI.

Environmental Health

I have serious concerns regarding the siting of a mobile home on this land. No reference is made in the application to the quality of the mobile home in respect of its age or whether it complies with the relevant British Standard for new mobile homes. Where new sites are given permission to accommodate mobile homes we expect these to meet BS 3632 2005 which is the current design and construction specification for new mobile homes.

Mobile homes are very often poor in quality giving rise to conditions which are detrimental to

the health of the occupiers. As the local housing authority we are unable to consider the proposed accommodation as being to an acceptable standard unless this minimum standard for new mobile homes is met for what would be a new mobile home site.

Based on the above I would recommend that this application is refused

Informative If you were minded to approve this application the applicant would be required to apply for a licence under the Caravan Sites and Control of Development Act 1960

Wessex Water

The above proposal is not located within a Wessex Water sewered area. Your Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development

There is a public water main crossing the site.

Wessex Water normally requires a minimum five metre easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site any arrangements for the protection of infrastructure crossing the site.

It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal and this should be agreed with Wessex Water prior to the commencement of any works on site.

The developer should also check with Wessex Water to ascertain whether there are any uncharted sewers or water mains within or very near to the site. The grant of planning permission does not, where apparatus will be affected change Wessex Water's ability to seek agreement as to the carrying out of diversionary and or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

Southern Water

Not yet received

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 23/07/09

1 e-mail of support has been received.

11 e-mails/letters objection have been received.

Summary of key points raised

- Contrary to Local Plan policies, C2 and H19
- Contrary to Local Plan - no new residential development allowed between Whiteparish and Brickworth Corner
- Would set a precedent

- Gypsies should be treated the same as any other member of the public and not given special treatment to override planning policy
- Site is agricultural land
- Would set a precedent for further development in this area
- Wiltshire Council already provides sites and takes responsibility for the provision of purpose built site. These should be better utilised and expanded.
- No evidence that investigated possibility of acquiring an established gypsy plot elsewhere in the county, of which there are many available.
- 11 of the 12 sites in South Wiltshire are within 7miles of Whiteparish.
- Concern regarding the number of people who will constitute the ‘family’
- Hard standing, fencing and mobile installed prior to obtaining planning permission. Disregard of proper procedures. What guarantees are there that the development would be only for one unit and disregard of proper procedures will not continue?
- Site is very open and overlooked
- Concerns regarding noise
- Out of keeping/unsightly/visible impact on open countryside
- Design and appearance not in keeping with open aspect
- Residential development not appropriate in this location
- Out of character with area, mobile is an alien feature
- Adversely affects the landscape
- Known flood problem area, ground is clay so septic tank will not operate correctly, and this will add to existing surface water problems on A27.
- Site is distant from services and facilities.
- Highway access is dangerous especially for children no footpath, no street lighting, national speed limit etc
- Access is only suitable for occasional agricultural use, restrictions make it dangerous for domestic occupation
- Highway safety concerns
- Entrance only suitable for occasional agricultural use
- Caravan is unsuitable for family living, especially for babies
- The mobile home is of poor quality and would not comply with Building Regulations 2000 part L 2006. Conservation of fuel and power.

9. Planning Considerations

9.1 Planning history

The site has a substantial history of applications and appeals in connection with the use of the land for the siting of caravans/mobile homes for agricultural workers and gypsies.

In all of the three appeals, the Inspectors’ upheld the former District Council’s landscape and highway access reasons for refusal as outlined below.

1991/386 Enforcement appeal against siting of a mobile home for use in connection with a proposed market garden.

In relation to highways – Inspector says ‘I am satisfied that both the original and the new access do present a potential traffic hazard if used at any more than a minimal level...and adds to the undesirability of the development’.

1991/1413 Use of land for and laying out of 15 pitch gypsy caravan site and construction of veh access

In relation to landscape – Inspector says ‘...would be conspicuous and intrusive in the landscape and would demonstrably harm the character and appearance of the site and the Special Landscape Area in which it is located’.

In relation to highways - Inspector says..’ I regard the visibility available on both sides of the access to be seriously deficient’.

1993/1703 To site one caravan to house one gypsy family

In relation to landscape – Inspector says ‘the mobile home and its fenced enclosure appear as arbitrary and alien features within the generally open and attractive rural landscape. I consider that its retention in this position would seriously harm the scenic qualities of this part of the area...the site is so open to public view that any re-siting and/or landscaping scheme would be unlikely to diminish the intrusive visual effect of the home and related enclosure to a significant degree. I therefore conclude that the retention of the mobile home would cause unacceptable harm to the character and appearance of this part of the Special Landscape Area’.

In relation to highways - Inspector says ‘the visibility for drivers of vehicles leaving the existing access falls significantly below the standards of national guidance... Bearing in mind that a condition could limit occupation of the site to one mobile home for occupation by one family I consider that the level of traffic generated need not be so great as to warrant refusal of planning permission on this ground alone’.

In considering **S/2008/0708** in July 2008, the members’ attention was drawn to the substantial material changes since these earlier decisions were arrived at more than 15years previously. These material changes related primarily to the size of the application site, the adoption of a Local Plan and the introduction of Circular 1/2006.

1) The site of this application. It forms only the northern part of the field that was the subject of the above applications and the three appeals. The southern part of the field and the stables/tractor store are now in separate ownership.

2) The first Salisbury District Local Plan was adopted in 1996 and then replaced in June 2003 with the current plan, Adopted Salisbury District Local Plan.

3) Circular 1/94 ‘Gypsy sites and planning’ has been replaced by Circular 1/2006 ‘Planning for gypsy sites and traveller caravan sites’. This latter circular advises a much more flexible approach on applications for gypsy sites.

When fully considering S/2008/0708 in July 2008, the Southern Area Committee determined that notwithstanding the need for gypsy pitches in the locality, the landscape and highway objections to the use of the site were so overwhelming that they were not outweighed by the considerations of Circular 1/2006 and the Members came to the conclusion that the application should be refused for the following reasons:-

This application seeks planning permission for the change of use of land and the siting of a mobile home for use by a single gypsy family. The site is located within the Special Landscape Area and open countryside as designated by the Adopted Replacement Salisbury District Local Plan (June 2003) and is unrelated to any established village/settlement boundary and is remote from public services and facilities.

It is considered, by reason of the open character of the site and surrounding land, that the

proposed mobile home and associated structures/vehicles/paraphernalia would appear as unduly prominent and intrusive features in the landscape to the detriment of the character and appearance of the countryside and high quality landscape of the Special Landscape Area, the scenic qualities of which it is intended shall be conserved by restricting development to that essential to the rural economy or desirable for the enjoyment of its amenities.

Also, the proposed development by reason of the intensification of use of the existing access onto the A27 and resulting conflict between pedestrian and vehicular movements, at a location where visibility is restricted, where no footways exist, where the road is unlit and subject to the national speed limit of 60mph and which is remote from public services and facilities, would be a source of danger and inconvenience to occupiers of the proposed development and to other road users to the detriment of highway safety. Furthermore, the proposed development is likely to encourage additional vehicle trips and create further dependence on the private car for travel to, and from the site, contrary to the principles of achieving a sustainable pattern of development.

The Local Planning Authority has considered the national guidance contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites" and the need for pitches/sites for gypsies and travellers within the District. However, for all of the above reasons, it is considered that the proposed development would be contrary to 'saved' Policies G1, G2, H34, C2 and C6 of the Adopted Replacement Salisbury District Local Plan (June 2003), Policies DP1, DP15 and C9 of the Wiltshire and Swindon Structure Plan (April 2006) and the aims of PPG13 "Transport".

The application is now the subject of an appeal Hearing set for 26 August 2009.

The current application (**S/2009/0892**) has provided additional information relating to the need for a pitch for this family, an assessment of the highway safety considerations by an independent consultant and suggests that as it is likely to take the LPA at least three years to prepare a site specific DPD, that a temporary consent be granted.

Despite the Southern Area Committee's previous decision, the Officers consider that in the light of the need for pitches and the additional information provided; the previous reasons for refusal with regards to the landscape impact of the proposal, and the safety concerns not being outweighed by the shortage of sites and the advice given by circular 1/2006; must be re-examined

9.2 Principle.

In the terms of the current Salisbury District Local Plan, the proposed site is designated as being within the open countryside, outside any recognized settlement, where development should be strictly limited. Policies within the Local Plan seek to ensure that any new development which is permitted, would benefit the local economy and maintain and enhance the environment (SDLP policy C2).

Residential development is only permitted in such areas if it is for local needs (affordable) housing or required for agricultural/forestry workers (policies H23, H26, H27, H28). Moreover, within the Special Landscape Area any new development is required to have no adverse effect on the quality of the landscape (SDLP policy C6). Policy G1 (i) of the Replacement Local Plan also requires development to observe the principles of sustainability by reducing the need to travel in accordance with PPG13.

The applicant, in this case however, has claimed that he and his family are Romany Gypsies and persons who have always lived a nomadic way of life in caravans. In the Circular 1/2006 “gypsies and travellers” means:-

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people traveling together as such.

The Adopted Salisbury District Local Plan has specific policies relating to the provision of sites for gypsies. The key policy is Policy H34 which accepts the principle that gypsy sites may need to be outside settlement boundaries and states:-

“Proposals for gypsy sites outside Housing Policy Boundaries or Housing Restraint Areas will be subject to the following considerations:

- (i) where the proposal is in the New Forest Heritage Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, the Stonehenge World Heritage Site, or any Site of Special Scientific Interest or Area of High Ecological Value, such development will only be permitted where there will be no adverse impact on these designated areas.
- (ii) elsewhere in the District, proposals should be acceptable in landscape and nature conservation terms, there are no overriding environmental objections, and the access and services are satisfactory; and
- (iii) the site is situated within or close to a settlement and is well located in relation to local services and amenities”.

The Wiltshire and Swindon Structure Plan 2016 also has a relevant policy that acknowledges that proposals for gypsy caravan sites cannot be assessed using normal strategic settlement policies.

The key policy in the Structure Plan that relates to providing accommodation for gypsies is Policy DP15, which states:

“DP15 SPECIAL CONSIDERATION SHOULD BE GIVEN TO BONA FIDE PROPOSALS TO PROVIDE CARAVAN SITES FOR GYPSIES. SUCH PROPOSALS SHOULD NOT BE CONSIDERED AGAINST OTHER POLICIES FOR TOWNS AND VILLAGES, DUE TO THEIR PARTICULAR REQUIREMENTS. SUITABLE SITES MAY BE FOUND BOTH WITHIN AND OUTSIDE SETTLEMENTS. THEY WILL NEED TO HAVE A MINIMUM IMPACT ON ADJOINING LAND USES AND THE NATURAL AND BUILT ENVIRONMENT, BE WELL LOCATED TO MEET THE NEEDS OF OCCUPANTS AND PERMITTED BUSINESS ACTIVITIES AND PROVIDE ACCEPTABLE ACCESS AND SERVICES”.

Since the adoption of the current existing Development Plan policies, the national guidance as expressed in Circular 1/94 ‘Gypsy sites and planning’ has been superseded by Circular 1/2006 ‘Planning for gypsy sites and traveller caravan sites’. The new circular applies to all applications for planning permission from gypsies and travellers as well as to the development of public sites by Local Authorities and registered social landlords (RSL’s) and its intention are to:

- a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years;
- d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- f) to identify and make provision for the resultant land and accommodation requirements;
- g) to ensure that DPD's include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- h) to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and
- i) to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to”.

The objective of the circular is to ensure that sufficient sites are allocated through the Local Development Framework (LDF) process to meet the identifiable need for sites for 'gypsies and travellers' and the advice is that prior to the adoption of an allocations Development Plan Document (DPD) substantial weight should be given to the fact that there is an unmet need. The circular also advises a flexible and realistic approach on sustainability and access to services and to sites protected by local as opposed to national designations.

9.3 Need for Pitches/Sites

Prior to the re-organisation of Local Government, the former Salisbury District Council in conjunction with the other Wiltshire local authorities jointly commissioned a needs assessments study to establish whether there was adequate provision across the county for gypsies and travellers and, if not, where and how future needs should be addressed. The study identified that there was a need for an additional 47 new authorised pitches to be made available in Wiltshire and Swindon between 2006 and 2011. It was identified that nine of these authorised pitches should be within the area of the former Salisbury District.

However, the Regional Spatial Strategy for the South West reviewed Gypsy and Traveller pitch requirements and the Panel's report, following an examination in public, identified a higher level of need. It concluded that a further 18 residential pitches should be provided in South Wiltshire.

The applicant is a 'Gypsy and a Traveller' as defined by the Caravan Sites Act and the guidance contained within Circular 1/2006. His solicitor states that he is currently without any lawful stopping place and he is living in his touring caravan moving from one unauthorised camp site to another. He has no option but to stop on lay-bys, on the side of the road and on other waste ground, stopping at one place no more than a few days before he is moved on. Permission is therefore being sought for him to occupy this piece of land (which he has

purchased) with his partner and their two children, a boy aged 5 and a girl aged 10 months.

The agent for the applicant states that the family currently have no settled base and that they have acquired this site as they identified it as suitable for their needs. The applicant has lived and travelled in this immediate area for most of his life and many of his family continue to live locally in the Whiteparish area. He has a clear need for a site which will create a base so that he and his family can live together and so the family can access the medical care that they need and the children can access the education that is needed and to which they are entitled.

In conclusion, it has been clearly identified that there is a need for more residential pitches in this area and that the Applicant, because he has local connections, has a need for a pitch in this locality to provide a lawful base from which to travel. The Applicant's solicitor has stated that there is a national and local shortage of sites for gypsies and that there is a need to make adequate provision for gypsies. Indeed there is an obligation upon Local Authorities to do so and in 'the absence of any alternative provision this site is as good as any.'

Notwithstanding that a clear need has been shown to exist for additional sites and that this applicant has been identified as needing a site in this locality, it is necessary that this particular application be properly assessed against the criteria which have been identified within the Development Plan and Circular 01/2006 and it is ascertained whether in the absence of any alternative provision this site is as good as any.

The public interest as expressed in the Development Plan seeks protection of the countryside by preventing unnecessary development and development harmful to the landscape as well as danger to highways. However, the policies in both the Local Plan and the Wiltshire and Swindon Structure Plan have been overtaken by the new Circular 1/2006, whose objective is to see that sufficient pitches and sites are made available to meet identifiable needs. In view of the significant level of need in Wiltshire identified by the South West RSS Panel's report and the advice (paragraph 43 of Circular 1/2006) that prior to the adoption of an allocations DPD, that substantial weight should be given to the fact that there is an unmet need for pitches and sites for gypsies and travelers in the locality;, it is the officers' view that it may be appropriate to recommend approval of this particular gypsy site on a temporary basis until such time as sites are identified within the LDF process.

9.4 Impact on the Special Landscape Area

The site is within an area designated in the Local Plan as the Special Landscape Area, where the character and scenic quality of the countryside is conserved by generally restricting development to that essential to the rural economy. In this respect Local Plan policy H34 criteria (ii) is relevant as are the previous Inspectors' decisions regarding mobiles on this site. When looking at applications for a mobile home on land which included this site, Inspectors' have held that a mobile home and its fenced enclosure appear 'as arbitrary and alien features' and 'would seriously harm the scenic qualities of this part of the area'.

However, since these Inspectors' decisions national advice has been revised and Circular 1/2006 states in (para 53) that 'local designations should not be used in themselves to refuse planning permission for gypsy and traveller sites'. The Special Landscape Area, is not a national designation such as an Area of Outstanding Natural Beauty or Site of Special Scientific Interest, but the area consists of attractive undulating countryside with a high quality of scenic value. The site itself can be generally characterised as open grazing land and has little in the way of boundary screening, in the immediate vicinity are a few scattered buildings, mainly associated with agriculture and a small stable and tractor store has been erected

immediately to the south. These latter buildings were reasonably required in association with the use of the land and visually appear associated with the Tipplefield Farm group of buildings. Thus whilst a mobile home was seen by Members as an alien and intrusive feature, the agricultural buildings in the vicinity were considered as being appropriate in this area of attractive countryside.

This revised application sites the mobile home, within a small enclosure in the south-east corner of the site. This is some 40 metres back from the road and there is little or no existing screening around this mobile. The introduction of hedges around the mobile will mitigate the visual impact of the structure but it will still be very prominent and intrusive in the landscape, especially when viewed from the A27. However, it is accepted that a mobile home/caravan, because of its very nature could clearly not be in keeping with the local vernacular nor would it be 'invisible' when viewed from either the A27 or surrounding properties, for example, from Whelpley Farm or Tipplefield Farm.

The Development Plan policies seek to prevent development eroding the open qualities which make the countryside attractive in the first place. In this case, it is considered that in view of paragraph 53 of Circular 1/2006, which states that 'local landscape designations should not be used in themselves to refuse planning permission ..' and paragraph 54 that states, 'rural settings where not subject to special planning constraints are acceptable in principle'.

In the past, three inspectors determined that any development in this particular rural setting would result in detrimental visual impact on the Special Landscape Area and Members agreed that because of the open character of the site and surrounding land, that the proposed mobile home and associated structures/vehicles/paraphernalia would appear as unduly prominent and intrusive features in the landscape to the detriment of the character and appearance of the countryside and high quality landscape of the Special Landscape Area, the scenic qualities of which it is intended shall be conserved by restricting development to that essential to the rural economy or desirable for the enjoyment of its amenities. However, this view has to be weighed against the personal circumstances of the applicant as well as the current advice as expressed in Circular 1/2006. In practice as the majority of South Wiltshire is covered by either national or local designations, there would be very limited parts of the Council's area in which a gypsy pitch could be located.

9.5 Highway Safety

Local Plan policy H34 (ii), requires that the access to the site is satisfactory.

The existing vehicular access for the site uses an unsurfaced agricultural access off the A class road (A27) between Salisbury and Romsey, subject to the national speed limit of 60mph. The access has limited visibility in both directions and the applicant only controls the land to the west of the site.

The Highways department considers that there is inadequate visibility at the junction of the track with this road and raises an objection to the proposal on the grounds of highway safety. Notwithstanding the additional information and the views of the Consultant, the Highways view is that there has been no material change since the last application and the recommendation of refusal is re-iterated.

The applicant's consultant however, argues that the use of this access by the vehicles of one family is likely to create only a modest number of additional vehicle movements and that the achievable visibility from the site is acceptable. Moreover, Circular 1/2006 urges that 'Proposals should not be rejected if they would only give rise to modest additional daily

vehicle movements and/or the impact on minor roads would not be significant.' In his view a single mobile home would generate only an insignificant level of additional traffic movements and the consultant considers that this development would not prejudice highway safety'. Moreover this was the view of the Inspector when considering the last of the appeals (S/1993/1703) as he stated that he would not have upheld a refusal on highway grounds alone

9.6 Location / sustainability factors

Policy H34 of Salisbury District Local Plan stipulates under criteria (iii) that the site should be within or close to a settlement and be well located in relation to local services and amenities.

The site of this application is more than 1km from the amenities and services of Whiteparish and access to these services would be along the A27, a busy road with no footpath or cycle way. The nearest bus stop is also a considerable distance away from the site and could not be safely accessed on foot. Therefore accessing any of these services and facilities is likely to involve the use of motorised transport. Any residential development in this location would not therefore contribute to an overall pattern of land uses which reduces the need for travel, and as such would be contrary to policy G1 of the Local Plan and furthermore as the site is in an isolated location the development would also be contrary to the aims of PPG13 which seeks to reduce the growth in the length and number of motorised journeys.

However, the guidance contained within Circular 1/2006 encourages a more flexible approach to sustainability and the applicant's solicitor urges that sustainability must be considered not only in terms of transport mode and distance from services but in terms of the benefit of a settled base for access to health services and schools, for the applicant and his family. In light of the circulars' guidance it could be considered that this site is within reasonable distances of local services, such as those provided by the shop at the petrol station at Brickworth Corner as well as the school and medical facilities in Whiteparish and that it is far more sustainable for the applicant and his family than the roadside alternative.

However, whilst a settled location may well be more sustainable for Mr Clark and his family than moving from one unauthorised encampment to another; this would only be relevant whilst the applicant was using this site as his base and not when travelling in accordance with his culture and traditions. Moreover even when settled on this particular site, the family would be distant from the amenities and services of Whiteparish and other service centres and in order to access them would require motorised transport. Overall, it is considered that although this site is not situated so as to support a pattern of land uses which reduces the need for travel in accordance with the Local Plan and PPG13; circular 1/2006 would not support refusal on this ground.

9.7 Impact on residential amenity

Notwithstanding concerns from the public, as the site is located in an isolated position it is not considered that there will be undue harm to the residential amenities of the occupiers of nearby dwellings by reason of loss of light, privacy or by overlooking; particularly if a hedge of native species is erected around the mobile home. As mentioned above, there will be some views into the site from dwellings in the vicinity but it is not considered that the impact of these will create such harm as to warrant refusal on these grounds.

9.8 Policy R2 Provision of Public Open Space

A contribution for recreational facilities would be required pursuant to the above policy, however, if only temporary consent is granted then it has been considered that it is not appropriate to require a contribution towards the provision of public open space.

9.9 Other Matters.

1) Water. A water pipe crosses the site whose position will need to be confirmed with Wessex Water so as to ensure that it is protected.

2) Flood Risk. The access to the mobile home will be through an area at high risk of flooding and though the Environment Agency does not object to the p[proposal, liaison with the emergency services was recommended.

3) Foul drainage A Consent to Discharge will be required.

9.10 Human Rights Implications

There are two relevant human rights likely to be engaged in this case –

Article 1 (first protocol), which establishes the peaceful enjoyment of property

Article 8 which establishes the right to respect for private and family life including an individual's right to a home.

Interference in these rights is only lawful if there is a legitimate issue of public interest to justify such an interference. Further, in order to be justified, the level of interference needs to be proportionate to the public interest it is seeking to protect. Case Law has made clear that in Gypsy cases, the weighing of these issues needs to be undertaken very carefully and in considerable detail.

For the purpose of planning, the gypsy status of applicants for planning permission is relevant to the question of whether they are entitled to a more relaxed regime of planning control than is generally applicable to others. National and Local policies accord a positive obligation towards the gypsy community in recognition of the special land requirements to facilitate a gypsy way of life.

The issue of gypsy status is therefore fundamental to consideration of this particular case and it is accepted that Mr. Clarke (the applicant) is a 'Gypsy and a Traveller' as defined by the Caravan Sites Act and the guidance contained within Circular 1/2006. Moreover, the applicant has a partner and two children and they all require the benefit of access to health and educational services and facilities in a location close to family and relations. Furthermore, they have purchased this land to use as a base from which to travel, in order that they can live together as a family, in accordance with their culture and traditions and their children can access an education.

There is evidence of an unmet need for gypsy sites in the Salisbury District and no evidence that any other site is available.

In the event of planning permission being refused, it is considered that there would be an interference with the occupier's rights to a home (Article 8) and Article 1 (first protocol).

10. Conclusion

This application seeks planning permission for the change of use of land and the siting of a mobile home for use by a single gypsy family. The site is located within an area of open countryside, designated as a Special Landscape Area which is unrelated to any established village/settlement boundary and is remote from public services and facilities.

The site has a very open character and the mobile home and associated domestic paraphernalia would be alien and intrusive features in the Special Landscape Area. Also the applicant proposes to use an existing access to the site, located where visibility is restricted, where there are no footways or street lighting and the speed limit is 60mph, to the detriment of highway safety for both the occupiers and other road users.

In judging this application against the current Structure Plan and Local Plan policies it has been shown that a mobile home on the application site is considered to have a detrimental impact on the visual quality of the Special Landscape Area and that notwithstanding the additional evidence provided by the Highways Consultant, the Highway Authority still objects to any additional use of the existing access. Also it has been shown that the location is not close to a settlement, or to services and facilities, such as schools. It is therefore concluded that the proposal does not comply with the current Development Plan.

However, the Development Plan has been largely overtaken by the Government Circular 1/2006 which contains policies, which accept the principle of gypsy sites outside settlement boundaries and furthermore considers that outside nationally recognized designations that rural settings are acceptable in principle. Moreover Local Authorities are urged to be realistic in assessing the acceptability of an access or the sustainability of a site.

It has been identified that there is a shortage of pitches and sites for gypsies and travellers in this area and with the additional evidence of the need for a site for this applicant, government advice is as provided by circular 1/2006 is very relevant.

The advice is that prior to the adoption of an allocations DPD, that substantial weight should be given to the fact that there is an unmet need for pitches and sites for gypsies and travellers in the locality. Therefore, despite the landscape, highway and sustainability objections of the Local Planning Authority to this particular site, as well as the likely difficulties of accessing the site in the event of a flooding event, and the views of the Southern Area Committee of the former Salisbury District Council it is recommended that a temporary and personal consent be granted as it is not expected that the LDF will allocate sites for gypsies and travellers in the immediate future.

Recommendation

It is recommended that planning permission is granted, for the following reasons:

This application seeks planning permission for the change of use of land and the siting of a mobile home for use by a single gypsy family. The site is located within an area of open countryside, designated as a Special Landscape Area which is unrelated to any established

village/settlement boundary and is remote from public services and facilities.

The site has a very open character and the mobile home and associated domestic paraphernalia would be alien and intrusive features in the Special Landscape Area. Also the applicant proposes to use an existing access to the site, located where visibility is restricted, where there are no footways or street lighting and the speed limit is 60mph, to the detriment of highway safety for both the occupiers and other road users.

In judging this application against the current Structure Plan and Local Plan policies it has been shown that a mobile home on the application site is considered to have a detrimental impact on the visual quality of the Special Landscape Area and that notwithstanding the additional evidence provided by the Highways Consultant, the Highway Authority still objects to any additional use of the existing access. Also it has been shown that the location is not close to a settlement, or to services and facilities, such as schools. It is therefore concluded that the proposal does not comply with the current Development Plan.

However, the Development Plan has been largely overtaken by the Government Circular 1/2006 which contains policies, which accept the principle of gypsy sites outside settlement boundaries and furthermore considers that outside nationally recognized designations that rural settings are acceptable in principle. Moreover Local Authorities are urged to be realistic in assessing the acceptability of an access or the sustainability of a site.

It has been identified that there is a shortage of pitches and sites for gypsies and travellers in this area and with the additional evidence of the need for a site for this applicant, government advice is as provided by circular 1/2006 is very relevant.

The advice is that prior to the adoption of an allocations DPD, that substantial weight should be given to the fact that there is an unmet need for pitches and sites for gypsies and travellers in the locality. Therefore, despite the landscape, highway and sustainability objections of the Local Planning Authority to this particular site, as well as the likely difficulties of accessing the site in the event of a flooding event, as it is not expected that the LDF will allocate sites for gypsies and travellers in the immediate future, it is considered that a temporary and personal permission is justified.

subject to the following conditions:

1 The mobile home/caravan hereby permitted shall enure for the benefit of the applicant Mr W Clarke and any resident dependents only.

REASON. In the interests of amenity and in order to secure the cessation of a use for which permission can only be justified on the basis of a special temporary need given that the site of the mobile home/caravan is within an area where planning permission would not normally be granted for development unrelated to the essential needs of agriculture

POLICY. H23 (Application of Housing policy to undeveloped land) H26 (Affordable housing), H27 and H28 (Housing for rural workers), H34 (Gypsy sites), C2 (Development in the countryside), C6 (Special Landscape Area),

2 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed with 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

i) within 3 months of the date of this decision a scheme for the site's landscaping, siting of the mobile home, parking areas and any associated built development along with the improved sight lines shall have been submitted for the writing approval of the local planning authority and the scheme shall include a time table for its implementation.

ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to and accepted as validly made by the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON. In the interests of amenity, the environment of the development and highway safety.

POLICY: G2 (General criteria for development), C2 (Development in the countryside) and C6 (Special Landscape Area)

3 No vehicle over 3.5 tonnes shall be stationed/parked or stored on this site.

REASON. In the interests of amenity and the environment of the development.

POLICY: G2 (General criteria for development), C2 (Development in the countryside) and C6 (Special Landscape Area),

4 No commercial activities shall take place on the land, including the storage of materials.

REASON. In the interests of amenity and the environment of the development.

POLICY: C2 (Development in the countryside) and C6 (Special Landscape Area),

5 The use hereby permitted shall enure for the benefit of Mr W Clarke and shall be limited to a period of 3 years from the date of this permission or the period during which the mobile home caravan is occupied by Mr W Clarke and any resident dependents whichever is the shorter. Within one month of the cessation of the occupation of the mobile home caravan or upon the expiry of this permission whichever is the sooner the mobile home caravan and all ancillary structures associated with the residential occupation of the land shall be permanently removed from the land and the previous use of the land as agriculture horticulture equestrian restored.

REASON. In the interests of amenity and in order to secure the cessation of a use for which permission can only be justified on the basis of a special temporary need whilst the site allocations DPD is prepared and adopted and given that the site of the mobile home/caravan is within an area where planning permission would not normally be granted for development unrelated to the essential needs of agriculture

POLICY. H23 (Application of Housing policy to undeveloped land) H26 (Affordable housing), H27 and H28 (Housing for rural workers), H34 (Gypsy sites), C2 (Development in the

countryside), C6 (Special Landscape Area),

6 No buildings/structures or areas of hardstanding other than those hereby permitted (mobile home/caravan, fence, septic tank, hardstanding, access) shall be erected/installed within the site unless otherwise agreed in writing by the Local Planning authority upon submission of an application in that behalf.

REASON. In the interests of amenity and the environment of the development.

POLICY: C2 (Development in the countryside) and C6 (Special Landscape Area)

7 The new visibility splay to be approved in accordance with condition 2 above shall be kept permanently free of obstructions over 1m high at all times.

REASON. In the interests of highway safety.

POLICY: G2 (General criteria for development)

8 The vehicle parking area to be approved in accordance with condition 2 shall be maintained clear for such use at all times.

REASON. In the interests of highway safety.

POLICY: G2 (General criteria for development)

INFORMATIVES

1 CARAVANS ACT

All mobile home sites are required to obtain a site licence under the provisions of the Caravan Sites and Control of Development Act 1960. The applicant is therefore advised to contact the Environmental Health Department.

2 FOUL DRAINAGE

The site is located within an area not served by a public sewer. A Consent to discharge will be required. This must be obtained from the Environment Agency prior to the first occupation of the mobile home/caravan

3 FLOODING

The access to the site is through an area identified as being within flood zone 3 and therefore consideration needs to be given to safe access/egress during an emergency. The applicant is advised to liaise with the emergency services on this matter.

4 DOCUMENT/PLANS SUBMITTED WITH THE APPLICATION

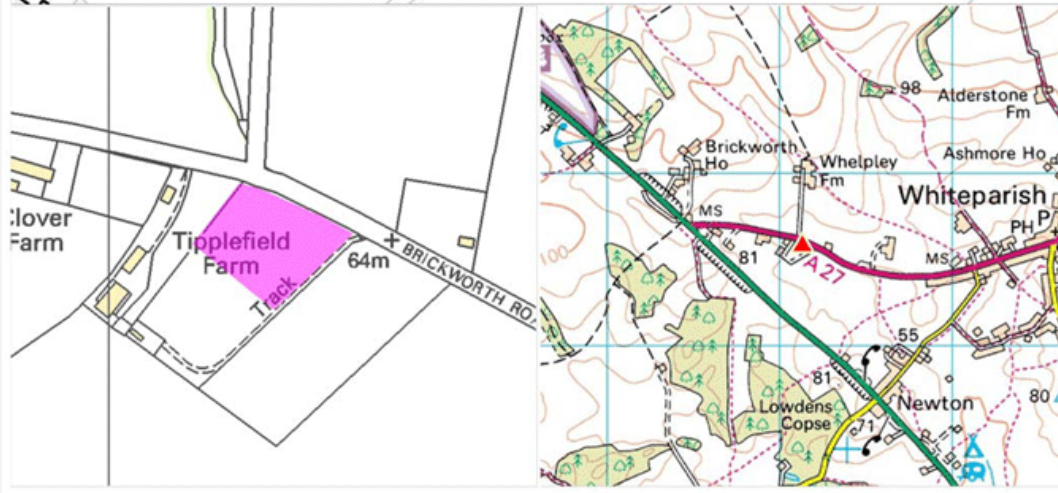
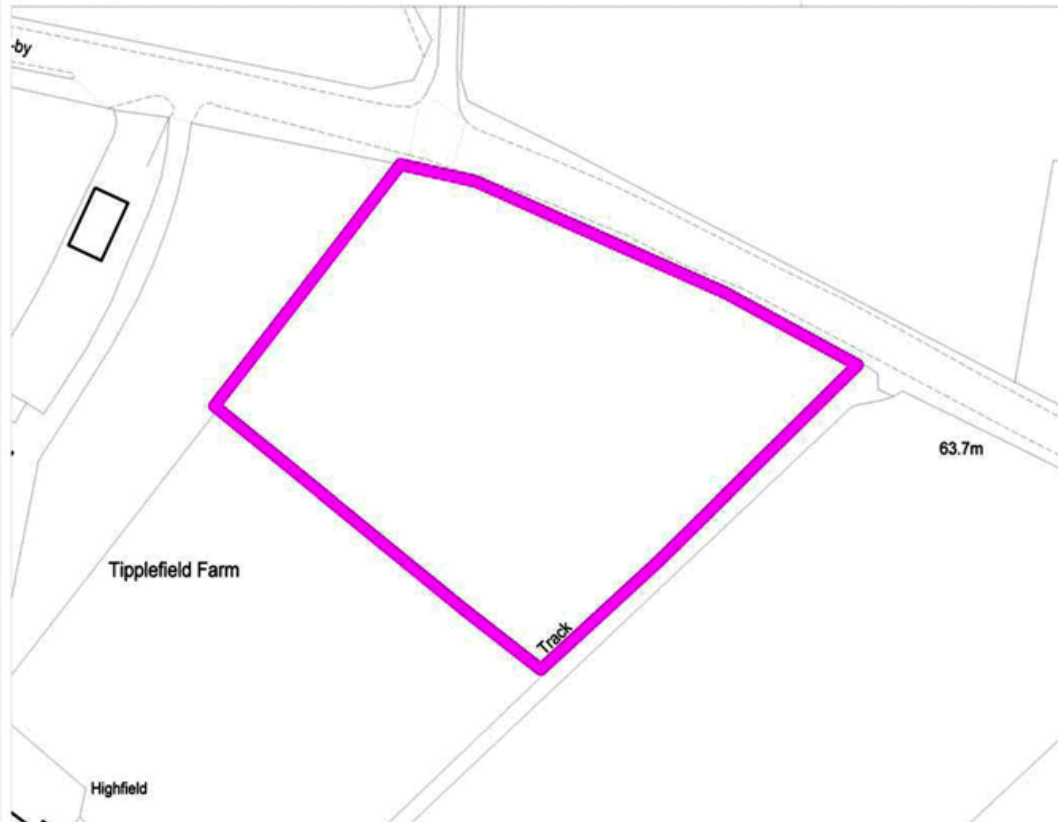
This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing ref.no.06/TRICKY/01/Rev A received on 8 June 2009
Drawing ref. 'Scale plan of mobile' received on 23 June 2009

Appendices:	NONE.
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Background Documents Used in the Preparation of this Report:	Drawing ref.no.06/TRICKY/01/Rev A received on 8 June 2009 Drawing ref. 'Scale plan of mobile' received on 23 June 2009
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S/2009/892



Wiltshire Council
Where everybody matters

TRICKYS PADDOCK, SP5 2QG

SCALE: NTS DATE: 27/07/2009 15:06:45
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Deadline	22/07/2009		
Application Number:	S/2009/0750		
Site Address:	NUNTON FARM NUNTON DROVE NUNTON SALISBURY SP5 4HY		
Proposal:	CONSTRUCTION OF DIRTY WATER LAGOON AND ASSOCIATED WORKS		
Applicant/ Agent:	MR COLIN BURROWS		
Parish:	ODSTOCK		
Grid Reference:	415721.1 125468.6		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

Application Number	S/2009/0750/FULL
Proposed Development	Construction of dirty water lagoon and associated works
Officer Report	

Reason for the application being considered by Committee

Councillor Johnson has requested that this item be determined by Committee due to the proximity of the proposed development to nearby neighbouring dwellings.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

2. Main Issues

the main issues to consider are :

1. The principle of the proposed development
2. Impact on the surrounding AONB
3. Scale design and materials
4. Impact on neighbour amenity/Environmental Health issues

3. Site Description

Nunton Farm comprises an approx. 500 hectare mixed dairy and arable farm. The farm holds approximately 500 Friesian dairy cows and additionally raises 200 calves each year. The application site is located within an area of pasture approximately 170 metres to the south of residential properties on Nunton Drove.

4. Planning History

See attached planning history Odstock/019 at Appendix A

5. The Proposal

The application proposes the construction of a dirty water lagoon on the farm in response to new legislative requirements in relation to Nitrate Pollution Prevention Regulations. The applicant advises that the farm is located in a designated Nitrogen Vulnerable Zone (NVZ).

The development consists of an excavated area with two lining materials, with no inlets or outlets below ground level, to create a 6000 cubic metre lagoon. The proposed lagoon is intended to provide a facility for the containment of the liquid element of slurry produced on the farm in order to reduce the loss of nitrogen from agricultural water in accordance with the new legislation.

6. Planning Policy

- Salisbury adopted (saved) local plan policy G2 (General Criteria for Development)
- Salisbury adopted (saved) local plan policy CN21 (Ancient Monuments and Archaeology)
- Salisbury adopted (saved) local plan policy C2 (The Rural Environment)
- Salisbury adopted (saved) local plan policy C5 (Landscape Conservation)
- Salisbury adopted (saved) local plan policy C20 (Agriculture)
- Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas

7. Consultations

WCC Archaeology – No objection subject to Condition

Environment Agency – No objection subject to the inclusion of an Informative

Environmental Health Officer – No objection subject to Conditions

WCC Highways – No Highway objection

Odstock parish council – Object to the application on grounds of the proposed lagoon being located too close to nearby dwellings, concerns in respect of adverse impact on the amenity of nearby residents from odour, disturbance by vehicles transporting the liquid, issues arising from the spillage of slurry onto the road at Nunton Drove, concerns in respect of affect on neighbouring house values, concern that domestic water supplies could become contaminated, and concerns that the proposed lagoon could overflow and inundate properties along Nunton Drove.

8. Publicity

The application was advertised by site notice and neighbour notification letters
Expiry date 03.07.09

Fourteen (in total) letters and emails objecting to the application were received. Grounds of objection included:

Too close to nearby dwellings, highway issues relating to large agricultural vehicles using Nunton Drove, air pollution, nuisance from flies, potential disturbance to nearby dwellings by additional vehicle movements along farm tracks, odour, potential contamination of ground water and domestic water supplies, adverse visual impact on the landscape of the AONB, and danger to wildlife.

9. Planning Considerations

9.1 The principle of the proposed development

Nunton Farm comprises an approx. 500 hectare mixed dairy and arable farm. The farm holds approximately 500 Friesian dairy cows and additionally raises 200 calves each year. The application site is located within an area of pasture approximately 170 metres to the south of residential properties on Nunton Drove.

The application proposes the construction of a dirty water lagoon on the farm in response to new legislative requirements in relation to Nitrate Pollution Prevention Regulations. The applicant advises that the farm is located in a designated Nitrogen Vulnerable Zone (NVZ).

The development consists of an excavated area fitted with two lining materials, having no inlets or outlets below ground level, creating a 6000 cubic metre lagoon. The proposed lagoon is intended to provide a facility for the containment of the liquid element of slurry produced on the farm in order to reduce the loss of nitrogen from agricultural water in accordance with the new legislation.

The overarching local plan policy relevant to development in the countryside is Policy C2 which states that 'development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain and enhance the environment'. Nunton Farm is considered to be a significant agricultural business which provides employment for a number of local people, and the proposed development is in response to new legislation which seeks to secure environmental benefits by the reduction of nitrogen lost from agricultural water.

Therefore, without consideration of the specific details of the proposed development (i.e. siting, scale, visual impact, impact on neighbours etc), it is considered that the proposed development, in that it would benefit the local economy through facilitating the continuation of a local agricultural business, and would maintain or enhance the environment by reason of reducing the levels of nitrogen lost in agricultural water, accords with the provisions of Policy C2 of the adopted local plan. The principle of the proposed development is therefore considered acceptable.

9.2 Scale, design and materials

The proposed open lagoon consists of a rectangular excavated area, with partial

containment bunding to the south and west sides, to create a lined lagoon of 6000 cubic metres capacity. With the exception of the partial bunded south and west sides (top of bunding being approximately 2.5m above existing ground levels), the lagoon is constructed at or below existing ground levels within the field. The scale and design of the lagoon are primarily dictated by the functional need for, and projected volume of, the containment of dirty water generated by the agricultural enterprise. The proposed lagoon has a dual membrane liner of PVC and Geotec matting, and has no submerged inlet or outlets.

9.3 Impact on the surrounding AONB

By reason of the low-lying construction of the proposed lagoon, together with the location of the site being within an existing agricultural field with mature established hedgerows surrounding, together with the presence of stands of trees to the north of the field and a larger wooded area to the south east, it is considered the proposed lagoon would not be visually prominent within the surrounding area and would not adversely affect the existing character of the wider landscape of the surrounding Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

PPS7 makes the landscape value of nationally designated sites such as AsONB, and also recognises the importance of the varied roles of agriculture within such landscapes. PPS7 states that planning policies should recognise these roles and support development proposals that will enable farmers to become more competitive, sustainable and environmentally friendly, and comply with changing legislation and associated guidance.

9.4 Impact on neighbour amenity

The proposed development has resulted in a significant number of letters and emails from nearby residents raising concerns and objecting to the proposal. The reasons for objecting principally relate to:

- (i) the proximity of the proposed lagoon to neighbouring residential properties in Nunton Drove, and the consequent potential for adverse impacts on amenity from odour and flies
- (ii) disturbance to residents from a perceived intensification of agricultural activity and vehicle movements on the road, and potential slurry spills on the highway
- (iii) potential for the contamination of ground water and domestic water supplies

The site of the proposed dirty water lagoon is approximately 170 metres to the south of the closest property in Nunton Drove. In response to the concerns expressed by the parish council and in third party representations from neighbours, the Environmental Health Officer (EHO) requested additional information and clarification in respect of how the liquid in the lagoon would be managed to reduce the potential for nuisance odour, the methodology for transporting the water to the surrounding fields, how solids will be prevented from entering the lagoon, and what mitigation will be used to prevent favourable breeding conditions for insects. The response to the EHO's request is attached at Appendix B to this report and describes how the lagoon would be aerated by submerged propeller to prevent the stagnation of the water. The liquid from the lagoon is to be transported by pipeline to fields to the south east and by sealed vacuum tankers to fields to the north and west using routes that avoid Nunton Drove (specific details not provided).

On the basis of the additional information provided by the applicant, the EHO raises no objection to the proposed development, subject to Conditions requiring the prior approval of construction details to include the proposed pumping and aeration systems.

In addition to the EHO, the Environment Agency have been consulted and raise no objection, subject to the inclusion of an Informative, and WCC Archaeology also have no objection, subject to a Condition requiring a written scheme of investigation to be submitted and approved.

The Highways officer has assessed the proposal and raises no highway objection.

Concerns expressed in respect of the impact of the proposed development on property values in the surrounding area are not considered material to the planning decision.

Taking into consideration the responses of consultees detailed above, the proposed development is considered acceptable (subject to Conditions) and would not unduly adversely affect the amenity of nearby residential occupiers.

10. Conclusion

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), C2 (The Rural Environment), C5 (Landscape Conservation), C20 (Agriculture) & CN21 (Ancient Monuments and Archaeology) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of the guidance set out within PPS7, insofar as the proposed development is considered beneficial to the local economy and would maintain or enhance the environment, and would not have an undue adverse affect the amenity of neighbours. The proposal would not adversely affect archaeological interests or the natural beauty of the surrounding AONB.

Recommendation

It is recommended that planning permission is granted, for the following reasons

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), C2 (The Rural Environment), C5 (Landscape Conservation), C20 (Agriculture) & CN21 (Ancient Monuments and Archaeology) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of the guidance set out within PPS7, insofar as the proposed development is considered beneficial to the local economy and would maintain or enhance the environment, and would not have an undue adverse affect the amenity of neighbours. The proposal would not adversely affect archaeological interests or the natural beauty of the surrounding AONB.

subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Before development is commenced, constructional details of the proposed lagoon, to

include details of the proposed pumping and aeration methodology and equipment to be used, shall be submitted to the local planning authority and approved in writing. Development shall be in accordance with the details and methodology thereby approved.

Reason: To ensure the development incorporates appropriate equipment and methodologies to provide adequate and effective pumping and aeration of the lagoon, in the interests of the amenity of nearby residential occupiers.

Policy - G2 (General Criteria for Development)

3. Before development is commenced, details of how the excavated material resulting from the creation of the lagoon is to be disposed of shall be submitted to the local planning authority and approved in writing. Development shall be in accordance with the details thereby approved.

Reason: To ensure the debris resulting from the creation of the development is disposed of sensitively, in the interests of visual amenity within the surrounding AONB.

Policy - C5 (Landscape Conservation)

4. No development shall commence within the area of the application until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY - CN21 (Ancient Monuments and Archaeology)

INFORMATIVES

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref 02609/1. Date Received 27.05.09

Plan Ref 02609/2. Date Received 27.05.09

2. The Environment Agency advises that:

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over the storage installation is required to serve notice on the Environment Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

Staff from the Environment Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

Appendices:	Appendix A – Planning History sheet Odstock/019 relating to Nunton Farm Appendix B – Letter dated 15.07.09 from the applicant’s agent providing supplementary information in response to the Environmental Health Officer’s comments
Background Documents Used in the Preparation of this Report:	Development plan documents as detailed at 6 (above) Nitrate Pollution Prevention Regulations 2008 (Statutory Instrument 2008/2349) Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas

Appendix A

FILE REF: ODSTOCK/019
MAP REF: SU1526

SITE LOCATION: NUNTON FARM, NUNTON

POST CODE: SP5 4HY

Planning ref	Proposal	Approved/ Conditions/ Refused	Date
78/0684	Erection of loose boxes at O.S. 4813, Nunton Farm	W/D	22.08.78
79/0920	Erection of a single storey steel framed agricultural building for the housing of livestock at Nunton Farm	AC	19.09.79
84/0634	Erection of general purpose agricultural building for housing livestock, fodder, machinery storage at Nunton Farm	AC	28.06.84
85/0780	Extension to existing agricultural covered yard for housing livestock at Nunton Farm	AC	18.07.85
88/0204	Demolition of derelict & redundant barn at Nunton Farm	R	30.03.88
91/0272	Roofing over existing feeding area adjacent to existing Dairy cow housing at Nunton Farm	AC	19.04.91
99/0074	O/L Redevelopment of Dairy Unit for residential purposes comprising demolition of Cow shed & out buildings, conversion of milking parlour, erection of new dwellings and garages, construction of a new access and associated works including footpaths	AC	29.03.00
99/0075	Proposed new dairy unit and associated works	AC	31.03.00
01/437	Erection of 10 dwellings and conversion of existing redundant farm building to 3 dwellings.	AC	13.12.01
02/941	Silage pit extension	AC	14.06.02
02/942	Cubicle building extension	AC	14.06.02
02/1409	Erection of 3 dwellings following demolition of existing dairy building. Revision to Planning Permission – 2001/ 437 dated 13/12/01.	AC	05/09/02
02/2080	Add a conservatory to a house under construction (Connect with planning consent Ref 2001/881 at 12 (plot) The Old Dairy	AC	20.11.02
04/2106	Conservatory at 1 The Old Dairy	AC	12.11.04

Page 1 of 1

The information contained within the history sheet on this file was compiled for internal purposes only, in connection with a planning application. The information may not be complete or up to date and you should not rely upon it. You are advised to research the planning register and manual files which are available for public inspection



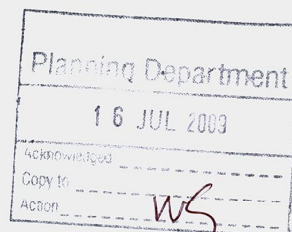
Damen Associates Ltd
Architectural Designers & Surveyors

101 Wilton Road
Salisbury
Wiltshire SP2 7HU
Telephone: (01-722) 320504

Ref: 026.09

15 July 2009

Wiltshire Council
Planning Department
61 Wyndham Road
Salisbury
SP1 3AH



Dear Sirs

Ref: S/2009/750/Full - Dirty Water Lagoon - Nunton Farm, Nunton

The applicant has carefully considered the issues raised by the Council's Environmental Health Department, Local Residents and Parish Council and would like the following comments taken into consideration.

Before addressing each section it is necessary to clarify the need and purpose of the lagoon.

The dispersal of farm slurry on land at certain times of the year is now restricted under European Communities Directive for Designated Areas (NVZ) and Nunton is such an area, therefore containment of the liquid element of the slurry has to be provided.

Slurry from the dairy farm (485 head) is collected in a slurry pit located between the buildings and Nunton Drove approximately 200 metres from the nearest residence in Nunton Drove and this will remain operational.

When it is not permitted to inject liquid into the ground or distribute over the ground, the liquid from the slurry pit will be suctioned off from below the crust layer and pumped by umbilical pipe into the lagoon below the top crust level to reduce disturbance in both locations.

The Farm will not cease to operate if the lagoon is not in the proposed location but the position is considered appropriate.

Environmental Health- in response to E-mail of 26 June 2009

- 1 This will be carried out as required with a small propeller from PTO set below the surface the intention being not to disturb the surface .
- 2 Where fields are south east of the farm umbilical pipeline will be used, for fields north west of Nunton Drove sealed vacuum tankers will be used (see proposed tanker routes).

Continued

C.M.J. Burrows A.M.A.S.I. L.C.I.O.B.
REG OFFICE, ST MARY'S HOUSE NETHERHAMPTON, SALISBURY, WILTS. SP2 8PU
REG NO. ENGLAND 4481269

Vat No. 423 8108 70

- 3 Suction from the slurry pit will be from below the crust through mesh filter to retain solids in slurry pit. When the lagoon is empty, if necessary, settlement will be suctioned out and returned to slurry pit.
- 4 To put the question of the lagoon encouraging the breeding of insects into context - the slurry pit will remain - scrapped yards will remain - manure deposits in the fields fronting Nunton Drove will remain.

A change in housing to strawed yards could see rotting manure stockpiles in the fields removed by open topped trailers, which will be permissible by the Directive.

If the lagoon presents a problem with breeding insects, it is in the applicant's interest to deal with the matter, to support the programme of herd injection against fly infestation, on a regular basis.

The applicant advises that there have been no incidents of complaint regarding flies.

Parish Council and Local Residents

The Parish Council response generally embodies the comments of local residents therefore with no disrespect to local residents it would seem appropriate to respond to both with the following -

Reasons for Objecting

- 1 Referring to the proposal as a **slurry** lagoon is not correct, the proposal is for a **dirty water** lagoon which could have little or no solids present. At present this liquid is contained in the slurry pit
- 2 The smell nuisance is usually related to disturbance of the slurry and in the present pit this happens daily. In the lagoon the disturbance will be below the surface and the movement of the liquid will occur only when necessary.
- 3/4 The applicant has considered the question of tanker movements to fields north west of the village avoiding Nunton Drove. The suggestion is - from the lagoon loaded tankers to use a farm track going north west to the highway and using farm tracks to past through the old farmyard to the main road west of the village, returning empty via Nunton Drove if necessary, refer to attached plan
- 5 This is a rural location where a large dairy farm has been located for the past 9 years, therefore property values must already acknowledge this and looking at recent developments there appears to be no caution regarding the proximity of a farm.

Continued

The proposal could reduce the number of tanker movements and if approved conditions could be imposed regard laden traffic movements in connection with the lagoon

- 6 The floor and sides and top of banking to the lagoon are sealed by a double rubber layer. The capacity of the lagoon is designed to prevent overflow.
- 7 The lagoon is monitored on a daily basis and as referred to in No: 6 has a rubber lining and the majority of the lagoon is below ground.

The fields fronting Nunton Drove are 11 acres and 17 acres for dispersal should overspill occur.

Observations /Recommendations

- a The proposal for a lagoon associated with the Farm always raises concerns and it was felt there would be no acceptable solution found that would suit everyone at a public meeting, only that the lagoon should be as far away as possible, which from the Farm operational view is not possible.

With the submission of an application, comments made by all parties can be considered and hopefully moved to an agreeable solution which may suit most concerns.
- b This project is not cheap but has to be provided and with the applicants proposed adaptions above the concerns of the local residents have been accommodated.
- c The movement of the slurry is not a planning issue. The slurry will continue to be transported and when permitted the lagoon provides the additional holding capacity. An option considered was to enlarge the existing slurry pit towards Nunton Drove.
- d The existing Farm complex and its relationship to the village is not a planning issue, it is there and will remain.
- e The proposal outlined in Nos: 3/4 takes the laden tankers away from Nunton Drove, using an existing farm track west of the Nunton Drove dwellings. Appropriate planning condition could be composed to enforce this requirement.

Recommendations

- A Above ground silos to hold the designed capacity could require at least 2 No., 20 m diameter, 15 m high. If a leak or failure occurs the whole contained liquid would be discharged. Such silos are also visually intrusive in the landscape.

Continued

Locations south east of the Farm are not suitable due to rising ground and are on the wrong side of the present pit. Also it is considered that such excavations in this area would be detrimental to the landscape.

- B** Slurry is not being held in the proposed lagoon, only liquid. A location south east of the Farm is not suitable for reasons previously stated.
- C** The application before us is for a dirty water lagoon south of Nunton Drove and the principal issues as far as the residents are concerned are - proximity to dwellings, smells, and tanker movement.

This is a rural location and farm equipment must be expected to use the roads.

The issue of dirty roads has been addressed by the use of existing farm tracks for laden tankers.

Smells will be no worse than at present. Tankering out will be reduced over winter periods.

The applicant proposes to construct extra 'grips' in the farm road to redirect water run-off into the fields.

Conclusion

Reviewing the objections and comments made we summarize the following -

It is important to understand the application is for a water lagoon and not a slurry pit, holding liquid that would, before the Directive, be held in the slurry pit and tankered out all year round.

This facility is required by law.

Location of lagoon

The lagoon is adjacent to a farm track away from public areas and set into the ground with limited banking.

Attention is drawn to the existing hedge on the west side of the Farm track and it is proposed that this hedge will be allowed to grow up to at least the height of the bank to the lagoon, in order to protect the outlook from Nunton Drove properties.

Continued

The applicant advises that the prevailing wind is from the south west, which should take any smells across Farm buildings, rather than into Nunton Drove.

Smells

The transit of liquid below the surface between slurry pit and lagoon should reduce smells.

Insects

It is in the applicant's interest to contain the issue of flies/insects to support the Farm programme of treating the cattle against harbouring breeding flies.

Tanker Routes

The applicant proposes routing laden tankers away from Nunton Drove.

The applicant has considered alternative locations but is advised that this is the appropriate position and with reasonable conditions should be allowed.

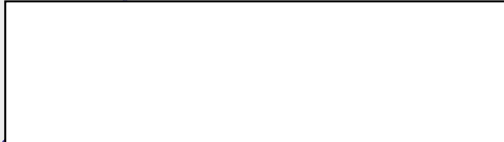
With this application the Council can impose conditions.

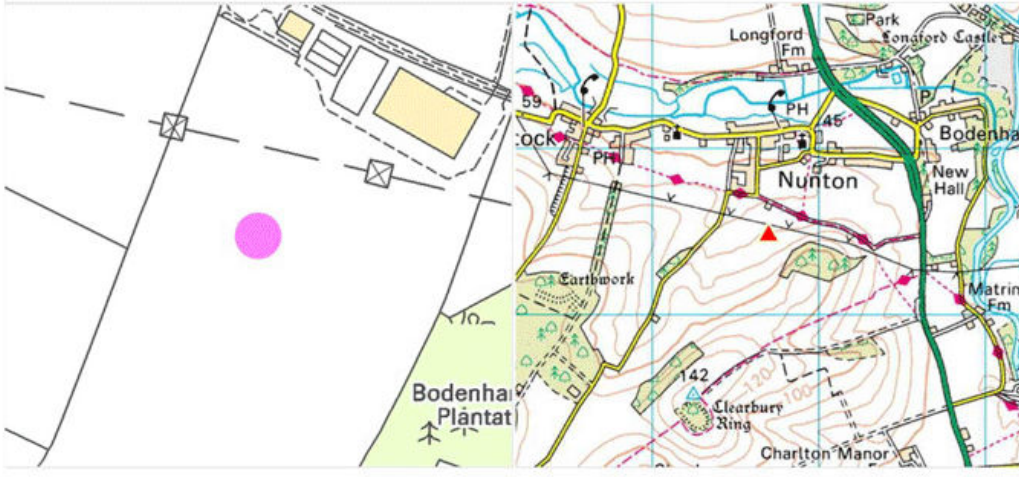
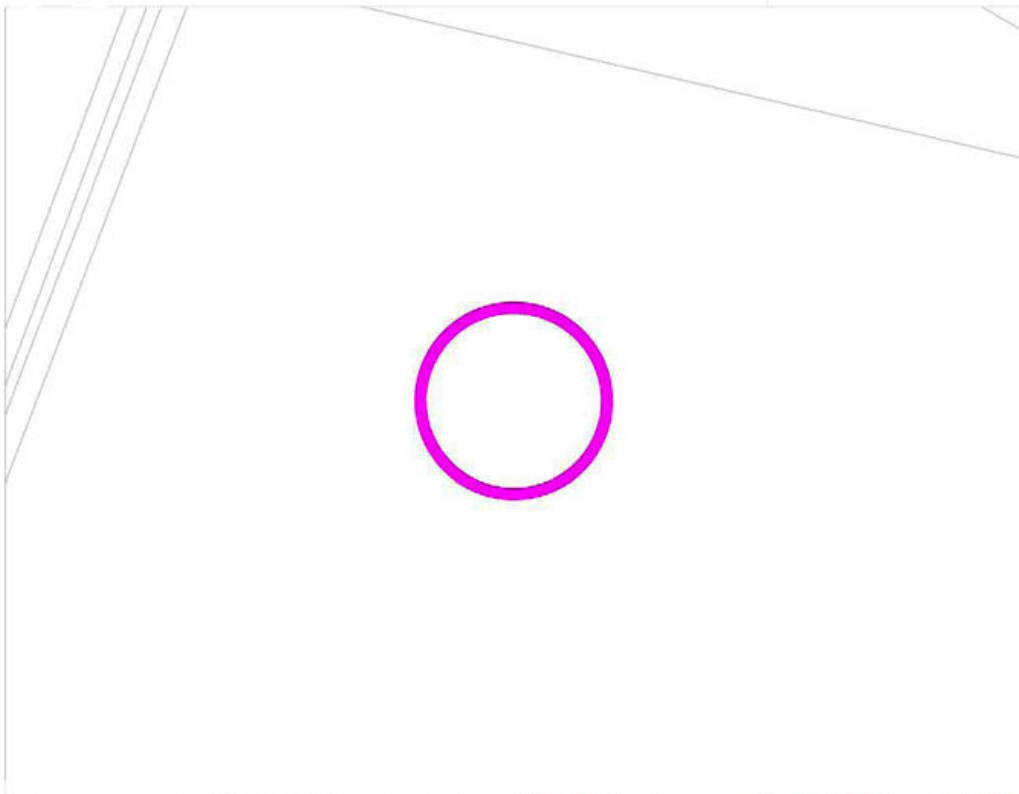
Alternative positions may not be so controllable.

We would be pleased to discuss an appropriate condition for the movement of tankers.

Yours faithfully

DAMEN ASSOCIATES LIMITED





Deadline	18/06/2009		
Application Number:	S/2009/0577		
Site Address:	WEST VIEW HIGH STREET ANSTY SALISBURY SP3 5QF		
Proposal:	REPLACEMENT TWO STOREY DWELLING HOUSE WITH DETACHED THREE BAY GARAGE BUILDING		
Applicant/ Agent:	MICHAEL LYONS ARCHITECTURE		
Parish:	ANSTY		
Grid Reference:	395538.3 126913.6		
Type of Application:	FULL		
Conservation Area:	ANSTY	LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

Reason for the application being considered by Committee

Councillor Deane has requested that this item be determined by Committee due to:

Scale of development and local concern relating to the Design – bulk, height, general appearance.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

2. Main Issues

the main issues to consider are :

1. Impact on amenities
2. Impact on Conservation Area and Area of Outstanding Natural Beauty

3. Site Description

West View is a detached bungalow located within a large site in the rural settlement of Ansty. The site is located adjacent to a Conservation Area and is within an Area of Outstanding Natural Beauty. The site is within the open countryside in the north east of Ansty. The site is accessed from the main road through the settlement via a driveway. To the north and east of the site is paddock which is owned by West View, to the west of the site is a native hedge boundary adjacent to the road and a Copper Beech hedge boundary to the neighbouring property to the west.

--

4. Planning History

Application number	Proposal	Decision
08/2123	Replacement dwelling and carport	WD

5. The Proposal - Permission is sought for a the demolition of an existing bungalow and construction of a replacement 2 storey dwelling with detached 3 bay garage. The existing property and outbuildings make a total of 233 square metres with the proposal seeking to increase this to a total of 293 square metres consisting of 248 square metres for the house and 45 square metres for the garage. The existing access and drive is to remain as existing.

6. Planning Policy

the following policies are considered relevant to this proposal
G2- General Criteria for development
D2- Good design
H30 – Replacement dwellings
C5 – Landscape Conservation of Area of Outstanding Natural Beauty
CN8 – Conservation Areas

7. Consultations

Town/ Parish council Object on scale of proposal

Conservation – Objection over the impact on the conservation area

Wessex Water – No objections

WC Highways – No objection

Arboricultural Officer – No objections

Environment Agency – No objections

Environmental Health – No objections

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 28/05/09

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9. Planning Considerations

9.1 Impact on amenities

The proposal is located outside the Special Restraint Area in Ansty and is within the open countryside. As such the principle of the proposal is acceptable as policy H20 is not relevant with policy H30 generally permitting appropriate replacement dwellings. The proposed replacement dwelling will due to its prominent location have an impact on the amenities of the surrounding area. The existing property is a single storey dwelling that whilst sited at the eastern edge of the site at the highest point is not a prominent feature within the landscape. The proposed replacement dwelling will introduce a more prominent feature into the area however it is not considered that this will be an oppressive or dominant feature due to the appropriate nature of the design which will be discussed further in the following section.

The proposal is to be sited at the north east of the site 35m from the southern boundary and 17m from the western boundary. The land bordering the eastern and northern boundaries is owned by West View and is an open field leading into a forested area further to the east. The proposal due to its location is considered to have a minimal impact on the amenities of the surrounding properties as there is a significant distance over 30m to the adjoining properties. The impact is further reduced by the adequate levels of screening on site which is surrounded by mature vegetation which is to be retained.

The proposed garage is located to the north of the site and will be well screened from view by trees to both side elevations. The siting of the proposed garage will ensure minimal impact on the amenities of the area due to the location of the building which is surrounded by paddock in the ownership of West View.

9.2 Impact on Conservation Area and Area of Outstanding Natural Beauty

The addition of a second storey has raised some concerns from the Conservation Officer and Parish Council. Specifically the visibility and size of the proposal by nature of its larger elevations, increased height, and use of materials. The existing bungalow is set at an elevated position and can be seen from the road however it is set back into the site reducing its impact on the area. Whilst it is accepted the proposal will be more visible than the existing bungalow due to its increased height and overall scale it is considered that the appearance of a two storey dwellinghouse of appropriate design is not an uncommon feature within Ansty and the surrounding area and as such it is considered that the proposal will merge with the immediate area to a satisfactory degree. The parish council state that the proposal is out of character with the rural village however it is considered that the design of the proposal is considered to respect the rural surroundings due to the traditional and simple design of the dwelling which utilises a traditional farm house gable to the west elevation and a central chimney and appropriate materials on a modest sized dwelling.

Further concerns have been raised by the Conservation Officer over the scale of the dwelling however it is considered that the site is of a suitable size to support a dwelling of this size. The proposal will result in an increase in size from the existing dwelling however it is not considered that an increase of 60m squared (including replacement garage) is significant enough in this case to constitute a departure from policy H30 due to the minimal impact on the open countryside. Furthermore the impact of the property will be reduced as the dwelling will be set back into the site and will be set partially into the bank to reduce the overall scale of the dwelling and will be set back away from the adjoining road.

The proposed dwelling is to be constructed with Chilmark stone which is considered to be a significant aesthetic improvement on the existing brick construction and will weather over time blend to a greater degree with the surrounding rural landscape. In addition to the Chilmark stone painted timber windows and handmade clay tiles are to be used which will further aid the proposal to merge with the surrounding rural area.

The proposed garage is of a simple design to be expected for a building of this nature. The proposed materials of oak with feather edge boarding and a clay tile roof will respect the rural characteristics of the surrounding area and merge well with the proposed dwelling.

10. Conclusion

Whilst the replacement dwelling is larger than the existing bungalow, the proposal is considered acceptable, as it would be more in keeping with character of the area and even though it is to be more visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H30 (Replacement dwelling in the countryside) of the adopted Salisbury District Local Plan.

Recommendation

It is recommended that planning permission is granted, for the following reasons:

Whilst the replacement dwelling is larger than the existing bungalow, the proposal is considered acceptable, as it would be more in keeping with character of the area and even though it is to be more visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H30 (Replacement dwelling in the countryside) of the adopted Salisbury District Local Plan.

Subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 & 18:00 weekdays and 08:00 & 13:00 Saturdays

Reason: In the interests of neighbouring amenity

3. During demolition and construction of the buildings, no bonfires or burning of surplus materials or other waste shall take place on site.

Reason: In the interest of neighbouring amenity

4. Prior to the commencement of development a method statement specifying how the demolition and site clearance will be undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason: in the interest of neighbouring amenity

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

6. No development shall commence on site until a sample of stonework, to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.

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

POLICY-D2, CN8, C5

INFORMATIVE:

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the detailed design stage.

It is recommended that the developer should agree with Wessex

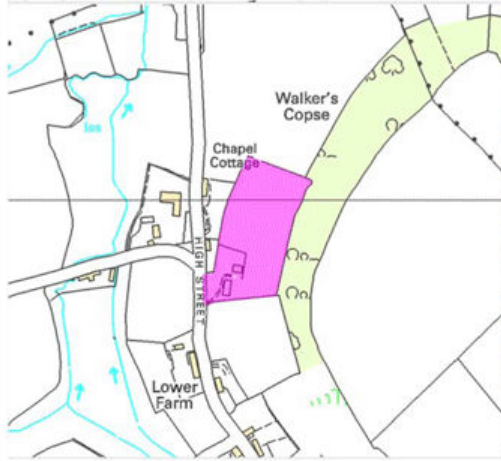
The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any unchartered sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense, or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus

Appendices:	• None
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Background Documents Used in the Preparation of this Report:	Please list any background documents or state NONE. <u>348/P.05</u> <u>348/P.04 A</u> <u>348/P.03</u> <u>348/P.02 A</u> <u>348/P.01 A</u>
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REPLACEMENT TWO STOREY DWELLING HOUSE WITH DETACHED THREE BAY GARAGE BUILDING

S/2009/577



Wiltshire Council
Where everybody matters

West View Ansty SP3 5QF

SCALE: NTS DATE: 27/07/2009 14:51:36
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Deadline	07/08/2009		
Application Number:	S/2009/0834		
Site Address:	NEW BARN FARM ANSTY SALISBURY SP3 5PX		
Proposal:	RETENTION OF MOBILE HOME (UNOCCUPIED) THROUGHOUT FERUARY EACH YEAR WHEN NOT SEASONALLY OCCUPIED, (BEING PERMITTED DEVELOPMENT)		
Applicant/ Agent:	MR SIMON CHAMBERS		
Parish:	ANSTYFOV/CHALKEVALLE		
Grid Reference:	394924.7 125580.4		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

Application Number	S/2009/0834/FULL
Proposed Development	Retention of mobile home (unoccupied) throughout February each year when not seasonally occupied
Officer Report	

Reason for the application being considered by Committee

Councillor Green has requested that this item be determined by Committee due to the impact of the proposal on the Area of Outstanding Natural Beauty

1. Purpose of Report

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

2. Main Issues

the main issues to consider are :

- (i) The principle of the proposed development
- (ii) Impact on the surrounding AONB
- (iii) Whether the provision of a dwelling within the site is justified in terms of agricultural need

3. Site Description

The mobile home is sited to the rear (south east) of the Ansty PYO Farm Shop building beyond the car park, at Barnfield Farm, Ansty. The site lies within the general extent of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The

owner's freehold ownership extends to approximately 20.6ha and the unit is currently run to produce fruit, vegetables and eggs for sale in the farm shop.

The mobile home is understood to be occupied by the owner's daughter and family as their permanent home. The owner's daughter is employed in the shop.

The mobile home comprises a two-bay static unit with a pitched roof and raised decking, stationed on a concrete slab.

4. Planning History

Application number	Proposal	Decision
S/07/1508	Retention of mobile home to provide accommodation for agricultural worker	REF 24.10.07 (appeal dismissed 04.09.08)
S/09/0077	Use of land to station a mobile home throughout the year	REF 09.03.09

5. The Proposal

The application seeks consent to retain the mobile home on the site permanently throughout the year, under the premise that it would be seasonally occupied for eleven months of the year, and vacated annually during the month of February (but retained on site)

6. Planning Policy

the following policies are considered relevant to this proposal

The site lies in open countryside within the AONB. Saved SDLP policies G2 (General Criteria for Development); H23 (Housing outside Housing Policy Boundaries); H27 & H28 (Housing for Rural Workers); C2 (The Rural Environment); C4 & C5 (Landscape Conservation); C20 (Agriculture)

R2 (Recreational Open Space) & PPS7 (Sustainable Development in Rural Areas).

Wiltshire and Swindon Structure Plan 2016-DP1, DP14, C8.

7. Consultations

WCC Highways – No response received

Ansty parish council – No response received

8. Publicity

The application was advertised by site notice and neighbour notification letters

Expiry date 16.07.09

No third party representations were received in respect of the application

9. Planning Considerations

9.1 The principle of the proposed development

The application seeks consent to retain the mobile home on the site permanently throughout the year, under the premise that it would be seasonally occupied for eleven months of the year, and vacated annually during the month of February (but retained on site).

Officers consider that the suggested proposal to vacate the mobile home for one calendar month per annum could not be adequately controlled by Condition. It is considered that such a Condition would fail the Governments tests as set out under Circular 11/95 (The Use of Conditions in Planning Permissions) insofar as the Condition could be deemed unreasonable in requiring a family unit to regularly vacate a dwelling for a temporary period, and, by reason of the relatively isolated and discrete location of the mobile home, being located behind the main farm shop building in the countryside, would be effectively unenforceable in terms of monitoring and checking that the Condition was being properly complied with.

Officers consider the circumstances and effect of the application to be materially the same as those considered under the previously refused scheme under planning reference S/2007/1508 (dismissed at appeal). The proposal is considered to be somewhat of a contrivance of the previously refused scheme, and tantamount in its circumstances and effect to the permanent retention of a mobile home used as a dwelling in the countryside.

In this respect it is considered the current application should be properly assessed against the relevant policies of the adopted local plan, together with the guidance set out in Planning Policy Statement 7 (PPS7) for the provision of an agricultural workers dwelling in the countryside.

9.2 Impact on the AONB

The proposed development, by virtue of the small size of the static mobile home and the secluded and well screened location in which it is situated, would not have an adverse visual impact on the landscape of the surrounding AONB. Similarly, by virtue of the distance between the mobile home and the nearest neighbouring residential properties, the proposal would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

9.3 Whether the provision of a dwelling within the site is justified in terms of agricultural need

The issue of whether the provision of a dwelling within the site is justified in terms of agricultural need has previously been assessed under application reference S/07/1508 and the subsequent appeal (reference APP/T3915/A/08/2064276).

Paragraph 10 of PPS7 makes it clear that new dwellings in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such

workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

It is clear that the effect of the current application is to propose the use of the existing static mobile home for residential accommodation on a permanent basis. PPS7 makes it clear that such applications for permanent dwellings should only be allowed where they are to support existing agricultural activities on well-established agricultural units, and must demonstrate:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

PPS7 states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. In addition, new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

The Council previously commissioned an Agricultural Assessment of the proposed development by Agricultural Planning Associates (the full report dated 28.09.07 is attached to this document at Appendix B) which assessed the existing farming practice and considered whether the proposal for a permanent agricultural workers dwelling on the land is justified under the guidance set out under PPS7.

The conclusion of the Agricultural Assessment was that the tests for a permanent dwelling, based on the existing functional need and financial tests as set out under Annex A to PPS7 were not met; the provision of an agricultural workers dwelling (temporary or otherwise) on the land was therefore not justified as the proposal failed the test for functional need. The report also highlighted that the applicant had failed to provide sufficient information in respect of financial viability (the financial test).

The current application contains no further/supplementary information over that previously provided in 2007 to demonstrate that the activities and circumstances of the operations on the holding have altered or increased to a level where the provisions and requirements of

PPS7 for the justification of an agricultural workers dwelling are met.

On the basis of the information provided by the applicant within the current application, and that contained with the previous (2007) application, and taking into consideration the assessment and decision of the Appeal Inspector who concluded that:

"I find these considerations insufficient to outweigh the failure of the proposal to demonstrate that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times (particularly between the hours of 22:00 and 06:00 the following day), and that no other suitable and available accommodation exists elsewhere in the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed."

Officers therefore remain of the opinion that the proposed development is discordant with policies H27 and H28 of the adopted local plan, and fails to satisfy the aims and objectives of PPS7.

10. Conclusion

The circumstances and effect of the application are materially the same as those previously considered under the refused scheme under planning reference S/2007/1508 (dismissed at appeal). The current proposal is thereby considered in its intention and effect to be tantamount to the permanent retention of a dwelling in the countryside.

In this respect the proposal has been considered and assessed against the relevant saved policies of the adopted local plan, together with the guidance set out in Planning Policy Statement 7 (PPS7) for the provision of an agricultural workers dwelling in the countryside.

In the absence of any further/supplementary information over that previously provided in 2007 to demonstrate that the activities and circumstances of the operations on the holding have increased to a level where the provisions and requirements of PPS7 for the justification of an agricultural workers dwelling are met, officers remain of the opinion that the proposed development is discordant with policies H27 and H28 of the adopted local plan, and fails to satisfy the aims and objectives of PPS7.

Recommendation

It is recommended that planning permission is refused for the following reasons:

1. The material change of use of the Land from a mixed use for agriculture and use as a caravan site for stationing a seasonally occupied mobile home, to a mixed use for agriculture and use as a caravan site for stationing an agricultural workers' mobile home for all year round residential occupation, fails to satisfy the test of functional need as set out within the guidance contained within Annex A to Planning Policy Statement 7 (Sustainable Development in Rural Areas). In particular there is no clearly established need for a worker to be accommodated on or near the holding; and that the need cannot be fulfilled by any other accommodation in the area which is suitable and available for the worker concerned and therefore resulting in an unjustified and non-essential residential use in the open countryside, being contrary to

saved policy H28 (ii) & (iv) and saved policies C2 and H23 of the adopted Salisbury District Local Plan, and; saved policy DP14 of the adopted Wiltshire and Swindon Structure Plan 2016.

2. This residential development is considered by the Local Planning Authority to be contrary to saved Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

Informative - It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if a relevant Section 106 Agreement is completed and a commuted sum paid towards the provision of public open space.

Appendices:	Appendix A – Copy of Appeal Decision in respect of previous planning application S/2007/1508 dated 04.09.08 (Appeal Ref APP/T3915/A/08/2064276) Appendix B – Agricultural Assessment of planning application S/07/1508 produced by Agricultural Planning Associates dated 28.09.07
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Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• Development Plan documents as detailed at 6 (above)• Circular 11/95 (The Use of Conditions in Planning Permissions)• Appeal Decision in respect of previous planning application S/2007/1508 dated 04.09.08 (Appeal Ref APP/T3915/A/08/2064276)
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Appeal Decision

Hearing held on 29 July 2008
Site visit made on 29 July 2008

by **Philip Barton** MCD BA(Hons) MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
4 September 2008

Appeal Ref: APP/T3915/A/08/2064276

Ansty PYO & Farm Shop, Barnfield Farm, Ansty, Salisbury, Wiltshire SP3 5PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs O'Bourne against the decision of Salisbury District Council.
- The application, reference: S/2007/1508, dated 25 July 2007, was refused by notice dated 24 October 2007.
- The development proposed is the use of a mobile home between October and April, in addition to existing seasonal occupation – all year.

Decision

1. I dismiss the appeal.

Procedural Matter

2. It was agreed at the hearing that a more accurate description of the proposal is: *a change of use from seasonally occupied mobile home to temporary agricultural worker's dwelling for occupation all year round*. I have determined the appeal accordingly.

Main Issue

3. The main issue in this case is whether an essential agricultural need for a dwelling in this location has been proven and, if not, whether any other considerations outweigh this, thereby justifying the granting of permission.

Planning Policy

4. The Council refers to saved Policies H27 and R2 of the *Adopted Salisbury District Local Plan (LP)* of June 2003 in its reasons for refusal. However, on 27 May 2008, the Council issued a correction to its decision notice stating that the application should properly have been assessed against saved LP Policy H28 (temporary dwellings) rather than LP Policy H27 (permanent dwellings) and that saved LP Policy R2 is not relevant. Consequently, at the hearing, the Council withdrew its second reason for refusal and I have assessed the appeal against saved LP Policy H28 only. This policy gives local expression to *Planning Policy Guidance Note (PPG) 7: The Countryside: Environmental Quality and Economic and Social Development*, published in 1997 and revised in 2001.
5. Where emphasis differs between the reasoned justification for saved LP Policy H28 and *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*, published in 2004, the advice in PPS7 attracts more substantial weight.

Otherwise, I consider there to be no significant difference between the content of saved LP Policy H28 and the advice found at Annex A of PPS7.

Reasons

6. The appellant confirmed that, in 2002, the mobile home replaced an existing one on the same pitch and has been occupied as a permanent family dwelling ever since. An occupant of the mobile home who manages the business was present at the hearing and she is convinced that a permanent human presence has been key to the success of the business and will continue to be necessary to ensure its long-term viability. The appellant points out that the business is a diversified rural enterprise and deserves to be supported because of the rôle it plays in the life of the local community, in particular by providing a recycling centre, children's playground and coffee shop. This view was enthusiastically supported by a number of local residents and their elected representatives who spoke at the hearing in support of the appeal.

Functional need

7. An extensive list of operations has been presented to me detailing the hard work that the employees of the enterprise undertake throughout the year. This includes the cultivation of several different types of fruit and vegetables. As far as livestock is concerned, there are (or soon will be) about 300 chickens, 50 turkeys and 8 maiden gilts (pigs) on site. In addition, bread and cakes are baked in the kitchens of the on-site barn. From what I was able to determine during the hearing and site visit, there is work-related activity on site from around 06:00, when the baking starts, to around 22:00 when the chickens are shut in for the night.
8. I accept that baking is a necessary activity within the diversified business model being used. However, from what I saw during my site visit, it is not of such a scale to represent a rural enterprise in itself and is certainly not an agricultural operation. I also accept that baking may well go on in the mobile home late into the night. Nevertheless, I see no essential functional need for the mobile home to be used for baking through the night when the facilities in the barn would be available for night shift workers, if necessary. Neither do I accept that there is an essential functional need related to the growing of fruit and vegetables. Careful monitoring of the weather and remote temperature alarm systems could assist in taking preventative action to protect sensitive plants.
9. An irrigation system is in place and moveable electrified stock control fencing is used to contain livestock as and when necessary. Having someone on site in case of leaks or animal escape is, in my view, convenient but not essential. General maintenance, monitoring ramblers crossing the land, pest control and livestock management are common problems faced by many farms where the farmhouse is sited away from fields where supervision is not possible. With regard to ensuring the safety of newborn piglets, the use of a farrowing ark would reduce the risk of crush injuries. Likewise, I am not convinced that the welfare of either the turkeys or the chickens demands a permanent human presence on site. Such close vigilance is not warranted in this case.

10. I note the reference to burglaries prior to the manager moving to the Farm, and to there being no further security problems during the time she has lived there. However, the issue of security, by itself, is not sufficient to justify the proposal.
11. I find that the proposal fails to satisfy the test of functional need described at Paragraph 4 of Annex A to PPS7 and referred to in Paragraph 12 (ii) of the same Annex. Neither would it accord, therefore, with saved LP Policy H28 (ii).

Intent and financial basis

12. With regard to the intention and ability to develop the enterprise, all parties agree that, since 2002, a firm intention to make a success of the enterprise has been evident and that this intention continues. Investment in new kitchen equipment, the irrigation system, table top fruit production and a new, larger hen-house are all evidence of this intention, in my view. Notwithstanding the production of additional financial information in support of the appeal, however, the Council maintains that the enterprise has not been planned on a sound financial basis. The financial information supplied in support of the appeal shows the enterprise making a pre-tax loss of £44,557 in 2002. By contrast, in 2007 it was £27,815 in profit. According to the manager, visitor numbers have risen to around 40,000 per year (based upon extrapolating from till receipts). These figures were not specifically disputed by the Council.
13. In my assessment, the enterprise is generating sufficient profit to sustain the planned expansion in relation to turkey and pig products. The public support that was obvious during the hearing, the extrapolation of visitor numbers and the level of custom that I witnessed during my site visit all contribute to what appears to be a thriving rural enterprise. I have seen no financial projections but, on the basis of an established pattern of growing profitability, I consider that the construction of a permanent dwelling may well be justified within the next 3 years. I find that the proposal would satisfy the financial tests described at Paragraph 12 (i) and (iii) of Annex A to PPS7 and would, therefore, accord with saved LP Policy H28 (i) and (iii).

Availability of other accommodation

14. Although the appellant apparently submitted evidence about the availability of accommodation elsewhere in the locality, this has become lost and no copies were retained. Consequently, I can only make a determination based upon what was said at the hearing and what I saw. According to local residents there are no properties in the area worth less than £250,000 and, despite the recent fall in house prices, on the basis of what I saw, I would deem this to be a conservative estimate. Evidence of the annual income of the manager who occupies the mobile home indicates that she would be very unlikely, on her own, to be able to obtain a mortgage of sufficient value to purchase a family home in the vicinity. However, she is married and I have been given no details of her husband's income (if any). Furthermore, the appellant is her mother and some help may, therefore, be available from family members.
15. Notwithstanding the potential unaffordability of market housing, any available agriculturally tied dwellings in the locality might be cheaper and then there is

the private rented market. Moreover, according to a prominent local resident, there is also a small amount of social housing on the outskirts of Ansty. It is a matter for the appellant to demonstrate that no other suitable and available accommodation exists. The loss of the appellant's research is unfortunate but without it I can only conclude that it remains to be proven that the proposal represents the only means of housing the manager and her family. I find that the proposal fails to satisfy the test at Paragraph 12 (iv) of Annex A to PPS7. Neither would it accord, therefore, with saved LP Policy H28 (iv).

Other planning considerations

16. All parties agree that the existing mobile home is causing no harm to the character and appearance of the area and is otherwise acceptable in planning terms. I concur with this view and find, therefore, that it satisfies the test at Paragraph 12 (v) of Annex A to PPS7.
17. The existing enterprise makes a valuable contribution to the sustainability of the local economy. These include hosting a recycling centre for the locality as well as reducing the carbon footprint of customers and the number of food miles travelled. The playground and coffee shop provide important and, from what I saw, very popular meeting places for the local community, which also contribute positively to community cohesion. Government guidance permits a decision maker to attach substantial weight to such matters. Nevertheless, in my assessment, were I to dismiss the appeal no significant disruption to the day to day management of the enterprise would result. Consequently none of these facilities are under threat. Therefore, in the context of this appeal, the sustainability of the enterprise attracts only limited weight.
18. Throughout my consideration of this case I have been keenly aware of the provisions of Article 8 of the *European Convention on Human Rights: The Right to Respect for Private and Family Life and for the Home*. Dismissal of the appeal may well lead to enforcement action that would deprive the manager, her husband and their young child of their home, thereby interfering with these rights. However, this is a qualified right and Article 8(2) provides that such interference may be justified where it is in the interests of the economic well-being of the country, which includes upholding planning policies. Given the background to the case and the clear legal status of the existing mobile home as a seasonal dwelling, however, I consider that the appellant has been fully aware of the possibility that her daughter might eventually lose her permanent home and has had adequate time to make alternative arrangements.

Conclusion

19. I have found that there is evidence of a firm intention and ability to develop the enterprise; that the proposal has been planned on a sound financial basis, and that it would not cause any significant material harm to other normal planning requirements. However, I find these considerations insufficient to outweigh the failure of the proposal to demonstrate that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times (particularly between the hours of 22:00 and 06:00 the following day), and that no other suitable and available accommodation exists elsewhere

in the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Barton

INSPECTOR

AGRICULTURAL ASSESSMENT OF PLANNING APPLICATION IN ACCORDANCE WITH PLANNING POLICY STATEMENT SEVEN OF AUGUST 2004.

1.0	REFERENCE	APA/04/025
1.1	Proposed Development	Stationing of Temporary Agricultural Worker's Dwelling.
1.2	Planning Authority	Salisbury District Council
1.3	Planning Application No.	07/01508
1.4	Applicant	Mrs J.O'Borne
1.5	Site Address	Barnfield Farm, Ansty, Salisbury

2.0 DESCRIPTION

2.1 Location

The application site lies to the south west of Ansty village centre and immediately south of the A30 in open countryside, just north of the

2.2 Land

2.2.1 Area and tenure

The applicant's freehold extends to 20.6 ha (51 acres) at the application site.

2.2.2 Soil Type and Characteristics

The soils are classified in the Blewbury association, which is described as well drained calcareous clayey and fine silty soils over argillaceous chalk.

3.0 FARMING PRACTICE

Existing

3.1 The unit is run to produce fruit, vegetables and eggs for sale in the farm shop. In addition to the produce grown on the holding the shop also trades a degree of product which has been produced off site. Land use at the holding is divided between soft fruit, root vegetables, legumes and brassicas. The sole livestock on the holding at present are some 70 hens and bantams, which are kept to produce eggs.

Proposed

3.2 The applicant plans to expand the livestock enterprises. The number of laying hens will be increased to approximately 200. A Christmas turkey enterprise will be introduced; some 50 poults will be purchased and then reared on to a finished weight, for sale as table birds. A pork enterprise will be commenced, initially with six sows, then rising to eight. Finished animals from the pork enterprise will be butchered off site and then meat will be sold retail in the farm shop.

Comments

3.3 I understand the applicant and her husband purchased the holding in 1998, with additional land added in 2003.

Buildings

- 3.4 The main building on the holding is a steel framed shed, clad in profile steel sheet to the roof and elevations. The building has been divided to provide the farm shop, a refrigeration area and food preparation area and a separate agricultural store. There is an offlying storage shed.

4.0 EXISTING ACCOMMODATION

Dwellings owned by applicant

- 4.1 The applicant and her husband live away from the site, in Tisbury. The applicant's daughter occupies the subject dwelling, which is a mobile home, stationed on site. I understand that the subject dwelling has planning permission to be stationed on the site from 1st March to 30th September in any year.

5.0 LABOUR REQUIREMENTS

- 5.1 Existing

I understand that the unit employs three people full time, along with two part time workers on a year round basis and further casual labour in the summer months.

- 5.2 Anticipated if proposals undertaken

The applicant's business plan does not indicate any additional labour.

6.0 FUNCTIONAL NEED

Existing

- 6.1 The existing business, whilst generating a need for labour input year round, does not in my opinion present a functional requirement for an essential presence on site at most times. Whilst there might be a requirement for a presence on site as a measure to provide additional security, Annex A to PPS7 only recognises security in terms of livestock.

Anticipated if Proposals Undertaken

- 6.2 The expansion of the business is centred around the introduction of a breeding pig unit, along with a small turkey enterprise. It is noted that the production of pork will be year round, thus six months and therefore at least half the farrowings will be covered by the seasonal presence of the subject dwelling. Similarly, the critical period for the turkeys is when they are very young and under heat. The birds will be brought onto the holding in June/July and then kept under heat for the first few weeks – a period already covered by the existing dwelling.

- 6.3 In my opinion the quantity of livestock that is proposed is comparatively low and does not generate a functional requirement that is sufficient to extend the occupation of the subject dwelling to a year round requirement.

7.0 FINANCIAL TEST

Anticipated if Proposals Undertaken

- 7.1 I understand that the planning application seeks permission to station the subject dwelling permanently on the holding for a five year period. The applicant's case is that they propose an expansion of the business that warrants the dwelling year round. In support of their application the applicant has submitted a business plan. The business plan submitted takes the form of a single page tabled summary of actions over the next 18 months; the second strand to the submission (tabled some three weeks after my site visit) comprises gross margin data for the proposed livestock enterprises.

- 7.2 Paragraph 12 of Annex A requires that there is "clear evidence" that the proposed business has been planned on a sound financial basis. Whilst the submitted information shows the budgeted returns from the

proposed enterprises it does not give any indication of the overall operation of the business. There is thus no clear evidence of the overall financial planning of the business.

- 7.3 It is noted that whilst a temporary consent for a five year period is sought, the business proposals only cover the first two years of operation.

8.0 GENERAL COMMENTS

- 8.1 The applicant and her husband have extensive experience in agriculture. I understand that their daughter has qualifications in agricultural business management. I have no doubt that there is sufficient skill and experience to implement the proposed enterprises.

9.0 CONCLUSION AND OPINION

It is my opinion that the proposal does not meet the functional test. The business plan that has been submitted does not indicate the full impact of the proposals on the business; furthermore whilst a temporary consent for a five year period is sought, the proposals only cover the first two years of operation.

I trust the above provides you with the information required. If you require any further information, or clarification on the any aspect of the above, please do not hesitate to contact the writer.

A.M Coke BSc (Hons) MRICS, FAAV

Note: This Report has been prepared on information provided by the Applicant and or the Applicant's Agent.

APA/04/025/AMC

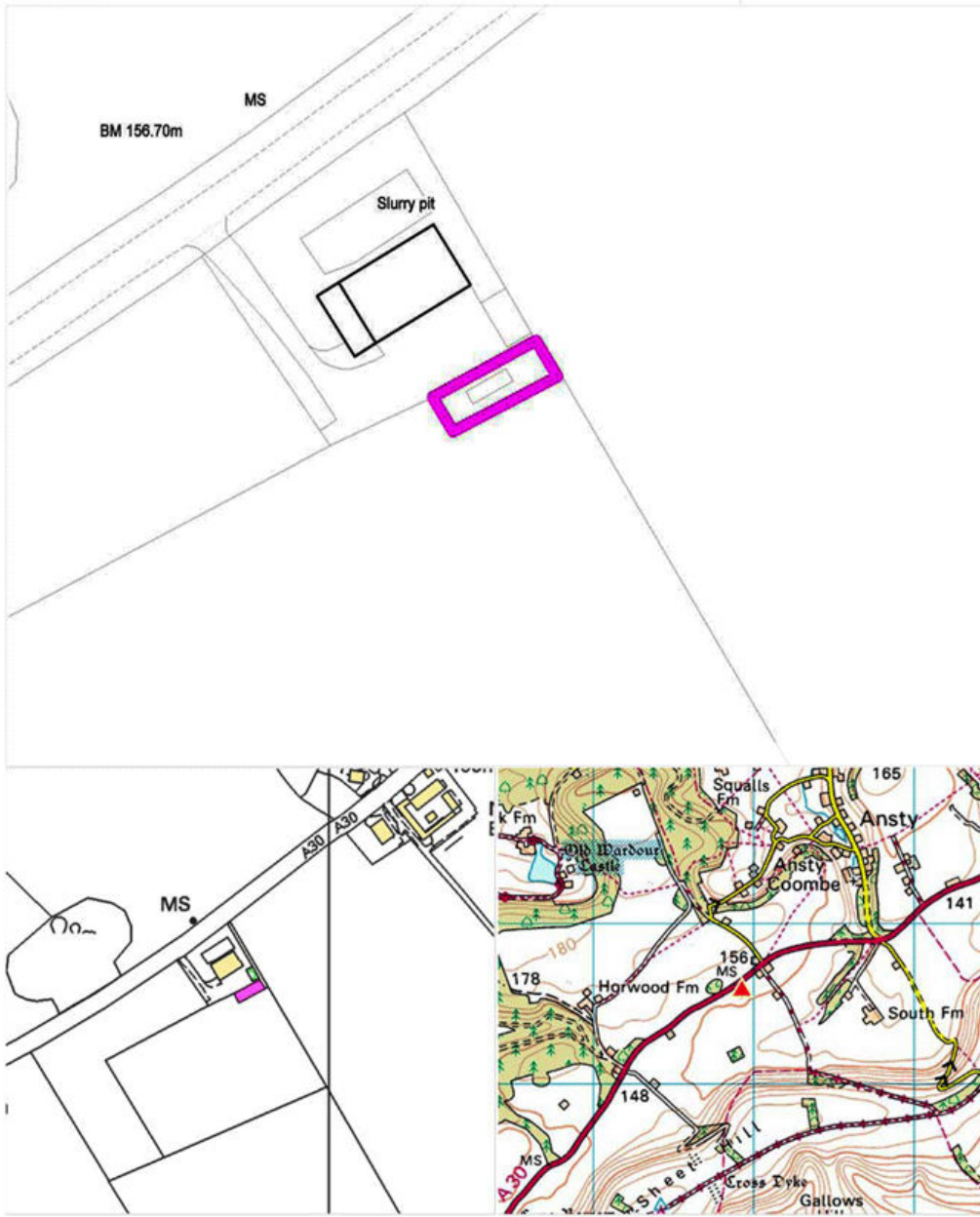
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Date 28th September 2007

APA
Halstead Farm
47 High Street
Easterton
Devizes,
SN10 4PE

RETENTION OF MOBILE HOME (UNOCCUPIED) THROUGHOUT FERUARY EACH YEAR WHEN NOT SEASONALLY OCCUPIED.

S/2009/834



Wiltshire Council
Where everybody matters

NEW BARN FARM ANSTY, SP3 5PX

SCALE: NTS DATE: 27/07/2009 14:59:03
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Deadline	14/07/2009		
Application Number:	S/2009/0695		
Site Address:	THE HEDGES EAST CHURCH LANE BULFORD SALISBURY SP4 9DD		
Proposal:	DEMOLITION OF EXISTING SEMI DETACHED PROPERTY THE HEDGES EAST AND ERECTION OF REPLACEMENT DETACHED 3 BEDROOM DWELLING INCLUDING ALTERATIONS AND EXTENSION TO THE HEDGES WEST FOLLOWING DEMOLITION OF THE HEDGES EAST		
Applicant/ Agent:	MR C VOKINS		
Parish:	BULFORD		
Grid Reference:	416624 144077.3		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

Application Number S/2009/0695/FULL
Proposed Development Demolition of existing semi detached property (The Hedges East) and erection of replacement detached 3 bedroom dwelling including alterations and extension to the Hedges West following demolition of The Hedges East.

Officer Report

Reason for the application being considered by Committee Report

Councillor Smale has requested that this item be determined by Committee due to:

- Scale of development
- Visual impact upon the surrounding area

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

2. Main Issues

the main issues to consider are :

1. The principle of the development;
2. The impact on the character and appearance of the area;

3. The impact on neighbouring properties;
4. Highway safety;
5. Nature conservation;
6. Archaeology;
7. Drainage
8. Arboriculture

3. Site Description

The Hedges (east) and the Hedges (west) comprise a pair of semi-detached dwellings of approximately 60-70 years old. They were originally part of Bulford Airfield and used as accommodation for Airmen. The building was sub-divided to two dwellings following the closure of the Airfield. They are of timber construction with low pitched roofs, porches, and out-buildings.

They are located close to a hilltop to the north of the village of Bulford and are linked to the main A3028 (High Street) via Church Lane. Church Lane is characterised by a mixture of development including the Church at the road junction, a farm with modern buildings and a pair of semi-detached houses.

Hedges East and West are within sizable gardens, with numerous trees, fruit trees and shrubs. Hedges West has its main garden to its west which runs down the hill to the River Avon (SSSI). The site is relatively well screened at present by these trees. To the east of the site, there are open field with trees along the west side of Church Lane which turns into a bridleway at this point on its direction northwards.

4. Planning History - None

5. The Proposal - The proposal is to demolish one half (Hedges East) of this pair of semi-detached bungalows. This will include the demolition of two out-buildings (coal shed and garage, both within 5m of the dwelling. A new external side wall will be built on the east side of Hedges West, thus turning it into a separate dwelling, and a very small extension in order to straighten up this side wall.

A new house will be built to Hedges East side and about 2.25m away from the new side wall of the existing neighbouring dwelling. The design will be of a modern appearance, with a first floor level, ground floor wings and a rear balcony. It will be constructed with external brick and slate with elements in timber cladding, such as the bay window.

The applicant has calculated the increase in floor-size of the new building to be about 44m². From my calculations this is about the same. This amounts to about a 44% increase. However, when taking into account the two outbuildings (at 20m²) and which are very close to the existing dwelling, then the increase is about 13%. With regards to volume increase, this is about 55% increase (or 29% when taking into account the outbuildings).

6. Planning Policy

The following policies are considered relevant to the proposal:

Policy H30 – Replacement of Dwellings in the Countryside

G1, G2 – General Development Criteria

D1 - Design Criteria

C6 – Special Landscape Area

C12 – Development affected protected species

C17 – The conservation and enhancement of river corridors

CN21 - Development and archaeology

PPS1 Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological conservation, together with its ODPM Circular 06/2005 and its Guide to Good Practice (Bats - The protection afforded to bats is explained in Part IV and Annex A of *Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*).

The advice in circular 03/99 (Planning Requirements in respect of the use of Non-Mains Sewage incorporating Septic Tanks in New Development) is also relevant to this application.

7. Consultations

English Nature – (Summary of their response) The application lies on the banks of the R. Avon system SSSI and R. Avon SAC. Under Regulation 48 (3) of the Habitats Regs 1994, it is our view that either alone or in combination with other plans or projects, there is not likely to be significant effect on the important interest features of the River Avon SAC, or any of the features of the R. Avon system SSSI.

As the proposal includes 'reverting the rear garden to lawns, flowerbeds and planted areas, Natural England recommends that should planning permission be granted, the following condition is applied:

1. That the river bank, and either, the area of vegetation between the banktop and the fence line (should a fence occur within 3m of the banktop), or a 1-2m (minimum wide strip along the bank top, is managed (with minimum intervention) as natural riverbank habitat (ie as tall herbs and grasses and/or shrubs and trees). This is to ensure no loss of SSSI/SAC riverine habitat results from this development and provide a wildlife corridor.

The LPA should be satisfied that the treatment plant proposed is to BAT.

The LPA to assess the impact of the proposal on Protected species under the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regs 1994 (as amended). Para 98 of the Circular states that ' the presence of a protected species is a material consideration when a planning authority is considering a development proposal that if carried out, would result in harm to the species of that habitat.

Wiltshire County Ecologist – (Agrees with the latest Bat Specialist Report received on 17th July 2009)

Parish council – Objection (H30). It is considered that the proposed replacement dwelling would be significantly larger (plus 41.51%) than the existing dwelling and that it would have a significantly greater impact than the existing dwelling. This impact, significant enough when taking in isolation, would be magnified by the proposed detachment from the adjoining and remaining dwelling (Hedges West) and what would be the difference in style, appearance and design (including height of the two dwellings).

Highways - No Highway Objections

Environment Agency - We have no objection to the proposal as submitted but wish to make the following comments. A consent for discharge may be required from us, and needs to be obtained prior development commencing.

(DCM note: The applicant has confirmed that the daily output would be less than the threshold of 2000l per day (predicted to be 900l per day) and as the site is outside Zone 1, then it is understood a Discharge agreement is not required. However a condition has been added).

Environmental Health – I have no objection in principle to this proposal but would recommend that the following conditions be attached to any approval to protect the amenities of the adjoining use during the demolition and construction process.

1. No delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or Public holidays or outside the hours of 08.00 & 18:00, weekdays and 08.00 & 13.00 Saturdays.
2. During the demolition and construction of the building(s), no bonfires or burning of surplus building materials or other waste shall take place on the site.

Wessex Water – None received

Building Regs: Building Regs matters to be dealt with at the time of the B.Reg application.

Wilts Fire & Rescue Service: Access for fire-fighting equipment is covered in the B Regs. Consultation between this department and the developer needs to occur to ensure adequate Water supply. The installation of a domestic sprinkler system is advised.

Arboricultural officer – I have no objection to the proposal in principle but a tree protection plan should be requested by condition if you are minded to approve. A method statement should be included with details of the surfacing to be used close to the trees on the eastern boundary.

8. Publicity

The application was advertised by site notice and neighbour notification expiry date 23rd June 2009.

One letter has been received from the CPRE. They object for the following reasons: (i) The replacement dwelling would be significantly larger by at least 40%; (ii) It would have an

impact substantially greater than the existing house; (iii) This impact, significant enough when taken in isolation, would be magnified by the proposed detachment from the adjoining and remaining dwelling (Hedges West) and what would be difference in style, appearance, and design (Including height) of the two dwelling. Therefore this contravenes policy H30.

No other letters received.

9. Planning

9.1 The Principle of development

The site is located within the countryside and therefore policy H30 is particularly pertinent. This is the replacement of dwelling in the countryside. This policy has five criteria:

(i) **The proposed dwelling is not significantly larger and has no greater impact than the existing dwelling:** The existing dwelling is considered to be relatively small with poor facilities, such as kitchen and bathroom and bedroom space and it is recognised that there may be cases where existing dwellings are in poor condition. The aim of the policy is that the replacement dwelling should not be significant larger than the one replaced in order to maintain the character of the countryside.

The existing dwelling is about 107 square metres. There are also two existing out-buildings to be demolished which are within 5 metres of the dwelling measuring about 40 square metres. The proposed dwelling would be about 155 square metres. Thus the increase in the built area is under 10 square metres. In terms of volume, the existing is about 460 cubic metres (570 cubic metres with sheds) compared with about 730 cubic metres for the new dwelling. This results in an increase of about 58% (29% when taking into account the loss of the sheds).

Whilst the proposed dwelling, with its first floor level, will appear larger at 6.6m height than the existing dwelling, compared with Hedges West (the remaining semi-detached dwelling), it is of the same height compared to an existing portion of the building to the rear. Hedges West is also larger than the existing Hedges East in terms of volume at about 690 cubic metres. Thus the proposed dwelling is comparable to Hedges West at only about 40 cubic metres greater in terms of volume or about 6%.

There are no other dwellings in the immediate vicinity to which it can be compared to, therefore in terms of increase in size it is considered to be appropriate.

(ii) **The design of the building is of a high standard and comparable to the rural surroundings:** The design of the dwelling has a two storey element which is set back from the front where there is a single storey element. It would look distinctly different to the existing and neighbouring dwelling, which is of timber cladding and with low pitched felt-roof tiles. Church Lane has a variety of utilitarian farm buildings and structures and there is a pair of circa 1960's semi-detached redbrick and tiles houses. It is considered that the proposed use of slates and bricks and the unique design would not undermine the appearance of this rural area and it is considered it would be an improvement upon the existing style of building, which is of its time and in a relatively poor state of repair. The development will re-use some of the building materials for the new construction to the remaining Hedges West and materials resulting from the demolition of Hedges East will be re-used where possible such as the proposed timber cladding portion. It is proposed to harvest rainwater, selected roofing members, high levels of insulation etc.

(iii) **The siting of the new dwelling closely relates to the existing:** It is considered that the locations are comparable and it is acceptable.

(iv) **Current parking and access standards can be met:** There is sufficient car parking for both dwellings and access onto this minor road. WC Highways have raised no objection.

(v) **The existing dwelling has not been abandoned:** It is considered that the current dwelling is habitable.

It is thus considered that the proposed replacement dwelling accords with Policy H30 of the adopted Local Plan in this instance and the principle of the development is acceptable.

9.2 The impact on the character and appearance of the area.

The site is located within the Special Landscape Area, and is close to a hilltop. There are trees to the south, west and north of the site. To the east, there are trees along the roadway/bridleway leading to the site. Whilst there are some trees and shrubs within the site itself which will be removed, (they have been inspected by the Council Arboriculture officer and are not of value), it is considered that there will be sufficient trees along the roadway and also trees to the north and west acting as a backdrop, to minimise the visual impact of the development. It is considered that any view through the trees will still be seen in context with the neighbouring dwelling, which is of similar height and bulk and against a backdrop of trees. It is thus considered the impact upon the SLA is acceptable. The proposal is to retain the existing mature gardens, other than alteration to the area of car parking and driveway, and so a condition relating to a landscaping scheme is considered to be unnecessary.

9.3 Impact on Neighbours

The dwelling at Hedges West (being the only residential neighbour) forms part of the planning application site because works to this building will occur too. The two dwellings will become detached which would improve the amenities of the occupiers. The proposed dwelling will have a 1st floor balcony to the rear (north) of the building. To the rear (north) of Hedges West is a very small garden area, with some fruit trees, as their main large garden is to their west down to the river. The new house is not as deep as Hedges West. It is thus considered that the balcony, will not result in any undue overlooking or loss of privacy of their dwelling or main garden area to the west.

The Environmental Health dept have recommended conditions to protect the amenities of the neighbours. It is considered that these conditions are appropriate as Hedges West could be sold or let separately and thus the amenities of the occupiers are still an important consideration.

9.5 Highways – see 9.1 (iv) above.

9.5 Nature Conservation:

The development is covered by policy CN12 of the local plan. The applicant has submitted an Ecological report which has involved an inspection of the site and building.

With the close location of the River Avon SSSI and River Avon SAC to the site, it is the planning authority's position to assess this application to ascertain the most appropriate approach and consider attaching conditions to any permission to safeguard protected species and habitats. If considered necessary, conditions may dictate the timing of certain works, management of sites following development, and require a Habitats Regulations

Licence to be obtained before work can start.

It is considered that there is no reason to believe that the proposed development would harm protected species, given the distance of the new dwelling from the river to the west. The garden of Hedges West runs down to the river (River Avon) which is designated as an SSSI and SAC, whilst Hedges East is approximately 45 metres away. In addition, under Regulation 48 (3) of the Habitats Regs 1994, it is the view of Natural England (who have assessed the submitted ecological report), that *'either alone or in combination with other plans or projects, there is not likely to be significant effect on the important interest features of the River Avon SAC, or any of the features of the R. Avon system SSSI'*. The conclusion from the Ecological Report (other than Bats where further site survey was recommended) was that many of the species recorded from the River Basin have more adequate habitat elsewhere within the river system compared to the site. The LPA concur with this opinion and conclude that any impact upon the River Avon system SAC and SSSI would be negligible and inconsequential.

Natural England have recommended a condition to safeguard and improve upon the river corridor.

Bats - The protection afforded to bats is explained in Part IV and Annex A of *Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*. Government advice on the need for planning authorities to take account of protected species is set out in paragraph 98 of the Circular 06/2005. The Circular states that, *"The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat"*. Paragraph 99 goes on to state that, unless there are exceptional circumstances, *"the protected species survey should be completed and any necessary measures to protect the species should be in place, through condition and/or planning obligations, before the permission is granted"*. However, Paragraph 99 of the circular further specifies that, *"developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present."* The need for a protected species survey therefore depends on the definition of *"reasonable likelihood"*, which in our view must be related to the chances of protected species being present. The *R v Cornwall County Council* Judicial Review decision in September 2000 was helpful in establishing this fact. Mr Justice Harrison concluded that planning conditions should not be the mechanism for ascertaining the protected species status of a site.

The applicant has submitted an ecological report undertaken by an independent organisation. Other than a reference to possible bat roosts, this has not raised any significant ecological issues relating to protected species. A preliminary bat survey in the ecological report whilst not identifying the presence of bats, it does highlight the possible roost areas and suggested a further survey. The applicant has instigated a further survey by a bat expert. This latest independent survey has been completed, and no evidence of bats has been found in the dwelling, outbuildings or trees. The Specialist has recommended that the following:

- (i) the building/site is re-surveyed in 12 months, should the development be held up; (*DCM note: An informative to be added to this effect*).
- (ii) If bats are found during development, that work should temporary cease and a licenced bat ecologist should be consulted; (*DCM note: An informative to be added to this effect*).
- (iii) Following the felling of the lime tree. It should be propped up to keep it off the ground

and left for 24 hours, in order to allow birds/wildlife to disperse before logging and removal. (DCM note: *An informative to be added to this effect*).

9.6 Archaeology

The site lies in an area of archaeology significance. Although policy CN21 requires an archaeological evaluation in such areas. WC Archaeology do not consider that there would be any value in carrying out an investigation prior or during construction.

9.7 Drainage

The site is approximately 350 metres away from the public sewer, which is located along the High Street to the south. Following discussion with Wessex Water, such a connection to the mains sewer will not be required in this instance. (Their formal comments are awaited).

In relation to the disposal of sewage, Government circular 03/99 (Planning Requirements in respect of the Use of Non-mains Sewerage incorporating septic tanks in New Development) provides advice regarding situations where mains sewerage is not practically available.

The site is not served by mains sewerage but has an existing septic tank which will continue to be used by Hedges West. The new dwelling will use a new Bio Disc small sewerage treatment works and this apparatus will provide a much cleaner run-off than a conventional septic tank. The Environment Agency have stated that they '*have no objection to the proposal as submitted but wish to make the following comments. A consent for discharge may be require from us, and needs to be obtained prior development commencing*'. The applicant has subsequently confirmed that the daily output would be less than the threshold of 2000l per day (predicted to be 900l per day) and as the site is outside Zone 1, then they understand that a Discharge agreement is not required.

It is considered that the specific details of the proposed installation (including responsibility, means of operation and maintenance) can be secured through and appropriate Grampian condition. This means that the development could not take place until the applicant has agreed with the Environment Agency and obtained, if they deem necessary, a Consent to Discharge.

9.8 Arboriculture

The Council Arboriculture Officer has inspected the trees to be removed on the eastern side of the site. He concludes that the ones to be removed are of poor quality (dying or diseased). With the trees along the verge and the surrounding farmland, as well as elsewhere in the site, there will be sufficient trees remaining to ensure a continuation of adequate screening of the site in order to minimise views of the new development.

10. Conclusion

It is considered that the proposal would comply with the relevant policies of the adopted Salisbury District Local Plan In particular it is considered appropriate in terms of size, scale, siting, design and highways and therefore accords to policy H30 and will subsequently will not have an adverse impact in the Special Landscape Area (policy C6). Furthermore it is considered that the new dwelling will not result in a significant adverse impact upon the amenities enjoyed by neighbouring residents. The development will not undermine the quality of the River Avon system SSSI and River Avon SAC due to the development proposed and distance from these designated areas. There are no identified protected species on the site and the additional Bat survey by a specialist has not identified the

location of any roosts in the building, outbuildings or trees. It is therefore concluded that the proposed development will not result in an adverse impact upon nature conservation. The development therefore is in accordance with policies C12 and C17.

Recommendation

It is recommended that planning permission is granted, for the following reasons

It is considered that the proposed replacement dwelling would comply with the relevant policies of the adopted Salisbury District Local Plan. In particular it is considered appropriate in terms of size, scale, siting, design and highways and therefore accords to policy H30 and will subsequently will not have an adverse impact in the Special Landscape Area (policy C6). Furthermore it is considered that the new dwelling will not result in a significant adverse impact upon the amenities enjoyed by neighbouring residents and comply with policy G2. The development will not undermine the quality of the River Avon system SSSI and River Avon SAC due to the type of development proposed and distance from these designated areas. There are no identified protected species on the site of Hedges East and the additional Bat survey by a specialist has not identified the location of any roosts in the building, outbuildings or trees. It is therefore concluded that the proposed development will not result in an adverse impact upon nature conservation. The development therefore is in accordance with policies C12 and C17.

subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) 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.
POLICY-[G2, C6]

(3) Notwithstanding the provisions of the Town and Country Planning (3) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western elevations of the proposed eastern dwelling (Hedges East) including in the roofs of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.
POLICY-[G2]

(4) Before the development hereby permitted is first occupied the window(s) in the west elevation of Hedges East, which will light the staircase shall be glazed with obscure glass

only and the windows shall be permanently maintained with obscure glazing and fixed shut at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY--[G2]

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation(s) of the western dwelling (Hedges West) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY--[G2]

(6) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development including the proposed vehicle parking/turning areas and driveway can be adequately drained.

POLICY-[G2]

(7) No development shall take place until full details of the proposed 'Bio Disc small sewerage treatment works' or a package treatment plan shall be submitted to and approved in writing by the Local Planning Authority. The treatment works shall operate and be maintained in accordance with details thereby approved.

REASON: In the interest of local amenity and to ensure that the development does not result in pollution of the land or watercourses.

POLICY-[G2, circular 03/99]

(8) No development shall commence until a scheme has been submitted to and approved in writing with the Local Planning Authority, that ensures the provision of a 1m wide strip corridor from the edge of the riverbank, and alongside the whole length of riverbank which shall be managed (with minimum intervention) as natural riverbank habitat (ie as tall herbs and grasses and/or shrubs and trees). The approved scheme shall be first instigated prior to the first occupation of the dwelling hereby permitted and maintained in that condition thereafter.

REASON: This is to ensure no loss of SSSI/SAC riverine habitat within the site and provide a wildlife corridor.

POLICY- [C12, C17 & PPS9]

(9) No delivery of plant, equipment, materials, demolition or construction work or other building activity, other than internal fitting out work, shall take place on Sundays or Public holidays or outside the hours of 08:00 & 18:00, weekdays and 08:00 & 13:00 Saturdays.

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general.

POLICY - [G2]

(10) During the demolition and construction of the building(s), no bonfires or burning of surplus building materials or other waste shall take place on the site.

REASON: To ensure the creation/retention of an environment free from smell and pollution in the interests of the amenity of the area.

POLICY - [G2]

(11) (a) No retained tree (As shown on the plan called 'Trees' received on 19.03.2009) shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches, or otherwise agreed in writing with the Local Planning Authority, in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-[G1, G2 & C8]

INFORMATIVES:

(i) WILDLIFE AND COUNTRYSIDE ACT - The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

(ii) It is recommended that the building/site is re-surveyed for the presence of bats if there is a delay of commencement of development of at least 12 months, should the development be held up. (ii) If bats are found during development, that work should temporary cease and a licenced bat ecologist should be consulted. As stated in informative above, the applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats.

(iii) Following the felling of the lime tree this should be propped up so as to keep it off the ground and left for 24 hours, in order to allow birds/wildlife to disperse before logging and removal.

(iv) The Wiltshire Fire a & Rescue Service state that an installation of a domestic sprinkler system should be considered

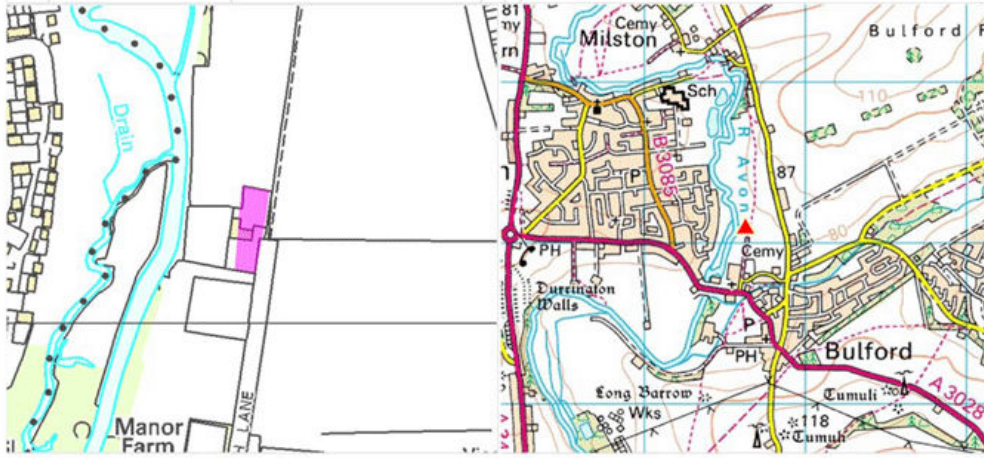
Informative:

This decision relates to documents/plans submitted with the application listed below. No variation from the approved documents should be made without prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorized buildings or structures and may also lead to prosecution

Appendices:	None.
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Background Documents Used in the Preparation of this Report:	Drawing no. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16A; 17, Trees.
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S/2009/695



Wiltshire Council
Where everybody matters

The Hedges East Bulford SP4 9DD

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