

**Development Services**  
**Salisbury District Council, 61 Wyndham Road**  
**Salisbury, Wiltshire SP1 3AH**

**Officer to contact:** Oliver Marigold  
**Direct line:** 01722 434379  
**email:** omarigold@salisbury.gov.uk  
**web:** www.salisbury.gov.uk

# Report

**Report subject:** S/2007/0989 - Replace mobile home with chalet bungalow at Dinton Salvage,  
 The Belt, Dinton, Salisbury

**Report to:** Planning and Regulatory Panel

**Date:** 31 July 2007

**Author:** Oliver Marigold (Senior Planning Officer)

Application Number:	S/2007/0989		
Applicant/ Agent:	DAVID PARKER		
Location:	DINTON SALVAGE THE BELT DINTON SALISBURY SP3 4AP		
Proposal:	REPLACE MOBILE HOME WITH CHALET BUNGALOW		
Parish/ Ward	DINTON		
Conservation Area:		LB Grade:	
Date Valid:	16 May 2007	Expiry Date	11 July 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

## REASON FOR REPORT TO MEMBERS

A District Councillor is acting as the agent for the application

The application represents a departure from the adopted policies in the Local Plan and therefore needs to be determined at Planning and Regulatory Panel.

The application was considered by members at the Western Area Committee on 19<sup>th</sup> July, who agreed with officer's recommendation to approve, although conditions (7), (8) and (9) were added through late correspondence and members also requested a s106 agreement tying the dwelling to the land. The report considered by members is attached below.

## SITE AND ITS SURROUNDINGS

The site consists of land at Dinton Salvage, The Belt, Dinton. It is an existing established salvage yard located in the open countryside and the AONB. There is an existing mobile home on the site, permission for which was granted in 1992.



*Awarded in:*  
 Housing Services  
 Waste and Recycling Services



## THE PROPOSAL

The application proposes replacing the existing mobile home with a permanent 'chalet' two bedroom dwelling. The dwelling would be sited on land next to the existing mobile home, although it is proposed to remove the mobile home on completion of the permanent dwelling.

## PLANNING HISTORY

90/69	Application for established use 1: Scrap yard 2: Breakers 3: Retail - 2nd hand car spares	AC	06.06.90
91/1566	Application for established use for night watchman's caravan	R	04.03.92
92/10ENF	Removal of mobile home (claimed to be nightwatchman's caravan) from the land & permanent closure of unauthorised access by means of constructing a bank at least 300mm high topped with wire & fence post hedging		
92/1040	Positioning of mobile home within garden area & repositioning of buildings in scrap yard	AC	07.09.95
92/1044	Formation of agricultural access to copse	R	30.09.92
94/0262	Construction of access, formation of car park area for customer use	R	05.04.94
95/0102	Construction of access, formation of car park for customer use and realignment of hedgerows	R App Dis	06.04.95 10.01.96
97/1990	Replacement of mobile home with permanent dwelling	R	27.03.98

This application was refused for the following reasons:

- 1 The proposed development is considered by the Local Planning Authority to be contrary to the Housing Policy H7 of the approved South Wiltshire Structure Plan and policies H23 H28 of the adopted Salisbury District Local Plan in that it is unrelated to any established village and the requirement for the dwelling has not been justified in connection with the needs of agriculture or forestry*
- 2. The proposed development is considered by the Local Planning Authority to be contrary to countryside policy C1D of the approved South Wiltshire Structure Plan in that it is neither essential to the local economy or desirable for the enjoyment of its amenities and would therefore be detrimental to the character of the designated Area of Outstanding Natural Beauty*

## CONSULTATIONS

**Highway Authority** – no objection anticipated

**Arboriculturalist** – no objection. TPO'd sycamore are at far western end of plot

**WCC Archaeology** – no objection

**Environmental Health** – Site is in proximity to an existing scrap metal/car breakers yard and between the B3089 road and the main Waterloo – Exeter railway line. Concerned that the site may be contaminated land; the proposed dwelling will be subject to noise from the road and railway, and its proximity to the scrap yard which would cause nuisance from noise, smells and fumes. Recommend conditions relating to (1) contaminated land survey (2) noise survey and soundproofing (3) condition limiting occupation of the dwelling to a person employed by the scrap yard

**Wessex Water** – not located within a foul sewer area

**CPRE** – accept that the present scrap business is an established fact in this location. It does a useful job in recycling old cars and provides some local employment. It manages to keep a low profile and generally to avoid being an eyesore. Support any permission that would legalise the present situation and ensure it is subject to future controls which protect the environment.

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expired 14 <sup>th</sup> June 2007
Departure	Yes – if members agree with the recommendation to approve it would need to be heard at Planning and Regulatory Panel
Neighbour notification	No
Third Party responses	No
Parish Council response	Yes – no objection provided that (1) the existing vehicular access be improved before site work is commenced (2) the dwelling remain in perpetuity part of the adjoining business, Dinton Salvage, to be used solely to accommodate essential personnel connected with the business and their immediate family

## MAIN ISSUES

Principle  
Impact on the character and appearance of the countryside/AONB  
Impact on highway safety  
Environmental Health issues  
Other factors

## POLICY CONTEXT

H23	Erection of dwellings in the countryside
H27	Dwellings for agricultural/forestry workers
C1, C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development criteria

Government advice in Planning Policy Statement Seven

## PLANNING CONSIDERATIONS

### *Principle*

The site lies in the open countryside and within the AONB where local and national policies advise that new development should be strictly controlled. In relation to dwellings policy H23 makes clear that on undeveloped land outside of Housing Policy Boundaries (such as this) new dwellings will not be permitted unless there is an agricultural justification under policy H27 (or an affordable housing justification).

As the proposal is not for an agricultural dwelling the proposal would be contrary to this Local Plan policy. Indeed permission for a permanent dwelling was refused on 'in principle' policy grounds in 1997.

However, there are a number of factors that justify an exception in this case. In particular, PPS7 (the Government's relatively recent advice on development in the countryside) has extended the scope of agricultural dwellings to include those relating to *rural based enterprises*.

Therefore provided that a dwelling can be justified on the basis of being justified by the criteria of policy H27 (agricultural dwellings), but for a rural based enterprise, then it is considered that there is scope for a dwelling to be acceptable in principle.

Indeed, similarly to the process for agricultural dwellings, the site has already been granted permission for a mobile home in 1992. The 1992 permission did not require that the mobile home had to be removed within 3 years (the normal limit to establish whether an agricultural business is sustainable in the long term) but the permission was made personal to Mr Dyer, who operates the business.

Policy H27 and PPS7 set out a number of criteria for agricultural/rural based enterprise's dwellings. These are that (1) there is a clearly established need for a dwelling on the holding (2) the need is full time worker (3) the unit and activity have been established for at least 3 years, and been profitable for at least 1 year and (4) the need cannot be accommodated by an existing dwelling. The policies also require that a dwelling is acceptably sited and not disproportionate in size.

Taking each criteria in turn, it is considered that the need for a dwelling on the site has been established. To some extent need was already established by the granting of permission without a time limit for a mobile home in 1992, but in any case further information has been submitted in relation to the operation of the business, which includes vehicle recovery on a 24-hour basis (approximately 20 vehicles are recovered a week), the need for strict supervision, disposal and storage of hazardous waste, and security needs. It is also accepted that this need is on a full time basis rather than relating to only a part-time need.

In relation to the third criteria, the business has been established since at least 1990, when an established use certificate was issued. The applicants have submitted accounts (on a confidential basis) showing that the business has been profitable over the last four years (2004/2005 and 2005/2006). It is accepted that the need cannot be accommodated by any other dwelling.

Finally, it is considered that the size of the dwelling is not disproportionate to the need – the dwelling would only have two bedrooms with a floorspace of some 137m<sup>2</sup> – within the limits of a normal agricultural dwelling to ensure that its size would not make it prohibitively expensive if ever the business did cease and the dwelling had to be made available to workers in other rural based enterprises.

Overall, therefore, it is considered that there is sufficient justification for a dwelling for the existing established rural based enterprise, and that this is sufficient reason for an exception to be made to the normal policies in the Local Plan.

#### ***Impact on the character and appearance of the countryside/AONB***

The existing mobile home, and indeed the rest of the site, is largely screened by a belt of trees and hedging (including trees protected by a Tree Preservation Order) and the proposed dwelling would not be prominently visible behind these. The siting of the dwelling would be next to the existing mobile home, on currently undeveloped land.

While it would be preferable for the new dwelling to be sited in the same position as the existing one, provided that a condition is imposed preventing the retention of both, it is considered that the re-siting would not harm the character and appearance of the countryside or AONB.

#### ***Impact on highway safety and sustainability***

The Highway Authority have not raised an objection to the proposed dwelling. It is recognised that the existing access is clearly sub-standard for this 60mph stretch of road, but the proposal would not increase the level of use over the existing authorised situation.

In relation to sustainability, although the dwelling would be located remote from services and facilities, this is almost always going to be the case for agricultural (and similar) dwellings, and of course the dwelling would be located close to the employment of the scrap yard, limiting employment-related journeys.

### ***Environmental Health issues***

Concerns have been expressed by Environmental Health regarding the possibility of contaminated land, and the living conditions of the occupiers of the dwelling bearing in mind the location of the dwelling in close proximity to the salvage yard, the railway line and the highway.

However, conditions are recommended to ensure that land contamination is remedied, ensuring that adequate noise insulation is provided and ensuring that occupation of the dwelling is limited to a person employed (or last employed) at Dinton Salvage.

### ***Other factors***

As a new permanent dwelling, a contribution towards recreational open space would be required in accordance with policy R2 – a point that the Parish Council have emphasised. A unilateral agreement has been forwarded to the applicant's agent for return by this meeting. Provided that this is received, and is complete, this would satisfy this policy.

### **CONCLUSION**

The proposed dwelling would be acceptable in principle and would not harm the character and appearance of the area or AONB, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

### **RECOMMENDATION**

**Subject to a legal agreement under s106 of the Town and Country Planning Act 1990, agreeing to ensure that the dwelling hereby approved is not sold separately from the business at Dinton Salvage and the land coloured in blue on the approved plans**

**APPROVAL** subject to the following conditions, for the following reason:

The proposed dwelling would be acceptable in principle and would not harm the character and appearance of the area or AONB, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

### **CONDITIONS**

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason (1): To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51(1) of the Planning and Compulsory Purchase Act 2004

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D03A)

Reason (2): in the interests of the character and appearance of the area

(3) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot coloured blue on the plans hereby approved, or a widow or widower of such a person, or any resident dependants. (S02A)

Reason (3): Planning permission would not have been granted for a dwelling on this site given Local Planning policies in this countryside location, and given the proximity of the existing salvage business.

(4) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results shall be provided to the Local Planning Authority

The investigation must include:

- A full desk top survey of historic data
- A conceptual model of the site identifying all potential and actual contaminants receptors and pathways pollution linkages
- A risk assessment of the actual and potential pollution linkages identified
  
- A remediation programme for contaminants identified
- The remediation programme shall incorporate a validation protocol for the remediation work to be implemented confirming that the site is suitable for the consented use

The remediation programme shall be fully implemented and the validation report shall be submitted to and approved, in writing, by the Local planning authority prior to habitation of the property

Reason (4): in the interests of amenity

(5) Prior to the commencement of development the applicant shall undertake a noise survey to assess the noise exposure category in accordance with PPG 24. If the results of this survey indicate the site is in NEC category B or C a suitable scheme for soundproofing the dwelling must be submitted to and approved, in writing, by the Local Planning Authority

Reason (6): in the interests of amenity

(7) Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason (7): In the interests of the character and appearance of the area

(8) Upon first occupation of the dwelling hereby approved, the existing mobile home shall be removed from the site, and the land restored to its previous condition, in accordance with details that shall have been submitted to and approved, in writing, by the Local Planning Authority, prior to the commencement of development"

Reason (8): There is only a justification for one dwelling on the site, bearing in mind its location within the open countryside and AONB where new dwellings are only permitted where there is a special justification.

(9) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hardsurfacing materials; other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities

where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason (9): in the interests of the character and appearance of the AONB and countryside

This decision has been taken in accordance with the following policies of the Adopted Salisbury District Local Plan:

H23	Erection of dwellings in the countryside
H27	Dwellings for agricultural/forestry workers
C1, C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development criteria