

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 14 April 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton	Cllr Mike Hewitt
Cllr Brian Dalton	Cllr George Jeans
Cllr Christopher Devine	Cllr Ian McLennan
Cllr Mary Douglas	Cllr Ian West
Cllr Jose Green	Cllr Fred Westmoreland

Substitutes:

Cllr Ernie Clark	Cllr Stephen Petty
Cllr Peter Colmer	Cllr Leo Randall
Cllr Russell Hawker	Cllr Ricky Rogers
Cllr Bill Moss	Cllr Paul Sample
Cllr Christopher Newbury	Cllr John Smale

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 24 March 2011(copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Thursday 7 April 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ** (*Pages 7 - 10*)

7. **Planning Appeals** (*Pages 11 - 12*)

To receive details of completed and pending appeals (copy herewith).

8. **Planning Applications** (*Pages 13 - 14*)

To consider and determine planning applications in the attached schedule.

8a **S/2011/0024 - Tokes Farmyard, Tokes Lane, Semley, Shaftesbury, SP7 9BP** (*Pages 15 - 24*)

9. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 MARCH 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

Also Present:

Cllr Tony Deane, Cllr Stephen Petty and Cllr Bridget Wayman

34. Apologies for Absence

Apologies were received from Cllrs Brian Dalton and George Jeans. Cllr Stephen Petty substituted for Cllr Dalton.

35. Minutes

The minutes of the meeting held on 3 March 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes.

36. Declarations of Interest

There were no declarations of interest

37. Chairman's Announcements

The Chairman congratulated Cllr Brian Dalton on his recent marriage.

The Chairman explained the meeting procedure to the members of the public.

38. **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

39. **Planning Appeals**

The committee received details of the following appeal decisions:

S/2010/1806 - Upton Farm, Luke Street, Berwick St John – Enforcement Appeal – Dismissed

And forthcoming appeals as follows:

S/2010/0451 - Plot opposite 7 School Hill, School Hill/Folly Lane, Alderbury

40. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ**

Public participation:

Mr Tony Allen spoke in objection to the officer's recommendation
Mrs Susan Grant and Mrs Louise Whiting spoke in objection to the officer's recommendation
Mr William Grant spoke in objection to the officer's recommendation
Mr David Douse spoke in support of the officer's recommendation
Lt Col Stephen Bush spoke in support of the officer's recommendation

The Planning Officer presented the report in relation to confirmation of the Article 4 direction made on 11 February 2011 and drew attention to the late correspondence received. He briefly summarised the background and the implications of the action to be taken as described in detail in the report. A lengthy debate ensued following in which it was

Resolved:

Subject to the expiration of the consultation period and no further representations being received which raise new material issues, that the Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2010, made on 11 February 2011 to remove 'permitted development' rights under Parts 4B, Part 5 and Part 27 of the 2nd Schedule to the Town and Country Planning (General Permitted Development) Order 1995, be CONFIRMED.

Additionally, that future applications in respect of this site be determined by Officers under delegated powers provided the local councillor has not

requested in writing that the application should proceed to determination by way of the Committee.

Cllrs Hewitt, McLennan and Devine asked for their dissent to be recorded.

41. **Planning Applications**

2a **S/2010/1928 - Coles Farm Hindon Road Dinton Salisbury SP3 5EY**

Public participation:

Charles Smith representing Dinton parish Council spoke in objection to the application

Cllr Bridget Wayman, local member, spoke in objection to the application

The Planning Officer introduced the report and drew members' attention to the late correspondence.

Resolved:

Planning Permission be granted for the following reason:

The proposed agricultural building is considered justified in agricultural terms, aiding the competitiveness of an existing agricultural enterprise, and by virtue of its appropriate siting, design, scale and materials would not result in significant harm to the character and appearance of the countryside or AONB. There would be no significant harm in terms of the amenity of neighbours or highways safety. The proposal would therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies G1, G2, C2, C4, C5, C20 and PPS7.

And 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) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....09010/1 Rev. A...	Date
Received....14.12.10....	

Reason: For the avoidance of doubt.

- 3) The materials to be used within the construction of the external surfaces of the building hereby permitted shall match in appearance those used on the existing buildings at the application site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and appearance of the area.

Policy: C5

- 4) No development shall commence until details of the finished floor level of the building hereby permitted have been submitted to an agreed in writing with the local planning authority. The details shall illustrate how the level and height of the building relates to the adjacent farm buildings. Development shall be carried out in accordance with the agreed details.

Reason: in the interests of the character and appearance of the area.

Policy: C5

- 5) The building hereby permitted shall not be used in connection with the retail sale of goods to visiting members of the public.

Reason: In the interests of highways safety.

Policy: G2

- 6) The building hereby approved shall be used only for agricultural purposes. Should the land or building no longer be used or required for the purposes of agriculture on this unit, the building hereby approved shall be demolished and all materials removed from the application site within 56 days from last use.

REASON: Planning permission has only been granted on the basis of an agricultural need. Given its location within the countryside and the Cranborne Chase and West Wiltshire Downs area of Outstanding Natural Beauty, there would be no justification for retention of the building for any other use.

POLICY: C2, C4, C5, C20

42. **Urgent Items**

There were no urgent items

43. **Exclusion of the Press and Public**

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute no. 44 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Note: The Applicant was permitted to stay and observe proceedings to allow the committee to ask questions for clarification, if required.

44. **Land off Duck Street-Ladydown View, Tisbury**

The Planning Officer introduced the confidential report which had been deferred from the 9 December 2010 meeting.

Having considered the report and discussed the contents in some detail it was

Resolved:

That officers should proceed accordingly with the proviso that they should handle the matter in a manner appropriate to the circumstances.

(Duration of meeting: 6.00 - 8.45 pm)

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, of Democratic Services, direct line (01225) 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

14 April 2011

Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ

Purpose of Report

1. To seek the Committee's authority to make an Article 4 Direction in respect of this site.

Background

2. Members will recall that at the last meeting (24th March 2011), they resolved to confirm an Article 4 Direction in respect of this site, subject to expiry of the (extended) consultation period and no further representations being received which raised material new issues.
3. Following the meeting, eight representations were received, mainly from businesses objecting to the adverse effects of the Direction on tourism and the local economy as well as a perceived lack of landscape impact. Additionally, the Council received letters from the owner's solicitors, threatening a judicial review on various procedural and other points.
4. The above has necessitated a further report being brought before Members on this subject.

Considerations

5. Following legal advice, it has been concluded that ambiguities in the wording of the Council's constitution render Officers' original decision to make the Direction under delegated powers open to challenge and may therefore lead to the Council being engaged in extended litigation with the owner.
6. Therefore it is considered that the most expedient way forward in this case is to discontinue the current Direction and seek Members' instructions with regard to the making of a new Article 4 Direction, the purpose of which would be substantially the same as the previous Direction, i.e. to remove 'permitted development' rights under Parts 4B,

5 and 27 of the GPDO –i.e. all rights relating to camping and caravanning, relating to a similar extent of land as that previously sought.

7. Members will recall the reasons advanced by the landscape officer in the previous report as to why the withdrawal of permitted development rights at this site may be considered expedient:
 - The relatively enclosed nature of the valley, with its settlement Winterbourne Stoke shrouded in woodland and small pasture fields, is highly sensitive to any development that would erode its strong rural character.
 - The Rally Field is the most visually prominent part of the site and the pitching of caravans, coloured tents and associated cars and portable toilets stand out and are at odds with the rural landscape character of the River Till valley.
 - When the site is occupied views along the valley from the north and across the valley from the west appear cluttered with caravanning and tenting paraphernalia which is contrary to the Management Objectives of the LCA (Landscape Character Assessment). Even when the site is unoccupied the portable toilets remain visually prominent.
8. Additionally in the previous Committee report, it was noted that the landscape officer had also recorded that the site is located within a Special Landscape Area in a visible location. Officers concluded that unregulated 'permitted development' camping on different parts of the site in such a visible location is harmful to the scenic quality, character and appearance of the SLA.
9. In the above regard and in the light of representations received prior to the previous meeting, it is anticipated that by the date of the meeting further clarification will be available from the landscape officer as regards the extent of the site over which the Direction should be sought. This is so that Members can consider the expediency of seeking the Direction over the whole site or the alternative of restricting only part thereof.
10. In the event that a Direction is made, following the undertaking of statutory consultations and publicity and in the light of representations received, a report would be brought before Members at a later date in order that they can determine whether the Direction should be confirmed.

Recommendation

A: That the Southern Area Planning Committee authorises the Head of Legal Services to make a Direction under Article 4 (1) of the Town And Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010), to remove 'permitted development' rights under Part 4 Class B, Part 5 and Part 27 of the 2nd Schedule to the Town and Country Planning (General Permitted Development) Order 1995.

Report Author:

Stephen Hawkins, Team Leader (Enforcement), Paul Taylor, Senior Solicitor,
Legal Services

Date of report 4th April 2011.

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

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APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs
S/2010/0884	Land at Bishops Drive, Harnham	H	Delegated	Dismissed	No	NO
S/2010/1800	58 White Road, Mere	HH	Delegated	Dismissed	No	No
S/2010/0842	15 Poores Road, Durrington	WR	Delegated	Dismissed	No	No

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2010/1319	19A The Close Salisbury	WR	Committee			
S/2010/1233 S/2010/1235	Old Manor Hospital, Wilton Road, Salisbury	WR	Delegated			
S/2011/0015	The Hampton Inn, Bishopdown, Salisbury	WR	Delegated			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing Local Inquiry
ENF Enforcement Appeal

April 2011

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Agenda Item 8

INDEX OF APPLICATIONS ON 14 April 2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2011/0024	Tokes Farmyard Tokes Lane Semley Shaftesbury SP7 9BP	Extension of agricultural buildings and construction of temporary dwelling	Approve	Cllr Deane

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Date of Meeting	14/04/2011		
Application Number:	S/2011/0024		
Site Address:	Tokes Farmyard Tokes Lane Semley Shaftesbury SP7 9BP		
Proposal:	Extension of agricultural buildings and construction of temporary dwelling		
Applicant/ Agent:	Mr R MacClelland		
Parish:	SEGEHILL & SEMLEYNADDER/EASTKNOY		
Grid Reference:	388544 127822		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr M Legge	Contact Number:	01722 434398

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:

Principle of Development

Clear evidence of a firm intention and ability to develop the enterprise concerned

Functional need

Alternative accommodation

Financial viability

Impact upon visual amenity and character of the area (AONB)

Highways implications

Neighbour amenity

Provision of recreational open space

3. Site Description

The site comprises of a number of agricultural buildings with associated agricultural fields to the north. The application site is in an isolated location in open countryside within the AONB, situated approximately 1km to the north of Semley.

4. Planning History

Application number	Proposal	Decision
S/1985/1281	Erection of general purpose agricultural building	AC
S/2008/1294	Retrospective application for replacement of a 3.6 metre five bar metal gate with a 4.5 metre five bar metal gate.	AC

5. The Proposal - Extension of agricultural building and construction of temporary dwelling.

6. Planning Policy

- Annex A to PPS7: *Sustainable Development in Rural Areas*

- PPG13: Transport
- Local Plan Policies G1, G2, G5, H23, H28, H32, C2, C4, C5, C13, C20 and R2

7. Consultations

Sedgehill & Semley Parish Council – *“No objections but not very impressed with design of domestic building and assume a condition would be put on any consent re. farm related occupation of domestic building”*

West Tisbury Parish Council – Object,

- Concerns that there is significant difficulty with access to the site
- Agreement of this application may lead to the siting of a permanent dwelling on the site.
- The proposed new dwelling is in the open countryside.
- The proposed extension of the cattle shed is overly large for the scale of the development.
- The building materials proposed are poor quality.

External Agricultural Consultant – *“Overall it is my opinion that the proposed business will meet the functional test” “Overall it is my opinion that the proposed business appears to have been planned on a sound financial basis” “Overall I consider that the application meets the tests set out in paragraph 12 of Annex A to PPS7”.*

AONB – *“The AONB would not be overly concerned about the extension to the agricultural building within the limits described.”* Comments that if the application accords with local policies that restrictive conditions need to be imposed to tie the dwelling to the agricultural use on the site and that any approval of a dwelling would be specifically tied to the requested breeding enterprise. *“There is concern that a temporary residential arrangement could create a precedent for establishing a case for a permanent farmhouse” “Whilst the proposed design of the accommodation has the benefit of simplicity it could also be regarded as bland and lacking in character.”*

Wiltshire Council Highways – *“The proposed temporary dwelling will be located outside of the settlement framework remote from public transport opportunities and local facilities. It is likely that all journeys in connection with leisure, shopping, health, education and employment for other or future residents of the dwelling will be made by private car which is contrary to the key aims of PPG13: Transport. If the dwelling is necessary and justified for agricultural purposes I accept that, on balance, the PPG13 case may be weakened”*

8. Publicity

The application was advertised by site notice and neighbour notification

Expiry date - 17/02/2011

1 letter of objection has been received which comments on the following:

- Concerned about the scale and appearance of the proposed cattle housing shed and would like to see more sympathetic materials used as this can be viewed from the surrounding valley.
- Concern about the gradual erosion of the countryside and that any approval of a temporary habitable structure will lead to a permanent dwelling on the site.
- Concern over the future occupational use of the dwelling.

9. Planning Considerations

9.1 Principle of development

Paragraph 10 of PPS7 makes clear that isolated new houses 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.

PPS7 makes it clear that such applications for permanent agricultural dwellings should only be allowed where they satisfy certain specific criteria, and also 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 where animals or agricultural processes require essential care at short notice.

It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need (for worker to be on-site);
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (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 normal planning requirements, e.g. on siting and access, are satisfied.

9.2 Agricultural justification

Clear evidence of a firm intention and ability to develop the enterprise concerned

“The applicant’s principal business is a unit of 150 dairy cows, based at Wardour Farm. The dairy unit is run as a share farming operation and has been so run by the applicant for in excess of 20 years. Under the share farming agreement, the applicant provides the working capital (cows, machinery etc) with the other party providing the land and buildings. The applicant advises that there is no long term security of tenure associated with the agreement; termination can be effected by six months’ notice from either party. I understand that the applicant purchased the land and buildings at the application site in early 2010. Since purchase the farming practice at the application site has comprised the rearing of heifers for the main dairy herd at Wardour Farm. At the time of inspection there were some 42 head of heifers at 15 – 18 months old, together with nine calves at approximately six months old. The heifers will be reared as replacement cows for the dairy herd.” (APA Consultants LTD: Tony Coke)

The combination of the recent purchase (Jan 2010) made by the applicant of the farm land and buildings constructed at Tokes Farmyard and the proposed extension to the existing agricultural buildings on site, indicates a significant commitment to developing a business of organic dairy replacement heifers, and it is considered that this first test is met.

Functional need

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 case animals require essential care at short notice.

PPS7 makes it clear that such applications for permanent agricultural dwellings should only be allowed where they satisfy certain specific criteria, and also 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 where animals or agricultural processes require essential care at short notice.

The Local Planning Authority has employed an external agricultural consultant (APA Consultants LTD: Tony Coke) to make an assessment of the proposed temporary dwelling/structure in terms of its acceptability in relation to criteria as set out with Annex A of PPS7: The reports comments:

"In my opinion the functional need associated with the proposed venture falls under two elements; calving heifers and the care of very young calves. There will be a functional requirement to assist immediately before, during and after calvings in the future. The level of functional requirement will vary depending on the particular characteristics of the heifer, however it is widely recognised that heifers can require more attention at calving than cows. By default a heifer has not experienced calving before and therefore can require more attention than a cow. Very young calves can fall ill quickly, often through illnesses such as pneumonia or scours (diarrhoea). During the first few weeks of life it is reasonable to say that calves require a greater level of attention than older livestock. When considering functional need it is important to recognise that the issues outlined above are associated with specific times in the year and they do not apply throughout the year. The applicant advises that most of the calves will be brought onto the holding from July to December; carrying that pattern forwards, most of the calvings will take place from December through to July. It is therefore my view that the combination of young calves and calvings will result in a functional requirement across most of the year. Overall it is my opinion that the proposed business will meet the functional test." (APA Consultants LTD: Tony Coke)

The applicant has provided an agricultural appraisal of need assessment report (report and supplementary letter attached to file) undertaken by a qualified Farm Management Consultant (Mr. M Sealy) which has assessed the functional need and financial considerations of the proposed development in the context of Annex A of PPS7. The conclusion of the report is that there exists a clear need for an agricultural worker dwelling/structure and that the functional tests are met.

In respect of the above it is considered the provision of a temporary agricultural workers dwelling on the site appears to satisfy the requirements as set out within Policy H28 of the saved policies of the adopted Salisbury District Local Plan, and the aims and objectives of PPS7, and in particular the guidance contained within Annex A of PPS7.

This planning application apart from proposing an extension to an existing agricultural building, proposes to site a temporary habitable structure/dwelling on land at the holding in conjunction with a significant proposed alterations to the operations on the agricultural land. The application appears to fall within paragraph 12 of Annex A of PPS7. Paragraph 12 requires that there is a functional need for the proposed dwelling. However, it appears that the application site at Tokes Farm is already in use for the intended purpose for the breeding of Heifers and is noted by this Officer that the business is being operated from the dwelling house located at Share Farm which is approximately 3.5m away. Therefore the LPA remains somewhat *unclear* why a dwelling is now being sought against the argument of functional need as the operation for the breeding of Heifers is currently operating on the site.

Alternative accommodation

This application maintains that there are no alternative permanent dwellings available within the agricultural holding, nor is there considered to be any other accommodation in the area which is suitable and available for the worker concerned. Additional information submitted to support the application stated that *"At present there is no residential dwelling on the holding at Tokes Farm. The house currently occupied by applicants is part of the farming partnership agreement and has no security of tenure. This house is at Share Farm, Tisbury, some 3.5 miles away by road. This house is too far from the site to be able to fulfil the functional need...There is currently, therefore, no dwelling connected with the unit"*. There appears to be no planning history for this agricultural unit which indicates that there was

ever an agricultural dwelling on the site. Given the lack of evidence to support any historic agricultural dwelling(s) for this agricultural unit combined with the lack of any evidence to demonstrate any available and jointly acceptable dwellings within the immediate vicinity which meet the aforementioned functional need to the young calves, it is considered that in order to meet the functional need of the agricultural enterprise that permission to construct a temporary habitable structure/dwelling is not unreasonable. However, the LPA continues to remain *unclear* why the existing dwelling at Share Farm that appears to successfully facilitate the breeding of Heifers at Tokes Farm is considered by the applicant to be unacceptable to meet the functional need. The issues raised within this application that relate to the security of tenure of the dwelling at Share Farm (that forms part of the Farming Partnership Agreement) is not considered to be of material relevance to this application. There has been no evidence submitted to support any argument for the loss of the assets provided under the Farming Partnership Agreement. Such arguments presented are clearly unsubstantial and aim to give material weight to possible future outcomes which is not considered to be acceptable. However the support of the Local Planning Authority's commissioned agricultural appraisal is noted by this Officer.

Financial viability

Clear evidence should be provided to prove that the proposed agricultural enterprise for the raising of replacement heifers have been planned on a sound financial basis. The Local Authority's commissioned agricultural consultant (APA Consultants LTD: Tony Coke) comments that:

"Criteria (iii) to paragraph 12 specifies there should be:

"clear evidence that the proposed enterprise has been planned on a sound financial basis."

The applicants have provided a business plan for the venture. In my opinion the business plan indicated that the business has been planned on a sound financial basis. The level of return projected for the business takes account of the cost of a full time labour unit; the costs and receipts for the livestock enterprise appear appropriate.

Overall it is my opinion that the proposed business appears to have been planned on a sound financial basis."

The farm enterprises currently operated by the applicant are already reasonably well developed, and the agricultural appraisal (produced by *The Farm Consultancy Group*) suggests a Farm Enterprise Margin in 2010 of £41,569 and a predicted margin of £40,694 in 2011. The family's long track record in farming is also noted. It is noted that for the temporary agricultural worker dwelling, such as proposed, details of the current accounts and profitability of the holding are not required. Given the healthy figures presented to support the application together with the general support from APA Consultants LTD: Tony Coke, it is considered that the proposed enterprise for the rearing of replacement Heifers has every chance of being a viable business.

9.3 Other planning requirements

Impact upon visual amenity and character of the area (AONB)

Agricultural dwellings should be sited to be well-related to existing farm buildings or other dwellings. It is considered that this would be the case, with the proposed temporary habitable structure/dwelling being sited immediately to the west of an agricultural building, and also within close proximity to an existing dense and high field hedgerow and boundary trees, so that it would not be particularly visible from public view points. Nevertheless, the site would still be relatively exposed in wider landscape terms, particularly to the north. The scale and height of any proposal would therefore be sensitive although, in this case, it is noted that consent is sought for a single storey temporary habitable structure/dwelling. The proposed temporary habitable structure/dwelling is none descript and purely of a utilitarian design. The design and form of such a structure would not be acceptable if for a more permanent structure, however given the temporary nature of the proposed habitable structure/dwelling it is considered that there would be limited harm to the character of the AONB.

It is noted that the AONB group have raised some concern that *"The AONB would not be overly*

concerned about the extension to the agricultural building within the limits described". The AONB group have not objected to the siting of the temporary habitable structure/dwelling however they have suggested a mobile home on the site may be a more appropriate temporary structure than the applied for 'cabin'. However, given that any consent would only be granted for a temporary period of up to three years, and the footprint of such a unit would not be unreasonable for a modest permanent bungalow.

Notwithstanding the above, if the functional test is not met, the proposal would constitute an unjustified intrusion into the countryside, which would fail to meet the aims and objectives of national and local policy to preserve the character of the countryside for the sake of its natural beauty.

Highways implications

It is noted that the Local Highways Authority have not recommended the refusal of this application. They have however indicated that the location of the proposed temporary structure/dwelling would be in a remote location that is contrary to the aims of PPG13. However, Wiltshire Council Highways have continued to comment that *"If the dwelling is necessary and justified for agricultural purposes I accept that, on balance, the PPG13 case may be weakened"*. Given the above justification for the established functional need for the proposed temporary structure/dwelling in association with the business of organic dairy replacement heifers and taking into account the comments from Wiltshire Council Highways, it is considered that on balance the principle of a temporary structure/dwelling in this instance would weaken the case of an objection under PPG13.

Neighbour amenity

The site of the proposed new temporary habitable structure/dwelling is not within close proximity to non-agricultural neighbouring residential properties. The proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

Provision of recreational open space

Within the guidance Information for *Applicants of New Residential Development – Guidance in respect of Policy R2, completion and signing of unilateral undertakings*, Para 2.2 comments:

"Developments which do not require the provision of public open space are: replacement dwellings, extensions including granny annexes, temporary permissions for mobile homes."

This application thus falls under this criteria and a monetary contribution towards the provision of public open space is not required in this instance.

10. Conclusion

This application related to the extension of an agricultural building and for the erection of a temporary habitable dwelling/structure on Tokes Farm to serve the (at the time of inspection of the LPA's commissioned agricultural appraisal) existing activities on the application site relating to the calving of Heifers. The LPA remains somewhat unclear concerning the justification of need for the temporary dwelling, however the LPA's commissioned Agricultural Appraisal for this application raised no objection concerning the functional need for the temporary dwelling and therefore it is a balanced opinion that the permission to grant a temporary habitable dwelling/structure on Tokes Farm would abide with the aims of Annex A to PPS7 and also the aims of the Adopted and saved Salisbury District Local Plan policy H28.

It is considered that given the balanced views of the acceptability of this application against the assessment criteria within section 12 of the Annex A to PPS7 that the application will therefore outweigh the sustainable highways objectives within PPG13. It is considered that this application would not have a demonstrable harmful affect upon AONB nor to neighbouring amenities and as such it is considered that the application is on balance compliant to the Adopted and saved Salisbury District Local Plan policies G1, G2, H23, H32, C2, C4, C5, C13, C20 and R2

Recommendation

GRANT PERMISSION

Appendices:

None

Background Documents Used in the Preparation of this Report:

APPROVED DRAWINGS:

Temporary Dwelling – West Elevation	14/12/2010
Temporary Dwelling – South Elevation	14/12/2010
Temporary Dwelling – North Elevation	14/12/2010

Cattle Building – Existing and Proposed East Elevation	14/12/2010
Cattle Building – Existing and Proposed South Elevation	14/12/2010
Cattle Building – Existing and Proposed West Elevation	14/12/2010
Cattle Building – Existing and Proposed North Elevation	14/12/2010

Block Plan 12/01/2011

Location Plan 12/01/2011

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