

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 24 March 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, 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 - 4*)

To approve and sign as a correct record the minutes of the meeting held on 3 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 17 March 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. **Planning Appeals** (*Pages 5 - 6*)

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

7. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ** (*Pages 7 - 28*)

To consider the attached report.

8. **Planning Applications** (*Pages 29 - 30*)

To consider and determine planning applications in the attached schedule.

8a **S/2010/1928 - Coles Farm Hindon Road Dinton Salisbury SP3 5EY**
(*Pages 31 - 38*)

9. **Urgent Items**

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

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

To consider passing the following resolution:

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 Item Number 11 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.

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

11. **Land off Duck Street-Ladydown View, Tisbury** (*Pages 39 - 60*)

To consider the attached report.

SOUTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 3 MARCH 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE,
SALISBURY, SP2 7TU.**

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman),
Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Bill Moss (Reserve),
Cllr Ian West and Cllr Fred Westmoreland (Chairman)

25. Apologies for Absence

Apologies were received from Councillor Mary Douglas who was substituted by Councillor Bill Moss.

26. Minutes

The minutes of the meeting held on 10 February 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes.

27. Declarations of Interest

Councillor Ian West declared a personal interest in S/2010/1285 - Open Site Behind Antrobus Hotel, Kings Arms Inn and Lloyds Bank, Salisbury Street, Amesbury, Salisbury SP4 7AW, as he has a niece who lives in Flower Lane; however the property is not near to the development site and is not affected by it.

28. Chairman's Announcements

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

29. Public Participation and Councillors' Questions

The committee noted the rules on public participation.

30. **Planning Appeals**

The committee received details of the following forthcoming appeals:

S/2010/1800 - 58 White Road, Mere

S/2010/1002 &S/2010/1686 - 93 Castle Road, Salisbury

S/2010/1229 - Adj Windwhistle, Lopcombe Corner

31. **S/2010/1285- Open Site Behind Antrobus Hotel, Kings Arms Inn and Lloyds Bank, Salisbury Street, Amesbury, Salisbury SP4 7AW**

Public participation:

Mr Antony Stocken spoke in support of the application.

The Planning Officer introduced the report, outlined the history of the site and drew member's attention to some late correspondence. A debate ensued during which the following issues were raised:

- Concerns by the width of the vehicular access to the site.
- Concerns regarding pedestrian access to the site
- Number of car parking spaces

Resolved:

That the application be refused for the following reasons:

The proposed access to the application site by reason of its narrow width and junction with Salisbury Street is considered to be an inadequate form of access unsuitable for the amount of vehicles and pedestrians proposed to use it. Salisbury Street in Amesbury is the main shopping street for the town and is busy with both vehicular and pedestrian traffic during shop opening hours. There is potential for significant pedestrian and vehicular conflict at the proposed entranceway to the site where it meets the High street leading to a dangerous vehicular – pedestrian interface. As such it is considered that the proposal is contrary to policies G2(i), TR12(ii) and TR15 of the saved policies of the adopted Salisbury District Local plan.

Councillor Josie Green requested that her vote against the resolution be recorded.

32. **Urgent Items**

There were no urgent items

(Duration of meeting: 18.00 -19.20)

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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APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs
S/2010/1806	Upton Farm, Luke Street, Berwick St John	(WR)	ENF	Dismissed	NO	Refused

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2010/0451	Plot opposite 7 School Hill, School Hill/ Folly Lane, Alderbury	WR	COMMITTEE			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing Local Inquiry

March 2011

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

24 March 2011

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

Purpose of Report

1. To advise of the Council's options in respect of deciding whether to confirm a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (an "Article 4 Direction") to remove "permitted development" rights under Parts 4, 5 and 27 of the Schedule to the above Order for temporary uses and caravan sites and use by certain recreational organisations.

Background

2. Members will recall that at the meeting on 16th September 2010, the Committee resolved that, amongst other things, the Area Development Manager South should investigate making an Article 4 Direction to remove "permitted development" rights in relation to temporary uses and caravan sites, at this site. This report has been prepared in the light of the conclusions reached following the making of a Direction by the Area Development Manager under delegated powers on 11th February 2011.
3. In respect of the enforcement action authorised by Members at the above meeting concerning alleged unlawful temporary camping in excess of the 28 days limited by permitted development, an Enforcement Notice was served on 24th September, however this is now the subject of an appeal to the Planning Inspectorate. Similarly an Enforcement Notice dealing with operational development at the site following refusal of planning application reference S/2010/1058 was issued on 15th November 2010 and is also the subject of an appeal. These appeals and that against the refusal of planning permission reference S/2010/0007 are due to be heard at an Inquiry, the date of which recently been confirmed by the Planning Inspectorate as 17th - 19th May.
4. Members will recollect that in previous enforcement reports concerning this site, the extent of "permitted development" rights available for temporary uses and caravan sites (i.e. development which can be carried out without needing to obtain express planning permission from the Council) were clarified. Summarised, these rights are as follows:

- Use as a caravan site approved by an 'exempted organisation' (i.e. the Caravan Club) for the stationing and occupation of up to five members' touring caravans;
- Use for the holding of caravan rallies organised by exempted organisations-no restriction under on the number of such rallies which can be held annually or the number of caravans which could attend;
- Temporary use for the stationing and habitation of tents for up to 28 days annually -no limit on the numbers of tents which can be accommodated;
- Use by recreational groups such as the Scouts or the Guides - no restriction on the number or duration of events or tents present.

Article 4

5. Article 4 of the above Order, as amended in April 2010, provides the Council (or the Secretary of State for Communities and Local Government) with the power to make a direction in a specified area which can remove some or all of permitted development rights which would otherwise be available. Directions can be immediate or non-immediate; however the former can only be used in limited circumstances and cannot be used in respect of caravan sites. A non-immediate Direction is one which does not come into force at the point at which it is made – rather, it comes into force on a date to be determined by the Council.
6. Prior to April 2010, non-immediate directions required confirmation by the Secretary of State. However, the Council can now confirm such directions after taking certain procedural steps, which include undertaking publicity and a public consultation exercise and consideration of any representations received as a result, subject to the Secretary of State coming to the view that he does not wish to decide whether the direction should be confirmed.

7. DCLG guidance published in November last year on the use of Article 4 Directions indicates amongst other things, that the Council can consider making a Direction only exceptionally where there is evidence to suggest that the exercise of permitted development rights would undermine the visual amenity of the area and the Council should clearly identify any potential harm that the Direction is intending to address. Procedural matters including publicity and notification arrangements are set out in secondary legislation which came into force in April 2010. Also noted is the application of an Article 4 Direction to prevent the sub-division of, or loss of, agricultural land.
8. The application of directions in relation to temporary uses and caravan sites is not specifically referred to in the guidance. However, directions bringing agricultural and forestry permitted development under full planning control will rarely be justified.
9. Research carried out in relation to the use of Article 4 Directions in 2008, focused on their application in Conservation Areas to restrict householder development and is largely not considered relevant to the current case. There appears to have been no detailed study concerning the use of Article 4 Directions to remove other permitted development rights, such as those with which Members are concerned in this case.

Implications of an Article 4 Direction

10. The practical effect of an Article 4 Direction when in force, is not to automatically *prevent* development which would otherwise have been permitted but an application for planning permission required for that development. Any such application should be considered on its merits in the normal way and the existence of a direction does not convey any more restrictive policy approach to the determination of such applications. Where permitted development rights have been removed, any applications for development which would otherwise have been permitted do not attract a fee. The work, therefore undertaken by the Council in respect of such applications does not generate any fee income.
11. A constraint on the use of Article 4 Directions is a possible claim of compensation for abortive expenditure or loss of income directly attributable to the withdrawal of permitted development rights, if permission is later refused or granted subject to conditions. There is a time limit of 12 months from the date of the application decision, for submitting a claim for compensation. Nevertheless in deciding whether to confirm the Direction, Members should be aware that the landowner could make a compensation claim against the Council as a result of being prevented from carrying out the activities in question at the site, if planning permission were subsequently refused or granted subject to

conditions. In view of the scale of activity previously undertaken by the owner under permitted development, a claim is considered likely in the event that permission were subsequently refused and the scale of the claim could be significant.

12. A Direction cannot be made retrospectively; therefore permitted development already carried out at a site cannot be made unlawful by a Direction coming into force. In this case, if, for example, a certificate of exemption in relation to a 5 -caravan site was in force before the direction was made, that development could lawfully continue whilst the certificate remained. However, no such certificate appears to be in force at the time of writing. Moreover, it would also appear that in respect of the 28 days' temporary use under Part 4, any 'unused' days in a year on the date when any Direction came into force, could not be relied upon to undertake further temporary uses and would effectively be 'lost' (unless planning permission were granted).

Need for the proposed Direction

13. In view of the government advice above, it is necessary to assess the need for a Direction. This should consider the evidence of whether the exercise of permitted development rights in the Classes referred to at the site has caused/will cause serious threats to the attractiveness of surrounding countryside and; whether, exceptionally it is therefore considered necessary to bring the matter within planning control in the public interest.
14. Land to the east of the site is subject to other statutory designations, including the river Till valley Site of Special Scientific Interest (SSSI) and Special Area of Conservation and the Winterbourne Stoke Designated Conservation Area. Nevertheless this site itself lies in the general extent of the countryside. It does not lie within an area with a nationally important landscape (such as a National Park or an Area of Outstanding Natural Beauty).
15. In common with most countryside in south Wiltshire outside of such areas, the site and surroundings lie within an area defined in the Wiltshire & Swindon Structure Plan 2016 (WSSP) as a Special Landscape Area (SLA), this being countryside recognised at local level for its scenic qualities and landscape character. 'Saved' Development Plan policies including policy C9 of the WSSP and policies C6 of the adopted Salisbury District Local Plan seek to prevent non-essential development in the countryside and ensure that where it does take place, new development does not detract from the landscape quality of the SLA and that the siting and scale of development and its landscaping and materials are appropriate.

16. Members will be aware that camping and caravanning activity has taken place at the site for two years, largely relying on permitted development rights.
17. The Council's Landscape Officer, who has commented in detail on the recent planning applications in respect of this site, was asked to comment on the need to make an Article 4 Direction in respect of this site. These comments were prepared having regard to the south Wiltshire landscape character assessment undertaken in 2008.
18. The Landscape Officer having considered the local landscape character and visibility of the site in its wider setting has concluded that continued unrestricted caravanning and camping at this location is harmful to the landscape and recommended that permitted development rights relating to the stationing of caravans and tents on this site should be withdrawn for the following reasons:
 - 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. Even when the site is unoccupied the portable toilets remain visually prominent.
 - The camp site is located within a Special Landscape Area and it is considered that excessive camping in such a visible location is harmful to the scenic quality, character and appearance of the SLA.
19. In addition to the above, one of the key advantages of making a Direction from a development control /management perspective, would be that in the event the Council was minded to grant a subsequent planning application for temporary camping, it could then impose planning conditions limiting, for example, the number of tents stationed on the site, their location within the site and that of associated facilities as well as restricting activities such as campfires and use of amplified music, all of which could mitigate the effects of the development on the landscape and general rural amenities. Such conditions would require monitoring but their enforcement is more straightforward.

20. On the basis of the Landscape Officer's advice above, your Officer's conclusions are that the landscape qualities of the site and surroundings and the degree of harm caused by temporary camping and caravanning, justify the confirmation of the Order in this case.
21. It is noted that the countryside surrounding the site exhibits similar landscape characteristics and scenic qualities to that of the site. Nevertheless, unlike this site, where there is tangible evidence of camping and caravanning activity, there is no known 'threat' to those areas at the moment in terms of the exercise of permitted development rights. Therefore it is considered that any Direction could only be justified if it were limited in terms of its scope to this site only.

Publicity and notification

22. The following representations have been received in respect of the publicity carried out in respect the making of the Order:

Landowner's agent: Letter received objecting to the Order on the following grounds (summary-copy of full letter attached as an Appendix):

- No evidence offered by the Council as to why it is necessary to made the Direction; any decision to confirm the Direction would therefore be unlawful;
- Owner has not been advised of the basis on which the Direction is being made;
- A scheme for camping and caravanning at the site is the subject of a planning appeal;
- Temporary events have limited impact; similar restrictions are not proposed elsewhere in the authority's area where there may be greater risk of landscape harm;
- No extant site certificate exempting up to 5 caravans from planning control, so no reason to remove permitted development rights;
- No reason why use by exempted organisations is likely to cause planning harm;
- The extent of the Direction is excessive-in particular removal of all Part 4, Class B rights would exclude even small -scale, limited temporary activity;
- Area Development Manager did not have the authority to make the Direction due to the Committee's resolution on 3rd June 2010, that issues at this site should not be dealt with under delegated powers;

- Direction has been made now to deliberately prejudice the appellant's position at the forthcoming planning and enforcement appeal Inquiry;
- Bookings have already been taken for temporary events from Easter onwards;
- Direction has not been served on all parties;
- Owner is making representations to the Secretary of State asking that he deal with this matter;
- If the Direction is confirmed, it is likely to be the subject of judicial review proceedings;
- If Direction is confirmed, it should be limited to specific harm identified and it should not take effect until after 1st October 2011.

Local residents: 25 letters received, supporting the making of a Direction, on the following grounds (summary):

- Site is located in an area of beautiful, unspoilt countryside and is open to long distance views;
- Not an appropriate location for caravan and tent activities;
- Direction is necessary to protect the Special Landscape Area;
- Would preserve the landscape in the valley between Winterbourne Stoke and Berwick St. James;
- Would help protect the Winterbourne Stoke Conservation Area;
- Adverse impact on landscape of current temporary uses including tents and caravans, including views across the Till valley.
- Caravans and tents not in keeping with the local landscape;
- Urbanisation of the area and in reality not temporary uses at all;
- Planting would not adequately screen the activities;
- Site is adjacent to a Site of Special Scientific Interest;
- Will regulate landowner's activities.

Berwick St. James Parish Council: No comments received.

Winterbourne Stoke Parish Council: "Strongly support...we believe this action will protect the Special Landscape Area".

Secretary of State for the Environment (Government Office for The West Midlands): Letter received 23rd February 2011 confirming that the Secretary of State has no comments to make in respect of the proposed Direction.

Response to landowner's objections

23. The reasons that the making of the Direction was considered expedient are set out in detail above and clearly informs all parties including the owner, of the basis for seeking confirmation of the Direction. Two caravan organisations have previously held a certificate of exemption in respect of the site and the Council is aware of at least one caravan rally planned in respect of the site this year.
24. Turning to the procedural issues raised. The Area Development Manager had delegated powers to make the Direction; this was not fettered by the Committee's resolution on 3rd June, which referred specifically to 'applications'. In relation to service on interested parties, Officers do not accept that the parties referred to were not served. It has however served further copies on those parties identified and the consultation period has been lengthened accordingly. Turning to the points raised concerning the date that the Direction was served in relation to the forthcoming appeals, the investigation and the making of the Direction has been carried out entirely separately and unrelated to the appeal proceedings. For legal and procedural reasons it was not possible to make the Order at an earlier date as indicated in the earlier parts of this report.
25. Turning now to the extent of the Direction, in particular the comments that removal of all rights under Part 4B of the Order is excessive. In general any activity otherwise permitted by Part 4B would be withdrawn in the event of confirmation of the Order as made. In addition to temporary camping activity, this could for example include fairs, recreation/sports use, flying of balloons or helicopters, musical entertainment and other spectator events. It could also include use for markets (including car boot sales) and motor racing and practice-these events are limited to 14 days per year. It is considered in general that such events have similar characteristics/impacts to temporary camping and it could be difficult to distinguish between different events in deciding whether or they should be the subject of control by the Order. Apart from temporary camping however none of these events have taken place at the site in the past and there do not appear to be any proposals to undertake such events other than temporary camping in the future, so there is no threat from such activity at this time. For these reasons and given that the Order should tackle specific harm, it is considered on balance that the extent of permitted development rights under 4B proposed to be removed by the Order could reasonably be limited to temporary camping only.

26. The owner's point regarding bookings already taken for the summer season is noted. Members are reminded that confirmation of the Direction does not automatically prevent such activity going ahead; however such use would then require prior planning permission and may otherwise be unlawful. It would be open to the owner to make a planning application for the events they wished to undertake this year.

Conclusions

27. Members have the following options:

A: To confirm the Direction (with in addition the suggested modification set out at para 25 above that the Order shall not apply to temporary buildings and uses under Part 4B other than temporary camping);

B: To decide not to confirm the Direction.

Within option A, Members can also, if they consider it appropriate, vary the date the Order comes into effect from 1st April to 1st October.

In the event that Members followed option B, the landowner would then be entitled to exercise his permitted development rights on the land, notwithstanding the outcome of the appeals referred to above, subject only to any conditions imposed in the event that the appeals were allowed.

Recommendation

Option A: 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, 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, made by the Council on 11th February 2011, should be CONFIRMED, with the modification that the Order shall NOT apply to temporary buildings and uses under Part 4B other than temporary camping.

Report Author:

Stephen Hawkins, Team leader (Enforcement).

Date of report 14th March 2011.

Background Papers

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

Landscape Officer's comments.

Delegated report.



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Chartered Town Planners & Chartered Surveyors

Planning & Development • Property Strategy • Master Planning & Urban Design • Historic Environment • Consultation

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3rd March 2011

Dear Sirs

**Town and Country Planning (General Permitted Development) Order 1995
Land at Stonehenge Campsite and Summerfield House, Berwick Road,
Berwick St James**

We act for Mrs Susan Grant. We refer to the above site and to the Article 4 Direction made by the Council on 11 February 2011. The Direction purports to revoke permitted development rights under Classes 4, 5 and 27. We object to the confirmation of the Direction and request that the Council refuses to make the Direction in the terms proposed, or at all. This letter has been prepared following legal advice from Counsel.

Evidence of harm

The Council has failed to set out in any publicly available document why it says it is necessary to make the Direction. The Council is reminded that Article 4 directions are to be made "only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area" (Annex D to Circular 9/95, as amended in November 2010). Further, the Council is required by the terms of the Circular to "*clearly identify the potential harm that the direction is intended to address*". It has completely failed to do so. As a result (i) we are advised any decision to confirm the Direction would be unlawful because no harm has been identified and (ii) our client has been denied the opportunity to make proper representations on the Direction, because she has not been told on what basis the Council say the Direction should be made, again rendering the process of making the Direction unlawful.

In short, the Council is required to give reasons for making the Direction and has failed to do so and further it has failed properly to consult on the Direction by not providing any adequate information to allow our client to respond to the consultation.

Submissions on harm

Given that the Council has failed to set out why it says that the Direction is required, we reserve our position to make further submissions on the question of harm to

amenity or to the proper planning of the area which is said to arise from the use of the land for the purposes in Classes 4, 5 and 27 of the GPDO.

In short, we consider that it is not necessary to make the Direction for any legitimate planning reason:

A perfectly acceptable scheme for the use of the land for camping and caravanning purposes is currently before the Planning Inspectorate. That scheme is acceptable for the reasons set out in the Statement of Case for that appeal, attached for ease of reference (Appendix A);

In terms of harm to the landscape, by their very nature temporary events necessarily have limited impacts and those impacts are largely mitigated on this particular site. It is noted that similar restrictions are not proposed for land elsewhere in the area, despite other sites having a far greater risk of harm in landscape terms from temporary events than this site;

In terms of harm to amenity, although the owners are aware of some local opposition to camping on the land, there is no evidence at all that such opposition justifies excluding all temporary uses from all parts of the land. Much of the land is a considerable distance from the nearest dwellinghouse. There are specific remedies open to the local residents if activities on the site cause a nuisance;

Turning specifically to Class 5, there is no extant site licence for the land and therefore a Direction is not required;

As to Class 27, there is no reason why the presence of exempt organisations on the land is likely to cause any harm in planning terms.

We will make further submissions on these issues when the Council's reasons for making the Direction are provided.

Extent of Direction

The extent of the Direction is self-evidently excessive. As we understand it, from the enforcement action taken by the Council, the Council is concerned by the use of the land for camping and caravanning. The Direction goes well beyond those matters. To remove all permitted development rights under Part 4 Class B is oppressive. Is it really suggested that there would be harm to amenity if, for example, a marquee was erected for a family party on one night of the year? We suggest that there would be no harm and therefore there is no need for a Direction in these terms.

We note that Mrs Grant raised questions about the effect of the Direction on activities other than camping for commercial purposes in her letter to your officer Mr Hawkins dated 14 February 2011. Mr Hawkins replied on 18 February 2011 and stated that the activities sought to be restricted were: -

“perfectly clear, from the activity which has been carried on at the site in particular in the last year, as to the nature and scale of activities that the Direction is seeking to regulate”.

However Mr Hawkins did not explain to Mrs Grant that the true effect of the Direction as drafted extends beyond camping to all temporary uses and moveable structures connected with the permitted use.

Delegated authority

We consider that the Direction has been made unlawfully as the Area Development Manager does not have authority to make such directions.

We are instructed that on 3 June 2010 that the Council's South Area Planning Committee (SAPC) resolved that issues concerning this site should not be dealt with under delegated powers. We are further instructed that the SAPC asked officers to "investigate" making an Article 4 Direction on 16 September 2010. We do not see how a request to "investigate" making a Direction can connote authority to make a Direction. Further, the SAPC only authorised an investigation into a Direction in respect of Classes 4 and 5, and not Class 27, of Schedule 2.

Timing of the Direction

We take the view that the making of the Direction has been deliberately timed to prejudice the Appellant's position at the forthcoming Public Inquiry in respect of appeals against the refusal of planning permission and enforcement notices issued by the Council. We consider that the action of the Council in this regard is entirely inappropriate; the issues raised by the Direction were being canvassed with officers in attempting to agree common ground for that Inquiry and the Council's action, when the jurisdiction over the planning appeals and enforcement notice has been passed to the Secretary of State, is oppressive and arbitrary.

Further, the Direction has been made at a time when bookings have already been taken for temporary events, namely camping, by our Client from Easter onwards. The Council will be fully aware that in taking this action, at this time of year, the maximum possible disruption to this rural business interests will be caused.

We note in this regard that the SAPC asked that the making of a Direction be considered in September 2010. The fact that officers have chosen to wait until this time (February 2011) to make the Direction is indicative of the desire to prejudice the forthcoming appeals and to disrupt the landowner's business.

Service of the Direction

We are instructed that the Council has failed to serve the Direction on Mr William Grant and Fox Grant Ltd, both of whom have interests in the land affected. We therefore remind you of your obligations under Article 5(1) of the GPDO and ask that you now serve the Direction in accordance with those requirements. In light of that, the date that the Direction takes effect will plainly need to be extended to allow those other owners to make representations in respect of the Direction.

Further action

We put you on notice that (i) we are making representations to the Secretary of State to ask that he deal with this matter under his reserve powers and direct that the Direction not be confirmed and (ii) any decision to confirm the Direction is likely to be

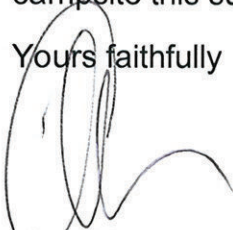
the subject of a claim for judicial review on the basis, among others, of the matters set out above.

Request

We request that the Council does not confirm the Direction. Alternatively, we request that the Direction is amended to address the specific harm which is said to arise from the use of the site. As set out above we are not aware of what harm is said to arise.

Finally, we request that if the Direction is to be confirmed it should not take effect until 1 October 2011 as bookings have been taken for the use of the site as a campsite this summer (2011).

Yours faithfully

A handwritten signature in black ink, appearing to be 'A.M. Allen', written over a circular stamp or seal.

Mr A.M Allen

Director

Land at Summerfield House & Stonehenge Campsite

Berwick Road

Berwick St James

Salisbury

LOCAL PLANNING AUTHORITY REFERENCES:

S/2010/0007

ENF9142

ENF 9142/1

PLANNING INSPECTORATE REFERENCES:

APP/Y3940/C/10/2139334

APP/Y3940/C/10/2142020

APP/Y3940/A/10/2136994

APPEAL INQUIRY: MAY 2011

STATEMENT OF CASE ON BEHALF OF THE APPELLANTS

1.0 Introduction

- 1.1 This Statement of Case is made in respect of appeals under s78 and s174 Town and Country Planning Act 1990 in respect of the decisions of Wiltshire Council (“the LPA”) to refuse planning permission for the use of part of the site for a camping and caravan site and also the service of two enforcement notices relating to the use of the land as a campsite for greater than 28 days (Part 4 of GPDO) and ancillary operational development.
- 1.2 The appeal against the enforcement notice under S174 (2) (a) and the S78 appeal raise similar issues. The Appellants further seek to rely on S174 (2) (f) to the extent that should the Inspector dismiss the appeals under ground (a) and S78 but finds that the requirements of the enforcement notice are excessive.

2.0 Reasons for refusal of planning permission and for issuing the enforcement notices

- 2.1 The following reason was given for refusing planning permission:

“The site is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area. The development of the site as a touring caravan and camping site would have a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm would be outweighed by economic benefits or could easily be addressed through new landscaping. The development would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning and Tourism.”

- 2.2 The reasons for issuing the Enforcement Notices were materially the same as the reasons for refusing planning permission, although potential noise disturbance to neighbouring properties was also included.
- 2.3 The LPA now accept, in common ground, that neither the use of the land nor the operational development undertaken will have a detrimental impact upon the setting of the adjacent Conservation Area.

3.0 Policy

- 3.1 The Appellant will make reference in evidence to National policy specifically within PPS1, 4 & 7 and PPG18. In terms of the principal issues between the parties specific reference will be made to PPS4 & PPS7, which allow for certain forms of “tourism” development within the countryside including tourist uses subject to criteria.
- 3.2 In this regard Policy EC7 of Planning Policy Statement 4 clearly establishes its support for sustainable rural tourism as a benefit to rural business, community and visitors. The policy seeks to avoid such development, which harms the countryside, and advises that LPA’s should: -

“ Support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres carefully weighing the objective of providing adequate facilities or enhancing visitors enjoyment or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites and wherever possible locating tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside are short, where possible, be provided in, or close to, service centres or villages that may be justified in other locations where the record facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or develop sites available for reuse.”

3.3 Turning directly to touring caravan and holiday sites Policy EC 7 advises that: -

“.....new or expanded holiday in touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.”

Development Plan

3.4 Reference will be made to the Wiltshire & Swindon Structure Plan 2016 especially to Policy RLT10, which advises that proposals for additional camping and touring caravan sites should have regard to their impact on the countryside. The policy adds that such development should not be made within the New Forest Heritage Area and that in Areas of Outstanding Natural Beauty any development should be consistent with the purpose of that designation.

3.5 This site lies neither within the New Forest Heritage Area nor indeed within the AONB.

3.6 The supporting paragraph to this policy, paragraph 8.36, deals with the strategic aim of increasing accommodation through the development of caravan/camping sites. The paragraph adds that this aim is also subject to a need to comply with other strategic priorities and indeed, that the value to tourism depends upon their quality being protected and the satisfactory assimilation into the countryside of all appropriate sites. Finally this paragraph adds that the careful development of tourism in the countryside could do much to improve the economy of rural areas. (our emphasis)

3.7 The Salisbury Local Plan is now of some age but it remains part of the current development plan for the area. Policies G1, G2, C2 & C6 seek, amongst others, the protection of the countryside whilst Policy T9 deals directly with proposals for caravan/camping sites.

3.8 Reference will therefore be made to Policy T9 of the Salisbury District Local plan. This is a permissive policy allowing the provision of new touring caravan sites including locations within the countryside subject to criteria. The policy advises: -

'Elsewhere in the plan area, the establishment of new sites for touring caravans and tents will be allowed within, or adjacent to, settlements or adjacent to the main holiday routes, subject to the following criteria:

sites are well screened from vantage points, highways and residential development and trees and other landscaping materials are planted among the caravan and tent plots as well as around the edges of the site;

the proposals would not adversely effect land of nature conservation value;

there is no direct access from trunk roads or from primary routes where access to a secondary road is feasible; and

the use of the site would not be detrimental to the amenities of the residents of the area and would not conflict with neighbouring land uses.' (our emphasis)

4.0 Issues

4.1 Given the reasons for refusal together with the reasons for the issue of the enforcement notices the Appellant respectfully suggests that in terms of the S78 appeal and the ground (a) appeals that there are the two key issues in this case, namely: -

(i) Whether or not the appeal proposals would have an unacceptable visual impact upon the landscape qualities of the area.

(ii) Whether or not the appeal proposals would have an unacceptable impact upon the amenities of neighbouring residential properties by reason of undue noise and disturbance.

4.2 An assessment of economic benefits of the proposal will also be included as part of the above.

5.0 Planning History

5.1 The Appellant will make reference to the planning history on the site including the use of the site under Parts 4, 5 & 27 of the General Permitted Development Order and also the Report to Committee in respect of the S78 appeal where the professional officers of the council, following detailed consultations, recommended the application for approval, indeed the conclusion to the report identified: -

" The proposal would be acceptable in principle, representing the development of the site of a touring caravans and tents within a location that is adjacent to a settlement and main holiday route. On balance, given the economic benefits deriving from this tourism related proposal, together with the capacity to successfully screen/landscape the site and control the number and siting of pitches, it is considered that the proposal would not result in unacceptable harm to the character and appearance of the area."

5.2 Reference will also be made to the planning history of the overall site and other matters of interest relating directly to the case, which have occurred both prior and post the appeal submissions.

6.0 Need for Tourism and Economic Benefit

- 6.1 The Appellant will assess whether or not there is a current shortfall of tourist related development in the area. Reference will be made to the Salisbury District Tourism Strategy, which on page 4 advises, that tourism is an essential part of the South Wiltshire economy and also identifies the need to improve self catering tourist accommodation (pg18).
- 6.2 Reference will also be made to the Council's Tourism Officer who supported the planning application (the subject of this appeal) identifying a need for additional capacity of touring vans in the area.

7.0 Impact upon the Special Landscape Area

- 7.1 The appeal proposals (S78 appeal) was supported by a detailed landscaping assessment and appraisal, which concludes that views of the site are restricted. Reference will be made to this and evidence will also be provided regarding the extent to which the larger site is visible from the surrounding landscape.
- 7.3 Reference will be made to the amount of the former district of Salisbury identified as comprising either Special Landscape Area or AONB and also to the existence of camping/caravan sites in these areas. Evidence will be provided in respect of the size and location of other campsites in the area.
- 7.4 It is important also to identify that part of the application site was previously used as an intensive livestock rearing unit, which contained a number of substantial agricultural buildings. It will be identified that such buildings associated with this use caused in the Appellant's opinion a negative impact to the visual appearance of the area. Reference will also be made to the character of the area including existing built form on or near the appeal site.
- 7.5 The appeal site lies close to the junction of the main trunk road through the area (A303) and sits within a small pocket of development within the river valley. Reference will be made to the Salisbury District Landscape Character Assessment.
- 7.6 The Appellant will identify that the majority of the works already undertaken on site have occurred in order to produce an effective landscaping screen, which is a direct requirement of development plan policy when considering developments such as that proposed here.
- 7.7 The Appellant will provide further details to enhance current landscaping on site, which will provide an effective additional screen in the medium to longer term (3 to 5 year).
- 7.8 Evidence will be provided to identify that the positioning of the campsite and the associated works on only part of the overall site (see Statement of Common ground) together with existing and proposed landscaping treatment would result in the use being adequately screened in accordance with policy.
- 7.9 The Appellant will conclude that the development controlled in the manner proposed in the S of CG will not detrimentally impact upon the visual amenities of the area.

8.0 Impact on neighbouring properties

8.1 One of the reasons for the service of Enforcement Notice No.1 was the alleged impact that the use of the land would have upon neighbouring properties, and states:

-

".... also seriously adversely affected neighbouring and nearby residential amenities, by reason of the undue noise and disturbance caused by activities on the land, in particular late at night, anti-social behaviour and associated coming and goings to and from the land."

8.2 Reference will be made to the Planning System: General Principles - paragraph 29, which advises that the planning system does not exist to protect the private interests of one person against the activities of another. When assessing the impact of a development upon neighbouring properties the guidance advises that the "test" is whether the: -

"..... proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest."

8.3 The Appellant in this regard will make reference and provide evidence in respect of: -

- The areas of the site where the proposed use is to occur (see S of CG) blue and red land
- The distance from the site where the proposed use is to occur from neighbouring properties, including reference to existing and proposed boundary treatments
- Evidence of police complaints in respect of noise/anti social behaviour on the site
- Evidence of Environmental Health complaints in respect of noise/anti social behaviour on the site
- The permitted development rights on the site, subject to an as yet unconfirmed Article 4 Direction.
- The prevention of the playing of any amplified music anywhere on the site (see drawing WGDP1) (See S of CG)
- The location of the NW access which serves the site and its distances from neighbouring properties
- The fact that one of the closest residences to the site is the Appellant's family home

8.4 The Appellant will conclude that the development controlled in the manner proposed in the S of CG will not unacceptably impact upon the residential amenities of any neighbouring properties.

9.0 Ground (c)

- 9.1 Evidence will be submitted to the Inquiry to identify that some of the matters contained within Enforcement Notice number two are considered by the Appellant to constitute permitted development.
- 9.2 If these matters cannot be agreed through common ground then evidence to support these submissions will be made.

10.0 Ground (e)

- 10.1 The Appellant will submit that the enforcement notices were not correctly served on all parties with an interest in the land, and that no up-to-date information of landownership was sought by the Local Planning Authority prior to the serving of the notices themselves.
- 10.2 It will be submitted that there was sufficient time, without detriment to the local planning authority's case, to obtain the necessary information from the Appellant prior to the service of the Notices themselves.

11.0 Ground (f)

- 11.1 The Appellant will invite the Inspector to amend the enforcement notice if the ground (a) appeal is not allowed but it is found that some elements of the notice are excessive.
- 11.2 Evidence will be provided to the Inquiry in terms of permitted development rights applicable to the site and the existing development permitted on and around the site, unless such is agreed in the Statement of Common Ground.

12.0 Ground (g)

- 12.1 The Appellant will demonstrate that the 3 month time limit for compliance with the enforcement notice is too short. The Appellant will show that the works cannot be completed within such a time period.
- 12.2 The Appellants will further demonstrate that certain steps will remove the potential for vehicular access to parts of the site unless such can be agreed in Common Ground.

13.0 Conclusions

- 13.1 The Appellant will submit that the section 78 and ground (a) appeals would give the controls offered in the statement of common ground, result in a development which would provide much-needed tourism accommodation, that will provide economic benefit locally and to the wider area, in a location which is both policy compliant and which would not have an adverse impact upon the visual appearance of the area, especially given the potential for further control of landscaping via conditions.
- 13.2 The Appellant will submit a further landscaping scheme above that already undertaken which will assist in minimising visual intrusion from the proposed use.

- 13.3 In addition the Appellant will submit that the control of the site offered in the statement of common ground would avoid any unacceptable impact upon the residential amenities of neighbouring properties.
- 13.4 It is hoped that the matters contained within the other grounds of appeal can be addressed or reduced through common ground.
- 13.5 In light of the above the appellant will seek the Inspector to approve the Section 78 appeal subject to conditions and also to grant planning permission for the remainder of the site, via the ground (a) appeals, and subject to further restriction by a condition.
- 13.6 The Appellant reserves the right to make further submissions once the LPA Statement of Case has been submitted.

Agenda Item 8

INDEX OF APPLICATIONS ON 24 March 2011

	APPLICATION	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2010/1928 <i>No Site Visit</i>	Coles Farm, Hindon Road, Dinton, Salisbury SP3 5EY	Construction of two bay portal framed building to accommodate freestanding insulated chill rooms together with associated works for use in connection with farm enterprise	Approve	Cllr Wayman

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Agenda Item 8a

Date of Meeting	24 March 2011		
Application Number:	S/2010/1928		
Site Address:	Coles Farm Hindon Road Dinton Salisbury SP3 5EY		
Proposal:	Construction of two bay portal framed building to accommodate freestanding insulated chill rooms together with associated works for use in connection with farm enterprises		
Applicant/ Agent:	Damen Associates		
Parish:	DINTON		
Grid Reference:	400275 131011		
Type of Application:	Full		
Conservation Area:	NA	LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

Councillor Wayman has requested that this item be determined by Committee due to issues relating to the scale of development, visual impact on surrounding area, environmental/highway impact, car parking/access, significant change of use in AONB from original green field site.

1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

1. The principle of development;
2. Agricultural justification;
3. Character and appearance of the area;
4. Amenities of adjoining and nearby property;
5. Highways considerations.

3. Site Description

The site relates to Coles Farm, a 5.3ha agricultural unit situated on Hindon Road between Dinton and Teffont. There is a collection of three modern farm buildings centred around a yard at the far end of the unit, away from Hindon Road. The unit is predominantly set to pasture, although there are areas that have recently been planted to provide a cider orchard and copse. A public footpath runs behind the agricultural buildings.

In planning terms the site is in open countryside and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

4. Relevant Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>
97/1271	Proposed stable block	R 16.01.98 App Dismissed 04.08.98
99/2170	Erection of barn for storage of hay straw and agricultural machinery	R 28.03.00
00/0877	The erection of a portal frame barn for agricultural use	PA no req 07.06.00
00/1357	PN - Erection of a Portal frame barn for agricultural use	PA not req 09.08.00
01/0664	PN - Portal frame barn	PA not req 18.04.01
01/737	Alteration of existing access (retrospective)	AC 27.06.01

02/0345	Retention of cattle barn (retrospective)	AC	16.07.02
02/1419	Retention of a hay barn (Retrospective) new lean-to	R	02.12.02
02/1728	Appeal against enforcement notice relating to unauthorised building.	Appeal allowed	11.04.03
04/0231	External alterations to existing agricultural buildings and mobile home for agricultural worker.	R	18.03.04
2005/48	COU of agricultural land & buildings to equestrian use and provision of sand school for exercising horses (private use)	W	26.01.05
05/148	COU of agricultural land & buildings to equestrian use and provision of sand school for exercising horses (private use)	R	7.3.05 Appeal dismissed 23.11.0
05/695	Retrospective approval for mobile dwelling	R	16.5.05
05/1314	Appeal against enforcement re. Siting of mobile home at Oakleigh farm Dinton	Appeal dismissed	23.11.05
06/1000	COU of agricultural land & buildings to equestrian use and provision of sand school for exercising horses	R	20.07.06
07/1558	Alterations within agricultural buildings for agricultural purposes.	AC	22.10.07
08/0262	Erection of agricultural building to accommodate livestock with associated support areas and ground works including walling to access.	WD	13/03/08
08/0510	Erection of agricultural building to accommodate livestock with associated support. Areas and ground work including walling to access	R	21.07.08 Appeal dismissed 21.01.09
09/1948	Extension to livestock building to accommodate storage	AC	18.02. 10

5. Proposal

Consent is sought to erect an agricultural barn to provide storage for chilling units and farm implements used in connection with the applicants livestock enterprise. The barn would be timber clad on a brick plinth, with profile sheet roof, measuring 12.2m x 7.m and 4.0m to ridge height.

6. Planning Policy

Local Plan: policies G1, G2, C2, C4, C5, C20

Central government planning policy: PPS7

7. Consultations

Parish Council

Object. Increased traffic and proposed site is situated on a dangerous junction (DPC is aware that in the past a fatal accident took place at this location) which is unsuitable for large vehicles. Proposed site is not suitable for further development. Significant change of use. Site lies within Cranbourne Chase AONB. Site was originally a Greenfield site then became a small holding. This application is against the Parish Plan, adopted by DPC in 2005 and by SDC soon after. If Wiltshire Council is minded to approve this application, DPC request the application is called in. If Wiltshire Council is minded to approve this

application, DPC request the following condition is applied: *No retail sales allowed or any habitation of this unit.*

Highways Officer	No objection. The proposed storage building with freestanding chill rooms, will be used as a part of the existing farming enterprise at Cole's Farm. Due to this, I do not foresee any highway implications to this proposal.
Environmental Health	No objection.

8. Publicity

The application was advertised by site notice and neighbour consultation.

5 letters of representation were received.

Summary of key relevant points raised:

- Concerns over creeping development in the countryside and AONB;
- Further storage space for implements is unnecessary given existing buildings and activities on the site;
- Need for freezing facilities is questionable and not suited to a small holding;
- The proposal will still be clearly visible and fill the gap between the existing buildings;
- No details on disposal of waste;
- Increased traffic;
- Possibility of noise and smell;
- Butchering and cold storage is not compatible with farm yards.

9. Planning Considerations

9.1 *The principle of development*

The site is within open countryside designated as an Area of Outstanding Natural Beauty. As such, in the interests of the overall character and appearance of the countryside, local and national planning policies only permit the erection of new development in very specific circumstances (policy C2) and where the natural beauty of the AONB's landscape is not harmed (C4, C5).

For agricultural development, policy C20 provides relevant guidance, making clear that such development has to be essential, must directly relate to the relevant holding and must not have other adverse impacts.

National planning policy PPS7 states that local authorities should support development proposals which will enable farming and farmers to:

- (i) become more competitive, sustainable and environmentally friendly;
- (ii) adapt to new and changing markets;
- (iii) comply with changing legislation and associated guidance;
- (iv) diversify into new agricultural opportunities (e.g. renewable energy crops); or
- (v) broaden their operations to 'add value' to their primary produce.

9.2 Agricultural justification

The applicants have developed a nucleus herd of Angus and Hereford cattle on the holding, which comprises 5.3 ha at Coles Farm, and a further 16.2 ha of land within the wider local area. The cattle are raised to slaughter weight, butchered and then certain carcasses sold on, with the remainder held in cold stores off-site. A similar arrangement is undertaken in relation to production of lamb on the holding.

Whilst the enterprise is relatively small scale by modern farm standards, the applicant states that he has located a niche market, directly selling to customers in the local area, particularly those demanding locally sourced produce, including a number of public houses and hotels in the area. The purpose of the proposed barn would be to provide on-site cold storage and distribution for the farm's meat. It is stated that on-site facilities would provide greater cost savings over the current arrangement, and would allow the sale of produce to be more responsive to customer demand.

The cold storage facility would be accommodated within approximately half of the barn. The other purpose of the barn would be to provide additional farm storage facilities within the remaining half. Whilst there is a dedicated implements store at Coles Farm, the growing number of farm implements owned and used by the applicant has resulted in part of a separate livestock barn being taken over for such storage. The proposal would therefore allow the livestock barn to be fully freed up to serve its intended purpose. Furthermore, it is likely that the cold storage facility will require additional space to aid with packaging and distribution.

Concerns have been expressed by a number of local residents and the Parish Council over the expansion of buildings at Coles Farm, and whether the current proposal is truly justified on this relatively small holding. However, the fact that the enterprise is small, and aimed at selling produce to a niche market, results in the need for facilities which can help maintain and further its competitiveness. On site cold storage and distribution is therefore precisely the type of facility which would aid this.

Consequently it is considered that the proposal meets the requirement of Local Plan policy C22, in that it is essential for the purposes of agriculture, as well as the objectives of PPS7 which seek to support farmers in becoming more competitive, adapting to new and changing markets, and broadening their operations to 'add value' to their primary produce.

9.3 Character and appearance of the area

It is noted that the proposed barn is situated within a similar location to a previously proposed livestock building which was refused planning permission and dismissed at appeal. The Planning Inspector concluded that the building would result in a small but harmful effect on the countryside and AONB. This was due to:

- i) The building comprising an extra built feature in the countryside;
- ii) Making the site more noticeable from the footpath and Hindon road as a result of infilling much of the gap between two existing buildings;
- iii) The fact that the barn was required for a pig breeding enterprise that had yet to be established, thus leading to doubts about its justification, particularly in light that the provision of alternative temporary livestock accommodation could not be ruled out, which would potentially be a more suitable means of establishing such a business.

There are a number of significant material differences, however, between the previous and current proposals:

- i) The proposed building is of a smaller scale than the previously proposed livestock building;
- ii) Additional planting has since been undertaken, including a plantation to north-west and a cider orchard to the north-east, that in time will serve to significantly screen the building and wider site from the footpath and Hindon Road;
- iii) An additional hay/fodder barn has since been granted consent and constructed in a location at the farm yard which significantly infills the gap that the Inspector previously referred to;
- iv) The proposed building is required in relation to an established enterprise, thus providing greater justification for development which has a visual impact within the countryside.

Taking these factors into account, together with the fact that the barn would be appropriate in terms of its design and materials, it is considered that the proposed building would not result in significant harm to the character and appearance of the area. Consequently the proposal would comply with Local Plan policies C2, C4, C5 and C20 which seek protect the countryside and only permit appropriate development.

9.4 Amenities of adjoining and nearby property

It is considered that the proposed building is situated a sufficient distance from neighbouring residential properties so as not to result in significant detriment affects. The Council's Environmental Health Officer has confirmed no objection.

9.5 Highway considerations

The Highways Officer has raised no objection to the proposal. It is noted that the Parish Council have recommended that, if Officers are minded to approve the application, a condition be imposed to prevent retail sales or habitation. A condition preventing retail sales is considered reasonable and necessary in terms of highways safety, in order that the road safety implications of such additional traffic could be fully considered at a later date if required. However, such a condition in relation to habitation would not be necessary, since such a use is already controlled by virtue of new dwellings always needing planning consent.

9.6 Other matters

Comments have been made by third parties with regards to hygiene and disposal of waste. However, such matters are controlled by legislation outside of the planning system, whereby food production/processing is subject to its own stringent industry controls.

10. Conclusion

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.

11. Recommendation

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.

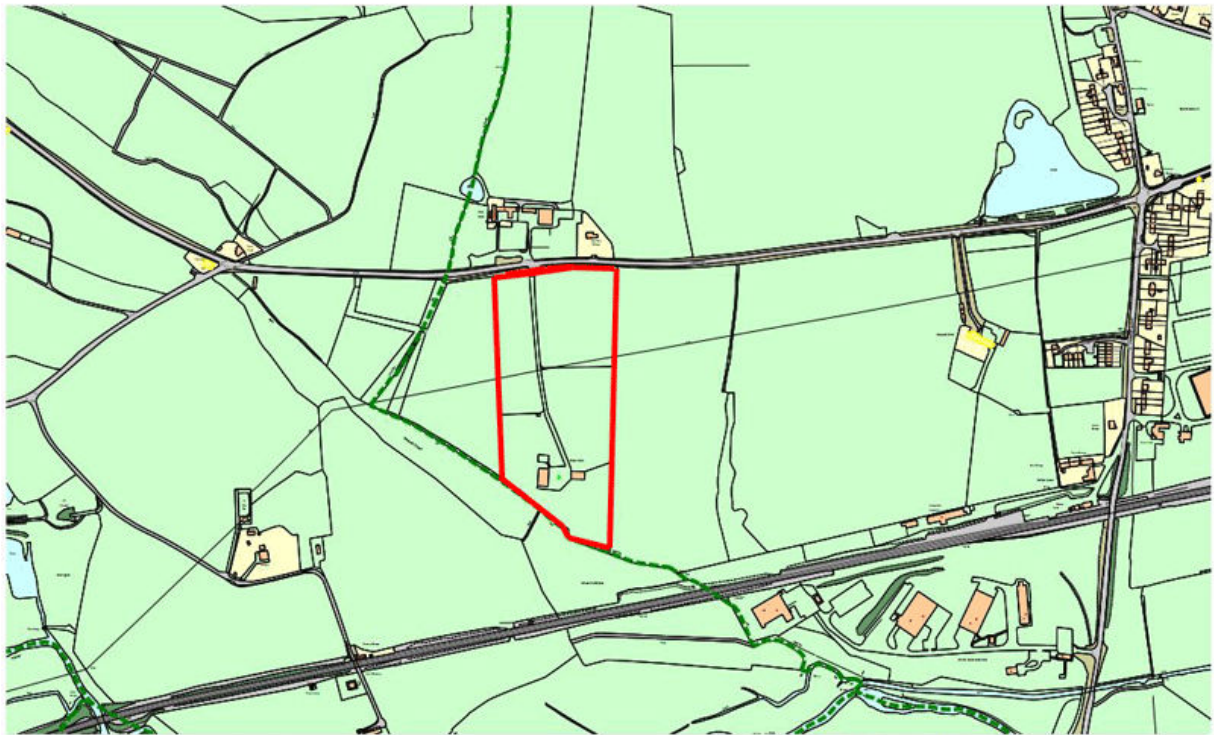
Reason: in the interests of the character and appearance of the area.

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.

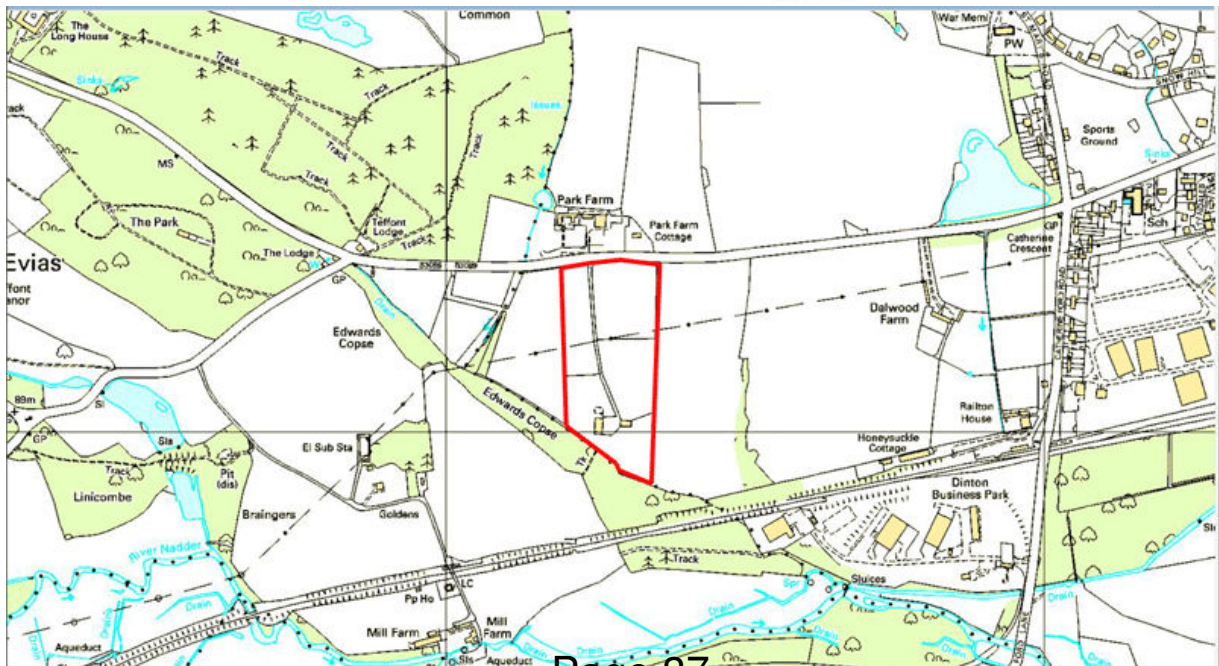
Reason: In the interests of highways safety.

Policy: G2



Date: 11th March 2011
 Scale: 1:1053
 Wiltshire Council
 Coles Farm, Hindon Road, Dinton, SP3 5EY.

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