

<b>Date of Meeting</b>	30 May 2018
<b>Application Number</b>	17/04707/FUL
<b>Site Address</b>	Land at Whaddon Lane, Hilperton, Wiltshire BA14 6NR
<b>Proposal</b>	Siting of a temporary rural workers dwelling and access track
<b>Applicant</b>	Mr & Mrs S Yalland
<b>Town/Parish Council</b>	HILPERTON
<b>Electoral Division</b>	HILPERTON – Councillor Ernie Clark
<b>Grid Ref</b>	387960 160165
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

### Reason for the application being considered by Committee

This application was reported to the Western Area Planning Committee on 13 December 2017. However, following the officers' presentation and a short debate, the committee resolved to **defer the application to enable officers to request more information from the applicants in terms of confirming the extent of the land which is available for their agricultural use and for the Council's agricultural consultant to review the information and evidence and provide a revised report and recommendation.**

A copy of the 13 December committee report is contained within Appendix and a copy of the agricultural consultant's revised report can be found in Appendix B.

The application is called to committee by Councillor Ernie Clark on the basis that officers are minded to approve the application, and the Planning Committee are invited to consider the following planning matters:

- The scale of development
- The visual impact upon the surrounding area
- The design - bulk, height, general appearance
- The environmental or highway impacts
- The financial viability of the proposed development.
- Areas of the 'rented land' seem to have only informal grazing rights at limited times of the year; and the amount of land owned by the applicant is not large enough to warrant any type of agricultural dwelling.

The Parish Council objects to the application proposal and requested Cllr Clark to call the application to committee for the elected members to determine.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

### 2. Report Summary

The main issues to consider for this application are considered to be:

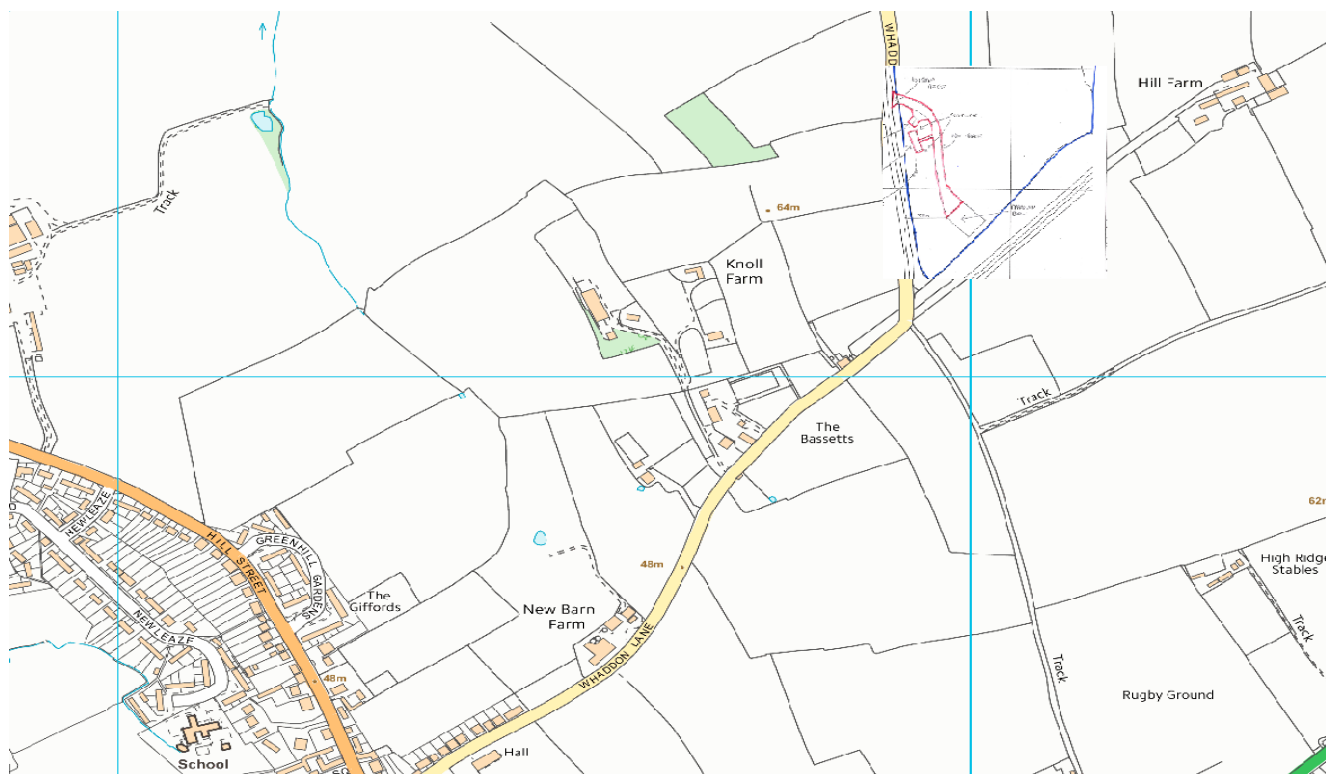
- The Principle of Development
- The Impact on the Character of the Area
- The Impact on the Living Conditions of Neighbouring Residents
- Highway Safety/Parking Issues
- Drainage Issues

### 3. Site Description

The site is located within the open countryside beyond any defined settlement and consists of a field located to the east of Whaddon Lane. The field is bordered by hedgerows and an existing agricultural barn is located on the site. The applicants currently live on site within a caravan which is positioned to the south of an existing barn. If members of the committee are minded to support the application for a temporary farm workers dwelling, the caravan would not be required and a condition is recommended to remove it from the site.

Officers have been advised that the applicants used the proceeds of the sale of their freehold dwelling to finance the purchase of the freehold land at Whaddon Lane.

The nearest residential dwellings are located at Hill Farm approximately 430 metres to the northeast, at Sharkays located off Whaddon Lane approximately 220 metres to the southwest and at Knoll Farm located approximately 260 metres to the west. The plan inserts below illustrate the application site being overlaid on a wider site plan of the local area followed by a more detailed site plan.



### The Existing Farming Practice

The holding is run as a livestock breeding and rearing business. The core enterprise comprises the production of finished lambs from a ewe flock, the production of finished cattle from a small suckler herd and rearing and sale of cattle from purchased calves. In addition to the “conventional” livestock, the applicants also breed and sell pygmy goats.

The ewe flock comprises some 470 ewes. Lambing is split, with 100 Dorset mules due to lamb in September, a further part of the flock to be lambed in January and the main crop lambing from March to May. Finished lambs are sold to slaughter. The applicants advise that September lambing takes place outdoors, with all other lambing taking place at the farm building. In addition to the breeding flock the applicants also have some 750 head of sheep on tack over winter. Cattle are reared either

for sale as stores or as finished animals from a small suckler herd. The most recent batch of calves comprised 40 head with sales split 50/50 between weaned animals and 12 month stores. The pygmy goats comprise some 30 nannies, which are bred to produce offspring which are sold to private buyers as pets.

The farm enterprise is supported by a modern, recently constructed farm building on site with a covered yard, constructed with a four bay portal frame main span and lean-to. The building has fibre cement roofing, spaced timber wall boarding to the upper elevations and concrete panels to the lower elevations. The overall dimensions of the building are 24m x 18m including the 6m lean-to.

#### 4. Planning History

16/06363/APD - General Purpose Agricultural Building – Refused 25.07.2016 for the following reason: *“The proposed development is not permitted development by Part 6, Class A.1 (i) because the development would be located within 400 metres of the curtilage of a protected building and the proposed building would be used for the accommodation of livestock”.*

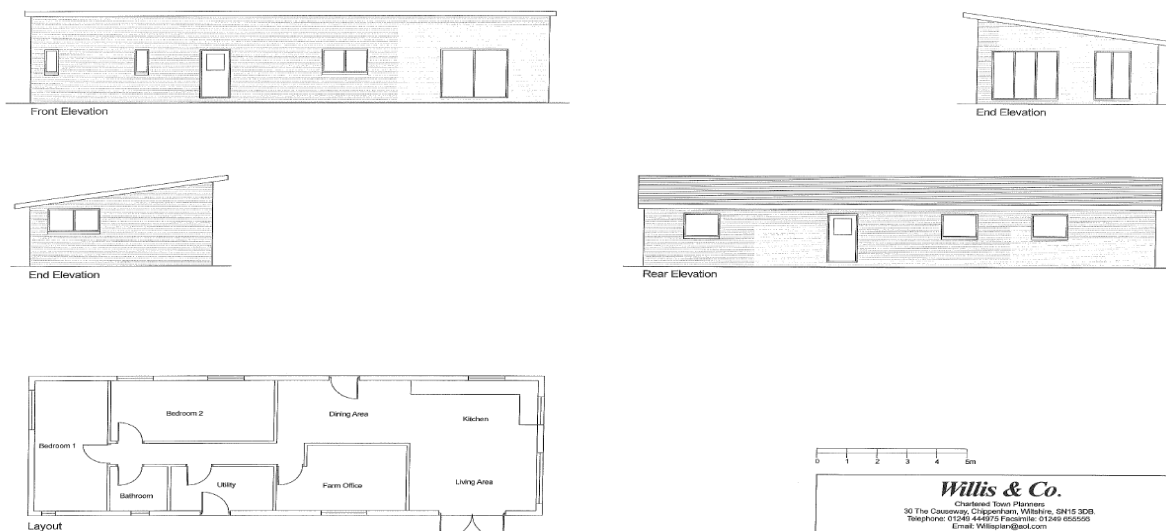
16/08376/AGD - Erection of agricultural building for the storage of agricultural vehicles, tools equipment, feed and fodder and the provision of an area of hardstanding – Approved 16.09.2016.

In addition to the above, and following the request made by a member of the committee back in December, the following section reports on the recorded planning enforcement action pursuant to the application site:

Enforcement proceedings led to the removal of an unauthorised caravan on the site in early 2017. As reported in the site description section of this report, in late 2017 following a change in personal circumstances, the applicants moved back on site and currently occupy a caravan on an unauthorised basis. The Council’s planning and enforcement team are fully aware of this breach of planning control, but the enforcement team have decided not to pursue formal enforcement action on the siting and occupation of the caravan until the current application has been determined by the planning committee. Should it be refused, formal proceedings would begin. If the application is approved, the suggested condition would be enforced to secure the removal of the unauthorised caravan within the stated timeframe.

#### 5. The Proposal

This is a full application seeking temporary planning permission for a three year period for the siting and occupation of a timber clad mobile home to be used as a farm workers dwelling. As illustrated in the plan below, the proposed dwelling would be single storey and rectangular in shape measuring 6 metres wide and 17 metres long. The accommodation would comprise 2 bedrooms, an office, living room, dining room, kitchen and bathroom. 2 parking spaces would be provided on site with vehicle access being accommodated via an existing access off Whaddon Lane.



### The Proposed Farming Practice

The applicant's agricultural statement sets out the intention to expand the enterprise over the next three years. The ewe flock would be expanded to approximately 600 head. The pygmy goat enterprise would be expanded to 100 head of nannies. A turkey rearing enterprise would also be introduced, with the applicants taking on a franchise arrangement under the "Kelly Bronze" brand. Some 500 poults would be purchased and reared in the existing farm building. Under the franchise the franchiser takes a proportion of the finished animals with the balance sold by the applicant under the Kelly Bronze brand.

Following the December area planning committee, officers were alerted to the fact that the applicant had sold seven suckler cattle in late 2017 in order to allow the applicants to invest in a more commercial breeds. The applicants have confirmed that a new herd would be purchased to further support and diversify the applicant's farming aspirations.

### **6. Planning Policy**

Wiltshire Core Strategy - CP1: Settlement Strategy; CP2: Delivery Strategy; CP48: Supporting Rural Life; CP51: Landscape; CP57: Ensuring High Quality Design and Place Shaping; CP60: Sustainable Transport; and CP61: Transport and new development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - U1a Foul Water Disposal; the Wiltshire Local Transport Plan 2011- 2026; and the emerging Hilperton Neighbourhood Plan.

The National Planning Policy Framework (NPPF) – Chapter 6: Delivering a wide choice of high quality homes; Chapter 7: Requiring good design and Chapter 11: Conserving and enhancing the Natural Environment; and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

### **7. Summary of Consultation Responses**

Hilperton Parish Council: Objects arguing that the '*...land in question is outside Village Policy Limits and the information on the application is insufficient, making it difficult for the Parish Council to make a reasoned judgement. However, we are not at all convinced that there is any justification for the proposal or any necessity for this dwelling for agricultural purposes.*'

Wiltshire Council's Agricultural Consultant: No objection – The consultant's detailed appraisal of the application proposal and recommendation is contained within section 9 of this report. For the avoidance of any doubt, following the terms of the Dec 2017 deferment, the Council's agricultural consultant was re-consulted on the submission of additional and amended information provided by the applicant in March 2018 which included confirmed land availability information as well as informing the consultant about the received objections.

Wiltshire Council's Local Highways Officer: If the committee is minded to approve the application, the highway officer recommends a series of conditions to improve the visibility splays and to ensure safe ingress and egress of vehicles using the access.

### **8. Publicity**

The application was publicised via a site notice. Following the publicity, 8 letters of representation were received in total.

6 objection representations were received raising the following concerns:

- The applicants will not have use of Hill Farm Land in the future;
- There is no need for an essential rural worker to be located on the site. The applicants already live in the area;
- The proposal is not supported by a viable agricultural enterprise
- The application would adversely impact on open countryside and is contrary to policy
- There would be increased traffic and associated safety risks
- There would be unwelcome noise impacts
- Concerns are raised about the type of foundation of building
- Power supply concerns to the building
- Soakaways will not work at this site

3 letters of support were also received – which raised the following comments:

- There would be no increase in traffic movements
- By living on site, the applicants can continue to grow their business

## 9. Planning Considerations

9.1 The Principle of Development - Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF advises that '*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside*' (Note – the emphasis has been added by officers).

9.1.1 WCS Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan). Core Policy 48 states that proposals for residential development outside the defined limits of development will be supported where these meet the accommodation needs required to enable rural workers to live at or in the immediate vicinity of their place of work and such proposal should be supported by functional and financial evidence.

9.1.2 The Council's agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise. It is therefore firstly relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the farm enterprise. On this point, the Council's agricultural consultant concludes by saying (with paragraphs duly referenced) that:

*'6.3 It is my view that the key aspects of essential need are lambing, calving, kidding and the close care of neonatal animals, including the turkey poults. The quantity and spread of births proposed across the year will in my view present a requirement for essential care at short notice across most of the year.*

*6.4 It is my view that the implementation of the business plan will result in an essential need for a presence on site at most times'.*

9.1.3 The Council's agricultural consultant concludes that there is an essential need for a person to live on the site.

9.1.4 In cases such as this, it is necessary to assess the existing and proposed business as part of understanding the justification for the proposed rural dwelling. Such an assessment is critical to forming an opinion on an "essential need". In this case the essential need described and recognised above would only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail; and, in such cases the application for a temporary basis is considered the most appropriate mechanism and process to prove the viability of an agricultural business. Should the enterprise fail, the temporary building could be easily and quickly removed from the site and the land restored to avoid the site being left with a dwelling with no "essential need".

9.1.5 In assessing the applicant's business plan, the Council's agricultural consultant has made the following comments:

*"7.1 There is no express reference in the NPPF to a financial assessment of either an existing or proposed business which will operate in association with the proposed rural dwelling. It is my opinion that such an assessment is [however] critical to forming an opinion on the continuation of the "essential need..."*

*7.2 The applicant has submitted profit and loss accounts for the last four trading periods, together with a projected profit and loss for the three years of the business plan, along with a document which describes the current farming practice and sets out the proposed practice.*

*7.3 Whilst the recent accounts show a profit and salaries to the applicants there is also reliance on a large proportion of gross income from agricultural contracting off-site. In my view the historic profitability offers little value in assessing the business on site due to the extent of the income earned off site.*

*7.4 The projected accounts [however] show a very significant reduction in off-site income. It is my view that for profit and loss the business plan appears to be planned on a relatively sound basis. The capital accounts show that the business has a high level of gearing and a small proportion of net assets. In order to expand it is likely that the business will need further capital; I understand this is likely to be available from Director loans”.*

9.1.6 The Council's agricultural consultant concludes in the above paragraphs that the business plan has been planned on a relatively sound basis with a requirement for further capital in order to expand the business. The Council's agricultural consultant has raised some concern that there is a heavy reliance on use of third party land under short term agreements, which provides no long term security on use of the land. However, there is a recognition that there is a plentiful supply of land available on short term arrangements and there is no evidence to suggest that such supply is likely to significantly reduce in the short term and the availability of such land offers the means by which new farming start-up businesses such as that promoted by the applicants here, can gain quick establishment.

9.1.7 In terms of land availability, the applicant currently owns 12 acres of freehold land which comprises the field on which the temporary dwelling would be located. In addition the applicants have access to approximately 56 acres of land that is rented annually on a formal basis at Leigh Park Farm (see Appendix C for a copy of the license plan) dated from January 2018 onwards. Although not located adjacent the application site, it is common practice for modern farming operations based on having access to land that is both owned and rented, some of being detached from the main steading and farm holding. The Leigh Park farm land is relatively close to Hilperton and is used mainly during the spring and summer to graze sheep and cattle. It is clearly considered as being viable and attractive to the applicant. The applicants also had access to more than 700 acres of land rented over the 2017/18 winter period to graze sheep on an informal short term basis (see Appendix D for a list of sites where land was rented over the 2017/18 winter period); and as reported by the Council's agricultural consultant, there is no evidence to suggest that this or similar arrangements, will not continue over the application period.

9.1.8 Following the recent confirmation and assertion made by the owners of the farmland that previously rented it to the applicants at Hill Farm; the Council's agricultural consultant reports that:

*“8.7 I have reviewed the overall composition of land held under agreement and on licence arrangements, shown on the composite plan supplied by the applicant. The plan shows freehold land yellow, land rented as green, land rented from autumn 2016 hatched green and land on licence from winter 16/17 hatched yellow. The Hill Farm land is very close to the freehold land; however there are other blocks on grazing licence which are also close. It is clear that the loss of the Hill Farm land will be significant as it is physically close to the farm buildings. However, there are other areas of land which are also apparently available on grazing licence. The plan serves to show the scattered nature of the land controlled by the applicant. Land closest to the farm buildings is clearly going to be more accessible for enterprises such as the goats whereas the off lying land will be better suited to the sheep on tack or the production of forage.”*

9.1.9 In relation to the continued use of short term land and promotion of start-up farm businesses the Council's agricultural consultant states:

*“8.8 The business proposition now is the same as that which was identified previously. It is a matter of fact that the business could not be conducted without the use of third party land. Clearly this is not a particularly satisfactory arrangement and certainly offers no long term security on the use of the land. There is, however, a supply of land available on short term arrangements and no evidence to suggest that such supply is likely to significantly reduce in the short term. The availability of such land*

*offers the means by which new farming businesses such as that promoted by the applicants can gain quick establishment, however that comes at a cost of a lack of security of tenure. As seen with the land at Hill Farm, the continued availability of short term cannot be guaranteed.”*

9.1.10 Whilst it is recognised that there is a heavy reliance on the short term agreements, officers are fully mindful that this application seeks to establish temporary permission for an agricultural workers dwelling for three years; and during that period officers would expect the applicant to advance with his business plan and make more permanent plans for securing land under their ownership to gain more security and viability – which will be required should the applicants ever seek to propose a permanent dwelling. For the purposes of this application, it is considered that the applicants have access to sufficient land, either freehold or rented annually (extending to approximately 68 acres), to support the farming enterprise in the short term and to support the fledgling business.

9.1.11 It is noted that concerns have been raised that there is a heavy reliance on off-site contracting work. However the Council’s agricultural consultant has concluded that the business is planned on a sound financial basis and the applicant has confirmed that his income and time committed to the off-site agricultural contracting would diminish over the three year term. On this particular point, the Council’s agricultural consultant states that:

*“5.2 The proposed expansion of the enterprises will present a labour requirement in excess of one full time unit; [and within paragraph] 9.0 The expansion of the business will present an essential need for a presence on site at most times”.*

9.1.12 Based upon the information provided it is considered that there is an essential need for one agricultural worker to live on the site and that the farm enterprise is financially sustainable in the short term. The proposed development is for a temporary period and as such, there would be scope to re-assess the business and land availability following any re-submission in the future.

9.1.13 On the basis of the above and after extensive liaison with the Council’s agricultural consultant, the principle of siting a temporary dwelling for three years for an essential farm worker is supported by officers and is considered compliant with WCS CP48 and paragraph 55 of the NPPF.

9.2 Impact on the Character of the Area - Core Policy 51 of the Wiltshire Core Strategy states that development proposals should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced. Core Policy 57 states application for new development must respond positively to the existing landscape to effectively integrate the building into its setting.

9.2.1 The proposed timber clad temporary dwelling would be relatively modest in size at approximately 3.7 metres to the eaves and 5 metres to the ridge; and 6 metres wide and 17 metres long. The building would be located within 6-8 metres of the western boundary of the field and adjacent to Whaddon Lane and would not appear as an incongruous or isolated form of development. Due to the height of the hedgerow adjacent to the highway the proposed dwelling would be sufficiently screened from Whaddon Lane.

9.2.2 When viewed from across the fields, in particular from the east, the proposed temporary dwelling would be seen against the back drop of the existing hedgerow. Due to the proposed position of the dwelling on site, its modest size and height and the exterior materials in its construction, it is not considered that the dwelling would have an adverse impact on the rural character of the area. The development is considered acceptable and would comply with Core Policies 51 and 57 of the Wiltshire Core Strategy.

9.3 Impact on the Living Conditions of Neighbouring Residents - Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development has regard to the compatibility of adjoining buildings. The nearest residential dwellings are located at Hill Farm approximately 430 metres to the northeast, Sharkays, Whaddon Lane approximately 220 metres to the southwest and Knoll Farm located approximately 260 metres to the west. As such, the proposed temporary dwelling would be located a sufficient distance from neighbouring residents and

would have no material impact on their living conditions/amenities. The development therefore complies with Core Policy 57 of the Wiltshire Core Strategy and advice contained in the NPPF.

9.4 Highway Safety/Parking Issues - Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Policy 61 furthermore advises that new development should be served by safe access to the highway network. In this particular case, the Council's highway officer states the existing access is substandard in terms of visibility however this issue can be addressed by requiring certain improvements along the site frontage on land owned and controlled by the applicants. Should the committee be minded to approve temporary planning permission, the condition should require visibility at the access to be improved before the development is brought into use.

9.4.1 Sufficient space is available on site to accommodate 2 off road parking spaces. As such the scheme complies with current council parking standards. The proposed development would therefore not result in severe or cumulative harm to highway safety and the scheme complies with the advice contained within the NPPF and policy CP61 of the WCS.

9.5 Drainage Issues - Paragraph 103 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case, the site is recognised as being flood zone 1 and there are no known land drainage constraints which cannot be addressed. The applicant proposes to deal with foul water drainage by an on-site septic tank. A condition is recommended requiring details of surface water drainage to be submitted before works on site commence.

9.6 Other Material Issues - Other issues have been raised by third parties pursuant to concerns about the proposed foundations of the building and a power supply. These matters don't raise any policy conflicts. The unwelcome noise impact concerns raised have not been substantiated and are also not considered defensible grounds to refuse planning permission. Any future statutory noise nuisance generated from and associated to the proposed dwelling would be handled under separate legislation, enforced by the Council's public protection service.

**10. Conclusion (The Planning Balance)** - The Council's agricultural consultant advises that the applicants business plan generates an essential need for on-site occupation at most times. The current farming business is considered to be viable. Whilst it is acknowledged that the projected accounts show a very significant reduction in off-site income, the business plan for the upcoming three year period appears to be planned on a sound basis. It is accepted that there is a large amount of land held by the applicant under temporary or short terms agreements. However, as reported, the agricultural consultant has concluded that there is no evidence to suggest that the supply will significantly reduce in the short term.

The siting of a temporary workers dwelling would not significantly or adversely affect the rural character of the area, the living conditions and amenities of neighbouring residents or highway safety interests. The application therefore complies with Core Policies 48, 51, 57 and 61 of the Wiltshire Core Strategy and the advice contained within the NPPF.

The application would however need to be subject to a series of rigorous planning conditions, which are set out within section 11 below.

**11. RECOMMENDATION: Approve temporary planning permission 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 hereby permitted shall be carried out in accordance with the following approved plans:



Proposed Site Location Plan; Site plan scale 1:500 received 19 May 2017; Proposed Layout and Elevations Plan (dwg no. 2629/02) received 19 May 2017; Septic Tank details received 19 May 2017; Attenuation treatment details received 19 May 2017; Visibility splay details received 27 July 2017.

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

3. The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

4. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 30 May 2021 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

6. The development hereby permitted shall not be occupied until the means of foul water drainage for the temporary dwelling (i.e. the septic tank details received 19 May 2017) have been completed in accordance with the submitted details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

7. The development hereby approved shall not be first occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres in both directions from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8. The development hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

10. Within 1 month of the occupation of the temporary agricultural workers dwelling hereby approved the existing unauthorised caravan shall be permanently removed from the site.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit additional permanent residential accommodation in tandem with the approved.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES** **Report No.**

<b>Date of Meeting</b>	13 December 2017
<b>Application Number</b>	17/04707/FUL
<b>Site Address</b>	Land at Whaddon Lane, Hilperton, Wiltshire BA14 6NR
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<b>Applicant</b>	Mr & Mrs S Yalland
<b>Town/Parish Council</b>	HILPERTON
<b>Electoral Division</b>	HILPERTON – Councillor Ernie Clark
<b>Grid Ref</b>	387960 160165
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

**Reason for the application being considered by Committee**

Councillor Ernie Clark has requested that if officers are minded to approve the application, it should be reported to the Planning Committee for the consideration of the following:

- The Scale of Development
- Visual Impact upon the Surrounding Area
- Design - Bulk, Height, General Appearance
- Environmental or Highway Impact
- The Parish Council objects to the application proposal and have requested that it is call to committee for the elected members to determine.
- Financial viability of the proposed development (despite requesting the accounts nothing has been received)
- Areas of the 'rented land' seem to have only informal grazing rights at limited times of the year
- The land owned by the applicant is not large enough to warrant any type of agricultural dwelling

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

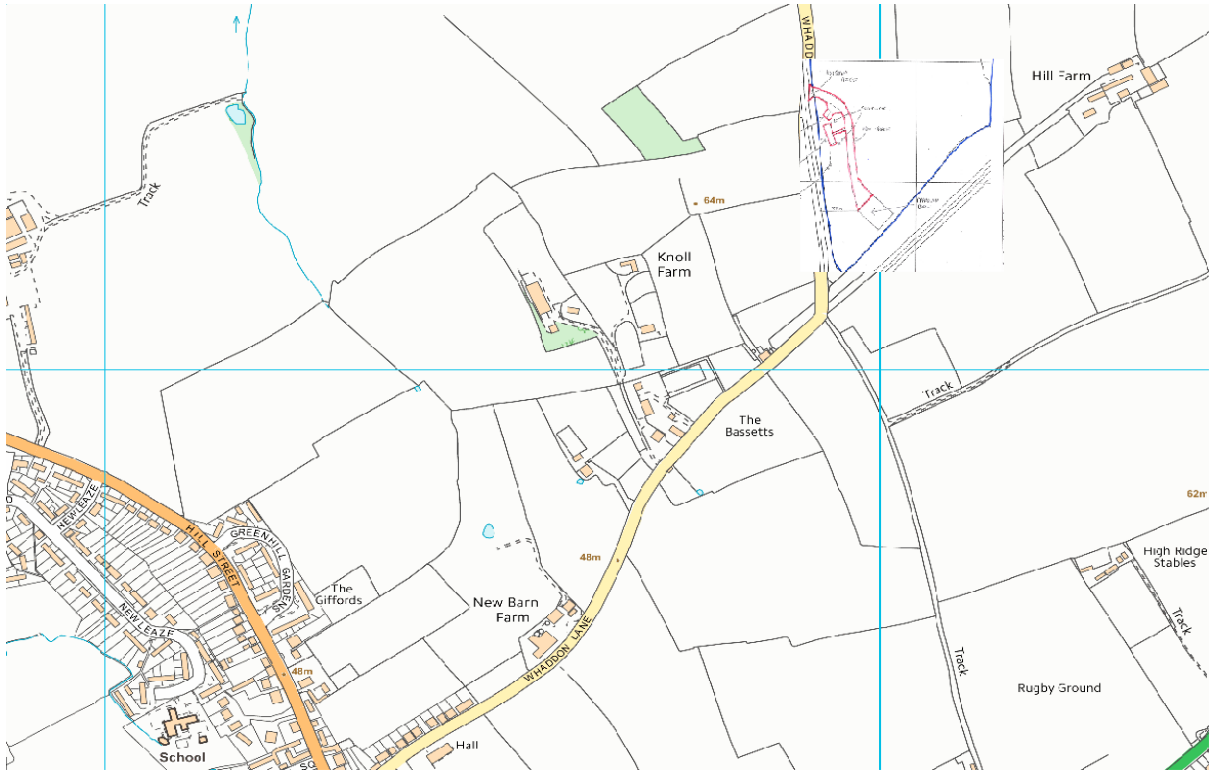
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The main issues to consider for this application are considered to be:

- The Principle of Development
- The Impact on the Character of the Area
- The Impact on the Living Conditions of Neighbouring Residents
- Highway Safety/Parking Issues
- Drainage Issues

**3. Site Description**

The site is located within the open countryside beyond any defined settlement and consists of a field located to the east of Whaddon Lane. The field is bordered by hedgerows and an existing agricultural barn is located on the site. The applicants have recently advised that they now live on site within a touring caravan. Officers have been further advised that the applicants used the proceeds of sale from their freehold dwelling to fund the purchase of the freehold land. The touring caravan is located to the south of the aforementioned barn. The nearest residential dwellings are located at Hill Farm approximately 430 metres to the northeast, Sharkays, Whaddon Lane approximately 220 metres to the southwest and Knoll Farm located approximately 260 metres to the west. The plan insert on the following page illustrates the application site being overlaid on a wider plan of the local area followed by a more detailed site plan.



### The Existing Farming Practice

The holding is run as a livestock breeding and rearing business. The core enterprises are the production of finished lambs from a ewe flock, the production of finished cattle from a small suckler herd and rearing and sale of cattle from purchased calves. In addition to the “conventional” livestock the applicants also breed and sell pygmy goats.

The ewe flock comprises some 470 ewes. Lambing is split, with 100 Dorset mules due to lamb in September, a further part of the flock to be lambed in January and the maincrop lambing from March to May. Finished lambs are sold to slaughter. The applicants advise that September lambing takes place outdoors, with all other lambing taking place at the farm building. In addition to the breeding flock the applicants also have some 750 head of sheep on tack over winter. Cattle are reared either for sale as stores or as finished animals from a small suckler herd. The most recent batch of calves comprised 40 head with sales split 50/50 between weaned animals and 12 month stores. The pygmy goats comprise some 30 head of nannies, which are bred to produce offspring which are sold to private buyers as pets.

The farm enterprise is supported by a sole building on site which is a covered yard, constructed with a four bay portal frame main span and lean-to. The building has fibre cement sheet to the roof, spaced timber boarding to the upper elevations and concrete panels to the lower elevations. At the time of the

Council's agricultural consultant's site visit in June, the building was recently constructed and close to completion. The overall dimensions of the building are 24m x 18m including the 6m lean-to.

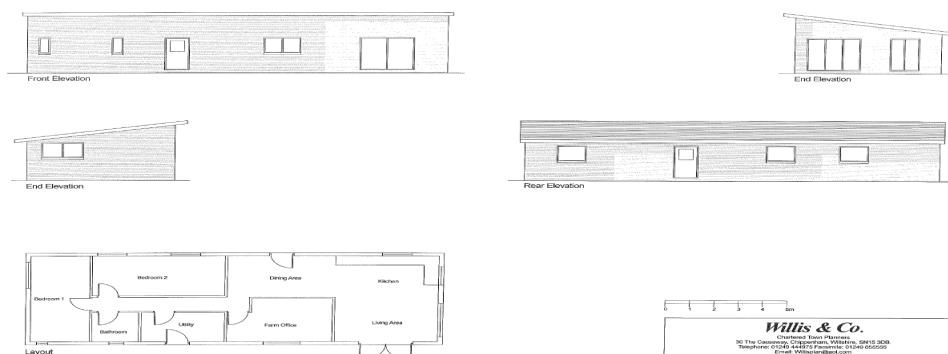
#### 4. Planning History

16/06363/APD - General Purpose Agricultural Building – Refused 25.07.2016 for the following reason: *“The proposed development is not permitted development by Part 6, Class A.1 (i) because the development would be located within 400 metres of the curtilage of a protected building and the proposed building would be used for the accommodation of livestock”*.

16/08376/AGD - Erection of agricultural building for the storage of agricultural vehicles, tools equipment, feed and fodder and the provision of an area of hardstanding – Approved 16.09.2016.

#### 5. The Proposal

This is a full application seeking temporary planning permission for a three year period for the siting and occupation of a timber clad mobile home to be used as a farm workers dwelling. As illustrated in the plan below, the proposed dwelling would be single storey and rectangular in shape measuring 6 metres wide and 17 metres long. Accommodation would comprise 2 bedrooms, office, living room, dining room and kitchen. It is noted the proposed study could form a third bedroom. 2 parking spaces would be provided on site with vehicle access being accommodated via an existing access off Whaddon Lane.



#### The Proposed Farming Practice

The proposal is to expand the enterprises over the next three years. The ewe flock will be expanded to approximately 600 head. The suckler herd is likely to stay at its current size. The pygmy goat enterprise will be expanded to 100 head of nannies. A turkey rearing enterprise will be introduced, with the applicants taking on a franchise arrangement under the “Kelly Bronze” brand. Some 500 poults will be purchased and reared in the farm building. Under the franchise the franchiser takes a proportion of the finished animals with the balance sold by the applicant under the Kelly Bronze brand.

#### 6. Planning Policy

Wiltshire Core Strategy - CP1: Settlement Strategy; CP2: Delivery Strategy; CP48: Supporting Rural Life; CP51: Landscape; CP57: Ensuring High Quality Design and Place Shaping; CP60: Sustainable Transport; and CP61: Transport and new development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - U1a Foul Water Disposal; the Wiltshire Local Transport Plan 2011- 2026; and the Emerging Hilperton Neighbourhood Plan

The National Planning Policy Framework (NPPF) – Chapter 6: Delivering a wide choice of high quality homes; Chapter 7: Requiring good design and Chapter 11: Conserving and enhancing the Natural Environment; and The National Planning Practice Guidance (NPPG)

#### 8. Summary of Consultation Responses

Hilperton Parish Council: Objects. *‘The land in question is outside Village Policy Limits and the information on the application is insufficient, making it difficult for the Parish Council to make a reasoned judgement. However, we are not at all convinced that there is any justification for the proposal or any necessity for this dwelling for agricultural purposes.’*

Wiltshire Council's Agricultural Consultant: No objection – please refer to the consultant's detailed appraisal of the proposal contained within section 9 of this report.

Wiltshire Council's Local Highways Officer: If the committee is minded to approve the application, the highway officer has recommended a series of conditions to improve the visibility splays and ensure safe ingress and egress of vehicles using the access.

## 8. Publicity

The application was publicised via a site notice. Following the publicity, 5 letters of objection were received raising the following concerns:

- Increased traffic and associated risk
- Adverse impact on open countryside
- Development out of character
- Unwelcome noise
- No need for an essential rural worker to be located on site
- Applicants already live in the area
- Contrary to policy
- Not a viable agricultural enterprise
- Concerns about type of foundation of building
- Power supply to building
- Soakaways do not work

3 letters of support were also received with the following comments:

- There would be no increase in traffic movements
- By living on site, the applicants can continue to grow their business

## 9. Planning Considerations

9.1 Principle of development - Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF advises that '*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside*' (Note – the emphasis has been added by officers).

9.1.1 WCS Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan). Core Policy 48 states that proposals for residential development outside the defined limits of development will be supported where these meet the accommodation needs required to enable rural workers to live at or in the immediate vicinity of their place of work and such proposal should be supported by functional and financial evidence.

9.1.2 The Council's agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise. It is therefore firstly relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the farm enterprise. On this point, the Council's agricultural consultant concludes by saying (with paragraphs duly referenced) that:

*'6.3 It is my view that the key aspects of essential need are lambing, calving, kidding and the close care of neonatal animals, including the turkey poults. The quantity and spread of births proposed across the year will in my view present a requirement for essential care at short notice across most of the year.*

*6.4 It is my view that the implementation of the business plan will result in an essential need for a presence on site at most times'.*

9.1.3 The Council's agricultural consultant therefore concludes there is an essential need for a person to live on or near the site.

9.1.4 In cases such as this, it is necessary to assess the existing and proposed business as part of understanding the justification for the proposed rural dwelling. Such an assessment is critical to forming an opinion on the “essential need”. In this case the essential need described and recognised above will only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail; and, in such cases the application for a temporary basis is considered most appropriate to prove the viability of the agricultural business. Should the enterprise fail, the mobile could be easily removed from the site and the land restored to avoid the site being left with a dwelling with no “essential need” for its presence.

9.1.5 In assessing the applicant’s business plan, the Council’s agricultural consultant has made the following comments:

*“7.1 There is no express reference in the NPPF to a financial assessment of either an existing or proposed business which will operate in association with the proposed rural dwelling. It is my opinion that such an assessment is critical to forming an opinion on the continuation of the “essential need...”*

*7.2 The applicant has submitted profit and loss accounts for the last four trading periods, together with a projected profit and loss for the three years of the business plan, along with a document which describes the current farming practice and sets out the proposed practice.*

*7.3 Whilst the recent accounts show a profit and salaries to the applicants there is also reliance on a large proportion of gross income from agricultural contracting off-site. In my view the historic profitability offers little value in assessing the business on site due to the extent of the income earned off site.*

*7.4 The projected accounts show a very significant reduction in off-site income. It is my view that for profit and loss the business plan appears to be planned on a relatively sound basis. The capital accounts show that the business has a high level of gearing and a small proportion of net assets. In order to expand it is likely that the business will need further capital; I understand this is likely to be available from Director loans”.*

9.1.6 The council’s agricultural consultant has concluded that the business plan has been planned on a relatively sound basis with a requirement for further capital in order to expand the business. The Council’s agricultural consultant has raised concerns that there is a heavy reliance on use of third party land under short term agreements, which provides no long term security on use of the land. However, he does conclude that there is a plentiful supply of land available on short term arrangements and there is no evidence to suggest that such supply is likely to significantly reduce in the short term and the availability of such land offers the means by which new farming businesses such as that promoted by the applicants here, can gain quick establishment.

9.1.7 In terms of land, the applicants own 12 acres freehold which comprises the field on which the temporary dwelling would be located. In addition the applicants have access to approximately 124 acres of land rented annually on a formal basis. This land lies adjacent the application site and with the freehold land forms a central block of 136 acres. This land is used mainly during the spring and summer to graze sheep and cattle. The applicants also have access to approximately 502 acres of land rented over the winter period to graze sheep on an informal short term basis.

9.1.8 Although it is recognised that there is a heavy reliance on short term agreements, it is considered that the applicants have access to sufficient land, either freehold or rented annually (approx. 136 acres), to support the business in the short term and to support this fledgling business.

9.1.9 It is furthermore noted that concerns have been raised that there is a heavy reliance on off-site contracting work. However the Council’s agricultural consultant has concluded that the business is nevertheless planned on a sound financial basis and the applicant has confirmed that his income and time committed to the off-site agricultural contracting will diminish over the three year term. In response to this, the Council’s agricultural consultant states that:

*“5.2 The proposed expansion of the enterprises will present a labour requirement in excess of one full time unit; [and within paragraph] 9.0 The expansion of the business will present an essential need for a presence on site at most times. The business appears to be planned on a sound financial basis, however, the position on net assets is not strong”.*

9.1.10 Based upon the information provided it is considered that there is an essential need for one agricultural worker to live on the site and that the farm enterprise is financially sustainable in the short term. The principle of development for the erection of a temporary dwelling for three years for an essential farm worker would be compliant with WCS CP48 and paragraph 55 of the NPPF and it can therefore be supported.

9.2 Impact on the Character of the Area - Core Policy 51 of the Wiltshire Core Strategy states that development proposals should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced. Core Policy 57 states application for new development must respond positively to the existing landscape to effectively integrate the building into its setting.

9.2.1 The proposed timber clad mobile would be relatively modest in size at approximately 3.7 metres to the eaves and 5 metres to the ridge; and 6 metres wide and 17 metres long. The building would be located within 6-8 metres of the western boundary of the field and adjacent to Whaddon Lane and would not appear as an incongruous or isolated form of development. Due to the height of the hedgerow adjacent to the highway the proposed dwelling would be sufficiently screened from Whaddon Lane.

9.2.2 When viewed from across the fields, in particular from the east, the proposed temporary dwelling would be seen against the back drop of the existing hedgerow. Due to the proposed position of the dwelling on site, its modest size and height and the exterior materials in its construction, it is not considered that the dwelling would have an adverse impact on the rural character of the area. The development is considered acceptable and would comply with Core Policies 51 and 57 of the Wiltshire Core Strategy.

9.3 Impact on the Living Conditions of Neighbouring Residents - Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development has regard to the compatibility of adjoining buildings. The nearest residential dwellings are located at Hill Farm approximately 430 metres to the northeast, Sharkays, Whaddon Lane approximately 220 metres to the southwest and Knoll Farm located approximately 260 metres to the west. As such, the proposed temporary dwelling would be located a sufficient distance from neighbouring residents and would have no material impact on their living conditions/amenities. The development therefore complies with Core Policy 57 of the Wiltshire Core Strategy and advice contained in the NPPF.

9.4 Highway Safety/Parking Issues - Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Policy 61 furthermore advises that new development should be served by safe access to the highway network. In this particular case, the Council's highway officer states the existing access is substandard in terms of visibility however this issue can be addressed by requiring certain improvements along the site frontage on land owned and controlled by the applicants. Should the committee be minded to approve temporary planning permission, the condition should require visibility at the access to be improved before the development is brought into use.

9.4.1 Sufficient space is available on site to accommodate 2 off road parking spaces. As such the scheme complies with current council parking standards. The proposed development would therefore not result in severe or cumulative harm to highway safety and the scheme complies with the advice contained within the NPPF and policy CP61 of the WCS.

9.5 Drainage Issues - Paragraph 103 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case, the site is recognised as being flood zone 1 and there are no known land drainage constraints which cannot be addressed. The applicant proposes to deal with foul water drainage by an on-site septic tank. A condition is recommended approval requiring details of surface water drainage to be submitted before works on site commence.



9.6 Other Material Issues - Other issues have been raised by third parties namely concern over the proposed foundations of the building and power supply, however these issues carry little weight in the planning determination. In addition concern has been raised about unwelcome noise from the development however these issues are dealt with under other legislation such as Environmental Health legislation.

**10. Conclusion (The Planning Balance)** - In conclusion, the Council's agricultural consultant advises that the implementation of the business plan would result in an essential need for on-site occupation at most times. He concludes that the current business is viable and whilst the projected accounts show a very significant reduction in off-site income, the business plan for the upcoming three year period appears to be planned on a sound basis. Although there is a large amount of land held by the applicant under temporary or short terms agreements, the agricultural consultant has concluded that there is no evidence to suggest that such supply is likely to significantly reduce in the short term. The siting of a temporary workers dwelling would not significantly or adversely affect the rural character of the area, the living conditions and amenities of neighbouring residents or highway safety interests. The application therefore complies with Core Policies 48, 51, 57 and 61 of the Wiltshire Core Strategy and the advice contained within the NPPF. It would need to be subject to rigorous planning conditions, which are set out within section 11.

**11. RECOMMENDATION: Approve temporary planning permission subject to the following conditions:**

9. 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.

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

Proposed Site Location Plan; Site plan scale 1:500 received 19 May 2017; Proposed Layout and Elevations Plan (dwg no. 2629/02) received 19 May 2017; Septic Tank details received 19 May 2017; Attenuation treatment details received 19 May 2017; Visibility splay details received 27 July 2017.

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

11. The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

12. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 13 December 2020 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

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

REASON: The application contained insufficient information to enable this matter to be considered

prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

14. The development hereby permitted shall not be occupied until the means of foul water drainage for the temporary dwelling (i.e. the septic tank details received 19 May 2017) have been completed in accordance with the submitted details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

15. The development hereby approved shall not be first occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres in both directions from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

16. The development hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

10. Within 1 month of the occupation of the temporary agricultural workers dwelling hereby approved the touring caravan shall be permanently removed from the site.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit additional permanent residential accommodation in tandem with the approved.

#### INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

## AGRICULTURAL ASSESSMENT OF PLANNING APPLICATION.

1.0	<b>REFERENCE</b>	APA/03/0135
1.1	Proposed Development	Siting of temporary rural workers dwelling and access track.
1.2	Planning Authority	Wiltshire Council Development Management Central
1.3	Planning Application No.	17/04707/FUL
1.4	Applicant	Mr & Mrs S.Yelland
1.5	Site Address	Willowbrook Barn, Whaddon Lane, Hilperton

### 2.0 DESCRIPTION

#### 2.1 Location

The application site forms part of Willowbrook Barn, which is the applicants' freehold farmstead Willowbrook Barn is accessed off Whaddon Lane and lies about half a mile north east of Hilperton villa and due north of Trowbridge Rugby Club. The surrounding land use is agricultural.

#### 2.2 Land

##### 2.2.1 Area and tenure

The applicants' freehold land comprises some 5ha (12 acres) in a single block, including the application site. In addition to the freehold land the applicants also have the use of some 243ha (600 acres) in the locality under a variety of short term tenancy agreements and seasonal grass keep agreements.

##### 2.2. Soil Type and Characteristics

The soil at the application site is classified in the Wickham 3 association, which is described as slow permeable seasonally waterlogged fine loamy and coarse loamy soils over clay.

### 3.0 FARMING PRACTICE

#### Existing

- 3.1 The farm is run by a Company, Willowbrook Ventures Ltd. I understand Mrs Yelland is the sole Director Willowbrook Ventures Ltd; both Mr and Mrs Yelland are employees of Willowbrook Ventures Ltd. I understand that Mr Yelland also provides agricultural contracting services to Willowbrook Ventures and the income earned for agricultural contracting off the holding forms part of the gross income to Willowbrook Ventures Ltd.
- 3.2 The holding is run as a livestock breeding and rearing business. The core enterprises are the production of finished lambs from a ewe flock, the production of finished cattle from a small suckler herd and rearing a sale of cattle from purchased calves. In addition to the "conventional" livestock the applicants also breeds and sell pygmy goats.
- 3.3 The ewe flock comprises some 470 ewes. Lambing is split, with 100 Dorset ewes due to lamb in September, a further part of the flock to be lambed in January and the main crop lambing from March to May. Finished lambs are sold to slaughter. The applicants advise that September lambing takes place outdoors, with all other lambing taking place at the farm building. In addition to the breeding flock the applicants also have some 750 head of sheep on tack over winter.
- 3.4 Cattle are reared either for sale as stores or as finished animals from a small suckler herd. Seven Dexter cows are kept; the animals are bred and progeny reared for sale at finished at 24 months. The animals are slaughtered and butchered off site and the meat sold retail. The cattle rearing enterprise comprises the

purchase of week old calves which are then reared through with some sold at 12 weeks as weaned animals and the balance sold as stores at approximately 12 months. The most recent batch of calves comprised head with sales split 50/50 between weaned animals and 12 month stores.

- 3.5 The pygmy goats comprise some 30 head of nannies, which are bred to produce offspring which are so weaned at approximately 12 weeks; the applicants advise that all sales are to private buyers as pets.

#### Proposed

- 3.6 The proposal is to expand the enterprises over the next three years. The ewe flock will be expanded approximately 600 head. The suckler herd is likely to stay at its current size but the batches for calf rearing may be increased; in addition the applicants have been offered a rearing contract from Blade Farming but they are undecided on whether to pursue that line. The pygmy goat enterprise will be expanded to 1 head of nannies with sales as at present. A turkey rearing enterprise will be introduced, with the applicant taking on a franchise arrangement under the "Kelly Bronze" brand. Some 500 poults will be purchased and reared in the farm building. Under the franchise the franchiser takes a proportion of the finished animals with the balance sold by the applicant under the Kelly Bronze brand.

#### Comments

- 3.7 Mr Yelland confirms that under the business plan his income and time committed to agricultural contracting will diminish over the three year term. I understand that Mrs Yelland obtains income away from the holding as a veterinary nurse.

#### Buildings

- 3.8 The sole building on site is a covered yard, constructed with a four bay portal frame main span and lean-to. The building has fibre cement sheet to the roof, spaced timber boarding to the upper elevations and concrete panels to the lower elevations. The building has been recently constructed and is close to completion. The overall dimensions of the building are 24m x 18m including the 6m lean-to.

### **4.0 EXISTING ACCOMMODATION**

#### Dwellings owned by applicant

- 4.1 I understand the applicants occupy a dwelling under a tenancy. The applicants advise that the dwelling is some two miles from the site and the tenancy is at expiry. The applicants advised that they used the proceeds of the sale from their freehold dwelling to fund the purchase of the freehold land.

### **5.0 LABOUR REQUIREMENTS**

#### Existing

- 5.1 The current activities present a part time labour requirement.

#### Anticipated if proposals undertaken

- 5.2 The proposed expansion of the enterprises will present a labour requirement in excess of one full time unit

### **6.0 NPPF – ESSENTIAL REQUIREMENT**

- 6.1 The planning application for the dwelling is associated with the proposed livestock business. The National Planning Policy Framework (NPPF) was introduced in 2012. The NPPF replaces all previous Planning Policy Statements (PPS). In the context of the application for the proposed dwelling, paragraph 55 of the NPPF states:

"Local planning authorities should avoid new isolated homes in the countryside unless there are specific circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside"

- 6.2 Under the NPPF it is therefore relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the enterprises
- 6.3 It is my view that the key aspects of essential need are lambing, calving, kidding and the close care of neonatal animals, including the turkey poults. The quantity and spread of births proposed across the year will in my view present a requirement for essential care at short notice across most of the year.

6.4 It is my view that the implementation of the business plan will result in an essential need for a presence site at most times.

## **7.0 BUSINESS ASSESSMENT**

7.1 There is no express reference in the NPPF to a financial assessment of either an existing or proposed business which will operate in association with the proposed rural dwelling. It is my opinion that such an assessment is critical to forming an opinion on the continuation of the "essential need". In this case the essential need described and recognised above will only continue through the operation of the business. If the business has not been planned on a financially sound basis then it may fail and the authority would be left with a dwelling but no "essential need" for its presence.

7.2 The applicant has submitted profit and loss accounts for the last four trading periods, together with projected profit and loss for the three years of the business plan, along with a document which describes the current farming practice and sets out the proposed practice.

7.3 Whilst the recent accounts show a profit and salaries to the applicants there is also reliance on a large proportion of gross income from agricultural contracting off site. In my view the historic profitability offers little value in assessing the business on site due to the extent of the income earned off site.

7.4 The projected accounts show a very significant reduction in off-site income. It is my view that for profit or loss the business plan appears to be planned on a relatively sound basis. The capital accounts show that the business has a high level of gearing and a small proportion of net assets. In order to expand it is likely that the business will need further capital; I understand this is likely to be available from Director loans.

## **8.0 GENERAL COMMENTS**

8.1 You have asked for my comments on the reliance on the use of land owned freehold by outside parties occupied by the applicant and/or Willowbrook Ventures Ltd under documented short term arrangements on an informal basis. That aspect of the application has been subject to scrutiny at planning committee as a result has been the subject of further correspondence from:

1. The applicants' agent, Willis and Co. The correspondence from Willis and Co. includes documents evidencing arrangements for short term lettings, including a licence of land at Leigh House Farm and copies of invoices for the occupation of land at Hill Farm.
2. Martyn Jones, MBIAC who has provided his comment on my previous report (03/0125)
3. At your suggestion I have also contacted Andrew and Sadie Pike, owners of Hill Farm which is currently occupied by Willowbrook Ventures Ltd under a short-term arrangement.

8.2 Below I set out my comments on the use of short term land and I then comment on the correspondence in the current situation.

Agriculture in the UK is a capital intensive business. The principal capital requirement is freehold land and buildings. The structural impact of the reliance on capital is that farm businesses tend to remain in the same ownership for many years, with a preponderance of freehold owner occupiers or quasi-freehold ownerships through Trust arrangements. This lock up of capital means that farmers are an ageing population and serves to significantly restrict new entrants to agriculture. Alongside the capital structure agriculture in the last 25 years, has seen an increased trend towards the "lifestyle" rural unit. Such a unit typically arises from the sale and break up of smaller farm businesses which often sees the farmhouse 'lotted' with say 50 acres of land. Such a unit appeals to a non-farming buyer, who then requires the land to be farmed. The land is often not farmed by the buyer (who will typically be outside agriculture) but instead is offered to local farmers under a short term arrangement. Such an arrangement might be a range of forms:

- A formal Farm Business Tenancy, for a fixed term of years and providing exclusive possession for the tenant and a rent to the landlord.
- A formal licence (which crucially does not offer exclusive possession) for a period – such period might typically be less than a year.
- A Share Farming Agreement, under which the landowner reserves the Area Payment for the land and the occupier farms the holding and retains the income from that farming activity. Such a contract might be seasonal or fixed for a term of years.
- An informal undocumented arrangement, such as seasonal keep on grassland under which there is no documented contract and payment might be a one-off sum in exchange for six months' grazing.

8.3 There is no formal research to indicate the combined prevalence of such arrangements but in experience it is rare to come across any farming business that does not have some reliance on the above arrangements. Whilst such arrangements offer no long term security it is clear there is a ready supply of land available under such arrangements. This situation has prevailed for many years and forms the basis of a circular argument:

Assertion: "Your business will not survive as there is no certainty of its continued occupation of short term land"

Rebuttal "Where is the evidence that the supply of short term land is diminishing?"

8.4 In my experience the continued availability of short term land is a function of each individual relationship between the landowner and the occupier. In the overall assessment of the business I would suggest the critical factor is the extent to which the business relies on such arrangements. Even if freehold land prevails, there is no assurance that it will continue; the owner may choose to cease farming and break up the freehold land into lots at sale.

8.5 Turning to the correspondence, the letter from Willis and Co. outlines aspects of the business and rehearses the use of short term land. The use of the land at Hill Farm is commented on further, below. The letter from Martyn Jones is generally supportive of the business; Mr Jones also comments on the capital position of the applicants as Directors of Willowbrook Ventures.

8.6 I have had correspondence with Mr and Mrs Pike, the owners of Hill Farm. It is clear from the correspondence that Willowbrook Ventures has the use of their land; it is equally clear that the business relationship is not strong and it is the owner's intent that the occupational arrangement will not be continued. This echoes my earlier point that the continued availability of short term land is a direct function of each individual relationship with each proprietor.

8.7 I have reviewed the overall composition of land held under agreement and on licence arrangements, shown on the composite plan supplied by the applicant. The plan shows freehold land in yellow, land rented in green, land rented from autumn 2016 hatched in green and land on licence from winter 16/17 hatched in yellow. The Hill Farm land is very close to the freehold land, however there are other blocks on grazing licence which are also close. It is clear that the loss of the Hill Farm land would be significant as it is physically close to the farm buildings. However, there are other areas of land which are also apparently available on grazing licence. The plan serves to show the scattered nature of the land controlled by the applicant. Land close to the farm buildings is clearly going to be more accessible for enterprises such as the goats whereas the off lying land would be better suited to the sheep on tuck or the production of forage.

8.8 The business proposition now is the same as that which was identified previously. It is a matter of fact that the business could not be conducted without the use of third party land. Clearly this is not a particularly satisfactory arrangement and certainly offers no long term security on the use of the land. There is however, a supply of land available on short term arrangements and no evidence to suggest that such supply is likely to significantly reduce in the short term. The availability of such land offers the means by which new farming businesses such as that promoted by the applicants can gain quick establishment however that comes at a cost of a lack of security of tenure. As seen with the land at Hill Farm, the continued availability of short term cannot be guaranteed.

## 9.0 CONCLUSION AND OPINION

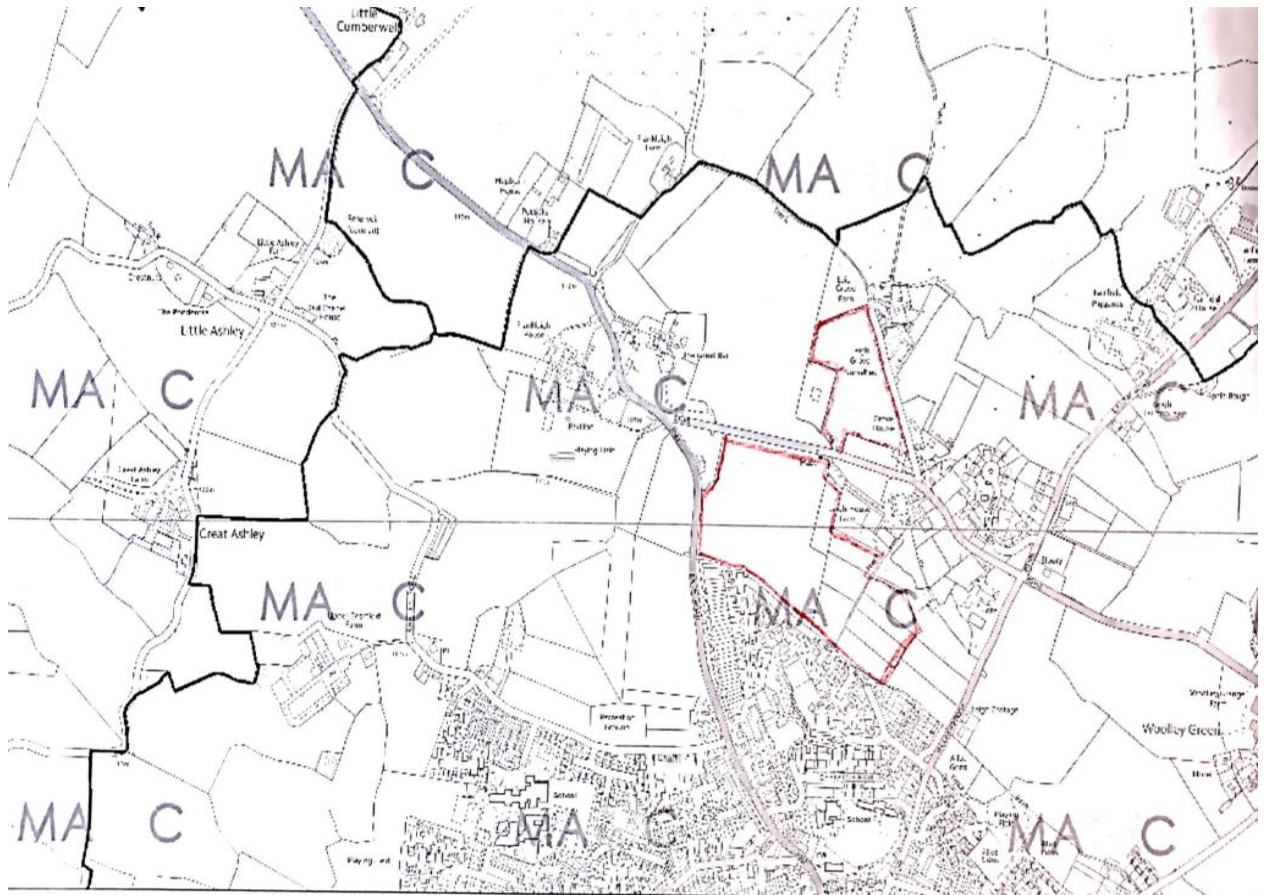
The expansion of the business will present an essential need for a presence on site at most times. The business appears to be planned on a sound financial basis, however, the reliance on insecure arrangements for land presents an area of uncertainty for the business.

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

A.M Coke BSc (Hons) MRICS

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

Appendix C: Copy of land registry plan highlighting land rented for 12 months to 31 December 2018 at Leigh Park Farm, Bradford on Avon



## Appendix D: List of sites rented short term winter of 2017/18

- Ashton Hill Farm, West Ashton – 200 acres
- Arnolds Hill Farm, Wingfield – 100 acres
- New Barn Farm, Whaddon Lane – 50 acres
- 162 Devizes Road, Hilperton – 6 acres
- Ferrum House, Seend – 10 acres
- Leigh House Farm, Bradford on Avon – 120 acres
- Church Farm, Rode – 40 acres
- Bearfield Farm, Bradford on Avon – 70 acres
- Hales Farm, Urchfont – 30 acres
- Forest Farm, Melksham – 40 acres
- New Road Farm, Melksham – 45 acres