

<b>Date of Meeting</b>	23 <sup>rd</sup> May 2019
<b>Application Number</b>	19/02445/FUL
<b>Site Address</b>	River Mead House, Church Hill West Overton, Lockeridge SN8 4EL
<b>Proposal</b>	Proposed erection of an agricultural storage building
<b>Applicant</b>	Mr James Sheppard
<b>Town/Parish Council</b>	FYFIELD & WEST OVERTON
<b>Electoral Division</b>	West Selkley (Cllr Davies)
<b>Grid Ref</b>	414262 167858
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

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

The application is made by a Unitary Councillor where the scheme of delegation does not allow applications made by such persons to be dealt with under delegated powers when objections have been lodged against them.

#### **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 be considered are:

- Whether the use is acceptable in principle;
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64); and

#### **3. Site Description**

The application concerns land at Rivermead House in Lockeridge near Marlborough. The site is adjoined to the east by a residential property known as Gypsy Furlong and to the west by the Kennet Valley Hall. Paddock land lies to the north, with the road and agricultural fields lying to the south.

The site is located outside of the main built-up area of the village of Lockeridge in a small area of ribbon development that sits to the west of the settlement. It is considered to be open countryside.

The site and its surroundings lie within the North Wessex Downs AONB. There are no other notable planning constraints pertaining to the site.

Below is a location map with photographs that show the context of the site.





**View from the front of the site looking North West**



**View from the front of the site looking North**





**View from the front of the site looking North East**



**View from the front of the site looking East**





**View of the lane outside application site looking West**

**© Google**



**View of the lane outside application site looking East**

**© Google**

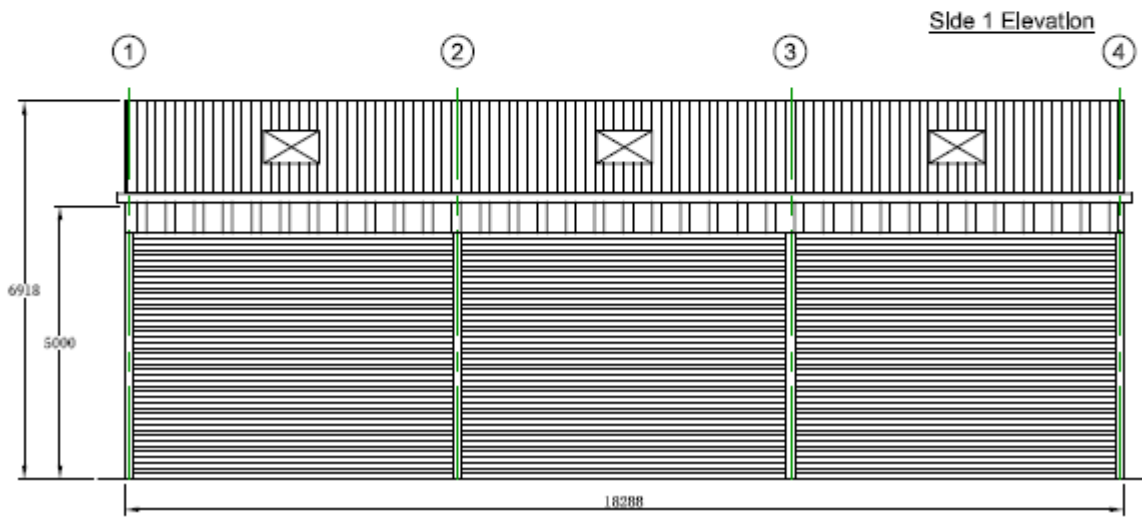
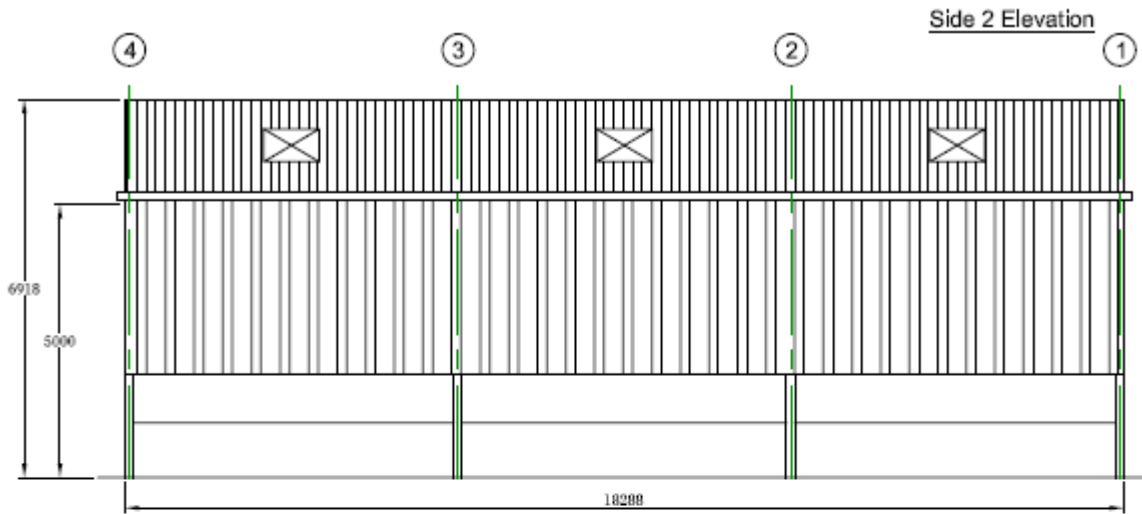
#### **4. The Proposal**

The application proposes the erection of a building for the storage of agricultural machinery in connection with a farm contracting business (B8 Use).

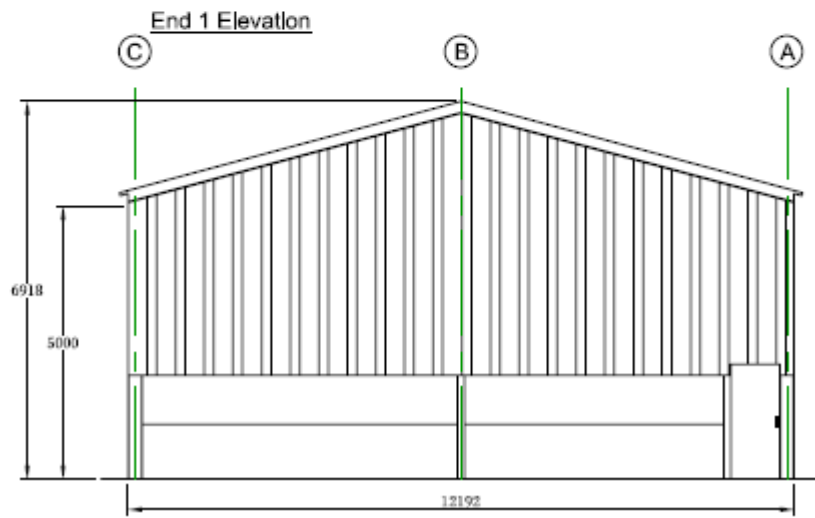
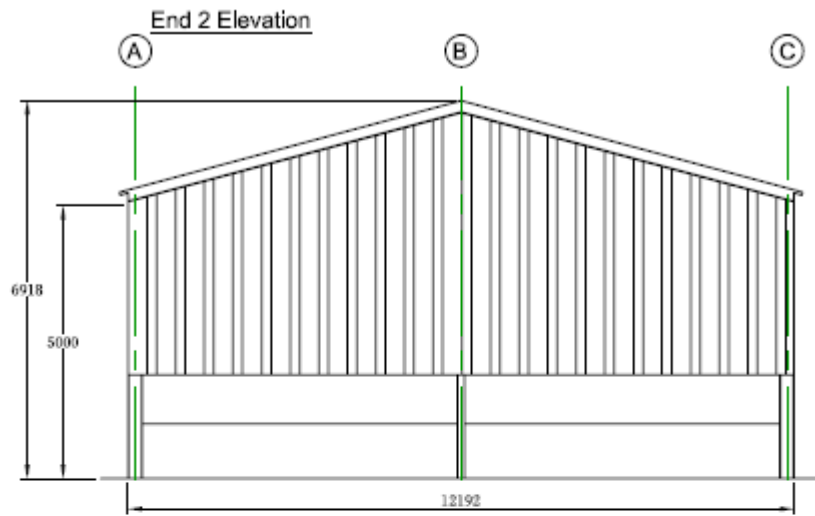
Below are the proposed plans and elevations of the scheme.



**Site Plan**

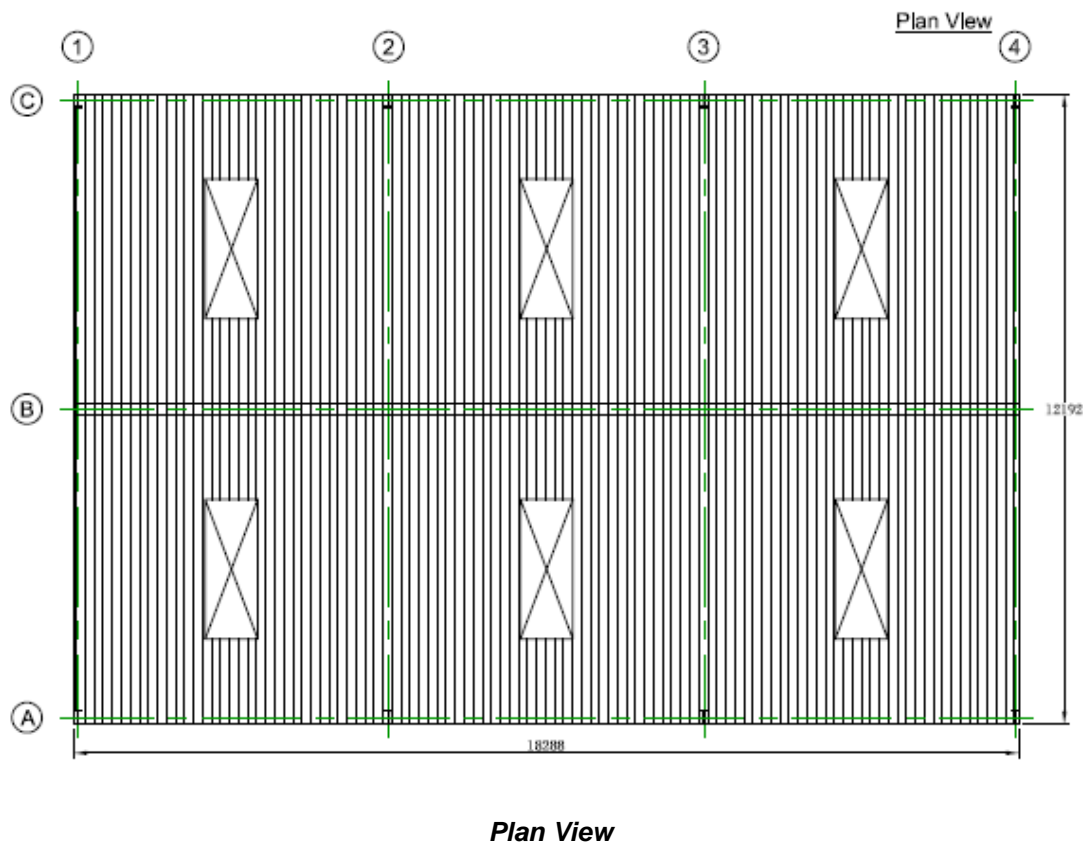


**Side Elevations**



***End Elevations***





## 5. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 14 – Marlborough Community Area Strategy
- CP 34 – Additional Employment Land
- CP 51 – Landscape
- CP 57 – Ensuring High Quality Design and Place Shaping
- CP 61 – Transport and New Development

National Planning Policy Framework 2019 (NPPF)

Section 85 of the Countryside and Rights of Way Act 2000: requires the Local Planning Authority to 'have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.

Wiltshire Landscape Character Assessment (2005)

## 6. Relevant Planning History

17/05511/FUL - Proposed gated access into field – Approved with conditions

## 7. Summary of consultation responses

### Fyfield and West Overton Parish Council

'The Council has no objection in principle to the proposal. However it has several concerns about the traffic implications, particularly at the junction of the school in Lockeridge and invites Highways to consider attaching conditions.

1) The development shall not be first brought into use 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.

2) Any gates shall be set back to a minimum of 4.5 metres from the edge of the carriageway, such gates to open inwards only.'

### Wiltshire Council Highways (First response)

'I note the proposal for the erection of an agricultural storage building at the above. The site is located on the classified C202 which is subject to a 30mph speed limit to the western side of the property and currently used as a field. Although the property benefits from a double garage, this is insignificant in terms of size to store agricultural vehicles and machinery.

I have also noted that a previous application has been made for the creation of a vehicle access into the field during 2017 (17/05511/FUL) which was approved. However, my colleague had queried the use of the access at the time of the application and had stated that if it was going to be used for agricultural purposes then the dimensions of the access would need to be changed accordingly to allow larger vehicles to use it.

I have no objection to the creation of the agricultural store in principle, but details submitted with the application state the type of vehicles that will be using the access and that they will be in use for an agricultural business. This would now mean that the previously approved access would not be suitable for these vehicles and would need to be improved to accommodate them.

I therefore recommend that no Highway objection is raised, subject to the following conditions being attached to any consent granted;

1. The development hereby permitted shall not be first brought into use until the first fifteen 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

2. Any gates shall be set back 15 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety and to allow for agricultural use

3. No development shall commence on site 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 43 metres in both directions with from the centre of the access in accordance with the approved plans. 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.

4. The development hereby permitted shall not be first brought into use until the access has been increased in width to 5 metres over the first 15 metres from the C202 carriageway edge with the provision of a radius of 3 metres to both sides of the access.

REASON: In the interests of highway safety

Informative –

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.'

Wiltshire Council Highways (Second response)

'In addition to previous highway observations made and submitted I have the following comments to make:

The Highway Authority Officer visited the site and is aware of the wider road network. It is acknowledged that the wider road network is rural in nature and at some times and over some parts, highly parked. However it is the HA position that based on the number and times of vehicle movements associated with the proposed business use that there is not likely to be a significant cumulative negative impact on the users of the highway and as such within planning policy guidance there is no reason for refusal.

Core Policy 61 states that the site should "capable of being served by a safe access to the highway network". From visiting the site it is apparent that a safe vehicle access to the area proposed for storage is capable of being implemented, there is adequate visibility and space to provide an access suitable for the use proposed.

When considering the wider road network it is apparent that over some lengths, there are places where on street parking takes place, one example (though not an exclusive location) being by the school (this is usually within school pick up and drop off times). Parking on the highway is not a right and as defined in the Highway Act 1980 the highway is for the "passing and re-passing of vehicles" with parking permitted by the highway authority only if it does not cause an obstruction. It is apparent that the parking in this case is the obstruction that makes it more difficult to take access in a larger vehicle. If the parking is set aside the actual running width of the carriageway is often between approx... 5.2m and 4.4m in some places 6.3m, which is more than adequate to accommodate the size of vehicles proposed to be used. The Highway Authority is expected to manage obstructive on street parking (for example by the use of waiting restrictions) and it has a responsibility to ensure that all vehicles have an ability to take access. As such on street parking should not be used as a reason for refusal by the local HA because it can be addressed through other tools that the HA has the ability to implement.

It is recognised that with parking in place the road width is narrowed and this may on occasion lead to a difficulty for a larger vehicle to navigate, however the highway authority



notes the position taken within the NPPF (the guidance on which the Planning Inspector relies as part of their consideration at Appeal) which states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts on the road which would be severe”. It is the Highway Officer’s position that based on the information provided by the applicant the nature of the business would not lead a significant level of conflict and/or negative impact on the users of the highway. The proposed method of operation would mean that vehicles are more likely to be on the road network early and late in the day (avoiding the high levels of on street parking, around school times for example) and that the number of vehicle movements on the road network in a day will be very low. Taking this in to account it is the HA position that there will not be an “Unacceptable impact on the safety of the highway user” even with parked vehicles in place. In basic terms the numbers of times conflicting movements may take place are likely to be so few that their impact will be relatively small.

The HA does note that the existence of parked cars may on some occasions make the access by larger vehicles harder to achieve, however as noted above this in itself is not a valid (in terms of planning) reason for refusal. Therefore, it is the HA’s position that any refusal based on that position would not be upheld at Appeal.

The HA is satisfied that based on the information provided by the applicant the proposal will not lead to an “unacceptable impact” on the users of the highway and due to the nature of the business (rural) the proposal satisfies the principles outlined in Core Policy 61. Therefore the HA raises no highway objection.’

#### CPRE

‘We apologise for submitting our comments on this application after the date by which representations were due. However, we understand that Wiltshire Council Constitution, Part 3, para. 1.3 provides that a private application by a member, to which objections have been received raising material planning considerations, should be determined by a planning committee. We therefore assume this River Mead House application will be considered by the Eastern Area Planning Committee, and as no date for that has yet been announced, we hope it will be possible for our comments to be taken into account.

The proposed structure, a machinery store, would more accurately be described as an industrial unit than as an agricultural unit, and would be of a different character from the other properties between the T-junction by the school and the Kennet Valley Hall. It would change substantially the character and appearance of that stretch of West Overton Road, contrary to Core Policy 51, Landscape, and Core Policy 57, Ensuring High Quality Design and Place-shaping.

In August 2017, permission was granted for a new access into the agricultural field currently used as an extension of the garden for River Mead House (as per Application Form) that is the site for this application. At that time, the Case Officer observed:

"The provision of a gate and associated hardstanding and the creation of the visibility splay will to a degree alter the character of this tree lined country lane. However, the associated harm is not considered to be so great as to warrant refusal of the application."

The further construction of a large storage building for commercial purposes, associated hard standing "made up of hardcore (D&S Statement)", and a gravelled drive across the field from Rivermead House to the new access gateway would surely exacerbate the harm to the tree-lined country lane to an extent warranting refusal of the current application?

We believe the proposal to introduce to the chosen site a business activity that would entail movements of large vehicles in either or both directions along the narrow West Overton Road and the other country lanes leading to main roads would be contrary to CP 60, Sustainable Transport, notably item vi, in that no proposals are made to mitigate the impact of the development on the amenity and safety of the local community and the environment.

We draw attention to the large number of well-reasoned letters objecting to the potential adverse impact of the increased number of large, heavy vehicles on the convenience and safety of local residents, not only in the immediate vicinity of the proposed machine store but also in the surrounding village streets, which already suffer from traffic congestion. We support particularly the submissions from the school governors and Badingham Transport Planning & Highways Consultants on behalf of local Residents, which deems the access unsafe and recommends refusal.

We urge the Planning Committee to refuse this application.'

## **8. Publicity**

The application was advertised by way of a site notice and neighbour notification letters. As a result of this exercise, around 50 letters of objections have been received. The principal comments put forward are highlighted below:

- The development will have totally unsatisfactory traffic implications
- The lanes surrounding the development are too narrow and unsuitable for large agricultural machinery
- The location is unsuitable for industrial buildings
- Concerns about the damage such machines would do to vegetation and the ecology in the area.
- Impact on road safety – danger to school children, walkers, cyclists and horse riders / horses using the narrow unpaved lanes of West Overton and Lockeridge.
- If the applicant is leaving the village once a day and returning once and is careful that should be fine, but, if he plans to leave/ re-enter the village many times each day or expand to buy other vehicles, we would be concerned.
- Turning at the junctions would be difficult to impossible with all the usual parked cars etc. in Lockeridge and given the size and length of the agricultural vehicles.
- There is insufficient access / width along the roads leading to the proposed development and attempts to drive such large machinery on them could fatally impair safety.
- Overton Road has numerous parked cars align it at all times of days. The baler cannot get past with parked cars as the road is of insufficient width.
- Deliberately channelling such large vehicles past a primary school would be grossly irresponsible.
- The barn is very large and would have an appearance indistinguishable from an industrial unit.
- It would be completely out of character with the Lane from Lockeridge to West Overton which is entirely rural with a very few well-spaced established houses.
- It would completely contradict the Village Design Statement which is supposed to maintain the character of the Upper Kennett villages and which was adopted by Wiltshire Council into their planning guidelines.
- The mass amount of heavy machinery would look ghastly
- Having this equipment housed and in frequent use not on the farm where it is to be used will also be detrimental to the lives of villagers in Lockeridge and West Overton.
- We would like to see a restrictive covenant placed on any permission which sets out the barn should be used for agricultural purposes only (never to be changed into

housing) and set out an absolute for the number and size of vehicles permissible in order to maintain road safety in our villages.

- It isn't expectable – go and buy a farm
- Children from the school now make weekly visits to the Kennett Valley Hall which would require additional vigilance on an already dangerous route.
- The tractors coming in and out of the barn will be creating noise pollution in the surrounding villages in which they drive through, air pollution and a danger to children who regularly use the road outside this property to cycle/walk to and from school, and to the village hall.
- With Wiltshire Council's recent declaration of a climate emergency this should be an opportunity to do your bit and start making small changes to the benefit of the planet, and reaching Wiltshire's zero carbon by 2030 goal. Supporting the creation of a barn made using concrete and hosting large fossil fuel guzzling vehicles which they will be getting used in unsustainable farming practices is the opposite of this.
- Pedestrian traffic will reduce for fear of being hit by large agricultural vehicles – worsening the impacts on the environment.
- Taking more green belt and changing the nature of our local villages.
- This is a residential site not an industrial site - this is not a suitable site for this business.
- This application should be about the type of business allowed and wanted in this residential location, not about the proposed barn.
- Why should we stop going out, or find it unpleasant and dread it or fear it in case we meet huge noisy, polluting tractors?
- The actual proposed new building looks as large if not larger than the Kennet Valley Hall and River Mead House itself.
- In 2010, there were applications for a new dwelling on this site which were turned down, some of those reasons stated were, 'Too modern' and 'Not in Keeping' with the local area. So, not sure how this agricultural style of building on a residential plot isn't also 'not in keeping'.
- If this premise is to be used to store machinery that is used for commercial purposes should there also be an application for change of use, to commercial premises?
- The previous planning application made in 2017 (ref 17/05511/FUL) for 'gated access into the field' which was approved and is sited in this application does not mention what vehicles may or may not be using this opening. This application needs to be reviewed as it is clear that large sized machinery will be driving in and out of this opening.
- It will tower over the Kennet Valley Hall which is the fulcrum between Lockeridge and West Overton and is not in character with the rest of the local landscape.
- The school regularly use the Kennet Valley Hall, walking 70+ children along the road and back, and would be worried if several large vehicles were passing by during each journey, as this is not something that they encounter currently.
- Safety of the children must come first.
- Harmful visual impact in the AONB from the proposed building
- Additional vehicles such as diesel deliveries etc. will also require access to the site therefore further increasing large vehicles on our roads.
- This application is shoehorning a large agricultural building into the corner of a relatively small paddock with difficult access.
- The proposed site is, in reality, a business development - masquerading as "agricultural" - of the River Mead House garden, and must have been foreseen during the recent purchase of the property.
- What plans are in place for spillage of oil, fuel and hydraulic oil, plus the servicing of equipment? Potential to impact upon River Kennet.



- What will happen to the building / business after the applicant retires?
- The decision on whether these plans are passed will set a precedent on further applications for any other fields that sit within the Lockeridge and West Overton boundaries and neighbouring.
- Please don't allow such a large industrial building to spoil all the hard work of the local villagers who developed the Village Design Statement to protect the unique characteristics of our villages.
- The application is for business use in a residential area - does a change of land use need to be applied for?
- Impact on residential amenity and the tranquillity of the area and lane in general.
- The applicants farm machinery vehicles are currently at his nephews farm in Frome. The applicant could operate his business in Frome to provide a service to farmers in the Frome area.
- He so far only has 4 pieces of equipment, at what point will he be wishing to increase the amount of equipment stored in his barn, or increase the size of the barn?
- This will be a real 'blot' on the landscape
- He is only proposing keeping 1 tractor and 3 alternative pieces of equipment to tow, at busy times it is suspected that there will be far more tractor movements than 1 out and in each day.
- The proposal is not for an "agricultural storage building". The application material clearly indicates that the proposal is to provide a facility which will be used as a business premise. The business is referenced several times within the application material as an "agricultural contractors".
- Without a direct connection to an agricultural holding, agricultural contracting is generally considered to be class B2 or B8, depending on the processes being undertaken on site.
- The application should therefore be for a change of use from agricultural to a B2/B8 in addition to the erection of a storage building.
- Despite the reference to landscaping in the application, it is unlikely that it will be possible to fully mitigate the impact of the 7 metre tall building.
- The proposal has the potential to create a disruptive level of noise. This should be considered both in terms of the site itself, but also, and potentially more significantly, in terms of the two villages that any vehicle leaving the proposed site must move through to reach either the A4 or any other road.
- Might be difficult to mitigate the impacts of noise via planning conditions as agricultural workers don't work standard hours.
- The Applicant states that there is an essential need for the machinery to be stored in a "...weatherproof and secure storage area within close proximity of Mr Sheppard's home in order to ensure that the contract farming enterprise is located within a viable distance and the machinery is kept year round in a fully maintained state.". This is incorrect. There are innumerable cases where agricultural workers dwelling within close proximity of their contracting yard. They are almost universally refused.
- While it is understood that in all cases traffic impact is a matter of fact and degree, it is important to take into account not only the current application but what could ultimately be achieved with the approval of that application.
- It would be extremely difficult to prevent a significant increase in the use of the site once approval is granted.
- It is therefore considered, without additional justification for the location of the proposal, the application represents the development of a B2/B8 storage facility in the open countryside and the proposal should be refused on the grounds that it will have "

...an unacceptable impact on highway safety ...” as set out in Paragraph 109 on the NPPF.

- Condemn the actions of Wiltshire Council for notifying them of the planning application.

An objection has also been submitted by Badingham Ltd. (Transport Planning & Highways Engineering Consultants). Attached with it is an accompanying letter by the objectors who sought out the services of this consultant along with signatures from members of the village who agree with its content. The full report can be viewed on the Council's website. However, a summary of the report (copied from it) is as follows:

*“The West Overton Road / Alton Barnes Road T-Junction within Lockeridge is an existing dangerous and constrained arrangement, with poor pedestrian facilities, limited street lighting and history that includes a fatal collision. Any intensification in the use of this junction is likely to result in an unacceptable impact upon road safety in particular.*

*No Transport Statement has been prepared by the applicant to assess the impact of the proposals on the adjacent highway network and therefore Core Policy 60 (iv) objectives have not been met for assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.*

*A vehicle swept path analysis has demonstrated that agricultural machinery will lead to unsafe conditions within Lockeridge.*

*The proposal does not comply with Wiltshire Core Policy 61 (ii) in that it fails to demonstrate ‘that the proposal is capable of being served by safe access to the highway network.’*

*Similarly, it fails to fulfil a key consideration of the Wiltshire Core Strategy ‘to ensure that development proposals achieve a suitable connection to the highway that is safe for all road users.’*

*NPPF 2019 paragraph 109 states that: ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’. NPPF 2019 now includes ‘highway safety’ as a reason for refusal. Paragraph 84 of the NPPF states that in rural area it should be ensured that ‘development is sensitive to its surroundings, does not have an unacceptable impact on local roads...’*

*We therefore recommend that the Application is refused for the reasons stated above.”*

Further objections have been received from local residents and the transport consultant they have employed the services of. These comments primarily concern the Council's final comments on highways matters and are essentially a fundamental disagreement with them. To avoid a lengthy report, these further comments can be viewed on the Council's website. The comments raised do not add any new material considerations.

## **9. Planning Considerations**

### Principle of Development

The proposed building is to be erected for the purposes of running an agricultural contracting business. Agriculture is defined in Section 336 of the Town and Country Planning Act 1990 as:

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land,*

*meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*

An agricultural contracting business does not meet any of the standards set out in the above definition. It is therefore not considered to be an agricultural use. Without any direct connection to an agricultural holding, a farm contracting business is generally considered to be a B1 use (if an office) or B8 use (if a storage and distribution place). In this case the proposal is considered to be a B8 use whereby the agricultural vehicles are stored on the site and taken to the various farms for contract work.

Core Policy 34 is the Core Strategy’s dedicated policy to deal with additional employment land (this includes B8 uses). This policy states the following:

*Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:*

- i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.*

*Where they:*

- a) meet sustainable development objectives as set out in the policies of this Core Strategy and*
- b) are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and*
- c) are supported by evidence that they are required to benefit the local economic and social needs and*
- d) would not undermine the delivery of strategic employment allocations and*
- e) are supported by adequate infrastructure.*

An agricultural contracting business is considered to be a rural-based business and it is located adjacent to a Small Village. As such, point iii would be relevant. Furthermore, modern agricultural practises have seen more farms sharing agricultural machinery in order to drive down running costs and maintain a viable / profitable farming business (machinery being a huge expense). An agricultural contracting business run in the manner proposed in this application would be of benefit to the local farming community in allowing this modern agricultural practice to be more readily achieved i.e. reducing the requirement for local farmers to purchase and run their own machinery, instead contracting this business to carry out any work needed on their holding that requires the use of agricultural machinery e.g. baling, silage and haylage. Officers therefore consider point ii is also of some relevance.

With regard to the lettered points above, to which any proposal identified in points i to iv must meet, the following conclusions are drawn.

The promotion of agriculture and land-based industries (which this business is considered to be classified as) is something the Core Strategy is seeking to achieve in order to move



towards a higher value economy (as stated in Core Policy 34). The promotion of agriculture in general is one of the sustainable development objectives of the plan.

The appropriateness of the scale of the proposed development and its potential impact on the amenities of the surrounding area will be covered in more detail later in the report (i.e. by assessment against Core Policies 51 and 57 of the WCS).

A farm contracting business offering services to the local farms around the Marlborough area would be of benefit to the local agrieconomy. It would therefore be supporting local needs.

The development would not undermine the delivery of strategic employment allocations. This is a very small scale B8 use that is more appropriate in the countryside than the towns, where the strategic employment allocations are, because it is a service for the rural community i.e. the local farms.

The site has the necessary infrastructure to support such a business – the proposed building would share the existing utilities on the site with the house. Adequate infrastructure in relation to the surrounding highway network and access will be covered later in the report (i.e. by assessment against Core Policy 61 of the WCS and paragraph 109 of the Framework).

In principle, the proposal can be supported under Core Policy 34 of the WCS subject of course to conformity with other relevant policies of the development plan – notably, those highlighted above.

In addition to WCS policy, paragraph 83 of the NPPF states that planning decisions should enable the development of agriculture and other land-based rural businesses as well as supporting the sustainable growth and expansion of all types of business in rural areas. This is in order to help the rural economy prosper. National planning policy is therefore also supportive in principle of the scheme.

#### Design / Visual Impact

The design of the building is fairly standard. Agricultural buildings are not usually things of beauty, which is to be expected as they are designed with purely a functional need in mind – whilst this is a B8 use it is still very much an agricultural building by design that is a common sighting amongst the many farms throughout the local area. They are part and parcel of the countryside and therefore do not sit out of place within the landscape per say. Often over time, they can seemingly blend into their wider setting and become unassuming structures. The key to this successful integration usually lies in the choice of materials, the positioning and scale of the building and the landscaping that exists or is proposed in and around the building.

In this case, the building's height is not excessive for a structure designed to store agricultural machinery and the same can be said about its scale. It is appreciated that some additional space is to be provided for storage but this is not unreasonable given the intended use of the building. Additional space is highly likely to be required to store any equipment or fuel that may be needed to maintain the tractor and machinery. However, at 18m x 12m x 6.9m it is comparatively small compared to many other agricultural buildings within the district.

That said, the site is located within the AONB, which is acknowledged in the NPPF (paragraph 172) as being a landscape designation that should receive the highest status of protection in relation to the conservation and enhancement of its character and scenic qualities. The Council's own dedicated landscape policy (CP 51) seeks to ensure the landscape character of Wiltshire is protected, conserved and where possible enhanced. It goes on to state that any negative impacts must be adequately mitigated against.

Applications should only be refused where the landscape impacts of the development would be significant. The overall significance of the impact (e.g. minor, moderate or major harm) is concluded upon once you have factored in the mitigation that is proposed i.e. over time when landscaping matures the visual impacts of a building are reduced.

It is also worth noting that the field / paddock is not in an isolated location. It can clearly be read in conjunction with other man-made influences e.g. the modern Kennet Valley Hall and its associated sports field and large parking area - arguably not the most aesthetically pleasing building in the landscape. There is also a range of equestrian-related development and the influences of the large gardens to domestic properties, all within the immediate environs of the site. These all have an effect on the character, quality and visual sensitivities of the landscape that surrounds the application site – arguably a negative one.

With this in mind, the building is located, as far as practically possible, to take advantage of the existing built form i.e. it has been sited level with the applicant's house and the Kennet Valley Hall. Nestled between these two buildings will help to minimise the visual impact by ensuring it is read in conjunction with existing development. Its height is not excessive and would not be significantly taller than the Kennet Valley Hall and it has been orientated in a north-south direction to reduce the mass and bulk of the building that would be visible from more distant views (it is noted that there are no public rights of way in close proximity to the site). Its scale is also not excessive and the appearance is very much akin to other agricultural buildings within the area (tanalised timber castellated boarding over pre-stressed concrete panels, with fibre cement sheets for the roof are an appropriate material choice). It will therefore not be the most surprising feature within the landscape.

Whilst it is appreciated that there will be a visual impact caused, this will be most significant at a localised level (i.e. the immediate environs of the site) where its visual effect from roadside views and the Kennet Valley hall would be most apparent – primarily as you pass the site frontage (some of which would be from vehicles travelling at speed). Given the building will be set back from the roadside, more distant views from Overton Road would not be possible due to existing buildings and trees. Officers therefore conclude that the visual effects of the development will have a minor adverse impact at a very local level.

The field itself, being a paddock, would not change significantly in character with the building not interrupting any existing field pattern or boundary vegetation. Nor will it be changing its agrarian character, as the use of the building will be by agricultural vehicles from what is essentially a farm building (albeit in a B8 use). Furthermore, the tree-lined avenue that exists along Overton Road will not be interrupted by the building as it is set back from the road and does not require the removal of the roadside trees. Landscape character would be broadly preserved.

Quite obviously, the visual impact is greatly reduced as you move away from the site where the field boundary hedging and trees, copses, topography and built form of the villages helps to screen the building from view. The visual effects would almost be imperceptible as distant views are unlikely to be possible (it is noted that there are no Public Rights of Way within close proximity of the site). The character change argument remains the same i.e. the field / paddock will not undergo any significant landscape character change. Officers conclude from this that the building will have a negligible impact from more distant views.

Overall, the impact of the building from a landscape and visual perspective is not considered to be significant enough to warrant refusal on landscape grounds. At a localised level, the additional planting proposed will greatly help in reducing the minor adverse impact to an acceptable level and, as above, from wider views the impacts would be negligible.

Such planting would be conditioned to ensure it is sufficient and planted at the appropriate time with the appropriate protection measures in place. Obviously, this will not provide instant mitigation but, over time, it would help soften the impacts of the building and would count as landscape measures designed to reduce negative impacts for the purposes of Core Policy 51.

Whilst it is accepted that tranquillity is a landscape consideration and that it is important to protect and conserve the tranquillity of the AONB environment, the applicant has 1 tractor that is intended to be operated from the site with various machinery attachments. Use of this level and nature would not be considered to give rise to significant noise levels such that the tranquillity of the AONB would be materially harmed. The comings and goings of one farm vehicle within a wider active farming environment would not be considered noise pollution. In any event, noise from agricultural vehicles is to an extent, part and parcel of the countryside and would not be an unsurprising experience to hear within the landscape. The impacts identified here would not amount to material harm that would justify a refusal of planning permission.

The proposal is therefore considered to protect / conserve landscape character in accordance with the requirements of Core Policy 51 of the WCS and Section 85 of the Countryside and Rights of Way Act 2000. The scheme is also considered to be in broad accordance with the requirements of Core Policy 57 of the WCS and is thus of acceptable design.

#### Neighbour Amenity

The nearest residential property to the proposed building (save for the applicant's house) is approximately 75m away. At this distance, the actual building will have no impact upon this property.

The Kennet Valley Hall will be the nearest non-residential property to the building. The building itself is not of a scale or height that would cause any loss of light to the hall, nor would it have an overbearing impact upon its users. It is located adjacent to the end elevation of the hall (the principal windows are not located here) and it is set a good distance in from the boundary.

With regard to noise and disturbance from the use of the building, although not a B8 use, the business will operate in a manner akin to if it were a working farm building i.e. there will be the typical 'comings and goings' of agricultural vehicles. The intended nature of the business means the vehicles will primarily operate in the summer months whereby they will leave the site in the morning and return in the evening (if not left overnight at the farm in which the contract is with at the time). This amount of activity would not give rise to a level of noise and disturbance to neighbouring properties that would be considered sufficient to refuse the planning application. Granted, there will be some impact but this is no more than one would expect from say a working farmyard.

#### Highways Safety / Parking

The proposed access onto Overton Road is considered to be safe and suitable by the local highway authority (LHA) subject to conditions requiring the following:

- that visibility splays are to be provided;
- that the access is to be consolidated over the first 15 metres;
- that gates are set back 15 metres from the carriageway edge; and
- that the first 15 metres of the access is a minimum width of 5 metres.

With such conditions in place, officers consider there to be no concerns with regard to the provision of the field access to serve the proposed agricultural storage building.

With regard to the wider highway network, the LHA has stated that based on the information provided by the applicant, the nature of the business would not lead to a significant level of conflict and/or negative impact on the users of the highway. In other words, the business will operate at a fairly low level – just one vehicle coming and going from the site in a given day, largely during the summer months only and mostly outside of peak travel times e.g. very early in the morning or late at night.

The NPPF states at paragraph 109 that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

It is clear from the LHA response that they do not consider there to be an unacceptable impact on highway safety nor do they consider the cumulative impacts to be severe. As such a refusal on highway grounds would not be justified.

Whilst officers appreciate the concerns raised by local residents, as the LHA have indicated, the issue of parked cars on the road preventing the passing or repassing of vehicles on the highway is a matter that can be addressed by other legislation outside of the planning remit.

Furthermore, it must be noted that the LPA has no control over the frequency and / or type of vehicles that could use the site without the need for planning permission e.g. the vehicles subject of this application.

#### Issues raised by Third Parties

The application was advertised by way of a site notice. In addition to this, neighbour notifications letters were sent to those properties which adjoin the red line boundary of the site. This is in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015. There were no requirements to consult wider than this, with for example, residents of West Overton.

Unless future plans are included in the application documentation then worries or hearsay about possible future expansion or alternative uses of the application site are not a material planning consideration. In any event, such uses would be subject to planning controls and would be determined on their planning merits at the time.

The application site is currently in authorised use as a paddock / agricultural land. There have been no applications made that have authorised any other use including domestic of this field. It therefore has no authorised use to form an extension to the garden of River Mead House.

Precedent should not be over-emphasised. Allowing this use and building to be located on this parcel of land does not automatically pave the way for other fields around Lockeridge and West Overton to be built upon. Every application is determined based upon its individual planning merits.

## **10. Conclusion (The Planning Balance)**

Use of the site for an agricultural contractors business is supported by Core Policy 34 of the WCS and more generally by NPPF policy on the rural economy. As such, there is no ‘in principle’ objection to the development.

The design is akin to many other modern agricultural buildings within the wider area. They are often increasingly more industrial in design in the modern era for security reasons and in addition, usually as a result of complying with DEFRA guidelines. Officers do not consider this design to be any different such that a reason for refusal would be warranted. The design is therefore considered to be in broad accordance with the requirements of Core Policy 57 of the WCS.

Overall, the visual impacts of the scheme would not be significant upon the AONB landscape. This conclusion is drawn when taking account of existing and proposed planting, the undulating topography, the built form of the village and the lack of public vantage points of the site. Landscape character would thus be preserved in accordance with Core Policy 51 of the WCS.

Access onto the site from Overton Road is safe and suitable as stated by the LHA. The LHA has also confirmed that wider highway network is capable of accommodating the likely vehicles movements associated with the proposed business without having an unacceptable impact on highway safety and without any severe cumulative impacts on the road network. The threshold for refusing applications on highways grounds, as set out by paragraph 109 of the NPPF, has not been crossed. Officers therefore contend that the development accords with Core Policy 61 of the WCS.

## **RECOMMENDATION**

APPROVE subject to 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 and documents:
  - Application Form
  - Location Plan 1:10000
  - Block Plan 1:1000
  - Drg No. 19-7443

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

- 3 No development shall commence on site 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 43 metres in both directions with from the centre of the access in accordance with the approved plans. 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.

- 4 The development hereby permitted shall not be first brought into use until the first fifteen 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.

- 5 Any gates shall be set back 15 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety and to allow for agricultural use.

- 6 The development hereby permitted shall not be first brought into use until the access has been increased in width to 5 metres over the first 15 metres from the C202 carriageway edge with the provision of a radii of 3 metres to both sides of the access.

REASON: In the interests of highway safety.

- 7 No development shall commence on site above ground floor slab until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area which is within the AONB.

- 8 No development shall commence on site above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development in the interests of preserving the landscape character and scenic qualities of the AONB. .

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 10 The site shall be used for an agricultural contracting business and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). Furthermore, the provisions for change of use under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification) cannot be undertaken.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

- 12 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site in the interest of maintaining dark skies within the AONB.

INFORMATIVE TO APPLICANT:

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.