

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

1. Purpose of Report

To consider the above application and to recommend that planning permission be:

GRANTED subject to conditions

2. Main Issues

The main issues to consider are:

Principle of Development

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

Functional need

Alternative accommodation

Financial viability

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

Highways implications

Neighbour amenity

Provision of recreational open space

3. Site Description

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

4. Planning History

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

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

6. Planning Policy

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

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

7. Consultations

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

West Tisbury Parish Council – Object,

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

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

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

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

8. Publicity

The application was advertised by site notice and neighbour notification

Expiry date - 17/02/2011

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

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

9. Planning Considerations

9.1 Principle of development

Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It

will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

PPS7 makes it clear that such applications for permanent agricultural dwellings should only be allowed where they satisfy certain specific criteria, and also states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night where animals or agricultural processes require essential care at short notice.

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

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

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need (for worker to be on-site);
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

9.2 Agricultural justification

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

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

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

Functional need

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might

arise, for example, if workers are needed to be on hand day and night in case animals require essential care at short notice.

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

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

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

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

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

Alternative accommodation

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

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

Financial viability

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

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

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

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

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

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

9.3 Other planning requirements

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

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

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

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

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

Highways implications

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

Neighbour amenity

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

Provision of recreational open space

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

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

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

10. Conclusion

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

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

Recommendation

GRANT PERMISSION

Appendices:

None

Background Documents Used in the Preparation of this Report:

APPROVED DRAWINGS:

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

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

Block Plan 12/01/2011

Location Plan 12/01/2011