

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

Date of Meeting	1 st June 2022
Application Number	20/09189/FUL
Site Address	Lower Marshes Farm Semley
Proposal	Siting of mobile home for rural worker's accommodation.
Applicant	Mr P Drummond
Town/Parish Council	Sedgehill and Semley
Electoral Division	Nadder and East Knoyle - Councillor Bridget Wayman
Grid Ref	915, 958
Type of application	Full Planning
Case Officer	Jonathan Maidman

Reason for the application being considered by Committee

The application has been called in by Councillor Wayman citing concerns regarding the principle of development and whether or not the mobile home is appropriate or necessary.

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. Site Description

Lower Marshes Farm extends to approx. 20.5ha and is all in grass and held within a ring fence and currently in a period of land maintenance pending the implementation of the proposed farming practice.

3. Planning History

20/09188/FUL Erect replacement multipurpose agricultural/equestrian building and horse walker. - associated planning application under consideration

14/10611/106 Modification of section 106 agreement of S/2002/0058 dated 10 July 2002 to allow a section of land to be sold separately from the existing land – Approved
S/2002/0058 Demolition of existing extension and building new extension to the house
demolition of existing sheds and building new stables garages and grooms room
construction of new access. – Approved with conditions & S106

4. The Proposal

The application proposes the Siting of mobile home for rural worker's accommodation.

5. Planning Policy

National Planning Policy Framework

- 2. Achieving Sustainable Development
- 4. Decision-making
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Wiltshire Core Strategy

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 17 Spatial Strategy: Mere Community Area
- Core Policy 50/52: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high quality design and place shaping (
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 64: Demand Management
- Core Policy 69: River Avon SAC
- Saved Policy H28 Housing for Rural Workers
- Cranborne Chase Area of Outstanding Beauty Management Plan 2019-2024

6. Consultation responses

Sedgehill & Semley Parish Council - Objection

Object to Planning Proposal 20/09189/FUL because the proposal is premature (Policy H.27 states that agricultural dwelling should only be allowed for an activity that has been established for at least 3 years)

WC Ecology –No objection subject to conditions

WC Highways - No objections following applicants details of vehicle numbers

WC Rights of Way– No objection subject to informatives

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

Reason: To ensure the public right of way remains available and convenient for public use.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

Cranborne Chase AONB – comments received

These two applications have been brought to the attention of the AONB team. Whilst the AONB does not have an in-principle objection to equine use there are a number of gaps and weaknesses within the submitted applications. Neither the applicant nor the agent have sought pre-application advice from the AONB on this proposal.

The AONB Partnership has the following comments on this application (summary).

10. *This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.*

11. *The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings*

12. *The site is in the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in full on our website.*

13. *The proposed farm, which apparently is about 25% of a much larger holding, is relatively isolated and it seems that the site currently has a decayed building that is currently unusable. The proposal of application 20/09188/FUL would be to replace that building with one twice the size, 20m x 15m. The Supporting Letter refers to training polo ponies but the proposed agricultural / equestrian building lacks details and does not show whether the four individual units within the south eastern side of the building are intended to be stables or whether they are for some other part of the enterprise. Furthermore, the height of the building is not given on the plan, although it appears to be in the order of 6 metres to ridge height. There is no indication on the Application Form of the colour of the proposed building and, of course, in this AONB building materials and colours are important if integration within the existing landscape is to be achieved quickly.*

14. *This is a relatively isolated location in the open countryside of this AONB. Whilst the documentation refers to equestrian use and the training of polo ponies, I note that only the proposed barn and proposed horse walker are identified as being included within the red line area. That would appear to preclude the fields from being put to equestrian use. To avoid any potential misunderstandings the AONB advises that is an issue that needs to be clarified before any decision is made on either of the applications.*

15. *Equestrian operations almost invariably require a muck heap and the location of it is important, not just in relation to any residential accommodation but also in relation to drainage, and potential pollution, from it. The AONB is aware that there are nutrient issues*

associated with development in the catchments that drain to the River Avon, and such issues may put a hold on what is effectively new, additional, development.

16. *Application 20/09189/FUL indicates that the proposed mobile home would be sited alongside the proposed barn. The proposed mobile home appears somewhat substantial with dimensions appearing to be some 20 metres by 6.5 metres, which appears to make the proposed mobile home longer than the barn would be wide. No information is given about the colour of the proposed mobile home and, again, colour can be a significant issue enabling a structure to integrate with its local landscape.*

17. *I see there is a substantial Agricultural Appraisal submitted with this application. It is, however, noticeable that in referring to the location and planning policies no mention whatsoever is made of the location within one of the nation's finest landscapes, this Area of Outstanding Natural Beauty. Furthermore, the many quotations from appeal decisions appear to relate to locations in undesignated countryside and, therefore, I have to advise that the examples do not take account of the application of NPPF paragraph 172 and the associated paragraphs in the Planning Practice Guidance.*

18. *There is no limitation on the application to site a mobile home. It could, therefore, be interpreted that this is simply a proposal to test the authority's attitude to a residential dwelling within this group of fields. Whether or not your Council is prepared to contemplate a new residential dwelling in the open countryside, this AONB has to advise that, subject to clarification of all of the other issues, a case has not been made for the presence of a worker living on site throughout the year, other than during the lambing season. The indications are that the welfare needs argument would apply for that relatively short period. That could mean that any permission should be strictly time limited. The Agricultural Appraisal refers to three years to test the viability of the holding and the associated enterprises. It would seem, therefore, appropriate to limit any on site accommodation, if it is necessary, to three years.*

19. *In relation to both applications, if you are minded to consider approvals after gaining the appropriate clarification on the issues raised, there should be no external lighting that is not explicitly approved by the Local Planning Authority. Any such lighting should comply with this AONB's Position Statement on the control of light pollution, Good Practice Guides on Good Lighting, and dark sky criteria. Any such lighting should be installed as approved and maintained thereafter. The need for external lighting to be explicitly approved by the Local Planning Authority is to ensure that the Council meets its obligations to protect the night skies of this International Dark Sky Reserve.*

20. *As you know, the AONB provides guidance on colour in the landscape and new agricultural buildings. I would, of course, be happy to consider any further information you may receive.*

7. Publicity

Neighbour / Third party representations

The application was advertised by neighbour notification letters and the posting of a site notice outside the site. The proposal has generated 18 responses stating the following (summary)

- Need/ Principle/ Lack of justification/ Business viability
- Suitability of the land for equine activities
- Inappropriate development in the AONB
- Noise, disruption, light pollution
- Traffic, impact on footpath users
- Impact on the character of the area
- Creeping development

8. Planning Considerations

- Principle of development
- Scale, siting, design, impact on the wider landscape within the Cranborne Chase AONB
- Impact on amenity
- Highways
- Ecology/Impact on the River Avon SAC

9. Assessment

Principle of development

As the proposal relates to a fledgling equine/agriculture enterprise, Saved Policy H28 of the Salisbury Local Plan is the relevant policy with regards establishing whether the principle of development would be considered acceptable. The policy states -

Applications for a temporary dwelling to support a new farming activity, whether on a newly created unit, or an established one, will be considered subject to the following criteria there is:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned;

(ii) a clearly established need for one or more workers to be accommodated on or near the holding;

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis; and

(iv) the need cannot be fulfilled by another dwelling on the unit, or any other accommodation in the area which is suitable and available for the workers concerned.

The applicant accepts that the mobile home permission would be time limited in order that the applicant can prove the successfulness of the business proposed. In this regard officers consider that any approval of a mobile rural worker home should be subject to a temporary three year consent which would allow sufficient time for the business to be established and at the end of this period the local planning authority can then re-assess the need.

In respect of other properties that could accommodate a rural worker, the applicants suggests there are none available in the locality. The mobile home is intended for the applicant's key worker, an experienced worker who will be moving into the mobile home with their wife. This employee will be the key worker living within seeing and hearing distance of the unit and will be responsible for all of the day-to-day care of the animals and operating the business.

With respect to the above criteria, officers consider the proposal would broadly accord with the aims of the policy. The proposal has been subject to assessment by the Council independent agricultural consultant who has adjudged there is an essential need for a rural workers mobile dwelling at the site in relation to the fledgling equine/agriculture business.

The proposed development at the site is considered acceptable in principle, provided the development is appropriate in terms of its scale, siting and design to its context, and provided other interests including the impact on the landscape character of the area within the Cranborne Chase AONB, amenity, highways and ecology are addressed.

Scale, siting, design, impact on the wider landscape within the AONB

Core Policy CP51 states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy CP57 states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The proposed rural workers mobile home would have a length of 20m and a width of 6.375m. The floorarea total 127.5sq.m and the internal layout is configured to provide 2no bedrooms, an office, bathroom and living accommodation. The exterior materials of the mobile home consist of Black/slate grey roof felt tiles and 'moorland green' colour cladding and doors.

The scale, siting and design are considered acceptable and due to its limited scale as there is an essential need for the mobile home to provide accommodation for a rural worker and the proposal is considered compatible with the rural site context, the landscape character of the area within the Cranborne Chase AONB is not considered unduly impacted on.

The concerns of third parties and the AONB group are noted. However, given the divorced nature of the site; its relatively well screened nature at distance, and the lack of objections from the highway/rights of way officer regards the impact on the right of way, it is considered that a refusal of the scheme based on the wider impact on the landscape character of the AONB would be difficult to justify.

Impact on amenity

Core Policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

Given the setting and resultant separation distances, it is unlikely that the proposal would give rise to undue harm to the nearest residential properties.

Highways/Rights of Way

Core policy CP57 ix. states that proposals should ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

The site is accessed via ROW footpath SESE26.

The applicant has confirmed that:

In respect of vehicle movements, the land is currently being farmed and, therefore, there are a number of vehicles entering and leaving the Farm at the present time. We would summarise these as follows:

- 1. Car traffic – 5 movements average per day (owner and staff visiting livestock and general car movements).*
- 2. Tractor movements – average 1 per day.*
- 3. Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
- 4. Contractors – variable – 2-3 movements average per month.*

When the business is operating there will of course be the worker on site and there will not be any need for tractors to come to and from the Farm from elsewhere. We would anticipate therefore that vehicle movements would be reduced and would average as follows:

- 1. Car traffic – average 2-3 per day - reduction because staff will be on site.*
- 2. Tractor movements – average 2-3 per week – reduction because tractors will be kept on the Farm.*
- 3. Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
- 4. Contractors – variable – 2-3 movements average per month.*

On the basis of the above, WC Highways and Rights of Way have been consulted and do not object to the proposal. As a result, a refusal based on the impact of the proposals on the right of way and surrounding highway system would be difficult to justify.

Ecology/ River Avon SAC

Core policy CP50/52 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The site lies within the River Avon SAC catchment. The application falls within the scope of the mitigation strategy and generic appropriate assessment, therefore WC Ecology conclude it will not lead to adverse impacts alone and in-combination

In addition an Ecological Survey have been submitted for consideration. WC Ecology have been consulted and do not raise an objection subject to conditions to secure appropriate biodiversity enhancement measures recommended in Section 5.4 of the submitted report which should be adhered to. These include provision of a woodcrete bat box, Viva pro bird box, insect features and wildlife friendly tree and shrub planting.

10 Conclusion (The Planning Balance)

The concerns of third parties have been considered. However, the proposal would broadly accord with the aims of the policy H28. The proposal has been subject to assessed by the Council independent agricultural consultant who has adjudged there is an essential need for a rural workers mobile dwelling at the site in relation to the fledgling equine/agriculture business.

The occupancy of the rural workers mobile home would be tied to the enterprise by condition and the being a temporary consent after three years if the enterprise does not prove viable, the mobile home and any associated structures would be removed entirely and the site would be returned to agricultural use and the land restored to its former condition. It is therefore considered that the proposal would cause limited harm to the AONB landscape, the surrounding highway system, or amenity of the area. There are no significant ecology issues.

Subject to suitable conditions as suggested above and the suggested ecology conditions, the proposed development is considered to accord with the aims of Saved Policy H28, CP50, CP51, CP52, CP57, CP69 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, the Local Planning Authority considers that planning permission should be granted.

RECOMMENDATION:

Approve subject to the following conditions:

01 The rural workers mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before three years of the date of this decision notice in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

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

02 The occupation of the rural workers mobile home hereby permitted shall be limited to a person solely or mainly working in connection with the associated equine/agricultural business at Lower Marshes Farm, Semley, 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 new residential accommodation in this location having been demonstrated.

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

Drg. no. 18194 - 5 B Site Location Plan (revised) Date rec. 13 April 2021

Drg. no. 18194 - 6 A Block Plan Date rec. 20 October 2020

Drg. no. 18194 - 7 A Illustrative Plans & Elevations as Proposed Date rec. 20 October 2020

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

04 The residential development shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

REASON: To reduce the impact on the River Avon SAC system.

05 No new external artificial security lighting shall be installed at the site, unless otherwise agreed in writing by the local planning authority.

REASON: In order to reduce light spill and the impact on the AONB

06 Prior to the dwelling being brought into use the following biodiversity enhancements, as recommended in section 5.4 of the submitted Preliminary Ecological Assessment (David Leach Ecology Ltd. Date: June 2021) must be provided: Woodcrete bat box. Viva pro bird box. Insect features. Wildlife friendly tree and shrub planting.

REASON: In the interests of conserving biodiversity.

INFORMATIVE

Informative for birds and the nesting season

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Right of Way

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.