

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	W/13/00882/FUL		
Site Address	Land East Of 2 Manor Farm Cottages The Marsh Longbridge Deverill Wiltshire		
Proposal	Erection of an agricultural workers' dwelling with garaging and ancillary accommodation outbuilding		
Applicant	Mr & Mrs J Robins		
Town/Parish Council	Longbridge Deverill		
Electoral Division	Warminster Without	Unitary Member:	Fleur de Rhé-Philippe
Grid Ref	387386 140750		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Fleur de Rhé-Philippe has requested that this item be determined by Committee after having considered :

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance
- \* Environmental/highway impact

and concluding whether this single dwelling would not be a detriment to the community or environment.

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### 1. Purpose of Report

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

Advertising Responses - 13 responses were received, 3 of which were objections and 10 in support including from non-Longbridge Deverill residents.

Longbridge Deverill Parish Council Response - Approves of proposal

### 2. Report Summary

The main issues to consider are:

- \* Principle of development;
- \* Planning History;
- \* Impact on countryside and AONB;
- \* Accessibility including highway safety and parking; and
- \* Any other material considerations such as neighbouring amenity.

### 3. Site Description

The application site is agricultural land within the Area of Outstanding Natural Beauty. It is situated at the eastern extremity of "The Marsh" and faces on to open countryside to the east and south. A Public Right of Way lies to the north east. To the west is a pair of fairly modest dwellings (originally permitted as agricultural worker housing)

The site falls outside of any Village Policy Limits, the nearest of which lies some 270m to the northwest.

Access to the site is via "The Marsh", a fairly constricted unclassified road.

### 4. Relevant Planning History

Outline Planning Permission was granted in 1967 for agricultural workers dwellings serving Manor Farm, arranged in two semi-detached pairs (Application Ref: A/5034) for 'Site for 4 semi-detached dwellings in 2 pair.' The permission was subject to an agricultural tie.

*Reserved matters for only two of the dwellings were subsequently approved in 1968 (Ref A/5254/BR). The approved pair was built but no subsequent application has ever been made for the other two.*

The proposed site of the un-built second pair of dwellings coincides with *only a portion* of the application site now under consideration.

In 2006 under planning reference 06/03378/EUD a Certificate of Lawfulness was granted in respect of one of the existing cottages effectively removing the tie since the dwelling had been occupied contrary to the agricultural tie condition. The Officer report on that application stated that evidence had been presented to the effect that *"Since 1992 the cottage has been let to tenants through residential tenancy agreements, none of whom has been employed in agriculture. Although it is stated that the application site has been occupied in breach of the planning condition since 1992, evidence has been provided to show this from 4 April 1996.*

This history is a material consideration, and is discussed further below.

### 5. Proposal

The application is for a new self-contained dwelling outside of any town or village policy limits. The double storey building would occupy a footprint of approx. 210m<sup>2</sup>, with a ridge height of 7.6m above eaves at 4.8m. Accommodation would include 4/5 bedrooms ( taking account of a "dressing room" of 4.5m x 3.8m which is shown on plan as containing a bed), 4 of which would be en-suite. At ground floor level rooms would include a dining room, drawing room, sitting room, orangery, study, kitchen and various utility rooms, plus two cloakrooms. The footprint to the dwelling would be +-197m<sup>2</sup>.

170m<sup>2</sup> of accommodation is proposed at the upper floor level, giving a total floor area of 367m<sup>2</sup>.

Apart from the main dwelling, a double storey outbuilding with a footprint of 60m<sup>2</sup> and a height of 6.6m is proposed. It would include accommodation that would effectively be a self-contained dwelling (1 en-suite bedroom at upper floor level, served by an open plan kitchen and living room at ground floor level. This building would also contain a single garage. The layout (Lounge kitchen and dining room at ground floor with large en-suite bedroom above)

confirms that the unit would be severable to be fully viable and functional as a dwelling independent of its relationship to the larger dwelling.

The proposal would effectively result in the construction of two separate dwellings on the site.

The residential curtilage would include a garden area that would extend into the agricultural land/AONB some 30m south of Marsh Road along a frontage of some 65m. The proposed southern boundary would curve into the adjacent field, giving an overall plot area in excess of 1,500m<sup>2</sup>.

## **7. Consultations**

### Longbridge Deverill Parish Council

Approved of the proposal.

### Highways

The Highway Officer notes the history, including the 1967 Outline permission and whether or not that carries weight in respect of the outcome. Notwithstanding that planning consideration and depending on the view taken, there is a highway objection because the proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paragraphs 29, 30 & 37), and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

### AONB

The AONB Officer notes that the submitted application is for a substantial house that has as a separate building, a garage, which also incorporates a two bedroom ancillary accommodation unit. "The proposal appears, by any assessment, to be a substantial dwelling and the inclusion of features such as an 'orangerie', together with the garage and associated living accommodation seems rather more than might be anticipated by the term 'agricultural worker's dwelling'. The Officer points to a recent decision by North Dorset within the AONB where members refused a proposal where similar circumstances in relation to the size of a dwelling applied." The proposal seems to be way beyond the normally accepted scale of 'agricultural worker's dwelling' and the AONB would be very concerned at the precedent that would be set if the current proposal were to be approved. Furthermore, in the interests of consistency the AONB would also recommend that the size restriction being applied by North Dorset District Council be followed by the other planning authorities of the AONB. In that context the AONB notes that the New Forest National Park Authority has a size limit of 120m<sup>2</sup> habitable space."

### Agricultural Advisor

Council's Agricultural advisor notes that the applicant plans to retire from farming over the next 12 months and that the proposal is to sell the beef herd, with a small number of heifers retained for the future.

Further, in the longer term the applicant does not plan to keep his own livestock enterprise and it is likely that the majority of the farmland will be retained and let or farmed by third parties.

With regard to available accommodation the advisor notes that the applicant owns and occupies the farmhouse, which lies immediately west of the farm buildings. "The farmhouse

is a substantial dwelling, constructed in stone. In addition to the farmhouse the applicant owns No's 1 & 2 Manor Farm Cottages, which are a pair of semi-detached dwellings, constructed in the 1960s. The applicant advises that planning permission for both cottages was granted subject to agricultural occupancy conditions; latterly one of the occupancy conditions has been removed." The cottages are currently let to third parties not engaged in agriculture.

Labour requirements at present on the farm are for 1 full time worker, which will reduce to one part-time post. The advisor analyses the labour requirement and accommodation provision on the farm and concludes that the essential need for a presence on the holding arises immediately before, during and after calving the suckler herd. Whereas the applicant has three dwellings in his ownership, the essential need is met through that resource. The current essential need presents no requirement for an additional dwelling. Furthermore, in future the scale of the essential need is set to reduce.

The advisor acknowledges that there is planning history additional to the agricultural considerations, but does not express a view on that aspect.

### Wiltshire Fire and Rescue

Seek a developer contribution, advises in regard to building regulations and recommendations relating to improving safety.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. Expiry date: 17 June 2013.

Twelve responses were received. Summary of points raised:

### 3 Objectors:

- No agricultural appraisal for a workers dwelling has been submitted, with retirement being the only justification provided;
- there are two existing cottages which remain in the applicant's ownership and can be made available if there is a real agricultural need;
- Government guidance (PPS7) requires that agricultural dwellings should be commensurate in size with the needs of the enterprise not personal circumstances;
- no essential need has been demonstrated;
- the proposals would result in harm to the AONB;
- Overlooking on 3 Lords Hill Close;
- there are many instances where "old farm houses" are sold off once permissions like this are granted. The proposal needs to be justified in terms of requirements of enterprise;
- If need indeed exists the adjacent dwellings being let for people not employed in agriculture and owned by the applicant could be used.

9 items of correspondence supporting the application related to:

- the existing permission and the fact that the replacement building would be of improved appearance;
- one dwelling would replace two, reducing potential traffic;
- the building is well-designed and would be eco friendly.

## 9. Planning Considerations

The justification for the proposal being presented by the applicant is that the Applicant "...has an existing essential requirement to remain on the farm and has a need to move to a new farmhouse within the holding which would be smaller, more energy efficient and meeting the personal needs of the Applicant and his family."

The applicant considers the site history and "fallback" position of the 1960's Outline permission to be an additional justifying factor. This is however a new planning application in its own right, to be considered on its merits. A decision must be made on the basis of the current development plan unless other material circumstances indicate otherwise. Policy issues are therefore discussed below, with the site history addressed in terms of its weight in relation to Policy considerations.

### Policy

#### *Agricultural Need*

Paragraph 55 to the National Planning Policy Framework states that:-

- *"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*
- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling."*

Further, in terms of the NPPF the current Development Plan remains in effect so long as it is not in conflict with that document, and the principal consideration in terms of the West Wiltshire District Plan, 1st Alteration 2004 is Policy H19, which states that new dwellings outside of any settlement limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry. The site does not fall within defined village policy limits (Policy H17) or Town Policy Limits (H1) of the WWDP, so any proposals for new housing would be contrary to policy.

With regard to the emerging Core strategy, the current status is that examination is complete. At this stage, limited weight can be attached to Core Strategy Policies. Nevertheless Core Policy 48 states that new dwellings in areas outside of towns and villages are only supported where there is an agricultural or forestry justification. This Policy is further indicated in the Core Strategy Annexure as replacing H19 of WWDP, 2004. Thus, the principle of confining new residential development to sustainable localities within towns or villages is carried through into the emerging Policy environment..

The highway officer objects to the proposal on sustainability grounds where the site falls outside of any settlement limits as defined in the Local Plan, if there is no agricultural justification.

In assessing an agricultural/rural worker justification for a new dwelling, the guidance previously applicable under Annex A to PPS7 is no longer specified under the NPPF. However that guidance is considered to remain a reasonable and effective basis on which to

assess new agricultural dwellings in terms of existing and emerging Policies aimed at ensuring that applications for dwellings outside of defined town or village policy limits are supported by evidence that establishes (inter alia) that there is a clear functional need and 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.

The PPS 7 guidance also noted that "Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding..". Again, whilst it is acknowledged that the NPPF has superseded the old PPS7, this is considered a wholly reasonable approach to assessing the appropriate size of an agricultural dwelling to meet the actual purpose of constructing such dwellings, i.e. to meet an essential agricultural or forestry need

Council's Agricultural Advisor has considered the proposals and supporting documentation and has concluded that: "The applicant has three dwellings in his ownership and the essential need is met through that resource. The current essential need presents no requirement for an additional dwelling." A further consideration is that in future the scale of the essential need is set to actually reduce.

With regard to the claimed "fall-back" position where a 46-year-old outline permission for two modest semi-detached dwellings (which could theoretically be knocked through and be converted to a single dwelling) is being presented as a partial justification, there are two factors that are considered relevant:-

- no reserved matters application was ever submitted for the second semi-detached pair, it being noted at the time that the first reserved matters was submitted for the adjacent pair that the applicants had decided at that point (1968) not to proceed with the second building;
- under planning reference 06/03378/EUD a Certificate of Lawfulness was granted in respect of one of the existing 2 cottages, effectively removing the tie applicable to that unit, since the dwelling had been occupied contrary to the agricultural tie condition. This confirms that at least one of the units (under the ownership of the applicant) no longer fulfils any agricultural need as was originally envisaged.

There is therefore absolutely no indication that the "fall-back" permission is ever likely to be implemented to meet an agricultural need. It is clear that from the outset in 1968 that the "fall-back" units were not required, no subsequent reserved matters application has been submitted to indicate any agricultural need, and it is apparent from the Lawful Development Certificate for the extant pair that such need has not existed for a number of years.

On the fundamental question of whether or not permission still stands for the second semi-detached pair, it is acknowledged that the then Warminster Rural District Council did not impose a time limit on the implementation of the permission and that one of the semi-detached pairs was erected (as noted above). However, research of the historical drawings confirms that the reserved matters application red-line area did not include the area to be occupied by the second building.

Under current legislation full details of all of the reserved matters must be submitted before the expiry of three years from the grant of outline permission. This is to prevent a situation such as applies in this instance where submission of separate reserved matters application could extend an outline over many years. In this regard Circular 08/2005, states that "Once

the time limit for applications for approval of reserved matters has expired, no application for such an approval may be made". It is thus not clear cut that a submission of a second reserved matters application at this point would result in approval. The way to establish this would be via a "Lawful Development Certificate" in order to test the ongoing validity of the outline permission.

### Impact on AONB

Policy C2 to the WWDP, 2004 states that the national landscape importance of the Cranborne Chase And West Wiltshire Downs Area Of Outstanding Natural Beauty will be conserved and enhanced. "Priority will be given to the landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted."

The site is situated in the AONB on open countryside land, with a Public Right of Way (accessed via the narrow roadway fronting the site) to the north east.

Treating this application on its own merits, the proposal would result in an encroachment of a residential use into the open countryside and AONB. Again, where there is no indication that the agricultural worker's dwellings with the agricultural tie would ever be likely to be constructed, the proposals cannot be seen as a replacement since the Agricultural Advisor has confirmed that there is no justification in terms of the submitted documentation for an additional agricultural dwelling. The proposal would extend development of effectively two dwellings, one of which is of significant visual proportions, into a curtilage far larger than the site area shown in the 1960's permission. The proposal is therefore considered an unwarranted urbanisation of the countryside and AONB, contrary to Local Plan policy, as well as the NPPF which states (Par 115) that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The NPPF accords AONBs with the highest status of protection in relation to landscape and scenic beauty.

### Other Considerations

Wiltshire Fire and Rescue request a financial contribution. However, there are no relevant policies in place which addresses this issue.

Where no agricultural justification has been provided it is considered that the Highway Officer reason for refusal on sustainability grounds also applies.

## **10. Summary and conclusion.**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There is no agricultural justification for what would effectively be two dwellings in the AONB and Open Countryside outside of any town or village policy limits. Whilst the "fall-back" argument is noted, it is considered that this carries very little weight where it is apparent that the erection of the more modest semi-detached pair to accommodate agricultural workers (an agricultural tie would apply) is highly unlikely to occur. Refusal is recommended.

**Recommendation: Refusal**

**For the following reason(s):**

- 1 The proposed residential development is located outside of the defined Village Policy Limits for Longbridge Deverill as identified in the West Wiltshire District Plan 1st alteration in an area of open countryside carrying an Area of Outstanding Natural Beauty designation. The status of the site, including the Village Policy Limit, is not proposed for any change in the draft Wiltshire Core Strategy that has been submitted to the Secretary of State and has been subject to examination in May/June 2013. The proposed development, located on open land within the Area of Outstanding Natural Beauty, would have an adverse impact on the character and appearance of the area, constituting an unwarranted urbanisation of, and intrusion into, the AONB and countryside, to the detriment of the visual openness and quality of the area and to the enjoyment that users of the nearby public footpath currently enjoy. No rural occupation or other exceptional circumstances have been presented which would outweigh the harm associated with the development. The proposals are therefore contrary to policies C1, C2, H17 and H19 of the West Wiltshire District Plan 1st Alteration (2004) , the emerging Core Strategy and the National Planning Policy Framework 2012.
- 2 The proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paragraphs 29, 30 & 37), and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	