

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 December 2014
<b>Application Number</b>	14/09500/FUL
<b>Site Address</b>	Sienna's Valley Farm Huntenhull Lane Chapmanslade BA13 4AS
<b>Proposal</b>	Siting of a mobile home for use as a rural workers dwelling and alterations to access.
<b>Applicant</b>	Ms Sharon Snook
<b>Town/Parish Council</b>	CHAPMANSLADE
<b>Division</b>	WARMINSTER WITHOUT
<b>Grid Ref</b>	382562 147569
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Foster

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

Councillor de Rhe-Philippe has requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact

### **1. Purpose of Report**

To assess the merits of the planning proposal and to recommend that a temporary planning permission be granted.

### **2. Report Summary**

The main issues to consider are:

- Principle of the development
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Highway Impact

### **3. Site Description**

Siennas Valley is located outside of the village of Chapmanslade on Huntenhull Lane. It is outside the limits of development of the village and within an area defined in the Local Plan as a Special Landscape Character Area. A public footpath

runs to the rear of the site.

The site measures approximately 4.7 hectares and the applicant has a further 0.75 hectares of rented land at Frome which is cropped for hay production. It is the applicant's intention to develop a farming enterprise primarily involving alpacas but also pigs and hens. The enterprise will be developed over the years to become a viable and sustainable agricultural business.

The site is surrounded by mature hedgerows which will remain and additional planting has already been undertaken on the land. 19 breeding female alpacas are currently on the land. Over the next three years it is anticipated that the herd will be increased to approximately 30 breeding females with male and female breeding stock being sold. Fleeces will also be processed and wool sold. From year three onwards, a total of 200 hens, 50 quail and 20 ducks are planned and eggs will be sold.

#### **4. Planning History**

14/03770/FUL – Extension to Barn – Refused 11/06/14 for the following reason:

*The proposed extension would exceed the justified need and have an adverse impact upon the special landscape character area contrary to Saved Policies C3 and C4 of the West Wiltshire District Local Plan (Adopted 2004)*

14/00987/FUL – Erection of a Barn – Approved with conditions 31/03/14

13/06809/FUL – Extension to Barn – Withdrawn 29/01/14

12/02185/FUL = Agricultural Barn and retrospective hardstanding – Approved with conditions 24/01/13

W/12/01833/FUL – Erection of an agricultural barn – Refused 06/11/2012 for the following reason:

*The proposed development, by reason of its siting and size in this location would be intrusive and would cause unacceptable harm to the character and appearance of the area in this part of the Special Landscape Area. This would conflict with policies C1, C3 and C4 of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the Planning Policy Framework.*

W/12/00639/AGD – Erection of a barn – Prior Approval Required 01/05/2012 with the following reason:

*A Prior Approval application will be required to determine the siting, design and appearance of the building as under the conditions of Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995.*

W/11/00040/FUL – Erection of an agricultural building and retention of hardstanding – Refused 03/08/2011 for the following reasons:

*The proposed development, which is not justified by the agricultural needs of the land, is contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004 and the Planning Policy Framework.*

*PPS7 (Sustainable Development in Rural Areas) as amended.*

*The proposed development, by reason of the size, scale, form and siting of the building, would be visually intrusive in the open landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to policy C3 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.*

## **5. The Proposal**

The application is for the (partially retrospective) siting of a mobile home to be used as a temporary agricultural workers dwelling for three years. It is partially retrospective in that the mobile home is already on site and occupied.

The wall and gate originally included in the application have been removed from the proposal.

## **6. Planning Policy**

West Wiltshire District Local Plan 1<sup>st</sup> Alteration (WWDLP)

C1 Countryside Protection

C3 Special Landscape Area

C31a Design

C38 Nuisance

U4 Ground Source Protection Areas

R11 Footpaths and Rights of Way

Emerging Wiltshire Core Strategy (eWCS) – the Inspectors report has been received by Wiltshire Council who has found the eWCS to be sound, opening the way for the Council to proceed towards its adoption. The publication of this report means that very significant weight can now be given to the policies within this document.

Core Policy 48 - Supporting Rural Life

Core policy 57 – Ensuring High Quality Design and Place Shaping

National Planning Policy Framework 2012

Planning Practice Guidance 2014

## **7. Consultations**

**Chapmanslade Parish Council** – Object due to the following:

- Insufficient evidence to support residential accommodation
- No planning permission has been given for equestrian uses
- Does the site have a long term future?
- The siting of a caravan causes harm to residents living in the immediate vicinity and also to a sensitive and cherished part of the parish's rural heritage

**Wessex Water** – New water and waste water connections will be required

**Wiltshire Council Agricultural Advisor** – Concludes that the proposed business is

likely to generate an essential requirement for a presence on site. The business plan indicates that the proposed business can attain viability. A copy of the report is attached as an appendix to the agenda.

## **8. Publicity**

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 10<sup>th</sup> November 2014

18 letters of support have been received with the following comments (summarised):

- It is creating jobs in a recession and generates income into the village
- The site was a farm long before the neighbours moved into their converted properties
- The applicant has made better use of a once neglected farm
- You need to have houses in the countryside, the neighbours are living in converted buildings?
- It accords with the NPPF and local and former national local policy (H19)
- You cant see the caravan from the road or the footpath
- I buy my eggs from the applicant and look forward to buying alpaca clothing for my children
- The footpath is much improved and love seeing the alpacas on my walk
- Appeal after appeal supports the functional test that with alpacas you have to live on site
- The applicant is allowed to move a caravan on the site whilst engaging in building the barn, the wall is not over 2 metres so does not require planning permission, no enforcement action has ever been issued against the applicant, the containers were moved a week early in line with planning permission, this is not a retrospective application – if people understood planning law which is complex they would see that the applicant has broken no law or done anything wrong
- Alpacas need round the clock monitoring when birthing as there are often complications
- It is not a permanent feature so not sure what all the fuss is about
- Wiltshire does not have a 5 year housing land supply and Chapmanslade does not have a neighbourhood plan – neither can they demonstrate rural economic growth, provide sufficient employment land, demonstrate a duty to cooperate with others including Mendip District Council as required in the NPPF, have an up to date local transport plan

24 letters of objection have been received with the following comments (summarised):

- The applicant is a Councillor at Mendip on the planning committee and shows a property in Frome as her home address and her partner has written in to support the application. This site is not her only home. She and her partner are also fully aware of the planning regulations
- The way alpacas are being bred is different, alpacas should have as little contact with humans as possible
- Alpacas can be assessed overnight by CCTV and the applicants property is less than a 6 minute drive away
- No landscaping proposals. The landscape impact of this proposal is likely to

- be significant as viewed from nearby public rights of way
- A temporary building in a special landscape area should be of high quality materials and therefore the proposal is contrary to Policy C31a
- The appraisal submitted with the application does not demonstrate special circumstances to allow a dwelling – applicant is not qualified or experienced in farming alpacas, unclear whether her partner is part of the business plan, the applicant did not have to buy so many alpacas from the outset suggesting that the applicant has extended the livestock in order to create the case to live on site, alpacas are more robust than sheep and therefore a farmer does not have to live on site, the applicant has previously kept livestock on the site without any reports of apparent distress, welfare or security issues and is in close proximity to a number of residential properties so it is not remote or isolated in terms of vulnerability from theft, labour requirement has been exaggerated.
- The proposal is deliberately vague and should have been supported with a far more detailed business plan
- Static Caravan arrived in August together with the attendant paraphernalia, childrens climbing frame and a two metre high wall which has caused great harm to the landscape and neighbouring properties with house values being considerably reduced
- The applicant will press ahead with the construction of permanent accommodation whether or not the current application is granted – the applicants have shown scant regard for the planning system in the past
- An independent agricultural report needs to be commissioned
- In the RAC report, the labour requirement does not support the need for a full time worker until the enterprise has reached 60 alpacas. Years 3 and 4 figures are highly optimistic
- Neighbours have been subject to significant increase in noise both from construction and the operation of Siennas Valley and car radios being left on
- Mobile Home has affected our privacy
- The mobile home does not enhance the countryside and sited too close to neighbouring boundaries
- It is now an untidy and unsightly site
- Visible from CHAP34 and CHAP10, CHAP8 and CHAP27
- The increase in traffic raises concerns over highway safety as I cycle along Huntenhall Lane with my children
- Is there a market need for all the things they are going to sell
- Breeze block wall is horrendous in the special landscape area
- Application should be refused because they have not obtained the relevant planning permission
- There are badgers on the site which are known to carry TB
- The design, appearance and layout is not in keeping with the local area
- Increase in traffic on a lane
- Noise and smell will be an issue to neighbouring properties
- Alpacas do not need someone living on site

## **9. Planning Considerations**

### **9.1 Principle and agricultural need**

The development plan is currently the West Wiltshire District Plan (1st alteration). Policy H19 of the WWDP states: *New dwellings in the open countryside and in*

*settlements without Village Policy Limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry.*

The WWDP will be superseded by the emerging Core Strategy, which now carries very significant weight following the publication of the Core Strategy Inspector's report. Core Policy 48 of the Core Strategy states: *Outside the defined limits of development..... proposals for residential development will only be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.*

When assessing applications of this nature, Paragraph 55 of the NPPF states: *Local planning authorities should avoid isolated new 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.*

Planning Policy Statement 7 was superseded by the NPPF, however Annexe A of this document still remains a useful guide and has been used by various Appeal Inspectors. Annexe A states: *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 be provided by a caravan, a wooden structure which can be easily dismantled or other temporary accommodation and should satisfy the following criteria:*

- *Clear evidence of a firm intention and ability to develop the enterprise concerned*
- *Functional need*
- *Clear evidence that the proposed enterprise has been planned on a sound financial basis*
- *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*
- *Other normal planning requirements e.g on siting and access, are satisfied*

The Agricultural Advisor employed by the Council has stated that It is important to recognise that the majority of day to day tasks associated with good husbandry of the livestock, including alpacas, can be undertaken without a dwelling on site. The important exceptions to this recognition are the care of sick animals and calving. It is accepted that animals which are sick or close to, during or immediately after calving may well require essential care at short notice. It is noted that calving dates are variable, as the animals run with the stud and are not artificially inseminated. Additionally, calving dates can be very variable, with the animal showing few external signs of birthing.

The applicant's agricultural advisor states that with regards to alpacas it is generally accepted that in order to farm alpacas properly – at a commercial scale- it is necessary to live close to the animals to ensure their well-being due to malting,

abortions and still births, birth, rearing, theft, day to day management. Due to the number of alpacas the applicant's agricultural advisor is of the opinion that there must be someone on site at most times to ensure the proper functioning of the enterprise and once up and running will require one full time worker plus a limited amount of casual assistance at peak periods.

When using Annexe A to assess the application it is considered that there is a firm intention and ability to develop the enterprise concerned as the alpacas are already purchased, on site and are being cared for.

When assessing the functional need, the Council's Agricultural Advisor has stated that the Planning Inspectorate has paid close attention to the variability of calving dates and the need for quick intervention at calving and as such has concluded on many occasions that the functional test is met by enterprises of equivalent size such as the application site.

The Council's Agricultural Advisor has also stated that on the basis of the information submitted, he considers that the business has been planned on a sound financial basis and that the submitted business plan, if fully implemented would achieve the costs and returns set out, and will demonstrate a viable business. The advisor also states that Planning Inspectors have also taken into consideration in previous appeal decisions that it would be premature to reach a decision on viability at this early stage of a new business.

The applicant has stated that the functional need cannot be fulfilled by another dwelling in the immediate area due to the nature of the requirement which is that someone needs to be on site.

It is important to note that if planning permission is granted for the erection of a mobile home, permission will be granted for three years. Annexe A states: *permission for a permanent dwelling should not subsequently be given unless the following criteria are met (there is a clearly established existing functional need, the need relates to a full time worker, or one who primarily employed in agriculture and does not relate to a part-time requirement, the unit and the agricultural activity have been established for at least three years and have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so, the functional need could not be fulfilled by another existing dwelling, other planning requirements are satisfied). The Local Planning Authority should make clear the period of time for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permission in locations where they would not permit a permanent dwelling.*

Taking this into consideration, if approved conditions can be attached to ensure that it is for a temporary period of three years, the situation can be reviewed at that time. The Council would be entitled to insist on the removal of the mobile home after the three year period if the applicant fails to meet the required tests within the next three

years. Council Tax records show that the applicant moved onto the site on 3<sup>rd</sup> August 2014 and therefore if approved the three years will run out on 3<sup>rd</sup> August 2017.

## **9.2 Impact upon the character and appearance of the area**

The site lies within the Special Landscape Area where Policy C3 of the WWDP states: *the landscape character of Special Landscape Areas will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes.*

C31a relates to design (which is supported through Core Policy 57) states *that proposals for new development on sensitive sites will be required to comply with the following criteria:*

- *Pay particular attention to proportion, composition, form, massing and scale;*
- *Utilise high quality materials, finishes, and details;*
- *Integrate landscaping into the design as appropriate;*
- *Minimise the visual impact of roads, vehicles and parking areas.*

The design of the mobile home and its associated paraphernalia is not considered to be appropriate to the Special Landscape Area. However, only limited views of the development can be seen from Huntenhull Lane and glimpses of it through existing trees can be seen from the public footpath that runs to the rear of the site. It is important to note that when walking the public footpath to the rear of the site the existing barn does provide a backdrop to the mobile home and as such screens it to some extent. However, Annexe A clearly states that a temporary mobile home should be provided by a caravan or a wooden structure that can be easily dismantled. As this is for a temporary dwelling, the impact upon the wider landscape will be temporary and therefore the mobile home is considered to be appropriate. It is acknowledged that the proposal includes a day room, decking and fencing but all of these elements can be removed and are therefore considered to be temporary.

It is important to note that temporary dwellings do not have permitted development rights and therefore the applicant will not be able to extend the development subject of this proposal.

## **9.3 Impact upon neighbouring amenity**

Policy C38 of the WWDLP (which is supported through Core Policy 57) relates to nuisance and states: *Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.*

The mobile home is to the rear of existing residential properties. The mobile home is



single storey and as such would not overshadow or overlook neighbouring dwellings. The levels and type of traffic generation and smells associated with the lawful agricultural use is not considered to be sufficient to warrant a refusal reason. The development subject of this application could be considered as creating an untidy site, but the nature of the development is temporary and there will be a requirement to remove the mobile home within three years. The proposal is therefore considered to comply with Policy C31a.

Concerns have been raised regarding car engines and car radios being left on but neither of these can be controlled through planning legislation and as such are not material planning considerations.

#### **9.4 Highway Impact**

The proposal would not affect any public rights of way and the highway officer has raised no issues.

#### **9.5 Other**

Agricultural workers dwellings are not personal permissions and therefore the occupant of the mobile home is not a material planning consideration. Any person or persons living in the mobile home will have to comply with the planning conditions attached to any approval. Previous planning history is a material planning consideration but the way development has happened on a site is not. It is also not possible to refuse a planning application just because it is retrospective.

#### **10. Conclusion**

The proposal would appear to be justified for a temporary period at this stage, and it is on this basis that a temporary planning permission is recommended.

#### **RECOMMENDATION**

**Grant temporary planning permission, subject to the following conditions.**

- 1 The use of the land for the siting of the mobile home and the day room hereby permitted shall cease and the mobile home, day room and associated decking shall be removed from the site and the land restored to agricultural grassland on or before 3rd August 2017.

REASON: The permission has only been granted for a temporary basis as the agricultural need and case justifying the use of the land for residential purposes has only be made for a temporary period. Removal of the mobile home and associated structures is necessary to protect the character and appearance of the landscape in this isolated location.

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

REASON: The site is in an area where residential development for

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

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

Drawing Number 2561/02 received by the Local Planning Authority on 7th October 2014

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

Appendix 1 – Report by Wiltshire Council Agricultural Advisor