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TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

TO ACCOMPANY A PLANNING APPLICATION FOR

THE CITING OF A STATIC CARAVAN AT EWINS HILL FARM.

ON LAND AT EWINS HILL FARM

ON BEHALF OF MR ROBERT BAILEY

AUGUST 2023

OUR REF: PF/NW 10950

Chartered Town
Planning Consultants

1.0 INTRODUCTION

1.1 This planning statement has been prepared on behalf of Mr Robert Bailey (the applicant) in support of a full planning application for the temporary citing of a static caravan on land at Ewins Hill Farm, Aldbourne, Malborough, SN8 2LA. The planning application can be described as follows:

'Temporary planning consent for the citing of a static caravan on land at Ewins Hill Farm'

1.2 The following plans and documents have been prepared to accompany this planning application.

- Site location Plan
- Site Plan
- Proposed elevations and floor plans

1.3 The application follows the recent acquisition of the farm by Mr Robert Bailey. The farm has seen years of neglect with the farm also being subject to the illegal dumping of waste without an Environmental Permit.

1.4 Mr Bailey continues to farm the land for the production of hay and silage which is stored in the barns at the farm. There is a need for a 24-hour presence on site for security purposes whilst the site is being cleared to remove the material that has been dumped illegally and prevent further dumping of illegal material.

1.5 The existing farm house at the entrance to the farm would ordinarily meet this need. It is however not structurally sound and is not therefore capable of being lived in.

1.6 Mr Bailey intends to submit a planning application to Wiltshire Council in order to demolish the existing dwelling and replace it with a modern dwelling that meets modern living day standards.

1.7 The proposed static caravan will provide temporary living accommodation for Mr Bailey whilst the site is being cleared and whilst and the applicant raises the required funds to build a new dwelling on site.

1.8 Details of the static caravan are contained in plan no. 200023_P that accompanies this planning application. It extends to 6.8 m in width and 4m in height and 14.5m in width. It is clad in composite timber with a tile effect roof.

2.0 The Site

2.1 Ewins Hill Farm is located approximately 1.6 miles to the south west of Aldbourne and extends to 16.6 HA. The farm comprises the existing farm house along with seven farm buildings.

2.2 The farm was previously use for pastoral farming but the dairy herd was sold off in later 1980's/ early 1990's following the inability for the Milk Marketing Board's tanker to use the road serving the farm for the collection of milk produced by the dairy herd. The dairy herd was subsequently sold but the farm continued to be used for silage and hay production which is stored in some of the agricultural barns on site.

2.3 The other farm buildings not used for hay storage along with the surrounding land were then subject to years of neglect through the illegal dumping of material. The illegal operations were meant to have stopped following a court case against the then owner in 2013 but continued until Mr Bailey purchased the property. Vehicles looking to dump illegal waste have continued to try and gain access to the property until as recently as April this year.

2.4 The site falls within the North Wessex Downs AONB and Malborough Downs Landscape Character Area. The site is within Flood Risk Zone 1 and is not therefore considered at risk of flooding.

3.0 Planning Policy.

3.1 The starting point for the determination of planning applications is as always the provisions of the development plan. Section 38 (6) states:

> *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

3.2 The decision taking process is plan-led, not plan determined. Planning policies are not written as stature and are not to be applied slavishly with unswerving prescription. In concequence, it is essential to understand the underlying planning objective of planning policies. The compliance or tension, with relevant planning policies is then to be weighed alongside other 'material considerations.

3.3 The current development plan covering Wilshire District Council is made up of the following documents.

- Wilshire Core Strategy (2015)
- Saved Policies of the North Wiltshire Local Plan (2011)
- Aldbourne Neighbourhood Development Plan (2023)

3.4 The following policies are relevant to the proposed development:

- Core Policy 1. Settlement Strategy
- Core Policy 2. Delivery Strategy.
- Core Policy 45. Meeting Wiltshire's Housing Needs
- Core Policy 48: Supporting Rural Life
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping

- Core Policy 60: Sustainable Transport
- Core Policy 62: Development Impacts on the Transport Network
- Core Policy 64: Demand Management
- Policy H4. Residential Development in the Open Countryside
- Policy 15: Landscape
- Policy 16: Views

Other Material Considerations:

3.5 National Planning Policy Framework (NPPF) (2021) sets out the Government's Planning Policies and how they should be applied. The following paragraphs are considered relevant to the proposed application.

- 7
- 8
- 80
- 111
- 167
- 176

4.0 Planning Analysis

4.1 This section contains a detailed analysis of the proposed development against the identified relevant nation and local planning policies. The following have been identified as being the considerations in the determination of this planning application:

- Principe of development
- Design and Visual Impacts
- Highways

Principle of Development

4.2 Under Core Policy 1 and 2 there is a presumption against new residential development outside of the settlement outside of the defined limits of development unless it meets one of the exception policies within the adopted Core Strategy.

4.3 Core Policy 48 is the relevant policy within the Core Strategy to the proposed development in question along with saved policy H4 of the adopted local plan (2011).

4.4 Core Policy 48 is based on the following key objectives:

- *Protecting the countryside and maintaining its local distinctiveness*
- *Supporting the sensitive reuse of built assets to help meet local needs*
- *Supporting improved access between places and to services; and*
- *Supporting the community in taking ownership of local services*

4.5 Core Policy 48 states that *proposals for residential development will 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. The needs of employment essential to the countryside should be supported by functional and financial evidence.

4.6 Policy H4 states *New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:*

i) It is in connection with the essential needs of agriculture or forestry or other rural based enterprise;

ii) *It is a replacement for an existing dwelling where:*

a. The residential use has not been abandoned; and

b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and

c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.

4.7 Policy 13 (New Housing) of the adopted Neighbourhood Plan requires the house types and sizes in new housing developments to reflect the demographic needs of Aldbourne at that time.

4.8 In addition to the above policies, paragraph 80 of the NPPF 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.*

4.9 The illegal dumping of material continued to take place even since the previous owner was convicted in 2013. Mr Bailey acquired the property in April 2023 has now stopped the illegal

dumping of material but there continues to be a risk of this re-occurring should there not be a 24 - hour presence on site.

4.10 There is an existing dwelling on site that is subject to an agricultural tie. The dwelling is not structurally sound and is not capable of beneficial occupation which has been accepted by the Valuation Office.

4.11 The owner continues to the farm the land surrounding the property for hay and silage making. He would ordinarily live in the house which would enable him to both farm the land and provide a 24-hour presence on site to prevent further illegal dumping activities. Due to the house's poor condition this is not an option. Temporary accommodation is therefore required whilst the owner raises the required fund to apply for the demolition and re-building of the existing farm house.

4.12 Once the new farm house has been completed and is capable of being occupied then the static caravan will be removed from the site. A condition requiring the removal of the caravan could be attached to the decision notice requiring this to happen should planning consent be approved.

4.13 Requiring the owner to live off-site would serve no purpose as it would risk the illegal dumping of material activities from re-commencing. This in turn would jeopardise one of the key objectives of core policy 48 in terms of *protecting the countryside and maintaining its distinctiveness.* The costs of employing 24 hour security at the farm would not be viable for what is low financial margin business of growing and selling of hay and silage.

4.14 It is therefore considered that an essential need for temporary accommodation has been demonstrated and the requirements of core policy 48, policy H4 and paragraph 80 of the NPPF are accorded with.

Design and Visual Impacts

4.15 Core policy 51 (Landscape) seeks to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character.

4.16 Core policy 57 (Ensuring High Quality Design and Place Shaping) seeks to provide a high standard of design in all new development. Core Policy 57 requires applications for new development to demonstrate how the proposal will retain and enhance the existing important landscaping and natural features (Part II) and responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale and materials.

4.17 Paragraph 176 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

4.18 Section 29 of the Caravan Sites and Control of Development Act 1960 sets out the definition of a caravan. It states:

'Caravan' means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include:

a. any railway rolling stock which is for the time being on rails forming part of a railway system, or

b. any tent.

4.19 The structure that is proposed to be used as a temporary dwelling is an existing static caravan that has been used as a temporary dwelling on farm in Oxfordshire. It is capable of being transported on a trailer and therefore falls within the definition of 'caravan' as per section 29 of the Caravan

and Control of Development Act 1960. There are no proposals to fix additional elements onto the building.

4.20 The static caravan extends to 4m in height, 6.8m in width and 14m in length. Its scale and materials which include composite timber cladding are considered to be typical of static caravans which are commonly found in rural areas such as caravan parks.

4.21 The layout of the existing buildings within the farm combined with the clearance works that are taking place to remove the illegally dumped materials means that locating the static caravan within the farm yard and adjacent to the existing barns is not possible. The static caravan would still be seen in the context of existing building rather than an isolated building by itself.

4.22 The location of the static caravan means it is accessible via the existing access track that run across the farm. It will also ensure that no trees or hedges are required to be removed to facilitate the proposals.

4.23 There is an existing byway that runs along the front of the farm providing vehicular access, beyond this there are no public rights of way to the rear of farm where views of the proposed static caravan would be seen from.

4.24 The site is not affected by the key views identified in Policy 16 of the Neighbourhood Plan. The open and rural character would not therefore be eroded as a result of the temporary dwelling, noting the siting in context to the existing buildings and its set back from the road.

4.25 The static caravan does not benefit from permitted development rights. A condition restricting additional structures, fencing and means of enclosure from being erected around the static caravan could be attached in the interests of visual amenity should planning consent be approved.

4.26 It is therefore considered that by virtue of the nature of the temporary structure and siting in context not being visible from surrounding receptors means that the visual impact of the temporary static caravan is acceptable. The proposed development is therefore considered to comply with Core Policy 51, 57

Highways

4.27 Core Policy 61 (Transport and new Development) requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

4.28 Core Policy 62 (Development Impacts on the Transport Network) requires development to provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operation stage.

4.29 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

4.30 The proposed static caravan will use the existing access point that serves the farm. As it will serve as temporary accommodation for the existing dwelling there is not considered to be an increase in vehicle movements onto the public highway as a result of the development.

4.31 As already set out above, having a static caravan on site is required for farming and security purposes. Requiring the owner to travel off-site and further afield should the proposed static caravan would be less sustainable option and result in increase in vehicle trips to and from the site.

4.32 In considering the parking requirements, the proposed static caravan has 3 bedrooms. As per the parking standards contained in the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy 2 parking spaces are required for a 3 bed dwelling. There is considered sufficient space in and around the farm for 2 cars to be parked.

4.33 The proposed static caravan is therefore considered to accord with core policy 61 and 62 and paragraph 111 of the NPPF.

5.0 Conclusion

5.1 In making a decision on applications there is a need for the Local Planning Authority to undertake a balancing exercise to determine whether the adverse impacts of a development would be outweighed by the benefits such that notwithstanding the harm. Section 38 of the Town and Country Planning Act continues to require decisions to be made in accordance with the development plan unless material consideration indicate otherwise.

5.2 The farm continues to be used for hay and silage making and due to previous issues with the site being used for the illegal dumping of material there is a need for the owners to be able to live on site. Ordinarily the owners would be able to live in the existing dwelling, however, due to its poor structural condition it is not capable of being lived in and a temporary alternative is therefore required.

5.3 It is considered that the proposals accord with the provisions of the development plan and the National Planning Policy Framework and should therefore be supported.