CASE OFFICER'S REPORT

Application Reference:	PL/2023/06828
Application Type:	Full planning permission
Site Inspection:	12 September 2023
Consultation ends:	12 September 2023
Case officer:	Meredith Baker

Site Address:	Home Farm, Cheverell Road, Worton, Devizes, SN10 5UL
Proposal:	Proposed Rural Workers Dwelling
Recommendation:	Approve with Conditions

Planning Policy

National Planning Policy Framework 2023 (NPPF)

Section 2 (Achieving sustainable development)
Section 4 (Decision-making)
Section 5 (Delivering a sufficient supply of homes)
Section 7 (Ensuring healthy and safe communities)
Section 9 (Promoting sustainable transport)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)
National Design Guidance

Wiltshire Core Strategy (WCS):

Core Policy 1 (Settlement Strategy)
Core Policy 2 (Delivery Strategy)
Core Policy 3 (Infrastructure Requirements)
Core Policy 12 (Spatial Strategy: Devizes Community Area)
Core Policy 41 (Sustainable Construction and Low-Carbon Energy)
Core Policy 45 (Meeting Wiltshire's housing need)
Core Policy 48 (Supporting Rural Life)
Core Policy 50 (Biodiversity and Geodiversity)
Core Policy 51 (Landscape)
Core Policy 57 (Ensuring High Quality Design and Place Shaping)
Core Policy 60 (Sustainable Transport)
Core Policy 61 (Transport and New Development)
Core Policy 62 (Development Impacts on the Transport Network)

Other Documents

Waste Storage and Collection: Guidance for Developers
Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)
Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)
Wiltshire Landscape Character Assessment (2005)

Relevant Planning History:

15/01509/FUL – Construction of Agricultural Worker's Dwelling – Granted 23.04.2015

PL/2023/03315 – Proposed Rural Workers Dwelling - Withdrawn

Consultation Responses

Worton Parish Council: "Supported."

Highway Officer: No objection.

Representations

None received.

Application Site and Proposal

The application site comprises a parcel of agricultural land located to the west of the existing farm complex (and existing rural workers dwelling) of Home Farm. The application site is situated on the western side of an existing mature boundary hedgerow and is currently part of a wider agricultural field. The Farm is located in a rural setting to the south east of the settlement of Worton.

The proposal seeks planning permission for a permanent rural worker's dwelling. The proposed dwelling would be two-storey in nature with an attached garage element with a first floor office space which is accessed by an external staircase.

ASSESSMENT

Principle of Development

The proposed dwelling would be situated in the open countryside where under Core Policy 1 and 2 there is a presumption against new residential development outside of the defined Limits of Development of the settlements unless it meets one of the exception policies within the WCS. In this case, the relevant policy would be Core Policy 48. This policy states that new dwellings in the open countryside are permissible subject to them being required to meet the essential needs of a rural worker who is required to live permanently at or near their place of work to ensure the proper functioning of the business. However, this need must be supported by functional and financial evidence. In addition to this policy, paragraph 80 of the NPPF states:

"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"

The applicants have explained how the business will operate on the site and exactly why the need arises for a dwelling on site in the submitted 'Assessment of Essential Need for a Permanent Rural Workers Dwelling'. In particular it is outlined that the current occupant of the existing rural workers dwelling is due to retire in 2024 and there is a need for an additional permanent dwelling to enable a smooth transition for the essential need worker to be on site following the retirement of the current occupant on site (who will be continuing to live in the dwelling at Home Farm – which is allowed for under Condition 3 of 15/01509/FUL which does include '…last working, in the locality in agriculture or in forestry').

New permanent accommodation cannot be justified on agricultural grounds unless the rural enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of the dwelling which the unit can sustain. The financial evidence should show that the business is viable such that the need for a dwelling is permanent. This evidence has been submitted as part of the 'Assessment of Essential Need for a Permanent Rural Workers Dwelling' (confidential).

In this regard, officers are satisfied that the reasons for the dwelling are genuine and meet with policy requirements, in particular following independent consultant advice that need arises on this permanent basis (albeit it that this advice was obtained in relation to the withdrawn scheme of PL/2023/03315 – this application relates to the re-location of this withdrawn scheme to another part of the site following concerns from the Local Planning Authority).

The existing farm is run to produce freshly calved heifers whereby the animals are calved on the holding and the heifers and calves sold on. Some 180 heifers are sold annually at a rate of just under four per week. It is agreed by the independent consultant that there is an essential need for one person at Home Farm and there is an existing dwelling which is suitable to meet that need.

The existing dwelling is however being stipulated not to be available to meet the essential need as it would continue to be occupied by the retired farmer from 2024. This matter is substantiated by Case Law. John Keen v the Secretary of State for the Environment and Aylesbury Vale District Council QBD 1995 (the Keen Case) and secondly JR Cussons and Sons v Secretary of State for Communities and Local Government [2008] EWHC 443 (the Cussions Case) both indicate that existing occupants of rural dwellings should not be obliged to vacate the property as part of the operation of the planning system. There are also no existing dwellings available in the immediate vicinity that could be used for the agricultural worker (taking into account the continued occupation of the farmhouse for the occupation of the applicant who is seeking to retire). Also, as above, the occupation of a retired agricultural worker also accords with the wording of the restrictive condition for the agricultural workers dwelling. As such this scenario does not warrant an objection, and the principle is considered acceptable in this regard.

Regarding the scale of the dwelling the Council's agricultural advisor expressed the view that the size is significantly larger than warranted by the identified essential need. Although it has been suggested that the dwelling scale is reduced, subject to the proposal being considered acceptable in terms of other material planning matters (as assessed below) and noting that the need has been established given the above scenario, it is not considered that the scale of the dwelling would warrant refusal of planning permission on this basis.

In light of the views formed by the Council's agricultural advisor, it is considered that there is a functional need for an agricultural workers dwelling. It is also deemed that the business has been planned on sound financial basis and is therefore viable, even when considering the build and operational costs of the dwelling. As such it is therefore considered that the principle of the

development, a permanent agricultural workers dwelling is acceptable and would accord with the aims of the NPPF and Core Policy 48, this is subject to other material planning considerations assessed below. Furthermore, to ensure that the dwelling remains as an agricultural workers dwelling, a condition will be necessary to restrict occupancy to an agricultural worker.

Design and Visual Impacts

The proposed development is to be sited to the west of the existing farm complex and is considered to undesirably encroach into an existing wider agricultural field to the west. It is undoubtedly considered that change of character from agricultural to residential would result in some additional harm to the appearance of the street scene/area, noting as well that this encroachment would be visible from the public right of way network (though would not be visible from the public highways to the east). There would be a contrived subdivision of the existing field, which is considered undesirable however the siting of the dwelling would still be in context to the existing farm complex and would not give rise to demonstrable harm to the character of the area and rural landscape. The dwelling would not appear visually isolated in nature and the soft landscaping proposed would tie the site to the existing hedgerow boundaries which would mitigate some of the harm generated. The subdivision of the field would therefore not be such a harmful impact as to justify an objection in this instance.

With regard to the dwelling design itself, it is considered acceptable and is a functional two storey dwelling. The dwelling is considered large in nature however would not overdevelop the site and would not be so harmful to the character and appearance of the area as to warrant refusing planning permission, noting again that the dwelling would be viewed in context to the existing farmstead. The existing agricultural workers dwelling is modern in appearance as well and two storey in scale and from the public right of way, the dwellings would appear in context to another. The proposed materials have been stated to comprise reclaimed style brick and a slate roof and timber porch. These materials in principle are acceptable however due to the limited information received (such as the specifications) further details are required, which can be controlled by way of planning condition.

As such, although there would undoubtedly be some harm generated to the character or appearance of the existing rural character, by virtue of size, design and siting the proposed development would not give rise to such unacceptable adverse impacts as to warrant refusing planning permission. The dwelling would be appropriately designed and located in context to the existing buildings on site and thus would be appropriately sensitive to the landscape. As such the proposal, on balance, and noting in particular this is an exceptional circumstance for a dwelling being an agricultural worker dwelling, is considered to be acceptable in terms of design and visual impact in accordance with Core Policies 48 and 51 of the Core Strategy as well as the NPPF.

Residential Amenity

Core Policy 57 criterion vii) outlines that there needs to have regard to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants.

- Amenity of future occupants

The proposed internal layout the proposed dwelling would allow adequate light to allow habitable rooms. There would also be adequate outdoor space for private enjoyment. It is noted that the dwelling would be in close connection to the existing farm and thus there would be some impacts such as noise pollution. Although this is noted, as this dwelling will be controlled to be an agricultural workers dwelling, there is an expectation the occupants need to be within hearing distance of the farmstead in

case of emergencies etc. This arrangement is therefore not considered unacceptable due to the circumstances of the proposal and there would not be any adverse noise pollution that would justify raising a concern.

- Residential Amenity

The proposed development is not considered to give rise to any unacceptable impacts upon neighbouring amenities. By virtue of siting the proposed dwelling would not give rise to any unacceptable overbearing effect, loss of outlook, overshadowing or loss of light to any neighbouring amenities.

The proposed openings are not considered to give rise to any adverse overlooking or loss of outlook to any nearby residential properties by virtue of its siting and alignment.

Highways

- Locational sustainability

Core Policy 60 and 61 aim to direct development to accessible locations where it is 'located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives'.

In this regard it is considered that the application site is unsustainable when considering the location to services and facilities and there would be a reliance on the private vehicle. Although this is noted the proposal has been submitted as an 'exception' development as is an agricultural workers dwelling. In this regard due to the compliance with Core Policy 48, it is considered that the reliance of a private car, for this one dwelling, would not be so unacceptable as to justify refusing planning permission.

- Access and Parking

The dwelling would use an existing access point onto the public highway, which is to be unaltered and is already used by the farm and the existing dwelling onsite. There would also be adequate parking provision on site for at least three vehicles (with appropriate turning space) which raises no objection/ The arrangement has been reviewed by the Highway Officer who raised no objection to this arrangement. As such the proposal is deemed acceptable in terms of highway safety and parking provision.

S106 contributions/CIL

The property will be CIL liable charged at the standard council rate.

Conclusion/Planning Balance

The site lies within the 'open countryside' and is being considered under the WCS exception policies and in this instance, Core Policy 48 'Supporting Rural Life'. As identified in the assessment above, the proposal is considered it accord with the exception policy, whereby the development is for an agricultural workers dwelling.

Whilst it is considered that the principle of development does comply with the policies contained within the development plan, it is noted that the council cannot currently demonstrate a deliverable five-year

supply of housing. The housing policies are therefore out of date as it relates to the supply of housing. The application must therefore be considered in accordance with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
The proposed site is not located within any protected area to come under Paragraph 11 d) i). As considered above within the report there are also no adverse impacts generated that would significantly and demonstrably outweigh the benefits when assessing against the policies of the NPPF taken a whole. Therefore, the proposal accords with Paragraph 11 d) ii) of the NPPF and is being recommended as granted.

RECOMMENDATION:

Approve with conditions

Conditions: (7)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Application Form
Planning Statement by RAW Planning August 2023
Existing and Proposed Location and Block Plans - Drawing Number: 1310-01 Rev J
Proposed Elevations and Plans - Drawing Number: 1310-02 Rev F
Landscape Proposals - Drawing Number: ACLA/BTR 01

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

3 The occupation of the dwelling 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.

4 No development above slab level shall commence on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

5 All soft landscaping comprised in the approved 'Landscape Proposal's - Drawing No. ACLA/BTR 01 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification) no gate, fence, wall or other means of enclosure permitted by Class A of Part 2 of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for changes to the boundary treatments.