CASE OFFICER'S REPORT

Application Reference: PL/2023/05305
Site: Middle Conholt Farm, Conholt Lane, Conholt, Wilts
Date site notice posted: 12.10.2023
Publicity Expired: 02.11.2023
Target Date: 30.11.2023

SITE DESCRIPTION:
The site is situated in the countryside to the east of the collection of villages known as The Chutes, which are defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). The site is on the edge of an established farm holding made up of Conholt House (a Grade II* Listed Building); Conholt Farm; and Middle Conholt Farm. This site is within the Middle Conholt Farm part of the wider holding. The site is situated within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). It is also within the catchment of the River Test Special Area for Conservation (SAC).

The Middle Conholt Farm site is accessed on its northern boundary via a single width access road (Conholt Lane) leading from the main road that extends around Conholt (Hungerford/Conholt Lane) to the west. The land falls away to the north of this road into the valley floor towards the villages of Woodside and Vernham Dean. A public footpath (ref: CHUT20) also extends northwards away from this track. Mature trees/woodland bound the track and the site access point. The farmyard is then accessed via a shared track from the access point. The site immediately adjacent to Conholt Lane, consists of 2 large modern agricultural barns, one of which was recently allowed under ref: PL/2023/04094. Further into the site a more traditional range of buildings exist and it is this range of buildings that is the subject of this application.

There are a total of 4 buildings in this more traditional farmyard arrangement. The entrance is framed by 2 modern detached buildings, which are currently used as a workshop and store room, respectively. The northern and western edges of the farmyard are defined by an L shaped building. The northern arm is a single storey building of painted block work; with horizontal dark stained timber cladding and a slate roof. The western arm is a more traditional double height barn of painted brick and dark stained horizontal timber clad construction also under a slate roof.

Attached to the southern elevation of the latter building, a residential cottage of similar height exists. Further farm worker's dwellings exist to the west of the farmyard. Otherwise the site is surrounded by a mix of fields and woodland.

PROPOSAL:
This is a full application proposing the formalisation of the use of the farmyard in association with the shooting enterprise that is operating on the rest of the estate. It therefore retrospectively proposes a change of use of the 4 farmyard buildings as follows:

- The modern workshop and store at the farmyard entrance are to continue to be used for these purposes but will be used in association with the shooting enterprise as well as agricultural use
- The northern arm of the farmyard is used as toilet facilities; and kennels for the dogs used on shoot days
- The western arm building is used as a Beater's Room and for ad hoc entertainment/hospitality during shoot days.

The proposals also involve the erection of a single storey lean to addition on the northern elevation of the Beaters Room. This is to provide kitchen and storage facilities on shoot days. It is to have a footprint of 7.5 x 4.5 metres; and will extend to a maximum height of 3.9 metres. It is to be clad with dark stained timber under a slate roof to match the host building.

The application is accompanied by a Planning Statement; a Preliminary Ecological Survey; and a Phase II Bat Survey. During the course of the application the proposals have changed to include both the change of use of the buildings as well as the extension to the Beater's Room. The redline was changed and the application restarted accordingly.

RELEVANT PLANNING HISTORY:

PL/2021/08163	Creation of a new access to cottages at Conholt Middle Farm, in order to improve safety for cottage residents and farm staff. Permission – 20.10.2021
PL/2023/04094	Steel portal metal frame clad barn for the storage of farm equipment and machinery. Similar appearance to immediately adjacent agricultural barn. Prior Approval Not Required – 16.06.2023

POLICIES:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (January 2021) (NDG)

Kennet District Local Plan policies (Saved by Wiltshire Core Strategy) (KDLP):
None

Wiltshire Core Strategy (January 2015) (WCS):
CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP3 (Infrastructure Requirements)
CP26 (Tidworth Community Area)
CP34 (Additional Employment Land)
CP35 (Existing Employment Sites)
CP48 (Supporting Rural Life)
CP50 (Biodiversity and Geodiversity)
CP51 (Landscape)
CP57 (Ensuring High Quality Design & Space Shaping)
CP58 (Ensuring the Conservation of the Historic Environment)
CP60 (Sustainable Transport)
CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)
CP64 (Demand Management)
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:
Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
The Chutes Village Design Statement (VDS)
Chute Design Guide (December 2022) (CDG)
North Wessex Downs AONB Management Plan 2019-2024
Dark Skies of the North Wessex Downs – A Guide to Good External Lighting (2021)
Wiltshire Local Transport Plan – Car Parking Strategy

REPRESENTATIONS:
Highways – No Comment

Ecology – No Objection subject to Conditions

- We welcome the Protected Species Surveys submitted in support of the application and note that the building was assessed as having *low* potential to support roosting bats.
- Internal surveys were undertaken together with one emergence survey following best practice guidance and no evidence of bats was found.
- A number of enhancement measures were included within section 4 of the Bat Roost Assessment and Phase 2 Report dated July 2023 by Wild Earth Ecology.
- We would advise that these measures are implemented particularly the bat and bird boxes detailed in sections 4.16 and 4.17 of the above mentioned report.

Chute Parish Council – Support

Letters – None

ISSUES:
The main considerations which are material to the determination of this application are listed below:

- Principle
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology

PLANNING ASSESSMENT:
Principle:
As is identified above, the site is situated in the countryside outside of any defined settlement as determined by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area) and therefore there is a presumption against unsustainable new development in this location. However, WCS policy CP34 (Additional Employment Land) confirms that '*Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:…ii. support sustainable farming and food production*

through allowing development required to adapt to modern agricultural practices and diversification'.

In this instance the proposals involve the change of use of; and extension to a range of existing agricultural buildings that form an existing agricultural farmyard on an established unit. The works are required to enable the buildings to function as ancillary uses in association with a shooting enterprise that already occurs on the wider estate. It is confirmed that some of the buildings will still be used for agricultural purposes when shoot days are not occurring at the site; and it is true that elements of a shooting enterprise can be considered to be an agricultural use as it involves the cultivation of 'game' ready for shooting and eating. The hospitality side of shoot days is not however considered to be an agricultural use, but is considered to fall within the remit of 'diversification' and in this case is proposed on an ancillary basis. Therefore the proposals as outlined in this application are considered to comply with the provisions of WCS policy CP34 (Additional Employment Land) in that they support an existing farming enterprise and involve diversification of the agricultural unit to include commercial shoots. The proposals are therefore considered to be acceptable in principle.

This principle acceptability is however subject to the detail in terms of the implications of the proposals for the character of the area; highway safety; neighbouring amenities; and ecological features. These matters will therefore be dealt with in more detail below.

Character & Design:
As is discussed above, the site is situated in a countryside location that is designated as an AONB; and is on relatively higher ground in this undulating topography. However, other than from the site access off Conholt Lane, the Middle Conholt Farm's yard is not very visible from the public domain. Dense woodland surrounds the site to the north, east and west; and the existing more modern, large agricultural buildings identified above, exist between this lane and the traditional farmyard, providing screening of all activities occurring in this part of the farm.

The proposals involve only minor alterations to the existing range of buildings in the form of a new lean to addition to the Beater's Room. This is to be positioned on the outer, northern edge of the farmyard buildings and will be entirely screened from the farmyard by the kennels and Beater's Room arms of the courtyard to the south. The two modern agricultural barns that are being developed to the north will further contain the extension in that direction. The dense tree belt along the lane to the north will further screen this element from the road and in any event, in any glimpsed views, this modest addition will be seen very much in the context of the existing farmyard buildings.

The small extension is to be of similar materials to the Beater's Room building and will be finished with dark timber cladding and a slate roof, which will further subdue its appearance and prominence in the landscape. Whilst it will include some kitchen/hospitality facilities, which are not typical in such a farming environment, these facilities will not be readily apparent from outside of the building/extension which will otherwise retain an agrarian character. It is not therefore considered that the proposed lean to addition will be particularly prominent in the landscape/AONB and is an appropriate addition to the existing farmyard of buildings.

In addition, the group of buildings that are the subject of this application, already exist and other than the relatively modest addition to the Beaters Room on the external elevation of the farmyard, no other alterations are proposed to the existing buildings at this site. The traditional

farmyard arrangement will not at all be affected by the proposed addition; and the buildings will still retain an agricultural appearance despite their dual use as proposed. It is not therefore considered that the proposed change of use of the buildings to a mixed agricultural use, with use as ancillary commercial shoot facilities during shooting season and on shoot days, will have any particularly different implications for the character of the area or AONB than the existing arrangement and agricultural uses of the site. The proposals are therefore considered to be acceptable in this regard.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that new development should be designed to ensure that the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF further confirms that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

In this instance, as is discussed above, the agricultural farmyard already exists. Whilst it is situated in close proximity to residential dwellings, these are within the same ownership as the site and appear to be occupied by agricultural workers. It is not considered that the proposed dual use of the existing buildings for agricultural and shooting uses will introduce any new impact to the site or be any noisier or cause any greater disturbance than the existing agricultural use of this farmyard. The new extension is also small scale and positioned on the northern elevation of the farmyard furthest away from any residential uses at the site. It is not therefore considered that the proposals will result in any particular implications for neighbouring amenities in terms of loss of light, overlooking or noise and disturbance.

Highway Safety:
The proposals are unlikely to result in any additional traffic or implications for highway safety than the existing agricultural use of the site, particularly as it represents a diversified use of the existing farmstead and shooting enterprise on the wider estate. No new access or parking arrangements are identified and the Highway Authority has raised no objection accordingly.

Ecology:
The application is accompanied by Protected Species Surveys and both internal and emergence surveys have been undertaken which have followed best practice guidance. These have concluded that the existing buildings have *low* potential to support roosting bats and indeed, no evidence of bats using the site has been found. A number of enhancement measures are however proposed which are also identified on the submitted plans. The Council's Ecologist welcomes these and subject to conditions being imposed which secures these enhancements, has raised no objection accordingly.

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA
In addition, whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area

(SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations. The Solent water environment is one of the most important for wildlife in the United Kingdom and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas.

Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development.

In this instance it is not considered that the agricultural enterprise operating from the site/in this catchment will increase as a result of these proposals. The modest addition to the existing farmyard is not considered to result in any additional nitrate burdens and it is not therefore considered necessary to screen the proposals to appropriate assessment in line with the Habitat Regulations. The Council's Ecologist has therefore raised no concern in this regard either.

CIL/S106:
As of May 2015, Wiltshire Council adopted the Community Infrastructure Levy (CIL). Therefore this proposal may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A note highlighting this requirement to the applicant will therefore be attached to the decision accordingly.

CONCLUSION:
The proposed change of use and diversification of the existing agricultural use of this farmyard to accommodate shooting facilities is considered to be acceptable on this site. The small scale addition to the existing farm buildings to allow some kitchen/catering facilities during shoot days is considered to be in keeping with the agrarian character of the existing courtyard and will be well screened from the outer site boundaries and public domain. It is not therefore considered that the proposals will result in any significant implications for the character of the area/AONB; highway safety; or ecology and they are recommended for permission accordingly.

RECOMMENDATION:
Permission subject to conditions

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:

   Application Form & Certificate
   Ref: 10774.01 FA Rev E – Site & Locations Plans. Received – 02.10.2023
   Ref: 10774.03 FA Rev C – Plans & Elevations As Proposed. Received – 01.09.2023

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing Beater's Room.

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

4. The development hereby approved shall be carried out in strict accordance with the following document:
   - Bat Roost Assessment and Phase 2 Report dated July 2023 by Wild Earth Ecology

   REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

5. The ecological enhancements detailed in sections 4.16 and 4.17 of the report 'Bat Roost Assessment and Phase 2 Report dated July 2023 by Wild Earth Ecology' and shown on the submitted plan ref: 10774 01 FA Rev E – Site & Location Plans, shall be implemented in full prior to the extension hereby permitted being first brought into use/occupied, and shall be retained and maintained in place in perpetuity

   REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. Any new external lighting should be for the purposes of safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

   REASON: In the interests of protected species and the landscape setting of the AONB

8. The kitchen facilities hereby approved, shall be used solely in association with the agricultural and shooting uses that operate on this site/the wider Conholt Estate and for no other purposes, business, commercial enterprise or residential uses.

   REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case

INFORMATIVES

1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

2) Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

3) There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

4) 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.

5) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity.