CASE OFFICER'S REPORT

Application Reference:	PL/2023/09032
Site Address:	Land north of The Street, West Knoyle, Warminster, BA12 6AG
Date of Inspection:	N/A
Date site notice posted:	N/A
Consultation Expiry:	27/11/23

POLICIES

National Planning Policy Framework
Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed Places
Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy
Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 48 Supporting Rural Life
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 61 Transport and New Development

Saved Salisbury District Local Plan
H28 Housing for rural workers

AONB Management Plan 2019-2024

Wiltshire Local Transport Plan 2015-2026:

Car Parking Strategy

RELEVANT PLANNING HISTORY

N/A

ISSUES

- Principle of development including agricultural need and justification;
- Impact to the amenity of the area and wider AONB;
- Highway Safety;
- Ecological Impact

REPRESENTATIONS

West Knoyle Parish Council – Support

WC Highways – No objection subject to conditions

Third Party Representations – None received

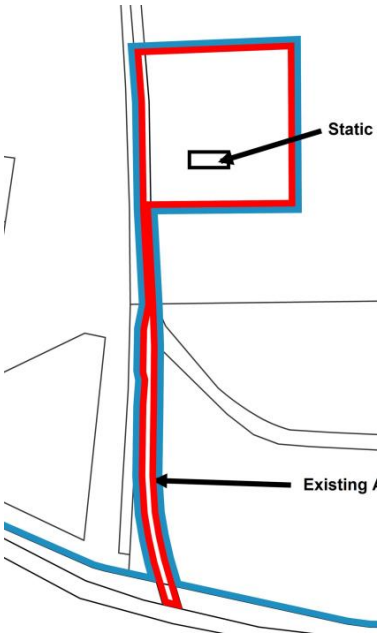
Site Description

The site is a parcel of agricultural land associated with the agricultural holding at Broad Oak Farm situated within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). The site is located outside of the settlement boundary, therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

The applicant's freehold ownership at Broad Oak Farm extends to approximately 350 acres and is associated with an established game rearing and shooting enterprise with all game rearing occurring from Broad Oak Farm.

Proposal

Retrospective planning permission is sought for the siting of a mobile home for the use of a full-time employee associated with the game rearing and shooting enterprise on agricultural land accessed via The Street, West Knoyle. The existing mobile home has been in situ since June 2019.





ASSESSMENT

Principle of development including agricultural need/justification

Core Policy 1 of the Wiltshire Core Strategy (WCS) identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Whilst there is an existing dwelling within close proximity of the site, the site is not located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

Core Policy 48 of the WCS states - Dwellings required to meet the employment needs of rural areas outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, 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. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.

The NPPF (Para 84) states - Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Core Policy 51 of the WCS states *Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.*

The proposal should aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy (WCS) which aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Saved Policy H28 states - Applications for a temporary dwelling to support a new farming activity, whether on a newly created unit, or an established one, will be considered subject to the following criteria there is:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned;
(ii) a clearly established need for one or more workers to be accommodated on or near the holding;
(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis; and
(iv) the need cannot be fulfilled by another dwelling on the unit, or any other accommodation in the area which is suitable and available for the workers concerned.

It is apparent from the information submitted within this planning application, the retention of the mobile home is required in order for an employee person to reside within to tend to the

upkeeping of the reared game birds that include some 55,000 pheasants and 15,000 partridges that are kept with Broad Oak Farm and upon the land within the agricultural holding.

Broad Oak Farm currently employees one full time person who resides within the mobile home subject to this application and two part-time persons. These two part-time person live off site. However, the presence of a person on site is required 24 hours a day, 7 days a week for protection against theft/break-ins and during the rearing seasons of the game. The activities arising at Broad Oak Farm in relation to this proposal consist of the following:

February/March: Laying hens penned and egg collection starts in March and runs to June.

April to June – eggs incubated and hatched at Broad Oak Farm, with 70,000 day old chicks returned to the application site.

April to June – birds reared initially under heat and then gradually "hardened off" to unheated pens.

June to August – birds remain in in rearing pens and grow into poults. The finished pheasant poults are delivered to shoots at seven weeks old and the partridge at 14 weeks old.

Other information accompanying this application includes a rural assessment of the existing business which has been assessed by the Council's agricultural consultant. The assessment confirms the justification provided would equate to the requirement for a person to reside on site within the existing mobile home. In terms of the essential need, supervision of the game chicks is required in order to provide and maintain artificial heat within the pens in which this birds are kept within; the requirement to provide fresh water and feed for the welfare of the birds over a pre-longed period of time before they are released in association with the shooting events available within the surrounding land.

It is considered that the game rearing alongside the on-going agricultural and shooting activities at Broad Oak Game Farm, is a development and diversification of the core agricultural business and other land based activities. Diversification of the farming businesses is supported by national government and therefore, support should therefore be given for proposals that supports development and diversification in this way and provides employment in the countryside.

Whilst it is noted the NPPF does not provide any specific guidance on the dimensions/scale of an agricultural worker's dwellinghouse in order to meet an essential need, officers consider the scale of this proposal, an existing static caravan of standard dimension/size as per the photograph below to be appropriate for the existing full-time employee to continue to reside within.

It is noted that this application seeks the retention of the existing mobile home for a temporary three year period before an application for a permanent agricultural worker's dwelling is submitted for consideration. Each application will assess on its own merits against the development plan and relevant planning policies.

In terms of the retention of the existing mobile home for an existing employee of Broad Oak Farm, it is considered on the basis of the identified agricultural/essential need that the proposal is acceptable in planning policy terms subject to the imposing of conditions onto any consent requiring the existing mobile home being used in relation to the agricultural activities as outlined and the removal of the existing mobile home at the end of the three year temporary permission. For the reasoning as outlined above, officers consider the scheme to acceptable in planning policy terms, and as such, not contrary to Core Policy CP57 of the WCS.

Impact to the amenity of the area and AONB

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The existing mobile home is a predominately rural location approximately one mile from Broad Oak Farm, accessed via a private track within the open countryside for the purposes of the local plan and is not visible from the public highway. It is therefore considered that the retention of the existing mobile home is unlikely to have any detrimental impact on the amenity of the area.

The existing mobile home is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). By way of the existing location of the proposed, officers consider that subject to a condition imposed onto any consent that no external lighting shall be erected on the site until details of any external lighting have been received by the LPA in order to minimise light pollution onto the AONB, the proposed would not cause any significant detrimental impact to the amenity of the area nor to the wider AONB that would warrant the refusal of retrospective planning permission.

Furthermore, officers note the comments received from the Parish Council that 'support' the proposal and that no third party comments from members of the public have been received during the consultation period of this planning application.

Highway safety

The site is served by an existing access/egress and is not proposed to be altered by way of this proposal. Officers note the submitted information does not provide any detail for the parking of vehicles associated with this proposal.

The Council's Highways Officer has assessed this proposal and provided for the following comments:

On the basis that there is an agricultural justification for the proposed development, I raise no highway objection subject to the following conditions being attached to any planning permission granted:

The development hereby permitted shall not be first brought into use until 5m of the access, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
REASON: In the interests of highway safety

Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.
REASON: To ensure that the highway is not inundated with private water.

Agricultural justification for this proposal has been identified/provided and this scheme is for retrospective planning permission given that the access is existing and the mobile home has been in situ since June 2019. As such, it is considered that the suggested conditions of the Highways Officer as outlined above therefore would not be necessary or reasonable on this occasion. Notwithstanding this, officers consider that the proposal as outlined within this planning application would not cause any significant adverse impact to highway safety or highway users that would warrant the refusal of planning permission.

Ecological Impact

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

This application does not provide any biodiversity assessment. Notwithstanding this, the location of the application site does not appear to be within any known ecological constraint area and would appear to be mainly grassland managed through standard farming practises that include grass cutting when not being used for the rearing of game.

Having regard for the existing activities and agricultural practises that are occurring within the site and the surrounding area, it is considered that there would not be any adverse ecological impact by of this proposal.

CONCLUSION/PLANNING BALANCE

On the basis of the submitted agricultural appraisal that identifies an essential need for a person to reside permanently within the existing mobile home on site for the upkeeping of game and following confirmation from the Council's Agricultural Consultant identifying there is an essential need, officers consider the proposal to be acceptable in planning policy requirements.

Officers consider it necessary and reasonable to impose condition onto any consent stipulating a temporary three year period for the use of this mobile home by an employee associated with Broad Oak Farm and its associated game rearing and agricultural practises and; the removal of the mobile home at the end of the three year period thus preserving the character of the AONB and wider area is appropriate.

As such, for the reasons as outlined within this report, officers are of the opinion that the development conforms to the objectives of Core Policies 48, 50, 51 and 57 of the Wiltshire Core Strategy and the aims of the NPPF. Taking the above into account, the application is not considered contrary to these policies as it does not cause significant material harm that would justify a refusal of planning permission. Therefore, retrospective planning permission should be granted for the development.

RECOMMENDATION

Approve with conditions

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

Site Location Plan Date Received 17.10.23
Block Plan Date Received 17.10.23

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

2. The occupation of the mobile home 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 associated with Broad Oak Farm, West Knoyle, Warminster, BA12 6AG.

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 mobile home hereby permitted shall be removed in its entirety from the land on or before the 9th January 2027. Within one month of the removal of the mobile home from the land, a scheme of works for the re-landscaping of the land shall be submitted to and approved in writing by the Local Planning Authority. The reinstatement of the land shall be in accordance with the agreed scheme.

   REASON: In the interests of the AONB, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

4. All lighting provided on site shall 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 and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

   REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

INFORMATIVE TO APPLICANT(S):

1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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