Planning Application reference PL/2023/11054 for:

Erection of replacement dwelling following demolition of existing mobile home, with associated drainage and other infrastructure at Miledown Farm, Angel Lane, Hindon, SP3 6DW

Representations submitted on behalf of Mr and Mrs B Rutter, Dial House, and Mr and Mrs J and C Hargett, Little Thurlow, both of Angel Lane, Hindon, SP3 6DW

2nd February 2024

Planning Application Discrepancies/Validation queries

1. I have been asked to examine the above application by the neighbouring consultees (at Dial House and Little Thurlow) to the application site and make any representations as appropriate.

2. I have inspected the application file on the Wiltshire Council web site. There are a considerable number of matters of principle and detail that this application raises but these representations seek to distil the most important ones.

3. There are a number of discrepancies/errors on the application form and accompanying documents:-

i) The application red line site does not encompass the agricultural holding to which it relates.
ii) It is understood the applicant has recently purchased part of the bridleway. If so this land should be shown in blue.
iii) The point of connection of foul drainage shown in that bridleway is on land not in the ownership or control of the applicant. No notice has been served on that owner.
iv) There is no mains drainage within the bridleway and any connection would need to extend down to Angel Lane. This is not indicated on

the submitted drawings and included within the red line application site.

v) The application form states both a septic tank and mains drainage. It is either one or the other, not both.

vi) The development description is inaccurate. It refers to replacement of an existing dwelling rather than a mobile home.

vii) There is no mention on the application form of the agricultural occupancy condition attached to the mobile home granted permission at appeal in 1984, attached herewith, (your ref.S/83/0838). Nor is an occupancy condition stated on the form for the proposed new dwelling.

viii) The form has been completed stating the proposal is for market housing replacing a market house. This contradicts the planning statement that makes reference to the continuance of the occupancy restriction.

ix) Access is stated as being the only reserved matter sought at this stage. Notwithstanding, the applicant has submitted other information in terms of layout and scale of development so it is unclear what status that information has or is intended to have.

It is therefore unclear precisely what development is being proposed with confusing and contradictory details given. (See para.4 below)

Planning Application Process

4. The application description does not accurately reflect the proposal that seeks to replace an existing mobile home subject to an agricultural occupancy condition. As a mobile home it is not a dwellinghouse and by its nature, not permanent. Removal would be a more appropriate description rather than demolition.

5. The description makes no mention of the agricultural occupancy condition pertaining to both the existing mobile home and its proposed replacement with a permanent dwellinghouse. It is therefore unclear if the applicant is seeking a new agricultural dwelling as the form states 'market housing'.

6. If the proposal is for a new dwelling with occupancy condition then the list of consultees should include an agricultural advisor but none is stated. Given the lack of clarity over the nature of the development, it is not clear whether this is an oversight by the local authority. Is this application for a new agricultural dwelling?

7. The list of Statutory Consultees does not include the Cranborne Chase and West Wiltshire Downs Area of Natural Beauty Partnership. Under the Planning Protocol, consultation should be taking place.

Planning Issues Raised by the Planning Application.

8. For the avoidance of doubt, the following comments are made on the basis that the application is seeking a new dwelling with an agricultural occupancy.

9. The proposed permanent dwelling as replacement of the existing mobile home is a materially different development. A mobile home is not a permanent dwelling.

10. There have been considerable changes to activities on the holding since planning permission was granted in 1984. Initially envisaged as an intensive livestock operation, it was upon this basis that the mobile home was granted planning permission on appeal (para. 4 of the 1989 appeal decision letter attached herewith, your ref S/89/1055). The holding has become dis-intensified and is now small scale sheep grazing. This demonstrates an essential rural need cannot be demonstrated to support a permanent dwelling.

11. If agricultural occupancy is sought for the new dwelling then well-established planning policy requires that the essential employment need for such a dwelling needs to be demonstrated and supported by functional and financial evidence. The agricultural and planning statements as presented do not make a case or present the necessary evidence.

12. The proposal shows part of the agricultural building used for domestic parking and storage. This could potentially displace agricultural use which would need to be replaced elsewhere on the site.

13. The application does not seek approval of layout yet a site plan drawing is submitted that shows the proposed site of the dwelling.

14. Aspirations for the growing of fruit and vegetables on the site are given. As aspirations, they have no relevance to the current application for a permanent dwelling. As a new venture seeking to justify a dwelling, this would normally trigger a temporary permission should the need be established. This has similarities to the appeal that was turned down in 1989 where it was then referring to cider making (paras 3 & 4 of the appeal decision letter).

15. An essential need case is particularly important given the chequered history of agricultural activity and occupancy of the site. Although the holding has grown, the type and intensity of agriculture has varied considerably. The evidence so far in practice has not established that there is either an employment need or financial viability to justify a dwelling as required by NPPF para.84 and Wiltshire Core Strategy Policy 48. As stated in Salisbury District Council's refusal of planning permission in 1989 "*The proposal would create an undesirable precedent which would make it difficult to refuse further similar applications."*

16. Currently the site is grazed by sheep owned and tended by others. The applicant has presented no evidence of their bona fides of being employed or last employed in agriculture to satisfy the occupancy condition.

17. Strong planning policies for the protection of the countryside and protected landscapes apply. This was a main issue identified by the Planning Inspector at para.5 of the 1989 appeal.

18. The submitted drawing no.03 Site Proposal indicates a two storey dwelling with a low pitch roof cut into the ground in clear contradiction of the Planning Inspector's findings in the 1989 appeal (see para.19 below). The submitted energy statement assumes a 190sq.m two storey house. It is unclear on the status of these documents as the appropriate reserved matters are not being sought at this stage.

19. Notwithstanding the status of these documents, the appeal Inspector in 1989 concluded at para.9 that even a single storey dwelling would be unrelated to the village of Hindon and *"…. would constitute a conspicuous feature in the landscape."* And this would result in a demonstrable harm to the landscape directly conflicting with the Council's countryside policies.

Further observations

20. It is noted that the highway authority have made comments regarding access raising no objection. However this is stated as being based, firstly, on a replacement dwelling and, secondly, it is of similar size. On both counts this is incorrect, as set out above.

21. Hindon Parish Council have raised no objection. However, after enquiry with Parish Councillors, it is now known that they were unware of the planning history of the site or the status of the applicant and thus were ill informed when making their decision.

Summary

22. There are a number of clarifications and corrections required to the planning application submission.

23. The red line boundary should be amended to accurately reflect the application site.

24. There are additional consultations that should be undertaken prior to a determination of the application.

25. It is unclear the precise nature of what is being sought at this stage.

26. No essential need case, or supporting functional or financial evidence has been put forward (Wiltshire Core Strategy Policy 48) to justify a permanent new dwelling in the countryside.

27. The site lies in a nationally sensitive landscape, acknowledged and assessed by a Planning Inspector in the 1989 appeal. There have been no material changes in planning circumstances in the intervening period.

28. On the basis of the matters set out above, Mr and Mrs B Rutter and Mr and Mrs J and C S Hargett hereby do each object to the application on a number of grounds as set out above and state that on the basis of the planning application as submitted the proposal does not meet the requirements of planning policy at both national and local levels and should therefore be refused.

Simon Rutter MRTPI

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A/20/MH/P

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Your reference
61.89
Our reference
T/APP/T3915/A/90/148712/P8
Date
- 6 AUG 1990

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS J W PIDLEY
APPLICATION NO: S/89/1055/TP

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Salisbury District Council to refuse planning permission for the removal of a mobile home and replacement with single storey dwelling at Mile Down Farm, Hindon. I have considered the written representations made by you, by the Council and those made by the Parish Council and interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 19 July 1990.

2. The appeal site lies to the north-west of Hindon, adjacent to various agricultural type buildings forming part of a small holding. It is proposed to replace a mobile home with a permanent single storey dwelling served from the existing access onto Angel Lane (B3089).

3. I note that the mobile home on the site was allowed on appeal in 1984 with no time limit but with occupation restricted to persons employed or last employed in agriculture as defined in Section 290 of the Town and Country Planning Act 1971. Your clients now propose to operate a cider production enterprise on the holding. You argue that because of the tying clause there is no obligation on behalf of the appellants to demonstrate viability to justify the need for the permanent dwelling proposed.

4. It appears to me however, that conditions attached to the approval for a mobile home are not matters to be addressed by me because those restrictions applied solely to the approval granted at that time. I shall therefore regard your clients scheme as a proposal for a private dwelling as described in the planning application submitted to and determined by the Council.

5. From representations made and resulting from my inspection of the site and its surroundings, I am of the opinion therefore that the main issues in the determination of this appeal are:

a. whether or not the proposed development would represent an unacceptable encroachment into the countryside, to the detriment of the appearance and character of the area, and

b. if the scheme would result in conflict with road safety interests.

RECYCLED PAPER

6. Approved policies contained in the Structure Plan indicate that new dwellings unrelated to established settlements will not normally be permitted unless justified in connection with the needs of agriculture or forestry. It seemed to me that the narrow lane running between your clients land and "Quoins", forms the outer limit of development on the western side of Hindon. I therefore regard the appeal site as within the countryside, and, in the absence of special need, the scheme, in my view, is in direct conflict with the provisions of Policy H7 of the development plan.

7. Turning to visual amenity considerations, I note your acceptance that the site is prominent. My visit to viewpoints of the appeal site from the B3089 and more distant views from highways to the south-west and south (Down Dairy), revealed that a dwelling on the appeal site, even of single storey construction and taking into account existing structures on your clients land, would appear unrelated to the village and constitute a conspicuous feature on the landscape. To allow a dwelling on the site proposed would, in my view, result in demonstrable harm to the appearance and character of an attractive landscape, designated as an Area of Outstanding Natural Beauty, and be in direct conflict with the Council's Countryside policies contained in the Development Plan.

8. Finally, in connection with access, I observed that visibility from the private track onto the B3089 was restricted. However, in the light of the appellants ability to improve vision splays and having regard to the present use of the site as a home, traffic flow is unlikely to be increased significantly and I believe an acceptable access arrangement might have been achieved and the Council's objection could not have been instrumental alone in preventing the implementation of the scheme.

9. I have taken into account all other matters raised in the written representations including your reference to circumstances leading to a change in nature of the appellant's business, property at Home Farm, materials stored on and adjacent to the appeal site and all other matters. I have also considered support from the National Farmers Union and other persons. But I do not find those arguments are sufficient to outweigh the conclusions which have led to my decision.

10. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

N MALLETT MRTPI MBIM
Inspector

A/682/HP/P

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DRO. R. Thornley.
NAB/RR
NCC
EI
Mawl Clerk
C/Sec

SALISBURY DISTRICT COUNCIL
CHIEF EXECUTIVE'S DEPT.
28 FEB 1984
PASSED TO
ACK.
CTTEE
COPY TO
FILE

Messrs Brennan and Wilson
Solicitors
Fern Cottage
STURMINSTER NEWTON
Dorset

Your reference

Our reference
T/APP/T3915/A/83/006544/PH2
Date
27 FEB 1984

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR N E FINCH
APPLICATION NO:- S/83/0838/TP

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Salisbury District Council, to refuse planning permission for the temporary stationing of a mobile home for use in connection with agriculture on land forming part of OS 8181 (Sheet ST 907-328) off Angel Lane, Hindon, near Salisbury, Wiltshire. I held a local inquiry into the appeal on Thursday 19 January 1984.

2. From my inspection of the appeal site and the surrounding area, together with my consideration of all the evidence given at the inquiry and of the representations made, it is my opinion that the decision in this case rests fundamentally upon whether the temporary stationing of a mobile home on the appeal site is justified on the basis of the proven viability of your client's agricultural holding.

3. The appeal site on which it is proposed to station a mobile home forms part of about 8 acres of pasture land bordering upon the western limits of this village on the north side of the B3089 - known in this vicinity as Angel Lane - and the appeal site itself, measuring some 75 ft by 50 ft, is set back 150 yds or so to the north of this County road.

4. I understand that this holding originally formed part of an 85-acre farmstead known as Home Farm which extended mainly to the north and west of your client's present holding. This farmstead was purchased in 1979 by your client's mother, on his behalf as a minor, but the major part of the farm was sold in 1980 due to financial circumstances - your client now retaining about 8 acres - the subject of this appeal.

5. Your client has endeavoured to establish an intensive calf-rearing enterprise on this 8-acre holding, and has not only re-seeded the remaining fields, but has to date constructed 3 buildings - namely, a loose box 30 ft x 30 ft, a mono-pitched shelter 40 ft x 15 ft, and an additional shelter 30 ft x 15 ft - these buildings being permitted under the General Development Order. At the time of the inquiry, your client stated that he had 4 nurse cows with 2 followers, 23 stirks in the loose boxes, and 20 weaned calves and 21 store cattle in the field, with 25 calves in the cubicle-house. Your client states that he normally buys calves between 24 hours and 48 hours old and rears these as store cattle, dependent upon the trade at the time, the calves being mainly Hereford beef cattle which he purchases and rears in batches of about 30. To accommodate this increasing activity, he now

9. I have noted that the appeal site, in addition to forming part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, is located within a Special Landscape Area as indicated in Policy C2 of the South Wiltshire Structure Plan approved by the Secretary of State for the Environment on 28 August 1980, and Policy C2A seeks to conserve the scenic qualities of this Area by generally restricting the location, scale and type of development to that essential to the local economy or desirable for the enjoyment of its amenities. While I fully appreciate the council's endeavours to implement these aims in general, I consider that in this particular case, where the site is located in such close proximity to the western extremity of the built-up area of the village, coupled with the fact that the development is required to serve the proven needs of the agricultural enterprise which has now been established and shown to be commercially viable, the stationing of a mobile home on the appeal site would be wholly justifiable. However, as agreed by the parties at the inquiry, it will be necessary to restrict the occupancy of the mobile home to persons directly connected with agriculture within the Salisbury District area.

10. With regard to the existing access on to the B3089, I noted during my site visit that this access was 19 ft 9 ins in width between gateposts set back 9 ft 9 ins from the carriageway, but flanked both on the east and west sides by embankments 4 ft in average height. Taking account of the evidence and of the letter from the owner of the adjoining land on the east side (Document 3), I am satisfied that adequate visibility splays could be provided to overcome the highway objection.

11. I have taken account of all the matters raised at the inquiry and in the representations, but do not find them to be of sufficient importance to outweigh the considerations that have led me to these conclusions.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow your client's appeal and grant planning permission for the stationing of a mobile home for use in connection with agriculture on land forming part of OS 8181 off Angel Lane, Hindon, near Salisbury, Wiltshire in accordance with the terms of the application (No S/83/0838/TP) dated 27 May 1983 and the plans submitted therewith, subject to the following conditions:

1. The siting, design and external appearance of the mobile home shall be in accordance with a scheme to be agreed with the local planning authority before the mobile home is brought onto the site.

2. the occupation of the mobile home shall be limited to a person solely or mainly employed, or last employed, in agriculture within the administrative area of Salisbury District Council as defined in Section 290 of the Town and Country Planning Act 1971, or a dependant of such a person residing with him or her;

13. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, bylaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

ARTHUR R JOHNSON RIBA DipArch CTP(M)
Inspector