CASE OFFICER'S REPORT

Application Reference:	PL/2023/10888
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	15 February 2024
Case officer:	Meredith Baker

Site Address:	Stroud Farm, Rowde, Wiltshire, SN15 2JL
Proposal:	Change of use of agricultural building to rural worker dwelling.
Recommendation:	Refuse

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 6 (Building a strong, competitive economy)
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:

PL/2022/00543 - 'Use of existing building for agricultural secure storage' – Granted 04.04.2022

PL/2022/06711 - Variations of conditions 1&2 and the schedule referred to conditions 1&2 of PL/2022/00543, to amend the timescale in which the works will be carried out. – Granted 01.11.2022

PL/2022/09222 - Change of use of existing agricultural store to a residential holiday let - Withdrawn

The history of the site should be noted. The existing building in question (which relates to the current application and all those above) is a two storey building that was unlawfully constructed as a residential property and was subject to enforcement action. Further to this, a planning application was submitted to use the building for agricultural purposes (PL/2022/00543). This permission had several conditions imposed which included an approved schedule of works to the building to change its appearance and use to the permitted agricultural use. This was varied under PL/2022/06711 and a new schedule of works was approved.

This Section 73 application included a new schedule of works and it is noted that this is not been adhered to and thus the development is in breach of this planning condition. In particular, the schedule of works outlines that no later than 30 September 2023, the existing window and door openings will be blocked up in accordance with the approved plans. This has not been completed as demonstrated within the submission. As such, the development has breached this planning condition.

Consultation Responses

Rowde Parish Council: “Rowde Parish Council fully object to this application. They consider is as a means to circumnavigate the planning system where a detached house has been built with no planning permission. There have been 3 planning applications on this property (after it had been built). There are outstanding conditions to return it to an agricultural storage building.”

Right of Way Officer: Assuming the applicant has a private vehicular right I would not raise an objection to the proposal subject to informatives.

Highway Officer: “The location is remote and the access track is a PROW , as such the location of the site is one which draws policy objection on sustainability as a house in open countryside. However, If you are minded that it is policy compliant in other ways I am minded that as the PROW Team have not raised an objection I am happy to mirror their position . The applicant will need to consider how they will be managing their waste collections and should ensure that the Council's Waste Team are happy.”

Drainage Officer: No objection.

Dorset & Wiltshire Fire and Rescue Service: Comment

Representations

One letter was received from the British Horse Society Wiltshire Access Team stating that “if permission is given and the applicant has a vehicular right of way over the relevant bridleways (see Rights of Way's comment) BHS Wiltshire would like to see a notice put up at the beginning of bridleway ROWD20 reminding vehicles of their obligation to pass horse riders using ROWD20 and ROWD18 both wide and very slowly, according to the Highway Code.”

Application Site and Proposal

The application site comprises a parcel of agricultural land to the north western edge of the field and an existing two storey building located within a rural area to the north east of existing buildings in association with Stroud Farm. The site is accessed by a private track from Durlett Road and the majority of the track is also a Right of Way (ROWD18 and ROWD20 Bridleways). The building lies adjacent to, but not within Flood Zone 2 and 3 and therefore lies within Flood Zone 1.

The proposal seeks planning permission for the change of use of the permitted agricultural building to a rural worker's dwelling. It has been outlined that part of the building would be used in connection to the farming enterprise including a farm boot room, vet / med store and a farm office at ground floor level.

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 84 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 ‘Agricultural Appraisal’. In particular it is outlined that due to the size of the business the applicant requires an additional full-time worker to reside on site to assist with the business and ensure high welfare standards are met for the poultry.

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 ‘Agricultural Appraisal’ (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 there is a need for a worker on site. It is noted that there are no existing residential buildings available for occupation in the immediate locality. Although it is agreed that there is a need for an agricultural worker in association with the business, concern is raised with the fact that the applicant currently rents the holding and the lease is due to expire in October 2024. A new lease is currently being negotiated and in particular the applicant is waiting to see if the application site is included.

Although it is accepted by the Local Planning Authority that the business as currently run has an essential need for an agricultural worker to reside nearby, it has to be considered that in light of the lease expiring in October of this year that there is currently not sufficient need for a permanent dwelling to be permitted. This assessment has been based on the position of the business at the site as it currently functions however, if the applicant does not continue to lease the site beyond October there is the high risk that the essential need for a permanent dwelling would be lost through a change of the business structure and enterprise at the site. In particular noting that the conversion work itself to the dwelling would bring the time frame of any worker living on site very close to this lease deadline.

It is therefore considered that in absence of a longer lease than October 2024, it cannot be justified that there is an essential need for a permanent dwelling in relation to the site. It would normally be requested that temporary accommodation is provided until such time as a longer lease is provided in relation to the enterprise. It is acknowledged that the essential need in the future may not relate to the current applicant, as of course businesses can be sold etc. Although this is acknowledged, the assessment being made under this application has to be applied to the information in front of the LPA. Whilst it is considered that the rural enterprise as currently run is economically viable, the applicant currently only holds the business on an expiring Farm Business Tenancy (FBT) and a FBT contains no statutory right to its renewal. There is only therefore certainty that the applicant will only continue the business until October 2024. A permanent dwelling is therefore not deemed justified on agricultural grounds at this current time.

Regarding the scale of the dwelling, the Council's agricultural advisor expressed the view that the size is larger than warranted by the identified essential need. It is furthermore outlined that it would be reasonable to expect the existing business to have a farm office and vet and med store and no reason has been provided for their duplication in the proposed dwelling. Further assessment will be made in the design and visual impacts assessment below about the use of this building for residential purposes.

In light of the view 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 a sound financial basis and is therefore viable, even when considering the operational costs of the dwelling. It is, however, considered that there is a fundamental conflict between the request for a permanent new dwelling to meet an essential need generated by a business where the duration of that business is governed by a short-term arrangement documented in the current FBT which ends in October 2024. As such, it is therefore considered that the principle of the development, as a permanent agricultural workers dwelling, is unacceptable and would not accord with the aims of the NPPF and Core Policy 48.

Design and Visual Impacts

Core Policy 57 requires a 'high standard of design' for all new developments and to draw on the local context and be complementary to the locality. Core Policy 51 requires that development should

protect, conserve and where possible enhance the 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.

The application site is situated in the open countryside (outside of the defined limits of development) which is visible from the Public Right of Way network. The area has a distinct agricultural and rural quality whereby the application site forms a parcel of land to the north west of a larger agricultural field.

The proposed development would involve the conversion of the existing building to residential use. The building was initially constructed as a residential dwelling (with no planning permission obtained) however an agricultural use was permitted as evident through the planning history of the site as mentioned in the Planning History section of this report. It is acknowledged that the proposal is a conversion and that no additional bulk is proposed to the property however, by reason of the residential appearance, siting and associated residential paraphernalia the development is considered to be harmful to the rural character and appearance of the area.

The existing property whilst initially constructed as a residential dwelling had an approved schedule of works to turn the property to agricultural. In particular the works involved means to reduce the character and appearance of the building and gain an agricultural character. In particular several openings were controlled to be removed and the infilled materials must be flushed with the existing walls to prevent any ‘recessed window’ appearance. Further works included the removal of the chimney, the removal of the front door and provision of a new double door on the side elevation. As outlined within planning reference PL/2022/00543 the alterations to the building would provide a sufficient level of agricultural appearance. The resultant design would not be considered desirable still (due to the mass/materials where a residential dwelling shape is retained), however is not that different to a historic agricultural barn design, whereby it is common to see (particularly in farmsteads) agricultural buildings that are externally constructed of brickwork/stone with a tiled roof. Roof lights are also not considered harmful and abnormal for agricultural buildings. It is claimed within the Design and Access Statement that historically the site was occupied by a dwellinghouse and therefore a residential presence onsite will not be new and is a material consideration to the application. It is not understood if the applicant is referring to the unlawfully built dwelling, or such structure before that, in which the Local Planning Authority has no information submitted on (it is furthermore noted under PL/2022/00543 the covering letter outlines that whilst a building was historically located in a similar area its use was not known). The unlawful dwelling structure recently built is not considered to mitigate the harm of a dwelling in this location.

Whilst this is an existing building which has a permitted agricultural use (if the schedule of works permitted actually take place). It Is not considered that this mitigates the harm that would arise from being a residential property. The building is located in the open countryside and is visually separated from existing farm buildings within the locality. The new residential dwelling would therefore appear isolated in nature and thus the siting and design, together with the residential character and appearance of the site (including residential paraphernalia) would not respect enhance the rural locality. This dwelling would be visually and physically isolated in nature and would be visible from the public right of way network. The development would also involve the change of character of the site which currently forms part of a wider agricultural field, and would be a contrived subdivision of land with a change of use. Residential items around the site would further erode the rural character of the wider area to the detriment of the visual amenity of the landscape. Whilst an isolated agricultural building is not abnormal within the countryside, the provision of an isolated residential dwelling with its change of character and residential items is considered a material different situation and not respectful to the character and appearance of the rural landscape.

Although rural workers dwellings can be permittable in rural areas (notwithstanding in this application as assessed above the proposal is not acceptable in principle), this does not mean that these dwellings should be located in inappropriate locations that would harm the character and appearance of the area. It is noted that it is claimed within the supporting documents that a conversion of a building to the rural workers dwelling would be significantly cheaper than erecting a whole new dwelling. Whilst a lower cost option would be preferable for the business, this is not considered to mitigate the concerns that will be raised within this report. The appraisal also states that the existing business can warrant a new build from an economic viability standpoint.

In summary, whilst it is noted that this is an existing building on site, the change of use of the site and building together with the requested residential appearance (a reminder that the current building as it stands does not benefit from planning permission and has currently breached the planning conditions contained within the planning history) together with the residential paraphernalia is considered to be harmful to the visual amenities of the landscape. The proposal would not be sympathetic to, nor enhance the character or amenity of the area and cannot be successfully integrated within the landscape and surrounds. The proposed development is therefore contrary to the National Planning Policy Framework (2023) and Core Policies 51 and 57 of the Wiltshire Core Strategy.

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 (albeit no details have been submitted regarding how this would be provided on site).

- 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.

Highways

The proposed development would be served along an existing track which, in the main, is a Public Right of Way bridleway as well.

The Right of Way Officer has reviewed the submission and noted that the bridleway is wide with a surfaced central section. It currently serves as a vehicular access to a number of farms and agricultural buildings. There are wide grass verges to allow bridleway users to take refuge from passing vehicles. As such it was considered that subject to informatives (including about the need for private right of vehicular access) the dwelling would not have a detrimental effect on the use and enjoyment of the bridleway. This position was mirrored by the Highway Officer, additional noting that

the applicant would need to consider how they would be managing their waste collection and ensure that the Council's Waste Team are happy with such an arrangement.

The comments from the British Horse Society are also noted however given the use of the bridleway network and that this proposal is a conversion works to one dwelling it is not considered reasonable or necessary to impose a form of Grampian condition that a notice is put up reminding vehicles of their obligation to pass horse riders both wide and slowly. In particular noting the comments above from both the Highway Officer and the Rights of Way Officer. If the application was being recommended as granted an informative would have been imposed recommending that a notice is displayed during the construction period to remind workers of the status of the track.

Finally in relation to parking, no details have been submitted about parking provision on site, however it is noted that the existing site has ample hardstanding around the building for parking of at least three vehicles. As such if the application was being recommended for granted a condition ensuring that three parking spaces are available (two for the dwelling and additional for potential farm workers coming to the site to access the farm office etc.) on site would be imposed. With this condition the proposal is considered acceptable, on balance, in terms of highway safety and parking.

Drainage

The property is located adjacent to, but not within Flood Zones 2 and 3. The property is located within Flood Zone 1. As noted by the Council's Drainage Officer the site has been identified for some surface water flooding, however the agent has noted that ground works to raised ground levels were already undertaken when the unlawful building was constructed. The Lead Local Flood Authority raised no objection to the change of use based on the flood risk and as such the proposal is considered acceptable in this regard.

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 not to accord with the exception policy due to a fundamental conflict between the request for a permanent new dwelling to meet an essential need generated by a business where the duration of that business if governed by a short-term arrangement documented within the current Farm Business Tenancy which ends in October 2024. Due to this short-term arrangement which contains no statutory rights to its renewal, it is considered that a permanent dwelling is not deemed justified at this current time.

By reason of the isolated siting and change of character of the building together with the associated residential paraphernalia within the open countryside, the proposal would also be harmful to the visual amenities of the area and to landscape character. The development would not be sympathetic to, nor would it enhance the character and appearance of the area. Furthermore, it could not be successfully integrated within the landscape and appear as an isolated residential development in the open countryside. The proposed development is therefore contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.

It is not considered that there any material planning considerations that would outweigh the harm generated from the above refusal reasons and there are no planning conditions that could be imposed to mitigate the concerns. In conclusion, taking all material planning considerations into account, the development is not considered to represent sustainable development as required by Paragraph 11 of the NPPF. The application is therefore recommended for refusal.

RECOMMENDATION:

Refuse.

Refusal Reason(s): (2)

1 The proposed business at Stroud Farm presents a functional need for the presence of an agricultural worker at most times and currently, the business is profitable and viable. However, at the time of the application submission there is a fundamental conflict between the request for a permanent new dwelling to meet an essential need generated by a business where the duration of that business is governed by a short-term arrangement documented within the current Farm Business Tenancy, which ends in October 2024. Due to this short-term arrangement, which contains no statutory rights to its renewal, it is considered that a permanent dwelling is not deemed justified at this current time and would not accord with Core Policy 48 of the Wiltshire Core Strategy or guidance contained within the National Planning Policy Framework (2023).

2 The proposed development, by reason of the isolated siting and change to the character of the building, together with the associated residential paraphernalia within the open countryside, would be harmful to the visual amenities of the area and to landscape character. As such, the proposal would not be sympathetic to nor would it enhance the character and appearance of the area. Furthermore, it could not be successfully integrated within the landscape and would appear as an isolated residential development in the open countryside. The proposed development is therefore contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.