Town and Country Planning Act 1990

Section 78 Appeal relating to Erection of Rural Workers Dwelling

At:

Sienna's Valley Farm
Huntenhull Lane
Chapmanslade
Wiltshire
BA13 4AS

Statement of Case on behalf of the Appellant:

Mrs S Snook

Statement Prepared by:

Mr G N Salmon, BSc(Hons), BTP, MRTPI
Salmon Planning Company
2 Priory Road
Wells
Somerset
BA5 1SY

Salmon Planning Company

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1.0 INTRODUCTION

1.1 My name is Nigel Salmon. I am a Director of Salmon Planning Company. I hold a Batchelor of Science Degree in Geography and I am a Bachelor of Town Planning. I am a Corporate Member of the Royal Town Planning Institute. I have been practicing in Town Planning since 1978 in the private and public sectors. I was the Agent involved in submission of the previous and current applications for planning permission for this site.

1.2 The evidence contained in this Statement of Case is true and given in accordance with the guidance of The Royal Town Planning Institute.

1.3 This Appeal is submitted against the decision of Wiltshire Council - the Local Planning Authority (LPA) who refused planning permission for the following reasons:

"The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area and the Council concludes that the proposal would, by reason of its siting, design, form and bulk, have a harmful impact on that landscape character that would not be sympathetic to its special character and local distinctiveness; and for these reasons, the application is considered contrary to Core Policy 51 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan as well as being contrary to the NPPF."

1.4 The decision was made under delegated powers. The Officer's delegated report is copied as **Appendix 1**.

2.0 SUMMARY OF THE PROPOSAL

2.1 The Appellant seeks planning permission to replace temporary, three-bedroom lean-to accommodation with a five-bedroom, 167.5 sqm (gross internal area) farm dwelling. The dwelling is for the Appellant's family, comprising her Partner and four children.

2.2 The dwelling is located towards the base of a sloping site and existing range of farm buildings on the steading.

3.0 DESCRIPTION OF THE SITE AND SURROUNDINGS

3.1 Sienna's Valley Farm lies on the southern edge of the large village of Chapmanslade. It comprises a 5.4 ha block of pastureland and a small, recently built range of farm buildings and small yard area located at the foot of sloping land, abutting a tall roadside hedge facing Huntenhull Lane.

3.2 To the south of the farm building is a larger group of buildings comprising houses and residentially converted barns at Huntenhull Farm. Beyond this pocket of development to the south and east lies attractive countryside.

3.3 To the north and north-east, separated by one or two fields, is the built-up limits of Chapmanslade comprising a modern housing estate to the north-east and to the north, the ribbon development along the main village road and industrial estate. These are all visible from Sienna's Valley Farm, giving it a semi-rural character.

3.4 In the past 12 months, the Applicant has sited a touring caravan alongside the farmyard to provide sleeping accommodation for two of her children.

4.0 PLANNING HISTORY

4.1 The Appellant purchased 4.7 ha of bare land, known as Sienna's Valley Farm in 2009 to develop a mixed-enterprise rural holding, principally based on breeding and rearing of alpacas. A further 0.7 ha of grazing land is rented under a Farm Business Tenancy near Frome. The Appellant has applied for planning permission to erect farm buildings and temporary farm workers dwelling but with varying degrees of success.

4.2 A key relevant appeal decision relates to an agricultural worker's mobile home. The appeal was dismissed in April 2016. A copy of the Inspector's decision letter and Location Plan of the mobile home are copied as **Appendix 2**. The appeal was dismissed on grounds of absence of agricultural need and visual impact. The finding of the Inspector concerning the visual impact of the development will be examined in detail in Section 5 of this Statement.

4.3 In April 2015, an appeal was dismissed for a side extension to the existing barn on grounds of lack of need and visual impact. The visual impact of the proposal will also be examined in Section 5 of this Statement. A copy of the plans subject of the appeal and the Inspector's decision letter are copied as **Appendix 3**.

4.4 In June 2018, the Appellant applied for a temporary farmworker dwelling comprising an extension to the side of the existing barn. This application was initially refused on grounds of agricultural need and visual impact, contrary to the Officer's recommendation. Rather than appeal against that decision, a resubmitted application for the same proposal was granted in January 2019 for a temporary period, expiring 28 January 2022.

4.5 In June 2022 the Appellant applied for a permanent dwellinghouse and in a separate application, to retain the temporary living accommodation into ancillary uses to the alpaca business. The application was subject of some negotiations and changes concerning the siting and design of the farmhouse. The application was refused solely on grounds of landscape impact – the functional need for a dwelling was not in contention.

4.6 In an attempt to overcome the reason for refusal, a second application for the farmhouse was submitted involving the repostioning of the farmhouse. This was refused and now the subject of this appeal.

5.0 PLANNING POLICY CONSIDERATIONS

(i) Development Plan

5.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan comprises:

- The Wiltshire Core Strategy, adopted January 2015.
- Selected Saved Policies of the West Wiltshire District Local Plan, 1st Alteration, adopted June 2004.

5.2 In our opinion, the following policies of the Development Plan are apposite to this appeal development.

5.3 The application site lies outside the nearest settlement boundary of Chapmanslade. Policy CP48 permits residential development in the countryside where it meets the accommodation needs required to enable workers to live at/or in the immediate vicinity of their place of work and supported by functional and financial evidence.

5.4 The site lies within the Chapmanslade Greensand Ridge Special Landscape Area. Saved Policy C3 seeks to conserve and enhance the landscape area of such designated landscapes but will not permit development which is considered to be detrimental to the high quality of these landscapes.

5.5 Core Policy 51 also seeks to protect, conserve and where possible, enhance valued landscapes.

5.6 The above Policies are copied as **Appendix 4.**

(ii) Other Material Policy Considerations

5.7 Paragraph 78 of the 2018 NPPF exceptionally prevents isolated homes in the countryside unless "there is an essential need for a rural worker, including those taking majority control of a farm business to live permanent at or near their place of work in the countryside".

6.0 CASE FOR THE APPELLANT

6.1 Section 38(6) of The Planning and Compulsory Purchase Act 1991 states that the determination of the proposal must be made in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 The Application, subject of this appeal, was refused planning permission on grounds of landscape impact. Ahead of making this assessment, it is relevant to consider the driver behind this proposal.

(i) Agricultural Need

6.3 Sienna's Valley Farm is an alpaca breeding and rearing business, established in 2009. It is a well-founded business currently with 58 alpacas on the land.

6.4 The principle of needing to have on-site living accommodation to allow the establishment of the alpaca breeding business was established by the granting of planning permission in January 2019. The permission was expressly granted on the basis of giving the Applicant a three-year trial period to demonstrate the viability of the business. The permission expired on 28 January 2022 but was renewed for a further three years expiring on 15th June 2026.

6.5 The Appellant commissioned an up-to-date Agricultural Appraisal to demonstrate the financial viability of the business and the continuing functional need for on-site living accommodation. The Council's Agricultural Consultant confirmed there was a continuing essential need for a farm worker to be resident on the site and the most recent accounts show the business having generated a profit to enable viability.

6.6 The Consultant, however, initially cast doubt over the size of the dwelling. He opined a dwelling in the region of 150 sqm GIA, would be more commensurate with the identified need for a dwelling.

6.7 This was challenged on the grounds that there is no guidance on the size of rural workers dwelling in the NPPF, NPPG or the Development Plan. It is also noteworthy that in paragraph 21 of the 2016 (**Appendix 2**) appeal for a residential mobile home the Inspector remarked:

"The appellant has four children and so a typical two-bedroom farm workers cottage would not be sensible."

This comment was raised in the context of finding suitable available living accommodation nearby, confirming that the accommodation needs of farmworkers is a material consideration.

6.8 In this case, the proposed dwelling has a gross internal floor area of 167.5 sqm which includes a ground floor workroom, boot room and shower room. The Appellant has a family of five. Her partner currently lives off-site because of the paucity of space in the temporary accommodation. Their four children of mixed sex are aged between 9 and 15. The five bedrooms are modest in size with Bedroom 3 being only 5.6 sqm – below the nationally described space standards to a single bedroom. The other bedrooms range between 8.9 sqm – 13.3 sqm. Three of these rooms are below the minimum sizes for two bed spaces.

6.9 In the event, it is noted in the Case Officer's report (Appendix 1) that the size of the dwelling, per se, is not in contention but it is nonetheless important to set out the case for the size of the dwelling proposed because it (a) does not contravene any published size guidance and (b) the size of the dwelling provides the minimum accommodation for the Appellant's family.

(ii) <u>Character and Appearance</u>

6.10 The site lies within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area. The West Wiltshire District Landscape Character Assessment summarises Chapmanslade as being on top of a hill, overlooking the greensand terraces below. The landscape has previously been described by the Inspector in the 2015 decision letter as "*being an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land.*"

6.11 Following the Inspector's Site Visit in April 2015, the Inspector observed in paragraph 5 of the decision letter that "*the hedge between the existing barn and highway is limited in size and offers only a small amount of screening to a proposed extension to the existing barn*". This led the Inspector to conclude "*the existing building has a significant degree of prominence within the Special Landscape Area*". The Inspector concludes in paragraph 8 the size and location of this building extension would harm the character and appearance of the area. Further in paragraph 13, he was not satisfied there was an agricultural justification for a building of this size.

6.12 The Case Officer's report on the current scheme (Appendix 1) cites text from the 2016 appeal which related to retaining a mobile home on the site. Here, the Appeal Inspector also remarks on the landscape character of the area and opined in paragraph 29 that the mobile home and surrounding domestic paraphernalia were highly visible and intrusive and their spread across the site was judged significantly harmful. These comments were made in the context of the Inspector not being satisfied there was a functional need for a dwelling on the site. Had he reached a different conclusion on the principle of the development, he may well have balanced landscape harm against the needs of the farm business.

6.13 Since both appeal decisions, planning permission has been granted for a side lean-to hay barn on the south-west end of the main agricultural building and a similar lean-to on the far side, to provide the temporary living accommodation to the family. The long-term intention is to retain this latter building for ancillary storage for the farm business and a visitor reception facility and toilet for Alpaca Open Farm visits by the public. Moreover, during the following nine/ten years, the roadside hedge has increased in volume and height. This is now in line with the eaves height of the main barn and provides high levels of year-round screening. This represents a marked change in the sites character as assessed by the 2015 appeal Inspector.

6.14 During the determination period of the 2022 application for the farmhouse, I attended a site meeting with the Case Officer. This resulted in an agreement that the south gable elevation, visible from the site entrance, could be made more attractive by 'handing' the north/south elevation. After the meeting the Case Officer sent an email requesting the re-siting of the dwelling much closer to the existing farm buildings. The suggested re-siting is shown on the plan copied as **Appendix 5.**

6.15 The Appellant agreed to shift the dwelling 2 m closer to the side site boundary but not lower down the slope as indicated because:

(a) it would interfere with the accessibility into the farm buildings, delivery lorries accessing into the yard and displace the livestock pens. The front façade and entrance to the dwelling would have prevented access to the hay/storage barn.

(b) It would create unacceptable living standards and potential safety hazard for the family of five who would occupy the dwelling

(c) It would result in unacceptable outlook from the south-east and north-east with elevations being too close to wooded belt and farm buildings respectively.

6.16 The application was refused on grounds of siting, design, form and bulk of the dwelling would have a harmful impact on the landscape character of the area.

6.17 The Appellant did not appeal against this decision and reflected on what scope she had to amend the scheme to address the reasons for refusal. It would, of course, have been much easier to have designed a smaller, three-bedroom farmhouse that would have a reduced bulk and scale, but this is not possible due to the Appellant's family circumstances.

6.18 The Appellant and her Partner, Derek Tanswell, have four children. One boy and three girls aged between 9 and 15. The existing, temporary living accommodation was barely acceptable when planning permission was first sought in 2019. Now, five years on, the children are older and sharing bedrooms with bunk beds is becoming increasingly inappropriate and unsatisfactory. The 15-year-old daughter and 9-year-old son are now sleeping in a caravan on the other side of the farm building. The children's father sleeps away at his home in Frome. This arrangement is far from ideal. As expressed by the father at my last site visit, the substandard and fragmented living accommodation has caused stress and worry to his ability to act as a parent if he cannot be present to maintain bonding, discipline, and harmony.

6.19 The farm dwelling needs to accommodate a family of six and requires a five-bedroom dwelling. The bedroom sizes have been kept to a minimum, but the number of bedrooms has been a key determinant in the overall size of the dwelling which has a gross internal floor area of 167.5 sqm. To reduce excess massing of the dwelling, there is a ground floor outshoot.

6.20 It is inevitable that any house designed for a six-person family will have a greater bulk than the mobile home, dismissed at appeal in 2016. The Appellant experimented with a single-storey or dormer-style dwelling, but it would involve a larger building footprint occupying a greater part of the site and involving greater remodelling of the sloping site contours.

6.21 The form of the farmhouse is uncomplicated to reduce build costs – this is relevant given the dwelling will be agriculturally tied. The choice of building materials comprising dark roof covering (reconstituted slate) and reconstituted stone and black weatherboarding on the front elevation are materials/colours that are local to the area and used in the neighbouring development at Huntenhull Farm. The use of dark cladding and roofing materials will help anchor the building in the landscape.

6.22 The Appellant would agree to extend the use of black weatherboarding along all the upper elevations of the dwelling. The plan copied as **Appendix 6** Illustrates this. This would have a particular benefit in appearing to lessen the visual prominence of the dwelling seen from the site access and viewpoints to the south and west. It is requested a Planning Condition is imposed to agree the use of external building finishes with the Local Planning Authority, prior to the construction of above ground building works.

6.23 Apart from the change in external materials, the only other option being considered by the Appellant in reducing the visual impact of the development were directed towards the repositioning of the dwelling. This involved shifting it closer to the vegetated northern boundary and lower down the slope, closer to the farm building.

6.24 The scope for relocating closer to the vegetated boundary is limited by the extent of cutting into the rising slope. Relocation closer to the farm building is limited by the need for the farm buildings and yard area in front, to be fully accessible for movement of livestock and delivery of bedding and hay.

6.25 The Appellant has a need for additional covered livestock space. An application for this will be submitted during the determination of this appeal. Previous attempts to expand southwest towards the site access was ruled out in the 2015 Inspectors decision letter (**Appendix 3**). This means that any future expansion of buildings will be on the yard area to the northwest. This would bring livestock housing even closer to the farm dwelling. Taking these constraints into account, the building was shifted a further 6 m away from the site access (from where glimpses of the site can be seen) and 2 m closer to the farm buildings allowing finished floor levels to be lowered by 0. 4 m compared to the previous proposal.

6.26 The cross-sectional plan for this re-siting shows the dwellings height relative to the farm building, roadside hedge and highway. This demonstrates the line of sight from the lane is dominated by the height of the hedge and farm buildings denying any views of the proposed development.

6.27 The Case Officers report (**Appendix 1**) claims the proposed dwelling would be clearly visible from public footpaths CHAP 8, 10, 11 and 34 is strongly contested. An extract from the Councils Definitive Public Rights of Way Map is copied as **Appendix 7.**

6.28 The development would be barely visible from CHAP 8 because of the distance of 200 m and dense intervening vegetation or sloping topography blocking inter visibility. CHAP 10 veers south over a raised plateau where the topography blocks any visibility down to the valley occupied by Huntenhull Lane.

6.29 It is only from PROW CHAPS 11 and 34 during the winter months where there are views of the farm steading. Photographs from these PROWS are copied as **Appendix 8.** CHAPS 11 provides a long-distance view of the farmstead at some range of 270m. The site is seen against the backcloth of village housing and commercial development on the skyline. In the foreground is the complex of the farmhouse and converted farm building at Huntenhull Farm. The upper floors and roof of the farmhouse would be visible. These would not appear unduly prominent or intrusive in context in which it is seen, particularly if black timber weatherboarding is applied to the upper elevations of the farmhouse.

6.30 CHAPS 34 is the closest PROW to the site at a range of 150m. The rising land to the northwest of the farm steading is visible, but views of the farm building and the site of the proposed dwelling itself are screened by intervening vegetation and the eye is drawn away from the site to the neighbouring Huntenhull Farm development. The photograph's labelled figure 4 and 6 in the Case Officers report (**Appendix 1**) was not taken from any PROW and is therefore inadmissible.

6.31 The only near and direct view into the site is from the site entrance. The upper elevation of the gable end would be visible from this viewpoint, but the view is limited by the narrow width of the site access. Moving either side of the access, the site is screened by tall roadside vegetation. Photographic images and commentary are reproduced as **Appendix 8.**

7.0 CONCLUSION AND FORMAL REQUEST

7.1 The site has a long planning history reflecting the endeavours of the Appellants to establish a successful alpaca breeding business. The Appellants have a proven and accepted need for a permanent dwelling on the site. The existing accommodation is severely substandard for all the family to occupy and resulted in her children living in a touring caravan on the site and the father living off site in Frome.

7.2 The planning need for a dwelling is not a theoretical one but based on the particular circumstances of the Appellants family who require a five bedroomed dwelling. I have argued the size of the sleeping accommodation has been kept to a minimum and the overall size of the dwelling – 167.5 sqm is not excessive for a tied dwelling.

7.3 The dwelling needs to be sited close to the existing farm buildings where the calving occurs and close the site entrance for security reasons. Within these parameters, the area of land to accommodate a dwelling is steeply sloping. The Appellants have to balance the need for the dwelling to be located discretely on the site, the need for the farm business to expand and operate unfettered by the new farm dwelling and for the family occupying it having a reasonable standard of amenity. Taking these objectives in to account, the proposal is reasonable and will not result in a level of harm to the landscape to deny the farm having a farmhouse suitable for Appellants family occupation.

7.4 For the above reasons, it is requested the appeal is allowed and planning permission granted. The Applicant would agree to details of external building finishes and materials to be submitted based on the amended plan drawing number PL4745/6D.