Agenda item

PL/2023/10902: Saddlepack Farm, Stert, Wiltshire, SN10 3HZ

- Meeting of Eastern Area Planning Committee, Thursday 21 March 2024 3.00 pm (Item 32.)

Temporary Agricultural Workers Dwelling (Retrospective)

Minutes:

Public Participation

• Mr Jon House had a statement read out in opposition to the application asking that it be deferred until the completion of a mobility report.
• Mr Chris Powell spoke in support of the application
• Mr Mark Wightman spoke in support of the application
• Mr Miles Elderfield spoke in support of the application
• Cllr Lewis Cowen (Stert Parish Council) spoke in opposition to the application

The Senior Planning Officer Jonathan James introduced a report which recommended that the retrospective application for a temporary agricultural worker's dwelling, for a period of three years, be approved subject to the conditions outlined in the report. Key details were stated to include the principle of development, the landscape and visual impact, environmental and ecological impacts and the impact on neighbouring amenity.

Attention was drawn to the reference on page 69 of the agenda pack to permitted development rights for additional structures on the site. The Senior Planning Officer recommended that an additional condition be added to restrict permitted development for outbuildings.

It was noted that the site was located in open countryside outside of the village of Stert, south of an area of priority habitat. Although there was a presumption against new residential development outside of the defined limits of development, Core Policy 48 of the Wiltshire Core

Strategy did allow an exception if they were required to meet the needs of a rural worker who was required to live permanently at or near their place of work. The Senior Planning Officer explained that, although a retrospective application, the subject mobile home was intended to be moved and would be located outside of an area of priority habitat adjacent to an approved stable block. The mobile home provided single storey, two bedroomed accommodation and dark brown timber cladding would be added to the exterior to mitigate the visual impact of the building. Planting nearby would also be conditioned to provide screening. The Senior Planning Officer believed that the proposed development generally complied with Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy as it would not intrude into the landscape or diminish the scenic beauty of the surroundings.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on whether the proposed development would be a temporary structure. It was confirmed that the permission applied for was for a period of three years but that it would be possible to seek planning consent for a permanent dwelling in the same location if it had been demonstrated that a financially viable enterprise had been established. Permission for a permanent dwelling would have to be sought through a new, albeit related, application.

Members of the public then had the opportunity to present their views to the Committee as detailed above, including a written statement read out on behalf of Mr House.

The Chairman, Cllr Philip Whitehead, did not speak in his capacity as the Unitary Division Member during the public participation section.

In response to the points raised by the public, the Senior Planning Officer confirmed that he was satisfied that the obligations of the public sector equality duty under the Equality Act 2010 had been applied in relation to this development and that it would not be unreasonable for the matter to be determined at the meeting.

The Legal Advisor, Alwyn Thomas, highlighted that the objector had had the opportunity to submit a mobility report in accordance with the statutory public consultation timeframes. He advised that the applicant

had the right to have the matter considered and that his opinion concurred with that of the Senior Planning Officer that the obligations under the Equality Act had been met. The Legal view aligned with that of the Senior Planning Officer that it would not be unreasonable for the matter to be determined at the meeting. He noted that it was open to the Committee to defer the application pending a mobility report, although they should be mindful that a right of appeal for non-determination may be open to the applicant.

In response to other points raised by the public, the Senior Planning Officer confirmed that Wiltshire Council's ecologist was satisfied with the scheme subject to it being carried out in accordance with the Biodiversity Mitigation and Enhancement Plan submitted in December 2023. He confirmed that the permission would be dependent on the resident of the proposed dwelling being an agricultural worker under the terms of Condition 9 in the report.

He also agreed that it would be appropriate for the wording in the conditions to be amended to ensure the removal of the hardstanding, so that replanting could take place.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be granted.

A debate followed where issues such as supporting young farmers and sustainable food production were discussed. In response to queries it was stated that the recommendation from Wiltshire Council's ecologist that an area of priority woodland be fenced off from potential grazing and encroachment would be covered under the biodiversity mitigation measures.

Other issues raised included the possibility of extending the timeframe to remove the existing structures to allow a reasonable time for the new temporary accommodation to be installed. The Head of Development Management, Andrew Guest, confirmed that references to existing buildings related to those which had unauthorised use, the shipping container, and the hardstanding on which they stood, not to the barns on site.

At the conclusion of the debate, it was:

Resolved

To GRANT permission for a temporary agricultural worker's dwelling. For the final wording of the conditions to be delegated to the Senior Planning Officer and Head of Development Management in consultation with the Chairman.

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 and documents:

• Application Form
• Design and Access Statement (Dec 2023)
• Agricultural Statement (Nov 2023)
• Site Location Plan
• Proposed Site Plan
• Proposed Elevations and Floor Plan

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

3. The development shall be carried out in strict accordance with the following document:

• Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental)

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

4. The existing unauthorised mobile home, metal shipping container and associated paraphernalia, and the hardcore ground surfacing on which they stand, shall be permanently removed from the farm (Saddlepack Farm) within 4 months of the date of first occupation of the temporary accommodation hereby approved or within 8 months of the date of this planning permission, whichever is the sooner, and the land shall then be restored in accordance with the approved details contained within the Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental).

REASON: In order to safeguard and restore that part of the priority habitat in the interests of biodiversity and ecology and the character and appearance of the area.

INFORMATIVE: This condition is necessary to ensure that the existing unauthorised mobile home and the associated development located elsewhere on the farm and within the designated priority habitat are removed as soon as is practical whilst allowing a reasonable timeframe for the new temporary accommodation to be installed, its precommencement conditions discharged and its occupation commenced. The applicant is reminded that the existing unauthorised mobile home remains subject to an Enforcement Notice which is awaiting an appeal decision. This planning permission does not affect the Enforcement Notice other than by allowing a short period of time for retention of the unauthorised development during implementation.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
a. location and current canopy spread of all existing trees and hedgerows bounding the application site;
b. full details of any to be retained, together with measures for their protection in the course of development;
c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
d. any trees (details of their size, species and locations to be agreed in writing with the Local Planning Authority), shall be

planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
e. Fencing around the priority woodland restoration area, including height, type.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of conserving and enhancing 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 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 fencing etc. 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 and in the interests of conserving and enhancing biodiversity.

7. Prior to the occupation of the temporary accommodation hereby approved, a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be constructed in accordance with the approved scheme within three months of the occupation of the temporary accommodation.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in

an acceptable manner, to ensure that the development can be adequately drained.

8. Prior to the occupation of the temporary accommodation hereby approved details of the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The temporary accommodation shall also not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

9. The occupation of the temporary accommodation 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.

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 temporary residential accommodation in this location having been demonstrated.

10. The mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before the 27 March 2027 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission would not normally be granted, but regard has been had to the functional needs of the agricultural enterprise in granting a planning permission of limited duration. Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

11. No external lighting shall be installed on-site unless otherwise agreed in writing by the local planning authority. Details should include plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of conserving biodiversity and in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

Informatives:

13. Informative:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that any planning 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.

14. Informative:

Breeding Birds

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.

Supporting documents:

- PL.2023.10902 - Location plan, item 32. PDF 568 KB
- EAPC PL-2023-10902 Saddlepack Farm Stert FINAL, item 32. PDF 851 KB