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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR FRANCIS MORLAND
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Dear Case Officer,

[3.1] of the Appeal - Appellant Statement (24 Jan 2024) - the description of the site and surroundings - "... It comprises a 5.4 ha block of pastureland ..." repeats previous exaggerations of the size of the holding, which is in fact only 4.7 hectares (see the figure stated in [4.1]), viz. less than the 5 hectare requirement for most permitted development on agricultural holdings.

At [4.1] it is said that "A further 0.7 ha of grazing land is rented under a Farm Business Tenancy near Frome". [3.1] of the Planning Statement (27 Jun 2023) says the same. [2.1] of the Agricultural Consultants Report (27 Jun 2023) - Reading Agricultural Consultants April 2022 - says "... A further 0.75 ha is rented in Frome on a Farm Business Tenancy ...", and the Finalised Officer Report (17 Aug 2023) - the LPA's Case Officer's Report - states (on page 10) "The applicant also has 0.75 hectares of land five miles away which is held under a farm business tenancy". No plan was submitted with the application to show anything further about the identity or location of this land, nor any particulars of the tenancy, nor how, if at all, it contributes to the holding. If it has any relevance to the Appeal proposals, can all the missing information be made available?

Yours sincerely,

Francis Morland

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MRS G COX
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Having been to the farm as a visitor to the farm I am compelled to write a support letter for this wonderful farm in Chapmanslade. The house is beautifully designed and fit snugly into the farm landscape that is always kept very nicely and I wish them all the best in bringing so much happiness to all who visit.

Chapmanslade Parish Council
c/o 68b High Street
Chapmanslade
Westbury
Wilts BA 13 4 AN
E. Mail Clerk at chapmansladepc@yahoo.co.uk
21.4.2024

Planning Inspectorate,
Room 3c,
Temple Quay House,
2 The Square,
Bristol
BS1 6PN,

Appeal Reference: APP/Y3940/W/24/3337482

Erection of rural workers dwelling Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Westbury, BA13 4AS

Chapmanslade Parish Council is against the appeal proposals and wishes to comment on the appeal at the Reference submitted by Ms. Sharon Snook concerning Wiltshire Council's refusal to grant planning permission for a two-storey dwelling for use as a rural worker's dwelling.
Chapmanslade Parish Council strongly objected to this application in July 2023. Since the Parish Councils' original objection, changes in the NPPF have strengthened the Parish Councils' case for protecting its development boundary in line with Wiltshire Council's core policies.

The details of Chapmanslade Parish Council's objections to the appeal proposals to PL/2023/05142 are listed in Annex A.

The Appendices:are listed at the end of the response and will be submitted as separate documents as required.

Annex A Chapmanslade Parish Council Additional submission for Appeals Reference: APP/Y3940/W/24/3337482 in reference to Planning application PL/2023/05142 Sienna's Valley Farm Huntenhull Lane, Chapmanslade, Westbury, BA13 4AS

Chapmanslade Parish Council having considered this application appeal proposal **objects** on the following grounds.
The site is located, in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by Core Policy 48 which first requires a thorough scrutiny of available accommodation found locally and within nearby settlements (as directed by para 6.67 pursuant to CP48); and secondly, there must be a demonstrable essential need to justify a new dwelling house to be erected in the open countryside for the purpose of protecting the countryside and maintaining its local distinctiveness. In this particular case, Chapmanslade Parish Council is not satisfied that there is an essential need for this proposal and the Appellant has failed to appraise local housing opportunities which have increased over the past 2 years to include:

43 new homes including affordable housing within a short walking distance of the site. Thus, the Council believes the application is contrary to Core Policy

48 of the Wiltshire Core Strategy and paragraph 55 of the National Planning Policy Framework.

The site has been subject to a high number of planning applications, many of which have been refused. The latest of these PL/2022/04679 was refused on 11 May 2023 on the basis that:

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'.

(Ref: Appendix 1)

The Parish Council submits that even if the Appellant was able to make a convincing argument for the erection of a dwelling on the site and in the latest location proposed, the harm that would be caused to the Special Landscape Area would not be outweighed.

The Parish Council draws your attention to other similar applications in our locality notably the Appeal Decisions on 07 September 2020 upholding the enforcement notices issued and dismissing the appeals (A) and (B), in respect of residential uses at a similar alpaca enterprise in Breach Lane Southwick BA14 9RG - APP/Y3940/C/20/3246154 and APP/Y3940/C/20/3246564 (enforcement notices issued on 17/12/2019, following 19/03718/FUL, refused 24/10/2019) which include:

The Council's expert accepts that the enterprise, if it proceeds as planned, is likely to generate a need for a full-time worker and that it is likely to generate an essential need for a presence at most times. However, the Council argues that the appellants have not shown why it is necessary for someone to live on the site. The appellants operated the business for a number of years from their home, just 10 minutes' drive away, and they have not demonstrated that there are no nearer available dwellings which would fulfil the need to be on hand.

Despite the Council raising the matter as a key concern, the appellants have not provided any evidence to show that there are no other suitable properties to buy or rent which would enable them to be on hand at the most critical times to care for the alpacas. I therefore consider that the need for on-site accommodation has not been justified……I therefore conclude that the appellants have not shown that there is an essential agricultural need to justify making an exception to the policies which restrain residential development outside of the settlement limits.

***(*Ref: Appendix 2)**

Additionally, we draw your attention to the decision on a similar planning application at Meadow Farm in Bradford Leigh (APP/Y3946/W/23/3327751) where the refusal of an agricultural worker's dwelling was made because:

The NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify the proposal do not exist and the development is contrary to the development plan and the Framework in particular paragraphs 147, 148 and 149 of the Framework.

The proposed development, by reason of its siting, scale, design and visual impact, would

detract from the rural character of the area and would result in the urbanization of the rural landscape and diminution of the Green Belt. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy'.
(Ref: Appendix 3)

There are many examples of applications that have gone to appeal at the Sienna's Valley Farm site which have been considered by no less than 4 different Planning Inspectors (Sara Morgan, Michael Lowe, Simon Hand and S. Shapland). All 7 appeals considered by them were dismissed, as were most of the associated applications for costs viz:

APP/Y3940/X/11/2157699 (LPA Ref: W/11/00220/CLP, refused 01/07/2011)
dismissed (A) 14/03/2012.
APP/Y3940/A/11/2157722 (LPA Ref: W/11/00040/FUL, refused 03/08/2011)
dismissed (B) 14/03/2012.
APP/Y3940/W/14/3001801 (LPA Ref: 14/03770/FUL, refused 11/06/2014) dismissed 30/04/2015.
APP/Y3940/C/15/3132119 (LPA Ref: 14/00852/ENF, issued 10/07/2015)
enforcement notice upheld and appeal dismissed (A) 06/04/2016 APP/Y3940/C/15/3140845 (LPA Ref: 14/00852/ENF, issued 15/12/2015)
enforcement notice upheld and appeal dismissed (B) 06/04/2016 APP/Y3940/W/15/3132117 (LPA Ref: 14/09500/FUL, refused 10/06/2015) dismissed
(C) 06/04/2016
APP/Y3940/W/19/3238918 (LPA Ref: 19/04504/FUL, refused 03/07/2019) dismissed 26/03/2020.
(Ref: Appendices 4-10)

Chapmanslade Parish Council sees no difference between the rational for the dismissal of previous appeals at Sienna's Valley Farm and the current appeal. The planning history shows a litany of misapplications and expectations, which are not suited to the adjacent countryside within the SLA. The current proposal is no different and to approve it would set a number of precedents that would have a significant detrimental effect on the landscape character and local distinctiveness of our village as well as undermine Wiltshire Council Core Policies and Planning and Design strategies.

The Parish Council notes that Wiltshire Council's Pre-Submission Draft Local Plan 2020-2038 (Regulation 19) dated September 2023 Policy 82 (page 228) outlines that:

The policy prohibits new dwellings in the countryside unless 'i' they are in connection with the essential needs of a rural based enterprise, and 'ii' a replacement dwelling. The merits of any proposal for the provision of new residential development in the open countryside can be assessed against the new housing in the countryside policy, supported by national planning policy (National Planning Policy Framework para 80). Other policies relating to securing high quality design and protecting and enhancing the character of the historic and natural environment provide a basis for assessing the detail of such proposals.

The underlying issues in this matter, which are discussed below, are therefore:

a. Whether contentious agricultural arguments and a mismatch between the agricultural need and the size of the proposed dwelling justify making an exception to policies which seek to limit residential development outside of settlement limits.
b. Whether the functional design of the proposed property would have a detrimental effect upon the countryside within the Corsley Special Landscape Area.

The essential need:

From the agricultural statement provided by the Appellant the alpaca unit will generate a labour requirement of just over 1.5 full-time units of labour although this is only a single point of view from the Appellant's contracted advisor.

It is well documented and recognised that many of the day-to-day tasks associated with good husbandry of the livestock, including alpacas, can be undertaken without a dwelling on site. This view has been contested previously by the Appellant but is supported by a variety of well qualified organizations which have commented on this issue as well as the findings already quoted above (**Ref:Appendix 2)** of the Planning Inspector in a similar case at Breach Lane, Southwick (APP/Y3940/C/20/3246154 and APP/Y3940/C/20/3246564)

Other examples are as follows:

> In 2012 the then Head of Planning in Stroud stated "The use of alpacas as a means to get erroneous permission for dwellings in the countryside is well known to the planning fraternity […]. The exceptions for rural workers were designed to assist genuine farmers to feed the nation".
>
> The advice of the Policy Team at Defra, (Professor Sir Ian Boyd FRSE FRSB, Chief Science Adviser), is that accommodation on alpaca farms is not required. The Defra Policy team states that there are legal requirements under the Welfare of Farmed Animals (England) Regulations 2007 that animals are inspected at least once a day and more frequently at higher risk times (e.g. when giving birth). They state that "the obligation is around inspection and does not require a presence 24/7".
>
> Mr. A. Hopker BVM&S SFHEA MRCVS of the Farm Animal Practice Team at the Royal School of Veterinary Studies, The University of Edinburgh has stated that "In cases where an alpaca keeper has elected to keep animals on land distant from their home it would be most unusual to build a dwelling specifically for the purpose of observing the animals giving birth […]. More usually an alpaca keeper might sit awake for the night in the field shelter in order to observe the animals". Field shelters should already be present to accommodate animals in inclement weather.
> **Information provided through Emeritus Professor Nigel Brown OBE FRSE FLSW FRSC FRSB CBiol PhD, formerly a member of Defra Science Advisory Council**.

There is no express reference in the NPPF to an assessment of a future proposed business which will operate in association with the proposed rural dwelling. Without such an assessment the continuation of the essential need cannot be verified, and the land could become just residential. There should be a clear agricultural tie placed against any planning permission granted for a permanent dwelling to ensure against business failure or closure in the foreseeable future.

The proposed dwelling and its impact:
The proposal is to provide a new, permanent, two-storey dwelling on the site. The proposed dwelling is shown with five bedrooms. The Appellant's representatives advise that the total area and number of bedrooms are required as a result of the Appellant's personal circumstances. A dwelling of this size and functional design will have a considerable impact upon the nature of the Corsley Greensand SLA.

The NPPF does not offer guidance on the size of dwelling that would be suitable to meet an identified essential need. The former PPS7 (Annex A) identified that a dwelling should be of a size and cost commensurate to the identified essential need and should not be excessively

large. The stated essential need is for 1.5 workers thus this criterion is far exceeded by the current application. It is noted that essential need does not expressly consider the personal circumstances of the worker concerned.

The Parish Council acknowledges that the Appellant is entitled to the respect of their family life and their home as enshrined in the Human Rights Act 1998. However, these rights are not absolute, and interference may be justified in the public interest. As the Appellant has commented upon the family structure to justify the new dwelling in the Appellant Statement dated January 2024 at paragraph 6.18 the Council sees fit to make a counter observation.

The current unsatisfactory living situation is a direct result of the Appellant pursuing their use of this agricultural land to justify the building of a new house. Given the respective ages of the children and the family structure, the Appellant will have known from the very start of this process when they bought the land that the site would require planning permission for a dwelling which, if designed to accommodate the family, would necessitate a 4–5-bedroom house as a family dwelling. However, the application process to date has only been for an agricultural workers' residence with an acknowledged essential need of 1.5 persons. The house at 14 White Horse View, Frome could still be the family home, and this would make sense as the children still attend schools in Frome, with the temporary rural workers dwelling at the farm site only used for the maintenance of livestock when necessary. The fact that the Appellant has installed (without planning permission) a residential caravan on the site could also negate the need for the current temporary dwelling to be further extended and its planning extension could expire in 2026. This small adjustment by the Appellant would remove all requirements to build a house on this land whilst still providing the agricultural need for 1.5 rural workers at the site and would reduce the number of car journeys that currently take place to ferry the children to their respective schools. In this case, the planning system exists to regulate the use of land, not to meet the entirely self-generated family stresses to which Appellant refers and upon which her argument relies.

We are at a point where 'essential need' no longer matches the planning application, which suggests this application is the culmination of a long-term plan to build a residential house on agricultural land outside the development boundary and within the SLA and not solely for the agricultural needs that have been the basis of the planning applications thus far.

The proposed construction of the new building is incongruous in the context of adjacent properties in a rural landscape; the Planning, Access & Design Statement uses the term "functional" - in other words the design is focused upon optimizing construction cost only for the benefit of the Appellant rather than its being sensitive to the nature of the surrounding area.

Chapmanslade Parish Council draws your attention to the comments made by the Planning Inspector in respect of the temporary mobile home in 2016 (**Ref:Appendix 8)** that it and its associated paraphernalia '*were highly visible and intrusive. Although the bulk is much smaller than that of the proposed extended barn, they spread development across the site in a manner which is also incongruous, and which dominates views across the site. This is significantly harmful and contrary to policies 51 and C3 and to paragraph 109 of the NPPF.'* It is hard to imagine how the far greater bulk of a two-storey 'functional' detached dwelling could not be construed as even more incongruous in the surroundings of the SLA. The siting, design, form and bulk and impact on the landscape remain the basis for the refusal of PL/2022/04679 0n 11 May 2023 and of this objection.

The design and scope of the proposed dwelling is also contrary to guidelines in Wiltshire Council's Design Guide approved on 20 Feb 2024 in that the design makes no attempt for the dwelling to be sympathetic to its surroundings as outlined as follows:

3.2.5 Respect the characteristic scale and pattern of the overall landscape and settlement including landforms, slopes and field patterns within the site and its setting, skylines, roofscape and backdrops.
3.2.6 Articulate the building form and roofscape of new development to respect and maintain the characteristics of the local setting.

Additionally, the proposed design and stated 'functional' nature of the dwelling does not take heed of the Wiltshire Council Design Plan (based upon the Wiltshire Council's Climate Strategy 2022) which outlines measures to promote energy efficiency for new dwellings as follows:

10.1.3. *Consider the use of materials and plant that goes beyond minimum standards set by building regulations or that are required by planning policies, such as:*
Incorporating low carbon heat sources such as heat pumps and solar thermal
Using enhanced specification of windows and glazing, (i.e. triple glazing) and have regard for solar orientation when designing fenestration.
Using increased standards of wall insulation.
Including underfloor insulation.
Providing low carbon electricity generation, such as photovoltaics and/or ensuring that houses have a main elevation with a southerly aspect and that roofs are uncluttered to accommodate solar panels.
Futureproof space for battery storage.

And which additionally states the following build expectations:

10.3 Expectation: Careful selection of materials and construction techniques
10.3.1 A 'fabric first' approach to reducing the energy requirements of the building is encouraged for minimising energy demand for heating and cooling.
10.3.2 Where appropriate (i.e. considering the character of the area) choose materials with lower embodied energy.
10.3.3 Where possible, use locally sourced materials. Natural stone is readily available in Wiltshire and its use enhances local distinctiveness.
10.3.4 Innovative and recycled materials which make a positive contribution to the character of the architecture and the public realm are encouraged.
10.3.5 Alongside consideration of the appropriateness of the character of the material consider the whole-life carbon footprint of selected materials.

There are already ground issues at Siennas Valley Farm which have a direct impact on neighbours who have sent previous reports to Wiltshire Council since January 2021 and more recent complaints by neighbours made formally at the Parish Council meeting in April 2024 which are now the subject of a Wiltshire Council formal investigation, and which show that there is already considerable unregulated run-off of rainwater and animal slurry into neighbouring properties. The neighbours complained to the Parish Council that:

Both boundary lines discussed are shared with Siennas Valley. Our concerns lie with the ongoing work that they appear to be doing, perhaps in preparation for their proposed property on the land, and the buildup of hardcore on the road that runs alongside our bank within their land. Over the past few years what was originally a simple track running to the fields has now been expanded and compacted with hardcore, making natural drainage much more of an issue, and therefore impacting our property.

At the rear of our property, we have video evidence of the water/rain run-off from the fields channeled down the fields, through the centre of a pig pen and directly into our garden. There is no form of trench or barrier in place to protect us from animal faeces from the pig, alpacas and any other animals they have.



(Ref: Appendix 11)

And:

Soak-aways at the rear of Hazelcombe are being rapidly overloaded with sediment, becoming impermeable to water and therefore sending water to the back of the house. The front courtyard is also being inundated with sediment, filling the soak-away to the point where it won't drain.

It's now a constant weekly job to remove sediment from the courtyard gulleys to aid drainage and avoid flooding the courtyard and the houses.



Back garden



Courtyard flooding due to blocked drainage

*The timing of these changes in volume and sediment load coincides with work being carried out on Sienna Valley Farm to create additional hardstand and roadway works on the site. Since 2022 there have been a significant number of deliveries of hardcore by lorry to Sienna Valley Farm, which is then distributed by digger and dumper by Derek Tanswell. This creates changes in land levels by building up of the roadways, and compaction of the ground by heavy machinery along the property boundaries (reducing the ability of the land to act as a soak- away). (**Ref:** **Appendix 12)**

As these provide evidence of the results of recent extensive ground works which have no apparent planning approval, and which have raised surface levels, and that boundary drains have not been maintained Chapmanslade Parish Council concludes that further building development on the site will only serve to exacerbate this issue thereby creating a detrimental effect on the health and safety of neighbouring properties and their inhabitants. It also raises into question the Appellant's suitability for agricultural work.

The local countryside and planning scene

Chapmanslade Parish Council draws your attention to recent planning applications in Chapmanslade that have been dismissed on appeal where the proposed plan was contrary to the development plan and its impact was incongruous with the nature of the countryside namely:

APP/Y3940/W/22/3298668 – March 2023 – Land to the northeast of 150 High St Chapmanslade.

> *The presence of dwellings within the site would be particularly conspicuous to users of the rights of way that abut the appeal site. The LVIA further identifies that there would be a Major/moderate impact when viewed from these paths. This only serves to reinforce my view, that the scheme would be a discordant addition at this location that would not be adequately mitigated by additional landscaping.*
>
> *Accordingly, I find that the proposed development would result in a significantly harmful effect on the character and appearance of the area. Thus, the scheme conflicts with Core Policies 51 and 57 of the Core Strategy, insofar as they seek to ensure that development protects and conserves landscape character and relates positively to the existing pattern of development.*

(Ref:Appendix 13)

and,

APP/Y3940/W/22/3310345 – October 2023 – Thoulstone Farm Buildings.

(Ref:Appendix 14)

Upholding national and local planning policy, and the importance of protecting the character and appearance of the countryside are matters of legitimate public interest, and there is considerable interest in the Parish of Chapmanslade. In this case the Appellant already has a residential home 5 miles away from the site at 14 White Horse View, Frome and has ignored all opportunities to access new housing including affordable housing within a short walking distance of the site. The agricultural worker essential need is stated as being for 1.5 workers but there are many experts who believe that there is no requirement for permanent presence at the site, and with a home only 5 miles away the care requirements could be undertaken using technology with short duration visits in times of need. The dwelling is proposed within a Special Landscape Area outside the development boundary of Chapmanslade and would be additional to any housing requirement based upon the Framework need and its design is already acknowledged as being 'incongruous' with its surroundings. It is an intrusive development that will be clearly visible from several of the Chapmanslade public footpaths (CHAP8, CHAP10, CHAP11 and CHAP34) and further development of the site could impact negatively on the health and safety of neighbouring properties. It exceeds all the rationale upon which other proposals have been turned down, and Appeals dismissed for developments in Chapmanslade and within the local area.

Conclusion:

This application fails to meet the requirements of Wiltshire's core spatial planning policies recently strengthened by the changes to NPPF regarding preservation of the development

boundary.

Planning design makes no attempt to incorporate recent environmental considerations, nor is it in line with Wiltshire's Design Guide; documentation regarding design suggests it will be visually out of keeping with other village houses and would be incongruous within the SLA. The visual impact upon the SLA and its visibility from a number of local footpaths cannot be overstated and in this it is similar to other applications which have been dismissed at appeal in recent years.

The application does not match the essential need for the scale of operation and rests upon the decision by Wiltshire's Agricultural Consultant which found that there is an essential need for a permanent presence onsite for 1.5 rural workers, contrary to the findings of many other worthy and qualified bodies. A two-storey large house is not required for 1.5 rural workers.

There remain uncertainties regarding the long-term plans for the business once the house has been built and historically the validity of a Farm Tenancy Business Agreement for the 0.75 ha. Ms Snook rents in Frome which was the basis for the original planning application at this site which has never been substantiated. This puts into question the validity of the Appellant's farming enterprise and Chapmanslade Parish Council concludes that the planning history to date is solely a route to use the planning system to achieve ownership of a residential property in the countryside.

The Appellant's family issues are of their own making and solutions other than building the proposed property are already available. Additionally, the overlooked options of buying new housing in Chapmanslade very close to the farm or using simple technology to monitor the livestock from the Appellant's existing house in Frome only 5 miles away shows the Appellant's lack of flexibility and sole desire to build a residence on this property irrespective of impact.

Ongoing development, apparently without planning permission, at the site has raised surface levels and caused water and effluent problems for neighbours. Further development of a large area of the site will exacerbate what is already an issue having a negative impact on the countryside and adjoining properties.

Development has to date been justified by a contentious agricultural link to an agricultural worker dwelling on land which is both outside the development boundary of Chapmanslade, and within the Corsley to Chapmanslade Special Landscape Area. The development in question, if approved, would leave an indelible mark on the Special Landscape Area which would be harmful to that special countryside and its surroundings and would undermine the policies of the Local Planning Authority.

For the above reasons it is requested that the Appeal be dismissed.

Appendices – Individually attached

1. Decision Notice PL/2022/04679 – May 2023: Siennas Valley Farm, Chapmanslade
2. Appeal Decision - APP/Y3940/C/20/3246154 - September 2020: Breach Lane, Southwick
3. Decision Notice PL/2022/09147 - July 2023: Erection of rural workers dwelling, Meadow Farm, Bradford Leigh
4. Appeal Decision - APP/Y3940/X/11/2157699 and APP/Y3940/A/11/2157722 - March

2012: Siennas Valley Farm, Chapmanslade

5. Costs Decision – APP/Y3940/X/11/2157699 and APP/Y3940/A/11/215772 - March 2012: Siennas Valley Farm
6. Appeal Decision - APP/3940/W/14/3001801 - April 2015: Siennas Valley Farm, Chapmanslade
7. Costs Decision - APP/3940/W/14/3001801 - April 2015: Siennas Valley Farm
8. Appeal Decisions: Siennas Valley Farm, Chapmanslade:
   APP/Y3940/C/15/3132119 - April 2016
   APP/Y3940/C/15/3140845 - April 2016
   APP/Y3940/W/15/3132117 - April 2016
9. Costs Decision - APP/Y3940/C/15/3132119 - April 2016: Siennas Valley Farm
10. Appeal and Costs Decision APP/Y3940/W/19/3238918 - March 2020: Siennas Valley Farm
11. Saddlestone Barn residents' complaint to Chapmanslade Parish Council – April 2024
12. Hazelcombe residents' complaint to Chapmanslade Parish Council – April 2024
13. Appeal Decision APP/Y3940/W/22/3298668 - March 2023: Land to the northeast of 150 High St., Chapmanslade
14. Appeal Decision APP/Y3940/W/22/3310345 - October 2023: Thoulstone Farm, Chapmanslade

Submitted by Clerk on behalf of Chapmanslade Parish Council

Appendix 1

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2022/04679

Decision Date: 11 May 2023

Applicant:	Ms Sharon Snook Siennas Valley Farm , Huntenhull Lane, Chapmanslade, Somerset, BA13 4AS
Particulars of Development:	Erection of rural workers dwellinghouse
At:	Sienna Valley Farm, Huntenhull Lane, Chapmanslade, Westbury, BA13 4AS

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (1)

1 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.

Informatives: (1)

2 The development hereby refused has been considered with reference to the following submitted plans and documents:

Application Forms, Planning, Access and Design Statement (PL.4745), Reading Agricultural Consultants “Rural Worker’s Dwelling Appraisal” (dated April 2022), Drawings Nos. PL4745/1, PL4745/2 received on 17th June 2022

Drawing Nos. PL4981/3A, PL4745/4A, PL4745/5A, PL4745/6A, PL4745/7A received on 8th December 2022

Parvis Khansari - **Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

The Planning Inspectorate

Appeal Decisions

Site visit made on 14 July 2020

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal A Ref: APP/Y3940/C/20/3246154
Appeal B Ref: APP/Y3940/C/20/3246564
Land known as Breach Lane Orchard, Breach Lane, Wynsome Street, Southwick, Trowbridge, Wiltshire BA14 9RG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mr Paul Martin and Appeal B is made by Mrs Martin, both against an enforcement notice issued by Wiltshire Council.
- The enforcement notice was issued on 17 December 2019.
- The breach of planning control as alleged in the notice is:
  Without planning permission, the unauthorised material change of use of the land from agriculture to a mixed use of agriculture and residential as well as the siting of an unauthorised shipping container.
- The requirements of the notice are:
  a) *Permanently cease the occupation of the land for all residential and ancillary residential purposes.*
  b) *Permanently removed from the land the mobile home (as shown in the photograph attached to the notice).*
  c) *Permanently remove from the land the touring caravan (as shown in the photograph attached to the notice).*
  d) *Permanently remove all residential and associated items ancillary to the residential use of the land, these include, but are not limited to, washing line, garden furniture, gas cylinders, chimnea, pot plants, tables and chairs as well as general household effects.*
  e) *Demolish the porch attached to the mobile* (sic) *(as shown in the photograph attached to the notice) and permanently remove the resultant materials from the land.*
  f) *Permanently remove all fencing on the land which subdivides the unauthorised residential use of the land from the rest of the agricultural holding.*
  g) *Permanently remove the metal garden shed and base from the land (as shown in the photograph attached to the notice).*
  h) *Permanently remove the gravelled path that leads to the mobile home as well as the paving slabs that lead to the metal shed and remove all the resultant materials from the land.*
  i) *Removed the unauthorised shipping container (as shown as crossed hatched in the approximate location on the plan attached to the notice) from the land.*
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
- Appeal B is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Decisions

1. It is directed that the enforcement notice be varied by inserting a comma after the word "residential" in the description of the breach of planning control, followed by the insertion of the words *"including the siting of a mobile home used for residential purposes,"* and varied by varying the period of compliance from 6 months to 9 months. It is also directed that the notice be corrected by inserting the word "home" after the word "mobile" in requirement(e). Subject to these variations and correction the appeals are dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matters

2. I have a duty to get the notice in order if I can do so without prejudice to the parties. The allegation omits any reference to the siting of a mobile home. Whilst the siting of the mobile home is a residential use of the land, I consider that it is important that the notice is clear. All parties understand that the notice attacks the siting of the mobile home, and therefore no-one would be prejudiced by my varying the notice to refer to the mobile home in the allegation.

3. In requirement (e) of the notice, the word "home" has been omitted after the word "mobile". I shall correct the notice to include the missing word, as no injustice would be caused to either party.

Reasons

The appeal on ground (a) – that planning permission should be granted for the development

Main issues

4. The main issues are:

    a) whether agricultural arguments justify making an exception to policies which seek to limit residential development outside of settlement limits and in areas not served well by public transport, and

    b) the effect of the development on the character and appearance of the surrounding area.

The agricultural justification

5. The container referred to in the notice was removed some time ago, and no arguments have been made that planning permission should be granted for it. I shall therefore confine my consideration to the use of the site for the siting of a mobile home used for residential purposes.

6. The site lies on the southern edge of Southwick, outside of the settlement boundary limits as defined in the Wiltshire Core Strategy (CS), Policy CP2 of which says that other than in specified circumstances, development outside of settlement boundaries will not be permitted. One of the specified circumstances relates to supporting rural life, to which CS Policy CP48 applies. That says that 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.

7. The policy also says that proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence. However, the financial test is no longer required by the National Planning Policy Framework, and to this extent the policy is not consistent with it.

8. The mobile home is used to provide residential accommodation in connection with the agricultural use of the wider site, used for raising and breeding of alpacas. The appellants accept that I should consider the deemed application to be for the use of the land for the siting of a residential mobile home for a temporary period. This approach is consistent with the Planning Practice Guidance which says that in the case of new enterprises, a consideration is whether it is appropriate to consider granting a temporary permission for a trial period.

9. The business has been operating since 2012, with the appellants travelling from their home to tend to the alpacas. The business has grown since then, and the appellants sold their home and moved to the site in 2018.

10. In 2019 the appellants sought planning permission for the siting of a mobile home for a temporary period of four years, which was refused on 23 October 2019. At that time, the Council engaged an agricultural consultant to assess the agricultural justification for that proposal, who identified a number of areas of concern, which led to the Council refusing the application and issuing the enforcement notice subject of this appeal.

11. In considering the agricultural arguments, I am conscious that the underlying rationale behind a temporary permission is that it provides a trial period for an agricultural enterprise to demonstrate that there is likely to be an enduring need for someone to live on the site on a permanent basis.

12. The Council's expert accepts that the enterprise, if it proceeds as planned, is likely to generate a need for a full-time worker and that it is likely to generate an essential need for a presence at most times. However, the Council argues that the appellants have not shown why it is necessary for someone to live on the site. The appellants operated the business for a number of years from their home, just 10 minutes' drive away, and they have not demonstrated that there are no nearer available dwellings which would fulfil the need to be on hand.

13. I saw on my visit that there is a range of dwelling types in the vicinity, including small dwellings, just a few minutes' walk away from the appeal site. Despite the Council raising the matter as a key concern, the appellants have not provided any evidence to show that there are no other suitable properties to buy or rent which would enable them to be on hand at the most critical times to care for the alpacas. I therefore consider that the need for on-site accommodation has not been justified.

14. The Council is also concerned that the appellants do not possess sufficient land to enable their plans to come to fruition, in that the stocking densities for the number of alpacas planned require more land than the appellants' own, and

that there is no coherent management plan in place to demonstrate that the appeal site land could be used in a satisfactory manner.

15. I saw on my visit that the alpacas now number 12, and that the land on which they are kept has been sub-divided with fencing, but without explanation, I am unable to conclude whether this would provide the kind of stock management that is required for such an intensively used site. I am also concerned that no security of tenure for the leased land has been demonstrated which would be necessary to ensure that the appellants' plans can come to fruition, and that the essential need would endure.

16. However, these concerns do not contribute significantly to my findings; the need for the additional land and carefully managed stocking arrangements only becomes critical when the higher stocking rates are reached, which would be towards the end of any trial period. Such concerns would be far more important if a permanent dwelling were sought, but that is not the case here. Accordingly, these shortcomings add only minor weight to my conclusions.

17. I therefore conclude that the appellants have not shown that there is an essential agricultural need to justify making an exception to the policies which restrain residential development outside of the settlement limits. The development is contrary to the policies that I have referred to above. Owing to the closeness of the site to Southwick and the services and facilities available there, I find only a very limited degree of conflict with CS Policies 60 and 61, which deal with sustainable travel. I find no conflict with CS Policy CS 1, as that merely informs other policies and provides no criteria against which proposals can be assessed.

Character and appearance

18. The site is well-screened from Breach Lane by a high and thick hedge, although I consider it likely that the site will be more exposed in winter, when the predominant deciduous hedge species lose their leaves. The site also hosts two agricultural buildings, which in themselves offer some screening, and dilute the undeveloped character of this hinterland site. The appearance of a container (since removed, but nevertheless part of the deemed application), the mobile home and associated residential paraphernalia detracts from the open and undeveloped appearance of the countryside, weakening the transition between the edge of Southwick and the countryside, but, for the reasons I have explained above, has only a minor adverse impact on the character and appearance of the locality.

19. I therefore conclude that the development results in small harm to the character and appearance of the area, and that there is a limited degree of conflict with CS Policies 51 and 57, which respectively deal with landscape and high-quality design and place shaping.

Other matters

20. The requirements of the notice engages with the appellants' rights to respect for their family life and their home under Article 8, as well as the right to respect for property, under Article 1 of the First Protocol, which are Convention rights enshrined into UK law by the Human Rights Act 1998. However, these rights are not absolute, and interference may be justified in the public interest. In this case, the planning system exists to regulate the use of land in the public

interest, and in doing so interferes with a landowner's rights. The appellants would have known that the residential use of the site required planning permission and must have been aware of the possibility of enforcement action being taken against an unauthorised use. In this case, upholding national and local planning policy, and the importance of protecting the character and appearance of the countryside are matters of legitimate public interest.

21. There are no lesser steps which could be taken to meet the policy objectives, and whilst I recognise that the interference with the appellants' rights would be significant, the burden of complying with the enforcement notice would be necessary and would not be disproportionate.

22. The appellants have referred me to another alpaca enterprise on a smaller site in the adjoining district where residential accommodation was permitted. However, I do not know all of the circumstances which led to the grant of that permission, and thus I have determined this ground of appeal on its own facts and circumstances.

Conclusion on the ground (a) appeal

23. For the reasons given above, I conclude that the appeal on this ground must be dismissed, and that the deemed application for planning permission should be refused.

Appeals on ground (g) – that the period for compliance falls short of what should reasonably be allowed

24. The notice specifies a period of 6 months to comply. In normal circumstances, I consider that this would be a sufficient period in which to find new accommodation and physically remove the mobile home and associated items. The appellants' arguments on this ground refer to the Covid-19 pandemic but reiterate the case argued under ground (a) for a temporary permission and refer to the s.78 appeal which was turned away as it was submitted out of time. These arguments have limited relevance to an appeal on this ground.

25. Nevertheless, I accept that the pandemic may have introduced some volatility in the local housing market which may limit the choice of suitable alternative housing. I shall therefore extend the compliance period to 9 months and will vary the notice accordingly.

Overall conclusion

26. For the reasons given above, the appeals are dismissed, except insofar as the period for compliance will be extended, and, subject to correction and variation, the enforcement notice is upheld, and the application for planning permission deemed to have been made under s.177(5) of the Act is dismissed.

JP Roberts

INSPECTOR

APPENDIX 3

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2022/09147

Decision Date: 06 July 2023

Applicant:	Mr Andrew Hillier Norbin Farm, Corsham, Wiltshire, SN13 8JJ
Particulars of Development:	Erection of agricultural worker's dwelling and associated works
At:	Meadow View Farm, Bradford Leigh, Wilts, BA15 2RW

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (2)

1 The NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify the proposal do not exist and the development is contrary to the development plan and the Framework in particular paragraphs 147, 148 and 149 of the Framework.

2 The proposed development, by reason of its siting, scale, design and visual impact, would detract from the rural character of the area and would result in the urbanisation of the rural landscape and diminution of the Green Belt. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.

Parvis Khansari - **Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

APPENDIX 4

The Planning Inspectorate

Appeal Decisions

Site visit made on 30 January 2012

by Sara Morgan LLB (Hons) MA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2012

Appeal A: APP/Y3940/X/11/2157699
Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire BA13 4AS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Miss Sharon Snook against the decision of Wiltshire Council.
- The application Ref W/11/00220/CLP, dated 17 January 2011, was refused by notice dated 1 July 2011.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is erection of a general purpose agricultural building as permitted development.

Appeal B: APP/Y3940/A/11/2157722
Sienna's Valley, Huntenhull Lane, Chapmanslade, Wiltshire BA13 4AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Miss Sharon Snook against Wiltshire Council.
- The application Ref W/11/00040/FUL is dated 4 January 2011.
- The development proposed is erection of an agricultural building/retention of hardstanding.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and planning permission for erection of an agricultural building/retention of hardstanding is refused.

Application for costs

3. An application for costs was made by Miss Sharon Snook against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary

4. The description of the development the subject of the LDC appeal is taken from the Council's decision notice and the appeal form.

5. At the site visit it became clear that the drawings submitted with both appeals were not the drawings before the Council when it reached its decisions on the appeal applications. The correct drawing, the same in both cases, bears the same number as those submitted with the appeals - 2156/100 dated May 2010 - but shows the proposed building located somewhat further from the adjoining property than on the drawings sent with the appeals. I shall consider the appeals on the basis of this drawing.

6. On 17 February 2012 the Planning Inspectorate wrote to the parties inviting comments on the application of the "prior approval" requirements of Part 6 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended (GPDO). As part of her response the appellant has forwarded two appeal decisions relating to the definition of agricultural units. As this information goes beyond what was requested in the letter of 17 February and the Council has not had the opportunity to comment on that aspect, I shall have no regard to that part of those decisions.

Appeal A - The LDC appeal

Main Issue

7. Section 192(2) of the 1990 Act provides that if, on an application under section 192, the local planning authority are provided with information satisfying them that the operations described in the application would be lawful if begun at the time of the application, they must issue a certificate to that effect; otherwise they must refuse the application.

8. The main issue is, therefore, whether the operations to construct the proposed agricultural building would have been lawful if begun at the time of the LDC application, having regard to the provisions of Part 6 Class A.

9. Class A permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within the unit. Agricultural land is land in use for agriculture for the purpose of a trade or business. The erection of a building is permitted under Class A subject to conditions requiring the developer to apply to the local planning authority for a determination as to whether prior approval of the siting, design and external appearance of the building would be required.

Reasons

Whether the operations would have been lawful at the time of the LDC application

10. The "prior approval" conditions in Class A require the developer, before beginning a development, to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building. No development shall be begun until the Council has either indicated that no prior approval is needed, or has given its approval, or has failed to respond within 28 days of the application.

11. In this case, the appellant submitted an application, received by the Council on 18 October 2010, for such a determination in respect of a building on the appeal site[1]. The Council on 12 November 2010 issued its determination that

[1] According to the Council it was "the same building", but I have not been provided with copies of the drawings,.

prior approval was required. It is true that the reason given was that the Council considered permitted development rights could not be exercised, because the appellant had not demonstrated that the proposed building was on agricultural land comprised in an agricultural unit of 5 or more hectares. But nonetheless the Council's letter of 12 November, which was given within 28 days of the application, did make it clear that prior approval was required.

12. Approval had not been given by the Council by the time the LDC application was made, and indeed has not been given subsequently. Consequently, even if the barn satisfied the other criteria of Part 6 Class A, if the proposed building had been begun at the time of the application (or any time subsequently) it would not have been lawful because it would have been contrary to the conditions in Class A.2.

13. The appellant has argued that a Certificate could be issued which indicated that development would be lawful provided an application for prior approval is submitted. But I disagree. It is clear from section 192(2) that, for a certificate to be issued, the operations the subject of the application must have been lawful *if begun at the time of the application*. There was no approval by the Council to siting, design and external appearance at the date of the application, and so the operations cannot have been lawful at that date. For this reason, the Council's refusal to issue a certificate was well-founded.

14. However, as the representations have been concerned with whether the land forms part of an agricultural unit of 5 hectares or more, and whether the agricultural building is reasonably necessary for the purposes of agriculture within the unit, I will go on to consider those points.

The size of the agricultural unit

15. The land at Chapmanslade of which the appeal site forms part is just under 5 hectares in size. The appellant also says she has a farm tenancy of a field at Spring Gardens in Frome of 0.7 hectare. The Council accepts that the land is in agricultural use[2]. The Council has expressed some doubt as to the scale and future of the current and proposed business, but its own agricultural advisor has expressed the view that the holding is in use for the purposes of a trade or business, despite the low level of income and expenditure from the holding shown in the accounts he had seen.

16. According to the Council, the land at Frome is over 3 miles from the appeal site as the crow flies, and 5 to 6.5 miles by road depending on the route taken. The appellant says it is 4.7 miles. I consider that the distance by road between the two parcels of agricultural land is more relevant than the distances between the appellant's home in Frome and the two sites.

17. There is no reason why an agricultural unit should not comprise more than one distinct parcel of land, nor is there any reason to rule out from the assessment of what is the unit, land that is held on a tenancy. The question is whether the land is occupied as a unit. The appellant says she runs a small mixed agricultural enterprise. Stock and equipment are kept at the appeal site. Part of the appeal site and the whole of the rented land will be used for hay

[2] The Council says part of the Spring Gardens land is set up for equestrian use, but this is disputed by the appellant. When I visited the land, there was no equestrian equipment on the land. There was a discrete and fenced-off area with what looked like dog training equipment on it, which appears from the appellant's representations not to be part of her holding.

production, some being used to feed the appellant's stock and the surplus being sold usually to equestrian customers[3].

18. The two parcels of land are, according to the appellant, covered by the same DEFRA[4] Rural Payments Agency (RPA) holding number. However, eligibility for payments from the RPA is not an indicator that these two parcels of land form one unit for the purposes of the GPDO. Nor is the fact that two parcels of land may be regarded as one unit for the purposes of livestock movement controls.

19. Having said that, however, the fact that the field at Spring Gardens is reliant on the land at Chapmanslade for all its facilities, and that it has limited agricultural function on its own, supports rather than contradicts the appellant's argument that the land is being farmed as one unit. The building would be used in part to store hay cut from the Spring Gardens field; that too indicates use of the two parcels as one unit, as does the fact that some of the hay cut from Spring Gardens would be used to feed the livestock kept at Chapmanslade. There is no information provided by the Council to suggest that any of the details provided by the appellant in this regard are incorrect.

20. The Spring Gardens land may be up to 5 miles by road (or more depending on route) from the Chapmanslade land, but travelling between the two does not take long, as I found on my site visit, and therefore the distance between the two alone does not prevent them from being farmed as one unit. I conclude on this point, therefore, that as a matter of fact and degree the two parcels of land form one agricultural unit. As the size of the unit exceeds 5 hectares, the rights under Part 6, Class A of the Schedule to the GDPO apply.

21. I have taken into account the High Court judgments referred to by the Council[5]. The *Fuller* decision concerned the distinction between the agricultural unit and the planning unit; it was held that these need not be identical, and the extent of both is a matter of fact and degree to be determined in the particular circumstances of each case. In *Hancock* and *Tyack* both cases raised the question whether a house occupied by a farmer and its garden, which are physically separated from the remainder of the land comprising the farm, can be held to be "agricultural land" for the purposes of permitted development rights existing then. Again, the Court held that this was a matter of fact and degree. Neither of these decisions lead me to alter my conclusion as to the extent of the agricultural unit on the facts of this particular case.

Whether the agricultural building is "reasonably necessary"

22. In assessing this issue, it is necessary to consider what is reasonably necessary for the purposes of agriculture on the whole of the unit, not merely on the Chapmanslade land. The appellant has indicated that space is needed to store 900-1000 small bales of hay and 200-300 bales of straw. As the figure originates from the appellant I assume that she has taken into account any hay from the Spring Gardens land. The Council's agricultural advisor has calculated that on the basis of these figures, the floorspace required for feed and bulk fodder storage would be 115 square metres (88 square metres for the hay, 17 square metres for 350 bales of straw and no more than 10 square metres for bulk feed). This compares with the proposed floorspace of 222 square metres.

[3] Grounds of appeal, section 78 appeal.
[4] Department for Environment, Food and Rural Affairs
[5] *Fuller v SSE* [1988] 1 PLR 1, *Hancock v SSE; Tyack v SSE* [1988] 3 PLR 78

23. A plan produced by the appellant shows how the proposed agricultural building would be used. But there is little or no explanation as to why the various items would be necessary or need to be stored in an agricultural building on the site. A significant area is shown as being required for the storage of equipment; at the time the Council's agricultural advisor prepared his reports, it appears that much of this equipment had yet to be purchased. Given the small scale of the holding, the purchase of all this equipment would be an extensive investment in machinery, and I have serious doubts as to whether such an investment would be justified on an objective view or indeed affordable by the business. But even if the equipment was purchased, the assessment of the Council's advisor was that only tractor, mower and baler would need to be kept in the agricultural building and that would take up no more than 40 square metres.

24. In order for an agricultural building to amount to permitted development, it must be "reasonably necessary" for the purposes of agriculture on the unit. This test implies the need for an objective assessment, rather than simply what the appellant says is necessary. In this regard I attach substantial weight to the views of the Council's agricultural advisor, given his experience in this area. Taking into account all of the above matters, I am not satisfied on balance that a building of the size proposed is "reasonably necessary" for this unit, as required by Class A of Part 6.

Conclusions

25. For the reasons given above I conclude, having regard to all matters raised, that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of a general purpose agricultural building as permitted development at Sienna's Valley Farm, Huntenhull Lane, Chapmanslade was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeal B - the section 78 appeal

Preliminary

26. The appeal was lodged on 28 July 2011. On 3 August the Council purported to refuse planning permission for the appeal proposal. Its reasons were that (1) the development is not justified by the agricultural needs of the land and would be contrary to policy saved C1 of the West Wiltshire District Plan 1st Alteration (LP) and the principles of PPS7; and (2) the agricultural building, by reason of its size, scale, form and siting, would be visually intrusive in the landscape and harmful to the Special Landscape Area within which it lies, contrary to saved policy C3 of the LP and the principles of PPS7.

27. The representations refer to the draft National Planning Policy Framework. However, the advice in it may change following the recent consultation, and so I give it little weight.

Main issues

28. The main issues are (1) whether the development would accord with local policy relating to development in the countryside; and (2) the effect of the development on the character and appearance of the surrounding area and the Corsely Heath to Chapmanslade Greensand Ridge Special Landscape Area, within which the site lies.

Reasons

29. On the first issue, saved policy C1 of the LP provides that development proposals in the open countryside will not be permitted unless there is an agricultural, forestry or other overriding justification. The appeal site is located in the open countryside. I have already concluded that the proposed building is too large to be regarded as being "reasonably necessary" for the purposes of agriculture within the agricultural unit. It follows, for the same reasons, that there is no agricultural justification for this particular building. The building would therefore conflict with saved LP policy C1.

30. On the second issue, the agricultural building would be located within the appeal site, along a track and some way from the road. However, because of its location on higher ground it would be visible to some extent from the lane. It would be highly visible in views from the public footpath which crosses the site, and probably, because of the topography of the area, in views from the public footpath network on the other side of Huntenhull Lane. In these views, because of its size, bulk and height and its somewhat isolated location away from other buildings it would stand out as an obtrusive and discordant element in the otherwise attractive and rolling landscape.

31. This would be unacceptably harmful to the character and appearance of the surrounding area, and to the Special Landscape Area within which the site lies. Because it would harm the high quality of the countryside the building would conflict with saved LP policy C1, which also requires the rural landscape to be protected, conserved and enhanced; and because it would be detrimental to the high quality of the area it would conflict with saved LP policy C3, which seeks to protect the high quality of the Special Landscape Area. It would also conflict with saved LP policy C31a, which requires new development to respect or enhance landscape features and views.

Other matters

32. There are at present a number of containers or van bodies on the site near the entrance. These are unsightly, but the possibility of securing the removal of these containers does not outweigh the harm that would be caused by the proposed building. Nor would that harm be outweighed by the appellant's need for undercover storage.

Overall conclusions

33. I have found, having regard to all matters raised, that the proposed agricultural building would not be justified by the needs of agriculture, and would cause unacceptable harm to the landscape, conflicting as a result with relevant policies of the LP. I conclude that it should not be permitted.

Sara Morgan

INSPECTOR

DOCUMENTS

1 Appeal B - Correct application plan

APPENDIX 5

The Planning Inspectorate

Costs Decision

Site visit made on 30 January 2012

by Sara Morgan LLB (Hons) MA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2012

Costs application in relation to Appeals Ref: APP/Y3940/X/11/2157699 and APP/Y3940/A/11/2157722
Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire BA13 4AS

- The application is made under the Town and Country Planning Act 1990, sections 78, 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Miss Sharon Snook for a full award of costs against Wiltshire Council.
- The appeals were against (i) the refusal of a certificate of lawful use or development (LDC) for erection of a general purpose agricultural building as "permitted development"; and (ii) the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of an agricultural building/retention of hardstanding.

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. With regard firstly to the LDC appeal, it is argued by the appellant that the Council's approach was fundamentally flawed in law with regard to the question of what comprised the agricultural unit.

4. As is indicated in Counsel's Advice produced by the appellant, the decision as to what is the agricultural unit is a matter of fact and degree and planning judgment for the decision-maker to reach. It is clear from the representations that the Council gave careful consideration to the question, taking into account physical as well as other considerations, after having taken its own legal advice. I have not agreed with the Council's conclusion on this point, but I am not satisfied that it behaved unreasonably in reaching a contrary view. In reaching its conclusion the Council did not act contrary to, or fail to follow, well established case-law.

5. With regard to the section 78 appeal, it is argued that the Council has disregarded the hay from the off-lying land when determining whether an agricultural building of the size proposed is justified by the needs of agriculture[1]. The Council in its response says it was entitled to do this.

[1] This was also a point relevant to the LDC appeal, although it is not specifically raised as a ground for an award of costs.

6. The Council's agricultural consultant assumed that the hay output from the holding would be 1000 bales, with a floorspace requirement of 88 square metres. Whether or not that took into account the off-lying land is not entirely clear. But the figure of 1000 is similar to the "900-1000 small bales of hay" referred to by the appellant in the section 78 grounds of appeal. The plan submitted with the appellant's appeal statement shows that one-third of the building would be used for hay storage. On the basis of a total floorspace of 222 square metres (referred to in the Design and Access Statement), the area proposed for hay storage by the appellant would be slightly less than that assumed by the Council's agricultural advisor. It is clear, therefore, that the Council's assumptions about the space required for hay storage were similar to what the appellant was proposing. The Council did not behave unreasonably in that regard.

7. The appellant further argues that the Council behaved unreasonably in arguing that the appellant should employ an agricultural contractor to cut the hay on the unit instead of buying her own machinery and cutting it herself. However, the issue was whether the size of the building proposed was justified by the agricultural needs of the unit. At the time the Council's agricultural advisor wrote his report, much or all of the machinery the appellant said she needed, which the barn would be needed to house, had not been purchased.

8. The agricultural advisor questioned whether it would be economic to purchase that machinery for the hay cutting, when an agricultural contractor could be employed at a lower cost to carry out the work. It is relevant to the appeal to query whether such a small business would be able to bear the costs of purchasing machinery, and so whether one of the justifications given for needing a building to house this machinery would actually come about. Whether or not a building of a certain size is justified by the needs of agriculture has to be considered objectively; it is not enough for the appellant to *say* she needs such a building, and the Council is entitled to question that need. The Council did not behave unreasonably in this respect.

9. It is also argued that the proposed siting of the building was similar in landscape impact to the location allegedly preferred by the Council. But the Council says it has not expressed a view about a different location for the building, and its appeal statement is directed at the impact on the landscape of the building as proposed and where it is proposed to be sited, as are its reasons for refusal.

10. There is nothing in the Council's submissions in the appeal proceedings to suggest it has a preferred location for the building at the front of the site. In this context, the fact that the containers at present sited at the front of the site have been broken into and the Police have advised that any building should be moved further into the property carries very limited weight. The Council's assessment of the appeal proposal was based on the location of the building proposed in the application, which was entirely proper. It did not behave unreasonably in this respect.

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

Sara Morgan

INSPECTOR

APPENDIX 6

The Planning Inspectorate

Appeal Decision

Site visit made on 13 April 2015

by Michael Lowe BA(Hons) BTP MPA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2015

Appeal Ref: APP/Y3940/W/14/3001801
Sienna Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire BA13 4AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Sharon Snook against the decision of Wiltshire Council.
- The application Ref 14/03770/FUL, dated 3 April 2014, was refused by notice dated 11 June 2014.
- The development proposed is an extension to barn.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Sharon Snook against Wiltshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Wiltshire Core Strategy January 2015 (CS) was adopted on the 20 January 2015. With the exception of saved policy C3 of the West Wiltshire District Local Plan 1st Alteration June 2004 (LP) which has been saved, those policies cited in the Council's decision notice have now been superseded. I have therefore determined the appeal on this basis.

Main Issues

4. These are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether the proposed development would be justified in the context of the existing agricultural business.

Reasons

(i) Character and Appearance

5. The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area. This is an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land. The existing barn is located at the front of the site which is set up from the adjacent highway at a significant height. Although there is a hedge between the existing barn and the highway, this is limited in size and offers only a small amount of screening. As such the existing building has a significant degree of prominence within this Special Landscape Area.

6. The proposed development would involve an extension of the existing barn adjacent to its south-west elevation. It would extend for a further 6.1m along the frontage of the site. Although this extent of extension would be regarded as modest and visually acceptable in many other agricultural contexts, the raised land levels of the barn and its location adjacent to the highway mean that it would have a particularly dominant impact on its surroundings. Much of the land surrounding the existing building is at a higher level which would afford longer range views of the extended building which would also increase its prominence. As a result of this elevated siting and significant size, the extended barn would form an incongruous feature within the surrounding countryside and would dominate views across the remainder of the site.

7. Although I recognise that the bulk of the existing building would screen the majority of the views of the extension from the north-east of the site, the extended barn would appear unduly large and unduly prominent in views from the south-west of the site and from longer range views from higher land. The adjacent residential development to the south-west of the site does mean that the extended building would not result in an isolated built feature in the countryside, however these dwellings are located at ground level and only possess a single storey massing towards the front of the site. They would therefore not have any significant impact in screening the extended building nor would they provide a context which would allow the proposal to blend in acceptably with its surroundings. The extension would be approximately 50% of the size of the existing building and therefore the fact that the original barn was deemed to be visually acceptable cannot hold significant weight when considering an extension of such significant proportions.

8. The proposed development would therefore harm the character and appearance of the area and would fail to pay sufficient regard to the surrounding Special Landscape Area. It would thereby conflict with Core Policies 51 and 57 of the CS which seek to ensure that new development is of a high standard of design and protects, conserves and where possible, enhances, landscape character. It would also conflict with saved policy C3 of the LP which seeks to resist development which is considered to be detrimental to the high quality of the landscape.

9. Furthermore, it would conflict with two aspects of the Core planning principles set out within paragraph 17 of the National Planning Policy Framework (Framework) which amongst other criteria, seek to secure a high quality of design and recognise the intrinsic character and beauty of the countryside. Lastly, the proposal would also conflict with paragraph 56 of the Framework which attaches great importance to the design of the built environment.

(ii) Justification

10. The Council's Agricultural Advisor has produced an agricultural assessment[1] with regard to the proposed development. At the time of his visit to the site there were pigs, sheep, horses and hens on the site. Based on comparatively high levels of hay production, he found that that the combined proposal was slightly larger than justified. He found that a Lambing area was only temporary requirement and likely to take place when the majority of hay has

[1] Ref: APA/003/093, dated 25 May 2014 - Agricultural Assessment of Planning Application for an Agricultural Building

been sold and that a dedicated workshop would be unusual for the limited size of holding and the accompanying relatively low levels of machinery.

11. At my site visit I found that the livestock levels that existed at the time of the application had been supplemented by the introduction of approximately 18 Alpacas. The appellant has included their presence within her justification for the scheme and I note that the Council is currently considering a retrospective planning application for the retention of a mobile home which is justified partly through the supervision that is required to rear this particular part of her livestock. It is therefore clear that they form an integral part of the current agricultural enterprise and should be regarded as such within this appeal.

12. At my site visit I saw the Alpacas grazing within a large paddock. These represent a significant addition to the quantity of livestock at the site. I have no evidence from the appellant to suggest that the introduction of these animals would not result in the loss of land used in the production of hay. I also note the condition[2] which applies to the existing barn preventing the permanent accommodation of livestock within the building.

13. As such, without any evidence to the contrary, it is logical to conclude that as a result of the introduction of Alpacas to the site, hay production on the unit will fall and in consequence, so will the need for storage space. Taking this in combination with the concerns of the Agricultural Advisor, the appellant has failed to demonstrate that the agricultural activity at the site justifies the size of the extended building. I therefore conclude that the proposed development would not be justified. As such it would conflict with Core Policy 2 of the CS which seeks in general terms, to restrict development to the defined limits of development.

Other Matters

14. I appreciate that the proposal would generate some employment opportunities and that much of the agricultural enterprise is carbon neutral. The site appeared to me to be quite secure through the existing fences and gates to the site and by dismissing this appeal the equipment that cannot currently be stored within the barn would not be at an unreasonable risk of theft. I have taken into account the previous appeals[3] relating to the site however, although they confirm that the appeal site and that at Spring Gardens can be regarded as comprising one agricultural unit, in other respects these do not relate closely the circumstances relating to the current appeal scheme before me and therefore I have not attached any significant weight to them in my decision.

15. I therefore consider that the positive aspects of these other matters do not outweigh the significant harm I have identified in respect of each of the main issues. Therefore for the above reasons, and having taken all matters before me into consideration, the appeal is dismissed.

Michael Lowe

INSPECTOR

[2] Condition 3 from planning permission reference 14/00987/FUL
[3] Refs: APP/Y3940/X/11/2157699 and APP/Y3940/A/11/2157722 dated 30 January 2012

APPENDIX 7

The Planning Inspectorate

Costs Decision

Site visit made on 13 April 2015

by Michael Lowe BA(Hons) BTP MPA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2015

Costs application in relation to Appeal Ref: APP/Y3940/W/14/3001801
Sienna Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire BA13 4AS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Miss Sharon Snook for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of planning permission for an extension to barn.

Decision

1. The application for an award of costs is refused.

Reasons

2. The National Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Paragraph 10 of the National Planning Policy Framework explains that planning decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. With this in mind, considerations of planning applications necessarily involve matters of judgement and Local Planning Authorities are not bound to accept the recommendations of their Officers.

4. In this particular appeal the Council members decided to refuse the application against the advice of professional officers, using the professional knowledge of the Council's Agricultural Advisor and their local knowledge of the site and surrounding landscape to inform their decision.

5. I have found that the previous appeal decisions[1] have limited relevance to the substance of the appeal before me. It is also clear that the nature of the farming activity taking place on the site has altered significantly since these appeals and the decision to refuse the current appeal scheme. Furthermore, I do not have any substantive evidence before me to justify the size of the extended barn taking into account the recent introduction of Alpacas onto the site.

6. The appellant has not detailed the nature of the unnecessary expenses that she has incurred as a result of having to appeal, which is essential in order to make a costs award. Consequently, taking all these factors into consideration I find

[1] Refs: APP/Y3940/X/11/2157699 and APP/Y3940/A/11/2157722 dated 30 January 2012

that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs, either in full or in part, is not justified.

Michael Lowe

INSPECTOR

APPENDIX 8

The Planning Inspectorate

Appeal Decisions

Hearing held on 15 March 2016

Site visit made on 15 March 2016

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 April 2016

Appeal A: APP/Y3940/C/15/3132119
Land at Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire, BA13 4AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Sharon Snook against an enforcement notice issued by Wiltshire Council.
- The Council's reference is 14/00852/ENF.
- The notice was issued on 10 July 2015.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of The Land from agriculture to a mixed use for agriculture and use as a residential caravan site for the stationing and residential occupation of a mobile home, the stationing and storage of a touring caravan and; operational development comprising the excavation and re-profiling of The Land on which to station the mobile home, together with the installation of a septic tank, construction of decking, construction of a base for an extension to the mobile home, erection of timber fencing and external lighting and supporting pole, all being integral to the material change of use.
- The requirements of the notice are a) Cease the use of The Land as a residential caravan site; b) Remove the mobile home from The Land; c) Remove the touring caravan from The Land; d) Remove the septic tank from The Land; e) Remove the decking from The Land; f) Remove the base for an extension to the mobile home from The Land; g) Remove the timber fencing panels and picket fencing from The Land; h) Remove the external lighting and supporting pole from The Land; i) Restore the level of The Land to that which existed prior to the excavation and re-profiling works, i.e. so that the surface contours and profiles of that part of the Land on which the mobile home was situated, matches that of the land surface immediately adjacent; j) Remove all the domestic paraphernalia from The Land (including, but not exclusively, children's play equipment, tables, chairs, swings and rotary washing line); k) Remove all demolition materials arising from steps (d), (e) to (h) inclusive and j) from The Land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal B: APP/Y3940/C/15/3140845
Land at Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire, BA13 4AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Sharon Snook against an enforcement notice issued by Wiltshire Council.
- The Council's reference is 14/00852/ENF.

- The notice was issued on 15 December 2015.
- The breach of planning control as alleged in the notice is without planning permission, operational development comprising the erection of a building; the approximate location of which is shown shaded in black on the attached plan titled "Location Plan".
- The requirements of the notice are a) Demolish in full the unauthorised building; the approximate location of which is shown hatched in black on the attached plan titled "Location Plan". b) Permanently remove all material resulting from requirement a) from the Land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal C: APP/Y3940/W/15/3132117
Land at Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire, BA13 4AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Sharon Snook against the decision of Wiltshire Council.
- The application Ref 14/09500/FUL, dated 3 October 2014, was refused by notice dated 10 June 2015.
- The development proposed is siting of a mobile home for use as a rural workers dwelling and alterations to access.

Decisions

Appeal A - 3132119

1. It is directed that the enforcement notice be varied by deleting "6 months" from "6. Time For Compliance" and replacing it with "12 months". Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B - 3140845

2. It is directed that the enforcement notice be varied by deleting "6 months" from "6. Time For Compliance" and replacing it with "12 months". Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C - 3132117

3. The appeal is dismissed.

Application for Costs

4. An application for costs was made by the appellants against the Council and this is subject to a separate decision.

Preliminary Matters

5. Both parties referred to the Chief Planning Officer letter of 31 August entitled "Green Belt protection and intentional unauthorised development". The new policy explained therein "applies to all new planning applications and appeals received from 31 August 2015." The forms for appeals A and C are dated 7

August 2015, that for appeal B is dated 17 December 2015. There is no doubt that appeal B falls within the ambit of the CPO letter. The start date for appeals A and C is 18 September, but that is clearly not the date the appeal was "received" as letters from the Inspectorate to the Council and appellant dated 24 August refer to appeal A which was "received in the Inspectorate on the 7 August". There is no reason therefore to assume that both appeals A and C were not received on the same day, 7 August.

6. As appeal B is solely for the extension to the mobile home it does not make sense to apply a new policy test to just that part of the overall development. The extension is part and parcel of the mobile home and cannot exist separately. I shall therefore not give any weight to the CPO letter in my determination of these appeals.

Background to the Appeals

7. The appellant purchased the site in 2009 and in 2011 applied to erect a barn. This and a subsequent appeal were refused. Following a further refusal, permission was granted for a barn in January 2013. It seems it was not built in the correct location and a fresh permission was issued in March 2014. An application to extend the barn was refused and an appeal also refused in April 2015. The lawful barn is on the site, situated close to the road frontage.

8. Originally the barn was justified on the basis of hay production, both at the appeal site, which measures some 4.7ha (11.6 acres) and a field in Frome which was rented (0.7ha, 1.75 acres). By the time of the site visit for the last appeal (13 April 2015) some 18 alpacas had been introduced to the site along with a mobile home. This mobile home is the subject of the first notice and the planning appeal. Subsequently it was extended with a day room attached and this is the subject of the second notice. The purpose of the mobile home is to enable an alpaca breeding business to be established, along with chicken, duck and quail egg production and some pigs. The two appeals on ground (a) and the planning appeal are thus all bound together and I shall deal with them as one.

9. The planning application for the mobile home was supported by the Council's agricultural advisor who felt that there was a case for a permanent presence on the site. The recommendation for approval was overturned by the planning committee as they considered there was not a functional need for a worker to live on site, a robust financial plan had not been submitted and because of harm to the character and appearance of the area. The site lies in the countryside to the south of Chapmanslade in a Special Landscape Area (SLA).

The Ground (a) Appeals and the Planning Appeal

10. The Wiltshire Core Strategy was adopted in 2015. Policy 48 deals with dwellings required to meet the employment needs of rural areas and an application for a dwelling at a rural site would need to be "supported by functional and financial evidence". Policy 51 seeks to "protect, conserve and where possible enhance landscape character". Saved policy C3 from the old local plan deals with SLAs and states that "development will not be permitted which is considered to be detrimental to the high quality of theses landscapes".

11. Paragraph 55 of the NPPF states that isolated new homes should be avoided in the countryside unless there is an "essential need for a rural worker to live

permanently at or near their place of work…". Paragraph 109 gives weight to the need for "protecting and enhancing valued landscapes". As this is a SLA I consider it is therefore a "valued landscape".

Main Issues

12. The main issues are whether there is a functional or financial need for a worker to be permanently on site and the effect of the development on the character and appearance of the SLA.

Functional need

13. There was considerable dispute at the Hearing as to whether alpacas require a permanent presence on site or not. Contradictory evidence was provided by Professor Brown, a local resident and by the appellant's agricultural consultant as to the predictability of the gestation period, which is almost a year, plus or minus either 5 days or 30 days. The 30 day figure is more familiar to me from other alpaca appeals and from the other appeal decisions that were put to me by both parties. What is certain is that alpacas are hardy animals who will usually give birth to one cria a year. They mate naturally, there does not seem to be any artificial insemination and it can take several matings to achieve a pregnancy. Abortions are not unusual, up to 50% according to Professor Brown's evidence, and occur due to stress from 30 days after conception. The female is then returned to breeding for another attempted conception.

14. It is difficult to tell when a pregnant female is likely to give birth, but they are induced to do so by daylight and so nearly always give birth in the morning. However there are examples of night births, and evidence of several was provided at the Hearing. The appellant agreed with Professor Brown's evidence that 97.6% of live births are without complications and concluded this was evidence of the high level of supervision and care provided by alpaca breeders.

15. The appellant argued that lack of milk could be an issue and that very young cria might need bottle feeding every 2 hours day and night for 2 weeks, every 3 hours for the next 8 weeks and then three times daily for 4 months. The evidence from the appellant's diary of events suggests that six births in 2015 required a feeding intervention, although none for more than a day or so, and at one point three young cria required bottle feeding 4 times a day for at least 3 days. I am not sure how many births in total there were and the numbers of breeding females is uncertain. The farm started with 19 breeding females in 2014, but at some point in 2015 a TB outbreak caused a number to be slaughtered. The figures given at the hearing were 9 slaughtered, but it was stated there were 13 left, I assume because of replacement by births. At the site visit it was agreed there were only 7 breeding females with 1 cria, seven young alpacas, about 9 months old, and 2 breeding males. No mention in the diary is made of any births that were complication free, but I assume there must have been some, nevertheless it would seem the appellant has suffered a high level of complications from a relatively small number of breeding females.

16. Advice is available from the British Alpaca Society (BAS) which states that breeding females will require a much higher level of supervision than the normal recommended checks of twice a day. BAS recommends supervision of labour and warns that breeders need to be prepared to hand rear crias if they are deserted by the mother or orphaned. Professor Brown provided letters from Professor David Argyle, a specialist in veterinary oncology, who stated

that alpacas should not be any more difficult to look after than sheep or cattle. He referred to a colleague, Andrew Hopker, who was an alpaca expert and lecturer in farm animal practice. Andrew Hopker stated that alpacas normally give birth without assistance but observation is sensible. An alpaca keeper might wish to stay on site all night for some births but only with a large scale enterprise would a dwelling be necessary and then along with other agricultural buildings and handling facilities. On the other hand a local vet has written that round the clock care is needed, especially as loss of stock is more important for alpacas due to the high value of individual animals and difficulty of quickly replacing a lost cria.

17. The evidence therefore seems to be highly contradictory, either alpacas are trouble free creatures who require observation but little intervention or they are highly prone to birthing and suckling problems and without direct and regular intervention the number of successful births and the survival of the young is likely to be low. Despite this however, I can reach some relatively firm conclusions. The maximum number of breeding females is intended to be 32. Given the uncertainty over the conception and delays caused by that process, the high number of likely abortions and the length of gestation, at nearly a year, in any 12 month period there are unlikely to be anywhere near 32 live births. If the 50% abortion rate is accurate there will be les than 16 live births in any 12 months. The question is then how many of those are likely to be at anti-social hours and how many of that smaller subset are likely to have serious complications. Despite the appellants rather unfortunate experience the answers seem to be not many and even less. Even if all 32 females gave birth to a cria in one year, it would still seem to be unlikely there would be more than one incident a month that would need out of hours on-site supervision. However, the inherent unpredictability of that event is an issue and I accept that there does seem to be a more regular problem in the early days where the cria have difficulty feeding.

18. It has been argued that the breeding season can be controlled by the alpaca farmer. I accept this is not as easy as it might sound, especially if those suffering abortions are brought back into pregnancy as quickly as possible in order not to leave a breeding female unproductive. But even so it is likely that the majority of births could be roughly grouped in the spring and early summer, as would seem to have been the experience of the appellant judging from her diary entries. The grouping of births makes the case for permanent supervision weaker.

19. I was given a bundle of 26 appeal decisions dating back to 2002 where temporary dwellings were allowed. In addition two more cases were referred to in the appellant's representations. Two cases where the appeals had been dismissed, Bird Farm and West Wight[1], were referred to by the Council, but the appellant was able to point out that since then West Wight Alpacas have secured a temporary planning permission from the Council whereas the appellants at Bird Farm have moved to Wales and secured a temporary planning permission there. In neither of those refused appeals did the Inspector refer to any other appeal decisions.

20. Of the 28 decisions I noted that in 6 the functional need was not disputed and in most there was little or no contradictory evidence. In most appeals the case

[1] APP/C1625/C/12/2171928 etc, 2012; APP/P2114/A/13/2199921, 2013.

for the appellant was similar to that which I heard, with the addition that single loss would be financially troublesome due to the high value of each animal. However in the relatively small number of cases where there was a detailed discussion the Inspector favoured the animal welfare argument. While I consider there are clear question marks about the need for permanent supervision 24 hours a day, I am unwilling to conclude, on the basis of the evidence I was given, that even a low level of deaths caused by lack of attendance on site is acceptable in either animal welfare or financial terms.

21. There was some discussion about the availability of nearby houses to rent or buy. The appellant has four children and so a typical two bed farm worker's cottage would not be suitable. Given my conclusions above the appellant would need to be either on or very close to the site. I was referred to various decision letters where a 500m radius was considered reasonable and there was no evidence that suitable dwellings were available within that area.

22. I accept that CCTV can be helpful in dealing with remote locations, but it is not a complete solution, especially as the alpacas are spread across several hectares of land. While new technology may be coming on stream to enable effective remote management no actual evidence was available to suggest it could be both cost and locationally effective here. Consequently, I find that on balance, there is a functional need for a dwelling on the site which is in accord with policy 48 and paragraph 55 of the NPPF.

Financial test

23. The financial case is of less significance. Despite the wording of policy 48 it was agreed that paragraph 55 of the NPPF does not require a financial case in the same way that Annex A to Planning Policy Statement 7 used to. Nevertheless whether the business has been soundly planned does bear on the "essential need" test. If a business has no chance of succeeding then the need is lessened.

24. In this case the appellant's business plan envisages a net profit of £14,674 in year 3 and £28,740 in year 4. This assumes a low mortality rate and successful breeding of 80% of the females every year. Various criticisms were made of the allowance for vets' bills, council tax, utilities, insurance, TB protection and shearing costs. Either these were minor figures, such as the vets' bills, or were actually included in the figures (shearing costs) or could be counted for by the £5000 sundry extras include for each year.

25. I accept that no allowance need be made for inflation or rising wages as all business plan projections are costed on an inflation neutral basis. As costs rise so, hopefully, should income due to rising price of alpacas and fleeces etc. None of this seriously undermined the financial projection that a profit could be made sufficient for the livelihood of one worker by year 4.

26. One of the criticisms was the lack of TB protection for the alpacas, which would increase costs significantly. It turned out that the herd had been already hit by TB and 9 alpacas destroyed. However, I accept that whether to invest in badger proof fencing or not is an individual decision and that many livestock farmers do not.

27. Mr Tanswell, the appellant's partner, was adamant the animals were infected when they were bought, but there is no evidence for this; it seems just as likely they contracted TB on the site. Although losses through TB can be

recovered from compensation this will not recoup the loss of planned breeding from the slaughtered animals which would have a knock-on affect on profitability. However, as the appellant pointed out the whole point of the 3 year trial run was to see if the enterprise could be made profitable. If not then there would be no case for a permanent dwelling. In my view the business plan is sufficiently robust to suggest there is a reasonable chance the business could succeed. The proposal is not contrary to Core Strategy policy 48.

Impact on the SLA

28. Although the site is in the countryside it is not isolated. Immediately to the south is a cluster of farm buildings converted into dwellings, where several of the local objectors lived. From within the site a housing estate was visible across the road to the east and to the north the roofs of a trading estate were also visible. Nevertheless, this is still an attractive part of the countryside. The appellant's land curves around behind the converted farm buildings, following the contours of the land and forming a small valley that runs down from a public footpath across the top of the site to the road. There are attractive views across towards the countryside beyond.

29. The West Wiltshire District Landscape Character Assessment summarises Chapmanslade as being on top of a hill overlooking the greensand terraces below. The countryside is made up of farmland with small fields and many intact hedgerows, creating a strong sense of tranquillity and enclosure. In the appeal decision[2] for the extended barn the Inspector considered the qualities of the countryside. He found it to be "an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land". He found the enlarged barn would be an incongruous feature, dominating the views across the site.

30. At present the valley is filled with the pens associated with the farm, for the alpacas, pigs, chickens, ducks and geese as well as several large field shelters, and a miscellany of sheds. At the bottom of the site by the road is the barn and the mobile home with its decking, hot tub and fencing, surrounded by a large area of hardstanding on which is stored a touring caravan and various vehicles including a digger. The mobile home and the surrounding domestic paraphernalia are highly visible and intrusive. Although their bulk is much smaller than that of the proposed extended barn, they spread development across the site in a manner which is also incongruous and which dominates views across the site. This is significantly harmful and contrary to policies 51 and C3 and to paragraph 109 of the NPPF.

31. The appellant has made it clear that the farming business cannot be sustained without a place to live on site and so it is reasonable to assume that if the appeal is dismissed many, if not all, of the structures associated with the intensive use of the site for animal rearing and egg production will go. The original intention was to use the land for hay production, hence the need for the barn, which does not require any of the other structures to be on the site. At the very least there is a strong likelihood that without the mobile home the land would be used less intensively. This adds further weight to the harm caused by the retention of the mobile home.

32. The appellant did not challenge the Council's assessment except to note that officers had found the proposal acceptable in landscape terms and the

[2] APP/Y3940/W/14/3001801

committee had heard no other evidence on which to base a contradictory argument. In my view such matters are often subjective and the Council's statement makes a cogent argument for the harm caused and I was encouraged to make up my mind on the site visit. The mobile home is less intrusive as it is placed at the bottom of the valley by the barn rather than on more exposed parts of the site, but that does not alter my assessment above.

33. It was pointed out that of the bundle of 28 decision letters I was given many also included proposals within protected areas of the countryside. Since the NPPF was issued six appeals allowed temporary dwellings in protected areas. One was in Wales where the local plan policy allowed rural workers dwellings in an SLA if there was a need. Four were in the green belt and very special circumstances were found (one of which was also in an AONB and the Inspector found no harm) and finally one was in an AONB which did not seem to have been an issue as no mention of it was made in any balancing exercise.

34. Of the other decisions made before the introduction of the NPPF, two were in the green belt and very special circumstances were found, and six were in AONBs, in four of which it was either agreed there was no harm or the Inspector found no harm and in two it was not considered at all. An Inspector also found there was no harm to the setting of Glastonbury Tor. All these are different from this appeal where I have found considerable harm to the SLA.

Conclusions

35. Bringing all these considerations together I find that despite certain doubts, there is a functional need for a dwelling on the site if the alpaca breeding business is to thrive. The business seems to have reasonably well planned financially. There is support in the NPPF for a prosperous rural economy and the site would support a rural business in accord with section 3 of the NPPF. However, the stationing of the mobile home, the extension, decking and paraphernalia causes significant harm to the SLA.

36. Despite all the evidence concerning a need for a dwelling on the site, there was nothing to say why this particular site was necessary. As the planning history shows, the original intention was to use the land as a hay meadow and the alpaca idea seems to have developed in 2014 simply because the land was available. There is no reason why the farm should be located here in the SLA; it would seem one of the advantages of farming alpacas is that they can thrive anywhere on the relatively lush grasslands in this country. Consequently I do not consider the needs of the appellant to live on site or the establishment of a rural business outweigh the harm to the SLA that I have identified. The proposal is thus not sustainable as defined in the NPPF and planning permission should not be granted. The appeals on ground (a) fail.

The Appeal on Ground (f)

37. The appellant argued that it was excessive to require the removal of the touring caravan and the septic tank. They were also concerned at the description of the mobile home as technically both it and the tourer were caravans.

38. I agree that a touring caravan or similar can be stationed on the field for use as a day room if that use was ancillary to the use of the land. Whether such a use would be ancillary would depend on what the land was being used for. It is

unlikely a caravan would be needed for a hay meadow, but if some or all of the alpacas are left on the site then a day room could be necessary and so ancillary. The notice alleges the stationing and storage of the touring caravan as part of the mixed use and requires its removal. This seems reasonable to me. Once the notice has been complied with if the appellant requires a day room which is genuinely ancillary to the use of the land then it would be perfectly lawful to station a touring caravan on the land. The notice only prevents the mixed use, as alleged, from recurring.

39. The septic tank is part and parcel of the residential use of the site. There is no need for a day room, if one were to be located on the site, to be attached to a septic tank. The tank lies in an area that will need to be re-profiled which adds further weight to the need for its removal. Finally, the retention of the septic tank would make it difficult to return that part of the site to its lawful agricultural use.

40. I do not consider the notice needs any correction because of the use of the terms mobile home and touring caravan. There are no other "caravans" on the site and it is quite clear which object is meant by which description. The appeal on ground (f) fails.

The Appeal on Ground (g)

41. The appellant argues that 6 months is insufficient time to find a home for the alpacas. She benefitted herself from a cheap price due to the forced sale of a herd of alpacas and it would be unreasonable to force a sale on her. She also would wish to be certain of the standard of care they would receive in their new homes. There is the added complication of moving pregnant females who may well abort if stressed by a move.

42. I agree these are cogent arguments, but I note the number of alpacas on the site has reduced to 17 of which only 7 are breeding females. Nevertheless the appellant is entitled to assume she will be successful until the decision is issued and it is likely that some, if not all, of these will be pregnant. Given the nearly 12 month gestation period I agree that a compliance period of 12 months is reasonable in this case.

Conclusions

43. For the reasons given above the planning appeal and the appeals on ground (a) fail and I shall refuse planning permission for the development. The appeal on ground (f) also fails but the appeal on ground (g) succeeds. The compliance period will be varied from 6 to 12 months but otherwise the appeals are dismissed and the notices are upheld.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Sebastian Head	Of Counsel
Marc Willis BTP, MRTPI, MBIAC	Planning Agent
Peter Williams	Director – Reading Agricultural Consultants
Miss Sharon Snook	Appellant
Derek Tanswell	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Mike Wilmot	Wiltshire Council

INTERESTED PERSONS:

Professor Nigel Brown
Phillip Jefferson
Ian Buick
Charles Thackway
Dennis Barnard
Adrian Dobinson
Francis Morland

DOCUMENTS

1 Bundle of 26 Decision Letters
2 West Wight Alpacas planning permission
3 Bird Farm Alpacas – press cutting
4 E-mail from Emma Bird (Bird Farm Alpacas)
5 Diary of events at Sienna's Valley Farm
6 Appellant's application for costs
7 Extract from Planning Encyclopaedia on consistency
8 Extract from Farm Management Pocketbook on Alpaca costs
9 Map showing rights of way in the area
10 DEFRA policy paper on combating bovine tuberculosis
11 Council's costs rebuttal

APPENDIX 9

The Planning Inspectorate

Costs Decision

Hearing held on 15 March 2016
Site visit made on 15 March 2016

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 April 2016

Costs application in relation to Appeal Ref: APP/Y3940/C/15/3132119 Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Wiltshire, BA13 4AS

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Ms Sharon Snook for a full award of costs against Wiltshire Council.
- The hearing was in connection with an appeal against an enforcement notice alleging is without planning permission, the material change of use of The Land from agriculture to a mixed use for agriculture and use as a residential caravan site for the stationing and residential occupation of a mobile home, the stationing and storage of a touring caravan and; operational development comprising the excavation and re-profiling of The Land on which to station the mobile home, together with the installation of a septic tank, construction of decking, construction of a base for an extension to the mobile home, erection of timber fencing and external lighting and supporting pole, all being integral to the material change of use.

Decision

1. The application for an award of costs is refused.

Preliminary Matters

2. The hearing also considered appeals against the issue of a second enforcement notice alleging the construction of a building on the site[1] and the refusal of a planning application[2] for the stationing of a mobile home for residential purposes. All three appeals referred to the same development and the costs application was for the full costs of the hearing.

The submissions for Ms Sharon Snook

3. The appellant argued that given the bundle of appeal decisions, nearly all of which were available at the time of the application, the Council were unreasonable to refuse planning permission. Consistency is important in decision making, as recognised by the Courts, and the Council were wilfully inconsistent. Secondly, that it was clearly unreasonable to refuse permission on the basis of a lack of robust financial information, as the Council had clear evidence from the Reading Agricultural Centre that the farm would turn a healthy profit from year 4 onwards – a conclusion supported by the Council's

[1] APP/Y3940/C/15/3140845
[2] APP/Y3940/W/15/3132117

own agricultural advisor. Thirdly that no evidence has been put forward to support the argument that other properties were available for the appellant in the area. Fourthly that the Council provided no evidence of its own to support its refusal.

The response by Wiltshire Council

4. The Council responded that it had considered the other appeal decisions but each case had to be considered on its merits. In this case the particular circumstances of the site, harming an SLA, set it apart and the Council provided examples of decisions where Inspectors had refused dwellings on alpaca farms and they had carried out their own analysis of the functional need. In terms of consistency there has been a consistent history of refusals on the site by Inspectors.

5. As to the financial plan the Council considered a number of figures were inaccurate, or omitted obvious factors such as the rise in the minimum wage, and had not been updated since 2014 and so was out of date.

Reasons

6. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who have behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

7. In this case I consider the appellant relied excessively on the need for consistency with the other decisions. These were a self-selected bundle of decisions and I have no idea how many other dwellings on alpaca farms have been refused. In terms of consistency, I consider the Council were correct to consider this appeal to be different from those referred to by the appellant and I explain why in the decision letter.

8. The NPPF does not require a financial test, but that does not mean that no financial evidence should be provided. The appellant did provide a detailed business plan, but this was challenged by the Council for a number of reasons. Although I agreed with the appellant that the financial plan was sufficiently sound for the purposes of the appeal; that does not mean the Council's criticisms were unreasonable.

9. The Council did not address the question of alternative accommodation directly, but it did provide evidence of houses for rent or sale in the area. It turned out that the appellant's large family ruled out a lot of smaller cottages in the area, but I do not think that evidence was available to the Council at application stage. This was not a significant part of the Council's case and the appellant does not seem to have spent much time dealing with it. Given this I consider the Council did provide sufficient evidence to support this reason.

10. The fourth ground is an overall argument concerning the lack of evidence. There was considerable opposition from local residents who provided a lot of cogent and relevant evidence to support the refusal. Much of this was made to the Council at application stage and it is not therefore unreasonable for the Council to rely on third party evidence as well. The Council also did produce evidence of its own, particularly on the harm to the SLA and the two decisions where dwellings were refused.

Conclusions

11. Taking all the evidence together I do not think the Council acted unreasonably in refusing the application or issuing the notices for the reasons they gave. An award of costs is therefore not justified.

Simon Hand

Inspector

The Planning Inspectorate

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Wiltshire Council
Planning Appeals
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

Your Ref:
Our Ref: APP/Y3940/W/19/3238918

26 March 2020

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Miss Sharon Snook
Site Address: Siennas Valley Farm Huntenhull Lane, Chapmanslade, WESTBURY, BA13 4AS

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access you may write to the Customer Quality Unit at the address above. Alternatively, if you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our

service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Attila Borsos
Attila Borsos

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/Y3940/W/19/3238918
Siennas Valley Farm, Huntenhull Lane, Chapmanslade, Westbury BA13 4AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Sharon Snook against the decision of Wiltshire Council.
- The application Ref 19/04504/FUL, dated 1 May 2019, was refused by notice dated 3 July 2019.
- The development proposed is extension to agricultural building.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Sharon Snook against Wiltshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:

    - The effect of the proposal on the character and appearance of the area;
    - The effect of the proposal on the living conditions of neighbouring occupiers having particular regard to odour and noise; and
    - Whether the proposed development would be justified in the context of the existing agricultural business.

Reasons

Character and appearance

4. The appeal site lies within a valley on the outskirts of the village of Chapmanslade. The site lies outside any settlement boundary and is therefore within the open countryside. The site has a small relatively narrow frontage with Huntenhull Lane at the bottom of this valley. Due to the topography, the road as it runs past the site is at a much lower level than the site. Access is taken via a small steep track into the site. Along the frontage there is currently an existing storage barn, as well as a recently constructed temporary farm workers dwelling. There is a hedgerow which runs along the frontage between the existing barn and the highway. The appeal site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area (SLA).

5. The West Wiltshire District Landscape Character Assessment explains that Chapmanslade is at the top of a hill, looking out over the greensand terrace to the east of the area. The countryside is made up of predominately farmland with small fields and intact hedgerows. There is a strong sense of tranquillity and enclosure, with a peaceful rural nature to the area.

6. The appeal proposal is for the construction of an extension to the existing barn. It would be of a similar depth to the existing barn, but would have a reduced width. The barn extension would extend approximately 9.3 metres in length and would result in a barn with a combined length of approximately 21 metres along the site frontage. The proposed roofline of the barn extension would be lower than the existing barn on site, by approximately 1.2metres. It is proposed that the barn extension would be finished with a dark grey corrugated roof sheet, and timber boarding on the upper elevations.

7. Given the sites prominent raised location above the existing highway, the proposed barn extension would be highly visible when viewed from Huntenhull Lane when approached from the west. The extension of the barn would result in built form amongst a much greater area of the site frontage than currently exists. It would effectively fill the majority of the gap at the front of the site between the existing barn and the site access. Whilst I appreciate there is existing mature hedgerows which provide a good level of screening along the site boundary, it does not alter the fact that the proposal would be highly visible from Huntenhull Lane. The bulk and mass of the proposal would result in an overly visually dominant and incongruous feature. This would conflict with the predominately rural nature of the SLA.

8. The appellant has provided a visual impact assessment to demonstrate that the proposed building would not be visible from a number of public viewpoints. The photographs contained within this report appear to have been taken in the summer when the vegetation around the site and further afield is in full leaf, and therefore provides a good level of screening of the site. However, at times of the year when these hedgerows are not in full leaf it would be possible to view the proposal from public viewpoints, which includes a number of public footpaths and bridleways. Whilst the impact of the building on the landscape would be lessened by viewing the proposal through these hedgerows during the summer, this would not ameliorate the harm that I have found.

9. Consequently, I find that the proposal would harm the character and appearance of the area and the Special Landscape Area within which the site lies. It therefore conflicts with Core Policies 51 and 57 of the Wiltshire Core Strategy (CS) January 2015. Together, these policies seek, amongst other things that development is of a high-quality design which protects and conserves landscape character. I also find conflict with Saved Policy C3 of the West Wiltshire District Plan First Alteration, which seeks, amongst other things that the landscape character of Special Landscape Areas is conserved and enhanced. There is also conflict with paragraphs 127 and 170 of the National Planning Policy Framework (the Framework). Together these seek, amongst other things, that development is sympathetic to local character and enhances the natural and local environment.

Living conditions

10. Adjacent to the appeal site are the residential properties of Saddlestone Barn and Stable Cottage. Concerns have been raised by the Council and third parties

that the proposal would cause harm to the living conditions of these neighbouring occupiers in respect of odour and noise. The appellants have indicated there is a need for this building to provide additional storage, as well as a range of activities relating to the keeping of alpacas.

11. Whilst it is not the intention to permanently house livestock within the proposed barn extension, the appellants have indicated that a number of activities relating to the keeping of alpacas would take place within this proposed extension. During my site visit I observed that the area of the site where this extension is proposed was largely unused aside from informal storage of equipment. There would therefore be a degree of new additional noise associated with the proposed operations within the proposed barn extension, and the appellant has provided no cogent evidence as to why this would not impact on the living conditions of the occupiers of the neighbouring properties. I have been presented with no measures which could adequately mitigate the harm of the additional noise from the barn extension and therefore I find it would harm the living conditions of neighbouring occupiers in respect of noise.

12. Concerns have been raised that the proposal would result in harm in respect of odour from keeping livestock within this barn extension. The evidence submitted by the appellant demonstrates that livestock would not be permanently housed within this barn extension, and a planning condition restricting this could be imposed. Furthermore, the appellant has indicated that dung would be removed from the barn extension regularly and stored a fair distance away from these residential dwellings. I am satisfied that a waste management plan could be conditioned which would adequately deal with issue. Therefore, I find that the proposal would not harm the living conditions of neighbouring occupiers in respect of odour.

13. Consequently, I find that the proposal would harm the living conditions of neighbouring occupiers with particular regard to noise. It therefore conflicts with Core Policy 57 of the CS. This policy seeks, amongst other things, that development ensures an appropriate level of amenity with neighbouring occupiers.

Justification

14. The Council has raised concerns that there is no demonstrable need for an extension of this size to the existing barn in this location. In reaching this conclusion they have relied predominately on a report produced by their agricultural consultant on a previous application[1] on the appeal site, and comments made by the Inspector in their subsequent appeal decision[2]. At the time it was found that there was no justifiable need for a barn extension which totalled 55m^2. That report has not been submitted by the Council as part of their evidence so I cannot be certain that the conclusions drawn by their agricultural consultant at that time remains valid for this application.

15. The appeal proposal is for an extension to the barn which is approximately 82m^2, and the appellant has submitted their own agricultural appraisal[3] in support of the proposals. This concludes that there is a need for an undercover

[1] Planning application reference 14/03770/FUL,
[2] APP/Y3940/W/14/3001801 dated 13 April 2015
[3] Agricultural Appraisal produced by Reading Agricultural Consultants dated April 2019

area to provide a number of functions for the alpacas. This includes somewhere for the alpacas to shelter during inclement weather, pens for stud males, dedicated birthing areas, maternity and after care areas, areas suitable for veterinary interventions and a space which is suitable for shearing and the storage and processing of fleece. In addition, the barn extension would provide additional storage for feed, hay, husbandry equipment and other items associated with the agricultural business. In the absence of any cogent evidence from the Council on this point, I am satisfied that there is a demonstrable need and justification for an expanded barn in this location.

16. Consequently, I find that on the basis of the information before me as part of this appeal, there is evidence to demonstrate a barn extension of this size is needed in this location. The proposal therefore does not conflict with Core Policy 2 of the CS, which seeks in general terms to restrict development to defined limits of development.

Other matters

17. I note that there has been a number of letters of support for the proposal which indicate that the proposal would provide a boost to local economy and would cater for the welfare needs of the animals on site. I have been presented with no cogent evidence that the barn extension would provide a boost to the local economy. However, I recognise that there are some benefits of the barn extension for the operational needs of the site. The benefits however do not outweigh the significant harm I have identified.

Conclusion

18. For these reasons give above the appeal is dismissed.

S Shapland

INSPECTOR

The Planning Inspectorate

Costs Decision

Site visit made on 28 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Costs application in relation to Appeal Ref: APP/Y3940/W/19/3238918
Siennas Valley Farm, Huntenhull Lane, Chapmanslade, Westbury BA13 4AS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Miss Sharon Snook for a partial award of costs against Wiltshire Council.
- The appeal was against the refusal of planning permission for extension to agricultural building .

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Paragraph 049[1] of the PPG provides examples of what constitutes unreasonable behaviour by local planning authorities. This includes failure to produce evidence to substantiate each reason for refusal on appeal or vague, generalised or inaccurate assertions about a proposals impact which are unsupported by any objective analysis; and also refusing planning permission on a planning ground capable of being dealt with by conditions.

4. The applicant contends that the Council has not provided any evidence to substantiate the assertion that the siting, size and bulk of the extension exceeds the justified need. Furthermore, the Council failed to take into account the role of planning conditions to mitigate the potential harm arising from noise and odour nuisance. As such the applicant is seeking a partial award of costs in relation to defending the issues relating to need and odour/smell.

5. Turning first to the issue of the justification and need for a barn extension in this location, the Council have relied on evidence produced in support of earlier applications and appeals for this site. This assessment focusses on comments made by their agricultural consultant at the time. This evidence was not submitted as part of the appeal, and therefore no cogent evidence was produced by the Council to support this reason for refusal. As such I find that

[1] Paragraph 049 Reference ID: 16-049-20140306 revision date 06 03 2014

the Council has acted unreasonably by failing to produce evidence to substantiate a reason for refusal, as per paragraph 049 of PPG.

6. The applicant has stated that the Council acted unreasonably in respect of the issue of living conditions of neighbouring occupiers, as the impact of odour could be effectively mitigated against via an appropriately worded planning condition. Whilst I do not agree with the Council on this point, their assertion that they feel a condition is not appropriate does not constitute unreasonable behaviour as their reasoning was justified in both the officers report and subsequent appeal statements. As such in relation to the issue of living conditions, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated.

Conclusion

7. I therefore conclude that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the PPG has been demonstrates in relation to the issue of the justified need for the development and that a partial award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to Miss Sharon Snook, the partial costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the Council's reasons for refusal relating to justification and need of the development.

9. The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree to the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

S Shapland

INSPECTOR

Appendix 11

Parish Council meeting – Chapmanslade
11.04.24

Many thanks for taking the time to consider the concerns I have regarding the planning application of Sienna Valley and its impact on our property following the recent extreme wet weather regarding flooding and potential bank subsidence. Any help, support or suggestions would be greatly appreciated.

With regards to the planning application for the property desired on Sienna Valley, we have heard very little. Only once have we ever received notification of their application and I felt very uncomfortable publicly expressing my concerns given the nature of previous disputes between the previous owners and Sienna Valley. The only reason their appeal has been brought to light is because the owners of Sienna Valley have informed us during discussions about the flooding.

Having lived in Saddlestone Barn for just over 3 years now, we have never had any concern with the level of water that has entered our property boundary, unlike these past few months. Ironically it had previously been more of an issue in Huntenhull Lane itself. At times of heavy rain, we have had what I can only describe as a small yet fast flowing river that runs diagonally through the middle of my lawn, flooding the garages, driveway and adjoining courtyard, narrowly escaping the house itself. This is one area of the problem, the other being that it is also coming from the side bank which has suddenly has multiple areas of gushing water run, damaging part of our retaining wall and effectively washing away the bank itself.



Garage Bank



Garden gully

Both boundary lines discussed are shared with Sienna Valley. Our concerns lie with the ongoing work that they appear to be doing, perhaps in preparation for their proposed property on the land, and buildup of hardcore on the road that runs alongside our bank within their land. Over the past few years what was originally a simple track running to the fields has now been expanded and compacted with hardcore, making natural

drainage much more of an issue, and therefore impacting our property. Together with the use and drive of heavy machinery so close to our boundary.

At the rear of our property, we have video evidence of the water/rain run-off from the fields channeled down the fields, through the centre of a pig pen and directly into our garden. There is no form of trench or barrier in place to protect us from animal faces from the pig, alpacas and any other animals they have. Ms Snook advised us that the previous 3 owners of the 3 homes within this courtyard collectively contributed to some form of trench/drainage system to prevent some problems but there is no evidence to this effect anymore. Furthermore, Tad Ballam confirms that historically when they owned the land, they maintained the trench that surrounded the 3 properties allowing run off to be directed into Huntenhull Lane. It is evident that there has been a change to this as there is very little build up in Huntenhull Lane in the past 2 years compared to previous years, instead now all coming into our garden.



View of water running from field, through pig pen to our garden.

I appreciate the water runs downhill, but what I don't appreciate is the content of said water and the lack of effort there is in reducing its impact on an already built property.

Secondary to the level of water is the content within the water. As forementioned there is no doubt elements of faeces from the animals and pig pen, but it is heavily filled with silt which is ruining the drive and courtyard drainage.



Driveway



Courtyard

Our side boundary bank to Sienna Valley has also been affected. With areas of water gushing through the fence instead of it running down their drive to Huntenhull Lane, it has led to further damage. Part of our retaining wall beside the garages has been blown out by sheer pressure and water and the bank itself is reduces. This leads me to have great concern regarding subsidence of the bank which would have a direct impact on our house itself.



Blown sleeper in retaining wall



Image from top of sleeper

On are arrival to Chapmanslade we were made aware of previous issues regarding the relationship between Sienna Valley and the owners of the 3 homes within this neighbouring courtyard. However, we have been keen to avoid such issues and Sharon Snook asked that if we had any issues to please speak directly to them prior to any authorities. We have tried this is the past few weeks and have had no joy in resolving or working towards a solution, in fact our discussion was met with [redacted], suggesting we talk to Derek Tanswell as he was

responsible for all groundwork with Sienna Valley. We have approached Derek and he is reluctant to work with us in finding a solution, instead suggest we [redacted] the previous owner, Nigel Brown.

I have grave concerns that having a property so close to the boundary of myself, and Stable Cottage will only further impact our issues, and that of the neighbours in Hazelcombe. I am aware that previously there has been drainage concerns when previous applications had been submitted and declined, and I fear that their efforts to perhaps reduce this issue is what is impacting negatively on our properties.

Regards

Hayley & Danny Clements
[redacted]

Appendix 12

[redacted]

Chapmanslade Parish Council Meeting 11th April 2024 - Sienna Valley Farm issues

Dear Parish Councillor,

Since late 2022/early 2023 there has been a significant change in the nature of the run-off from Sienna Valley Farm onto the surrounding residences. Previously the top of our garden was damp during the winter, now we are seeing regular and significantly higher volumes of run-off.



Soak-aways at the rear of Hazelcombe are being rapidly overloaded with sediment, becoming impermeable to water and therefore sending water to the back of the house. The front courtyard is also being inundated with sediment, filling the soak-away to the point where it won't drain. It's now a constant weekly job to remove sediment from the courtyard gulleys to aid drainage and avoid flooding the courtyard and the houses.



Back garden



Courtyard flooding due to blocked drainage

The timing of these changes in volume and sediment load coincides with work being carried out on Sienna Valley Farm to create additional hardstand and roadway works on the site. Since 2022 there have been a significant number of deliveries of hardcore by lorry to Sienna Valley Farm, which is then distributed by digger and dumper by Derek Tanswell. This creates changes in land levels by building up of the roadways, and compaction of the ground by heavy machinery along the property boundaries (reducing the ability of the land to act as a soak-away).

To try and alleviate the issue we have contacted several local contractors to discuss soak-aways in the affected gardens. One of these contractors was Tad Ballam, who informed us the Ballam family previously farmed the land that now forms Sienna Valley Farm. Part of Tad's work included maintaining the historical drainage ditch on the land along the boundary with Huntenhull Farm, Hazelcombe, Saddlestone Barn and Stable Cottage. Run-off from the fields was diverted by this drainage system away from the houses, and out into Huntenhull Lane. He could no longer see the historical drainage channel, either having been filled-in since change of ownership or building-up with silt due to lack of maintenance.

We feel the changes to the site, along with changes to historical drainage have either been made intentionally, or through lack of understanding of the consequences. The run-off has been moved onto the existing residences and diverted away from the site shown in planning for the building of a farm worker residence on Sienna Valley Farm, the barn where the animals are kept overnight, the temporary dwelling that has been erected on the side of the barn and the 2nd caravan placed. A significant area of hard standing has been created since 2022 around the barn further exacerbating run-off issues. We no longer see run-off coming out of the gates at Sienna Valley Farm, where it was previously significant prior to 2022, further evidencing that changes have been made on Sienna Valley Farm.





Area of hard stand above the barn/2nd caravan.





Track comparison 2022 (left), 2024 (right)

In addition to speaking with local contractors we have reached out to Sharon Snook and Derek Tanswell, but have been told it's not their problem. [redacted]

[redacted].

Further issues:

Noise

Since 2021/2022 the noise at the site has increased above what was previously experienced, with the addition of a quad bike. This appears to be run through the day from 8am until 10pm, constantly hooting to herd the animals between the barn overnight and the fields in the day. Due to the small size of Sienna Valley Farm, with the buildings on the border of the residences, the noise into the houses is constant – 7 days a week, 365 days a year.

Several dogs are kept in the barn which bark [redacted] whenever people walk down the lane or vehicles pass, adding to the cacophony.

What are the restrictions on noise generation from a business considering the proximity to the existing residences? We have had to move our children into the front bedrooms in order that they can sleep, but have to keep their windows closed in the summer to avoid disturbance.

Normally a farm is spread over a much bigger area, corresponding noise is remote and dispersed. At Hazelcombe there is no let-up from the noise generated on Sienna Valley Farm.

Planning

We have received no notification of any planning applications – although we're shown on the list as being notified. How are the properties being missed off the notification list? The only way we currently know of any planning is to constantly check the website for changes.

What is the council's oversight over the planning at the site considering past transgressions?

Best regards,

Tim Mason

The Planning Inspectorate

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Your Ref:
Our Ref: APP/Y3940/W/22/3298668

Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

03 March 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Landstrom Group Ltd
Site Address: Land to the north east of - 150 High Street, Chapmanslade, BA13 4AP

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Caroline Harvey
Caroline Harvey

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 20 December 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/Y3940/W/22/3298668
Land to the north east of 150 High Street, Chapmanslade BA13 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Landstrom Group Ltd against the decision of Wiltshire Council.
- The application Ref 20/06919/OUT, dated 10 August 2020, was refused by notice dated 3 February 2022.
- The development proposed is an outline planning application for 5 no. serviced self-build plots, with all matters reserved except for access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted as an application for outline planning permission, with only the matter of access for consideration at this stage. I have considered the scheme on this basis.

Main Issues

3. The main issues are:

    - Whether the location of the proposal is acceptable, having regard to local planning policy and accessibility to services,
    - The effect of the proposal on the character and appearance of the area, and
    - The effect of the proposal on biodiversity.

Reasons

Acceptability of location

4. Core Policy 1 of the Wiltshire Core Strategy (adopted January 2015) sets out a hierarchy of settlement types, which are Principal Settlements, Market Towns, Local Service Centres & Large and Small Villages. Large villages, of which Chapmanslade is one, are recognised as having a limited range of employment, services and facilities. It is further stated that at such locations, development will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

5. Core Policy 2 establishes how development within Wiltshire will be delivered and establishes that within defined limits there is a presumption in favour of development. Outside of defined limits, development is not permitted, other

than in circumstances endorsed by other policies of the Core Strategy. These are in respect of employment land, military establishments, development related to tourism, rural exception sites, specialist accommodation provision and developments which support rural life. Based on the information before me, the appeal scheme does not fall within any of these exceptions. Core Policy 31 further stipulates that development within the Warminster Community Area should be in accordance with the strategy set out in Core Policy 1.

6. The appellant asserts that the development plan is silent on the matter of self and custom-build housing, and that this is a matter that weighs in favour of the proposal. However, I find that the development plan sets out the strategy for the location of new residential development, in sustainable locations. This would include self and custom-build housing.

7. The appeal site lies outside of the defined limits of development boundary as set out in the Core Strategy. The scheme proposes open market housing, albeit self and custom-build housing. Nonetheless, given its location, the scheme conflicts with Core Policies 1, 2 and 31 of the Core Strategy, which together seek to direct development to appropriate locations.

8. In terms of the accessibility to services, there are few services provided for within the settlement of Chapmanslade itself. The Council identifies that there is a primary school, a public house, a village hall and a small number of localised employment opportunities. The settlement lacks a secondary school, shop, post office, bank, supermarket or any leisure facilities. The appellant does not contest this information.

9. The appellants Transport Statement, submitted with the planning application, sets out the frequency of bus services that serve the location. However, these are far from regular services, indeed the appellant refers to them as "semi-regular" within the appeal statement. They would not, in my view, cater for the day-to-day needs of occupiers of the proposed properties. Furthermore, I note that the bus stops, that could allow access to a greater range of services, are positioned in excess of 1 kilometre from the site, which the appellant accepts is beyond recommended walking distances.

10. I note that the appellant has put forward the construction of two new bus stops to serve the development, as well as other existing dwellings in the area. It is proposed that these bus stops would be secured through a Section 106 legal agreement. However, any such agreement would be required to meet the tests as set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, which states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

    (a) necessary to make the development acceptable in planning terms;

    (b) directly related to the development; and

    (c) fairly and reasonably related in scale and kind to the development.

    These tests are also reflected in paragraph 57 of the National Planning Policy Framework (the Framework).

11. Given the scale of the development that is currently proposed, i.e., 5 dwellings, I am unconvinced that the obligation to provide the bus stops would be fairly and reasonably related in scale and kind to the development. As such, I find

that this provision, even being offered by the appellant, cannot constitute a reason for granting permission. As such, these proposed facilities have not influenced my consideration on this matter.

12. I find therefore that the occupants of the dwellings would likely be reliant on the use of the private car and that there would be a lack of accessibility to services by sustainable means.

13. The appellant points to a large car park at the nearby village hall, which it is alleged would attract many vehicles and traffic movements. However, this is an existing situation, and the village hall undoubtedly serves part of the community that would be able to walk from it within the settlement. As such, this matter does little to convince me of the acceptability of allowing the proposal, where there is a lack of access to facilities by sustainable means.

14. Accordingly, I find that the location of the proposal is not acceptable, having regard to local planning policy and accessibility to services. Thus, it conflicts with Core Policies 1, 2, 31, 60 and 61 of the Core Strategy, which together seek to direct development to appropriate locations, to promote sustainable transport alternatives and reduce the need to travel by private car.

15. Core Policy 62 is referenced in the reason for refusal. However, this policy relates to direct impacts on the highway network. I find that none have been specifically identified and thus do not consider there to be any direct conflict with this policy. This does not however diminish the conflict with policy I find above.

Character and appearance

16. The appeal site comprises an area of undeveloped land located to the north of the A3098 road, which runs east to west through Chapmanslade. The site is enclosed along the road by mature hedging set behind a wide and verdant verge. Nonetheless, there are glimpses through parts of the hedging that is low, as well as small gaps, of the appeal site and woodland beyond. Thus, the site forms an attractive green area outside of the settlement boundary. On the northern side of the road, either side of the appeal site there is limited, sporadic development comprising a small number of dwellings. Moreover, further to the east is a large swathe of green fields, which also serve as an attractive and green setting to the settlement. The site is accessible by the public via the public right of way which crosses the field, linking to wider rights of way in the surrounding area.

17. The majority of residential development forming the defined settlement within the vicinity of the appeal site, comprises a linear arrangement of dwellings on the southern side of the road. This continuous linear layout ceases at the same western extent as the appeal site but stretches eastwards to a more concentrated core of the village towards its easternmost point. As a consequence, a defining feature of the settlement is the consolidated, linear arrangement of dwellings to the south of the road, with only a small number of separated dwellings to the north.

18. The site also lies within The Chapmanslade Greensand Ridge Special Landscape Area (the SLA), with one of the identified characteristics being a "distinct pattern of small sized mainly regular shaped fields enclosed by mostly intact hedgerows with mature trees". The linear pattern of development at the

settlement, as well as the small and irregular pattern of fields in the locality, are also identified as contributors to the area.

19. The appeal scheme, with the matter of access for determination at this stage, shows the creation of a new vehicular access centrally within the frontage to the road. This would puncture the existing boundary hedging, and with radii of 6 metres, as shown on the submitted details, the access would be an obvious and intrusive feature at this location, diminishing the positive contribution provided by the continuous hedging.

20. Additionally, the presence of new dwellings at this location, notwithstanding that they would be setback from the road and that additional landscaping would be incorporated, would appear as an unsympathetic addition to the location. It would significantly depart from the prevailing pattern of development that can be seen in the surrounding area and harmfully intrude into the rural aspect of the countryside at this location. Moreover, it would serve to degrade the field pattern that currently exists, eroding one of the key characteristics of the SLA at this location.

21. The appellant's Landscape Visual Impact Appraisal identifies that from the adjacent road, while the development would result in a perceptible change, it would not affect the overall character of the view. I disagree. From this vantage point, the development would result in a significant change to the character of the view, from a green, rural space to one that contains five dwellings. In light of the positive contribution that this site makes at this location, I find that this would not be an acceptable or desirable change.

22. The presence of dwellings within the site would be particularly conspicuous to users of the rights of way that abut the appeal site. The LVIA further identifies that there would be a Major/moderate impact when viewed from these paths. This only serves to reinforce my view, that the scheme would be a discordant addition at this location that would not be adequately mitigated by additional landscaping.

23. Accordingly, I find that the proposed development would result in a significantly harmful effect on the character and appearance of the area. Thus, the scheme conflicts with Core Policies 51 and 57 of the Core Strategy, insofar as they seek to ensure that development protects and conserves landscape character and relates positively to the existing pattern of development.

Biodiversity

24. The application was accompanied by a Preliminary Ecological Appraisal, which identified that there would be some low scale loss of habitats for bats, but that subject to the integration of mitigation measures within the scheme, there would be no impact on bats and that no license would be required. It was noted however that if the mature horse chestnut to the frontage of the site was to be affected by the works, that further surveys should be conducted.

25. Following this, the appellant undertook an Interim Nocturnal Bat Survey (dated July 2021) and further Nocturnal Bat Survey (dated November 2021). Both of these surveys concluded that subject to the inclusion of mitigation, that the favourable conservation status of local bat populations would be maintained. The Council has not provided any substantive information that would lead me to consider differently.

26. The contentious matter in respect to bats therefore appears to be in respect of the horse chestnut tree. Should there be works to this, or it be removed, further survey works have been recommended. However, the landscape parameters plan as well as Ecological Parameters Plan show that this tree is to be retained during the course of the development. The retention could also be secured through the use of a planning condition, should any permission be granted. As such, I find that sufficient information has been submitted to show there would be no harmful effects on local bat populations.

27. In respect of the hedge to the frontage of the site, the Council raise concern over whether this hedge can be protected. However, the submitted Unilateral Undertaking (UU) from the appellant requires the development to be undertaken in accordance with the Biodiversity Enhancement Management Plan, with a plan attached to the UU showing the retention of this hedge along the frontage of the site. As such, it would be possible to secure the long-term retention of this hedge. It would also therefore be possible to secure any necessary bio-diversity net gain in the same manner.

28. Accordingly, I find that the proposal would not have an adverse effect on biodiversity and thus the scheme accords with Core Policy 50, which seeks to ensure that development protects features of nature conservation importance.

Planning Balance

29. The Framework requires Councils to demonstrate a five year supply of deliverable housing sites. As the Council is currently able to demonstrate 4.72 years supply, paragraph 11(d)(ii) of the Framework is engaged.

30. In terms of the benefits, the scheme would provide five dwellings to overall housing supply and as such, the contribution overall would be limited, against what is a limited shortfall. The scheme would also result in the provision of self and custom-build housing and there is an identified need for this, with the number of people on the self-build register having increased in recent times. This would therefore also be a benefit of the scheme. However, the weight I attach to this is tempered by the fact that I have found that the location of the development would be such that there would be poor access to services. The appellant also accepts that providing self and custom-build housing within the scheme does not mean that it would be acceptable where "unrestricted open market" housing would ordinarily be unacceptable. As such, I accord the collective benefits of the scheme moderate weight.

31. The development plan's housing policies are broadly in line with the aims of the Framework in directing new residential development to locations where there is good access to services and by limiting development in rural areas unless there are special circumstances. I therefore attach moderate weight to the conflict with Core Policies 1, 2 and 31. Core Policies 60 and 61 are wholly consistent with the Framework's aim of supporting a choice of means of travel and I therefore attach full weight to conflict with this policy. Consequently, the inappropriateness of the location of the development carries significant weight. Moreover, there would be harm to the character and appearance of the area, which I find to be significant. The identified harms therefore carry considerable weight.

32. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits that would arise when

assessed against the policies in the Framework, taken as a whole. Consequently, the proposal does not benefit from the presumption in favour of sustainable development envisaged by paragraph 11 of the Framework.

Other Matters

33. I agree that the location is not isolated within the context of paragraph 80 of the Framework, that the proposal would add some support to the existing, albeit limited, services within the locality, and that transport solutions vary between urban and rural areas. In my view however, none of these matters are sufficient to outweigh the conflict with policy that I have identified above.

34. During the course of the appeal, the appellant submitted a UU to secure the inclusion of self and custom-build housing, as well as covering biodiversity matters. The Council was given the opportunity to comment on the submitted UU. While the Council raised concern in respect of a number of matters, given that I have found the scheme unacceptable and am dismissing the appeal, it is not necessary that I consider these matters further.

35. The appellant has drawn my attention to a number of appeal decisions which have allowed development proposals for self and custom-build dwellings, as well as addressing matters of accessibility to services. However, from my reading of these decisions, they are materially different from the scheme that is before me, due to variously, a different scale and make up of schemes, some of which have included affordable housing, findings of no or little/limited harm in regard to the effect of a proposal on character and appearance, the presence of facilities within the vicinity of those sites referred to, the size of the nearest settlement, a different use being proposed, and the location of some cases within different planning authorities, with differing local policy contexts. As a result, having regard to the specific circumstances of the case before me, I do not consider these examples to be directly comparable and thus do not convince me of the acceptability of this development.

Conclusion

36. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which indicate a decision other than in accordance with the development plan.

37. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

APPENDIX 14

The Planning Inspectorate

Appeal Decision

Site visit made on 14 April 2023

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/Y3940/W/22/3310345
Thoulstone Farm, Farm Buildings, Chapmanslade BA13 4AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Blockworks, against the decision of Wiltshire Council.
- The application Ref PL/2022/05649, dated 20 July 2022, was refused by notice dated 5 October 2022.
- The development proposed is described as 'Proposed demolition of existing agricultural building and erection of two residential dwellings + garage'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: a) the impact of the proposal on the character and appearance of the area; b) the impact on the setting of the Grade II Listed Thoulstone Farmhouse; and c) whether the site is in a suitable location for housing development, with specific regard to the Council's spatial strategy and access to facilities and services.

Reasons

Character and Appearance

3. The proposal relates to the southern part of a former farmstead complex at Thoulstone Farm. The appeal site contains an existing, sizeable, steel portal framed building, as well as surrounding yard space. Immediately to the north of the appeal site are a range of rural buildings set out in a broadly linear arrangement that vary in scale and appearance, some of which appear to have been recently redeveloped/refurbished. Beyond these buildings, to the north, lies Thoulstone Farmhouse (Grade II Listed).

4. The site is accessed off a rural road to the north, that runs to the front of Thoulstone House and leads onto the nearby A36. The surrounding area is highly agricultural in character, primarily consisting of open fields, with vegetated boundaries, and some small pockets of woodland. The nearest settlement of Chapmanslade is located approximately 800m from the site, with only very sparse levels of housing nearby adding to the rural nature of the site.

5. The appeal site has an extensive planning history and during my site visit it was evident that works have been taking place on the redevelopment of the wider site. I am particularly mindful that the appellant has extant planning permission/prior approvals[1] for the creation of new dwellings and a pool

[1] E.g. - 20/06460/PNCOU; PL/2021/06589; PL/2021/06497; PL/2021/06497; 20/04215/FUL.

building on the appeal site. The Council has not contested whether there is a realistic prospect of the fallback positions taking place should the appeal fail. Having regard to the evidence before me and established case law[2], I find that there is a greater than theoretical possibility that the alternative fallback developments may take place.

6. I have been provided with only limited details of the extant permissions at the site. However, I understand that they would allow for either the conversion of the existing large barn to 3 or 4 dwellings, or alternatively involve the part demolition of the barn and the erection of 3 detached dwellings, alongside a separate pool building. Whilst I have been furnished with limited background detail, the appellant has provided visualisations of the appeal scheme that provide a comparison against the site's existing context, the current proposal, and an extant scheme. There is some dispute between the main parties regarding the accuracy of the visualisations. Nevertheless, I have found them to provide a helpful aid to consider the general impacts of the appeal scheme.

7. The proposed development would involve the demolition of the existing large agricultural barn at the site and the erection of two sizeable dwellings, as well as a detached garage unit. The proposed dwellings would essentially comprise three two-storey 'barn like' components, that are set in a linear arrangement with pitched roofs and gable ends that would be linked via recessed single storey elements that would house swimming pools.

8. The existing steel portal framed building proposed to be demolished is of no historical significance or architectural merit. As such, the loss of the building itself would not be harmful. Nonetheless, it remains that the building's design is undisputedly agricultural in nature, with a restrained and practical appearance. The building therefore represents a natural, functional link to the former farmstead and is reflective of its rural surroundings. Whilst I do not have full details of the prior approval permissions (ref: 20/06460/PNCOU; PL/2021/06589), I am mindful that those schemes would involve utilising the existing building's envelope and are therefore likely to retain a largely agricultural vernacular.

9. In contrast, the proposed dwellings would not relate well to the site's existing agricultural character. Notably, the footprint and massing of the proposed residential units is substantial, even when considering the existing context of the site and fallback options. Indeed, despite the single storey elements being recessed and providing a slight visual break between the two-storey components, the proposed main building would have an extremely bulky appearance.

10. The inclusion of the two-storey, gable ended, pitched roof components to the main building, and incorporation of appropriate materials, may provide the proposal with a loose agricultural style. However, the use of single storey links between the two-storey structures would diminish any traditional barn style profiles that the building would display. Instead, I find the scale and configuration of the proposed building would appear as a domestic form of development. Additionally, whilst I appreciate that rural buildings often contain

[2] *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314; *Schneck v SSHCLG & West Berkshire DC* [2022] EWHC 3335 (Admin)

large openings, the vast use of glazing along the proposed southern elevation of the dwellings would also add a highly domesticated character to the proposed building. The proposed development would be at odds with the surrounding built form that retains a far more inconspicuous, rural character.

11. I appreciate that there are some similarities between the appeal scheme and the fallback position under permission PL/2021/06497. However, the appeal scheme is seemingly of a much greater scale, bulk, and mass than the fallback position. It also has a more domesticated appearance due to the incorporation of the single storey flat roof elements and the separate detached garage building. As such, I find the appeal scheme would also be more harmful to the character and appearance of the area than this fallback option.

12. The proposal would also involve built form extending further south within the site boundary than existing arrangements, or compared to the appellant's fallback positions. The proposed development would still sit within the extent of the farm complex, which is rather well defined due to a combined presence of areas of hardstanding, a farm track, as well as boundary fencing. I therefore do not share the Council's concerns about the increased incursion of built form into the countryside. However, it remains that the proposed development would result in an unsympathetic form of development, that detracts from the rural character of the site, whilst its positioning near the rather open southern boundary would result in a degree of prominence.

13. Overall, I find the scale and design of the proposal would result in a highly domesticated form of development that would erode the agricultural character of the site and surrounding area. The proposal therefore conflicts with Policy CP57 of the Wiltshire Core Strategy (adopted 2015) (the Core Strategy). The policy, amongst other matters, seeks for new development to be of a high-quality of design that effectively relates to its immediate setting and the wider character of the area.

Setting of Listed Building

14. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires that I give special regard to the desirability of preserving a listed building or its setting and any features of architectural or historic interest that it possesses. The National Planning Policy Framework (the Framework) further advises that 'significance derives not only from the asset's physical presence but also from its setting'.

15. The appeal site forms part of the historic farmstead associated with Thoulstone Farmhouse[3]. The Farmhouse is a detached Grade II listed building likely dating to the late 18th Century. The three-storey building is constructed of red brick laid in English garden wall bond, with the brickwork largely exposed. It is of grand appearance and displays many typical Georgian architectural features. This includes its hipped roof, use of stone quoins and its frontage displaying symmetrical sash-window arrangements, with stone cills, lintels, and mullions.

16. In addition to its architectural value, its relationship with the surrounding land in particular adds to its significance as a historic farmstead. Indeed, alongside its architecture I find its setting to be instrumental in appreciating its historic role as a Farmhouse thereby contributing to its significance. Notably, the

[3] I understand that the building is no longer used as a farmhouse.

surrounding expanse of largely open fields, as well as the character and arrangement of buildings at the appeal site provide context to the listed building.

17. Despite some intervening built form, and only limited intervisibility between the listed building and the proposed development, it remains that the proposal would affect the agricultural character of the area, including that of the former farmstead.

18. As previously highlighted, the appeal scheme would be of a considerable scale and add a rather drastic domesticated form, which would undermine the rural characteristics of the site. Accordingly, I find it would also negatively impact upon the setting of the listed building.

19. I do not share the appellant's view that the proposal would have a beneficial impact on the setting of the listed building through the removal of the existing barn building, or compared to the fallback positions that would involve its conversion. As indicated, the existing building (whilst not of architectural or historical significance) is a relatively modern utilitarian structure, typically of those found on farms, whereas, the appeal scheme does not relate well to the scale, form or character of the historic farmstead.

20. I also note the appellant's frustration that the Council has taken an alternative view in relation to the impact on the listed building as to that under extant permission PL/2021/06497. However, from the evidence before me I consider that the appeal scheme would be more harmful to the rural character of the area than that extant permission, and thus the setting of the listed building.

21. In coming to the above view, I recognise that the setting of the listed building has already been altered through development to its south. However, these buildings retain a significantly more modern agricultural appearance than the proposed development, including through their scale, layout, and appearance. Consequently, they have a more appropriate relationship and association with the listed building. In any case, their presence does not justify allowing a development that would erode and more harmfully effect the setting of the listed building.

22. The appeal scheme would therefore cause harm to the setting of the listed building and thereby its significance. Having regard to the Framework, I assess the harm to be less than substantial. Nevertheless, this harm is of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits.

23. In this instance, the development would make a modest contribution to housing provision, whilst there would be socio-economic benefits associated with the delivery of two new dwellings. However, given the scale of the proposal such benefits would be limited and, in this instance, do not outweigh the harm to the designated heritage asset.

24. Accordingly, the proposed development conflicts with Core Strategy Policies CP57 and CP58. When read together these policies require development to be of a high quality of design that should protect, conserve and where possible enhance the historic environment.

25. Furthermore, the proposal would also fail to meet the requirements of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 or the National Planning Policy Framework (the Framework) insofar as it relates to conserving the historic environment.

Suitable Location

26. The appeal proposal would be located to the south of a range of buildings that form part of the former farmstead at Thoulstone Farm, including some that have subsequently been converted to alternative uses. The area surrounding the site is characterised by largely open fields in agricultural use. Given the presence of adjacent development the appeal scheme would not be isolated in the context of paragraph 80 of the Framework. Nevertheless, the appeal site is in a rural setting, approximately 800m outside the nearest settlement boundary of Chapmanslade.

27. The Council spatial strategy for development is set out under Policy CP1 of the Core Strategy. The policy identifies a hierarchy of settlements whereby sustainable development is expected to be delivered. This is supplemented by Core Strategy Policy CP2, which sets out the County-wide housing requirement. Policy CP2 also establishes that development will not be permitted outside the defined limits of development (or settlement boundary) as detailed on the policies map, except under certain circumstances. The approach of policies CP1 and CP2 to rural housing broadly aligns with that advocated in the Framework.

28. Policy CP31 meanwhile sets out the spatial strategy for Warminster Community Area, identifying Chapmanslade as a larger village and setting out that development in the area should be in accordance with the Settlement Strategy under Policy CP1.

29. The proposal has not been demonstrated to comply with any of the exceptions for the development of new dwellings in the countryside that are outlined under Policy CP2. The appeal scheme is therefore in conflict with the development plan's spatial strategy, as detailed under policies CP1, CP2 and CP31.

30. From the evidence before me and my observations on site, services and facilities that would sustain day-to-day living are located a fairly considerable distance from the appeal site. The site is also not well served by public transport options.

31. Nearby roads have little footpath provision, are largely unlit and have limited surveillance. Although there is a public footpath route to Chapmanslade this is through an arable field, again with a lack of lighting and variable conditions underfoot. Together, the distances involved, alongside the context of the surrounding highways/footpath network, is likely to deter many future residents from walking or cycling to access facilities or services. Moreso, in periods of bad weather or darkness. As such, sustainable methods of travel are unlikely to be regularly used, with any future occupants highly likely to be dependent on the private car. This is the least sustainable means of transport and would further undermine the Council's spatial strategy.

32. Accordingly, the proposal also conflicts with Core Strategy Policies CP60 and CP61, these policies together seek to reduce the need for travel by private car and encourage sustainable travel, including through promoting development in accessible locations.

33. Having regard to the Council's spatial strategy and given its poor access to local facilities and services, including public transport, I find that the site would not provide a suitable location for housing. However, it is pertinent that the appellant has realistic fallback options that would enable the provision of three to four dwellings on the appeal site, either through the conversion of the existing agricultural barn or through its demolition and erection of new buildings.

34. From the evidence before me it is not entirely clear, should the appeal be allowed, whether both the appeal scheme and one of the fallback options could be implemented alongside one another. Nevertheless, the appellant has indicated a willingness to accept a planning condition to prevent such an occurrence, in the event the appeal was to be allowed.

35. Under such circumstances, the appeal proposal would result in a minor overall reduction in dwellings in this location compared to the fallback options. The resultant harm to the spatial strategy and sustainability (through likely reduced trip generations), would therefore be slightly reduced when compared to the fallback options. Consequently, with regards to this main issue, I find that the fallback position justifies a departure from the development plan policy.

Other Matters

36. I note the appellant's frustrations with the manner in which the local planning authority has determined the application, including its consideration of the planning history of the site. However, the appeal scheme has been determined on its own merits.

37. It is suggested that the proposed dwellings would be more energy efficient than those under the fallback options. However, such benefits have not been quantified. As such, I give this potential benefit only limited weight and it does not overcome my above concerns.

38. I appreciate that the appeal proposal would provide some socio-economic benefits associated with the supply of new dwellings, both during the initial construction period and subsequent occupation. However, given the scale of the proposed development these would be rather limited and are potentially more modest than the socio-economic benefits delivered by the appellant's fallback options.

Planning Balance and Conclusion

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

40. For reasons outlined above, the appeal scheme is contrary to the development plan taken as a whole. I have found that material considerations, in the form of alternative fallback options, would outweigh the appeal scheme's conflict with the Council's spatial strategy for development. However, the fallback options do not overcome the appeal scheme's conflict with development plan policies that seek to protect the character and appearance of the area, as well as preserve the special characteristics of designated heritage assets. This is due to my findings that the design of the appeal proposal would have more harmful impacts than the appellant's fallback positions.

41. It is common ground that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, as such, its housing policies are deemed out of date and paragraph 11(d) of the Framework is engaged.

42. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless one of the two limbs of paragraph 11(d), (i) or (ii), indicates otherwise.

43. In this instance, I have found the harm to designated heritage assets would outweigh the public benefits of the scheme. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11(d)(i). As such, the presumption in favour of sustainable development does not apply.

44. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MRS CATHRINE COX
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

We walled the footpaths and this house fits into the landscape and is a lovely traditional farm house. You need to support farming in these times as I know how we rely on them providing for us.

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR JOHN FOSTER
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I am against the appeal due to the following:

1. The proposed modern-material, unsympathetic design residence is situated in a Special Landscape Area, adjacent to a Grade 2 listed manor house.

2. 24/7 onsite residency for animal husbandry purposes for Alpacas is not formally recognised by any government agency as an 'essential need' criterion, removing the applicants central argument for this residence as there is no essential need.

3. Highways Safety:
• The original application stated that there would be an adverse highway recommendation based only on sustainability guidelines.
• However, the safety on egress from the site using the planned entranceway has not been effectively investigated/addressed by highways.
• As stated on Page 13 of their application - open farm visits to the public and delivery lorry access is required, which will significantly increase traffic volumes.
• Also of note is that the entrance sits on Wiltshire Cycleway Section 2.
• The key material danger is that there is zero visibility to the East on exit of the location.
• This is material as Highways have mandated that a proposed entrance onto Huntenhall Lane (30m to the East of Sienna Valley access , which has better visibility that Sienna's valley) must be re-situated to comply with safety regulations which state that there must be 120m visibility in each direction from the egress to Huntenhall Lane.
• Therefore, under its duty of care responsibilities, the Council should re-assess the safety access issue of the site, which is currently used for extensive business related and domestic traffic as it is a significant risk to the highway users.

Appeal objection statement

Personal damage to property

- Excessive flooding from rear boundary from run off from Sienna Valley fields
- Contaminated water with animal faeces and silt due to direction of flow coming directly through pig sty into our garden
- Ruining our lawn, plants and supporting banks due to excessive water, silt and contamination
- Garages flooding due to overload of water run off
- Gradual landslide to steep bank from upper section of garden leading to need to remove trees due to risk of subsidence and damage to home
- Side boundary bank being washed away due to excessive water run off where road on Sienna Valley now heavily filled and compacted with hardcore, no longer draining water away and causing subsidence issues
- Supporting wall sleeper blown due to impact of heavy water flow when raining, again due to change in the compound of the road within Sienna Valley and lack of drainage valley/trench
- Previous flood defenses and trenches no longer maintained or effective causing massive impact to property
- Impact of excessive water from fields contaminated with silt causing the drainage within the courtyard to flood as existing drainage cannot cope with volume and buildup of silt.
- Historically excess rain water run-off from the fields were directed alongside the side boundary of my property and Sienna Valley, running directly out of their drive into Huntenhull Lane. This has reduced significantly and now runs directly through my property and into the courtyard causing flooding
- Impact on insurance due to risk of house damage from water damage, fallen trees and landslide of banks.

Noise

- Excessive noise coming at all hours including late evenings and weekends.
- Heavy machinery and diggers running, quad bikes and excessive use of hooter.
- Impact of peaceful countryside
- Unable to enjoy our garden due to the noise

Need for dwelling?

- DEFRA and Alpaca Society no longer recommend that there is 24 hour onsite care
- Plenty of opportunity to purchase local affordable housing within the village with all 3 neighbouring Barns having been up for sale within the time frame of their Planning Applications. Plus the new development, Honey Glade and other local developments.
- Size of requested dwelling does not coincide with initial recommended agricultural need

Corsley & Chapmanslade SLA impact

Noise, change & destruction of landscape

- Already unsightly to the natural surroundings with decrepit caravans and buildings
- Large corrugated metal fencing running alongside side boundary line, not in keeping with the surrounding environment
- Road running along boundary line, compacted with hardcore, not in keeping with the local environment

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR R JEFFERIES
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

As an alpaca farmer who farms alpacas from a dwelling that we built in the AONB, I know this is a very successful business.

20% of farmers a reported to leave the industry over the next ten years, why are the Local Council making this application so difficult. Surely the Council should be supporting local business to build a strong rural economy.

The LPA should be bending over backwards and supporting and offering help to these sorts of businesses.

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR R BERRYMAN
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

STRONGLY SUPPORT

The public footpaths are a vast distance away and so the house is too far away to have any effect on public views some 200m away.

The Parish Council supported Cobb farm that is in the SLA and outside the development area but never supports Sienna's valley farm, is this because it's a female farmer the same goes for ganders' development that has a female applicant.

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.

From the public footpath you can only see a partial dwelling at a few places, however the development next to the farm will be the eyes focal point taken you simply won't notice it as it be can be hardly seen from any focal points.

About 12 people walk the footpath opposite Sienna's Vally Farm its hardly Westbury White Horse volume of people.

Huntenhull lane farm conversion development and Huntenhull Farm House is three story building these are the dominant view as the applicant site is well shielded by mature trees and hedging.

The LPA relying on an appeal decision that was for a totally different scheme to refuse the last application was a poor decision. Planning is supposed to be a presumption in favour and Honey Glade in the SLA uses all the same materials Let this farmer move on with her successful business and have her dwelling as farmer need to be supported and Wiltshire is a rural area.

The house will be seen from the public footpath some 200m away from a small section but not in its entirety unlike the four houses next door, Surely this applicant does not have to hide every building she does.

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR GARY BERRYMAN
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

This has very little impact on the local landscape in fact I doubt it has any. This house is a beautiful addition to the local landscape

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MRS RACHEAL BERRYMAN
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Support
I think this house is very attractive in design and appearance and has a positive impact on the landscape. The applicant has planted many trees and they have made it the attractive place it is today

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR DAN HORLER
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

The materials are common within the area, they are supported in a costed build that the business could support. Honey glade housing development in Chapmansalde has all the same building materials as Sienna's both lie within the SLA.

The applicant has proved the business without a shadow of a doubt and has now permitted development to build a house on the site. She has demonstrated the need and the finance that the LPA have agreed.

The LPA on officers' recommendation have even granted another 3 years for the temporary building.

The house is kept to a very small footprint to minimise spread across the site thus avoiding any harm to landscape

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MRS ELAINE MARKS
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

We ride past here it won't have any effect on my ride or enjoyment how could it. I can't see what all the fuss has been about.

A hard working female farmer with a successful alpaca business should be a credit to the area and should be supported not all this unnecessary hoops she has to always jump through for no reason.

Why does this farmer have an uphill struggle all the time to get things passed here when others have their planning with ease.

You can't have a house on the brow of a hill seen from everywhere in the next field over that the LPA recommended approval only to be withdrawn as no access onto the sight, when these rules don't apply to them but to a hard-working female farmer.

An amazing place that she has worked the land in planting trees that has benefited the wildlife and local landscape.

She has put Chapmansdale on the map, where else can you see these beautiful alpacas locally and so well looked after. They look amazing and generates business within the village.
About time this all stopped and she was supported by the LPA. The house is very well thought out in design and sympathetic materials that blend in and melt away in the local landscape. This has beautiful black cladding on all walls that minimise and shows it beauty.

India Snook – Tanswell

We can't wait to have a permanent house to have our own space so we can study and do well at school as its very difficult in such a small space for so long.

The house looks lovely and matches the area, super keen to have my own bedroom. I do love the alpacas and mum works very hard and I love showing them especially when we win first place.

For the attention of Lauren Fongauffier, Case Officer.

Reference: Planning Application Reference: PL/2023/05142

Inspectorate Reference: APP/Y3940/W/24/3337482

I object to the above planning application appeal based on the following:

Flooding - surface run-off:

I feel the planning application for a farm workers dwelling will add to the current issues of surface water run-off from the Sienna Valley Farm site.

Since 2022, we have experienced dirty/muddy run-off from the farm, through our garden and into our courtyard, destroying our children's play area, veggie beds and nearly flooding our house, garage and outbuildings. In addition to the alpaca faeces in the paddocks, the run-off from the farm into our garden runs directly through a pig pen, leading to faeces contaminated muddy water.

[redacted], I am exceedingly concerned that the water can carry potential diseases from the pigs including Ascaris Suum (UK pig worms). The lack of controls in place at the farm can lead to exposure to farm animal borne diseases known as zoonoses. Zoonoses are caused by micro-organisms, which are subject to the Control of Substances Hazardous to Health Regulations (COSHH). COSHH requires a business to:

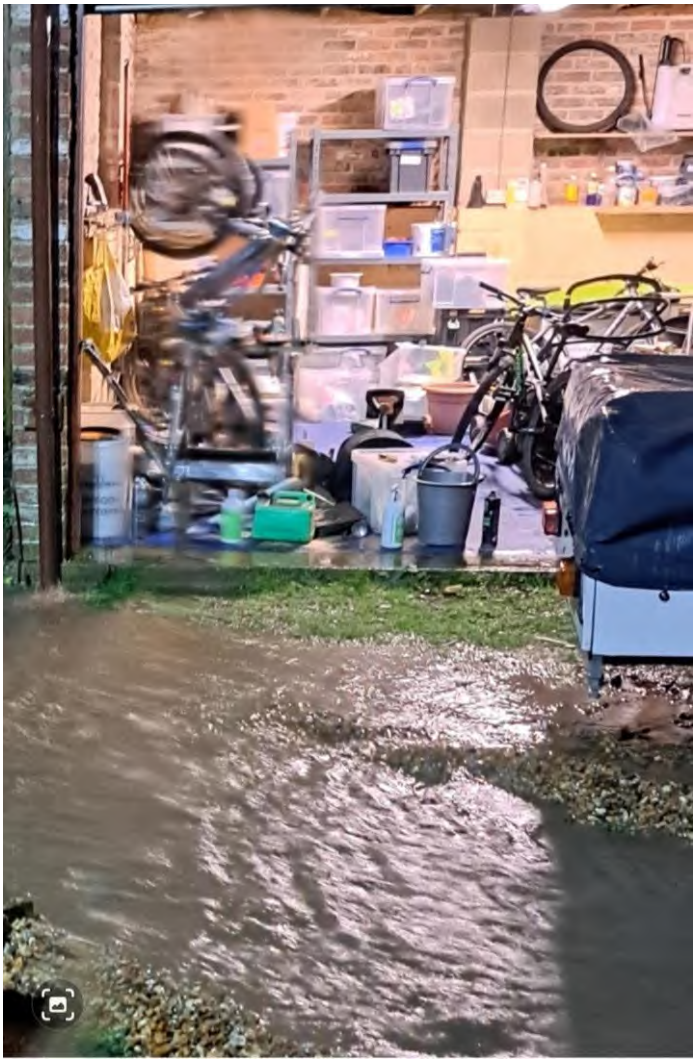
- assess the risks to health which involve a hazardous substance (eg a micro-organism);
- prevent or, where this is not reasonably practicable, adequately control exposure to the hazardous substances;
- introduce and maintain control measures;
- regularly review risk assessments and the effectiveness of control measures.

As such, I feel my family is being exposed to potential disease by poor management at the site. Any planning application on the site should be subject to control measures around making the site safe for residents in existing, surrounding houses as a prerequisite.

The planning application for the erection of a farm workers dwelling on the site will increase hard standing areas, roof run-off etc increasing the run-off into surrounding properties. The plans contain no significant drainage planning or mitigation measures to reduce run-off to the existing properties in close proximity.



Flooding in our courtyard due to the run-off from Sienna Valley Farm



Flooding to the rear of the property from Sienna Valley Farm run-off



Sandbags and barriers at rear of the property to channel run-off away from house



The area to the rear of our house is now silted up from Sienna Valley Farm run-off deposits and faeces

Environmental

Due to the health, safety and environmental issues from the farm I have had to stop my children using their climbing frame. It is sited close to the boundary with Sienna Valley Farm, and is in the direct path of the run-off that exits the pig pen and enters our property.



Play area at top of garden, bounding Sienna Valley Farm

Special Landscape Area

We moved our family to the property due to the incredible scenery and lovely village. Unfortunately in recent years, Sienna Valley Farm has become somewhat of a blot on the landscape for visual and noise reasons. The application for a dwelling shows an imposing building of limited architectural merit, completely out of keeping with the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area, as such I believe the proposed plans would have a harmful impact on the landscape character and local distinctiveness.

The application is contrary to Core Policy 48 (and associated paragraphs 6.66-6.67) and Core Policy 51 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan mvmt15 as well as being contrary to the NPPF and specifically paragraphs 17 and 109.

The planning application is excessive in size, and will be very prominent within the SLA. This will be seen from various footpaths, that should be enjoyed with beautiful sights of our SLA. Not tainted by a poorly kept farm with several caravans, piles of hardcore, unsightly fencing and deteriorating animal shelters. Along with the noise pollution (mentioned below).

It's a real shame that particular attention hasn't been made to utilising natural materials and/or "green materials". The design is of a nature and size which will not blend in with the SLA. There also appears to be no attempt to reduce the impact of the proposed dwelling on the environment by using sustainable design utilizing renewable energy sources.

I also bring your attention to the question around the need of a dwelling being built in the first place. It has been widely documented that best practice for Alpacas doesn't require personnel to be permanently on-site. There have been plenty of suitable houses in the village for sale, including the 54 eco-developments in Chapmanslade at Honeyglade - Zero carbon homes. There are also new developments in Frome and Warminster within a short drive, or perhaps reside in one of the houses that they already own rather than build on the SLA.

Noise

Unfortunately, our garden has become unusable due to the noise coming from Sienna Valley. There is noise from quad bikes revving and constantly hooting [redacted] around by noisy vehicles between the barn and fields. The business owners also spend an inordinate amount of time shouting and swearing. It seems the noise starts at sunrise, often continuing well after dark, 365 days a year. The noise is added to by guard dogs that bark at anything passing in the lane or on the footpaths around the area. Several times they have escaped and been found wandering around our gardens and courtyard. Hearing their aggressive nature, I fear for any of us residents or our dogs coming in contact with them.

At the weekend the noise increases with the addition of the digger or dumper truck being driven along the track bordering the side and rear of the existing properties. Due to the limited size of Sienna Valley Farm and the proximity of their building the noise is constantly heard in the gardens and houses, to the point where you sometimes can't hear each other talk. This makes our garden unusable as a peaceful, enjoyable part of our home. We have put all of our garden designs and plans on hold, as feel the noise/environmental risks are currently unbearable.

We have even changed the children's bedrooms around, they are now sleeping at the front of the property, in the hope that with closed windows they won't be as disturbed getting to sleep or throughout the night.

As a business, Sienna Valley Farm should be subject to limiting noisy activities to more reasonable hours. Otherwise, the business constitutes a statutory noise nuisance as defined in the Wiltshire Council policies on noise. The application to build a dwelling will only add to the noise due to the proximity to existing properties.

HSE – Road Hazard

The access to Sienna Valley Farm is set back from a single track road, making visibility extremely poor. It is hidden from view for pedestrians, cyclists and vehicles and entry/egress from Sienna Valley Farm is blind onto a 60mph road.

I have to walk my children to/from school along the road, and my concern is the access to the site is an accident waiting to happen, and will potentially spill over from a vehicular incident into any pedestrians/cyclists also in the vicinity. The risk will increase with the potential of more cars

accessing the site as the children on the farm reach the legal age of driving if permission for the planning application is given.

As can be seen from the picture, the road is tight and is shared between pedestrians, cyclists and vehicles with no pavement along the stretch for approximately 400m. Due to severely limited access, vehicles emerging from Sienna Valley Farm onto Huntenhull Lane have no visibility when pulling out onto the 60mph road.

The current access to the planning application site is not safe, therefore the application should be refused on safety grounds



Huntehull lane – single lane track along the access to Sienna Valley Farm showing limited visibility and dangerous nature of the road

From talking to friends in the village I understand they share our concerns regarding the application.

Disclaimer:

Please note that my objection statement is in respect of the proposed erection of rural workers dwelling house. Whilst I have taken every effort to present accurate information for your consideration, I am not a decision maker or statutory consultee, I cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

For the attention of Lauren Fongauffier, Case Officer

Planning Application Reference: PL/2023/05142

Inspectorate Reference: APP/Y3940/W/24/3337482

I strongly object to the above planning application appeal and believe the following material planning considerations should be taken into account:

- Surface water – there is a distinct lack of run-off planning and general site drainage management detailed on the application, this will exacerbate existing issues from the business at Sienna Valley Farm in respect of run-off and flooding into the surrounding properties: – see Appendices A – water run-off. Any planning application should follow the National Standards for sustainable drainage systems (SUDS) - Designing, constructing, operating and maintaining drainage for surface runoff.

- DEFRA guidelines on water run-off for land owners/managers should be taken into account for the site considering the planning application is for the erection of a farm workers dwelling and the business case for the site to which the planning application is linked: - see Appendices B – DEFRA guidelines on surface water run-off.

  This indicates that a risk assessment on surface water run-off should take place, specifically taking into account the following:

  - water flow pathways (including field drains) to receptors including water bodies, sensitive habitats, roads and **houses**
  - Assess the risk of runoff based on the **steepness of slopes, topography and valley features**.

  Within these guidelines I believe the business at Sienna Valley Farm has already damaged the Corsley and Chapmanslade Greensand Ridge Special Landscape Area (SLA) by poor practices and a lack of site management planning to protect the SLA, environment, and surrounding houses.

  The harm to the SLA will be increased significantly by the planning application proposal for the erection of a farm workers dwelling on the site with the increased hard standing areas, roof run-off etc. The plans contain no significant drainage planning or mitigation measures, especially with respect to the steepness of the valley, soil type, current run-off and the existing properties in close proximity.

- Subsidence of land – the proposed area for planning lies adjacent to the steep banks forming the boundary with Saddlestone Barn and Stable Cottage, there are no reports to show that checks/assessments have been made concerning the stability of the land for

the proposed new building and also around vehicle/heavy machinery access along the boundary. The entry track into Sienna Valley Farm has been changed from a light single track designed for moving animals between fields for grazing into a hardcore roadway access, with associated hard stand. There are now significant issues with the stability of the bank, leading to concerns about potential collapse. The planning application should consider government planning guidance around land stability the following as highlighted: - see Appendices C – Land Stability and Planning

An independent, accredited body should assess the potential for further destabilisation of the land by groundworks associated with the planning application, and also from access to the site by heavy delivery vehicles.

- Corsley and Chapmanslade SLA – Sienna Valley is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area, I believe the proposed plans would have a harmful impact on the landscape character and local distinctiveness. The application is contrary to Core Policy 48 (and associated paragraphs 6.66-6.67) and Core Policy 51 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan mvmt15 as well as being contrary to the NPPF and specifically paragraphs 17 and 109.

- Noise – the business at Sienna Valley Farm already operates from 8am to 10pm, 7 days a week with constant revving of quad bike engines, beeping of horns to herd animals between the barn and fields (up to 500 beeps a day), shouting and swearing. Several dogs are kept in the barn which bark aggressively whenever walkers, cyclists or vehicles pass the barn, adding to the general cacophony.

  At the weekend the noise increases with the heavy machinery being used on-site. Due to the limited size of Sienna Valley Farm and the proximity of the barn, temporary dwelling, parking area and caravan to the existing residences the noise is constantly heard in the gardens and houses, making the gardens unusable for entertaining and general enjoyment.

  At night the windows have to be closed on our children's bedrooms (even in the summer) to reduce the noise so they are able to sleep.

  I believe this constitutes a statutory noise nuisance as defined by Wiltshire Council. As such, the business should operate under "Normal operating hours for noisy activities 8am to 6pm Monday to Friday, Saturday 8am to 1pm and none on Sunday and bank holidays". The application to build a dwelling will only add to the noise due to the proximity to existing properties.

- Road Hazards – access to the site of the planning application is very poor, with very limited visibility to all traffic (pedestrians, cyclists, horses and vehicles) along the single track road at this point along Huntenhull Lane (National Speed Limit – 60mph), creating a high-risk access between the farm and the highway "contrary to the safe operation of the highway": see - Appendices D – Safe Operation of Highways

Huntenhull Lane is heavily utilised by cyclists using the Wiltshire Cycleway - S2 Dilton Marsh to Maiden Bradley route, and National Cycle Network Route #22 connecting Chapmanslade and West Wiltshire with the cycling network - Appendices D – Safe Operation of Highways

Huntenhull Lane is a "rat run" between Frome and the local villages, with cars regularly close to or at the National Speed Limit on what they believe to be a straight piece of road.

The limited access from the site onto the highways has not been noted/addressed in the planning application with respect to safety. The current access to the site is not safe, therefore the application should be refused on safety grounds.

- The planning application is excessive in size, and will be very prominent within the SLA: see – Appendices E – Visual & noise impact on the SLA to Public Rights of Way (particularly popular local footpaths)

Additionally, material selection seems to be based on low grade materials rather than natural materials and/or "green materials". The design is of a nature and size which will not blend in with the SLA. There also appears to be no attempts to reduce the impact of the proposed dwelling on the environment by using solar energy, ground source heat pumps, grey water recovery etc in favour of building the dwelling as cheaply as possible.

- Poor planning around sewage on the site, there is no detail around joining the sewage to existing sewage infrastructure on Huntenhull Lane. Due to the previously mentioned issues around access and subsidence, emptying a septic tank by lorry could be considered unsafe in terms of highway safety, and also destructive to the already fragile bank. As noted in the planning application, a septic tank should only be considered if connection to existing sewage infrastructure is not available.

- There is no recognised need for the dwelling for the purposes of animal husbandry, DEFRA and the Alpaca Association UK best practice doesn't require personnel on-site 24hr, only daily maintenance and shelter from weather/night time.

- There are already a significant number of new properties in Chapmanslade village, (54 houses at Honeyglade), and a further 145 houses at the Jubilee Gardens phase 1 development, within 5 minutes' drive of the site (with the potential for up to 1,000 homes at the development in the future). Due to the lack of requirement for attendance on site, all of these approved developments would be more than suitable for the requirements of the applicant. Therefore the need for the dwelling is not required on the site.

- Negative impact on the SLA as seen from various Public Rights of Way, especially footpaths. The farm is in poor visual condition with several caravans on-site, along with ramshackle animal shelters, dilapidated machinery, poorly kept hedges & fencing and a

generally run-down look that is out of keeping with the Special Landscape Area. In addition to Huntenhull Lane, the farm is visible from the following popular walking routes: see – Appendices E – Visual & noise impact on the SLA to Public Rights of Way (particularly popular local footpaths)

Affected paths:

- Over Gore (Chap 8)
- Gore Lane (Chap 27)
- Huntley Green (Chap 11)
- Brimhill Climb (Chap 34)
- Broadpath (Chap 10)

The previously mentioned noise from the site also affects the tranquillity and general nature of the SLA, further degrading the SLA with respect to public access.

- The planning history for the site shows multiple issues including:
  - The barn being built (14/00987/FUL) closer to the existing houses than approved in the planning application.
  - Failure to remove a caravan despite refusal of planning (16/08350/FUL) refusal d/t impact on the landscape (there are now two caravans on-site), despite the erection of a temporary dwelling spoiling views across the SLA.
  - Continuous appeals against Wiltshire Council planning decisions despite the objections of neighbours and villagers.

We understand that the Parish Council and many other local people share our concerns to the application within the village.

A short disclaimer:

Please note that my submission is in respect of the proposed development. Whilst I have taken every effort to present accurate information for your consideration, I am not a decision maker or statutory consultee, I cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

Appendices A – water run-off

Water run-off from the Sienna Valley Farm business:

Since late 2022/early 2023 there has been a significant change in the nature of the run-off from Sienna Valley Farm onto the surrounding residences. The run-off now contains a high sediment load and faeces from the pig-pen which sits just above the boundary with Hazelcombe and Saddlestone Barn.



Pig pen at Sienna Valley Farm showing the hardcore rubble roadway (runs-off directly into the rear gardens of Hazelcombe and Saddlestone Barn)



Heavily sediment laden run-off at rear of our property (containing pig pen faeces from Sienna Valley Farm)

Soak-aways at the rear of our property are being rapidly overloaded with run-off sediment, becoming impermeable and sending water straight to the back of the house. The courtyard serving Hazelcombe, Saddlestone Barn and Stable Cottage is also being inundated with sediment, filling the soak-aways to the point where they won't drain, rapidly flooding the courtyard.



Courtyard to Hazelcombe, Saddlestone Barn and Stable Cottage completely flooded by run-off from Sienna Valley Farm

The timing of these changes in volume and sediment load coincides with work being carried out on Sienna Valley Farm to create additional hardstand around the area of the proposed dwelling in the planning application, along with roadway works on the site. Since 2022 there have been a significant number of deliveries of hardcore by lorry to Sienna Valley Farm, which is then distributed by digger and dumper throughout the site.

After discussion with the previous land owner at Sienna Valley Farm we were informed that run-off from the fields was historically diverted by a drainage channel away from the houses, and out into Huntenhull Lane through the current gate of Sienna Valley Farm. He could no longer see the historical drainage channel along the back and side of the boundary (within Sienna Valley Farm), either having been filled-in since change of ownership or building-up with silt due to lack of maintenance.

The changes to historical drainage has moved the run-off path onto the existing residences, diverting the run-off away from the site shown in the planning application for the building of the farm workers residence on Sienna Valley Farm, the barn where the animals are kept overnight, the temporary dwelling that has been erected on the side of the barn and the 2nd caravan placed. A significant area of hard standing has been created since 2022 around the barn further exacerbating run-off issues.

We no longer see run-off coming out of the gates at Sienna Valley Farm, where it was previously significant prior to 2022, further evidencing that changes have been made on Sienna Valley Farm to the path of the surface water run-off.



Heavy machinery at Sienna Valley Farm



Hard stand area with vehicles on Sienna Valley Farm (at boundary with Saddlestone Barn and Stable Cottage)

We have reached out to business owner to try and resolve the issue with no success.

Appendices B – DEFRA guidelines on surface water run-off

I would like to highlight DEFRA guidelines around surface water run-off:

https://defrafarming.blog.gov.uk/complete-a-runoff-and-soil-erosion-risk-assessment/

As a business Sienna Vallery Farm should be bound to undertake assessments and checks to protect the existing residences at Huntenhull Farm, Hazelcombe, Saddlestone Barn and Stable Cottage.

Due to the nature of the changes made at the business I don't believe a risk assessment has been completed, I particularly highlight the following:

"A risk assessment is also an important part of creating a soil management plan.

The risk assessment will identify:

- the risk of soil runoff and erosion
- water flow pathways (including field drains) to receptors including water bodies, sensitive habitats, roads and houses"

"Assess risk of runoff

Assess the risk of runoff based on the steepness of slopes, topography and valley features. In general, slopes:

- over 11 degrees may have very high runoff risk
- over 7 degrees may have high runoff risk"

For sandy and light silty soils, slopes:

- over 7 degrees may have very high erosion risk

"Assess flood risk

- Land that floods can be prone to erosion and runoff, particularly when under cultivation.
- You should record land that floods at least once every 3 years as high risk in your assessment."

As such, I believe the business at Sienna Valley Farm has already damaged the Special Landscape Area (SLA) by poor practices, lack of site management plans to protect the SLA, environment and surrounding houses.

The harm to the SLA will be increased significantly by the proposal for the erection of a Farm workers dwelling on the site which will increase hard standing, roof areas and plans which contain any significant drainage planning especially with respect to the steepness of the valley, soil type, existing run-off and the existing properties in close proximity.

Appendices C – Land Stability and Planning

From the government website on land stability planning: https://www.gov.uk/guidance/land-stability

"Why should planning authorities be concerned about land stability?

The effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment."

The planning system has an important role in considering land stability by:

- minimising the risk and effects of land stability on property, infrastructure and the public;
- helping ensure that development does not occur in unstable locations or without appropriate precautions; and
- to bring unstable land, wherever possible, back into productive use.

Paragraph: 001 Reference ID: 45-001-20190722

Is dealing with land stability issues solely a planning issue?

When dealing with land that may be unstable, the planning system works alongside a number of other regimes, including:

- Building Regulations, which seek to ensure that any development is structurally sound;

What is the role of plans in planning for land instability in their areas?

- identifying specific areas where particular consideration of landslides, mining hazards or subsidence will be needed;
- including policies that ensure unstable land is appropriately remediated, prohibit development in specific areas, or only allow specific types of development in those areas;
- circumstances where additional procedures or information, such as a land stability or slope stability risk assessment report, would be required to ensure that adequate and environmentally acceptable mitigation measures are in place; and
- removing permitted development rights in specific circumstances.

Paragraph: 003 Reference ID: 45-003-20190722

What measures can be taken to mitigate the risk of subsidence?

A range of planning mechanisms, through both plan policies and in determining planning applications, can be used to mitigate and minimise risks to development proceeding. These include:

- establishing the principle and layout of new development, for example designing a layout to avoid mine entries and other hazards;
- ensuring proper design of buildings and their structures to cope with any movement expected, and other hazards such as mine and/or ground gases; or
- requiring ground improvement techniques, usually involving the removal of poor material and its replacement with suitable inert and stable material.

What steps should applicants take if they suspect land stability is an issue for an individual application?

Details of the steps that a planning authority should follow for applications where they expect land stability is an issue may be found in the flowchart below. If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.

A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed planning application is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site. A site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development within its anticipated life or damage neighbouring land or property.

Such information could be provided to the planning authority in the form of a land stability or slope stability risk assessment report. Developers may choose to adopt phased reporting, eg desk study results followed by ground investigation results.

Paragraph: 006 Reference ID: 45-006-20140306

Revision date: 06 03 2014

What should a slope stability risk assessment report contain?

The basic issues that a slope stability risk assessment report might consider include:

- an understanding of the factors influencing stability;
- an assessment of whether or not the site is stable and has an adequate level of protection;
- an assessment of whether or not the site is likely to be threatened or affected by reasonably foreseeable slope instability originating outside the boundaries;
- an assessment of whether or not the proposed development is likely to result in slope instability and the extent to which it will affect either the development or nearby property; and
- mitigation measures.

Preparation of a slope stability risk assessment report will vary according to location but is likely to involve at least a comprehensive desk study examination and a site visit.

Paragraph: 007 Reference ID: 45-007-20140306

Revision date: 06 03 2014

What should a land stability risk assessment report contain?

The contents of a land stability risk assessment report will vary in detail from one site to another depending on the potential causes of unstable land that need to be investigated and the development that is proposed. It should present all the information obtained from investigations in a logical order and format which allows an assessment of the risks to the development and include the mitigation necessary to ensure that development will be safe and stable.

Preparation of a land stability risk assessment will normally comprise a comprehensive desk-study and site inspections, but in some circumstances this may require additional intrusive site investigations. The land stability risk assessment report should include:

- a review of existing sources of geological and/or mining information;
- site history;
- site inspection;
- intrusive site investigation (if necessary);
- assessment of land instability risks; and
- mitigation measures

Paragraph: 008 Reference ID: 45-008-20140306

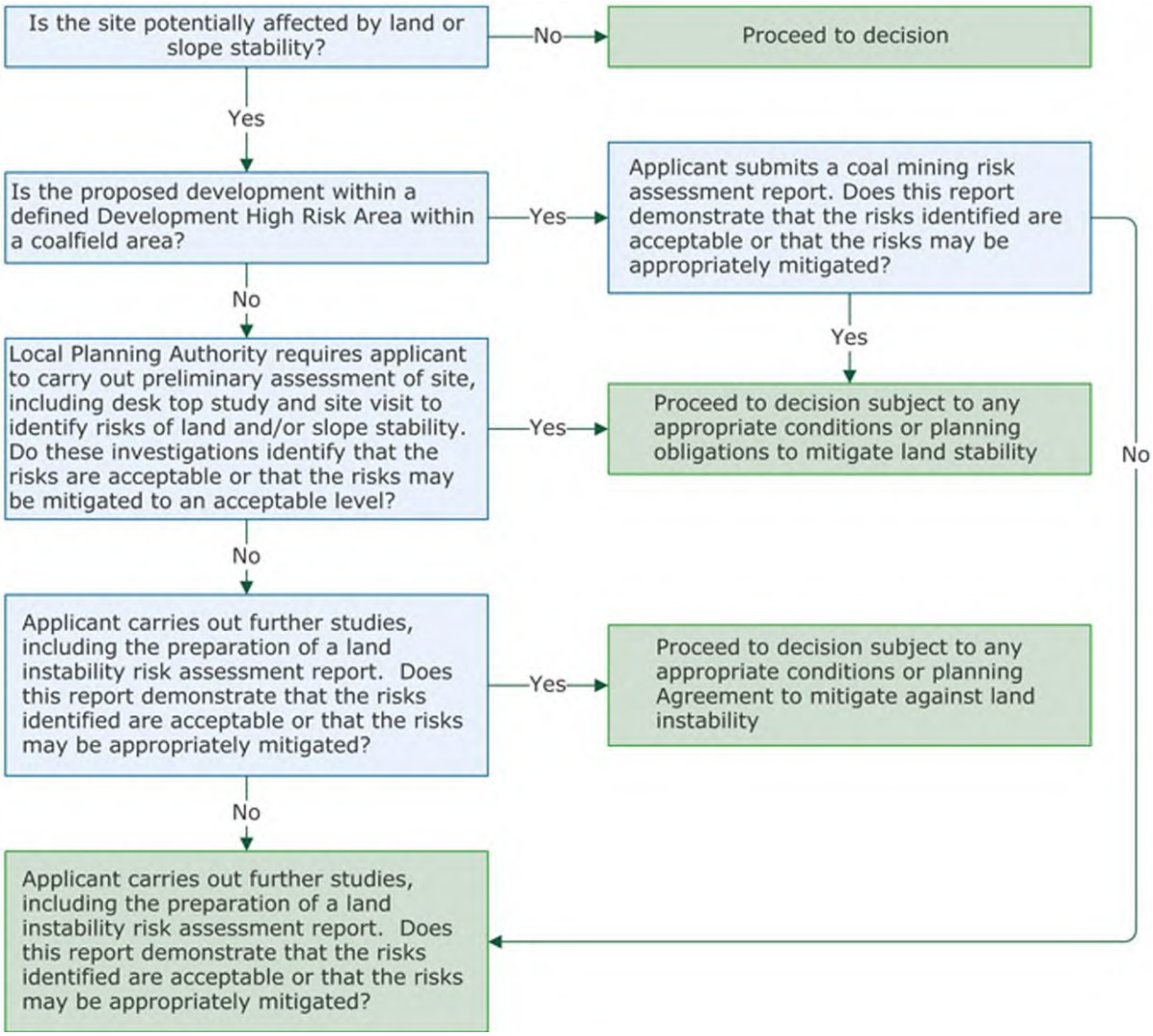
Revision date: 06 03 2014

Who should prepare a land or slope stability risk assessment report?

Land or slope instability risk assessment reports should be prepared by an appropriately qualified person such as chartered members of a relevant professional institution.

Paragraph: 009 Reference ID: 45-009-20140306

Revision date: 06 03 2014

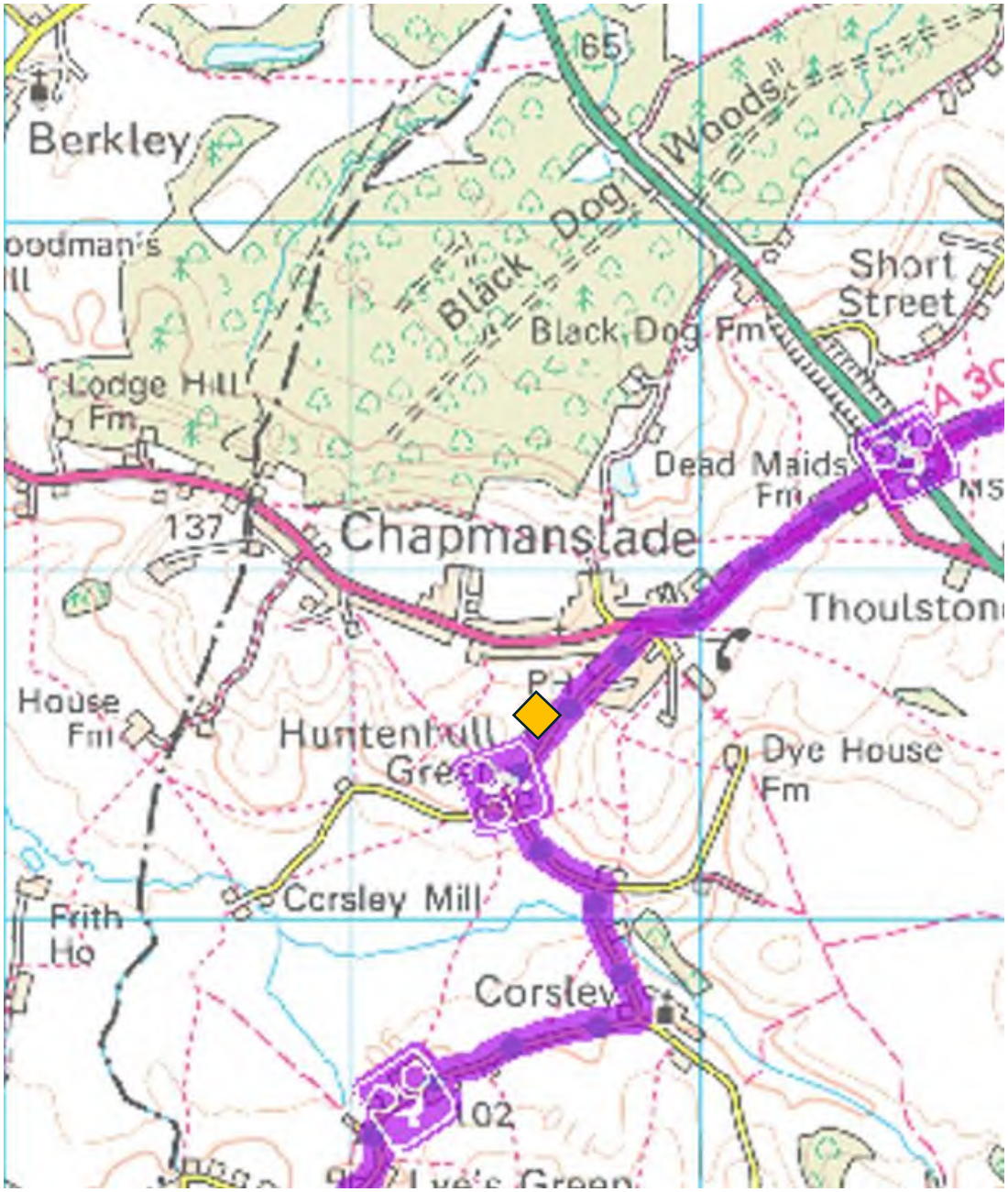






Previous animal track (left) now covered in hardcore creating a roadway (right) around the farm. This is used by the heavy machinery on-site, potentially destabilising the bank on the boundary of Saddlestone Barn and Stable Cottage.

Appendices D – Safe Operation of Highways



Wiltshire-Cycleway S2 Dilton Marsh to Maiden Bradley route/National Cycle Network Route #22 (orange box indicates access to Sienna Valley Farm on Huntenhull Lane)



Location of Sienna Valley Farm along Huntenhull Lane – as used by local and National cycle routes



Huntenhull Lane showing the road narrowing significantly outside Sienna Valley Farm (red box)



Narrowing of Huntenhull Lane into a single track road at the entry/egress for Sienna Valley Farm (National speed limit – 60mph)



Huntenhull Lane showing single lane with limited visibility to Sienna Valley Farm entry/egress (red box).

Appendices E – Visual & noise impact on the SLA to Public Rights of Way (particularly popular local footpaths)



[redacted]

Planning appeal objection for APP/Y3940/W/24/3337482

I am writing to formally object to the planning application and appeal for the proposed rural workers dwelling at Sienna Valley Farm. I live in the neighbouring property that shares 2 boundary lines with Sienna Valley, to the rear of my property and to the right-hand side.

My main objection relates to the damage that is already occurring to my property and land because of the current use of land at Sienna Valley. There are various hardcore, roads and tracks running throughout Sienna Valley, two of which run parallel to my property. These roads, which were previously animal tracks with a small grass verge running through the centre (see image 1), are now much more built up with hardcore, and no longer have the grass verge. They are frequently in use to drive heavy machinery such as diggers, and often have deliveries of hardcore and such, therefore compacting the original tracks. This is affecting the structure of the banks within my side of the boundary line, which sits lower than Sienna Valley. The banks to the side of our property are showing evidence of destabilization and deterioration because of the overuse and buildup of the ground in Sienna Valley. The retaining wall that we have by our garage has become unstable due to movement, as well as water damage associated with the impact of the buildup to the original tracks. In the past 3-4 months we have seen multiple lorries delivering hardcore to Sienna Valley, and in the past month following on from a Parish Council meeting to express our concerns, the applicants seem to have been doing more heavy duty digging and moving hardcore around, again causing potential structural impact to our bank and boundary line.

If planning permission is granted this would mean more risk to our property in terms of ground stability due to the build itself and the impact of multiple large vehicles being driven alongside or boundary line.

Our other issue is the lack of trenches and flood defenses in place within Sienna Valley, which were historically in place and maintained by the previous landowners. Since the applicants have owned Sienna Valley the previous homeowners of the 3 neighbouring barns, Hazlecombe, Saddlestone Barn and Stable Cottage, financially contributed to the installation of V trenches to adequately capture the water run-off from the fields and divert the water safely into Huntenhull Lane, and therefore away from the 3 properties already built. Over time these trenches have been filled in and compacted, the road within Sienna Valley has been built up and the impact is that the water run-off from the fields, farmed with animals, now runs directly into the gardens of Hazelcombe and our property, Saddlestone Barn (see images 2&3) causing serious flooding of the property parameters. At times of heavy rain, the water run-off from the fields, due to the over compacted tracks/roads in Sienna Valley and the absence of any flood defense trenches, causes our driveway to flood

by our garages, which then leads out to the shared courtyard causing further extensive flooding (see images 4&5).

What drainage facilities would be put in place to protect our existing properties from further damage and risk? On multiple occasions I have tried to liase with the applicants to try and find a solution or reinstate the original trenches but to no avail. Instead, being patronized on how the flow of water runs downstream and that it is not of their concern. However, it is evident that there has been a change in the distribution of the water run-off. What was previously running into Huntenhull Lane now seems to solely come into our property, with very little seen coming from the drive of Sienna Valley, like it used to.

Together with the actual damage we are incurring from the flooding issues we are having, our other concern in the environmental health factors. The fields within Sienna Valley are farmed with Alpacas, pigs, chickens and other animals (quantity unknown), and the contamination of the water is coming directly into our gardens. The flow of the water comes directly through a pig pen that is situated at the rear of my property (see image 6). Our garden is used for our personal enjoyment, our children play out there and we have plenty of plants and vegetables that we grow, all of which are becoming contaminated with this run-off from the fields. It is also heavily filled with silt which is causing further issues with drainage within the courtyard, leading to us having to frequently clear drainage so that the water can slowly drain away.

The water damage to the retaining wall and bank to the side of our property is shown in images 7&8. Image 7 shows the retaining wall sleeper that has been pushed out by sheer force of the water run. Off, which previously had not entered our property from the side boundary with Sienna Valley, instead was diverted out to Huntenhull Lane. This damage has occurred in the last 4 months alone. Image 8 shows the same from a different angle.

Furthermore, there is the impact of noise disturbance coming from the applicants if the form of diggers, quad bikes and excessive use of hooters. Typically, during the day, Monday to Friday, the noise is minimal. However, at unsocial hours, outside of usual business hours such as a weekends and weekday evening/nights this is when the noise is at its highest.

There are questions around the necessity of need for a rural worker dwelling on the site. The Alpacas association no longer state that 24-hour care is required, which is seemingly the main purpose for the property proposed. The applicants own other property within a 5-10 mile distance from the site, therefore is this not adequate enough. Equally there has been plenty of opportunity for the applicants to purchase neighbouring property to the site, as all three barns have been available to purchase during the time frame of the planning application process. There has also been a new housing estate built within the village of Chapmanslade which has offered housing suitable in size to accommodate the applicants family size.



Image 1 – original tracks



Image 2 – flooding at Hazelcombe



Image 3 – Saddlestone Farm run off from fields



Image 4 – driveway flooding



Image 5 – courtyard flooding



Image 6 – pig pen and water flow from fields into our garden



Image 7 – blown sleeper



Image 8 – top view of blown sleeper

Regards

Daniel Clements

For official use only (date received): 25/04/2024 15:41:57

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR FRANCIS MORLAND
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Dear Case Officer,

I support Wiltshire Council's refusal (on 17/08/2023) of the planning application under appeal and Chapmanslade Parish Council's Comments on it submitted on 31/07/2023. My own Comments submitted on 02/08/2023 should already have been forwarded to you by Wiltshire Council.

In my view, the Written representations appeal procedure is not suitable for an appeal like this, where there is a lengthy and complex planning history for the appeal site, including no less than six previous planning applications for dwellings there (LPA Ref: 14/09500/FUL, 16/08350/FUL, 18/03933/FUL, 18/09857/FUL, PL/2022/04679 and PL/2022/05269). A great deal of the relevant information/original evidence for the appeal is only to be found in files relating to one or more of those earlier applications, and interested parties have no way of knowing whether or not that information/evidence will be appended to the Local Planning Authority's Appeal Statement before the deadline for their comment expires.

That was exactly the circumstances which led to the rejection of one of the reasons for refusal of the Extension to agricultural building application 19/04504/FUL and the partial award of costs to the appellant - see S. Shapland's Appeal Decision APP/Y3940/W/19/3238918 and Costs Decision on 26/03/2020 (https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=36930491 and https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=36932956).

The best I can do to avoid a repetition of that regrettable outcome is to submit herewith as many of the documents I believe may be helpful to the Inspector dealing with this appeal as I can lay hands on, and I apologise if some of them duplicate documents submitted by others:-

https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?filei
d=38936922 - Breach Lane Southwick Appeal Decision (07/09/2020)

https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?f
ileid=51472195 - off High Street Chapmanslade Appeal Decision (03/03/2023)

https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?f
ileid=54494888 - Thoulstone Farm Appeal Decision (20/10/2023)

18/06223/FUL Decision Notice (13/06/2019) and 20/07952/VAR Decision Notice (28/01/2021) - 43 dwellings on allocation site in Chapmanslade - attached

PL/2022/04679 Case Officer's Report (11/05/2023) - attached

18/03933/FUL Decision Notice (28/06/2018) - attached

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade BA134AD

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	Decision-1.pdf
File name:	Decision-2.pdf
File name:	Officer Delegated Report-1.pdf
File name:	Decision.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 18/06223/FUL

Agent Lochailort Chapmanslade Ltd FAO Mr James Croucher MTP MRTPI Eagle House 108-110 Jermyn Street London SW1Y 6EE	**Applicant** Lochailort Chapmanslade Ltd FAO Mr James Croucher MTP MRTPI Eagle House 108-110 Jermyn Street London SW1Y 6EE
Particulars of Development: Full planning for erection of 43 dwellings (including bungalows and affordable housing) with open space, landscaping, access, parking and associated works	
At: Former Commercial Nursery, Barters Farm, High Street, Chapmanslade, Wiltshire, BA13 4AL	

In pursuance of its powers under the above Act, the Council hereby grant PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following 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 No development shall commence above slab level until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of highway safety

3 No development shall commence on site (including any works of demolition), until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ecology.

4 No development shall commence on site (including any works of demolition), until a Construction Method Statement/Management Plan, which shall include the following: the movement of construction vehicles, the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the cutting or other processing of building materials on site; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing and vehicle wash down facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; and measures for the protection of the natural environment; hours of construction, including deliveries; the location of generators and temporary site accommodation, pile driving (if it is within 200m of a residential property) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall be carried out in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of highway safety and neighbour amenity

5 No development shall commence above slab level, until a landscape and ecological management plan for the whole site including all areas within the public domain has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ecology.

6 No development shall commence above slab level until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. This will include a lux plot for the site that demonstrates that a level of 0.5 lux or less can be achieved at the edges of ecologically sensitive features such as hedges and tree canopies and

specifically linear features that contribute to primary connectivity within the site and between the site and the wider landscape. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ecology.

7 No development shall commence on site until a scheme, and programme, for the discharge of foul water from the site, including allowing sufficient time for the sewerage undertaker to provide any required off site capacity improvements needed to existing public sewerage system to allow the site to be served to ensure no increase in flood risk to others, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage, including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served without increasing flood risk to others, has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of drainage

8 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:
An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
A survey of the extent, nature and scale of contamination on site;
The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
An assessment of the potential risks to
o human health,
o property (existing or proposed) including buildings, crops,
o livestock, pets, woodland and service lines and pipes,
o adjoining land,
o groundwater and surface waters,
o ecological systems,
o archaeological sites and ancient monuments;
This must be conducted in accordance with DEFRA and the Environment Agency's

"Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:
If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:
The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:
Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.
A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).
The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:
If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.
All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors.

9 No development shall commence above slab level 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:-

* location and current canopy spread of all existing trees and hedgerows on the land;
* full details of any to be retained, together with measures for their protection in the course of development;
* a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
* all hard and soft surfacing materials;
* maintenance and management plan clearly showing the communual areas that will be maintained by the management company

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10 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(s) 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 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.

11 No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

12 No development above slab level shall commence on site until details of the surfacing to footpath CHAP14 has been submitted to and approved in writing by the Local Planning Authority. Surfacing shall be completed in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: In order to secure pedestrian connectivity improvements in the interests of visual amenity and to encourage non-motorised travel modes"

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the rear elevation and rear roofslope of Plot 1.

REASON: In the interests of residential amenity and privacy.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the rear roofslopes of Plots 21, 22, 23, 24, 2526, 27, 28 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

16 The windows shown on the approved plans to be glazed with obscure glass shall have an obscurity level of no less than level 3. No dwelling hereby approved shall be first occupied until the obscure glazing serving that dwelling has been installed and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

17 The development hereby approved shall be carried out in strict accordance with the recommendations given in the ecological survey report by Protected Species Ecology Ltd received by the Local Planning Authority on 2nd August 2018.

REASON: In the interest of Ecology

18 The development hereby approved shall not be first occupied until the access has been completed in accordance with the approved plans.

REASON: In the interest of highway safety

19 No dwelling hereby approved shall be first occupied until the boundaries, waste facility and parking spaces serving that dwelling have been laid out in accordance with the approved plans.

REASON: In the interest of neighbouring amenity and the amenity of future occupiers.

20 No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of the neighbouring amenities, the amenities of the area in general and to prevent detriment to the natural environment through the risks of

pollution.

21 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interest of neighbouring amenity

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

Received on 11th July 2018:
18074: 140C (2b4p House), 141(3b5p), 142 (3b5p), 143 (3b5p), 145 (1b2p maisonette), 149 (type F), 153 (type M), 154A (2b bungalow), 155A (2b bungalow), 1010A (location plan), 1017 (boundary treatments), 1018A (garages), 1021 (street scenes)
369CH03 (survey)

Received 4th December 2018:
10874: 1020F (planning layout), 1014F (refuse vehicle tracking), 1015F (fire vehicle traking), 1016F (boundary treatment layout), 144A (2b4p),146A (housetype C), 147A (Housetype D), 148A (housetype E), 150A (housetype H), 151A (housetype I+), 152A (housetype L), 157A (housetype I+), 158A (Housetype I), 159A (housetype D)

Received 12th April 2019: 18074/135 (carport details)

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

1 INFORMATIVE TO APPLICANT:
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 13th June 2019

2 INFORMATIVE TO APPLICANT:
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Signed

Alistair Cunningham

Corporate Director
Growth, Investment, &Place **Dated: 13 June 2019**

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

   In particular the applicant is reminded of the following matters:-

   1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

   1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

   1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

   1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

   If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

   Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

   'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or
   expiry of the specified period;
   'Type B appeal', 28 days from the date on which the enforcement notice is served;
   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) was served no earlier than 2 years before the application is made;
   (b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and
   (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);
   'Type B appeal' means an appeal in respect of an application relating to land and development which

are the same or substantially the same as the land and development in respect of which an enforcement notice—
(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**

7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.

Wiltshire Council

Town & Country Planning Act 1990

Notice of Planning Permission for Variation/Non-Compliance with a condition imposed on an earlier permission

Application Reference Number: 20/07952/VAR

Agent Lochailort Investments Eagle House 108-110 Jermyn Street London SW1Y 6EE	**Applicant** Lochailort Chapmanslade Ltd c/o agent
Particulars of Development: Variation of condition 22 (approved plans) on 18/06223/FUL to allow for design changes	
At: Former Commercial Nursery, Barters Farm, High Street, Chapmanslade, BA13 4AL	

In pursuance of their powers under the above Act, the Council hereby GRANT PLANNING PERMISSION for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to compliance with any condition(s) specified hereunder:-

1 The development hereby permitted shall be begun before 13th June 2022

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 No development shall commence above slab level until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid

out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of highway safety

3 No development shall commence on site (including any works of demolition), until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ecology.

4 The development hereby approved shall be carried out in accordance with the Construction Method Statement/Management Plan submitted to and approved in writing by the Local Planning Authority under reference number 19/07175/DOC.

REASON: To ensure that the development is undertaken in an acceptable manner, in the interests of highway safety and neighbour amenity

5 No development shall commence above slab level, until a landscape and ecological management plan for the whole site including all areas within the public domain has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ecology.

6 No development hereby approved shall be carried out in accordance with the lighting strategy that was submitted to and approved in writing by the Local Planning Authority under reference number 19/08608/DOC.

REASON: To ensure that the development is undertaken in an acceptable manner, in the interests of ecology.

7 No development shall commence on site until a scheme, and programme, for the discharge of foul water from the site, including allowing sufficient time for the sewerage undertaker to provide any required off site capacity improvements needed to existing public sewerage system to allow the site to be served to

ensure no increase in flood risk to others, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage, including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served without increasing flood risk to others, has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of drainage

8 The development hereby approved shall be carried out in accordance with the ground investigation that was submitted to and approved in writing by the Local Planning Authority under reference number 20/02483/DOC.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 No development above slab level shall commence on site until the asbestos highlighted in the asbestos survey contained in the ground investigation report submitted to the Local Planning Authority under reference number 20/02483/DOC has been removed from the site and its removal verified through a verification report. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved)

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to the above until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure that risks from land contamination to the future users of

the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 No development shall commence above slab level 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:-

* location and current canopy spread of all existing trees and hedgerows on the land;

* full details of any to be retained, together with measures for their protection in the course of development;

* a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

* all hard and soft surfacing materials;

* maintenance and management plan clearly showing the communal areas that will be maintained by the management company

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11 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(s) 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 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.

12 No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

13 No development above slab level shall commence on site until details of the surfacing to footpath CHAP14 has been submitted to and approved in writing by the Local Planning Authority. Surfacing shall be completed in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: In order to secure pedestrian connectivity improvements in the interests of visual amenity and to encourage non-motorised travel modes

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the side elevations and roofslopes of Plot 1.

REASON: In the interests of residential amenity and privacy.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the rear roofslopes of Plots 21, 22, 23, 24, 25, 26, 27, 28 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

17 The windows shown on the approved plans to be glazed with obscure glass shall have an obscurity level of no less than level 3. No dwelling hereby approved shall be first occupied until the obscure glazing serving that dwelling has been installed and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

18 Prior to the first occupation of plot 11, the first floor side window shall be glazed with obscure glass to an obscurity level of no less than level 3 and shall

thereafter remain in perpetuity.

REASON: To protect neighbouring amenity.

19 The development hereby approved shall be carried out in strict accordance with the recommendations given in the ecological survey report by Protected Species Ecology Ltd received by the Local Planning Authority on 2nd August 2018 submitted and approved under reference number 18/06223/FUL

REASON: In the interest of Ecology

20 The development hereby approved shall not be first occupied until the access has been completed in accordance with the approved plans.

REASON: In the interest of highway safety

21 No dwelling hereby approved shall be first occupied until the boundaries, waste facility and parking spaces serving that dwelling have been laid out in accordance with the approved plans.

REASON: In the interest of neighbouring amenity and the amenity of future occupiers.

22 No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of the neighbouring amenities, the amenities of the area in general and to prevent detriment to the natural environment through the risks of pollution.

23 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00

to 13:00 on Saturdays.

REASON: In the interest of neighbouring amenity

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

Received on 19th January 2021: 853-21A (217), 853-13B (CR floor plans and elevations)

Received on 10th December 2020: 853-16B (1b2p & 3b5p floor plans and elevations), 853-09 (affordable housing parking)

Received on 3rd December 2020: 853-05C (site layout), 853-08 (material and boundary treatment locations), 853-10C (PB floor plan and elevation) 853-17B (2b4p floor plan and elevation)

Received 24th November 2020: 853-07 (suds), 853-11A (Type AG), 853-14B (Type SH), 853-15B (Type HN), 853-18A (Type 2b40 plot 12-15), 853-19A (Type 3b5p), 853-20B (3b50 CR), 853-24B (PB plot 43)

Received 29th September 2020: 18074/1010A (location plan), 853-12 (SC floor plans and elevations), 853-23 (Type CL)

The development shall also be carried out in accordance with the following plans approved under Planning Application reference number 18/06223/FUL

Received on 11th July 2018: 1017 (boundary treatments), 1018A (garages), 369CH03 (survey)

Received 4th December 2018: 1014F (refuse vehicle tracking), 1015F (fire vehicle tracking)

1 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 28th January 2021

2 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Signed
Sam Fox
Director Economic Development & Planning
Dated: 28 January 2021

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

   In particular the applicant is reminded of the following matters:-

   1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

   1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge)

   1.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

   1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal – www.planningportal.gov.uk/planning/appeals). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

   If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – www.wiltshire.gov.uk. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request that you apply well in advance of when you intend to start work

CASE OFFICER'S REPORT

Application Reference:	PL/2022/04679
Application Type:	Full planning permission
Site Inspection:	09 November 2022
Consultation ends:	27 July 2022
Case officer:	Russell Brown

Site Address:	Sienna Valley Farm, Huntenhull Lane, Chapmanslade, Westbury, BA13 4AS
Proposal:	Erection of rural workers dwellinghouse
Recommendation:	Refuse

POLICIES

Wiltshire Core Strategy - CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP31 – Spatial Strategy Warminster Community Area, CP48 – Supporting Rural Life, CP51 – Landscape, CP57 – Ensuring High Quality Design and Place Shaping, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - C3 - Special Landscape Area, U1a - Foul Water Disposal, U2 - Surface Water Disposal

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG) are also relevant to this application.

CONSULTATION RESPONSES

Parish Council:

“Chapmanslade Parish Council strongly objects to this proposal on the following grounds:

“1. The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by Core Policy 48 which first requires a thorough scrutiny of available accommodation found locally and within nearby settlements (as directed by para 6.67 pursuant to CP48); and secondly, there must be a demonstrable essential need to justify a new dwelling house to be erected in the open countryside for the purpose of protecting the countryside and maintaining its local distinctiveness. In this particular case, the Parish Council is not satisfied that there is an essential need for this proposal and the Applicant has failed to appraise local housing opportunities which have increased over the past 2 years to include 43 new homes within walking distance of the site. Thus, we believe the application is contrary to Core Policy 48 of the Wiltshire Core Strategy and paragraph 55 of the National Planning Policy Framework.

“2 The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area and the Parish Council concludes that the proposal would have a detrimental and

harmful impact that would not be sympathetic to its special character and local distinctiveness; and for these reasons, the application is considered contrary to Core Policy 48 (and associated paragraphs 6.66-6.67) and Core Policy 51 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan mvmt15 as well as being contrary to the NPPF and specifically paragraphs 17 and 109. The Parish Council moreover submits that even if the Applicant was able to make a convincing argument for the erection of a dwelling on the site and in the location proposed, the harm that would be caused to the Special Landscape Area would not be outweighed."

"3. The main issues in this matter are:
a) whether agricultural arguments justify making an exception to policies which seek to limit residential development outside of settlement limits and in areas not served well by public transport, and
b) the effect of the development on the character and appearance of the surrounding area.

"The 'essential need':

"4. From the agricultural statement provided by the applicants the alpaca unit will generate a labour requirement of just over one and a half full time units of labour.

"5. It is well documented and recognised that the majority of day-to-day tasks associated with good husbandry of the livestock, including alpacas, can be undertaken without a dwelling on site. The important exceptions to this recognition are the care of sick animals and calving. Examples are:

"a. In 2012 the then Head of Planning in Stroud stated "The use of alpacas as a means to get erroneous permission for dwellings in the countryside is well known to the planning fraternity […]. The exceptions for rural workers were designed to assist genuine farmers to feed the nation".

"b. The advice of the Policy Team at Defra, (Professor Sir Ian Boyd FRSE FRSB, Chief Science Adviser), is that accommodation on alpaca farms is not required. The Defra Policy team states that there are legal requirements under the Welfare of Farmed Animals (England) Regulations 2007 that animals are inspected at least once a day and more frequently at higher risk times (e.g. when giving birth). They state that "the obligation is around inspection and does not require a presence 24/7".

"c. Mr A Hopker BVM&S SFHEA MRCVS of the Farm Animal Practice Team at the Royal School of Veterinary Studies, The University of Edinburgh has stated that "In cases where an alpaca keeper has elected to keep animals on land distant from their home it would be most unusual to build a dwelling specifically for the purpose of observing the animals giving birth […]. More usually an alpaca keeper might sit awake for the night in the field shelter in order to observe the animals." Field shelters should be present to accommodate animals in inclement weather.

"d. It is also worth emphasising that alpacas are highly susceptible to bovine TB and are usually asymptomatic until late in disease progression. If not carefully managed, this could constitute a risk to local cattle herds as well as to the viability of the business."

"6. There is no express reference in the NPPF to an assessment of a future proposed business which will operate in association with the proposed rural dwelling. Without such an assessment the continuation of the 'essential need' cannot be verified and the land could become just residential.

There should be a clear agricultural tie placed against any planning permission granted for a permanent residence to ensure against business failure within the foreseeable future.

“7. The claimed "essential demand" for this permanent residence is absolutely predicated upon the financial viability of the alpaca business. It is difficult to assess this given the paucity of commercial information given within the application [and notwithstanding any commercial confidentiality]. The accounts for the past 3 years need to be fact checked by WC to determine the legitimacy of the very substantial profitability highlighted for the year ending January 2022 against the 2 previous years. The positive effect of any Covid awarded grants taken into 2022 accounts, needs to be understood since this may have inflated the true year-on-year trading position - hence profitability of the alpaca business.

“The proposed dwelling and its impact:

“8. The proposal is to provide a new, permanent, two-storey dwelling on the site. The proposed dwelling is shown with five bedrooms and will, according to the applicant’s representatives, have a gross internal area of 168m2. The applicant’s representatives advise that the total area and number of bedrooms are required as a result of the applicant’s personal circumstances. A dwelling of this size would have a considerable impact upon the nature of the Corsley Greensand SLA.

“9. The NPPF does not offer guidance on the size of dwelling that would be suitable to meet an identified essential need. The former PPS7 (Annex A) identified that a dwelling should be of a size and cost commensurate to the identified essential need and should not be excessively large. The stated essential need is for 1 -1.5 workers thus this criterion is far exceeded by the current application. It is noted that essential need does not expressly take into account the personal circumstances of the worker concerned.

“10. The application is absolutely not "an upgrade of the temporary lean-to accommodation" as claimed within the supporting documents. The existing temporary structure is intended to be retained as living accommodation through the build period of the new dwelling (duration unspecified), and thereafter as a permanent structure to serve as a teaching room for visitors and general storage. It is utterly disingenuous to suggest an "upgrade"; the new building is simply a detached 5-bedroom permanent living space located within an SLA adding to an existing building that was supposed to be temporary, and the retention of which will double the impact on the surroundings.

“11. The proposed construction of the new building is incongruous in the context of adjacent properties in a rural landscape; the Planning, Access & Design Statement uses the term "functional" - in other words the design is focussed upon optimizing construction cost only for the applicant. Indeed, one of the comments raised by WC in 2014 against their original planning refusal in respect of the temporary mobile home, was that its appearance was "visually incongruous and harmful to the landscape quality of the surroundings". It is hard to imagine how the far greater profile of a 2 storey plain detached dwelling could not be construed as even more "incongruous". There has been no attempt to design the dwelling as being sympathetic to its surroundings, nor it appears to take heed of the WC focus upon measures to promote energy efficiency such as incorporating solar panels and/or an air/ground source heat pump.

“12. The route of foul drainage needs to be very carefully scrutinised and agreed by WC. The existing septic tank was approved in 2018 by WC in respect of the temporary lean-to accommodation however it is our understanding that any permanent property built after January 2015 is regarded as a "new discharge" which requires direction into a public sewer unless impractical. There is a sewer adjacent to the Sienna Valley entrance in Huntenhall Lane, with connection circa 50m and with the benefit of a gravity discharge from the proposed property. Should such a discharge be impractical then a private sewage treatment plant should be provided - though at the agreement of the Environment Agency who would issue the necessary permit. Building Regulation approval would also be required. The foul waste discharge is covered under section H1 [Foul Drainage] and H2 [Wastewater Treatment System] of the Building Regulations 2010 [merged documents] dated June 2022.

13. The Applicant is entitled to the respect of their family life and their home as enshrined in the Human Rights Act 1998. However, these rights are not absolute, and interference may be justified in the public interest. In this case, the planning system exists to regulate the use of land. Given the respective ages of the children and the family structure, the Applicant will have known from the very start of this process that the site would require planning permission, and that if designed to accommodate the family would necessitate 4–5-bedroom house as a family dwelling. But the application process has throughout been for an agricultural workers residence with an acknowledged essential need of 1-1.5 persons. Thus, we are at a point where ‘essential need’ no longer matches the planning application, which increasingly looks like a long-term plan to build a residential house on agricultural land within the Chapmanslade SLA.

“14. Upholding national and local planning policy, and the importance of protecting the character and appearance of the countryside are matters of legitimate public interest, and there is considerable interest in the Parish of Chapmanslade. The Applicant already has a residential home 5 miles away from the site, and there are a significant number of available dwellings including affordable housing within a short walking distance of the site. The agricultural worker essential need is stated as being for 1-1.5 workers but there are many experts who believe that there is actually no requirement for permanent presence at the site, and with a home only 5 miles away the care requirements could be undertaken by short duration visits in times of need. Thus, there is no requirement for a residential dwelling hidden in the guise of an agricultural workers dwelling of the size proposed in this application.

“Other matters:

“15. We note the extensive list of friends and family that are registered as having been informed. These will undoubtedly support the application. We believe that this section of the planning process is designed to allow those who will be directly affected by a planning application to have their say and urge Wiltshire Council to apply this principle rigorously in this case.

“Conclusion:

“16. This application fails to meet the requirements of a number of Wiltshire’s core policies. Planning design makes no attempt to incorporate recent environmental considerations and documentation regarding design is sufficiently sparse as to allow unregulated building in its current form. The application does not match the essential need for the scale of operation. There are uncertainties regarding the long-term plans for the business. The availability of new housing in Chapmanslade

and the proximity of the Applicant's house in Frome mean there is little justification for building a residential dwelling in the guise of an agricultural workers dwelling on agricultural land which is both outside the development boundary of Chapmanslade, and within the Corsley to Chapmanslade SLA."

Highways:

"I refer to the above planning application for a 5x bedroom dwelling to replace the currently permitted temporary lean-to accommodation. I am aware of the history of proposals at this site with the most recent 18/09857/FUL allowing the temporary rural workers dwelling.

"As previously stated, the location of the dwelling is such that it would typically attract an adverse highway recommendation on sustainability grounds. This is due to the rural setting and lack of alternative travel options, other than the private car. However, it is acknowledged that a rural workers dwelling, by its very nature, will be located in a rural location and thus the sustainability objection may not be justifiable. I shall be guided by you."

Condition supplied if permission were to be granted.

Wessex Water:

No objections (information provided for the applicant).

Independent Agricultural Assessment:

Findings that the need for an agricultural worker's dwelling is justified.

REPRESENTATIONS

44 letters have been received from members of the public. They are are mixture of objections and supportive comments. The comments are available in full on the public file, and can be summarised as follows:

Objections summary:

The proposed site is in a sensitive Special Landscape Area where developments have a significant detrimental impact on the environment and those using and enjoying it. Fundamentally, I believe that the significant detrimental impact of the proposed development is far greater than any benefits or need for the activity of alpaca breeding in this particular location.

The scale and construction of the proposed dwelling, which is in addition to other recent developments on the site, is such that it will have a very negative impact on the environment. It will dominate its location and clearly be visible from a number of footpaths and Huntenhull Lane. The screening in place is far less effective for large parts of the year when the trees are not in leaf.

The availability of local housing and the fact that the applicant has been living in frome for many years means that there is no need for a new 5 bedroom dwelling in the guise of a rural workers dwelling.

Next the access into huntenhall lane is at best dangerous as it is still a 60 mph road on various occasions there are cars parked on the pavement at the intersection of Brimhill rise.

The septic tank is inadequate for the size of dwelling proposed. The house sewer should be connected to the main sewer in Huntenhull Lane.

The proposed drainage via a soak away is inadequate for the size of dwelling proposed, which should be connected to the mains drainage system to ensure that run-off water does not flow down into neighbouring land and properties.

The materials are not in keeping with the neighbouring area; they should of natural stone, brick and slate roof tiles to match the neighbouring properties. Its location, elevation and proposed materials make it incongruous with the landscape in this SLA. It would be clearly visible from Huntenhull Lane, neighbouring properties and from public footpaths.

As a neighbouring property owner we have the following concerns of road safety, noise disturbance, landslide to adjoining boundaries, bank stability, flooding and drainage issues.

Having children that walk up and down Huntenhull Lane for regular school attendance, general walks and cycling, my concerns over road safety is paramount. There are visual difficulties when exiting the Sienna's Valley site to the left with the hedges/tree lines blocking the majority of the view. I feel this is of concern particularly with the 60mph speed limit of the Lane.

The property appears to be relatively close to our neighbouring boundaries, moreso than the current dwelling. Already there has been some landslide issues with the bank adjoining Sienna's Valley with regard to water damage, impacting our garage and bank parameters. With a house being built even closer we worry this is likely to impact further.

Drainage and flooding to the Lane is already an ongoing issue when we have heavy rain. Is this new property likely to impact the poor drainage further? Already in heavy rain it can be difficult to walk, and even drive through when flooding occurs.

A further dangerous precedent will be set if councils allow Alpaca breeding to be a reason for seeking planning permission in an SLA as they have no way of future proofing this agricultural need in the future. The Alpacas could be sold the day after completion of the property yet the new build in an SLA will remain. DEFRA indicate that there is no essential need to live on site associated with Alpaca breeding. The need to be on site due to 30 alpacas is subjective. Many smallholders successfully look after their alpacas despite not living on site.

If the council support this application, how many Alpacas are needed to obtain future planning permission, maybe only a single breeding female? In addition, a mobile herd of Alpacas could then be borrowed and moved on after planning permission is granted.

The applicant and the family already have permanently lived on site in the temporary rural workers dwelling at Siennas Valley for the past 3 years. They claim that the business has been successful, so they do not need further accommodation to meet the needs of animal husbandry or family need.

The current temporary rural workers dwelling within its current footprint, fulfils the subjective need for accommodation on site so therefore no further development is needed.

There have been four 5 bedroomed properties that have come on to the market since 2008 that share a landed boundary with Siennas valley. The applicants have made no attempt to purchase these houses despite their apparent need for a larger dwelling that is in immediate proximity to their animals.

Negative effects on amenity (neighbours and community) - particularly due to:
• Noise
• Disturbance
• Overlooking & loss of privacy – to Stable Cottage/ Saddlestone Barn and neighbours privacy to Eastern boundary
• Nuisance

As a frequent cyclist of the area I have on numerous occasions felt unsafe cycling past the Sienna's Valley site when motorists are pulling out of the property due to the difficulties in visualising the property entrance. Huntenhull Lane is shown on the sustrans national cycle route and is a popular route for many local cyclists. Therefore adding further properties to the Lane would significantly increase the risk to those using this popular cycling route.

The need for a seasonal overnight presence does not equate to the need for a year-round overnight presence.

The successful application for temporary accommodation does not constitute an essential need for a permanent dwelling.

Support summary:

It is a beautiful landscape i really enjoyed visiting there farm it was a great experience and the owners were really lovely i think that the house would be a great addition to the farm and would look amazing on there property.

This is a successful business, that needs a permanent residence on site to house the family that are working all year round to look after their livestock, and the land. As well as needing to be on the farm all the time to properly care for their alpacas all year round, it makes the security of the farm much better as rural crime is a big problem especially on land with nobody there to prevent break ins of farm buildings ,etc.

Living on the farm also means there would be less travelling needed for the family, which means less pollution, and less expense (given the rise in fuel costs) than there would be if they lived miles from their farm.

The house will be seen slightly from the road and a sighter view from the public footpath that is only used occasionally (no house should remain hidden from public view as part of granting planning as if so, no more houses would be built in England).

The purposed house is a good distance of the neighbouring properties that causes no impact.

PLANNING HISTORY

18/09857/FUL - Temporary rural workers dwelling - Approved

18/03933/FUL - Temporary rural workers dwelling - Refused

16/08350/FUL – Temporary rural workers dwelling and alterations to access (resubmission of 14/09500/FUL) – The Local Planning Authority exercised its power under section 70A of the Town and Country Planning Act to decline to determine the application as it was similar to an application that within the last two years had been dismissed by the Secretary of State on appeal (14/09500/FUL was dismissed on 6 April 2016).
14/00852/ENF – An enforcement notice was issued on 10 July 2015. The breach of control comprised:

Without planning permission, the material change of use of land from agriculture to a mixed use of agriculture and use as a residential caravan site for the stationing and residential occupation of a mobile home, the stationing and storage of a touring caravan and; operational development comprising the excavation and re-profiling of the land on which to station the mobile home, together with the installation of a septic tank, construction of decking, construction of a base for an extension to the mobile home, erection of timber fencing and external lighting and supporting pole, all being integral to the material change of use.

This notice was upheld on appeal other than the compliance period to remove all the aforesaid structures from the land being changed from 6 months to 12 months.

14/09500/FUL – Siting of a mobile home for use as a rural workers dwelling and alterations to access – Refused 10 June 2015 for the following reason:

The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by policy CP48 to that required to meet the needs of employment essential to the countryside. The Council consider that the functional need for accommodation to oversee any birthing/sick animals could be met through permitted development rights to be on hand during such events and does not justify a year round presence. The applicant has failed to submit robust financial information to support such a dwelling and no evidence has been submitted demonstrating that the appellants could not provide sufficient oversight of the holding from a dwelling in a nearby settlement. Furthermore, the siting of the temporary dwelling harms the character and appearance of the Special Landscape Area. The proposal fails to comply with Core Policies 48, 51 and 57 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan and the NPPF, namely paragraph 17 and 55.

The appeal was dismissed on 6 April 2016 due to the impact upon the Special Landscape Area.

14/03770/FUL – Extension to Barn– Refused 11 June 2014 for the following reason:

The proposed extension would exceed the justified need and have an adverse impact upon the special landscape character area contrary to Saved Policies C3 and C31a of the West Wiltshire District Local Plan (Adopted 2004)

The above refusal reason was upheld on appeal on 30 April 2015

14/00987/FUL – Erection of a Barn – Approved with conditions 31 March 2014

13/06809/FUL – Extension to Barn – Withdrawn 29 January 2014

12/02185/FUL - Agricultural Barn and retrospective hardstanding – Approved with conditions 24 January 2013

W/12/01833/FUL – Erection of an agricultural barn – Refused 06 November 2012 for the following reason:

The proposed development, by reason of its siting and size in this location would be visually intrusive and would cause unacceptable harm to the character and appearance of the landscape in this part of the Special Landscape Area. This would conflict with policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the National Planning Policy Framework.

W/12/00639/AGD – Erection of a barn – Prior Approval Required 01 May 2012 with the following reason:

A Prior Approval application will be required to determine the siting, design and external appearance of the building as under the conditions of Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995.

W/11/00040/FUL – Erection of an agricultural building and retention of hardstanding – Refused 03 August 2011 for the following reasons:

The proposed development, which is not justified by the agricultural needs of the land, would be contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

The proposed development, by reason of the size, scale, form and siting of the building, would be visually intrusive in the open landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to policy C3 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The local ward member has called in this application to the Planning Committee if the recommendation were for approval. This report shows that the recommendation is for refusal and therefore the decision can be made under delegated powers.

Site and Proposal

The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area. The site lies immediately North West of Huntenhull Lane and approximately quarter of a mile south west of Chapmanslade. The site is in a valley, within the open countryside. There are a group of existing residential dwellings located to the south west of the site which the following site location plan illustrates (Fig. 1).

Fig. 1: Site Plan



The applicant's freehold farm holding at Sienna Valley Farm extends to approximately 4.7 hectares (11.6 acres) of pasture and was purchased by the applicant in 2009 and intends to develop a viable agricultural holding. The applicant also has 0.75 hectares of land five miles away which is held under a farm business tenancy.

Sienna Valley Farm is now an established alpaca breeding and rearing unit. At present there are 53 alpacas, a flock of egg-laying hens and two pigs.

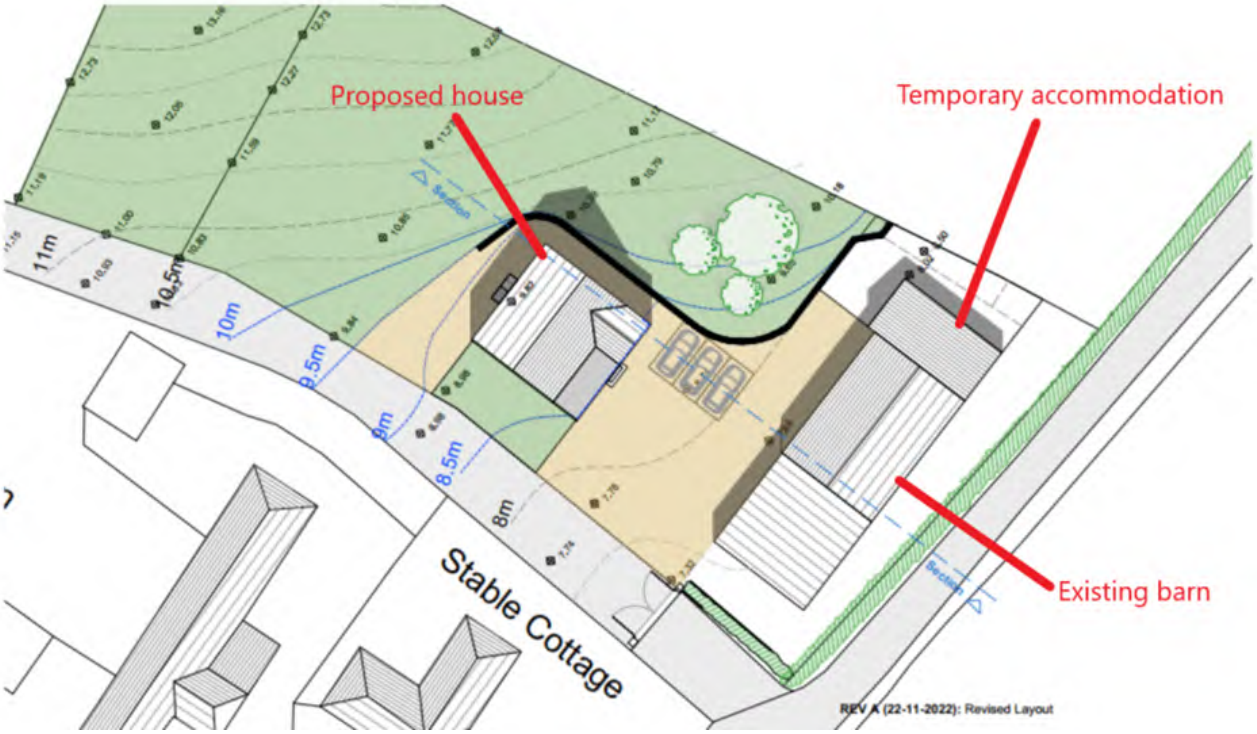
The Sienna Valley Farm has a three bay barn, constructed with a steel portal frame, profile sheet cladding to the upper elevations with the lower elevations open.

Attached to the above structure is a temporary lean-to structure providing accommodation for the family – under an agricultural worker's temporary permission.

The current proposal is for the creation of a permanent agricultural worker's dwelling that is put forward as a two storey detached house of conventional design using reconstituted stone for the walls and reconstituted slate for the roof (Fig. 4).

The house is proposed to be sited on a rise above the existing barn, seen in Fig. 2. This would bring the ridge of the house 3.5 metres above that of the barn (as shown in Fig. 5).

Fig. 2: Proposed Block Plan (red annotation by case officer)



Principle of Development

Paragraph 80 of the NPPF advises that '…decisions should avoid new isolated homes in the countryside unless … there is an essential need for a rural worker to live permanently at or near their place of work in the countryside' (Note – the emphasis has been added by case officer).

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development should take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan).

Core Policy 48 deals with dwellings required to meet the employment needs of rural areas and an application for a dwelling at a rural site should comply with it. The policy states:

“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 Council’s agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan. The Council’s agricultural consultant concludes that there is an essential need for a farm worker to be resident on the site arguing that whilst general animal husbandry duties can be performed without a dwellinghouse being on the site, there are exceptional justification for alpaca breeding enterprises. Cria, when first born are weak and require very close attention to ensure they receive colostrum, to spray their navels with antibacterial/antiseptic spray to prevent infection.

The care of sick animals and during calving times also justifies an essential need for a house on the site. It is accepted that animals which are sick or close to, during or immediately after calving often require essential care at short notice. Alpaca calving dates vary for two key reasons: firstly the females run with the stud and are not artificially inseminated; secondly the gestation period of the individual female can vary very significantly with the animal showing few external signs of prior to giving birth.

The Council’s agricultural consultant concludes that the business generates an essential requirement for a presence on site. The most recent set of accounts show the business to have generated a profit which enables viability.

Therefore the creation of a permanent agricultural worker’s dwelling on this site is considered to be justified as being in accordance with CP48 of the Core Strategy and paragraph 80 of the NPPF.

<u>The Impact upon the character and appearance of the area and landscape</u>

The site lies within the Chapmanslade Greensand Ridge Special Landscape Area. West Wiltshire District Plan – 1st Alteration saved policy C3 seeks to conserve and enhance the landscape character of Special Landscape Areas “and development will not be permitted which is considered to be detrimental to the high quality of these landscapes”. Furthermore, Core Policy 51 seeks to “protect, conserve and where possible enhance landscape character” and within paragraph 174 of the NPPF the need for “protecting and enhancing valued landscapes” is identified. In the most recent appeal the Planning Inspectorate considered the Special Landscape Area as a “valued landscape”.

As part of the previous appeal, the inspector confirmed that “although the site is in the countryside it is not isolated. Immediately to the south is a cluster of farm buildings converted into dwellings, where several of the local objectors lived. From within the site a housing estate was visible across the road to the east and to the north the roofs of a trading estate were also visible. Nevertheless, this is still an attractive part of the countryside. The appellant’s land curves around behind the converted farm buildings, following the contours of the land and forming a small valley that runs

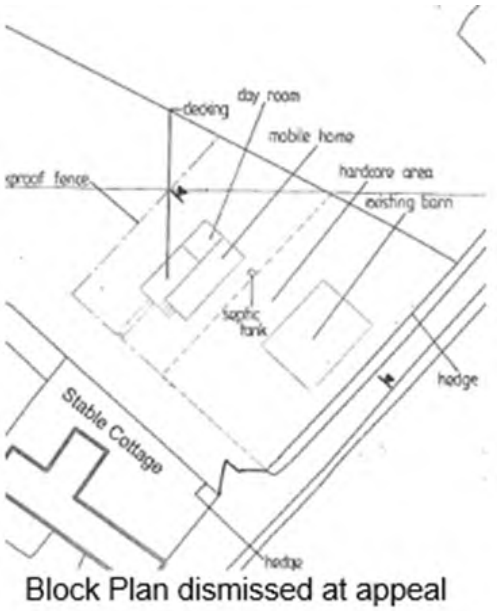
down from a public footpath across the top of the site to the road. There are attractive views across towards the countryside beyond. The West Wiltshire District Landscape Character Assessment summarises Chapmanslade as being on top of a hill overlooking the greensand terraces below. The countryside is made up of farmland with small fields and many intact hedgerows, creating a strong sense of tranquillity and enclosure".

In considering the qualities of the countryside, the previous appeal inspector found it to be an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land. At present the valley is filled with the pens associated with the farm, for the alpacas, pigs, chickens, ducks and geese as well as several large field shelters, and a miscellany of sheds. At the bottom of the site by the road is the barn and the mobile home with its decking, hot tub and fencing, surrounded by a large area of hardstanding on which is stored a touring caravan and various vehicles including a digger".

With respect to the previous dismissed appeal, "the mobile home and the surrounding domestic paraphernalia were considered to be highly visible and intrusive. Although their bulk was much smaller than that of the proposed extended barn, they spread development across the site in a manner which is also incongruous and which dominates views across the site… [which was found to be] significantly harmful and contrary to policies 51 and C3 and to paragraph 109 (case officer note: now paragraph 174) of the NPPF.".

In full appreciation of the above appraisal and reasons behind refusing and dismissing that proposal, it is important to note that this present application is materially different to the previous refused application. Instead of proposing a single storey mobile home on the site, the applicant proposes to create a two storey 5-bedroom house to accommodate the residential accommodation. Fig. 3 shows the block plan comparison and Fig. 4 shows the proposed elevations.

Fig. 3: Comparison of both dismissed appeal and currently proposed block plans

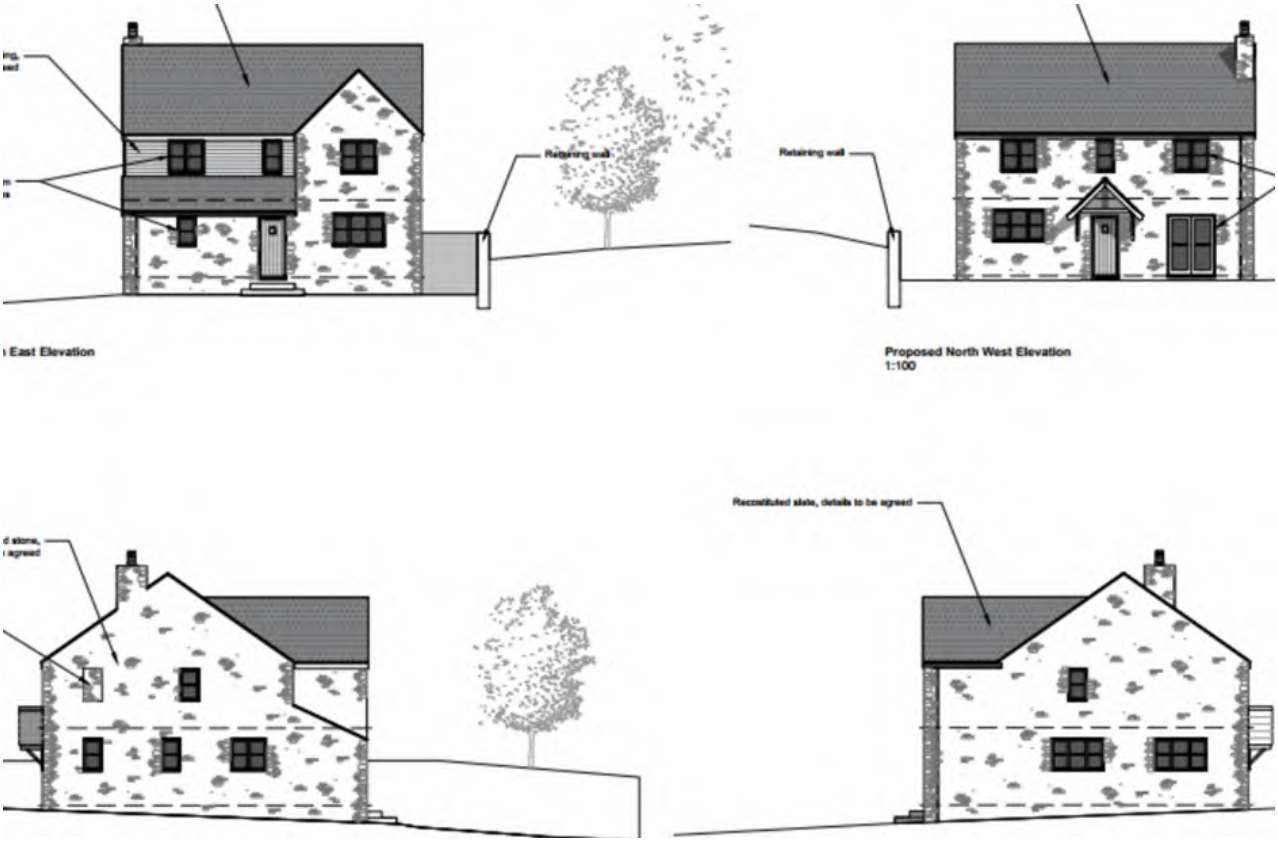


Block Plan dismissed at appeal



Proposed Block Plan

Fig. 4: Proposed elevations

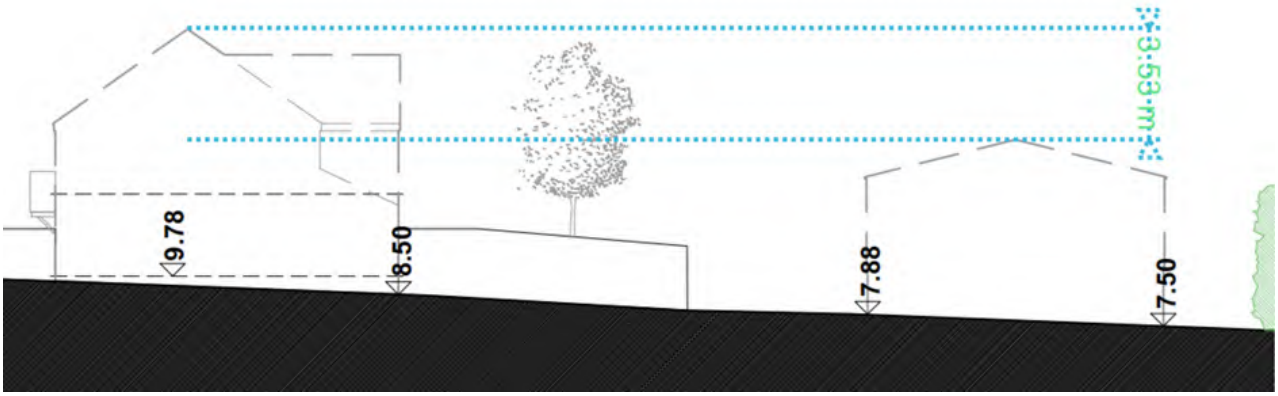


This would create a much more intrusive form of development within this Special Landscape Area. The proposed two storey house would be visible from local views from the surrounding public footpaths (namely CHAP34, CHAP10, CHAP11, CHAP8).

The contours on the proposed Block Plan (shown in Fig 2) shows the rise in levels. The ground level of the proposed house would be approximately 1.2 metres above the ground level of the existing barn. The house would be approximately 8.2 metres high.

The existing barn has a ridge height of 5.7 metres. This, combined with the change in levels, translates as the proposed dwelling being approximately 3.5 metres taller than the barn. This is shown in Fig. 5. Consequently, the proposed dwelling would be taller and more prominent in the locality and within the landscape setting.

Fig. 5: Site Section with added measurement



This proposed dwelling would, for the reasons above, result in a detrimental and harmful impact 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.

The Impact upon neighbouring amenity

Though the siting of the proposed agricultural worker's dwelling on an elevated part of the site would result in harm to the landscape due to its incongruous prominence, it is considered that there would be no substantive impact upon neighbouring amenity. In terms of overlooking, overshadowing or overbearing it would be located away from neighbouring boundaries with intervening vegetation. The proposal is therefore considered to comply with the relevant criteria of Core Policy 57.

Highway Impacts

The Highways team have stated that "the location of the dwelling is such that it would typically attract an adverse highway recommendation on sustainability grounds. This is due to the rural setting and lack of alternative travel options, other than the private car. However, it is acknowledged that a rural worker's dwelling, by its very nature, will be located in a rural location and thus the sustainability objection may not be justifiable."

The case has been made successfully that an agricultural worker's dwelling is justified. Therefore, if the scheme were to be put forward for approval the highway issues would be able to be controlled by conditions – these would relate to ensuring the position of inward opening gates and the completion of the access, parking and turning areas.

Other matters raised in the publicity process

The Independent Agricultural Assessment makes note that the proposed dwelling is larger than perhaps necessary. This amount to a small percentage of the size of the dwelling overall and is not considered to be of material weight to this decision.

The business case has been proved and an agricultural worker's dwelling has been found to be justified.

The access is existing and the level of use from at present (apart from the build period which would be temporary) would not really change given the applicants are already living on site.

Wessex Water have provided advice regarding the servicing of the site.

CONCLUSION

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.

The Council submits that even with a justified argument for the erection of an agricultural worker's dwelling on the site, in the location proposed, the harm that would be caused to the Special Landscape Area would not be outweighed.

RECOMMENDATION
Refuse

Refusal Reason(s): (1)

1 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.

Informatives: (1)

2 The development hereby refused has been considered with reference to the following submitted plans and documents:

Application Forms, Planning, Access and Design Statement (PL.4745), Reading

Agricultural Consultants “Rural Worker’s Dwelling Appraisal” (dated April 2022), Drawings Nos. PL4745/1, PL4745/2 received on 17th June 2022

Drawing Nos. PL4981/3A, PL4745/4A, PL4745/5A, PL4745/6A, PL4745/7A received on 8th December 2022

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

NOTIFICATION OF REFUSAL of Full Planning

Application Reference Number: 18/03933/FUL

Agent Derek Tanswell Planning 14 White Horse Drive Frome Somerset BA11 2DA	**Applicant** Miss S Snook Sienna Valley Farm Hunten Hull Lane Chapmanslade Wiltshire BA13 4AS
Particulars of Development: Temporary rural workers dwelling.	
At: Sienna Valley Farm **Hunten Hull Lane** **Chapmanslade** **Wiltshire** **BA13 4AS**	

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

1 The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by Core Policy 48 which first requires a thorough scrutiny of available accommodation found locally and within nearby settlements (as directed by para 6.67 pursuant to CP48); and secondly, there must be a demonstrable essential need to justify a new dwellinghouse to be erected in the open countryside for the purpose of protecting the countryside and maintaining its local distinctiveness. In this particular case, the Council is not satisfied that there is an essential need for this proposal and the applicant has failed to appraise local housing opportunities as required by the adopted Core Strategy; and, for these reasons, the application is considered contrary to Core Poilicy 48 of the Wiltshire Core Strategy and paragraph 55 of the National Planning Policy Framework.

2 The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area and the Council concludes that the proposal would have a detrimental and harmful impact that would not be sympathetic to its special character and local distinctiveness; and for these reasons, the application is considered contrary to Core Policy 48 (and associated paragraphs 6.66-6.67) and 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 and specifically paragraphs 17 and 109. The Council moreover submits that even if the applicant was able to make a convincing argument for the erection of a temporary dwelling on the site and in the location proposed, the harm that would be caused to the Special Landscape Area would not be outweighed.

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

Signed



Tim Martienssen
Director
Economic Development and Planning **Dated: 28 June 2018**

REFUSAL OF PERMISSION FOR DEVELOPMENT

If the applicant wishes to have an explanation of the reasons for this decision, it will be given on request and a meeting arranged if necessary.

1. Appeals

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, (Telephone 0117 372 6372). Alternatively forms can be downloaded from the web site: www.planning-inspectorate.gov.uk or accessed via the Planning Portal: http://www.planningportal.gov.uk/planning/appeals . Changes introduced by the Government in April 2009 mean that an appeal relating to the refusal of a stand-alone application for householder development (such as an alteration/extension to a house; or a garage or other outbuilding proposed within the garden) must be made within 12 weeks of the date of the refusal. All other appeals, including householder appeals for extensions to listed buildings that are accompanied by an appeal against a refusal of listed building consent must be made within 6 months of the date of the refusal. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted by the Local Planning Authority, having regard to the Statutory requirements, to the provisions of the Development Order, and to any Directions given under the Order. A copy of the appeal documents should be sent direct to the Council using the following email address: planningappeals@wiltshire.gov.uk .

Appeal where an enforcement notice has been issued

Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or
(ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or
(ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]

2. Purchase Notices

If permission to develop land is refused, whether by the Local Planning Authority or the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been, or would be, permitted, he may serve on the District Council in which the land is situated a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. Compensation

In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

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COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MRS EMILY ROSSITER
Address	[redacted] [redacted] [redacted]L

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

The female farmer has a very successful business who sales out of her alpacas stock every year, she offers top quality alpacas.

The business is established and successful and the LPA has granted another three years temporary until the location of the house is sorted.
The house will be a positive feature on the local landscape, but its design makes it very easy to blend in.

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR DAVE STACEY
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I strongly Support this application.

Let's be honest here, to the south of the farm buildings are a larger group of buildings comprising houses and residentially converted barns. These buildings dominate views from the public footpaths they totally distract your eye away from the Sienna's Valley Farm as these other buildings are the focal point.

There is no harm to the landscape, costed and quality materials, looks beautiful and sits in the landscape very subtlety.

Sienna's Valley development is modest and closely grouped together, it's on a very small foot print.

From the public footpath CHAP34 to the south it will result in a more compact form of development, more appropriate to its landscape setting.

The LPA want to move the building right up against the barn preventing the farmer from opening one of her barn doors. This would also create a narrow dark space to try to get alpacas into and out of the barn. This would make the barn unusable and prevent farm machinery being able to bring hay, straw and bulk feed etc into the barn for storage.

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MISS INDIA SNOOK-TANSWELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

We can’t wait to have a permanent house to have our own space so we can study and do well at school as its very difficult in such a small space for so long.

The house looks lovely and matches the area, super keen to have my own bedroom. I do love the alpacas and mum works very hard and I love showing them especially when we win first place.

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MISS SIENNA SNOOK
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I am going through my exams at present and its very difficult in a small space and I do hope that my siblings don't have to have this extra struggle when they are doing their exams.

I help my mum on the farm with the alpacas, it has taught me so much and I love every minute of it especially a new baby alpaca. We need a house as the old wooden building has become too small as my brother and sisters have grown considerable in the last four years. The house is very nice and will add to the character of the area, it's a very modest house and I am looking forward to my own bedroom.

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MRS HEATHER FOSTER
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I wish to object to PL/2023/05142 submitted for Appeal due to the original decision of refused planning permission. I request that the refusal for planning is upheld on Appeal.

1. The application conflicts with adopted Wiltshire Core Strategy Policies CP31, CP50, CP51, CP56, CP57 and CP61 as well as West Wiltshire District Plan 1st Alteration Policy C3 and paragraphs 158, 180, 185 of the NPPF.

2. There is no essential need for the applicant to reside on site for Alpacas under the new Laws outlined by DEFRA. Professor N.L. Brown OBE DSc FLSW FRSE FRSC FRSB CBiol - Chartered Biologist and a former member of the DEFRA Science Advisory Council states that the need for residential accommodation is no greater for alpacas than for other livestock. In 2012 the then Head of Planning in Stroud stated "The use of alpacas as a means to get erroneous permission for dwellings in the countryside is well known to the planning fraternity […]. The exceptions for rural workers were designed to assist genuine farmers to feed the nation".
Professor Sir Ian Boyd FRSE FRSB FRS, DEFRA Chief Science Adviser (2012-2019):
The policy Team at DEFRA state that residential accommodation on alpaca farms is not required. There are legal requirements under the Welfare of Farmed Animals (England) Regulations 2007 that animals are inspected at least once a day and more frequently at higher risk times (e.g. when giving birth). They state that "the obligation is around inspection and does not require a presence 24/7".
Mr A Hopker BVM&S SFHEA MRCVS, a veterinarian in the Farm Animal Practice Team at the Royal (Dick) School of Veterinary Studies, the University of Edinburgh:
"In cases where an alpaca keeper has elected to keep animals on land distant from their home it would be most unusual to build a dwelling specifically for the purpose of observing the animals giving birth […]. More usually an alpaca keeper might sit awake for the night in the field shelter in order to observe the animals. Field shelters should always be present to accommodate camelids in inclement weather".

3. [redacted] the Applicant to purchase local affordable housing adjacent and within walking distance of Siennas Farm despite many properties being available.

4. The vehicle entrance to Siennas Valley Farm appears not to have been assessed for safety by Highways. It exits on to a 60mph country road (also a Wiltshire cycle path) and has no visibility to the east on exiting the farm. This poses a significant risk to road users. Page 13 of the Applicants request for planning states that 'Open Farm Visits and delivery lorries' need access. This is an immediate safety concern.

5. The materials selected to build the suggested 5 bedroom house are not in keeping with its neighbouring Grade 2 listed Farmhouse within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area (SLA). It does not constitute a high quality, sympathetic development and would not make a positive contribution to the rural character or conserve and enhance the SLA.

6. The Applicant shows utter disregard towards the planning process. Major earthworks have already begun for the proposed house in front of the barn, which has been reported to the Council. The inconsiderate dumping of the spoil has caused flooding within the Saddlestone/ Hazelcombe houses.

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR DEREK TANSWELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

The LPA preferred location for the house is right in front of the barn preventing one of the barn doors being able to be opened. See picture 1 and 2. This would make the barn un operable an dangerous trying to move alpacas in a narrow confined dark space.

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	barn hay access 2.jpg
File name:	barn hay access 1.jpg

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US




Benford

I like to support the planning application

[redacted]

The Planning officer offered us two locations for the house and this one below was unacceptable as the we could not open the barn doors fully thus rendering the barn unusable. The applicant's want's a house here but not that she cannot run her business anymore. The house would be too close to the barn causing nuisance and smell issues. See fig 1

You can clearly see that she would not be able to open the barn doors and get the machinery to offload into the barn, this is essential

Fig 1



The second option is to move the house closer to the vegetation and this is what have we have done. See extract from the officer dated 23rd Feb

On 23 February, Russell sent a further email to your agent setting out the following:

Thanks for your email below, and my apologies for not coming back to you now, I have been pulled into a public inquiry which unfortunately has taken priority over my casework.

I think that if you can't move the house closer to the barn, then a move to the north east, closer to the boundary vegetation would be beneficial.

The resubmitted application now does what the planning officer has asked us to do, as we have moved the house closer to the boundary vegetation and closer to the barn but not so close, we can't open the barn doors.

This size is a modest 5-bedroom house by definition it's going to have more bulk than a 1 bed or 2 bed house. We have to be real here that case history that the size of the family dictates the size of the house. This was substantiated at an appeal in Wiltshire and when the council lost that argument and this is attached to our agricultural appraisal.

Materials have been fully costed by the agricultural consultant that the business can afford. These materials are readily available in Chapmanslade. Honey Glade development of 53 house use these material as they are acceptable in the special landscape area and stable cottage right next to the purpose dwelling. See Fig 2 & 3 of the honey glade development. The financial arrangements of the business are longer a planning concern as this was tested in North Wiltshire.

Fig 2



Fig 3



Here is a close up of the materials fig 4 that is acceptable in the SLA and these are the same as ours, these are what the business could afford and are fully costed out in the agricultural consultant report at Sienna's Valley Farm and fig 5

Fig 4



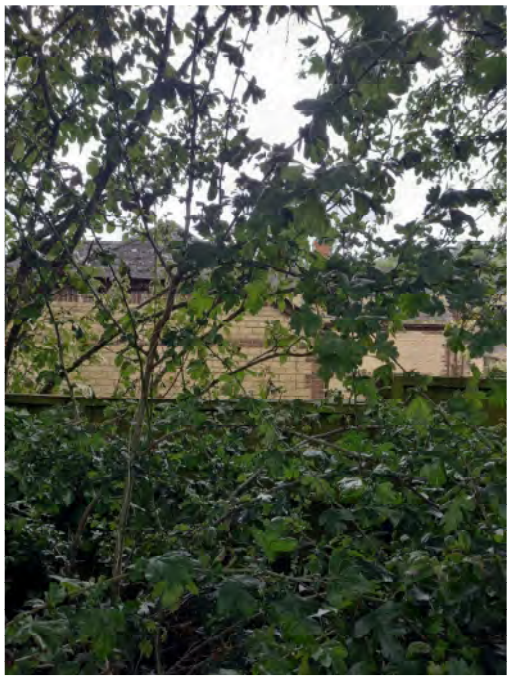
Fig 5



If they were not acceptable at Sienna's Valley Farm then they were not acceptable at Honey Glade as both are in the special landscape area.

Our nearest neighbour is at Stable cottage has some of these materials such as reconstructed stone as the same as we purpose. See fig 6

Fig 6



Rendered wall at Huntenhull farm house swimming pool and spar Fig 7

Fig 7



This is the view from the site of the house looking to the chaps 11 footpath as you can clearly see you only have a partial view of the dwelling for a very small section of that footpath. The footpath section is marked with an orange circle. see fig 8

Fig 8



This is at chaps 11 looking onto the site you can clear see that the house would not be visible when trees are in leaf and partly when not in leaf. Fig 9 at the gate Fig 10 20 yards down from the gate Fig 11 is 80 yards from the gate. Pleases note that all these views are dominated by the 4 house complex, you will not notice Siena's Valley Farm house as the eye is drawn to the complex.

Looking into the site at chaps 11

Fig 9



Fig 10



Fig 11



Looking into the site at chaps 34 only a partial view of the roof top for 10 yards fig 12

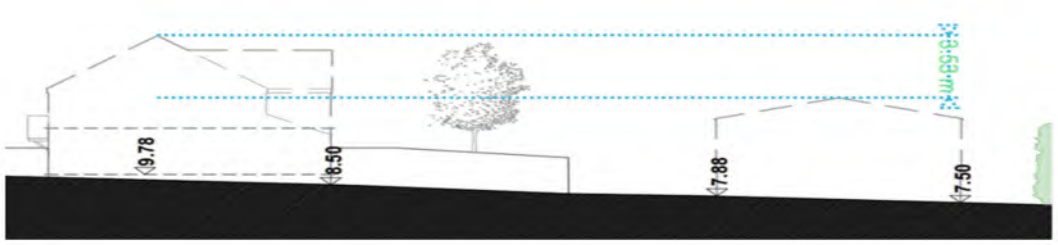
Fig 12



The officer shows the height of the building over the barn, the topography of the land is rising so you would only see the roof as the side of the house would not be visible from the chaps34 because of

the rising land, and there is an addition field over without a public footpath between. The officer did not allow for the dig down into the sit and relied on the levels of the land. If the barn was 10ft tall would the house have to be under 10ft tall, no again this is trying to make the applicant hide everything from view but this does not apply to everyone else. The purposed new dwelling is lower than the previous application thus only the roof tops will be seen. This is much lower than the last application, above the barn line this has been reduced from the last application. See fig 13 previous was further from barn and higher ground. You will only be able to see the roof of the new building.

Fig 13



You can clearly see that any public view is a considerable distance away and no continuous view is seen and only available interrupted glimpse are available for short distances of the length of the footpath.

Chaps 8 is 200m away

Chaps 9 is 130m away

Chaps 11 is 370m away

Chaps 34 is 80m away

There are a few public rights of way in the vicinity of the site. Most notably, the CHAP8 footpath dissects part of the applicant's landholding over 200m to the north-west of the application site (as illustrated in the following insert). It is important to note that no PRoW runs through the application site.

Fig 14



To the north-east of the site, CHAP9 footpath is some 130 metres distant and CHAP34 is approximately 80 metres from the site.

The appeal decision 2016 used to refuse the previous application was for a very different scheme a static caravan. The inspectorate was he was not sure if the business would be successful. This business has proved to be very successful and profitable and given foresight would have come to a different conclusion. Since that appeal decision the LPA took a view to grant a temporary 3 year permission twice and a barn extension has also been granted. With the barn extension this has created a more private location prevented views from public footpaths seeing into the site. This has also grouped the building closer together in line with policy.

With all this information please give this kind consideration and approve this application as the farmer is a hard worker and has proven a successful business despite in the shadow of someone taken this away from her. Sha has brough and tourism to the local area and to local business.

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COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/Y3940/W/24/3337482

DETAILS OF THE CASE

Appeal Reference	APP/Y3940/W/24/3337482
Appeal By	MRS SHARON SNOOK
Site Address	Siennas Valley Farm Huntenhull Lane Chapmanslade WESTBURY BA13 4AS

SENDER DETAILS

Name	MR DEREK TANSWELL
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

This is a 4 bedroom house (rural workers dwelling for an alpaca enterprise) in the ANOB by public footpaths and they have not had to hide the house from public view. It’s on the brow of a hill, highly visible.

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: inca house.jpg

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

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32827 mail@incaalpaca.co.uk



The rear view of our new stone house that we built in 2012

In 2011 we gained full planning for a four bedroom house on our land here in West Dorset. Located in what is designated as An Area Of Outstanding Natural Beauty, we purchased some land that had no infrastructure at all; no buildings, fences or utilities. We were first granted permission to build a large barn and live for three years in a temporary dwelling (log cabin) and show the council that we could earn an agricultural wage in one of the three years. At the end of this period we applied for a house and were granted it. We then submitted a planning application for the log cabin to remain as a holiday let and we also applied for a second large barn. All applications were passed.

Our alpaca herd that we run as a business was the catalyst for us obtaining this agricultural planning for our log cabin, barns and house. Alpacas are on of the only farming livestock that can earn significant returns from small acreages and can justify the need for a house to be built in the countryside due to the fact that the owner of the alpacas has valid reasons for needing to live on site to care for their stock.

To find out more about alpacas and planning permission

ase click here

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YOUR COMMENTS ON THE CASE

I would like to strongly support this application.
The farmer Miss Snook was granted temporary planning permission for a house by the council.
The council has now invited her to make an application for a permanent house.
The council agreed on the number of alpacas on the site of the time met the functional need to be living on site.
The financial plan put forward was scrutinised by the council agricultural consultant and agreed it was a viable business and so did the LPA.

Now further down the line the business has been tested over the prescribed time period.
The functional test remains the same there are more alpacas than before.
The financial test has been more than doubled than what the council had agreed. This is despite that the country was under strict covid lockdown laws and many businesses failed. The business is going from strength to strength and has proved itself.
The Parish council wrote to the LPA when the LPA granted temporary permission and a reply from the head of planning Kenny Green came back and stated after the three year period the applicant would be looking for a permanent solution.
The house is of a beautiful design benefiting the stature of the special landscape area. The dwelling is sympathetically designed and blends into the landscape.
There are mature trees and hedges that mean that the building cannot be seen from any public view point as a whole This should not matter and no house should not be hidden from public view.
The materials are natural to the area and are sustainable and very pleasing to the eye.
The whole approach has been carefully considered to improve and enhance the local area.
The house is compact and splits the domestic area from the commercial area in a way to minimises the space.
The house is very modest in size and compact in design.
For these reasons I support the application.

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YOUR COMMENTS ON THE CASE

The LPA had recommended approval for the following planning application PL/2022/09808 which is a very large house 5/6 bedrooms, some of it outside the development area. This house was seen from many public views dominating the local landscape in the next field over, only for it to be withdrawn as the applicant did not have the access rights. All we are asking is for the LPA to be consistent and fair when dealing with planning applications. Its not fair when this is clearly seen and the LPA wants us to hide our house.

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YOUR COMMENTS ON THE CASE

I would like to point out to the planning inspectorate where the planning officer took a picture to substantiate his reason for refusal where he went on to private land to take the picture. I would like to show the preferred location where the planning officer wants the dwelling thus making the barn unusable.

I would also like to say that the planning officer had ask for the house to be flipped 180 degrees and moved closer to the hedge at his request and then still refused it, I must say this was a pointless exercise and the LPA had worked in a presumption of favour and did not work constructively with the planning consultant to get a positive result.