The Planning Inspectorate

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Planning Appeals
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Your Ref: PL/2023/05142
Our Ref: APP/Y3940/W/24/3337482

28 October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mrs 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).

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

Yours sincerely,

Lauren Fongauffier
Lauren Fongauffier

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The Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2024

Appeal Ref: APP/Y3940/W/24/3337482
Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Westbury BA13 4AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Sharon Snook against the decision of Wiltshire Council.
- The application Ref is PL/2023/05142.
- The development proposed is a rural workers dwellinghouse.

Decision

1. The appeal is allowed and planning permission is granted for a rural workers dwellinghouse at Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, Westbury BA13 4AS in accordance with the terms of the application, Ref PL/2023/05142, subject to the conditions in the attached schedule.

Preliminary Matter

2. There is an extensive planning history related to the site, which includes 7 previous appeal decisions[1], all of which were dismissed. These decisions related to new agricultural buildings, extensions to an existing agricultural building and the siting of a mobile home for use as a rural workers dwelling, as well as the associated appeals against enforcement notices. I have had regard to these decisions insofar as they are relevant to the proposal before me now.

Main Issue

3. The main issue is the effect on the character and appearance of the area, with particular regard to the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area (SLA).

Reasons

4. Sienna's Valley Farm is an established alpaca breeding and rearing unit. It is accessed off Huntenhull Lane, which runs to the east, with an established hedge running along the road frontage. Immediately to the south are a group of former farm buildings that have been converted into dwellings. Beyond this, open undulating countryside lies to the south and east. The village of Chapmanslade is situated approximately a quarter of a mile to the northeast, with its built-up form visible from parts of the appeal site and surrounding Public Rights of Way (PROW's).

[1] Appeal References APP/Y3940/X/11/2157699, APP/Y3940/A/11/2157722, APP/Y3940/W/14/3001801, APP/Y3940/C/15/3132119, APP/Y3940/C/15/3140845, APP/Y3940/W/15/3132117 and APP/Y3940/W/19/3238918

5. The alpaca enterprise has an existing steel portal frame barn, which runs parallel to Huntenhull Lane. Attached to the north of the barn is a temporary lean-to structure, which provides accommodation for the appellant and their family, as a temporary rural worker's dwelling[2]. The site is relatively well enclosed with existing mature trees and established vegetation along the site's boundaries. The land associated with the appeal site runs behind the converted buildings to the south and the land levels rise from the road.

6. The site lies within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area (SLA). I acknowledge the findings of the Inspectors in the earlier appeal decisions and their descriptions of the appeal site, with one of the Inspectors[3] noting that 'there are attractive views across towards the countryside beyond'. The same Inspector continues to state that 'the countryside is made up of farmland with small fields and many intact hedgerows, creating a strong sense of tranquillity and enclosure'. Another Inspector[4] found it to be 'an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land'. Taking in to account the above and my observations on site, whilst the appeal site makes a positive contribution to the overall character and appearance of the area, I consider that due to its enclosed nature, existing use and the built form in the local context, the appeal site contrasts, to some extent, with the verdant open countryside which extends to the south and east.

7. Whilst the site is situated in open countryside, the Independent Agricultural Assessment instructed by the Council stated that the business case has been proved and an agricultural worker's dwelling has been found to be justified. Based on the evidence before me, I see no reason to come to a different conclusion. Therefore, despite the concerns of interested parties and the Parish Council, the creation of a permanent agricultural worker's dwelling in the open countryside would be in accordance with CP48 of the Wiltshire Core Strategy (Core Strategy) (adopted 2015), which 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.

8. Nevertheless, the proposal, by virtue of it being a new building, would alter the character and appearance of the appeal site and the wider open countryside. However, it would be seen in the context of the surrounding built form along Huntenhull Lane, including the existing barn and the converted barns to the south. I note that the size of the dwelling has been kept to a minimum whilst still serving the needs of the appellant. The proposed form and bulk would not be out of character with nearby residential buildings. This would allow the proposed dwelling to be introduced without appearing as a particularly intrusive feature in the countryside setting. Therefore, the proposed development would relate closely to existing built form and would be suitably designed.

9. The proposal would be taller than the existing barn. However, the ground level would be cut down slightly in order to try and minimise the visual impact of the dwelling. I note that a sectional drawing shows only the roof would be visible over the top of the barn, with the majority of the bulk screened by the existing barn. The proposal would be situated towards the bottom of the valley floor

[2] Approved under application reference 18/09857/FUL
[3] APP/Y3940/W/15/3132117
[4] APP/Y3940/W/14/3001801

and not on the more exposed part of the site, with mature trees screening it from the north. The slope of the field extends further up beyond the building, which would help to soften its impact, both visually and on landscape character. Therefore, any visual impact on the 'intimate views of the surrounding land' or the 'views across the countryside beyond' would be mitigated by the fact that the site lies at a lower level in the landscape and due to the intervening vegetation. Its siting allows it to relate well to its functional need, being situated adjacent to the existing barn serving the enterprise, whilst also taking in to account the sloping topography.

10. I acknowledge that the dwelling cannot be positioned any closer to the existing barn, as suggested by the Council, due to the opening doors of the barn and the functional use of this building. Therefore, taking in to account the functional need of the alpaca enterprise and the sites other constraints, the siting of the proposal would be appropriate in these circumstances.

11. The Council state that there is a large amount of 'clutter and domestic paraphernalia already adjacent to the barn and within the yard'. However, my site visit confirmed that the 'domestic paraphernalia' was kept mostly in front of the temporary dwelling to the north of the site. Furthermore, any other 'clutter' was associated with the functional use of the site and its positioning in the yard to the front of the barn did not interfere with the opening of the barn doors, in the same way the positioning of a dwelling closer to the barn would.

12. I walked a number of the PROW's in the area, including CHAP8, CHAP10, CHAP11 and CHAP34. From the PROW's, whilst there are views across the countryside, I noted that residential dwellings and associated agricultural buildings form part of the landscape character. There are also residential dwellings to the north that are positioned on the ridgeline and are consequently prominent in views from the footpaths. Thus, residential development is not uncharacteristic of the area surrounding the appeal site, despite its designation as an SLA. Any views would be seen in the context of the existing built development in the local context of Sienna's Valley Farm. Furthermore, the established roadside hedgerow and the existing barn would help to mitigate any views from the vehicular entrance. Consequently, the proposal would not be particularly prominent or significantly incongruous in the landscape and would preserve the special character and local distinctiveness of the SLA.

13. The construction materials would reflect the local landscape character, with the materials being similar to those used on the adjacent converted barns at Huntenhull Farm, as well as the existing barn on the appeal site itself. The use of black weatherboarding on the upper elevations, would help to mitigate the prominence of the proposal, as the appellant sets out. In addition, the landscaping measures, such as the orchard planting to the southwest, would help to anchor the building into the surrounding landscape and would mitigate any wider views of the building. A suitably worded condition would secure a hard and soft landscaping scheme to ensure that the landscape character of the SLA would be preserved. In my mind, taking into account the special characteristics of the area, including the 'strong sense of tranquillity and enclosure', the sensitive design of the proposal would conserve the high quality of the landscape character in the SLA.

14. I note that there was a scheme for a permanent mobile home, which was sited near to the footprint of the current proposal. This was dismissed under an

earlier appeal, in part due to the harm that would be caused to the SLA[5]. From the limited information before me, I note that the mobile home was to be positioned slightly further south than the proposal before me now. Nevertheless, I have determined this appeal on its own merits.

15. Therefore, for the reasons set out above, the proposal would not harm the character and appearance of the countryside, with particular regard to the Corsley Heath to Chapmanslade Greensand Ridge SLA. The proposal would be in accordance with Core Policy 51 of the Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan (adopted 2004). These policies, in combination, state that the landscape character of Special Landscape Areas will be conserved and enhanced, and development will not be permitted which is considered to be detrimental to the high quality of these landscapes, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

16. It would also be in accordance with the objectives set out in Chapter 15 of the National Planning Policy Framework 2023 (the Framework), most notably criteria a) and b) of paragraph 180 in regard to protecting and enhancing valued landscapes, whilst recognising the intrinsic character and beauty of the countryside.

Other Matters

17. Surface water drainage has been raised by interested parties as a particular area of concern. I note that the 1 in 100 year (+40%) surface water flooding risk area lies to the southeast of the site, following Huntenhull Lane. The groundwater conditions of the site are such that the level of the water table sits between 0.025m and 0.5m below the surface. It is also recognised that the neighbouring properties to the southwest of the appeal site have experienced recent history of surface water flooding. However, whilst there is some potential for groundwater or surface water flooding, I consider that in these circumstances, a suitable scheme would be able to be achieved to ensure that surface water from the development site would be adequately dealt with. There is no evidence to suggest that the proposal would exacerbate existing flood risk and it is not the role of new development to resolve any existing local issues. I also note that the Council did not consider this to be a substantive issue during the application phase. I have no technical evidence before me to come to a different conclusion on this matter.

18. Consequently, subject to a suitably worded planning condition which would require a detailed surface water drainage scheme to be agreed with the Council prior to development taking place, including an assessment of the hydrological and hydrogeological context of the development, I am satisfied that surface water from the development site would be adequately dealt with.

19. I acknowledge the concerns of the neighbouring properties raised in relation to the noise associated with the appeal site. However, there is already residential occupation on the appeal site, albeit on a temporary basis. I have no substantial evidence before me to suggest that the resultant noise levels and disturbances arising from the development would result in undue harm to the living conditions of adjacent occupants. I also note the Council did not raise an objection to the proposal on these grounds.

[5] APP/Y3940/W/15/3132117

20. Interested parties and the Parish Council have also expressed concerns in regard to highway safety matters. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that these matters can be controlled and maintained by appropriately worded conditions. Concerns in regard to existing issues in relation to the current use of land at Sienna's Valley Farm, including the introduction of hardcore, roads and tracks running throughout the appeal site, and the implications these have had on land stability and water run-off, do not alter the merits of the case and would be beyond the parameters of this appeal.

21. I also note the reference to another appeal decision in the district for an agricultural workers dwelling which was again dismissed[6]. However, from the limited information before me, I note that this site was situated in the Green Belt, which is a notable difference to the site at Sienna's Valley Farm. My attention has also been drawn to a number of other appeal decisions[7] which have also considered character and appearance and the need for a rural worker dwelling. Again, I have been provided with limited information in regard to these earlier decisions so I cannot be sure that they would be directly comparable to the proposal before me now. Nevertheless, my decision is based firmly on the merits and circumstances of the appeal development before me now.

22. Finally, the Parish Council has also briefly referred to the emerging policies within the Wiltshire Council's Pre-Submission Draft Local Plan 2020- 2038 (dated September 2023), which I understand is at Regulation 19 stage. However, I am not aware of the extent of unresolved objections or whether the emerging policies will be considered as consistent with the Framework. Consequently, I consider that only limited weight should be given to the emerging policies at the current time in relation to this appeal.

Conditions

23. I have assessed the Council's suggested conditions in light of the advice provided in the Planning Practice Guidance (PPG). A condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.

24. Given that the dwelling is located in a countryside location where new residential development is not normally permissible, a condition restricting its occupation, to a person working in connection with agriculture, is necessary. I have amended it slightly to include reference to a surviving civil partner.

25. The Council have also suggested the removal of permitted development rights in relation to extensions and outbuildings. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in order to protect the character and appearance of the SLA, it would be both reasonable and necessary to ensure that the dwellings do not extend in size.

26. A condition regarding further details of the materials to be used externally is necessary to safeguard the character and appearance of the area.

[6] APP/Y3946/W/23/3327751
[7] Including APP/Y3940/W/22/3310345, APP/Y3940/C/20/3246154 and APP/Y3940/C/20/3246564

27. In the interests of highway safety, conditions are considered necessary to ensure that the access, parking and turning areas are all constructed as approved, as well as a condition to ensure that the approved access is consolidated and surfaced for the first 10 metres of the access. For the same reasons, a condition is also considered necessary to ensure that any gates associated with the vehicular access are appropriately sited. I have amended the wording slightly for clarity purposes.

28. As already alluded to, a condition which requires a detailed surface water drainage scheme to be submitted and approved is considered necessary to ensure that the development is provided with a satisfactory method of surface water drainage as well as in the interests of flood risk management. Finally, again as already mentioned, in order to conserve the landscape character of the SLA, details of both hard and soft landscape works are considered necessary.

Conclusion

29. For the reasons set out above, having considered all other matters raised, I conclude that the appeal is allowed.

Laura Cuthbert

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawing nos: Application Forms, Planning, Access and Design Statement (PL.4745), Reading Agricultural Consultants "Rural Worker's Dwelling Appraisal" (dated April 2022), Drawings Nos. PL4745/1A, PL4745/2, PL4745/3C, PL4745/4A, PL4745/5A, PL4745/6D, and Additional Agricultural Consultants Report.

3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

5) No development shall proceed above slab level until details of the external materials to be used on the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

6) The development hereby permitted shall not be first brought into use until the first ten metres of the access, measured from the edge of the

carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

7) Any gates shall be set back a minimum of 10m from the edge of the carriageway, with any such gates to open inwards only, and shall be maintained as such thereafter.

8) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

9) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

   The submitted details shall:

   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

   ii) include a timetable for its implementation; and,

   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

   The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

10) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

   i) a statement setting out the design objectives and how these will be delivered;

   ii) earthworks showing existing and proposed finished levels or contours;

   iii) means of enclosure and retaining structures;

   iv) boundary treatments;

   v) vehicle parking layouts and other vehicle and pedestrian access and circulation areas;

   vi) hard surfacing materials;

   vii) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];

   viii) proposed and existing functional services above and below ground;

ix) an implementation programme; and

x) a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed in accordance with the approved landscape management plan.