

Report for the West Area Planning Committee

Date of Meeting	18 March 2026
Application Number	PL/2025/09889
Type of application	Removal/variation of conditions
Site Address	Kingsdown Farm, Lords Hill, Longbridge Deverill, Warminster, BA12 7DY
Proposal	Variation of condition 2 of PL/2022/01141 to change the timescale for the deposit of waste and earthworks
Recommendation	Approve with Conditions
Applicant	Mr and Mrs Phillips
Town/Parish Council	Sutton Veny CP
Electoral Division	Wylve Valley ED
Case Officer	Steven Sims

Reason for the application being considered by Committee

This application has been called in for committee consideration by Cllr Christopher Newbury, should officers be minded to support the above application, citing the following concerns:

- Visual impact on the surrounding area
- Environmental/ highways impact
 - Traffic impacts on the local highway network
 - Adverse impact on landscape
 - Environmental impacts
 - Third parties are also concerned that the applicants have never provided any landscaping required by any of the relevant previous planning permissions for the development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

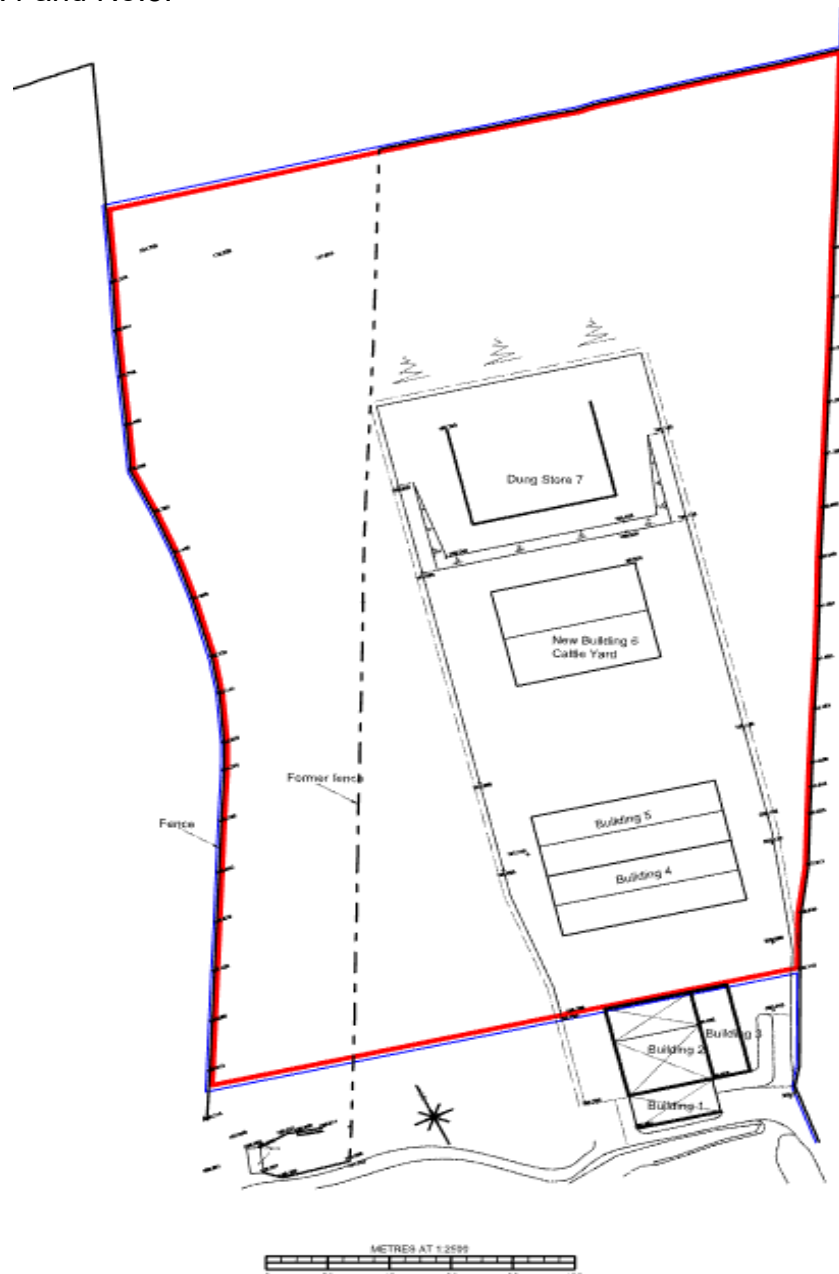
- The principle of development
- Impact on the character and appearance of the area/National Landscape/public footpaths
- Impact on the living conditions of neighbouring residents
- Highways issues
- Ecology issues
- Other issues

3. Site Description

3.1 The site extends to some 10.3 hectares of agricultural land located 2.5km from Longbridge Deverill and 2.6km from Sutton Veny. The agricultural landholding is extensively farmed, concentrating primarily on cattle grazing together with some arable farming. The site is very rural.

3.2 There are a number of recently constructed agricultural buildings on the site (numbered 1, 2 and 3) which were erected under approved application references W/01/00829/AGD, W/04/00702/FUL and W/09/01164/FUL and buildings numbered as 4 and 5 which were erected

under application 17/09988/VAR (a plan is included below detailing the latest approved layout to the site). An existing farmhouse is located to the south of the agricultural buildings (Kingsdown Farm, which was approved under application 05/01858/FUL). Two additional agricultural buildings benefit from extant consent that have not yet been constructed (a cattle yard referred to as building No.6 and a proposed dung store, cited as no.7 in the plan below) which were approved under application 17/03155/VAR) and are located to the north of buildings No.4 and No.5.



Approved site layout 17/09988/VAR

3.3 The site lies within a vale that runs east to west sloping down towards the A350 with higher ground located to the north, east and south of the site.

3.4 The site lies within the Cranbourne Chase National Landscape (formally known as the Area of Outstanding Natural Beauty (AoNB)) and is designated as an International Dark Sky Reserve. The site is also in the Salisbury Plain Special Protection Area (SPA) and within the Hampshire River Avon Catchment area.

3.5 Public footpath SVEN11 is located over 740 metres to the east of the site while public footpath SVEN12 is located approximately 630 metres to the south.



Photo looking west from application site detailing extent of land re-profiling

3.6 It should be noted that the registered address of Kingsdown Farm is Longbridge Deverill although the farm and site is within the Parish of Sutton Veny.

3.7 Access to the site is derived from a 550-metre section of byway off the A350 and a 700-metre private track.



Photo looking north from application site detailing extent of land re-profiling



Photo looking south towards existing building (No.5) showing extent of land re-profiling

4. Planning History

The most relevant previous application to reference first is

- PL/2022/01141 – which was reported to the WAPC on 26 October 2022 and was approved by the elected members for the variation of condition 3 (timescale for deposit of waste materials) imposed on approved application 17/09988/VAR – in accordance with officer recommendation subject to conditions which are set out below (noting especially that condition No. 2 granted an extension of time to allow the applicant to deposit waste and to undertake the associated previously approved earthworks with a 31 December 2025 expiry).
- It is condition 2 (highlighted in bold text) that this fresh s73 application seeks to vary.

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

Location plan scale drg no. 01020-31 A received on 26.07.2010

Topographic Survey drg no. 3158/01 received on 29.06.2022

Site Sections A-A, B-B, C-C and D-D drg no. 3158/03B received on 29.06.2022

Site Section E-E drg no. 3158/04B received on 29.06.2022

Site layout drg no. 01020-35 A

Proposed plans and elevations buildings 4 and 5 drg no. 01020-37 received on 12.10.2017

Proposed plans and elevations building 6 drg no. 01020-26 F received on 12.10.2017

Proposed plans and elevations 'Dung Store' drg no. 01020-32 A received on 26.07.2010

Proposed site section scale 1:1000 drg no. 01020-38 received on 13.12.2017

Landscape plan scale 1:1250 drg no. 1069/PL1 dated 7 March 2018

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

2. The deposit of waste and all earthworks required to form the approved development shall be completed by 31st December 2025. Within a period of a further 12 months, all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

3. Within 1 month of the granting of this permission, a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme for the next 3 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be carried out during the associated planting and seeding season(s), for each phase. Any trees or plants which 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of the character of the area and character of the AONB.

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December

2009 approved under application W/10/02377/FUL), and the mitigation measure as detailed within this document.

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

5. No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

6. No operations relating to the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

7. No more than 50 HGVs (heavy goods vehicles) associated with the importation of waste shall enter the site on any working weekday, and no more than 25 on Saturdays.

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

9. During the permitted working hours, the free-field equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

10. No additional external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- Also, of relevance to this s73 application being reported again to WAPC, is application PL/2022/09072 – which sought the Council’s approval to discharge Condition 3 imposed on the aforesaid approved PL/2022/01141.
- The applicant submitted a phased landscaping scheme within the prescribed 1-month timeframe set by the condition. However, they were, as the applicant’s agent confirmed in January 2023:

“...unable to provide a definitive timescale because they are not allowed to import additional material required to complete the earthworks until Environment Agency has granted a variation to the Permit with an updated Waste Recovery Plan”.

My clients understand from their environmental waste consultant that the varied Permit should be imminent so they will then be able to resume the importation of material. Assuming this will be the case, they hope to complete the earthworks by December 2024. Landscaping to the west of buildings 4 and 5 could therefore be carried out by March 2025. The remaining landscaping will be implemented in the first planting season following the substantial completion of building 6 and the dung store.

I can assure you that my clients want to complete this development without further delay but the actual timescale for them doing so currently hinges on receiving EA’s go-ahead”.

- Due to the concerns held over the landscape planting timeframe, and the applicant’s commitment to deliver the landscaping after the earthworks / land reprofiling is completed (which would have been circa late 2024 or early 2025), the DOC application was refused by officers on 17 April 2023 for the following reason:

After consideration of the information, you have provided (Proposal plan drg no. 1069/PL1 and Phased Programme of Implementing Approved Landscape Scheme 1069/PL1, received 31 January 2023) we are unable to discharge this condition for the following reasons:

It is considered the landscaping of the development for the erection of livestock and storage buildings is integral to the acceptability of the overall development without which the scheme would result in harm to the character of the AONB and rural character of the area. The proposed phasing plan lacks appropriate triggers which the LPA considers essential to achieving an acceptable landscape scheme. As such the proposed phasing plan fails to achieve planting either to screen the existing structures or to provide screening in advance of the construction of the remaining structures. It is therefore considered the submitted phased landscaping scheme will not deliver required mitigation in a timely manner, as anticipated by the original grant of planning permission

- This refusal led to an enforcement notice being produced which was appealed successfully. The reasoning for allowing the appealed enforcement notice is set out below:

7. The notice alleges that condition 3 is not being complied with because a detailed landscaping scheme has not been submitted to and approved in writing by the Local Planning Authority. The notice requires the appellants to submit a detailed phased landscaping scheme, to include

full planting stock specification and a detailed planting programme for the next 3 years, to be approved in writing by the Local Planning Authority, within 1 month from the date the notice takes effect.

8. An appeal on ground (b) is made on the basis that the matters comprising the alleged breach have not occurred as a matter of fact. This is a legal ground of appeal, and the onus of proof lies with the appellants.

9. There are three parts to condition 3. The first part requires a detailed phased landscaping scheme, to include full planting stock specification and a detailed planting programme for the next 3 years, to be submitted to and approved in writing by the Council within 1 month of the granting of the permission. The second and third parts of the condition relate respectively to implementation of the landscaping and any subsequent replacement planting as may be necessary.

10. The appellants contend that they complied with the condition by submitting a landscaping scheme. It is argued that they are not in breach of the condition as the permission was for development that had already been implemented, and the condition does not set out what should or would happen if the scheme is refused. They say the condition does not accord with the wording of the 'model' condition for retrospective cases which includes a sanction for non-compliance with the terms of the condition. The appellants therefore contend that the refusal of the submitted scheme does not preclude the continued implementation of the planning permission.

11. The Council's position is that condition 3 not only requires the approval in writing of a submitted landscaping scheme, but also that the approved landscaping scheme be carried out; and that any trees or plants which die, are removed, or become seriously damaged or diseased, be replaced.

12. The National Planning Policy Framework and Planning Practice Guidance set out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

13. Caselaw (1) has established that a planning condition is only void for uncertainty if it can be given no meaning or no sensible ascertainable meaning, and not merely because it is ambiguous or leads to absurd results. The starting-point – and usually the end-point – is to find "the natural and ordinary meaning" of the words of the condition, viewed in their particular context and in the light of common sense.

14. The natural and ordinary meaning of the first part of condition 3 is that a landscaping scheme is required to be submitted to the Council for approval within 1 month of the date of the planning permission. The evidence indicates that the appellants submitted a scheme in compliance with the time frame set out in the first part of the condition, and the Council has not disputed that the scheme contained all the required elements, and there is nothing before me to show otherwise. However, the Council found the scheme unacceptable on the basis that the proposed phasing plan lacked appropriate triggers considered essential to achieving an acceptable landscape scheme and so fail to deliver the required mitigation in a timely manner. Therefore, the Council refused to discharge the condition.

15. The Council refers to several landscaping conditions in the Planning Inspectorate suite of suggested planning conditions. These conditions do not contain a sanction for non-compliance because they relate to proposed development, rather than retrospective development, as is the case here. The Council has changed the standard wording of the condition so that it deviates from these 'model' conditions in that it does not include a 'prior to commencement' or 'prior to occupation' clause. However, when requiring works to be carried out by condition in retrospective cases, it is necessary for the condition to carry a sanction for non-compliance and a strict timetable for compliance as permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place (officer emphasis has been added).

16. In this case, condition 3 does not address a scenario where the landscaping scheme is submitted but not approved. The condition cannot require the appellants to approve the scheme as that is not within their control. Rather, it imposes an obligation on the Council to either approve or refuse that scheme within the tight time frame set out in the first part of the condition. There is no mechanism to require the appellants to resubmit a revised scheme if the earlier one is refused. Nor does the condition carry a sanction in the event the scheme is refused, or there is an approved scheme, but it is not implemented in accordance with an approved timetable. The condition does not allow for an appeal to be made under section 78 of the Act if the submitted landscaping scheme is refused. The absence of these necessary components means that condition 3 fails to achieve its intended purpose. (again, officer emphasis has been added).

17. The second and third parts of the condition require the landscaping to be carried out during the associated planting and seeding season(s), for each phase, and any trees or plants to be replaced as necessary. The condition does not state that the landscaping shall be carried out in accordance with an approved scheme. However, construed objectively and sensibly, it is clear that the second and third parts of the condition are supplementary to the first part and that their purpose is to ensure that the landscaping is carried out in accordance with an approved scheme and maintained thereafter. Even so, since there is not an approved scheme to carry out, there has not been a breach of these parts of the condition either.

18. The appellants have demonstrated that they have done what the condition required of them by submitting a scheme and have complied with the condition. The lack of a strict timetable for action and a sanction for non-compliance render the condition ineffective and unenforceable. Therefore, even though the submitted landscaping scheme was refused by the Council, I find that there has been no failure to comply with condition 3 of permission PL/2022/01141 and the breach of planning control alleged has not occurred. The appeals on ground (b) therefore succeed and the notice will be quashed.

19. The appellants have not appealed on ground (c), which is that the matters stated in the notice do not constitute a breach of planning control. However, some of the appellants' submissions under ground (b) represent a hidden ground (c) appeal. Because of my conclusion above, there has been no need for me to consider this hidden ground.

Conclusion

20. For the above reasons, the appeals on ground (b) succeed and I shall quash the enforcement notice.

Footnotes:

1 Fawcett Properties Ltd v Buckinghamshire Country Council [1961] AC 636, [1960] 3 All ER 503, and Trump International Golf Club Scotland Limited v The Scottish Ministers [2015] UKSC 74.

- The 2017 application referenced above (17/09988/VAR) consented the varying of Condition 10 imposed on 17/03155/VAR to amend the approved plans in respect of buildings 4 and 5. (and it should be noted that condition 8 which was the only suspensive condition attached to the 21 December 2017 consent was subsequently discharged by the Council on 12 December 2018).
- Also of some relevance, but not critical to the assessment of this s73 application is the recently submitted application PL/2025/06627 – which sought approval for the construction of a landscape shelter bank.
- The application was refused by officers for the following reason:

1. The proposed development, by virtue of its highly protected location, the site being in excess of 10 hectares in extent as well as the scale and height of the engineering embankment proposal is considered 'major development' as defined by the NPPF and when tested against NPPF paragraph 190, and notwithstanding the assertions made by the applicant, the Council is not convinced the proposal is justified and there are no exceptional circumstances or overriding public interest to justify approving this major development in the Cranborne Chase National Landscape, which would significantly change and be harmful to the very special scenic natural landscape and would introduce a prominent feature into a sensitive landscape without justification.

Wiltshire Council maintains that a less impactful solution to deliver some wind and weather sheltering exists which would not be major development and moreover, would not demonstrably harm the National Landscape.

NPPF paragraph 189 is also very clear in terms of arguing that the scale and extent of development within National Landscapes should be limited, and great weight should be given to conserving and enhancing landscape and scenic beauty. The development proposal, as submitted, would harm the National Landscape's natural beauty and character, which are fundamental to its designation, causing substantial harm to the scenic quality and visual amenity of the area.

The proposed development is contrary to paragraphs 189 and 190 of the National Planning Policy Framework and to Core Policies 51 and Core Policy 57 of the Wiltshire Core Strategy, because the development fails to protect, conserve and where possible enhance the nationally protected landscape.

- The following additional applications are also noteworthy:

PL/2022/01033 – Stationing of a caravan for use as an agricultural worker dwelling – Approved

17/07058/APD – Proposed agricultural track – Prior approval not required

17/03155/VAR – Variation of Condition 9 pursuant to application W/10/02377/FUL (Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and

the re-profiling of land adjacent to facilitate new buildings) regarding timescale for the deposit of waste – Approved

16/03111/REM – Application for approval of all reserved matters comprising access, appearance, landscaping, layout and scale for the erection of an agricultural workers dwelling. (following Outline approval 14/11851/OUT) – Approved

14/11851/OUT – Erection of an agricultural workers dwelling (Outline application with all matters reserved) – Approved

14/10064/AGD – Erection of stock building – Prior approval not required

W/10/02377/FUL – Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL) – Approved. **Also see Appendix 1 for a full copy of this report**

W/09/01164/FUL – Extend existing agricultural building – Approved

W/09/01142/FUL – Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings – Refused (with a subsequent appeal being dismissed). The refusal was based on the following:

1. The proposed development by reason of its scale, siting, linear form and re-profiling of land would result in an incongruous and visually prominent form of development that would be harmful to the special landscape character of this nationally important rural landscape contrary to Policies C1 and C2 of the West Wiltshire District Plan 1st Alteration (2004), Policy C8 of the Wiltshire Structure Plan 2016 and paragraphs 21 and 22 of Planning Policy Statement 7: Sustainable Development in Rural Areas.

2. The proposed development by reason of the absence of an acceptable Flood Risk Assessment provides inadequate information to fully assess the flood risks arising from the development and is contrary to Planning Policy Statement 25: development and Flood Risk paragraphs 10, E3 and E8.

05/01858/FUL – Farmhouse and garage – Approved

04/00702/FUL – Erection of agricultural stock building (to replace approved stock building not erected) – Approved 01/01484/OUT – Farmhouse and farm buildings (outline) – Refused (appeal dismissed)

01/00829/AGD – Extension to existing agricultural building and erection of new agricultural building – Approved

5. The Proposal

5.1 The application being brought before the elected members of the WAPC seeks to vary planning condition No. 2 of PL/2022/01141 to increase the time period for the applicant to deposit inert waste on the site.

For completeness sake, planning condition 2 of application PL/2022/01141 reads as follows:

'The deposit of waste and all earthworks required to form the approved development shall be completed by 31st December 2025. Within a period of a further 12 months, all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).'

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.'

5.2 If supported by the committee, it is recommended that the planning condition would read as follows:

'The deposit of waste and all earthworks required to form the approved development shall be completed within 3 years and 6 months from the date of this decision. Within a period of a further 12 months, all plant and machinery shall be removed from the site (except for which the local planning authority agrees in writing is required for future maintenance of the site).'

5.3 As part of the s73 supporting information, the applicant's agent asserts that this s73 application has been lodged for the following reason:

Justification for the Proposed Variation of Condition 2

When the previous application to extend the period for depositing waste and completing the earthworks was submitted to the Council in February 2022 (PL/2022/01141), it was anticipated that this work would be completed by 31st December 2025 (i.e. 3 years and 10 months from the submission) which included predicted timescales for the necessary consents. However, neither the Applicants nor I had realised that this application with a 2-month determination period would take just over 8 months to determine.

Whilst this delay was frustrating, it was rather trivial compared to the 2 years and 2 months it took for the Applicants to obtain a varied Permit from Environment Agency. The Applicants could not apply for the Permit until the Council had approved application PL/2022/01141 and they could not deposit waste material required by condition 2 until the Permit had been granted. The application for the Permit was submitted to the Environment Agency on 14th June 2023, and the Permit was eventually issued on 26th August 2025. Therefore, of the 3 years and 10 months originally envisaged by the Applicants for completing the work, they have only had 4 months following receipt of the permission and then the Permit to continue the deposit of waste required to complete the earthworks.

As such, the Applicants wish to vary condition 2 on planning permission PL/2022/01141 to simply provide them with the remaining time originally requested to undertake the required work (2 years and 6 months when subtracting the 1 year predicted for the consenting regimes).

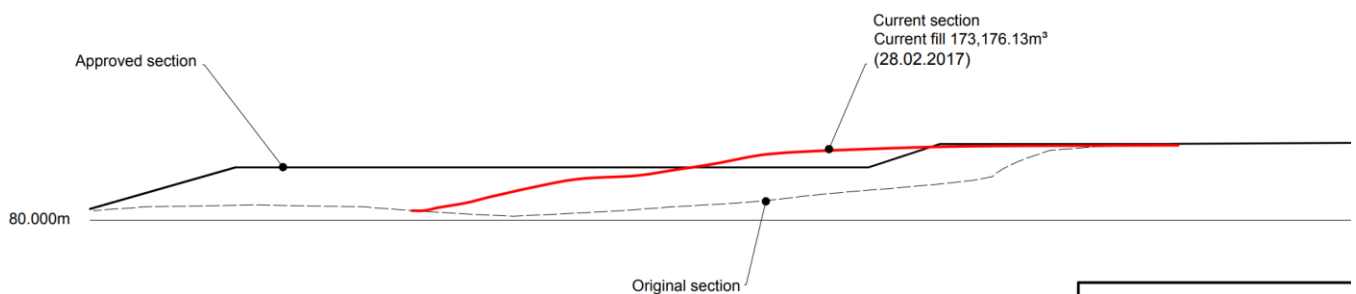
For application PL/2022/01141) the following was reported to the elected members in October 2022

'The applicants have stated that due to continued shortages of waste material over the past few years - which was exasperated by the Covid 19 crises and increased competition for such waste - they were unable to complete the deposit of waste and construction of the earthworks in the allotted time (27 June 2022 as approved under applications 17/03155/VAR (where the extension of time to 2022 was agreed) and 17/09988/VAR).

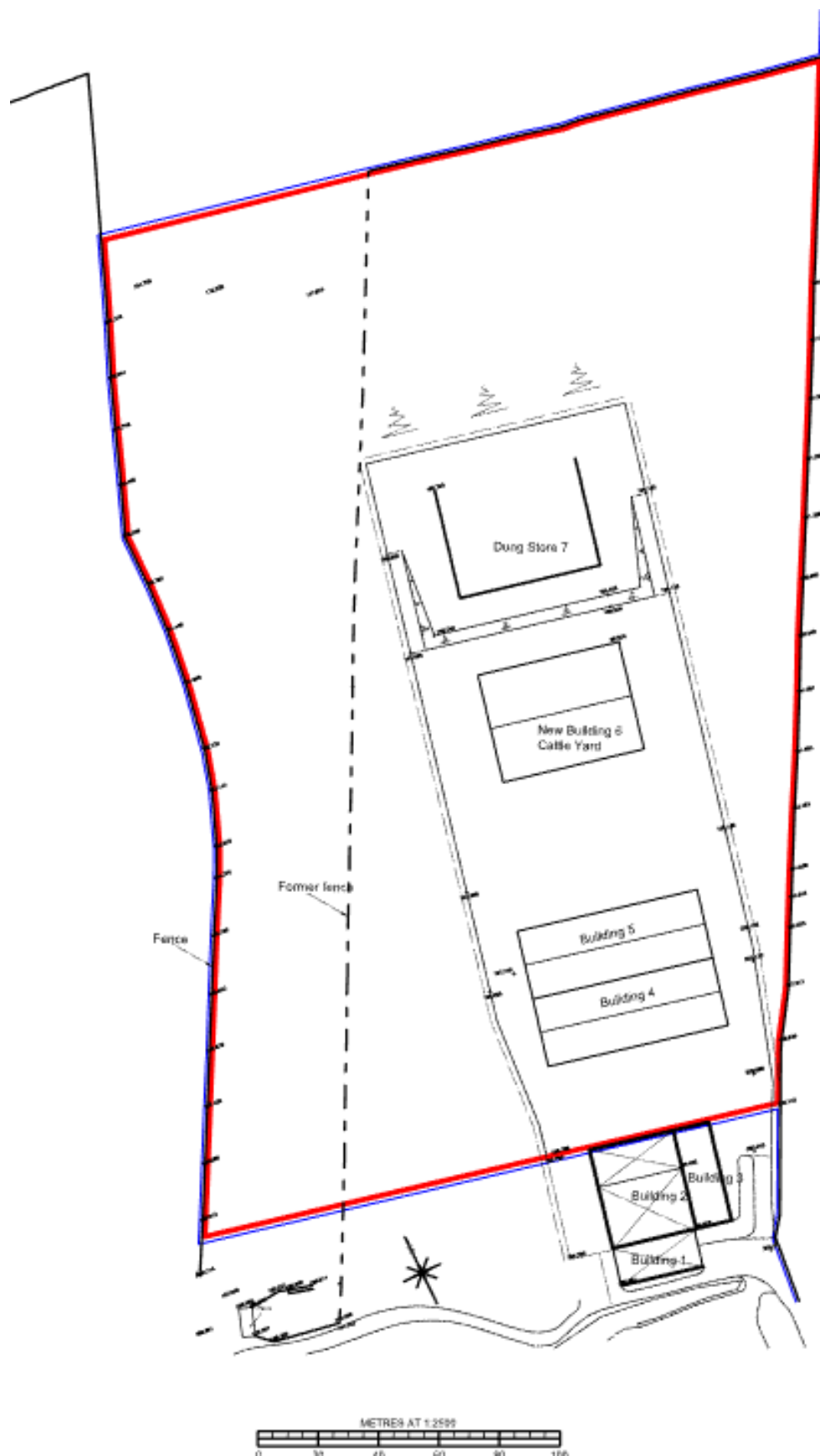
However, the applicants state the availability of material is expected to significantly increase in the next 12-18 months following the pandemic, and with developments coming forward the applicants wish to extend the period for completing the deposit of waste and earthworks by an additional 3 years to 31 December 2025.

The applicants further state that following a land survey and established through software modelling, it has been calculated that 513,079 cubic metres of material was required to complete the earthworks as approved in 2010. Since 2010 367,311 cubic metres of material has already been imported onto site; [and] as such an additional 145,768 cubic metres of material is required to complete the development. The applicants envisage the earthworks will take approx. 3 years to complete.'

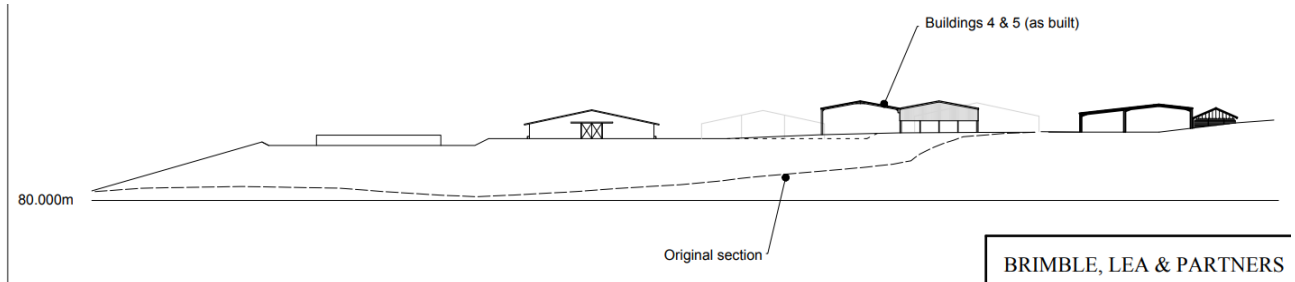
5.4 Copied below are the plans submitted under application 17/03155/VAR where the extension of time to 2022 was agreed and 17/09988/VAR where the current site layout and design of the agricultural buildings on site was approved. This is followed by the plan for PL/2022/01141 (which was reported to and endorsed by WAPC in October 2022) which granted an extension until the end of December 2025.



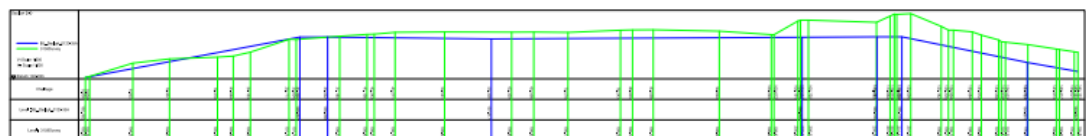
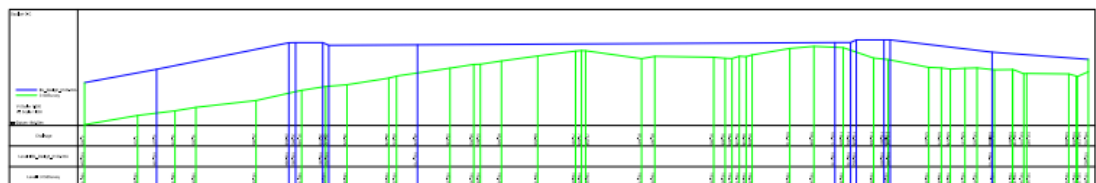
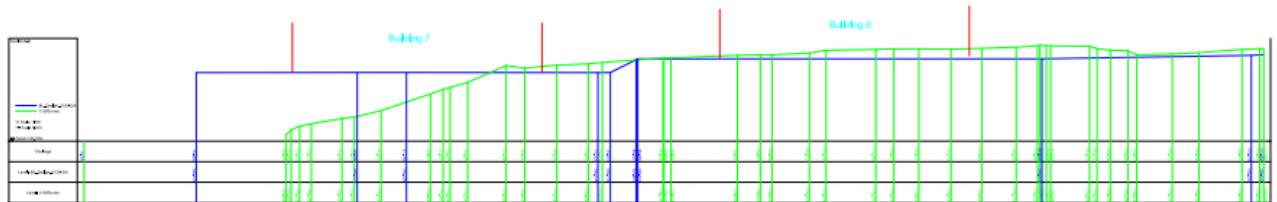
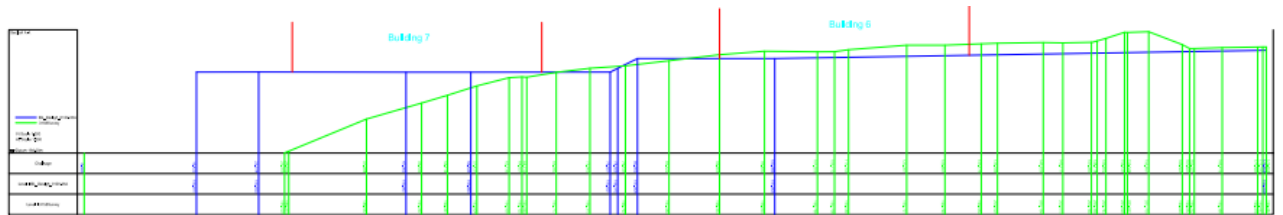
Approved cross section detailing extent of proposed land fill (granted by 17/03155/VAR)



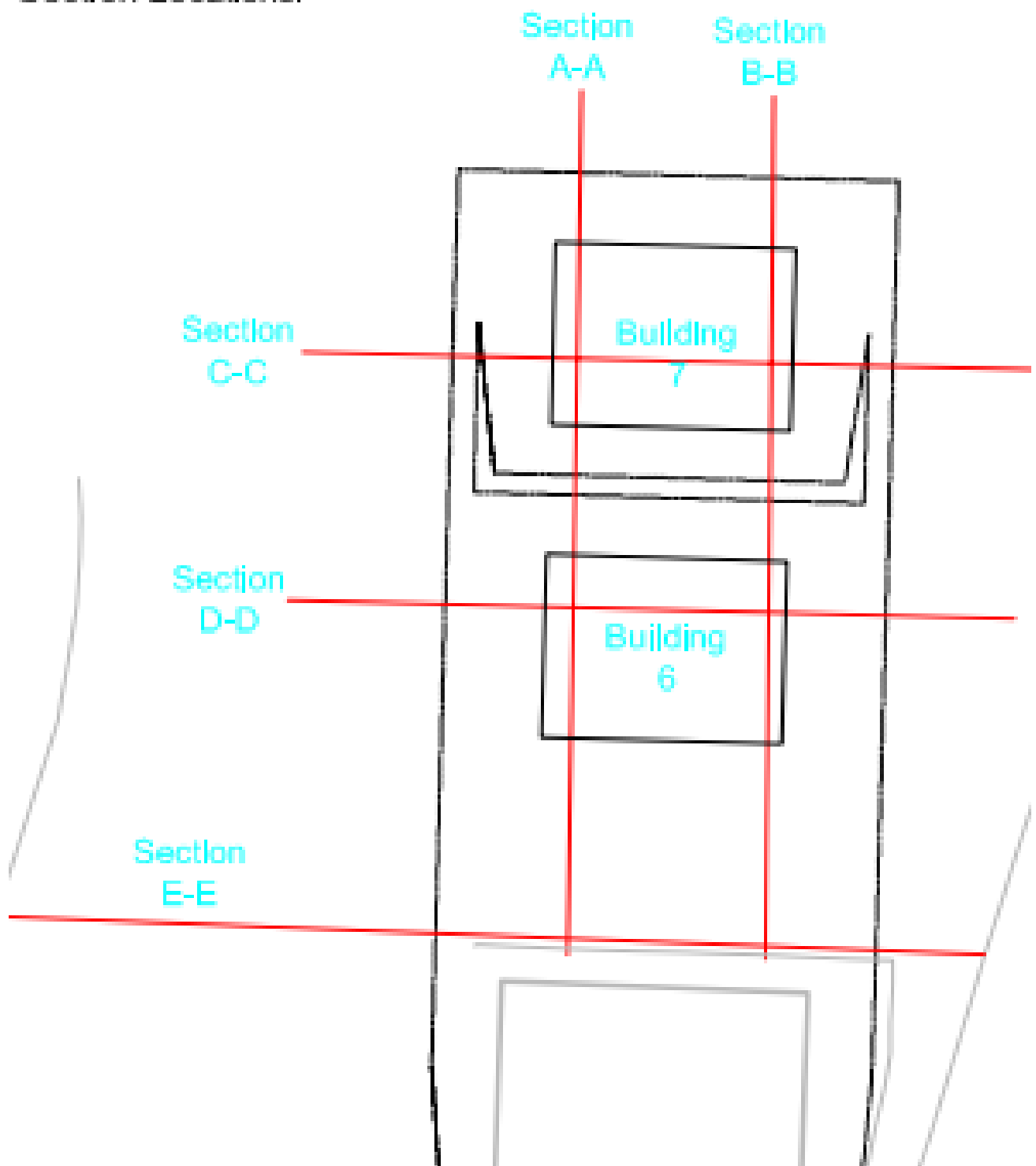
Approved site layout granted by 17/09988/VAR



Approved cross section north to south detailing extent of proposed land fill
(17/09988/VAR)



Section Locations:



Detailed cross section survey through site (building 6 and 7 (dung store)) undertaken in 2022 and submitted as evidence of approved landfill under application PL/2022/01141

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring high

quality design and place shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 64: Demand Management

National Planning Policy Framework (2024 iteration) (the Framework) and Planning Practice Guidance

Other Considerations

Wiltshire Local Transport Plan 2011 – 2026

Wiltshire Local Transport Plan 2025 – 2038 (endorsed at full council on 11 March 2025)

Cranborne Chase National Landscape (formerly AONB) Management Plan 2019 – 2024

Cranborne Chase National Landscape (Landscape Character Assessment) (LCA) Sept 2024

Wiltshire Landscape Character Assessment (West Wiltshire District Council) 2006

Wiltshire Council's Emerging Local Plan (WLP) 2020-2038 - The Council's emerging Local Plan has reached Regulation 24 stage, although at the time of writing this report, the examination has been paused by the examining inspectors.

The most relevant emerging policies to this s73 have little material weight at this stage in recognition that the emerging plan has not been subject to any hearing sessions that consider the natural environment or matters of direct relevance to this application.

Nevertheless, officers have considered the following emerging draft WLP policies:

Policy 1: Settlement strategy; Policy 2: Delivery strategy; Policy 4: Addressing climate change; Policy 70: Sustainable transport; Policy 72: Development impacts on the primary and major road networks; Policy 73: Transport: Demand management; Policy 74: Movement of goods; Policy 83: Health and wellbeing; Policy 85: Sustainable construction and low carbon energy; Policy 87: Embodied carbon; Policy 88: Biodiversity and geodiversity; Policy 89: Biodiversity net gain; Policy 90: Woodland, hedgerows and trees; Policy 91: Conserving and enhancing Wiltshire's landscapes; Policy 95: Flood risk; Policy 98: Ensuring high quality design and place shaping

7. Summary of Consultation Responses

Sutton Veny Parish Council: No comments received

Upper Deverills Joint Parish Council: No comments received

Longbridge Deverill Parish Council: Objects to a further extension to undertake activities in an Area of Outstanding Natural Beauty which have no benefit (and we consider to be of detriment) to the landscape. The quicker the site is remediated the better.

Wiltshire Council Landscape Officer: No objection but acknowledged some localised *weariness* in the local community about this *project dragging on*; and as such, we should *aim to secure a firm commitment from the applicant to agree a realistic and achievable timeframe to complete the project to avoid prolonged harm to the CCNL and the wider setting*.

Cranborne Chase National Landscape Planning/landscape advisor: Objects on the following basis:

'The application form confirms that tipping has taken place since 2012. The covering letter appears to omit information regarding the number of extensions that have been requested. I also understand that the applicants have sought to avoid landscape conditions by challenging the wording at appeal. Administrative delays, cited by the agent, are often due to insufficient information being provided or incorrectly completed documents, all of which seem to be within the control of the applicants and their agents.'

Doubtless you will be aware that the agent's comments about the lack of harm are merely opinion, and that the site has caused more negative comment than any other development in this National Landscape.

Clearly complying with the conditions and implementing an approved landscape scheme would resolve many of the issues. The applicants have had many years to do that but have actively sought to avoid complying with a landscape condition. Site history shows there is no evidence that tipping will be completed within a time scale and the development, whatever one thinks of it, is completed.

An extended period of tipping would not conserve and enhance the natural beauty of this nationally designated and nationally important landscape. NPPF [paragraphs] 189 and 190 apply.

The Board of this national landscape took the view back in 2016 that 'the nation's finest landscapes, which have the highest status of protection in relation to landscape and scenic beauty, are not places for the importation of waste for treatment, processing, or disposal'.

It is, therefore, clear that any intensification of existing waste handling, treatment, or deposit processes would be contrary to the position taken by this NL's Partnership Board.

Since the last extension of time (to finalise the tipping and implement landscape works and planting) s85 of CROW Act has been amended.

That means a relevant authority [in this case both the LPA and EA] must seek to further the purposes of designation [conserving and enhancing natural beauty] when making any decision affecting land in a national landscape. Approving the application would not comply with that statutory duty.'

Wiltshire Council Highways Officer: No objection

Wiltshire Council Public Protection: No comments

Environment Agency: No objection

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site. The following comments were received:

21 objection representations were received which can be summarised as follows: –

- Site has already been in operation for circa 16 years, well beyond the original intention and permission

- The site is a visual impairment to a protected landscape
- Focus should be on reinstatement of the landscape
- Adverse impact on landscape character/ harmful to protected landscape
- Activity is out of keeping with the landscape and for commercial benefit
- HGV traffic/ highway issues - noise, emissions, dust, pollution, congestion, safety concerns, damaging effect on the A350
- Harmful impact on enjoyment of public footpaths
- Proposal conflicts with the National Planning Policy Framework
- No exceptional circumstances or public interest grounds to justify a further extension time
- Bright lights on the farm
- Lack of soft landscaping means that farm with its barns and associated earthworks and machinery remain highly visible from the north, west and east
- Further waste importation of tonnes of waste will increase the risk of contamination of the chalk aquifers and streams below the farm/adverse impact on local ecology
- Due to the length of time involved and the nature of the activities, it is now questionable whether the permitted development in 2010 (W/10/02377/Ful) still complies with current local and national planning policy
- The Levelling-up and Regeneration Act 2023 which strengthens Section 85 of the Countryside and Rights of Way Act 2000 requires consideration by the Council
- Long-term effects of the works have not been adequately assessed

48 Supportive representations were received which can be summarised as follows: –

- The principle of development has already been agreed
- Would be harmful to the environment to leave the project half finished
- Exceptional delays to obtain the necessary permissions from the Environment Agency to commence work
- No visual harmful impact on adjacent villages
- Scheme makes no difference to local disturbance and presents no additional vehicle movements for the project, it is simply an extension of time
- Delays outside applicants' control
- Need to support local farmers

9. Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the adopted Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans.

9.1 Principle of Development

9.1.1 Under Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling-up and Regeneration Act 2023, the local planning authority (LPA) has a statutory duty to seek to further the purpose of conserving and enhancing natural beauty when exercising any function affecting land within a National Landscape.

9.1.2 Paragraph 190 of the NPPF furthermore directs decision makers to recognise that

‘When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development ⁽⁶⁷⁾ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’*

9.1.3 NPPF Footnote 67 confirms that

‘For the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.’

9.1.4 As advised previously by officers, the application site lies within the Cranbourne Chase National Landscape (formerly known as the AONB), Salisbury Plain and West Wiltshire Down countryside character area. The Salisbury Plain and West Wiltshire Downs (NE479) character area is defined as a

“sparsely settled, predominantly agricultural area with a strong sense of remoteness and openness. The dominant element in the landscape – apart from the expansive sky – is the gently rolling chalk downland, forming part of the sweep of Cretaceous Chalk running from the Dorset coast and across the Chilterns to north of the Wash”.

9.1.5 The key characteristics of this national landscape are set out below–

- | | |
|--|---|
| ■ Salisbury Plain, an extensive and open rolling chalk plateau and one of the largest remaining areas of calcareous grassland in north-west Europe. | ■ A sparsely settled landscape, with few settlements of any size, and notable for nucleated villages at the foot of the scarp along the springline. Large-scale farmsteads are a prominent feature. |
| ■ Many small, sheltered river valleys, such as the Wylye, with narrow flood plains and meandering river courses. | ■ Abundant use made in older buildings of local stone such as flint, Chilmark stone and clunch, together with timber frame and chalk cob. |
| ■ Woodland generally confined to valley slopes, with scattered copses and shelterbelts (usually of beech or conifer) found on the high downs, and occasional ancient oak woods on the ridgetops. | ■ Large parks and estates found in the valleys, with related groups of estate housing in common style. |
| ■ Large arable fields predominate, with generally very few hedgerows or obvious boundary features; there are often wide grass buffer strips. | ■ Salisbury, an ecclesiastical centre since the early medieval period and now a tourist and local administration centre, with a well-preserved historic core, and a cathedral whose spire has long been a feature in the surrounding landscape. |
| ■ Rare flora and fauna of national significance, associated with a chalk landscape, from stone curlew, hobby and corn bunting to dropwort, early gentian and slender bedstraw. | ■ Military tracks, airfields and structures reflecting a major land use. Visually prominent modern military housing and supporting development are found in the eastern side of the NCA. |
| ■ Outstanding prehistoric ritual landscape, with many Scheduled Ancient Monuments and earthworks prominent in the open landscape, notably Stonehenge. | |
| ■ Distinctive chalk-cut figures – generally large horses – post-dating the medieval period. | |

9.1.6 The landscape character profile for the NCA Cranborne Chase and West Wiltshire Downs is published by Natural England and is characterised as follows:

“...rich chalk down[land], whaleback ridges, wooded valleys and deeply rural, agricultural character and its rich archaeological resource. It is separated from its fellow AONB by Salisbury Plain and shares its sense of remoteness and generally dark skies.

A major theme in this NCA is the continuity of use and division of the landscape, with features ranging from the Bronze Age through to the Roman and early Saxon periods all being used as boundaries for medieval estates and parishes, suggesting that many of the land units seen today reflect much earlier territorial divisions.

Most of the area had been cleared of its woodland for farming and grazing by the end of the Neolithic period, resulting in the thin chalk-based soils which have helped to shape much of the area’s agricultural development and heritage.

Large farmsteads are a feature across the area, often with nearby workers’ housing. Large arable fields with few hedgerows or settlements”.

9.1.7 The characteristics and qualities of the CCNL are the primary justification for the designation of the area to conserve and enhance its natural beauty for the nation. The appearance, and appreciation of the National Landscape from areas outside the NL relate to all landscape types as do the qualities of the views to and from the national landscape.

9.1.8 As detailed above, the Council has previously supported applications at Kingdown Fram to re-profile agricultural land at the farm steading to facilitate the erection of the new farm buildings originally approved under application W/10/02377/FUL, with substantive works having commenced and, in some cases, being completed.

9.1.9 The current proposal seeks to amend the wording of a planning condition imposed in late 2022, in order to extend the time period for the deposit of waste to re-profile the area of the site that is still to be completed. This proposal does not seek approval for any additional operational works or construction of buildings.

9.1.10 Officers are fully mindful of Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling-up and Regeneration Act 2023, and maintain that the effects on the National Landscape were fully assessed in 2022 (under application PL/2022/01141) and the same conclusions reached then, reasonably apply now. Reference should be made to Appendix 1 attached to this report and in particular to sections 9.2 to 9.13 whereby the Council concluded previously under application W/10/02377/FUL that the proposed operational development would not substantively harm landscape character.

9.1.11 It is fully appreciated that the site and previous permission remain unfinished, and the terms of the October 2022 decision requires the applicant to reapply to increase the time period for the deposit of inert waste to finish the land reprofiling works to then allow for the construction of the previously approved farm buildings. The buildings that have not yet been built cannot be lawfully constructed until the land reprofiling works are completed.

9.1.12 Officers support the application and recommend that the following conditions be re-imposed should members endorse the recommendation–

- ***The deposit of waste and all earthworks required to form the approved development shall be completed within 3 years and 6 months from the date of this decision. Within***

a period of a further 12 months, all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

- ***No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.***
- ***No operations relating to the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.***
- ***No more than 50 HGVs (heavy goods vehicles) associated with the importation of waste shall enter the site on any working weekday, and no more than 25 on Saturdays.***
- ***The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009 approved under application W/10/02377/FUL), and the mitigation measures as detailed within this document.***
- ***All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.***
- ***During the permitted working hours, the free-field equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.***
- ***No additional external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.***
- ***Referencing the approved plans.***

9.1.13 In addition, a re-worded landscape condition is also recommended to require the submission of a detailed phased landscaping scheme and for the applicant to satisfy the following:

No waste shall be imported or deposited on site until a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme for the next 3 years shall be submitted and approved to the Local Planning Authority.

The approved landscaping scheme shall be carried out during the first available planting and seeding season for each phase.

Should the approved landscaping scheme not be carried out in accordance with the approved details the importing and depositing of waste along with any unfinished construction work associated with the farm buildings shall cease and shall not recommence unless the approved landscaping is delivered in a subsequent available planting season.

Any trees or plants that form part of the approved landscaping scheme which 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.

REASON: To ensure a satisfactory landscape mitigation for the development and the protection of existing important landscape features and in the interests of the character of the area and character of the National Landscape.

9.1.14 With the imposition of these planning conditions, officers maintain that the Council would be acting not only consistently and reasonably (mindful of the previous approvals granted), but the LPA will also have complied with its duty with regard to the purpose of conserving and enhancing natural beauty when exercising any function affecting land within the National Landscape.

9.2 Previous consent(s) granted for Land Re-Profiling and Construction of Fram Buildings

9.2.1 Planning permission was originally granted for agricultural buildings and the associated land re-profiling for these buildings in 2010 under reference W/10/02377/FUL (at which time the deposit of inert waste and to undertake all the earthworks were conditioned to be completed within 3 years). Application 17/03155/VAR approved a 5-year extension to the time allowed to dispose waste onsite. The current layout of the site and building design was approved under application 17/09988/VAR as detailed here –



Approved site layout/ landscape scheme application 17/09988VAR (W/10/02377/FUL)

9.2.2 Two agricultural buildings have been constructed on the application site, referred to as buildings 4 and 5 (approved under application 17/09988/VAR). The consented re-profiling of the land would extend to circa 90 metres wide by 250 metres long, and the applicant has previously confirmed as part of the 2022 application that following a land survey and software modelling, 513,079 cubic metres of inert material would be required to complete the earthworks that were originally approved in 2010.

9.2.3 It was also previously reported to committee that 513,079 cubic metres of material would be required for the completion of the consented earthworks (established by software

modelling), and that since 2010, 367,311 cubic metres of material had been imported to the site.

9.2.4 Consequently, when the 2022 was reported to the elected members in October 2022, an additional 145,768 cubic metres of material was still required to complete the development.

9.2.5 To illustrate what progress has been made on the site since 2010, and by referencing the EA permits, circa 173,000 cubic metres of material had been delivered to the site by 2017 and a further 194,311 cubic metres of material had been delivered by 2022 (total 367,311 cubic metres)

9.2.6 In October 2022 the committee was advised that the earthworks had not been completed for a number of reasons including there being shortages of waste material, the wide-ranging restrictions created by the Covid19 pandemic as well as there being an increased competition for waste. In recognising the need for additional waste to create the levels upon which to construct the new farm buildings, the Council supported the application to extend the time period for the deposit of material and to complete the ground works by another 3 years and imposed an expiry date of 31 December 2025 under application reference PL/2022/01141.

9.2.7 The applicant has, under this latest variation application, explained why the additional time granted by the 2022 application did not result in the completion of the earthworks, which was essentially due to the delayed (and separate) EA permitting process (which took over 2 years to be granted). In total, despite being afforded just over 3 years to deposit the requisite additional material to complete the previously approved earthworks (by the 2022 application), the applicants only benefitted from 4 months to bring infill material to the site that only resulted in 2,640 cubic metres being delivered leaving a shortfall of 143,128 cubic metres.

9.2.8 Members are respectfully asked to note that the principle of development is now long established following the grant of the 2010 application which allowed the applicant to import inert waste to the site to reprofile the land to create levels upon which to construct new farm buildings, some of which have been erected. However as set out above, the works have not been completed, and additional material is required to complete the consented earthworks and officers maintain their full support for the proposal. In the absence of any technical reasons to oppose the application, officers conclude that it would be unreasonable to revisit the principle of this multi-approved development at this stage.

9.3 Impacts on the National Landscape / Local Character and Public Footpaths

9.3.1 Adopted WCS Core Policy 51 states that development should protect, conserve and where possible enhance landscape character. WCS Core Policy 57 states that new development should respond positively to the existing landscape features in terms of, amongst others, building line, plot size and street scape, to effectively integrate the building into its setting.

9.3.2 The application site lies within the Cranbourne and Chase National Landscape (formally known as the AONB), and within the Salisbury Plain and West Wiltshire Down countryside character area. The construction of the farm buildings as detailed on the above plans, were approved under application W/10/02377/FUL, and that application as supported by a Landscape and Visual Impact Assessment which was approved by the Council. Subsequently,

that application was varied by 17/09988/VAR – which was approved subject to a landscape scheme, and that landscaping scheme was subsequently discharged by the Council in 2018.

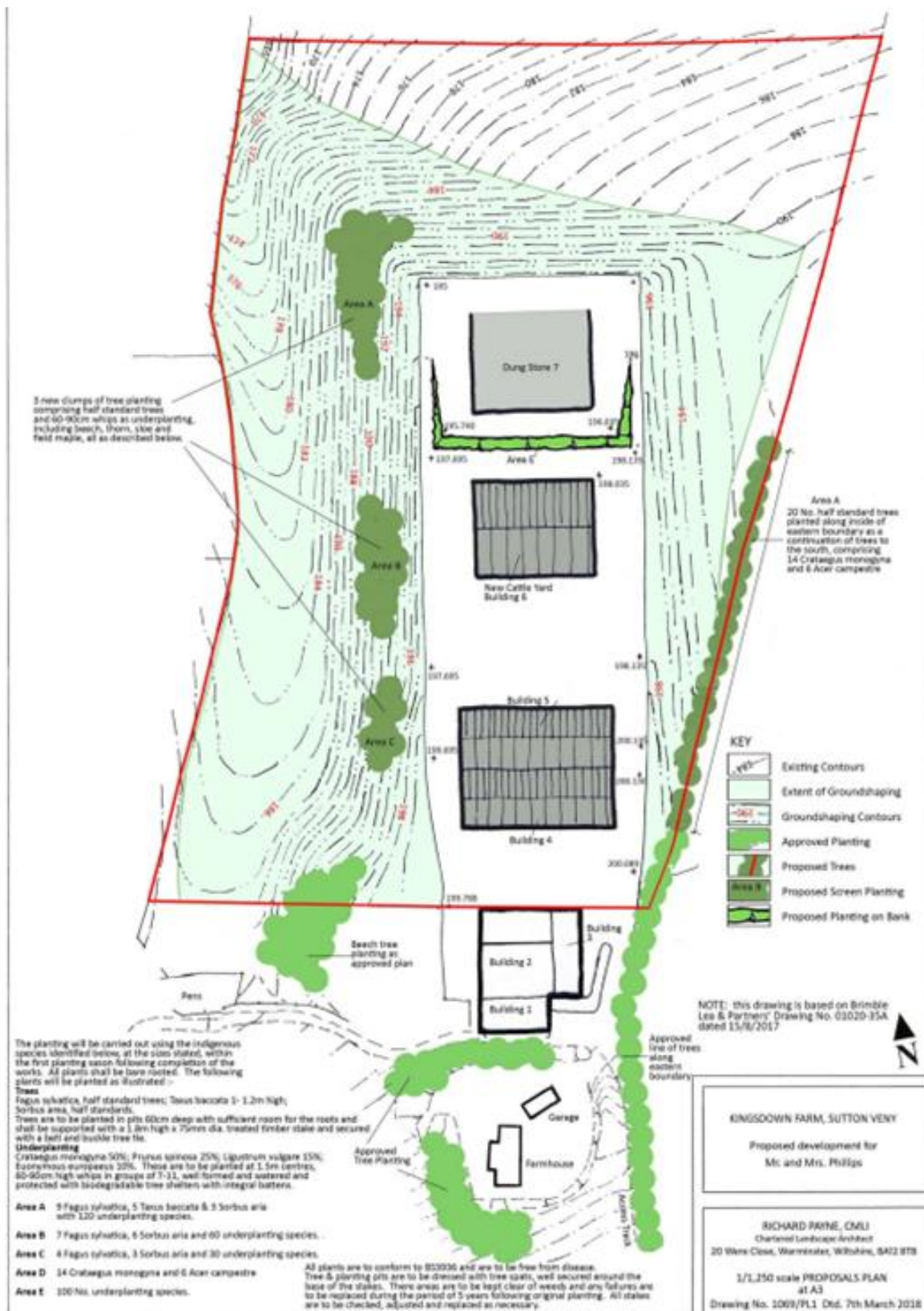
9.3.3 This application seeks to vary condition 2 imposed on application PL/2022/01141 in order to extend the time limit to allow the applicant to complete the earthworks / land reprofiling for an additional 3 years and 6 months (to commence from the date of the decision). Whilst the concerns raised by third parties are noted, officers are satisfied that the impact on the National Landscape / local character and use of the public footpaths would be no different to what was considered acceptable under applications W/10/02377/FUL, 17/09988/VAR and PL/2022/01141 where it was determined that the impacts on the character of the area/ National Landscape etc, were not found to be harmful to warrant a recommendation for refusal. Moreover, the amendments made to the design of buildings 4 and 5, which are now constructed, were assessed under approved application 17/09988/VAR, and are no longer open for the Council's consideration.

9.3.4 Under this variation application, there are no alterations proposed to the previously approved buildings, or to the access to the site or indeed to the farming business practices. As such, the proposed extension of the time being sought for the depositing of waste materials would have no greater impact on the rural character of the area/National Landscape or public footpaths compared to what has previously been considered and approved already under the previous cited applications. Officers have had regard to s85 of CROW Act (as amended) and maintain the view that the future landscaping will deliver betterment and provide mitigation to the farm buildings that are not yet completed. Officers are also fully appreciative of the applicants upheld enforcement appeal which related to landscape planting and a revised landscaping condition is recommended (in recognition that each variation application, should it be approved, creates a new planning chapter for any given development, and it is open for the Council to impose a different condition to that which was previously imposed, subject to satisfying the 6 legal tests.

9.3.5 The consultation response from the Cranborne Chase planning and landscape officer (as set out within section 7 of this report), is duly noted with regard to the benefits of securing a robust and timely landscaping scheme delivered on the site. Officers have taken on board the appeal findings of the appointed inspector (as quoted in part below) that the landscaping condition imposed on the 2022 application should have had a mechanism in-built into the condition

“to impose a sanction on the applicant in the event the landscaping scheme is refused, or there is an approved scheme, but it is not implemented in accordance with an approved timetable”.

9.3.6 The recommendation before the committee includes a revised landscaping condition that officers consider is necessary (to bind any approval granted under this variation) and to provide more enforceability in the event the applicants landscaping scheme proposals are not delivered in accordance with the condition requirements.



9.3.7 It should be noted that a landscaping scheme was agreed for the 2017 application (17/09988VAR). However, when the PL/2022/01141 was determined by the committee in October 2022, that landscaping scheme had not been implemented and was not considered

adequate to satisfactorily filter views of the site and break up the massing of the various agricultural buildings that had been built by late 2022 and that in recognition the waste delivery timeframe being extended for several more years, a phased landscaping scheme was considered necessary to establish the necessary mitigation on a site within the protected national landscape.

9.3.8 As reported, the landscape condition imposed on application PL/2022/01141 was appealed (following the Council's decision to refuse the discharge the applicant's submission and issuing of an enforcement notice) and at appeal, the appointed planning inspector criticised the wording of the condition *inter alia* because it failed to have a sanction in the event that the phased landscaping scheme was not found to be acceptable by the Council. Taking what the appeal inspector said, officers have carefully considered the imposition of a newly worded landscaping scheme planning condition for this proposal. As a variation submission, it is legitimate for the Council to consider applying new conditions to a partly implemented development and in recognition of the flaws set out in the previous condition, and taking direct reference to what the applicant relied upon as part of their appeal and what the appeal inspector concluded, it is necessary for the condition to carry a clear unambiguous triggers for the submission of details and its subsequent approval and for there to be an inbuilt sanction for any non-compliance.

9.3.9 Following from the above, officers recommend the following revised landscape condition which is considered to satisfy the 6 legal tests for planning conditions, and for it to be imposed on the scheme should councillors vote to endorse the recommendation—

No waste shall be imported or deposited on site until a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme for the next 3 years shall be submitted and approved to the Local Planning Authority.

The approved landscaping scheme shall be carried out during the first available planting and seeding season for each phase.

Should the approved landscaping scheme not be carried out in accordance with the approved details the importing and depositing of waste along with any unfinished construction work associated with the farm buildings shall cease and shall not recommence unless the approved landscaping is delivered in a subsequent available planting season.

Any trees or plants that form part of the approved landscaping scheme which 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.

REASON: To ensure a satisfactory landscape mitigation for the development and the protection of existing important landscape features and in the interests of the character of the area and character of the National Landscape.

9.3.10 With the aforementioned revised landscaping condition attached to any permission, officers are satisfied the proposal to extend the time limit to allow inert waste to be imported and deposited on site for a further 3 years and 6 months (to commence from the date of the decision) would not result in greater harm to the national landscape compared to what has previously been approved.

9.4 Impact on the Living Conditions of Neighbouring Residents

9.4.1 adopted WCS Core Policy 57 states that applications for new development must have regard to their impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

9.4.2 The impacts of the development on the living conditions of neighbouring residents were fully assessed under application W/10/02377/FUL and the subsequent variations (17/03155/VAR, 17/09988/VAR and PL/2022/01141).

9.4.3 This latest application proposes no alterations to the previously approved buildings or changes to the access or comprises additional traffic movements beyond what was previously approved.

9.4.4 The nearest residential properties to the site are located over 880 metres at Parsonage Down Farm to the southeast, Lords Hill Barn to the west which is over 1km distant and Haycombe Hill Farm to the northeast which is over 900 metres distant.

9.4.5 A planning condition was imposed on the original scheme that was carried forward to the subsequent applications restricting noise levels at the site pursuant to the earthworks and farm building construction and that condition is recommended by officers to be re-imposed on any approval for this latest variation.

9.4.6 Recognising that there has been no material change of circumstances to lead to a different conclusion, the proposal would result in no greater impact compared to what was previously found to be acceptable by the Council; and as such, there are no substantive grounds to refuse the application pursuant to third party impacts.

9.5 Highway Issues

9.5.1 Adopted WCS Core Policy 61 seeks to ensure that all new developments are capable of being served by safe access to the highway network.

9.5.2 NPPF Paragraph 116 states that: -

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.’

9.5.3 Access to the site is gained via a track leading from the A350 that approaches the site from the south. Vehicles exit the site via another track that leads from the site to the A350 further north of the access. As stated above the proposed development involves no alterations to the access or to the access arrangements, and the application has resulted in no adverse highway officer comments, and there is no evidence of highway safety issues at the entrance or exit to the site.

9.5.4 The received third party comments regarding HGVs using local villages and the impacts this has on their living conditions, amenities and noise, are all noted. However, the traffic movements and routing were previously found to be acceptable by the Council and there have

been no substantive changes to the access or the highway including the A350 that would justify the Council reaching a different conclusion for this variation application. The A350 is of course a heavily trafficked arterial road, and the effects of this variation would have minimal impacts to the highway network. In terms of noise generated by the HGVs associated to this site and scheme, officers maintain that it would be extremely difficult to attribute substantive harm when considering the wider use of the highway network.

9.5.5 A condition was imposed on the original application (W/10/02377/FUL) as well as the subsequent variations which limited the number of HGVs entering the site to no more than 50 on any working day or 25 on Saturdays as well as imposing a condition restricting the operating hours in relation to the formation of the earthworks. These conditions are again recommended by officers to be re-imposed as part of any approval.

9.6 Ecology Issues

9.6.1 The ecological impacts have been thoroughly reviewed, and it was previously confirmed that there was no significant loss of hedgerows or trees on site and no existing agricultural buildings were to be demolished. The ecological impacts were previously accepted to be and would remain limited with no adverse impact on local biodiversity.

9.6.2 A condition was imposed on application W/10/02377/FUL and the subsequent variations limiting the installation of external lighting unless agreed in writing by the LPA. This condition is recommended to be re-imposed on any approval.

9.7 Other Matters

9.7.1 A condition restricting the use of inert waste material was mandated as part of the previous approvals and it is recommended by officers that this should be re-imposed on any approval.

10. Conclusion (The Planning Balance)

The principle of development for the erection of new farm buildings at the site is well established through the granting of several applications following land reprofiling and earthworks which were originally consented under application W/10/02377/FUL and thereafter under several variations. Officers therefore submit that it would be unreasonable to revisit the principle of development.

Whilst officers share the frustrations expressed over the time the land reprofiling works have taken (which remain incomplete), the fact remains that the reprofiling of land operations and the consequential impacts to the National Landscape character and highway implications were all previously assessed by the Council and consent was granted; and, there has been no substantive reason submitted as part of the public notification and consultation exercise that officers consider would merit a refusal of this application.

A series of planning conditions are recommended including a revised landscaping condition that would comply with the standard suite of conditions the planning inspector uses pursuant to developments that are partly complete but require bespoke restrictions as well as a prescribed sanction, in the event the applicant reneges on a conditional approval.

There would be no highway safety issues with the use of HGVs accessing or exiting the site and no objections have been received from the Council's highway officer.

The impacts on the national landscape have been fully assessed previously and as stated within this report the imposition of a more robust landscaping condition would deliver betterment compared to the pre-existing site circumstances.

The development would not result in material harm to the living conditions of local residents, or to ecology and drainage interests.

The delivery of materials onto the site has been occurring since circa 2012 after application W/10/02377/FUL was approved by this Council and the issuing of the EA permit for waste management. Permission was again approved in 2017 (17/03155/VAR) and in 2022 (PL/2022/01141) – with the latter application granting consent to import inert waste material to the site until the end of 2025.

It is noted that of the 22 comments on application 17/03155/VAR to renew waste deliveries, there was only one objection and no objections raised by the parish councils.

The impacts of bringing waste material to the site was not considered sufficient to warrant a refusal of any of the previous listed applications (namely W/10/02377/FUL 17/03155/VAR, 17/09988/VAR or PL/2022/01141, and officers have identified no substantive reason to refuse the application.

The received comments from Longbridge Deverill Parish Council are respected in terms of the desire to see the application site remediated. However, the principle of development cannot be reasonably reopened and the previously consented earthworks still need to be completed and by virtue of the terms set by the 2022 application, the applicant is required to reapply for a further extension of time to deliver the necessary material to complete the ground works, after which the remaining farm buildings (approved by the 2010 application and the subsequent variations) can be constructed.

There are no objections to the scheme from the council's public protection team and there have been no significant changes in local circumstances or planning policy since the grant of the 2022 variation approval.

The applicant proposes no changes to the design of the buildings, to the access or the on-site farm business practices. Therefore, officers conclude that the proposed extension of time being sought should be supported by the elected members subject to the following planning conditions.

11. RECOMMENDATION Approve subject to conditions

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

Location plan scale drg no. 01020-31 A received on 26.07.2010

Topographic Survey drg no. 3158/01 received on 29.06.2022

Site Sections A-A, B-B, C-C and D-D drg no. 3158/03B received on 29.06.2022

Site Section E-E drg no. 3158/04B received on 29.06.2022

Site layout drg no. 01020-35 A

Proposed plans and elevations buildings 4 and 5 drg no. 01020-37 received on 12.10.2017

Proposed plans and elevations building 6 drg no. 01020-26 F received on 12.10.2017

Proposed plans and elevations 'Dung Store' drg no. 01020-32 A received on 26.07.2010

Proposed site section scale 1:1000 drg no. 01020-38 received on 13.12.2017

Landscape plan scale 1:1250 drg no. 1069/PL1 dated 7 March 2018

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

2. The deposit of waste and all earthworks required to form the approved development shall be completed within 3 years and 6 months from the date of this decision. Within a period of a further 12 months, all plant and machinery shall be removed from the site (except for which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

3. No waste shall be imported or deposited on site until a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme for the next 3 years shall be submitted and approved to the Local Planning Authority.

The approved landscaping scheme shall be carried out during the first available planting and seeding season for each phase.

Should the approved landscaping scheme not be carried out in accordance with the approved details, the importing and depositing of waste along with any unfinished construction work associated with the farm buildings shall cease and shall not recommence unless the approved landscaping is delivered in a subsequent available planting season.

Any trees or plants that form part of the approved landscaping scheme which 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.

REASON: To ensure a satisfactory landscape mitigation for the development and the protection of existing important landscape features and in the interests of the character of the area and character of the National Landscape.

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009 approved under application W/10/02377/FUL), and the mitigation measures as detailed within this document.

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

5. No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

6. No operations relating to the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

7. No more than 50 HGVs (heavy goods vehicles) associated with the importation of waste shall enter the site on any working weekday, and no more than 25 on Saturdays.

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

9. During the permitted working hours, the free-field equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

10. No additional external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

INFORMATIVE: The applicant's attention is drawn to the compliance clauses applicable to conditions relating to details in conditions 2 (material samples), 3 (submission of a programme of archaeological works), 6 (submission of a CEMP), 7 (scheme for the reception of waste materials) and 17 (highway works) under Decision Notice W/10/02377/FUL.

Appendix 1: Approved application W/10/02377/FUL (officers report plus conditions list)

DELEGATED REPORT

Application Number	W/10/02377/FUL	
Site Address	Kingsdown Farm Lords Hill Longbridge Deverill Wiltshire BA12 7DY	
Proposal	Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL)	
Applicant	Mr And Mrs JM And K Phillips	
Case Officer	Mrs Rosie MacGregor	01225 770344 Ext 5597 rosie.macgregor@wiltshire.gov.uk

1. Purpose of Report

To consider the above application and to recommend that permission be granted.

2. Main Issues

The main issues to consider are:

- * Impact on the special landscape quality of this nationally important Area of Outstanding Natural Beauty.
- * Design
- * Relevant planning history
- * Highway safety implications
- * Protection of groundwater
- * Archaeological interests
- * Neighbouring land uses

3. Site Description

The application site is located within the nationally important landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The site is typical of its location, part of the rolling chalk downlands which make up the character of this special landscape.

The application site is within a designated area of archaeological potential and interest and a groundwater source protection area.

The application site is approximately 7.14 hectares in area located in open countryside, some 2.5km south east of Longbridge Deverill to the east of the A350. The A350 is part of the primary route network and runs between Warminster and Shaftesbury.

The proposed development would be sited adjacent to the existing steel frame agricultural building which is approximately 40 metres by 35 metres and an agricultural workers dwelling.

4. Relevant Planning History

Relevant history of this general site area:

01/00829/AGD - Extension to existing agricultural building and erection of new agricultural building - Prior approval of details not required - 05.09.2001

04/00702/FUL - Erection of agricultural stock building (to replace approved stock building not erected)
– Permission - 05.10.2004

05/01858/FUL - Farmhouse and garage – Permission - 26.01.2006

W/09/01164/FUL - Extend existing agricultural building – Permission - 22.05.2009

Further relevant history in the vicinity:

01/01484/OUT - Farmhouse and farm buildings (outline) – Refusal - 23.05.2002 (Dismissed at appeal on 10.02.2003)

W/09/01142/FUL - Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings - Refused 16.07.2010 followed by appeal.

This application was subsequently dismissed on appeal.

However, the Inspector identified the key issue as being the finely balanced judgement between the impact of the scheme on the character and appearance of the Area of Outstanding Natural Beauty and the agricultural justification for the proposals. On balance he determined to dismiss the appeal on the basis of the submitted plans due to the harm to the landscape.

However, he did not accept that the appeal proposal was the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape. These comments were based on an alternative scheme, the subject of the current application, which was placed before the Planning Inspector by the appellant's agent at the Appeal.

5. Proposal

This is a revised scheme to the one that was dismissed on appeal. There are a number of significant changes between the current scheme and the one that was dismissed.

The proposal is to erect 2 livestock buildings, straw storage building, dung store and to re-profile the land to facilitate the new buildings and hardened track between them. The buildings would be constructed from concrete panels and plastic coated metal sheeting.

The proposal would result in approximately 330,000 cubic metres of fill material being brought to the site comprising inert waste, subsoil and topsoil.

The re-profiling of the land would involve filling the land to create an elongated and tiered site measuring overall approximately 90 metres wide by 250 metres in length.

Access to the site is off a By-Way, a private road, and the land slopes steeply from the entrance level down to the site.

The floor level of the first new building would be at the same level as the hard standing adjacent to the existing barn. The remaining buildings would be at a lower level approached by an access road leading down from the upper of the two levels.

The proposed platforms off which the buildings would be erected would be landscaped to provide screening.

The application is accompanied by a Design and Access Statement, an agricultural justification report, a Landscape and Visual Impact Assessment, a Flood Risk Assessment and Drainage Strategy and a Phasing Plan.

A topographical survey accompanies the plans.

The original application was the subject of an Environmental Statement(ES). However, the Planning Inspectorate did not share the view of the local planning authority that the proposal required an ES. A further screening under EIA was carried out on submission of the current application and the view taken that in view of the reduction in the scale of the buildings and changes to the topography of the land an ES was not required. Furthermore, the application is accompanied by statements and reports that will be the subject of consultation with the necessary bodies.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection
C2 Area of Outstanding Natural Beauty
C15 Archaeological Assessment
C31a Design
C32 Landscaping
C35 Light Pollution
C38 Nuisance
U1a Foul Water Disposal
U2 Surface Water Disposal
U4 Groundwater Source Protection Areas

National guidance

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13:Transport
PPG16:Archaeology and Planning
PPS23:Planning and Pollution Control
PPS25:Development and Flood Risk

7. Consultations

Sutton Verney Parish Council

'Are in support of this application, and feel that their views should be considered paramount as the majority of land at Kingsdown Farm falls within the boundaries of this Parish.'

Longbridge Deverill and Crockerton Parish Council

'Support subject to conditions.

1. subject to increased planting and copping, which should commence withint the first planting season, thus improving landscape view as soon as possible.
2. Solely for the purpose of agriculture
3. The Parish Council would not want to see any further development of this site in the Area of Outstanding Natural Beauty.'

Highways

No objection subject to conditions relating to the Byway.

Library & Heritage

The Wiltshire Sites and Monuments Records show that the proposed development area is of archaeological interest. Several features noted on aerial photographs may represent fragments of an earlier field system. In addition a number of ring ditches and round barrows indicative of Bronze Age funerary activity have been recorded in the vicinity.

In view of this the following recommendation is made in line with PPG16.

Recommendation: Full condition.

No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Principal Ecologist

Although there are badger records nearby, it's unlikely badger setts would be found near the proposed buildings since the works are in the middle of a field and don't seem (from 2005/06 aerial photographs) to affect hedgerows where setts are most likely to be located. No further comments to make.

Agricultural Consultant

On commenting on the previous application on which the appeal was based stated that the proposed buildings are warranted by the proposed agricultural practice.

Environment Agency

The Environment Agency has no objection in principle to the proposed development subject to conditions, recommendation and informatives forming part of any approval granted:-

The site falls entirely within Flood Zone 1 (low risk) as defined within Table D.1 of Planning Policy Statement 25 (PPS25) Development & Flood Risk. The total area of the proposed development is given as some 8.4 hectares. It is therefore appropriate that the applicant has supplied a site specific Flood Risk Assessment (FRA) in support of this proposal, in compliance with the requirements of PPS25.

Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

Objects to the scheme as currently proposed and therefore strongly recommends refusal because the the proposals would significantly harm the character and appearance of the AONB.

Campaign for the Protection of Rural England

Strongly support the agricultural case made by the applicant. Recognise that the farming industry needs to be allowed to be viable and sustainable. Accept that there is bound to be some intrusion into the AONB and traffic generation but suggest shelter belts and copses to mitigate the impact.

Country Land and Business Association

Supports this well researched and practical proposal which fully accords with the Government's national and local planning guidance and their objectives for sustainable farming and food.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 01.09.2010

Summary of points raised:

One letter of objection has been received on the following grounds:

Visual impact in AONB as a result of alien and dominant buildings that will ruin a lovely part of Wiltshire Downland.

22 letters have been received in support of the application on the grounds that there would be no harm and that agriculture is essential to the rural economy.

9. Planning Considerations

9.1 This is a revised scheme and significantly different to the one that was dismissed on appeal and the comments made by the Inspector, highlighted above under Planning History are relevant to the determination of this application.

9.2 The site is located entirely within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Beauty. The site is clearly visible from approaches from the north along the A350, which is part of the primary route network.

This part of the nationally important landscape is characterised by typical features of chalk downland, including dry valleys and undulating topography, large fields and sparse field boundaries. It is also noted that there are clusters/copses of woodland within the immediate area. The application site is typical of the area's character.

9.3 Landscapes such as this have been designated as being of national importance and PPS7 states at paragraph 21 that such areas should be afforded significant protection for their own sake. They have the "highest status" of protection in relation to landscape and scenic beauty. Therefore their protection should be given "great weight" in development control decisions.

9.4 Paragraph 22 states that major development should not take place in these designated areas, except in exceptional circumstances. Such applications should be subject to the most "rigorous examination". Major development proposals should be demonstrated to be in the public interest and have to meet set criterion including the need for the development, consideration of locating development outside these areas and the detrimental impact of the proposals and how this may be moderated.

9.5 PPS7 also discusses the issues of agricultural development specifically as the national planning policy statement for sustainable development in rural areas. The government recognizes the importance of agriculture in shaping the countryside and our "valued landscapes". It states at paragraph 27 that development plans must recognize this and have policies to support farming.

9.6 Further PPS7 comments on matters of tourism and leisure, which is an important consideration also given the outstanding landscape character of AONB. The AONB obviously presents opportunity for visitors and tourism which also contribute to the diversified rural economy. In paragraph 34 of PPS7 tourism is described as being "vital to many rural economies".

9.7 In addition to PPS7 the development plan has policies which reflect this position. Policy C2 of the West Wiltshire District Plan 1st Alteration (2004) states that "priority will be given to landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted." To emphasise the development plan policy explicitly states that landscape consideration has priority over other considerations in the AONB.

9.8 Policy C2 goes on to state that development essential to the economic and social well being of the rural community will be permitted, having regard to, amongst other things, location, siting, design, materials and landscaping. Policy C1 regarding general countryside protection also emphasises the need to protect the quality and variety of the countryside and rural landscape.

9.9 It is noted that the proposals would be in effect an extension of the existing agricultural provision at this site which currently is made up with a substantial steel framed barn and an agricultural workers dwelling with garage which is nearing completion. The development currently visible is subject to a landscaping condition which has yet to be fully implemented/enforced.

9.10 The significance of the proposals and likely impact on the landscape should not be underestimated because it would include substantial re-profiling of land, and the erection of four

further substantial structures. However, the agricultural need must be balanced against the impact on the landscape and it should be noted that the Council for the Protection of Rural England and the local parish councils are now supportive of these revised proposals.

9.11 The agricultural unit has recently been established in this location following refusal of an earlier application for a farmstead including a dwelling in another prominent location. The Inspector in that case found the previous site unacceptable and highlighted that other locations might be more appropriate but did go as far as to accept development in any other location.

9.12 Given the establishment of the farmstead at the current location, and the most recent appeal decision on this site, it is accepted that an agricultural operation is being established at this site and following the Inspector's advice that the appeal proposal was not the only possible solution, it is appropriate that an intensification of the current site may be acceptable. Furthermore, the Council has taken the view that no significant harm would occur as a result of the earlier permissions. The current development is clearly visible within the landscape but the previously approved landscaping is as yet incomplete. However the impact of the proposals, significantly reduced in level and height since the appeal decision, could be mitigated by further sensitive landscaping which is indicated as part of the current proposals. Indeed, the application has been supported by a full landscape and visual assessment which forms part of the documents submitted with the application. The key issue identified by the Inspector is the finely balanced judgement between the impact of the scheme on the character and appearance of the Area of Outstanding Natural Beauty and the agricultural justification for the proposals. The Inspector took the view that the appeal proposal was not the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape.

9.13 It is acknowledged that the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty maintains its objection to the proposals. However, its interpretation of the recent appeal decision is different from that of the local planning authority. The AONB's concern is the failure to preserve the landscape character. Yet it could be argued that any development within this location would have a harmful impact on the landscape quality. The existing farmstead is already a noticeable feature of the landscape but its impact will be significantly reduced once the proposed landscaping has matured. In any case any harm must be balanced against the agricultural need of the enterprise. It is considered that additional landscaping currently proposed will mitigate the impact of the proposals on the AONB.

9.14 The highway officer who formerly had no objection to the proposals has now raised concerns over the impact on the By-way and is seeking improvements to this privately owned public right of way. The applicant's agent has been made aware of these recent observations. It must be noted that these additional works fall outside the red-line boundary of the site although the land is in the control of the applicant. The only way in which conditions could be imposed would be through a 'Grampian' style condition, that is to say a negatively worded condition. This suggestion has been made to both the highway officer and the applicant's agent and for the most part would be an appropriate way to secure these additional works.

9.15 There is a significant level of local support for the proposals with 22 letters of support having been received from local residents.

9.16 In conclusion the development proposed is a significant improvement in scale to the original. Although the infill and four structures are of significant size and would be clearly visible within the landscape from the A350 it is likely that with careful landscaping the impact would be reduced.

9.17 It must be stressed that this is a balanced recommendation but that the need for the development and issues surrounding the practicality and welfare of the animals present sufficient justification to outweigh the harm to the landscape.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

- 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 on site until 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: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 No development or preliminary groundworks of any kind shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The works shall be carried out strictly in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: Planning Policy Statement 5: Planning for the Historic Environment.

- 4 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009), and the mitigation measure as detailed within this document:

Management of surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site, and will not increase the risk of flooding off-site.

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

- 5 Written notification of the date of commencement of the development shall be sent to the Local Planning Authority within seven days of such commencement.

REASON: To enable the Council to control the development and monitor the site to ensure compliance with the planning permission.

- 6 No development shall take place until a construction and environmental management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

(i) details of the type of machinery to be employed, methods of working, provision for determining the depth, direction and phasing of tipping; defining the boundary of the tipping area and the gradients of the tipping area;

(ii) a scheme and programme of measures for the suppression of dust including:

a) Measures for the suppression of dust caused by moving and storage of soil and overburden and other materials within the site;

b) Measures for suppression of dust caused by traffic on haul roads, including speed limits; and
c) Provision for monitoring and review of the scheme:

(iii) details of the arrangements to be made to prevent lorries and other vehicles leaving the site depositing mud and other materials on the public highway;

(iv) details of all proposed temporary welfare and other buildings, compounds for the storage of materials and plant, and areas to be used for the parking of vehicles;

(v) details of any external lighting to be used on the site, including security lighting and mobile working lights;

(vi) details of measures to be taken to minimise the risk of uncontrolled release of polluting liquids (e.g. fuel and lubricants) associated with plant operating on the site, including details of the arrangements to be made for fuelling, inspection and maintenance of vehicles, plant and machinery, and details of emergency response equipment to be kept on site for use in the event of any accidental spillage of polluting materials; and

(vii) details of speed limits, signage and other measures proposed to facilitate the safe passage of vehicles and plant about the site.

The development shall be carried out in accordance with the approved construction and management plan.

REASON: In the interests of highway safety and to safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 7 No waste shall be deposited at the site until a detailed scheme for the reception of waste materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a quality control system for incoming waste which establishes criteria by which materials will be identified as uncontaminated and suitable for disposal at the site. The scheme shall identify under which circumstances a pre-acceptance analysis of materials would be necessary, the making available of analysis results to the local planning authority on request, and the management of wastes brought to the site which are unsuitable for disposal at the site. Once approved, the scheme shall be implemented and shall continue to be operated for the duration of the works.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 8 No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 9 The deposit of waste and all earthworks required to form the approved development shall be completed no later than 3 years after the date of commencement of development. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 10 No operations relating the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 – 17.30 on Mondays to Fridays and 08.00 – 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 11 No more than 50 HGVs (heavy goods vehicles) shall enter the site on any working week day, and no more than 25 on Saturdays.

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 12 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 13 During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 14 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C2, C35 and C38.

- 15 No development shall commence on site until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include

(i) indications of all existing trees and hedgerows on the land;

(ii) details of any to be retained, together with measures for their protection in the course of development;

(iii) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed development;

(iv) finished levels and contours;

(v) means of enclosure;

(vi) the number, size, location and species of additional planting and trees to be planted.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C32.

- 16 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the development first being brought into use. 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: West Wiltshire District Plan 1st Alteration 2004 C31a and C32.

- 17 No construction or infilling operations shall commence on site until the following works have been carried out to the by-way:
- (i) the by-way shall be widened by 2 metres on its northern entry radius and shall be finished in a bound surface material (tarmac) for the initial 30 metres from the A350 and maintained as such in perpetuity;
 - (ii) the provision and continued maintenance of visibility splays of 3m by 215m at the junction with the A350;
 - (iii) the provision and continued maintenance of two additional 6m by 15m passing places on the by-way to the west of the site's access drive and midway along the eastern section of the by-way;
 - (iv) the provision of advanced signing on the A350, warning of the presence of 'Heavy Vehicles Turning', details of which, including the location, shall be agreed in writing with the local planning authority prior to their installation.

REASON: In the interests of amenity and highway safety.

Informative(s):

- 1 The Environment Agency has requested that the following recommendations, advice and informatives should be included in the Decision Notice:

Please note that the Environment Agency accept no liability for the FRA supplied or any detailed calculations contained. This permission does not constitute approval of any such calculations nor does it constitute any consent or approval that may be required under any other statutory provision, byelaw, order or regulation.

Should the Applicant require any further clarification of the Environment Agency's position in respect of flood risk, or the requested planning condition, please refer to our Development and Flood Risk Engineer in this matter - Gary Cleaver (01258 483434).

The proposed development will require an Environmental Permit. This must be obtained from the Environment Agency prior to any development commencing. The applicant is advised to contact the local Environmental Management team at this office on 01258-483307 for further information or visit our web site www.environment-agency.gov.uk.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes and reception of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site. All relevant documentation must be completed and kept in line with regulations.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the operator wishes more specific advice they will need to contact the Environment Management Team at our Blandford offices on 01258-4833123 or look at available guidance on our website www.environment-agency.gov.uk/subjects/waste/

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All foul drainage, including foul surface water runoff, must be disposed of in such a way as to prevent any discharge to any well, spring or watercourse including dry ditches with connection to a watercourse.

Storage of slurry must be made within a sealed system.

The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.

The applicant is advised that staff from the Environment Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The applicant is advised to contact a farm waste consultant, to obtain guidance on drainage arrangements.

Under the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010, the person who proposes to have control over any relevant storage installation is required to serve notice on the Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

Manure/dung heaps should be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water and the Nitrate Pollution Prevention Regulations 2008.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

The Environment Agency must be notified immediately of any incident likely to cause pollution.

RELEVANT APPLICATION PLANS

Drawing : 01020-SURVEY 6 received on 26.07.2010
Drawing : 01020-25 D received on 26.07.2010
Drawing : 01020-26 D received on 26.07.2010
Drawing : 01020-27 D/1 received on 26.07.2010
Drawing : 01020-31 A received on 26.07.2010
Drawing : 01020-32 A received on 26.07.2010
Drawing : 01020-33 received on 26.07.2010

Case Officer:

Senior Officer:

Date: 20/10/10

Appendix 2: Approved application PL/2022/01141 (officers report plus conditions list)

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	26 October 2022
Application Number	PL/2022/01141
Site Address	Kingsdown Farm, Lords Hill, Longbridge Deverill, BA12 7DY
Proposal	Variation of condition 3 (timescale for deposit of waste materials) on 17/09988/VAR
Applicant	Mr and Mrs J Phillips
Town/Parish Council	SUTTON VENY CP
Electoral Division	Wylve Valley, Councillor Christopher Newbury
Grid Ref	153659, 156239
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

This application was deferred at the 28 September 2022 Western Area Planning Committee to enable Councillors to attend a site visit and to assess the application proposal thereafter. Councillor Newbury requested the application be called in for the elected members of the western area planning committee to determine should officers be minded to approve or refuse planning permission for the above proposed development citing the following concerns:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact
- Other: Called in at the request of Longbridge Deverill Parish Council to give their objections the benefit of public debate: concerning impacts of haulage traffic, effect on landscape (AONB) and ecology, agreed planting and screening not having been actioned, mud on road, and possible contamination.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved.

2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on the character and appearance of the area/AONB/public footpaths
- Impact on the living conditions of neighbouring residents
- Highways issues
- Ecology issues
- Other issues

Sutton Veny Parish Council raised no objection.

Longbridge Deverill Parish Council objects.

Upper Deverills Parish Council objects.

92 third party representations objecting to the application; and,

81 third party representations were received in support of the application.

3. Site Description

The site comprises approximately 6.9ha of grade 3 agricultural land located approximately 2.5kms from Longbridge Deverill and 2.6kms from Sutton Veny. Two existing agricultural buildings are located on the application site, built side by side referred to as buildings 4 and 5 (approved under application 17/09988/VAR). An existing farm building is located directly to the south of these buildings while an existing farmhouse is located to the south of the agricultural buildings. Only buildings No's 4 and 5 are located within the red line application site for this application.

Re-profiling of the site has commenced as per the approved scheme (W/10/02377/FUL – see appendix 1 below for copy of report). Access to the site is via a track approximately 1.2kms long, off the A350 to the southwest of the site.

The site lies within a vale that runs east to west sloping down towards the A350 with higher ground located to the north, east and south of the site. The site lies within the Cranbourne and Chase Area of Outstanding Natural Beauty (AoNB), Salisbury Plain and West Wiltshire Down Countryside Character Area and Hampshire River Avon Catchment Area.

Public footpath SVEN11 is located over 740 metres to the east of the site while public footpath SVEN12 is located approximately 630 metres to the south.



***Aerial photo of existing site (taken from Google Maps)
detailing existing farm buildings & farmhouse (to south)***

The above aerial photo shows the existing farmhouse to the south with an existing agricultural building to the north of the farmhouse and buildings 4 and 5 approved under application 17/09988/VAR to the north.



Existing site viewed from access track to the south

4. Planning History

PL/2022/01033 – Stationing of a caravan for use as an agricultural worker dwelling – Approved

17/09988/VAR – Application to vary Condition 10 to Planning Permission reference 17/03155/VAR to amend the approved plans in respect of buildings 4 and 5 – Approved (condition 8 discharged by letter dated 12/12/18)

17/07058/APD – Proposed agricultural track – Prior approval not required

17/03155/VAR – Variation of Condition 9 pursuant to application W/10/02377/FUL (Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings) regarding timescale for the deposit of waste – Approved (see appendix 2 below for copy of report)

16/03111/REM – Application for approval of all reserved matters comprising access, appearance, landscaping, layout and scale for the erection of an agricultural workers dwelling. (following Outline approval 14/11851/OUT) – Approved

14/11851/OUT – Erection of an agricultural workers dwelling (Outline application with all matters reserved) – Approved

14/10064/AGD – Erection of stock building – Prior approval not required

W/10/02377/FUL – Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL) – Approved (see appendix 1 below for copy of report)

W/09/01164/FUL – Extend existing agricultural building – Approved

W/09/01142/FUL – Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings – Refused (appeal dismissed) – for the following reasons -

1. The proposed development by reason of its scale, siting, linear form and re-profiling of land would result in an incongruous and visually prominent form of development that would be harmful to the special landscape character of this nationally important rural landscape contrary to Policies C1 and C2 of the West Wiltshire District Plan 1st Alteration (2004), Policy C8 of the Wiltshire Structure Plan 2016 and paragraphs 21 and 22 of Planning Policy Statement 7: Sustainable Development in Rural Areas.

2. The proposed development by reason of the absence of an acceptable Flood Risk Assessment provides inadequate information to fully assess the flood risks arising from the development and is contrary to Planning Policy Statement 25: development and Flood Risk paragraphs 10, E3 and E8.

Although the appeal was dismissed the Inspector identified the key issues as being the finally balanced judgment between the impact of the scheme on the character and appearance of the AONB and the agricultural justification for the proposal. On balance the Inspector determined to dismiss the appeal on the basis of the submitted plans due to the harm to landscape. However, the Inspector did not accept that the proposal was the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape setting. This steer led to the submission of application W/10/02377/FUL which was approved.

05/01858/FUL – Farmhouse and garage – Approved

04/00702/FUL – Erection of agricultural stock building (to replace approved stock building not erected) – Approved

01/01484/OUT – Farmhouse and farm buildings (outline) – Refused (appeal dismissed)

01/00829/AGD – Extension to existing agricultural building and erection of new agricultural building – Approved

5. The Proposal

The application seeks to vary condition 3 of permission no. 17/09988/VAR to increase the time limit to deposit waste on site by an additional three years to 31 December 2025. Condition 3 of application 17/09988/VAR reads:

The deposit of waste and all earthworks required to form the approved development shall be completed no later than 5 years after the date of this decision. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

This application seeks to extend the time-period to allow for the continued deposit of waste and construction of earthworks for an additional 3 years to 31st December 2025. The proposed amended condition would read:

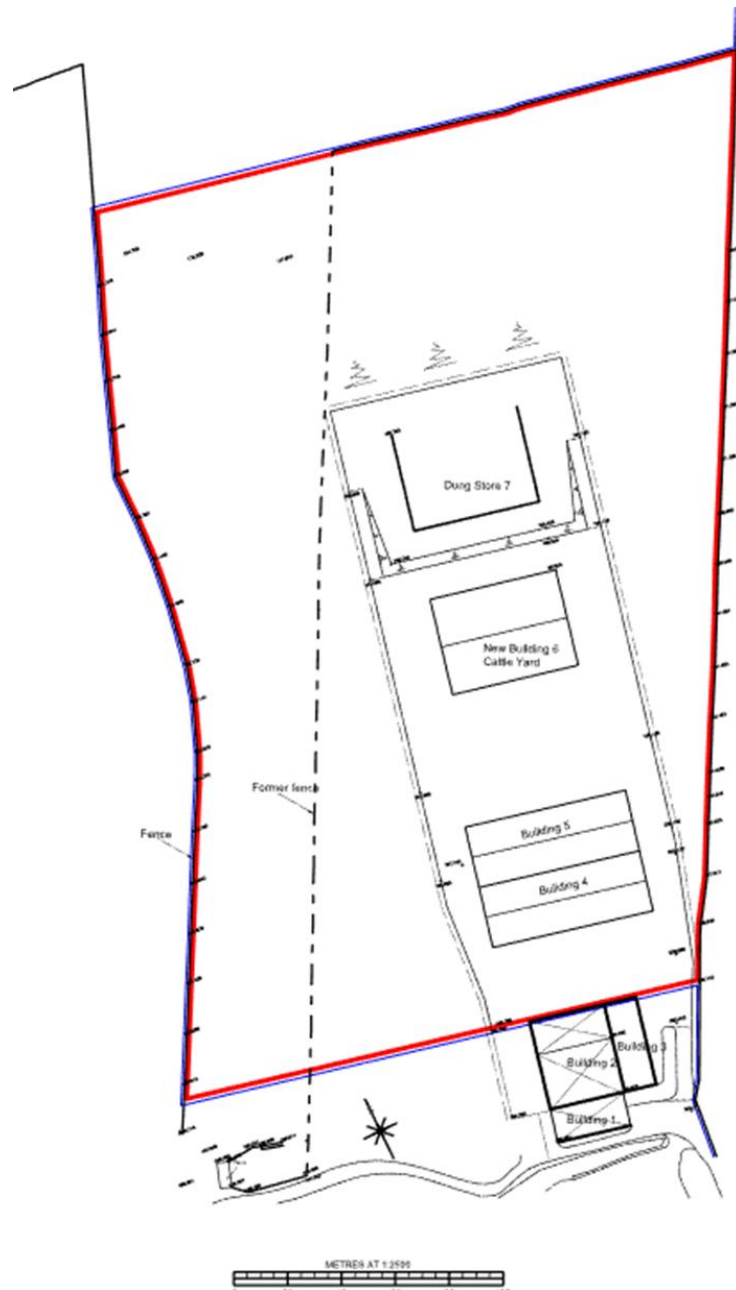
The deposit of waste and all earthworks required to form the approved development shall be completed by 31 December 2025. Within a period of a further 12 months all plant and machinery

shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

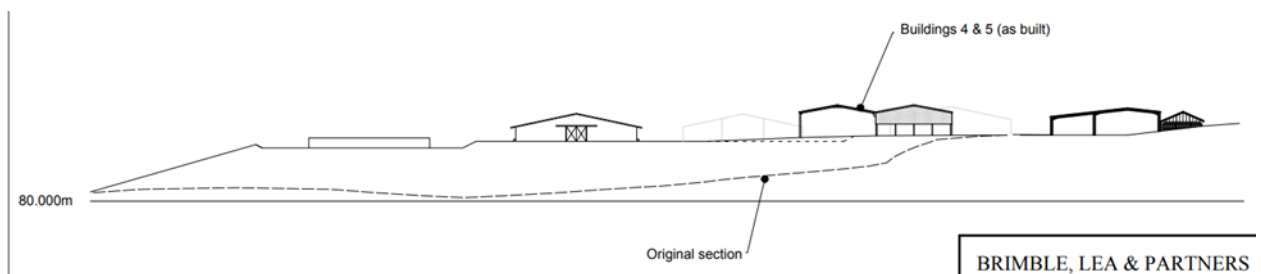
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

The applicants have stated that due to continued shortages of waste material over the past few years - which was exasperated by the Covid 19 crises and increased competition for such waste - they were unable to complete the deposit of waste and construction of the earthworks in the allotted time (27 June 2022 as approved under applications 17/03155/VAR (where the extension of time to 2022 was agreed) and 17/09988/VAR). However, the applicants state the availability of material is expected to significantly increase in the next 12-18 months following the pandemic, and with developments coming forward the applicants wish to extend the period for completing the deposit of waste and earthworks by an additional 3 years to 31 December 2025. The applicants further state that following a land survey and established through software modeling, it has been calculated that 513,079 cubic metres of material was required to complete the earthworks as approved in 2010. Since 2010 367,311 cubic metres of material has already been imported onto site as such an additional 145,768 cubic metres of material is required to complete the development. The applicants envisage the earthworks will take approx. 3 years to complete.

Plan of approved scheme 17/03155/VAR (and varied by 17/09988/VAR) –



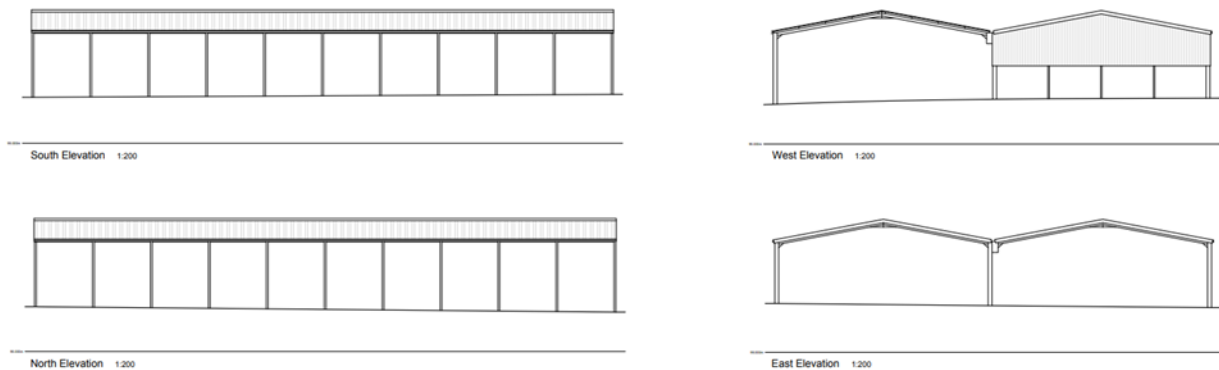
Proposed layout approved scheme 17/09988/VAR



Approved cross section north to south detailing extent of proposed land fill (17/09988/VAR)

Existing farm buildings (referred to as buildings 1, 2 and 3) are located directly to the north of the farmhouse and fall outside the red line location area of the current scheme and are used to house farm machinery. The approved scheme (17/09988/VAR) includes the erection of building 4 (livestock

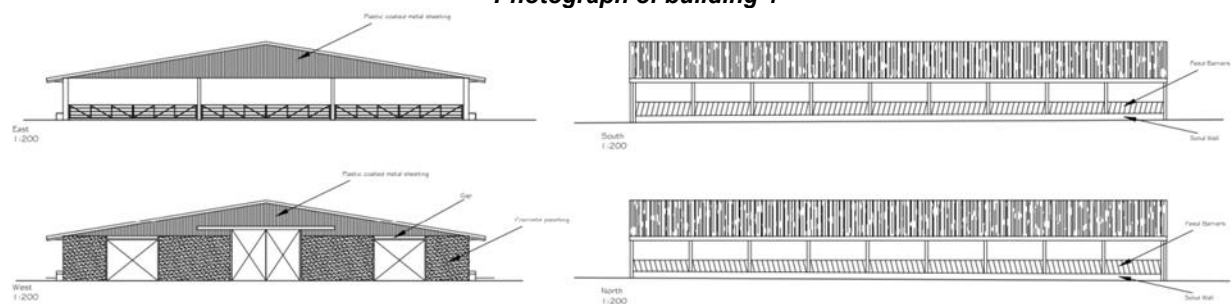
shelter) and 5 (storage of hay bales) which have been constructed on site. Permission has also been granted for the construction of building 6 to be used as a livestock shelter and a building to be used as a dung store. The livestock shelter and dung store are yet to be constructed. Significant works of re-profiling on site have commenced (see photos below).



Approved building 4 and 5 (17/09988/VAR) – constructed on site



Photograph of building 4



Approved building 6 (17/09988/VAR) – not yet constructed



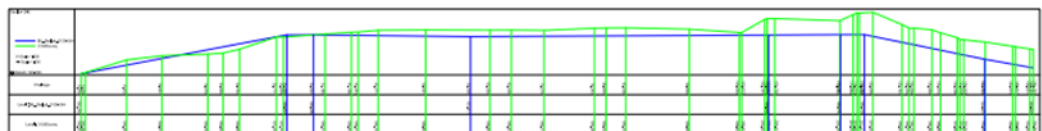
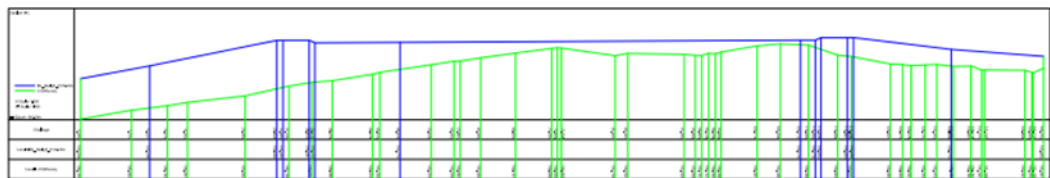
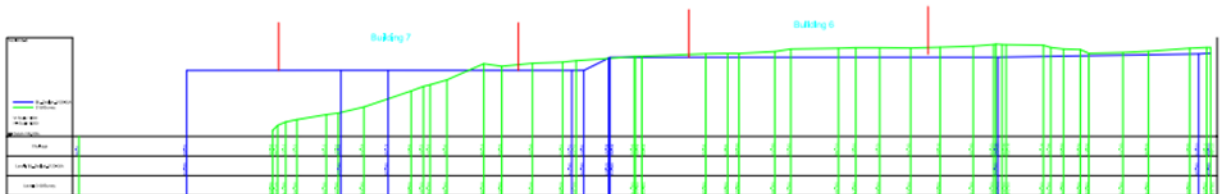
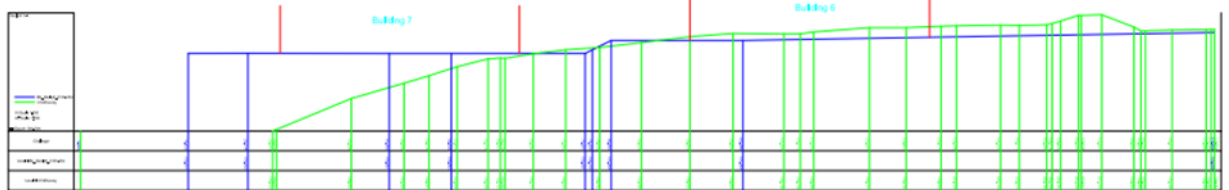
***Profiled land to west of agricultural buildings looking towards
Lords Hill Barn and the A350 to West***

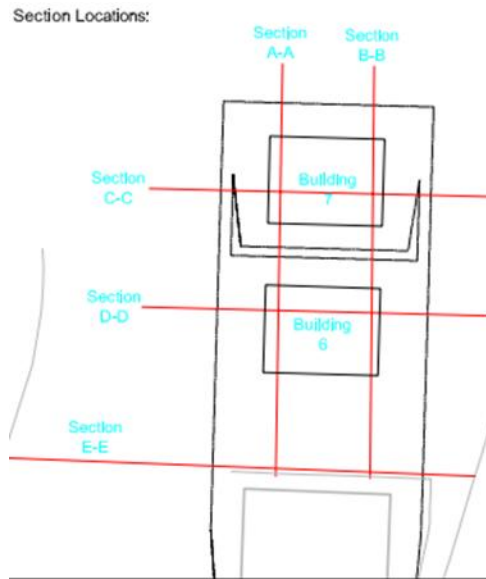


***Profiled land to west of agricultural buildings looking towards
Southwest***

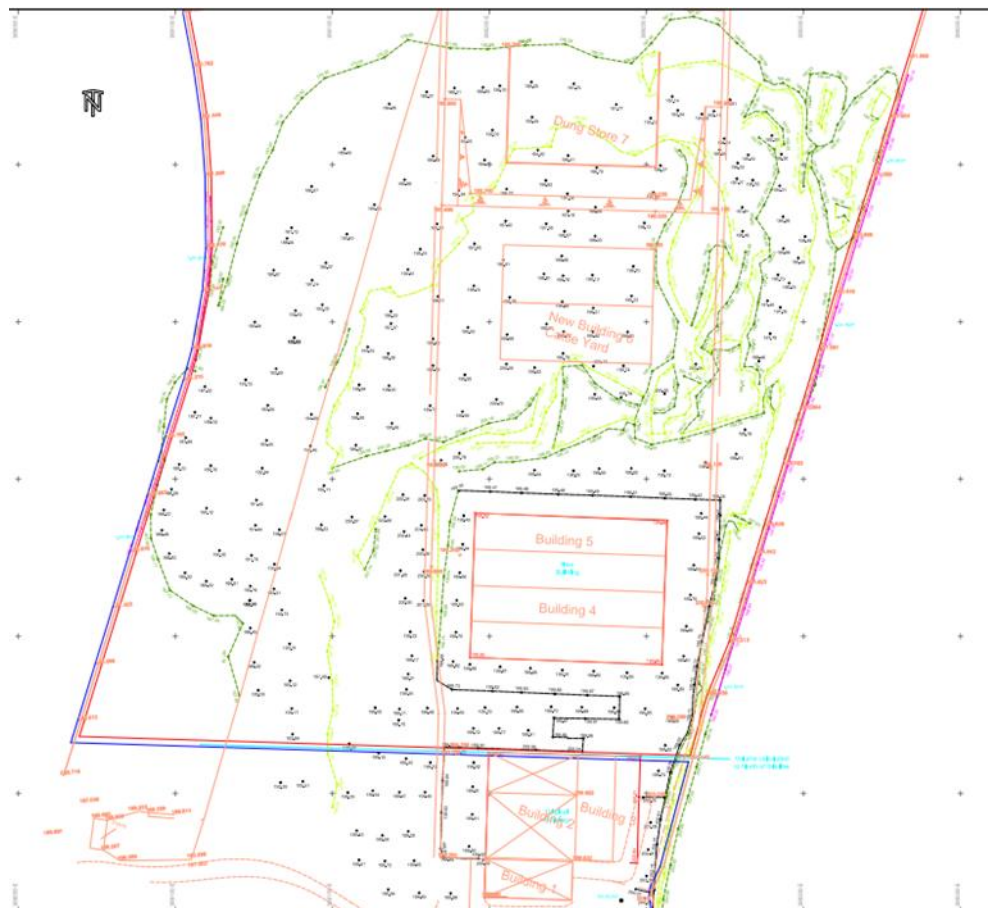


Profiled land to the north





Detailed cross section survey through site undertaken 2022



Detailed survey – existing/current land height levels with location existing/proposed buildings superimposed

6. Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy – Warminster Community Area; Core

Policy 41: Sustainable construction and low-carbon energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 64: Demand Management

National Planning Policy Framework 2021 (The Framework)

Other

Planning Practice Guidance (PPG)

Wiltshire Local Transport Plan 2011-2026

7. Summary of Consultation Responses

Sutton Veny Parish Council: No objection

Longbridge Deverill Parish Council: Objects

Longbridge Deverill Parish Council object to this application with the following comments: -

- 1. The applicant states it has not caused harm to local residents; however, this is not the case with increased haulage traffic through the villages of Longbridge Deverill and Crockerton.*
- 2. Access to the site off the A350 is unsuitable, with mud often being deposited on the road, causing danger to other road users.*
- 3. Original timescale granted in 2010 for 3 years has been extensively extended and it is time for its conclusion.*
- 4. Non-compliance with original application, extensions to timescales, planting and screening not actioned.*
- 5. Environmental impact – it is not known what waste is being deposited and what checks are carried out.*
- 6. Possible contamination to chalk streams and rivers.*
- 7. The site in an AONB and therefore continues to have a significant impact on the landscape and to the ecology of the area.*

Upper Deverills Parish Council: Objects

- 1. Since 2010 there has been a large volume of HGV traffic on the A350 and feeder subsidiary roads, including through the Upper Deverills, due to this activity near Kingsdown Farm. Any extension will further cause inconvenience and dangerous road conditions due to mud and verge erosion. It is therefore not true that an extension to the activity "would not cause any harm to local residents and the wider community".*
- 2. It is not true that there has been "a shortage of landfill material in the last ten years".*
- 3. There is little evidence that the existing permission's conditions regarding screening and planting have been complied with in full.*
- 4. The impact on the environment has not been properly addressed by the applicant.*
- 5. Large vehicles spraying mud, eroding verges and dumping excess loads of landfill will do nothing to "improve our environment", particularly in this AONB.*

Wiltshire Council Highways Officer: No comments/objection

Wiltshire Council Waste Management: Confirmed that they do not comment on agricultural related development

Wiltshire Council Public Protection: Confirmed having no observations to make regarding this application.

Environment Agency: Following comments submitted by third party representations updated comments from the Environment Agency were requested. Comments dated 10 August 2022 were as follows –

Thank you for contacting us following additional responses being provided. We have no additional comments to make beyond those in our letter dated 18 March 2022 (Ref: WX/2022/136196/01-L01). We have no objection to the extension of the time period as set out under Condition 3, however the tonnage authorised under the permit has been reached. If further waste is to be deposited under this permit, a variation (from the Environment Agency) will be required. This is separate process to obtaining planning permission.

Comments dated 8 July 2022 with regards comments and information submitted by third parties:

The site has the waste permit for the large fill and exemption for using waste in construction such as tracks and yards around the farm. I inspected the site earlier this year and found no non-compliances. We had some reports from members of the public regarding construction of a track but the material in the photographs and reasoning given by the operator did not give any concerns over any wrongdoing. I discussed it with Wiltshire and as the track already existed and was being resurfaced rather than created from nothing, I believe they said it wouldn't require any planning consideration. As the site reached the permitted limit of the main fill they will have to vary the permit to continue accepting waste.

The issue of tyres seen in the photos from 2015 has been discussed internally and as we would not investigate a report of this age if it came in regarding an unrelated site, we will not be pursuing any additional investigation into it at this stage. The yard area identified may be visited during a future inspection but we won't be making a specific visit for it.'

Comments dated 18 March 2022 –

The site currently holds an environmental permit relating to the associated waste activity. We have no objection to the extension of the time period as set out under Condition 3, however the tonnage authorised under the permit has been reached. If further waste is to be deposited under this permit, a variation (from the Environment Agency) will be required.

Cranborne Chase Area of Outstanding Natural Beauty (AONB): Objects

In summary – Self-evidently this development has dragged on for far too long, equally clearly the buildings were not that vital otherwise they would have been erected and the project completed much sooner. There have been far too many extensions and it is not appropriate to have such an open-ended development in one of the nation's finest landscapes. There has been more than enough time for the development to have been completed and the AONB Partnership strongly recommends that no further extensions should be given and that the landscape works to blend the tipping into the landscape should be carried out and completed within the next planting season. As you will have

observed the buildings that have so far been constructed are very obvious in the landscape and the absence of additional fill for the project will place the final buildings at a lower level and hence enable those buildings to be less immediately obvious in the scene.

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site. The following comments were received:

92 objection comments were received –

- As site has now been operating for 12 years which should represent adequate time for the reprofiling
- The applicant has had more than ample opportunity to complete works
- Covid argument poor justification for continued waste dumping
- The Environment Agency are currently investigating
- Adverse impact on character of AoNB
- Development a permanent scar on the landscape
- Many more suitable locations to create a commercial development
- Will set a precedent
- Additional buildings are not needed
- Village is blighted by haulage vehicles
- Adverse impact on health and safety of residents
- Watercourses stand to be contaminated from material being dumped at the site
- Access point onto the A350 is frequently covered in mud
- Dangerous access to the A350
- Lorries entering and exiting the site are a considerable hazard
- No screening of site
- No monitoring of site
- Adverse impact on wildlife
- Condition imposed to make sure development was completed in a timely manner with least disruption possible
- Extension to 2025 unreasonable
- Detrimental impact on this whole area due to dust, noise, vibration and emissions of the HGV's accessing the site
- Site remains a scar on beautiful landscape
- Increases the risk of land slippage, toxic gases leaking and water contamination
- Increased levels of pollutants from lorry journeys
- Site is totally inappropriate as a dumping ground for building waste
- Works going on at night
- Reached Environment Agency capacity limits
- Adverse impact on drainage in the area
- Applicant has failed to complete the conditions imposed in the previous application
- Lack of enforcement action
- The aggressive mounding and infill has been utilised in a manner that seems to serve only as an ever extending foundation for a series of massive agricultural buildings
- Persistent run off of foul smelling seepage onto the adjoining grass

81 supporting comments were received –

- Site well monitored and maintained
- No impact on environment either visually or ecologically

- Should be supporting/aiding farmers
- Due to the recent Covid pandemic applicant was unable to meet deadline
- The entrance and exit are perfectly fine especially for HVG traffic
- There is a wheel wash on site so no mud is dragged out
- There has never been any mayor incident involving lorries
- Extension of time is required to complete landscaping etc
- If not completed will only leave an unfinished site
- Independent food production is vital for any country to balance imports
- There is no legal or environmental reason to disrupt completion of this project
- Development will enhance animal welfare
- The existing enterprise, combining livestock and cereal production within a single farm using regenerative and circular farming practices is a model for sustainable agriculture
- Barns are required to improve animal welfare
- The site is hardly visible from the A350/screened by hedges
- Traffic will not be increased as stated
- Should be allowed to develop business
- The proposed plans are in keeping with the surrounding area
- Extending period of time would be a benefit to highway safety as vehicles entering/existing the site would be spread out over time
- Farmers require the right level of infrastructure and need to invest in buildings and roads, in addition to machinery/ farming has become a very challenging industry
- Has already been given planning permission
- The materials being tipped are inert waste and top soil
- Inert waste is waste which is not biologically nor chemically hazardous it is not biodegradable waste or hazardous waste! Inert waste is typically produced at certain stages of construction activity and include concrete, rubble, sands, clay, chalk & soil.

9. Planning Considerations

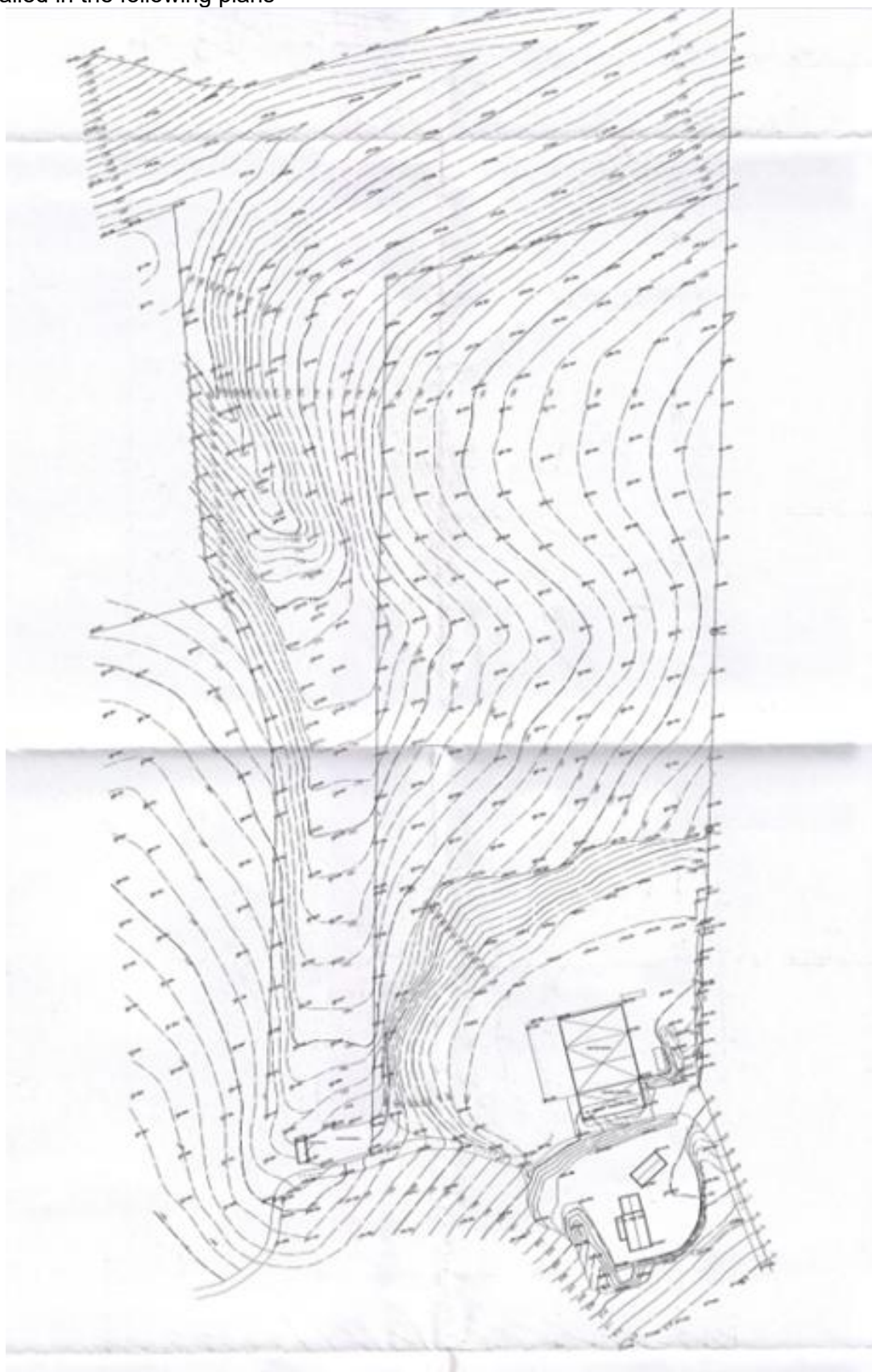
9.1 The Principle of Development

Planning permission was originally granted for agricultural buildings and the re-profiling of land for these buildings in 2010 under reference W/10/02377/FUL (the deposit of waste and all earthworks were conditioned to be completed within 3 years). Application 17/03155/VAR approved a 5-year extension to the time allowed to dispose waste onsite. The current layout of the site and building design was approved under application 17/09988/VAR.

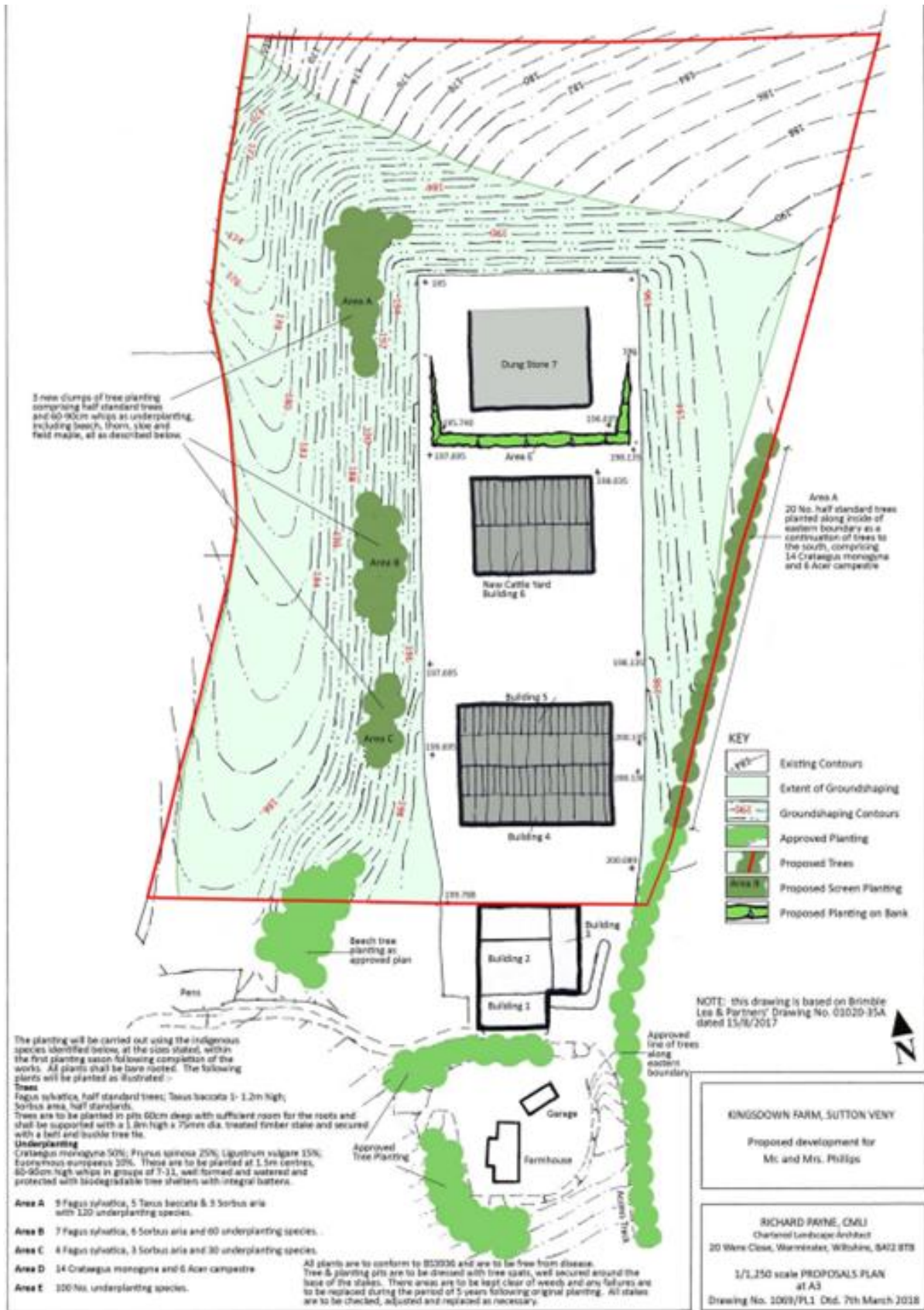
Two existing agricultural buildings are located on the application site, built side by side referred to as buildings 4 and 5 (approved under application 17/09988/VAR). The re-profiling of the land would involve filling the land to create an elongated and tiered site measuring overall approximately 90 metres wide by 250 metres long. It was advised that approximately 173,000 cubic metres of fill material had been delivered to the site by 2017 hence the requirement to extend the time required to deliver waste to the site and the submission of application 17/03155/VAR, subsequently approved. Following a land survey carried out in 2022 and established through software modelling, it has been calculated that 513,079 cubic metres of material is required for completion of the earthworks. 367,311 cubic metres of material has already been imported onto site and an additional 145,768 cubic metres of material is required to complete the development.

As detailed above the applicants were unable to complete the deposit of waste and earthworks by 2013 and the Council extended this period by another 5 years to 2022 under application reference 17/03155/VAR. Condition 3 in relation to the deposit of waste was carried forward on subsequent

application 17/09988/VAR where an amendment to the design of the approved buildings 4 and 5 was sought. The pre-development topography and approved layout and landscaping for the scheme are detailed in the following plans -



Existing topography pre-development



Approved Landscape scheme17/09988VAR (W/10/02377/FUL)

As such the principle of development for the erection of livestock buildings, dung store, access track and re-profiling of the land has been established by the granting of previous planning permissions W/10/02377/FUL and 17/09988VAR and accordingly it would not be considered reasonable to revisit the principle of the approved development.

9.2 Impact on the Character and Appearance of the Area / AoNB / Public Footpaths

The site lies within the Cranbourne and Chase AONB, Salisbury Plain and West Wiltshire Down countryside character area. The buildings as detailed on the above plans were approved under application W/10/02377/FUL, where a Landscape and Visual Impact Assessment was submitted to support the application, and varied by application 17/09988/VAR. A landscape scheme for the site was conditioned under application 17/09988VAR (see plan above) and was subsequently discharged by the Council in 2018.

However, following continued negotiations with the applicant and to redress Councillor concerns and to reduce the visual impact of the part of the approved development which has already been constructed and completed (i.e., buildings 4 and 5), officers have sought to secure a phased / revised landscaping scheme for the site to deliver an effective landscape planting in a phased manner in the interests of safeguarding the AONB character. A revised condition to that which was previously reported to the Committee is recommended at the end of this report

This application seeks to vary condition 3 of application 17/09988/VAR and extend the time limit to allow continued deposit of waste materials and earthwork construction. Comments by third parties and the AONB officer are noted. However, the impact of the proposed agricultural buildings on the rural character of the area, the AONB and public footpaths were assessed under application W/10/02377/FUL and 17/09988/VAR where it was determined that the impact of the scheme on the character of the area/ AoNB and right of way was not sufficiently harmful to warrant a recommendation for refusal. Amendments to the design of buildings 4 and 5, now constructed on site, were assessed under application 17/09988/VAR. No alterations are proposed to the approved buildings, access to the site or business practices. As such an extension of the time limit for deposit of waste materials would have no greater impact on the rural character of the area/AoNB or public footpaths than already exists or was approved under previous applications.

9.3 Impact on the Living Conditions of Neighbouring Residents

Any impact of the development on the living conditions of neighbouring residents was assessed under application W/10/02377/FUL and accompanying variations (17/03155/VAR and 17/09988/VAR). The current scheme proposes no alterations to the approved buildings or changes to the access or business operations on site. In addition, the nearest residential properties to the site are located over 880 metres distant at Parsonage Down Farm to the southeast, Lords Hill Barn to the west which is over 1km distant and Haycombe Hill Farm to the northeast which is over 900 metres distant. A condition was imposed on the original scheme and carried forward to application 17/09988/VAR restricting noise levels onsite and this condition would be re-imposed on any approval.

As such it is considered the proposed amendments to time limits for deposit of waste material would not result in additional harm to the living conditions of neighbouring residents and any existing impacts would be no greater than already experienced as a result of the approved scheme.

9.4 Highway Issues

Access to the site is off a track leading from the A350 approaching the site from the south. Vehicles exit the site via another track that leads from the site to the A350 further north of the access. In addition, there are vehicle washing facilities available at the exit. As stated above the proposed development involves no alterations to the access or access tracks leading to or from the site. There are no objections to the scheme from the Council's highways officer and no evidence of highway safety issues at the entrance or exit to the site.

Comments by third parties with regards HGV traffic passing through the local villages and impact on their living conditions in terms of noise and other adverse impacts on amenity and safety are noted. However, the level of traffic generated by the current scheme in comparison to the level of traffic using the busy A350, which is considered a heavily trafficked arterial road, would be minimal. It would be extremely difficult to attribute harm in terms of noise etc purely to the level of traffic generated by the current scheme.

A condition was imposed on the original application (W/10/02377/FUL) and subsequent variations limiting HGV traffic entering the site to no more than 50 on any working day or 25 on Saturdays while a condition was also imposed restricting operating hours in relation to the formation of the earthworks. These conditions would be re-imposed on any approval.

9.5 Ecology Issues

The development involves the re-profiling of land and erection of 4 agricultural buildings on site, 2 of which have been constructed. In terms of the ecological impact of the 2010 approval there was no significant loss of hedgerows or trees on site and no existing agricultural buildings were demolished. As such the impact of the original 2010 development is considered limited with no adverse impact on ecology and the current proposal to extend the time limits to deposit waste would also have no significant adverse impact on local biodiversity. A condition was imposed on application W/10/02377/FUL and subsequent revisions limiting the installation of external lighting unless agreed in writing by the LPA. This condition would be re-imposed on any approval.

9.6 Other Issues

A condition restricting the type of material to be imported and deposited on site to inert waste and topsoil only would be re-imposed on any approval.

Enforcement Issues have also been raised by third parties. However, these matters have been investigated by the Council's enforcement team and the cases closed (see Planning History above).

10. Conclusion (The Planning Balance)

The application seeks to vary condition 3 of application 17/09988/VAR to increase the time limit to deposit waste on site by an additional three years.

The principle of development for the erection of livestock buildings, dung store, access track and re-profiling of the land has been established by the granting of previous planning permissions W/10/02377/FUL and 17/09988/VAR and it would not be considered reasonable to revisit this principle of the development.

Comments by third parties on the impact of the development on the character of the area and AONB and living conditions of adjacent residents are noted. However, whilst accepting that the variation of condition would lead to a longer period before completion of the land fill and landscaping, it is considered the extension of time would not cause additional harm to the amenity of local residents or harm the character of the AONB.

In summary conditions relating to the number of vehicles allowed to enter the site and delivery times would be re-imposed. There are no highway safety issues with the access or egress and no objections to the development from the council's highway officer. The impact of the development on the character of the AONB, living conditions of neighbouring residents, highway, ecology and drainage issues were dealt with under the previous approved applications and it was concluded, subject to conditions, the development would not cause significant harm.

The delivery of materials onto the site has been occurring since application W/10/02377/FUL was approved. The delivery of material was once again approved in 2017 to operate until 2022. It is noted that of the 22 comments on application 17/03155/VAR to renew waste deliveries, there was only one objection and no objections from the parish councils. The harm caused by the delivery of waste and construction of the earthworks was not considered sufficient to warrant a refusal of application W/10/02377/FUL, and also not considered sufficient to warrant a refusal of application 17/03155/VAR or subsequent 17/09988/VAR. There are no objections to the scheme from the council's highways team or public protection team and there have been no significant changes in local circumstances or planning policy. The scheme proposes no changes to the design of the buildings, access or on-site business practices. Therefore, officers conclude the proposed extension of time would also not cause the level of harm required to either the character of the area, local amenity of highway safety, as to warrant a recommendation for refusal.

RECOMMENDATION: Approve subject to conditions

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

Location plan scale drg no. 01020-31 A received on 26.07.2010

Topographic Survey drg no. 3158/01 received on 29.06.2022

Site Sections A-A, B-B, C-C and D-D drg no. 3158/03B received on 29.06.2022

Site Section E-E drg no. 3158/04B received on 29.06.2022

Site layout drg no. 01020-35 A

Proposed plans and elevations buildings 4 and 5 drg no. 01020-37 received on 12.10.2017

Proposed plans and elevations building 6 drg no. 01020-26 F received on 12.10.2017

Proposed plans and elevations 'Dung Store' drg no. 01020-32 A received on 26.07.2010
Proposed site section scale 1:1000 drg no. 01020-38 received on 13.12.2017
Landscape plan scale 1:1250 drg no. 1069/PL1 dated 7 March 2018

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

2. The deposit of waste and all earthworks required to form the approved development shall be completed by 31st December 2025. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.'

3. Within 1 month of the granting of this permission, a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme for the next 3 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be carried out during the associated planting and seeding season(s), for each phase. Any trees or plants which 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of the character of the area and character of the AONB.

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009 approved under application W/10/02377/FUL), and the mitigation measure as detailed within this document.

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

5. No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

6. No operations relating to the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

7. No more than 50 HGVs (heavy goods vehicles) associated with the importation of waste shall enter the site on any working weekday, and no more than 25 on Saturdays.

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

9. During the permitted working hours the free-field equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

10. No additional external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

INFORMATIVE 1:

The applicant's attention is drawn to the comments of the Environment Agency advising the tonnage authorised to be deposited under the existing permit has been reached. If further waste is to be deposited under this permit, a variation (from the Environment Agency) will be required.

INFORMATIVE 2: The applicant's attention is drawn to the compliance clauses applicable to conditions relating to details in conditions 2 (material samples), 3 (submission of a programme of archaeological works), 6 (submission of a CEMP), 7 (scheme for the reception of waste materials) and 17 (highway works) under Decision Notice W/10/02377/FUL.