



Appeal Decision

Hearing (Virtual) held on 8 September 2021

Site Visit made on 9 September 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/Y3940/W/21/3270044

Land at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martyn Elliott against the decision of Wiltshire Council.
 - The application Ref 20/02756/FUL, dated 16 March 2020, was refused by notice dated 16 September 2020.
 - The development proposed is retrospective application for the siting of a temporary rural workers dwelling and associated works including erection of kennels and haystore and formation of hardsurface for access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a temporary rural workers dwelling and associated works including erection of kennels and haystore and formation of hardsurface for access and parking at land at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ in accordance with the terms of the application, Ref 20/02756/FUL, dated 16 March 2020 subject to the following conditions in the attached schedule.

Applications for costs

2. At the Hearing an application for an award of costs was made by Mr Martyn Elliott against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the 2021 Framework). The main parties have had the opportunity to provide comments, and I have considered the appeal on the basis of the 2021 Framework.
4. Before the Hearing, the appellant submitted details of the availability of dwellings to buy or rent within half a mile of the appeal site. Despite the timing of this submission so close to the event, the Council had nevertheless viewed the content of the document and was able to provide observations on it during the Hearing.
5. Further details indicating the extent of vehicular movements associated with the proposal have been outlined in the appellant's statement of case. Following this, the Council no longer disputes the issue of highway safety, subject to conditions limiting the scale of the dog breeding. I have nevertheless assessed this matter in light of the concerns raised in third party representations.

Main Issues

6. The main issues are:

- (i) whether or not there is an essential need for a rural worker to live on the site for a temporary period of three years;
- (ii) whether or not the haystore/workshop is reasonably necessary for the purposes of agriculture; and
- (iii) the effect of the development on the living conditions of nearby occupiers, with particular reference to noise and disturbance.

Reasons

Background

- 7. The appeal site comprises around 6 acres of land, split between two contiguous field enclosures, bounded mainly by mature hedgerow. The site's eastern boundary adjoins Stokes Marsh Lane, a no through road that serves a small number of farmsteads and dwellings along its length. It lies outside any development boundaries and is regarded as being in the open countryside.
- 8. The appellant's overall proposal is to develop an enterprise that jointly involves the rearing and breeding of Alpaca and the breeding/training of dogs at the appeal site. The larger field enclosure is rectangular in shape and contains a mobile home, kennel building and a haystore/workshop structure. It is here that the Alpaca rearing/breeding part of the enterprise would be undertaken within a small number of large stocking pens enclosed by post and rail fencing. The dog training element will be carried out on the smaller field enclosure to the west, that is separated from the stocking pens by hedgerow and a small watercourse. There are other minor structures on the land, however, these do not form part of the proposal as submitted.
- 9. The appellant and his wife are currently residing in the mobile home. This is positioned close to the appeal site's north east boundary and set close to a hedgerow.
- 10. There is currently an enforcement case open relating to the unauthorised development at the site¹.

Policy Context

- 11. Paragraph 80 of the 2021 Framework includes the advice that new isolated homes in the countryside should be avoided unless there are special circumstances. One such circumstance is the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 12. Although not referred to in Paragraph 80, the Department for Levelling Up, Housing and Communities (DLUHC) guidance² provides considerations to take into account when applying this part of the 2021 Framework. This could include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or

¹ Council Enforcement Ref – 19/00850/ENF

² Paragraph: 010 Reference ID: 67-010-20190722, Housing Needs of Different Groups, Department for Levelling Up, Housing and Communities

agricultural processes require on-site attention 24-hours a day). Other considerations include the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

13. The Wiltshire Core Strategy (Core Strategy) was adopted in 2015. Core Policy 48 sets out more detailed criteria for determining dwellings in rural areas. Proposals will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Such proposals should be supported by functional and financial evidence.
14. There are some differences between the Core Strategy and the 2021 Framework in terms of rural dwellings. The latter at Paragraph 80(a) refers to rural workers' dwellings as one type of exception to isolated homes in the countryside. The Core Strategy is more specific and lists rural dwellings exceptions to workers engaged in agriculture, forestry or other employment essential to the countryside. Despite those differences, they are generally aligned insofar as they relate to the requirement of there being an essential need for a new dwelling in association with rural employment.
15. Core Policy 34 of the Core Strategy, relates to proposals for new employment uses in the countryside. New enterprises will be supported, amongst other considerations, where they are within or adjacent to settlements, or support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification. The later 2021 Framework provides a more general requirement that decisions should support the sustainable growth of all businesses and enable the development and diversification of agricultural and other land-based rural businesses. It also recognises that sites for local businesses may have to be found beyond existing settlements (Paragraph 84).

Essential Need for a Rural Worker:

a) Alpaca enterprise

16. The appellant's Rural and Agricultural Appraisal (RAA) indicates that the enterprise will accommodate 24-36 alpacas at standard stocking rates at the end of Year 3. These will include up to 15 breeding females, with the remainder comprising stud males, cria (alpaca calves) and yearling cria. The broad economic intention of this element of the business will be to breed alpaca and sell offspring as either pets or breeding stock. Additionally, alpaca wool will be sold, along with associated garments made by the Appellant's wife. At the time of the Hearing it was indicated that the stocking numbers were broadly in line with the timeline of the business plan, although more alpaca would be purchased to drive the business forward.
17. It was also highlighted by the appellant that alpaca could give birth at any time of the year. On this basis his intention is to breed alpaca within the herd in succession rather than seasonally or during a particular time of the year.
18. The appellant's evidence refers to alpaca having a number of different characteristics in comparison to other livestock, which make it necessary to live

close to the animals to safeguard their well-being. According to the RAA alpaca breeding is an intricate and managed process where intervention may be required to assist with mating for up to a week. The month following conception is also a sensitive time when stress related factors can cause abortions and still births, and on this basis the appellant emphasises the importance to be present on site to identify and address those eventualities.

19. For Alpaca there is a gestation period of around 11 to 12 months and breeding females can produce one cria per year. The timing of the birth itself is difficult to predict and a high degree of observation is required during this time in order to identify if the animal is in any difficulty. Given that births could take place at any time of the day or night, living on site would mean the likelihood of spotting birthing difficulties would be considerably higher, than if living away from the site. Similarly, close vigilance of the animals is required daily to spot any changes in behaviour, as prey animals such as alpaca, can deliberately seek to hide signs of illness and weakness.
20. Following the birth of cria, I understand that hand rearing is not uncommon, normally involving 2 hourly feeds day and night for the first two weeks; 3-hourly feeds to eight weeks and 3 times daily to four months. To my mind this would represent an intensive period where there would need to be a presence at or close to the site for most of the day, especially if there are several cria requiring hand rearing.
21. I note that the security of the alpacas adds to the balance of factors that warrant an on-site presence. With a value of between £3,000-£7,000, the theft of a well-bred female alpaca could have a significant financial impact on the enterprise, particularly during its early years when the viability of this part of the business is predicated on small margins.
22. The security of the herd through mobile surveillance was discussed at the Hearing. Yet given the close attention required to spot changes in behaviour, CCTV cameras, in my view, may not prove to be an effective means of checking on the health of the herd remotely.
23. On the basis of the above supporting factors, I find that the claim that a permanent site presence is required for much of the time, including night-time, is justified. This is reinforced by the possibility of stock theft if there were no permanent on-site presence.
24. In its officers' report, the Council states, that after three years the scale of the alpaca business would not generate the need for a full-time worker or an essential need for the presence on site at most times. The RAA indicates that the labour requirements generated by the alpacas, once the business is fully established would equate to approximately 188 standard man days (SMD). I also note that grassland management and other management and maintenance amount to 43 SMDs, which could also relate indirectly to the alpaca element of the enterprise.
25. It is a broadly accepted benchmark that a rural worker may reasonably undertake 275 SMDs of work a year. With that in mind, the level of work generated by the alpaca herd would be somewhere between 188 and 231 SMDs, or around 68% to 84% when taken as a proportion of the days a rural worker may reasonably undertake during a year.

26. Although this proportion of SMDs would not equate to the annual benchmark figure for a rural worker, it nevertheless represents a sizeable number of working days that would be associated with the alpaca part of the enterprise. Moreover, in spite of the shortfall in SMDs, the unpredictability and intensity associated with the breeding/rearing of alpaca and the size of the herd proposed, would not diminish, in my view, the requirement to have an on-site presence at the site most of the time.
27. Regarding the financial basis of the enterprise, it is clear from the RAA and from my site visit that investment in stock, buildings, livestock enclosures and other equipment has already taken place and the investment in stock would continue up to Year 3. Under these circumstances it is not reasonable to expect the appellant to receive a typical agricultural worker's wage during the early stages of developing the alpaca herd.
28. The total net profit generated by the enterprise would be approximately £50,000 by the end of Year 3. The appellant confirmed at the Hearing that the Alpaca would generate less than half of this figure (the remainder coming from the dog breeding/training). It was qualified that for an alpaca farm to be financially viable, it would need to carry 20-30 breeding females. With 15 envisaged by the end of Year 3, the proposed alpaca element of the business would fall short of that benchmark, albeit not substantially.
29. The shortfall in income would be supplemented by the dog breeding/training part of the business, and whilst this appears to be more lucrative it is not uncommon for agricultural enterprises to rely on other income streams to generate additional revenue. This to me represents a sensible approach that would help endure the enterprise through its early years, as the income generated from the dog breeding/training would help insulate the alpaca side of the enterprise from financial difficulties. Furthermore, as that part of the business develops it could ensure a more robust financial platform moving forward that would be able to respond to failures of the farming enterprise (e.g. miscarriages or deaths, in the alpaca herd) and provide funds for further investment. On the basis of the evidence before me I am satisfied that the enterprise as a whole has been planned on a sound financial basis.
30. The Council has referred to an appeal that was dismissed at Kingston Russell³ where the Inspector found that the mixed alpaca / equestrian enterprise would be buoyed up by several income streams unrelated to agriculture or requiring a rural location. However, that scheme differs to the one before me in that the appellant was deriving part of the enterprises' income from working elsewhere part-time. In contrast, the evidence before me indicates that the dog breeding/training element of the appeal proposal would take place at the site.

b) Dog Breeding and Training

31. At the Hearing the appellant confirmed that there would be four dogs kept at the appeal site at any one time. It is likely that this would be made up from breeding bitches, stud dogs and yearlings. They would be kept in the mobile home and pens within a van parked on-site, although the detached kennel building located close to the site's north east boundary is also available, albeit presently unused.

³ APP/F1230/W/19/3220377 – Land at Higher Kingston Russell, Road Past Kingston Russell Farm, Kingston Russell DT2 9ED, dismissed on 14th August 2019

32. The smaller field enclosure would be used for the exercise of the breeding dogs, as well as the dog training part of the business. There are no specific details in the RAA in terms of the SMD or profits the dog training would generate. Yet, at the Hearing the appellant confirmed that in his experience most new owners require puppies to be trained soon after purchase.
33. Given that the appellant had largely resided and operated his business successfully in an urban area, it would seem that it has not been essential for him to carry out the business in a rural location up until this point. The register of dog breeders in the county, submitted by the Council, also indicates that many of the properties where dog breeding is undertaken are within settlements, rather than rural locations. Moreover, the dog breeding/training part of the enterprise would not align with the types of businesses, referred to in Core Policy 34, where a countryside location would be acceptable. In addition, there is limited information on how this part of the enterprise would benefit local economic and social needs.
34. Despite the policy conflict, I recognise the benefits of co-locating the dogs close to an area where they will be exercised and trained as this would limit repeat journeys by vehicle to areas such as Salisbury Plain, a location where the appellant has previously taken his dogs. The appeal site would therefore represent a more sustainable location in this respect. Additionally, the income stream generated by the dog breeding/training element of the business would ensure a more robust financial platform that could respond to failures in respect of the farming enterprise, as well as facilitating its diversification.
35. Furthermore, the Council acknowledged at the Hearing that some businesses not listed in Core Policy 34, could be located outside of development limits depending on the circumstances of the case. An example of this relates to a recently issued Council decision to approve a dog day care and kennel establishment (along with a livery)⁴. The officer's report relating to that decision accepted that locating dog kennels away from sensitive noise receptors was preferable.

c) Alternative accommodation

36. The appellant has provided evidence to show that there are no other suitable properties to buy or rent within half a mile of the appeal site. The search area according to the appellant reflects similar distances advocated by experts in animal health and husbandry in the Finchampstead⁵ and Doddiscombsleigh⁶ appeal decisions. Those distances referred to are short and would in many cases limit the opportunity to source alternative and available properties nearby. I also recognise that the unpredictable and intensive husbandry associated with alpaca farming is likely to require a continuous presence on site or close by to react and respond to emergencies.
37. Conversely, the Council highlights that in the Breach Lane appeal decision⁷, the appellants operated an alpaca farm for a number of years from their home, a 10-minute drive from the location of the herd. The Council have also drawn

⁴ Planning Permission Ref: 20/03181/FUL

⁵ APP/X0360/A/09/2103514 - Easter-Wood Alpacas, Finchampstead, Berkshre

⁶ APP/P1133/A/2188539 - Little Park Farm, Doddiscombsleigh, Devon

⁷ APP/Y3940/C/20/3246154, APP/Y3940/C/20/3246564 - Land known as Breach Lane Orchard, Breach Lane, Wynsome Street, Southwick, Trowbridge, Wiltshire BA14 9RG

attention to a small number of properties that are available to buy in nearby Coulston.

38. However, in the case of Breach Lane, I do not know the full circumstances of that case and whether or not travelling time and distance presented any animal husbandry challenges or incidents during that time. It also does not justify dismissing this appeal given the more compelling evidence for residing at or close to an alpaca herd, in the Finchampstead and Doddiscombsleigh decisions. Furthermore, whilst the nearest settlement, Coulston, is around 1 mile away, this would still present some delay in response to urgent or unexpected situations. It is therefore not apparent that the functional need identified could be fulfilled by another existing dwelling within the local area.

d) Conclusion on main issue

39. In respect of the alpaca part of the enterprise it is clear from the appellant's submission and what I heard that the specific activities that would lead to the need for an on-site presence would be breeding, birthing and responding swiftly to complications that may arise from those activities. There is also a need to closely supervise and monitor the alpaca herd given the characteristics of the animal during times of illness. Therefore, I am satisfied that an on-site presence is required to undertake those activities for much of the time and that there would be an essential need to live at the site.
40. Regarding the dog breeding/training part of the enterprise, I recognise that there is a tension between this and the preferred locations for new businesses listed in Core Policy 34. However, I have found that operating the dog breeding/training in conjunction with the alpaca herd would enable the development and diversification of the agricultural side of the business, which is supported by Paragraph 84 of the 2021 Framework.
41. Also, it would generate an income that could allow the alpaca side of the business to develop and overcome any initial failures associated with breeding and expanding the herd during the early years of the enterprise. The ability to train and exercise the dogs at the site also removes the need for any repeat journeys by vehicle to outlying sites, which the appellant previously undertook. These factors add significant weight in favour of locating the dog breeding/training at the appeal site. Despite not fully according with Core Policy 34, the material considerations associated with the dog/training part of the enterprise attract significant weight, such that they outweigh the conflict with that part of the development plan.
42. Accordingly, it has been demonstrated that there would be an essential need for a rural worker to live at the appeal site for a temporary period of three years. The proposal would comply with Policy 48 of the Core Strategy, insofar as it requires schemes to meet the accommodation needs required to enable workers to live at their place of work in the interests of agriculture. In terms of the 2021 Framework, the proposal would accord with the exceptions relating to isolated homes in the countryside outlined in Paragraph 80, while also complying with Paragraph 84 of the 2021 Framework, where it relates to supporting the sustainable growth of all businesses that enable the development and diversification of agriculture.

Hay store / Workshop

43. At the Hearing, the appellant confirmed that the hay store/workshop measures around 6m in length by 5m in width while having a pitched roof measuring 3m to its ridge. These dimensions would be broadly in line with the size of the structure I saw during my site visit. I also saw that around half of the building is open at its front and sides and currently storing hay and animal feed. The other half is used as a workshop and storage area for farm equipment.
44. I have not received any specific details of the quantities of hay / feed required for the current and future alpaca stock, although it would be reasonable to expect the farming part of the enterprise to have a supporting structure of the scale I saw on site, to provide covered storage for animal feed. This would be particularly important to keep fodder dry and protected from the elements and prevent it from ruin. Furthermore, a workshop would provide a practical facility to store and repair equipment and machinery connected to the agricultural use at the appeal site.
45. The Council has raised concerns that the hay store / workshop has a domestic appearance akin to a summerhouse. Whilst I acknowledge that it is a wooden construction and does not appear consistent with larger, metal clad agricultural sheds you would find in a rural area, it still has a functional structural form and the visible presence of stored hay and feed, along with agricultural tools/equipment removes any doubt that it is being used for domestic purposes.
46. Therefore, I conclude that the hay store / workshop would be reasonably necessary for the purposes of the agricultural activities undertaken at the appeal site. It would accord with Core Policy 34 of the Core Strategy where it relates to development that supports sustainable farming.

Living Conditions

47. The nearest residential dwelling is around 70 metres to the north of the appeal site. A small number of further houses are located within around 300m of the site to the north and south respectively. I saw that these are generally separated from the appeal site by existing fields and hedgerow.
48. Whilst only a snapshot in time I found during my site visit (approximately 1 hour) that the surrounding noise environment was generally quiet. Yet, the tranquillity of the area was occasionally interrupted by the sound of farm machinery, helicopters travelling to and from a nearby RAF base and trains running along the Westbury to London mainline.
49. In this countryside location it would not be uncommon for people to keep a small number of dogs either as domestic pets or as working farm animals. It would also not be unusual behaviour for dogs at properties to occasionally react and bark at passing vehicles or visitors to properties.
50. With a total of four dogs being kept on site, I do not consider that this would be an excessive amount and to my mind would be unlikely to result in any disproportionate or continuous noise intrusion over and above what could be expected from a similar number of domestic or working dogs in a rural location. The distance the appeal site would maintain from neighbouring properties along with the existing hedgerow boundaries enclosing those properties would also help to diminish the transmission of sound from dogs barking.

51. Several objection letters were received in respect of noise from dogs at the appeal property, whilst the Council's Environmental Health division received three complaints relating to dog noise emanating from the site. However, details of the frequency and nature of the noise impact are limited, whilst the complaints received by the Environmental Health division have now been closed. On this basis I have no compelling evidence to convince me that there is an unacceptable level of noise and disturbance from dog activity at the site.
52. If I was to allow the appeal, a condition could be added to limit the number of dogs kept at the site. This would safeguard against potentially harmful levels of disturbance occurring and effecting the living conditions of nearby occupiers.
53. Concerns have also been raised regarding noise emitted from an on-site generator. The generator is located adjacent to the hay store / workshop and positioned close to the roadside boundary lining Stokes Marsh Lane. Although not operating at the time of my site visit, the appellant indicated that it would be active and operating for one to two hours per day. However, he was unable to provide me with any details of noise decibel levels the generator emits.
54. Whilst I do not doubt the appellant's intention to limit the generator's use, and that its operation may not substantially alter the prevailing noise environment in the area, I cannot be sure on whether the nature and audibility of the noise emitted would have a harmful effect on nearby residents. Nonetheless, a planning condition could be imposed that requires the appellant to outline proposals to manage and mitigate the noise emanating from the generator, whilst complying with a schedule of when it would operate so as to avoid times of the day when residents nearby would be most sensitive to disturbance.
55. Therefore, subject to conditions, the development would not harm the living conditions of nearby occupiers, with reference to noise and disturbance. It would accord with Policies 34 and 57 of the Core Strategy which in part require proposals to ensure that the amenities of nearby occupiers are not adversely affected.

Other Matters

56. The stocking levels at the appeal site have been questioned and particularly whether the alpaca herd would have sufficient land to graze. During my site visit I saw approximately 11 alpaca within one of the enclosed paddocks. The enclosure appeared sizeable for the number of animals, but I am not able to say with any certainty whether this would be an acceptable amount of land for the current stock. That said, I agree with the Inspector's findings referred to in the Breach Lane appeal decision, where he opined that the stock management arrangements only become critical when the higher stocking rates are reached, which in the case of this appeal would be at the end of the trial period. Furthermore, such concerns would be far more important if a permanent dwelling were sought, which is not the case in this appeal. Given the above, I consider that this matter would require further analysis should an application for a permanent dwelling be sought.
57. Similarly, there are concerns that the appeal site is unsuitable for alpaca farming given that it is poorly drained and susceptible to flooding. However, I have no specific evidence of these incidences, while the Council has not raised any concerns in respect of drainage and flooding of the land. On this basis I

have no compelling information before me to place significant doubt on the land's ability to carry livestock.

58. In terms of the proposal's visual impact, the mobile home, hay store/workshop and kennel block are largely screened from Stokes Marsh Lane and nearby dwellings by a tall mature hedge. Furthermore, these are modest structures that would not appear out of place in the context of the scale and number of other buildings lining the lane. Accordingly, the proposal would not adversely harm the area's character. I acknowledge that there are other structures on the land, however, those do not form part of the proposal before me and assessing whether these are acceptable or indeed require planning permission would be a matter for the Council to pursue.
59. In terms of vehicular movements generated by the proposal, the appellant indicates that the dog breeding element of the enterprise would generate on average around one visit per week, for the collection of puppies. I would also envisage some additional movements associated with the alpaca farm and dog training, although given its scale and stage of development, I do not envisage that these would be excessive. As such the proposal would not generate high volumes of daily traffic movements, nor is there any persuasive information before me to suggest that the proposal would harm the safety of other road users along Stokes Marsh Lane.
60. There is a gravelled access and forecourt area for the parking of vehicles adjacent to the hay store/workshop. No objection has been raised from the Council's Highway advisers in terms of any parking deficiency or shortfall, and from what I saw during my site visit I have no reason to come to a different view.
61. There are concerns regarding the effect the development would have on a local bat colony. I have no specific details of its location and proximity to structures at the site, however, I am mindful that hedgerows surrounding the appeal site could be used for bat feeding and foraging. Given this and considering the comments referred to by the Council's Ecological advisor in respect of the use of sensitive lighting, I consider that a condition controlling the future placement of external lighting would be an effective means to protect bat interests at the site.
62. Several representations have questioned that, if granted, the proposal would set a precedent for similar schemes to come forward in the locality. However, there are no certainties that this would be the case, and even so those proposals would need to be determined on their individual merits. Therefore, this matter has had limited bearing on my decision.
63. Matters relating to animal husbandry certification would be a separate matter to this appeal.

Conditions

64. The Council's suggested conditions were discussed at the Hearing and various consequential amendments and additions have since been agreed between the parties. I have considered each of the conditions against the tests set out in paragraph 56 of the 2021 Framework and within the PPG.
65. A condition specifying the approved plans is necessary as this provides certainty. I have also included an additional condition requiring floor and

elevation drawings of the hay store/workshop building. The siting of this building is referred to in the location and site/block plans, however, the additional drawings are necessary in the interests of certainty. I have drafted this condition to include a clause outlining the consequence of the condition not being complied with within the time limit imposed. The omission of such a clause would render the condition unenforceable. The Council has suggested an alternative form of wording however, they have not included a clause that would make it compliant with the test of enforceability set out in the PPG.

66. A condition restricting the permission for a temporary three-year period is required as the business is not yet able to demonstrate that it is able to endure in the long term. As the mobile home is being permitted to support the identified essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary.
67. A condition placing a restriction on the number of dogs to be kept at the site is necessary to prevent any intensification of the dog breeding element of the enterprise that may lead to an unacceptable effect on the living conditions of nearby occupiers, in terms of noise and disturbance. I have also imposed a condition requiring mitigation and management of noise emitted from the on-site generator. This is required to ensure minimum disturbance and avoid nuisance to the locality. A similar implementation clause, to the condition requiring additional drawings, has been included for the same reason.
68. To ensure that the development does not have an adverse impact on biodiversity interests at the site a condition is necessary to restrict the placement on external lighting at the site.
69. I have not included the Council's suggested condition removing permitted development (PD) rights for additional outbuildings or additions at the site. As the size of the agricultural unit is less than 5 Ha, I am satisfied that the permitted development rights that would relate to a holding of this scale⁸ place sufficient restrictions on the size and extent of what could be built and would sufficiently safeguard the visual amenities of the area from any unacceptable development.
70. As I intend to control the number of dogs kept at the site, the Council's suggested conditions relating to acoustic management and mitigation of the dog breeding/training element are not necessary to make the scheme acceptable.

Conclusion

71. On the basis of the evidence before me, I have found that the appeal scheme would be acceptable, and therefore the appeal should succeed.

RE Jones

INSPECTOR

⁸ Class B (agricultural development on units of less than 5 hectares) of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Dwg 001; Site/Block Plan – Dwg 002A; Mobile Home Plan – Dwg 003.
2. Notwithstanding the approved drawings referred to in condition 1, unless within 2 months of the date of this decision floor and elevation drawings of the hay store/workshop building as shown on drawing number Dwg 001 and Dwg 002, are submitted in writing to the local planning authority for approval, the occupation and use of that building and the mobile home shall cease until such time as a scheme is approved.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the occupation of the hay store/workshop and mobile home shall cease until such time as a scheme is approved by the local planning authority.

Upon approval of the drawings specified in this condition, that scheme shall thereafter be retained for the duration of the permission. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. Unless within 2 months of the date of this decision a scheme providing sound insulation for the on-site generator along with a management scheme outlining a schedule of operation, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the occupation and use of the mobile home, hay store/workshop and kennels shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the occupation and use of the mobile home, haystore and kennels shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved noise mitigation and management scheme specified in this condition, that scheme shall thereafter be retained for the duration of this permission. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit, shall be removed from the site and the use hereby permitted shall be discontinued with the land restored to its former condition within 3 years from the date of this decision in accordance with a demolition and land restoration scheme that shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the expiry of this temporary permission.
5. The occupation of the temporary mobile home shall be limited to a person solely or mainly working, or last working, in connection with breeding and

keeping of alpacas and breeding/training of dogs at the identified landholding at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ (as shown on the cited location and site/block plans), and their spouse and to any resident dependents.

6. No more than four dogs shall be kept on site at any one time (for the purposes of commercial dog breeding).
7. There shall be no external lighting within the site without the prior approval in writing of the local planning authority.

APPEARANCES

FOR THE APPELLANT:

Martyn Elliott	Appellant
Sioned Davies	Barrister, No 5 Chambers
Marc Willis BTP MRTPI FBIAC	Willis & Co (Town Planning) Ltd
Peter Williams BSc(Hons) Agric, FBIAC	Reading Agricultural

FOR THE LOCAL PLANNING AUTHORITY:

Eileen Medlin BA (Hons), PgDip TP	Senior Conservation and Planning Officer
Brett Warren MSc, CEnvH	Senior Environmental Health Officer
Suzie Vowles	Public Protection Officer
Christopher Manns BSC (Hons), MSc	Highway DC Engineer (Level 3)