



Appeal Decision

Site visit made on 18 July 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/Y3940/W/22/3302012

**River Bourne Community Farm CIC, Cow Lane, Laverstock, Wiltshire
SP1 2SR**

- 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 Ben Parker against the decision of Wiltshire Council.
 - The application Ref PL/2022/02490, dated 25 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is conversion and extension of an existing building, currently in use as composting toilets, to use as an essential rural worker's dwelling. Replacement toilets are to be installed within the large barn on-site.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of an existing building, currently in use as composting toilets, to use as an essential rural worker's dwelling, and installation of replacement toilets within the large barn on-site, at River Bourne Community Farm CIC, Cow Lane, Laverstock, Wiltshire SP1 2SR in accordance with the terms of the application, Ref PL/2022/02490, dated 25 March 2022, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development in the banner heading is taken directly from the application form. I have amended the wording slightly in the formal decision above in the interests of clarity and legibility.

Main Issues

3. The main issues are i) whether the proposal represents a suitable location for housing, having regard to relevant development plan policy relating to housing in the countryside and the effect on the character and appearance of the area; and ii) the effect of the proposal on designated nature conservation sites, with respect to nutrient loading.

Reasons

Location, Character and Appearance

4. River Bourne Community Farm is a city farm open to the public established in 2009. The site contains a number of buildings, structures and spaces for the direct needs of the animals on the farm, as well as buildings used for administration, education, a café and other associated activities. The site is bordered on its western side by a dense tree line, beyond which is a raised railway embankment which separates the site from the built-up area of Salisbury. Cow Lane runs alongside the eastern edge of the site, a narrow lane

- which permits vehicular traffic as far as the allotments which border the northern side of the appeal site. To the east of Cow Lane is open countryside.
5. The proposal relates to a timber framed shed to the north-western corner of the site currently in use as a toilet block for visitors. The shed has a rustic appearance, with large, roughly cut boards to the facades and a shallow pitched green roof with an established covering of grass. The proposal would effectively add a second shed to double the size of the structure with a twin pitched roof and two gables to the front and rear sides.
 6. The site lies outside of the settlement boundary of Salisbury and therefore in the open countryside for planning purposes. Core Policy 48 of the Wiltshire Core Strategy (January 2015) (the WCS) addresses development in the countryside to support rural life. The first part of the policy supports dwellings where they 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, subject to provision of functional and financial evidence. Saved Policy H28 of the Salisbury District Local Plan (June 2003) sets out further criteria to support new temporary rural workers dwellings.
 7. The appellant sets out that a full time presence is required on the site to meet the welfare needs of the more than 200 animals on the farm and to address the security needs of the site, which includes risk of theft of rare and valuable animals such as birds of prey. The evidence indicates some nine incidents of burglary, theft, property damage and criminal damage between March 2018 and October 2020. In November 2020, a caravan was located on the land for a rural worker to reside in, after which no incidents have been recorded.
 8. I am satisfied that there are genuine security concerns for the operators of the farm and that having a full-time presence on site has been a successful deterrent. There are also valid animal welfare needs arising from breeding seasons being spread across the year that justify an on-site presence. The appellant provides some evidence of a lack of affordable accommodation nearby, but even if there was such accommodation available, I am satisfied that the functional needs outlined require that the accommodation be provided on site, rather than at a location nearby. On this basis, I find that the proposal would provide a dwelling to meet an identified need for a rural worker and so would accord with the first part of Core Policy 48.
 9. The Council acknowledges that the caravan on site provides security but points to it not having planning permission and being in place less than three years and therefore contrary to saved Policy H28. However, the caravan is just two months from being in situ three years, and the above evidence is satisfactory despite this shortfall. Moreover, whilst I do not have detailed financial evidence from the appellant, the fact that the farm is well established since 2009 is a solid indicator of a firm intention to develop the enterprise and that it has been planned on a sound financial basis, as required by criteria (i) and (iii). The functional needs set out above clearly address criterion (ii), and the appellant has further demonstrated that other buildings on the site, or in the area, would not be suitable to address the need in the alternative to the proposal (iv).
 10. The Council argues that the proposal should be further considered against the third part of Core Policy 48 which relates to the conversion and re-use of buildings. Conversion in this respect is specified to relate to re-use of the

building for employment, tourism, cultural and community uses, with residential use potentially appropriate where these uses are not achievable and the relevant criteria of this section, and national policy, are met.

11. The wider farm could be said to fall within tourism and/or community uses and the dwelling would be related to the employment of the occupant on the land but it would not be used directly for any of these purposes. Instead, it would be used for residential purposes that would accord with the first part of the policy explicitly relating to housing to meet rural employment needs. The other parts of the policy relate to separate forms of rural development, which indicate that the sections of Core Policy 48 are discrete requirements for different forms of development, not a series of criteria which all need to be met in each case. Therefore, I am not persuaded that the third part of the policy must also be met in full by the proposal. Nonetheless, its criteria (i) and (ii) are largely addressed next in considering the effect of the proposal on the character and appearance of the area.
12. The Council remarks that the utilitarian, functional nature of the existing building renders it unworthy of retention and conversion to a rural worker's dwelling. However, nowhere in Core Policy 48 is it stipulated that a building must be of a certain quality to qualify for support under the policy. The building is certainly functional, but it befits its existing use and sits within a complex of other functional buildings, many of them significantly larger, with a distinctly agricultural aesthetic. It is plain to anyone walking along Cow Lane that the site is agricultural in character and that, as a working farm, function takes priority over form for many buildings.
13. The proposed dwelling would occupy a secluded position to the rear corner of the site. Despite being doubled in width, the dwelling would remain modest in scale compared to many buildings on site. Its external materials, comprising timber shingles to the roof and façades, corrugated plastic sheets over straw walls and rammed earth tyre foundations as used on the existing toilet block would be atypical of a traditional dwelling. However, in the context of a working farm where similar materials are visible on other buildings, the dwelling would not appear discordant but as another functional element of the wider farm complex that would embody the prevailing agricultural character.
14. Furthermore, the location of the appeal building is such that it would be subject to few views from outside of the appeal site. From the allotments to the north, the twin pitched roofs of the building would be visible against the taller tree line and the meeting building to the south, little different from the single pitched roof visible at present. From Cow Lane, there would be only glimpsed views of the building in the distance from the farm entrance, with no views as one moves further south due to the presence of the other buildings. Therefore, the dwelling would have little effect on the overall character and appearance of the site or the wider landscape of the surrounding countryside.
15. Moreover, notwithstanding my considerations above in terms of the applicability of part three of Core Policy 48, the dwelling would satisfy its criteria (iii) and (iv) in that it would be served by adequate infrastructure and would be accessible to local services in Salisbury. Criterion (v) relating to the re-use of heritage assets is not relevant.
16. The other aspect of the proposal, the relocation of the toilet facilities to the large barn at the northern end of the site, is uncontentious. The facilities would

occupy a small section of the floorspace and would not undermine the functionality of the barn, with the only exterior alterations being the insertion of new doors in the side elevation, which would have negligible effect on the appearance of the barn or the wider site.

17. Taking these matters together, I conclude that the proposed dwelling in the countryside is justified to meet the need for a rural worker in this location and that the dwelling would preserve the character and appearance of the area. Therefore, the proposal would accord with the aforementioned requirements of Core Policy 48 and Saved Policy H28, as well as Core Policy 51 which requires development to protect, conserve and where possible enhance landscape character. The proposal would also accord with the aims of the National Planning Policy Framework (the Framework) to support a prosperous rural economy and rural housing that reflects local needs.

Effect on designated nature conservation sites

18. The site is located within the River Avon Special Area of Conservation (SAC) catchment area. The SAC is designated for several species of wildlife that depend on pristine water quality typical of chalk rivers such as the Avon and is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river, such as at sewage treatment works or from fertilizers applied to farmland. Residential development has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater to the River Avon SAC.
19. In agreement with Natural England and to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity, the Council has implemented a mitigation strategy for planned development. Planned development is defined as applications that comply with housing site allocation policies within the WCS. This includes developments which accord with Core Policy 48. As I have found the proposal in accordance with Core Policy 48, it therefore meets the definition of 'planned development' for the purposes of the Council's mitigation strategy.
20. Consequently, the Council will deliver strategic mitigation through its strategy to offset the impact of the development, with the appellant required to minimise the burden on site through use of certain types of sustainable urban drainage systems. In this case, the Council has suggested a condition limiting water usage to achieve betterment in terms of phosphate discharge. Given the small scale of the proposal, I am satisfied that this in combination with the strategic measures would address phosphate discharge and ensure no adverse effects to the integrity of the SAC.
21. Therefore, I find that the proposal would accord with Core Policies 50 and 69 of the WCS which require that proposals incorporate measures during construction and operation to avoid and prevent pollution and mitigate potential disturbance effects on the River Avon SAC. The proposal would further accord with the Framework's approach to biodiversity.

Other Matters

22. The Council did not refuse the application in respect of any other matter, finding no harm to neighbours' living conditions or highway safety. I have no substantive evidence in these or any other matters to conclude otherwise.

23. The Devenish Bradshaw Charitable Trust oversees the conservation of some 54 acres of water meadow next to the appeal site. It raises concern at the prospect of an agricultural tie being placed on its land. My understanding from the evidence is that the Trust is a separate entity and its land is separate from that of the farm. Any conditions imposed on a planning permission would only relate to land forming part of the appeal site as identified by the red line on the site location plan and so would not affect the Trust or its land.

Conditions

24. I have had regard to the conditions suggested by the Council. The appellant is agreeable to the imposition of these conditions, including those which must be complied with prior to the commencement of the development.
25. A condition setting out the approved plans is necessary to provide certainty. The Council seeks a condition specifying details of the proposed external facing materials, but these are already set out on the approved plans to a satisfactory level of detail. Therefore, I shall amend the condition to require materials to accord with the details already shown on the approved plans, to ensure a satisfactory appearance.
26. A condition is sought by the Council to provide details of hard and soft landscaping around the dwelling. Given the proposed dwelling is intended as a more permanent arrangement than the existing caravan on site, introduction of landscaping is necessary to provide physical and visual separation from the wider working farm site to ensure a suitable living environment. I shall therefore impose such a condition, which is pre-commencement in this case to ensure that the location and extent of landscaping is established before other works commence that may preclude its later delivery.
27. It is necessary to restrict the occupation of the dwelling to a rural worker as it would otherwise be capable of general occupation and would conflict with the policies of the development plan in respect of housing in the countryside. It is further necessary to restrict the occupation of dwelling to someone employed by River Bourne Community Farm, as the justification for the dwelling is based on a site-specific need that would be undermined were the dwelling capable of being occupied by a rural worker employed at a different location.
28. As set out above, a condition is required to limit water consumption by occupants to mitigate discharge of phosphates into the river Avon SAC. Finally, it is necessary in this case to restrict permitted development rights to extend or alter the roof slopes of the dwelling, due to the potential for additional windows to affect light pollution and the character and appearance of the area.

Conclusion

29. For the reasons set out, I conclude that the proposed development accords with the development plan taken as a whole, and there are no material considerations which indicate that permission should nevertheless be withheld. Therefore, the appeal is allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 00-011 Rev B Existing and Proposed Location Plan (Received 25.03.22)
 - 10-010 Rev G Proposed Site Plan (Received 25.03.22)
 - 10-200 Rev B Proposed Elevations (Received 25.03.22)
 - 10-100 Rev C Proposed Ground Floor Plan (Received 25.03.22)
 - 10-101 Rev C Proposed Roof Plan (Received 25.03.22)
 - 10-102 Rev A Proposed Barn Ground Floor Plan (Received 25.02.22)
- 3) The external facing materials used for the development hereby permitted shall be in accordance with the details shown on drawing 10-200 Rev B.
- 4) The occupation of the agricultural worker's dwelling hereby approved shall be limited to a person employed by the River Bourne Community Farm for the purposes of site security and animal welfare only, and to and resident dependents.
- 5) The agricultural worker's dwellinghouse hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).
- 6) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - (i) location and current canopy spread of all existing trees and hedgerows on the land;
 - (ii) full details of any to be retained, together with measures for their protection in the course of development;
 - (iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - (iv) means of enclosure to include details of any fencing and gates serving the entrances;
 - (v) all hard and soft surfacing materials;
 - (vi) minor artefacts and structures to include refuse storage units.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local

planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

- 7) Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roof slopes of the approved agricultural worker's dwelling other than as approved as part of a formal planning application by the Local Planning Authority.
