

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	07/00893/FUL	Valid Date	5 April 2007
W No:	19413/04	Recommendation Date	19 June 2007
Case Officer:	Ms Nichola Whitehead	8 Week Date	31 May 2007
		Committee date	03 July 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal: Erection of a four bed agricultural dwelling

Site: Exton Farm Allens Farm Lane Exton Southampton Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	N	N	Y	N	N	N

COMMITTEE ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 5
Case No: 07/00893/FUL / W19413/04
Proposal Description: Erection of a four bed agricultural dwelling
Address: Exton Farm Allens Farm Lane Exton Southampton Hampshire
Parish/Ward: Exton
Applicants Name: Mr And Mrs Gardner
Case Officer: Ms Nichola Whitehead
Date Valid: 5 April 2007
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of representations received.

This application follows previous refusals for the siting of a temporary dwelling and a permanent dwelling at the application site in close proximity to the existing vineyard building on the site.

Previously one of these applications for a temporary dwelling was dismissed at appeal (W19413/01). However a subsequent Inspector has now allowed a temporary dwelling, as a result of an enforcement appeal, accepting both siting and agricultural justification for a temporary agricultural dwelling in this location.

This application seeks a permanent dwelling in approximately the same location as that previously refused (but allowed at appeal) for a temporary dwelling, and it is for a single storey dwelling, including excavation works.

Site Description

The application site is an isolated arable and pasture holding with areas of woodland on exposed chalk downland within a remote area of the AONB and proposed National Park, to the west of Exton village.

The holding extends to approximately 95 hectares, currently accommodating sheep pasture, additional arable land, woodland and 4 hectares of vineyards on the south facing slopes. It is surrounded by well used public footpaths. Views into the site from these paths are somewhat limited by contours and vegetation, but views are afforded from the wider landscape.

The site of the proposed dwelling lies just below the ridge, on rising land, adjacent to an approved vineyard building, on an open gravel area. A temporary dwelling is currently located to the immediate east of the vineyard building.

To the west is an existing belt of trees and to the north, east and west are areas of new tree planting. The new vineyard lies to the east.

The site is visible from the path to the south and from long distance views from the direction of Old Winchester Hill. In addition views of the site can be gained from Beacon Hill Lane to the west, from Stocks Lane in Meonstoke, from more distant views from the Hambledon to Corhampton road and a number of footpaths in Meonstoke. From these views the vineyard building is clearly visible.

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Proposal

The proposal is for a permanent single storey, four bedroom, agricultural dwelling with treated softwood boarding to the walls and natural slate and solar panels to the roof, together with solar panels to the side elevation facing the vineyard building. The applicant has submitted a design which is intended to support the efficient use of energy, in order to help reduce fuel bills and “tackle fuel poverty”.

The proposals also include significant excavation works around the dwelling.

Relevant Planning History

- WAG 216** Prior approval of details of agricultural development – hay store and general implement store – 14/5/2002
- WAG221** Refusal of agricultural consent for development – new access track – 09/08/2002
- W18156** Livestock shelter / storage barn - Application Refused - 03/03/2003
- W18156/01** Livestock shelter / storage barn - Application Permitted - 01/06/2004
- WAG/257** Storage barn for vineyard juice, machine, tools and sprays – Application permitted – 12/01/2005
- W19413** Erection of temporary single storey agricultural worker's dwelling - Application Withdrawn - 28/04/2005
- W19413/01** Temporary three bedroom agricultural worker's dwelling and associated hardstanding - Application Refused - 14/11/2005 – Appeal Dismissed 7/4/2006
- W19413/02** Erection of 1 no. three-bedroom temporary agricultural dwelling with hard standing - Application Refused - 10/02/2006
- Enforcement Appeal** for a temporary agricultural dwelling - Appeal allowed 17/05/2007
- W19413/03** - Erection of permanent single storey four bedroom agricultural dwelling. Application Refused - 21/11/2006 (currently at appeal) (identical to this application - currently before committee)

Consultations

Engineers: Drainage:

No objection, subject to the granting of building regulations approval and the Environment Agency giving consent for the treatment works

Engineers: Highways:

No highway objections

Environmental Health:

No adverse comments

Landscape:

Object to the application. The design of the house, whilst commendably sustainable, is not designed to reflect local distinctiveness in terms of its materials, design or situation when considered in the context of the historic settlement pattern. This undermines the high quality and character of this protected landscape. The dwelling would be even more sustainable if constructed with local, traditional materials and sited in a more sheltered position. Within the AONB the highest standards of design are required.

There is no accurate site survey or information with regard to levels, contours (both existing and proposed), which will be necessary, as well as long sections through the site demonstrating how the house and associated buildings etc are to be accommodated. The site drawings submitted are no more than sketch plans and garden areas are not identified.

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AONB

Object to the application. There would be significant excavation which would result in a permanent landscape change. An alternative location should be considered.

Environment Agency:

No objection in principle

Hampshire County Council - Ecologist

The only ecological issue is the protection of trees to the west of the development site. Appropriate measures must be implemented to prevent any damage being caused to the vegetation and root systems.

County Land Agent – Hampshire County Council

Previously concerns have been raised regarding the profitability of the site. However, the County Land Agent was provided with further financial information from MG's accountants which illustrated that, for the year up to 30 April 2007, profit from the sheep, shoot, and arable enterprises carried out had significantly increased for a second year, and that capital invested on the farm had again been a considerable sum.

There have been material changes since last autumn (previous application) so that the sheep enterprise has increased to 550 breeding ewes (from 400). There is a new planning consent for the erection of a lambing shed by the existing main building and a new local additional boxed lamb sale outlet won with Simon Martin Farms at Wallops Wood Farm, Droxford. The commercial shoot and arable enterprises have continued in a profitable state and the 5-van certificated Caravan Club site has been successful as well.

Further investment also continues with the vineyard extending to approximately 4.5ha and with a further 8ha to be planted in May 2008. The Land Agent has been advised that the first quality sparkling and still wine will be made this year, the first still wine available for sale next year, and the first sparkling wine ready for sale in 3 years time. Wine storage holding tanks and a press are shortly to be installed in the vineyard storage building. 10,000 bottles of still wine, and 10,000 bottles of sparkling wine will be made this year. Sparkling wine production is envisaged to increase up to 30,000 bottles in 2010.

The Land Agent has stated in the past that, as far as fulfilling the functional need is concerned, the proposed siting is the most appropriate one on the holding. Further financial evidence demonstrates that the agricultural/rural enterprises have been profitable for at least one year and have a clear prospect of remaining so.

The Land Agent is of the opinion that the application for a permanent agricultural dwelling is justified when viewed against the criteria set out in Annex A to Planning Policy Statement 7 (PPS7).

Representations:

Corhampton and Meonstoke Parish Council:

The development will harm the natural beauty and distinctive character of the AONB.

The siting of the dwelling would detract from immediate and long views.

The proposed siting of the dwelling is no different from that previously refused and dismissed at appeal.

12 letters received objecting to the application for the following reasons:

- Not materially different from previously refused application
- Financial viability and profitability still unproven
- Not an appropriate size for an agricultural dwelling
- AONB should be offered highest level of protection, the proposals do not afford this

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- Visually intrusive and could be sited in less prominent position
- Solar panels should be sited to minimise glare
- Barn should be repositioned and not used as mitigation or justification for dwelling
- Changing the land levels is not appropriate mitigation and will further alter the landscape
- The vineyard barn is conditioned to be removed if the current use ceases. If this happens it will leave the proposed dwelling in full view.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, H10, R2, C1, C2, E6, E7

Winchester District Local Plan Review 2006

DP3, DP4, CE5, CE6, CE20, RT4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPG 17 Planning for Open Space, Sport and Recreation

PPG 18 Enforcing planning control

Other Planning guidance

Farm Buildings: A Design Guide for Hampshire

Guide to the Open Space Funding System

Movement, Access, Streets and Spaces

Parking Standards 2002

Rural Housing Information Booklet

Planning Considerations

Principle of development

The principle of permanent dwellings for agricultural workers is considered broadly acceptable in policy terms, provided the following criteria are met:

- The activity has been established for at least three years, been profitable for at least one of them, and it is demonstrated that it is currently viable and has a clear prospect of remaining so;
- The applicant can demonstrate that a continual presence on the holding is essential to the efficient working and development of the enterprise;
- There is clear evidence of a firm intention and ability to develop the enterprise concerned, and that it has been planned on a sound financial basis;
- Existing accommodation on or near the holding is inadequate to meet the needs of the workers who must be housed on it;
- An existing dwelling (or building suitable for conversion to a dwelling) serving or closely connected with the holding, which was suitable for occupation by an agricultural or forestry worker, has not been recently sold separately or otherwise alienated from the holding;
- The proposed dwelling is of a size appropriate to the productivity of the holding (normally 120 square metres-150 square metres, including office space);
- The proposed dwelling is designed to reflect local distinctiveness and, where possible, located as near as possible to existing farm buildings.

Regard must also be had to the criterion set out in Annex A (v) to Planning Policy Statement 7 which states that other planning requirements should be satisfied including access and impact on the countryside.

The previous application for a permanent dwelling was refused because of siting of the dwelling and a lack of agricultural justification. As such, these are the primary matters to be considered.

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The County Land Agent has carried out an assessment of whether the application meets the criteria of Annex A to PPS7 and has concluded that the application meets the required tests.

In allowing the recent enforcement appeal for a temporary agricultural dwelling on the site, the Inspector accepted the agricultural justification for a temporary dwelling and the siting of the dwelling in its current location. Further details of this decision are outlined below.

The floor space of the proposed dwelling does not exceed 150 square metres and is considered acceptable in this respect.

The applicant has made a financial contribution towards provision of Public Open Space in accord with policy RT4 of the Local Plan.

Design/layout

The applicant's efforts to construct a sustainable property are considered commendable. The bungalow, whilst low-key, does not reflect local distinctiveness in terms of materials and design. However, viewed in isolation and in the context of a farm building it is considered to be acceptable.

It is acknowledged that the building is located close to the vineyard building and whilst this location has been an issue of concern, the appeal Inspector stated:

'the residential mobile home ..was obscured from many views from the south...(and) was seen as a diminutive building against the vineyard storage building..(it) was substantially screened by woodland from the west..(it) was very difficult to see from the east.

*It forms a traditional farm group.. (and) is only to be expected in an agricultural landscape
It cannot be the intention of policy to hide farms in the AONB'*

On this basis it is considered that a refusal on the grounds of siting could not be sustained.

Impact on character of area and neighbouring property

The dwelling is proposed to be sited in virtually the same location as the temporary dwelling previously refused at the first appeal. The original Inspector concluded that the site was visible and the store is extremely conspicuous, that residential use would involve not only a dwelling but also domestic structures and activities associated with this, and that a permanent dwelling would be likely to be larger than a temporary one, requiring more excavation and levelling. The effect would be to consolidate the development, thereby increasing its prominence. The Inspector considered that this would be inappropriate and harmful, detracting from the essential character and appearance of this landscape.

The latest appeal contradicts this view somewhat and the Inspector has noted that now the temporary unit is on site it can be assessed in situ and that the impacts are not as harmful as previously considered. The Inspector also stated:

'In reaching my conclusion I have been aware of the likelihood of a permanent dwelling being erected in the same or similar location.....it seems to me that the appeal site, or one very close by, would be similarly acceptable in principle'

Given the above, it is not considered that a reason for refusal can be sustained, particularly given the specific reference to the siting of a permanent dwelling.

Highways/Parking

There are no relevant highways or parking issues and the Highways Engineer has raised no objection to the proposals

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Other Matters

The applicant has placed significant emphasis on the need to site the dwelling in this location for operational reasons. This is further acknowledged by the County Land Agent in his response where he states:-

“Solely in terms of fulfilling the agricultural need, I consider that the proposed siting is the most appropriate one on this holding”.

It is acknowledged that the location would best serve the needs of the holding as currently sited. It is considered that other less visually intrusive locations within the holding would also adequately meet the operational needs of the enterprise. However given the recent enforcement appeal decision to allow the siting of a temporary agricultural dwelling it is considered that a reason for refusal could not be sustained.

Recommendation

Application Permitted, subject to the following condition(s):

Conditions/Reasons

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 (1) of the Town and Country Planning Act 1990 (as amended).

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

Reason: The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D, E, F of Part 1 and Class A of Part 2 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

4 A detailed drainage layout, long sections and specification for the foul and surface water sewers, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

NOTE: Entering into an Agreement with Southern Water Services Ltd under Section 104 Water Industry Act 1991 shall be deemed to satisfy this condition.

Reason: To ensure the satisfactory provision of foul and surface water drainage.

5 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of foul and surface water drainage.

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6 The existing temporary dwelling on the site shall be demolished and all resultant materials removed from the site prior to occupation of the permanent dwelling.

Reason: To safeguard the amenity of the locality.

7 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- existing and proposed finished levels or contours:
- means of enclosure, including any retaining structures:
- car parking layout:
- hard surfacing materials:
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Reason: To improve the appearance of the site in the interests of visual amenity.

8 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- planting plans:
- written specifications (including cultivation and other operations associated with plant and grass establishment:
- retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- implementation programme:

Reason: To improve the appearance of the site in the interests of visual amenity.

9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

10 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

11 Details for the removal of any earth produced as a result of alterations to land levels shall be submitted and approved in writing by the Local Planning Authority prior to commencement of work on site. All works shall be carried out in accordance with the approved details

Reason: In the interests of the visual amenities of the area.

12 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted 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: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

13 Details of any external lighting to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The lighting shall be installed, operated and maintained in accordance with the approved scheme. No other external lighting except that approved shall be erected on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenities of the area.

14 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

15 An Arboricultural Impact Appraisal and Method Statement, in accordance with BS5837:2005 shall be submitted to and approved by the Local Planning Authority, prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed as soon as the construction exclusion zone has been fenced so that it can be inspected and deemed appropriate and in accordance with the approved Method Statement. Contact Kevin Cloud on 01962 848317.

Reason: To protect the trees which form an important part of the amenity of the area during construction.

16 No domestic storage or residential paraphernalia shall be sited outside of the residential curtilage as defined on the approved plans.

Reason: To define the consent and in the interest of the visual amenity of the AONB

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Informatives

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, H10, R2, C1, C2, E6, E7

Winchester District Local Plan Review 2006: DP3, DP4, CE5, CE6, CE20, RT4