

<b>Application Number:</b>	P/FUL/2022/06870
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/06870">Planning application: P/FUL/2022/06870 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	Meadow Barn Care Farm Land West Of Seaview Farm Ash Lane Salwayash Dorset DT6 5JA
<b>Proposal:</b>	Siting of a temporary rural worker's dwelling, erect extension to existing barn and change of use of land and buildings to a mixed use of agriculture and community education facility
<b>Applicant name:</b>	Mrs and Mrs Poole
<b>Case Officer:</b>	Darren Rogers
<b>Ward Member(s):</b>	Cllr Alford

**1.0** Following a request that the application be determined by Planning Committee by the Ward Member, the Service Manager for Development Management & Enforcement has determined that the application be so reported particularly as the applicant's agricultural enterprise relies partly on Council owned land.

**2.0 Summary of recommendation:**

Refuse planning permission.

**3.0 Reason for the recommendation:** as set out in para 18 at the end of this report.

The Council considers that there is no essential need to live on the land to support the agricultural and non-agricultural activity proposed and as described in the application. As such, the proposal is considered to be contrary to the provisions of Policies SUS2, and HOUS6 of the West Dorset, Weymouth and Portland Local Plan (2015); and the advice contained in Paragraph 80 of the National Planning Policy Framework, 2021.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The essential need for an on-site dwelling is not considered to have been proven.
Scale, design, impact on character and appearance	If the essential need for the dwelling was justified it is considered that the dwelling's siting, design and appearance would be acceptable in this location it having a negligible impact on the wider Area of Outstanding Natural Beauty (AONB). The proposed barn extension is also considered to be acceptable as regards its impact on the character and

	appearance of the area designated an Area of Outstanding Natural Beauty.
Impact on amenity	There are no adverse impacts on neighbouring amenity.
Impact on landscape or heritage assets	<p>If the essential need for the accommodation was justified it is considered that the dwelling's siting, design and appearance would be acceptable in this location it having a negligible impact on the wider AONB The proposed barn extension are considered to be acceptable as regards its impact on the character and appearance of the area designated an Area of Outstanding Natural Beauty.</p> <p>There are no heritage impacts adverse or otherwise.</p>
Economic benefits	There are no wider public economic benefits arising from the proposal other than the educational benefits to school children arising from the applicants' proposals to educate children on the agricultural aspects of the proposals.
Access and Parking	The site can accommodate adequate access and car parking and there are no highway objections.
Ecology	The applicants have submitted an Ecological Appraisal but a Certificate of Approval has yet to be issued by our Natural Environment Team. However provided that a condition were attached to carry out the Ecology recommendations on any planning permission granted, then matters associated with Ecology would be satisfied.

## 5.0 Description of Site

- 5.1 The application site is known as Meadow Barn Care Farm and is located to the south of Ash Lane, less than 1 mile south-east of Salwayash and approximately 3.5 miles north of Bridport.
- 5.2 The holding extends to approximately 5.06 hectares (12.49 acres) of sloping pasture land supported by a modern agricultural building to the south of Ash Lane. The land is gently sloping and is currently used for grazing livestock including sheep, chickens and ponies.

## 6.0 Description of Development

### 6.1 The Proposal

- 6.2 The proposal is to utilise the applicants' skills, knowledge and experience to create a safe environment for educational learning which can be tailored to the specific needs

of an individual or group and provide a much-needed outdoor learning facility associated with their agricultural activities.

- 6.3 The applicants wish to create an outdoor learning facility aimed at catering for children with special education needs and the wider community. To achieve this they require an extension to the existing agricultural building and a modest residence close to their breeding livestock.
- 6.4 Although the use of the land would remain primarily agricultural and that use would be intensified, there would also be a strong care and educational element so the applicants are seeking planning permission for a material change of use, along with a lean-to extension (6.1m x 24.6m) to the existing agricultural building and permission for a modest temporary rural worker's dwelling (12.0m x 5.5m).
- 6.5 The rural worker's dwelling is proposed to be a log cabin measuring 12m x 5.5m, which would provide basic 2 bed accommodation, with a kitchen and bathroom. It is considered by the applicants essential to have someone living on the holding for its proper management and the welfare of the livestock. The applicants propose to locate the log cabin close to the existing farm building and existing access track off Ash Lane to minimise its impact in the landscape and locate it practically. The log cabin has a similar scale and dimensions to a mobile home, but the applicants say its design with timber finish makes it less prominent and more in-keeping with the agricultural building.
- 6.6 As well as managing fruit and vegetable plots, the applicants propose a diverse range of livestock including chickens, ducks, guinea fowl, sheep, goats, pigs, donkeys and ponies as well as small handling animals such as rabbits and guinea pigs. Lambs, kids, piglets and chicks would be bred on the holding for education opportunities as well as an additional income stream for the business.
- 6.8 They propose to extend the existing agricultural building along the south-west elevation with the addition of a lean-to measuring approximately 150 sqm, to provide additional housing for small animals, livestock pens suitable for lambing and safe handling areas, food storage and preparation areas along with welfare facilities including toilets and a basic kitchen. It would be constructed from materials to match the existing building.

## **7.0 Relevant Planning History**

### **7.1 Planning History Background**

- 7.2 The existing agricultural building was erected following a Prior Approval notification application reference WD/D/17/000363 for an "Enclosed Store for Fodder and a Secure Machinery Store and Repair Area". This was for a building measuring 18.3 metres in length, 13.7 metres in width and 5.3 metres in height. As regards its impact on the AONB it was stated that :

*"The proposed barn is located in an open location but the alternative fields would not allow for easy grouping with other barns and dwellings either. Therefore the barn needs to be sited in the least harmful location. The proposed location whilst not grouped with other buildings is degraded by power lines and equestrian paraphernalia. The other location is more sensitive as it is a higher quality landscape that is more worthy of protection. In terms of sensitivity the proposed siting would therefore be a lower impact than any other alternatives in the ownership of the applicants"*

- 7.3 The Council determined that Prior Approval be Granted subject to a landscaping condition in its decision dated 28th June 2017. There does not appear to have been submitted a landscaping scheme. The current application proposes to extend this building on its western elevation as a lean-to extension (6.1m x 24.6m) to the existing agricultural building.
- 7.4 The barn however is noted to be 24 m in length; longer than the 18.3m in length as approved. However, it appears that the building as built was substantially complete more than 4 years ago and is now immune from formal enforcement action. This is supported by the receipt of 2 statutory declarations and photographic evidence that show the building was substantially complete more than 4 years ago.
- 7.5 In May 2020, an application was submitted under ref (WD/D/19/001102) for “Construction of building not in accordance with prior approvals granted under refs WD/D/17/000363 and WD/D/17/003028 (retrospective) and its conversion for use as 1 no. dwelling and annexe”. The application was refused and an appeal (reference APP/F1230/W/20/3255898) was dismissed in December 2020.

## 8.0 List of Constraints

Area of Outstanding Natural Beauty;

Land Outside DDBs;

National Grid Overhead Line AXMINSTER - CHICKERELL - MANNINGTON  
Operating 400; - Distance: 231.98

National Grid Tower 10032626.0 (height 55.36); - Distance: 426.64

National Grid Tower 10031089.0 (height 56.06); - Distance: 234.45

National Grid Tower 10031090.0 (height 55.050000000000004); - Distance: 475.09

Areas Susceptible to Groundwater Flooding; Clearwater; < 25%;

## 9.0 Consultations

**All consultations responses and representations can be viewed in full on the Council’s website.**

- 9.1 **Parish Council - No Objection** - A Parish Councillor has spoken to the applicant and neighbours and councillors have viewed the documentation available on the website. Councillors have no objections and note that the proposed structures are low impact. Councillors also note that the applicants make some of the most significant contributions to village life, in particular young people.
- 9.2 **Highways** – no objections.
- 9.3 **Dorset AONB Team** - Due to the scale of the proposal, the AONB Team do not wish to comment in detail. In reaching a decision, it is recommended that the Council carefully consider if there is an essential need for a dwelling on-site to support the functional requirements of the proposed use, which does not yet appear to be an established rural business. Concerning the location of the temporary dwelling, this appears to be sited in a relatively open/detached position. A location closer to the barn could serve to consolidate these structures. Furthermore, the proposed willow hedging is not regarded as a typical feature of the landscape. A mixed species native

hedgerow along the boundaries indicated would be more likely to be regarded as appropriate.

9.4 **Reading Agricultural Consultancy Ltd** – Essential need for the dwelling not proven – see paras 16.9-16.13 below.

## 9.5 **Third party Representations received**

1 third party objection summarised as:

- *Should have been served with notice as own part of the site **NB Notice has now been served on the landowner.***
- *Current barn and land has no connection with Seaview Farm. No planting scheme has been carried out. Barn has not been built in accordance with the prior approval.*
- *Need for housing is unfounded. Applicants already live nearby.*
- *Two dwellings at Seaview Farm have been offered on a rental basis to the applicants and there are two dwellings for sale within one mile of the proposed business.*
- *Application will detract from holiday letting business at Seaview Farm.*
- *Site boundaries are made of intermittent native hedging creating a safeguarding issue for the proposed business and its clients.*
- *No established business running at the site.*
- *No factors that require the applicants to live on site currently. Should the subsequent business show the necessity for a dwelling for the business to continue this should be considered on the merits of the established business.*

## 10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

## 11.0 Relevant Policies

### Development Plan

#### **Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- ECON8. - Diversification Of Land-Based Rural Businesses

- ECON9 - New Agricultural Buildings
- SUS2 - Distribution of development
- HOUS6 - Other residential development outside DDB's
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

### **Other Material Considerations**

#### **Emerging Dorset Council Local Plan:**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

#### **National Planning Policy Framework:**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

### **Supplementary Planning Document/Guidance**

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

#### Conservation Area Appraisals:

None relevant

#### Village design statements:

None relevant

## **12.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **13.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In this regard the use would provide education facilities associated with agriculture for school children providing a public sector educational contribution.

### **14.0 Financial benefits**

No direct financial benefits have been identified or detailed in the application.

The dwelling would be CIL Liable but as it relates to an agricultural worker’s dwelling it would be exempt from the CIL charge

### **15.0 Environmental Implications – see from Para 16 onwards below.**

### **16.0 Planning Assessment**

#### **16.1 Essential Need for A Temporary Rural Worker's Dwelling**

16.2 The site is located outside of any Defined Development Boundary (DDB) of any settlement or town. Salwayash does have a defined development boundary but this is circa 1 mile to the west of the application site. As such for the purposes of planning policy the site is considered to fall within the open countryside. The site is also located within the Dorset Area of Outstanding Natural Beauty, which washes over the whole of this area and much of the western part of this part of Dorset.

16.3 In light of the site’s location outside of the DDB Policy SUS2 defines the spatial strategy for the distribution of development within the plan area and indicates that outside of defined development boundaries, development is to be strictly limited with only certain defined forms of development considered acceptable. For housing this comprises:

- Affordable housing
- **New rural workers’ housing**
- Open market housing through the re use of existing rural buildings

- Sites for gypsies, travellers and travelling showpeople.

16.4 Paragraph 5.7.1 of the West Dorset, Weymouth & Portland Local Plan 2015 sets out the considerations for agricultural and rural dwellings:

*“there will be some cases where the viability of an agricultural, forestry or other enterprise for which a rural location is essential, depends upon a worker being resident on site to oversee the operation of the enterprise. In considering proposals for rural workers’ dwellings, the councils will need to establish that the accommodation is essential to the functional requirements of the business. It will also be necessary to establish that the business is financially sustainable in the long term, particularly where the proposal is for a permanent dwelling. The councils will also give consideration to the availability of alternative accommodation on the holding or nearby; and whether a dwelling on the holding has been sold recently on the open market. The size of the proposed dwelling should also be appropriate to the needs of the business and positioned where it will effectively meet the functional needs. A temporary dwelling may be acceptable in the case of new businesses that cannot yet show financial soundness but where it has been established that there is a functional requirement for on-site accommodation.”*

16.5 Policy HOUS6, which is concerned with residential development outside defined development boundaries, states at paragraph iv:

*“New housing for rural workers (full-time workers in agriculture, horticulture, and other rural businesses), located outside the defined development boundaries, will be permitted provided that it can be demonstrated that there is an essential need for a worker to live at or near their place of work.”*

16.6 Policy ECON8 of the local plan states:

*ECON8. Diversification Of Land-Based Rural Businesses*

*i) Diversification projects (for agricultural and other land-based rural businesses) for the use of land or buildings for non-agricultural employment purposes will be supported, provided they are in keeping with the rural character and comprise:*

- *The use of land; or*
- *The re-use or replacement of an existing building or buildings; or*
- *New ancillary development that relates well to existing development provided that there are no redundant buildings capable of re-use / replacement.*

*ii) The proposed diversification must make an on-going contribution to sustaining the enterprise and may be required to be tied by legal agreement to the business that is diversifying.*

16.7 The NPPF also states (paragraph 84):

*“Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;”*

16.8 Further guidance on the NPPF is provided in the Planning Practice Guidance (PPG). The text relevant to paragraph 80a (formerly paragraph 79a), published in July 2019, states:

*“Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF 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 agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”.*

16.9 As such provided that an essential need can be proven for an agricultural worker or rural business then a dwelling here would be acceptable in principle. In order to assess the essential need of such dwellings the council asked Reading Agricultural Consultants (RAC) to carry out an appraisal and assessment of the agricultural/rural business need. In this case RAC key finding and conclusions are as follows:

- *The requirement to live on site would not relate to the need to look after the animals. The numbers and frequency of birthing animals are too few. As set out above, the role of looking after the agricultural elements of the proposed enterprise would not be seen as a full-time requirement. This application, as a rural based enterprise, relates more to a proposal to run an educational facility*

*in the countryside rather than an agriculturally-based business. To this end there will be advantages for the applicants to be living on-site, as it enables them to have 24-hour presence to ensure the facility is running smoothly to promote their educational activities. However, this beneficial management arrangement would primarily relate to the smooth running of the educational activities, as opposed to the agricultural requirements*

- *The applicants' financial budgets show an allowance of £18,000 towards paid labour and estimates a net profit after year one of £34,200. The applicants confirmed that, although no yearly projection had been provided, the above net profit was the minimum expected after a three-year period. It should be noted that the budgets show an estimated £30,000 of private income, which if disregarded as non-related income, would leave the predicted profit below £4,000 per annum.*
- *The budgets show a total gross income from sale of agricultural related produce at £5,600, with an expense of £6,000. This demonstrates the agricultural element, even before the other associated variable and fixed costs are also taken into account, is not a profit-making element and reinforces its purpose is to support the educational objectives of the enterprise. While there appears to be a good working relationship between Kelci (the business operator) and her parents, who own the land, there is no formal lease agreement to demonstrate the business can remain using the land. It would be important for the applicants to demonstrate why their farming-based family, who recently bought Seaview Farm including the farmhouse, now seek further residential accommodation.*
- **Conclusion**
- *From meeting the applicants their enthusiasm and commitment to support young children is fully evident. However, while they seeking to make best use of an existing plot of land owned by Kelci's parents there are several limitations to the site for it to become a sustainable full-time care farm.*
- *The agricultural elements relating to the need to live on site, both financially and the management of the animals, are subsidiary to the principal purpose of the enterprise, being an educational establishment. The numbers and financial returns are too small on their own to justify an agricultural dwelling in accordance with the NPPF, Local Plan and guidance within the PPG.*
- *The proposed budgets only show one year projection but nevertheless, if the budgets were illustrative, as suggested of the established business, they are reliant on a significant proportion being private income. Without this private income the business would not be financially sustainable or viable.*

**16.10 Given the above assessment, RAC conclude that the dwelling is not justified.**

### **16.11 Applicants agents response to RAC Assessment**

16.12 The applicant's agent has responded to the essential need for the dwelling in response to RAC's assessment. They have pointed out that :

#### Other Accommodation

*As regards the relationship, or lack thereof, with Kelci's brother next door. No accommodation has been offered to the applicants, and there are concerns about whether an offer, if made and if the conversions proceed, would be reasonable. In a conversation with me following his email to the council, he stated he had no concerns with them living on site if the council were satisfied, but that was verbal only. We confirmed to case officer that there is no connection with the neighbouring holding, and that this proposal would operate entirely separately.*

#### Formal Lease

*There is currently a lack of formal agreement between the applicants and the landowners, as you have stated. All parties are willing to enter into a formal tenancy agreement and we suggested to the case officer an initial term of 3 years to fit in with a temporary planning permission but would appreciate RAC's opinion on whether you consider that offers suitable security. The reality is that the landlords would provide whatever term you felt suitable, so please advise.*

#### Budget

*The figures that have been provided in the budget require some clarification. The wages/salaries row provides an allowance for Kelci's salary, supported by local volunteers, so this figure is not for paying external labour. The private income shown is what Craig expects to earn from his external contracting work fitting around his responsibilities on the holding. The grants and funding row is also extremely light as there is no allowance for the SEN funding expected from the council which is calculated on a per head basis; Kelci is providing more information on this expected income to help demonstrate the business proposal is viable. Unfortunately the council will not assess their provisions and give a clear forecast of funding from their SEN budget until the site has suitable consent.*

#### Agricultural Business v. Rural Business

*Your report is clearly assessing an agricultural need and we agree with many of the statements you make. Our concern is that we have specifically applied for a temporary dwelling in connection to a rural business (rather than strictly agricultural, as you allude to in your report) and wonder whether the assessment should be amended accordingly. The agricultural element is secondary in nature to the care and education provision, which itself relies on the agricultural element and rural location for it to be successful. We hope that the council will consider the application accordingly but would welcome any clarification from you on how the assessment would alter. The applicants have intentions to increase numbers of agricultural livestock, to improve their financial efficiency, but it is expected that the care and education element will still provide the bulk of the income.*

16.13 In light of the above additional information RAC has reassessed the proposal and have provided the Council with the following response:

#### Other Accommodation

*The agent has identified the adjoining landowner/applicant's brother's holding is separate and that he does not propose to offer accommodation to his sister (the applicant). Regarding the offer of accommodation this may well be the position but there is a letter on the planning portal to the contrary from the applicant's brother which within it states: "There are also currently two dwellings at Seaview Farm that have been offered on a rental basis to the applicants".*

*Further clarity could be obtained to determine whether this accommodation was still available, but from the information the agent has provided it seems unlikely.*

### Formal Lease

*RAC's understanding is the 1 ha site is owned by the applicant's parents and there is no formal agreement between the applicant and her parents for her long-term use of the land. All the rest of the land is either rented locally from private individuals with no formal agreements or through her parents renting land from Dorset Council.*

*In determining the opportunity for the proposed business to have a sustainable area of land, it would be useful for them to provide a plan showing where all the land is located along with details of all agreements showing the term, rents paid and the type of agreement.*

*While the agent has indicated that all landowners are willing to grant long-term agreements, I cannot imagine this would be offered in relation to the land rented from the Council, which is the most important area to clarify, as this adjoins the application site.*

### Budget

*The applicant's financial budget shows a sum of £18,000 p.a. as wages, and we are now advised this is solely a wage for the applicant. However, when I met the applicant, I was advised that she intended to employ a full-time worker in addition to the support from her parents and other volunteers. It is difficult to imagine that the business could operate on a full-time basis without additional paid labour.*

*However, I note the applicant's business plan advises: "Craig and Kelci will jointly be responsible for the day to day running of the business with help and support from family members until in a financial position to employ other members of staff to work various hours supporting the young people."*

*However, it also identifies there will be staff costs stating:*

#### "Daily running costs

- *Staff wages"*

*I also highlighted in my appraisal that the applicant's budgets included an income of £30,000 for private work to be undertaken by Craig, the applicant's partner. The agent has confirmed this to be correct. I would therefore maintain this sum should be ignored in determining the potential viability of the enterprise.*

*I note the agent confirms the applicant is going to provide further financial information, therefore I would suggest the budgets are re-produced to show expected growth over a three-year period and beyond. All off-holding income should be excluded. Clarity should be provided on the salary drawn/paid labour, but if the business relies on additional staff then detail needs to be provided as to how they will be funded. Other discrepancies, identified in my appraisal relating to animal sales/expenses, should also be addressed.*

### Agricultural Business v. Rural Business

*I believe we are all in agreement that the agricultural element to the proposal is secondary to the proposed land based educational/care facility. This is also demonstrated in the budget accounts showing the agricultural elements as non profit-making.*

*I considered the scale of the agricultural activities did not justify a 24-hour on site presence.*

*With regard to determining the opportunity for success as a full-time care facility, I would not doubt the applicant's enthusiasm but reviewing the practical position; the building space is very limited with no indoor facilities, access is severely restricted and the bus or tractor and trailer rides from the village hall unrealistic on a regular basis, there is a lack of detailed commitment relating to funding from schools or the Council, and the notion that the applicant can run the site on her own, with no paid labour expecting whole school classes to attend, is unrealistic.*

***On this basis, I do not consider it is a viable proposal and one that can justify a temporary rural dwelling.***

### **16.14 LPA Conclusion on the need for the dwelling**

16.15 As RAC explain above it would appear that the agricultural element of the proposal is secondary to the educational and care facility aspirations of the applicant however laudable they are. However, RAC also conclude that the scale of the agricultural activities does not justify a 24-hour on-site presence by way of the dwelling. It is also notable that the applicants currently live around a mile away from the application site in a rented mobile home. While no doubt the applicants consider it would be preferable to have a dwelling of their own land instead of rented accommodation nearby, it is the needs of the agricultural and rural business which drives the need for such accommodation and in this case RAC on the Council's behalf do not consider that in this particular instance a dwelling is justified and that conclusion is shared by the case officer.

### **16.16 Visual Impact of the Barn Extension on the AONB.**

16.17 Policy ECON9. (New Agricultural Buildings) states

*i) The development of new agricultural buildings, or extension of existing buildings, will be permitted where the development is necessary for the purposes of agriculture on the unit or locally where facilities are to be shared, and there are no existing buildings on the unit which are capable of re-use. The scale, siting, design and external appearance of the buildings should be designed to minimise adverse impact on the landscape character and residential amenity.*

As such the barn extension will be constructed from materials to match the existing building using the same agricultural materials - timber cladding to match the existing agricultural building - and is in principle supported. In addition the site lies with a designated AONB and lies within close proximity of existing public rights of way. Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

16.18 Para 176 of the NPPF also explains that (my emphasis in bold)

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and **Areas of Outstanding Natural Beauty** which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. **The scale and extent of development within all these designated areas should be limited**, while development within their setting should be sensitively located **and designed to avoid or minimise adverse impacts on the designated areas**”*

16.19 The Council’s adopted Local Plan ENV1 (Landscape, Seascape and Sites Of Geological Interest) states in part (my emphasis in bold)

*i) **The plan area’s exceptional landscapes** seascapes and geological interest **will be protected, taking into account the objectives of the Dorset AONB Management Plan and World Heritage Site Management Plan. Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.***

*ii) **Development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character.** Proposals that conserve, enhance and restore locally distinctive landscape features will be encouraged. Where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. **Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted.***

*iii) **Appropriate measures will be required to moderate the adverse effects of development on the landscape and seascape.***

16.20 In addition the Dorset AONB Management Plan 2019-2024 and the Landscape Character Assessment February 2009 (West Dorset) are also material planning considerations as regards landscape impact.

16.21 The Dorset AONB Management Plan 2019-2024 has a number of objectives namely (my emphasis in bold):

*Objective C1 The AONB and Its Setting Is Conserved And Enhanced By Good Planning And Development*

*a). **Support development that conserves and enhances the AONB, ensuring sensitive siting and design respects local character. Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest.** Major development decisions need to include detailed consideration of relevant exceptional circumstances.*

**c). High quality design, materials and standards of workmanship are required of developments within the AONB. Good design and material use does not have to be a cost burden, however where this requirement affects development viability, consideration will be given to the balance between the public benefits of a proposal and the significance of its landscape and visual effects. When the landscape and visual effects of a development cannot be fully addressed through primary design measures, appropriate and robust secondary mitigation measures that can be delivered, enforced and maintained will be required.**

**d). Developments will be required to make a positive contribution to the overall green infrastructure and ecological networks. All aspects of green infrastructure, e.g. sustainable drainage, also require good design that respects local character and must also make an appropriate contribution to landscape ecology. The net result of these contributions should be landscape gain.**

**h). The landward and seaward setting of the AONB will be planned and managed in a manner that conserves and enhances the character and appearance of the AONB. Views into and out of the AONB and non-visual effects, such as noise and wider environmental impacts, will be appropriately assessed**

Objective C2 Landscape Assessment & Monitoring Is Effective And Supports Good Decision-Making

**a). Proposals affecting the AONB will be assessed to a high standard.**

**b). Landscape and seascape character assessment will be used to consider the effects of proposals on the character and appearance of the AONB.**

**d). The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty.**

**e). The conservation and enhancement of the AONB's special qualities will be a significant consideration in the planning balance.**

**f). Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.**

Objective C3 Necessary Development Is Supported

**a). Support appropriate farm diversification schemes, particularly where these contribute to the conservation, enhancement and sustainable development of the AONB.**

Objective C4 Development Which Has Negative Effects On The Natural Beauty Of The AONB, Its Special Qualities, Ecosystem Flows And Natural Processes Is Avoided

**c). Protect and where possible enhance the quality of views into, within and out of the AONB.**

***d. Protect the pattern of landscape features, including settlements, that underpin local identity.***

***e. Avoid and reduce the impacts of development on biodiversity. Require development to follow the hierarchy of avoid, mitigate and compensate and to achieve a net gain for biodiversity.***

16.22 Given the above policy backdrop, the proposed lean too extension to the existing agricultural building would, it is considered, be a modest addition to that existing building. It would also be seen against the backdrop of the existing building and the other buildings that lie to the east of the application site at Sea View Farm. It would be constructed from materials to match the existing building using the same agricultural materials - timber cladding to match the existing agricultural building. The barn extension would comprise a large agricultural area with a kitchen, toilet and animal feed store. In itself and if this were an application solely for the extension of the existing agricultural building, it is not considered that this aspect would be so harmful to the character and appearance of the Area of Outstanding Natural Beauty to warrant a refusal of planning permission. In this respect this aspect of the development is considered to be acceptable.

#### **16.23 Visual Impact of the Dwelling on the AONB.**

16.24 The log cabin to be used for the dwelling has a similar scale and dimensions to a mobile home, but as the applicants point out, its design with a timber finish would make it less prominent and more in-keeping with the existing agricultural building. It would also be located just to the northwest of the existing agricultural building and close to the existing access track which provides access to this site of Ash Lane.

16.25 As such if the need for the accommodation was justified it is considered that its siting, design and appearance would be acceptable in this location it having a negligible impact on the wider AONB. There are for example no nearby or close public rights of way whereby the application site could be viewed.

#### **16.26 Highways**

16.27 There are no highway objections to the application given that there is an existing access off Ash Lane that leads to this site and there is more than adequate car parking area at the application site that could accommodate parking for both the applicants and the educational visits as proposed. The applicants have explained in their submission that the road network around the property comprises quiet country roads and the applicants have set up an arrangement with the village hall in Salwayash to act as a drop off point when groups are expected. The group will then be transported to site in a single journey on a tractor and trailer which adds to the experience and reduces the number of vehicle movements on the road. For individual sessions there is ample space on site for vehicle parking and turning, to ensure all vehicles can leave the site in a forward gear. An area of hardstanding, made up of recycled road scalplings, is proposed between the existing building and proposed cabin to allow for vehicle parking and turning.

#### **16.28 Ecology**

16.29 The applicants have submitted an Ecological Appraisal. This has been the subject of consultation with our Natural Environment Team (NET) as regards the need for a Certificate of Approval under the Dorset Biodiversity Appraisal Protocol. However as yet a Certificate of Approval has yet to be issued by NET but provided that a

condition were attached to carry out the Ecology recommendations on any planning permission granted, then matters associated with Ecology would be satisfied.

### **16.30 Impact on neighbour's amenity**

16.31 The adopted local plan policy ENV 16 states in part:

*i) Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:*

- They do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy;*
- They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;*
- They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and*
- 

16.32 Para 130 (f) of the NPPF also sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

16.33 With the above in mind the proposed dwelling would be acceptable as regards its impact on neighbouring occupiers. The site would be separated from Sea View Farm such that there would be no adverse impact on any other neighbouring dwelling. Although the use would include an educational element and would likely to lead to additional comings and goings to and from the site to educate school children, these would be along the rural lane and the site is somewhat isolated and away from residential property – the nearest dwellings not associated with agriculture are to the west in Salwayash circa 1 mile to the west and adjoining sites are in agricultural use. As such the proposal is considered to be acceptable with regards to its impact on the amenity of adjoining neighbours.

## **17.0 Conclusion**

17.1 In light of the above considerations the proposal is considered to be unacceptable on the grounds that there is no justifiable essential agricultural need for a dwelling at the site given the conclusions of the Council's consultants Reading Agricultural Consultants. Furthermore nor is it considered that the non-agricultural activities proposed for the site would require a person to live on site on and as such there the proposal does not comply with Policy HOUS6 of the adopted local plan and the advice contained in paragraph 80 of the NPPF.

## **18.0 Recommendation**

Refusal for the following reason:

The Council considers that there is no essential need to live on the land to support the agricultural and non-agricultural activity proposed and as described in the application. As such, the proposal is considered to be contrary to the provisions of

Policies SUS2, and HOUS6 of the West Dorset, Weymouth and Portland Local Plan (2015); and the advice contained in Paragraph 80 of the National Planning Policy Framework, 2021.