

OTTERHEAD  
(Monkton)

No. 06/F0005  
(Enforcement)

Land Owner: Mr and Mrs Roger Boote

Land Occupier: As above

Location: Oaklands Farm, Monkton

Alleged Breach of  
Planning Control: Winery, farm shop and café at Oaklands Farm

### **SITE LOCATION AND DESCRIPTION**

Members are referred to the background papers attached to this report. This report relates to a site in the ownership of a Member of the Council.

### **BACKGROUND**

Members are referred to the background papers which set out the history of this case.

### **RELEVANT PLANNING HISTORY**

See previous report attached

### **CONSULTATIONS**

See previous report attached

### **TOWN/PARISH COUNCIL/WARD MEMBER**

See previous report attached

### **CURRENT SITUATION**

Following the withdrawal of the enforcement notice the DC Manager visited the premises in January and interviewed the owners of the site.

A set of draft accounts were submitted by the owners in March of this year. A further follow up meeting by the DCM also took place in early July this year. A further set of accounts has also now been received.

A number of issues now need to be considered.

#### **Landscaping and replacement of roadside hedgerow**

Members will recall that the original roadside hedgerow was removed partly to improve forward visibility on the trunk road as part of a scheme of tree and hedge trimming being carried out by the Highways agency and also as part of an improvement to visibility at the access into Oaklands Farm itself. The Council has taken the view that the removal of the roadside hedgerow did contravene the Hedgerow Regulations but on this occasion the applicants have agreed to replace a hedgerow further back on a visibility splay line and to carry out some tree planting near the house. At the present time whilst some hedgerow plants have been put in they have been

slow to take. Further hedgerow planting will be required together with clearance of all weed and bramble infestation of the newly formed bank. In addition no tree planting has yet taken place. The applicants have however agreed to carry out all necessary works in the autumn in the next planting season.

Officers recommend that this is followed up at the end of October to ensure the necessary works and planting have been completed at that time.

### Advertisement signs

A number of small advertisement signs were placed at the entrance and on the verge of the highway. These were refused under the relevant advertisement consent applications. There are a number of small signs at present at the access and on the highway verge (all on land within the ownership of the Boote's) but none of them contravene the Advertisement regulations.

Officers recommend that the owners are reminded of the advertisement regulations and that no other signs are erected without first applying for consent. One sign advertising the Yeovilton air show this summer needs in particular to be removed.

### Operation of an industrial process to bottle wine

Members will recall that previously the owners were importing raw wine produce, fermenting and bottling on site in an agricultural building. This was a breach of planning control. The wine brought in was to supplement the small stock available from the vineyard itself. The situation now is that the owners have ceased completely in the importation of wine products from elsewhere and are only selling and bottling their own produce. The last season was quite successful and it is anticipated that a new vintage from this year's crop will be available in November. There is now no breach of planning control as the importation of raw wine produce from elsewhere has ceased.

### Farm shop

A farm shop was also operating from the site. This was a low key part of the business and sold very little produce that was either home grown or brought in. The current situation is that the great majority of products now sold are from the farm itself. There were no products on display at the time of the last site visit in early July that had not come directly from the farm. In addition the owners have now completed a butchery course and have increased their own stock of chickens, pigs and sheep. At the present time animals are sent away for slaughter and the meat brought back as packaged products. This is now changing with the applicant intending to prepare and package his own meat products directly at the site. It is likely that animals will still be sent elsewhere for slaughter. The current wine bottling area is now being fitted out as a sanitary meat processing area as well as an area for bottling wine. The applicant intends to apply later for a small extension to the building to provide better wine storage facilities. This will need to be the subject of a later application. The DCM has confirmed with the owners that a maximum of 10% of produce only can be brought in from elsewhere. At the present time the operators appear to be under that limit with well over 90% of produce coming from the farm itself. Since the DCM's previous visit in January the owners have installed a new meat freezer and chiller and the meat products on sale were all from the farm.

### Café element

Following the DCM's site visit in January concern was expressed about the size of the café element and the fact that an outside decking area has been constructed to accommodate some picnic tables. In January there were a total of 8 tables internally with 32 covers. With the introduction of more meat storage facilities in the shop area this has now been reduced to 7 tables with 22 covers with two or three picnic benches outside.

The decked area was put in for physical reasons to prevent water ingress into the building and to provide an area where patrons could sit outside in the summer. The decked area is modest in size and discreetly located. It has no adverse visual impact.

The number of covers inside the café has reduced. When questioned as to why there were so many tables for such a small enterprise the owners confirmed that they do from time to time have wine tour events with four having taken place so far each with 50 people. It is not unusual for vineyards and other similar establishments to have an ability to seat guests when tasting the wine products on offer. In addition it is clear that the greater proportion of sales from the café is from home grown produce. Neither is the café open when the farm shop and vineyard is closed.

The later set of accounts does show that the café sales at the present time are proportionately higher than expected (albeit that bought in produce only accounts for 10% of café sales). However, it is expected that this will reduce when further wine and farm product sales are brought on later in the year. The applicant already has plans to increase the number of pigs he has and to erect a polytunnel for greater vegetable production.

Officers recommend that this element be kept under review to ensure the café remains ancillary to the main farm shop/winery business.

## **CONCLUSION**

Officers consider that given the change in the nature of the business and the considerations set out above that there is now no breach of planning control.

## **RECOMMENDATION**

1. No further enforcement action is taken.
2. Officers write to confirm they will visit the site again at the end of October to check that all necessary landscaping has been carried out as per the agreed landscaping plan and the bank has been properly weeded and all new plants properly protected from further weed infestation and damage from animals.
3. Officers write to confirm that the one sign advertising the Yeovilton air show should be removed and that no other signs will be erected that contravene the Advertisement Regulations.
4. Officers keep under review the café element of the business to ensure it remains ancillary to the farm shop and winery.

## **List of Background Papers**

Application file, consultations and policy documents referred to in the report.