

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

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| Date of Meeting | 30 th July 2008 |
| Application Number | 08/01247/COU |
| Site Address | Splash Cottage, Norton |
| Proposal | Change of use of agricultural land to form part of residential curtilage |
| Applicant | Mr T. Bostwick |
| Town/Parish Council | Norton and Foxley |
| Grid Ref | 388684E 184518N |
| Type of applications | Change of Use |

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 as Councillors H. Greenman and I. Henderson have requested that the application be considered by committee.

Summary of Report

This application proposes to change part of the use of the land to the rear of the property from agricultural use to residential curtilage. The site lies outside the framework boundary of any village and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3
- Implications of the development on Policy NE15 (Landscape Character of the Countryside)

Officer Recommendation

Planning Permission be REFUSED.

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Proposal and Site Description

This application is for the change of use of land from agricultural use to form part of the residential curtilage of Splash Cottage in Norton. The development site is located in a fairly isolated location, with the property set back from the road and overlooking open countryside to the rear.

This proposal is a re-submission of planning application Ref. 08/00551/COU which was considered by Committee Members on 23rd April 2008, and was refused for the following reasons:

The proposal to extend the residential curtilage of the property would encroach into open countryside and would, therefore, harm the visual character of the area. As such, the development would be contrary to Policy C3 and NE15 of the North Wiltshire Local Plan (2011).

The applicant states, in the Design & Access statement, that this application has been resubmitted as there was some misunderstanding at Committee of the past and present areas of residential curtilage available for use by the residents of Splash Cottage. There does not appear to be any changes in circumstances.

The site lies within open countryside, outside any village framework boundary.

| Planning History | | |
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| Application number | Proposal | Decision |
| 08/00551/COU | Extension to residential curtilage | Refused |
| 07/03265/FUL | Formation of access and drive, erection of garage block and stable block. | Permitted |
| 07/02272/FUL | Change of use of land to residential curtilage, formation of access and drive, erection of garaging and stables. | Withdrawn |

Consultations

The Parish Council supports the proposal.

Representations

Two letters of support and two letters of comment have been received from local residents.

Planning Considerations

Principle of development

The proposal seeks to change the use of the land located to the rear of the property from agricultural use to residential use to form part of the curtilage of the property. The plans show that the area to be integrated into the residential curtilage is to measure approximately 54m by 10m. The land is on higher ground from which it is distinctly separated by a maintaining wall.

Planning permission was granted in February 2008 for the formation of an access and drive and the erection of a garage block and separate stable block. The property has a relatively small residential curtilage and when determining this application which comprised a new access and driveway and a

large (4-bay) garage block with parking and turning area, all to be sited outside the residential curtilage of the property to the side adjacent to the road was agreed.

The property has been significantly extended over the years and the rear elevation of the dwelling now sits between 600mm and 2.4m from a stone wall which very clearly defines the residential curtilage of the property to the rear. The property benefits from a patio area located to the side of the property.

Impact on the open countryside

The plans submitted show that the residential curtilage of the property is to be extended to the rear by approximately 10m in depth and 54m in width. The encroachment of the residential curtilage of the site into open countryside is considered to be contrary to Policy C3 and NE15 of the North Wiltshire Local Plan (2011).

Policy NE15 states that *“the landscape of North Wiltshire and its locally distinctive characteristics shall be conserved and enhanced, development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness”*. In the same way, Policy C3 states that new development will be permitted subject to a number of criteria including *“respect for the quality of the natural and built environment (...) and where necessary include measures for the preservation or enhancement of such features”*. It is therefore considered that to change the use of part of the field to form part of the residential curtilage of the property would adversely affect the character and local distinctiveness of the area. The area is characterised by open fields and the proposed change of use will domesticate that area and will consequently adversely alter its existing character.

The proposed residential curtilage boundary line is arbitrary and it is considered that, once granted, it would be difficult to control or resist any future expansion of the proposed domestic garden and domestic paraphernalia. In addition, this change of use would set a precedent which would be difficult to resist on other sites.

The applicants have already succeeded in significantly extending the property's residential curtilage to accommodate a new access/drive and a large 4-bay garage to the east of the property and it is considered that any further expansion of the residential curtilage would adversely affect the character and local distinctiveness of the area.

There have been no changes in circumstances since the previous application was refused by Committee Members. The proposal remains contrary to Local Plan policies. The fact that the land the subject of this proposal is not visible from public viewpoints is not sufficient to justify the encroachment of the residential curtilage into the open countryside.

Recommendations and Proposed Conditions / Informatives

Planning Permission be REFUSED for the following reason:

1. The proposal to extend the residential curtilage of the property would encroach into open countryside and would, therefore, harm the visual character of the area. As such, the development would be contrary to Policy C3 and NE15 of the North Wiltshire Local Plan (2011).

Informative:

1. This decision relates to documents/plans submitted with the application, listed below.

Plan References

LDC.1214.A.01, LDC.1214.A.02B, LDC.1214.A.03A all received by the local planning authority
20/05/08

Reason for Decision

The proposed garden extension would be contrary to Policy C3 and NE15 of the North Wiltshire Local Plan 2011, in that the garden extension would encroach into open countryside and would therefore harm the rural character of this area.

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| Appendices: | None |
| Background Documents Used in the Preparation of this Report: | 1.20. 4.02, 4.03, 4.04, 4.07, 5.01, 5.03 |