

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	10 <sup>th</sup> January 2018
<b>Application Number</b>	17/09192/FUL
<b>Site Address</b>	Land at Manor Farm House Newton Toney SP4 0HA
<b>Proposal</b>	Erection of one two storey dwelling; associated access, turning, parking, landscaping and private amenity space.
<b>Applicant</b>	Mr & Mrs S Hunt
<b>Town/Parish Council</b>	NEWTON TONEY
<b>Electoral Division</b>	BULFORD ALLINGTON AND FIGHELDEAN – Councillor Smale
<b>Grid Ref</b>	421910 140077
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Georgina Wright

**Reason for the application being considered by Committee**

Councillor Smale has called the application to committee should it be recommended for refusal for the following reasons:

- The Parish Council are in support of this development.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

**2. Report Summary**

The main issues which are considered to be material in the determination of this application are listed below:

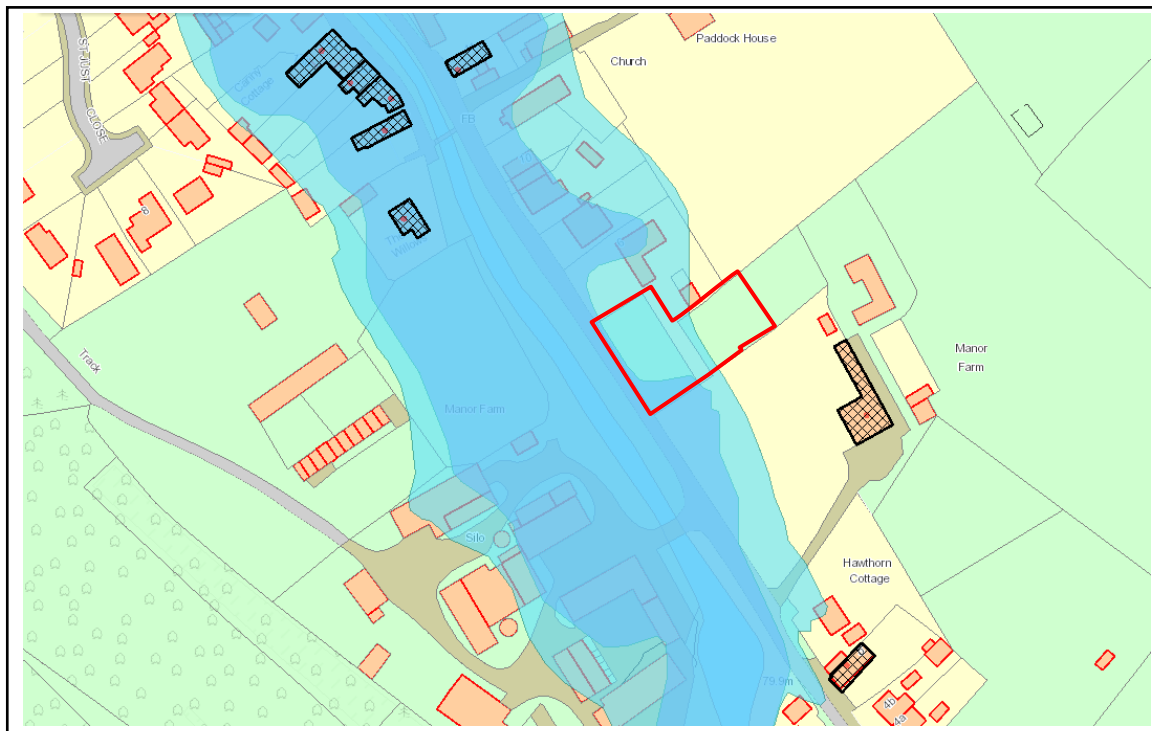
- Principle of development
- The Council's Housing Land Supply position
- Character of the area
- Heritage assets
- Design
- Residential amenity/living conditions
- Highway safety/parking
- Flooding & drainage

The application has generated support from Newton Toney Parish Council; and 5 letters of support.

**3. Site Description**

The site is situated in the countryside on the edge of the village of Newton Toney, which is defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). To the north west the site abuts a row of residential dwellings and their associated amenity/parking provision, which front onto the village street. To the north east and south east the site is surrounded by the extensive grounds of Manor Farm House, which is also within the applicant's ownership (and is therefore outlined in blue on the

submitted location plan). To the south west the village street separates the site from the banks of the River Bourne which runs through the village, beyond which are the complex of farm buildings known as Manor Farm. As can be seen in the Site Plan below, the flood zones of the River Bourne extend into the road frontage half of the application site with this frontage part being partly within Flood Zone 3 and entirely within Flood Zone 2. The rear half of the site is however outside of both of these zones and is only in Flood Zone 1. The site is also situated wholly within the Newton Toney Conservation Area. The existing dwelling on the wider plot, Manor Farm House, is also a Grade II listed building.



**Site Plan**

The site currently forms part of the extensive grounds surrounding Manor Farm House. It is an L shaped site with the road frontage part currently forming a walled garden, predominantly laid to grass. This element currently has a tumble down greenhouse extending along the wall that sits parallel to the road. The rear part of the site is outside of this walled garden and is on higher ground. It is a mown area but appears to have once formed more of a paddock than formal gardens, with an access at the top to the fields to the rear of the farm house. The road frontage is defined by railings which are supplemented by hedging and create a soft edge to the village street before continuing as a cob wall to the front of the formal gardens of the adjacent Manor Farm House.

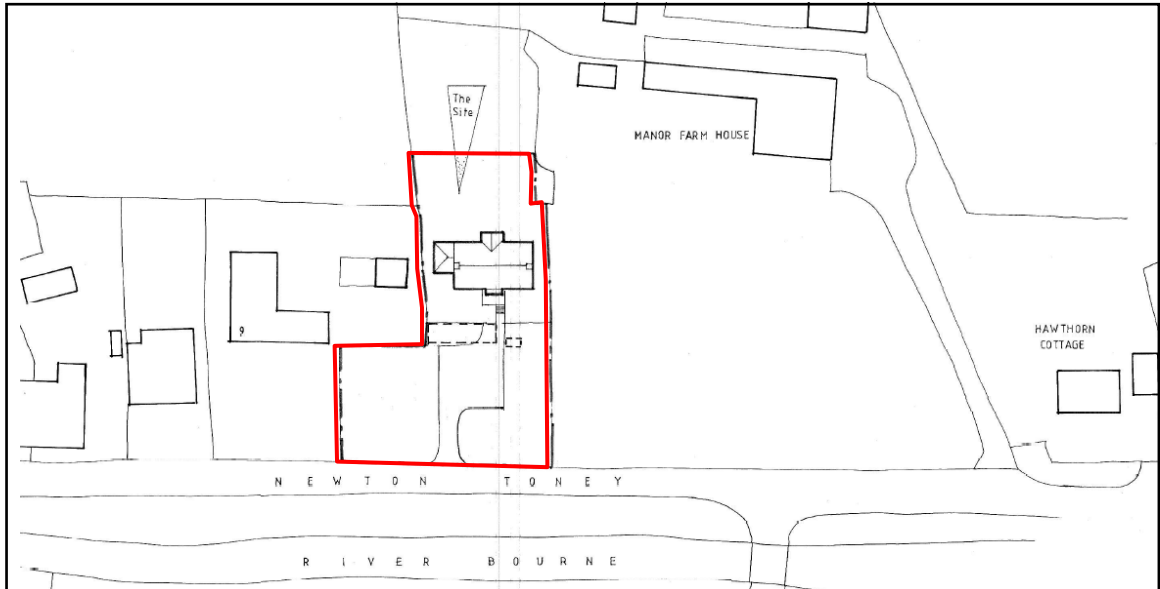
**4. Planning History**

Application Ref	Proposal	Decision
S/2001/0079	Demolition of unsound concrete block wall to be replaced by fence and beech hedge (Retrospective)	Permission – 22.03.2001

**5. Proposal**

This is a full application proposing the subdivision of the Manor Farm House plot and the redevelopment of part of the existing gardens surrounding the farmhouse with an

additional dwelling. It is proposed that the new dwelling (consisting of a two storey, double fronted, flint and brick, detached, four bedroom property), will be constructed on the rear, slightly elevated, part of the site. A new pedestrian access to the dwelling will be created through the existing part cob/render/blockwork wall from the front part of the site but otherwise the existing walls, defining the existing walled garden, will be retained.



**Proposed Block Plan**

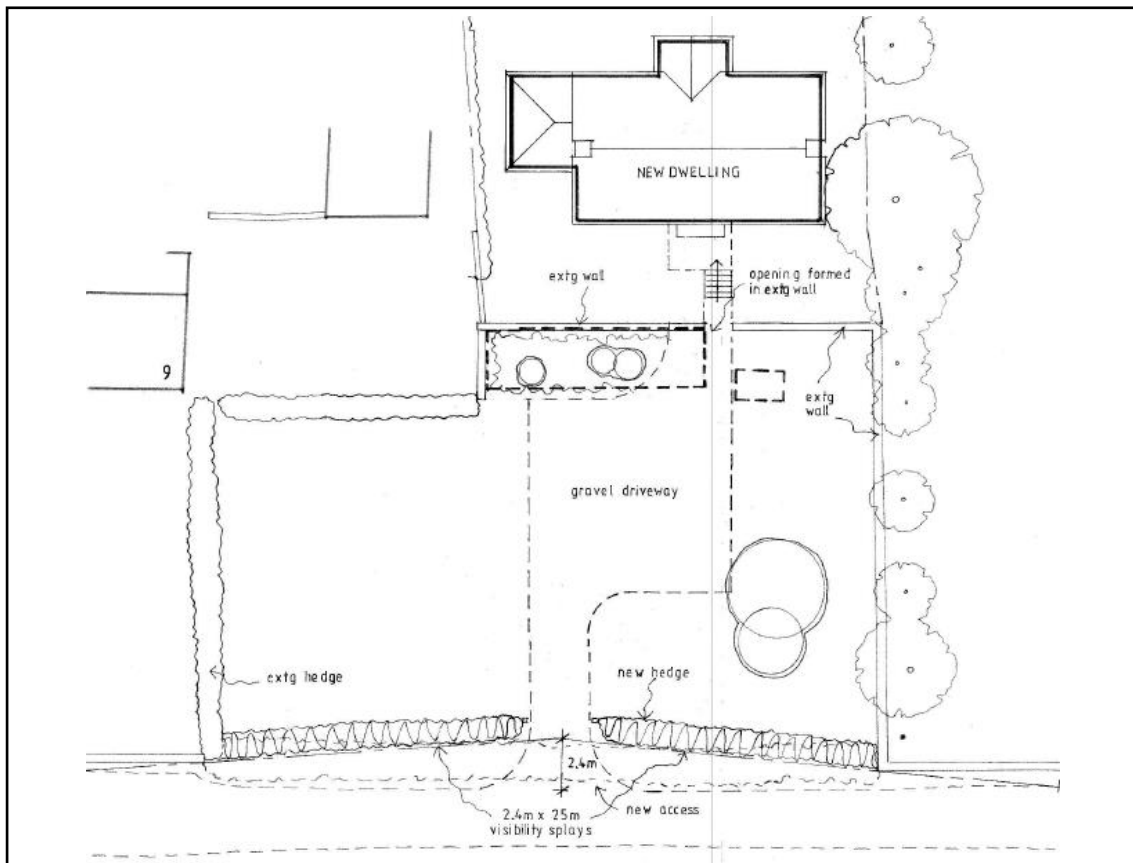


**Proposed Elevations of the New Dwelling**

The walled garden element of the site along the road frontage will then serve to provide an expanse of driveway/front gardens to serve the new dwelling. A three bay, part enclosed, cart shed was previously proposed in this frontage part of the site but

this has recently been omitted from the scheme. A smaller, more private garden will be provided to the rear of the new dwelling.

A new vehicular access is to be created in the front railing/hedgerow boundary that extends along the village street. The supporting documentation confirms that this is in the position of an original (now overgrown) garden gate. Amended plans have been received during the course of the application which show the required visibility splays for the new access. This plan identifies that the existing hedgerow (and presumably railings) along the road frontage will need to be removed and replaced in its entirety in order to accommodate the required visibility.



**Proposed Site Plan**

The application is supported by a Design & Access Statement; and a Flood Risk Assessment. As is identified above, during the course of the application a set of amended plans, which have omitted the proposed front sitting garage and have identified the required visibility splays for the access, have been submitted. A Heritage Statement has also been submitted during the course of the application. No tandem application for listed building consent has however been submitted as yet for the creation of the pedestrian access into the rear part of the site (through the walled garden wall); or the removal of the road frontage railings in order to create the vehicular access to the site.

## 6. Local Planning Policy

*National Planning Policy Framework (NPPF)*  
*National Planning Practice Guidance (NPPG)*

*Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):*

R2 – Recreational Open Space in new development

*Wiltshire Core Strategy:*

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)
- CP4 (Amesbury Community Area)
- CP43 (Providing Affordable Housing)
- CP48 (Supporting Rural Life)
- CP50 (Biodiversity and Geodiversity)
- CP57 (Ensuring High Quality Design & Space Shaping)
- CP58 (Ensuring the Conservation of the Historic Environment)
- CP60 (Sustainable Transport)
- CP61 (Transport & Development)
- CP62 (Development Impacts on the Transport Network)
- CP64 (Demand Management)
- CP67 (Flood Risk)

*Supplementary Planning Documents:*

- Creating Places Design Guide SPG (April 2006)
- Achieving Sustainable Development SPG (April 2005)
- Wiltshire Local Transport Plan – Car Parking Strategy:

**7. Summary of consultation responses  
Newton Toney Parish Council – Support**

**Conservation – Objection**

- Manor Farmhouse is a grade II listed building within the Newton Toney Conservation Area.
- The village core is focused around the church, while Manor Farm, its farmhouse and associated cottages lie slightly separated as a cluster to the south.
- The form of development in the village is nearly entirely tight to the village street which runs along the winterbourne's banks, whereas the two most socially-important of the village houses, the Manor Farmhouse and the (now Old) Rectory are set on higher ground in large private gardens.
- Wilbury House, a fine grade I listed house, was the home of the lords of the manor, and stands wholly separated in a grade II registered Historic Park to the north of the village.
- This degree of contrast and separation is an important factor in the visual significance of the listed building.
- The proposal is for a new detached dwelling within the gardens of the farmhouse. This would entail the demolition of the remains of a greenhouse, inspected and considered to be of no historic interest, and the formation of a new doorway through the rear wall of the greenhouse; this wall is a mixture of traditional flint, cob, brick, and in recently repaired sections, rendered blockwork.
- In positional terms, the new dwelling should be closely related to its northerly neighbour and the street scene; unfortunately though, it is proposed for a location further back into the site, behind the cob wall, apparently in order to avoid an otherwise inescapable issue with flooding policy.
- This location means that the ground floor of the property would be largely obscured from the road, rather than integrating with the street scene and its neighbour; greater concern relates to the incursion into the more precious space that gives the farmhouse its setting and reflects its historic significance, by visually bridging the gap between the houses fronting the road and the farmhouse.

- The buildings that comprise nos 8-10, 7 and 6 gradually step back from the road, the proposed building would continue that trend and fill the gap to the farmhouse, thereby impacting on its important separation.
- Compounding this injury, was the proposed detached garage building that would have been forward of the wall, and being more prominent than its host dwelling. However this has now been omitted from the scheme.
- To the roadside, the site currently has an historic metal railing with a hedge now grown through it; this green boundary contributes positively to the character of the street, and marks a degree of separation between the garden of no6 and the traditional roadside cob walls of the farmhouse.
- Removal of the railing, and formation of the new doorway through the cob wall, would require Listed Building Consent and no such application has been forthcoming
- The revised plans show the removal of these railings in their entirety in order to satisfy highways requirements. I object to the complete revision of the roadside boundary
- The deviation from the existing line of separation between public and private realm significantly weakens its enclosing character and introduces suburban highways treatments into a quiet rural location, wholly unnecessarily.
- It seems that flooding and highways wishes are being interpreted as trumping all heritage considerations, despite prime position actually being held by the latter by virtue of the requirement to 'have special regard to the desirability of preserving the building or its setting', (section 66 re LBs), and in section 72 re CAs: 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- If the proposal had been for a modest new dwelling aligned with the neighbouring property to the north, without incursion to the east of the greenhouse's rear wall, and with only a small access opening tight to the northern boundary, I consider it likely that a scheme could have been designed with significantly lesser impact on the character and setting of the listed building and the conservation area.
- As submitted though, it is a large dwelling, by comparison with its near-neighbours, that would have an unfortunate impact on the setting and curtilage of Manor Farmhouse, visually assimilating the latter with the historically separate village cottages, and thereby having an adverse impact on the character of the CA.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character of Conservation Areas, while sections 16 and 66 require special regard to be paid to preserving the character of Listed Buildings and their settings.
- Paragraph 128 of the NPPF states that applicants should provide an appropriate level of information regarding the heritage significance of a site; this has not been provided, there is for instance no professional assessment of the nature and extent of the setting of the listed farmhouse.
- NPPF134 allows the possibility of allowing 'less than substantial' harm where public benefits have been identified that demonstrably outweigh that harm. These benefits must be public and not achievable by other less harmful means. No such public benefits have been identified; removal of the greenhouse, claimed in the D&A to be a major benefit to the CA, could of course be carried out without constructing a new dwelling.
- I therefore consider that the application fails to meet the expectations of CP58, doesn't meet the requirements of the NPPF (especially paras 128 and 134), and is contrary to sections 66 and 72 of the PLBCA Act 1990.

- Listed Building Consent is also required for some of the works.
- In the event that this application finds its way to approval, despite the level of professional concerns that are raised in the longer term interests of the community, it would be essential to control the roadside boundary treatments, and all materials for construction – flint work in particular must be carried out traditionally, the use of flint block would be completely inappropriate in such a sensitive location and in such close proximity to good examples of traditional flint work.
- It is also important to note that all of the site would remain within the curtilage of the listed building for planning purposes, so no new structures (fences, oil tanks, pergolas, greenhouses, sheds etc) could be erected without requiring planning permission.
- A heritage statement has been provided, apparently in order to address all of the concerns I have raised about the scheme. Unfortunately there seems to have been a lack of appreciation of what I'd written, and the report is unnecessarily dismissive of my comments.
- I have no argument with the evidence that there were formerly modest roadside cottages as shown on the title map, one to either side of the application site; this only serves to reinforce what I had already said, that the 'village' properties were all on the roadside, while the higher status houses were set back (the minor differences between the Rectory and Manor Farm are irrelevant). I had even suggested that a new property in the location of that shown in plot 115 (the land between the roadside railings and the greenhouse) would be acceptable as it wouldn't harm the setting of the LB by blurring the distinction between lower and higher status buildings.
- The section arguing that being hidden from the road is common seems to overlook the obvious fact that all of the examples are set behind a roadside boundary and completely visible at one point or other, rather than a substantial boundary further back into the site that completely obscures part of the building (but not enough to render it invisible), and all of those boundaries are predominantly parallel with the road, preserving the rural character to the CA.
- Regarding the question of curtilage and the railings, I have been given no reason to doubt that these are associated with Manor Farmhouse, the plot enclosed formed part of the land prior to 1948, it was and remains in the same ownership, and the greenhouse presumably served a useful domestic function.
- I welcome the evidential aspects of the report but I'm afraid I don't consider that it overcomes my earlier objections

#### **Highways – Objection**

- The site is located outside of village policy limits and I therefore have significant concerns with regards to sustainability and the reliance on the private car for any occupiers.
- Additionally, a range of essential services are not available within Newton Toney village and this proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 4, paras 29, 30 & 37 of the National Planning Policy Framework.
- If however, you do not feel that a refusal on sustainability grounds is appropriate in this instance, I would comment that I am satisfied that adequate parking provision is shown on the submitted drawings
- I have reviewed the submitted revised plans and can confirm that they address my concerns over visibility at the site access.
- I also note that the proposed garage has been removed, however, I am satisfied that adequate parking and turning provision remains on site.

- Therefore, assuming you do not consider the issue of sustainability to bare much weight, I recommend that no Highway objection is raised, subject to conditions

#### **Drainage – Objection**

- This is a FULL application yet the application form states that the means of disposal for foul drainage is unknown – this is not acceptable as a full application should contain information on foul drainage disposal – objection recommended
- Application form states site is within FZ 2/3 and within 20m of a water course – Drainage team do not support the construction of dwellings in FZ 2/3 – Objection recommended, although it should be noted that the proposed dwelling would appear to be in FZ 1 with cartshed in FZ 2/3
- The removal of Cartshed on revised plans satisfies the ‘no construction in FZ 2/3’. As the remaining construction of dwelling is likely all to be in FZ1, this section could be conditioned from this point to attenuate risk of flooding.
- EA mapping shows some of the site in FZ 2/3 as indicated on the application form
- Area at risk of potential flooding is now permeable surface, and contains no dwellings or buildings. Possible condition that no buildings or impermeable areas are to be constructed between the proposed garden wall in front of the dwelling and the highway.
- Site is also shown to be in an area affected by high ground water levels yet the application form states a proposal to discharge the storm water drainage to soakaways – unlikely to be achievable and any soakaway base MUST be at least 1m of unsaturated soil above the top level of ground water level taking into account seasonal variation – FRA does suggest a potential limited discharge rate to the water course – may be an issue with riparian owner and right to discharge
- Mapping shows the road outside of the site in FZ 2/3 and affected by surface water flooding for 1 in 30/100 events thus access/egress will be an issue – a point highlighted in the FRA with suggested mitigation measures

#### **Wessex Water – No Objection subject to conditions**

- New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).
- The applicants will need to survey and plot any onsite sewers on plans submitted for Planning or Building Regulations purposes.
- It is also important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements
- Separate systems of drainage will be required to serve the proposed development.
- No surface water connections will be permitted to the foul sewer system.
- The proposal is located in a groundwater flood risk area where there is a high risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding.
- Wessex Water will be seeking higher levels of design and construction to ensure that the proposed drainage is resilient to the impacts of groundwater infiltration when the water table rises.
- The applicant has indicated that surface water will be disposed of via infiltration or direct to the River Bourne. Due to the high levels of groundwater and underlying geology infiltration to ground is unlikely to work in this area. It is recommended that a surface water strategy is agreed in principle with appropriate bodies prior to planning determination to negate the possibility of a permission which cannot be implemented due to a surface water strategy which cannot be agreed.



- Both the Environment Agency and Lead Local Flood Authority must be consulted on this application.
- There must be no surface water connections to the public foul sewer.
- On this occasion Wessex Water will not object to this application where the points above have been addressed and the inclusion of a planning condition:

**The Environment Agency – No Objection subject to conditions**

- The applicants' Flood Risk Assessment (FRA), in paragraph 2.3, states '*The area for the erection of the proposed dwelling is a plateau of land which appears to have been historically levelled, this is well elevated above ground levels to the west.*' This comment is confirmed by the applicants' submitted site plan, and site topographic survey, which both indicate the proposed dwelling will be positioned within Flood Zone 1.
- However we also note, in paragraph 3.1, that the proposal is to lower the existing raised plateau of land '*by approximately 0.6m from its existing mean level of circa 81.50m AOD to 80.89m AOD*'. The FRA includes predicted river (fluvial) flood levels based on hydraulic modelling and states that the design flood level (the fluvial design flood level including an appropriate allowance for climate change) is 80.74 metres AOD, hence below the intended reduced ground level of 80.89m AOD.
- Based on this data we have no objection in principle to the proposed lowering of ground levels because the intended (final) reduced ground level will still be above the design flood level.
- The lowering of ground level within the site will result in excess spoil, and possibly other material, and the FRA is not clear where this will be deposited. It is important the spoil is not deposited within the floodplain of the River Bourne because this can increase flood risk due to loss of floodplain storage and/or reduction of flood flow conveyance.
- The FRA includes indicative depths of flooding of around 0.5m within that part of the site shown to lie within the floodplain during a major flood event, and confirms in paragraph 4.13, that during a major flood event '*it will not be possible for prospective residents to safely evacuate the site via the adjacent Newton Tony public highway*'.
- The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site.
- We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants.
- The site lies adjacent the River Bourne, designated a 'main' river,
- The submitted application form states that the method of foul drainage is unknown.
- The applicant should be made aware that the site is located within a Source Protection Zone 1 (SPZ1). This is a groundwater zone (surrounding a nearby drinking water borehole) delineating extreme sensitivity to pollution.
- If it is not feasible for the applicant to discharge foul drainage to a mains sewer, they will need to install a private treatment system.
- We would point out at this stage that this would require the Environment Agency to grant an Environmental Permit for this activity.
- Suggest conditions and informative to address these points.

## 8. Publicity

This application was advertised through the use of site notices, a press notice and letters of consultation.

**Letters** – 5 letters of support received from the residents of The Old Chapel, Appletree Cottage (6), Honeysuckle Cottage (14) & 10 Newton Toney; and 21 Beechfield. The following comments made:

- Thoroughly support the application fully.
- The piece of ground on which the building would be erected, has lain dormant and somewhat unsightly for all the time that we have been in the village.
- It represents an excellent location for a new house of the size and type stipulated.
- The design has been done with significant consideration for the local architecture and in keeping with the fact that it is situated within a conservation area.
- The style and size of the proposed dwelling is very much in keeping with its surroundings
- It will enhance the village and will remove a rather unsightly greenhouse that, in reality, detracts from the conservation aspects of the area.
- it will not increase traffic or disturb the neighbourhood in anyway
- The owners of the land have gone out of their way to ensure that everyone that the building could affect has been correctly consulted.
- This construction, perhaps unusually in a conservation area, will enhance the local situation and can only be of benefit to this part of our village
- It seems to me to be a perfect use for this sizeable but hitherto unused plot of land.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### 9.1 Principle of development

The site is situated in the countryside on the edge of the Small Village of Newton Toney. WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) confirm that Small Villages are designated as such because of their low level of services and access to employment opportunities with WCS policy CP2 (Delivery Strategy) confirming that the new built development should be directed towards the main settlements and be delivered in the most sustainable manner. WCS policy CP2 (Delivery Strategy) also confirms that proposals for development in Small Villages will only be supported where they seek to *'meet the housing needs of settlements or provide employment opportunities, services and facilities'* and only then, such development is limited *'to infill within the existing built area'*. The delivery strategy for Small Villages that is set out in WCS policy CP2 (Delivery Strategy) further confirms that development should *'respect the character and form of the settlement; not elongate the village; or consolidate an existing sporadic, loose knit area of development'*.

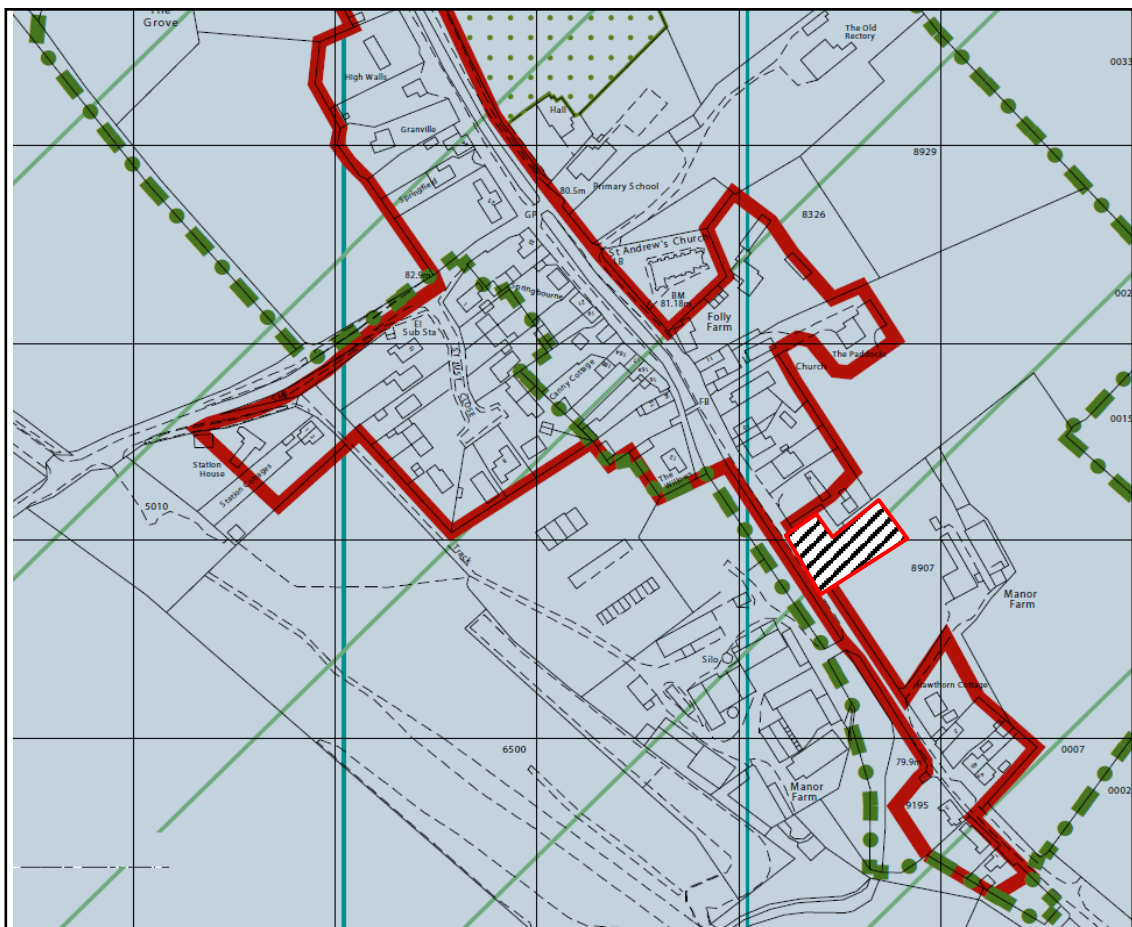
In this instance, no evidence has been provided to demonstrate how the proposals, involving a large, 4 bedroom family dwelling house, will help meet the housing needs of the settlement or how it will improve employment opportunities, services or facilities. In addition, as will be discussed in more detail below, the site is considered to be outside of the existing built up area and the detailed scheme does not constitute infill development, and therefore the proposals are considered to be contrary to the

provisions of WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) as a matter of principle.

The Existing Built Area:

Whilst no housing policy boundaries now exist to identify the existing built up area of a Small Village, as these boundaries were superseded (insofar as they relate to Small Villages) by the adoption of the WCS, the previous housing policy boundaries provided by the SDLP do provide a good starting point for assessing new development in such villages and for establishing the 'existing built area' for the purposes of considering WCS policy CP2 (Delivery Strategy). In this instance, as is shown on the plan below, it is clear that the site is outside of the original housing policy boundary that was previously identified for the village of Newton Toney. The reason it was excluded, was that Manor Farm House is/was part of a farm and/or was a grand plot with extensive grounds. Such sites usually have a different character to the main built up area of the village and were therefore excluded from such housing policies boundaries.

Whilst these policy boundaries no longer exist, it is not considered that the situation in Newton Toney, or indeed on this site, has changed significantly since the previous boundary was considered and defined. The principle reasons for its definition as shown are still therefore considered to be applicable. It is therefore considered that, whilst the site is situated adjacent to existing housing development to the north west, it remains outside of the existing built up area of the village and therefore its redevelopment would be contrary, in principle, to the provisions of WCS policy CP2 (Delivery Strategy).



**Former SDLP Housing Policy Boundary for Newton Toney**

### Infill:

In addition, it is not considered that the proposed development would constitute infill development. Infill development is normally development that is positioned between two existing dwellings and serves to 'infill' a gap in the existing *built* development. As will be discussed in more detail in the Heritage, Character & Design section below, in this instance, as is typical of the functional and grand characteristics of the existing farm house, the existing dwelling sits right back on its plot and is surrounded by extensive gardens, paddocks and walled gardens, which all form part of its setting. The proposed plot; and the position of the proposed dwelling on the newly defined plot, will neither closely relate to the existing fairly tightknit frontage development that exists to the northwest of the site, nor will it closely relate to the farmhouse development on the back of the wider plot. The proposals will not therefore serve to infill a gap in the street scene and will instead serve to introduce a completely new form/pattern of built development that will technically serve to elongate the north western cluster of development as well as consolidate a sporadic more open interlude between tight clusters of development that make up the character of this part of the village.

### Sustainability:

Given that no evidence has been provided about how the proposals will help to meet the local housing need; the site is considered to be outside of the main built up area of the village; and the proposals are not considered to constitute infill development, it is considered that the proposals represent unsustainable development in the countryside. Very few essential services are available for the residents of Newton Toney and the village is not well served by public transport. The Highway Authority has therefore raised significant concerns about the sustainability of the site and the probable reliance on the private car for any future occupiers of the new dwelling. The proposals are therefore also considered to be contrary to the provisions of the NPPF and WCS policies CP60 (Sustainable Transport) and CP61 (Transport & Development) in this regard.

### Housing Land Supply:

As a counter argument to the principle concerns raised above about the sustainability of the plot, the Applicant's Agent has raised doubt about the Council's ability to demonstrate a 5 year Housing Land Supply. They have highlighted a recent appeal decision at Hilltop Way in Salisbury (Ref: 16/04126/OUT (Aug 2017)) where the Inspector, relying on the 'Sedgefield' method of calculating housing land supply, suggested that there is a shortfall in the Council's demonstrable supply for this part of Wiltshire. As a result of this the Agent for this application has suggested that, in line with paragraphs 14 and 49 of the NPPF '*Relevant policies for the supply of housing should not be considered up-to-date*' and as such WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) should be set aside and are not relevant for the consideration of this application.

However there are a number of other recent appeal decisions, some of which have been tested at Public Inquiry and Hearing, which have confirmed that it is appropriate for the Council to use the 'Liverpool' method of calculating housing land supply instead of the 'Sedgefield' method (including refs: 15/11153/OUT at Forest Farm, Chippenham (Jun 2017); 16/01633/OUT at The Granges, Devizes Road, Hilperton (Aug 2017); 16/12099/OUT at Deverill Road, Sutton Veny (Nov 2017); and 16/05783/OUT at North of Pound Lane, Semington (Dec 2017)). When using the Liverpool method of calculation, the Council is currently able to demonstrate 5.69 years of housing land supply, which thus satisfies the requirements of the NPPF. The Inspector's conclusions on the recent November appeal decision (at Deverill Road, Sutton Veny)

further confirmed that *'The Council's 5 year housing supply position is not able to be refuted'*. It is not therefore considered that paragraphs 14 or 49 of the NPPF are triggered and the adopted policies within the WCS policies remain to be up-to-date and are the primary policy context in which to consider this application for a single dwelling. The principle objections to the scheme that have been identified above, therefore stand.

Notwithstanding this principle objection to the proposals identified in this section, it is also necessary to consider the implications of the proposals for the character and heritage value of the area; neighbouring amenities; highway safety; and flooding. These matters will also therefore be considered in more detail below.

## **9.2 Heritage, Character & Design:**

As is identified above, Manor Farm House is a grade II listed building and it and its gardens are within the Newton Tony Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act) requires *'special regard'* to be given to the desirability of preserving a listed building or its setting. Section 72 of the PLBCA Act further states that *'in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*. In having *'special regard'* and/or in paying *'special attention'*, and in line with the NPPF, an assessment must therefore be made as to whether the proposals cause *'substantial harm'*, *'less than substantial harm'* or *'no harm'* to the asset/s.

In this instance, the village core is focused around the church; while Manor Farm, its farmhouse and associated cottages lie slightly separated as a cluster to the south. The form of development in the village is nearly entirely tightly framed to the village street which runs along the winterbourne's banks, whereas the two most socially-important of the village houses, the Manor Farm House and the (now) Old Rectory are set back from the road on higher ground and in large private gardens providing looser more open spaces between the tighter knit clusters of development through the village. This degree of contrast and separation, as well as creating concerns for the principle acceptability of the proposals (as discussed above), is also considered to be an important factor in the visual significance of the listed building on the wider site.

This proposal involves the development of a new detached dwelling within the gardens of the existing listed farmhouse. The proposals involve the demolition of the remains of a greenhouse, which the Council's Conservation Officer has inspected and considers to be of no historic interest; and the formation of a new doorway through the rear wall of the walled garden in order to gain a pedestrian access to the rear part of the site (where the new dwelling is to be positioned) from the front half of the site. This wall is a mixture of traditional flint, cob, brick, and in recently repaired sections, rendered blockwork.

Listed Building Consent would be required to create the access through the wall to the rear part of the site and this will therefore need to be considered separately (although application has been submitted as yet). However it is considered that the proposed siting of the new dwelling behind this walled garden would be at odds to the existing grain and pattern of development in this part of the village that is otherwise more intimately related to its respective street scene. Given its height and the level changes in this rear part of the site, the new dwelling will be apparent from the street scene. However, the suggested location means that the ground floor of the property would be largely obscured from the road, and the dwelling will fail to integrate effectively with its street scene or northern neighbour. The proposed set back of the dwelling also means

that the much larger, front half of the site will be underused, lacking any clear reason or function. The proposals would therefore be out of keeping with the otherwise tightknit arrangement of development that exists along this road.

Of greater concern, from a heritage point of view, is the incursion of the new dwelling into the more precious space that gives the farmhouse its setting and reflects its historic significance. The new dwelling will serve to visually bridge the gap between the houses fronting the road and the farmhouse. The buildings that comprise nos 8-10, 7 and 6 Newton Toney gradually step back from the road. The proposed building would continue that trend and fill the gap to the farmhouse, thereby impacting on its important separation. The proposed detached garage building that was originally to sit forward of the wall was considered to compound this injury, but this has now been omitted from the scheme.

It is clear from the submission and the assessment of the application that the siting of the dwelling is rather contrived in that it has been dictated by a desire to avoid a flooding risk and objection to the scheme in that regard rather than from any heritage, design or good planning reasoning. Indeed the Council's Conservation Officer has confirmed that if the proposal had been for a modest new dwelling aligned with the neighbouring property to the north, without incursion to the northeast of the greenhouse's rear wall, and with only a small access opening tight to the northern boundary, it is likely that a scheme could have been designed with significantly lesser impact on the character and setting of the listed building and the conservation area. As submitted though, the scheme involves a large dwelling (by comparison with its near-neighbours) that would have an unfortunate impact on the setting and curtilage of Manor Farm House, visually assimilating the latter with the historically separate village cottages, and thereby having an adverse impact on the character of the area and Conservation Area. It seems that flooding and highways wishes are being interpreted as trumping all heritage considerations, despite prime position actually being held by the latter by virtue of the requirements of section 66 and section 72 of the PLBCA Act. The Council's Conservation Officer has confirmed that the proposed siting of the dwelling will result in '*substantial harm*' for the significance of the listed building and is therefore contrary to the provisions of WCS policies CP57 (Ensuring High Quality Design & Space Shaping) and CP58 (Ensuring the Conservation of the Historic Environment).

In addition, to the roadside the site currently has a historic metal railing with a hedge now grown through it. This green boundary contributes positively to the character of the street, and marks a degree of separation between the garden of no6 and the traditional roadside cob walls of the farmhouse. The amended plans identify the removal and replacement of the existing hedgerow in order to accommodate the required visibility splay for the new vehicular access. No mention is made of the railings within the hedgerow but it appears that these will also need to be removed and/or replaced. The removal of the railings would also require listed building consent but their loss would result in a greater impact for both historic fabric and the character of the conservation area which the Council's Conservation Officer has confirmed would result in '*less than substantial harm*' for the heritage asset. Paragraph 134 of the NPPF allows the possibility of allowing less than substantial harm where public benefits have been identified that demonstrably outweigh that harm. These benefits must be public and not achievable by other less harmful means. No such public benefits have been identified in this instance. It is therefore considered that the application fails to meet the expectations of WCS policy CP58 (Ensuring the Conservation of the Historic Environment); doesn't meet the requirements of the NPPF; and is contrary to sections 66 and 72 of the PLBCA Act.

A Heritage Statement has been submitted to try to address these concerns. However whilst the additional evidential information is welcomed, the Council's Conservation Officer has confirmed that it does not address or overcome their assessment objection. The scheme is therefore also recommended for refusal on the grounds of heritage.

### **9.3 Neighbouring Amenity:**

Given the position of the proposed dwelling relative to the neighbouring properties on either side; the reduced levels of fenestration on either side elevation of the proposed dwelling; and the level of separation/boundary treatments between the two, it is not considered that the proposals will result in any significant or particular concern for neighbouring residential amenities in terms of loss of light or overlooking.

### **9.4 Highway Safety:**

The Highway Authority has confirmed that adequate parking provision is shown on the submitted drawings and has raised no objection in that regard. Objection was originally raised about the visibility for the proposed site access, but the amended plans have now been received which address this concern from a highway point of view (although as is identified above, there are concerns with the level of hedgerow loss and removal of the existing, historic, boundary railings that is required to achieve this visibility from a heritage and character perspective). The Highway Authority are now happy with the detailed design of the proposals, but as is identified in the 'Principle' section above, are still raising an objection to the application because of the sustainability of the site.

### **9.5 Flooding & Drainage:**

As has been identified above, the site is partly situated within Flood Zones 2 and 3. Paragraphs 100-104 of the NPPF deal with the issue of flooding and confirm that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (i.e. in Flood Zones 2 and 3), to areas with a lower probability of flooding (i.e. in Flood Zone 1). Paragraph 103 of the NPPF further confirms that *'when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test'*.

The current scheme however is accompanied by a Flood Risk Assessment (FRA). In addition the scheme proposes no physical development within Flood Zones 2 and 3 with the proposed dwelling being positioned on a part of the site that is wholly outside of Flood Zones 2 and 3. The Council's Drainage Officer has raised concern about possible access to the site should it flood, however as this is the site rather than any habitable accommodation the proposals do not make any future resident vulnerable of a risk of flooding. In this instance it is not therefore considered that a Sequential Test needs to be undertaken in this regard. The Environment Agency has also raised no objection in this regard.

Wessex Water and the Council's Drainage Officer have also raised concern about the effectiveness of the proposed drainage system. However it is clear from the comments made that these can be resolved and will be agreed at the building control stage of the application. If the application were to be recommended for permission, a notwithstanding condition would suffice to address the concerns raised by the consultees but it is not considered that the concerns regarding the proposed drainage system would warrant a reason for refusal of the scheme at this stage.

## 9.6 S106/CIL

WCS policy CP43 (Providing Affordable Housing), requires contributions towards affordable housing provision from any net gain in the number of dwellings in the area. However following subsequent ministerial advice, this policy now only applies to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application proposing only one dwelling. The same applies to saved SDLP policy R2 which requires off site contributions towards public open space. No Legal Agreement would therefore be required from this particular development were it to be recommended for permission.

The Council has however adopted the Community Infrastructure Levy (CIL), and therefore any development involving new residential development that is implemented after May 2015, may be subject to CIL. If the application were to be recommended for permission, an informative would be attached to the decision accordingly.

## 10. Conclusion

The site is situated outside of the existing built up parameters of the Small Village of Newton Toney; the proposed dwelling would not represent a form of infilling; no evidence has been submitted to demonstrate that the proposals would meet a local housing need; and the proposed development would only serve to elongate and/or consolidate the village. The proposals are therefore considered to represent an unsustainable form of development that would be contrary to the provisions of the NPPF and WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy); CP4 (Amesbury Community Area); CP61 (Transport & Development) and CP62 (Development Impacts on the Transport Network) and are thus considered to be unacceptable in principle.

The proposals are also considered to be out of character with the existing pattern and form of development in this part of Newton Toney and the contrived position of the proposed dwelling would serve to impinge on the precious space that gives the adjacent Grade II listed farmhouse its setting reflecting its historic significance and status. It is thereby considered that the proposals would result in *substantial harm* for the significance of this listed building and the setting of the Newton Toney Conservation Area. The proposals will also result in the loss of an historic frontage boundary which is unjustified and would result in less than substantial harm for the heritage assets. The proposals are therefore considered to be contrary to the provisions of the PLBCA Act, the NPPF, and WCS policies CP57 (Ensuring High Quality Design & Space Shaping); and CP58 (Ensuring the Conservation of the Historic Environment). The application is recommended for refusal accordingly.

## RECOMMENDATION

### REFUSAL

- 1) The site is situated outside of the existing built up parameters of the Small Village of Newton Toney; the proposed dwelling would not represent a form of infilling; no evidence has been submitted to demonstrate that the proposals would meet a local housing need; and the proposed development would only serve to elongate and/or consolidate the existing development within the village. The proposals are therefore considered to represent an unsustainable form of development that would be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP4 (Amesbury Community Area), CP61 (Transport & Development) and CP62 (Development Impacts on the Transport Network).
- 2) The proposals are considered to be out of character with the existing pattern and form of development in this part of Newton Toney and the contrived position of the



proposed dwelling would serve to impinge on the precious space that gives the adjacent Grade II listed farmhouse its setting, reflective of its historic significance and status. It is thereby considered that the proposals would result in *substantial harm* for the significance of this listed building and the setting of the Newton Toney Conservation Area and are therefore considered to be contrary to the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990; the National Planning Policy Framework; and Wiltshire Core Strategy policies CP57 (Ensuring High Quality Design & Space Shaping); and CP58 (Ensuring the Conservation of the Historic Environment).

- 3) The proposed access (and required visibility) to the site will result in the loss of an historic frontage boundary which is unjustified and would result in less than substantial harm for the heritage assets that would be detrimental to the character of the street scene in this part of the village. The proposals are therefore considered to be contrary to the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990; the National Planning Policy Framework; and Wiltshire Core Strategy policies CP57 (Ensuring High Quality Design & Space Shaping); and CP58 (Ensuring the Conservation of the Historic Environment).