

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 22 November 2023

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey - Democratic Services Officer of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

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Membership:

Cllr Christopher Newbury (Chairman)

Cllr Bill Parks (Vice-Chairman)

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Andrew Davis

Cllr Edward Kirk

Cllr Stewart Palmen

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr David Vigar

Cllr Suzanne Wickham

Substitutes:

Cllr Matthew Dean

Cllr Jon Hubbard

Cllr Tony Jackson

Cllr Mel Jacob

Cllr George Jeans

Cllr Gordon King

Cllr Mike Sankey

Cllr Graham Wright

Cllr Tamara Reay

Cllr Bridget Wayman

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 27 September 2023.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 15 November 2023** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 17 November 2023**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 19 - 46*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications:

7 **PL/2023/05787: Field off Whaddon Lane, Whaddon, Hilperton, BA14 7RN**
(*Pages 47 - 58*)

Change of use of land to a dog exercise field.

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 SEPTEMBER 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar, and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Horace Prickett

42 **Apologies**

Apologies for absence were received from:

- Councillor Suzanne Wickham, who was substituted by Councillor Mike Sankey.
- Councillor Edward Kirk.

43 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 5 July 2023 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 5 July 2023 as a true and correct record.

44 **Declarations of Interest**

Councillor Ernie Clark highlighted that he was a Member of Hilperton Parish Council which had given its opinion on planning application PL/2022/08726 (Agenda Item 7). Cllr Clark noted that he had abstained from voting on the application during that meeting of the Parish Council, as detailed in those minutes, and as such, he stated that he had not predetermined his decision on the application.

45 **Chairman's Announcements**

There were no specific Chairman's announcements.

46 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

47 **Planning Appeals and Updates**

The Chairman invited Kenny Green, Development Management Team Leader, to update the pending and determined appeals as per the appeals report included within the Agenda Pack.

The appeal decision for application PL/2022/00784, pertaining to a delegated refused application to convert the Kings Head pub in Chitterne to residential use, was highlighted, and the Committee was informed of the successful defence of the appeal with direct reference made to the adopted Wiltshire Core Strategy and Policy that seeks to safeguard valued community assets.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 23 June 2023 to 15 September 2023.

48 **PL/2022/08726: Land off Ashton Road, Hilperton, Trowbridge**

Public Participation

- Sasha Berezina, Planning Consultant Representative on behalf of Andrew Cresci, local resident, spoke in objection to the application.
- Gavin Johnson, local resident, spoke in objection to the application.
- Alex Moss, local resident, spoke in objection to the application.
- Simon Chambers, agent for the applicant, spoke in support of the application.
- Lucie Castleman, on behalf of Hilperton Parish Council, spoke in objection to the application.

The Senior Planning Officer, Gen Collins, introduced the report which recommended that the Committee gave delegated authority to the Head of Development Management to grant planning permission for the erection of one dwelling and detached garage, subject to planning conditions, and the completion of a S106 legal agreement covering the matters set out within Section 10 of the report.

It was noted that prior to the Committee meeting, a Member site visit had been undertaken, with the Case Officer being present.

Key material considerations were identified including the principle of development/Wiltshire Council's 5-year housing land supply; the impacts on the living conditions of neighbouring residents; the impacts on the character of the area/setting of the Conservation Area; highways issues; ecology; and drainage issues.

Attention was drawn to late representations that had been submitted following publication of the agenda, one of which being from an ecological consultant representing a local resident, and additional submissions with respect to the impact on the adjacent Conservation Area, Wiltshire Council's Ecologist's assessments, the potential effect on landscape connectivity for bats, and the impacts on daylight and shadowing of neighbouring properties.

Following from this, the Case Officer reassured Members that following publication of the agenda, Natural England had provided written confirmation that it was satisfied the development would not result in significant or harmful ecological effects, and ratified the Council's Ecologist's assessment, and thus resolved one of the published headline recommendations within the report.

The Committee took a comfort break from 4.00pm to 4.10pm.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer.

Details were sought on which trees and/or boundary hedging would be removed, retained, or replanted and how these would affect the screening between neighbouring properties. Questions were also asked about the Trowbridge Bat Mitigation Strategy (TBMS), the established bat flight lines and habitats, the assessments undertaken by the Council's Ecologist, and how the development may impact the adjacent Conservation Area.

Members also queried the settlement boundaries of Trowbridge and Hilperton, the materiality of the made Hilperton Neighbourhood Plan and Hilperton Village Design Statement, the proposed scale and materials to be used, the relevance of Wiltshire Core Strategy Core Policy 2, and if the development was to be considered as an exception due to it being situated between the two boundaries.

Wiltshire Council's housing shortfall and the inability of the Council to demonstrate a 5-year housing land supply was discussed alongside the receipt of Natural England's written confirmation and agreement with the ecological assessments.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Councillor Ernie Clark, then spoke in objection to the application where he noted concerns in respect of the loss of green space and harm to the adjacent Conservation Area, the impact on the bat corridor, the scale and specifications of the development, and finally the importance of maintaining the separate historic character and identity of Hilperton village.

A debate followed where the visual impact of the development and the principle of the 5-year housing land supply were discussed alongside the Bath and Bradford on Avon Special Area of Conservation (SAC) and the “Bechstein 1500m Core Roost Buffer” for bats. The relationship and work undertaken between Wiltshire Council Planning Officers, Ecology Officers, and Natural England throughout the application process were also noted.

During the debate, a motion to refuse planning permission was moved by Councillor Ernie Clark and was seconded by Councillor Trevor Carbin. Following a vote on the motion, it was:

Resolved:

The Committee REFUSED planning permission, against officer recommendations, for the following reasons:

- **The development site is located outside any settlement limit and the proposal would result in developing an important gap that separates the settlements of Hilperton village and the town of Trowbridge. The site has had planning permission for residential development refused previously and dismissed on appeal, most recently in 2000 under APP/F3925/A/00/1041721, whereby the appointed planning inspector concluded that this plot constitutes part of a continuous undeveloped gap that is necessary to safeguard the separate identity of the village of Hilperton and to maintain the setting character of the Hilperton Conservation Area.**
- **Notwithstanding the acceptance that the Council cannot currently demonstrate a 5-year housing land supply, the development of this important spatial gap would materially conflict with adopted Wiltshire Core Strategy Core Policies CP1, CP2 and CP51, which inter alia seeks to protect landscape character and the separate identity of settlements. In the case for Hilperton, maintaining this site as an undeveloped gap is considered necessary as a transition plot separating the historic edge of the village and Paxcroft Mead (being part of Trowbridge) as well as providing a valued natural landscape setting to the village and the Conservation Area. The proposal would therefore conflict with Wiltshire Core Strategy Core Policy 58 by eroding the natural landscape setting to the Conservation Area and the wider setting of properties including the non-designated heritage asset at the Grange.**

- **The proposal by virtue of its design, size and height, would also appear unduly prominent and unsympathetic to surrounding/neighbouring buildings, contrary to part 2 of the village design character statement and Wiltshire Core Strategy Core Policy 57.**
- **The harm that would result would not be outweighed by the benefits of providing 1 additional dwelling at a time of a recognised housing supply shortfall. Moreover, given the material conflicts with maintaining settlement identity and safeguarding the setting of the Conservation Area, and delivering high quality development, the provisions of paragraph 11 of the NPPF have been taken into account, but the weighted harm would significantly and demonstrably outweigh any benefits.**

49 **PL/2021/09739: Land Rear of 54 Woodmarsh, North Bradley, BA14 0SB**

Public Participation

- Francis Morland, local resident, spoke in objection to the application.
- Nigel Bedford, agent to the applicant, spoke in support of the application.
- Councillor Roger Evans, on behalf of North Bradley Parish Council, spoke in objection to the application.

The Senior Planning Officer, David Cox, introduced the report which recommended that the outline application be approved for the construction of up to 23 residential units including detailed access on the land to the rear of No. 54 Woodmarsh, North Bradley, with all other matters including appearance, landscaping, layout, and scale to be reserved, subject to planning conditions, and the applicant first entering into a S106 agreement to deliver the essential infrastructure made necessary by the development as set out within Section 9.6 of the report.

Key material considerations were identified including the principle of the development; ecology issues and the impact on bats as part of the Trowbridge Bat Mitigation Strategy (TBMS); access and highway safety; impact on neighbouring amenity; drainage issues; archaeology and heritage matters; and S106 contributions.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Councillor Horace Prickett, then spoke in objection to the application.

A debate followed where the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) and TBMS were discussed in respect of habitat and flight path concerns, the impacts of the increased traffic and light pollution created by the scheme, and who would be responsible for maintaining the green areas and existing bat habitats within the application site. The significant weight that Natural England, as a statutory consultee, carried in the planning process was highlighted alongside the lack of a 5-year housing land supply, with Members noting that the proposed scheme proffered less housing than was allocated within the made Plan, and the impacts of the enhanced tree planting and master planned open space were discussed.

Other issues raised included the North Bradley Neighbourhood Plan, maintaining the separation between the village of North Bradley and Trowbridge, and the proportion of affordable housing that would be delivered within the scheme.

During the debate, a motion to grant planning permission was moved by Councillor David Vigar and was seconded by Councillor Trevor Carbin. Following a vote on the motion, it was:

Resolved:

The Committee GRANTED planning permission subject to the applicant first entering into a S106 agreement to deliver the essential infrastructure made necessary by the development set out within Section 9.6 of the report, and subject to the following planning conditions:

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
 - (a) The scale of the development;**
 - (b) The layout of the development;**
 - (c) The external appearance of the development;**
 - (d) The landscaping of the site;**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans and statements:

Site Location Plan (A17 21 26 SK01), Existing Survey/Site Plan (A17 21 26 SK02), Design and Access Statement, Transport Statement, Ecological Appraisal and Dusk Survey for Bats (All Ecology Ltd, July 2021) - all received 12 October 2021;

Update Ecological Appraisal (NPA, 20/01/2022) – Received 3 November 2022

Revised Proposed Site Access Plan (21073 - 010-B) – received 10 November 2022

Site Specific Flood Risk Assessment and Drainage Strategy (IMA-22-103 June 2023), Ecology Addendum (NPA 11257 103 – PO1), Ecology Parameters Plan (Drg No 11257 NPA ZZ ZZ DR Y 1201 P02 - (NPA, 05/08/2022)) and 11257 Biodiversity Metric 3.1 calculation tool - v 7 Layout Rev M Jun23 – all received 29 June 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

NOTE: The indicative masterplan (Drg No A17 21 26 SK10 Rev L) and indicative colour masterplan (Drg No A17 21 26 SK12) are only indicative and do not therefore form part of the approved plan list.

5. No part of the development hereby permitted shall be first occupied until the site junction, access road, footways have been completed in accordance with the details shown on the approved plans (Proposed Site access 21073-010 Rev B (Nov 2022) and properly

consolidated. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

6. No part of the development shall be first occupied, until the visibility splays and informal crossing points shown on the approved plans (Proposed Site access 21073-010 Rev B (Nov 2022), Visibility splays 2.4m x 43m, and informal crossing points have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction

REASON: In the interests of highway safety.

7. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

8. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

9. The development hereby permitted shall be carried out in accordance with the Ecological Parameters Plan. Drwg. No. 11257

NPA ZZ ZZ DR Y 1201. Rev. 02. (NPA, 05.08.2022). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site.

10. The development will be completed in accordance with the Biodiversity Metric 3.1 (NPA, 27/06/023) or a subsequent revised metric calculation submitted to and approved by the Local Planning Authority. This condition shall be discharged when a report has been submitted to and approved by the Local Planning Authority which demonstrates that the development has been completed in accordance with the approved metric calculation. The report will demonstrate for habitats and hedgerows and that the development will achieve at least 100% mitigation (i.e. no net loss) for land lost to development.

REASON: to meet the requirements of the Trowbridge Bat Mitigation Strategy.

11. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The CEMP shall include a detailed plan showing detail of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Phasing plan for bat habitat creation and landscape works in the north and east of the site.**
- b) Identification of ecological protection areas/buffer zones/bat habitat and tree root protection areas and details of physical means of protection, e.g. exclusion fencing and including who will be responsible for its installation.**
- c) Location of construction compounds.**
- d) Details on locations of any construction lighting (if required: Note: this must be kept away from boundary features).**
- e) Working method statements for protected/priority species, such as nesting birds, and reptiles.**
- f) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts/bats; this should comprise the pre-construction/construction related elements of strategies only.**
- g) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including**

details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

h) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

i) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

j) details of drainage arrangements during the construction phase

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

12. No development shall commence on site until a scheme for the provision and creation of a SuDs located in the northern part of the site/within the public open space area has been submitted to the LPA for approval. The SuDs shall be designed as a permanent waterbody with a diverse marginal structure using trees, shrubs and grasses to provide suitable aquatic habitat for foraging bats.

The scheme shall be completed in accordance with the approved details and in accordance with the timetable detailed in the approved scheme.

REASON: For the mitigation and enhancement of biodiversity.

13. No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the approved Ecological Parameters Plan. Drwg. No. 11257 NPA ZZ ZZ DR Y 1201. Rev. 02. (NPA, 05.08.2022) the approved Biodiversity Metric 3.1 (NPA, 27/06/023) submitted with the application, or a revised Biodiversity Metric submitted and approved. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal mechanism(s) by which long-term implementation of the plan will be secured. The

LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

NOTE: The s106 should have a clause that a management company will be required to manage the land required under the terms of the LEMP condition.

14. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition shall only be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to core bat habitat meets the requirements of the Trowbridge Bat Mitigation Strategy.

15. No development shall commence on site until a plan (details) for the selection, siting, positioning and installation of integral nesting features for bats and birds has been submitted to, and approved in writing by, the local planning authority.

The plan should show the green infrastructure that the development is to provide, illustrating how birds and bats using the boxes have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting feature should identify, as a minimum:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations;.

No dwelling shall be first occupied until the approved details of the integral nest box plan have been implemented in accordance with the approved details. All boxes shall be retained in good working order in perpetuity.

REASON: For the protection, mitigation and enhancement of biodiversity.

16. Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: In the interests of ensuring the site can be adequately drained.

NOTE: This will require calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events. This will also require the applicant to undertake a sensitivity analysis on the network considering surcharged outfall conditions and has shown overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 year plus climate change rainfall event.

Informatives:

1. The application involves creation of informal crossing points and lowered kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

2. **Wiltshire Council issues land drainage consents for discharges to ordinary watercourses and also for any works within 8m. The Environment Agency issue environmental permits for discharges to main rivers and any works within 8m, however we agree the flow rate for this as well). Within the calculations, the Additional Storage Volume factor must be set to zero and the margin for “flood risk” warning in hydraulic models been set to $\geq 300\text{mm}$.**

50 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.05 pm)

The Officer who has produced these minutes is Ellen Ghey - Democratic Services
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Wiltshire Council
Western Area Planning Committee
22nd November 2023

Planning Appeals Received between 18/08/2023 and 10/11/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2021/10237	The Old Vicarage & Staverton House, 51A New Terrace, Staverton, BA14 6NX	Staverton	Demolition of existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space, & together with the existing home would provide 52 bedrooms in total.	WAPC	Written Representations	Approve with Conditions	08/09/2023	Yes
PL/2021/10755	Land Adj Three Pieces, Hoggington Lane, Southwick, BA14 9NR	Southwick	Proposed change of use and conversion of stables/animal pens into a holiday-let (Re-application following refusal of 20/07707/FUL)	DEL	Written Representations	Refuse	23/10/2023	No
PL/2022/09397	Land south of Pound Lane, Semington, BA14 6JP	Semington	Residential development of up to 30 dwellings (of which 30% will be affordable) with associated car parking, access, internal roads, public open space, landscaping, drainage and other associated infrastructure.	DEL	Hearing	Refuse	28/09/2023	No
PL/2022/09742	Upper Haugh Farm, Haugh, Winsley, Bradford on Avon, Wilts, BA15 2JE	Winsley	Conversion of former squash court building to provide 1 No one bedroomed new dwelling.	DEL	Written Representations	Refuse	06/09/2023	No
PL/2023/00750	15 Folly Lane, Warminster, BA12 8EA	Warminster	Proposed conversion & re-use of redundant stable building into residential accommodation in compliance with core policy 48 of the Wiltshire Core Strategy	DEL	Written Representations	Refuse	23/10/2023	No
PL/2023/00952	Land West of 3 Bradley Road, Southwick, Trowbridge, Wilts, BA14 9RJ	Southwick	Erection of 1. no single detached dwelling (Outlined application relating to Appearance, Layout and Scale)	DEL	Written Representations	Refuse	23/10/2023	No
PL/2023/01435	Yew Tree House, Brokerswood, Westbury, BA13 4EG	North Bradley	Removal of condition 5 on 15/10329/FUL to reinstate permitted development rights	DEL	Written Representations	Refuse	06/09/2023	No
PL/2023/02893	Kays Cottage, 489 Semington Road, Melksham, SN12 6DR	Melksham Without	Certificate of lawfulness for existing separate annex (Resubmission of PL/2022/08476)	DEL	Written Representations	Refuse	20/10/2023	No

Planning Appeals Decided between 18/08/2023 and 10/11/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
ENF/2022/00131	12 Budbury Place Bradford on Avon BA15 1QF	Bradford on Avon	Construction of a picket fence between numbers 12 & 14, shed, bin shelter and oversized cooker vent cover on ground floor.	DEL	Written Reps	-	Varied & Upheld	31/08/2023	None
ENF/2022/00132	14 Budbury Place Bradford on Avon BA15 1QF	Bradford on Avon	Construction of a picket fence between numbers 14 & 16 & a sheer brick wall over 2 meters high in front garden	DEL	Written Reps	-	Varied & Upheld	31/08/2023	None
20/09856/FUL	Oakencliffe, 2 Warminster Road, Monkton Combe, BA2 7HZ	Limpley Stoke	Erection of garage, access and drive	DEL	Written Reps	Refuse	Dismissed	21/09/2023	None
PL/2022/02675	Land Adjacent to 6 Guinea Cottage, Forest Road, Melksham, SN12 7RB	Melksham Without	Erection of a dwelling	DEL	Hearing	Refuse	Dismissed	18/10/2023	None
PL/2022/06812	Land adjoining 59 and 60 Summer Down Walk, , Trowbridge, BA14 0LJ	Trowbridge	Erection of attached dwelling and associated works	DEL	Written Reps	Refuse	Dismissed	25/08/2023	None
PL/2022/08288	3C Kingsfield Grange Road, Bradford on Avon, Wilts, BA15 1BE	Bradford on Avon	Extension to dwelling (Resubmission of 20/09793/FUL)	DEL	Householder Appeal	Refuse	Allowed with Conditions	20/09/2023	None



Appeal Decision

Site visit made on 15 August 2023

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/Y3940/W/23/3318442

2 Oakencliffe, Warminster Road, Monkton Combe BA2 7HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hillier against the decision of Wiltshire Council.
 - The application Ref 20/09856/FUL, dated 6 November 2020, was refused by notice dated 20 September 2022.
 - The development proposed is erection of garage, access and drive.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site falls within a consultation zone for the Bradford-on-Avon Bat Special Area of Conservation (SAC). I will return to this matter below.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework),
 - the effect of the proposal on the openness and purposes of the Green Belt,
 - the effect of the proposal on the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB),
 - the effect of the proposal on highway safety with particular regard to visibility,
 - the effect of the proposal on protected species and European and International sites, and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as

inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines the original building as 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.'

5. Although the proposal is for a detached garage, as the building would serve the main dwelling, for the purposes of paragraph 149 of the Framework I consider the building an extension to the main dwelling.
6. The Council have provided details and calculations of the volume of the original dwelling on the site and appeal proposal. Although the applicant disputes the volume calculation for the proposed access, the appellant does not dispute the Council's calculations in relation to the original building and proposed garage. I have no reason to disagree.
7. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
8. The appeal proposal would see the construction of a new detached garage of considerable volume. This would be in addition to the extensions to the existing dwelling that have already significantly increased the size of the original building. It would also be in addition to previous planning permissions for replacement dwellings on the site that increase the size of the dwelling further¹. In light of these significant increases over and above the size of the original dwelling, the addition of the proposed garage of considerable additional volume would result in a disproportionate addition over and above the size of the original dwelling.
9. Consequently, I find that by reason of the resultant disproportionate additions, the garage forming part of the appeal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Paragraph 149(c) of the Framework.
10. The proposed access and access road do not fall within the list of exceptions under paragraph 149 of the Framework. They are however covered under paragraph 150 of the Framework as engineering operations that are not inappropriate in the Green Belt provided, they preserve its openness and do not conflict with the purposes of including land within it which I deal with below.

Openness and purposes

11. Paragraph 137 of the Framework states that the essential characteristic of Green Belts is their openness.
12. The provision of the double garage with an upper floor within the roof, and associated engineering operations forming the access and access road, would be solid, man-made features where no buildings or similar access currently exist. As such, they would have a spatial effect on openness. The site can be seen from the B3108 and would be glimpsed through trees from the playing

¹ PL/2021/09930 and 18/05192/FUL

fields broadly to north and from the railway line and beyond broadly to the east. The building, access and associated activity would therefore have a visual effect on openness.

13. Whilst the proposed new tree planting would help to screen the building, this would be likely to take time to establish and would not reduce the spatial impact from the proposal or be likely to mitigate the full visual impact from the building and access from all surrounding views.
14. In light of the above, the proposal would have an effect on the openness of the Green Belt in spatial and visual terms.
15. Paragraph 138 of the Framework lists the five purposes that the Green Belt serves. One of these purposes is to safeguard the countryside from encroachment. Considering the spatial and visual effect on openness from a site on rising land, and as the proposal would be visible and add to the existing development in the area, it would result in development that encroaches into the countryside. As a result, the proposal would be contrary to the purpose detailed within paragraph 138 c) of the Framework.

Landscape and Scenic beauty

16. The appeal site forms part of a garden and is located on rising land off the B3108. There are a couple of trees on adjoining land overhanging part of the site but otherwise the site is open and can be viewed from the road roughly to the north and east of the site, from the railway line and further beyond broadly to the east.
17. The appeal site is located within the AONB. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's and that the scale and extent of development in these designated areas should be limited. The AONB in this location is characterised by generally undeveloped undulating farmland and woodland and by the valley floor containing the river Avon.
18. Whilst the proposed garage would be of a suitable design and appearance and relatively limited in scale and extent, it is proposed in a prominent elevated position on rising land physically and visually detached from the associated dwelling. By reason of this, the proposal would result in the introduction of the garage and associated access that would be overly prominent and incongruous in the landscape. This would have a harmful urbanising effect on the area failing to conserve or enhance the landscape and scenic beauty of the AONB.
19. I have found above that the planting proposed to screen the building would be likely to take time to establish and be unlikely to fully screen the full extent of the building and access from all surrounding viewpoints. Although there would be wider benefits from the planting of new trees, this would not adequately screen the development or outweigh the harmful visual impact from the proposal in the landscape.
20. In light of the above, I conclude that the proposal would be harmful to the landscape and scenic beauty of the AONB to which I give great weight. As such, it is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy (January 2015) (CS) and the Framework. Amongst other things, these seek to protect, conserve and where possible enhance landscape character, afford

great weight to conserving and enhancing landscapes and scenic beauty, and ensure high quality design relating positively to landscape setting.

Highway safety

21. The existing dwelling does not benefit from vehicular access. At present, the appellant uses a substandard informal pull-in lay-by off the A36 to park as detailed within the appellants Highway Consultants Technical Notes and reports. This lay-by would be closed off if planning permission is granted for the new access.
22. The proposed access would be off the B3108 close to a bend in the road. I witnessed at my site visit that cars were generally travelling below the speed limit and within their respective lanes in both directions due to limited visibility created by the bend in the road.
23. The Framework sets out at paragraph 110 that applications for development should ensure that safe and suitable access can be achieved for all users. In this instance, visibility splays are necessary to ensure the safety of users of the B3108 including those exiting the proposed access.
24. Even if I were to accept the appellant's latest visibility splays/figures the proposal would have reduced visibility to the left compared to that required by Manual for Streets 2. This reduced visibility also relies upon a sight line across adjoining land outside of the ownership or control of the appellant. I have not been presented with a formal mechanism to provide certainty that the visibility splay would remain free from obstruction. If the visibility were to become obstructed, drivers exiting the access would have very limited views of users of the highway to the left, which as well as vehicles could include vulnerable road users including horse riders and cyclists. Similarly, other road users would have limited advance warning of vehicles exiting the access. These concerns would not be adequately addressed or overcome through the provision of signage or by the adjacent bank being constructed from materials restricting significant growth of vegetation. I do not find that the reliance on the neighbouring landowner informally maintaining the visibility splay free from obstruction for their own benefit provides adequate certainty or justification for the proposal. This is particularly the case given the neighbouring dwelling benefits from an alternative vehicular access further from the appeal site with better visibility.
25. Whilst the appellant proposes to cease the use of the existing informal pull-in lay-by off the A36, which would provide a benefit to highway safety and improved parking for visitors and deliveries, any benefit would be offset by the resulting harm to highway safety from the proposed access. In light of the reduced visibility from the proposed access close to a bend, sight line across land outside of the control of the appellant, and lack of evidence of any vehicular accidents or harm to pedestrians at, or caused by, the existing lay-by on the A36, I do not find that the proposal provides a benefit over the existing access adequate to justify the proposal. I find this to be the case even noting that this alternative location was previously suggested to the appellant by the Council, that vehicle speeds and numbers are generally lower on the B3108 than the A36, and that the new access would allow the appellant to exit their site in both directions potentially reducing travel distances and aiding a reduction in the use of the car.

26. I therefore conclude that the proposal would cause harm to highway safety with particular regard to visibility. As a result, it would be contrary to Core Policies 57, 61 and 62 of the CS and the Framework. Amongst other things, these seek a high standard of design with roads designed to create places which are safe, that the proposal is capable of being served by safe access to the highway network, and provide appropriate mitigating measures to offset any adverse impacts on the transport network.

Protected species and integrity of European and international sites

27. The site forms part of the residential garden to the appeal property and although it was slightly overgrown and not laid out as a formally used garden at the time of my site visit, as a garden area it could be maintained, mowed, or strimmed at any time. The proposal would require the removal of some of this vegetation.
28. As stated above, the site falls within a Consultation Zone for the Bradford-on-Avon Bat SAC comprising of a network of significant underground sites, network of caves, mines and man-made tunnels. The SAC is protected via the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I am statutorily required to take appropriate steps to conserve biodiversity.
29. The SAC is designated in order to protect the population of bats and prevent damage to bat roosts, feeding areas and routes used for travel by bats. Loss, damage or disturbance of individual roosts can degrade the integrity of the overall roost network and bat populations. Loss, damage or changes to foraging habitats and/or commuting routes can impact upon the availability of food and therefore effect population numbers.
30. Where development falls within one of the Core Areas as identified within Appendix 2 of the Bat Special Areas of Conservation Planning Guidance for Wiltshire (PG) and could potentially affect one or more features, potential impacts should be considered at an early stage in order to inform site selection and scheme design and timetables. Paragraph 4.1 of the PG outlines the broad impacts to be considered at an early stage.
31. Considering the lack of trees on the site, relatively small extent of footprint, given the site can be mowed or strimmed at any time, where artificial lighting and activity can already take place, and in the absence of any history of protected species on the site, I find that the sites value for protected species is likely to be very limited, if any. Moreover, in light of its use as part of the garden to the appeal property, I do not find that the appeal proposal falls under any of the categories within paragraph 4.1 to the PG detailing the circumstances when broad impacts upon bats should be considered. Consequently, I am satisfied that likely significant effects to the ecological integrity of the SAC would be avoided.
32. In light of the above, I conclude that the proposal would not have a harmful impact upon protected species or the integrity of European or international sites. As such, it would not be contrary to Core Policy 50 of the CS and the Framework. Amongst other things, these seek to ensure that development proposals demonstrate how they protect features of nature conservation value,

would have no adverse effect upon Natura 2000 network and integrity of a European nature conservation site and protect and enhance biodiversity.

Other considerations

33. The appellant considers that the benefits to highway safety from the new access, with regard to the removal of the use of the existing pull-in lay-by off the A36, weigh in favour of the proposal. However, as I have identified above, the proposed access would in itself be unsafe and be harmful to highway safety. As a result, the proposal would not improve highway safety and I therefore give the cessation of the use of the existing lay-by little weight.

Conclusion

34. The proposal results in a harmful loss of openness to the Green Belt. As a result, the proposal would be inappropriate development in terms set out by the Framework. The Framework requires substantial weight to be given to any harm to the Green Belt. This weighs heavily against the proposal.

35. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I have given little weight to the other considerations cited in favour of the development. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the scheme do not therefore exist.

36. Overall, for the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

C Rose

INSPECTOR



Appeal Decisions

Site visit made on 21 August 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/Y3940/F/22/3308216

14 Budbury Place, BRADFORD-ON-AVON, Wiltshire, BA15 1QF

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Mr Mark Cottle against a listed building enforcement notice issued by Wiltshire Council.
 - The enforcement notice, numbered ENF/2022/00131 & 00132, was issued on 7 September 2022.
 - The contravention of listed building control alleged in the notice is It appears to the Council that the works (the "Works") specified below have been executed to the Building and constitute unauthorised works in contravention of Section 9(1) of the Act: 1) Without listed building consent, the erection of a ventilation cowling on the Building (shown in the attached document entitled "Notice Photographs 1"). 2) Without listed building consent, the erection of two wooden screens attached to the Building (shown in the attached document entitled "Notice Photographs 2"). 3) Without listed building consent, the erection of closed-circuit television (CCTV) cameras, security type lights and a burglar alarm type box on the Building.
 - The requirements of the notice are 1) Remove the ventilation cowling from the Building and block-up the ventilation cowling opening with stonework matching exactly the existing surrounding stonework by tying-in and keying-in the stonework so that it blends seamlessly with the existing surrounding stonework and so that the colour, mix, finish and materials of the mortar used in the stonework match exactly the existing surrounding mortar. 2) Remove the two wooden screens from the Building. 3) Remove all closed-circuit television (CCTV) cameras, security type lights and the burglar alarm type box from the Building.
 - The period for compliance with the requirements is 4 months.
 - The appeal is made on the grounds set out in section 39(1)(a), (c), (e), (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Appeal B Ref: APP/Y3940/F/22/3308224

12 Budbury Place, BRADFORD-ON-AVON, Wiltshire, BA15 1QF

- A similar appeal is made by Mrs Sarah Cottle, but it also includes a ground (b) for the vent and cowling.
-

Decisions

Appeal A – 3308216 and Appeal B - 3308224

1. It is directed that the listed building enforcement notice be corrected by deleting "*and a burglar alarm type box*" from allegation 3 and varied by deleting "*and block-up the ventilation cowling opening with stonework matching exactly the existing surrounding stonework by tying-in and keying-in the stonework so that it blends seamlessly with the existing surrounding stonework and so that the colour, mix, finish and materials of the mortar used in the stonework match exactly the existing surrounding mortar*" from requirement 1; and deleting requirement 3, replacing it with "*Remove the*

single white closed circuit television (CCTV) camera on the front façade of No14 and all security type lights from the building"; and by deleting "4 months" from the period for compliance and replacing it with "6 months". Subject to these corrections and variations, the appeals are dismissed the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

The site

2. Budbury House is a large former industrial building that occupies a prominent position on top of the hillside above Bradford-on-Avon. The steep hill has been terraced and below Budbury House lies an area called Tory, filled with cottages and larger town houses accessed by narrow and steep lanes that are mostly pedestrian only. It is possible to wend ones way down to reach the town below. Budbury House has now been converted into three dwellings and the notice covers two of these, Nos 12 and 14.

The Appeal on Ground (a)

3. This ground is that the building is no longer worthy of listing. I should point out firstly that this is a difficult ground to argue and success depends on demonstrating that the building has ceased to have any value as a heritage asset. The appellant has provided considerable evidence concerning rebuilding or modern renovations to the building and the lack of any historic features, especially internally. That as maybe, but a simple glance at the building shows that it retains the form and simplicity of a typical large stone late-Georgian industrial building, of which there are many examples in the town. Bradford was originally an industrial mill town and much of its former heritage has survived, generally converted into dwellings, of which the appeal building is a good example. It retains the former pair of industrial shallow-arched entrances on the front elevation, albeit now filled-in to support domestic front doors, but retains the appearance of a converted industrial use.
4. The listing refers only to its exterior appearance, but of most importance it describes it as "*In a vitally important position overlooking the town. Budbury House forms an important group with all the listed buildings in Tory*". So it is clear it was primarily listed because of its position in the town generally and more specifically in relation to the area called Tory. This position remains unchanged, the building is still prominent and there is no alteration in its relationship to Tory, which is filled with listed buildings. Taking all this together there is nothing to suggest to me the building has ceased to have any heritage value and should be de-listed.

The Appeal on Ground (c)

5. This ground is that there has been no contravention of the Act. In other words the various items attached to the building do not affect its value as a heritage asset. The various items that concern the Council and which have been attached to the building are an alarm box, security light and camera on the side elevation of No12, a ventilation cowling, security camera and light on the front elevation of No12, a security camera and light on the front elevation of No14, a single fence panel dividing the front garden of Nos 14 from the end house called 'Budbury House' and a double fence panel dividing the front gardens of Nos14 and 12.

6. The front of the building is not accessible to the public as it stands on a private drive. The hillside below is so steep that views back towards the site are not really possible until one is down in the town and at that distance the items in question cannot be seen with the naked eye. However, the fact they are not readily visible to the public does not mean they have caused no harm to the listed building. They are readily visible to occupiers of the building and to the neighbours and anyone visiting the property.
7. The security lights are basic, modern lights that stand out as scruffy and wholly incongruous. They clearly have harmed the special architectural or historic interest of the building.
8. The security cameras are of two different designs. Two are small, black rectangles that are fitted to the lower frame of the windows. They are hard to see, even from close up, and have not displaced any historic fabric or features. I agree that they have not caused any harm. The third is a larger white unit, fastened to a block on a windowsill, which is much more noticeable and appears random and incongruous. It does cause harm.
9. The alarm box is a typical rectangular box, high up on the side elevation. The Act does not envisage that any modern additions to a listed building are harmful, only those that affect its character as a building of special architectural or historic interest. Discretely positioned alarm boxes are a feature of many listed buildings around the country and do not necessarily look out of place. I was shown many photographs of such buildings in the area that had alarm boxes which reinforces the sense they can be acceptable. In this case I find the box, although it is clearly a modern addition, unlike the lights and the white camera does not stand out, but is modest, subtle and fairly discrete, it does not therefore cause any harm.
10. The metal cowling on the front of the building is unusually large. The Council suggest an alternative location would be preferable, but the appellant argues the large duct was already in place when he moved in and is happy to redesign the cowl. This sort of ventilation is not unusual on converted buildings and the appellant has reported considerable concerns with condensation in the kitchen area the duct is designed to serve. I agree that the cowling is the issue and even with the large hole, a more subtle finish is entirely possible. The cowling, as it stands, however, is large and introduces an unnecessary contemporary intrusion to the front facade and so clearly is harmful.
11. The notice identifies three wooden fence panels (which it calls 'screens'), one between No14 and Budbury House and two between Nos14 and 12. When I carried out my site visit the second panel between Nos14 and 12 had been removed, but I shall deal with the two panels as in the allegation.
12. These are standard 6' solid fence panels and abut the front wall of the building providing screening at the top of the front gardens. This would seem to be the main outdoor area for the three dwellings. The rest of the garden is bounded by a low picket fence to which the Council do not object. The frontage would originally have been open across the whole building. It has now been subdivided into 3 gardens so I can understand the desire for some privacy, but the solid wooden panels look basic and out of place. Whatever happens, some element of sub-division will be necessary and will detract from the former open nature of the industrial use, but the effect of the large, solid fence panels is crudely obvious and clearly harms the building.

13. I shall correct the notice to remove reference to the alarm box and the two small black security cameras. The other matters have all harmed Nos12 and 14 and affected their character as a building of special architectural or historic interest.

The Appeal on Ground (e)

14. This ground is that the matters alleged should be granted listed building consent. I think it is clear from the discussion under ground (c) that I find the security lights and the white security camera to be incongruous and harmful. I accept there may well be a need for security arrangements involving lighting, but those chosen are cheap and tacky and their impact on the simple clean lines of the front and side façade of the building do not seem to have been thought through. I consider there are numerous ways that security lighting can be provided that does not involve the use of these lights. In the phraseology of the NPPF they cause less than substantial harm but there are no countervailing public benefits that outweigh that harm.
15. I have already found the two small black security cameras do no harm, but the larger white one does. As I found for the lights, there is clearly a better way of providing security than this camera which causes less than substantial harm with no offsetting public benefits.
16. Similarly with the cowling, there is a better solution than the large silver disc currently installed. However, the notice requires the ducting hole to be filled in as well. The appellant argues this was part of the original planning permission for the conversion. I do not have those plans so I cannot be sure. But whatever the truth of the matter a more discrete and less crudely modern solution would suffice. As it stands the cowling causes less than substantial harm with no offsetting public benefits.
17. Finally the fence panels. It is clear from the ground (c) discussion that I find these to be harmful, but that some form of sub-division is necessary and again with some thought could be achieved without the large solid panels currently in use.
18. There is also the question of the cumulative effect of all these relatively small additions to the building. Taken altogether, the items I have discussed above do cumulatively harm the listed building, however, with careful design there is no reason why all these elements should not be sensitively integrated into the façade of the building but this will require co-operation between the appellant and the Council.

Other Matters

19. The appellant has made a ground (b) appeal for the cowling. That is the matters alleged have not occurred. I think the argument is that the cowling was granted planning permission originally and so cannot now be an issue for the listed building. However, the Act is quite clear that it is an offence to carry out any works for the for the alteration of a listed building in any manner which would affect its character as a building of special architectural or historic interest. This is regardless of whether those works have planning permission or not, who carried them out or when. So, given my conclusions above, the appeal on ground (b) is bound to fail.

Conclusion

20. I shall correct the notice as discussed above to remove reference to the alarm box and two of the cameras, and to remove the requirement to block up the vent hole. The final appeal is on ground (h) that the time period is too short. I shall extend this to 6 months to enable the appellant to agree a scheme to replace the offending items with ones that are more acceptable.

Simon Hand

INSPECTOR

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Appeal Decision

Site visit made on 3 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/Y3940/W/22/3310947

Land Adjacent to 6 Guinea Cottage, Forest Road, Melksham SN12 7RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richard Bourne against the decision of Wiltshire Council.
 - The application Ref PL/2022/02675, dated 2 March 2022, was refused by notice dated 15 July 2022.
 - The development proposed is described as “a residential house at which applicant can live in order to attend to livestock and other farming duties”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above address is taken from the decision notice as it is more comprehensive.
3. The application has been submitted in outline with all matters reserved.
4. Since the Council made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and I am satisfied that the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.

Main Issues

5. The main issues are:
 - Whether there is an essential functional need for a new dwelling in this location;
 - Whether the proposal would comply with national and local planning policy which seeks to reduce the need to travel, particularly by vehicles; and,
 - The suitability of the location for a dwelling bearing in mind that the site is within Environment Agency Flood Zone 3.

Reasons

Need

6. The development proposes a new dwelling in a remote location, some distance away from the nearest settlement. As such, the appeal scheme would clearly

represent an isolated home in the countryside. Core Policy 48 of the Wiltshire Core Strategy Adopted January 2015 (the WCS) states that outside the defined limits of settlements, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interest of agriculture or forestry or other employment essential to the countryside. It further states that such proposals should be supported by functional and financial evidence.

7. The policy approach is consistent with paragraph 80 of the Framework, which states that planning decisions should avoid the development of isolated homes in the countryside unless one of a number of specific circumstances apply. One such circumstance is where there is an essential need for a rural worker to live permanently at or near their place of work.
8. In this regard, whilst I acknowledge a farmhouse was sold, there is only limited information before me about the extent and nature of the farming business, or how long it has operated for. Whilst the appellant has referred to the management and welfare of livestock, there is little detail of any livestock numbers or a farming business, including financial evidence. Moreover, little justification has been submitted to explain why a dwelling on the site is necessary in relation to welfare of livestock, including what, if any, negative effects arise from the current situation. Accordingly, there is little compelling evidence to demonstrate that a new permanent dwelling would be justified on livestock management and welfare grounds.
9. I note it is asserted the proposed development is necessary in the interests of security. However, only limited details have been provided in this regard and the evidence before me does not demonstrate that alternative security methods, such as CCTV or alarm systems, have been fully explored and discounted by the appellant. Accordingly, there is little substantive evidence to demonstrate that a new dwelling would be justified on security grounds.
10. Overall, in conclusion on this main issue, there is insufficient evidence to demonstrate that there is an essential functional need for a new dwelling in this location. Consequently, the proposed development would be contrary to the provisions of Core Policy 48 of the WCS.
11. Chapter 6 of the Framework refers to building a strong, competitive economy. Whilst the Council has referred to this in their reason for refusal, I find no conflict with this Chapter of the Framework.

Travel

12. Core Policies 60 and 61 of the WCS seek to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. Whilst there is a range of services and facilities within Melksham, access from the site would be via a long and rural stretch of narrow, unlit and unpaved road. This would be uninviting for pedestrians or cyclists to have to navigate particularly in the dark or during inclement weather conditions. Therefore, future occupants would likely be largely dependent on private vehicles for access to facilities and services to meet their day-to-day needs.
13. Vehicle trips would be generated by the existing use of the site, and I note that the appellant currently travels to the site each day to attend to livestock.

However, future occupiers of the proposed dwelling would be likely to generate movements via private motor vehicles, for example, via trips to access essential services and facilities, deliveries and visiting friends or family.

14. As such, it is likely that future occupiers of the proposed development would be reliant on the use of the private car to make most of their journeys for local services and facilities. Consequently, the proposed development would be contrary to the provisions of Core Policies 60 and 61 of the WCS. It would also be contrary to chapter 9 of the Framework where it seeks to promote sustainable transport.

Flooding

15. There is no dispute between the parties that the site lies within Flood Zone 3. Planning Policy Guidance (PPG)¹ and the Framework² aim to steer development to areas with the lowest probability of flooding through a sequential test. The Framework, under footnote 55, states that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3.
16. Core Policy 67 of the WCS requires that development proposed within Flood Zones 2 and 3 will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority. This is in order to apply the sequential test in line with the requirements of national policy and established best practice.
17. Whilst the appellant has spoken with the Environment Agency, no FRA has been provided and no sequential test has been carried out. Consequently, there is insufficient information regarding the risks and effects of flooding at the site and elsewhere, or the availability of alternative sites. As such, on the basis of the information before me, it has not been satisfactorily demonstrated that the principle of development at this site is acceptable.
18. For these reasons, the proposal would be contrary to Policy 67 of the WCS. It would also be contrary to the principles within Chapter 14 of the Framework, which seek to steer development to areas with the lowest risk of flooding and where it requires FRAs and a sequential test to be provided for schemes in Flood Zone 3.

Planning Balance

19. I have found there is insufficient evidence to demonstrate that there is an essential functional need for a new dwelling in this location and it is likely that future occupiers of the proposed development would be reliant on the use of the private car to make most of their journeys for local services and facilities, and there is insufficient information regarding the risks and effects of flooding at the site and elsewhere or the availability of alternative sites. These are matters of considerable weight respectively.
20. The proposal would conflict with the development plan as a whole and there are no other considerations identified, including the provisions of the Framework, which justify a decision otherwise than in accordance with the development plan.

¹ Paragraph: 023 Reference ID: 7-023-20220825

² Paragraph 162

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR



Appeal Decision

Site visit made on 15 August 2023

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/Y3940/W/23/3318981

Land adjoining 59 and 60 Summer Down Walk, Trowbridge BA14 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Wareham against the decision of Wiltshire Council.
 - The application Ref PL/2022/06812, dated 31 August 2022, was refused by notice dated 27 February 2023.
 - The development proposed is erection of attached dwelling and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on the living conditions of neighbouring occupiers at No's 59 and 60 Summer Down Walk, and
 - whether the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to the size of the dwelling.

Reasons

Character and appearance

4. The site is viewed in association with the general pattern of development on Summer Down Walk and Marston Road that is characterised by a uniformity of detached, semi-detached and terraced properties in a staggered arrangement. These properties are either set back from the road behind reasonable sized front gardens or face onto footpaths and green space that run through the area with parking provided off roads to the rear of the properties. In both cases, gaps between dwellings, particularly between pairs of semi-detached properties, form part of the planned character of the area.
5. No's 59 and 60 Summer Down Walk form part of a pair of separate semi-detached dwellings with their side elevations, containing their entrances,

broadly facing each other across the gap between them. The proposal would add a dwelling within this gap and result in the provision of a porch to the front of No.59 to provide it with suitable access. The development is proposed in matching materials and with matching eaves and ridge heights following the existing building line.

6. The proposed dwelling would occupy the majority of the gap between the properties, leaving a path for access. Consequently, the proposal would result in the loss of a considerable extent of the gap between the properties that forms part of the character of the area. This would disturb the symmetry of the existing semi-detached pairs. In this regard, the proposal does not adequately address the concerns raised by the Inspector dealing with a previous appeal on the site¹.
7. I accept that other similar dwellings² in the area have benefitted from built form to their sides and within gaps, but they are generally either narrower than the appeal proposal, more subservient in nature, comprise side extensions, or in a different context. I also note that some of these pre-date the existing local plan and National Planning Policy Framework (the Framework). In light of this, and as I have a duty to consider the proposal on its merits, these other developments do not justify the loss of such an extent of the visual separation between No's 59 and 60 that contributes positively to the open character of the estate.
8. The proposed dwelling would be considerably narrower than No's 59, 60 and the other dwellings forming this pair of semi-detached properties. As a result of this, the proposed dwelling would also appear incongruous, cramped and at odds with the prevailing built form. This would be the case when viewed from the grassed public realm to the front of the site, and from the parking area to the rear despite its more functional setting. Due to the width of the dwelling, the likely provision of separate gardens, accesses and parking, the proposal will not appear as an extension to No.59.
9. There are no similar porches to the fronts of No's 55-61 Summer Down Walk. Although porches are common in the wider area, the proposed porch would appear out of character and further disturb the symmetry of the pairs of semi-detached properties that benefit from side accesses. I acknowledge that a porch could be constructed under permitted development rights, but I give this limited weight given that its provision would be unlikely without the proposed development.
10. Considering the short length of the private gap proposed between the proposed dwelling and No.60, presence of the side entrance doors to the proposed dwelling and No.60, and its visibility from the public domain, it would not be likely to give rise to a harmful level of antisocial behaviour. I also accept that the area could also be lit with external lighting to make it safer.
11. For the above reasons, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area. Accordingly, in relation to this main issue, the proposal would not comply with Core Policy 57 of the Wiltshire Core Strategy (January 2015) (CS) and the Framework which seek to ensure, amongst other things, that development is of a high standard

¹ APP/F3925/A/08/2086556

² 34 Bennett Road, 1-6a 2, 3 and 58 Summer Down Walk

of design, draw on the local context and is complementary to the locality, enhance local distinctiveness and the existing pattern of development and achieve well-designed places.

Living conditions of neighbouring occupiers

12. The orientation of the proposed dwelling would result in its side elevation being in close proximity with the side elevation with No. 60 Summer Down Walk. The proposal would therefore narrow the existing usable gap between the properties.
13. The side elevation to No.60 facing the proposed dwelling is particularly sensitive to change as it contains its main entrance. By reason of the combination of the close relationship, depth and height of the proposal, and the extent of narrowing of the gap, it would result in an overbearing impact upon the side of No.60 and its access. For the same reasons, the proposal would result in an increased loss of natural light and feeling of enclosure to the side entrance to No.60. I have considered the examples of similar gaps to the sides of 6 Summer Down Walk and 34a Bennett Road but they are not viewed in association with the appeal site, have a different character and do not therefore alter my assessment above.
14. In light of the proposed dwelling being attached to the side of No.59 directly in line with its front and rear elevations, and despite its orientation broadly to the south, any overshadowing from the proposed dwelling would be over the front and rear gardens to No.59. Moreover, any overshadowing would be limited in extent and time.
15. For the above reasons, and although I have found no harm to the living conditions of the neighbouring occupiers of No.59 Summer Down Walk, I conclude that the proposal would have a significant harmful effect on the living conditions of the neighbouring occupiers at No.60 Summer Down Walk. Accordingly, in relation to this main issue, the proposal would not comply with Core Policy 57 of the CS and the Framework. Amongst other things, these seeks to ensure that new development has regard to the compatibility of adjoining buildings, impact on amenities of existing occupiers with a high standard of amenity for existing users.

Living conditions of future occupiers

16. Despite the smaller footprint of the dwelling in comparison to surrounding properties, the proposed development would benefit from accommodation arranged over two floors. Over the two floors the dwelling would benefit from a separate kitchen, toilet, lounge, two bedrooms and a bathroom. This would provide adequate facilities for individuals, couples or a small family. In addition, the proposed plans demonstrate that adequate space would be provided to meet basic furniture needs and provide suitable circulation space.
17. The Nationally Described Space Standards prescribe minimum gross internal floor areas and storage. However, the failure to meet the technical requirements does not necessarily mean that living accommodation would be unacceptable or sub-standard. Moreover, in the absence of a development plan policy securing these standards, they carry limited weight.
18. Whilst a bedroom to the proposed dwelling may end up facing a streetlight, such arrangements are not uncommon, and the dwelling would be positioned a

suitable distance away from the light such that it would not cause demonstrable harm to the occupiers living conditions.

19. For the above reasons, I conclude that the living conditions of future occupiers of the proposed developments would be acceptable with particular regard to the size of the dwelling. Accordingly, in relation to this main issue the proposal would not conflict with Core Policy 57 of the CS or the Framework, which, amongst other things, seeks to ensure a high standard of design, and high standard of amenity for future users.

Other considerations

20. The provision of two parking spaces per dwelling, a suitable access and lack of harm to ecology and surface water drainage are neutral factors in my consideration as they are requirements of local and national planning policy.
21. The development would harm the character and appearance of the area, the living conditions of neighbouring occupiers and be contrary to the local development strategy. The relevant policy is largely consistent with the Framework where it states that planning decisions should reflect the character of an area and provide a high standard of amenity for existing and future users. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with this policy.
22. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. the Framework should be applied. The appeal proposal would provide a number of benefits, including providing much needed housing of a small scale which would contribute towards the supply and mix of housing in the area with good accessibility to services and facilities in Trowbridge. It would bring forward a small windfall site making a more efficient use of land, benefit the local economy from construction works and associated spending from the occupiers, and contribute towards CIL Payments and Council Tax.
23. However, given the scale and nature of the development, the benefits would be limited. In contrast, I have found that the appeal proposal would result in significant harm to the character and appearance of the area and living conditions of neighbouring occupiers. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
24. I acknowledge the appeal decision in *Devizes*³ but in that case the Inspector identified only small harm from the proposal with the benefits outweighing this. With regard to the current appeal, I have identified significant harm to the character and appearance of the area and living conditions of neighbouring occupiers that are not outweighed by the benefit from one dwelling. As a result, the appeal decision in *Devizes* is not comparable and does not alter my findings above.

Conclusion

25. Although I have found no harm to the living conditions of future occupiers, the proposal would harm the character and appearance of the area and living

³ APP/&3940/C/20/3261363

conditions of existing occupiers. In my view, these are the prevailing considerations, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.

26. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR

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Appeal Decision

Site visit made on 6 September 2023

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th September 2023

Appeal Ref: APP/Y3940/D/23/3324621

3C Kingsfield Grange Road, Bradford-on-Avon, Wiltshire, BA15 1BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Simpson against the decision of Wiltshire Council.
- The application Ref PL/2022/08288, dated 26 October 2022, was refused by notice dated 11 May 2023.
- The development proposed is extension to dwelling.

Decision

1. The appeal is allowed and planning permission is granted for extension to dwelling at 3C Kingsfield Grange Road, Bradford-on-Avon, Wiltshire, BA15 1BE in accordance with the terms of the application, Ref PL/2022/08288, subject to the conditions set out in the attached Schedule.

Main issues

2. The main issue is the effect of the proposals on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal property is a detached bungalow. A previous application to extend was refused permission by the Council, and a subsequent appeal was dismissed¹. The appeal decision is material to my considerations. The previous scheme also involved extensions, but the extensions and alterations proposed now are more radical, in that they would result in the visual transformation of the building. The bungalow's roof would be removed and replaced with an additional flat-roofed first floor, and a new two-storey wing is also proposed.
4. The Council takes the view that the existing bungalow would be '*overwhelmed*' by the bulk of the additional storey and the character and appearance of the host property would no longer be discernible. The '*rectangular volume*' as described by the Council would be read as a '*clumsy architectural element that would not read as a good or complementary design*' as it would not '*cohesively blend with the existing aesthetic and character of the surrounding bungalows*'. The resultant shape of the building and its flat roof, in the Council's view, would jar and juxtapose awkwardly with the design of neighbouring properties.

¹ Ref APP/Y3940/D/21/3278687, dated 23 December 2021.

5. The Council's reasons for opposition are shared by two local residents, the residents of Woodcote, a neighbouring dwelling. But I also note the contrary views expressed by the Bradford-on-Avon Preservation Trust, whose prime concern centred on protecting the setting of the nearby listed building, Conigre House (*Grade II*). The Trust said:

We have taken the view that the existing bungalow is of no architectural merit whereas the proposals represent relatively good design that is of a contemporary appearance. The scale and mass of the current proposals are acceptable and the innovative design, with clean lines and a linear emphasis, is a significant improvement on that which exists at the present time. Furthermore, the use of timber cladding, if well insulated, is likely to improve the energy efficiency of the dwelling and the use of natural timber will in time once weathered soften to a silvered appearance.

6. Having regard to what I saw at the site and the submitted plans, I share the Trust's views on the design merits of the existing bungalow and the changes envisaged. I could hardly have expressed my opinion of the proposal better.
7. The bungalow is of recent origin and is set in a modestly sized garden. It is set at a lower level than the bungalow to the west, and its boundaries and access to it are well planted and vegetated providing a significant degree of natural screening. These factors, taken in combination, are such that the bungalow is not prominent in the local scene, being apparent only from a relatively few surrounding properties at an acceptable distance. It nestles comfortably into its verdant surroundings, and whilst the shape and appearance of the extended bungalow would be significantly different, I see no good reason why the proposal if built would not also sit acceptably in its visual context.
8. I therefore conclude that whilst the development would transform the appearance of the host property, it would be for the better in design terms. This would be achieved without harmfully affecting the character and appearance of the surrounding area.
9. Accordingly, I find no conflict with the thrust of those provisions of Core Policy 57 of the Wiltshire Core Strategy directed to achieving high quality design in all development, including house extensions, complementary to the locality. Neither do I find a conflict with the objectives of policies BE1 and BE2 of the Bradford on Avon Neighbourhood Plan directed to protect manage and enhance the built environment of the town.

Conditions

10. The Council's suggested conditions regarding materials and that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of amenity and certainty respectively.
11. To safeguard neighbouring privacy, the two conditions suggested by the Council in respect of windows and openings are imposed, albeit in a modified form.

Other matters

12. All other matters referred to in the representations have been taken into account, including the Town Council's comments and references to the setting

of the listed building already referred to above. I share the Council's and the Trust's assessments on this aspect.

13. I am content that neighbouring amenity would not be put at risk, and conditions are imposed to protect privacy, both for neighbours and future residents of the extended dwelling. Given the separation distances, I do not consider that the small windows proposed for two of the first floor bedrooms would materially affect neighbouring privacy. The larger window proposed in the third bedroom faces the appeal property's garden and would not cause unacceptable overlooking of neighbouring property.
14. I have seen the references to other development plan policies, but those to which I have referred are considered the most relevant. The references to the *National Planning Policy Framework* have also been considered.
15. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be completed in accordance with the following approved plans: the location & proposed site plans; and Drawing Nos 645-P-01; 645-P-02 & 645-P-03.
3. No development shall proceed above slab level until the details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Before the development hereby permitted is first occupied the first floor windows serving bathrooms, dressing room, corridors and circulation space shall be glazed with obscure glass only [to an obscurity level of no less than level 2] and the windows shall be maintained with obscure glazing in perpetuity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the first floor elevations of the development hereby permitted.

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Report for the Western Area Planning Committee

Date of Meeting	22 nd November 2023
Application Number	PL/2023/05787
Type of application	Full planning permission
Site Address	Field off Whaddon Lane, Whaddon, Hilperton, BA14 7RN
Proposal	Change of use of land to a dog exercise field
Recommendation	Approve with Conditions
Applicant	Mr Eric Horgan
Town/Parish Council	Hilperton CP
Electoral Division	Hilperton ED
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application has been called to the Western Area Planning Committee by Councillor Ernie Clark citing the following concern:

- Intensification of Whaddon Lane by vehicular traffic

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 approved

2. Report Summary

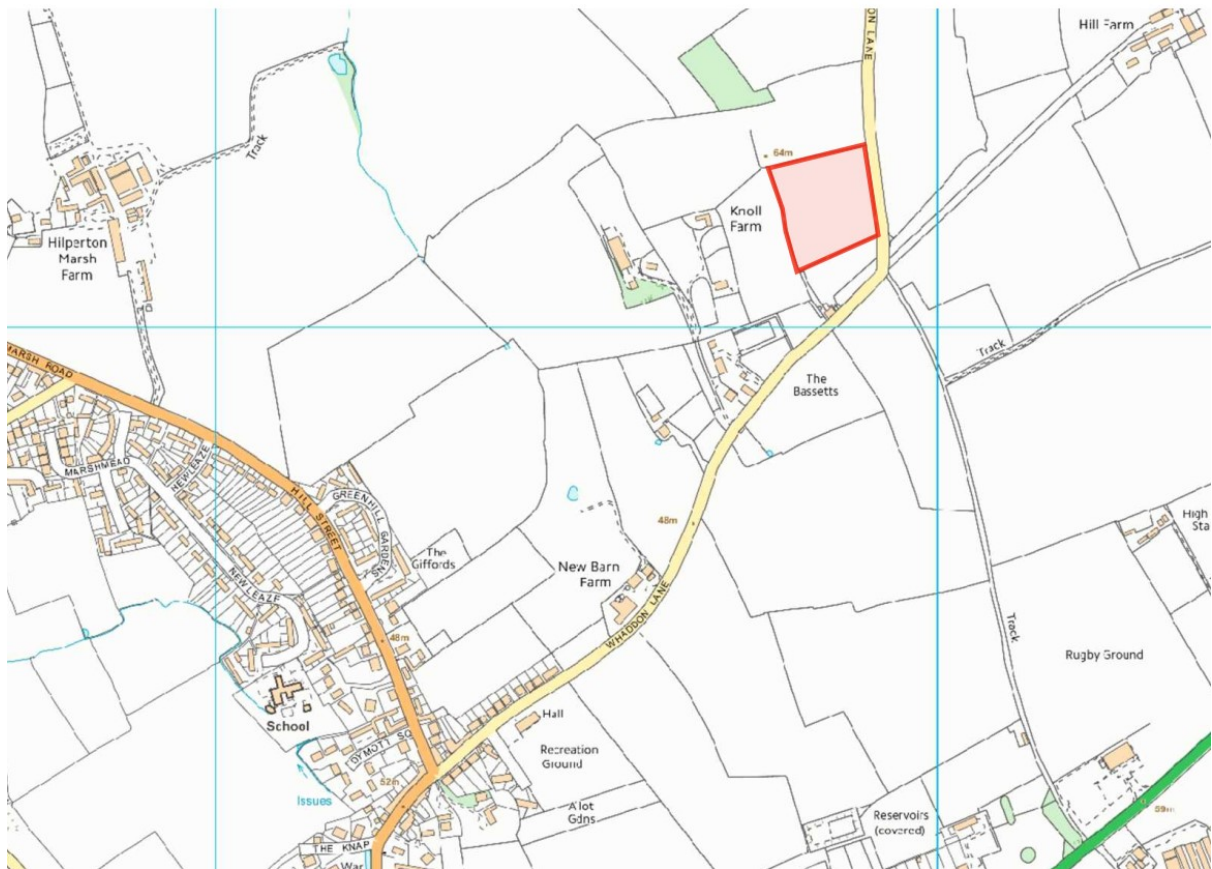
The key determining planning issue are considered to be:

- Principle of Development
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Highways

3. Site Description

The application site is located 0.6km to the northeast of Hilperton village and measures 1.78 hectares and is located between Maylands Farm (42m from the eastern site boundary and beyond Whaddon Lane) to the east and Knoll Farm, which includes a dwelling (around 100m

distant) to the west and has an existing gated vehicular access off Whaddon Lane where there is a passing space.



The existing / proposed access is shown below



The site has previously been used for livestock grazing and for the keeping of horses and an open view across the site is shown below. There are mature hedges on the East, North and West boundaries with a post and rail fence separating the site from a paddock to the south which is used for horses.



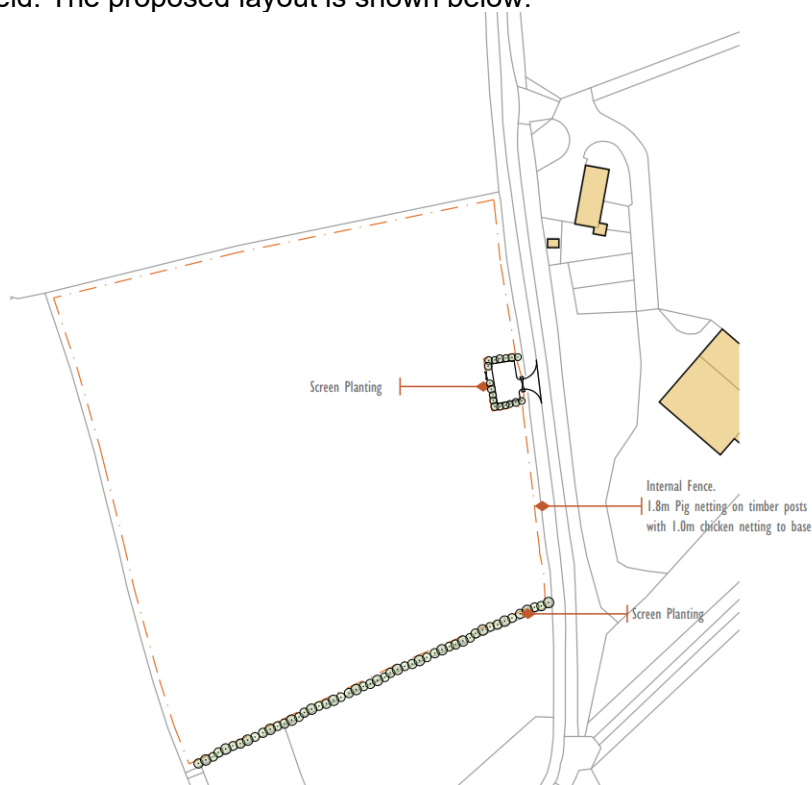


4. Planning History

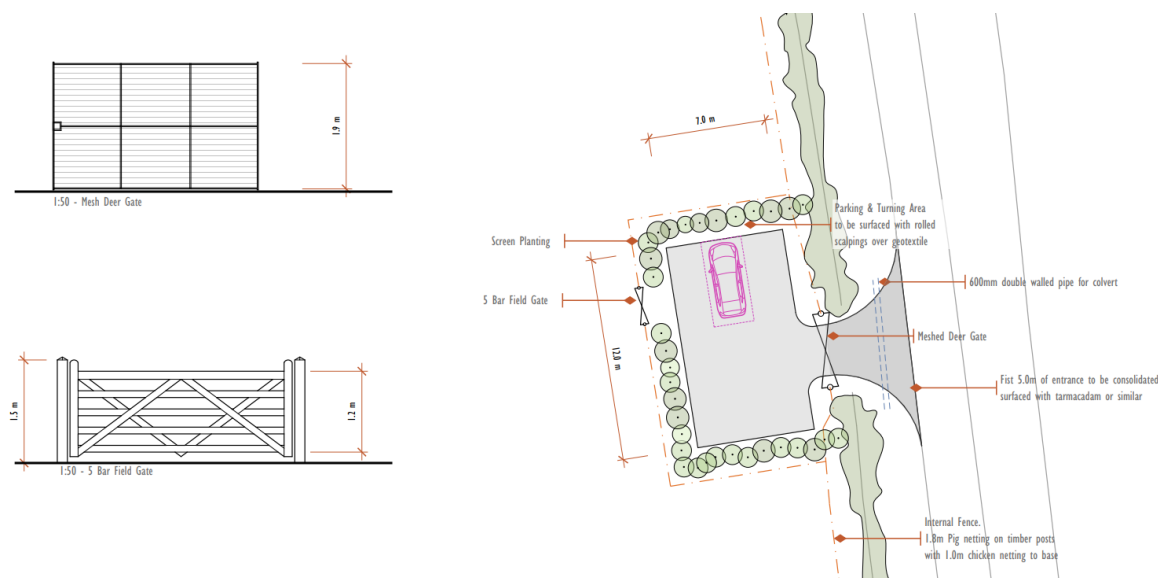
There is no relevant planning history for this application site.

5. Planning Proposal

The proposal seeks full planning permission is to use the land for dog exercising with an improved vehicular access and a small area of hardstanding to park up to two vehicles. A meshed deer gate secured using a coded entry system would be erected at the access with a five-bar gate leading from the parking area into the field providing pedestrian access for clients and their dogs. The existing boundaries would be bolstered with 1.8-metre-high post and rail fencing to create a secure area. The southern boundary would be temporarily screened with artificial hedging whilst a new proposed hedge establishes to limit visibility between the horse and the dog field. The proposed layout is shown below.



The following plan is a more detailed layout of the proposed access and parking area:



Clients would book one-hour sessions through an online portal separated by a 15-minute cross over period to ensure that the parking is clear for the next client. The hire of the field would be limited to private individuals (not commercial dog minders) with no more than 3 persons/1 car per booking. Hours of operation are proposed to be 7am to 7pm.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

CP29 – Spatial Strategy for the Trowbridge Community Area, CP48 – Supporting Rural Life
 CP49 – Protection of rural services and community facilities, CP50 – Biodiversity and Geodiversity, CP51 – Landscape, CP57 – Ensuring High Quality Design and Place Shaping
 CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management

Hilperton Neighbourhood Plan - The Hilperton Neighbourhood Development Plan was made on 5th November 2018 and covers the period 2017-2026

Other Material Considerations

- Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015)
- Trowbridge Bat Mitigation Strategy
- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7. Consultation responses

Hilperton Parish Council: Objects on the grounds that:

1. Change of use will mean a loss of agricultural land.
2. There will be an increase in the amount of traffic using Whaddon Lane, already causing problems for cyclists and walkers.
3. Motorists will be encouraged to use the surfaced Trowbridge to Melksham cycle track.

Wiltshire Council Public Protection Officer: No objections subject to conditions

Wiltshire Council Highways: No objection to the amended plans subject to conditions

8. Publicity

No third-party letters of support or objection have been received by the Local Planning Authority.

9. Planning Proposal

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 Core Strategy does not have a policy that directly relates to this proposal. However, the adopted Core Strategy at its very heart seeks to promote and deliver sustainable forms of development that extends to supporting existing businesses and rural businesses; protecting the natural, built and historic environment as well as protecting neighbouring amenity. These principles are also enshrined within the NPPF.

The aim of the proposed use is to allow safe exercise of dogs that may otherwise not be able to use public open spaces for reasons relating to behaviour particularly with competing users of those spaces. The exercising of dogs is akin to a recreational use which is an acceptable use in the open countryside with minimal impacts upon the character and appearance of the countryside.

The proposed site is located approximately 770 meters to the East of the limits of development of Hilperton and adjacent to Maylands Farm so is near existing built-up development albeit it is located in the open countryside.

The Agricultural Land Classification for the site is Grade 3 which is rated as good to moderate quality agricultural land and has historically been used for livestock grazing and the keeping of horses. The proposal would result in the loss of agricultural land but due to the proposed use, with no operational form of development other than the improved vehicular access and area of hardstanding, the use could easily be reversed back to agriculture without significant change, and, at under 2 hectares, the land would remain as a small land parcel set within the wider farmed landscape.

This dedicated parcel of land that would be suitably enclosed and secure to allow dogs to be exercised safely is considered appropriate in principle. Officers also consider that appropriate planning conditions can secure the necessary safeguards to define the terms of a permission.

9.2 Visual and Environmental Impacts

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design.

Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance landscape character, and should not have a harmful impact on landscape character.

Whilst there are no landscape or statutory nature conservation designations affecting this site, it does sit within the Avon Open Clay Vale Landscape Character Area and is predominantly intensively farmed pasture and arable land that follows the course of the River Avon and the Kennet and Avon Canal. The condition of this landscape area as set out within the Character Assessment is judged to be 'moderate'.

The dog exercise proposal would retain the green and open character of the area whilst providing a secure area for dogs to run off lead. The dog exercise field is proposed to be

enclosed by 1.8-metre-high deer fencing and metal mesh gates secured to posts and set back from the main access. The style of fencing is typical 'deer style' fencing and does not require planning permission as it would be below the 2m in height limit and would not be adjacent to the highway.

No structures are proposed as part of this application, but a small (12m x 7m) area of hardstanding is proposed to accommodate vehicle parking and turning with additional screen planting being proposed to bolster the site boundaries.

Officers are satisfied that the proposal would not negatively impact the landscape character, and recognise that the proposed new hedge planting would result in a biodiversity net gain and comply with Core Policy 51.

The site is located within the yellow zone of the Trowbridge Bat Mitigation Strategy, however by reason of the proposal not providing any structures or lighting and the proposed new hedge planting, the proposal would not have an adverse impact on bats.

9.3 Impact on Amenity

Core Policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions 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.*'

The dog exercise field would be available for use for fixed time booking slots. No external lighting is proposed or identified as being required and suitable planning conditions can enshrine these aspects within a conditional approval.

There are some residential properties near the site with the closest being Maylands Farm at just over 40m to the east of the site and accessed to the east of Whaddon Lane which has a fence and vegetation demarking its boundary.

It is considered that by reason of the proposed opening hours, the fixed site management and booking arrangements, the existing boundary treatment and there being no proposed additional lighting and no proposed structures, this application is acceptable and would have no significant impact upon neighbouring amenity.

It is accepted that there may be some increase in the level of noise associated with the vehicular movements and dogs barking, but given the site's proximity to dwellings, no objections are raised.

Wiltshire Council's Public Protection team were consulted on this application, and they raised no objection subject to a planning condition restricting the hours of operation as 07:00 – 19:00 Monday to Sunday.

9.4 Highway Impacts

Core policy CP57 ix. states that proposals should ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

The objectives of Core Strategy policies 60 and 61 are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives

The NPPF at paragraph 111 states that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”

It is accepted that the proposal would result in an increase in traffic as the site and proposed land use would not in most cases be accessed via public transport and therefore it is very likely that the majority if not all visitors to the site would travel by private motor vehicles. Whaddon Lane as it leaves Hilperton becomes single lane with several passing places and is subject to a speed limit of 60mph.

From experience, this lane is known to be used by pedestrians, cyclists and horse riders as part of their route to access the local bridleway, footpath network and canal towpath. The increase in vehicles accessing the site would equate to approximately 11 cars per day (22 trips) if/when the field is completely booked which has been considered by the Council's Highway Officer as not constituting a significant increase or one that would lead to severe impacts, and no highway objection is raised, subject to planning conditions.

The existing access is located on a relatively straight section of the lane and the proposed improvements to the access by consolidating the first 5 metres and improving drainage by installing a pipe and small ditch, would deliver some betterment.

The hedge either side of the access is within the applicant's control and therefore suitable visibility can be achieved. The 15-minute cross over window as proposed by the applicant's being a planned site management arrangement would help prevent cars having to wait outside the site.

As part of officer negotiations with the applicant, an amended plan was requested and submitted to provide a larger turning area to ensure that vehicles can enter and leave the site in a forward gear and to require that the ditch pipe to have a diameter of 600mm. These revisions are considered acceptable.

There are no public rights of way that cross the site, or would be directly affected by the proposed use of the land.

It is fully acknowledged that the Parish Council are concerned about an increase in traffic and using a recently updated surfaced byway which leads from Whaddon Lane down to the Rugby Club (HILP21). It is understood that since this byway has been recently resurfaced and is used by additional vehicular traffic which has caused problems with other road users. However, the byway is open to all traffic and for the purposes of assessing this application, the projected level of additional traffic movements to the site would not be significant and as confirmed by the highway officer, there would be no severe impact to the local highway network and there would be no policy conflict with the Core Strategy or the NPPF.

10. Conclusion (The Planning Balance)

The proposal is for the change of use of an agricultural field into a dog exercise and training area. With the proposed restrictions highlighted above to be imposed by planning conditions, the use of the site should be able to continue in harmony with neighbouring amenities without causing significant levels of nuisance.

The proposal would result in an increase level of traffic movements to and from the site however, at most 11 cars visiting the site would not lead to severe or unacceptable impacts on the highway network and the proposal does not conflict with paragraph 111 of the NPPF.

In the absence of an objection from WC Highways, planning officers do not consider a refusal on highway grounds would be defensible on appeal, and a refusal on such a basis may expose the Council to a costs award for unreasonable behaviour.

The proposed dog exercise area would provide a safe/secure environment for dogs to exercise freely. The proposed fencing, gate and hardstanding surfacing not detrimentally affect the rural character of the area. The proposal would appear to be a viable use for the site however in the interests of preserving the landscape character of the site, a planning condition is recommended to ensure that when the use is no longer required for dog exercise purposes, the land would revert back to agricultural use.

Other planning conditions are recommended to restrict external lighting, and to specify the site management/operational hours.

Subject to the above conditions, the proposed development is considered to accord with the objectives of core policies 1, 2, 3, 29, 48, 49, 50, 51, 57, 58, 60, 61 and 64 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, members are encouraged to endorse the recommendation and approve the application subject to the following conditions.

11. Recommendation: To grant planning permission subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Context location plan - LDC2448_01, location plan - LDC2448_02a received on 13th July 2023. Proposed layout - LDC2448_03D, proposed site access gate and fence details - LDC2448_04C Received on 28th September 2023.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site hereby approved. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4. The use hereby permitted shall be restricted to dog exercise and training purposes only taking place 07:00 and 19:00 on Monday to Sunday including Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

5. No lighting shall be installed on the site hereby approved.

REASON: To ensure that character and appearance of the Avon Vale Open Clay Vale Landscape Character Area and the open countryside is retained and to avoid harm to biodiversity.

6. The development hereby permitted shall not be first brought into use until the first five metres of the access as measured from the edge of the carriageway and/or the whole of the parking area allocated on the approved plans has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. Any gates shall be set back 4.5 metres from the edge of the carriageway, and shall open inwards only.

REASON: In the interests of highway safety.

8. No part of the development hereby permitted shall be first brought into use until the access, turning area & parking space have been completed in accordance with the details shown on the approved plans, and shall be maintained for the lifetime of this use and permission.

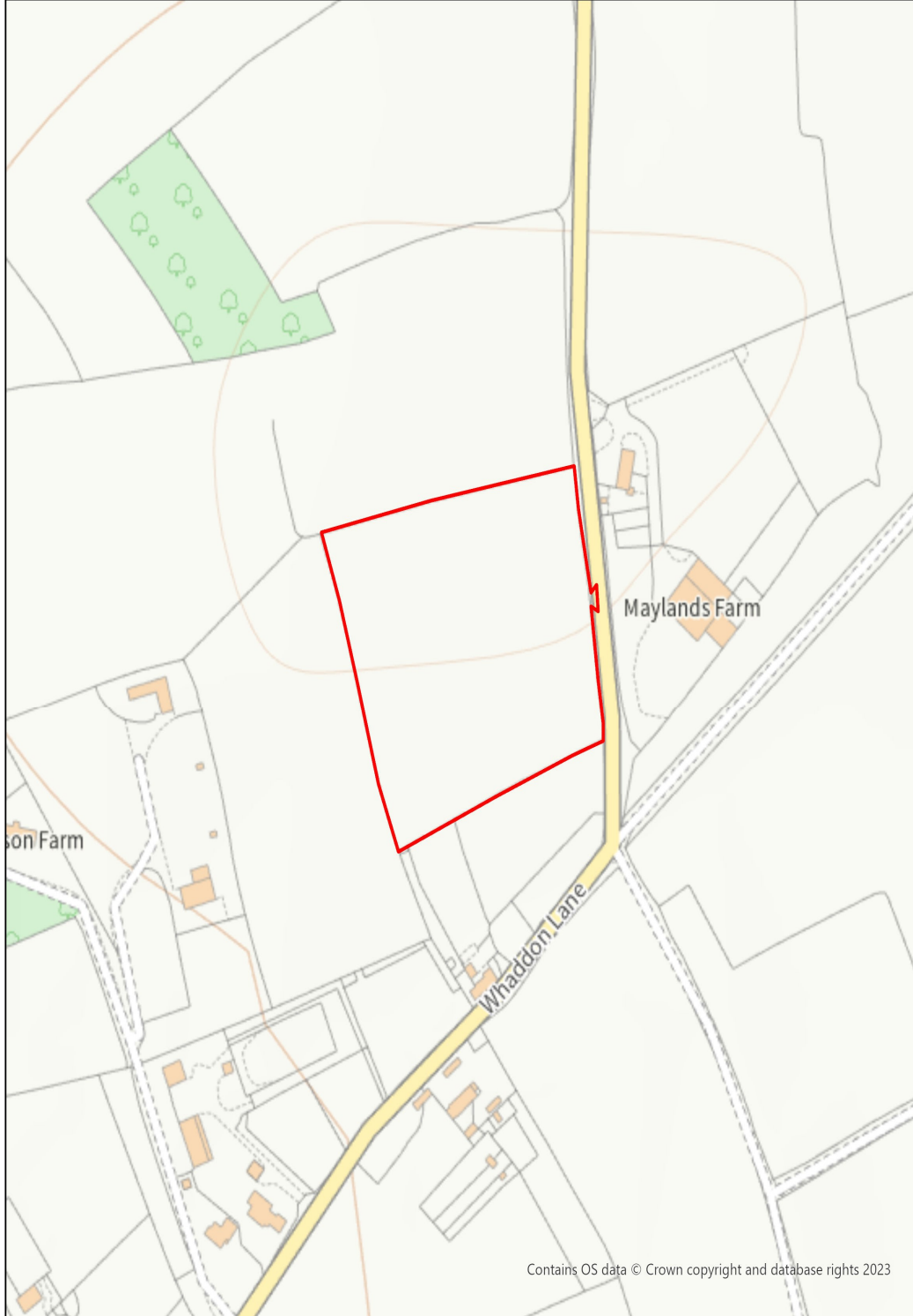
REASON: In the interests of highway safety.

9. Should the dog exercise land use become obsolete, the area of hardstanding shall be removed from the site and the land shall be restored to its previous agricultural use/condition within 3 months of any such cessation.

REASON: In the interests of the character and appearance of the area.

10. Prior to the first use of the dog exercise/training area a dog waste bin container to dispose of dog waste shall be installed on site and remain in perpetuity for as long as the dog exercising/training land use operates.

REASON: In the interests of good site management and public amenity.



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