

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 25 April 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email matthew.hitch@wiltshire.gov.uk

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Membership

Cllr Philip Whitehead (Chairman)

Cllr Paul Oatway QPM (Vice-Chairman)

Cllr Adrian Foster

Cllr Dr Brian Mathew

Cllr Kelvin Nash

Cllr Tony Pickernell

Cllr Iain Wallis

Cllr Stuart Wheeler

Substitutes:

Cllr Ross Henning

Cllr Mel Jacob

Cllr Carole King

Cllr Jerry Kunkler

Cllr Laura Mayes

Cllr Dominic Muns

Cllr Sam Pearce-Kearney

Cllr Tamara Reay

Cllr James Sheppard

Cllr Caroline Thomas

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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 - 30*)

To approve and sign as a correct record the minutes of the meeting held on 21 March 2024.

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 and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

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 **18 April 2024** 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 **22 April 2024**. 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 31 - 32*)

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

Planning Applications

To consider and determine the following planning applications.

7 **PL/2023/05410: Land at Roundway Farm, Folly Road, Roundway, Devizes, Wilts, SN10 2HZ** (*Pages 33 - 54*)

Demolition of existing the barns and erection of three dwellings with associated parking, turning, landscaping, private amenity space and access (resubmission of PL/2022/06061).

8 **PL/2023/09946: Land to North East of Higher Green Farm, Poulshot Road, Poulshot, SN10 1RW** (*Pages 55 - 70*)

Erection of a single storey dwelling.

9 **Urgent items**

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

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 MARCH 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Adrian Foster, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Dominic Muns (Substitute)

Also Present:

Cllr Caroline Thomas

25. **Apologies**

Apologies for absence were received from:

- Cllr Kelvin Nash – substituted by Cllr Dominic Muns
- Cllr Tony Pickernell
- Cllr Dr Brian Mathew
- Cllr Paul Oatway QPM

26. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

Resolved

To approve the minutes of the meeting held on 22 February 2024 as a true and correct record.

27. **Declarations of Interest**

In relation to Item 8, Cllr Iain Wallis made an additional declaration that he worked for the Department of Environment, Food and Rural Affairs. He emphasised that he would be speaking in a personal capacity and any views expressed were not necessarily representative of the department.

28. **Chairman's Announcements**

There were no Chairman's announcements.

29. **Public Participation**

The Committee noted the rules on public participation.

30. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Iain Wallis, it was:

Resolved

To note the appeals report for the period between 9 February and 8 March 2024.

31. **PL/2023/03305: York Place, Marlborough, Wiltshire, SN8 1AR**

Public Participation

- Mr Dave Crucefix had a statement read out in opposition to the application
- Mr Hugh Tapper made a neutral statement in relation to a party wall
- Mr Matt Holmes (Spruce Town Planning) spoke in support of the application
- Mr Paul Backhouse (Aster Communities) spoke in support of the application

The Senior Planning Officer, David Millinship, introduced a report which recommended that the application for the demolition of the existing buildings and construction of 28 affordable homes together with associated parking, access and landscaping, be approved subject to conditions and a legal (s.106) agreement. Key details were stated to include the principle of development, parking, preservation of the historic environment and impact upon neighbouring amenity.

It was noted that the existing 1970s building was constructed as a development of 32 units for people over the age of 55. The site was owned by the applicant, Aster Group, who were a Registered Provider Partner (housing) of Wiltshire Council. The replacement building, if approved, would include 13 one bed roomed units and 15 two bed roomed units, all of which would be affordable.

Attention was drawn to the location of the proposed development in a conservation area. When the existing building was built around 1972 it was constructed in a modern style that contrasted with the existing buildings, many of which were listed. The existing structure shared a party wall with the Grade II listed, 51 St Martins Place and, as such, a listed building application and party wall agreement would be required before the development could proceed.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about whether concerns had been raised about the construction of a taller structure towards the rear of the site where a terrace of bungalows were currently located. The Senior Planning Officer confirmed that the size of gable wall facing the Rectory dwelling to the south of the site had been reduced to reflect concerns about overlooking. It was noted that there would be some indirect overlooking of this property but the majority of the windows that could be impacted were in non-habitable rooms. The majority existing trees on the site boundary would be retained.

Further information was sought about the potential party wall agreement and listed building consent required and their relationship to the planning application. The Senior Planning Officer noted that Paragraph 200 of the National Planning Policy Framework (NPPF) required local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. He explained that demolition of York Place presented a high likelihood of direct impact upon historic fabric of 51 St Martins Place as part of the roof support would be lost once York Place was demolished. However, the Senior Planning Officer explained that the Committee could be satisfied that there were technical solutions to protect heritage assets. The listed building permission would cover the details of the demolition process.

Members of the public then had the opportunity to present their views to the Committee as detailed above. Mr Crucefix had a statement read out on his behalf.

The Unitary Division Member, Cllr Caroline Thomas then spoke in opposition the application as submitted on the grounds of overdevelopment of the site, the adverse impact on parking and potential to facilitate an increase in anti-social behaviour.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer confirmed that the design had been considered in relation to Wiltshire's emerging Design Guide. Although no balconies had been provided the development exceeded the requirements for communal space. The development was considered sustainable due to its location within walking distance to the town centre and within 100 metres of a bus stop.

The Highways Team noted that the existing building did not include any provision for off-street parking. They clarified that it would not be possible to condition that the applicant should pay for a Traffic Regulation Order and capacity parking study east of the A346. Similarly, it would not be possible to use S106 money to fund a residential parking permit scheme as such a scheme would require the support of 50 percent of local residents. The development comprised of one and two bedroomed units, so were unlikely to attract larger families requiring a large number of cars. The number of units had also been reduced to mitigate concerns about parking.

The Senior Planning Officer explained that a Parking Allocation Plan had been included in the proposed conditions outlined in the report, to make clear which units would have access to the parking spaces. A Travel Plan Monitoring Fee would be secured through a S106 agreement.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be granted subject to the conditions outlined in the report and the completion of a S106 agreement.

A debate followed where the party wall agreement, provision of affordable housing, parking and architectural merits of the proposed scheme in relation to the existing 1970s building, were discussed.

A range of views were expressed about the role of the applicant and the potential loss of housing provision for older people in the existing building. Cllr Adrian Foster wanted it to be noted on record that he did not believe that the applicant had acted improperly. He noted the financial pressure on housing associations.

Concerns were raised about the demolition process and its potential impact on the adjoining listed building at 51 St Martins, a heritage asset that was formerly the Seven Stars Pub. It was noted that there was a condition in the Senior Planning Officer's report stipulating that the development could not commence until a Demolition Environmental Management Plan was in place. It may also be possible to commence demolition at the opposite end of the site to 51 St Martins.

In response to queries it was stated that S106 agreements had to be compliant with Community Infrastructure Levy requirements, being relevant, necessary and reasonable. The Head of Development Management, Andrew Guest, advised that it would not be appropriate to condition that S106 funding was used to provide a crossing over the A346 to the nearby green as it would go beyond the legal requirements placed on the applicant.

At the conclusion of the debate, it was:

Resolved

To GRANT permission for the demolition of the existing buildings and construction of 28 affordable homes together with associated parking, access and landscaping, subject to the conditions outlined in the report and the completion of a S106 agreement.

Conditions

1. Time Limit

The works 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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- Location Plan - PP1397-100-01 Rev.P1;
- Site Plan - PP1397-100-02 Rev.P6;
- Ground floor plan – PP1397-100-03 Rev.P8;
- First floor plan - PP1397-100-04 Rev.P7;
- Second floor plan - PP1397-100-05 Rev.P6;
- Roof plan - PP1397-100-06 Rev.P5;
- Lower ground floor plan and elevations – PP1397-100-07 Rev.P8;
- Elevations 1 - PP1397-100-08 Rev.P7;
- Elevations 2 - PP1397-100-09 Rev.P6;
- Elevations 2 - PP1397-100-10 Rev.P5;
- Landscape Masterplan – SPP3292 90 001 Rev.E;
- Soft landscape plan - SPP3292 90 002 Rev.C.

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

3. External materials/finishes

Notwithstanding the details of the approved plans, construction of the development hereby approved shall not proceed above finished floor/slab level until a schedule of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the schedule shall provide details of the type, colour and texture of all external materials and finishes to be used, including all visible features on external facades such as external walls, roofs, windows, doors, hanging tiles and rainwater goods. The details shall include manufacturer and material name along with product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested, samples of materials and finishes are to be made available for inspection on the development site.

The proposed materials shall be appropriate to the Conservation Area location in accordance with the following:

- Characteristic Flemish and English bond to brick facades in street scene and return;
- Warm orange/red brickwork multi characteristic of the locality of varying mix with tile hanging in a similar warm tone;
- Stone elements (including window sills) to be in reconstituted/cast stone;
- Traditional vertical sliding sash windows;
- Traditional pattern 'conservation' rooflights;

- Windows and doors to be in painted timber to street façade, including slender glazing bars;
- Traditional style gutters, hoppers and downpipes;
- Dormers shown traditionally constructed with lead cheeks and roof matching main roof tiles;
- Details of chimney construction to include brickwork, masonry and flashing (material and construction);
- Traditional ridge tiles, gable ladders and slender roof eaves
- Roof - plain tiles/pantiles in clay and natural slate, not concrete derivatives.

Thereafter, the development shall be completed and maintained in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area on accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy, policies MARL9 and 13 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

4. Archaeological investigation

The development hereby approved shall not commence until a written programme of archaeological investigation, which should include proposals for on-site work and off-site work including the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme of archaeological work shall be carried out and the final report submitted to the local planning authority in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

5. Contamination

No development (except for demolition of existing buildings) shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused

contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure the risks associated with land contamination are identified and remediated in accordance with the aims of Core Policy 56 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

6. Tree Protection Plan

The development shall be implemented in strict accordance with the approved Tree Protection Plan and the mitigation measures set out within the submitted Arboricultural Method Statement (Author: Hillside Trees Ltd. Dated: August 2023, Report Version: 1.2) with the proposed tree protection barriers and ground protection measures laid out in full prior to the commencement of the development.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and protection of biodiversity in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

7. Demolition Plan (DEMP)

The development hereby approved shall not commence until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the local planning authority. As a minimum, the DEMP shall include details of the following relevant measures:

- i. An introduction consisting of demolition phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the demolition programme;**
- iv. A named person and telephone number for residents and LPA to contact;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust and noise mitigation;**
- viii. Details of the hours of works and other measures to mitigate the impact of demolition on the amenity of the area and safety of the highway network; and**
- ix. Communication procedures with the LPA and local community regarding key demolition issues – crusher durations etc..**

There shall be no burning undertaken on site at any time.

Demolition hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Stone crushing shall be limited to 10.30hr to 15.30hrs Monday to Friday with no crushing at weekends or bank holidays. Where possible this shall

take place away from sensitive noise receptors; and where located nears residential dwellings acoustic screening must be used to minimise potential impact.

REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

8. Construction, Transport and Env Plan (CTEMP)

No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Transport and Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the Plan shall provide details of the following:

- i. Details to demonstrate how runoff will be managed during construction (including initial demolition phase) to prevent an increase in flood and pollution risk;
- ii. Working method statements for protected/priority species, such as nesting birds and reptiles;
- iii. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre- construction/construction related elements of strategies only;
- iv. 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;
- v. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW);
- vi. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence;
- vii. the movement of construction vehicles and provision for parking of vehicles of site operatives and visitors;
- viii. the cutting or other processing of building materials on site;
- ix. the provision for loading and unloading of plant, materials and demolition materials;
- x. the provision for storage of plant and materials used in constructing the development, as well as demolition materials;
- xi. the provision for wheel washing and vehicle wash down facilities;
- xii. measures to control the emission of dust and dirt during construction;
- xiii. the provision for recycling/disposing of waste resulting from demolition and construction;
- xiv. The location and use of generators and temporary site accommodation

xv. Site working hours and a named person for residents to contact

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Where piling is required, this must be Continuous flight auger piling wherever practicable to minimise impacts. Ground workers should remain vigilant for visible and olfactory signs of contamination during demolition of on-site buildings.

The details to be submitted under this condition shall include all details of timing and phasing of proposed measures to ensure that they are in place and maintained for so long as required.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in full accordance with the Statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

9. Landscape and Ecology Management Plan (LEMP)

Prior to commencement of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall 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 and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full 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 in accordance Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

10. Drainage Strategy

No development shall commence on site (excluding demolition) until a scheme for the discharge of surface water from the site, including SuDS (sustainable drainage systems) and all third party approvals (as necessary), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. The details shall also include provision of the following:

- i) Evidence that additional ground investigations have been undertaken in line with the recommendations on Section 6.8 of the submitted ground investigation, to confirm the viability of deep bore soakaways on site.**
- ii) Confirmation that the peak groundwater level is in excess of 1m below the base of the soakaway (as per the Wiltshire Council Soakaway Guidance) and confirmation of infiltration rates.**

Following approval of steps i) and ii), the applicant shall submit for approval in writing by the LPA the following information:

- iii) Revised soakaway calculations to demonstrate that the deep bore soakaways offer a viable drainage strategy.**
- iv) Calculations and drawings for the drainage system design showing that conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.**
- v) Calculations and drawings for the drainage system design showing that attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.**
- vi) Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network. Notwithstanding the submitted drainage strategy plan; this plan shall be updated to utilise the same pipe numbering as shown in the hydraulic modelling so that both can be considered in conjunction**
- vii) Detailed Design Drawings of the proposed deep bore soakaways**
- viii) Detail drawings of the proposed proprietary pollution capture systems**
- ix) Cross sections and long-sections through the proposed attenuation tanks**
- x) Drawings showing how overland exceedance flows in excess of the 1 in 100yr + cc storm are safely managed on site to prevent risks to people and property.**
- xi) An confirming details of the proposed ownership, inspection and maintenance regime for the proposed drainage infrastructure.**

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

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

11. Foul Drainage

No development shall commence on site (excluding demolition) until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

12. Highways – Travel Plan

No development shall commence until a draft Travel Plan-Welcome Pack has been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the submitted Travel Plan (dated August 2023).

No unit shall be occupied until those parts of the Travel Plan-Welcome Pack capable of being implemented prior to occupation have been implemented. The Welcome Pack will be provided to each unit on first occupation of that said unit and provided to each new occupier of that unit/any unit which remains in the control of the applicant for at least five years following first occupation of the last residential unit. If required, the Welcome pack shall be updated on issuing and comprise up-to-date information at the time of issue.

Reason: In the interests of reducing the amount of private car movements to and from the development in accordance with the aims of Core Policy 60, 62 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

13. Sustainable Energy Statement

Prior to the commencement of the development hereby approved, a final Energy and Sustainability Strategy shall be submitted and approved in writing by the Local Planning Authority in accordance with the principles set out within the submitted Energy and Sustainability Strategy (Revision C, dated September 2023). The development shall be implemented and maintained in accordance with the approved strategy thereafter.

REASON: In the interests of achieving sustainable development in accordance with WCS Core Policy 41 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

14. Site planting and hard-surface materials

Notwithstanding the details shown on the approved plans, no development shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority, the details of which shall include:

- a) all hard and soft surfacing materials,**
 - b) details of means of enclosure including gates and boundary treatments, (including details of any existing fencing/treatments to be retained)**
 - c) a detailed plan identifying existing trees and hedges to be retained and a planting plan and specification showing all plant species, supply and planting sizes and planting densities, and details of after-care.**
- ii) All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial completion of the development whichever is the sooner.**
- iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.**
- iv) Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.**
- v) All hard landscaping shall also be carried out in accordance with the approved details prior to the first 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, to provide some biodiversity enhancement and to protect the privacy of future occupiers and neighbours of the development in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

15. Boundary enclosures

Prior to first occupation of the development hereby approved, the boundary fencing and means of enclosure shall be implemented in accordance with the details of the approved plans and maintained in that state thereafter.

REASON: In the interests of visual amenity and the character and appearance of the area in accordance with the aims of 57 and 58 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

16. Security measures

The development hereby approved shall not be occupied or brought into use until details of security measures, including CCTV, access control measures and signage, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the agreed details.

REASON: In accordance with Wiltshire Core Strategy (2015) Core Policy 57 to incorporate measures to reduce actual or perceived opportunities for crime or antisocial behaviour.

17. Access, parking, refuse and cycle storage

No part of the development hereby permitted shall be occupied until the vehicular and pedestrian accesses (to include visibility splays and restrictive bollards), off-street car parking, vehicle turning areas, refuse storage and cycle storage areas have been constructed/laid out in full in accordance with the details shown on the approved plans.

Thereafter, the areas shall be kept available for their intended purposes and maintained free from obstruction (including but not limited to, the storage of materials).

REASON: To ensure safe access, adequate off-street parking provision and vehicle turning manoeuvring space in the interests of amenity and highway safety in accordance with the aims of Core Policies 60, 61 and 64 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

18. Parking allocation and EV charging

No part of the development hereby permitted shall be occupied until the off-street car parking spaces have been implemented in accordance with a car parking allocation plan and provided with electric vehicle charging points, in accordance with full details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure that car parking spaces are appropriately allocated to the units and that EVCPs are made available to future occupiers and visitors of the scheme in order to promote the use of low-carbon modes of transport and to prevent harm to the Marlborough Air Quality Management Area in accordance with the aims of Core Policies 55, 60, 61 and 64 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

19. Ecology – Biodiversity mitigation and enhancement measures

The approved biodiversity mitigation and enhancement measures shall be incorporated into the development in accordance with:

- Section 6 and Appendices D, F, H and J of the Ecological Impact Assessment of Marlborough, York Place, Version 1.0, Date 19th April 2023 by Abricon Ltd.
- Proposed Planting Plan, Drawing number: SPP3292 92 002, Rev: A, Date: April 23, by Swan Paul Partnership Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these features shall be supervised by a professional ecologist and this part of the condition shall be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be maintained and made available for wildlife for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

20. Ecology – Compliance with Ecology Strategies

The development will be carried out in strict accordance with the following documents:

- Section 6 and Appendices D, F, H and J of the Ecological Impact Assessment of Marlborough, York Place, Version 1.0, Date 19th April 2023 by Abricon Ltd.
- Proposed Planting Plan, Drawing number: SPP3292 92 002, Rev: A, Date: April 23, by Swan Paul Partnership Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

21. Ecology – External lighting

No new external artificial lighting shall be installed at the site unless full details have first been submitted to and agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity and the condition of North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

INFORMATIVES

1. This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT] the requirements of which must be complied with in addition to the conditions of this permission.
2. Listed Building Consent is required for the works relating to the neighbouring Grade II Listed Building, No. 51 St Martins. Prior to the commencement of any works with potential to directly or indirectly impact upon the fabric and/or structural integrity of the listed building, a Listed Building Consent application shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent application shall include a programme of the proposed works and timescales for their implementation set out in relation to the programme and timescales works for the wider development scheme. The proposed works shall reflect the matters set out within the submitted 'Application of the Party Wall Act' statement and the comments made by the LPA's Conservation Officer in relation to this planning application.
3. The attention of the applicant is drawn to the contents of the letter from Thames Water dated 10th May 2023 pertaining to foul and surface water disposal and to existing services on the site.
4. The applicant should note that Wiltshire Council's Soakaway Guidance should be followed and Pre- treatment to remove silt should be considered into the soakaway design. The factor of safety and distance of soakaways from buildings or structures should be mentioned as a part of design to comply with the Wiltshire Council's Soakaway Guidance.
5. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In

the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

6. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.
7. The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
8. The roof of the existing building is used as a bat roost. Under the Conservation of Habitat Regulations, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a Natural England licence will be required before any work is undertaken to implement this planning permission.
9. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
10. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

11. The application involves an extension to the existing/creation of a new vehicle access/dropped 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. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent. Please contact the Drainage Team at Drainage@wiltshire.gov.uk

12. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

13. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

14. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area. The surface water drainage strategy must comply with [Developers-guidance-note-surface-water-soakaways-2.pdf](#) (wiltshire.gov.uk), which sets out the standards that must be met for planning approval and adoption.

15. The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the Council's Waste guidance with a sample indemnity provided in Appendix C.

32. **PL/2023/10902: Saddlepack Farm, Stert, Wiltshire, SN10 3HZ**

Public Participation

- Mr Jon House had a statement read out in opposition to the application asking that it be deferred until the completion of a mobility report.
- Mr Chris Powell spoke in support of the application
- Mr Mark Wightman spoke in support of the application
- Mr Miles Elderfield spoke in support of the application
- Cllr Lewis Cowen (Stert Parish Council) spoke in opposition to the application

The Senior Planning Officer Jonathan James introduced a report which recommended that the retrospective application for a temporary agricultural worker's dwelling, for a period of three years, be approved subject to the conditions outlined in the report. Key details were stated to include the principle of development, the landscape and visual impact, environmental and ecological impacts and the impact on neighbouring amenity.

Attention was drawn to the reference on page 69 of the agenda pack to permitted development rights for additional structures on the site. The Senior Planning Officer recommended that an additional condition be added to restrict permitted development for outbuildings.

It was noted that the site was located in open countryside outside of the village of Stert, south of an area of priority habitat. Although there was a presumption against new residential development outside of the defined limits of development, Core Policy 48 of the Wiltshire Core Strategy did allow an exception if they were required to meet the needs of a rural worker who was required to live permanently at or near their place of work. The Senior Planning Officer explained that, although a retrospective application, the subject mobile home was intended to be moved and would be located outside of an area of priority habitat adjacent to an approved stable block. The mobile home provided single storey, two bedroomed accommodation and dark brown timber cladding would be added to the exterior to mitigate the visual impact of the building. Planting nearby would also be conditioned to provide screening. The Senior Planning Officer believed that the proposed development generally complied with Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy as it would not intrude into the landscape or diminish the scenic beauty of the surroundings.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on whether the proposed development would be a temporary structure. It was confirmed that the permission applied for was for a period of three years but that it would be possible to seek planning consent for a permanent dwelling in the same location if it had been demonstrated that a financially viable enterprise had been established. Permission for a permanent dwelling would have to be sought through a new, albeit related, application.

Members of the public then had the opportunity to present their views to the Committee as detailed above, including a written statement read out on behalf of Mr House.

The Chairman, Cllr Philip Whitehead, did not speak in his capacity as the Unitary Division Member during the public participation section.

In response to the points raised by the public, the Senior Planning Officer confirmed that he was satisfied that the obligations of the public sector equality duty under the Equality Act 2010 had been applied in relation to this development and that it would not be unreasonable for the matter to be determined at the meeting.

The Legal Advisor, Alwyn Thomas, highlighted that the objector had had the opportunity to submit a mobility report in accordance with the statutory public consultation timeframes. He advised that the applicant had the right to have the matter considered and that his opinion concurred with that of the Senior Planning Officer that the obligations under the Equality Act had been met. The Legal view aligned with that of the Senior Planning Officer that it would not be unreasonable for the matter to be determined at the meeting. He noted that it was open to the Committee to defer the application pending a mobility report, although they should be mindful that a right of appeal for non-determination may be open to the applicant.

In response to other points raised by the public, the Senior Planning Officer confirmed that Wiltshire Council's ecologist was satisfied with the scheme subject to it being carried out in accordance with the Biodiversity Mitigation and Enhancement Plan submitted in December 2023. He confirmed that the permission would be dependent on the resident of the proposed dwelling being an agricultural worker under the terms of Condition 9 in the report.

He also agreed that it would be appropriate for the wording in the conditions to be amended to ensure the removal of the hardstanding, so that replanting could take place.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be granted.

A debate followed where issues such as supporting young farmers and sustainable food production were discussed. In response to queries it was stated that the recommendation from Wiltshire Council's ecologist that an area of priority woodland be fenced off from potential grazing and encroachment would be covered under the biodiversity mitigation measures.

Other issues raised included the possibility of extending the timeframe to remove the existing structures to allow a reasonable time for the new temporary accommodation to be installed. The Head of Development Management, Andrew Guest, confirmed that references to existing buildings related to those

which had unauthorised use, the shipping container, and the hardstanding on which they stood, not to the barns on site.

At the conclusion of the debate, it was:

Resolved

To GRANT permission for a temporary agricultural worker's dwelling. For the final wording of the conditions to be delegated to the Senior Planning Officer and Head of Development Management in consultation with the Chairman.

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:

- **Application Form**
- **Design and Access Statement (Dec 2023)**
- **Agricultural Statement (Nov 2023)**
- **Site Location Plan**
- **Proposed Site Plan**
- **Proposed Elevations and Floor Plan**

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

3. The development shall be carried out in strict accordance with the following document:

- **Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental)**

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

4. The existing unauthorised mobile home, metal shipping container and associated paraphernalia, and the hardcore ground surfacing on which they stand, shall be permanently removed from the farm (Saddlepack Farm) within 4 months of the date of first occupation of the temporary accommodation hereby approved or within 8 months of the date of this planning permission, whichever is the sooner, and the land shall then be restored in accordance with the approved details contained within the

Biodiversity Mitigation and Enhancement Plan (Dec 2023, Cotswold Environmental).

REASON: In order to safeguard and restore that part of the priority habitat in the interests of biodiversity and ecology and the character and appearance of the area.

INFORMATIVE: This condition is necessary to ensure that the existing unauthorised mobile home and the associated development located elsewhere on the farm and within the designated priority habitat are removed as soon as is practical whilst allowing a reasonable timeframe for the new temporary accommodation to be installed, its precommencement conditions discharged and its occupation commenced. The applicant is reminded that the existing unauthorised mobile home remains subject to an Enforcement Notice which is awaiting an appeal decision. This planning permission does not affect the Enforcement Notice other than by allowing a short period of time for retention of the unauthorised development during implementation.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a. location and current canopy spread of all existing trees and hedgerows bounding the application site;**
- b. full details of any to be retained, together with measures for their protection in the course of development;**
- c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- d. any trees (details of their size, species and locations to be agreed in writing with the Local Planning Authority), shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428**
- e. Fencing around the priority woodland restoration area, including height, type.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of conserving and enhancing biodiversity.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. 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 fencing etc. 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 and in the interests of conserving and enhancing biodiversity.

7. Prior to the occupation of the temporary accommodation hereby approved, a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be constructed in accordance with the approved scheme within three months of the occupation of the temporary accommodation.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. Prior to the occupation of the temporary accommodation hereby approved details of the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The temporary accommodation shall also not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

9. The occupation of the temporary accommodation shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for temporary residential accommodation in this location having been demonstrated.

10. The mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before the 27 March 2027 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission would not normally be granted, but regard has been had to the functional needs of the agricultural enterprise in granting a planning permission of limited duration. Permission has been granted on

a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

11. No external lighting shall be installed on-site unless otherwise agreed in writing by the local planning authority. Details should include 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 Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of conserving biodiversity and in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

Informatives:

13. Informative:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that any planning consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

14. Informative:

Breeding Birds

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

33. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.57 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Eastern Area Planning Committee
25th April 2024**

Planning Appeals Received between 08/03/2024 and 12/04/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/09535	Mount Pleasant Yard, White Street, Market Lavington, Devizes, Wilts, SN10 4DR	Market Lavington	Redevelopment of site including demolition of an existing building and erection of 4 no. live/work units (Sui-Generis) and 1 no. bed and breakfast (Use Class C1) -(Outline application relating to access and layout)	DEL	Written Representations	Refuse	10/04/2024	No

Planning Appeals Decided between 08/03/2024 and 12/04/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2023/01030	Withy Tree Cottage, Knowle, Pewsey, SN9 5JH	Pewsey	Demolition of existing thatched cottage with replacement dwelling together with associated alterations and formation of parking	DEL	Written Reps	Refuse	Allowed with Conditions	11/03/2024	None
PL/2023/01105	Meadow Farm Transport Yard, Brook Street, Great Bedwyn, SN8 3NA	Great Bedwyn	The demolition of the existing commercial and agricultural buildings and replacement with new residential dwellings, together with parking, landscaping and any other associated infrastructure.	DEL	Written Reps	Refuse	Allowed	12/04/2024	None
PL/2023/06867	Beulah, Bath Road, Devizes, Wilts, SN10 1PW	Devizes	Proposed dropped kerb to facilitate driveway and parking	DEL	Householder Appeal	Refuse	Dismissed	05/04/2024	None

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	25 April 2024
Application Number	PL/2023/05410
Site Address	Land at Roundway Farm, Folly Road, Roundway, Devizes, Wilts, SN10 2HZ
Proposal	Demolition of existing barns and erection of 3 no. dwellings, with associated parking, turning, landscaping, private amenity space and access (Resubmission of PL/2022/06061)
Applicant	Mr Butler
Town/Parish Council	DEVIZES
Electoral Division	Cllr Laura Mayes
Grid Ref	401,441 163,426
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called-in by Cllr Laura Mayes, to discuss the merits of the development, with the comment made that this is an appropriate development for the village that seeks to remove a derelict, burnt out barn, an eyesore at the edge of the North Wessex Downs National Landscape and which will provide several new homes.

1. Purpose of Report

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

2. Report Summary

The scheme is considered to cause harm to the rural character of the area and the setting of the North Wessex Downs National Landscape. Furthermore, location of the site is such that occupants of the properties would be wholly reliant on the private motor car for access to every-day facilities, job opportunities and services – this would be contrary to the requirements of both local and national policy in directing development to sustainable locations. The development would be contrary to, and would undermine, the requirements of

planning policies seeking to direct development within sustainable locations and there are no benefits that would outweigh this harm.

3. Site Description

The site occupies a countryside location - as defined in the Wiltshire Core Strategy (2015) - adjacent to the boundary of the North Wessex Downs National Landscape (formerly AONB). To the north and east of the site lies open countryside, to the west there are existing rural buildings and to the south there is an open meadow containing a pond.



Mapping Extract identifies the site in relation to adjoining boundary of the North Wessex Downs National Landscape (formerly AONB) to the north and the nearest Grade II listed building to the south west.

The site is generally level and is bounded by a mix of mature hedgerow with native trees, post and wire fencing and post and rail fencing. Access exists to the east of the site onto the adjacent minor road, which is a no through road. In terms of topography, the surrounding land rises up to the north to Roundway Down (an area of land to the north of the site forms part of the battlefield of "Roundway Down").

Within the site are existing agricultural buildings of varying sizes and states of dilapidation. The principal existing structures are relatively modern steel portal framed buildings constructed of either sheet profile or pre-formed concrete cladding (see site photos below).



Images of the existing barns on site (site visit photos July 2023)

There is also an older Dutch barn and a small agricultural building finished in grey cladding. Adjacent to these structures is a mixture of level surfaces (grass, compacted gravel and concrete).

4. Planning History

- K/58932/F - Change of use of 4 agricultural buildings to B1(c) and/or B8 use - withdrawn
- E/09/0100/FUL – Change of use of four agricultural buildings to B1(c) and/or B8 use – refused – Appeal - dismissed
- 16/08498/OUT - Outline application relating to access for redevelopment of land by the erection of three two-storey dwellings with garages and associated works – refused – Appeal - dismissed
- 17/01633/PNCOU - Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural building to form 3 dwellings and associated operational development – refused – Appeal - dismissed
- 20/03737/PNCOU - Notification for Prior Approval under Class Q for Conversion and Adaptation of Existing Grain Store to Provide 5 No. Dwellings (Use Class C3) – refused – Appeal - dismissed
- 20/02049/PNCOU - Notification for Prior Approval under Class Q - Conversion and Adaptation of Existing Grain Store to Provide 5no Dwellings (Use Class C3) – refused
- PL/2021/06869 - Application under Class Q to Determine if Prior Approval is Required for a Proposed Change of Use and Conversion of an Agricultural Building to a Residential Dwelling - Approved
- PL/2022/06061 - Demolition of barns at Roundway Farm and erection of 3 dwellings - withdrawn

The submitted supporting statement for this application includes a breakdown of the site history, however, the submission fails to reference any of the three refused PNCOU applications (identified above) for the conversion of the buildings which are the subject of this application, to residential dwellings. Each of the PNCOU applications was refused and

the two earlier applications were also successfully defended at appeal. The applicant decided not to appeal the third refused PNCOU. The failure to refer to these within the submitted planning statement is therefore misleading.

The submitted supporting statement also references a perceived 'fallback position', this being PNCOU application PL/2021/06869, relating to a barn that is not included within the site layout of the proposed scheme. If planning permission were to be granted for these three new dwellings, the conversion scheme permitted under ref. PL/2021/06869 could also be built out (provided it remains within the time limit - it expires 23 Aug 2024)). As such, this statement is also misleading.

The agent also states within the supporting statement that the last application was withdrawn for unknown reasons; however, the applicant has been the same for all the applications and was told directly what the issues were with the previous application (PL/2022/06061), namely:

"Dear Mr Butler

Thank you for your email. With regard to the proposed scheme I do have some concerns with regard to the design of new dwellings. It is considered that they are too large, the detailing is not sympathetic and the scheme would have an incongruous impact on the character of the area along with the proposed change of use of the land. On balance it is considered that I would not look to support the scheme on this basis.

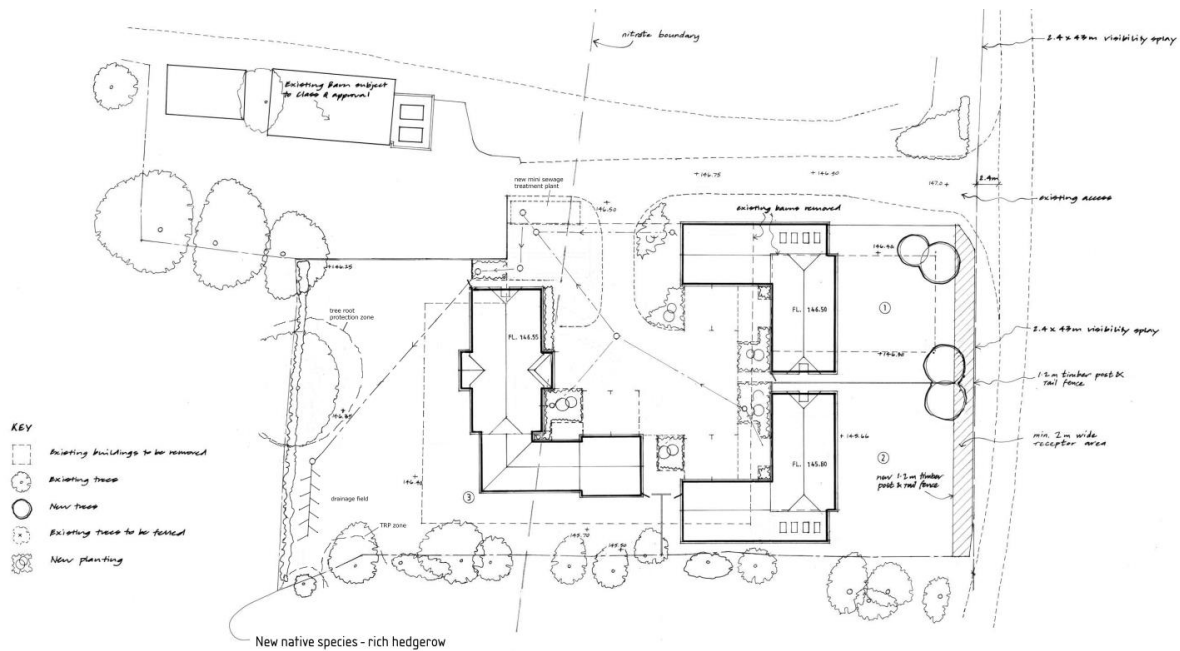
In addition there is an extensive site history on these barns where consent for housing has been consistently resisted and successfully dismissed at appeal. Therefore the scheme is considered contrary to the policies of the development plan and the principle of development within this unsustainable location would also constitute a reason for refusal".

The above officer opinion has been consistently reiterated on all applications in the site's history and these have been successfully defended at appeal. Fundamentally, the appeal decisions are a key material consideration in the consideration of this application.

The final paragraph within section 3 (planning history), of the applicant's 'Planning Statement' suggests that the scheme now for consideration is different to that submitted in 2016. It contends that the proposal should be accepted as the Council cannot demonstrate a 5-year supply of housing. This issue will be considered in more detail later in the report but essentially, this argument carries no weight as there is no longer a requirement to demonstrate a 5-year housing supply.

5. The Proposal

The application is for the demolition of the existing barns on the site and the erection of three new dwellings with associated access, parking and landscaping. The proposed dwellings are large 'executive' homes designed as a pastiche of a farmyard, with barn-like structures in a courtyard arrangement with generous rear gardens (see site plan below).



Car parking would be provided within the courtyard area. Foul drainage would be achieved via a 'new mini sewage treatment plant', with the soakaway drainage from this contained within the garden area for plot 3.

The total floor/footprint area for plot 1 would be 178.4 sqm (approx. dimensions for the 'L' shaped structure, 17.1m x 6.6m along longest length and 16.1m x 7.1m along shortest length). The eaves to the main part of the dwelling would be 5.2m, with a further 3.2m to ridge, therefore an overall height of 8.4m to ridge. The eaves to the garage element would be 2.6m and the overall ridge height 5.6m. The dwelling and garage would be finished in a mix of brick, timber boarding to the walls and clay plain tiles to the roof.

The total floor/footprint area for plot 2 would be 182 sqm (approx. dimensions for the 'L' shaped structure, 17.3m x 6.7m along longest length and 16.3 x 7.2 along shortest length). The eaves to the main part of the dwelling would be 5.1m, and an overall height of 8.45m to ridge. The eaves to the garage element would be 2.7m and the overall ridge height 5.6m. The dwelling and garage would be finished in a mix of brick, timber boarding to the walls and clay plain tiles to the roof.

The total floor/footprint area for plot 3 would be 246.5 sqm (approx. dimensions for the 'L' shaped structure, 22.7m x 7.7m along longest length and 17.7 x 5.7 along shortest length). The eaves to the main part of the dwelling would be 5.0m, and an overall height of 8.8m to ridge. The eaves to the garage element would be 2.8m and the overall ridge height 6.0m. The dwelling and garage would be finished in a mix of brick, timber boarding to the walls and slate to the roof.

The application has been the subject of revised/additional detail during the process and a re-consultation has been carried out on the submitted details, The application has been determined in accordance with the latest submitted details.

6. Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Devizes Area Neighbourhood Plan (DANP, s015), the Wiltshire Core Strategy (WCS) (2015) and the saved policies of the Kennet Local Plan (KLP) (2004).

Devizes Area Neighbourhood Plan (DANP) (July 2015)

- Policy H1 (Settlement Framework Boundary);
- Policy T1 (Getting Around);
- Policy ESD1 (Environment & Sustainability).

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 12 Spatial Strategy: Devizes Community Area
- Core Policy 41 Sustainable Construction and Low Carbon Energy
- Core policy 48
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 56 Contaminated Land
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58 Ensuring the conservation of the historic environment.
- Core Policy 60 Sustainable transport
- Core Policy 61 Transport and new development
- Core Policy 64 Demand management

Kennet Local Plan (2004) no saved policies relevant to this development

National Planning Policy Framework (NPPF, 2023)

National Design Guide, Planning practice guidance for beautiful, enduring and successful places (NDG) (2019)

Wiltshire Design Guide: Shaping the future: My Place, Your Place, Our Place (2024)

Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (2015)

Vale of Pewsey Landscape Character Assessment

Sections 16 (LBC) and 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

7. Summary of consultation responses

The application has been the subject of revised/additional detail, with a re-consultation exercise carried out on the latest details. The comments below are the final comments offered following this consultation. A full set of comments received can be reviewed on the Council's webpage.

Devizes Town Council – No objection

WC Highways – Object on grounds of unsustainable location; Following an initial objection and recommendation for refusal on highway safety grounds, the applicant has submitted additional supporting detail; the highway officer has removed their original recommendation for refusal subject to conditions.

Final comments:

As discussed and outlined previously the location is one which is considered unsustainable. I am of the opinion that the site is not within an easy walking distance of the town and facilities and will be reliant on the private vehicle.

I do acknowledge that the proposal is introducing vehicle movements onto the road network. However, as you are aware NPPF only allows for development to be refused on highway grounds if the cumulative impact can be demonstrated to be severe/significant. I am mindful that the site could be allowed to operate with a business use that could bring in larger vehicles and potentially more smaller vehicles.

The applicant has produced a statement in response to my previous comments outlining their understanding of possible vehicle movements, which has provided more detail for consideration.

In the light of the additional information and applying the the NPPF guidance and the guidance contained within MfS I am minded to not raise an objection on the traffic generation, though wish to maintain one on the sustainability element.

Therefore in summary I am willing to accept the proposal from a highway perspective in terms of traffic movements.

If you are minded to set aside the policy objection I will require conditions ensuring that the parking is provided as demonstrated and that the access is provided with visibility splays as per the approved drawings.

WC Ecology – No objection subject to conditions;

Following an initial objection further information was required, namely:

1. Great Crested Newt

- Confirmation is required on whether the site has potential to support great crested newt given the proximity of a pond to the site. The response should be supported by sufficient evidence.

2. Bats

- Confirmation is required on whether trees on the site, specifically those to be felled, have suitability for roosting bats. The response should be supported by sufficient evidence.

3. Habitats Regulations Assessment

- Confirmation is required on the sewerage connection and which Sewage Treatment Works the development will discharge into. If any additional habitat is to be lost to facilitate connection to the sewer or any other underground service, this should be disclosed.

4. Biodiversity No Net Loss/Enhancement

- Site Plan to be updated to show the proposed hedgerow as a native species-rich hedgerow.

Further detail has been submitted and appropriate re-consultation carried out. The following were satisfactorily addressed:

1. Great Crested Newt

- Great crested newt mitigation strategy and District Level Licence (DLL) application. ABR Ecology Ltd.
- RE: the location of the great crested newt retained vegetative strip. ABR Ecology Ltd.
- Completed Impact Assessment and Conservation Payment Certificate.

2. Bats

- Confirmation provided via email (4th January 2024 - Mark Pettitt of Fowler Architecture & Planning to Jonathan James of Wiltshire Council)

3. Habitat regulations Assessment

- Site Plan. Drawing no: 230128-02 Rev B. Fowler Architecture & Planning

4. Biodiversity No Net Loss/Enhancement

- Site Plan. Drawing no: 230128-02 Rev B. Fowler Architecture & Planning.

WC Public Protection – Comments; I refer to the above planning application and recommend the following conditions, as before, are included with regard to the demolition/construction phases:

- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- No burning shall be undertaken on site at any time

WC Arboriculture – No objection subject to condition; The Tree Officer is satisfied that the Arboricultural Report and Tree Protection Plan, prepared by WH Landscape and dated November 2023, provides sufficient information to ensure the existing trees to be retained on and off site have been considered and sufficiently protected.

Please can this report and plan be added as an approved document, and its compliance conditioned.

WC Archaeology – No objection, subject to condition; The site of the proposed new dwellings is located within a complex of cropmarks that appear to represent the remains a former medieval settlement. Work along the route of the proposed undergrounding of power cables to the north-west of the site has also recorded sub-surface remains of later prehistoric and early Romano-British settlement. In light of these known heritage assets and the prospect for as-yet unrecorded features below the current barns, I would advise that all groundworks associated with the construction of the new houses is monitored by qualified archaeologists following the demolition of these barns. This monitoring is to be secured via a condition to be attached to any planning permission that may be issued.

8. Publicity

The site has been advertised by letter to local residents and by site notice; representations have been received which are summarised as follows:

Third party comments:

Object:

- Site not within development limits and conflicts with CP2 of the WCS and H1 of the DANP
- Unsustainable scheme
- Highly visible site adjoining protected landscape
- Detrimental effect on the AONB (National Landscape)
- Detrimental impact on the countryside character and landscape
- Impact on National Landscape from light and noise pollution
- Agricultural buildings are part of the rural landscape
- Large dwellings, unsympathetic to the local built environment
- Out of character with the area
- Visual impact fails to refer to the removal of the nearby over head lines
- Architecturally poor
- Fails to respect the historic context of the area
- Impact on listed buildings
- Increase in traffic movements impact on highway safety
- Folly Rd is unsafe to accommodate additional traffic
- Folly Road is a single lane with passing places
- No lighting or footpaths along the highway, conflict with other users
- Verges are no useable by pedestrians
- Impact on amenity of the area from sewage treatment plant

- Impact on wildlife
- Impact on great crested newts on site
- Impact on the environment by asbestos

9. Planning Considerations

9.1 Principle of Development

The site occupies a countryside location beyond the built form of the hamlet of Roundway in what is deemed, in planning policy terms, to be an unsustainable location. The application is for the demolition of the existing agricultural buildings and the erection of three new dwellings and associated infrastructure, access and landscaping.

The Spatial Vision of the Wiltshire Core Strategy (Core Policy 1 & 2) prohibits new residential development outside the recognised Limits of Development unless the development meets the criteria for infill development within designated small villages (which Roundway is not), or unless it is supported by one of the 'exception policies' outlined in para. 4.25 of the Strategy (e.g. agricultural worker accommodation). None of these exceptions apply in this instance. Roundway is covered by the Devizes Area Neighbourhood Plan, however, the site has not been brought forward under this plan either. The principle of development for three new dwellings outside any recognised settlement is therefore contrary to the development plan and contrary to Core Policies 1 and 2 of the WCS. Furthermore, the

Another key material consideration when considering the principle of development, the buildings in respect of which this application concerns have been the subject of refused conversion schemes that have been subsequently dismissed on appeal three times under the prior notification route. As such, a fallback position does not apply.

National Planning Policy Framework and Housing Land Supply:

The NPPF is a material consideration in the decision-taking process. The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

The argument has been made that as the Council cannot demonstrate a 5-year housing land supply, Core Policies 1 and 2 should be considered out of date. Planning applications should therefore be considered against paragraph 11 of the NPPF which guides that where a development is out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Changes to the NPPF (Dec 2023) are pertinent to the determination of this application, these changes came into effect as of 20 December 2023, which include inter alia a change in the requirements on five year housing land supply for Councils and also, of particular importance for this site, an emphasis on supporting beauty and placemaking.

For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'. Furthermore, as Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now 'only' required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing, which the Council can demonstrate. This means that the relevant policies of the WCS can be afforded significant weight and that the planning balance is 'level' rather than 'tilted'.

Roundway is not a small village and there are no exceptional circumstances that would allow for a departure from the development plan in this instance. The site is located outside of the limits of development where development of this nature is not supported in policy terms, so substantial weight must be attributed to Core Policies 1, 2 and 12 of the WCS (2015). On this basis, the proposed development is contrary to the delivery strategy and the proposal is therefore unacceptable in terms of the principle of development.

Notwithstanding the above, even if the Council were found to not have the prerequisite housing land supply, it is considered that the tilted balance would not apply in this instance as the development is considered to have a detrimental impact on the character of the North Wessex Downs National Landscape. There are therefore clear reasons for refusing the application as it is contrary to the policies of the Framework that protect areas/assets such as National Landscapes of particular importance and so it is argued that the tilted balance would not engage.

Sustainability:

A 'presumption in favour of sustainable development' is at the heart of the Framework, to deliver the economic, social and environmental objectives underpinning the document. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system.

Other than meeting the requirements as set out within the appropriate part of the building regulations the proposed scheme does not appear to include any sustainability measures or environmental benefits beyond the basic requirements for meeting building regulations and ecology restrictions. The scheme does not include any solar panels or modern development methods such as 'Passivhaus'. The scheme is distinctively lacking in terms of any sustainability credentials to support such a departure from the development plan on sustainability grounds.

It is considered that the provision of three large executive style properties in this location would be beyond the ability of a local worker to afford. In terms of providing a socially sustainable development the scheme equally fails on this count as well.

Roundway is not a recognised settlement within the Wiltshire Core Strategy as a sustainable location for development. Core Policies 60 and 61 of the WCS (2015) requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives and deliver development within sustainable locations. The site is located outside of a rural village within what is construed as countryside, with poor pedestrian access to local facilities, services or employment opportunities. There is no nearby pavement and the addition of further housing

will place the occupiers in conflict with the existing traffic movements along the adjoining highway. On balance it is considered likely that end users will be heavily reliant on the private motor vehicle for day-to-day access and the proposed location and land use do not comprise a sustainable pattern of development. This view is supported by the highway officer who agrees that any residential units will be reliant mostly on the use of the private vehicle for accessing day to day services, facilities and employment.

It is recognised within the Planning Inspectorate's decision on application ref. 16/08498/OUT (which references appeal decision '2101222' relating to planning refusal E/09/0100/FUL) for the erection of three new dwellings at this site that the site is not easily accessible and is within an unsustainable location. At paragraph 20 of the appeal decision, the Inspector comments that "*Policy 1 of the CS is a settlement strategy and identifies the settlements where sustainable development will take place. As the appeal site falls within the countryside it is not identified within this policy. Policy 60 of the CS relates to the need to reduce travel, particularly by the private car and makes clear that development should be located in sustainable locations. Conflict therefore exists with both of these policies*".

The Inspector further comments that at (para. 19) "*the proposed development would cause harm to the character and appearance of the area and this adds to the unsustainable location in meaning that the environmental aspect of sustainability is negative in the planning balance. Against this has to be balanced the economic and social aspects of the proposed development. Three new homes would be built to add to the housing supply and in doing so work would be created. To my mind however, these latter factors do not outweigh the harm that has been identified*".

The proposal would therefore conflict with Core Policies 1, 2, 12, 60 and 61 of the Wiltshire Core Strategy (2015) and Policy H1 of the Devizes Neighbourhood Plan (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and contrary to the policies set out within the National Planning Policy Framework (2023).

9.2 Visual Impact

The site lies adjacent to the North Wessex Downs National Landscape (formally AONB) and within the Vale of Pewsey Landscape Character Assessment District. The site would be clearly visible from Roundway Down and in its current form reflects the typical type of rural structure that has historically evolved within such areas and forms part of the rural character of this landscape.

Core Policy 51 and Core Policy 57 of the WCS (2015) collectively seek, in part, to protect, conserve and where possible enhance landscape character, enhance local distinctiveness, and avoid harmful impact upon landscape character. The National Planning Policy Framework (NPPF, 2023), is in general support of this direction in policy in that it seeks to protect and enhance our natural environment and recognise the intrinsic character and beauty of the countryside.

The site is set within an area that has a distinct rural quality, with rolling fields across the historic landscape and the identified protected landscape of the North Wessex Downs National Landscape is recognised as a sensitive area for development. It is acknowledged

that on site are existing agricultural barns, however, these are typical features within a rural landscape and are not considered to detrimentally erode the rural ambience of the area.

The proposal is for the erection of three executive properties with associated access, parking, residential curtilages, domestic paraphernalia (refer to 'site layout' in section 5 above). The scheme is similar to that proposed under application 16/08498/OUT (see site layout below), which was also refused on grounds of landscape harm.



Indicative site layout 16/08498/OUT

It is therefore again considered that introduction of the proposed three new executive dwellings with associated parking and paraphernalia would result in the erosion of the rural character of the area. This conclusion was also reached under application 16/08498/OUT and in the subsequent appeal decision. The Inspector determined at para. 14 within appeal decision APP/Y3940/W/17/3174330 that *"the area around the appeal site is very rural in nature with buildings generally associated with an agricultural setting"*. The Inspector at para. 15 confirmed that *"the proposed dwellings by virtue of their domestic nature and grouping would be out of character with this setting. They would also harm the appearance of the immediate area through the introduction into this rural setting of paved areas and domestic paraphernalia. The reduction in mass of built form would not outweigh this harm"*.

It is considered that the proposed erection of three new large dwellings with associated parking and turning and large residential curtilages and associated domestic paraphernalia would have an urbanising effect on this countryside location to the detriment of the rural character of this edge of National Landscape location.

Whilst it is acknowledged that there are existing historical dwellings nearby, it is considered that this development of three new dwellings with associated domestic paraphernalia would further erode the rural character to the detriment of the area in general and the adjacent protected landscape.

The Vale of Pewsey landscape assessment identifies that amongst other criteria, the principal threats and issues considered important to landscape quality in this character area

are: the influence of built development on the fringes of Devizes and other settlements within the Vale. The existing built form comprises traditional rural buildings which do not appear out of place in the landscape, whereas the proposed development would extend the built form, thereby permanently and irreversibly changing the character of the area and the rural context in which the National Landscape is enjoyed. The proposal would therefore be contrary to Core Policy 51 and Core Policy 57 of the WCS (2015) and with the NPPF.

9.3 Impact on neighbour amenity

Core Policy 57 of the WCS (2015) requires proposed development to be designed to ensure no detriment to residential amenity.

The properties all front onto a courtyard setting. Plot 3 lies approximately 20m from the rear elevation to the neighbouring boundary to the west, whereas the rear of plots 1 and 2 face onto the adjoining highway and surrounding countryside.

By virtue of the separation distance between plot 3 and its nearest existing neighbour it is considered that the proposed development would not give rise to any unacceptable impacts upon amenity in terms of overbearing effect, loss of light, overshadowing or overlooking. There are no nearby properties to plots 1 and 2.

9.4 Highway Safety Impact / Parking

Core Policy 61 - Transport and New Development - seeks to ensure that new development is capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure that parking standards are met as set out in the Council's adopted standards. The NPPF (2023) states that an application should only be 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"*.

Comments received from the highway officer on grounds of traffic generation raise no objections to the proposed scheme subject to conditions. They do however object to the scheme's location in terms of accessibility and sustainability, it is considered that the development is contrary to policy. Even if it was agreed that the location can be walked to, the adjacent road network and ROW connections are not conducive for easy and daily use and are not likely to be used as such.

The concerns raised by local residents at the unsuitability of the adjoining road network is acknowledged, however, comments received from the highway officer following the submission of further detail on the scheme remove their initial objection to the application. They acknowledge that the NPPF only allows for development to be refused on highway grounds if the cumulative impact can be demonstrated to be severe/significant. Bearing in mind the fall-back use of the site for agricultural purposes, it is considered that the change in traffic movements would not be so significant as to robustly refuse on highway safety grounds in this instance.

9.5 Impact on heritage

There are several listed buildings to the southwest of the site, refer to the mapping extract below. The closest is Roundway Farmhouse, a grade II listed property, at approximately 80m from the boundary of the site, with other listed buildings set at a further distance.

Between the site and nearest listed structure, there are existing mature tree lines forming the boundary features to properties, a paddock and also an existing dwelling to the west of the site and tennis court to the east of the listed building.



Mapping extract, yellow outline is site and black cross hatched grade II listed buildings

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that special regard be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess. This is locally reflected within Core Policy's 57 and 58 and covered within section 16 of the NPPF.

With regard to the degree of separation between the site and the nearest listed building and the intervening landscape features and other existing built form, it is considered that the

proposed development would have a neutral impact on the setting of the existing listed buildings.

It is therefore considered that the proposed development would not have an impact on the setting of the listed building and that the scheme complies with the requirements of Core Policies 57 and 58 in relation to heritage issues.

Comments received from the Councils Archaeologist recognise that the site is located within a location that offers the potential for archaeological heritage assets below the current barns. They advise that all groundworks associated with the construction of the new houses is monitored by qualified archaeologists following the demolition of these barns. This monitoring can be secured via a condition.

9.6 Impact on Ecology

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy (CP) 50 provides the Councils stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation.

The application is supported by a Preliminary Ecological Appraisal by Chalkhill Environmental Consultants that identifies that the habitats and buildings within the site are of generally low importance, although the boundaries do contribute to primary connectivity with the wider landscape. Further detail was required in relation to 'great crested newts', 'bats' and further detail on the disposal of waste water given that the site falls within a nitrate zone. In addition, further detail was required to show that the development would comply with CP50 of the WCS by ensuring biodiversity no net loss and enhancements.

Comments from the ecologist identified that "*an updated Site Plan (Drawing no: 230128-02 Rev B) has been submitted which shows that the drainage field for the proposed package treatment plant is located outside of the Hampshire Avon Catchment. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given that the drainage field is located outside of the catchment there is no mechanism for adverse effect and operational impacts would be de-minimis*". As this information has been provided, the application has subsequently been screened out of Appropriate Assessment.

In response to the potential for impacts on the 'great crested newt', the ecologist clarified that the submitted reports addressed the points raised:

"It is understood that the mitigation strategy will involve an application to District Level Licensing (DLL). I can confirm that the proposed strategy is acceptable. The Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted. I can confirm this document is signed by the applicant and countersigned

by Natural England, and that 'Annex 3: Site Location' corresponds with the red line site boundary submitted with the planning application".

With regard to the potential for impact on bats, the ecologist was satisfied with confirmation that was provided via email (4th January 2024 - Mark Pettitt of Fowler Architecture) that no trees will be removed. Furthermore, measures to protect trees have been set out in the Tree Survey and Tree Constraints Plan (Report ref: 23.1625 Rev B). Based on this information no further survey of trees for roosting bats is required. Finally, the Site Plan has been updated to show the proposed hedgerow as native species-rich (Drawing no: 230128-02 Rev B), as such it is considered that there would be no biodiversity net loss and that the proposed planting would be an enhancement.

On balance the issues originally highlighted by the Councils Ecologist have been satisfactorily addressed and the scheme is considered to be compliant with Core Policy 50 of the WCS and relevant section of the Framework.

9.7 Other matters

The application fails to provide certainty on how surface water will be dealt with, however, the submitted planning statement suggests that it will 'run-off' to a soakaway. There is no mention of the use of SuDS and thereby another negative in considering the sustainability credentials of the development proposed.

As the site lies partly within and adjacent to the nitrate boundary within this area, details of the sewage disposal have been requested and provided that clarify the use of a new mini sewage treatment plant to deal with this disposal.

Whilst surface water remains ambiguous, it is considered that surface water drainage issues could be reasonably resolved through the imposition of conditions. Clearly the foul waste would have to be disposed of through the proposed system as identified, in order to satisfy drainage requirements associated with the nitrates issues within this area.

10. Conclusion (The Planning Balance)

There are three aspects of sustainable development (economic, social and environmental) in respect of which the NPPF identifies that there is a presumption in favour of sustainable development. This is seen as a golden thread running through the decision-making process and that local planning authorities should approve development in accordance with the development plan without delay.

It is acknowledged that some limited weight may be given to economic benefits through the likely local employment that may be generated by the development proposed for a limited period of time. There are also likely to be some social benefits through the provision of three new dwellings within the local housing market. However, given the likely cost of a unit of the sizes proposed, within an attractive rural location, the social benefits would be restricted to those on a higher income and would not benefit lower income families or add to the affordable housing market within this area. As such this would attract only limited weight.

The applicant argues that the Council cannot demonstrate a 5-year housing land supply and therefore, where there is no clear reason for refusing a scheme the presumption in favour of sustainable development is a material consideration in support of an application.

For housing supply and delivery, the revised NPPF (Dec 2023) contains two important amended/new paragraphs, that have altered the Council's position on housing land supply. For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. This means that the planning balance is now level rather than 'tilted'. With a level balance full weight can be given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) – namely Core Policies 1 and 2. This is reflected within recent appeal decisions on schemes at Wiltshire. The conflict of the development against the strategic delivery of houses in an unsustainable location contrary to the policies of the development plan is considered to carry significant weight within the planning balance.

The proposed dwellings, by virtue of their domestic nature and grouping, would be out of character with this setting and would harm the appearance of the immediate area through the introduction into this rural setting of associated domestic paraphernalia and urban form. The scheme would result in harm to the landscape character and setting of the countryside and the setting of the North Wessex Downs National Landscape and would be in conflict with Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy (2015) and with the relevant section of the Framework.

It is considered in this instance, that the adverse impacts of granting permission would significantly and demonstrably outweigh any limited benefits, when assessed against the policies of the development plan and the Framework taken as a whole. On the basis of the individual merits of this scheme, the material considerations indicate that permission should be refused.

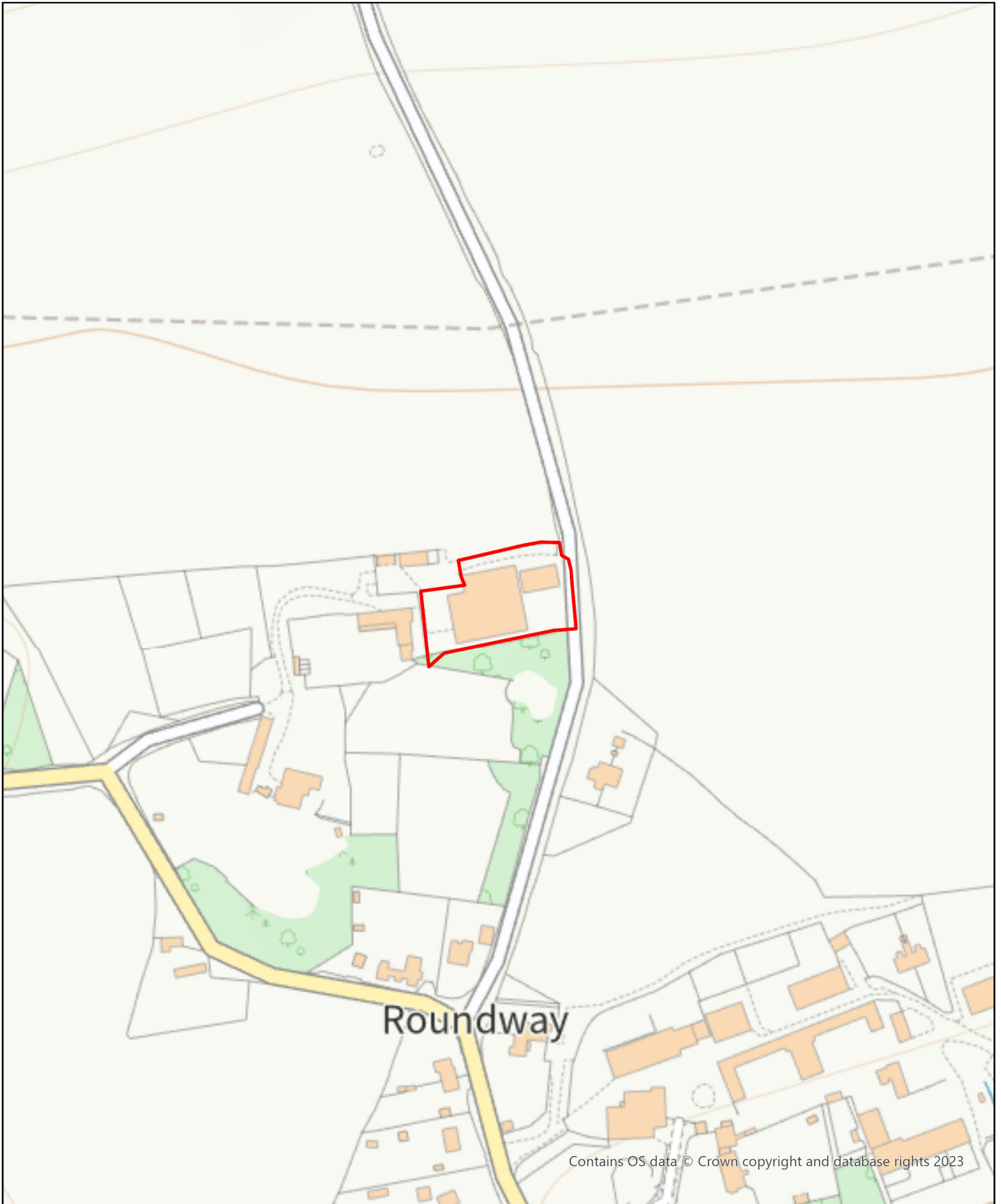
RECOMMENDATION

That planning permission be REFUSED for the following reasons:

1. The site is located in open countryside well outside the limits of development of any nearby settlements as defined in the Wiltshire Core Strategy and in a location poorly served by local services and amenities, where none of the exceptions policies listed at paragraph 4.25 are applicable nor has the site been identified through the neighbourhood planning process. The proposal would therefore conflict with Core Policies 1, 2, 12, 60 and 61 of the Wiltshire Core Strategy (2015) and Policy H1 of the Devizes Neighbourhood Plan (2015), which seeks to properly plan for sustainable development of housing in Wiltshire and to central government guidance contained within the National Planning Policy Framework.

2. The erection of three new dwellings as proposed would create residential development within the countryside with associated domestic paraphernalia, eroding the rural character of the area and negatively impacting on the landscape character and countryside setting and on the setting of the North Wessex Downs National Landscape contrary to Wiltshire Core Strategy Core Policy 51 and Core Policy 57 and guidance set out in the National Planning Policy Framework.

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	25 April 2024
Application Number	PL/2023/09946
Site Address	Land to North East of Higher Green Farm, Poulshot Road, Poulshot, SN10 1RW
Proposal	Erection of single storey dwelling.
Applicant	Mr and Mrs G Curnow
Town/Parish Council	POULSHOT CP
Electoral Division	Cllr Tamara Reay
Grid Ref	397,075 160,069
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called-in by Cllr Tamara Reay, to discuss the scale of development, the visual impact on the surrounding area, relationship to adjoining properties and the design of the scheme.

1. Purpose of Report

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

2. Report Summary

Concerns are raised regarding the harm to the setting of the adjoining listed building and to the character of the conservation area; the scheme is contrary to the requirements of both local and national policy for conserving and enhancing the historic environment. The development would be contrary to and would undermine the requirements of these policies, and there are no public benefits that would outweigh the identified harm to the designated heritage assets.

3. Site Description

The site is located adjacent to the built form of Poulshot, which is identified as a small village in the Wiltshire Core Strategy (2015). The village and surrounding area have a distinct rural quality. The site is bounded on three sides by existing residential properties / residential curtilages and on the fourth side by a paddock.

The site is located within the Poulshot Conservation Area and also within the setting of the adjoining Grade II listed farmhouse (Higher Green Farmhouse). The site is bounded by a mixture of post and wire fencing and hedgerow; it is identified within the Conservation Area Statement that the trees to the south of the site, forming the boundary to 'Higher Green Farm' are 'significant trees'.

The buildings to the west of the site that front on to Poulshot Road and the nearest dwelling to the east on the opposite side of the paddock are also recognised as 'significant unlisted buildings'. Public right of way 'POUL5' (a bridleway) runs to the south of the site, so it would be visible from this public vantage point. The topography of the land is generally level with access along the existing access to 'The Courtyard' to the west of the site.



Mapping Extract identifies the site in relation to adjoining Grade II Listed Building

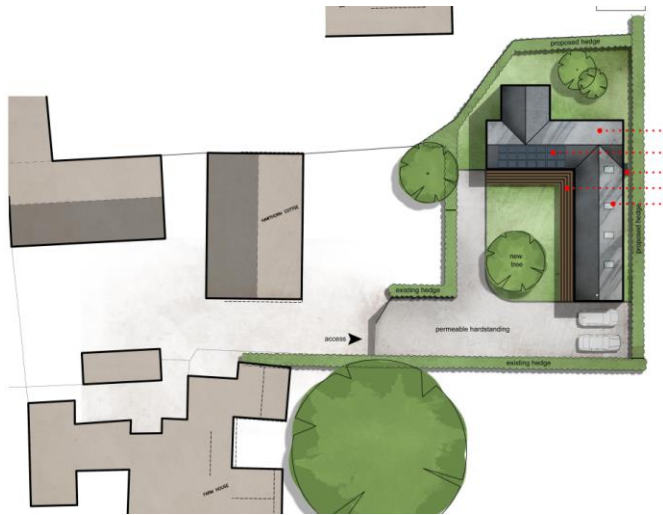
The site has been used as a vegetable garden by the family living in Higher Green Farm, it is laid to grass with seating and some raised vegetable beds and a small shed. The application site does not include any of the paddock situated to the east.

4. Planning History

- K/58224/LBC - Demolition of pantry and garden room extension – approved with conditions
- K/58225/F - Demolition of pantry and garden room extension – approved with conditions
- K/57820/F - Conversion/enlargement of existing boot-room/porch to form assisted shower room – approved with conditions
- K/57311/LBC – Provision of assisted shower room – approved with conditions
- K/59337/F - Hardstanding for parking area – approved with conditions
- K/59598/F - Change of use of land from paddock to garden, with associated landscape works – approved with conditions
- E/11/0441/FUL - Proposed extension and alterations to existing store to form sleep-in and office administrative accommodation in connection with the residential institution use approved under planning permission reference E/09/0481/FUL – approved with conditions
- E/11/0443/LBC - Proposed extension and alterations to existing store to form sleep-in and office administrative accommodation in connection with the residential institution use approved under planning permission reference E/09/0481/FUL – approved with conditions
- 20/07753/FUL - Erection of single storey dwelling - withdrawn

5. The Proposal

The application is for the erection of a new single storey dwelling within an area of land to the rear of Higher Green Farm, with associated access, parking and landscaping. The proposed dwelling would measure approximately 18.5m by 5.0m along its longest part, with an 'L' shape measuring 9.1m by 5.0m and a further 5.0 by 3.6m element extending north again. The proposed dwelling would be 2.45m to eaves and 4.45m to ridge, finished in a slate roof, with multi-red brick walls, timber brise-soleil and powder coated aluminium joinery. The proposed scheme will also include 'integrated solar panels to sit flush with the roof and an air source heat pump to the east elevation.



Proposed site layout

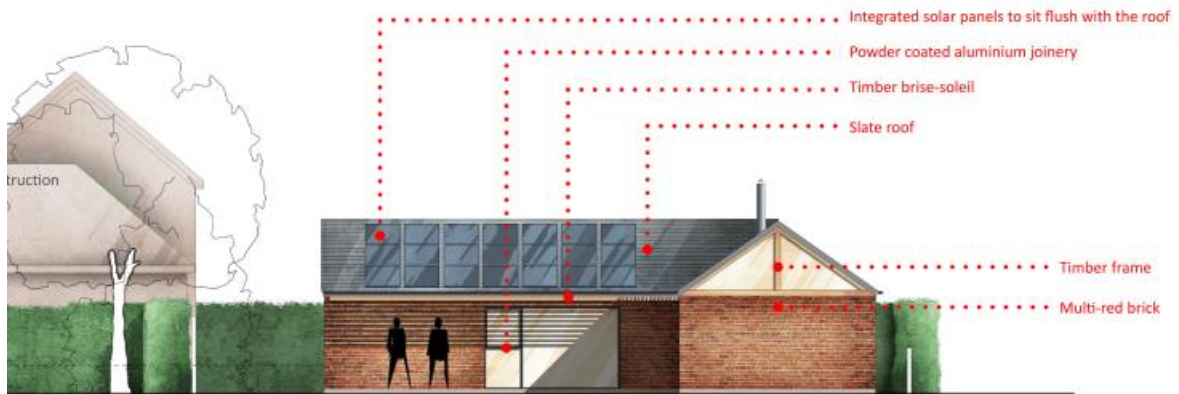
The following extracts from the submitted details show the proposed development:



Proposed North Elevation

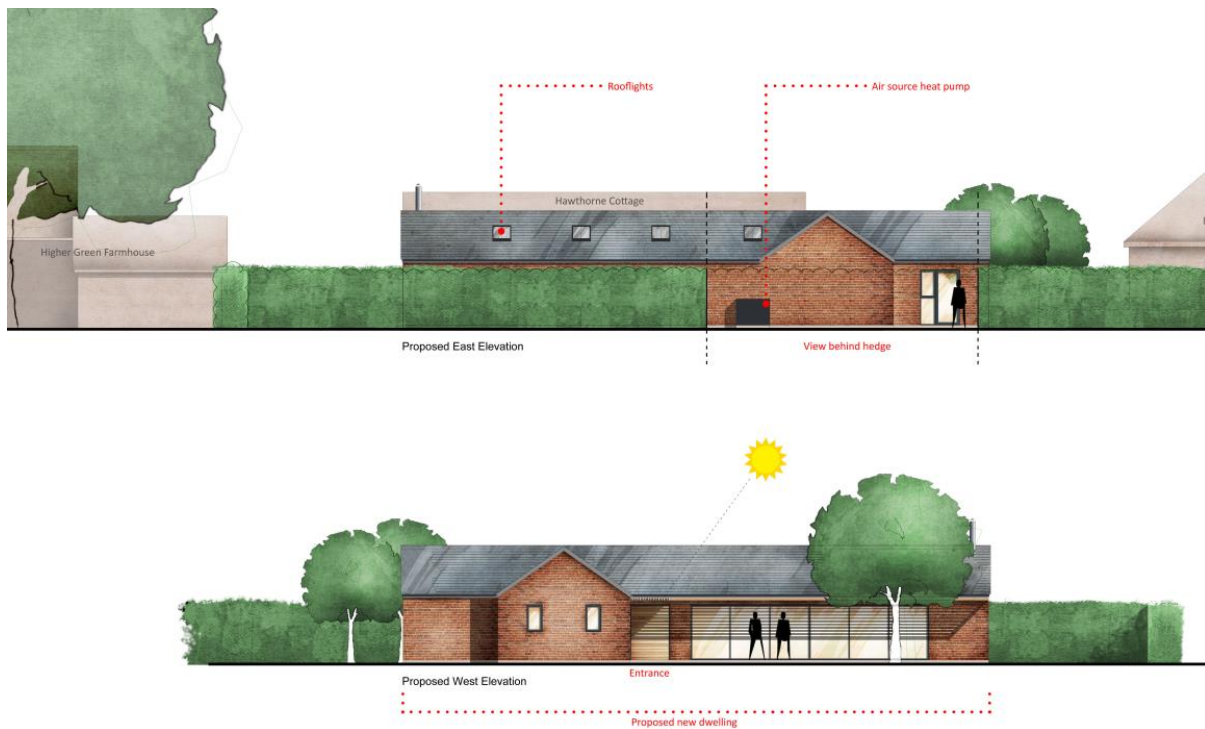


Proposed new dwelling



Proposed new dwelling

Proposed North and South Elevations



Proposed East and West Elevations

The application has been the subject of revised/additional details and a re-consultation exercise carried out in respect of the latest details, The application has been determined in accordance with the latest details.

6. Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Wiltshire Core Strategy (WCS) (2015) and the saved policies of the Kennet Local Plan (KLP) (2004).

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 15 Spatial Strategy: Melksham Community Area
- Core Policy 41 Sustainable Construction and Low Carbon Energy
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 56 Contaminated Land
- Core Policy 57 Ensuring High Quality Design and Place Shaping

- Core Policy 58 Ensuring the conservation of the historic environment.
- Core Policy 60 Sustainable transport
- Core Policy 61 Transport and new development
- Core Policy 64 Demand management

Kennet Local Plan (2004) no saved policies relevant to this development

National Planning Policy Framework (NPPF, 2023)

National Design Guide, Planning practice guidance for beautiful, enduring and successful places (NDG) (2019)

Wiltshire Design Guide: Shaping the future: My Place, Your Place, Our Place (2024)

Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (2015)

Sections 16 (LBC) and 66 and Section 72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

Poulshot Conservation Area Statement (Aug 2004)

7. Summary of consultation responses

The application has been the subject to revised/additional detail and a re-consultation carried out on the latest details. The comments below are the final comments offered following this consultation. A full set of comments received can be reviewed on the Council's webpage.

Poulshot Parish Council – No objection

WC Highways – No objection; adequate off street parking to meet Wiltshire's current parking standards and turning is proposed within the site. An existing vehicle access will be utilised to access the site which benefits for adequate visibility over a wide grass verge. I wish to raise no highway objection.

WC Conservation – Object; The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals would result in harm to the character of the conservation area and the setting of the adjacent listed building due to the development being at odds with the historic settlement pattern and historic built forms and would also detract significantly from its relationship with its surrounding agricultural landscape.

Whilst paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, in this case no objective justification has been provided for the works and the proposals are primarily for private benefit. As a result, the proposals

fail to meet with the requirements of current conservation legislation, policy or guidance and I therefore recommend refusal.

8. Publicity

The site has been advertised by letter to local residents, by site notice and within the local press. Representations have been received and these are summarised as follows:

Third party comments:

Support:

- No visual impact
- Sympathetic to surrounding environment
- Add to the housing stock
- Provides alternative type of housing (bungalow) as opposed to recent large new builds adjoining
- Need for single storey properties in Poulshot
- Good design
- Proposal would be consistent in size, style and location with existing properties nearby
- 'Green' credentials of the proposal benefit to the environment
- Sympathetic to the local heritage
- No impact on the Green, visually or otherwise
- Other examples of similar proposals allowed within the area

9. Planning Considerations

9.1 Principle of Development

The site is located in Poulshot which is defined as a small village within the Wiltshire Core Strategy (2015) (WCS). The application is for the erection of a new dwelling adjoining the built form of Poulshot.

In the interests of promoting sustainable development and the protection of the countryside the policies of the WCS (2015) seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages. The WCS includes a settlement strategy, Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' which outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances as set out within the relevant core policies contained within the plan. There are no exceptional circumstances that would allow for a departure from the development plan in this instance.

Core Policy 2 states that at the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where

they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i. Respects the existing character and form of the settlement
- ii. Does not elongate the village or impose development in sensitive landscape areas
- iii. Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

For the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. It is acknowledged that the site is located to the rear of existing dwellings, however, the properties to the west and north are examples of in-depth development and provided this proposal does not raise a technical issue, could also potentially be considered acceptable in-depth development. With regard to this site, it is bounded on three sides by existing residential properties with the fourth (east) side open to the adjoining paddock; therefore in terms of the question as to whether it is infill development, the proposal is considered to meet these requirements. However, there are other concerns with the scheme which are considered in the report below.

9.2 Visual Impact

Core Policy 51 and Core Policy 57 of the WCS (2015) collectively seek, in part, to protect, conserve and where possible enhance landscape character, enhance local distinctiveness, and avoid harmful impact upon landscape character. The National Planning Policy Framework (NPPF, 2023), is in general support of this direction in policy in that it seeks to protect and enhance our natural environment and recognise the intrinsic character and beauty of the countryside.

The area does have a distinct rural quality, that is reflective of the historic layout and pattern of development for this area. It is considered that introduction of the proposed new dwelling would result in the further erosion of the rural character of the area, an issue that was identified within the case officers report on application K/59598/F, which sought the extension of the garden area for Higher Green Farm.

The site lies on the edge of the main built-up part of Poulshot and would be viewed within this context. The proposal is for a single storey dwelling and the topography of the land is relatively flat and the site well screened, with existing trees and hedgerow. It is considered in terms of the general appearance, that the scheme would not appear as a dominant and intrusive feature within the streetscene and landscape when viewed from public vantage points.

On balance, it is therefore considered that the creation of a new dwelling, with associated domestic curtilage and access would not have a detrimental impact on the rural character of the area and would therefore comply with Core Policy 51 and Core Policy 57 of the WCS (2015) in this instance.

9.3 Impact on neighbour amenity

Core Policy 57 of the WCS (2015) requires proposed development to be designed to ensure no detriment to residential amenity.

By virtue of the single storey nature, location, screening and intervening distances to any neighbouring properties, it is considered that the proposed development would not give rise to any unacceptable impacts upon amenity in terms of overbearing effect, loss of light, overshadowing or overlooking.

9.4 Highway Safety Impact / Parking

Core Policy 61 - Transport and New Development - seeks to ensure that new development is capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure that parking standards are met as set out in the Council's adopted standards. The NPPF (2023) states that an application should only be 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"*.

Comments received from the highway officer raise no objections to the proposed scheme on highway safety grounds. They are content that the principle of development is acceptable, and that bin collection and other services can take place as per adjacent properties. It is considered that adequate off-street parking to meet Wiltshire's current parking standards and turning would be available within the site. It is acknowledged that an existing vehicle access could be utilised to access the site and which benefits with adequate visibility over a wide grass verge.

Based on highway comments it is considered that the proposal will be served by safe access and adequate parking in line with the requirements of the local and national policies. As such the scheme is considered to meet the relevant criteria of Core Policies 61 and 64 of the WCS (2015) and the WLTP (2011 – 2026) Car Parking Strategy (2015) and with the relevant sections in the NPPF (2023).

9.5 Impact on heritage

From the point of view of the historic environment, the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that special regard be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. This is locally reflected within Core Policy's 57 and 58 and covered within section 16 of the NPPF.

The site is located within the Poulshot Conservation Area and within the setting of several listed buildings and significant unlisted buildings. The proposed dwelling would be located in

an area of land located to the east of Higher Green Farm and to the west of no. 15 The Green. No. 15 The Green is noted as a significant unlisted building in the Poulshot Conservation Area Statement and it is considered worthy as a Non Designated Heritage Asset. Higher Green Farm itself is a Grade II Listed timber framed building that dates from the 17th century. It was faced and extended in red brick in the early 19th century. Despite it now having a concrete tiled roof, the building is believed to originally have been two timber framed thatched cottages that were 'gentrified' by adding a tile roof and brick elevations in the early 19th century. A significant 2 storey rear extension (the 'square-framed rear wing' mentioned in the list description) appears to have been added some 50 years or so later than the original framed buildings. It consists of two storeys with various casement windows, brick elevations, exposed timber framing and roughcasting – a mix of character and styles. To the rear of the farmhouse were previously farm buildings, now replaced by holiday lets (now full-time dwellings) and an area of former redundant farmyard now the subject of a development of 9 dwellings (this development site was previously owned by Higher Green Farm). The site occupies an extremely prominent location within the Poulshot Conservation Area, facing The Green. The principal issues in relation to heritage are the impact on the setting of listed building, impact on the character and appearance of Poulshot conservation area.

Official Listing for Higher Green Farmhouse:

“ST 96 SE POULSHOT THE GREEN (east side) - 4/182 Higher Green Farmhouse - GV II

Farmhouse, C17 timber-frame, faced and extended in red brick in early C19. Concrete tile roof, east end stack and ridge stack at former west end. Two storeys, 3-window range to front with triple casements each side of first floor casement pair and ground floor door. Windowless section to left, chequered brick on west end wall. East end wall is roughcast over timber frame. Rear wall has exposed square framing with angle brace. Square-framed rear wing. [Listing NGR: ST9703260060]”

It is acknowledged that the application is supported by a Heritage Impact Assessment and that a further heritage supporting letter has been submitted on the application following the Conservation Officer's (CO's) original objection. The CO is of the view that the submitted documentation provides sufficient information to understand the impact of the proposal and is proportionate to the scope; the requirements of the NPPF are therefore met in this respect.

In this case the significance of the building lies largely with its historic fabric and architecture – its form, layout and architectural expression/detailing and use of high-quality design materials which have significant aesthetic and architectural interest and which contribute to the character of the conservation area. Its significance also relates to its relationship with its surrounding agricultural landscape which forms part of the setting of this designated heritage asset.

The site is seen in views from The Green and, as stated previously, there is a statutory requirement for proposals to preserve or enhance the conservation area and preserve or enhancing the listed building and its setting; this applies whether or not the proposal is in public view or not.

In this instance, it is considered that the proposed development, would be at odds with the historic settlement pattern and with historic built forms and would detract significantly from the relationship that the farmhouse has with its surrounding agricultural landscape.

The proliferation of further non-traditional type of building form, which does not relate to any former yard layout, and the further spilling into the open agricultural land which previously served the farm, would be at odds with the historic pattern and form of development. The proposed dwelling would increase the level of development around the green.in conflict with the historic pattern of development and with the requirements of CP57 o the WCS (2015).

The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals would result in harm to the character of the conservation area and the setting of the adjacent listed building due to the development being at odds with the historic settlement pattern and historic built forms and would also detract significantly from its relationship with its surrounding agricultural landscape.

Whilst paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, in this case no objective justification has been provided for the works and the proposals are primarily for private benefit.

It is therefore considered that the proposed development fails to meet with the requirements of current conservation legislation, policy or guidance and a recommendation for refusal reached in this instance.

9.6 Other matters

Surface water will be dealt with, as identified within the application form, by way of a soakaway, whilst foul sewage remains an unknown. However, it is considered that drainage issues could be reasonably resolved through the imposition of conditions.

10. Conclusion (The Planning Balance)

There are three aspects of sustainable development, an economic, social and environmental role, to which the NPPF identifies that there is a presumption in favour of sustainable development. This is seen as a golden thread running through the decision making process and that local planning authorities should approve development in accord with the development plan without delay.

The scheme would not result in a detrimental impact on the amenity of the occupiers of any nearby properties or result in a significant visual impact within this location and sufficient space exists that would allow for vehicles to enter and exit the site safely.

It is acknowledged that there is some limited weight to be given to economic benefits through the likely local employment that may be generated by the development proposed for

a limited period of time. As are there likely to be some social benefits through the provision of a new dwelling within the local housing market. However, given the likely cost of a unit of this size, within an attractive rural location, the social benefits would be restricted to those on a higher income and would not likely benefit lower income families and would certainly not add to the affordable housing market within this area.

The applicant's submission argues that the Council cannot demonstrate a 5 year housing land supply and therefore where there is no clear reason for refusing a scheme the presumption in favour of sustainable development is a material consideration in support of an application.

For housing supply and delivery the revised NPPF (Dec 2023) contains two important amended/new paragraphs, that have altered the Council's position in terms of housing land supply. For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. This means that the planning balance is now level rather than 'tilted'. With a level balance full weight can be given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) – namely Core Policies 1 and 2. This is reflected within recent appeal decisions on schemes at Wiltshire.

Fundamentally, the scheme would result in harm to the setting of the adjoining listed building and conservation area and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh any benefits when considered against the Framework, consequently, the presumption in favour of sustainable development as set out in paragraph 11 (NPPF) does not apply.

It is considered that any limited public benefit that may occur if this development were approved, would not outweigh the harm that would be caused to the setting of the adjoining Listed Building and Conservation Area. On balance it is considered that the proposed development would be contrary with Core Policies 57 and 58 of the Wiltshire Core Strategy (2015) and the thrust for conserving and enhancing the historic environment as set out in the National Planning Policy Framework (2023).

RECOMMENDATION

Refuse for the following reasons:

1. The proposed development of a new dwelling would result in harm to the character of the conservation area and the setting of the adjacent listed building due to the development being at odds with the historic settlement pattern and historic built forms and would also detract significantly from its relationship with its surrounding agricultural landscape. With respect to the National Planning Policy Framework (2023), the harm is not judged to be outweighed by any public benefits.

The application is therefore contrary to the requirements of Core Policies 57 and 58 of the Wiltshire Core Strategy (2015) and with section 2 - Achieving sustainable development (paragraph 8), and section 16 - Conserving and enhancing the historic environment of the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990.

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