

REPORT TO EASTERN AREA PLANNING COMMITTEE

Date of Meeting	21 st November 2024
Application Number	PL/2024/02062
Site Address	8 The Orchard, Urchfont, Devizes
Proposal	Application to vary condition no. 2 and 3 on planning consent ref: 20/08600/FUL
Applicant	Mrs P Cridland
Town/Parish Council	URCHFONT
Electoral Division	Urchfont & Bishops Cannings
Grid Ref	53.475215, -5.659522
Type of application	Removal/variation of conditions
Case Officer	Joe Leesam

Reason for the application being considered by Committee:

This application has been brought before the Committee at the request of the local member, Councillor Whitehead, should the application be recommended for approval, on the basis of the scale of the development, its impact upon the surrounding area, its relationship to adjoining properties, the design (bulk/height/general appearance) and car parking provision.

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 granted planning permission.

2. Report Summary

The proposed variation of conditions on the existing consent would enable the outbuilding currently permitted for an annexe use, to also be used for holiday let purposes. The principle of a holiday let use on the site is acceptable as it would accord with Core Policy 39 of the Wiltshire Core Strategy, this due to it being located within the defined 'limits of development of the 'Large Village' of Urchfont; and the change of use relating to an existing outbuilding.

As no external works are proposed and the use would still be classed as residential, there would be no harmful visual/conservation area impacts or any detrimental effect on neighbour amenity.

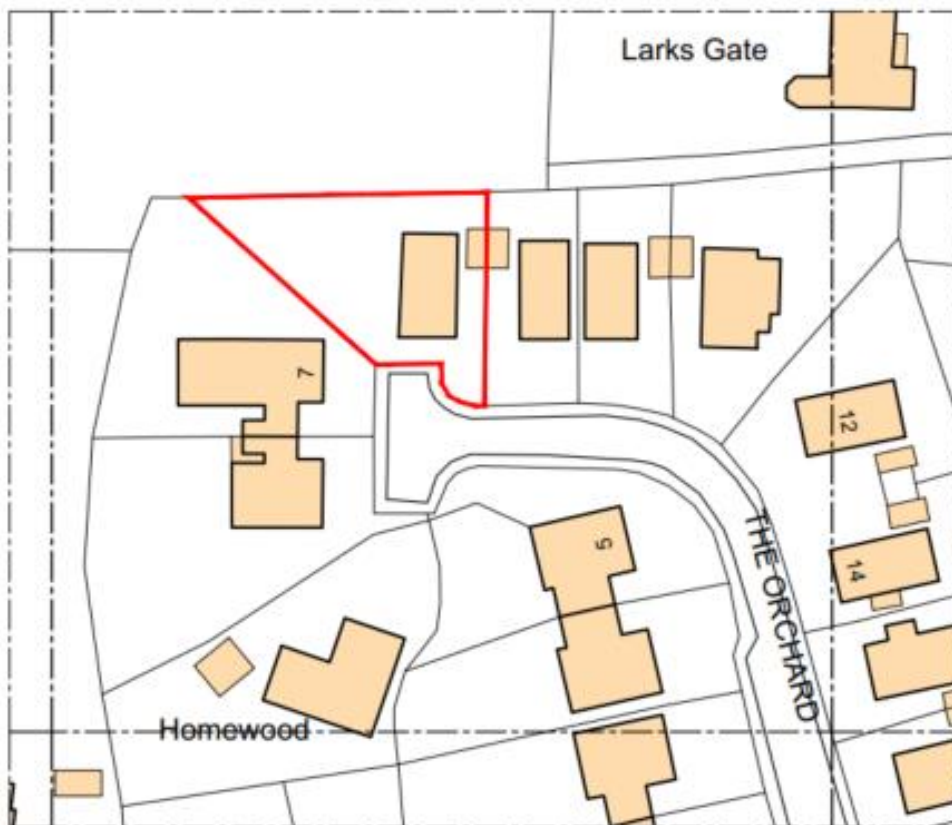
In terms of highway impacts, the proposed development would provide adequate parking arrangements for both the host dwelling and the proposed annexe/holiday let use. A new access point would be formalised on site to ensure that the holiday let use would have its own dedicated separate parking arrangement. This is welcomed since it would ensure no conflict in terms of vehicles associated with the host dwelling and the holiday let. The provision of a new dropped kerb access is deemed acceptable in terms of highway safety, with the added benefit of potentially reducing existing parking issues in the vicinity by ensuring clear access from the turning head to this area when holiday let users enter and leave the site.

It is therefore considered that the proposed development accords with the Development Plan; as such, the application is being recommended for approval.

3. Site Description

The application site comprises a bungalow located at the end of a residential cul-de-sac within the settlement of Urchfont. To the east and west of the application site lie residential properties and to the north lies an open field. There is a Public Right of Way footpath (URCH5) which runs directly adjacent to the northern boundary of the site. The annexe building in question is in-situ and is located on the northern boundary of the site, in the north-west corner of the plot. The application site is located within the Urchfont Conservation Area.

Below is the Location Plan that shows the context of the site (nb. it does not demonstrate the in-situ annexe building).



4. Planning History

20/08600/FUL – Proposed use of existing garden building as a domestic annexe. Approved with Conditions 10th December 2020.

K/35952 – Retention of LPG tank. Approved with Conditions 26th November 1998.

5. The Proposal

The application seeks planning permission to vary Conditions 2 (approved plans) and 3 (ancillary use) of planning permission reference 20/08600/FUL. Condition 3 is currently worded as follows:

Condition 3:

The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as '8 The Orchard' and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

The application seeks to amend the wording of condition no.3 to become:

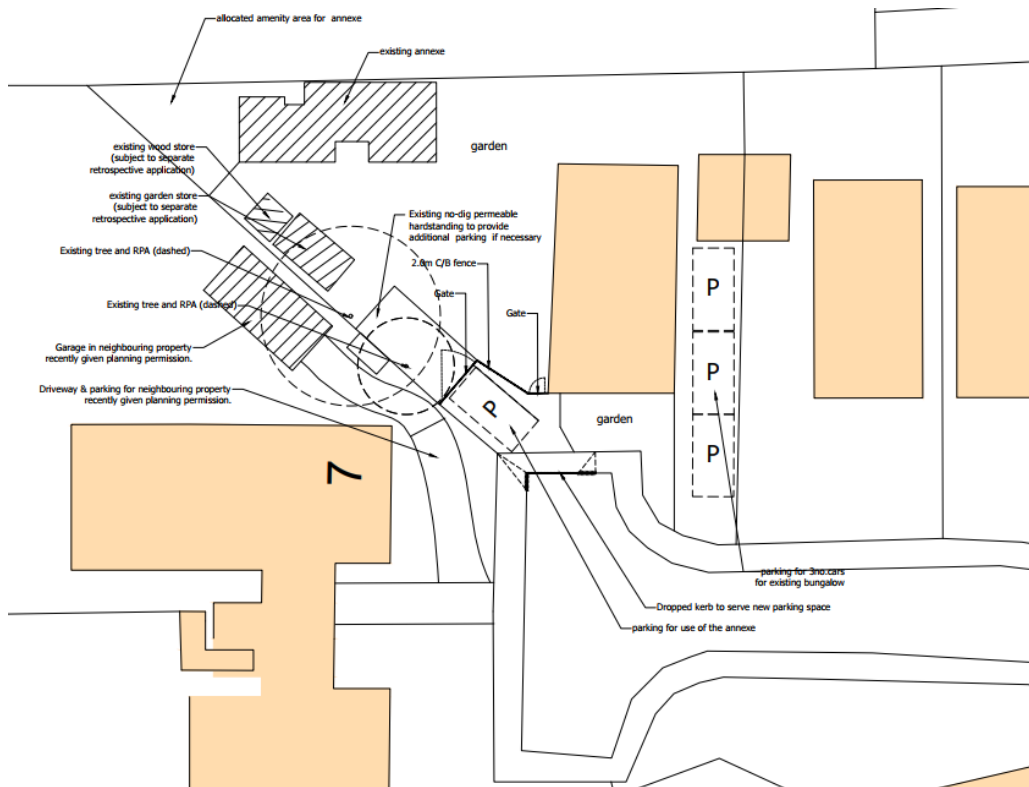
The accommodation hereby approved as identified on the approved drawings shall not be occupied at any time:

a) other than for purposes ancillary to the residential use of the main dwelling, known as 8 The Orchard, nor

b) other than for holiday accommodation purposes, with a register of such occupants to be maintained and made available for inspection by the local planning authority at all reasonable times.

REASON: This site is in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent independent residential accommodation.

It is furthermore sought under this application that a new dropped kerb would be provided from the turning head to enable the creation of a parking space in connection with the annexe/holiday let use. This amended plan resulted in the need to include the variation of condition 2 (approved plans) on the proposal description, which was undertaken, and a full re-consultation to inform the relevant consultees and public on this change. The site plan proposed is below:



Site Plan

6. Planning Policy

National Planning Policy Framework (NPPF)

Section 2 (Achieving sustainable development)

Section 4 (Decision-making)

Section 12 (Achieving well-designed places)

Section 16 (Conserving and enhancing the historic environment)

Planning Practice Guidance (PPG)

National Design Guidance

Wiltshire Core Strategy (WCS):

Core Policy 12: Spatial Strategy: Devizes Community Area

Core Policy 14: Marlborough Community Area

Core Policy 39: Tourist Development

Core Policy 48: Supporting Rural Life

Core Policy 51: Landscape

Core Policy 57: Ensuring High-Quality Design and Place-Shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 62: Development Impacts on the Transport Network

Urchfont Wedhampton and Lydeaway Neighbourhood Plan 2015-2026

Policy H4: Parking for New Development

Policy D1: Design

Policy BE1: Protection of Local Heritage

Other Documents and Guidance

Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)
Sections 16 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Wiltshire Design Guide

7. Consultation responses

Urchfont Parish Council: (Initial comments) “This application was considered by Urchfont Parish Council at their meeting on 13th March 2024 where it was decided to OBJECT primarily due to the potential for increased parking in an already congested road / turning area and the fact that a public footpath passes directly behind and close to the property in question.”

(Second comments) “This application was discussed by Urchfont Parish Council at their meeting on the 10th July 2024 where consensus indicated that nothing has materially changed since the earlier application when condition 3 was applied. On this basis it was resolved to again OBJECT primarily due to the potential for increased parking in an already congested road / turning area and the fact that a public footpath passes directly behind and close to the property in question.”

(Final comments) “At the Planning Meeting of Urchfont Parish Council on 11th September 2024 councillors unanimously agreed to again OBJECT to the application for the following reasons:

- overdevelopment of a single plot.
- granting this change of use would be setting a dangerous precedent for the surrounding area.
- it would significantly increase vehicle accessing and exiting for the cul-de-sac.
- it will worsen existing parking and restrict manoeuvring within a confined close
- it will negatively impact the setting in a conservation area and the nearby right of way.”

Local Highway Officer: “The condition previously applied would mitigate the impact of how close the annex is to the main dwelling in terms of amenity. In relation to the parking, in the light of the demand on road space, if in separate ownership the annex should be provided with its own parking. As this is a single bedroom unit there is only a requirement for 1 space. The main dwelling will require 2-3 spaces depending on bedroom number which is shown and there is also a garage. The drawing appears to show the required number of off-street parking spaces.

To facilitate access to the new parking space the full height kerb will require dropping under a Vehicle Crossing Permission. I am minded to allow a vehicle to reverse at this location as it mirrors other arrangements in the vicinity.

As such, based on the information provided I am minded to offer no highway objection subject to a condition securing the parking spaces as shown only for parking and only in relation to the respective residential uses.”

8. Publicity

The application has been advertised by letter to local residents. Five third party representations (from three separate neighbours) have been received raising concern as follows (in summary):

- Concerns regarding parking provision given that a holiday let use would result in additional vehicles associated with this site.
- Consider there are too many vehicles already associated with No. 8.
- Adverse parking on the public highway (within the turning head) already occurs due to excess vehicles associated with No. 8 which is a highway safety risk resulting in vehicles having to reverse down The Orchard into Back Street.
- Concern that there is no guarantee that the holiday let users would arrive in one vehicle.
- Other examples of holiday accommodation or short lets within Urchfont claimed are not known, only examples have plenty of off-road parking.

9. Planning Considerations

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

Principle of Development

The existing building has a permitted use as an annexe and therefore consideration can only be given to the proposed use as holiday accommodation.

Core Policy 39 (Tourist Development) outlines that outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in, or close to, Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings. In this respect, the application site is located within the limits of development of Urchfont, which is a 'Large Village' as outlined within the Spatial Strategy for the Devizes Community Area (Core Policy 12). As such the proposal accords with this Core Policy being located in the Large Village and is considered sustainable in siting whereby any holiday let occupants can easily access the limited number of services and facilities within Urchfont itself as well as have access to other sustainable transport modes such as buses.

Core Policy 39 also outlines that where practicable the tourist development should be located in existing or replacement buildings, which it is in this instance, being situated in an existing building approved as a residential annexe.

Regarding sensitive design, this will be considered further in the next section of the report. However, by reason of being a conversion of an existing building, the holiday let use is not considered to result in any undue harm to landscape character, because there are no external works proposed and the building is well-contained within the existing built form.

As such, it is considered that the principle of the tourist accommodation use is acceptable subject to other material planning considerations as assessed below.

Design, Visual Impact, and Impact upon Designated Heritage Assets:

Local Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas, their setting, or any features of special architectural or historic interest possessed respectively when considering development proposals that affect the setting or views into them. This is locally reflected within Core Policy 58.

Core Policy 57 requires a 'high standard of design' for all new developments and to draw on the local context and be complementary to the locality.

The application site is located within the built-up area of Urchfont (within a residential cul-de-sac) and is situated within the Urchfont Conservation Area. The proposal seeks permission to allow both an annexe use (previously permitted) and a holiday accommodation use (a new use of this building). This proposed variation of condition would not result in any physical changes to the outbuilding.

Given that there is no external works proposed under this application, there would be no harm in terms of design or visual impact. The existing building and surrounding garden are also residential in character and thus the use of the building as tourist accommodation (or as an annex) would not change the character of the site. Therefore, the proposal is considered acceptable in terms of its design and visual amenity and would accord with Core Policy 57 and Neighbourhood Plan Policy D1.

Furthermore, given the lack of exterior works to the building and the fact that the holiday accommodation use would remain as residential within the residential plot, there would be no harm to the character and appearance of the Urchfont Conservation Area.

It is therefore considered, having regard to the points made above, that due regard has been given to the statutory duties set out within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the requirements of the National Planning Policy Framework (2023), Policies 57 and 58 of the Core Strategy and Policy BE1 of the Neighbourhood Plan.

Residential Amenity:

Core Policy 57 criterion vii) outlines that the regard must to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants. Core Policy 48 criterion ii also states that the use should not be detrimental to the amenities of residential areas.

The proposed variation of condition will see no physical changes to the outbuilding. Therefore, there is no risk of any overlooking, light blocking, or the creation of an oppressive environment occurring as a result of the proposed works.

As the outbuilding already benefits from an extant consent to be used for annexe accommodation, the proposed variation of condition to allow for its use as a holiday let would not see a significant change in the use of the structure, as both would be residential of some description. Therefore, the impact upon neighbouring residents would essentially remain the same. Although there may be different comings and goings by vehicles, it would not be so materially different and harmful to what could occur on site in any instance from the occupiers of the dwelling, and the ancillary accommodation.

In regard to the above, the proposal is therefore considered acceptable on residential amenity grounds.

Highways/Parking:

Core Policy 61 'Transport and New Development' of the WCS seeks to ensure that applications demonstrate that the scheme proposed has considered the needs of all transport users and that the proposal is capable of being served by safe access to the highway network.

Policy H4 of the Neighbourhood Plan outlines that development proposals which generate a need for parking must provide adequate and suitable off-street parking.

The application site is located at the end of a cul-de-sac in the settlement of Urchfont. As demonstrated on the submitted plans, four parking spaces would be present within the application site, with three being dedicated parking spaces for the existing bungalow (in an existing tandem arrangement) and one dedicated for the annexe/holiday let. As demonstrated on the site visit to the property (and annotated on the submitted site plan) there is already existing permeable hardstanding situated to the western part of the residential plot which currently has a vehicle in-situ. Whilst hardstanding is present and used for a vehicle, it has been acknowledged that there is no formal access to this hardstanding area due to there being no dropped kerb. It has therefore been proposed (through amended plans under this application process) that a formal access is made to this hardstanding area through a dropped kerb, and that one space is provided for the holiday let in front of a 2-metre close boarded fence (the fence is similar to the existing boundary treatment in a similar area).

It is acknowledged that a considerable amount objection and concern has been raised regarding parking provision on site. These comments have been duly noted, however it is deemed that there is adequate parking proposed for the development and that the proposal would not result in any significant adverse highway safety impacts which would warrant the refusal of planning permission.

The existing dwelling on site would be served by the three parking spaces to the front of the existing garage and to the side of the property. The three parking spaces are in an existing tandem arrangement – as this is the current situation it is not objected to. The number of spaces is also acceptable for the host dwelling as under the Council's Car Parking Strategy three parking spaces are normally expected for a 4 + bedroomed dwellings.

Then, in relation to the holiday let/annexe use, this building would be one bedroomed and thus under the Car Parking Strategy would only be expected to provide one parking space. Whilst as raised by an objector there is no guarantee that the holiday let users would arrive in one vehicle, this would be for the owners to control; for example, any advertising should indicate there is only one parking space allocated on site (though would not meet the tests of imposing planning conditions to control that this occurs by way of planning condition). In any event, as demonstrated on the submitted site plan, there is an existing hardstanding area further into the site which would enable the provision of one additional dedicated parking space (in a tandem arrangement) off the public highway.

The parking space for the annexe/holiday let is being provided in a separate area to the dwelling's three spaces – this is an acceptable arrangement and also ensures that there would conflict between vehicle users for the respective uses i.e. the holiday let users can use a separate access point off the highway.

The proposal has been assessed by the Local Highway Authority and it has raised no objection, although an informative has been recommended regarding the separate consent needed for a dropped kerb. This can be imposed along with a condition requiring the parking provision to be implemented before the use of the building for holiday let purposes.

It is noted that objections have been raised that the owners of the host dwelling have an abnormal number of cars which overspill onto the turning head. However, the number of vehicles owned by the applicant cannot be controlled by planning legislation and as assessed above the amount of parking spaces proposed is in accordance with Wiltshire Council's Car Parking Strategy. Parking is possible on the public highway due to the absence of any restrictions such as double yellow lines. Additional hardstanding also exists on site to the front of the property which would likely be used for parking of vehicles (as an existing situation).

It is therefore considered that the proposed development is acceptable in terms of parking provision and on highway safety grounds. The proposal would accord with Core Policies 57 and 62 of the Core Strategy as well as Policy H4 of the Neighbourhood Plan.

Other matters

- Section 73 application

The granting of planning permission under Section 73 enables the Local Planning Authority to impose planning conditions that are deemed appropriate and meet the relevant tests as cited within the NPPF. Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions attached to the planning permissions that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

Conclusion

The proposal seeks a variation of planning condition to allow the permitted annexe building to be used for holiday let accommodation as well as an annexe. Furthermore, the site plan has been amended to reflect a new parking arrangement and new vehicular access point from the public highway (a dropped kerb access).

As assessed above, the principle of the holiday let use is acceptable due to the site's location within the defined Limits of Development for Urchfont and the proposed use being within an existing permitted outbuilding for annexe use. The proposal has no adverse design or visual impacts, any impacts upon designated heritage assets nor any significant adverse impact upon neighbour amenity.

In terms of highway impacts, the proposal is for a new vehicular access and formalised parking space for the annexe/holiday let use. Due to this arrangement and the existing parking spaces available for the existing dwelling, there is an acceptable level of parking provision on site which would accord with Wiltshire Council's car parking strategy. The proposal would not give rise to any significant adverse highway safety impact and has potential to improve the existing parking situation in the area by reason of the new access being provided from the turning head within the residential cul-de-sac.

The proposed development is therefore considered to accord with the Development Plan policies and is being recommended for approval subject to conditions

RECOMMENDATION: Approve subject to the following conditions:

Conditions: (5)

1 The development hereby permitted shall be begun before the expiration of three years from the date of Planning Application Reference 20/08600/FUL.

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:

Drawing Numbers: HW-6 (site plan and parking layout) received by the Local Planning Authority on 28th August 2024, HW-3-B (site and location plan) received by the Local Planning Authority 18th June 2024

Drawing Number HW-2 (plans and elevations) received by the local planning authority on 8th December 2020 on planning application 20/08600/FUL

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

3 The accommodation hereby approved as identified on the approved drawings shall not be occupied at any time:

a) other than for purposes ancillary to the residential use of the main dwelling, known as 8 The Orchard, nor

b) other than for holiday accommodation purposes, with a register of such occupants to be maintained and made available for inspection by the local planning authority at all reasonable times.

REASON: This site is in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent independent residential accommodation.

4 The holiday let use hereby approved shall not be first implemented until the dedicated parking space has been provided in accordance with the approved plans and it shall thereafter be maintained as such in perpetuity.

REASON: In the interests of highway safety and the amenity of neighbouring occupants.

5 The development hereby permitted shall not be first occupied until the North and West external elevations have been timber clad and stained in a colour to match that of the South and East external walls of the existing building.

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