

# AGENDA

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**Meeting:** Southern Area Planning Committee

**Place:** Online

**Date:** Thursday 1 April 2021

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

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

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## Membership:

Cllr Fred Westmoreland (Chairman)  
Cllr Richard Britton (Vice-Chairman)  
Cllr Brian Dalton  
Cllr Christopher Devine  
Cllr Jose Green  
Cllr Mike Hewitt

Cllr Leo Randall  
Cllr Sven Hocking  
Cllr George Jeans  
Cllr Ian McLennan  
Cllr John Smale

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## Substitutes:

Cllr Trevor Carbin  
Cllr Ernie Clark  
Cllr Tony Deane  
Cllr John Walsh

Cllr Bridget Wayman  
Cllr Graham Wright  
Cllr Robert Yuill

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## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

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## **Public Participation**

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

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

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# 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 7 - 26*)

To approve and sign as a correct record the minutes of the meeting held online, on 10 March 2021.

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. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

Watch the online meeting here: [Link](#)

### **Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Tuesday 30 March 2021.

Submitted statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item

on the agenda (spaces allocated in order of registration), plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

### **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 electronically to the officer named on the front of this agenda no later than 5pm on Thursday 25 March 2021, 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 Monday 29 March 2021.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

#### **6 Planning Appeals and Updates (Pages 27 - 28)**

To receive details of completed and pending appeals and other updates as appropriate for the period of 26/02/2020 to 19/03/2021.

#### **7 Planning Applications**

To consider and determine planning applications in the attached schedule.

##### **7a 20/09706/FUL - 20a Lode Hill, Downton, SP5 3PN (Pages 29 - 38)**

Proposed alterations to the built garage and walls at 20a Lode Hill (amendment to 19/ 10972/FUL)

##### **7b 20/10508/LBC - 20a Lode Hill, Downton, SP5 3PN (Pages 39 - 48)**

Proposed alterations to the built garage and walls at 20a Lode Hill (amendment to 19/11390/LBC)

##### **7c 20/10665/FUL - Chalkway House, Ebbesbourne Wake (Pages 49 - 64)**

Curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective).

7d        **20/10716/OUT - Cools Farm, Tisbury** (*Pages 65 - 86*)

Outline planning application to establish access only for agricultural dwelling at Cools Farm.

8        **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

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## Southern Area Planning Committee

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### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 10 MARCH 2021 AT ONLINE.

#### Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Leo Randall, Cllr Sven Hocking, Cllr Ian McLennan and Cllr John Smale

#### Also Present:

Cllr Pauline Church, Cllr Kevin Daley

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#### 105 Apologies

Apologies were received from:

- Cllr George Jeans

It was also noted that Cllr Dalton would be joining the meeting slightly late due to being in attendance at another meeting. He joined at 3.10pm.

#### 106 Minutes of the Previous Meeting

The minutes of the meeting held on Thursday 4 February 2021 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### 107 Declarations of Interest

In relation to item 7c - 20/09829/FUL: 15 Tollgate Road, Cllr Sven Hocking declared a non-prejudicial interest as he lived next to the application site and stated that he knew both the applicant and the local residents which had objected. He stated that he would speak to the application and move a motion but would not take part in the vote.

In relation to item 7d – 97 East Gomeldon Road, Cllr Richard Britton noted that he knew the applicant, in that the applicant had carried out central heating repairs in his home. As this was a non-prejudicial interest, he would take part in the discussion and vote on that application.

108 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

109 **Public Participation**

The committee noted the rules on public participation.

110 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

It was:

**Resolved:**

**To note the Planning Appeals and Updates Report attached to the agenda.**

111 **Planning Applications**

112 **20/10399/FUL - Royal Oak, Amesbury Road, Shrewton, SP3 4HD**

**Public Participation**

Paul Clifton spoke in objection to the application

Paul Timlett spoke in objection to the application

Nick Culhane (Highways consultant) spoke in support of the application

Richard Harlow (agent) spoke in support of the application

Richard Harris spoke on behalf of Shrewton PC

The Planning Officer, Georgina Wright presented the application for the Proposed Demolition & Conversion of Existing Buildings into New Dwelling & Erection of 5 New Dwellings with Associated Landscaping.

The application was a resubmission of a previous application which had been refused last year. The former application involved five properties, a conversion of an existing dwelling into four with an outbuilding conversion into one dwelling.

The main reason for the previous refusal was on Highways grounds, due to the parking spaces for the dwellings originally being situated opposite and across the busy A360.

The proposal included the replacement of the main building (a former public house, converted to a single dwelling in 2013) with a development of a new terrace of 4 (plots 1 to 4) set slightly further back from the road and further south.

The rear garden of plot 1 would extend up to the public open space beyond the site, which would be similar to the current arrangement.

The conversion of the existing out-building, further south from plot 4, would become Plot 5, a single, 1 bed dwelling



Plots 1 to 5 would have 9 parking spaces and a further 2 visitor spaces provided in a new parking area created adjacent to plot 1 (north) on the same side of the road.

Plot 6 would be across the road and was the only dwelling which would be required to reverse into the road when vehicles left the associated parking. This is a status quo however given that the existing dwelling's parking is situated on the opposite side of the road and does not have any one site turning either

The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Character & Design, Neighbouring Amenities, Trees, Highway Safety, Ecology, CIL/S106.

Members of the Committee had the opportunity to ask technical questions of the officer, of which there were none.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Some of the main points included comments around the speed at which vehicles passed along the A360 through the village and that the 30mph speed limit was not obeyed.

That the A360 was too wide for a small village. There was a call for widening of the pathways along the point alongside the site.

The development would mean a requirement for almost 12 cars, from the original 2, not all would have allocated parking.

Replacing one property with 6 was considered as overdevelopment.

Those representing the applicant noted points in support, relating to Highways, the Core Strategy and the Local Plan Policies. It was also noted that the Consultees had shown support for the proposal.

The Parish Council representative stated multiple concerns and objections.

Local Member Cllr Kevin Daley then spoke in objection to the application, noting that despite changes to the revised plans, he felt that the current proposals did not mitigate the concerns of local residents and the Parish Council.

Parking whilst pub was in operation had been rarely used as most visitors to the pub walked and did not require parking.

He drew attention to the 112 comments and 35 letters of objection.

It was stated that the 6 dwellings would have a total 16 bedrooms, in addition the black box and blue recycling bins would take up much of the bin area.

He asked the Committee to refuse the application on the grounds of over-development.

The Highways Officer, Julie Cleve then clarified some points raised during debate, these included that speeding was a separate matter to the planning application and as such was an enforcement matter. The application had met the visibility required.

The Chairman, Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Devine.

The Committee was invited to discuss the application, the main points included comments around although the site was likely to be developed, the current proposals included too many dwellings for the site.

Members discussed whether a smaller development of one or two less dwellings may be more suited.

The A360 through the village had poor visibility at the top of the hill and speeding often occurred along it, although it was noted that as there was already parking across from the pub, there was no greater impact of cars entering the carriageway from parking areas.

The Parish Council and local resident objections and four pages of comments within the report were also noted.

The Committee then voted on the motion of approval, which was not carried.

Cllr Britton then moved a motion of refusal on the grounds of over-development and design, in that it was cramped and overcrowded. This was seconded by Cllr Hewitt.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against Officer recommendation, with the reasons as stated.

It was:

**Resolved:**  
**that application 20/10399/FUL be Refused for the following reasons:**

**It is considered that the proposed development, by virtue of the proposed plot sizes and detailed design, will result in a cramped form of over development of the site and will thus have a detrimental impact on the character of the area. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework (Feb**

2019); the National Design Guide 2021; and Wiltshire Core Strategy policy CP57 (Ensuring High Quality Design & Place Shaping)

113 **20/05989/FUL - Land Adjacent Church Court, Crow Lane, Wilton, SP2 0HB**

Public Participation

James Harrison spoke in objection to the application

The Planning Officer, Georgina Wright presented the application for the erection of a detached dwelling with garage parking (Resubmission of 20/02504/FUL withdrawn last year).

The Officer updated on two matters, firstly that Wilton Town Council had raised an objection to the application based on overdevelopment of the site and inadequate access to Crow Lane and secondly, in response to a query she had received relating to the ownership of the development site, the applicant has clarified that they are now the owner of the land and had purchased it in October 2019.

The application involved a garden site with an existing garage, which did not belong to any of the properties surrounding it. Access from the site was onto Crow Lane on the southern boundary of the site.

The proposal included the retention of an existing brick wall and pedestrian access part way along. A small section of the existing wall was to be rebuilt in a chamfered arrangement to allow a visibility splay from the new driveway. The wall is unlisted but is in a conservation area.

The existing garage was to be removed and a driveway created. An existing tree was to be retained and the proposed dwelling would be set back approximately 10.5m from the road frontage brick wall.

The unlisted Chapel building (now flats) to the east sat right up to the garden site with the windows looking out and opening on to the development site.

A fence would be erected in the garden to improve privacy. There had been some complaints from the residents of those living in the flats within the Chapel building, regarding loss of light from this fence. But planning permission is not required for the erection of a fence in the garden/right up to this boundary, up to a height of 2m.

The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Heritage, Character & Design, Neighbouring Amenities, Highway Safety, Ecology, and CIL/S106.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that there had been the proposed

materials would be conditioned and the design was now accepted by conservation.

The existing garage had access to Crow Lane without a turning point, therefore there was no change to the existing situation that could occur if the garage started being used again.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Some of the main points made included that all residents of the Chapel flats were objecting to the proposed development and it was stated that many of the concerns raised remained unresolved.

Residents had also requested that a condition be included restricting the erection of the garden fence to a minimum of 4m distance from the Chapel building.

Other concerns related to the impact on the drainage and sewerage system.

Local Member Cllr Pauline Church then spoke in objection to the application, noting that she was familiar with the site in historic Wilton, as had previously owned 30 West Street.

The narrowness of the road did not make it conducive to further development of this scale with the resulting additional vehicle movements. This was in addition to the already approved development of 62 houses also on Crow Lane on the Naish Felts site.

This was unacceptable over development of Historic Wilton. My opposition was aimed at the scale of the building being proposed and the negative architectural impact it would have on this side of Crow Lane. Disagree that it was of a more modest traditional cottage style in-keeping with surrounding properties.

The proposed would overshadow the cottages 24 – 30 West Street in height and scale, which was an important row of C18 cottages.

Cllr Church felt that it was unacceptable to inhibit daylight by allowing a development within inches of the windows of the flats in the Chapel noting the close proximity of Grade II listed buildings in a conservation area of Wilton. Cllr Church then asked the Committee to refuse the application based on the scale and design and constraining and unsafe nature of the Highways element.

The Officer confirmed that there was no objection in relation to the proximity to the listed buildings from the Conservation Officer and there was no impact on the Street-scene on Crow Lane as the property was set 10.5m back, and behind a brick wall and would not really be seen from Crow Lane.

The Chairman, Cllr Westmoreland then moved a motion of approval in line with Officer recommendation. This was seconded by Cllr Britton.

The Committee was invited to discuss the application, the main points included comments around the 2-way traffic on Crow Lane, that the plot was suitable for some development, although there was sympathy for the residents of the ground floor Chapel flats, although as there was no planning permission required to erect a fence, therefore the condition requested by the residents could not be included.

The wall at the front of the development site and the Chapel building were not listed.

The Committee hoped that the applicant would engage with the residents to find a solution to the position of the garden fence.

Following debate, the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of Approval, in-line with Officer recommendation.

It was:

**Resolved:**

**that application 20/05989/FUL be approved, subject to the following conditions:**

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

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

**2 - The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Application Form & Certificate**

**Ref: LP/01 - Location Plan (Excluding Block Plan). Received - 17.07.2020**

**Ref: GF/03 - Ground Floor Plans. Received - 07.12.2020**

**Ref: FF/04 - First Floor Plan. Received - 03.12.2020**

**Ref: EL/05 - Elevations. Received - 03.12.2020**

**Ref: SS/06 - Street Scene. Received - 12.02.2021**

**Ref: SP/08 - Site Plan. Received - 03.12.2020**

**Ref: VS/08 - Visibility. Received - 03.12.2020**

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

**3 - No development shall commence above slab level on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

**4 - No development shall commence above slab level on site until full details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area/conservation area.

**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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels, contours;
- means of enclosure and boundary treatment;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**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(s) 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 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.

**7 -** The offset boundary identified along the eastern edge of the site on the approved plans, details of which shall be agreed as part of the satisfaction of Condition 5 above, shall be installed prior to occupation of the dwelling hereby approved. The offsite area created shall remain free of obstruction and the new boundary shall be and retained/maintained in situ in perpetuity.

**REASON:** In the interests of neighbouring amenities.

**8 -** No development shall commence on site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest

**9 -** The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

**10 -** The gradient of the access way hereby approved shall not at any point be steeper than 1 in 6 for a distance of 4.5 metres from its junction with the public highway.

**REASON:** In the interests of highway safety.

**11 -** No part of the development hereby approved shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter in perpetuity.

**REASON:** In the interests of highway safety.

**12 -** No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

**REASON:** To ensure that adequate provision is made for parking within the site in the interests of highway safety.

**13 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.  
REASON: To safeguard the amenities and character of the area and in the interest of highway safety.**

**14 - Notwithstanding the approved plans, the proposed development shall not be first occupied until means/works have been implemented to avoid private water from entering the highway.  
REASON: To ensure that the highway is not inundated with private water.**

**15 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Classes A-E, of Part 1 of Schedule 2, shall take place on the dwellinghouse hereby permitted or within its curtilage.  
REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.**

**16 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted on the development hereby permitted.  
REASON: In the interests of residential amenity and privacy.**

**17 - The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.  
REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation**

**18 - No construction shall take place on Sundays or Bank or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.  
REASON: To minimise disturbance to nearby residents during the construction period**

**INFORMATIVES:**

**1) 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:**

**[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy)**

**2) The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.**

**3) The application involves an alteration to the existing 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](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets>**

**114 20/09829/FUL - Alabare House, 15 Tollgate Road, Salisbury, SP1 2JA**

**Public Participation**

Michael Presley spoke in objection to the application  
Steve Lovatt spoke in support of the application

The Planning Officer, Julie Mitchell presented the application for a change of use of existing religious retreat/bed and breakfast accommodation (max. 8 B&B) to a 20 bedroom house in multiple occupation (HMO)/Sui Generis (key worker accommodation for rent).

Site was on the southern extent of Millford Hill conservation area, walking distance to the city centre.

Original building although not visible from public vantage points, was noted as making a positive contribution to the conservation area.

There was a single vehicular and pedestrian access route to Tollgate Road.

There was no street frontage and surrounded from all sides by residential dwellings.

Because the proposal was for the change of use to a multiple occupancy for more than 6 unrelated occupiers, it required a HMO.

The proposals also included refuse and cycle storage and a formalised parking area. There was no requirement to remove or encroach upon trees.

Slides 34-35 showed a plan of the internal proposed layout for ground and first floor levels.

The application was recommended for approval as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as,

1. Existing use.
2. Principle of the proposed change of use
3. Scale and design
4. Impact on the Conservation Area, including works affecting trees
5. Residential amenity
6. Access, parking and highway Impact
7. Impact on River Avon SAC

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that the Fire consultee had been contacted for comment by Licensing, however the comments had not been included as not received back in time.

The key workers that would stay in the property, would be working in residential nursing homes nearby.

The bedrooms could be listed as double bedrooms on space requirements, however it had been advised that the rooms were intended for single occupancy. The licence would list the number of occupants.

Members of the public, as detailed above, then had the opportunity to speak on the application. Some of the main points included comments around the number of applicants and request for there to be fewer and restricted to one per room.

Whether there would be dedicated staff to maintain the site and grounds. The scale of the proposal and whether at a later date the applicant may try to merge the site with a nursing home.

That there was a requirement for essential affordable carer accommodation.

Local Member Cllr Hocking then spoke in objection to the application, noting that as already declared earlier in the meeting, he lived on Tollgate Road and that his property backed on to the site.

In addition, he knew both parties, the residents that had objected and the applicant, which put him in a difficult situation and therefore, he would move the motion and then not take part in the vote.

Cllr Hocking noted that Wessex care had five care homes in close proximity to the site. The proposals had a lack of bath space, no first floor kitchen facility or communal space. The amenity and kitchen space on the ground floor were not enough for a good quality of life for those that would live there.

He mentioned that the Licensing Team had guidance on persons versus amenity space, however pointed out that it was only guidance and not a requirement.

The site was on the edge of parking zones C and E, and it was not possible to assume that not all residents would have a car and therefore would require a parking space. He stated that he wished to see a maximum of 20 residents for the 20 rooms.

The Officer clarified that the size of the building had not changed and that the internal changes had been set out to meet the restrictions.

The Highways Officer, Julie Cleve noted that she had dealt with several proposals with HMOs in the Salisbury area and that a difficulty was that there was no parking standard. The closest was for a hostel which required one space per bedroom. A reduction on parking was allowed depending on criteria. Overspill could be controlled with the parking permit scheme and the proximity to the amenities and the city centre and transport meant that it was accessible.

Cllr Hocking then moved a motion of refusal, against Officer recommendation, stating the reasons as lack of parking, and impact on resident's quality of life. This was seconded by Cllr Smale.

The Committee was invited to discuss the application, the main points included comments around conditions for car parking, the number of bedrooms and how many residents would be permitted to stay in each room and whether an informative regarding restricting the number of occupants per room, could be included in a decision if approved.

The original buildings number of 16 bedroom spaces and how the additional 4 had been achieved, by taking out spaces that were not required, such as a chapel and a reading room.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated. The motion was not carried.

The Chairman, Cllr Westmoreland then moved the motion of approval in line with Officer recommendation. This was seconded by Cllr Britton.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval, in line with Officer Recommendation.

It was:

**Resolved:**

**that application 20/09829/FUL be Approved in line with Officer recommendation with the following conditions:**

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

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

**2 - The development hereby permitted shall be carried out in accordance with the following approved plans:**

**20-3314-200-C Proposed Site Plan October 2020 Revision C dated 13.1.2021**

**20-3314-201-A Proposed Basement Plan October 2020 Revision A dated 13.1.2021**

**20-3314-202-B Proposed Ground Floor Plan October 2020 Revision B dated 13.1.2021**

**20-3314-203-B Proposed First Floor Plan October 2020 Revision B dated 13.1.2021**

**20-3314-204-A Proposed Section Floor Plan October 2020 Revision A dated 13.1.2021**

**20-3314-205-A Proposed Roof Plan October 2020 Revision A dated 13.1.2021**

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

**3 – No development other than internal works to the existing building shall take place on site, including ground works, storage of materials or other preparatory work, until a Detailed Arboricultural Method Statement and Plan have been submitted to the Local Planning Authority (and approved in writing) to demonstrate how infrastructure (parking, bin and cycle stores etc) can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). The plan should include details of any level changes where required. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.**

**REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees growing within or adjacent to the site is adequately protected during the period of construction. A pre-commencement is necessary to ensure that the potential for impact on trees is identified prior to works being undertaken.**

**4 - The building shall not be occupied as a house in multiple occupancy until the parking spaces have been provided in accordance with the approved plans.**

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

**5 - No part of the development shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.**

**REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.**

**6 - The development hereby permitted shall not be occupied until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.**

**REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.**

**7 - No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

#### **INFORMATIVE TO APPLICANT:**

**The applicant is advised that this permission authorises a change of use of the existing building only and does not authorise any external alterations that may require planning permission other than the landscaping and outbuildings as shown on the approved site plan.**

**The applicant is advised that the use of the building as a House in Multiple Occupation will be subject to the requirements of a licence under the Housing Act 2004. Notwithstanding that the internal floor plans illustrated in the approved plans show 20 double bedrooms, the LPA have concerns that the use of all 20 bedrooms for double occupancy would lead to up to 40 persons sharing the communal facilities and parking area which has the potential to create overcrowded conditions that would fall short of the desired amenity and parking standards. Accordingly the**

manager/operator of the HMO is strongly requested not to permit the rooms to be let or occupied to the full capacity of double bedrooms.

The applicant is advised 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.

Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the existing building must first be agreed with the Local Planning Authority before commencement of work.

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>.

115 **20/08997/FUL - 97 East Gomeldon Road, Gomeldon, SP4 6LZ**

Public Participation

Laura Maher (applicant) spoke in support of the application

Ben Crozier (Agent - substituted by Mary Cozier), spoke in support of the application.

Andy Oliver spoke as representative for Idmiston PC

The Planning Officer, Hayley Clark presented the application for Change of use of current agricultural land to residential area. Construction of proposed new chalet bungalow.

The development would be for the applicants to move in to, leaving their existing bungalow available for their son who had Down Syndrome, to live in

independently as possible, whilst remain close to the family for support when required.

The site was considered to be in an unsustainable location and not identified for future development within the Neighbourhood Plan or considered to be in-fill development.

The general buildings to the rear of the properties along this side of Gomeldon Road were outbuildings or agricultural. The proposals were out of keeping with the area and would not follow the existing pattern of development.

The development did not fall within the Phosphate mitigation measures agreed with Natural England.

The application was recommended for refusal as set out in the report.

The main issues which had been considered to be material in the determination of this application were listed as, Principle, Personal Circumstances, Character & Design, Neighbouring Amenities, Highway Safety, River Avon Special Area of Conservation (SAC) catchment area.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that there had been a previous application in 2020, but that it had been withdrawn.

Members of the public, as detailed above, then had the opportunity to speak on the application. Some of the main points included that there were no objections from local residents or consultees and was supported by the parish council.

The applicant's son's Support worker letter had been included, to evidence the needs of the son. That the site was very sustainable for the family and in particular the son.

The three reasons given for refusal were counter balanced by the applicant.

The Idmiston Parish Council representative spoke in support.

Local Member Cllr Mike Hewitt then spoke in support of the application, noting that work had been carried out for years to take the phosphate out of the water. A machine which had been brought in to take minerals out of the water, had since been switched off as was no longer needed.

It was noted that the needs of the young man would get greater over time, as he got older he would get heavier. Lifts would later be required to help with mobility and he would eventually be able to move in to the bungalow and be assisted by a live in carer.

If his needs were not able to be accommodated on the land with his family he would have to go in to a home, which would not be near to the family.

The fields at the back were military and have been cleared. Cllr Hewitt saw no reason to refuse the application, which had the support of the parish council and local residents. If the family were unable to provide the facility, his needs would later incur a huge cost if a care facility was required.

Cllr Hewitt then moved a motion of approval against Officer recommendation, stating the reasons as noted above. This was seconded by Cllr Devine.

The Team Leader clarified the Committee had the power to make a decision contrary to the phosphate element if there was reason to do so.

The Committee was invited to discuss the application, the main points included comments around planning restrictions and the human element of the situation.

That the development could not be described as infill and was a development in the open countryside.

That the current need was not present and that an application to provide for a facility for independent living was perhaps considered premature, in light of the applicant's son being 14 years of age and not needing his own accommodation until adulthood.

There was support from the parish council and local residents and there would be financial savings if the family provided independent living accommodation.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval against officer recommendation, with the reasons stated. The motion was not carried.

The Chairman, Cllr Westmoreland then moved the motion of refusal, inline with Officer recommendation. This was seconded by Cllr Britton.

The Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of Refusal, in line with Officer recommendation.

It was:

**Resolved:**

**that application 20/08997/FUL be Refused for the following reasons:**

**1 The site is located in the small village of East Gomeldon to the rear of a row of existing dwellings. East Gomeldon does not have a development boundary and is classed as being in the open countryside, in an unsustainable location where there is a presumption against new unsustainable development. The proposed dwelling is therefore contrary to core policies 1,2, 4, 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.**



The proposed development is not considered to be infill development as defined by core policy 2 of the Wiltshire Core Strategy. Furthermore, the site is not identified as a site for possible future development in the made Neighbourhood Plan and is not considered to comply with any of the exemption tests as outlined in paragraph 4.25 of the Wiltshire Core strategy.

The property is for the parents/family of Toby, a 14 year old with Down Syndrome to live in while Toby resides in the existing 3 bed bungalow, this however does not accord with exemption policies as the proposed dwelling shows no design features that would indicate its use by someone with a disability, contrary to core policy 46.

2 The character of East Gomeldon Road is defined by ribbon development along the north side of East Gomeldon Road with dwellings either located at the front of the residential plots with linear rear gardens or located at the rear of the plot with linear front garden. Tandem or backland development is unusual for this road. The siting of the proposed dwelling located further to the north than existing dwellings and their curtilages is considered to be harmful encroachment of residential development into the rural landscape, contrary to core policy 57 of the Wiltshire Council Core Strategy. The scale and siting of the dwelling on raised ground will result in an unduly prominent form of development which will be out of keeping for the locality in this rural landscape contrary to core policy 57 of the Wiltshire Council Core Strategy.

3 The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with The Habitat Regulations 2017, Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.

116 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.39 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,  
direct line (01722) 434560, e-mail [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

**Wiltshire Council**  
**Southern Area Planning Committee**  
**1<sup>st</sup> April 2021**

Planning Appeals Received between 26/02/2020 and 19/03/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/07918/FUL	Cobbins Laverstock Park Laverstock, SP1 1QJ	LAVERSTOCK	Demolition of existing car port and garage and the erection of a double storey side extension and erection of double garage with storage area above. Replacement of windows and doors and associated improvement works	SAPC	House Holder Appeal	Approve with Conditions	09/03/2021	Yes

Planning Appeals Decided between 26/02/2020 and 19/03/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/05729/FUL	26 Moberly Road Salisbury, SP1 3BY	SALISBURY CITY	Ground floor side and rear extension and first floor rear extension (resubmission of 19/04660/FUL)	DEL	House Holder Appeal	Refuse	Dismissed	02/03/2021	None

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	1 <sup>st</sup> April 2021
<b>Application Number</b>	20/09706/FUL
<b>Site Address</b>	20 A Lode Hill  Downton  SP5 3PN
<b>Proposal</b>	Proposed alterations to the built garage and walls at 20a Lode Hill (amendment to 19/ 10972/FUL)
<b>Applicant</b>	Mr & Mrs Andrew and Zoe Mitchell
<b>Town/Parish Council</b>	DOWNTON
<b>Electoral Division</b>	Downton and Ebble Valley – Cllr Richard Clewer
<b>Grid Ref</b>	418485 121487
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Emily Jones

### Reason for the application being considered by Committee

Cllr Clewer has called the application into committee on the grounds that the application proposal's design will have an unacceptable visual impact on the surrounding area and a poor relationship to adjoining properties.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Principle of development
- Impact on heritage assets
- Highways

The application has resulted in an objection from Downton Parish Council due to the wall and garage being overbearing on the street and the listed building, and the garage being out of character with the area. Two letters of support have been received stating that the application will not harm neighbouring or local residents.

#### 3. Site Description

20A Lode Hill is a Grade II listed property set in a sloping, corner plot within the Downton conservation area.



#### 4. Planning History

19/11390/LBC	Retrospective garage new build and all associated works – Refused
19/10972/FUL	Retrospective garage new build and all associated works – Refused
14/08687/LBC	Internal alterations to facilitate the conversion of existing pair of semi-detached properties to form one dwelling, including removal of one chimney stack and addition of new entrance porch – Approved
14/08652/FUL	Conversion of existing pair of semi-detached properties to form one dwelling, including removal of one chimney stack and the addition of a new entrance porch – Approved
14/03642/LBC	Rear porch – Approved
14/03639/FUL	Rear porch – Approved
13/06878/FUL	Erect two detached double garages including demolition of existing outbuildings, closing of existing vehicular accesses and provision of new vehicular access – Approved
13/06881/LBC	Alterations to facilitate the conversion of two dwellings into one – Approved
S/2003/0931	Remove some stud walls erect newly positioned stud walls remove stairs erect new stairs open right rear window up to same dimensions as left rear window – Approved

## 5. The Proposal

Permission was previously granted for the erection of two garages and boundary wall under 13/06878/FUL and 13/06881/LBC. Works began in 2014 however the development has not been carried out in accordance with the approved plans with the garage ridge higher than approved, the use of un-agreed and in-appropriate materials, and a re-designed boundary wall. Retrospective consent for the work was refused in 2020 for the following reason:

*“The development, through its height, massing, design and use of inappropriate materials and detailing would result in harm to the significance and character of the GII listed building and the Downton conservation area. It is therefore contrary to CP57 and CP58 of the Wiltshire Local Plan, LC1 and LC2 of the Downton Parish Neighbourhood Plan 2016-2026, and paragraphs 189, 192, 196, and 200 of the National Planning Policy Framework 2019.”*

This application seeks to overcome the reason for refusal and proposes to amend the design of the garage roof and roadside boundary wall.

## 6. Local Planning Policy

### Wiltshire Core Strategy

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 24: Spatial Strategy: Southern Wiltshire Community Area

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 64: Demand Management

### Downton Parish Neighbourhood Plan 2016-2026

LC1

LC2

T1

Government Guidance:

National Planning Policy Framework 2019 (NPPF)

Planning Policy Guidance (NPPG)

## 7. Summary of consultation responses

**Downton Parish Council** – Objects to the application due to the height of the wall being overbearing on the road and is not subservient to the listed building; the garage being overbearing on the road and is not subservient to the listed building; the garage roof design is out of character with the area; and the rear retaining wall is overbearing.

The council does support the proposed use of Michelmersh bricks and that the roadside boundary wall will be brick-faced; that the design of the wall has been simplified and the gate is at the western end; and that the driveway and dropped kerb is to be retained in its current position.

**WC Conservation** – Supports the amended plans (proposes a hedge instead of a boundary fence and uses Michelmersh Hampshire Stock Down Blend brick on the roadside wall). Supports the design of the roadside wall and garage as it is more in line with the previous consent subject to conditions.

## **8. Publicity**

The application was advertised via neighbour notification letters dated 30 November 2020. The consultation period expired on 11 January 2021.

Two third-party representations have been received from neighbouring occupants/owners. They support the proposal as it will not impact on neighbouring or residents.

## **9. Planning Considerations**

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

### **9.1 Principle of development**

The principle of development of a garage and a retaining wall was agreed under the 2013 permission and there have been no material changes to the development plan in the intervening years that would alter this stance. The principle is therefore acceptable, subject to the other considerations of the development plan.

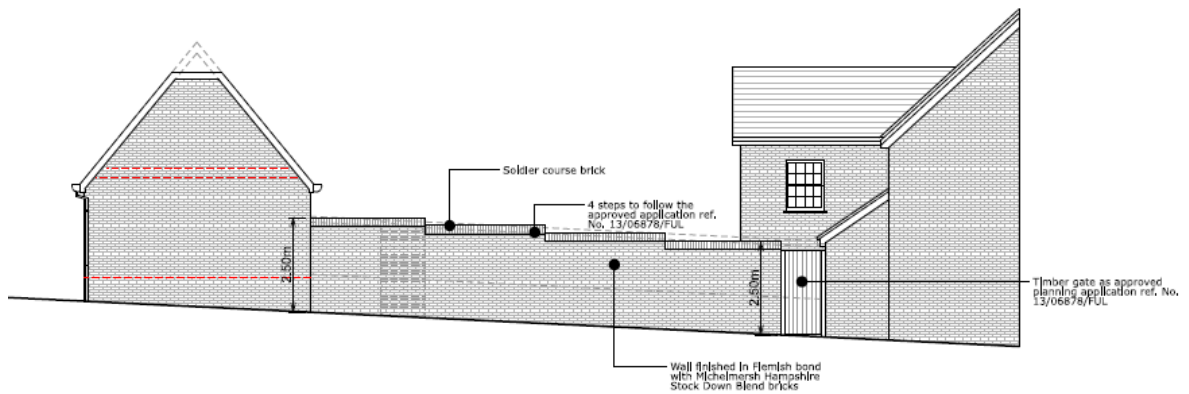
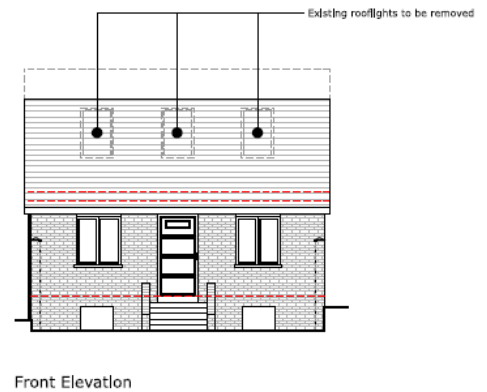
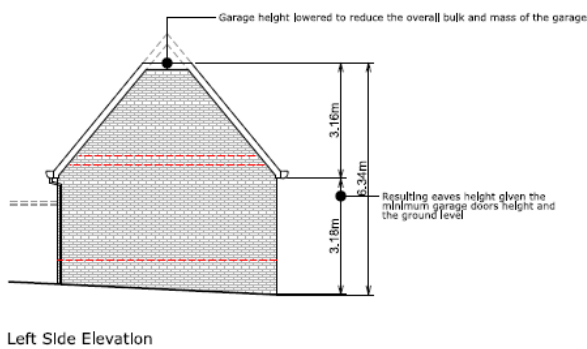
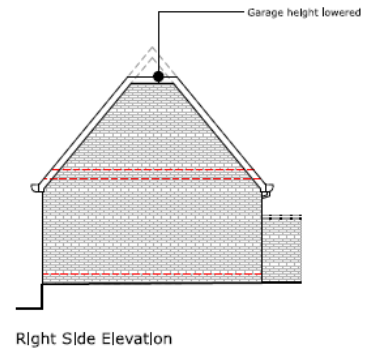
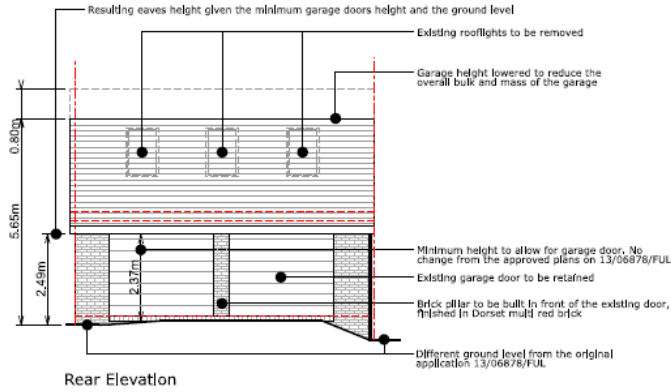
### **9.2 Impact on heritage assets**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

A number of adjustments are proposed to the scheme as built out:

It is proposed to drop the ridge height of the garage by 80cm, creating a narrow capped roof, the rooflights would be removed, and a brick pier added to create two smaller garage doors. As such the garage would be more subservient to the listed building and would not be so unduly overbearing as to warrant a refusal of the scheme on this ground.

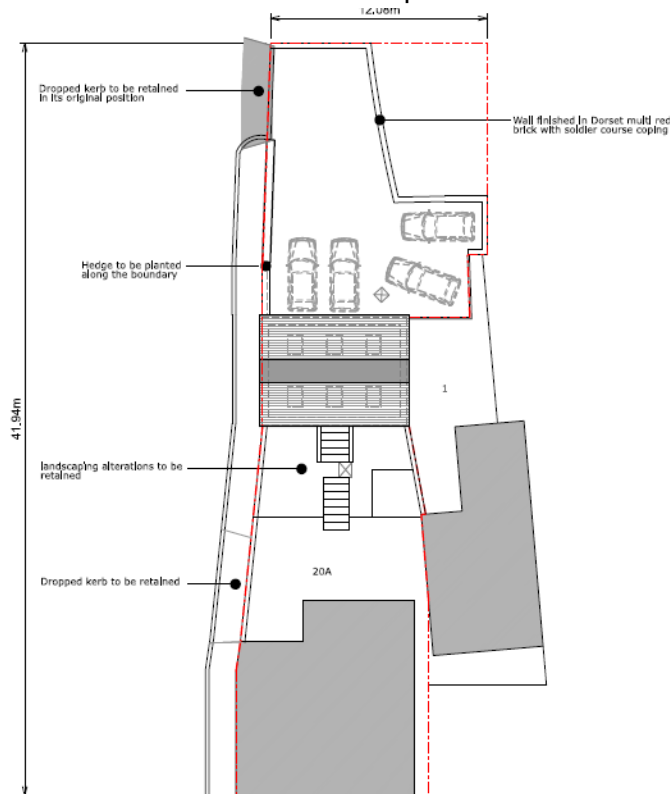




The proposed stepping down of the roadside wall allows for a more subservient approach to the listed building and the insertion of a gate at the western end of the wall allows for a visual separation between the wall and listed building that would result in minimal harm to the fabric of the building. Furthermore, the stepped design of the wall prevents it from becoming unduly overbearing on the street due to the sloping site and as such would make a positive contribution to the area.

It is proposed to re-clad the main walling using Michelmersh bricks which are considered to be appropriate for the heritage setting and would not be incongruous with the listed building or in the wider conservation area.

The retaining wall would be clad in multi-red bricks. To the east of the garage it is proposed to plant a hedge on the northern boundary. This is considered to accord with the verdant and rural character of this part of the conservation area.



The conservation officer raises no objection to the proposals subject to conditions regarding detailing. The proposal is therefore considered to result in less than substantial harm to the heritage assets. The proposal would bring about limited public benefit primarily economic benefit through the construction process and the tidying up of the site. This is considered to outweigh the harm and the proposal accords with CP57 and CP58 of the Core Strategy.

### 9.3 Highways

No alterations to the access are proposed as part of this scheme, thereby retaining the existing access and dropped kerb. As such no concerns are raised on grounds of highway safety.

### 9.4 Impact on neighbour amenity

The proposal would not result in harm to neighbour amenities. Indeed, no neighbour concerns have been received, and two letters in support of the proposed works.

## 10. Conclusion (The Planning Balance)

The revised scheme is considered to be of an acceptable scale, mass, bulk, and design that would not be detrimental to the character of the area or to the amenities of neighbouring properties. It would result in less than substantial harm to the listed building and conservation area however this is outweighed by the public benefit of the proposal. The proposal therefore conforms to the objectives of CP57 and CP58 of the Core Strategy and the aims of the NPPF. The recommendation is that planning permission should be granted.

**RECOMMENDATION:** APPROVE, subject to the following conditions:

1. Within 2 months of the date of this decision a scheme for the timing of commencement and completion of the works hereby approved including:

- The hedge planting times and details of species and planting,
- The materials details for the garage walling, central pier, and roof,
- The materials details for the northern boundary wall and gate,
- The architectural detailing and materials for the truncated garage roof,
- Materials for the retaining walling
- Details of how any expansion gaps in the boundary walling are to be dealt with,
- Any making good to the structure/fabric of the listed building,

shall be submitted to the Local Planning Authority. The approved scheme shall be carried out and completed in accordance with the approved timescale and details. Unless otherwise agreed by the Local Planning Authority, the materials to be used for the northern roadside boundary wall shall be Michelmersh Hampshire Stock Down Blend brick and the wall shall be constructed in Flemish bond. The retaining wall shall be clad in Dorset multi red brick.

REASON: To ensure a satisfactory standard of development in the interests of visual amenities of the area and the character and setting of the heritage assets

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

Location Plan

As Built Block Plan – drawing no. 21174-01-401 – dated 14 October 2020

Proposed Block Plan – drawing no. 21174-01-402A – dated 15 December 2020

As Built Floor Plans – drawing no. 21174-01-101 – dated 14 October 2020

As Built Roof Plan – drawing no. 21174-01-102 – dated 14 October 2020

As Built Elevations – drawing no. 21174-01-201 – dated 14 October 2020

As Built Street View – drawing no. 21174-01-202A – dated 27 November 2020

Proposed Floor Plans – drawing no. 21174-01-103 – dated 14 October 2020

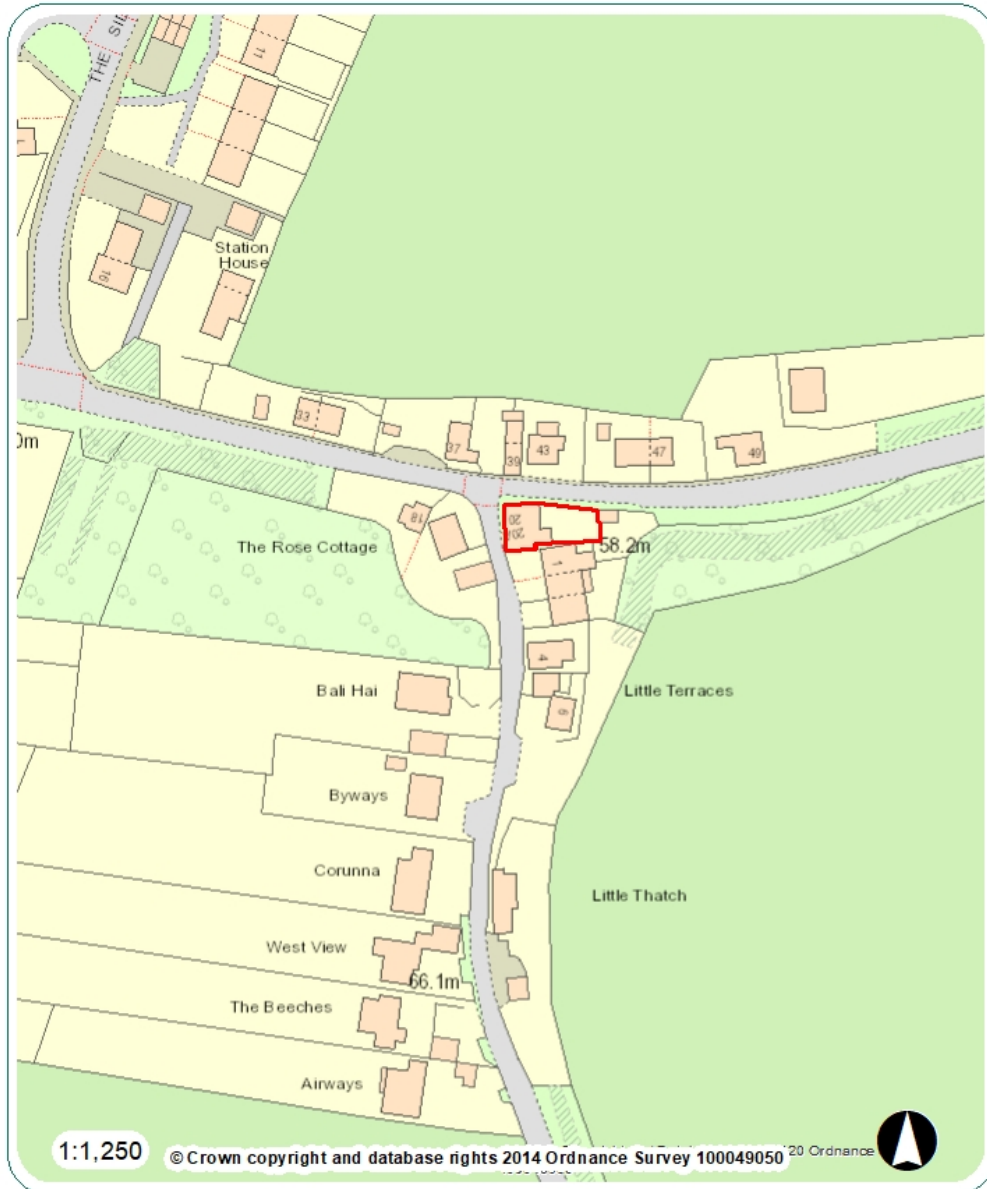
Proposed Roof Plan – drawing no. 21174-01-104 – dated 14 October 2020

Proposed Elevations – drawing no. 21174-01-203A – dated 15 October 2020

Proposed Street View – drawing no. 21174-01-204A – dated 15 October 2020

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





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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	1 <sup>st</sup> April 2021
<b>Application Number</b>	20/10508/LBC
<b>Site Address</b>	20 A Lode Hill  Downton  SP5 3PN
<b>Proposal</b>	Proposed alterations to the built garage and walls at 20a Lode Hill (amendment to 19/11390/LBC)
<b>Applicant</b>	Mr & Mrs Andrew and Zoe Mitchell
<b>Town/Parish Council</b>	DOWNTON
<b>Electoral Division</b>	Downton and Ebble Valley – Cllr Richard Clewer
<b>Grid Ref</b>	418485 121487
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Emily Jones

### Reason for the application being considered by Committee

Cllr Clewer has called the application into committee on the grounds that the application proposal's design will have an unacceptable visual impact on the surrounding area and a poor relationship to adjoining properties.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Impact on heritage assets

The application has resulted in an objection from Downton Parish Council due to the wall and garage being overbearing on the street and the listed building, and the garage being out of character with the area. Two letters of support have been received stating that the application will not harm neighbouring or local residents.

### 3. Site Description

20A Lode Hill is a Grade II listed property set in a sloping, corner plot within the Downton conservation area.



### 4. Planning History

19/11390/LBC	Retrospective garage new build and all associated works – Refused
19/10972/FUL	Retrospective garage new build and all associated works – Refused
14/08687/LBC	Internal alterations to facilitate the conversion of existing pair of semi-detached properties to form one dwelling, including removal of one chimney stack and addition of new entrance porch – Approved
14/08652/FUL	Conversion of existing pair of semi-detached properties to form one dwelling, including removal of one chimney stack and the addition of a new entrance porch – Approved
14/03642/LBC	Rear porch – Approved
14/03639/FUL	Rear porch – Approved
13/06878/FUL	Erect two detached double garages including demolition of existing outbuildings, closing of existing vehicular accesses and provision of new vehicular access – Approved
13/06881/LBC	Alterations to facilitate the conversion of two dwellings into one – Approved
S/2003/0931	Remove some stud walls erect newly positioned stud walls remove stairs erect new stairs open right rear window upto same dimensions as left rear window – Approved



## 5. The Proposal

Permission was previously granted for the erection of two garages and boundary wall under 13/06878/FUL and 13/06881/LBC. Works began in 2014 however the development has not been carried out in accordance with the approved plans with the garage ridge higher than approved, the use of un-agreed and in-appropriate materials, and a re-designed boundary wall. Retrospective consent for the work was refused in 2020 for the following reason:

*“The development, through its height, massing, design and use of inappropriate materials and detailing would result in harm to the significance and character of the GII listed building and the Downton conservation area. It is therefore contrary to CP57 and CP58 of the Wiltshire Local Plan, LC1 and LC2 of the Downton Parish Neighbourhood Plan 2016-2026, and paragraphs 189, 192, 196, and 200 of the National Planning Policy Framework 2019.”*

This application seeks to overcome the reason for refusal and proposes to amend the design of the garage roof and roadside boundary wall. Planning permission is being considered under 20/09706/FUL.

## 6. Local Planning Policy

### Wiltshire Core Strategy

Core Policy 58: Ensuring the conservation of the historic environment

### Downton Parish Neighbourhood Plan 2016-2026

LC1

LC2

Government Guidance:

National Planning Policy Framework 2019 (NPPF)

Planning Policy Guidance (NPPG)

## 7. Summary of consultation responses

**Downton Parish Council** – Objects to the application due to the height of the wall being overbearing on the road and is not subservient to the listed building; the garage being overbearing on the road and is not subservient to the listed building; the garage roof design is out of character with the area; and the rear retaining wall is overbearing.

The council does support the proposed use of Michelmersh bricks and that the roadside boundary wall will be brick-faced; that the design of the wall has been simplified and the gate is at the western end; and that the driveway and dropped kerb is to be retained in its current position.

**WC Conservation** – Supports the amended plans (proposes a hedge instead of a boundary fence and uses Michelmersh Hampshire Stock Down Blend brick on the roadside wall). Supports the design of the roadside wall and garage as it is more in line with the previous consent subject to conditions.

## **8. Publicity**

The application was advertised via neighbour notification letters dated 30 November 2020. The consultation period expired on 11 January 2021.

Two third-party representations have been received from neighbouring occupants/owners. They support the proposal as it will not impact on neighbouring or residents.

## **9. Planning Considerations**

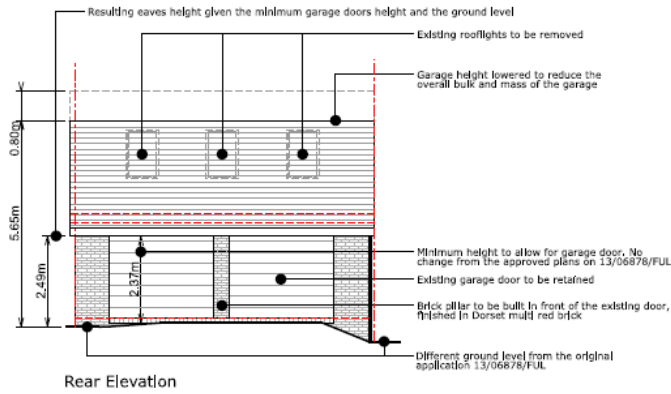
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### **9.1 Impact on heritage assets**

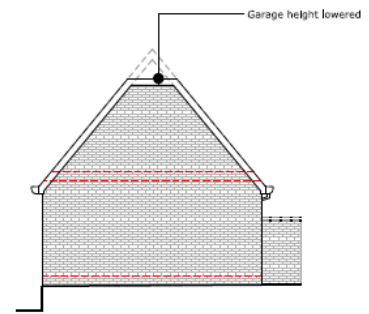
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

A number of adjustments are proposed to the scheme as built out:

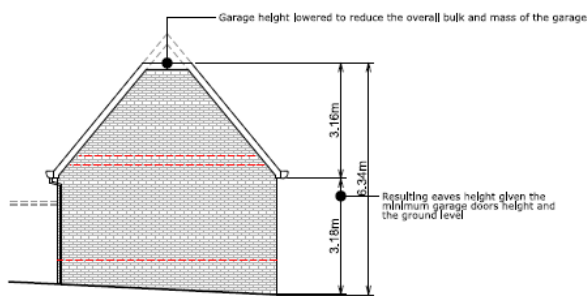
It is proposed to drop the ridge height of the garage by 80cm, creating a narrow capped roof, the rooflights would be removed, and a brick pier added to create two smaller garage doors. As such the garage would be more subservient to the listed building and would not be so unduly overbearing as to warrant a refusal of the scheme on this ground.



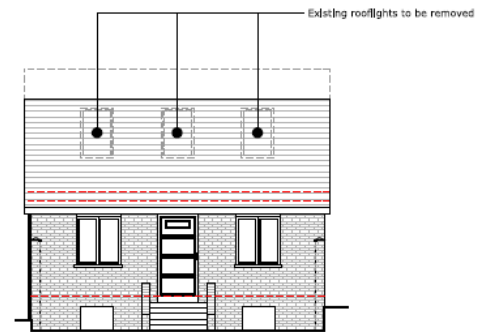
Rear Elevation



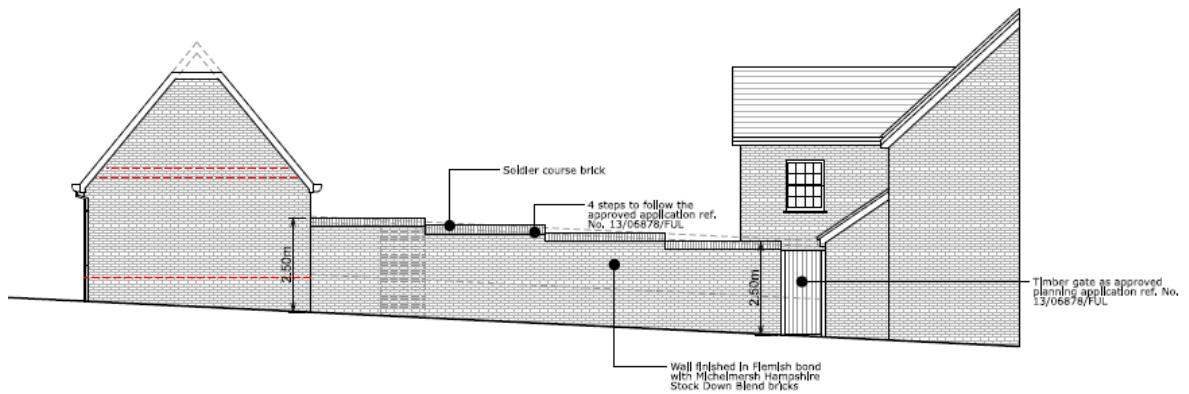
Right Side Elevation



Left Side Elevation



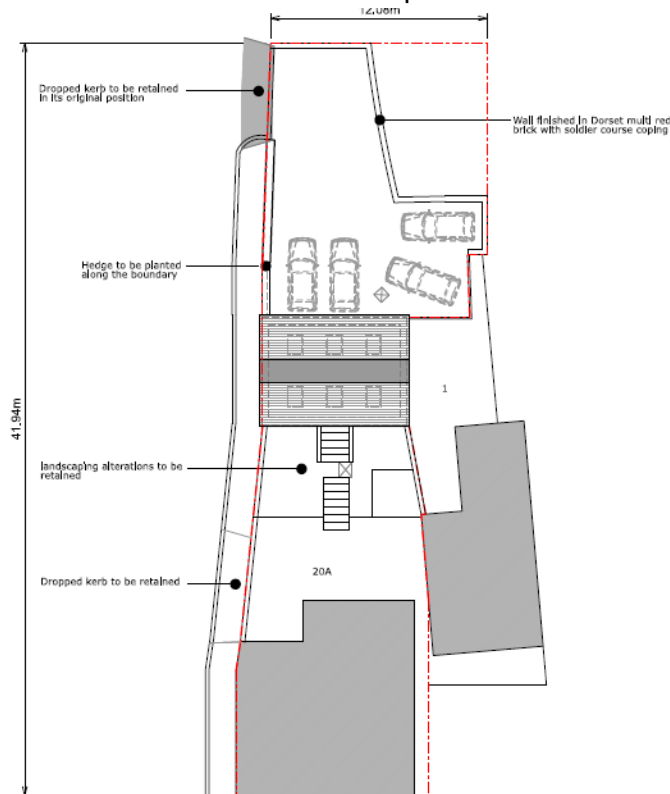
Front Elevation



The proposed stepping down of the roadside wall allows for a more subservient approach to the listed building and the insertion of a gate at the western end of the wall allows for a visual separation between the wall and listed building that would result in minimal harm to the fabric of the building. Furthermore, the stepped design of the wall prevents it from becoming unduly overbearing on the street due to the sloping site and as such would make a positive contribution to the area.

It is proposed to re-clad the main walling using Michelmersh bricks which are considered to be appropriate for the heritage setting and would not be incongruous with the listed building or in the wider conservation area.

The retaining wall would be clad in multi-red bricks. To the east of the garage it is proposed to plant a hedge on the northern boundary. This is considered to accord with the verdant and rural character of this part of the conservation area.



The conservation officer raises no objection to the proposals subject to conditions regarding detailing. The proposal is therefore considered to result in less than substantial harm to the heritage assets. The proposal would bring about limited public benefit primarily economic benefit through the construction process and the tidying up of the site. This is considered to outweigh the harm and the proposal accords with CP57 and CP58 of the Core Strategy

## 10. Conclusion (The Planning Balance)

The revised scheme is considered to be of an acceptable scale, mass, bulk, and design that would result in less than substantial harm to the listed building. However this is outweighed by the public benefit of the proposal. The proposal therefore conforms to the objectives of CP58 of the Core Strategy and the aims of the NPPF. The recommendation is that planning permission should be granted.

**RECOMMENDATION: APPROVE, subject to the following:**

## Conditions

1. Within 2 months of the date of this decision a scheme for the timing of commencement and completion of the works hereby approved including:

- The hedge planting times and details of species and planting,
- The materials details for the garage walling, central pier, and roof,
- The materials details for the northern boundary wall and gate,
- The architectural detailing and materials for the truncated garage roof,
- Materials for the retaining walling
- Details of how any expansion gaps in the boundary walling are to be dealt with,
- Any making good to the structure/fabric of the listed building,

shall be submitted to the Local Planning Authority. The approved scheme shall be carried out and completed in accordance with the approved timescale and details. Unless otherwise agreed by the Local Planning Authority, the materials to be used for the northern roadside boundary wall shall be Michelmersh Hampshire Stock Down Blend brick and the wall shall be constructed in Flemish bond. The retaining wall shall be clad in Dorset multi red brick.

REASON: To ensure a satisfactory standard of development in the interests of visual amenities of the area and the character and setting of the heritage assets

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

### Location Plan

As Built Block Plan – drawing no. 21174-01-401 – dated 14 October 2020

Proposed Block Plan – drawing no. 21174-01-402A – dated 15 December 2020

As Built Floor Plans – drawing no. 21174-01-101 – dated 14 October 2020

As Built Roof Plan – drawing no. 21174-01-102 – dated 14 October 2020

As Built Elevations – drawing no. 21174-01-201 – dated 14 October 2020

As Built Street View – drawing no. 21174-01-202A – dated 27 November 2020

Proposed Floor Plans – drawing no. 21174-01-103 – dated 14 October 2020

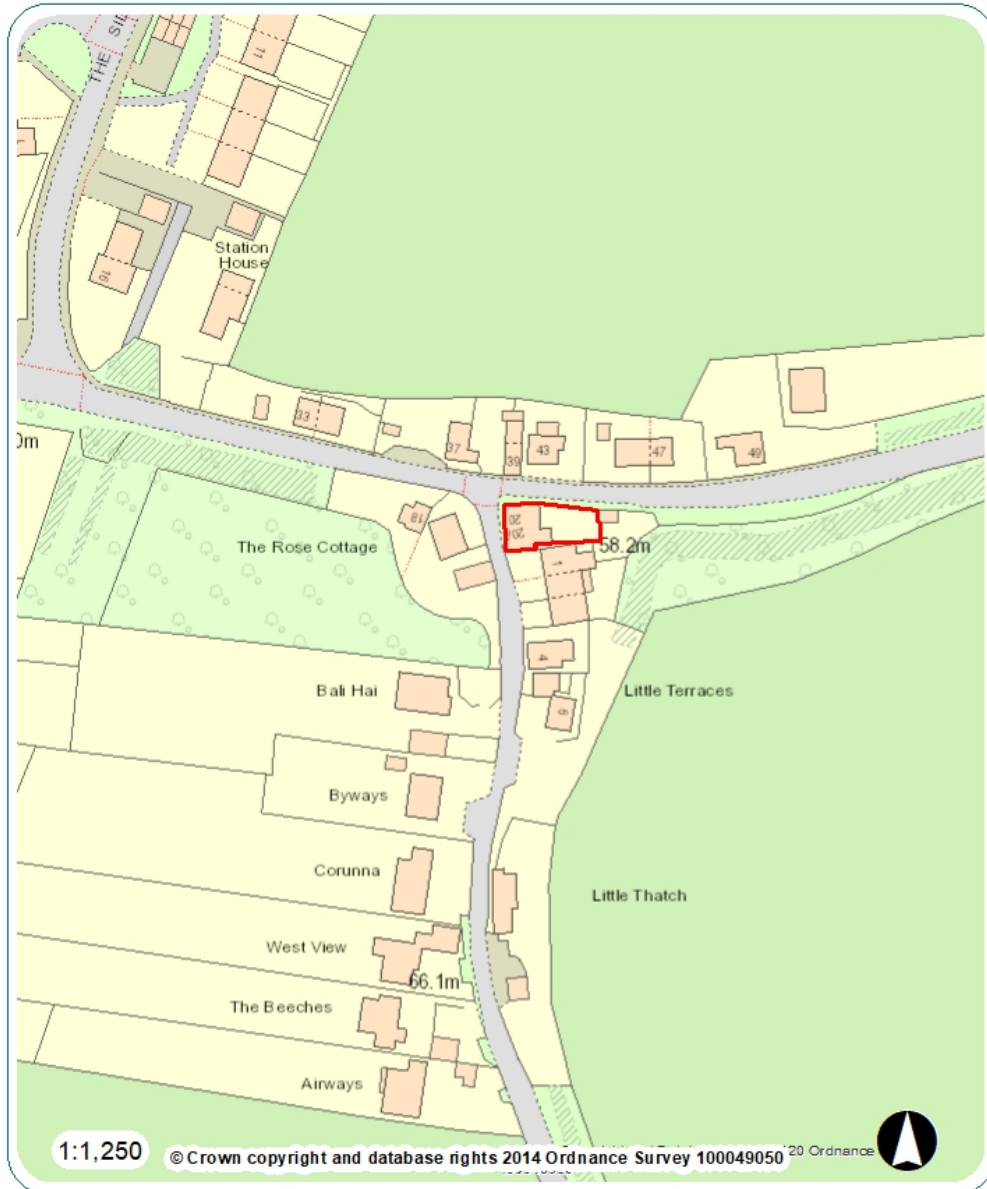
Proposed Roof Plan – drawing no. 21174-01-104 – dated 14 October 2020

Proposed Elevations – drawing no. 21174-01-203A – dated 15 October 2020

Proposed Street View – drawing no. 21174-01-204A – dated 15 October 2020

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

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	1 <sup>st</sup> April 2021
<b>Application Number</b>	20/10665/FUL
<b>Site Address</b>	Chalkway House, Ebbesbourne Wake, Salisbury, Wiltshire, SP5 5JB
<b>Proposal</b>	Curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective)
<b>Applicant</b>	Mr Stead
<b>Town/Parish Council</b>	EBBESBOURNE WAKE
<b>Electoral Division</b>	Ebbesbourne Wake – Councillor Jose Green
<b>Grid Ref</b>	399725 124389
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Christos Chrysanthou

### Reason for the application being considered by Committee

Councillor Green has called in the application citing concerns regarding the scale of development and design - bulk, height, general appearance and the visual impact upon the surrounding area.

### Purpose of Report

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

### 1. Planning History

\*20/05159/FUL Curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping, creation of native tree planting wildlife corridor and associated works (part retrospective). REF

\*20/01278/FUL Landscaping works including reconfiguring of existing levels within domestic curtilage. Erection of greenhouse. WDN

19/06978/CLP Certificate of lawfulness for proposed change of roof material on existing outbuildings from thatch to tile A

19/02727/FUL Single Story Rear Extension at Ground Floor Level, Single Story Extension at First Floor Level and Proposed Covering over Existing Swimming Pool. AC

S/2000/2230 Addition of a swimming pool 11.5m x 6m within garden curtilage AC

\*S/2000/1488 Change of use – from agricultural land to residential garden replacement barn and stables and new wall alterations to existing farm track and associated excavation work  
AC

S/2000/0765 Two additional dormer windows on the west elevation of the main house and an additional dormer window on the east elevation of the garage AC

## **2. The Proposal**

Planning permission is sought for curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective)

## **3. Planning Policy**

### National Planning Policy Framework

2. Achieving Sustainable Development

4. Decision-making

12. Achieving well-designed places

15. Conserving and enhancing the natural environment

### Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Cranborne Chase AONB Management Plan 2019 – 2024

## **4. Summary of consultation responses**

### Parish Council - Objection

Ebbesbourne Wake Parish Council (EWPC) understands that, as a matter of Planning, this application should be looked at in isolation; however, we are also mindful of the retrospective aspect of the application and the previous comments and submissions from Wiltshire Council, a range of professional bodies and parishioners, relating to preceding applications 20/01278/FUL (withdrawn) and 20/05159/FUL (refused)

EWPC have met to discuss the application via video calls, due to the current Covid 19 pandemic) and a socially distanced site visit has also been undertaken by two representatives of EWPC alongside the applicant. The Parish Council has received numerous parishioner comments regarding this latest application and recognises its duty to represent the opinion and mood of the community.

Our collective observations are as follows:

- The existing curtilage shown does not reflect the previously approved curtilage reference S/2000/1488, which does, in our opinion, impede the application. Therefore, as a pivotal aspect of the application, and as previously highlighted in the Case Officer's report for 20/05159/FUL, we request that this is once again reviewed by the LPA, to reaffirm the

curtilage for the purposes of this application and any future planning applications relating to the property. This will avoid any precedents that could be created to allow change of use from agricultural to residential and vice versa, and the effect this would have on the AONB landscape.

- EWPC recognises the efforts made by the applicant to reduce the scale of the terraced walls however, the scale of the remaining terracing will still have a significant and permanent impact on the chalk downland/AONB. Consequently, we request the LPA continues to give its full consideration to Core Policies 51 and 57 when making their decision, to ensure the unique character of the landscape is not compromised.

- The detailed Structural Landscaping Plan is noted by EWPC; the landscape statement is a welcome improvement to that previously presented. However, we are mindful this has, in part, been created to ameliorate and mitigate the visual impact of the unauthorised construction of the retaining walls and terraces that encroach on the AONB/agricultural land.

If you are minded to approve this application, we would request a thorough analysis by the LPA and their specialist advisers, to ensure any suggested species provide a positive contribution to the surrounding landscape with associated ecological benefits. Furthermore, it is essential that the plants will be sufficient in number/type to provide the desired screening throughout the year of a walled structure of this scale.

- Due to the retrospective aspect of this application and the impact of the previous groundworks on the adjacent water meadow, the Parish remains concerned about the environmental impact on the water meadow and its function as flood alleviation for the River Ebble and the surrounding area. Following the recent site visit by EWPC members, it is evident that some reparative works have already been carried out to the water meadow. We would, however, welcome further specialist consultation to ensure the water meadow's former functionality is fully reinstated and ecological balance restored, whatever the outcome of this application.

For the reasons above, Ebbesbourne Wake Parish Council objects to this application.

#### WC Drainage

Consultation - No comment

#### WC Ecology

The application Site lies within the Hampshire River Avon SAC Catchment and this triggers a Habitats Regulations Assessment (HRA) for potential significant effects on the SAC. As the Site lies more than 5km from the closest designated section of the SAC and the proposals will not result in an increase in foul water discharge impacts on the SAC are not predicted. In conclusion, I do not consider this development is likely to lead to significant effects on the Hampshire River Avon SAC and an Appropriate Assessment (AA) is not required.

I note that this is, in part, a retrospective application and the groundworks for the terracing have already been carried out. The site is immediately bounded to the south by a County

Wildlife Site (CWS), classified as calcareous grassland priority habitat, however works have not extended into the CWS and it is not affected by the current proposals.

Details of the previous use or ecological survey of the area that was transformed into terracing in August 2019 hasn't been provided. Aerial photography shows the works have resulted in the loss of grass however the biodiversity value of this grassland cannot now be determined.

The field between the Site and the River Ebbble, stated as being water meadow in a number of representations, is not classified as Priority Habitat on ecological mapping. Detailed botanical survey of the field reported in the Preliminary Ecological Appraisal (Davidson-Watts Ecology, 19th February) describes the grassland as grazed, semi-improved grassland of poor botanical diversity.

The submitted Preliminary Ecological Appraisal (Davidson-Watts Ecology, 19th February 2021) considers potential impacts on biodiversity associated with the proposals. It does not include a records request with WBRC, as would normally be expected, however given the scale and type of impacts associated with the proposals the level of information provided is considered acceptable. Habitats affected by the proposals are reported as of limited value to wildlife. Existing lines of mature trees with features suitable for nesting birds and roosting bats are to be retained. Adverse impacts on biodiversity as a result of the proposals are not reported and the proposed native tree and shrub planting would, once established, provide habitat for nesting birds, invertebrates and commuting and foraging bats.

Conditions:

The following, or similarly worded, conditions are recommended;

Prior to the commencement of planting of the woodland belt all trees/ shrubs must be checked by an ecologist experienced in tree identification to ensure only native species of local provenance have been sourced to be planted.

#### WC Landscaping – No objection

Following refusal of the previous scheme I was copied into correspondence between the applicant's landscape architect and the AONB. The draft plans that were discussed now form part of the new submission and have overcome my concerns highlighted in my email to you dated 14/09/2020. I therefore have no objections to the revised scheme.

Key issues:

1. Mass and scale of the of the terraces

The bulky appearance of the terraces has been reduced by removing the upper terrace wall and replacing it with a flowing grass bank. The lower and middle terraces have small earth banks at the base which form the planting beds and will reduce the perceived height of the terrace.

The lower and middle terrace walls frame the more formal lawns associated with the house. The upper terrace is proposed to be informal species rich grassland that will support a

traditional orchard and provides a transition to the open countryside. The addition of the orchard and meadow is welcomed and will have huge biodiversity benefit if managed correctly.

## 2. Planting

There is a substantial amount of new planting proposed. I note from the submission that 'uncharacteristic' planting will be removed and replaced by native species appropriate to the local landscape character. The garden is to be enclosed by native hedgerows along the proposed curtilage and two copses to the west and east of the site. This planting will help to enclose the site physically and visually. There are also some additional successional parkland trees proposed within the wider landscape along the length of the floodplain. I am happy with the species selection and the note that the terrace planting beds will be shrubs with herbaceous plants.

## 3. Landscape and visual effects

The change of use from agriculture to domestic, and remodelling of the topography to create the terraces has created a permanent change to the landscape which could be perceived as a negative effect. On balance, the effects on vegetation are positive through the removal of non-native species and planting of new native hedgerows and trees. This and other changes, such as relocating the fence, provides overall enhancement to the local landscape character. Overall any residual landscape effects are neither significant nor far reaching. In terms of visual effects there will be some limited localised views from the north and west which would become more filtered as the proposed planting matures.

### WC Rights of Way Comments received

I can see what looks like 2 gates on the plan which I have circled yellow below. Gates cannot be authorised on a restricted byway and are an obstruction. If these are new proposed gates these will need to be roved from the proposal. If they are existing they will be a matter for Rights of Way enforcement and you can use the informative below:

No gates, fences or stiles should be erected across the public right of way (Restricted Byway EWAK9).

Reason: Structures across a restricted byway are an obstruction.



(Excerpt)

18. The Landscape Statement sets out in some detail the history to the previous application to regularise the situation and the planning context, NPPF, NPPG, and Local Development Strategy within which the landscape appraisal and proposals have been prepared. Doubtless you will recall that the AONB was very concerned that the three terraces on the western side, and their supporting walls and steps, had been created with no obvious, or subtle, landscape design purpose. Those terraces and walls currently formalise the rural landscape without any design aesthetic or forming part of a larger, coherent, designed landscape. The basic issue seems to be whether or not the Planning Authority feels it can accept amelioration and mitigation of the impacts of the unauthorised earthworks and construction of retaining walls and steps, or whether these are sufficiently inappropriate to require complete removal.

19. The Landscape Statement focusses on amelioration and mitigation and, subject to my further comments, as a scheme of mitigation and amelioration it provides a much more appropriate outcome than currently exists.

## **5. Publicity**

The application was advertised by neighbour notification letters. 30 representations were received, mainly letters of objection and several comments of support. Comments received and matters raised can be summarised as follows:

- Retrospective/ terracing built without planning permission/ procedures not followed/ no regard to planning law/ principle of AONB at stake
- Approval would set precedent/ approval would reverse recent decision/ could result in further unsympathetic changes in the future/ creeping development
- Landscaping proposal hypothetical/ planting may be ineffective due to seasonality of screening
- Lack of justification for terracing and evidence for curtilage changes
- Inaccuracies regarding the curtilage/ existing curtilage not shown accurately
- Various plans and documents difficult to understand and divert attention, contradictory plans
- Prominence of the site and approach to the village within the Chalke Valley/ visual impact of the scheme on the landscape character of the AONB
- Blocking of views/ proposal does not conserve or enhance natural beauty of the landscape
- Terracing unsightly, should be removed, land restored and approved 2000 curtilage enforced
- Application does not address the previous refusal, the same issues remain
- Impact on ROW byway/footpath/ oppose changes to the byway
- Impact on the water meadow/ should be reinstated/ would like to see the water meadow remain as a beautiful historical unity and not imposed upon any further
- Amended documentation address some concerns/ the proposal slightly less intrusive
- Curtilage is now more coherent/ the terraces enhance the view from the road/ planting is more sympathetic

- Domestic garden alteration to improve disabled access, can be seen from the road but no near neighbours, no historic features

## 6. Planning Considerations

- Principle of development - curtilage changes
- Scale, siting, design and impact on the landscape character of the Area of Outstanding Natural Beauty
- Ecology
- Rights of Way

## 7. Assessment

### 7.1 Principle of development - curtilage changes

The application site is a detached dwellinghouse situated in the rural surrounds of Ebbesbourne Wake which lies in the Cranborne Chase AONB. Planning permission is sought for curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective).

The application is part retrospective, the main element, the terracing has been erected without planning permission along with other works land regrading etc. The proposal includes change of use of various areas of the site. This is a resubmission application to the refusal of planning permission under LPA ref: 20/05159/FUL which was refused for the following reasons:

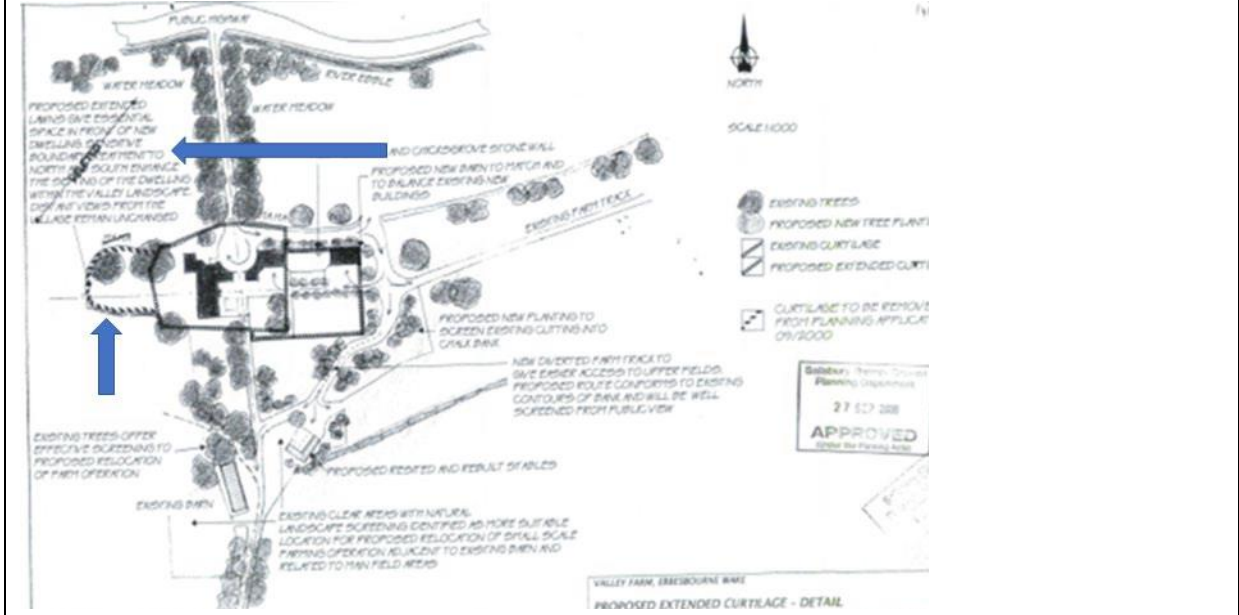
*The site has a distinct rural character and is located in a prominent location in the open countryside of Ebbesbourne Wake which lies within the Cranborne Chase Area of Outstanding Natural Beauty. The proposal would result in a significant enlargement of the residential curtilage into the landscape of the AONB compared to that shown on the plans associated with previous application reference S/2000/1488.*

*In particular, the proposed western enlargement of the curtilage and retrospective terracing is considered to be an urbanising feature which would erode the rural character of the area, as would the proposed expansion of the curtilage to the south east and south of the dwelling to encompass a rural track and barns.*

*Consequently, the proposal does not preserve the special character of the Area of Outstanding Natural Beauty, contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and the aims of the National Planning Policy Framework, notably Paragraphs 127c and 172 of the NPPF, which gives great weight to conserving the landscape of Areas of Outstanding Natural Beauty.*

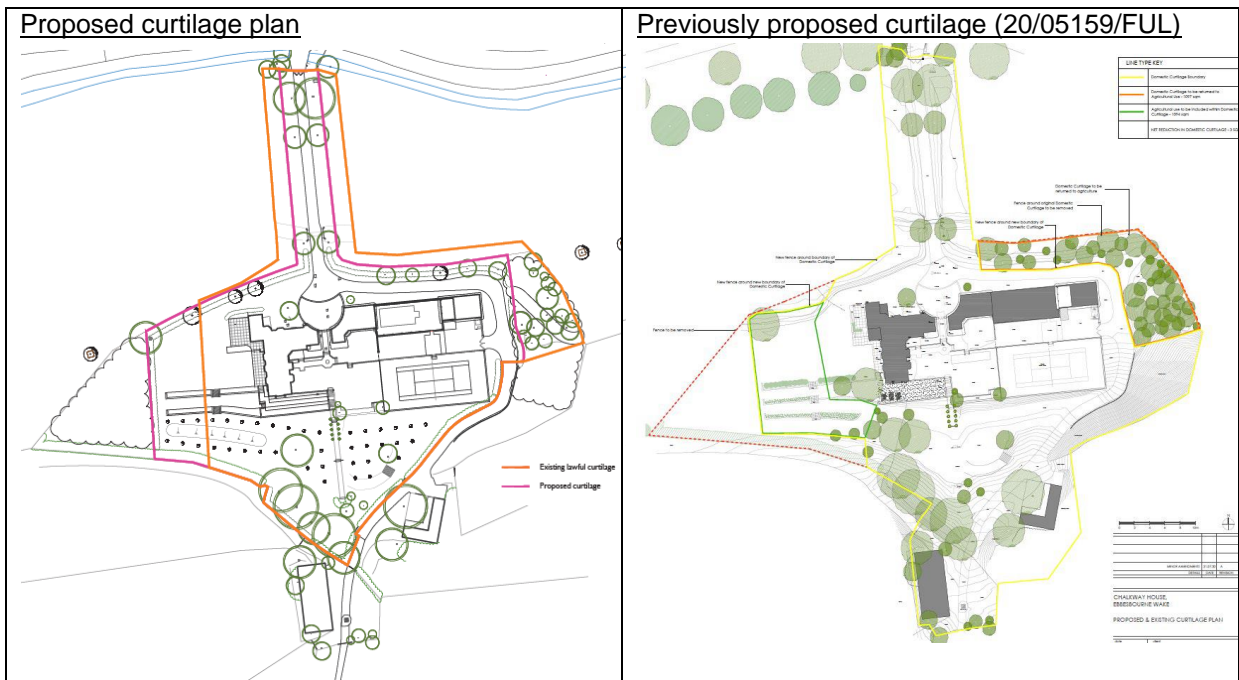
The only record in the planning history that pertains to any changes to the residential curtilage of the site is planning approval under LPA ref: S/2000/1488. As shown in the plan below the approved curtilage is a rectangular shape that is drawn compactly around the immediate garden/amenity area serving the main dwelling.

**Approved Site Plan - S/2000/1488**



It is also noted that an area west of the dwelling was omitted from the 2000 approval, an area of land that is terracing is now located in. This plan had represented in officers view the most recent accurate version of the residential curtilage for the site as no further planning applications were submitted for any other changes to the curtilage until recently.

The curtilage plans submitted with this application however do not particularly resemble the approved curtilage from the 2000 application, as shown in the plan below.



Officers had questioned the curtilage plan submitted in previous applications. The proposed curtilage has been adjusted for this application and as indicated by the pink line in the above



plan, the curtilage has been drawn more compactly around the area immediately around the dwelling and now excludes the barn and stables to the south.

The revised curtilage as proposed would better corroborate the aerial photos which show these areas appear to have been maintained as part of the domestic garden for a period of over 15 years. The local planning authority doesn't have any contrary evidence to suggest differently and in this instance the revised curtilage plan as presented appears acceptable in officers view.

## 7.2 Scale, siting, design and impact on the landscape character of the Area of Outstanding Natural Beauty

This section discusses the terraces in the context of the landscape character and visual amenity of the Area of Outstanding Natural Beauty.

This application seeks to address the reasons for refusal with this application which in addition to reducing the extent of the curtilage, proposes the following adjustments which have been summarised by the applicant:

- The proposed hedgerow along the Restricted Byway to the west of the site has been omitted.
- The woodland belt of planting along the floodplain has been omitted.
- Removal of the top terrace wall and replacement with a sloped embankment.
- Shrub and herbaceous planting faced in front of the remaining terrace walls.
- Provision of native hedgerows around the property, containing the house and providing a coherent residential curtilage.
- Moving the fences either side of the driveway inwards.
- Planting woodland species amongst the birch trees on the east side of the house to create a woodland copse, and planting of a second woodland copse to the west of the house.
- An orchard has been introduced into the southern garden area.
- Planting of specimen trees along the south side of the meadows to the east and west of the house to reinforce the existing tree line and provide long term replacements for the existing trees which are reaching the end of their life.

The terracing has been constructed using locally sourced stone and works were completed in August 2019. The previous application was refused primarily for reasons relating to the landscape impact of the proposal and the lack of information supporting the curtilage changes.

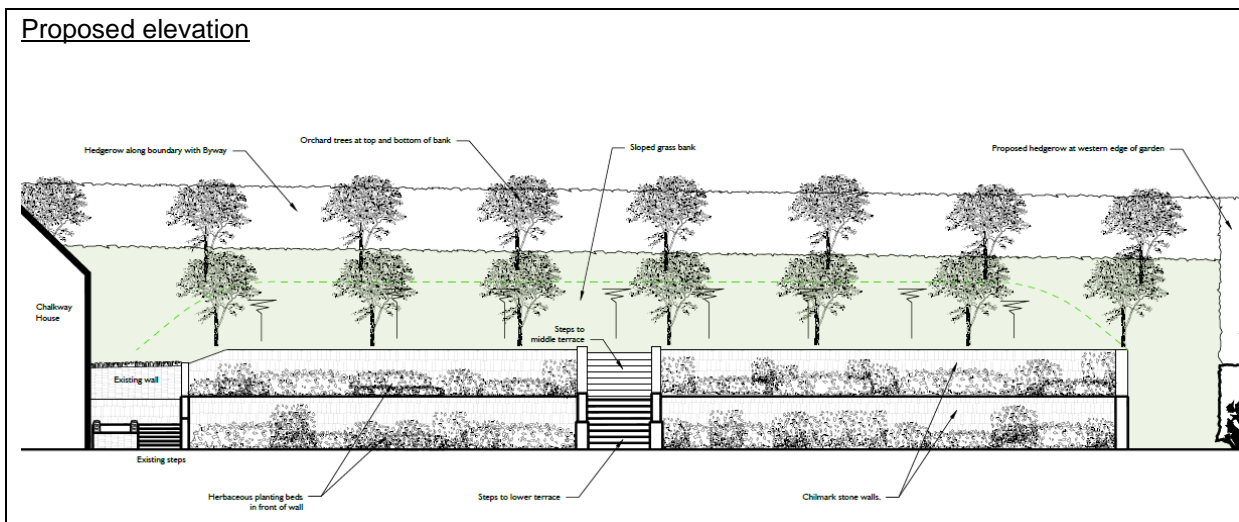
In refusing the previous application, officers had considered the full extent of the terracing which reached the eaves height of the main dwelling to be development of an unacceptable scale and harmful on the landscape character of the AONB setting.

Photograph - Existing situation (photograph from previous application)



In an effort to reduce the visual aspect of the proposal, it is now proposed to remove the top section of the terracing and grass over, thereby the terracing by a third in height. As demonstrated in the elevation drawing below, the overall scale of the terracing is significantly reduced.

Proposed elevation



Further to removing the top section of the terracing, an orchard planting scheme is proposed along with a rounded grassed area. In addition herbaceous planting is proposed in front of the two sections of the two retained terraced walls. The proposed landscaping scheme provides extensive planting of trees and hedges within the site including two woodland

copses directly adjacent to the proposed curtilage on the west and east sides which would help with enclosing the curtilage.

Overall the proposed reduction of the scale and bulk of the terracing taken with a comprehensive scheme of planting is considered to sufficiently mitigate the visual aspect of the terracing thereby preserving the landscape character of the area.

The scheme and the proposed trees and planting have been considered by WC ecology and WC landscaping and both consultees agree that these would be compatible and result in a net gain in biodiversity and a visual improvement.

Para 127 c) of the NPPF states - Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Para 172 of the NPPF states -Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

In this instance having assessed the resubmission, as discussed above, officers consider the development accords with the aims of Para 127c and Para 172 of the NPPF and the aims of core policies 51 and 57.

### 7.3 Ecology

Core policy CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The comments regarding the water meadow are noted. WC Ecology do not raise an objection subject to conditions regards the type of trees to be planted.

### 7.4 Rights of Way

Several parties have commented that the proposal may impact on use of the bridleway. The application form had originally indicated public rights of way would be adjusted, however the relevant section of the form was subsequently resent indicated no changes to public rights of way.

Notwithstanding there are gates shown on the plans which appear to obstruct the bridleway, the bridleway should be kept clear of obstruction and allow free passage of members of the public along the bridleway. WC Rights of Way have been notified and have suggested a suitable condition.

## **8. Conclusion (The Planning Balance)**

The comments made by the parish council and third parties are noted and the matters raised have been considered in full as part of the planning process. The terracing will be reduced in bulk to a more acceptable scale and taken with the proposed landscaping scheme the proposal would improve the landscape setting of the site. In the absence of any strong objections from WC Landscape and WC Ecology officers consider that a refusal on landscape or ecology impacts would be difficult to defend.

For the above reasons set out in the report, the development proposal is considered to accord with the objectives of core policies 51 and 57 of the Wiltshire Core Strategy and the aims of the landscape preservation policies contained in the NPPF. Therefore, the Local Planning Authority considers that planning permission should be approved.

### **RECOMMENDATION**

Approve subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg. no. 942-MP-01/A LANDSCAPE MASTERPLAN Date rec 30/11/2020

Drg. no. 942-MP-02/A WIDER LANDSCAPE MASTERPLAN Date rec 30/11/2020

Drg. no. 942-MP-03/A CURTILAGE PLAN Date rec 30/11/2020

Drg. no. 942-MP-04/A PROPOSED SITE LOCATION PLAN Date rec 30/11/2020

Drg. no. 942-MP-05/A ELEVATION - TERRACES (WITHOUT PLANTING) Date rec 30/11/2020

Drg. no. 942-MP-06/A ELEVATION - TERRACES (INDICATIVE PLANTING SHOWN) Date rec 30/11/2020

Drg. no. 942-SW-01/A DETAILED STRUCTURAL PLANTING PLAN - 1 of 2 Date rec 30/11/2020

Drg. no. 942-SW-02 B DETAILED STRUCTURAL PLANTING PLAN - 2 of 2 (Revised) Date rec 07/01/2021

Doc. Ref: 942-LS Revision B 2020-12-01 Landscape Statement, Indigo Landscape Architects (Revised) Date rec 07/01/2021

Preliminary Ecological Appraisal Report, David Watts Ecology, 19 February 2021 Date rec 19/02/2021

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

02 Within 3 calendar months of the date of this decision the top section of the terracing shall be removed and 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(s) 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 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.

03 Prior to the commencement of planting of the woodland belt all trees/ shrubs must be checked by an ecologist experienced in tree identification to ensure only native species of local provenance have been sourced to be planted.

REASON: In the interests of biodiversity.

04 Notwithstanding the approved plans, no gates, fences or stiles should be erected across the public right of way (Restricted Byway EWAK9).

Reason: Structures across a restricted byway are an obstruction.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	1 <sup>st</sup> April 2021
<b>Application Number</b>	20/10716/OUT
<b>Site Address</b>	Land at Cools Farm  Tisbury  East Knoyle
<b>Proposal</b>	Outline planning application to establish access only for agricultural dwelling at Cools Farm.
<b>Applicant</b>	M & Q Edwards
<b>Town/Parish Council</b>	WEST TISBURY
<b>Electoral Division</b>	Tisbury - Cllr Tony Deane
<b>Grid Ref</b>	390603 129820
<b>Type of application</b>	Outline Planning
<b>Case Officer</b>	Lynda King

### Reason for the application being considered by Committee

The application has been called to Committee by the Local Member Cllr Deane for the following reasons:- The site is located some distance from the farm buildings on a narrow lane. There is some doubt whether the proposed sightlines onto the road are adequate in this very rural lane. There are also issues regarding the visual impact on the surrounding area, and the relationship to adjacent properties.

#### 1. Purpose of Report

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

#### 2. Report Summary

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

- Principle
- Character
- Highway Safety
- Ecology

The application has generated an Objection from West Tisbury Parish Council; and 4 letters of objection from third parties.

### 3. Site Description

The application site is 0.09ha in extent and is situated within a larger field currently forming part of Cools Farm. Cools Farm is located about 4km to the north west of Tisbury and west of Beacon Hill. East Knoyle is to the west. It lies in open countryside and the whole farm lies within the Cranborne Chase and West Wiltshire Downs AONB.

Cools Farmhouse (which is Listed Grade II) and the main farm complex lies approx. 120m to the south east of the application site at a lower level. The land rises from the main farm buildings, through to the Farmhouse and then up to the application site itself, which sits below Beacon Hill. The application site is located in a depression in the ground which was previously used to extract stone for the construction of farm buildings. It is not readily visible from the existing farm complex to the south west.

The main farm buildings are grouped to the south west of the farmhouse and mainly comprise substantial modern agricultural buildings either side of Tokes Lane, which bisects the farm. There is a separate stone building in residential use to the north west of the farmhouse, which is not within the ownership of the occupants of Cools Farm, as well as a pair of holiday lets converted out of a previous store building and an annex to the main farm house also used as a holiday let. The existing farmhouse does not have an agricultural occupancy tie condition as the dwelling pre-dates the planning system.



### 4. Planning History

S/2001/0239 and 0240 – first floor conversion of redundant stables to a two-bedroom dwelling, approve with conditions.

S/2003/0217 and 0218 – renovation and change of use of existing redundant outbuilding to ancillary accommodation for farmhouse, approve with conditions.

S/2003/0942 and 0943 – extension of redundant building to provide residential accommodation. Withdrawn due to LPA objecting to the scale of extension proposed on the Listed outbuilding.

S/2007/2250 – convert and extend store to provide two residential units for holiday letting, approved with conditions limiting the occupation to holiday use only.

S/2008/1497 – erection of agricultural livestock building, approved with conditions.

## **5. The Proposal**

This application, in outline, is for the erection of an agricultural worker's dwelling to be occupied by a share farmer associated with the running of Cools Farm.

The current farm comprises 79ha (195 acres) of which 6.75ha (16.23 acres) is rented. It is currently run by the farmer as an organic beef holding, with his wife running the holiday let and a bed and breakfast business as part of the farm diversification. The applicants are nearing retirement and wish to ensure that their farming legacy and environmental ethos is maintained in the future by supporting a new farm entrant to the holding on what is known as a 'share farming arrangement' which is explored in more detail in section 9 below.

The existing dwellings on the site are not available for the new share farmer, explored in more detail in section 9 below, and the application therefore looks to consider whether there is a justification for an additional dwelling in this location.

The applicants have decided on the current site, which is approx. 120, from the main farm complex, as it lies in what is known as the calving field, with access to the road, power and other services. In this location it is argued that the occupier will be on hand to assist cows when calving outside, whilst remaining close to the farmyard.

The application is in outline with all matters reserved except for access. However there is an indicative plan submitted which indicates a relatively modest single storey dwelling with associated farm office and three car parking spaces sat within a small curtilage, as set out below. This scale of dwelling would not be inappropriate for a farm worker's dwelling if the need for the property can be justified when considered against local and national planning policy.



## **7. Summary of consultation responses**

West Tisbury Parish Council – Objection

The Parish Council do not support, the reason being the access onto the highway at this point for site 7 is not suitable or appropriate.

Highways – Initial consultation response:-

The site is located off the C309, Tokes Lane outside of any settlement boundary, and would usually be considered to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019 which seek to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods, however I am aware that you may have policies that support an agricultural dwelling that override the sustainability issue.

Due to the fact that the proposal is for an agricultural workers dwelling, the main occupant will not need to travel for work, which will reduce the amount of vehicle trips through the proposed access.

The carriageway in this area of Tokes Lane is bounded by high banks on either side, however the bank immediately to the front of the site where the access is proposed levels to form a verge.

I note the visibility splays that are shown on the submitted drawings of 2.4m by 43m. These do not meet the visibility splay recommendations for a vehicle access where the national speed limit applies, however, on visiting the site, I was aware that any vehicle would be unlikely to achieve speeds reaching the national speed limit due to the nature of the road. I therefore believe that a speed survey is required to establish whether the splays proposed are adequate.

Therefore, I would be grateful if the applicant would undertake a speed survey and provide me with the results.

Final comments following speed survey :- No objection, subject to conditions, if the dwelling is deemed necessary to support an agricultural enterprise..

## **8. Publicity**

This application was advertised through a site notice. 4 letters of objection were received raising the following issues:-

- Support the principle of the dwelling, but concerns about it's location
- Concern about lack of details in this AONB location
- Access is on a bend in a narrow road
- Access point is of great botanical interest
- The development would be on a prominent hillside in the AONB
- Another site on the holding would be preferable
- No justified need
- There are already 4 dwellings on the holding and one of these could be used instead.
- Impact on the Cools Farmhouse listed building

## **9. Planning Considerations**

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

### **9.1 Principle of development**

This application proposes the construction of a dwelling within the open countryside where such a form of development would not normally be permitted unless it can be justified that the proposal is for accommodation to meet the needs of employment essential to the countryside and can be supported by functional and financial evidence.

Cools Farm has been run as a family farm for over 50 years, and the applicant is the third -generation farmer on the holding. He and his wife are of retirement age, but are still currently running the farm and the accompanying holiday lets and farm B and B as part of the farm diversification. There are no members of the next generation of the family in a position to take over the running of the farm and therefore the applicants are wishing to explore another mechanism to enable a young farmer to take over the running of the enterprise.

The farm is run on environmentally sustainable principles, based around an organic beef rearing enterprise using Red Poll cattle. It is registered with the Soil Association as well as the Red Tractor Scheme. In 2020 the farm has been accepted onto the Countryside Stewardship's Higher Tier Scheme, with particular reference to at-risk native breeds and the preservation of biodiverse meadows. It is also one of 6 farms in the AONB selected for the Cranborne Chase Environmental Land Management Scheme.

The applicant has arrived at a method for enabling the continuation of the farming enterprise to the existing environmental standards currently operating, and to give an opportunity for a new young farmer to take on the running of the holding. This is via a share farming arrangement, which it is understood to be not very common yet within the UK, but is widely practised in places such as New Zealand.

Under the share farming arrangement, the applicant will utilise his mentoring experience to support the new farmer in ensuring that the pedigree herd is maintained and the farm business continues. The land, buildings and herd will be made available to the new farmer, who in exchange will provide the labour and machinery input. Each party then receives a proportion of the income depending upon what has been put into the agreement (eg land, buildings, labour). The applicants do not wish to vacate Cools Farmhouse, which is their home. Therefore the proposal is to provide a new rural worker's dwelling to the new entrant enabling that person to live on-site and take on the majority of control of the farm business.

### Functional need test

The Council sought the expert opinion of an Agricultural Consultant in respect of this application due to the novel form of the proposal.

The assessment as to the need for this dwelling has to be undertaken against the provisions of, in particular, Policy CP 48 of the Wiltshire Core Strategy and paragraph 79 of the NPPF.

The relevant section of Policy CP 48 states that:-

***Dwellings required to meet the employment needs of rural areas***

*Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.*

The relevant section of Para 79 of the NPPF states that:-

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless.....there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.*

The Council's agricultural consultant has concluded that there is a functional need for a full time worker to live on site to manage the calving that takes place externally in Home Paddock (where the proposed dwelling is to be sited) and that the labour requirements of the farm require one full time person plus part time assistance.

He concludes that as the applicant will continue to occupy the existing dwelling, but will no longer be responsible for the essential need to manage the calving operation, and that the existing dwelling is therefore discounted, then the proposed dwelling is an appropriate means to meet the essential need.

### Viability of the holding

The next criteria for consideration is the viability of the holding and its ability to support another dwelling on the site. Although the NPPF does not expressly reference the need to assess the existing or proposed business which will operate in association with the proposed dwelling, Policy CP48 does contain this requirement, and the recent (July 2019) update of the Planning Practise Guidance (PPG) does now reference financial viability as a consideration when determining the need for a rural worker's dwelling. That same guidance also refers to whether the provision of an additional dwelling "is essential for the continued viability of a farming business through the farm succession process".

The Council's consultant concludes that the applicant's circumstances are such that the proposed transfer of the business through a share farming arrangement are wholly appropriate, and that the size of the dwelling proposed is suitable. However, the current financial information does not conclude that the current operation is viable, but in his opinion the existing business has the capacity to attain viability.

This conclusion has been discussed with the applicants and additional information has been sought to support, or not, the applicant's claims about the long term viability of the holding.

The response is that the applicant, due to his age, has not been running the holding in the last few years to maximise income, but rather had been investing in improving the holding. This information is borne out by the accounts the Council's consultant has seen.

The share farming process is nearing completion and a preferred candidate has now been chosen, who will be bringing expertise and input to the holding that has allowed the estimates of the farm's profitability to significantly increase. It has also been confirmed that with the applicant's situation, the farm will not be supporting two livelihoods. In addition, the income from the holiday lets has not been included in the farm income, and details have been provided for the profits from this enterprise, which will support the applicants in the future. It has also been clarified that the proposed dwelling will be constructed and owned by the applicants and that therefore the cost of constructing the property will not fall to the prospective share farmer. The additional information submitted confirms that the business is viable, and that sufficient income can be produced to support both the incoming share farmer and the applicant.

In conclusion the future income from this holding will be sufficient to enable the farm to be let under a share farming agreement that can provide sufficient return for the applicants along with the new share farmer, and which will allow for the business to expand and for the necessary re-investment to take place to support the business in the long term. On that basis the holding would appear to be viable.

#### Need for a secondary dwelling

The question of the need for a second dwelling to effectively replace the existing farmhouse, Cools Farmhouse, also needs to be considered.

Paragraph 79 of the NPPF states, in part, that :- *'there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'* The relevant supporting text in the PPG states that :- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*

This is the situation with this application, in that the share farmer will be taking the majority control of the holding to ensure it's long term continuation. There is also



case law to support the contention that the applicants should be able to retire to their own home.

There are other potential residential properties within the farm holding which need to be considered before agreeing to the construction of a new dwelling on the holding. One, the Old Stables, is not owned by the applicant and is not available for use by the share farmer. There are also two small holiday lets which have been converted from redundant farm buildings in the past, which currently provide farm diversification income in accordance with prevailing national policy, in particular para 83 of the NPPF which states that :- Planning policies and decisions should enable:

***a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;***  
***b) the development and diversification of agricultural and other land-based rural businesses...***

As a consequence, the proposed dwelling appears to accord with the aims of national planning guidance, and thus a refusal on this basis may be difficult to justify in officers opinion.

## **9.2.Highways and Access issues**

Concerns were raised by local residents and the Parish Council about the suitability of the site due to it's location on a narrow country lane on a bend in the road.

Wiltshire Council Highways officers had a similar concern, due to the fact that the site lies on a road with an unrestricted speed limit. The applicant was therefore asked to carry out a speed survey to assess traffic speeds in the locality. This survey demonstrated relatively low traffic speeds in the locality and the Highways Officer therefore raised no objection to the proposal, subject to conditions, on the grounds of highway safety.

Comments have also been made about the biodiversity of the area of land where the access is proposed. It should be noted, however that it would be possible for the applicants to construct a new agricultural access to the site under permitted development rights which could affect this area, without any conditions to be imposed to ensure the impact is minimised. There is an existing access to be stopped up and a new one created, and as the visibility splays are largely over the existing grass verge, it is not necessary for significant works to take place which will affect the biodiversity of the land in question.

### **9.3 Ecology**

The Council's ecologist has commented:

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

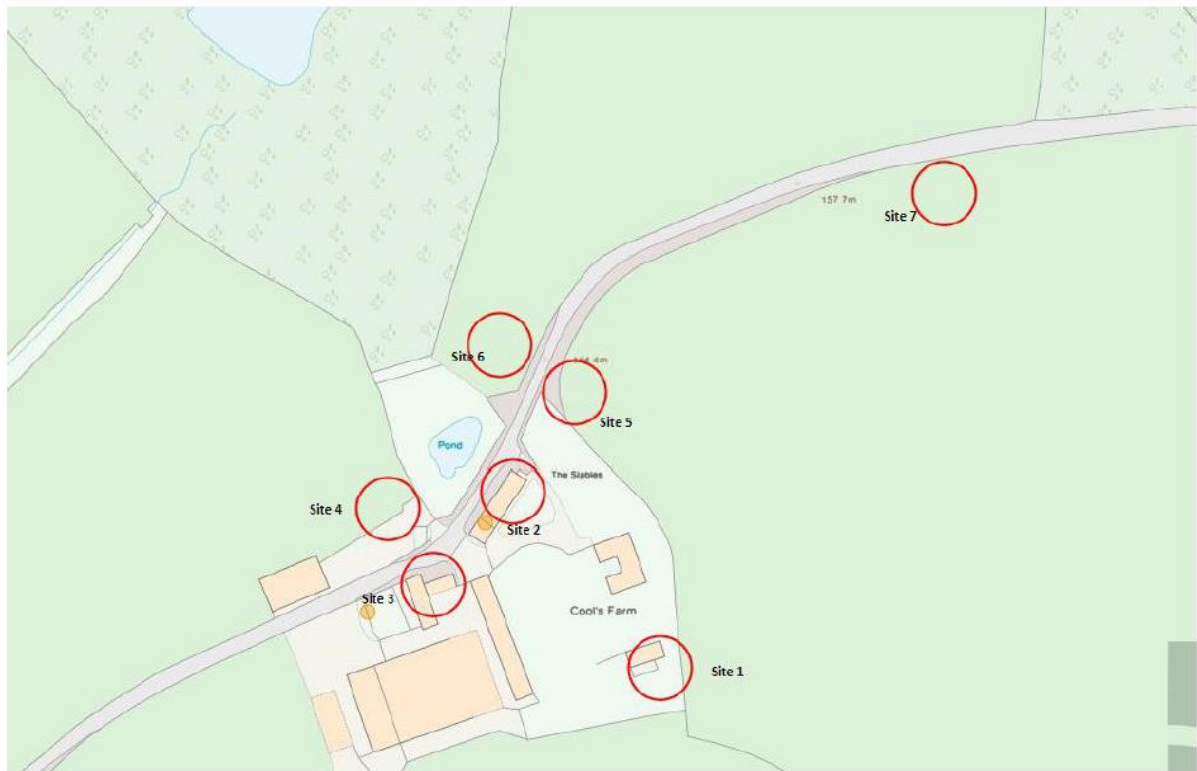
- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinet's resolution on 5<sup>th</sup> January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, I conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

### **9.4 Siting of the proposed dwelling**

The proposed site of the dwelling lies within the AONB, and in proximity to the Listed Cools Farmhouse and therefore Policies CP 51 and CP 58 are applicable.

The applicants have provided information to demonstrate that they have considered 7 possible sites for the proposed dwelling, as set out on the map below:



Each of these sites will be considered in turn.

Site 1 – This building has planning permission for use ancillary to the main farm house and is currently used for holiday accommodation. It is poorly related to the Listed Farmhouse as a separate dwelling as it is located on the southern edge of the formal garden of this property, it has no separate vehicular access, and it would require extending to be capable of use as an agricultural worker’s dwelling. Previous proposals to extend the building have been resisted as inappropriate and having an adverse impact on the setting of the Listed Building.

Site 2 – This converted farm building is in residential use, but is not owned by the applicant and therefore is not available for use in connection with the farm business.

Site 3 – These are the barn conversions granted consent in 2007. They could be converted to a single larger dwelling, but the applicant’s business is reliant on the tourism business to support the viable farm operation and therefore the buildings need to remain in their existing use.

Site 4 – This is the area where the applicants are seeking to consolidate their farm buildings, and therefore a dwelling in this location could prejudice the farm’s continued expansion.

Site 5 - This site is on top of a bank, at a higher level than the adjacent Listed Building and with a prominent tree on its southern edge. A dwelling sited here would be very prominent when viewed from the existing Farmhouse and access would be difficult as it

would either have to come off the highway in a location where visibility is limited, or across the curtilage of the Listed Building.

Site 6 – This is a steeply sloping field in use it is understood as pasture. A dwelling here would require a significant amount of cut and fill and would take up a large area of land to support this. It is also the access to a wider area of the farm land, and an additional access would need to be created to serve this function separate to that of the dwelling, thereby increasing the amount of development in the area.

Site 7 – the application site. This area of land is relatively flat, as it is formed out of the old worked-out quarry area, and is well located to the area used for calving. It is at a distance from the main dwelling and the main farm complex and the access along Tokes Lane is awkward.

The applicants have clarified why this particular site has been chosen above all others and they are of the opinion that with appropriate siting and design, a simple single storey dwelling located in the depression created from the old quarry can be screened with material from the foundations. Part of the Planning Statement on this topic states that:-

*The layout plan which has overlaid the Topographic survey shows the dwelling (albeit illustrative) to adopt a single storey, linear form. The scope to use the existing excavated landform allows for the finished floor levels to be set at 158.150m AOD. This is a similar height to the road level as it passes the site and is set some 2.5 – 3.5 m below the natural ground as it rises to the north east of the dwelling. This is illustrated on drawing S2012-02 which indicates a contour at 162.00 – 162.11 running along the eastern site boundary.*

*4.6 The scheme indicates that there is scope to use the excavated material from the dwelling's base to re-profile the land to the south of the site to maintain a level at 160.00m AOD to partly screen the dwelling from views to the south and west within the wider landscape.*

*4.7 The proposed rural worker's dwelling comprising a linear single storey dwelling to the field edge would reflect the positioning of rural outbuildings relative to the road networks. The use of a single storey building would also be reflective of traditional rural outbuilding scale and seek to minimise landscape impacts.*

*4.8 The outline plan indicates that boundary treatments could adopt a post and rail and native hedge to both further mitigate views as well as to ensure a biodiversity net gain is achieved through the development.*

Pedestrian access to the main farm complex will be through the field leading to the buildings. Photos of the site are set out below:-



Photograph 1: Application site looking from the west.



Photograph 2: Application site looking south west (Google street view)

The site would also limit the impact of the proposed dwelling on the setting of the Listed Building. Section 16 of the NPPF requires the decision maker to assess the level of harm, if any, to heritage assets which may be affected by a development and then to assess whether the degree of harm can be mitigated by any public benefits. In this instance, due to the distance from the dwelling and the intervening landform, the proposed dwelling will not be readily visible from the Listed Building, which is set at a much lower level in the farm setting. The roof of the dwelling is just visible in Photograph 2 above. It is therefore considered that the impact on the Listed Building is neutral, and as no harm is determined, the test of public benefit is not required.

The site also sits in the AONB, which is offered the highest level of landscape protection. This application is for a rural worker's dwelling and the AONB Management Plan is

generally supportive of appropriately designed dwellings to meet this need if there is a justification for their development. The site will be screened from the wider landscape by using the landform and materials excavated from within it, as well as appropriate planting. It is set on rising land with the significant wooded area of Beacon Hill to the north and east which will ensure that it is not seen as a skyline building from any vantage point.

## **10. Conclusion (The Planning Balance)**

The consideration of this application is essentially in two parts. Firstly whether there is a justified need for the dwelling when judged against local and national policy, and secondly whether the location for the proposed dwelling is acceptable in its setting within the AONB and in the vicinity of a Listed Building, and taking into account highways issues.

As Members are aware, under normal circumstances new dwellings in the open countryside are contrary to policy and would not be granted planning permission. An exception to that rule is where the dwelling is required to support a rural business that cannot be provide in any other way. The applicants have demonstrated that there is a need for an additional dwelling on this holding to maintain the long-term future of the farm as the current farmer is of retirement age and wants to enter into a share farming arrangement with a new entrant into the profession to ensure the succession of the business. They have also demonstrated that the farm is viable and will remain so with the new dwelling and farming arrangement proposed. Therefore the scheme meets the requirements of Policy CP48 of the Core Strategy and paragraph 79 of the NPPF.

The siting of the proposed dwelling has caused concern locally, but it's location has been justified as part of the submission of the application in that it is using a small area of land not very useful for farming due to it's topography, is in a location that will meet the requirements for the farm worker to be on hand when cows are calving in the open, it has a suitable vehicular access to the public highway, and will not cause harm to the setting of the nearby Listed Farmhouse, nor will it be obtrusive within the AONB landscape.

On that basis the application is considered to meet the requirements of the relevant policies that seek to manage development in the open countryside, to protect the landscape integrity of the AONB and to protect the setting of the Listed Building.

### **RECOMMENDATION: APPROVE, subject to the following conditions:**

#### 1) Outline commencement

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

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

Act 2004.

2) Approval of Reserved Matters

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

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

3) Reserved Matters application to be submitted

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

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

4) Approved plans

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

Location Plan – Drawing No. S2012 01 dated October 2020

Proposed Site Plan – Drawing No. 2012 02 dated October 2020

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

5) Single storey dwelling only

The building hereby permitted shall be of single storey construction only

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

6) Approval of materials

No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

#### 7) Hard and Soft landscaping

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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

#### 8) Implementation of landscaping

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(s) 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 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.

#### 9) Limitation on water usage



The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

Reason: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

10) Consolidation of access

The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

11) Set back of any gates

Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only

REASON: In the interests of highway safety.

12) Gradient of access

The gradient of the access way shall not at any point be steeper than 1 in 6 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

13) Stop up existing accesses

No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

14) Provision of access, turning and parking on site

No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

15) Provision of visibility splays

No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a

height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

16) No water onto the highway

Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

17) PD removal for extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

18) Disposal of sewerage

No development shall commence on site 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 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.

19) Limit occupation to agricultural worker

The occupation of the dwelling 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 a new dwelling/residential accommodation in this location having been demonstrated.

Informative notes

- 1) Land drainage consent

The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

2) Consent required from highways authority for new access

The application involves the creation of a new vehicle access. 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](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

3) Materials samples

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.

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Land at Cools Farm  
Tisbury  
East Knoyle  
Salisbury  
Wiltshire, SP3 6DB



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