

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 5 April 2023

Time: 2.00 pm

Please direct any enquiries on this Agenda to Ben Fielding of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718224 or email Benjamin.fielding@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Tony Trotman (Chairman)
Cllr Howard Greenman (Vice-Chairman)
Cllr Chuck Berry
Cllr David Bowler
Cllr Steve Bucknell
Cllr Gavin Grant

Cllr Jacqui Lay
Cllr Dr Brian Mathew
Cllr Nic Puntis
Cllr Martin Smith
Cllr Elizabeth Threlfall

Substitutes:

Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr Peter Hutton
Cllr Bob Jones MBE

Cllr Dr Nick Murry
Cllr Ashley O'Neill
Cllr Tom Rounds

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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.

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AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve as a true and correct record the minutes of the previous meeting held on 1 March 2023.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than

5pm on Wednesday 29 March 2023 in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on Friday 31 March 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 9 - 12*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **PL/2022/09378 - Meadowside, Tetbury Road, Sherston, Malmesbury, SN16 0LU** (*Pages 13 - 28*)

Erection of replacement dwelling (Revised application).

7b **PL/2022/07367 - Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon, SN4 7RB** (*Pages 29 - 40*)

Retrospective change of use from agricultural and extension of commercial curtilage (Class E(b)) with retention of car parking, toilet facilities, covered canopy and decking area + associated works.

8 **Urgent Items**

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

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 MARCH 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Peter Hutton (Substitute)

11 **Apologies**

Apologies for absence were received from the following:

- Councillor Chuck Berry, who was substituted by Councillor Peter Hutton
- Councillor Dr Brian Mathew
- Councillor Jacqui Lay.

12 **Minutes of the Previous Meeting**

Resolved:

To confirm the minutes of the meeting held on 1 February 2023 as a true and correct record.

13 **Declarations of Interest**

Councillor Howard Greenman declared he was the Local Divisional Member for the applications and had been supporting the Parish Council. He explained that he would speak only as the Local Divisional Member and not vote.

14 **Chairman's Announcements**

The Chairman explained the venue's fire safety protocol.

15 **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

16 **Rights of Way and Village Green Applications**

The Committee then considered the following Right of Way and Village Green applications.

Commons act 2006 - sections 15(1) and (2) Applications to register land as town or village green - land adjacent to Seagry road, Lower Stanton St Quintin

Public participation:

- Mr Malcolm Reeves spoke in objection of the applications.
- Mrs Kathryn Reeves spoke in objection of the applications.
- Mrs Elizabeth Cullen spoke in support of the applications.
- Councillor Roger Starling of Stanton St. Quintin Parish Council spoke in support of the applications.
- Councillor Howard Greenman, the Local Divisional Member for Kington, spoke in support of the applications. He drew attention to the contentious nature of the applications and encouraged the Committee to listen to what the public had to say.

Senior Definitive Map Officer Janice Green presented an Officer Report on the site in question adjacent to Seagry Road in Lower Stanton St Quintin. The report outlined the details of the site and the nature of the Committee's role as the Commons Registration Authority (CRA). The report also highlighted the relevant Advisory Report, dated 9 January 2023, submitted by the independent Inspector, Mr William Webster, and the non-statutory public inquiry held on 8-9 November 2022 over which Mr Webster presided. The report's final recommendation to the Committee was that Wiltshire Council accepted the Inspector's own recommendation that the applications be rejected on the grounds that the criteria for registration laid out in Section 15(2) of the Commons Act 2006 had not been satisfied.

Councillor Gavin Grant asked about whether there was any further guidance on the law on what qualified as "significant use" of the area in question. The Officer identified the locality, as identified by the applicant, as the whole parish of Stanton St Quintin, rather than just Lower Stanton St Quintin, and that even then, use was liable to be low because of the road dividing the parish. Even in just Lower Stanton St Quintin, there were approximately 79 houses, of which there would be even fewer recreational walkers and children. Councillor Grant pressed for a qualification of "significant use" and indeed of "frequency of use", to which Legal Advisor Trevor Slack referred to the question of evidence, citing a lack of evidence indicating significant or frequent use. Councillor Grant posited that informal and infrequent usage was likely to be less documented and so more founded on anecdotal evidence. The Legal Advisor referred to the thoroughness of the Inspector's Advisory Report and the investigations that preceded it, suggesting that such anecdotal evidence would have been considered.

Councillor Hutton asked when this matter could be revisited were the recommendation upheld. The Officer referred to a Judicial Review of the process within three months with permission of the court. She also stated that the Parish Council could reapply immediately provided they did so with substantially more evidence.

Councillor Steve Bucknell and Councillor Nic Puntis discussed with the Legal Advisor whether coming to a different conclusion to the Inspector based on the same evidence was sufficient. Councillor Bucknell referred to the lack of investigative powers at the Council's disposal, asking whether this equated to a reliance on evidence being provided by an external source. The Legal Advisor reiterated that the Committee was acting in a quasi-judicial capacity and was therefore required to follow the rules of natural justice. He advised that if significant new evidence was brought before the Committee, then the Committee's decision on the Inspector's recommendation should be deferred to allow for consideration of that new evidence.

Councillors Bucknell and Hutton sought clarity on whether it was viable to go against the Inspector's recommendation based on an alternative interpretation of the same evidence. Councillor Grant, meanwhile, sought guidance as to what constituted "significant" new evidence. The Legal Advisor replied that the significance of any new evidence brought before the Committee was for the Committee itself to determine.

Members of the public were then invited to present their views, as detailed above.

To open the debate, the Chairman proposed that the Committee accept the Inspector's recommendation to reject the applications. Councillor Nic Puntis seconded the motion, noting a lack of significant new evidence while also sharing sympathies for both the supporters and objectors of such a contentious and emotionally fraught applications.

Councillor Bucknell concurred that in the light of no new evidence, he was in no position to go against the Inspector's recommendation. He also asked the Chairman if they might go about advising Mr and Mrs Reeves on how they might pursue their desire for the land to be designated as highway, to which the Chairman agreed.

Councillor Grant drew attention to the fact that in the Inspector's report, the supporter's case was largely founded on the desirability of registration, which was labelled statutorily irrelevant. He reiterated the view that since he had heard no significant new evidence to contradict the Inspector's report, he would support the Chairman's proposal.

Councillor Puntis asserted that the proposal did not mean the land could not continue to be used as it had been for the time being. Officers noted that there was no recorded landowner, nor any recorded rights over the land.

Resolved:

That Wiltshire Council, as the CRA, accepts the Inspector's recommendation and that the applications to register land adjacent to Seagry Road, Lower Stanton St Quintin, as a TVG, (proceeding under application number 2018/01 and application 2019/01), should be rejected on the ground that the criteria for registration laid down in section 15(2) of the Commons Act 2006 have not been satisfied, for the reasons set out in the Inspector's Advisory Report dated 9 January 2023.

18 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.10 pm)

The Officer who has produced these minutes is Cameron Osborn -
cameron.osborn@wiltshire.gov.uk of Democratic Services, e-mail
cameron.osborn@wiltshire.gov.uk

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

**Wiltshire Council
Northern Area Planning Committee
5th April 2023**

Planning Appeals Received between 20/01/2023 and 24/03/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
ENF/2021/00925	Unit 2 Leafield Industrial Estate, Leafield Way, Corsham, SN13 9SW	Corsham	Unauthorised installation of a roller door	ENF	Written Reps	ENF	15/03/2023	No
PL/2021/04055	Land at Grittenham, Chippenham, SN15 4JY	Brinkworth	The Change of Use of Land to 2 no. Gypsy Traveller Pitch and Associated Works Including, 2 no. Mobile Home, 2 no. Touring Caravan and 2 no. Dayroom and Hardstanding and Stables	DEL	Hearing	Refuse	20/01/2023	No
PL/2021/08660	3 The Butts, Lydiard Millicent, Swindon, SN5 3LR	Lydiard Millicent	Proposed Annex over Existing Garage	DEL	Householder	Refuse	24/01/2023	No
PL/2021/10000	Sambourne House, Sambourne Road, Minety, Malmesbury, SN16 9RQ	Minety	Retention of building for use as garage and 2 x holiday lets and retention of 2.3m high boundary wall.	DEL	Written Representations	Refuse	21/02/2023	No
PL/2022/03356	Oaksey Park Golf & Leisure, Wick Road, Oaksey, Malmesbury, SN16 9SB	Oaksey	Removal of conditions 9, 11 & 12 on N/10/01773/S73 and replace with a condition restricting permanent occupancy to over 55's only.	DEL	Written Representations	Refuse	06/03/2023	No
PL/2022/04131	1 Middlefield Road, Chippenham, Wilts, SN14 6GY	Chippenham	Conversion of Freehold Garage into a Home Office.	DEL	Householder	Refuse	09/03/2023	No
PL/2022/05274	Land to the east of 279 Quemerford, Calne, Wiltshire, SN11 8LA	Calne	Outline application with some matters reserved for the erection of 4 dwellings and associated works (access only)	DEL	Written Representations	Refuse	20/03/2023	No
PL/2022/05322	The Stone Barn, Noble Street, Sherston, Malmesbury, Wilts, SN16 0NA	Sherston	Use of premises for Class E (Commercial, Business & Service) use and installation of mezzanine floor (Resubmission of PL/2021/07778)	DEL	Written Representations	Refuse	06/02/2023	No
PL/2022/07365	63 Pickwick Road, Corsham, SN13 9BS	Corsham	(Retrospective) The installation of cladding to the front elevation of the property, finished in render.	DEL	Written Representations	Refuse	02/03/2023	No

Planning Appeals Decided between 20/01/2023 and 24/03/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/09079/FUL	Land at Brewers Pit, Sandy Furlong, Hilmarion, Wiltshire, SN11 8SS	Hilmarion	Change of use to 1 no. Gypsy Traveller pitch and associated works including, 1 no. mobile home, 1 no. touring caravan, conversion of stable to 1 no. dayroom and sealed septic system (Retrospective).	DEL	Hearing	Refuse	Allowed with Conditions	16/03/2023	None
19/12002/FUL	Land Off Common Road, Corston, Wiltshire	St. Paul Malmesbury Without	Erection of 4 dwellings	NAPC	Written Reps	Approve with Conditions	Dismissed	21/02/2023	Appellant applied for Costs - APPROVED
PL/2021/04555	Malmesbury By-Pass, Land Adjacent to Waitrose, Malmesbury, SN16 9FS	Malmesbury	Construction of a 2m high gabion wall as an enclosure	DEL	Written Reps	Refuse	Dismissed	01/03/2023	None
PL/2021/08215	Barn at Pool Farm, The Green, Biddestone, SN14 7DG	Biddestone	Reinstate and Convert Barn for Use as Holiday Let and Extensions to the Side and Rear	DEL	Written Reps	Refuse	Dismissed	24/02/2023	None
PL/2021/08751	Barn at Pool Farm, The Green, Biddestone, SN14 7DG	Biddestone	Reinstate and Convert Barn for Use as Holiday Let and Extensions to the Side and Rear	DEL	Written Reps	Refuse	Dismissed	24/02/2023	None
PL/2021/09040	Stonehey, Ashley, Box, Corsham, SN13 8AQ	Box	Removal of existing house roof, build new replacement roof, addition of first floor to building within new roof space, garage conversion and house refurbishment to ground floor	DEL	Householder	Refuse	Dismissed	03/02/2023	Appellant applied for Costs - REFUSED
PL/2022/01401	7 Sandes Close, Chippenham, SN15 2NH	Chippenham	Fell Black Pine.	DEL	Householder	Refuse	Dismissed	08/03/2023	None
PL/2022/03438	11 Quemerford, Calne, SN11 0AR	Calne	The erection of a new dwellinghouse	DEL	Written Reps	Refuse	Dismissed	06/03/2023	Appellant applied for Costs - REFUSED

PL/2022/00300	126 Oaklands, Chippenham, SN15 1RJ	Chippenham	Form dropped kerb to the roadway to provide vehicular access	DEL	Written Reps	Refuse	Dismissed	09/01/2023	None
PL/2022/00904	Stokes, Tytherton Lucas, Chippenham, Wiltshire, SN15 3RL	Bremhill	Attic conversion including roof lights and rear facing dormers, single storey kitchen and garden room extensions, and a one and a half storey extension linking house and garage. Rear balcony to garage office	DEL	Householder Appeal	Refuse	Dismissed	29/11/2022	None
PL/2022/01090	Barn House, Main Road, Christian Malford, Chippenham, SN15 4BS	Christian Malford	Extension to existing living room	DEL	Householder Appeal	Refuse	Allowed with Conditions	29/11/2022	None
PL/2022/02136	Rectory Cottage, Church Road, Biddestone, Chippenham, SN14 7DP	Biddestone	Roof extension to existing outbuilding and infilling of west elevation (revised scheme)	DEL	Householder Appeal	Refuse	Allowed with Conditions	14/12/2022	None

PL/2022/01090	Barn House, Main Road, Christian Malford, Chippenham, SN15 4BS	Christian Malford	Extension to existing living room	DEL	Householder Appeal	Refuse	Allowed with Conditions	29/11/2022	None
PL/2022/02136	Rectory Cottage, Church Road, Biddestone, Chippenham SN14 7DP	Biddestone	Roof extension to existing outbuilding and infilling of west elevation (revised scheme)	DEL	Householder Appeal	Refuse	Allowed with Conditions	14/12/2022	None

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	5 April 2023
Application Number	PL/2022/09378
Site Address	Meadowside, Tetbury Road, Sherston, Malmesbury, SN16 0LU
Proposal	Erection of replacement dwelling (Revised application)
Applicant	Mr & Mrs W Siddall
Town/Parish Council	Sherston Parish Council
Electoral Division	Sherston - Councillor Martin Smith
Grid Ref	323924 203324
Type of application	Full planning permission
Case Officer	Hayley Clark

Reason for the application being considered by Committee

The application is called in for committee determination by Councillor Martin Smith for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

And because

“I am calling this application into committee as I’m aware that the planning officer is minded to reject the application on balance; my view is that this is a finely balanced decision and would benefit from further discussion at Committee”.

1. Purpose of Report

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

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development;
- Proposed design and its impact on the character of the locality, including the landscape;
- Impact on the living conditions of adjacent occupiers;
- Ecology;

- Highway safety and parking.

3. Site Description

Meadowside is a bungalow located on the west side of Tetbury Road in a small group of dwellings to the north of the village of Sherston and is also within the Parish of Sherston. Sherston is situated within the Malmesbury Community Area as defined by Wiltshire Core Strategy (WCS) Core Policy 13. Sherston is designated as a large village by WCS Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy). However, the site itself lies outside of the defined settlement boundary and is therefore classed as being situated within the open countryside. Meadowside is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The site is bounded by residential dwellings to the north, east and south with open fields to the west. Nearby properties comprise predominantly detached dwellings set in spacious grounds. Built form is varied, with different heights, designs, materials and scale. Domestic outbuildings are also common.

4. Planning History

PL/2021/08109 – Erection of replacement dwelling. Approved with conditions – 30 May 2022.

5. The Proposal

The application seeks full planning permission to demolish the existing dwelling and garage and erect a two-storey dwelling with a new detached double garage/home gym. A shed and greenhouse are proposed at the rear. The application follows a recent grant of planning permission (PL/2021/08109) for a replacement dwelling and garage.

The proposal has been designed to appear as a rural building, with a timber clad and Cotswold stone finish under a slate roof. A rear 'wing' would be single-storey in height, connected via a flat-roofed link with a contemporary feel. A perspective view of the proposal is provided in figure 1 below.

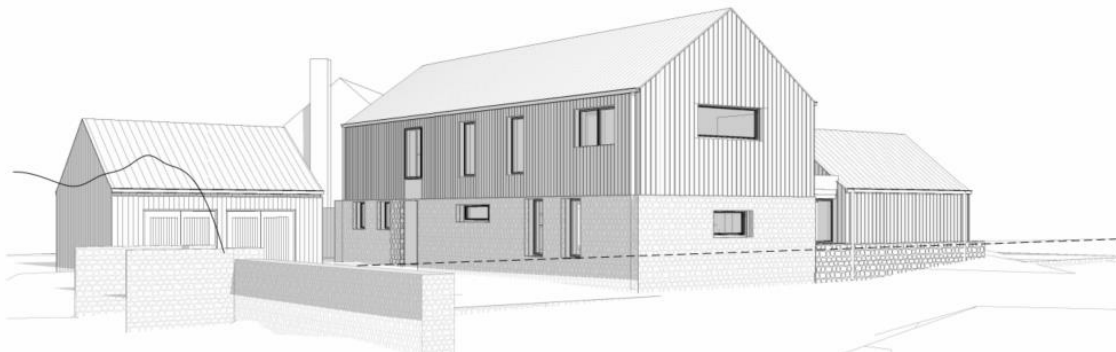


Figure 1: perspective view of the proposal, looking towards the site from the road

6. Planning Policy

Wiltshire Core Strategy (2015):

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 13: Spatial Strategy for the Malmesbury Community Area
Core Policy 41: Sustainable Construction and Low-carbon Energy
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 60: Sustainable transport
Core Policy 61: Transport and New Development
Core Policy 62: Development impacts on the transport network
Core Policy 63: Transport strategies
Core Policy 64: Demand Management

Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006):
H4 Residential development in the open countryside

Wiltshire Housing Site Allocations Plan (Adopted February 2020):
Settlement Boundary Review and site allocations

Wiltshire Local Transport Plan Car Parking Strategy March 2015

National Planning Policy Framework (2021):
Paragraphs 8, 130, 134, 158, 174, 176 and 180

National Planning Policy Guidance
National Design Guide

Sherston Neighbourhood Plan 2006 to 2026 (Made - May 2019)

Cotswolds AONB Landscape Strategy and Guidelines (2016):
Landscape character type 11: Dip-slope Lowland (subset 11A: South and Mid Cotswolds Lowlands)

Cotswolds AONB Landscape Character Assessment:
Character area 11: Dip-slope Lowland (subset 11A: South and Mid Cotswolds Lowlands)

Cotswolds AONB Management Plan 2018-2023:
CC7: Climate Change – Mitigation
CE1: Landscape
CE3: Local Distinctiveness

7. Consultation responses

Sherston Parish Council

Planning permission was granted in October 2021 for the demolition of an existing bungalow on this site and the erection of a replacement two storey dwelling (under Ref No PL/2021/08109). The principle of erecting a new (replacement) dwelling on this site has therefore already been established.

The approved scheme allows for the replacement of the existing bungalow by a four bedroom, two storey dwelling including a detached garage. The approved proposal would be constructed of natural stone/lime render under artificial stone tiles. The house is repositioned further into the site and the existing access to the application site is utilised.

The Officers Delegated Report in 2021, having accepted that the application proposal was in principle acceptable in the context of the relevant development control policies, commented as follows on the design and scale issues:

“Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Core Policy 57, amongst other things, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. This is also reflected in the SNP and in this respect policy 7 is relevant. WCS Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting. The application building is surrounded by properties of varied height, mass, density, appearance, character and scale and it is considered that if the proposed two storey replacement dwelling is viewed from public vantage points it would read in the context of this setting and existing built form and not be visually prominent. Additionally, as noted above, the proposal would greatly improve the overall appearance of the locality as the proposed new dwelling would reflect the character and appearance of the properties within the immediate setting. This is reflective of the neighbouring properties or interested third parties comments. The proposal is therefore not considered to be significantly harmful to the character, appearance, visual amenity and openness of the locality and AONB with regard to the form, scale, density, massing, siting and layout of the proposal is in accordance with Core Policy CP51 (ii, iii, vi), 57 (i) (ii) (iii) of the WCS, Policy 7 of the SNP & para 130 (b & c) & para 174 (b) of the Framework As well as criteria b of policy H4 of the NWLP.”

Since the grant of planning permission in 2021, the Applicants have reconsidered their ideas for their “forever home” and have decided to submit an application seeking permission for an alternative proposal. It is this alternative proposal that we are being asked to consider.

These revised proposals are considered to continue to be acceptable in principle and there is no conflict with the development strategy of the plan and the provisions of the National Planning Policy Framework.

The design of the proposed replacement dwelling is however radically different from the approved scheme (which is of a more traditional design). The new proposal is much more contemporary both in design and sustainability terms.

The Design and Access Statement submitted in support of the application states that: “The contemporary design draws upon the traditional vernacular form and materiality from within the locality. The overall form of the dwelling follows the massing and roof pitches of local rural buildings. The combination of traditional materials such as stone, and timber, establishes traditional/ contemporary material palette that respects traditional local materiality and the character of the area.”

In addition, it is noted that:

“The new proposed building form has been slightly rotated to ensure that it is parallel to the main road. The small rear expansion and flat roof link offer an architectural reference to old farmsteads and barns that are prevalent in the area, while the pitched roof of the main volume alludes to the traditional residences in the neighbourhood. The garage retains reference to the main volume, trying to create architectural styles that link together, rather than a variety of architectural styles with no connection.”

And that:

“A holistic approach to energy and design has been taken. Locally sourced timber will be used in construction together with a high level of insulation and the use of passive solar gain. Solar panels to be installed on a west facing roof to reduce reliance on the electricity from the main grid.”

The revised design is considered to be entirely acceptable in the context of it's immediate surroundings and within the wider surrounding AONB. Indeed, it is considered to be an improvement on the original approved scheme.

Recommendation: No objection.

Wiltshire Council's Highways officer

No objection. All construction related matters should be contained within the curtilage.

Wiltshire Council's Ecologist

I have no objection to this proposal subject to the following condition.

The development will be carried out in strict accordance with the following document, including recommended enhancements for biodiversity: Preliminary Ecological Appraisal report, Wild Service, 25/06/2021.

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

8. Publicity

The application was advertised by neighbour letters and Parish Council notification. This generated no representations from third parties and no objection from the Parish Council. The Parish Council response is included in full above.

9. Planning Considerations

Policy and principle of development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015); 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); Wiltshire Housing Site Allocations Plan (adopted February 2020); and the Sherston Neighbourhood Plan (made May 2019).

The application site is located within Sherston which is identified in the Wiltshire Core Strategy as a large village, however, the application site lies outside of the development boundary and is located in the open countryside.

Planning permission (PL/2021/08109) was granted in May 2022 for the 'erection of replacement dwelling'. An excerpt of the approved elevations is provided in figure 2 below.



Figure 2: approved elevations excerpt from planning permission PL/2021/08109

A review of the case officer's report and decision notice shows that Permitted Development (PD) rights were removed to ensure retention of the garage for parking; no additions or enlargements to any buildings on the site; and no further outbuildings. The reasons for the latter two were to allow the Council to consider individually whether planning permission should be granted for additions, extensions or enlargements; and to safeguard the character and appearance of the area.

The case officer noted how the existing dwelling lacked any particular architectural merit and is in a poor state of repair. Remedial costs would be high, such that it would be more cost effective to demolish and replace the property. The design of the approved replacement dwelling was deemed to be a great improvement to *'the overall appearance of the site and the proposed new dwelling would reflect the character and appearance of the properties within the immediate setting'*.

The 'footprint' of the bungalow was recorded as 129sqm, compared with 141sqm for the proposal, but the replacement was not deemed excessive (including its two-storey height) given the plot size and scale of development in the vicinity.

A betterment in neighbour amenity terms was identified for Cresting to the south, given how the new dwelling would be set further away from the boundary.

Therefore, residential use of the site is already established, and the principle of a replacement dwelling also previously established. However, the acceptability is a matter of the details, compliance with other policies and material considerations.

Impact on the character, appearance, visual amenity and openness of the countryside

One of the key Development Plan policies to satisfy in this instance is saved policy H4 of the North Wiltshire Local Plan which requires:

- a. *The residential use has not been abandoned*

The existing dwelling is evidently still in residential use.

b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings

Although it is not believed that the dwelling is incapable of retention, is unsightly or out of character, it is important to note the age of this policy and its alignment to the NPPF. The NPPF is much less strict than this part of Policy H4 and the tests above are not replicated in national policy. Therefore, this aspect of the policy has less weight, and it is considered that it would be unreasonable to withhold planning permission on grounds of conflict with it.

Nevertheless, the existing dwelling is not particularly attractive, as confirmed in the previous case officer's report, and the principle of a replacement dwelling is already established.

c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage

Taking the details of this criterion in reverse order, the replacement dwelling would be within the same curtilage.

Having regard to the 'similar size and scale' test, the proposed development is obviously larger than the existing dwelling. An inspector's decision on appeal¹ noted that reduced weight may be applicable to Policy H4 because of its restrictive nature and it not being entirely consistent with the NPPF. The inspector nevertheless concluded that its overall aim 'to protect the intrinsic character and beauty of the countryside' is an aim shared with the Framework.

On that basis, it would be improper to resist the proposed development just because it is not of a similar size and scale to the existing dwelling. Instead, a judgement should be made based on matters of fact and degree, having regard to the degree of change (and any resultant harm) arising from the replacement dwelling, also bearing in mind the recent planning history.

Other key Development Plan policies are Core Policies 51 and 57 of the WCS. The former has an overall aim for development to protect, conserve and, where possible, enhance landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the relevant Landscape Character Assessment. In particular the policy requires development to conserve and, where possible, enhance:

'ii. The locally distinctive character of settlements and their landscape settings.

iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe'.

Core Policy 57 has an overall aim for development to 'create a strong sense of place through drawing on the local context and being complementary to the locality' and 'make a positive contribution to the character of Wiltshire'. Part i of the policy goes on to require proposals to relate positively to the landscape setting and existing pattern of development, while part iii requires a positive response to features in terms of, *inter alia*, building layouts, mass, scale

¹ PINS ref. APP/Y3940/W/20/3261179

and streetscape, *'to effectively integrate the building into its setting'*. Similarly, part vi requires proposals to make:

'efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area'.

At the national level, paragraph 130 of the NPPF requires developments to function well and add to the overall quality of an area, while being visually attractive and sympathetic to local character and the surrounding setting. Paragraph 134 then says that *'development that is not well designed should be refused'*.

Paragraph 176 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'*. It adds: *"The scale and extent of development within all these designated areas should be limited..."*.

Policy CE1 of the Cotswolds AONB Management Plan requires proposals to have regard to the scenic quality of the location and its setting, while Policy CE3 requires development to be designed to respect local settlement patterns and scale.

Having regard to the local context, the site forms part of a small and compact cluster of properties arranged in a linear fashion along Tetbury Road (reflective of one of the key characteristics set out in the AONB Landscape Character Assessment for Dip-slope Lowland). Although there is one further dwelling to the north at Vancelettes Farm, with buildings behind, the impression given when travelling southwards along Tetbury Road, or northwards deeper into the countryside, is that the application site contributes to the low-density character at the transition between the 'urban' fringe and the natural landscape. The low impact of the existing dwelling is illustrated by the 2019 Google Street View excerpt in figure 3 below.



Figure 3: Google Street View excerpt showing the existing dwelling

To that end, it is observed that the presence of the existing dwelling has a limited impact, principally owing to its c.5.1m single-storey height; its separation from site boundaries; and the small scale of the existing single-storey garage outbuilding, which is set back behind the dwelling. Although its full width is in the order of around 17.5m, it is important to recognise that this includes small, subservient side extensions that are set back from the front elevation and therefore negate any impression of a long expanse of built form. If these side extensions were discounted, the length of the front of the dwelling is more in the order of 13.8m, as shown in the existing front elevation excerpt in figure 4 below.

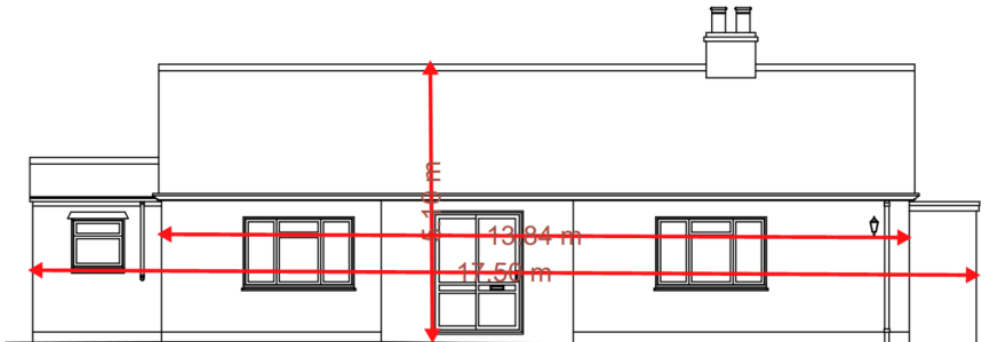
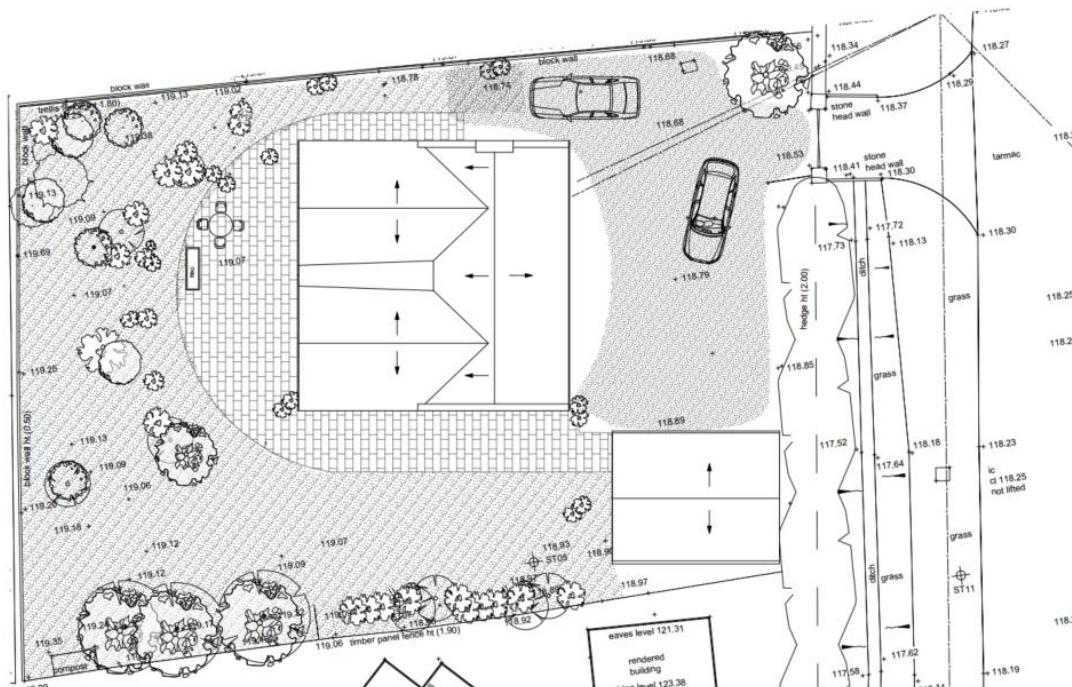


Figure 4: annotated existing front elevation excerpt

The extant permission (PL/2021/08109) to redevelop the site is a material consideration and excerpts of the approved plans are provided in figure 5 below.



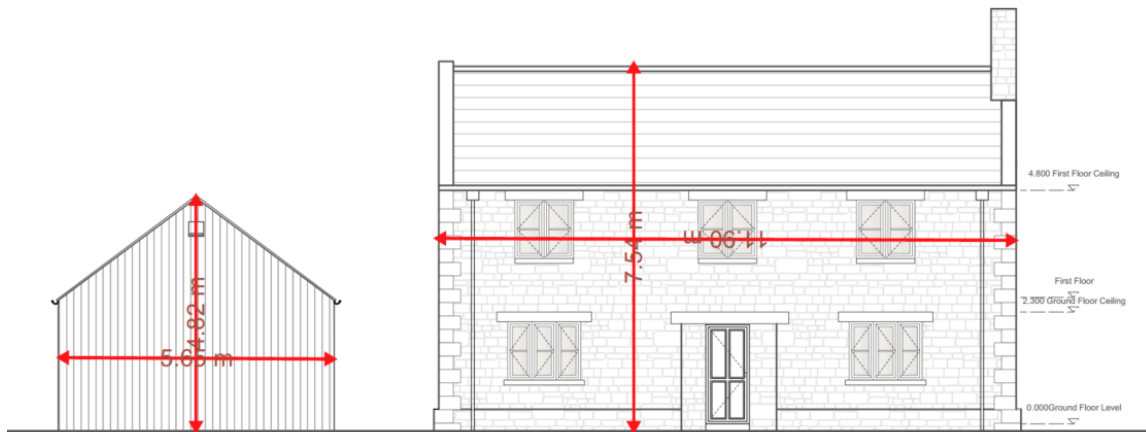


Figure 5: approved site plan and annotated front elevation relating to planning permission PL/2021/08109

The approval allows for an increase of around 12sqm in floor area compared with existing, but within a square arrangement that is more compact than at present. This would allow the dwelling to sit more centrally in the plot and achieve 'breathing' space either side. Its overall width is c.12m and its height to ridge is c.7.5m, while the garage is around 5.6m wide and 4.8m to the top of the ridge. The increased offset from the southern boundary would be perceptible through the gap between the dwelling and the garage. This again negates the impression of contiguous built form across the frontage.

It is noted and highlighted that the previous case officer saw it necessary to remove PD rights for any further additions to the dwelling or erect any new outbuildings. Whilst this does not impose a moratorium on any future extensions or other built form, it nevertheless reinforces the sensitivity of the location and gives a strong indicator that further intensification of the site would have the potential for harm.

With the above context in mind, there is concern about the scale of development now proposed. At c.19m wide, the size of the dwelling would present a marked change, especially when combined with its c.8.2m, two-storey height. Its footprint would be in the order of 157sqm, while the c.44sqm footprint of the garage/gym would be comparable with the size of a new house. The dwelling would sit right alongside the northern edge of the plot, with just a small gap of c.1.2m at the furthest point from the boundary. In comparison, the existing single-storey dwelling is set around 5.5m in from this boundary and its garage outbuilding is much more subservient in scale and set back from the dwelling.

The submitted site plan excerpt in figure 6 below includes a shadow of the existing dwelling, helping to compare between the existing and proposed extents of built coverage. The annotated front elevation excerpt in figure 7 further helps to illustrate the substantial width of the proposal.

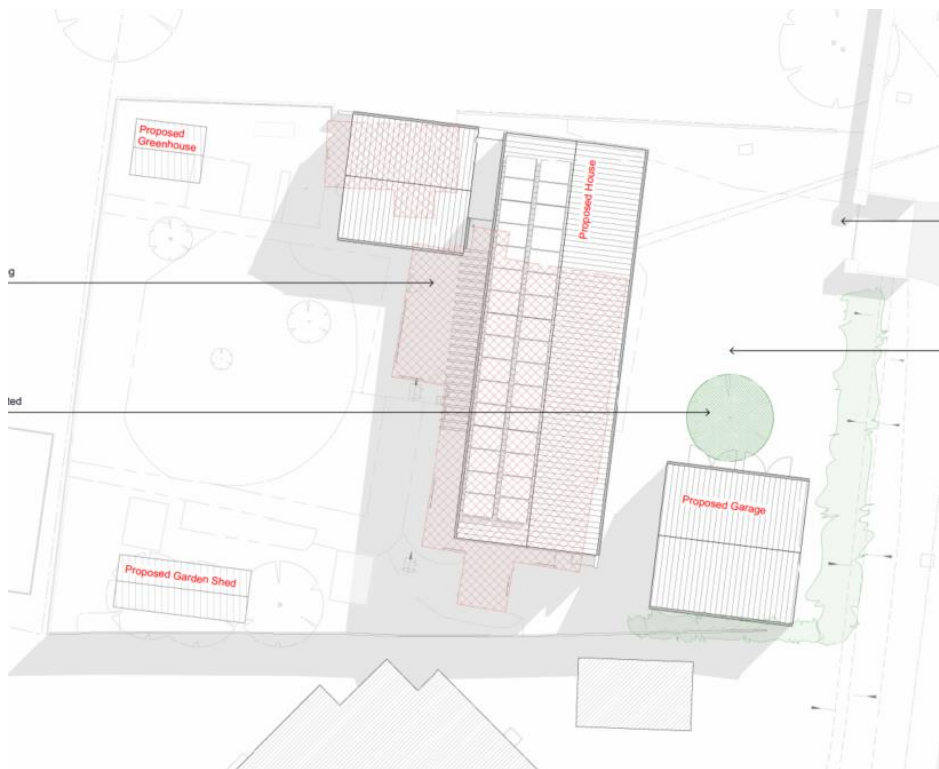


Figure 6: proposed site plan excerpt

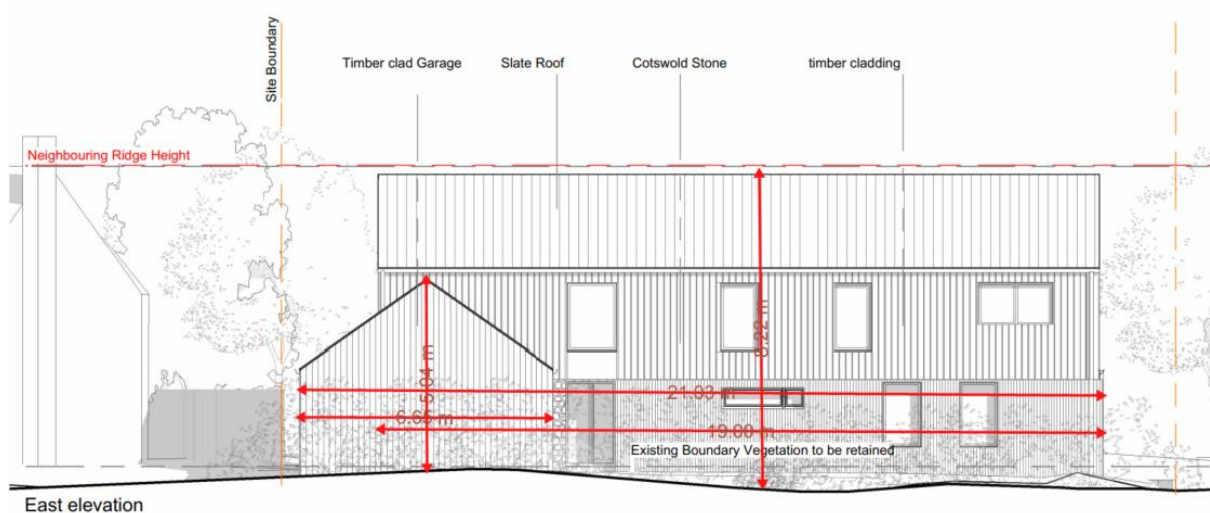


Figure 7: annotated proposed front elevation excerpt

The substantial width of the dwelling would result in a significant, contiguous expanse of frontage. Although the height is broadly comparable with the neighbouring property at Cresting, the perception of mass at Cresting is reduced by its angled orientation, front gables and front extension. In contrast, the siting of the proposal just shy of the northern boundary would create a harmfully abrupt edge, while the substantial proposed garage/gym would sit on the southern boundary. These factors would combine to create an unacceptably bulky development that would read as built form across almost the entire width of the plot. This would not be reflective of local character and would not respect the transition between the urban fringe and the countryside. The retention of hedging on the site frontage would not mitigate the perception of bulk, which in any event would be exacerbated by the removal of a tree, as per the proposed site plan.

In reaching the above conclusion, whilst it is accepted that there are some large properties in this locality, where there are dwellings that do extend widely within their plots (Chelters to the southeast, for example), their single-storey height reduces the overall perception of mass. Instead, where dwellings are larger (Shore House to the south, for example), plot sizes are larger than at the application site and there is sufficient 'breathing' space left around the dwelling to avoid a cramped and bulky appearance.

While weight may be given to the loss of the existing unattractive building in favour of a more attractive design philosophy, as well as the installation of solar panels and the overall improvement in energy performance, these factors do not outweigh the identified harm to local character.

In light of the above, it is considered that the proposal would cause harm to local character. This places it in conflict with the overall aims of Wiltshire Core Strategy Core Policy 51, as well as parts ii and iii of that policy; the overall aims of Core Policy 57, as well as parts i, iii and vi of that policy; paragraphs 130a, b and c, 134 and 176 of the NPPF; and policies CE1 and CE3 of the Cotswolds AONB Management Plan.

It is also noted that the Parish Council's quotation, from the report on the previous application, contains reference to Policy 7 of the Sherston Neighbourhood Plan. This policy relates specifically to Anthony Close and states:

POLICY 7 Anthony Close

Proposals to upgrade or replace the existing sheltered accommodation on Anthony Close with a purpose-built care or close care facility will be supported.

Therefore, it is not considered that policy 7 of the Sherston Neighbourhood Plan is relevant to this application.

Lastly, having regard to the two proposed outbuildings, these would be located relatively discreetly at the rear and would be of a subservient, domestic scale and appearance. No harm is therefore identified in respect of these elements of the proposal.

Impact upon residential amenity

Paragraph 130 of the NPPF and Core Policy 57 of the WCS seek to secure high quality design and a good standard of amenity for current and future land occupants.

The previous case officer noted the betterment in the relationship with Cresting to the south, owing to the increased separation distance between the two dwellings. That same betterment would no longer be apparent because of the scale of the new proposal. Nevertheless, it is noted from historic plans relating to alterations at Cresting (N/09/00841/FUL) that there is only one first floor opening in the northeast elevation of this property facing the application site and this serves a bathroom. Therefore, no material harm from the increased scale of development would arise for Cresting.

The same plans also show a first-floor bedroom, whose outlook is in a north-westerly direction across the garden of the application site. The proposed shed outbuilding would be perceptible in views, but its single-storey scale and separation distance are sufficient to mitigate any material harm to outlook.

Ecology

The application was accompanied by an ecological appraisal which, at paragraph 2.2.2, was informed by a survey dated 08/06/21. Paragraph 4.3.2 then confirms that '*should more than 12 months lapse from the date of this survey, an update PRA is recommended*'.

Comments received from the Council's ecologist have confirmed no objections subject to the use of a condition and have not requested a further survey.

Highway safety and parking

The Council's highways officer has raised no objection to the proposed development on highway safety grounds subject to all construction related matters being undertaken within the curtilage.

The proposed site plan shows adequate space within the curtilage to meet the minimum residential parking standards, in accordance with the Wiltshire Local Transport Plan Car Parking Strategy March 2015 and Core Policy 64 of the WCS.

10. Conclusion

The proposed replacement dwelling and garage outbuilding would be of an excessive scale that would cause harm to local landscape character. This harm is not outweighed by the positive impacts of the removal of the existing unattractive dwelling, nor the benefits of the proposed solar panels and improvement in energy performance.

The proposed development is therefore in conflict with the development plan and with relevant parts of the NPPF and Cotswolds AONB Management Plan.

RECOMMENDATION:

That planning permission be REFUSED for the following reason

1. The site is located in a sensitive fringe location in the Cotswolds Area of Outstanding Natural Beauty. The substantial width of the proposed dwelling and its two-storey scale would result in a significant, contiguous expanse of unbroken frontage that would be highly visible from the public highway. The siting of the proposal just shy of the northern boundary would create a harmfully abrupt edge to the dwelling, while the substantial proposed garage/gym would sit on the southern boundary and appear conspicuous in the street scene. These factors would combine to create an unacceptably bulky development that would read as built form across almost the entire width of the plot, which would be exacerbated by the loss of a tree on the frontage. The development would therefore not be reflective of local character and would not respect the transition between the urban fringe and the countryside. This harm places the proposed development in conflict with the overall aims of Wiltshire Core Strategy Core Policy 51, as well as parts ii and iii of that policy; the overall aims of Core Policy 57, as well as parts i, iii and vi of that policy; paragraphs 130a, b and c, 134, and 176 of the National Planning Policy Framework; and policies CE1 and CE3 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023.

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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	5 April 2023
Application Number	PL/2022/07367
Site Address	Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon, SN4 7RB
Proposal	Retrospective change of use from agricultural and extension of commercial curtilage (Class E(b)) with retention of car parking, toilet facilities, covered canopy and decking area + associated works
Applicant	Broadtown Brewery Ltd
Town/Parish Council	Broad Town Parish Council
Division	Royal Wootton Bassett South & West – Cllr. David Bowler
Grid Ref	Easting 408692, Northing 178852
Type of application	Full Planning Permission
Case Officer	Perry Lawson

Reason for the application being considered by Committee:

On 17 March 2023, the applicant lodged an appeal against the local planning authority's failure to determine this application within the statutory period (a 'non determination' appeal). Consequently, the decision will now be made by a Planning Inspector and not the local planning authority.

The local planning authority will remain a relevant party in the appeal process, and accordingly must still make a 'decision' in relation to the planning application. The decision cannot be the final grant or refusal of planning permission but what the local planning authority would have made had it been able to do so within the statutory timescale.

The application has been called-in for committee determination by Councillor David Bowler for the following reasons:

- Visual impact upon the surrounding area;
- Relationship to adjoining properties; and
- Environmental/highway impact,

and because

"This application has been requested by Broad Town Parish Council to be discussed at Committee due to their concerns re the Highways and Landscaping submissions. They are supportive of this application in the application 2021/08484 they were neutral but raised Highway concerns."

1. Purpose of Report

The purpose of this 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 which is:

To delegate authority to the Head of Development Management to inform The Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have **REFUSED** planning permission for the reasons set out at the end of this report.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of Development
- Design & Landscape Impact
- Impact on Residential Amenities
- Highways Safety & Impact on the Road Network
- Other Matters

3. Site Description

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside.

The site constitutes a parcel of agricultural land, associated with 29 Broad Town Road. The site has been subject to development involving a change of use of the land to commercial use (Use Class E(b)) in relation to a beverage/bar establishment, the Broadtown Brewery. Associated works include the construction of a decking area with tent, bar and seating area atop; erection of a toilet block; siting of benches and outdoor seating areas; establishment of a car parking area; and the stationing of vehicles and associated paraphernalia.

The existing residential garage that fronts the Broad Town Road on the site has been repurposed for use as a microbrewery; with the ground floor used for sales/tasting area, fermentation room and brewing room and the first floor used for an office. The hours of operation detailed in the previous approved application (20/00419/FUL) are between 09:00 to 17:00 (appointments only), with brewing taking place between 17:00 and 22:00. The establishment is operated by two part time members of staff. It is not anticipated that the hours of operation for the microbrewery would be altered to match that of this current application given that it is not included within the site edged red on the location plan and no such alterations are specifically proposed.

The site is largely surrounded by open agricultural fields on all sides.

In terms of physical constraints, it is noted that a public right of way (Footpath BTOW12) has been diverted without consent to run through the site; specifically through the car parking area.

The site itself is not within any designated area, but it is visible from the North Wessex Downs Area of Outstanding Natural Beauty (AONB) located to the south.

4. Planning History

The following is not an exhaustive list and only includes those applications deemed to be of relevance to the current proposal.

PL/2023/00830

Retrospective use of Hop Chapel (Sales and tasting area (Class A1) + Micro Brewery (Class B2) and change of use to be used as Class E(b). Under consultation.

PL/2021/08484

Retrospective application for a change of use from agricultural and extension of commercial curtilage (Class A1) with retention of car parking, toilet facilities, covered canopy and decking area and associated works. Refused 26th April 2022.

20/00419/FUL

Part retrospective change of use from domestic garage (C3) to sales and tasting area (A1) and micro-brewery (B2) and change of use of 1st floor to staff office (B1) and change of use of outbuilding to be used as micro-brewery (B2). Approved with conditions 12th March 2020.

It is noted that pre-application advice has previously been issued in respect of this site under reference 19/04367/PREAPP – Proposed Microbrewery. Although the Case Officer's pre-application advice was positive given the fairly low key nature and intensity of the microbrewery, it did conclude that if in the future the venture intensified in use, with significant traffic or frequent noise that detracted from its village location, it may be the case that this commercial use would need to be relocated to an existing, allocated commercial area.

5. The Proposal

Planning permission is sought retrospectively for the change of use of agricultural land to commercial Use Class E(b). Permission is also sought retrospectively for retention of car park, toilet facilities together with treatment plant, covered canopy and decking area.

In addition to the works already carried out, planning permission is sought for the construction of a 3m high timber acoustic fence together with a 3m high grassed bund with planting.

6. Planning Policy

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy (Adopted January 2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 34: Additional Employment Land

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 62: Development Impacts on the Transport Network

Core Policy 63: Transport Strategies

Core Policy 64: Demand Management

Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011 (Adopted June 2006)

Saved Policy NE18 – Noise and Pollution

Wiltshire Housing Site Allocations Plan (Adopted February 2020)

Settlement Boundary Review and Site Allocations

National Planning Policy Framework (2021)

Paragraphs 2, 7, 8, 11, 12, 38, 47, 84, 85, 93, 104, 105, 110, 111, 112, 130, 134, 174 and 185

Section 2 Achieving Sustainable Development

Section 4 Decision-Making

Section 6 Building a Strong, Competitive Economy

Section 8 Promoting Healthy and Safe Communities

Section 9 Promoting Sustainable Transport

Section 12 Achieving Well Designed Places

Section 15 Conserving and Enhancing the Natural Environment

Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy March 2015

Policy PS4 – Private non-residential parking standards

7. Summary of Consultation Responses

Broad Town Parish Council – Support

Proposal will provide social benefits, is local and walkable. With respect to the Planning Department, all comments should be uploaded in full and in a timely manner; constructive discussion should be held with the applicant and opportunities should be given to the applicant to address concerns; and anything which is unclear should be clarified with the applicant as opposed to the application being refused on this basis.

Additional response received 9th December 2022:

Support. Questioned procedure of the application, with specific reference to the difference in consultation responses from Wiltshire Council Highways and Wiltshire Council Landscape when compared to the previous application. Specific issues have been raised with respect to consultee responses, which are available to view online, and are addressed within this report and recommendation.

Wiltshire Council Highways – Object

Will lead to increase in vehicle movements when compared to the approved microbrewery (20/00419/FUL) application. Additionally, no information provided on capacity of venue for users and car park. Requested additional information regarding parking provision and visitor numbers.

Additional response received 9th November 2022 following submission of additional information:

Object. Submitted information is unclear as to the method of accessing the site. Concerns raised over the number of pedestrians accessing the site due to the nature of the adjoining road and light levels when customers are accessing the site. Concern is also raised over the potential for overspill from the parking area and subsequent impact upon highway safety. Recommended refusal on three grounds, viewable online.

Wiltshire Council Landscape – Object

Features such as the acoustic fencing and planted bund would be against the character of the local landscape which is level and open (Swindon-Calne Rolling Clay Lowlands).

Furthermore, the inclusion of circa 333m² of decking is out of proportion to small scale decks associated with countryside dwellings. These features, together with the supporting facilities (i.e. car parking and toilets) would create inappropriate urbanising development.

The site is within the setting of the North Wessex Downs AONB and the addition of lighting will contribute to rural light pollution of detriment to the North Wessex Downs AONB Dark Skies initiative.

Wiltshire Council Public Protection – Comment

With the inclusion of the acoustic fencing, Public Protection would have no objection subject to the inclusion of conditions to manage noise and restrict hours. However, without said fencing, satisfactory levels of amenity would not be achievable and Public Protection would not be able to support the application, which in turn would lead to an objection on the basis of impact to neighbouring amenity by way of unacceptable noise impact.

Wiltshire Council Rights of Way - Object

Footpath BTOW12 has been obstructed and the alternative path, which leads through the site, has not been legally diverted. It is noted that the applicant has provided no details of how they plan to accommodate this path. The diverted route must not be obstructed at any time and in any way, including by parked vehicles.

8. Publicity

A total of 29 comments were received from members of the public, and three from the applicant. Of the 29 comments received, 28 were made in support of the application and one was neutral. The material planning considerations raised within the comments are summarised below:

Sustainable development

- Provides social and economic benefits and respects the rural landscape;
- Supports other local businesses;
- Provides local employment;
- Provides public benefits;

Amenity

- Closes at a reasonable hour;

Other matters

- Consistency of consultee advice (i.e. previous application had no landscape advice whereas the current one does; change in approach for the Highways Department).

It is noted that the applicant has commented on the application three times, drawing attention to a petition which, at the time of writing, exceeds 1,200 signatures. Reference is given by the applicant to what they consider to be a similar application at The Jovial Sailor, Portsmouth Road, Ripley, Woking, GU23 6EZ which was allowed at appeal (APP/Y3615/C/20/3259273), with the implication being that similar principles used to determine the application at The Jovial Sailor should be used at the current site.

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. paragraph 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At

the current time, the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Wiltshire Housing Site Allocations Plan (Adopted February 2020); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (Adopted June 2006).

Principle of Development

The application site is located within the open countryside outside of any defined settlement. In this instance, Core Policies 1 & 2 of the WCS state that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development. It advises that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan. Core Policy 19 states development in the Royal Wootton Bassett and Cricklade Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Those other policies referred to include Core Policy 34 of the WCS which seeks to support the retention or expansion of existing businesses within or adjacent to Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. This reflects Paragraph 84a of the NPPF which requires planning policies and decisions to enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. In addition, Core Policy 48 of the WCS provides limited exceptions to the generally restrictive strategy of the plan with respect to new development in the open countryside.

The retrospective proposal encompasses 'The Hop Gardens' – an open air drinking and entertainment establishment, falling under use Class E(b). The proposal also includes the change of use of agricultural land to commercial. Prior to the current application, it is noted that there was already limited existing commercial use in this location, with the garage fronting Broad Town Road having been in use as a Microbrewery (used for sales/tasting area, fermentation room and brewing room) and its use allowed limited visitors to that part of the site.

As noted above, Core Policies 34 and 48 of the WCS are supportive of business expansion in rural locations. In addition, the NPPF contains paragraphs which provide support to rural businesses, specifically Paragraphs 84 and 85, with the retrospective proposal broadly meeting the provisions of these policies. It is noted that the proposal would also generate some local economic benefit.

In accordance with the Council's previous assessment of PL/2021/08484, the proposals are considered to be acceptable in principle and no conflict arises with the development strategy of the plan in this instance such that permission ought to be refused on this basis. However, whilst the principle of this proposal may be viewed as acceptable, it is also necessary to undertake a site specific assessment and related compliance with other policies of the plan and the provisions of the NPPF.

Design & Landscape Impact

Section iii of Core Policy 57 of the WCS states new development must respond positively to existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Moreover, Paragraph 130 of the NPPF states developments should be visually attractive as a result of good architecture and be sympathetic to local character.

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, whilst any negative impacts must be mitigated as far as possible through sensitive

design and landscape measures. Paragraph 174 of the NPPF requires decisions to contribute to and enhance the natural and local environment.

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) are required to demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent to have an impact on the area's special qualities must also demonstrate that it would not adversely affect its setting.

The Council's Landscape Officer was consulted as part of the application process. It is noted that concern has been raised by third parties over the fact that Wiltshire Council Landscape have commented on the current application but not the previous one. Irrespective of whether the Landscape Officer was consulted on the previous application or not, the impact of the proposal on the character of the surrounding landscape is considered to be a material issue in this instance. It is therefore reasonable to seek advice from the Landscape Officer.

The Landscape Officer has objected to the proposal on the basis that the proposal would create inappropriate urbanising development within the countryside. Specific urbanising features include the tent/canopy together with its extensive decking, parking area, acoustic fencing and supporting facilities. Moreover, it is noted that the site is visible from the North Wessex Downs AONB. The Landscape Officer has noted that the addition of lighting will contribute to rural light pollution also, to the detriment of the North Wessex Downs AONB Dark Skies initiative.

The applicant has responded to the Landscape Officer's comments with the submission of a photographic survey of the site when viewed from the AONB, seeking to establish that the site is not visible from the AONB. Additionally, the applicant has argued that 3m high planted bunds are a regular feature of the area, contrary to the views of the Landscape Officer, and gone on to describe the details of The Hop Gardens' decking structure and parking area materials. With respect to lighting, the applicant has highlighted what they consider to be several precedents within the area.

In assessing the landscape harm, it is noted that the proposal has done little to address the concerns raised by the Case Officer of the previous application, PL/2021/08484. Accordingly, taking into account the comments of the Landscape Officer and the applicant, Officers remain of the view that the erection of a decking area with associated benches, covered canopy, a gravel driveway, multiple large parked vehicles, car parking and a shed for the toilet facilities is visually intrusive and results in substantial change to the character, appearance and visual amenity of the locality through urbanisation of the open countryside and loss of the openness of the site. Furthermore, it is asserted that the arrangement has been worsened by the inclusion of a substantial 3m high acoustic fence along the northern site boundary.

Additionally, use of the proposed external lighting (including that within the tent structure given the open nature of the tent) would result in significant light intrusion within the open countryside during evenings, which is contrary to Core Policy 51 (vii) of the WCS which requires development to protect against light pollution, noise and motion. In this respect it is noted that lighting is a conditional requirement of the venue license.

Whilst the applicant has highlighted examples within the area of the use of external lighting, each application must be decided upon its own merits. The use of external lighting which may be harmful to landscape character on another site, does not justify harm in this instance.

Additionally, the activity on the land involving the substantial movement of people to, from and within the site, together with the interaction of patrons whilst on site, would have a substantive harmful impact on the tranquillity of this rural location contrary to the provisions of Core Policy 51 of the WCS.

The works are clearly visible from numerous rights of way within the locality, particularly footpath BTOW12. Thus, the urbanising effects of the development are acutely felt by users of the local public rights of way network.

In summary, it continues to be the case that the development, by virtue of its scale, form and positioning is visually prominent and intrusive and out of character with its open rural agricultural setting.

The provisions of Core Policies 51 and 57 of the WCS and Paragraphs 130 and 174 of the NPPF require that development should not cause harm to the locally distinctive character of settlements and their landscape setting. The development the subject of this application fails to meet such requirements and as such conflicts with these policies, i.e. WCS Core Policy 51 (ii, iii, vi) and 57 (i, ii, iii) and Paragraph 130 (b, c) and 174 (b) of the NPPF.

Impact on Residential Amenities

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of existing occupants and to make sure that appropriate levels of amenity are achievable within the development itself. Additionally, Paragraph 130 (f) of the NPPF states planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The provisions of Core Policy 57 (vii) and NPPF Paragraph 130 (f) are also required under Core Policy 34 iv (b) of the WCS.

Concern was raised in the previous application about the noise impacts of the development upon neighbouring properties. The applicant has sought to address this issue through the inclusion of the noise attenuation fence, following discussion with Wiltshire Council Public Protection.

To this end, Wiltshire Council Public Protection have raised no objection to the application, subject to conditions to manage noise and restrict hours. It is noted that the Public Protection Officer has confirmed that acceptable levels of amenity would not be achievable without the inclusion of the noise attenuation fencing. Accordingly, it is considered that the noise concerns of the previous application have been adequately addressed.

However, whilst noise concerns have been adequately addressed, the applicant has failed to address concerns related to lighting and the movement of patrons to and from and within the site which would result in intrusion and disturbance to neighbouring residents such that harm to existing residential amenity arises, contrary to the policies of the development plan. The proposed development represents a significant intensification of the site over the microbrewery.

The applicant was informed in earlier pre-application advice that any future intensification of the use of the microbrewery, which resulted in noise disturbance or detracted from its location, would need to be relocated to an existing or allocated commercial area. As with the previous proposal, it is evident that this advice has not been taken into consideration and the proposal results in harm upon neighbouring amenities. The proposal is therefore not in accordance with Core Policy 51 (vii) and Core Policy 57 (vii) of the WCS, Saved Policy NE18 of the NWLP or Paragraphs 130 (f) and 185 of the NPPF.

Highways Safety & Impact on the Road Network

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Wiltshire Council Highways were consulted on the proposal and raised objections on the basis that the proposal would lead to increased vehicle movements when compared to the approved microbrewery application. Additionally, the Highways Officer noted that no information had been provided on the capacity of the venue for users and the car park.

The objections with regard to the increased vehicle movements are tied to the intensification of the site and movement of patrons previously discussed in relation to impacts upon amenity.

In response to the initial comments of the Highways Officer, the applicant provided information with respect to anticipated trip numbers (on 9th November 2022).

Having reviewed this information, the Highways Officer raised a further objection on the basis of the information being unclear and concern being raised over the number of pedestrians accessing the site due to the nature of the adjoining road and light levels when customers are accessing the site. Additional concern is raised over the potential for overspill from the parking area and subsequent impact upon highway safety.

In a further response (on 25th November 2022), the applicant provided a statement rebutting the highway officer's concerns.

Whilst the concerns of the Highways Officer have been taken into consideration, it is noted that the highways arrangement is unchanged from the previous application, where the Highways Officer raised no objection. Moreover, the decision notice on the previous application contained no reason for refusal related to highway safety. On this basis, and in the interest of consistency, it is not considered reasonable to introduce a highways reason for refusal in this instance.

Accordingly, the proposal is considered to be acceptable in highways terms in accordance with the provisions of Core Policy 62 of the WCS and Paragraph 111 of the NPPF.

Other Matters

The applicant referred to a petition, which had gathered in excess of 1,200 signatures. However, whilst this is noted, the collection of signatures raises no material planning concerns in and of itself to be taken into consideration when determining this application.

The applicant also referenced an appeal decision (APP/Y3615/C/20/3259273), related to a site in another part of the country. This is also noted, but the circumstances of that appeal proposal are not fully known. The appeal site would have been subject to different constraints and different development plan policies, and the decision letter does not set a precedent for determination of the current application.

10. Conclusion

The proposal seeks to expand an existing business located close to a Small Village. In principle, this is considered to be acceptable.

However, by virtue of its siting, scale, form, use of lighting and the movement of patrons, the proposal would be visually intrusive and out of keeping with the character and appearance of the locality resulting in a loss of tranquillity. Additionally, the proposal would harm the amenities of the occupiers of neighbouring residential properties through disturbance from lighting and the movement of patrons to, from and within the site.

The proposed development is in conflict with the development plan and with relevant paragraphs of the NPPF.

RECOMMENDATION:

To delegate authority to the Head of Development Management to inform The Planning Inspectorate that had Wiltshire Council still been the decision-making authority then it would have **REFUSED** planning permission for the following reasons:

1. The proposed development, by reason of siting, scale, form, use of lighting and location would result in urbanisation of the open countryside and would be visually intrusive and out of keeping with the character, appearance and visual amenity of the locality resulting in a loss of tranquillity. The proposal therefore conflicts with Core Policies 34 (iii b), 51 (ii, iii, vi & vii) and 57 (i, ii, iii & vii) of the Wiltshire Core Strategy (2015) and Paragraphs 130 (b, c), 134 and 174 (b) of the National Planning Policy Framework (2021).
2. The siting, location and position of 'The Hop Gardens' and associated works, by virtue of its close proximity to neighbouring properties, would result in harm to the amenities of the occupiers of neighbouring residential properties, particularly through disturbance from lighting and the movement of patrons to, from and within the site, especially during evenings. The proposal is therefore contrary to the requirements of Core Policies 34 (iii b) and 57 (vii) of the Wiltshire Core Strategy (2015), Saved Policy NE18 of the North Wiltshire Local Plan (2011) and Paragraphs 130 (f) and 185 of the National Planning Policy Framework (2021).



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