

AGENDA

Meeting: Eastern Area Planning Committee

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

Date: Thursday 11 July 2024

Time: 3.00 pm

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

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

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Membership

Cllr Philip Whitehead (Chairman)

Cllr Paul Oatway QPM (Vice-Chairman)

Cllr Adrian Foster

Cllr Dr Brian Mathew

Cllr Kelvin Nash

Cllr Tony Pickernell

Cllr Iain Wallis

Cllr Stuart Wheeler

Substitutes:

Cllr Ross Henning

Cllr Mel Jacob

Cllr Carole King

Cllr Jerry Kunkler

Cllr Laura Mayes

Cllr Dominic Muns

Cllr Sam Pearce-Kearney

Cllr Tamara Reay

Cllr James Sheppard

Cllr Caroline Thomas

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

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

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AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 13 June 2024.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

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

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

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

meetings.

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 4 July 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 8 July 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 Planning Appeals and Updates (Pages 13 - 14)

To receive details of the completed and pending appeals between 31 May and 28 June 2024.

Planning Application

To consider and determine the following planning application.

7 PL/2024/03269: Land to the Rear of 7 The Stocks, Seend, Wiltshire, SN12 6PL (Pages 15 - 32)

Erection of one self-build dwelling (outline application relating to access).

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

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 JUNE 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Kelvin Nash, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Carole King (Substitute) and Cllr Sam Pearce-Kearney (Substitute)

43. **Apologies**

Apologies for absence were received from:

- Cllr Adrian Foster – substituted by Cllr Carole King
- Cllr Dr Brian Mathew – substituted by Cllr Sam Pearce-Kearney
- Cllr Stuart Wheeler

44. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Kelvin Nash, it was:

Resolved

To approve the minutes of the meeting held on 25 April 2024 as a true and correct record.

45. **Declarations of Interest**

In relation to the Rights of Way item, Cllr Iain Wallis made an additional declaration that he worked for the Department of Environment, Food and Rural Affairs. He emphasised that he did not work in the footpaths department or in the Secretary of State's private office. He would be speaking in a personal capacity and any views expressed were not necessarily representative of the department.

46. **Chairman's Announcements**

There were no announcements.

47. **Public Participation**

The Committee noted the rules on public participation.

48. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by the Vice-Chairman, it was:

Resolved

To note the planning appeals update for the period 12 April to 31 May 2024.

49. **PL/2024/02018: 13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ**

Public Participation

- Mr Paul Flippance (Inter County Surveys), spoke in support of the application

The Planning Officer, Hayley Clark, introduced a report which recommended that the application for the change of use of a grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb be refused for the reasons outlined in the report. Key details were stated to include the visual impact, residential amenity and highway considerations.

Attention was drawn that there was an error in the plan of elevation three, shown on page 28 of the agenda pack, as it showed the garden gate rather than the proposed dropped kerb. However, an updated version was available on page nine of Agenda Supplement 1 and shown as part of the Planning Officer's presentation.

The Committee were informed that the application site comprised an existing end-terraced dwelling located within an established residential area. The Planning Officer considered that the proposal, to incorporate an adjacent area of open green space within the residential curtilage, would have a negative impact on the character of the area due to the loss of openness and as the green space broke up the built form. She explained that the proposals were contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy, as well as paragraphs 131 and 135 of the National Planning Policy Framework. There were a mix of boundary types in the area and there were concerns about granting permission for the proposed development, as it would set a precedent that may see the loss of further green space on the estate.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer. Details were sought about why the Applicant was installing wooden panels at the back to make the structure higher. The Planning Officer explained that the proposed structure would be similar in height to the existing boundary wall at the rear of the property to maintain privacy. However, the wall towards the front of the property would be far shorter.

In response to queries about the existing road sign and utility box on the site, the Planning Officer explained that they would need to be moved as they were located within the boundary of the proposed wall. Permission to change the access to the utilities would be required, but this was not a planning matter. She

had not seen any details of designs showing the road sign behind the proposed wall.

The Committee noted that the Highway Authority had recommended that if the proposed application was granted, the grey utility box should be set back behind the utility box. Questions were asked about whether they would be able to propose a condition about the box's location. The Planning Officer confirmed that was a separate issue for the Highway Authority, so it would not be necessary to impose a condition.

Details were also sought about the potential impact of a covenant agreed when the Applicant purchased the grass verge from Aster Housing Association, which stated that the land must be used as part of the residential curtilage. The Legal Advisor, Solicitor Level 2, Alwyn Thomas, confirmed that the covenant was separate to planning permission and was not a material consideration in assessing planning applications.

The Planning Officer was not aware of any other grass verges had been sold by Aster in the local area, although the Chairman did note that he was aware of other cases.

The member of the public then had the opportunity to present his views to the Committee as detailed above.

The Unitary Division Member, Cllr Christopher Williams then spoke in support of the application.

In response to the points raised by the public and Unitary Division Member, the Planning Officer confirmed that the loss of amenity space included the impact on visual amenity and landscaping of the built environment. The Development Management Team Leader (South), Richard Hughes noted that the reasons for refusal did not claim that the grass verge was used for recreational activities such as ball games.

So that the Committee had something to debate, the Chairman, seconded by Cllr Carole King, proposed that the application be refused for the reasons outlined in the report.

A debate followed where issues such as the impact on visual amenity, height of the proposed wall, and current use of the land were discussed.

During the debate, a vote to refuse the motion was lost. Cllr Kelvin Nash then proposed that the application be approved, which was seconded by Cllr Sam Pearce-Kearney.

The Development Management Team Leader (South) highlighted that the Highways Authority had recommended that there was not any obstruction to the visibility of their splays over the height of 600mm. Although the proposed application was for a boundary up to 937mm, they had not submitted a formal objection. The Committee noted that they would not wish to restrict the height of

the proposed wall to 600mm but wished to see the splays be kept free of obstruction.

In response to queries it was stated that the materials of the wall could be conditioned and that it would not be necessary to condition the utility box.

The Committee noted that they would be happy to delegate the final wording of the conditions to the Planning Officer and Development Management Team Leader (South). At the conclusion of the debate, it was:

Resolved

To GRANT planning permission for the change of use of the grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb.

Reason

Whilst the grass verge did have some visual amenity value, the poorly maintained condition of the land meant that the proposed development was not felt to have a negative visual impact and would actually slightly enhance the appearance of the site. The proposed development was not out of keeping with other boundary treatments in the area.

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 received 19/03/2024 Location plan received 28/02/2024**
- Proposed wall/fence elevations Drg no ICS/2117/03 Rev B (amended to include vehicle access for elevation 3) received 13/06/2024**
- Photo visualisation received 12/06/2024**
- Proposed site plan Drg no ICS/2117/02 Rev B received 16/04/2024**

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

3. The bricks to be used in the construction of the main walling in the boundary wall shall match those of the main house (13 Collis Terrace) in colour and texture

REASON: In the interests of visual amenity

4. The development hereby permitted shall not be first brought into use until splays have been provided on both its sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. As per the approved drawing DWG No: ICS/2117/03 Rev B, the splays shall always be kept free of obstruction above the height of the approved boundary walls.

REASON: In the interests of highway safety.

5. The development hereby permitted shall not be first brought into use until the first 2m 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.

6. Notwithstanding the submitted details, the proposed development shall not be first brought into use 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.

7. The vehicle access and parking spaces shall remain ungated.

REASON: In the interests of highway safety.

Informatives:

8. The application involves the creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their

website at <http://wiltshire.gov.uk/highways-streets> to make an application.

9. The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk.

50. **Ramsbury Paths 5, 6 and 8C and Little Bedwyn Path 20 Diversion and Definitive Map Statement Modification Order 2024**

Public Participation

- Mr Peter Gallagher (The Ramblers), spoke in opposition to the Order.
- Mr Bill Hughes (Ramsbury Manor Foundation Trustees), spoke in opposition to the Order.
- Ms Mary Askew (Ramsbury Estates Ltd.), spoke in support of the Order.

The Definitive Map Officer Craig Harlow introduced a report considering four objections to the application for the Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.

A comprehensive overview of the Modification Order was provided by the Definitive Map Officer, which included detail about the application routes, Wiltshire Council's duty, the legal tests and the Order plans. He explained that the application had been submitted on 5 August 2022. The Applicant's land was changing from arable to pastoral farming, so they felt that the proposed route would help to reduce potential conflict between the enjoyment of the footpath and livestock. Diverting the existing routes would also help to separate the users of the bridleway and vehicle access to the newly constructed development at Park Farm as well as to improve security at that development. It was explained that there had been 23 responses to an initial consultation on the proposals, 16 of which were in objection. After taking comments into consideration the Order was made on 10 January 2024.

Objections to the Order included that the proposed diversion would be longer, and substantially less convenient, than the existing route. Further concerns were that the diversion was being done purely for the personal convenience of the Applicant and would impact the view and sporting rights enjoyed over the land.

Attention was drawn to a late submission from the British Horse Society, as published in Agenda Supplement 1. The British Horse Society had raised objections to the Order on the grounds that the proposed diversion crossed a

part concrete surface, had a narrower width than the existing route and that RAMS6 could potentially bring horses and riders into contact with shooting.

The Definitive Map Officer addressed each of the objections in turn. In response to concerns about the length and convenience of the new route, he referenced the Inspector's findings about an Order in the parish of Calne Without. Although there had been a proportionately larger increase in the distance of the revised route created in Calne Without, the Inspector had concluded that it was likely to be used as part of a leisure journey, so was not substantially less convenient for users. The Definitive Map Officer concluded that, by nature of the proposed location of the subject Modification Order, a similar conclusion could be adopted in this case. He also noted that legislation allowed for compensation to be claimed for the loss of sporting rights caused by a Diversion Order and, in his opinion, the view would not be any worse than that from the existing route.

He reported that the Wiltshire Countryside Access Officer had accessed the surface of the proposed diversion and was satisfied that it had a grooved, gritted appearance that would be suitable for horses. Furthermore, there was no evidence that the diversion would lead to an increased risk of horses being in proximity to shooting. The Definitive Map Officer also he felt that the new route would have the benefit of adding a recorded width for the path.

In conclusion, the Definitive Map Officer felt that the proposed diversion would not be substantially less convenient for users and would not negatively impact enjoyment of the route. He was also satisfied that it would only have a minimal detrimental impact on land on or adjoining the rights of way. Therefore, he recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee then had the opportunity to ask technical questions of the Definitive Map Officer. Details were sought about whether it would be possible to add conditions relating to rights of way to the planning permission granted for the development at Park Farm. The Definitive Map Officer confirmed that it would not be possible to add conditions at this stage, as permission had already been granted for the development, but informatives or conditions could have been added if appropriate at the time the planning application was determined.

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

The Unitary Division Members were not in attendance.

The Definitive Map Officer had the opportunity to respond to the points raised by the public.

So that the Committee had something to debate, the Chairman, seconded by Cllr Iain Wallis, proposed that the Definitive Map and Statement Modification

Order 2024 was forwarded to the SoSEFRA with the recommendation that it be confirmed as made.

A debate followed where issues such as the separation of dogs and livestock as well as the suitability of hard surfaces for horses, were discussed. In response to queries about the potential impact on Curlew nesting, the Definitive Map Officer explained that he had consulted with the North Wessex Downs National Landscape, who had not raised concerns about this issue. It was noted that strong feedback had been provided when nesting sites had been identified in the past.

At the conclusion of the debate, it was:

Resolved

The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024, of forwarded to the SoSEFRA with the recommendation that it be confirmed as made.

51. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.45 pm)

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

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

**Wiltshire Council
Eastern Area Planning Committee
11th July 2024**

Planning Appeals Received between 31/05/2024 and 28/06/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/02789	North Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB	Devizes	Creation of a community farm (including farmhouse), farm track and rural employment units and associated works (Resubmission of PL/2022/02887)	EAPC	Written Reps	Refuse	26/06/2024	NO

Planning Appeals Decided between 31/05/2024 and 28/06/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/08215	Land at Whistley Road, Potterne	Potterne	Erection of a single dwellinghouse and associated works.	DEL	Written Reps	Refuse	Dismissed	18/06/2024	None
PL/2023/03811	Upcott Cottage, Bath Road, Marlborough, SN8 1NN	Marlborough	Retrospective permission to install an electric sliding fence across the drive, and to replace a wooden fence along the front of our property and also a post and wire fence around part of the garden overlooking the junction between the Bath Road and Golding Avenue.	DEL	Householder Appeal	Refuse	Allowed	05/06/2024	None

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	11 th July 2024
Application Number	PL/2024/03269
Site Address	Land to the rear of 7 The Stocks, Seend, Wiltshire, SN12 6PL
Proposal	Erection of 1 self-build dwelling (outline application relating to access)
Applicant	Mr Adam Gordon and Mrs Helen Robinson-Gordon
Town/Parish Council	Seend Parish Council
Ward	Devizes Rural West ED (Cllr Tamara Reay)
Type of application	Outline planning permission: Some matters reserved
Case Officer	Lucy Rutter-Dowd

Reason for the application being considered by Committee:

This application has been 'called-in' by Cllr Reay for the following reason:

- Housing need

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 key issues for consideration are:

- Principle of development
- Landscape and visual impact CP 51 & 57
- Impact on neighbour amenity CP 57
- Highways impact CP 61
- Environmental and ecological impacts CP 50
- Drainage

3. Site Description

The site lies to the rear of 7 The Stocks, which was previously two dwellings that have since been combined into one. The host dwelling is built of a mixture of red brick and stone with double Roman clay tiles and stone tiles to the roofs. The property sits parallel to the highway, with vehicular access taken from either side of the dwelling; however, it is predominantly the access to the west that is used. The property benefits from off-street parking and large rear gardens. Also within ownership is an area of paddock which is situated immediately behind the host gardens – this is the subject of the application.

The site is neighbored to the east by a detached, two storey residential property which also benefits from large rear gardens that form the eastern boundary of the site. Boundary treatments are a mixture of post and rail fencing, hedgerow, and close boarded fencing. To the west and south lies undeveloped open countryside. The highway lies to the north. The property lies at the the southern end of Seend Cleeve, which is designated as a Small Village in the Wiltshire Core Strategy (WCS). The general pattern of development in the area comprises single depth development fronting the highway. Rolling countryside falls away from the site to the south.

The site lies within 2km of a core bat roost. There are no other notable constraints within the site.



Figure 1: Site Location



Figure 2: View towards the south from within the application site



Figure 3: View towards the west from within the application site



Figure 4: View towards the host dwelling and neighbouring property to the north



Figure 5: View of access and host dwelling from the adjacent highway

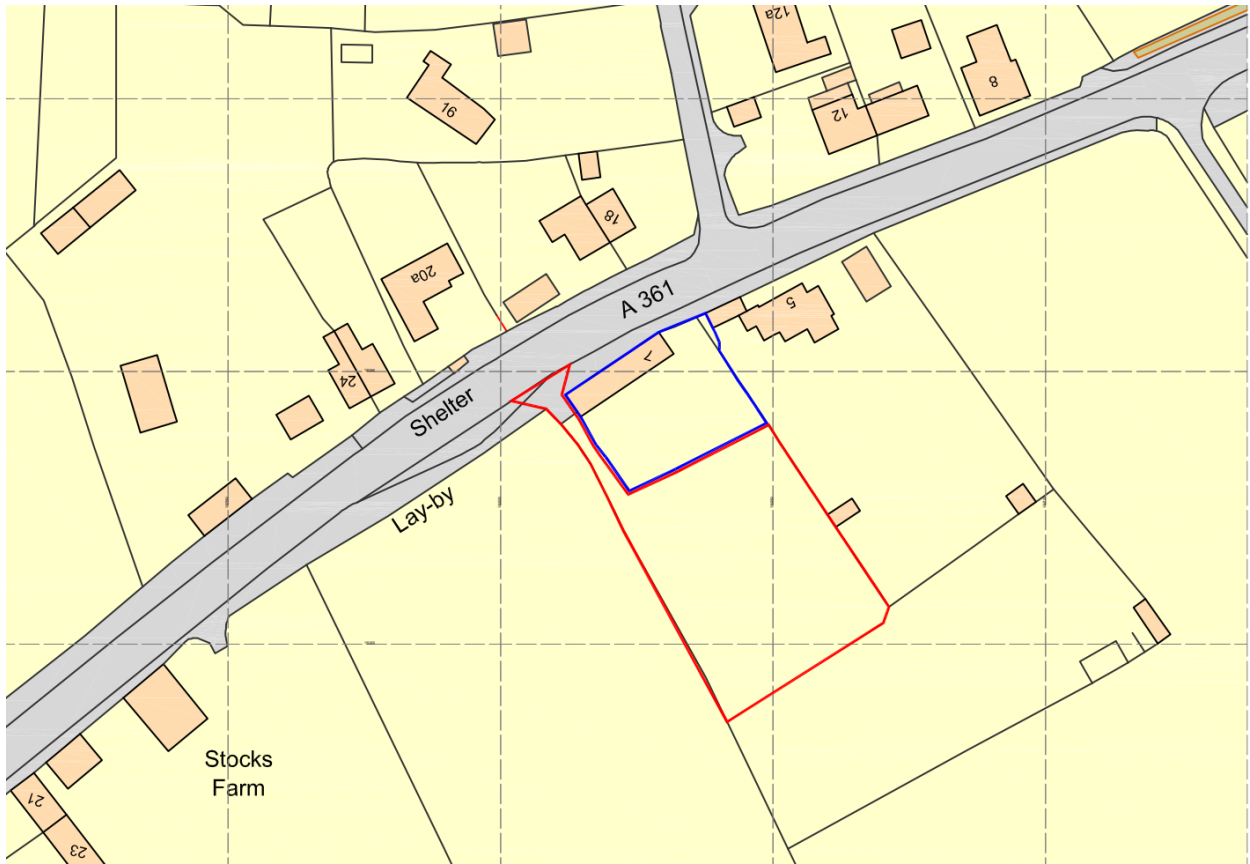


Figure 6: Submitted Site Location Plan

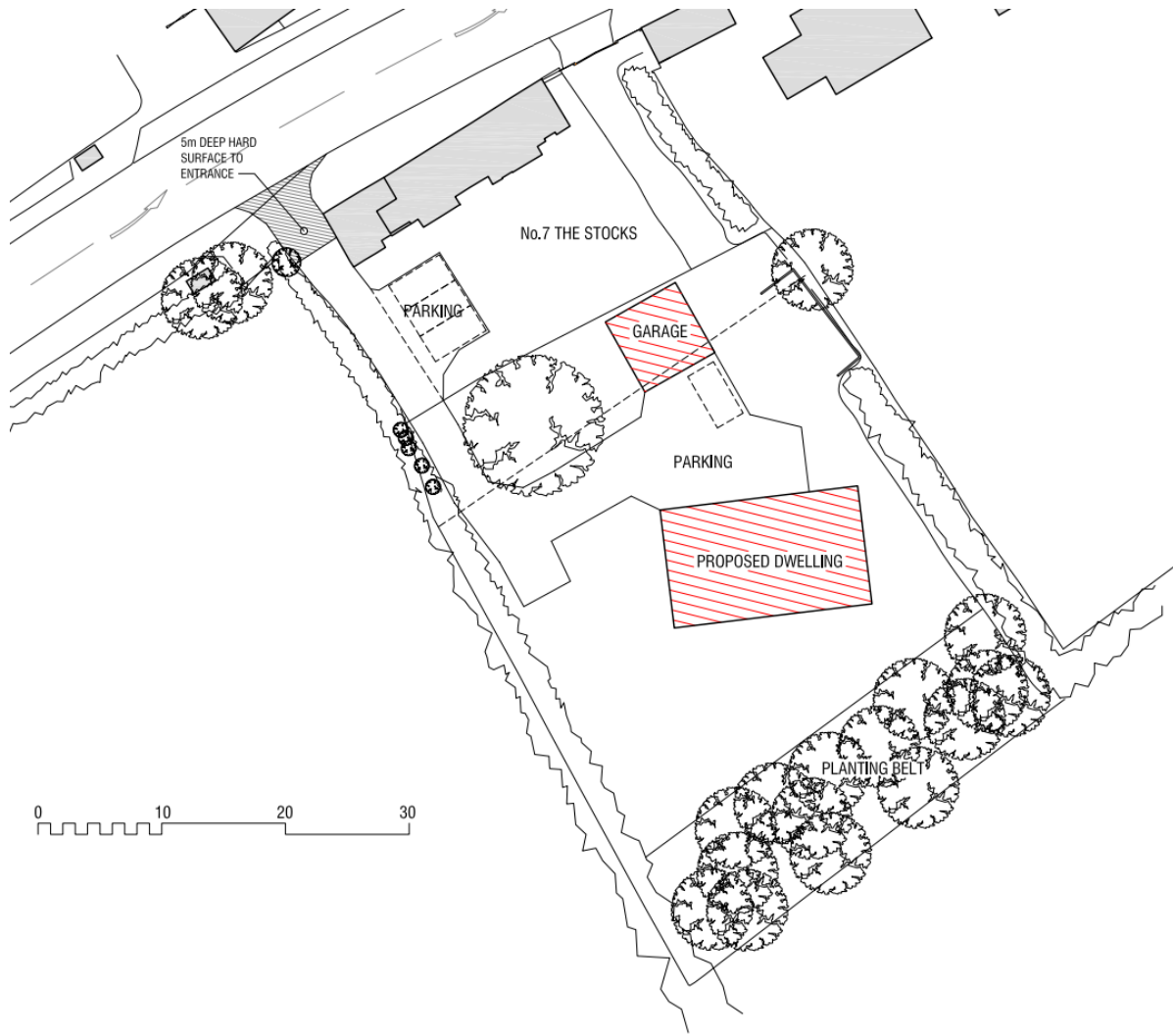


Figure 7: Proposed Block Plan

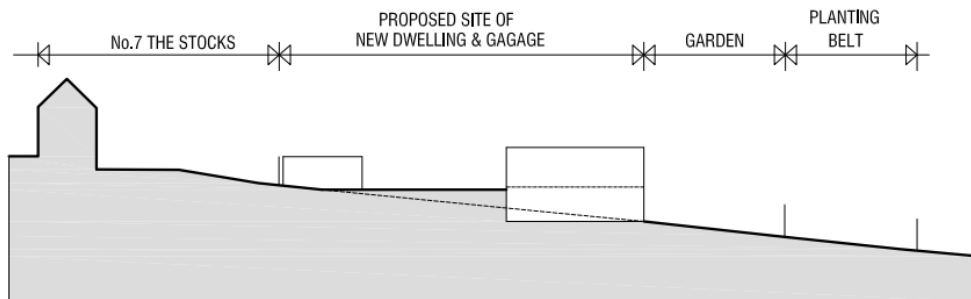


Figure 8: Proposed Site Section

4. Planning History

There is no relevant planning history relating to the application site itself, but planning history relating to the host dwelling to the north is listed below as follows:

K/75/0206 - New vehicular access – Approved - 11/07/1975

PL/2021/05040 - Retrospective replacement of existing timber vehicular and metal pedestrian gates with new timber vehicular gate and boundary fencing – Approved with conditions - 13/09/2021

PL/2021/10743 - Proposed 2-storey rear extension – Approved with conditions - 23/12/2021

5. The Proposal

The proposal seeks outline planning permission, with all matters reserved except for access, for the erection of one self-build dwelling house. The submitted details show a detached dwelling with associated parking area, gardens and detached garage building.

The application seeks to establish the principle of residential development and means of access only. All other matters including height, scale, massing, footprint, design, materials, drainage, foul sewage, and boundary treatments are reserved matters which would be considered under a subsequent application.

Access would be formed from the existing vehicular access as illustrated in Figure 5, bypassing the parking area and gardens of no.7, leading south into the application site.

The planning statement indicates that the proposed building would be a four-bedroom dwelling. Whilst height is not being fully considered at this stage, the site section (illustrated in Figure 8) shows a two-storey building set into the landscape, which would necessitate significant excavation and levelling works.

The applicants own and reside at no.7 The Stocks and are on the self-build register. As no available plots have come forward in the village, they propose to utilise the existing paddock to erect their self-build dwelling.

6. Planning Policy

National Context:

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (guidance on the policies contained within the NPPF)

Local Context:

Wiltshire Core Strategy (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 15 - Spatial Strategy for the Melksham Community Area
- 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 Development

There are no saved policies of the Kennet Local plan that are relevant to the proposed development.

Seend Parish Neighbourhood Plan 2020 – 2030 – (Made: May 2021):

- SP1: Locally Distinctive, High-Quality Design
- SP4: Landscape and Local Key Views
- SP11 Sustainable Development in Seend Parish
- SP12: Custom and Self-build Housing
- SP13: Climate Change and Sustainable Design
- SP14: Impact of Development on Highways and Traffic

Seend Parish Neighbourhood Plan - Site Assessment Report – January 2020.

Design guidance:

- The Wiltshire Design Guide (adopted April 2024);
- National Design Guide (2021);
- East Wiltshire (former Kennett District) Landscape Character Assessment.

7. Consultations

Ecology – No objection subject to conditions. Full comments are included within the relevant section of the assessment below.

Drainage – No objection subject to conditions. Full comments are included within the relevant section of the assessment below.

Highways – Attention is drawn to the principal conflict with the settlement strategy, no further objections are raised subject to conditions. Full comments are included within the relevant section of the assessment below.

Seend Parish Council – Support.

8. Publicity

The application has been advertised by way of writing directly to adjoining landowners and relevant consultees. Seven nearby properties were consulted on the proposals.

One lengthy letter of objection has been received from the immediate neighbour to the west. The full comments can be read on the Councils website, however the key points made are bullet-pointed and summarised below for ease of reference.

Objections:

- The proposed development would conflict with relevant chapters of the NPPF, namely 'Rural Housing' and highlights that paragraph 84 would not be relevant in this instance.
- The site is in an isolated location within the open countryside.
- The site falls outside of any settlement boundaries as defined within the development plan.
- The site is not well serviced by public transport as there is one bus service which runs once an hour and ceases in the early evening and does not operate on a Sunday.
- The footpath which runs towards the village of Seend is unsafe in that it is in parts narrow, overgrown, in some parts an unmade surface, unlit and unsuitable for the elderly, infirm, or people pushing wheelchairs or pushchairs. (Photographic evidence provided in full comments).

- Whilst the nearby village of Seend is a designated larger village offering some facilities and amenities, it is not easily accessible from the site as such the site should not be considered as accessible or sustainable.
- The proposal is contrary to CP 1 & 2 of the WCS as it falls outside of any defined limits of development and none of the exception policies apply.
- SP12 of the Seend Neighbourhood Plan states that *"In principle, support will be given to proposals for custom or self-build projects in locations where new residential development is acceptable."* The proposal would however be required to meet all other standards within this plan and the WCS which it does not.
- The submission draws attention to an appeal site for up to 26 self-build dwellings on land to the east of Waitrose, A429, Malmesbury. The appeal and the current proposal are not comparable.
- The inspector concluded in the above appeal that there is a considerable shortfall in the delivery of self-build units however the number is unknown. The delivery of 26 self-build units was considered to be sufficient public benefit to outweigh the harm. The current proposal seeks only one self-build unit for private purpose. In addition, the Malmesbury site, whilst outside any limits of development, is closely related to a higher order settlement and would have been much more sustainable and within walking distance of a significant number of facilities, amenities, and employment opportunities.
- The proposals would have a detrimental impact on the character of the surrounding landscape and would conflict with CP 51 of the WCS, SP1 of the NHP and paragraph 180 of the NPPF.
- The proposed 'back land' development is uncharacteristic of the area and causes conflict with CP 57.
- The 'cut and fill' required to accommodate the dwelling into the slope of the land would not protect or conserve the landscape character.
- The proposed building would be a prominent feature on the landscape when viewed from the south, any planting proposed to screen this would need to be significant and mature.
- The proposed parking and turning area would have a negative impact on neighbour amenity being positioned so closely to the host dwelling and its associated amenity space.
- Whilst the design and layout would be considered at reserved matters stage, the indicative site plan demonstrates a large dwelling which would be orientated towards the neighbouring property which would potentially cause overlooking and loss of privacy.

9. Planning Considerations

Principle of development

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.

Core Policy 1 of the WCS, the Settlement Strategy, identifies the settlements where sustainable development will take place. Starting with Principal Settlements, Market Towns, Local Service Centres, through to Large and Small Villages.

Core Policy 2 of the WCS states that *"Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages... At the Small Villages development will be limited to infill within the existing built area."* The application site is most closely related to Seend Cleeve, which is defined as a small village within the WCS, although the NHP does not define the site or 'The Stocks' as forming part of this settlement. The host dwelling forms one of the most southern forms of development in this area with open countryside spanning to the south.

Seend Village, which is defined as a large village within the WCS, is positioned approximately 0.7 miles to the east and is accessed only via a national speed limit road which has remnants of a footpath/pavement alongside it. The application site falls well outside of any defined limits of development and as such is considered to lie within an area of open countryside. Whilst Seend Cleeve is a small village where infill development may be considered acceptable, the proposal cannot be defined as such as it is backland development, neighboured to the west and south by open countryside, and would result in an elongation of the village. In any event, and as previously mentioned, The Stocks does not form part of the village, as illustrated in figure 3 of the NHP.

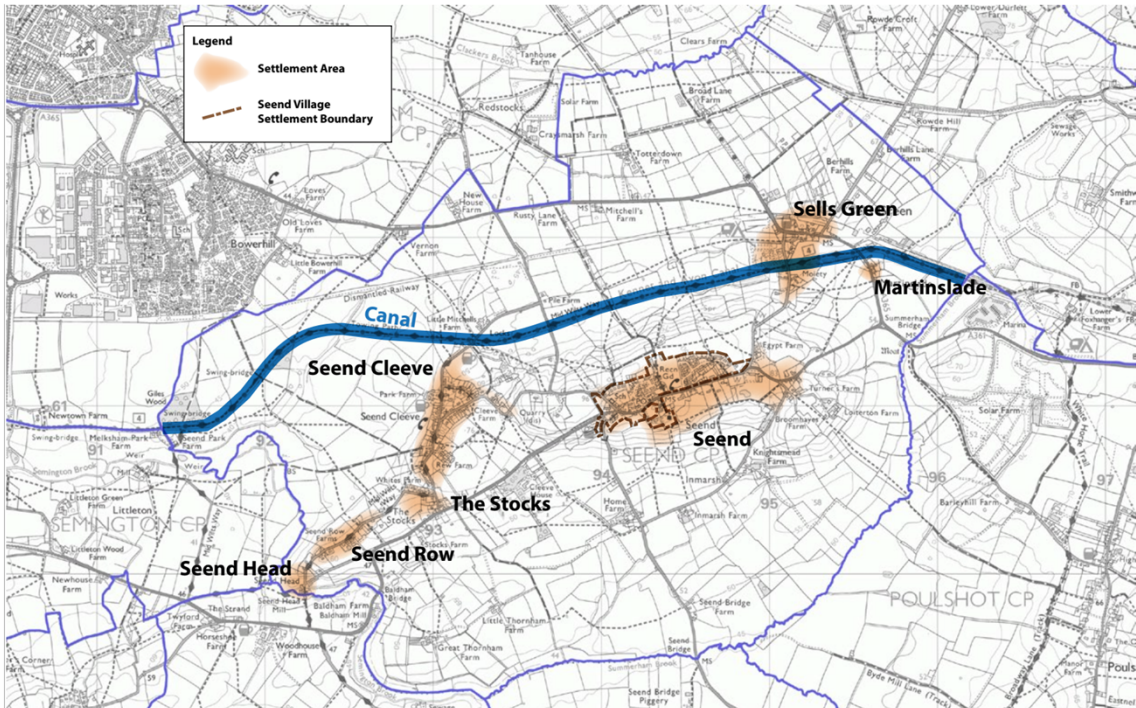


Figure 9: Settlement areas as illustrated in Figure 3 of the NHP.

There are no exception policies (as stipulated under paragraph 4.25 of the WCS) which would be relevant in this instance. As such, the proposal does not accord with CP 1&2 of the WCS.

The Seend Parish Neighbourhood Plan addresses sustainable development under policy SP11 and states that *“Proposals for improved local employment opportunities, housing developments for up to and including 9 units, and / or new services and facilities that contribute to the continued and sustainable growth of the Parish will be supported in principle provided that development:*

- i. accords with the limits of development provisions of Wiltshire Core Strategy Core Policy 2;*
- ii. is to be delivered as a rural exception site in line with Neighbourhood Plan policy SP10 and Wiltshire Core Policy 44; or,*
- iii. is a re-use of brownfield land within the rest of the Parish area.*
- iv. is not located in the open spaces and large gardens identified in the Seend Conservation Area Strategy which would detract from the distinct open grain of Seend Village.”*

As previously stated, the proposal does not accord with CP 2 of the WCS; as such, there is conflict with point i of SP11 in the NHP. The site is not a designated rural exception site, brownfield land nor is it situated within Seend Village Row, therefore points ii-iv are not relevant in this instance. It is noted that the application has been called in due to ‘Housing Need’ within the neighbour plan area however, as demonstrated within the Seend Parish Neighborhood Plan Site Assessment Report, site allocations for housing have already been identified, therefore development should be focused within the site allocations or where they otherwise meet the criteria as outlined in CP 2 of the WCS.

SP12 of the NHP addresses custom and self-build housing so is also relevant in considering the principle of development. It states that, *"In principle, support will be given to proposals for custom or self-build projects in locations where new residential development is acceptable."* As established by CP 1 & 2 of the WCS and SP11 of the NHP, the proposed site is not considered to be an appropriate location. The explanatory text for this policy outlines that aspects of location, content, scale, and design will be required to meet all other standards in both the NHP and WCS for which conflict regarding location has already been identified.

The NPPF is also a material consideration in determining planning applications, however it is stated under paragraph 12 *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted."*

In light of the conflict found with CP 1 & 2 of the WCS, SP 11 & 12 of the NHP and the NPPF, the proposal for a detached residential property outside of any defined limits of development within an area of open countryside is considered to be unacceptable in principle.

The outline application seeks consideration of the principle of development and access only, however the Local Planning Authority (LPA) must be reasonably sure that all aspects of the proposal would be acceptable and achievable if planning permission were to be granted, therefore notwithstanding the above stance on the principle of development, the remainder of the report which seek to consider other aspects of the scheme and will conclude with the planning balance and recommended decision.

Landscape and visual impact CP 51 & 57

CP51 of the WCS requires that *"Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures."*

The submitted details depict a two storey, large, detached dwelling house, which would be built into the gradient of the land and would require a significant amount of 'carving out' to accommodate its footprint on a level ground. The proposed property would be built on what is otherwise an area of undeveloped area of open pasture and would become a prominent feature in the area, especially when viewed from the south. Whilst it is respected that there is no immediate PROW to the south of the site, this would not negate the building's physical presence, with views of the developed land capable of being glimpsed from the highway to the north.

The change of use of this parcel of land to domestic use, the sculpting of the land required to accommodate the buildings and the erection of a large, detached dwelling and associated outbuilding would result in harm to the landscape character of the area, along with the loss of arable land in an area of open countryside. The proposal would also not conserve, nor enhance the character of the area. It is noted that the indicative site plan includes a planting belt along the southern boundary; this would need to be left to mature for a significant amount of time to eventually screen the development from view. Whilst it would offer some screening, it would not justify the change of use of this field to domestic use.

Core Policy 57 of the Wiltshire Core Strategy states 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 complementary to the locality."* Proposals should seek to enhance local distinctiveness and have regard to existing townscapes, patterns of development and the historic environment and landscape setting.

There is a clear pattern of development in the immediate area. Dwellings are situated close to the highway edge with rear gardens spanning behind followed by open countryside. The developed land to the north which forms Seend Cleeve continues to see single depth plots fronting the highway. The proposal would comprise 'backland' development which is uncharacteristic of the area and goes against the general pattern of development, historic settlement boundaries and landscape setting.

The proposal is considered to cause harm to the landscape setting and would have a negative visual impact due to it going against the pattern of development and character of the area. As such, the proposals do not comply with CP 51 and 57 of the WCS.

Impact on neighbour amenity

The application site is neighboured to the east by no. 5 The Stocks, a detached, two storey dwelling with substantial gardens to the rear. The proposed dwelling would be positioned approximately 30m from the neighbouring dwelling. The Wiltshire Design Guide advises that properties should retain a 20m separation distance, which the indicative site layout accords with. It is therefore considered unlikely that there would be any significant harm caused in terms of loss of privacy or overlooking. It is however noted by the case officer and highlighted by the neighbour, that the proposed dwelling would be angled towards the neighbouring property, presumably to ensure the rear elevation is fully south facing to guarantee solar gains and benefits. However, the elevational design of the proposed building is a matter that is left to be considered at reserved matters stage. As such, any aspects involving sustainable construction or low carbon energy are matters that cannot be formally considered at this stage.

The proposed building would also be positioned over 30m from the host dwelling which again would ensure there would be no significant loss of privacy, although it seems possible that some overlooking of the neighbouring gardens may be possible. In addition, the siting of a garage building on the northern boundary would result in overshadowing of the host dwelling's gardens to the north.

The neighbour has highlighted that noise nuisance would adversely affect the occupiers of the host dwelling due to the proposed access and parking arrangement. The access would be shared, and a parking area proposed for the host dwelling would act as a buffer between the driveway and host building and its gardens. Any impact caused in this regard is not considered to be significant.

Highways impact CP 61

The following comments were received from the highway officer:

"I have considered the information provided and wish to make the following comments.

The location is one which will be heavily if not wholly reliant on the use of a private vehicle. As such I will defer to your opinion as to whether there should be an objection on it being contrary to policies promoting a sustainable pattern of development.

I am minded that though not fully standard the existing access is acceptable to accommodate the vehicle movements with a single additional dwelling. The current access will need to be improved as shown and surfaced in a consolidated material. Due to the nature of the adjacent highway and the restriction of the site boundary, there is a requirement for a construction management statement.

Therefore, in summary, I am minded to raise no highway objection subject to conditions."

The highway officer highlights the unsustainable location of the development, which is one which carries significant weight in the planning balance. CP 61 of the WCS states that *“New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.”* The highway officer draws attention to the fact the occupants would be heavily reliant on use of a private vehicle. There are bus stops in close proximity to the application site, however these only offer a rather sporadic service which does not run all day or even every day of the week. There are not enough facilities or amenities within the immediate area to ensure occupants would not be reliant on the use of the private car, and as highlighted in the neighbour objection letter, pathways leading to the nearest facilities are unsuitable for the elderly, impaired or those using a pushchair or wheelchair.

The highway officer has suggested conditions to secure the parking, turning area and EV charging point prior to occupation, that a consolidated material is used adjacent to the highway and that a construction management statement be provided prior to commencement of development should planning permission be granted contrary to the officer’s recommendation. The applicant has agreed to these conditions.

Environmental and ecological impacts

The following comments have been received from the council’s ecologist:

“Thank you for consulting me on the above application. I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.

Comprehensive ecological survey of the site has been undertaken by Herdwick Ecology (Preliminary Ecological Appraisal, 7 The Stocks, Seend, Melksham, SN10 6PL. March 2024). I agree with the findings of the report.

The application site does not lie within or immediately adjacent to any statutory or non-statutory designated sites for conservation. However, the site lies within a core sustenance zone for Lesser Horseshoe Bats, as detailed in the following paragraphs.

Bath and Bradford-on-Avon Bats Special Area for Conservation (SAC)

The site lies within a core sustenance zone for Lesser Horseshoe bats associated with the Bath and Bradford-on-Avon Bats SAC and therefore may have potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

*A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017. This concluded that as no mature or well-established vegetation is proposed for removal within the site and that no additional external lighting is proposed, given the scale and nature of the development there is no mechanism for adverse effect. The proposal includes planting of a tree belt to the southern edge of the site which would enhance the site for bats generally by providing additional foraging and contributing to primary habitat connectivity within the local area. **The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.***

A lighting condition should be applied to any permission given this application, as detailed below. Any domestic lighting, e.g. at doorways or pathways, should be low level bollard style or wall mounted and pointed downward to avoid light spill onto areas of vegetation likely to be used by wildlife, particularly Annex II bat species.

Biodiversity Net Gain

The application meets the exemption criteria for self-build and custom build applications, therefore no BNG is required for this site. The Preliminary Ecological Assessment Report states at section 5.6 that there is a separate Biodiversity Net Gain Report, however this is not found within the document bundle on the planning portal and therefore has not been reviewed. The same paragraph in the above report gives recommendations for the installation of bat and bird boxes, reptile refugia and habitat boxes which, together with the additional planting would enhance the site for biodiversity. In order to make this an enforceable part of the planning permission and therefore meet the requirements of Wiltshire Core Policy 50 and NPPF, these enhancements must appear on the site plan. However, I am happy that this can be secured by condition.”

Subject to the conditions suggested above being imposed in the eventuality that planning permission is granted, there are no remaining concerns from an ecological perspective.

Drainage

The following comments have been received from the Drainage department:

“The LLFA has no objections to this outline proposal subject to a sustainable surface water drainage strategy being provided at reserved matters stage.

The applicant should note that in all instances the preference should be to utilise blue-green SuDS which provide multifaceted benefits to the site (in terms of water quantity, quality, amenity and biodiversity).

Any proposals should be designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753).”

10. Conclusion

PLANNING BALANCE

Principle of development: In light of the conflict found with CP 1 & 2 of the WCS, SP 11 & 12 of the NHP and the NPPF, the proposal for a detached residential property outside of any defined limits of development within an area of open countryside is considered to be unacceptable in principle. Wiltshire Council’s housing supply is currently secure; therefore, the development plan is considered to be up to date, and full weight is therefore given to this conflict.

Landscape and visual impact: The proposal would cause harm to the landscape setting and would have a negative visual impact due to going against the pattern of development and character of the area; as such, the proposals do not comply with CP 51 and 57 of the WCS. Significant weight is given to this conflict.

Impact on neighbour amenity: Any impact caused to neighbour amenity in this instance is considered to be relatively insignificant and could be ‘designed out’ at reserved matters stage. As such, neutral weight is afforded to this issue.

Highway Impacts: The highway officer has drawn attention to the unsustainable location of the proposed dwelling, but accepts that subject to conditions, the use of the site, and intensification of the access raise no objection on highways grounds. As such, the conflict caused here attracts modest weight.

Environmental and ecological impacts: The ecologist has raised no significant concerns with the proposal subject to conditions, from an ecological perspective, whilst an area of open grassland would be lost, this is offset by the provision of biodiversity enhancements that could be created within the scheme, as such, neutral wight is afforded to this issue.

Drainage: No concerns have been raised that could not be dealt with at the reserved matters stage, as such neutral weight it afforded to this issue.

Self-Build: The scheme would result in the provision of 1 self-build dwelling for the applicant to occupy. The Council has accepted recently that demand for self-build plots is advancing at a faster rate than is being met by current supply (APP/Y3940/W/23/3317252 Land to the East of Waitrose, A429, Malmesbury) and that in light of this, the appeal was allowed. Therefore, it would be logical to assume this development (which is also contrary to CP 1 and 2) should be considered in the same light.

However, this application is for a single dwelling, whereas the recent appeal decision (dated 5th March 2024) was for up to 26 dwellings in a location that the inspector considered to be reasonably sustainable (i.e. occupants could access services and facilities by a genuine choice of transport modes other than simply relying upon the private car). The same cannot be said for this site and therefore, although a benefit of the scheme, the wholly unsustainable nature of the site location and the fact that it is just one dwelling means that only limited to moderate weight can be given to this point.

In conclusion, the lack of identified harm against technical policies of the WCS is not a benefit of the development but would be a neutral aspect of it. The lack of technical objections and the conformity with policies within the development plan are therefore neutral points on the balance. The neutral points in this instance relate to impacts on ecology, neighbour amenity and drainage.

The overall proposal is afforded moderate weight in terms of the self-build aspect of the scheme; however, this is outweighed by the significant harm caused due to the impacts on the landscape setting and character and appearance of the area, along with the harm caused by the unsustainable location of the proposed dwelling.

It is considered that the adverse impacts of the proposed development (the conflict with CP 1, 2, 51, and 57 of the WCS of the development plan) would significantly and demonstrably outweigh the benefits (notably the self-build nature of the scheme), when assessed against the policies in this Framework taken as a whole. As such, the application should be refused.

RECOMMENDATION:

That planning permission be **REFUSED** for the following reasons:

1: Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy, the application site is not afforded a designation and is therefore considered to be in open countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that, within the limits of development of those settlements, there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other than in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 15 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Melksham Community Area in which the sit lies. It states that development in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

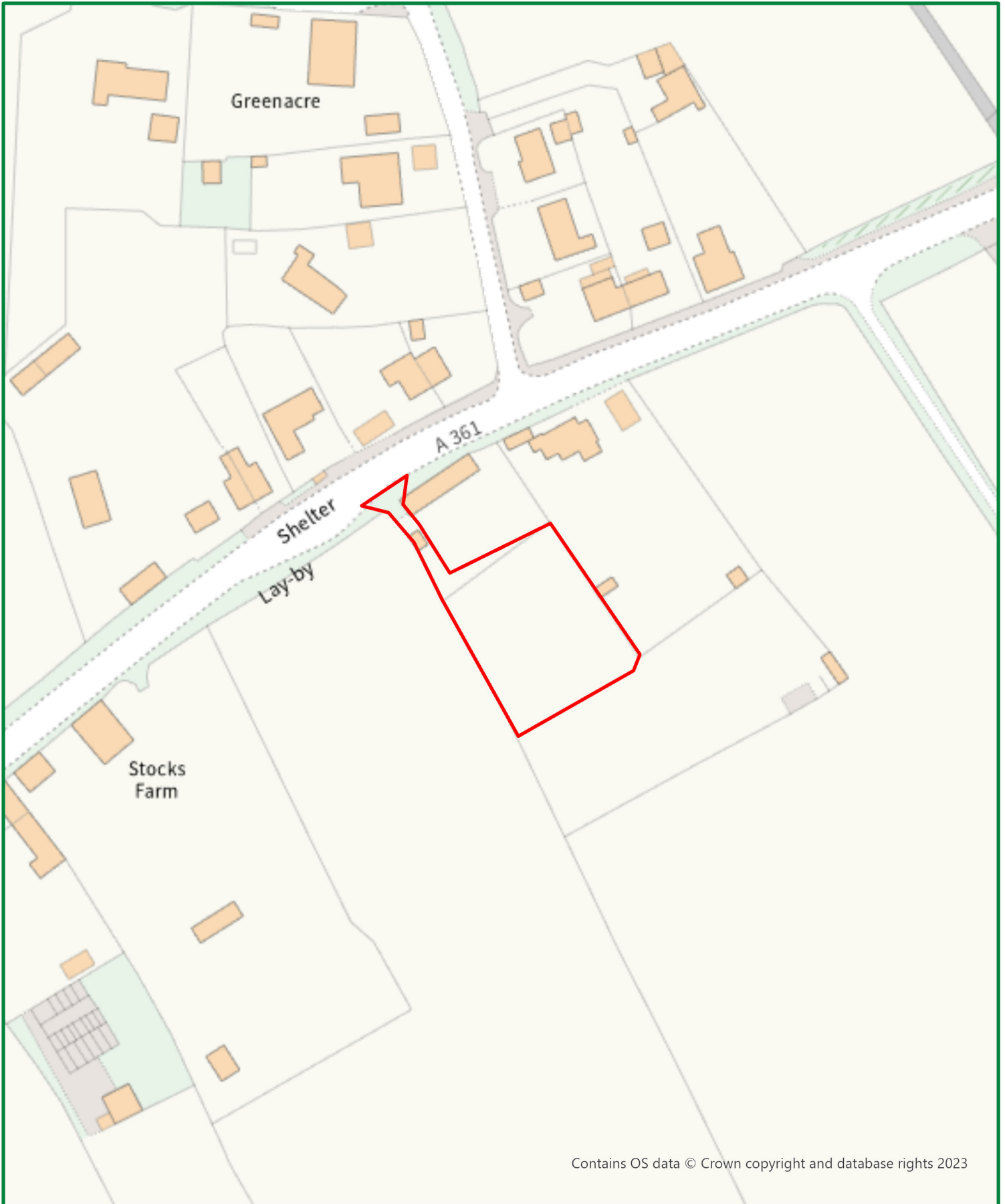
The proposal is for the change of use of the land to domestic use, with the erection of one 'self-build' dwelling and associated ancillary structure, the siting of which would be in the open countryside. Under Core policies 1, 2 and 15, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document.

Additionally, Core Policy 60 and 61 seek to locate new development in accessible locations reducing the need to travel, particularly by private car. By reason of the site's location in the open countryside, the proposal would also be in conflict with these policies as sustainable travel options are limited and reliance will be on the private car to meet most day-to-day needs.

Furthermore, there are no material considerations or exceptional circumstances, including those set out in other policies of the Plan, which override the core policy's position. The proposal is therefore contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy, and paragraphs 2, 7-15 and 47 of the National Planning Policy Framework (NPPF) since it comprises unsustainable development.

2: The proposed development would be built in a field that forms part of the open landscape character of the area and would form an unnatural extension to the existing development in that area. Development of this field would erode the rural landscape setting by introducing a domestic use and built form on this undeveloped edge, which in turn would harm its character and visual amenity. Therefore, it would conflict with the aims of Core Policy 51 of the Wiltshire Core Strategy 2015 to conserve or enhance the landscape settings of settlements and to maintain the separate identity of them and the transition between man-made and natural landscapes at the urban fringe. Furthermore, it would conflict with paragraph 180 of the National Planning Policy Framework 2019.

The development would result in 'backland' development, which is uncharacteristic of the area and would result in harm to the landscape setting. The proposed location of the development would conflict with Core Policy 57 of the Wiltshire Core Strategy 2015 which seeks to enhance local distinctiveness by responding to the value of the natural and historic environment including landscape setting, to be sympathetic to and conserve historic buildings and historic landscapes and to take account of the characteristics of the site and the local context to deliver appropriate development which relates well to its immediate setting.



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