

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	10/03/2021
Application Number	20/08997/FUL
Site Address	97 East Gomeldon Road Gomeldon SP4 6LZ
Proposal	Change of use of current agricultural land to residential area. Construction of proposed new chalet bungalow.
Applicant	Mr and Mrs W Maher
Town/Parish Council	IDMISTON
Electoral Division	Bourne and Woodford Valley - Cllr Hewitt
Grid Ref	419119 135595
Type of application	Full Planning
Case Officer	Hayley Clark

Reason for the application being considered by Committee

This application is brought to committee at the request of Councillor Hewitt, for the following reasons:

- The health of the applicant's son who will be requiring care. The son will deteriorate and will need special facilities.
- There would have to be a special condition tying the bungalow and the new house together – not to be sold separately.
- I understand that the phosphates levels which were preventing new dwellings in the River Avon catchment are being resolved.
- I do not believe the new house will be out of character with other houses in the area.

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

- Principle
- Personal Circumstances
- Character & Design

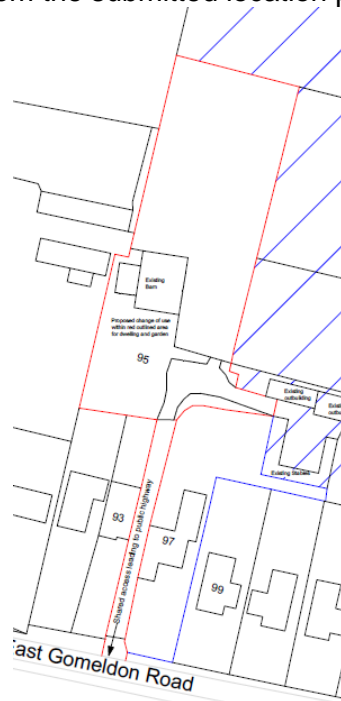
- Neighbouring Amenities
- Highway Safety
- River Avon Special Area of Conservation (SAC) catchment area

The application has generated a letter of support from Idmiston Parish Council; and no letters from third parties.

3. Site Description

The application site relates to agricultural land located on the north side of East Gomeldon Road; whilst the site has its own address it has no associated dwelling, the only buildings on the land are for agricultural use, stables or outbuildings. The site address is actually 95 East Gomeldon Road but is under the same ownership as 97 East Gomeldon Road,

The access to the site runs between 93 and 97 East Gomeldon Road and is bordered by fields to the east, north and west with residential properties to the south. The site is located on sloping ground with the highest point to the north, sloping down towards the road to the south. The snip-it below taken from the submitted location plan shows this relationship

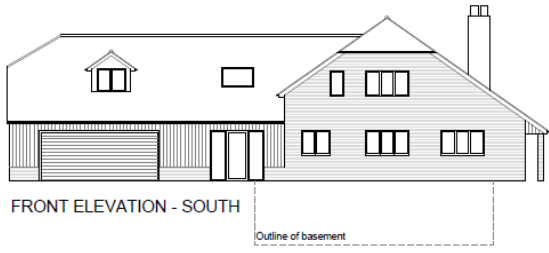


4. Planning History

20/01969/FUL Erection of a new chalet bungalow, change of use of land from agricultural to residential. This application was withdrawn following objections from Officers and a recommendation for refusal regarding the principle of development, character and design and phosphate loading on the River Avon SAC.

5. The Proposal

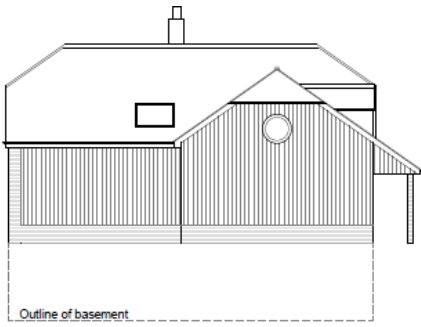
This is a full application which now proposes the erection of a four bed, three storey dwelling (one storey being below ground described as a basement) on agricultural land in the open countryside. Proposed plans and floor plans shown below for convenience.



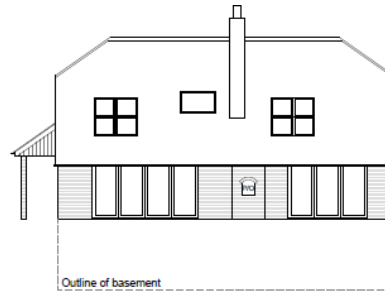
FRONT ELEVATION - SOUTH



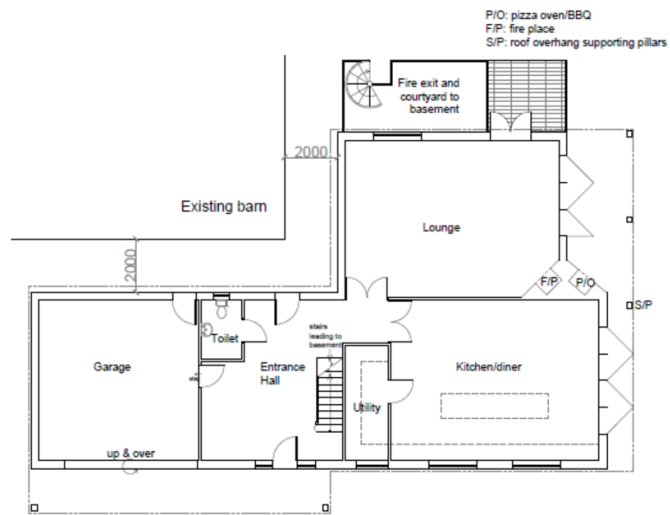
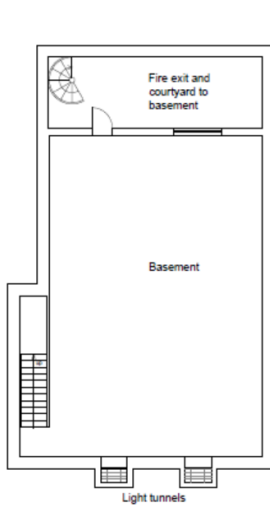
REAR ELEVATION - NORTH

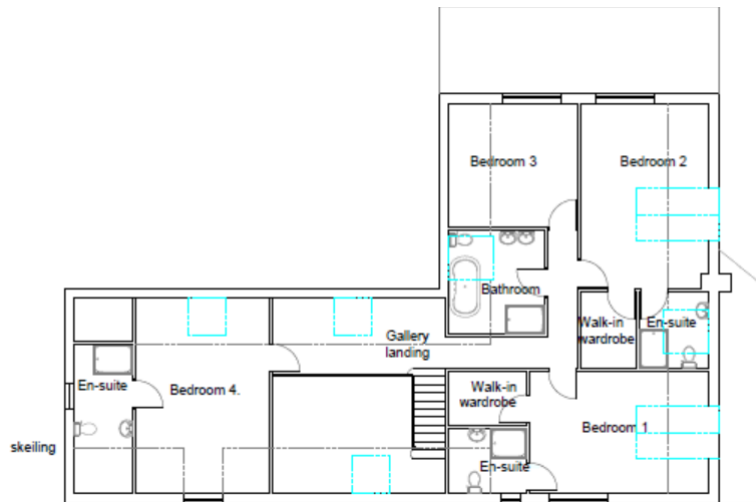


SIDE ELEVATION - WEST



SIDE ELEVATION - EAST





The proposed new dwelling and associate residential curtilage will be for Mr and Mrs Maher to reside whilst their son Toby (14) will live in the existing three bed bungalow at 97 East Gomeldon Road. The basement in the new house is for a gym which Toby will have access to.

6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Salisbury District Council Local Plan policies (Saved by Wiltshire Core Strategy)

Wiltshire Core Strategy (WCS):

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP4 (Amesbury Community Area)

CP46 (Meeting the needs of Wiltshire's vulnerable and older people)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport and Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP69 (Protection of the River Avon SAC)

Supplementary Planning Documents:

Idmiston, Porton, Gomeldon Village Design Statement (VDS)

Idmiston Parish Council Neighbourhood Plan 2015-2026 (NHP)

Affordable Housing SPG (Adopted September 2004) Affordable Housing SPG (Adopted September 2004)

Achieving Sustainable Development SPG (April 2005)

Wiltshire Local Transport Plan – Car Parking Strategy

Creating Places Design Guide

7. Summary of consultation responses

Idmiston Parish Council

Support

Highways

The site is located in the village of East Gomeldon to the rear of a row of existing dwellings.

East Gomeldon does not have a development boundary and I will be guided by you as to whether you consider the proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019, which seek to reduce the need to travel, particularly by private car and support and encourage sustainable, safe and efficient movement of people and goods.

I also note that this application is a resubmission of application 20/01969, which sought permission for a similar development. As per previous advice from this Highway Authority, I do not view the proposals to be likely to create a highway safety issue.

Therefore, should you be minded to support the development with regards to sustainability, I wish to raise no highway objection providing the following conditions are imposed:

(WD20) No part of the development hereby approved shall be first occupied until the parking and turning area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

(WG2) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

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

Informative

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

Archaeology

No objections

8. Publicity

This application was advertised through the Parish Council and neighbour letters as well as statutory consultees.

9. Planning Considerations

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

9.1 Principle of development

NPPF

The NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS), saved policies of the Salisbury District Local Plan, the Wiltshire Local Transport Plan, neighbourhood plans and village design statement.

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Wiltshire Core Strategy

Core Policy 4 confirms that development in the Amesbury Community Area (which includes Gomeldon) should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Amesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating 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.

Gomeldon is identified as a small village where any settlement boundaries have been removed, Gomeldon is therefore classed as being situated in the open countryside and as such is in an unsustainable location where there is a general presumption against new development, particularly of a residential nature. **There is therefore an “in principle” objection to the erection of a new dwelling on this site in a small village, in the open countryside, in an unsustainable location.**

Exemption policies in Wiltshire Core Strategy

However, Para 4.25 of the Core Strategy details how there are ‘exemption policies’ which can allow development in special circumstances in areas where they would normally be resisted. These policies are listed below:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

Officer’s note that where there is a change from agricultural to residential, it is normal to class the agricultural land as countryside and wouldn’t as a rule allow a new dwelling there unless it was for an agricultural worker – Core Policy 48 relates. Core policy 48 is not however relevant for the proposed development at 97 East Gomeldon Road.

Of the above exemptions, only one is relevant to the application before us, this is **Specialist accommodation provision (Core Policies 46 and 47)**, noting Core Policy 47 does not apply as this related to Gypsies and Travellers.

Core policy 46 (Meeting the needs of Wiltshire’s vulnerable and older people) supports “The provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required. Wherever practicable, accommodation should seek to deliver and promote independent living.”

Provision of homes and accommodation for vulnerable people will be supported, including but not limited to:

- iv. people with learning disabilities
- v. people with mental health issues
- vi. homeless people and rough sleepers
- vii. young at risk and care leavers.

Such accommodation should be provided in sustainable locations, where there is an identified need, within settlements identified in Core Policy 1 (normally in the Principal Settlements and Market Towns) where there is good access to services and facilities.

This proposal is looking to provide accommodation for someone with learning disabilities (point iv above) – Toby. However, the new large four bed house proposed with this application is for Mr and Mrs Maher (Toby’s parents) to live in and not for the person with the disability. Therefore, effectively the proposed new dwelling is not being constructed for the occupation by someone who fulfils the above criteria. The above criteria also state that *“Such accommodation should be provided in sustainable locations where there is good access to services and Facilities”*.

It has already been identified above that the site lies within open countryside and is not deemed to be within a sustainable location and is not near services and facilities.

In exceptional circumstances, the provision of specialist accommodation outside but adjacent to the Principal Settlements and Market Towns will be considered, provided that:

- viii. a genuine, and evidenced, need is justified
- ix. environmental and landscape considerations will not be compromised
- x. facilities and services are accessible from the site
- xi. its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement

vii a genuine, and evidenced, need is justified

The application site is outside of a small village in the open countryside and is not adjacent to the Principal Settlements and Market Towns; the proposed dwelling is therefore discordant with this element of Core Policy 46.

The submitted application documentation details that the proposed dwelling will be for Mr and Mrs Maher to live in to allow their son Toby who has Downs Syndrome to live in the existing 3 bed bungalow at 97 East Gomeldon Road. The new dwelling will allow for Mr and Mrs Maher to live near Toby to assist if needed.

The application is supported by a letter from a Family Support Worker for Ups and Downs Southwest charity, the letter detailing some of the possible health issues of Down Syndrome. The letter also says that Toby is currently 14 years old and will be unable to live independently without adult support to do things such as access services and carry out day to day activities. With Mr and Mrs Maher living close by they can help with Toby.

Therefore, the documents do show that when Toby is an adult in a few years’ time and if he is able to and wishes to, he will not be able to live independently as he will require support by an adult whether this is a parent or other carer. The documents do not however justify why a large four bed dwelling is required in the open countryside for Mr and Mrs Maher, although it is understood that should Toby be unable to live on his own for any reason then he would move back into the family home which would be the new 4 bed dwelling. A small, modest one or two bed bungalow for Toby to live in would have been more in line with the aims and spirit of the policy.

The application also does not provide supporting information or justification as to why other sites have or have not been looked into and why other sites are not suitable. It is understood that Mr Maher has lived in the general area for a number of years and wishes to remain local.

Therefore, it is Officers opinion that the proposed development for the erection of a large four bed, three storey house (if you include the basement) for Mr and Mrs Maher to live in, which does not include any of the normal features that would be associated with a disability such as larger doorways, wet room, hoist etc does not comply with the exemption policy and is contrary to core policy 46. Officers do appreciate that Mr and Mrs Maher wish for the best for Toby for the future but feel that the dwelling as proposed in the open countryside is in principle when applying the policies and guidance within the NPPF and Core Strategy unacceptable and does not meet the aims and spirit of this these national and local policies.

Of note is an application approved by Wiltshire Council for a new dwelling for a disabled person which was contrary to policy as it was to be erected outside of the defined settlement limits of The Winterbournes. This was application 14/03915/FUL, the applicant is of the opinion that this is similar to their situation. This application was not assessed against the current national (NPPF 2019) and local (Wiltshire Core Strategy, Neighbourhood Plan) planning policies and guidance but was assessed against previous policies which have been superseded.

The siting of the proposed dwelling was in open countryside and therefore in an unsustainable location, but the new dwelling included special adaptations within the design to allow for the disability of the member of the family. This site is different from the site at East Gomeldon in many ways and is not considered comparable.

The location of this approved dwelling shown on the snip-it below from the approved location plan from 14/03915/FUL.



Neighbourhood Plan

The application site falls within the Idmiston Parish Council Neighbourhood Plan 2015 – 2026. The application site is not identified as a site for possible future development in this Neighbourhood Plan.

Page 37 of the Neighbourhood Plan states that

*Importantly, Porton is identified as a large village where residential development should predominately take the form of small housing sites within the defined limits of development. **The Gomeldons are collectively identified as a small village where development will be limited to infill within the existing built up areas.** Idmiston is not identified in the*

settlement strategy and consequently there is a general presumption against development there.

There is one site on East Gomeldon Road indicated for development of a single dwelling in the Neighbourhood Plan, this is at the far east end of East Gomeldon Road at Land at St Judes, East Gomeldon Rd, East Gomeldon, labelled as site reference G5 in the Neighbourhood Plan.

Policies 15, 17 and 19 of the made Neighbourhood Plan are relevant as detailed below.

“Policy 15 - Housing Needs. The Parish Council is committed to ensuring that sufficient Affordable Housing is available to meet the needs of those who live in the Parish or the locality of Idmiston. Core Policy 44 of the Wiltshire Core Strategy allows the development of ‘rural exception’ sites and Core Policy 46 of the Wiltshire Core Strategy supports the provision of housing for older people as an exception. Small schemes for affordable and elderly persons accommodation which come forward in compliance with this policy will be supported, subject to other policies within the plan. All other proposals for residential development will be expected to comply with Core Policy 43 of the Wiltshire Core Strategy.”

“Policy 17 - Development Criteria Any developments in villages will need to meet all of the following criteria:

- Be well related to the existing village envelope*
- Be of modest scale and not generally exceed ten dwellings, in order to protect the rural nature of the village*
- Reflect the character and variety of the existing pattern of development in the village*
- Follow the lines of the contours on sloping sites to ensure a better fit with the existing landform”*

Policy 19 - New Development Sites. The Neighbourhood Plan will facilitate the delivery of approximately 32 homes across the Plan period. The delivery of new homes will be monitored, in the event that the development of new homes through existing commitments or proposals will not achieve the figure of approximately 32 dwellings, consideration will then be given for the development of the sites shown in Figure 1 of the plan. Subject to other policies in this Plan new residential development proposals will be supported to achieve the housing requirement where they deliver infill development or at the large village of Porton small scale development of no more than 11 homes within and immediately adjacent to the settlement boundary of Porton, as established in the Core Strategy. Residential development elsewhere in the Plan area will be resisted.

Policy 15 of the Neighbourhood Plan acknowledges Core Policy 46 but only in relation to older people, this does not refer to vulnerable or special needs. Regarding Policy 17, it could be argued that the proposal does not meet all elements of this policy such as being well related to the existing village envelope and reflecting the character and variety of the existing pattern of development in the village. Finally, Policy 19 says that housing outside of the allocated sites will be considered if they are infill but that development elsewhere in the plan will be resisted, the development is not considered as infill development as explained below and therefore does not comply with the policies of the Neighbourhood Plan.

Infill development

Core policy 2 states that *“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*

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

For the purposes of Core Policy 2, infill is defined as: “the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling”.

For the purposes of infill to be considered acceptable, the site would not only need to be clearly within the built up area of the village but also needs to fill a small gap between other residential dwellings (one on either side at least or surrounded by existing dwellings) and which is only capable of providing 1 or 2 dwellings

The siting for the proposed dwelling is on agricultural land, on higher ground to the north of the main ribbon of residential development which follows the East Gomeldon Road. The site is not located between other existing residential dwellings and does not fill a gap, for the purposes of core policy 2, the proposed development is not considered to be infill development.

Principle summary

The application site is located in a small village and is considered to be in the open countryside; the site is considered to be in an unsustainable location where there is a presumption against unsustainable development, with no direct access to facilities and services and is contrary to Core Policies 1, 2 and 4 of the Wiltshire Core Strategy and the aims of the NPPF. Furthermore, the site is not identified as a site for future development within the made Neighbourhood plan, is not considered to be infill development and is not considered to be justified in terms of compliance with the exemption policies as defined within core policy 46. The proposed new dwelling is therefore not considered to be acceptable in principle.

9.2 Personal Circumstances

The applicants are aware of the policy restriction of new dwellings in the open countryside but feel an exception could be made due to the special needs of the applicants' son, Toby. Personal circumstances of the applicant are not normally a material planning consideration, however, where these circumstances are exceptional and clearly relevant (e.g. provision of facilities for someone with a disability) then some flexibility can be given in determining applications.

The personal circumstances of the applicant and the applicant's family in particular the applicant's son, Toby have already been described above but these personal circumstances in this instance are a material consideration for determining this planning application. The proposed development seeks to achieve a new dwelling for the parents (Mr and Mrs Maher) to live in so that their son, Toby who is 14 years old and has Downs Syndrome can live in the existing three bed bungalow at 97 East Gomeldon Road. It is understood that Toby wishes to live independently when he is an adult but due to his disability will need care in some form although this is not known at this point. Having his parents close by will help with everyday activities although a live in carer may be required at some point. Officer's appreciate that the family are trying to do what they feel best for Toby for the future and it is unfortunate that the proposed development on this site is contrary to the exemption policy as

it is not designed as a new dwelling for someone with a disability both in terms of scale, design and siting.

9.3 Character & Design

East Gomeldon Road currently consists of a long road that extends from Gomeldon Road to the west; under the railway line; and continues in an easterly direction. East Gomeldon Road comprises mainly of development along the northern side of the road with fields and open countryside to the south; exceptions to this include the small housing development to the east of the railway line which includes Broadfield Road/Close, Hillside Drive and Ladymith.

Properties on the northern side of East Gomeldon Road are predominantly residential plots which are sited towards the front of the plot with rear linear gardens with a few being sited towards the rear of the plot with linear front gardens. The properties are bounded by fields to the north. Generally, any built development further to the north and uphill of the line of dwellings along East Gomeldon Road relates to stables, outbuildings or occasional farm buildings. The dwellings along East Gomeldon Road comprise a mix of architectural design and ages but the prominent scale is that of bungalow development. There are few examples of residential dwellings being built behind other residential dwellings, normally known as tandem or backland development, both tandem and backland development are unusual for this location.

The siting of the proposed dwelling is therefore not considered to follow the existing pattern of development and is outside of the existing building line. Erecting a new dwelling in the position shown which includes the rear garden extending further to the north will be out of keeping with the character and appearance of the area and would constitute harmful encroachment into the open countryside.

The applicant cites a number of properties which they feel are similar in terms of character to their proposed dwelling, these will be described below. Officers do not concur with the views of the applicant and feel that each of the examples cited does not support the new dwelling in the location proposed and is not comparable in terms of siting, design or character.

1. 81 East Gomeldon Road received outline consent for a new dwelling (18/03762/OUT) to the front of the existing dwelling. The existing dwelling was set back from the road with the new dwelling to be constructed in line with the existing dwellings closer to the road within the existing front garden; the new dwelling considered to be following the existing pattern of development. This development was classed as tandem development which is unusual for this location; the existing dwelling being sited towards the rear of the plot and barely visible from the road. The new dwelling was considered to visibly fit in with the character of the area. This proposal did not encroach on the open countryside and did not propose to extend the residential curtilage to the north of existing residential curtilages.

Snip-it from approved site plan below, noting East Gomeldon Road to the bottom (south) of the image.



2. 83 East Gomeldon Road, is one of a few dwellings along this road which have been constructed towards the rear of the residential plot with a long front garden as can be seen in the snip-it below taken from the Council's mapping. This is not comparable to the site at 97 East Gomeldon Road where the new dwelling will be constructed to the north of the dwellings shown below with its residential gardens extending even further north. No site history can be found for when this dwelling was erected but an application from 1992 for an extension has been found therefore the dwelling was constructed before 1992.



3. 159 (Rogues Roost) East Gomeldon Road, new dwelling was approved in 1992 with additional residential curtilage added in 1997. This site also does not encroach on the open countryside to the north and is not considered directly comparable to the site at 97 East Gomeldon Road.



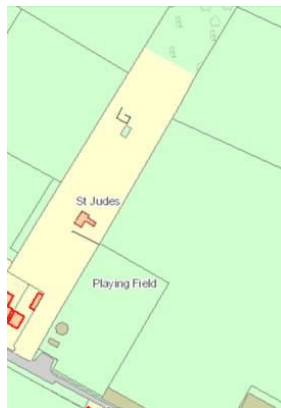
4. 195 East Gomeldon Road also known as Little Dale Farm is a form of backland development and was construction pre 1970. This dwelling is located fairly close to East Gomeldon Road and does not encroach on the agricultural land or open countryside, indeed the dwelling has associated outbuildings and agricultural land to the north.



5. 59 East Gomeldon Road is perhaps the most like the application site in that it is an anomaly and is therefore not considered to represent the character of this locality as it is one property. Looking at the site history, an application for a replacement dwelling was approved under planning reference S/1983/0495 but a later application for a new dwelling and access was refused in 2001. If anything, this application demonstrates why any further dwellings encroaching on the agricultural land and open countryside of the local area will be harmful to the character of this area.



6. 223 East Gomeldon Road, this is the last dwelling along the northern side of the road at the east end. In 2015, application 15/09817/FUL was approved for the replacement of a mobile home with a log cabin. Noting this site is one which is designated within the made Neighbourhood Plan as suitable for an additional dwelling. This site is not considered to be comparable with the application site.



From the brief run through above, Officers do not feel that there are any directly comparable dwellings along East Gomeldon Road which set a precedent for the erection of the new dwelling at 97 East Gomeldon Road. Notwithstanding this, each site must be assessed on its own merits and in this instance the erection of a new dwelling in the location shown at 97 East Gomeldon Road is considered to be out of keeping with the character of the local area and is considered to form a harmful development due to the encroachment on the open countryside. There are also concerns that by allowing one dwelling in the proposed location, in the open countryside which is contrary to policy that this will lead to further applications for similar development, further eroding the open countryside.

In terms of the design of the new dwelling, this is a large dwelling with a large footprint; the locality is formed from predominantly bungalow development although there are examples of larger properties along East Gomeldon Road. The new dwelling being effectively three stories (basement included as one) and located on higher ground to the north of the ribbon development alongside East Gomeldon Road is likely to form a prominent feature in the landscape as seen from the southern side of East Gomeldon Road and from the hillside on the southern side of the valley. It is considered that a single storey dwelling here would be more in keeping with the character of the area and would have less visual impact on the character and appearance of the area.

The location of the proposed dwelling will be visible from the road to the south, its siting to the side/front of the existing barn means it will be constructed directly in line of sight looking up the driveway between 97 and 93 East Gomeldon Road. Currently looking up the driveway looks into fields and is open, this character would be changed completely with the new dwelling in the proposed location. Other dwellings situated further back within the plot are well screened from the road and barely visible. In this instance it is considered that the location of the proposed dwelling to the front and side of the existing agricultural building will form an incongruous addition to the detriment of the character of the area and the loss of the rural feel for this site.

It was noted on site that the area where the proposed parking/turning area is to be located is well screened from views from the south; a small 1 or 2 bed bungalow moved into this corner would have far less visual impact and would barely be visible from views outside of the site.

Officers are therefore of the opinion that the proposed development will have an adverse impact on the character of the local area and rural landscape through its siting, scale and design.

9.4 Neighbouring Amenities

WCS policy CP57 (Ensuring High Quality Design & Place Shaping) also requires new development to have 'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution'. The NPPF also confirms that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens.

The location of the proposed dwelling will be largely surrounded by fields, with residential properties only to the south. The proposed dwelling will be constructed on higher ground than the neighbouring properties due to the sloping topography of the site; there are therefore concerns regarding overlooking/loss of privacy. Had this application been recommended for approval and had been in accordance with policy further may have been requested to ensure the level of harm to neighbour amenity was acceptable.

The main property affected is 93 East Gomeldon Road; the only issue really is with the dormer on the front elevation. This would be better as a rooflight if the scale of dwelling were to be erected as this would have less impact. It is however not considered that the impacts from the dormer alone would be on a scale which warrants a refusal in this instance due to the boundary treatment between the adjacent properties and that the parking area for the new dwelling will add further separation distance. It is also not considered that the proposal

will result in significant implications for neighbour amenity through loss of light or being overbearing.

9.5 Highway Safety

The application is proposing the erection of a single dwelling accessed off an existing access and driveway which serves one other property.

Current parking policy, and the terms and conditions for Wiltshire's resident parking permit schemes, are presented in 'LTP3', which is the third evolution of the Wiltshire Local Transport Plan. LTP3 sets out the Council's objectives, implementation plans and targets for transport in Wiltshire for the period from March 2011 to March 2026.

Regarding parking standards, LTP3 sets out minimum space requirements for residential developments. The standards follow:

Bedrooms	Minimum Spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor Parking	0.2 spaces per dwelling (unallocated)

The submitted plans show that three parking spaces can be provided which accords with the above guidance for a four bed dwelling. The Council's Highways Officer has raised no concerns regarding highway safety or parking.

The Council's Highways Officer has however raised concerns regarding the location of the property outside of any local settlement boundaries and therefore in the open countryside and therefore in an unsustainable location meaning the dependence upon the private car for residents and their visitors. The proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019, which seek to reduce the need to travel, particularly by private car and support and encourage sustainable, safe and efficient movement of people and goods.

9.6 River Avon Special Area of Conservation (SAC) catchment area

Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

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

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)

- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021.

However, as this application is not planned residential development i.e it is in the open countryside contrary to core policies 1, 2 and 4 and does not accord with the exemption policies in the core strategy or aims of the NPPF and is not an allocated site in the Neighbourhood Plan. The application does not therefore fall within the scope of the mitigation strategy and generic assessment. At this time as the site is not planned development it is concluded that the proposed residential development will lead to adverse impacts through phosphate loading on the River Avon SAC.

9.7 CIL/S106

In line with government guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), 1 proposed dwelling does not generate the need for S106 contributions. The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department.

10. Conclusion (The Planning Balance)

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

The site is not identified as a site for possible future development in the made Neighbourhood Plan and is not considered to comply with any of the exemption policies as defined within the Wiltshire Core strategy. The property is for the parents/family of Toby, a 14 year old with Down Syndrome to live in while Toby resides in the existing 3 bed bungalow, this however does not accord with exemption policies as the proposed dwelling shows no design features that would indicate its use by someone with a disability.

The siting of the proposed dwelling is not considered to follow the existing pattern of development for East Gomeldon Road and is considered to constitute unwelcome encroachment into the rural landscape to the detriment of the character and appearance of the local area.

The scale and siting of the proposed dwelling on raised ground due to the sloping topography of the site and with the dwelling sited directly in line with the access from East Gomeldon Road is considered to create an incongruous addition to the landscape where a more modest single storey one or two bed dwelling situated more to the south west corner of the site would have minimal visual impact.

There is an ongoing issues regarding phosphate loading in the River Avon SAC Catchment Area. As this site is not planned development, it is not covered by current mitigation measures as agreed with natural England; it is therefore not possible to conclude that the proposed development will not cause harm

11. RECOMMENDATION:

That planning permission be REFUSED for the following reasons

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

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

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

2. The character of East Gomeldon Road is defined by ribbon development along the north side of East Gomeldon Road with dwellings either located at the front of the residential plots with linear rear gardens or located at the rear of the plot with linear front garden. Tandem or backland development is unusual for this road. The siting of the proposed dwelling located further to the north than existing dwellings and their curtilages is considered to for harmful encroachment of residential development into the rural landscape, contrary to core policy 57 of the Wiltshire Council Core Strategy. The scale and siting of the dwelling on raised ground will result in an unduly prominent form of development which will be out of keeping for the locality in this rural landscape contrary to core policy 57 of the Wiltshire Council Core Strategy.
3. The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with The Habitat Regulations 2017, Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.