

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	27 th April 2022
Application Number	PL/2021/08063
Site Address	Meadow View, The Common, Minety, Malmesbury, SN16 9RH
Proposal	Demolition of existing residential dwelling and garage, and construction of a replacement dwelling and garage plus associated works
Applicant	Mr and Mrs Richardson
Town/Parish Council	Minety Parish Council
Division	Minety
Grid Ref	403916 189396
Type of application	Full Planning
Case Officer	Perry Lowson

Reason for the application being considered by Committee

The application has been called to committee by Cllr Chuck Berry because:

- The older building is simply not viable for a full 'green up' so to take it down and rebuild is the most appropriate.

1. Purpose of Report

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

2. Report Summary

There were three comments received from consultees and no comments from neighbouring parties. These are summarised within the Sections 7 (Consultations) and 8 (Publicity) of this report.

Those issues deemed to be most pertinent to the determination of the application are as follow:

- Principle of Development
- Impact on the Character and Appearance of the Site & Locality
- Impact on Residential Amenities
- Highways Safety
- Ecology
- Lawfulness

3. Site Description

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

The site constitutes a detached dwelling, with associated extensive private amenity space to the rear. The dwelling itself is two storeys with a gabled roof. Exterior materials constitute painted render, interlocking roof tiles and white uPVC fenestration. The dwelling benefits from a single storey extension incorporating a garage to the northeast elevation and partly wrapping around the northwest elevation.

With regard to the site surroundings, the site is located on The Common, which constitutes a linear string of disconnected residential and agricultural development poorly related to the built-up area of Minety, which is situated to the northwest. There is no dominant architectural style on The Common.

In terms of physical constraints, a review of constraints mapping indicates that the site is not subject to any major constraints which would prevent development of the proposed nature.

In terms of policy constraints, the site is not within any designated area.

4. Planning History

Note that the below is not necessarily an exhaustive list and only includes those applications deemed to be of relevance to the current proposal.

20/08854/FUL

Erection of replacement dwelling. Refused 25th February 2021.

2661 (HJL/PB/U.47/69)

Erection of dwellinghouse and demolition of existing dwelling at The Common, Minety for Mr. G. C. V. Hicks. Approved with conditions 2nd June 1969.

There is no history of pre-application advice having been sought for the proposed development.

Pertinent to the determination of this application, there is no history of planning permission being granted for the single storey rear extension connecting the garage to the main dwelling, nor the garage itself, and as such it is considered likely it was constructed under permitted development rights.

Additionally, reference is given in latter sections of the report to additional applications, these are listed below for reference:

20/04360/FUL

Dudgemoor Farm, Hayes Knoll, Purton Stoke, SN5 4JJ. Replacement dwelling and associated works. Refused 23rd July 2020, allowed at appeal 15th April 2021.

20/10220/FUL

Cherry Patch Cottage, Chippenham Road Biddlestone East to Sheldon Corner, Sheldon, SN14 0RH. Replacement dwelling and associated landscaping. Approved with conditions 28th January 2021.

16/04520/FUL

Bodega Cottage, Bath Road, Colerne, Chippenham, SN14 8AT. Replacement Dwelling. Approved with conditions 18th August 2016.

16/02780/FUL

Avalon, Wick Hill, Bremhill, Wiltshire, SN11 9QL. Demolition and replacement of existing bungalow and outbuildings with a new house. Approved with conditions 15th June 2016.

16/12421/FUL

Oaklands, Wood Lane, Braydon, SN5 0AH. Erection of replacement dwelling, new garage with ancillary accommodation above, new stable building and widened access. Approved with conditions 1st March 2017.

18/10159/FUL

Oaklands House, Wood Lane, Braydon, SN5 0AH. Erection of replacement dwelling, new garage with ancillary accommodation above, new stable building and widening access (minor alterations pursuant to extant planning permission 16/12421/FUL). Approved with conditions 14th February 2019.

5. The Proposal

Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling with detached garage and associated works.

The replacement dwelling would be of two storeys with a gabled roof and repositioned and reoriented within the site to be set back and southwest facing. Exterior materials would constitute Cotswold rubble stone with case dressing walls, natural slate roof tiles and aluminium fenestration. Exterior detailing constitutes an open gable porch, sills and lintels, decorated quoins and significant full height glazing on the rear elevation. The garage would be timber clad.

6. Planning Policy

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

Neighbourhood Plan

The site is located within Minety CP. Minety is an undesignated area and does not benefit from a neighbourhood plan at this time.

Wiltshire Core Strategy (2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Spatial Strategy for the Malmesbury Community Area

Core Policy 44: Rural Exceptions Site

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51 Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Wiltshire Housing Sites Allocation Plan (2020)

Settlement Boundary Review

North Wiltshire Local Plan 2011 (2006)

H4 Residential Development in the Open Countryside

National Planning Policy Framework (2021)

Paragraphs 2, 8, 11, 12, 80, 124, 130, 134, 180 and 188

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

7. Consultations

Minety Parish Council

No objection raised.

Wiltshire Council Ecology

Confirmed no comment.

Wiltshire Council Highways

No objection. The Highways Officer noted that parking and access is adequate and that the replacement dwelling will not place additional vehicles on the local road network. With regard to the garage, the following condition was recommended:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To ensure that adequate provision is maintained for parking in the interests of highway safety and amenity.

Wiltshire Council Building Control

Comment. The Building Control Officer summarised the issues raised within the two building surveys as follows:

Main Dwelling:

- Large areas of damp to exterior and internal walls, attributed to rising damp bypassing the DPC.
- Likely lack of cavity wall insulation.
- 'Wet' readings on ground floor attributed to likely lack of damp proof membrane. Also likelihood of no thermal insulation given age. The latest report states dampness to be a "progressive and live issue".
- Damp readings to ceilings and staining to roof timbers attributed to water ingress at chimney flashings and/or lack of roof felt.
- Some 'spring' noted to first floor joists attributed to potential over spanning of some joists.
- Out of date wiring.
- Potential lead pipes in water supply.

Single Storey Extension:

- Single storey part to the rear adjudged as being structurally unsound and showing signs of progressive movement. It is noted that the front elevation has "significant cracking...indicative of foundation failure and lack of lateral restraint." The latest report states that "the building shows further signs of progressive structural movement to the single storey part which makes up a significant proportion of the dwelling". Given that monitoring has established that the cracking is progressive, it is likely as the report concludes to continue to worsen over time. This, in conjunction

with the 14mm crack width now seen, is indicative that a major intervention in both terms of repair/rebuilding and prevention will be required for the affected areas. The report does not highlight any cracking to the two storey part of the building and does not suggest that the structural integrity of the two storey part of the dwelling has been, or will be impacted by the cracking in the single storey part of the dwelling.

- Some sagging of single storey roof. The latest report states that there are “now failures in the external envelope (roofs) allowing penetrating damp to the inside and further deterioration to fixtures and finishes”. Image 5 in the new report mentions failure of roof finish, and appears to be in the single storey part of the dwelling, as does image 6. I have therefore taken this latest statement about failures of roofs to be limited to the single storey extension.
- Likelihood of asbestos materials in elements such as single storey roof sheeting, soffit boards and artex.
- “Electrical” fire to single storey part as well.

The Building Control Officer concluded that the reports indicate that, by the provision of Table A, that the property can be retained. However, it is noted that the report states that there is little value in doing this on cost benefit analysis grounds and that the retention would be extremely difficult to meet the client’s development brief, which in turn is considered to lead to the conclusion that the building has reached the end of its life cycle.

With regard to the latest report, the Building Control Officer considered that it did encompass the whole dwelling, but that “further signs of progressive movement” and “failures in the external envelope (roofs) allowing penetrating damp to the inside and further deterioration to fixtures and finishes” mentioned appear to be confined to the single storey elements of the building.

The new report is considered to expand upon the cost benefit analysis approach by including the “structure has reached the end of its life cycle, repairs are no longer a practical option and demolition is the only viable option”. The Building Control Officer noted that in particular local underpinning was also being ruled out. The Building Control Officer considered that the report’s author is right that partial underpinning can be problematic. A more extensive remedial solution and/or rebuild would likely now be required, involving further investigation works as to the causes of the cracking and the nature of the existing foundations as a precursor. This would undoubtedly tilt the CBA argument further towards a complete demolition and rebuild.

8. Publicity

No neighbour responses were received.

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Wiltshire Housing Site Allocations Plan (Adopted February 2020); and the ‘saved’ policies of the North Wiltshire Local Plan (NWLP) 2011 (Adopted June 2006).

Principle of Development

The application site is located within the open countryside outside of any defined settlement. Core Policy 2 of the Wiltshire Core Strategy states other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled, to restrict homes being built in unsustainable locations, remote from local services, facilities and which necessitates access and travel by private motor vehicle for day to day needs in accord with the provisions of the framework.

As referenced above, Paragraph 4.25 lists a number of exception policies whereby development may be permitted outside settlement boundaries. Those exception policies include: 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 Provisions (Core Policies 46 and 47); and Supporting Rural Life (Core Policy 48). Additionally, provision is made within those 'saved' policies of the North Wiltshire Local Plan, including Policy H4 Residential Development in the Open Countryside.

With initial regard to the Core Policies, the proposal would: not accord with Core Policy 34 because it does not relate to employment; not accord with Core Policy 37 because it does not relate to a military establishment; not accord with Core Policies 39 and 40 because it is unrelated to tourism; would not accord with Core Policy 44 because it would not be an affordable dwelling; would not accord with Core Policies 46 and 47 because it would not be a form of specialist accommodation; and finally would not accord with Core Policy 48 because it is not an agricultural workers dwelling.

Turning to Saved Policy H4, it is noted that Policy H4 (ii) makes provision for replacement dwellings. With relevance to the proposal, Policy H4 states:

New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:

- ii. It is a replacement for an existing dwelling where:*
 - a. The residential use has not been abandoned; and*
 - b. The existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and*
 - c. The replacement dwelling is of a similar size and scale to the existing dwelling within the scale curtilage.*

A replacement dwelling must accord with all three criteria set out within Policy H4 (ii) to be acceptable.

With initial regard to criterion 'a', Paragraph 6.14 of the supporting Planning Statement reiterates that the Council accepted the residential use is ongoing as part of application 20/08854/FUL. The Planning Statement states that the applicants still reside within the dwelling and the Council holds no information to the contrary and as such the proposal is considered to accord with criterion 'a'.

With regard to criterion 'b', the applicant has submitted two supporting building surveys with the intention of demonstrating that the future retention of the dwelling is unviable and the matter is also covered at length within the Planning Statement at Paragraphs 6.16 through 6.25.

The originally submitted building survey (17th August 2021) states that the building has reached the end of its effective life cycle. It is identified that the extension element has had

“little (if any) maintenance for a considerable period of time and has fallen into substantive disrepair”. The surveyor states that irrespective of the defects within the two-storey part, the single storey part is in a dangerous condition and the cost benefit analysis of remediating the many defects does not stack up. The surveyor goes on to state that when viewed from a realistic perspective, the sheer scope of all necessary repairs and upgrading work is such that the overall project cost of undertaking such work would outweigh the actual benefit and that resolving all inherent issues with the existing structure will be very costly and will add little if any value.

The original report goes on to list a series of defects with the building which are summarised within the comment made by the Building Control Officer. The report concludes that the building would be extremely difficult to alter, extend or adapt in line with the applicant's developing requirements, and establishes a case that there is little value in trying to retain any element of the structure. Justification for this statement is set out at Table A, where the cost of retaining the dwelling in its entirety is calculated.

However, this building survey has been submitted previously as part of 20/08854/FUL. As part of the Officer Report for this application, the Case Officer considered that the building survey fails to demonstrate that the existing dwelling is incapable of retention, only that the works would be expensive, and the resultant house would not suit the applicant. Furthermore, by the submission of Table A, it is shown that the structure is capable of retention and less costly than a replacement (Table B).

Further to this initial report, the agent submitted an additional revised building survey on 21st December 2021 identifying that the situation at the site had worsened since the originally submitted survey. As part of this report, the surveyor has identified that the building has suffered further progressive and significant deterioration, and that the building is fundamentally at the end of its life cycle. Further assessment is provided at Sections 7 and 8 covering the condition of the building. Other sections defer to the original report, and it is therefore understood that the reports should be read in conjunction with one another.

Section 7 of the revised building survey covers Structural Movement, identifying that the building shows signs of further progressive structural movement to the single storey (extension) part of the building. It is identified that this would be impractical to repair. Section 7 concludes that the only viable solution is demolition. However, it is noted that Section 7 fails to cover any structural defects with the main dwelling and focusses wholly on the single storey extension which connects the main two-storey section of the dwelling to the garage.

Section 8 raises concern over progressive damp, which is considered to be a live issue, with 'high' readings taken in all ground floor locations.

Whilst it is accepted that the revised building survey identified progressive structural issues, it is apparent that these issues are limited to the extension element of the building only. The building survey fails to identify any major structural concerns to the main, two-storey, section of the dwelling. Given that the single storey section is an extension, it is not considered likely that it contributes to the overall structural integrity of the main dwelling and no evidence has been provided within the building survey to indicate that this is the case. Further to this, it is pertinent to note that this extension does not benefit from planning permission. Accordingly, whilst it is accepted that there are structural concerns with the extension, it is not considered that these impact the structural integrity of the original two storey element of the dwelling.

This stance accords with advice received from Wiltshire Council Building Control as part of the consultation process. The Building Control Officer stated that the original supporting building survey indicates that the property can be retained, but that the survey goes on to argue that there is little value in doing this on cost benefit analysis grounds and that the

retention will make it extremely difficult to meet the applicant's development brief, hence the survey's conclusion that the building has reached the end of its 'effective' life cycle. It is noted that whether or not the current building meets the applicant's development aspirations/brief is not a material planning consideration. It is also important to note that this dwelling is itself a replacement dwelling of only a maximum of 53 years in age, in this context a conclusion that the building has reached the end of its lifecycle is not considered reasonable. In assessing the revised survey, the Building Control Officer advised that the structural movements appear to be confined to the single storey elements of the dwelling only.

With regard to Section 8, whilst it is noted that the building surveys raise concern over damp issues, it is also noted that within the survey the surveyor only states that they do not 'believe' that there is a suitable damp-proof membrane. No evidence has been provided to confirm that this is the case. However, a review of the plans approved under application 2661 for the main dwelling include provision of a Visqueen Membrane, which would appear to exist below the floor and provide protection to the bases of the walls above the damp proof course.

With regard to the supporting Planning Statement, Policy H4 (ii)(b) is addressed at Paragraphs 6.16 to 6.25, however, it is noted that the Planning Statement acknowledges at Paragraph 6.18 that the building is capable of retention, albeit requiring significant investment to bring up to modern day living standards, investments which are considered to be 'not viable given the likely returns on such costs'. As part of the Planning Statement's argument that the proposal complies with Policy H4 (ii)(b), it makes three key points: the assessment criteria for 'capability of retention' is undefined (Paragraphs 6.20-6.22); that financial viability should be a material planning consideration (Paragraphs 6.23-6.24); and that Policy H4 should carry limited weight in decision making (Paragraph 6.25).

In terms of the assessment criteria for a buildings 'capability of retention', the applicant draws attention to appeal decision APP/Y3940/W/20/3259635, an appeal of application 20/04360/FUL. Paragraph 7 of the appeal decision states the following:

"There is no definition of what is meant by 'incapable of retention in its current state' in the supporting text for policy H4, nor a comprehensive explanation of its intended purpose. As such, the policy does not state whether this means the existing dwelling must be structurally unsound or financially unviable to improve. Neither does it clearly establish whether the approach should be a stringent or pragmatic one. Consequently, there is some ambiguity as to where the threshold of the test lies."

Within Paragraph 9, the Inspector goes on to state that Policy H4 (ii)(b) necessitates a judgement as to whether the existing property is incapable of retention in its current state. Considering NPPF Paragraphs 127 e) (it is understood the Inspector was referring to f)) (Paragraph 130 in 2021 revised NPPF) and Paragraph 148 (now Paragraph 152 in 2021 revised NPPF), the Inspector took the ordinary interpretation of the term to mean:

"whether the existing dwelling could reasonably be brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity".

With the assessment criteria clearly defined by the Inspector, the current Planning Statement continues, stating that on the basis of the Inspector's definition, it would "seem illogical to require the retention of the existing building, which is of no architectural or historic merit, offers poor living conditions for its occupiers and to which repair works to bring the building up to modern day living standards are cost prohibitive", leading into the agent's second point around viability being a material planning consideration.

To consider the application against the Inspector's description of Policy H4 (ii)(b), regard must be had to what, in this instance, would be considered reasonable to bring the current dwelling into a state whereby it could function appropriately using modern day standards for the dwelling to provide high standard of amenity. Reviewing the original Building Survey, Table A effectively sets out a property renovation at items 2, 3, 4 and 5. These items cover the works necessary to bring the main, two-storey element of the dwelling, to a high standard of amenity in accordance with the Inspector's description. Property renovations are common in older buildings such as Meadow View and it therefore follows that items 2, 3, 4 and 5 are considered to be entirely reasonable.

Separately of the above, item 1 effectively seeks a new extension, and it is imperative to decouple item 1 from items 2, 3, 4 and 5. Both the original and revised Building Surveys together with the Planning Statement place undue weight on the defects of the extension which override and dilute the needs of the main dwelling itself. Whilst the defects of the extension are not debated, it is not the purpose of Policy H4 to facilitate the replacement of dwellings in their totality due defects of an adjoining single storey extension. The replacement of extensions are common and are dealt with under householder applications.

Moving on to the second point the Planning Statement makes in regard to H4 (ii)(b), Paragraph 6.23 states that the previous refusal Officer Report (20/08854/FUL) indicates that the Council does not consider the viability of any repair works to be material to the consideration of the proposal. The Planning Statement goes on within the same paragraph to reference consented application 20/10220/FUL, stating that 20/10220/FUL is directly comparable to the current proposal and takes the viability of repair works into account. The Planning Statement contends that the current proposal provides comparable evidence to 20/10220/FUL and that the defects of the dwelling subject to 20/10220/FUL are comparable to those of Meadow View.

In addressing this, it is initially noted that the financial viability of the capability of retaining a dwelling forms a component of considering an application against Policy H4 (ii)(b), but that the weight afforded to this differs on a case-by-case basis according to an application's individual constraints. It is noted that the Officer Report for 20/08854/FUL states at no point that the financial viability of the retention of the dwelling is immaterial and it is therefore considered that the Planning Statement misrepresents matters in this regard.

With regard to the comparisons made to 20/10220/FUL, whilst it is acknowledged that this dwelling also suffered from cracking to the single storey extension, the issues related to the main part of the dwelling were far more significant. A review of the Structural Report for this application outlined the requirement for the removal of cement mortar, which would cause significant damage to external walls; chimney damage; exposed purlin ends in addition to further exposed timberwork forming part of the roof structure; exposed timber wall plates, for which a repair of the underlying issue was not possible; damage to lintels; decay of roof trusses; undersized rafters and purlins causing significant bowing; and evidence of deteriorating floor joists/primary timber beams. Cumulatively, and irrespective of damage to the extension, the main dwelling had reached a stage where it was structurally unsafe and had gone beyond the point where it could be considered reasonable to bring the dwelling back to a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. It is therefore considered that the case is not comparable to the current application and assertions within the Planning Statement that the same conclusions can be reached for Meadow View are without merit.

The Planning Statement continues at Paragraph 6.24, questioning the Council's consistency in decision making and raising applications 16/04520/FUL and 16/02780/FUL, highlighting the 'light touch' approach to assessing Policy H4 (ii)(b).

It should be made clear at this stage that regardless of any historical decisions, no matter their perceived relevance to a current application, it is a statutory requirement that each application must be determined upon its own merits. Accordingly, whilst consistency is desirable, it does not override statute and no two proposals are exactly the same. A consistent approach at the current site would lead to a refusal in accordance with 20/08854/FUL.

With initial regard to 16/04520/FUL, the Council was provided with sufficient evidence from the applicant in the form of site photographs which clearly demonstrated structural defects with the main dwelling. On this occasion, due to the clear evidence provided to the Council in the form of photographs, a structural survey was not considered necessary to demonstrate that the condition of the property was such that it could not be reasonably brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. The current application has failed to do this and as such the cases are not considered to be comparable.

Regarding 16/02780/FUL, a review of the Officer Report indicates that there were other material considerations which warranted a departure from the development plan in terms of compliance with Policy H4 (ii)(b). However, the approach taken by a previous Case Officer in a decision that was in excess of five years old at the time the current application was received cannot be used to influence the decision-making process of the application at Meadow View. Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan and Saved Policy H4 forms a part of that development plan.

In addition to the above, the Planning Statement then goes on to identify that decisions made by the Council for application 16/12421/FUL and its subsequent amendments under 18/10159/FUL were silent in respect of any assessment of the proposal against the criterion of Policy H4 (ii)(b). However, reference to Policy H4 (ii)(b) is provided within 16/12421/FUL, but more importantly the applications follow a line of previous approvals at this site which predate major changes to the development plan including the adoption of the Wiltshire Core Strategy. Accordingly, there are significant material considerations in the form of past approvals which need to be accounted for which is not the case at Meadow View. Accordingly, the cases are not considered to be comparable.

Following this, at Paragraph 6.25, the Planning Statement moves onto its third and final key point with regard to Policy H4 (ii)(b), stating that Policy H4 should carry very limited weight in any decision taking. The Planning Statement states that Policy H4 is aged and originates from a time expired plan, and is considerably more restrictive than the applicable and more recently adopted policies of the Wiltshire Core Strategy and of the spirit of the most up-to-date national policy. However, recent appeal APP/Y3940/W/18/3202551 accepts that whilst weight afforded to Policy H4 is diminished, largely for the reasons set out within the Planning Statement, the Inspector considers that it continues to provide an important function in recognising the intrinsic character and beauty of the countryside in accordance with the Framework. Therefore, the Inspector attached moderate weight to conflict with Policy H4. The decision was challenged at High Court (Ref C1/2020/1917/PTA) on the basis that the Inspector had misinterpreted a policy, however the Inspector was considered to have interpreted policy correctly and the case was refused.

Taking the above into account, it is considered that the proposal fails to supply sufficient evidence to demonstrate that the dwelling is incapable of retention in its current state and, on the basis of the information presented to the Council, it is concluded that the existing

dwelling could reasonably be brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. On this basis, the proposal fails to accord with Policy H4 (ii)(b).

With regard to criterion 'c', the footprint of the replacement dwelling is greater than that of the existing dwelling and the overall massing and bulk of the proposed dwelling is substantially greater. Accordingly, the proposal would fail to comply with the provisions of H4 (ii)(c).

In conclusion, the proposal is considered to be unacceptable in principle through failing to accord with the provisions of H4 (ii)(b) and (c). The proposal is tantamount to the construction of new residential development outside the limits of development, which, in accordance with the provisions of Core Policy 2, will not be permitted. Further to this, the proposal would fail to meet the criteria of any of the exception policies within the development plan, namely Core Policies 34, 37, 39, 40, 44, 46, 47 and 48.

Impact on the Character and Appearance of the Site & Locality

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

Additionally, Core Policy 51 states 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.

From the principal elevation, the dwelling would appear significantly larger within the site, primarily due to the reorientation of the dwelling and the increased bulk and massing of the design. As a consequence, the visual amenity and character and appearance of the site will be substantially altered by the proposal.

Additionally, in terms of assessing the impact upon the character and appearance of the locality, it is considered that the overall scale and massing of the proposal would be significant when viewed from the street. However, given the varied nature of dwellings along The Common, it is not considered that this would be of detriment to the character and appearance of the area, nor the surrounding landscape such that consent ought to be refused on this basis.

Impact on Residential Amenities

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

By virtue of mass, form, scale, position and design, alongside existing boundary treatments from the farm buildings, and the distance to the nearest neighbouring residential properties, it is not considered that residential amenities would be adversely impacted above and beyond the existing situation enjoyed by residents. Furthermore, the proposed development would secure an acceptable level of residential amenity for future occupants of the proposed dwelling.

Impact on Highways Safety

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed site layout demonstrates adequate provision for parking and access to serve the proposed development. No objection is raised in this respect and the proposal are considered to accord with the relevant policies of the plan and provisions of the framework.

Lawfulness

As part of the application process a review of planning history for the site was undertaken. The only planning history relating to the site are applications 20/08854/FUL and 2661. Application 20/08854/FUL relates to the previously refused proposal for a replacement dwelling (25th February 2021), whilst application 2661 relates to an approved replacement dwelling (2nd June 1969). The proposed plans for application 2661 match those now submitted as existing plans for the dwelling and as such the approved application 2661 is understood to have been implemented.

As part of application 2661, no provision is made for the single storey extension to the north elevation, nor is provision made for the garage. Accordingly, it is understood that these have been built without express planning permission. Historic satellite mapping indicates that the single storey extension and the garage have both been in place since at least December 1999. No certificate of lawfulness either for proposed or existing development exist at the site but a review of the current and previous Town and Country Planning General Development Orders indicates that the development would not constitute permitted development in any event.

This is material to the assessment given the conclusion set out above in respect of the structural assessments which demonstrate that it is the extension is in poor condition. Given that this element of the property is not considered to be lawful the replacement of the entire structure due to its poor condition is not considered to be justified.

Five Year Housing Land Supply

Paragraphs 6.30 to 6.38 of the Planning Statement covers the five-year housing land supply situation, stating that Wiltshire is unable to demonstrate a five-year housing land supply and as such this renders its housing policies out of date. On this basis, the Planning Statement asserts that the proposal falls instead to be assessed against paragraph 11 of the NPPF and the presumption in favour of sustainable development. The Council does not dispute this position having recently published a new Housing Land supply Statement which identifies that the council has 4.72 years supply with necessary buffer.

However, regard is had to recent appeal APP/Y3940/W/18/3202551, within which the inspector considered that the assessed five-year land supply shortfall at that time of 4.41 years was modest, that actions are being taken to recover it and that permissions have been given which will likely deliver in the current 5-year period (1 April 2018 – 31 March 2023).

Furthermore, in respect of the status of the development plan, paragraphs 11 d) and 14 of the NPPF do not make the out-of-date development plan policies irrelevant to the determination of applications. The development plan is still the starting point for determining planning applications.

The Planning Statement asserts that the proposal would “*provide many economic, social and environmental benefits*”, however, it is considered that the only benefit provided by the replacement dwelling would be a minor economic benefit through the hiring of construction

companies. The proposal makes no net contribution towards the Council's five-year housing land supply in the area. The application therefore provides an extremely modest benefit which can be afforded very little weight in the decision-making process but will nonetheless be considered within the concluding planning balance.

10. Conclusion

The proposed development is unacceptable in principle. The Council's development plan is the starting point when determining an application and whether or not a proposal constitutes sustainable development.

The information presented to the Council does not demonstrate that the existing dwelling is incapable of retention. The submitted information suggests that the existing dwelling could reasonably be brought into a state whereby it would function appropriately using modern day standards for a dwelling to provide a high standard of amenity. Accordingly, the proposal therefore conflicts with Saved Policy H4 (ii)(b) of the North Wiltshire Local Plan.

Limited benefits of the proposal have been identified, which relate to economic benefits associated with the hiring of construction companies. However, these limited benefits do not outweigh the harm caused through the proposal's conflict with Saved Policy H4 (ii)(b).

Whilst limited harm is identified to the character and appearance of the site over the increased bulk and massing of the proposal, given the varied streetscene and character of development in the locality it is not considered that the proposal would cause harm to visual amenity, nor the surrounding landscape and as such it is not considered reasonable to refuse the application on this basis. Similarly given this conclusion in this instance it is considered that the identified conflict with Saved Policy H4 ii (c) provides a sound and justifiable basis for refusal.

Furthermore, in the context of impact upon residential amenity, ecology and highways, the proposal is not considered to be significantly harmful. However, compliance with the relevant provisions of the plan and the framework in these respects does not outweigh the harm arising from the in-principle conflicts with the plan identified above.

In summary, it is considered that the conflict with the principle of development/plan strategy arising from the proposal would significantly and demonstrably outweigh the limited benefits of development, and the proposal would not constitute sustainable development and is in conflict with the development plan and the provisions of the framework. In accordance with paras 11 and 12 of the framework refusal is recommended.

RECOMMENDATION

Refuse

REFUSAL REASONS

1. The proposal is located within the open countryside where new residential development is not permitted unless it satisfies the exception policies set out within the development plan. The existing building is not incapable of retention, nor is it unsightly or out of character with its surroundings and as such the proposal does not comply with CP1, CP2 CP13 of the Wiltshire Core Strategy (Jan 2015), and Saved Policy H4 criterion b) of the North Wiltshire Local Plan (2011); and paras 11 and 60 of the National Planning Policy Framework (July 2021).