

## Southern Area Planning Committee

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### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 10 NOVEMBER 2022 AT WYLYE MEETING ROOM, FIVE RIVERS HEALTH & WELLBEING CENTRE, HULSE RD, SALISBURY SP1 3NR.

#### **Present:**

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Trevor Carbin, Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans, Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Bridget Wayman and Cllr Rich Rogers

#### **Also Present:**

Cllr Richard Britton

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#### 106 **Apologies**

Apologies were received from:

- Cllr Charles McGrath

#### 107 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 June 2022 were presented.

#### **Resolved:**

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

#### 108 **Declarations of Interest**

There were no declarations of Interest.

#### 109 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public. Due to the larger capacity of attendees for the first application, the Chairman noted that public speakers and attendees would be rotated by application. Introductions and meeting procedure was therefore repeated for each application.

Attention was drawn to the late correspondence which had been circulated in hard copy at the meeting to all Members and made available at the meeting to the public. This was also summarised by the relevant case Officers during the Officer presentations.

#### 110 **Public Participation**

The committee noted the rules on public participation.

111 **Planning Appeals and Updates**

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

**Resolved**

**That the appeals update be noted.**

112 **Planning Applications**

113 **APPLICATION NUMBER: PL/2021/09778 - Station works, Tisbury**

Public Participation

Dick Budden spoke in objection to the application

Gerald Blundell spoke in objection to the application

Patrick Durnford spoke in objection to the application

Simon Trueick (Agent) spoke in support of the application

Gerry Murray spoke in representation of Tisbury PC

Morag Macnair spoke in representation of West Tisbury PC

Tim Martin spoke in representation of Ansty PC (& the Access to Tisbury Group)

The Committee had attended a site visit earlier in the day.

The Planning Team Leader, Richard Hughes, summarised the late correspondence which had been circulated at the meeting, relating to third party reiteration of objections to the proposal, and a further response by WC Education, relating a withdrawal of their S106 requirement.

He went on to present the report, which set out the merits of the planning proposal against the policies of the development plan and other material considerations. It was explained that the committee was asked to consider, in light of the non-determination appeal, whether the application would have been refused as recommended.

The outline application was for the redevelopment of the Station Works site to provide a mixed development of up to 86 dwellings, a care home of up to 40 bedspaces with associated medical facilities, new pedestrian and vehicular access and traffic management works, a safeguarded area for any future rail improvements, and areas of public open space.

The issues in the case were noted as:

- Principle of development, policy and planning history;
- Design, scale and impact to the amenity of the area/AONB/heritage asset impacts
- General Amenity issues

- Parking/Highways Impact, rights of way
- Impact on railway station and line
- Archaeology
- Ecological Impact
- S106 matters

The case officer showed slides of the proposal and the site. The site position and size were noted as were the footpath location, Landscape study, proposed screening and historic flooding which occurred under the railway arches.

The slides indicated the grass bank to the rear which would be unaffected and the visual appearance of the site, set out on a series of images taken from various location points.

The site was included in the NHP for development and was in the Settlement Boundary. Policy BL7 was summarised.

This was an outline application with all matters reserved, except access.

The comments from the Ecology Officer were noted, around the various proposals for lighting in the scheme and that some additional work was being carried out to alleviate some issues.

A drainage feature was proposed at end of the site. It was confirmed that Network rail had no plans to introduce a bridge over the railway.

The applicant had submitted the application to the Planning Inspectorate, for appeal due to non-determination.

The Officer noted that the Committee was therefore asked to consider the application in order to conclude whether the outcome would have been in line with Officer recommendation, if the matter had been considered. The decision of the Committee would then form part of the evidence for the Appeal.

Members then had the opportunity to ask technical question of the Officer.

The Officer explained that as with any large application the process included a great deal of back and forth between officers, consultees and the applicant to establish the required areas of information necessary. In this case, the Viability Assessment was still ongoing and there had been a delay in receiving a response from Highways. In addition, further information was received from the applicant which led to discussions around flooding and consultation with the Environment Agency. The applicant had agreed the determination date of the application be extended until 30 June 2022.

It was confirmed that there had been no response from the neighbouring Dorset Authority regarding secondary school requirements.

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

Some of the points included concern around the associated road traffic on the surrounding residents and villages. The road network running through Tisbury were felt to be too narrow and unsuitable, for the additional commuters, site traffic and deliveries the development would bring, with the possibility of making it dangerous for existing residents.

It was felt that the proposed alternations to the railway arches would have a negative effect and the provision of a care home as the only employment offer was inadequate and that there had been no evidence to suggest that there was a need for a facility of this size in the Tisbury area.

The Agent for the application stated that the outline application met the NHP requirements, engagement had been undertaken to resolve concerns. The wait for the consultees responses was felt to have been too long. The delivery of the proposed scheme would provide new homes and a care facility for the community, with the creation of a pedestrian and cycle route to the village, an improvement to the currently dangerous bend.

Parish Councils noted the site's potential for a development of some kind, however, they objected, based on several points, including, inadequate access, scale of development, lack of evidence to show a need for the care provision, lack of meaningful conversation with the community and parish councils surrounding Tisbury, the high level of objections submitted on the planning website, lack of adequate through roads, low level employment offer, density of dwellings, low level offer of affordable homes, and increased traffic.

Division Member, Cllr Nick Errington spoke in objection to the application, noting that the outline proposal had been in the public domain for some time and was of extreme importance to local residents.

Cllr Errington noted that he had abstained from any discussion or vote on the application when it was considered by Tisbury Parish Council, of which he was also a member.

An average assumption of 2.4 occupants per dwelling would equate to 276, a 12.3% increase to the population. Compared to a site in Salisbury, the proposals would be transformational for those in Tisbury, noting that the application would have been refused on Highways and Drainage grounds.

There had been a high level of responses with 259, with 258 in objection to the proposals, with 182 specifically noting an objection to the pedestrian proposal under the bridge.

Cllr Errington stated that there had been an incident of flooding in October 2021, which it was advised was not an isolated incident as there was a history of flooding there.

The site was listed as a suitable site for development in the Tisbury Neighbourhood Plan (NHP), however the vision in the NHP should be respected. The application failed to comply with the NHP as a whole.

The community engagement exercise, he felt could not be claimed to have fulfilled the consultation requirement and the provision of a care home was the only offer for employment solution, which was considered to be inadequate.

The level of Affordable Housing at 12% was much lower than the statutory 30% usually required.

The care home was not needed as Tisbury's statistics showed that the requirement was much less than the provision and would put strain on the local GP surgery which already had 204 patients registered. It would not be sustainable for the GP surgery, given the higher level of medical intervention that would be required by the care home.

Cllr Errington then moved the motion that the application would have been refused in line with officer recommendation, citing all the policies outlined in the report including the under-provision of affordable housing, but also on grounds of unsustainable housing density and blending with the existing environment, in contravention of NP policy BL7, paragraphs 4 and 7 and CP27 and CP57 of the WCS and also on the non-viability of a care home as employment provision at this location, in contravention of CP46, paragraphs viii, ix, x and xi.

This was seconded by Cllr George Jeans

The Committee discussed the application, the main points included the clarity of the concerns raised, the reasons for appeal, the suitability for development of the site to some degree, in harmony with the NHP and in conjunction with local consultation.

Overdevelopment of the site, whether there was an established need for a care home, access to the development site through the neighbouring villages on the small roads and through the railway arches.

Whether there was a need for improvement to the rail crossing with the inclusion of a bridge.

The Committee felt that the lack of a response from Dorset Council regarding secondary schools provision was inadequate and requested that the Officer check again with Dorset Council whether they wished to request a S106 commuted payment towards secondary school provision.

No defined drawings to consider and the proposal to block off one side of the railway arch, and the impact on traffic flow, flooding and safety.

The NHP's request for mixed development, and that the only commercial/residential provision proposed was for a care home which did not feature anywhere as a requirement.

The issue of historic flooding and no provision of a scheme to address this.

The weight of the NHP was discussed and a level of disappointment in the developers who it appeared had gone against it.

After discussion, the Committee voted on the motion of Refusal as set out in the Officers report, with additional 2 conditions as set out above, with the request that the following note also be included, directed to the applicant:

*Further, to avoid any inference that the opinions expressed in the Officer Report might be misrepresented as a statement of common ground, Members requested that it was noted that the application had not been based on a site masterplan, agreed with the community and key partners, as contemplated by the Neighbourhood Plan and its Independent Examiner and that it was based on questionable principles for development, as set out in objections from the Environment Agency, Highways, Drainage, Economic Development, Spatial Planning, Urban Design and the Cranborne Chase AONB partnership.*

The Committee also requested the Officer to approach Dorset Council again to ask whether they wished to request a S106 commuted payment towards secondary school provision.

It was,

**Resolved:**

**That Application PL/2021/09778 - Station Works, Tisbury, would have been Refused by the Southern Area Planning Committee, for the following reasons:**

**1.The proposal envisages the closing off of one of the existing vehicular routes under the existing railway bridge, and the construction of a raised pedestrian and cycle structure. In terms of several critical aspects, the application does not contain sufficient information to allow proper consideration of the proposals. Notwithstanding the lack of detail, the principles of access for pedestrians and cyclists is unacceptable. The route proposed is unattractive and circuitous and is conditional on the road being close to vehicular traffic and the implications thereof, which is an unacceptable proposition.**

**Consequently, it has not been demonstrated that an acceptable and safe means of access for non-motorized users can be achieved to the site. Furthermore, insufficient information has been provided to demonstrate that the proposed pedestrian/cycle route meets the requirements set out within the Department of Transport's Local Transport Note 1/20 and Disability Discrimination Act 1995, and that the proposed signals can be accommodated within the existing highway.**

**As a result, the proposal is considered to be contrary to Tisbury Neighbourhood Plan policies BL3 (2), BL7 (3), Wiltshire Core Policies 60, 61 & 62 and NPPF Section 9, paras 104-106 & 110-112.**

**2. Notwithstanding the highway access issues, the highway and field systems around the site have a history of flooding issues. The proposal envisages the access via Jobbers Lane which is located in Flood Zone 3. Therefore, if residents or the emergency services needed to access the site during the design flood they would need to pass through floodwater, during a flood event. The proposed walkway access will need to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows, and not increase flood risk elsewhere.**

**However, this matter has not yet been resolved, and the proposals do not address the flooding/drainage issues associated with the accessing of the site and hence how suitable linkage between the site and the facilities and services in Tisbury can be achieved. The proposal is therefore contrary to the aims of policy BL7 (criterion 3 & 5), and HNA 3 of the Tisbury Neighbourhood Plan, and also the aims of policy CP67 of the Wiltshire Core Strategy, and the NPPF guidance related to flooding matters.**

**3. Furthermore, at the present time, the viability assessment of the application remains ongoing. The applicant's assessment is currently indicating that a policy compliant percentage of affordable housing cannot be provided on site. Until this viability process is completed, the Council assume that the proposal can provide the required quantum of affordable housing required by policy. Notwithstanding, the applicant has also indicated that they would not wish to provide the required contribution towards mitigating the impact of the scheme on existing educational infrastructure. Consequently, and in the absence of a suitable legal agreement, the proposal would therefore not be able to contribute suitable mitigation towards off site educational facilities; onsite affordable housing; the management or enhancement of on or off-site open space facilities, on site waste and recycling facilities, the enhancement of highways access infrastructure, off site rights of way, public art provision, or any contribution towards nitrate mitigation.**

**As a result, the proposal is contrary to the aims of CP3, CP43, CP50, CP52, CP57, CP69 of the Wiltshire Core Strategy, the Council's Planning Obligations DPD, saved policies R2, D8, the waste and recycling core strategy policy WCS6, and the aims of policy BL1, BL2, and BL7 criterion 6 in relation to the quantum of affordable housing.**

**4. The site is allocated within the adopted Tisbury Neighbourhood Plan for comprehensive redevelopment to include an appropriate balance of housing and commercial industrial units. In the absence of information justifying the need for a residential care home, or any analysis of its likely impacts on local medical facilities, it is considered that the proposal would not be in accordance with aims and objectives of policies EB1 (1 & 5), BL3 (2), & BL7 (criterion 4,5,7 & 9) of the Tisbury Neighbourhood Plan,**

and the general aims of Wiltshire Core Strategy CP27, CP35, & CP46 (criterion viii, ix, x, & xi).

5. The proposal envisages 86 dwellings and a residential care home, which does not reflect the scale, mix or density of development in the adopted Tisbury Neighbourhood Plan policy BL7. The proposed development would be inappropriate for the site's setting and out of keeping the character of the surrounding area in a way which would not be in accordance with the principles of sustainable development set out in the NPPF or the aims and objectives of policies BL7 (criterion 4,7) of the Tisbury Neighbourhood Plan; the general aims of Wiltshire Core Strategy CP27 and CP57, including the Council's adopted design guide Creating Places, and the design guidance provided by the NPPF in relation to Design Guides and Codes.

114 **APPLICATION NUMBER: PL/2022/02766 - Land to the rear of Caynton Lawns, Alderbury**

Public Participation

Nick Whines spoke in objection to the application

Ken Carley spoke in objection to the application

Patricia Durnford spoke in objection to the application

Simon Longhorn (Agent) spoke in support of the application

Elaine Hartford spoke in representation of Alderbury PC to object to the application

The Committee had attended a site visit earlier in the day.

The Planning Officer, Joe Richardson, summarised the late correspondence which had been circulated at the meeting, relating to a late submission of a third party, which was included in full as part of the hardcopies circulated at the meeting. This related to a complaint to the Ombudsman, regarding the handling of a previous application for the same site and continued concerns regarding the site and the current application.

The Planning Officer, then presented the report, which set out the merits of the proposal against the policies of the development plan and other material considerations. The application was recommended for approval.

The application was for a new dwelling with associated drive, carport/garage and garden amenity space (as approved under planning ref 20/07065/FUL with revised access position) – resubmission of PL/2022/02035.

It was noted that a previously approved application had not been implemented due to land ownership matters and that a ransom strip was in the ownership of someone else. In addition, the red line around the site had been amended as detailed on page 79 of the report.

The issues in the case were noted as:



- Principle of development, policy and planning history;
- Design, scale and impact to the amenity of the area;
- Parking/Highways Impact;
- Ecological Impact/River Avon Catchment Area;
- Flood Risk;
- Other matters

It was noted that there was no change to the layout or garage of the existing scheme.

Highways had no objection to the proposal subject to conditions.

Members then had the opportunity to ask technical question of the Officer. There were none.

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

Some of the points raised, included a failure to provide an on-site turning provision and adequate parking for deliveries and the safety of the spur road.

The practicality of the proposed turning space and the possibility of destruction to the hedge and a change in character of the lane, with the secluded nature addition to possible accidents for users.

CP57 was raised, in regard to the protection of neighbouring amenity, convoluted vehicle manoeuvres and limitations for cyclist/pedestrian users to pass vehicles using the spur.

The site was in a remote conservation area where there would also be a negative impact on wildlife.

Damage caused by construction traffic to the track and any impacts on drainage, due to heavy rain causing flooding.

No option to widen the lane due to the large bank and trees either side and little space to leave refuse bins for collection.

A site visit and a feasibility study had been carried out, with the site being assessed as feasible.

The reports which were suggested as part of the pre-application had been carried out. Ecology had also reported there were no issues subject to conditions and the reports stated that the flood risk was low.

The application was thought to be an improvement on the original application which had already gained previous permission.

The Parish Council representative raised several points in objection, including the narrow width of the access track not suitable for emergency, refuse or other service vehicles, and that it was not possible to be widened.

Extra traffic which would be generated by the proposed dwelling would greatly increase vehicle movements along the track.

Inadequate visibility for road users approaching and egressing the site, with an increased safety risk.

The cutting through of a bank and the removal of mature hedgerow would have a harmful impact upon the landscape character of the rural location and involve the loss of valuable natural habitat.

Whether the proposed access could be achieved without third party consent.

The amendments did not resolve the substantive objections relating to the road width.

Division Member, Cllr Richard Britton, who was not on the Committee, noted that the spur at end of Oak Drive was in private ownership, suggesting that this should be a material consideration.

He went on to note the damage which would be caused by construction traffic on the unmade track.

Highways objections had been met by conditions; however they could not be delivered due to the issues associated with third party land ownership.

After clarification confirming that the application could not be refused on land ownership matters, Cllr Hocking moved the motion of Refusal, against Officer recommendation, on the grounds of access.

This was seconded by Cllr McLennan.

The Committee then discussed the application. Some of the points raised included the width of the lane, in comparison with others across the area. Whether the hedgerow was protected. The inclusion of the site in the settlement boundary, making it acceptable for development, subject to design.

The development was included within the scope of the Petersfinger Water Treatment Plant which provides mitigation from being restricted by phosphate restrictions.

Whether there was scope for a condition to request remedial action post works to repair/make good the track to previous conditions. It was noted that construction vehicles were not a planning matter, however a Construction Management Statement had been requested.

Whether the access could be provided through the applicant's other property as opposed to the lane.

The difference in access between this and the previous application, in that there had been a change to the access and movement of the red line by approximately 11m.

There were existing properties further along the track which would face the same issues yet had been approved planning at some point in history.

After discussion, the Committee voted on the motion of refusal. The motion failed.

Councillor Najjar then moved the motion of approval, in line with Officer recommendation. This was seconded by Cllr Rogers.

The Committee then voted on the motion of approval as set out in the Officers report. It was,

**Resolved:**

**That Application PL/2022/02766 - Land to the rear of Caynton Lawns, Alderbury be Approved subject to the following conditions:**

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

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

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

**DWG No: 9466.121 Rev P2 Site Location Plan, Proposed Block Plan, Elevations,**

**Floor and Roof Plans Date Received 30.06.22**

**DWG No: 9466.130 Rev P5 Proposed Site Plan and Site Sections Date Received 05.08.22**

**DWG No: 2007044-TK05 Rev B Swept Path Analysis 7.5t Panel Van Plan Date Received 29.07.22**

**DWG No: 2007044-TK03 Swept Path Analysis 7.5t Panel Van Plan Date Received 24.05.22**

**DWG No: 9466.132 Rev P2 Proposed Garage Floor Plans and Elevations Date Received 01.04.22**

**DWG No: 20133-2 Tree Protection Plan Date Received 01.04.22**

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

**3.No development shall commence above DPC ground floor level of the development hereby permitted until details and sample panels of the external brickwork including the chimney and roof tile, timber cladding, doors, windows, rooflights and roof lantern to be used in the construction of the dwellinghouse and details of the external brickwork, timber cladding, oak posts and roof tiles for the detached garage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.**

**REASON: To preserve and enhance the appearance of the countryside.**

**4.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions, alterations or further window openings inserted to the roofslopes or first floor elevations to the approved dwelling other than as approved as part of a formal planning application by the Local Planning Authority.**

**REASON: In the interests of the amenity of the area.**

**5.No part of the development hereby permitted shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.**

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

**6.No development shall commence on site, until a Construction Management Statement, together with a site plan, that shall include details of the parking of vehicles of site operatives and visitors; Loading and unloading of plant and materials; Storage of plant and materials used in constructing the development; Wheel washing facilities; Measures to control the emission of dust and dirt during construction; Measures for the protection of the natural environment and; Hours of construction, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.**

**REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.**

**7.Prior to the commencement of construction of the development hereby permitted, details of the existing and proposed new lighting to include a**

site plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate a level of 0.5Lux can be achieved at the boundaries of the site. The approved lighting shall be installed and maintained in accordance with the approved details.

**REASON:** In order to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

**8.No development shall commence on site to include the removal of trees, shrubs or hedgerow until full details of a Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include:**

**(i) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds and pre-commencement checks for protected species including reptiles and amphibians.**

**(ii) Biodiversity net gain provision to include a plan showing the location(s) and type(s) of feature(s) to enhance the site for wildlife such as bats, nesting birds and hedgehogs.**

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

**9.The development hereby permitted shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within three months of the development first being brought into use, a post construction stage certificate certifying that this standard has been approved shall be submitted to the Local Planning Authority for its written approval.**

**REASON:** To ensure the development is nutrient neutral.

**10.The development shall be carried out in strict accordance with Section 7 of the Preliminary Ecological Appraisal by Abbas Ecology dated August 2020, the Arbroicultural Appraisal and Method Statement by Barrell Tree Consultancy dated the 4th March 2022 and the Tree Protection Plan (Barrell Plan Ref: 20133-2) by Barrell Tree Consultancy.**

**REASON:** To protect the trees on site in the interests of visual amenity of the area and for the protection, mitigation and enhancement of biodiversity.

**11.No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**

**(i) location and current canopy spread of all existing trees and hedgerows on the land;**

- (ii) full details of any to be retained, together with measures for their protection in the course of development;
- (iii) a detailed planting specification showing all plant species to include species, size and density;
- (iv) means of enclosure;
- (v) all hard and soft surfacing materials to include details of refuse bin storage

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

**12.**All soft landscaping comprised in the approved details of the landscaping scheme shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and any other planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**INFORMATIVE TO APPLICANT(S):**

**1.**The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect.

Should you require further information or to download the CIL forms please refer to the Council's Website:

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

**2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**

**3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

**If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

115 **APPLICATION NUMBERS: PL/2022/03968 & PL/2022/04157 Berrybrook Farm, Sedgemoor**

Public Participation

Diana Berry spoke in objection to the application  
Georgia Le Sueur spoke in objection to the application  
Matthew Haley (Agent) spoke in support of the application

The Committee had attended a site visit earlier in the day.

The Planning Officer, Joe Richardson, presented the report, which set out 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.

The application was for a Proposed change of use of the Long Barn to holiday accommodation, including new fenestration, rooflight's, an extension, internal alterations and refurbishment of a granary.

The issues in the case were noted as:

- Principle of development;
- Design, scale and impact to the listed building;
- Impact to the amenity of the area and the special landscape area;
- Ecological Impact and Archaeological Impact;
- Parking/Highways Impact;

- Other matters

It was noted that a master plan was requested to show the overall potential for the site.

The application site is adjacent to Sedgehill House. To soften the impact of the proposed changes, boundary treatments were proposed, with the planting of hedgerow and 1.8m fence.

Members then had the opportunity to ask technical question of the Officer, where there were none.

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

Some of the points raised included that the application site and that of the neighbours was originally one farm, which was broken up in 1931. The owners of Sedgehill House had lived there for 20 years.

The application site and that of the neighbouring dwelling were on split levels. Noise from the development site could impact on the amenity of the neighbouring property, Sedgehill House.

New planting would not create a suitable screen until it was fully established.

The Master Plan indicated further development. There had been a previous application in 2021 for 5 dwellings.

The proximity of the development site to the neighbouring property meant that talking could be heard in Sedgehill House, emanating from the milking barns.

Permissions on the Grade 2 listed house were in place. Works to complete the courtyard were planned. Following initial approval, the access had been moved further away. Parking was planned outside of long barn.

The barn would be converted into 2 units, so to preserve some natural features. There was some contention regarding the boundary due to the differing height levels.

The planned planting on the boundary of hedges would hide the fence and create a strong boundary screen. Advance nursery stock could be used.

Barn D at the top of the site obscured part of the house. The development was a sensitive and attractive low-key conversion of a heritage asset, which would improve the courtyard as a whole.

Division Member, Cllr Bridget Wayman, who was on the Committee, noted that Sedgehill was a small and rural parish with scattered dwellings and no obvious centre. The site was accessed by a single track lane.



The development site, Berry Brook Farm had been sold to the current owner by the owners of Sedgell House.

The barn conversion would produce 2 bedrooms in each loft space with Velux windows. Cllr Wayman felt that it was perverse that the Conservation Officer had supported the windows.

Sedgell House was on higher ground, despite the proposed screening the Velux windows would be significantly higher, thus giving views into Sedgell House from the proposed development.

With the planned 3 double bedrooms in each property, that could mean up to 12 people occupying the spaces.

The Master Plan includes a new wiggly driveway, whereas the original entrance to a farmyard would have been a straight entrance, a point not picked up by the Conservation Officer.

The rear elevation was equally important as the integrity of the farmyard would be lost.

Barn F would be replaced in future to create a courtyard development with barn I.

On a previous application it included new dormer windows to the front elevation of the farmhouse.

The floorplan for barn B was explained and conservation elements pointed out, which had not been questioned by the Conservation Officer.

If the application was to be approved, then the Velux windows should be moved to the front.

Cllr Wayman then moved the motion of Refusal, against Officer recommendation, for the reasons of overdevelopment CP48, detriment to the amenity of the adjoining owner CP48, poor access to local services CP48, CP57, design of the alterations to the barn and CP58 – historic environment.

This was seconded by Cllr George Jeans.

The Committee discussed the application, the main points included the scale of the proposed development in terms of overdevelopment of the site. The rationale of the extent of the holiday let.

The positioning of the Velux windows on the barn and the subsequent overlooking which would occur on to Sedgell House.

The Master Plan and the site as a whole in terms of further plans for development.

Noise issue associated with the use of multiple holiday lets and the impact on the neighbouring dwelling.

The options for conversion, including single floor, which would omit the requirement for roof lights.

Additional boundary treatments which could include a higher level of screening.

Conditions which could be applied to limit the opening or glass obscuration of the roof windows, with level 5 obscuration.

The Committee discussed the option to defer the application to allow time for a revised plan, which could include roof lights on the opposite side and amendments to address the issues raised. The Committee noted that a motion for refusal had been made and seconded. Cllr Wayman did not support a withdrawal of her motion to allow for a motion of deferral. Therefore, the Committee moved forward with the motion of refusal which was on the table.

The Committee agreed that preservation of listed and historic buildings was favourable rather than allowing them to go to ruin, however the scale and design of the proposed development would negatively impact the neighbouring dwelling.

After discussion, the Committee voted on the motion of Refusal for the reasons provided by Cllr Wayman.

It was,

**Resolved:**

**That Application PL/2022/03968 – Berrybrook Farm, Sedgehill be refused against Officer recommendation, for the following reasons:**

- 1. The existing barn known as Long Barn and granary building are set within the farmyard complex of Berrybrook Farm, a grade II listed building, and are considered to be curtilage listed. The site is not located within a settlement boundary and is therefore considered to be within the countryside for the purposes of the development plan.**

**The works to the listed barn include the sub-division of the building, a rear extension, the conversion of its roof including new openings, and creation of two separate amenity spaces to the rear, with the associated use of the building as two holiday lets. The proposal is considered to be overdevelopment of the site, which detrimentally impacts on the amenity of the surrounding area, the character of the listed barn itself and the setting of the heritage asset. Consequently, the proposal is considered to be contrary to Core Policies CP48 (Supporting Rural Life), CP57 (Ensuring high quality design and place shaping) and CP58 (Ensuring the conservation of the historic environment) of the Wiltshire Core Strategy and the requirements of the NPPF.**

With regards to the second application, PL/2022/04157, Cllr Wayman moved the motion of refusal. This was seconded by Cllr Jeans.

It was;

**Resolved:**

**That Application PL/2022/04157 - Berrybrook Farm, Sedgehill be refused against Officer recommendation, for the following reasons:**

1. **The existing barn known as Long Barn and granary building are set within the farmyard complex of Berrybrook Farm, a grade II listed building, and are considered to be curtilage listed. The site is not located within a settlement boundary and is therefore considered to be within the countryside for the purposes of the development plan.**

**The works to the listed barn include the sub-division of the building, a rear extension, the conversion of its roof including new openings, and creation of two separate amenity spaces to the rear, with the associated use of the building as two holiday lets. The proposal is considered to be overdevelopment of the site, which detrimentally impacts on the character of the curtilage listed barn and the setting of the grade II listed Berrybrook Farm.**

**Consequently, the proposal is considered to be contrary to Core Policy CP58 (Ensuring the conservation of the historic environment) of the Wiltshire Core Strategy, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF.**

## 116 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.20 pm)

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

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