

<b>Date of Meeting</b>	2 <sup>nd</sup> December 2021
<b>Application Number</b>	PL/2021/07750
<b>Site Address</b>	Soley House, West Soley, Chilton Foliat, RG17 0GW
<b>Proposal</b>	Erection of a farm manager's annexe (gate house) to Soley House
<b>Applicant</b>	Mr Adrian Gott
<b>Town/Parish Council</b>	CHILTON FOLIAT
<b>Electoral Division</b>	Aldbourn & Ramsbury (Cllr Sheppard)
<b>Grid Ref</b>	SU 31080 72289
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

The application is called to committee at the request of Councillor Sheppard, to allow for discussion over the principle of providing of a gate house/farm manager's dwelling at Soley House.

#### 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 planning permission.

#### 2. Report Summary

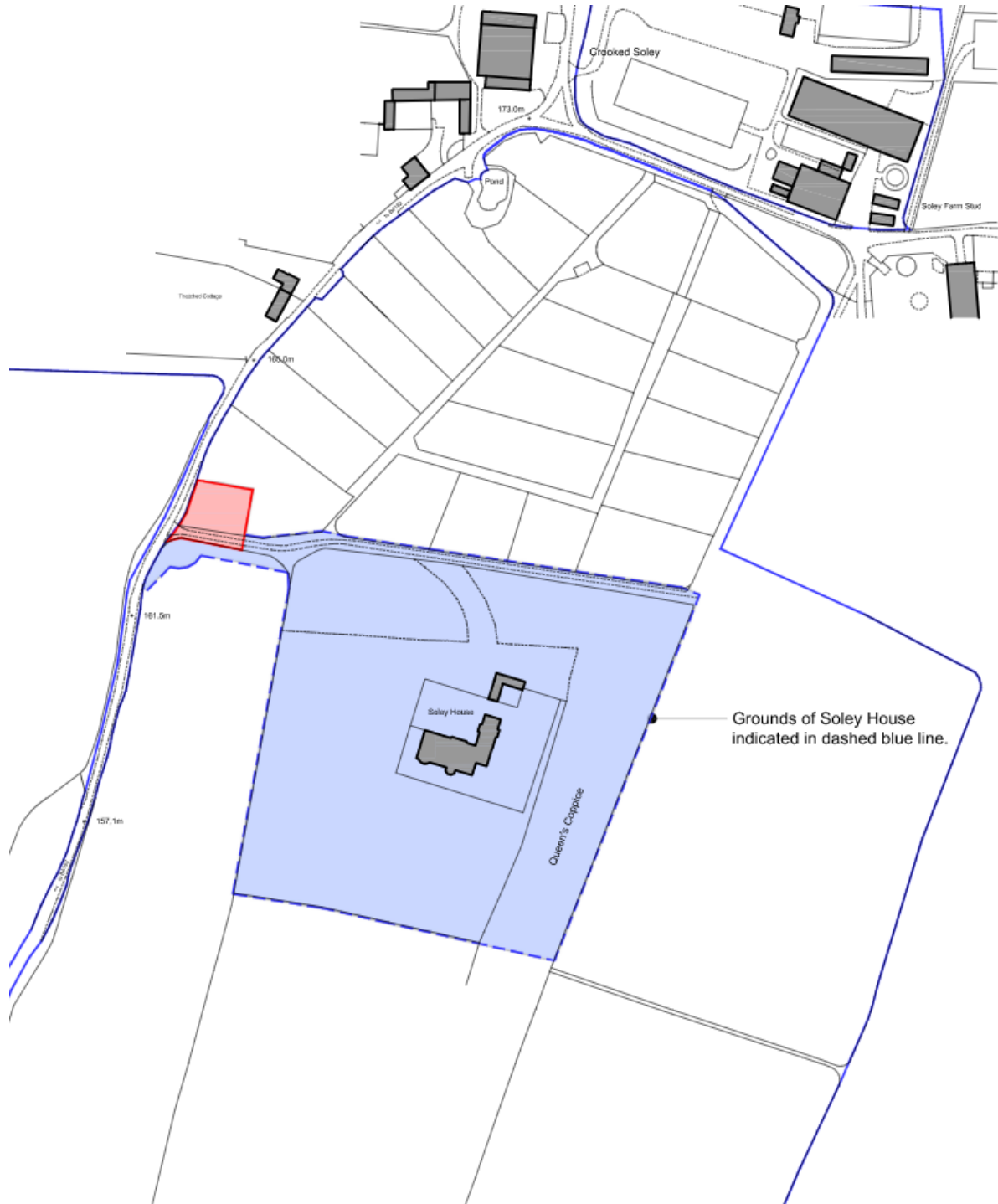
The main issues to be considered are:

- The principle of a new countryside dwelling in this isolated position, with particular regard to the functional need and financial 'tests' established in former PPG7 Annex A which appeal inspectors have satisfied to use as a framework for establishing the justification for such dwellings (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51); and,
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64); and

#### 3. Site Description

The application relates to Soley House, near Chilton Foliat. The property is a large, detached dwelling with extensive grounds lying within the open countryside in the North Wessex Downs Area of Outstanding Natural Beauty.

Below is a location map that shows the context of the site.



#### 4. The Proposal

The application seeks full planning permission for the erection of a farm manager's annexe (gate house) to Soley House.

The Design and Access Statement by Harrison Pitt Architects explains that the annexe is intended to be a security feature to Soley House with modest living accommodation. It is said "The building is to have a traditional appearance and present a good first impression to visitors to Soley House" and the "The applicant wishes to create a first impression appropriate to the scale and stateliness of Soley House".

The dwelling is to be constructed out of knapped flint and brick with a thatched roof. It will be served by two parking spaces taken off the main drive to Soley House.

Below is the proposed site plan showing the gatehouse in conjunction with the approved re-designed driveway entrance, and elevations and plans of the proposed dwelling.



**GATE HOUSE ELEVATIONS**



East Elevation



South Elevation

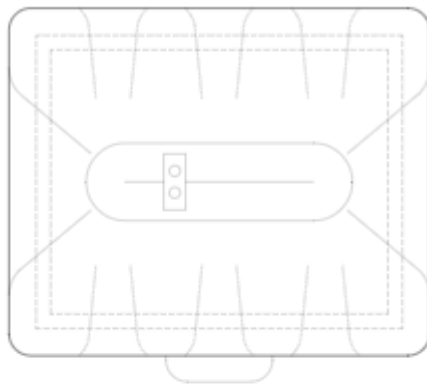


North Elevation



West Elevation

**GATE HOUSE PLANS**



Roof Plan



First Floor



Ground Floor

## 5. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 14 – Marlborough Community Area Strategy
- CP 48 – Supporting Rural Life
- CP 50 – Biodiversity and Geodiversity
- CP 51 – Landscape
- CP 57 – Ensuring High Quality Design and Place Shaping
- CP 60 – Sustainable Transport
- CP 61 – Transport and New Development
- CP 64 – Demand Management

### National Planning Policy Framework 2019 (NPPF)

Section 85 of the Countryside and Rights of Way Act 2000: requires the Local Planning Authority to 'have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.

### Wiltshire Landscape Character Assessment (2005)

The Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) and associated Landscape Character Assessment (1999).

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019.

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

## 6. Relevant Planning History

In October 2000, planning permission was granted to build a new principal house at Soley Farm Stud near Chilton Foliat (ref: K/38538). This permission was subject to an equestrian occupancy condition. At the time planning permission was granted, an additional occupancy restriction was imposed by way of a Section 106 legal agreement. The scheme was re-applied for in June 2002 (ref: K/41551), with the same occupancy condition imposed, and the same restrictions applied by way of another Section 106 legal agreement.

In August 2016, an application was made for a certificate of lawfulness (ref: 16/07161/CLE) for the occupation of Soley House in breach of condition 2 of planning permission ref K/41551 (equestrian occupancy tie) for a period more than 10 years. This was approved in September 2016 as the Council had no evidence to the contrary to refute the claims made by the applicant. The certificate of lawfulness permitted the use of the dwelling without any occupancy restrictions. However, the Section 106 agreement was still in force and unrestricted occupancy of the dwelling would still constitute a breach of the legal agreement despite the approval of the certificate of lawfulness application. As such, an application was made under Section 106A of the Town and Country Planning Act 1990 to discharge the agreement because it no longer served a useful planning purpose. The application was approved by the Council September 2018.

The application property is therefore an open C3 'Dwellinghouse' use without any occupancy restrictions. The dwelling does however benefit from ancillary accommodation in the form of two self-contained flats granted in October 2002 (application reference K/43897). The planning permission was for two staff flats with a condition of the planning permission restricting the occupation of the flats "for purposes ancillary to the residential use of the new dwelling at Soley Farm granted permission under K/041551". It is understood that the planning permission was implemented and that the flats are currently occupied.

In December 2010, planning permission was granted for a new indoor swimming pool building with associated facilities (application reference E/10/1481/FUL). In January 2015, planning permission (application reference 14/05045/FUL) was granted for a new building to provide ancillary accommodation. The planning permission was for a new building to provide ancillary accommodation in the grounds of the property to the north-west of the dwellinghouse. The building had 3 bedrooms and all the facilities for day-to-day living, occupying a footprint of some 240m<sup>2</sup>. An associated Section 106 agreement, dated 8<sup>th</sup> January 2015, specifies that the Annexe shall not be occupied "other than in conjunction with the House as ancillary accommodation".



*Planning permission 14/05045/FUL approved Site Plan*

The local planning authority was notified via letter on 6 August 2015 that planning permission reference 14/05045/FUL has been implemented. It was however established during recent discussions that planning permission E/10/1481/FUL commenced via some part foundation works and therefore remains extant. The works however pre-date planning permission 14/05045/FUL which the Council considers has expired.

A pre-application enquiry ref 19/08471/PREAPP was submitted in 2019 for the construction of a Gate Lodge for Soley House and improvement to the existing access

arrangements, as shown in Proposed Block Plan below. The proposal was subsequently the subject of planning application 19/12159/FUL.



*Proposed Block Plan*

The application, ref 19/12159/FUL, was amended following discussions with the applicant and his advisors in relation to the proposed Gate Lodge and the planning history of the property. The updated application sought planning permission only to reconfigure and improve the access and gateway to the property. The application was granted planning permission on the 18<sup>th</sup> May 2020.

In October 2020 planning permission was granted for a “new building to provide ancillary accommodation” within the residential grounds of Soley House (application reference 20/04295/FUL). The permission was, in essence, the same as planning permission 14/05045/FUL, which the Council considered had expired but was a key material planning consideration when considering the proposal afresh.



Planning permission 20/04295/FUL - Approved Site Plan

The new planning permission, ref 20/04295/FUL, was subject to a legal agreement which had the following occupancy restrictions: -

1. Not to occupy the Annexe other than in conjunction with the House as ancillary accommodation and not to sell, lease or otherwise dispose of the Annexe unless such sale, lease or disposal shall include the sale, lease or disposal of the Land and the House and every part thereof
2. Not cause or permit any separate curtilage to be formed around the Annexe
3. The Owner shall provide to the Council on demand copies of any documents or other evidence as the Council may reasonably require to satisfy itself as to the nature of any occupation of the Land, Annexe and House.

In October 2020 an application ref 20/09234/FUL was also submitted for the erection of an annexe to Soley House. Following officer concerns around the principle of providing a dwelling for a security manager to reside in within the open countryside, the application was withdrawn.

## 7. Summary of consultation responses

### Wiltshire Council Highways

'The details of the application suggest that the house is to be linked with the business use of Soley House. The current access has limited visibility and as such is substandard. However, based on the position that the proposed dwelling will be linked to the main use of the house, meaning that some vehicle movements will be mitigated I am happy to allow the minimal increase of vehicle movements at the access and in turn raise no highway objection.'



Wiltshire Council Agricultural Consultant

Whilst the full report from the Council's Agricultural Consultant is available to view online, in summary he considers that the proposed ewe flock will generate an essential need for attendance during lambing. However, he goes on to note that the essential need is, in his view, partial and does not warrant an essential presence at most times. Therefore, he does not agree that there is an essential need for a permanent farm worker's dwelling at the site. He also notes that dwelling is slightly larger than warranted by the (Council's) identified essential need.

**8. Publicity**

The application was advertised for a period of 21 days. No representations were received as part of this publicity.

**9. Planning Considerations**

Principle of Development

The case being purported here does warrant in-depth discussion. As such, officers would like to point out that the premise of argument here is quite simple. This is an application for a standalone house in the open countryside, within a protected AONB landscape with no required/accepted need for it, contrary to long-standing local and national planning policy on the matter. In more detail, officers contend the following:

The National Planning Policy Framework highlights that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict all new residential development to locations within the Limits of Development defined for towns and villages. It is noted that this site lies outside of such defined limits, in open countryside, and therefore would be contrary to these policies.

However, it is noted under Core Policy 2, that residential development is permissible in the open countryside if it accords with one of the exception policies listed at paragraph 4.25 of the WCS. In this case, one of those exceptions is Core Policy 48 which allows for rural worker dwellings where there is an essential need for a rural worker to live permanently on or at their place of work.

In addition to those exceptions, residential development may also be permissible in the form of annexed accommodation attached to a dwelling (that which is considered ancillary). Such provisions do not allow for wholly separate dwellings to be formed but rather accommodation which is either physically or functionally linked to an existing dwelling.

A Section 106 planning obligation has been offered so that the occupancy of the building can be restricted to a person wholly employed by Soley House on that property and the surrounding land in common ownership, along with their dependants. Furthermore, the person shall be employed at the proposed gate lodge as a farm worker/security officer overseeing Soley House, its estate and the sheep flock it contains. It is claimed that with this planning obligation in place, the proposed accommodation could only be ancillary as it would be bound to Soley House by way of said obligation and would therefore not be a new dwelling in the open countryside.

With the above in mind, the main arguments that need to be considered here are as follows:

- Is this an annexe to which there would be support in principle or is it in fact a separate dwelling where other policy tests are required to justify it?
- Can a proposed legal agreement make the development acceptable in planning terms?
- Is there an essential need for a rural worker to live permanently at the site (be it as a farm worker or security managers) that would justify permitting a new dwelling in the open countryside?
- Does the existence of an extant planning permission for an annexe within the grounds of Soley House provide material justification for allowing this scheme?

*Is this an annexe to which there would be support in principle or is it in fact a separate dwelling where other policy tests are required to justify it?*

To be classed as an annexe, the building must be used as ancillary accommodation and be incidental to the enjoyment of the dwellinghouse. A separate planning unit must not be formed through, for example: the creation of a separate curtilage, or the building being sold, let, or otherwise used as a separate residential unit. The building must form one unit of occupation with the dwellinghouse, for example, providing living accommodation for a family member or member of staff who form part of the household occupying the dwellinghouse.

The provision of staff accommodation within a planning unit is capable of being ancillary to the main use provided they are not independent living units. A member of staff employed to support the main use of Soley House would have a functional link with the main dwellinghouse (e.g., an au pair). However, it has previously been found on appeal that whether one use is ancillary to another is fundamentally a matter of fact and degree depending upon the circumstances of the case, and that a work connection with the main use is not sufficient to establish an ancillary link. The key issue to consider is whether there would be a sufficient physical and/or functional link between the unit of accommodation and Soley House so as not to result in an independent unit of living accommodation.

The provision of ancillary accommodation should support the primary use of the planning unit and must not therefore result in a change of use. The proposed dwelling is physically and visually separate from the main dwelling by some distance (170m). It quite clearly has a separate access and parking area as well as its own physical curtilage/amenity space. The dwelling itself would contain all the facilities for day-to-day living and there is nothing within the application particulars to suggest that the occupiers of the accommodation would be dependent on Soley House for their day-to-day living requirements. Functionally, other than being employed by the owner of Soley House, the occupier of the proposed dwelling would be capable of living totally independently from it – especially on days when they are off work/on holiday.

Its siting would amount to a separate main use for human habitation. The erection of a dwelling with all associated facilities to accommodate a farm worker/security guard and their dependants would amount to a material change of use of the larger planning unit. The application site is outside the residential curtilage of Soley House on agricultural land (sui generis use) and the proposal would result in a change of use of that land to a C3 use (dwelling house). Whilst this use would be within Use Class C3(a) (use by a single person or a family) this would be separate and distinct from the Use Class C3(a) of the main house.

It is the opinion of officers, taking account of the above, that this application cannot be considered as annexed accommodation to Soley House. It must therefore be treated as a new dwelling within the open countryside whereupon only in exceptional circumstances should permission be granted.

To illustrate the point, if one applies for an agricultural worker's dwelling on an existing farm because there is a proven need, is it considered to be ancillary to the main farmhouse purely because they are employed by the occupant of said farmhouse? The answer is clearly no, they are treated as separate dwellings and have been officers in other cases. To take a different view here would not be inconsistent with previous decisions and could well set a precedent in respect of the case for of rural worker dwellings.

*Can the proposed legal agreement make the development acceptable in planning terms?*

The applicants have stated that they would be prepared to enter into a legal agreement to ensure that the "...Annexe (gate house) could not be used other than in conjunction with Soley House, as ancillary accommodation." The purpose of a s106 agreement is to make a development possible that would otherwise not be possible, by obtaining concessions and contributions from the developer/applicant. However, just saying a building is ancillary does not make it so, and a s106 agreement would not make the development acceptable if there is to be no ancillary function.

It is clear from the proposal that the intended occupier is to be a farm worker who would not have a physical or functional relationship with Soley House (i.e., an ancillary link), and it has been concluded above that the development itself cannot be considered as ancillary accommodation. This would mean the intended occupant would be unable to comply with the terms of the quoted legal agreement that is set out in the Planning Statement. It would not therefore be possible to make the development acceptable in planning terms through the imposition of a legal agreement.

*Is there an essential need for a rural worker to live permanently at the site (be it as a farm worker or security manager) that would justify permitting a new dwelling in the open countryside?*

Core Policy 48, along with Paragraph 80 of the NPPF allows for the provision of rural workers dwellings where there is an essential need for someone to live permanently close to or at their place of work. The term "essential need" means essential for the proper functioning of the enterprise i.e., one or more workers must be readily available at most times. In other words, a functional requirement exists that will ensure the business is not financially or materially harmed for example, by loss of sheep through birthing complications because there is no on-site presence to monitor the situation.

The Council's Agricultural Consultant states that the essential need arising from the farming enterprise is not year-round i.e., it is only during the period of lambing which is indicated to be approximately 4 months of the year. It is accepted that there is an array of tasks associated with the husbandry of a ewe flock outside of the lambing period, and that those tasks require labour input. It is also accepted that it would be more convenient for those tasks to be conducted with the benefit of an on-site dwelling. However, the requirement of the NPPF is one of essential need. Although the business may be planned on a financially sound basis, there is no essential need for the farmworker to be present on the land save for the 4 months of the year.

As such, it cannot be concluded that there is a genuine functional need for a full-time farm worker to live permanently at the site to ensure the proper functioning of the farming enterprise. It is also suggested by the Council's Agricultural Consultant that the proposed

dwelling is of a scale that is beyond what would be considered reasonable in the context of functional need.

What is also of material relevance here is the applicant's assertions that the occupier of the proposed dwelling would very much be involved in a security role for Soley House as well. Previous applications attempted to secure a gate lodge at this location on the security arguments alone i.e., at the time it was not suggested that there was a farming element to consider but that the essential need derived solely from the necessity for security guard to live at the site. Agricultural worker dwellings are permitted on the basis that there is a genuine need arising for a full-time agriculture worker and, almost always, with a planning condition restricting occupancy to someone solely or mainly employed in agriculture. The Council's Agricultural Consultant's report, which states that there is not a full-time need for an agricultural worker, and the applicant's own Planning Statement, which talks about a security manager/guard role also to be undertaken by the intended occupant of the proposed dwelling means that it cannot be clearly concluded that the occupant would be employed solely or mainly in agriculture.

What is more, this is a new agricultural enterprise where common practise is to give temporary planning permission for a mobile home in the first instance rather than a permanent dwelling. This enables the applicant to build up their business plan over the course of a 3-year period and present those figures back to the LPA to prove that the business is financially viable and will be going forward. If there is no case, then the mobile home can simply be removed from the land and the land returned to its former condition. The reasons are quite obviously to provide a further safety net to the allowance of new dwellings in the open countryside. Such a scenario would be harder to achieve if a permanent dwelling has already been approved. Best and normal practise is not being followed here which is another reason for concern..

Furthermore, the applicant has not stated that they intend to provide any ancillary buildings to support the farming enterprise on the site – just temporary/mobile lambing sheds when required. Also, there are no current or previous planning applications for such agricultural buildings. Whilst not a perquisite for obtaining permission for an agricultural worker's dwelling, it is a strong indicator to the LPA that an applicant is investing in the farming business and gives a degree of confidence to its decision making if recommending for approval.

With regard to essential need for a dwelling arising from a security manager, this debate has been put in front of the local planning authority before. The security needs of the property are not significantly different from those of many other isolated dwellings in the countryside. It must also be recognised that there are already two units of staff accommodation within the curtilage of Soley House which by their very presence provide an element of supervision and security to the property. This conclusion has many similarities to the case considered at appeal - *John Taylor v SoS for Wales & Glyndwr* [1985] JPL 792 for a lodge. A proposal for a lodge in the grounds of a large house was refused on appeal but the decision was rescinded on the basis that the inspector had failed to have regard to the need for on-site supervision and the impracticability of providing accommodation for a caretaker in the main house. On re-examination of the matter a second inspector found that the security needs of the property, disregarding its intermittent occupation, were no more than many other similar isolated houses in the countryside.

Whilst officers sympathise with the applicant's desire to increase the security at his property, it is not a matter which is essential to the functioning of the Soley House. Certainly, the applicant has made no attempt in the application particulars to suggest there are overriding matters of security/safety concern within the local area that need

addressing through round the clock surveillance by a security guard. It may be the case that rural crime is on the rise but officers struggle to see how this site differs from the great many other isolated dwellings in the countryside that don't have gate lodges for security reasons. Without any proven essential need, officers do not consider that a dwelling to accommodate a security manager would meet the requirements of Core Policy 48 of the WCS or paragraph 80 of the NPPF.

*Is the approved annexe (under either E/10/1481/FUL or 20/04295/FUL) a material consideration that justifies permitting this scheme?*

To support the applicant's argument for the proposed unit of accommodation, the Planning Statement draws attention to a planning permission for the erection of a "new building to provide ancillary accommodation" within the residential grounds of Soley House. Whilst it is argued that the proposal on its own merits complies with the local development plan, one of the now prevailing material considerations is the approved building for ancillary accommodation i.e., is there a valid fall-back position that could be employed if permission were not to be given for this application.

It has been previously explained that the provision of a building for a security guard in the location of the extant permission would not be suitable because the person needs to be located on the outer boundary of the land by the vehicular access and not at its heart, as ingress into the private estate by vehicles could occur. It has been stated by the applicant that such a location is also considered to be not suitable for the proper functioning of the agricultural enterprise. The applicant is however prepared to surrender the planning permission via a legal agreement so there is no net gain of new buildings on land within the applicant's ownership. It is outlined that the application simply seeks planning permission to build a smaller unit of accommodation, in a less prominent location (with a site-specific factor for the owner) instead of the approved larger one in the wrong place. It is stated that the proposed ancillary accommodation to Soley House is not independent in any sense and certainly no more so than the extant permission. Furthermore, it is stated that both would be self-contained units of accommodation within the same planning unit – Soley House and its grounds. The agent feels the principle of accepting the unit of accommodation / Gate Lodge does not need to be justified because it would simply replace a previous building at the property.

The Planning Statement states that the proposed unit of accommodation is no less 'ancillary' than the approved one - "Not only would it be functionally linked but it would also be physically integral and not independent from Soley House in any sense, and no more than the approved annexe.". It is however considered that the agent's assessment fails to take account of the material differences between the permitted and proposed schemes. The permitted scheme was a householder development for ancillary accommodation. The legal agreement attached to the permission clearly states that the permitted annex should not be occupied other than in conjunction with the house as ancillary accommodation i.e., it could not be a self-contained unit of accommodation separate from the main dwelling. The current proposal is not a householder application providing ancillary accommodation within the form of an annex providing for example, overspill accommodation to the main household, but a full application seeking permission for a change of use and a new self-contained and distinct unit of accommodation separate from the main house as outlined above. Its occupiers would live independently from the main dwellinghouse within a dwelling with its own curtilage physically detached from the main grounds around Soley House. They are not therefore one in the same and so it is not the simple case that one development can replace the other.

With the above in mind and turning to the issue of whether there is a valid fall-back position, the Local Planning Authority must have regard to three key tests when considering this. These are:

1. whether there is a lawful fall-back position;
2. whether there is a likelihood or real prospect of such a use occurring; and,
3. if the answer to the second question is “yes”, a comparison must be made between the proposed development and the fall-back use.

Planning permission ref 20/04295/FUL could be fully implemented, however the material differences between the approved and proposed schemes as described above is a key consideration that significantly reduces the weight to be attributed to the fall-back position.

The permitted building does not represent a true fall-back position which is directly comparable to the use or siting of the development currently proposed. Notwithstanding this point, for a fall-back suggestion to be relevant there must be a finding of an intended use as opposed to a mere legal or theoretical entitlement. The applicant’s agent is of the opinion that whether the applicant intends on erecting the building the subject of planning permission ref 20/04295/FUL is not a material planning consideration. However, for any fall-back position to be considered there must be a real prospect of the fall-back development being implemented and carried out. Whilst a previous owner implemented the planning permission, the current applicant has clearly indicated that he does not wish to erect the building due to its obtrusive contemporary design and physical appearance in the AONB. If this is the case, the fact that application states that the planning permission could be surrendered is immaterial if there is no real prospect of it being delivered. It is recognised that planning permission 20/04295/FUL has recently been granted but it is evident that the purpose of the application was to resolve the legal debate regarding the status of permission E/10/1481/FUL so it could be used to support this current application as clearly outlined within the Planning Statement.

Whilst officers concluded that the erection of the permitted building for ancillary leisure facilities or ancillary accommodation (planning permissions E/10/1481/FUL & 20/04295/FUL), does not directly impact on the current proposal for a new dwelling outside the curtilage for an agricultural worker/security guard, the visual impact of both buildings is however material and considered below in the design and visual impact section of the report.

#### Design and Visual Impact

The design of the dwelling is the same as that which was considered under the withdrawn application 20/09234/FUL. In that application, the AONB officer concluded that the dwelling:

*“would not have a negative or detrimental on the local AONB landscape due to its lower profile, high quality design/use of materials, relationship with the proposed entrance alterations and the existing landscaping which restrict visibility to the immediate area.”*

Although at the time, they considered the principle of development on that application to be acceptable, as they did not view the scheme to be an annexe or a rural worker’s dwelling, it is clear from the above that they had no concerns with the application visually.

Whilst the AONB Officer has not commented on the current scheme, as it is the same, and with no material changes in policy pertaining to landscape impact, it would be difficult to take a different view now. Accordingly, the view is still taken that the dwelling will not have an adverse impact upon the landscape character and scenic qualities of the AONB.

Given that the AONB Officer's previous lack of objection on landscape grounds was partially based upon the appropriateness of the design, it is fair to conclude that the design of the scheme is also one that does not merit objection. Were the LPA to be recommending approval of the scheme, the finer details of the proposal would have been capably addressed using planning conditions e.g., control of materials, architectural detailing, and restriction of external lighting. It would have also been prudent to remove permitted development rights for extensions and alterations etc. given the sensitivity of the site within the AONB.

With the above in mind, the proposal is considered to protect / conserve landscape character in accordance with the requirements of Core Policy 51 of the WCS and Section 85 of the Countryside and Rights of Way Act 2000. The scheme is also considered to be in broad accordance with the requirements of Core Policy 57 of the WCS and is thus of acceptable design.

The applicants contend that the current proposal would be less visually harmful than the annexe that was previously approved. That proposal was objected to by the AONB Officer. The AONB Principal Landscape and Planning Officer feels the building the subject of planning permission ref E/10/1481/FUL would be visually intrusive within the local landscape from Public Right of Way ref RAMS31 to the west of Soley House. Whilst it is accepted that the building would be partially visible from the PROW it would be seen against the backdrop of the main house and seen as an ancillary outbuilding which is its purpose. A more traditional design which mirrors the design of the house may have been preferable, but the more modern design has previously been found to be acceptable. The AONB Officer originally suggested this approach to the design of the proposed Gate House. Notwithstanding the comments from the AONB Officer, the building the subject of planning application ref E/10/1481/FUL, and now more recently application 20/04295/FUL, was found to be acceptable on its own merits and was granted planning permission. The reference to the fall-back position discussed above carries limited weight for the reasons previously outlined and since no objection is raised to either proposal in principle on landscape or visual grounds.

#### Neighbour Amenity

There are no neighbours near the site that stand to be affected by the proposal. The nearest dwelling is Soley House itself.

#### Highways Safety / Parking

The Local Highway Authority have raised no objections to the scheme. Although the access is substandard, the minimal increase in vehicle numbers from the dwelling would not warrant an objection on highways grounds as it would not be deemed to cause severe harm to highway safety.

In addition to the above, minimum parking standards are achieved on the site (2 spaces for a 3-bed dwelling).

#### Ecology

Whilst the Council's Ecologist has not commented on the current scheme, it is identical to the withdrawn application where there had offered no objections subject to development being carried out in accordance with the submitted ecology report. There has been no material change in circumstances that would warrant an alternate view to be taken on the current identical proposal and, as such, a condition could be imposed to ensure development is carried out in accordance with the submitted Ecological Appraisal. With such a condition in place, there would be no adverse impacts to local species or habitats.

## **10. Conclusion (The Planning Balance)**

The application seeks full planning permission for the provision of an annexe / Gate Lodge at Soley House, West Soley, Hungerford. The proposed unit of accommodation would be physically detached from the main dwellinghouse and its occupiers would not be reliant on the main dwellinghouse due to the proposed accommodation and facilities to be provided within the unit. As such, the unit of accommodation cannot be classed as ancillary accommodation. A new unit of accommodation is proposed, which would function independently from the main dwellinghouse. Whilst it is recognised that the security function the dwelling could provide has been designed to support the primary use of the planning unit i.e., provide security to the country house, its primary role is intended to be that of an agricultural worker's dwelling.

Based on the information submitted as part of the application the Local Planning Authority does not consider that there is a robust justification, or valid planning 'need' based on local planning policy, which results in the requirement for the erection of a Gate Lodge to accommodate a farm worker/security personnel.

It is recognised that a unit of accommodation could be sensitively designed to respond to the context of the site and reduce its visual impact, however the provision of a new building and a more formal entrance would undoubtedly impact on the existing open character of the site and the visually subtle entrance to the country house. Whilst the AONB Unit does not object to the proposal due to its landscape impact the principle of the development cannot be supported.

The surrender of planning permission ref E/10/1481/FUL for the new indoor swimming pool and 20/04295/FUL for the ancillary accommodation do not justify the provision of the proposed Gate House.

### **RECOMMENDATION**

That planning permission be REFUSED for the following reason:

1. The proposed building / Gate House would result in the provision of a new purpose-built self-contained unit of accommodation physically detached and independent from the use of the main dwellinghouse, Soley House. The application site is outside the residential curtilage of Soley House on agricultural land (sui generis use) and the proposal would result in an enlargement of the existing planning unit to contain a unit of accommodation within Use Class C3(a) which would be separate and distinct from the Class C3(a) use of the main dwellinghouse.

The application does not demonstrate that there is an essential need for a new unit of accommodation to accommodate an agricultural worker/security personnel for the proper functioning of the planning unit which would override the national and local planning policies which seek to prevent building in the countryside.

The proposed development is therefore deemed to be unsustainable and would conflict with the Council's plan-led approach to sustainable development. There are no exceptional circumstances or material planning considerations which justify the approval of the proposed development, including the fall-back position presented within the application.

Considering the above, the proposed development is considered to conflict with Core Policies 1 'Settlement Strategy', 2 'Delivery Strategy', 14 Spatial Strategy: Marlborough Community Area; and 48 Supporting Rural Life; of the Wiltshire Core Strategy, and with Central Government policy contained within the National Planning Policy Framework.



