

AGENDA

Meeting: Southern Area Planning Committee

Place: The Guildhall, Market Place, Salisbury, Wiltshire, SP1 1JH

Date: Thursday 19 August 2021

Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton (Chairman)
Cllr Sven Hocking (Vice-Chairman)
Cllr Brian Dalton
Cllr Nick Errington
Cllr George Jeans
Cllr Bob Jones MBE

Cllr Charles McGrath
Cllr Ian McLennan
Cllr Nabil Najjar
Cllr Andrew Oliver
Cllr Rich Rogers

Substitutes:

Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Kevin Daley
Cllr Ricky Rogers

Cllr Bridget Wayman
Cllr Graham Wright
Cllr Robert Yuill

Covid-19 safety precautions for public attendees

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place.

Please contact the officer named on this agenda no later than 5pm on Wednesday 18 August 2021 if you wish to attend this meeting.

To ensure safety, all present at the meeting are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow any one-way systems, signage and instruction in place at the venue

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Bourne Hill, Salisbury
Monkton Park, Chippenham

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Public Participation

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

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

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public. During the ongoing Covid-19 situation the Council may need to operate revised procedures and timescales.

Statements

Members of the public who wish to make a statement at the meeting in relation to an item on this agenda should contact the officer named on this agenda no later than 5pm on 18 August 2021.

Statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to attend to read the statement themselves, or to provide a representative to read the statement on their behalf.

Questions

To receive any questions from members of the public or members of the Council

received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 13 August 2021, in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 16 August 2021.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Appeals and Updates (Pages 17 - 18)

To receive details of completed and pending appeals and other updates as appropriate for the period of 11/06/2021 to 06/08/2021.

7 Planning Applications

To consider and determine planning applications in the attached schedule.

7a **PL.2021.05288 - 2 Dykes Cottages, Winterbourne Dauntsey, SP4 6ER** (Pages 19 - 46)

New House and Garage in part of Existing Garden.

7b **PL.2021.03114 - Barn on land adjacent to Greenfields, Kilmington, BA12 6RB** (Pages 47 - 62)

Conversion of part of redundant barn to form 1-bedroom dwelling.

8 Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 JUNE 2021 AT THE GUILDHALL, MARKET PLACE, SALISBURY.

Present:

Cllr Richard Britton (Chairman), Cllr Brian Dalton, Cllr Sven Hocking (Vice-Chairman), Cllr George Jeans, Cllr Bob Jones MBE, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Andrew Oliver, Cllr Rich Rogers and Cllr Trevor Carbin (Substitute)

Also Present:

Cllr Paul Sample

1 Apologies

Apologies were received from:

- Cllr Nick Errington who was substituted by Cllr Trevor Carbin

2 Minutes of the Previous Meeting

The minutes of the meeting held on 1 April 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

3 Declarations of Interest

In relation to application 7b:

The Chairman, Cllr Britton noted that he had known the applicant for several years through her work within the community however as this did not constitute a prejudicial interest, he would take part in discussion and the vote for the application.

Other Members who also knew the applicant in the same capacity also declared a non-prejudicial interest, these were; Cllr Dalton, Cllr Hocking, Cllr McLennan & Cllr Najjar.

Cllr McGrath noted that he had attended the opening event for the premises, although this did not constitute a prejudicial interest, for openness he stated that he would not take part in the discussion or vote for that application.

4 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public and paid tribute to the previous Chairman, Fred Westmoreland.

5 **Public Participation**

The committee noted the rules on public participation.

6 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda for the period of 19 March – 11 June 2021.

Resolved:

That the Appeals Report be noted.

7 **Planning Applications**

8 **20/11232/FUL - Lime Yard Adjacent To, Grimstead Road, West Grimstead, SP5 3RQ**

Public Participation

Ms L Paramor spoke in objection to the application
Mr R Flower (Agent) spoke in support of the application
Cllr E Hartford spoke on behalf of Alderbury PC
Cllr M Fry spoke on behalf of Grimstead PC

Attention was drawn to additional information which had been published in Supplements 1 & 2 to the agenda, which detailed the Ecology Officer's response and additional comments.

The Senior Planning Officer, Lynda King presented the application for a change of use from storage, processing and distribution of lime to storage, processing and distribution of horticultural products, with the addition of one building.

It was noted that the application should have been a major application and advertised in the press. The application had now been advertised and consultation would end on 15 July. Due to this, any decision would need to be delegated to Officers to implement following close of the consultation period and consideration of any new matters arising.

The main issues which had been considered to be material in the determination of this application were listed as Principle/retention of rural employment, Neighbouring Amenity and landscape, Highway Safety, and Ecology and drainage.

The site had been used for lime preparation since the 1980s. The application sought Change of use, to the production of horticultural soils.

Points noted were that there would be an average of 2 HGVs movements per hour from the site. The roller shutter doors would be closed during the drying operation and would be conditioned.

The owners operated another site at New Milton, photos of that site were shown and explained as part of the presentation.

The application had generated Objections from Grimstead Parish Council; and Alderbury Parish Council with a further 9 letters of objection from third parties.

The NPPF and Core Strategy both supports the diversification of agriculture and other land based rural business, this application was the latter.

Previous appeal for a B2 and B8 use were dismissed, a copy of the Inspector's decision was provided in the agenda pack.

There were no current conditions on the hours of use. This application would enable there to be some conditions to control the level of usage on the site.

The Local Plan Policy and the Salisbury Plan looked to protect employment.

It was considered that there would be no harm to the local amenities.

This was a unique site and it would be very difficult to find an alternative anywhere else.

The application was recommended for approval with conditions as set out in the report and additional conditions recommended by the Council's Ecologist, which were set out on the Supplements to the agenda.

Members of the Committee had the opportunity to ask technical questions of the Officer, where it was clarified that there was an ancient woodland with priority habitat to the south of the site, this was not an SSSI. The site lies within an SLA. The amended plan included showed the revisions required by Ecology and was the final plan.

The plans included a pond to collect excess water runoff. The nearest dwelling was approx. 100m from the boundary on West Grimstead side, there was also the inclusion of a noise bund.

A noise assessment had taken place and been assessed by the Council's Environmental Health Officers. The assessment had taken place on the application site and surroundings, as well as the applicant's existing operation, as demonstrated by the microphones in the submitted photographs.

The proposed facility would create approx. 5 or 6 new positions of employment.

The coniferous boundary on the southern side blended in with the woodland.

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

Some of the main points raised were, the level of impact on the nearest residential dwellings, the summary of issues submitted by objectors was felt to have been inadequate in capturing the level of detail provided.

Associated dust from diesel fumes coming from the lorries, and the impact on resident's health.

The damage to wildlife living near the site.

The loss of enjoyment of the copse by the groups that currently used it, which included Scouts and Explorer Scouts

Whether there was an original condition on the lime yard permission that stated the land would be re-instated to its former use once the lime yard was no longer operational.

The need for economic growth, the suitability of the site, the reduced environmental footprint of the applicant.

The Alderbury PC and West Grimstead PC both spoke in objection.

Unsuitability of the rural lanes to carry HGV traffic, knock on effect of the local villages being used as cut throughs when Sat-navs were in use despite the weight restriction.

The design, bulk and general appearance was out of character with the surrounding area. Associated smell from the sterilisation of soil. Verge erosion caused by HGVs. Wildlife in the wood would disappear.

Local Member Cllr Richard Britton spoke to the application, noting that whilst he could see the merits of the application and the attraction of the site to the operator there were three key headings.

Neighbouring amenity – the creation of a 3m bund was recognition that there was a noise issue. Although there was mention that the roller door would be kept closed during operation, he felt there would still be a noise issue for the closest neighbours. Presuming that some sort of HGV would be used to manoeuvre the material the beeping of a HGV would plague the residents.

The woods contain protected species – the application site would be part of the foraging and natural movement of the protected species, which he felt was an important consideration. Ecological report – there were 3 conditions in the report to protect the habitat and habits of the wildlife on that site.

Vehicular movement – In addition to the issue of all of the other vehicle movements, employees would also likely drive there not to mention trade people visiting the site and any technicians. All of this despite the previous inspector saying that the roads and lanes around the site were unsuitable for this nature of associated traffic.

Cllr Britton (the Chairman) then moved the motion of refusal against Officer recommendation, on the grounds of being detrimental to highway safety, residential amenity (by reason of noise and dust) impact on ecology, and therefore contrary to Saved Policies C6, E19 and CP50 and CP57 of the Core Strategy.

This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included the Highways impact and the congestion on the A36. How the business would operate without any external lighting, as that was prohibited until a plan had been put forward.

Clarification on the reasons for refusal, were explained by the Chair as reflecting the Inspectors reasons for refusal.

Whether an additional 2 HGV lorry movements an hour would have much impact on the flow of the A36 which was a major trunk road.

Clarification on whether there was an existing condition attached to the lime yard application which the Officer confirmed that there was no requirement to return the land to agricultural use.

The sites location and impact on the neighbouring amenity.

That Highways had not previously objected and that the Inspector had not agreed with that previously.

Vehicle movements or access only via the A36 could not be conditioned.

The offer by the applicant to agree to a later start time of 07:30 hrs if approved.

The 2012 decision pre-dated the NPPF and the Core Strategy and that this type of operation was in compliance with national policy.

The Committee then voted on the motion of refusal against Officer recommendation for the reasons stated above.

Cllr Oliver recorded his dissent in the voting process as he was not comfortable that Chair was the local member and also able to use a casting vote.

Legal advised that it is the chairs prerogative to use his casting vote regardless of the application area.

It was:

Resolved

Subject to delegation to Officers following the closure of the consultation period and that raising no further substantive issue not already covered, that application 20/11232/FUL – Lime Yard, adjacent to Grimstead Road, West Grimstead be REFUSED for the following reasons:

The site is located in the open countryside which is designated as a Special Landscape Area. The adjacent woodland is designated as a County Wildlife Site and Ancient Woodland Priority Habitat. The site is located within close proximity to a number of residential properties. According to local residents, the site has been in limited use for the last 10 years, and hence, the current operation of the site has had limited impact on the surrounding area. The surrounding highway network is characterised by narrow and twisting lanes without proper footways.

Whilst the reuse of the site would potentially create rural employment opportunities, this benefit is considered to be outweighed by the potential harm that would result due to the inevitable increase in the useage of the site, which will significantly increase the amount of noise and dust disturbance generated; increase the amount of vehicles accessing the site and surrounding highway network, and also increase the requirement for the artificial lighting of the site. Whilst some restrictive conditions could be imposed on the use and operation of the site, the Council considers that such restrictions would not be enough to limit the harmful impact of the proposal on the local highway system, the protected species and habitats on and adjoining the site, or on residential amenity.

The proposal is therefore contrary to the aims of adopted saved policies C6 & E19 and policies CP50 and CP57 of the Wiltshire Core Strategy.

9 PL/2021/03958 - 29 & 29A Brown Street, Salisbury, SP1 2AS

Public Participation

Mr W Bennett spoke in objection to the application

Mr E Gray spoke in objection to the application

Ms J Newman spoke in objection to the application

Ms A Newbery (Applicant) spoke in support of the application

It was noted that additional information was uploaded as Supplement 2 to the online agenda, which detailed the response from Public Protection.

The Senior Planning Officer, Julie Mitchell presented the application for demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area (Description revised following changes to the proposed frontage – previously “Demolition of existing building,

erection of gates and railings as modification to front facade to facilitate use of land as a hospitality”).

The main issues which had been considered to be material in the determination of this application were listed as demolition of the existing building and impact on the Conservation Area, principle of the proposed use, impact on residential amenity and noise/disturbance.

The application had generated Objections from residents. During the presentation, pictures were shown from the site during construction.

Live music act allows for live un-amplified music to be played anywhere between 0800 – 2300hrs and live amplified music to be played between 0800 – 2300hrs in workplaces with an audience limit of 500.

The application was recommended for approval with conditions as set out in the report.

Members of the Committee had the opportunity to ask technical questions of the Officer, where it was clarified that the demolition of the old building had already taken place after the application being submitted. The applicant had undertaken the process for prior notification, however during that because the site was in the conservation area it was discovered that full application was required.

An option when there was a potential breach of planning was to invite a planning application, as this had been received the matter was not passed on to enforcement.

The Live Music Act 2012 allowed for unamplified music anywhere and live music in workplaces, the premises was considered to be a workplace.

The Public Protection response made reference to some amended/additional conditions which if wished, could be added by the Committee should it be minded to approve.

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

Some of the main points raised related to the complaints from neighbouring residents in relation to associated noise and food smells permeating into their gardens and homes when the Brown Street outside space was in use.

Reference to a diary of logged incidents was referred to and had been circulated independently to Members prior to the meeting by one of the speakers.

The impact the venue would have on Charter Court residents with an increased level of noise and disturbance due to the acoustic funnelling at the rear, caused by a gap between buildings. The suggestion of a complete ban on all amplified

music, recorded or live was proposed, as was the possibility of the construction of a suitable barrier to be included within the application plans.
Audio clips circulated by email

The business needs of the applicant to diversify, following the impact of Covid over the last 18 months.

The applicant had been unaware of the issues raised as during previous discussions they had not come to light.

The operational side of the premises was explained and included an indoor stage and outside eating space. With occasional jazz brunches once a month.

Local Member Cllr Paul Sample, who was not on the committee, spoke to? the application, noted for openness that his son worked on a Jamaican food store at 29 and 29A brown street.

He went on to say that he had tried to keep an open mind but listened to the residents' concerns, who were mainly elderly and retired. He pointed out on the map where the resident's properties were in relation to the application site.

The residents were in earshot and down wind. For many years the site was a local charity style premises, noting that the demolished building had no architectural merit. The proposals were for a considerable change of use for this substantial new venture.

The source of the problem initially was the noise, which he felt was due to the large gap behind the staircase as it acted as a funnel allowing any noise or cooking smells to be channelled into Charter Court.

Upon a visit to Charter Court 3 weeks previously the noise was so loud that he felt that the owner would be unable to use his gardens.

The Baileys had kept a detailed diary of events. On Sunday 13 June, it was 26 degrees, the football was on and by 4pm football chants and expletives could be heard. The owners had to move to the front bedroom to enable them to get air by opening a window.

He also referred to the comments from the General Manager of the Red Lion, who stated that there was no mitigation in place for increased noise disturbance.

Planning guidance stated that a high standard of design was required in all developments and should have regard to compatibility to adjoined buildings.

There was proof that there was a noise disturbance and fume issue as a result of the application, this was contrary to CP57. Cllr asked that the application be refused or alternatively deferred pending noise monitoring from the gardens by Environmental Health and the installation of a noise buffering barrier .

Cllr Ian McLennan noted his support for mitigation measures and moved the motion of Deferral to enable the applicant to meet with residents of Charter Court to agree mitigation measures, and for Environmental Health to be approached to carry out independent noise monitoring, prior to the application coming back for consideration.

This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included the viability of asking Environmental Health to carry out noise monitoring, as usually the onus was on the applicant, to instruct a professional to carry the work out and the findings be assessed by Environmental Health.

The period of which any monitoring should be carried out and whether this could include smells as well as noise.

The applicant and residents of Charter Court in attendance were asked whether a deferral of this nature to discuss mitigation measures was welcomed. It was confirmed as a welcomed option.

The application with any appropriate additional mitigation measures, would be invited to return to be considered by Committee by its September meeting, or before.

The Legal Officer gave advice on the usual process taken by Environmental Services, in that a log should be kept by those affected and presented to Environmental Services, who would then decide if testing was required.

The Committee then voted on the motion of Deferral.

It was

Resolved:

That application PL/2021/03958 – 29 & 29a Brown Street, Salisbury, SP1 2AS be DEFERRED until the September meeting to enable the applicant and nearby residents to discuss and agree acceptable mitigation in consultation with WC Environmental Health, with a view to the application including any appropriate revisions for required works, where practical.

10 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.50 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,
direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council
Southern Area Planning Committee
19th August 2021

Planning Appeals Received between 11/06/2021 and 06/08/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/08928/FUL	Barn to the south of Stock Lane Landford Wood Farm Landford Wood SP5 2ER	Landford	Demolition of the existing agricultural barn and the erection of a detached replacement dwelling, hard and soft landscaping and associated works (resubmission of 20/04749/FUL)	DEL	Written Representations	Approve with Conditions	16/06/2021	No
20/10339/FUL	The Royal Oak Amesbury Road Shrewton, SP3 4HD	Shrewton	Proposed Demolition & Conversion of Existing Buildings into New Dwelling & Erection of 5 New Dwellings with Associated Landscaping	SAPC	Written Representations	Approve with Conditions	15/06/2021	Yes
20/10982/FUL	Old Deweys High Street, Tisbury SP3 6PS	Tisbury	Retrospective application for an open wooden structure to shelter a car with stairs and balcony over.	DEL	Householder Appeal	Refuse	12/07/2021	No
21/00288/FUL	Glebe Cottage Rectory Road Sutton Mandeville SP3 5NA	Sutton Mandeville	Proposed two storey annexe	DEL	Householder Appeal	Refuse	12/07/2021	No
21/01475/PNCOU	Knightwood Farm Lucewood Lane Farley, Salisbury Wiltshire, SP5 1AX	Pitton and Farley	Notification for Prior Approval under Class Q for One Agricultural Building to be Converted into a Residential Dwelling (Use Class C3)	DEL	Written Representations	Refuse	14/06/2021	No

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Planning Appeals Decided between 11/06/2021 and 06/08/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/02434/OUT	Land at end of Bishops Drive, East Harnham Salisbury, SP2 8NZ	Salisbury	Outline Planning Application with all Matters Reserved for Development comprising 13 Intermediate Affordable Dwellings with access from Bishops Drive.	DEL	Written Reps	Refuse	Dismissed	24/06/2021	None
19/11206/OUT	Land to the East of Wagtails Southampton Road Alderbury, SP5 3AF	Alderbury	Outline Application for up to 32 dwellings with all matters reserved (except access)	SAPC	Written Reps	Appeal against non-determination	Dismissed	15/06/2021	Appellant applied for Costs - REFUSED
20/03801/FUL	Jasmine Cottage Rolleston Road Shrewton, SP3 4HG	Shrewton	Construction of new detached dwelling with parking.	DEL	Written Reps	Refuse	Allowed with Conditions	24/06/2021	None
20/10650/FUL	113 Devizes Road Salisbury, Wiltshire SP2 7LS	Salisbury	Creation of access and parking at front of property (retrospective application).	DEL	Householder Appeal	Refuse	Dismissed	28/06/2021	None

Agenda Item 6

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REPORT OUTLINE FOR AREA PLANNING COMMITTEE

Report No.

Date of Meeting	19 August 2021
Application Number	PL/2021/05288
Site Address	2 DYKES COTTAGE, GATERS LANE, WINTERBOURNE DAUNTSEY, SALISBURY, SP4 6ER
Proposal	New House and Garage in part of Existing Garden
Applicant	Mr & Mrs Mervyn & Jocelyn Pannett
Town/Parish Council	Winterbourne
Electoral Division	Old Sarum & Lower Bourne Valley - Cllr Andrew Oliver
Grid Ref	
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

At the request of the elected member Cllr Andrew Oliver due to the scale of development, visual impact upon the surrounding area and relationship to adjoining properties and having regard to the impact to the rural and historic location in the conservation area and WPCNP, impact on conservation area and setting of historic buildings.

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. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

2. Report Summary

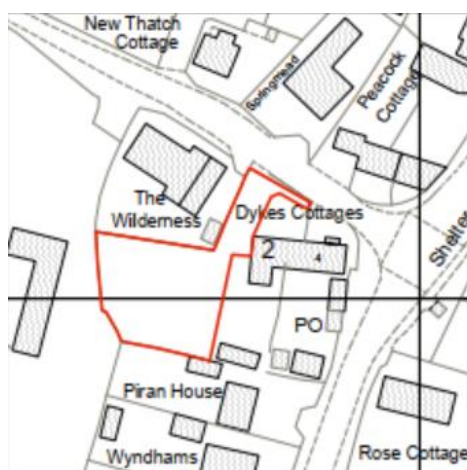
The main issues to consider are:

1. Principle of development
2. Character of area including heritage assets and tree protection
3. Residential amenity
4. Highway issues
5. Ecology
6. Other issues raised

3. Site Description

The site is situated in the village of Winterbourne Dauntsey. Together with Winterbourne Earls and Winterbourne Gunner, these villages are collectively defined as a Large Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area), and are known as The Winterbournes. As a Large Village they have a defined village boundary. The application site lies within this defined boundary for this part of The Winterbournes. The site also lies within the Winterbourne Dauntsey Conservation Area.

The site currently forms part of the residential curtilage to 2 Dykes Cottage and lies immediately to the west of the rear garden of the property. The host property together with the attached dwelling 4 Dykes Cottage form a pair of thatched Grade II listed cottages which were formerly a single house. The site lies immediately to the rear (south) of an unrelated residential property, The Wilderness with the boundary formed by a closed timber fence of approximately 1.8 m. The southern boundary is shared with the rear garden of Piran House and is formed by the side wall of a brick built garage and dense hedging. The west boundary, which marks the extent of the original curtilage to Dykes Cottage, comprises a rendered wall with tile capping and is shared with the driveway of Courtyard Cottage and Grade II listed barn to the east of and within the curtilage of The Grange, a substantial grade II listed house. There is a vehicular access providing parking spaces to 2 Dykes Cottage immediately to the west of the existing cottage which extends towards the northern boundary of the site with screening currently provided by trellis and vegetation.



Site Location Plan

There is a sycamore tree located outside the site to the south west corner of the site, which extends to 16 metres in height with a crown spread over the corner of the site. There are small apple trees within the site, two are shown to be removed with other small trees to be retained.

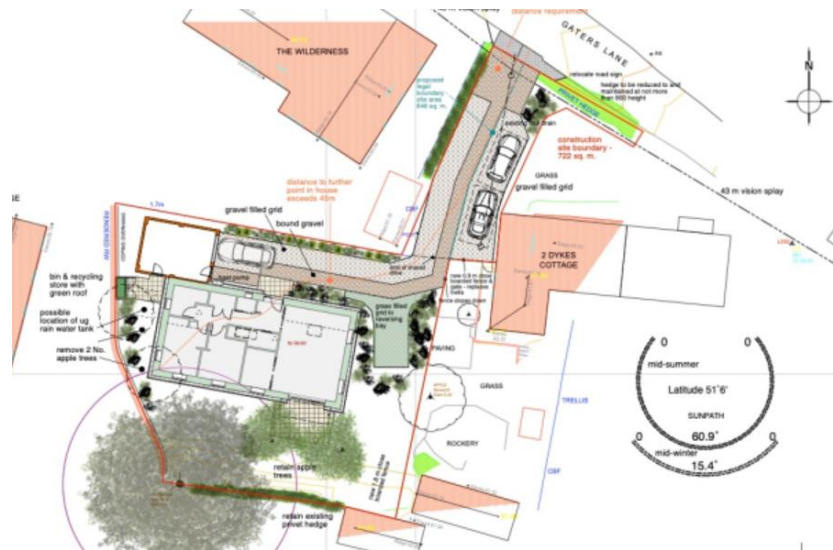
4. Planning History

20/11542/TCA - T1 - Mature Sycamore - Remove major deadwood, crossing and rubbing branches and raise crown to achieve 2.5m ground clearance – no objection

5. The Proposal

The proposal is for the construction of a new detached dwelling together with alterations to the existing access to widen the access to retain car parking for the existing dwelling and create access to the proposed dwelling. A new timber boundary fence to separate the

proposed site and enclose the retained garden to the rear of 2 Dykes Cottage is also proposed.



Proposed site plan

The proposed dwelling has been the subject of design revisions during the consideration of the application. The original scheme proposed a single storey 3-bedroom dwelling which resulted in a large dormer within the roof space to accommodate the third bedroom and ensuite bathroom, together with an attached garage with lean-to roof. The revised scheme for consideration of the committee has been revised to a single storey 2-bedroom dwelling with no accommodation within the roof space other than for some storage. The material to the roof has been changed from metal sheeting to natural slate. There would be no dormer windows but the south facing roof slope would incorporate solar panels and the north facing roof slope would incorporate two solar tubes and a single rooflight, this rooflight serves the ground floor /kitchen living room which is open to the roof. The revised plans also show the use of timber boarding to all elevations of the building other than the garage which would be clad in metal.

Two parking spaces for the proposed dwelling are to be provided within the site in addition to the garage space, with a turning space to the side of the dwelling.

Associated works comprise alterations to widen the existing access, removal of trellis to allow for the access into the site and provision of a new boundary fence between the site and 2 Dykes Cottage. Tree protection measures are specified within an Arboricultural Report to protect an established sycamore tree on the boundary of the site (south west corner).

6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

Section 66: General duty as respects listed buildings in exercise of planning functions.

Section 72: General duty as respects conservation areas in exercise of planning functions.

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 23 – Spatial Strategy for the Southern Wiltshire Community Area

Core Policy 45 – Meeting Wiltshire's Housing Needs

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 58 – Ensuring the Conservation of the Historic Environment
Core Policy 60 - Sustainable Transport
Core Policy 61 - Transport and Development
Core Policy 64 - Demand Management
Core Policy 69 - Protection of the River Avon SAC

Salisbury District Local Plan (2003)

Saved policy C6 – Special Landscape Area

**The Winterbournes Neighbourhood Plan Referendum Version 2019-2026
(Made on 19 May 2021)**

National Planning Policy Framework 2019

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

Government Planning Practice Guidance

National Design Guide (September 2019)

Habitat Regulations 2017

7. Summary of consultation responses

Winterbourne Parish Council –

- OBJECT with reasons being as outlined below:
- The Parish Council have concerns with regards to the scale of the proposed development and the impact this would have upon the neighbouring property known as The Wilderness as well as the character of the conservation area.
- In particular the height and proximity of the dwelling to the boundary would have overbearing and overshadowing effects upon The Wilderness.
- Furthermore, there is potential for the rear dormer window to cause overlooking of rear gardens of other dwellings to the south.
- Concerns were also express with regards to aspects of the design / visual appearance of the dwelling, particularly the large rear dormer window and the metal cladding to the west elevation.
- There were doubts that the site would be suitable for a dwelling given its close proximity to the rear of neighbouring dwellings and its location within a highly valued part of the conservation area.
- If planning officers did resolve to approve the application, the Parish Council would like assurances that the development would not harm the appearance or long term health of the large sycamore tree which is highly valued within the conservation area.

WC Conservation –

- The site appears to have formed part of the curtilage of 2 Dykes Cottages at the time of its listing.
- In the C19 though, it was a separate orchard in the same ownership as the two cottages, which was later divided to facilitate construction of The Wilderness.

- Dykes Cottages (grade II), Peacock Cottages (II*), The Grange (II) and its barn (II), Rose Cottage and the former post office form a noteworthy concentration of historic buildings, contributing to each others' setting and to the character of the conservation area.
- The Grange in particular, is a fine house within spacious grounds, with glimpsed views of its trees and outbuildings from the main road (A338) and Gaters Lane.
- The proposal is for a new detached house, essentially a chalet bungalow, in the orchard behind the Wilderness, sharing a widened driveway with the existing cottage.
- The cottage would lose a significant proportion of its rear garden but I am content that it would probably not be so diminutive as to have a great impact on its desirability as a dwelling (and therefore its optimum viable use, in NPPF terms).
- In terms of views of the new building, it would readily be seen from Gaters Lane between Dykes Cottages and The Wilderness – the 'perspective from entrance' illustration clearly shows this despite being taken from an unhelpfully low viewpoint (below waist level).
- I acknowledge that throughout the CA there is a variety of density of development, with a number of dwellings squeezed into plots behind the historic pattern of development and several cul-de-sacs of mid-late C20 houses.
- I do think that this particular site, however, contributes to the setting of the listed buildings on Gaters Lane and that the proposed building is likely to appear shoehorned into the space.
- The metal roof does nothing to reduce its visual impact, and is not characteristic of the area.
- The PLBCA Act 1990 requires the LPA to pay special attention to the desirability of the preservation or enhancement of conservation areas and special regard to the setting of listed buildings.
- The NPPF makes it clear that there should be a strong presumption against harm to heritage assets, but where that harm might be considered to be 'less than substantial' then the public benefits of a scheme may be weighed in a balancing exercise.
- There is certainly an argument that the character of the CA and setting of the LBs would not be preserved (or enhanced) by the scheme, however it must fall within the lower realms of 'less than substantial harm' and would therefore arguably only require a modest level of public benefit to meet the tests of para 196.
- At present no such benefits are discernible.

Comments on revised plans:

- It looks much better, its more traditional form and materials will sit more comfortably in the space and in views across the site from all directions.

WC Archaeology -

- This site is of archaeological interest as it lies within the historic core of Winterbourne Dauntsey, which dates to at least the medieval period.
- It is also adjacent to the site of the former St Edward's Church which was originally built in the 13th century, as confirmed in archaeological excavations in 2000.
- There is a good possibility of sub-surface remains from earlier phases of activity within the village surviving within this site.
- The proposed new house and garden is located in an area that appears from the historic map record to have been open ground for at least the past 150 years, so

if any archaeological features do survive here, they will be relatively well-preserved.

- At this point I need some concrete evidence for the presence, extent, date and state of preservation of the archaeological resource that may be impacted by the proposed development.
- As a result I would ask that the site is made the subject of an archaeological trial trench evaluation prior to the determination of this application.
- This evaluation should be conducted by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA).
- The costs of the work are to be borne by the applicant.

Further comments received –

- As the applicant's don't yet own the land, I would be content for the trial trench evaluation to be carried out following the determination of the application, this evaluation to be secured via a condition to be attached to any planning permission that may be issued.
 - Such a condition should be worded thus:
 - 'No development shall commence within the area indicated by application PL/2021/05288 until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.
- REASON: To enable the recording of any matters of archaeological interest.'
- The work is to be carried out by qualified archaeologists following the standards and guidelines for archaeological evaluation as set out by the Chartered Institute for Archaeologists (CIfA).
 - The costs of the work are to be borne by the applicant.
 - Informative to applicant:
 - One of the reasons we ask for pre-determination evaluation is that it gives an applicant room for manoeuvre if substantial archaeological finds are made by the trial trenching, which may require further work to mitigate the impact of the development upon any identified archaeological resource.
 - Assessing the site via condition means that they may find themselves with considerable, if not overarching, archaeological constraints at a very late stage in the process.
 - It would be best to them bear this in mind as they proceed with the application.

WC Highways –

- The site is accessed off the unclassified Gaters Lane a short distance from the junction with the A338.
- I have no concerns with the additional vehicle movements associated with the use of the junction with the A338 and Gaters Lane.
- Although a narrow road, Gaters Lane is in excess of 5m wide and therefore two vehicles are able to pass each other.
- The vehicle access into the site is proposed to be widened to provide access for both the existing and proposed dwelling, the application proposes the 30mph sign to be relocated, however our traffic team have viewed the application and are happy for the terminal sign to be removed entirely.

- The regulations only require a speed limit terminal to be present on one side of the road not both, so this would be in line with regulations.
- The terminal signs are already out of line with one another as they are currently, so removal would be the most sensible option in this case.
- Adequate visibility is proposed for the location of the existing vehicle access.
- Parking is proposed to meet Wiltshire's parking standards for the new property and 2 spaces are proposed for the existing dwelling.
- Before I submit my final observations, please can the number of bedrooms in the existing property be confirmed.

Further comments received:

- Thank you for sending the email confirming the number of bedrooms to the existing dwelling as being 3 and therefore the proposed 2 parking spaces are adequate.
- With regards to the removal of the 30mph sign. I assume for conditioning purposes it would be preferable for the sign to be shown as being removed on any drawings that will be approved and conditioned.
- I wish to raise no highway objection to the proposal providing the following conditions are imposed:
- (WD1) The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. REASON: In the interests of highway safety.
- (WD3) The vehicle access shall remain ungated. REASON: In the interests of highway safety.
- (WD12) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter. REASON: In the interests of highway safety.
- (WD18) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter. REASON: In the interests of highway safety.
- (WG2) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway. REASON: To ensure that the highway is not inundated with private water.
- Informative: The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
- Informative: The application involves an extension to the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

WC Arboricultural Officer –

- I have no objection providing development is carried out in accordance with the Arb Report.

8. Publicity

The application was publicised by newspaper advertisement, site notice and neighbour notification to properties immediately adjacent to the site. Representations from 14 third parties had been received in objection to the proposal at the time of writing the report and 3 representations from third parties in support. Re-consultation by neighbour notification has been undertaken following the receipt of revised plans. Any further representations received after the report will be updated to the committee.

Comments are summarised as follows:

Objections:

- Impact of development on the Winterbourne Conservation Area
- Impact of development on neighbouring listed buildings
- Proposed dwelling is large (144 sq m and garage of 31 sq m) with high, visible roof
- Limited size of plot is inadequate
- Family sized 3-bedroom house squeezed into plot to meet PassivHaus requirements
- It is described as a bungalow but is 2-storey with a high roof
- Does not accord with the housing objectives of the Winterbourne's NP (3.2 points 4 and 5)
- Quote: 'Ensure that all new development respects the character of the Winterbournes and Hurdcott, including its conservation areas and ensure that the historic buildings and their settings remain protected'.
- Occupancy not limited to a lifetime home for an elderly couple
- No guarantee that elderly owners would occupy the proposed dwelling
- There are suitable bungalows and retirement properties available locally
- Steel to roof/west elevation, not in keeping with thatch/tile/slate roofs in Gaters Lane
- Non traditional materials are not appropriate for conservation area
- Shallow-pitched lean-to garage, large-pane windows and wide almost flat roofed dormer would be out of character
- Dispute that Dykes Cottages are enclosed and eclipsed by modern development
- 'Bold, clean and modern design' is a stark contrast with existing buildings
- New house would not front onto the lane at odds with prevailing pattern of development
- Development will be clearly visible from more than one place in Gaters Lane, the A338 and a number of surrounding houses
- View of dwelling from Gaters Lane would stand out
- Contemporary, architecturally minimalist design is considered stark, visually intrusive, incongruous and discordant

- Cramped, high density development in loose-knit arrangement of existing built form.
- Out of keeping with the historic village centre
- Visual impact of a new two storey house is not considered 'minimal'
- Incomplete application due to absence of proper heritage impact assessment
- Severance of plot would diminish the setting of Dykes Cottages
- Detracts from rural setting and significance of Grade II barn east of The Grange
- Fails the duty under sections 66(1) and 72 (1) of the Listed Building and Conservation Areas Act 1990 and core strategy policies.
- Building will dominate surroundings due to elevated site levels
- Backland development has unacceptable impact on neighbour's amenity
- Noise from heat pump close to boundary of The Wilderness
- Noise and disturbance from access/driveway/garage adjacent to rear garden/elevation of The Wilderness
- No noise assessment
- Overshadowing of the Wilderness for much of the day
- Close proximity to existing dwellings, 12.5m to rear of The Wilderness
- Siting does not achieve rule of thumb 20 m back to back separation
- Unacceptable impact on privacy and amenity
- Building would dominate views from first floor windows of The Wilderness
- Contrary to core policy 57 i, iii, iv, vi and vii
- Impact of construction works including potential movement of materials due to regrading of site
- Impacts on views from front rooms of Peacock's Cottage (Grade II*)
- At least 2 extra cars accessing Gaters Lane and A338 junction
- Likelihood of congestion on Gaters Lane
- Gaters Lane remains a well-used route for pedestrians
- Widening of driveway will increase likelihood of non-residential traffic turning and causing damage
- Potential for overflow of parking on Gaters Lane from occupiers, visitors and care workers
- Loss of trees and green space of an old, well maintained orchard
- No tree survey submitted to ensure protection of the sycamore tree
- Proximity of sycamore tree and impact on future amenity/PassivHaus standard
- The orchard could be replanted for the benefit of the existing house and biodiversity
- No biodiversity net gain
- Energy efficiency should not be to the detriment of other environmental impacts
- Eco-house benefits are far outweighed by the negative aspects
- Proposal would destroy the conservation/enjoyment of the garden to future owners of Dykes Cottages
- A building of this construction would be better suited within other areas locally
- There is an abundance of farm land which could provide a more suitable location
- Concern that development will set a precedent
- Agreement to this development disadvantages existing dwellings

- Revised plans for timber boarding on west elevation do not specify how building regulations are now met
- No revised site plan leads to concern that siting of dwelling would be moved further from west boundary
- Revised eco house is still far too big for an inappropriate plot
- Old building methods are not necessarily environmentally unfriendly
- The removal of the dormer has no impact on previous objections
- Deletion of third bedroom would have only minor effect on traffic issues
- Timber cladding still stands out as being out of character with all other properties in Gaters Lane
- The revised application remains incomplete in respect of heritage assessment
- No expert evidence is provided in respect of the setting of the listed building or viability of the orchard
- The legal requirements of the 1990 Act are not met
- There is no public benefit, there are private benefits for the applicant
- Not a suitable location for provision of the elderly under CP46
- Noise and disturbance from vehicles is not addressed by revisions
- Question how the root protection zones of the sycamore tree can be protected with limited size of site and patio area which would need to be excavated
- Shading effect of large tree close to principal windows
- The dwelling dominates views from the rear of The Wilderness due to the elevated level
- Revisions to NPPF para 134 provides that development that is not well designed should be refused where it fails local/government guidance on design
- PassivHaus standard does not make the proposal more acceptable than other building methods
- The proposal fails National Design Guide requirements NDG123 and H2
- Winterbournes NP introduces a new material consideration with emphasis on historic environment
- Appeal precedent in Winterbourne Gunner
- No material considerations to indicate setting aside conflict with planning policy
- Minor alterations to the application do not change original objections
- It remains an inappropriate piece of land to develop
- Still has an unacceptable impact on neighbours amenities
- Loss of green space within the historic heart of the village also remains
- Hope that the planning committee will take note of widespread local opposition and distress it will cause if allowed
- The Wilderness would become an 'island' surrounded by access tracks/drives
- Reduction in privacy and sense of peace and quiet
- The garden, used as an extra room, would not be possible in the future due to lack of privacy and noise

Support:

- We don't object
- The application gives careful consideration to create a discreet Eco home
- Sensitive consideration to immediate neighbours and existing heritage

- The existing driveway is being used
- Ample parking and turning space is available
- Well considered boundaries are proposed
- Further planting proposed to blend the new house into its set back environment
- The property is a good distance away from existing trees
- Most trees and vegetation will be retained to ensure a continuation of the character of the garden plot
- An eco-home should be supported and embraced by the local community
- Rejection of an outlandish and overdeveloped scheme would be sensible, fail to see why it is not gaining a greater level of support
- We have a responsibility to create an environmentally responsible legacy
- Proposal works alongside the heritage and character of the quaint village
- Progress in construction methods cannot be achieved while we subscribe to old-fashioned and environmentally unfriendly building methods and ideologies
- Local residents should revisit this scheme to view the positives that can be found
- If we are to improve the poor quality of housing stock proposals such as this, should be encouraged
- The contemporary look doesn't sit well with some it is tucked out of the way and unlikely to be seen by most passers-by
- This house would in all probability achieve an EPC of greater than 'A'.
- The two recently completed properties built at the southern end of the village achieved an EPC of 'B', the average EPC for England and Wales is 'D'
- If only for future generations we need more A+'s

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

9.1 Principle of Development

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

"...Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages..."

The settlement boundaries have been subject to a review as part of the Wiltshire Housing Sites Allocation Plan adopted in February 2020. This review confirmed the site

as being within the village boundary. The adopted Wiltshire Council development plans confirm that the principle of new residential development is supported.

In addition, The Winterbournes Neighbourhood Plan 2019-2026 (NP) was formally made on 19 May 2021 following referendum on 6 May and now forms part of the Development Plan to be given full weight when assessing applications that affect land covered by the plan. Chapter 3 of the NP addresses Housing and sets out the following objectives:

- Respond to the housing needs and Wiltshire Council requirements of The Winterbournes and Hurdcott through sympathetic development on infill and appropriate greenfield sites.
- Seek to extract the maximum community benefit from these houses.
- Promote a mix of dwellings, through affordable housing, to enable young first-time buyers, the single and the elderly to remain in the village.
- Ensure all new development respects the character of The Winterbournes & Hurdcott, including its Conservation Areas which comprises three sub-areas that cover the villages of Winterbourne Gunner, Winterbourne Dauntsey and Winterbourne Earls.
- Ensure that historic buildings and their settings remain protected.
- Prevent harmful impacts of flooding and reduce flood risk where possible, by requiring all new housing development in the Parish to be accompanied by a proportionate drainage strategy (and flood risk assessment where required by national policy and guidance)
- Prevent harmful impacts to the River Avon Special Area of Conservation through new housing development being phosphate neutral.

The housing policies of the NP (Policies 1 to 3) relate to 3 allocated sites within the NP plan area. Whilst the NP does not contain any policies to define how development of infill and greenfield sites is to be considered, the objectives clearly indicate that housing development within the NP area shall not be limited to the 3 allocated sites where sympathetic development on such sites can be achieved.

As such, the development plan as a whole gives a presumption in favour of small-scale development within the settlement boundary and the principle of development can be considered acceptable. This will be subject to detailed consideration of the site specific constraints and impacts, in this case the relationship of the proposed development with the historic environment of the locality and existing residential properties form the main considerations in the assessment of whether the site is capable of accommodating the proposed dwelling.

9.2 Character of the area, including heritage assets and trees

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special regard' is to be given to the desirability of preserving a listed building or its setting and Section 72 of the P(LBCA) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by

virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 195 of the National Planning Policy Framework requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 197 states that, in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 199 and 200 stipulate that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance... Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Core Policy CP58 (Ensuring the Protection of the Historic Environment) of the adopted WCS indicates that development should protect, conserve and where possible enhance the historic environment and designated heritage assets and their settings should be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The proposal is for a new dwelling to be sited on land to the rear of an existing dwelling, The Wilderness, which currently comprises part of the existing garden serving 2 Dykes Cottage but understood to have originally been a small orchard. As revised, the proposed dwelling comprises a simple rectangular form of single storey eaves height with an attached garage addition. The walls of the proposed building are timber clad on all sides with a natural slate roof, the garage addition retains the steel cladding originally

proposed. The original scheme proposed accommodation at first floor to be served by a large dormer on the south facing roof slope, this has now been omitted and solar panels are now included on this elevation.

The application site lies within the immediate setting of the host Grade II listed building, 2 Dykes Cottage, and the wider setting of the attached Grade II listed building, 4 Dykes Cottage and Grade II listed barn (to the east of The Grange). It is also lies within the Winterbournes Conservation Area and other listed buildings are noted in the area, including The Grange, Grade II listed, further to the west and Peacock Cottage, Grade II* listed, on the opposite side of Gaters Lane to the north west as well as other non-designated historic buildings of note. Whilst the principle of development can be considered acceptable in terms of the settlement strategy, the impact of development on the identified heritage assets and the character and appearance of the area in general is of significance to the acceptability of the proposal.

The proposed dwelling does not have a street frontage, being located at the end of the driveway to the side of 2 Dykes Cottage and predominantly behind the rear boundary fence of an existing dwelling, The Wilderness. As such the site has some characteristics of 'backland' development, however, the proposed access is via an existing access which would be alongside the retained driveway to the host property and the garage and driveway of The Wilderness. Grebe Barn and Kingfisher House are similarly located to the rear of Newthatch Cottage, which is located to the north of Gaters Lane opposite The Wilderness, with glimpses from Gaters Lane along the driveway. There are no specific policy objections to development which does not have a street frontage, each case must be considered on its merits with regard to the relationship to the established built form. The Council's Conservation Officer provided comments on the original scheme that noted that 'throughout the Conservation Area there is a variety of density of development, with a number of dwellings squeezed into plots behind the historic pattern of development and several cul-de-sacs of mid-late C20 houses', indicating that in principle such development may not be unacceptable.

However, the consultation response from the Conservation Officer did note that the application site contributes to the setting of the listed buildings on Gaters Lane and raised concerns with the design and roof materials of the 'chalet bungalow' and views of it from Gaters Lane from where it may appear as being 'shoehorned' into the space. In the opinion of the Conservation Officer, the original scheme was not considered to preserve the character of the Conservation Area and setting of listed buildings, although it was noted that the resultant harm would fall within the lower realms of 'less than substantial harm' which would not be outweighed by public benefits. Numerous third-party objections have been received raising similar concerns in respect of the stark, modern appearance of development and its relationship to the historic centre of the settlement and specifically the impact on the unique character of Gaters Lane.

The revised plans submitted as a result of the concerns raised specify a natural slate roof and deletion of the proposed dormer window and the use of timber cladding on all elevations. The result of these changes is a simple, traditional built form using a natural palette of materials which are considered to be submissive to the historic buildings. The

perspective drawing below has been submitted to illustrate the view of the dwelling from Gaters Lane.



Illustrative view from Gaters Lane

The dimensions of the proposed dwelling have not been reduced, however it is considered that the site is capable of accommodating the proposed single storey dwelling without detracting from or competing with the existing buildings.

It is noted by the Conservation Officer that the existing cottage would lose a significant proportion of its garden but that the remaining curtilage would not be considered so diminutive to have a significant negative impact on its desirability as a dwelling and therefore its optimum viable use in NPPF terms. An objection to the loss of the garden space is therefore not considered to be sustainable.

Following receipt of revised plans, the Conservation Officer has advised that the dwelling is much improved and that its more traditional form and materials will sit more comfortably in the space and in views across the site from all directions. The Conservation Officer has also confirmed that the level of information submitted with the application was sufficient to enable the assessment of impacts on heritage assets and this recommendation is made with the benefit of his professional advice. It is concluded that the proposal, as revised, would not diminish the significance of the host Grade II listed building or cause identifiable harm to the setting of other listed buildings or the character and appearance of the Conservation Area having regard to the requirements of the P(LBCA) Act 1990 and national and local plan policies, including those of the Winterbournes Neighbourhood Plan.

The Council's archaeologist has identified that the site is of archaeological interest as it lies within the historic core of Winterbourne Dauntsey, which dates to at least the medieval period, and is adjacent to the site of the former St Edward's Church which was originally built in the 13th century, as confirmed in archaeological excavations in 2000. As a result there is a good possibility of sub-surface remains from earlier phases of activity within the village surviving within this site and if any archaeological features do survive here it is considered that they will be relatively well-preserved. Accordingly the archaeologist requires evidence for the presence, extent, date and state of preservation of the archaeological resource that may be impacted by the proposed development and

has indicated that an archaeological trial trench evaluation should be undertaken prior to the determination of this application. However, as the applicant is not the landowner it has been agreed that such investigations could be required by condition although it is pointed out that this is not without risk to the viability of the scheme since the extent and costs of archaeological mitigation works could prove to be significant. The applicant has been advised of this risk and the recommended conditions are accepted.

The Council's Arboricultural Officer has undertaken a site visit and requested a tree survey report due to the presence of the sycamore tree at the south west corner of the site boundary. Following consideration of the measures proposed within the report, no objections were raised to the proposed development subject to the works being carried out in accordance with the report and necessary protection measures. This can be conditioned.

9.3 Residential Amenity

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to:

“...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)”.

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing (and future) occupiers of land and buildings. The application site shares a boundary with three existing residential properties as well as the host dwelling. An issue for consideration in this case is therefore impact of the proposed dwelling on the amenities of neighbouring residents including the host dwelling as well as the consideration of the standard of amenity for future occupiers of the proposed dwelling.

The proposed dwelling does not have a street frontage, being located at the end of the driveway to the side of 2 Dykes Cottage and lies predominantly behind the rear boundary fence of an existing dwelling, The Wilderness. As such, as noted earlier in the report, the site has some characteristics of 'backland' development, however, the proposed access is via an existing access which would be alongside the retained driveway to the host property and the garage and driveway of The Wilderness. Unlike typical backland development, the proposal would not introduce an access lane dividing two existing properties. It does however include a parking area within the site, which would be adjacent to the rear boundary fence of The Wilderness in an area which is currently planted as a vegetable patch.

Consideration has been given to the impact of the driveway on the amenities of The Wilderness having regard to their use and enjoyment of the rear garden and rooms with windows facing the site and the potential for noise and disturbance from non-associated vehicles. It is accepted that the presence of vehicles parking and turning would alter the existing relationship of the site with the neighbouring dwelling, which has enjoyed an outlook over its neighbour's garden for many years, potentially for as long as the dwelling itself has been built. However, it is not uncommon for private garden areas to be located adjacent to access drives which serve other residential properties, or public highways. It is noted that the driveway/access to the west of The Wilderness is similarly

located in relation to the rear garden as shown in the aerial view below which was captured prior to the significant extension and remodelling of the property following the grant of planning permission in 2016. The side dormer window to The Wilderness, shown in the photograph below, is similarly related to the existing access to 2 Dykes Cottage, this dormer was also added as part of the permission granted in 2016 and whilst noting that it was proposed to serve a bathroom, the general layout is indicative of the typical relationships between neighbouring dwellings where there is a degree of reciprocal impacts.



It is further noted that Class F of Part 3 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 does grant permitted development rights for the provision of a hard surface for any purpose incidental to the enjoyment of a dwellinghouse, indicating that the existing dwelling could utilise the garden area for hard-surfacing for the parking of vehicles without the need for planning permission. Having fully considered the relationship of the driveway/parking area and garage, a reason for refusal on the grounds of disturbance and noise is not considered to be sustainable.

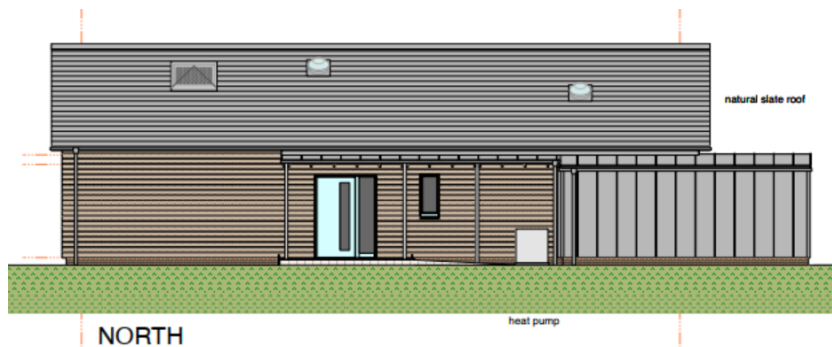
The proposed heat pump is shown to be located against the north wall of the proposed dwelling. Such forms of heating are now a standard form of heating for new dwellings which are frequently used as an alternative to fossil fuel boilers. However it is recognised that the siting of the apparatus on the outside wall can generate noise, this will depend on the manufacturer's specification and any noise attention barriers to be included. As the product specification will not be determined until after the granting of planning permission at the building regulations stage, it is considered necessary to include a condition to require the details of any plant to be agreed with the council prior to occupation of the dwelling to ensure that the potential for noise impact can be assessed by the LPA in consultation with the Environmental Protection Officer.

In respect of privacy, as the land is not currently associated with The Wilderness, it is considered there is no material loss of privacy resulting from its proposed use to accommodate a dwelling than its current use as a garden used by a third party. The siting of the proposed dwelling would be likely to reduce the extent to which people using the garden area can gain views of the bedroom windows as the photograph below shows is possible now. The view of future occupiers using the driveway would be likely to be restricted by the height of the existing fence.



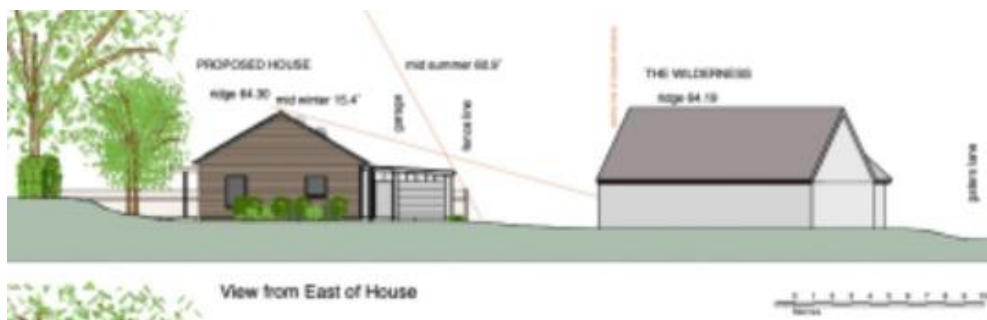
Photograph of the rear of The Wilderness from the existing garden

Representations have been made in respect of the separation distance between the dwelling and The Wilderness and reference is made to minimum distances stated in design guidance. Core Policy 57 does not include a stipulation on 'back to back' distances. Minimum window to window distances are normally recommended to maintain privacy, however in this case, there are no facing windows on the north elevation of the proposed dwelling which would overlook The Wilderness. The rooflight shown is above eaves level of a room which is open to the roof and there is a front door and bathroom window at ground floor level which face the existing boundary fence. The potential for overlooking from the proposed bathroom window and front door towards the first floor windows of the existing dwelling would be the same as exists from the garden at present.



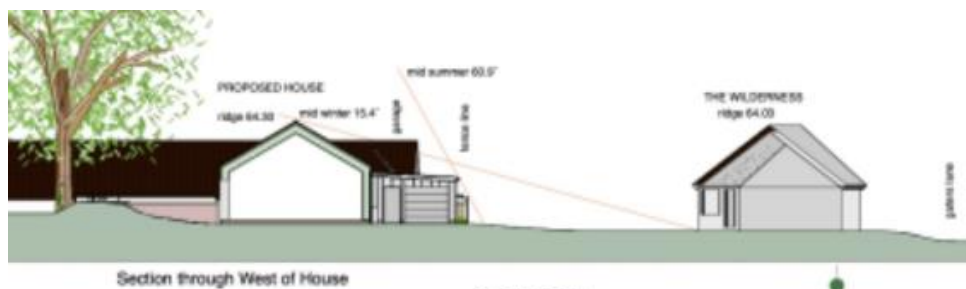
North elevation

In respect of overshadowing, the proposed dwelling is sited to the south of The Wilderness, which has the greatest potential for creating shade. The illustrative plan below shows the relationship of the proposed dwelling with The Wilderness viewed from the east.



East Elevation of proposed dwelling and The Wilderness

The section drawing below shows the relationship of the proposed dwelling with The Wilderness at a mid-point of both existing and proposed dwellings.



Section through proposed dwelling and The Wilderness

The height of the proposed dwelling steps upwards from the height of the boundary fence, with the position of the garage and roof sloping away from The Wilderness, and the neighbouring property itself is positioned at an angled so that the separation distance is significantly greater at the western end than the eastern end. Taking account of the angle of buildings, the full height of the proposed building, at its ridge, is approximately 17.5 metres from the closest corner of The Wilderness. This is between approximately 18.5 and 19.5 metres from the nearest ground and first floor windows, increasing to in excess of 25 metres. It is not considered that there would be a demonstrable loss of sunlight to window openings, the existing patio area immediately to the rear of the building or much of the lawned garden as the distance between the buildings increases. Whilst it is recognised that the proposed dwelling would be in full view from The Wilderness and its rear garden, a reason for refusal on the grounds of loss of amenity to The Wilderness on the grounds of privacy or overshadowing is not considered to be warranted due to the design, scale and separation between the buildings overall.

With the deletion of the proposed dormer window and the height and orientation of the proposed dwelling, impacts on the property to the south, Piran House, and its garden are not anticipated. The buildings to the west face away from the site and is separated by its own driveway, as such no material impacts are identified. There would be a reduction in the curtilage to the host dwelling, however a proportionate garden area is retained and it is not considered that there would be any loss of amenity to 2 Dykes Cottage.

The proposal itself allows for a proportionate private amenity space, storage and parking to serve the dwelling and principal windows are all south facing, allowing for a satisfactory standard of amenity for future occupiers.

9.4 Highways issues

The proposed dwelling would be accessed off an unclassified highway, Gaters Lane, a short distance from the junction with the A338. Third party representations have been received regarding the impact of one additional dwelling on Gaters Lane having regard to the potential for congestion and parking on the highway.

Consultation has been undertaken with the Council's highways officer who has confirmed that there are no concerns with the additional vehicle movements associated with the use of the junction with the A338 and Gaters Lane from the highways perspective. It is noted that although it is a narrow road, Gaters Lane is in excess of 5m wide and therefore two vehicles are able to pass each other.

The proposed dwelling would be accessed via the existing vehicular access to 2 Dykes Cottage which is proposed to be widened to allow for the parking of vehicles associated with the host property as well as allowing access to the parking area/garage within the application site. The highways officer has raised no objections to the proposed means of access to both the existing and proposed dwellings and adequate visibility can be achieved for the location of the existing/proposed vehicle access. To facilitate the revised access arrangement, the application proposes the existing 30mph sign to be relocated. Consultation with the traffic team has confirmed that it is satisfactory for the terminal sign to be removed entirely because the regulations only require a speed limit terminal to be present on one side of the road not both, so this would be in line with regulations. It is noted that the terminal signs are already out of line with one another as they are currently positioned, so removal would be the most sensible option in this case.

It is confirmed that parking is proposed which would meet Wiltshire Council's parking standards for the new property and 2 spaces are proposed for the existing dwelling. Before I submit my final observations, please can the number of bedrooms in the existing property be confirmed.

9.5 Ecology

This development falls within the catchment of the River Avon SAC. The proposal would result in a net increase of 1 residential unit on the site which has potential to increase adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application is located within the settlement boundary it falls within the scope of the mitigation strategy and generic appropriate assessment, it can therefore be concluded that it would not lead to adverse impacts alone and in combination with other plans and projects on the River Avon SAC.

9.6 Other considerations

Compliance with Building Regulations is a separate regulatory function and it is usual to apply an informative to any planning permission that if alterations to the plans are necessary to secure compliance with Building Regulations, planning permission would be needed. However, the agent has confirmed that a fire resistant membrane behind the timber cladding would overcome the need for the metal cladding on the west elevation to enable the use of timber cladding to all sides in the interests of the appearance of the building and its setting.

It would not be reasonable to condition the occupancy of the proposed dwelling to any particular age group. As such, whilst the intention is to provide a lifetime home for the applicants no significant weight can be attached to this intention although there are benefits associated with the provision of a new dwelling in a sustainable location which has been designed to meet this criteria for all future occupiers.

The design of the proposed dwelling is intended to meet PassivHaus standards. This is also noted to be a positive aspect of the scheme, however this is not an overriding reason for approval having regard to the weight of other material considerations in particular with regard to the historic environment which has been given appropriate consideration with the expert advice of the Council's Conservation Officer.

10. Conclusion (The Planning Balance)

In the planning balance, the principle of a single dwelling is supported in a large village settlement having regard to the adopted development plan (WCS and WNP). Due regard has been given to the setting of Listed buildings and character and appearance of the Conservation Area and with the proposed revisions the dwelling would not cause identifiable harm to the significance of heritage assets. The proposed residential development is also considered compatible with existing residential properties and the impacts on the amenities of existing occupiers would not be materially harmed. The proposed access and parking arrangement does not raise any overriding highway safety concerns. Taking into account the multiple objections to the proposal and revisions to the scheme, it is concluded that there are no material considerations which would result in demonstrable harm or impacts which would weigh convincingly against approval of development.

RECOMMENDATION

Approve 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:

199-P01 Location and Site Plans dated 01.04.2021
199-P02A Site Plan - Proposed Revised dated 02.08.2021
199-P03A Site Plan - Dimensions revised dated 02.08.2021
199-P04B Floor Plans - Amended dated 02.08.2021
199-P05C Elevations - Amended dated 04.08.2021
199-P06B Notional Sections - Amended dated 02.08.2021
199-P07B Site Sections Revised dated 02.08.2021
199-P08A Perspective at Rear Revised dated 30.07.2021
199-P09A Perspective at Entrance Revised dated 30.07.2021
199-P10A South East Isometric Revised dated 30.07.2021

199-P11A South West Isometric Revised dated 30.07.2021
199-P12 Site Survey dated 20.03.2021
199-P14A View up drive dated 03.08.2021

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

- 3 No development shall commence within the area indicated by application PL/2021/05288 until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.'

- 4 The development shall be undertaken in accordance with the Pre-development Arboricultural Report on Trees by Sharples Tree Services dated 2 June 2021. The protective fencing shall be erected in accordance with the Tree Protection Plan 2DC/TPP and shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

REASON: To enable the Local Planning Authority to ensure the retention of trees on/adjoining the site in the interests of visual amenity.

- 5 Details of all plant associated with the development , including air source heat pump, shall be submitted to and approved by the Local Planning Authority. All plant shall be sited and designed in order to achieve a Rating Level (BS4142:2019) of -5dB below background noise level (LA90T) or below, determined at the nearest noise sensitive receptor, when the plant is intended to operate. The development shall not be first occupied until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter. The plant operator shall, at their own expense, provide an assessment by a suitably competent and qualified person to measure whether the noise from plant meets the specified level within an agreed timeframe if requested by the Local Planning Authority and mitigation measures agreed if necessary.

REASON: In order to safeguard the residential amenities of neighbouring properties.

- 6 No development above slab level shall be undertaken until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the character and appearance of the Conservation Area.

- 7 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

8 The vehicle access shall remain ungated.

REASON: In the interests of highway safety.

9 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

10 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

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

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

12 The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the character and appearance of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the dwelling above ground floor ceiling level) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy of the adjacent residential properties.

Informatives:

- The application involves an extension to the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
- The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
- The applicant should note that the archaeological work is to be carried out by qualified archaeologists following the standards and guidelines for archaeological evaluation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant and the Local Planning Authority cannot be held responsible for any costs incurred.
- Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.



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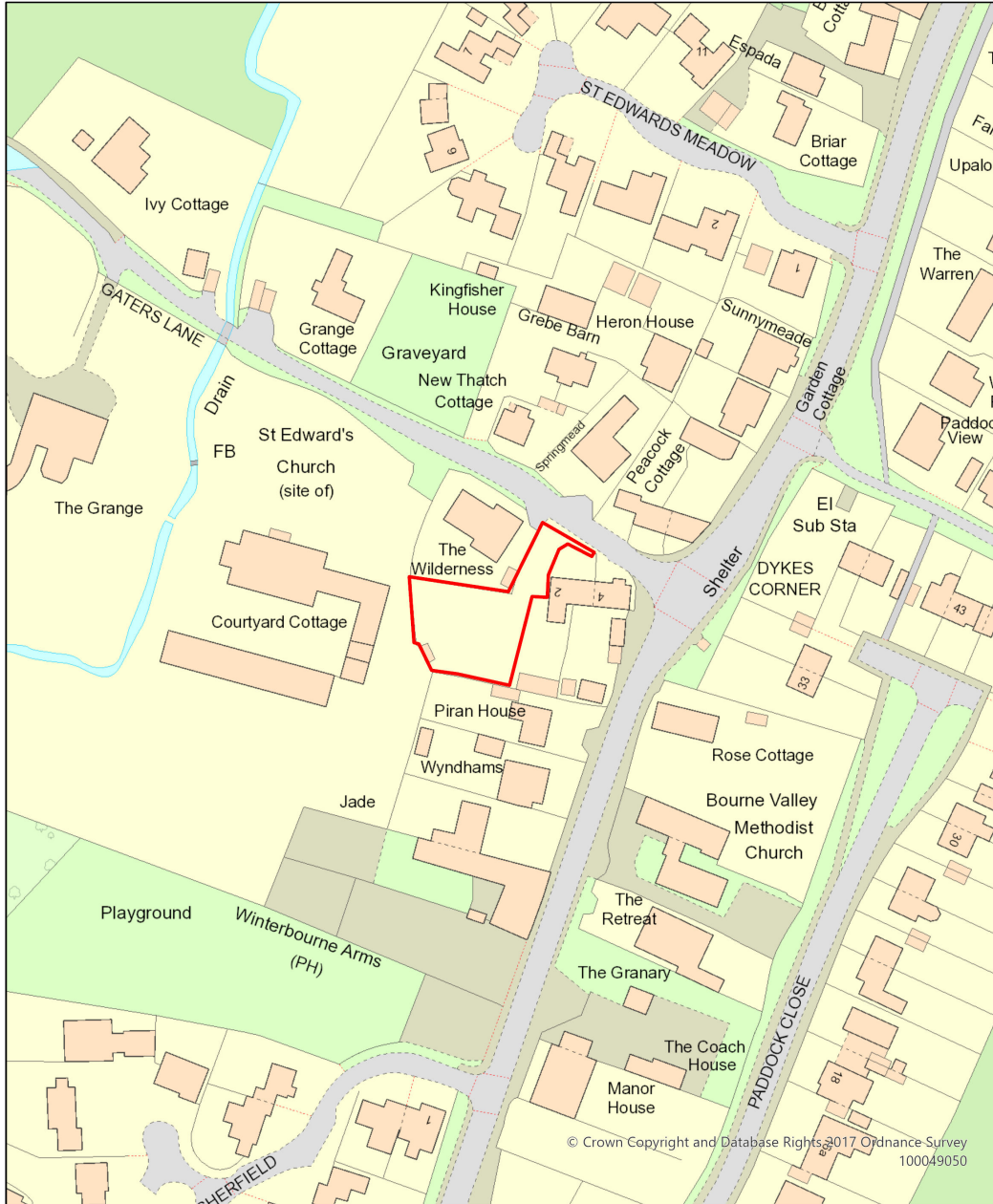
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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	19 th August 2021
Application Number	PL/2021/03114
Site Address	Barn on land adjacent to Greenfields, Butts Lane, Kilmington, Warminster, BA12 6RB
Proposal	Conversion of part of redundant barn to form 1-bedroom dwelling
Applicant	Mr & Ms Day and White
Town/Parish Council	Kilmington
Electoral Division	Mere– (George Jeans)
Grid Ref	377532 137062
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in by Cllr Jeans if officers are minded to refuse.

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 for the reason(s) set out below.

2. Report Summary

The issues in this case are:

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

The publicity has generated one letter of objection and three letters in support of the application with support from the Kilmington Parish Council given to the proposed development.

3. Site Description

The site is an existing barn on an isolated parcel of land located on the outskirts of the village of Kilmington. Whilst there are occasional existing dwellings within the surrounding locality of the site, the site is not located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan. The site is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

4. Planning History

19/10758/PNCOU - Notification for Prior Approval under Class Q for a Proposed Change of Use and Conversion of Barn into a Single Dwelling (Use Class C3) and for Associated Operational Development - WDN on the advice of WC Officers

19/11868/FUL - Conversion of redundant barn to form 2-bedroom dwelling – WDN on the advice of WC Officers 29.01.20

20/06169/FUL - Conversion of redundant barn to form 2-bedroom dwelling REF 29.09.20

5. The Proposal

The proposal seeks planning permission for the conversion of part of a redundant barn to a one bedroom dwelling house.

6. Local Planning Policy

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 48 Supporting Rural Life

Core Policy 49 Protection of rural services

Core Policy 50 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport and New Development

Core Policy 69 Protection of the River Avon SAC

Saved Salisbury District Local Plan

H28 Housing for Rural Workers

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Place

Section 15 Conserving and enhancing the natural environment

Wiltshire Local Transport Plan 2015-2026:

Car Parking Strategy

AONB Management Plan

7. Summary of consultation responses

Kilmington Parish Council – Support with comment stating:

Use classes to be defined as residential and agricultural and all permitted development rights to be extinguished.

WC Highways – No objection subject to conditions

WC Ecology – Objection with comments summarised as:

The application contains insufficient information to determine potential impacts on biodiversity protected species, priority habitats and wildlife sites (River Avon SAC);

The application is supported by a 'Bat Statement for Proposed Conversion of Agricultural Barn to Residential Dwelling at Butts Lane, Kilmington' prepared by Matthew Hollands Architects Limited. This report has not been prepared by a suitably qualified ecologist and doesn't include a desk study or baseline survey of the application area and it is not clear when the survey was carried out.

AONB Group – Objection (see report below)

8. Publicity

The application has been advertised by way of letters to near neighbours.

The publicity has generated one letter of objection, three letters of support for the application with support from the Kilmington Parish Council given to the proposed development.

9. Planning Considerations

9.1 Principle of development, policy and planning history

The site is an existing building on an isolated parcel of land located on the outskirts of the village of Kilmington. Whilst there are occasional existing dwellings within the surrounding locality of the site, the site is not located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan. The site is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). The proposal seeks planning permission for the conversion of an existing barn/garage to a two bedroom dwelling house.

It is noted that this application is a resubmission of planning application 20/06169/FUL which was refused by officers under delegated powers for the following reason(s):

- 1. The existing building is located on an isolated parcel of land on the outskirts of the village of Kilmington within the open countryside of the Area of Outstanding Natural Beauty (AONB). The existing structure on the land is considered to be of poor visual quality and is not considered to positively enhance the landscape character. Consequently, its conversion and retention (or rebuild) for the use as a dwellinghouse,*

together with any curtilage/residential paraphernalia including the creation of a long driveway, would be detrimental to the special character and appearance of the landscape of the AONB. Subsequently, the proposal is considered to contrary to the aims of Core Policies CP48, CP51 and CP57 of the Wiltshire Core Strategy and the aims of the NPPF.

2. *The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.*

Core Policy 2 of the WCS states there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Other than in circumstances as permitted by other policies within this Plan, identified in para 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The Delivery Strategy set out in Policy CP2 states that 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. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

Paragraph 79 of the NPPF states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:*

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Core Policy 48 of the WCS seeks to support rural life. With reference to the conversion and reuse of rural buildings, the supporting text (at para 6.67), indicates that *"additional dwellings may be justified in certain circumstances when they are required in the interests of supporting rural employment, for examplewhen worker accommodation is needed onsite"*. At para 6.68, the text also indicates that *...insensitive reuse of rural buildings can be damaging to the*

character of the building and its rural setting. Furthermore, additions and extensions should normally be avoided”

The policy states that:

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:

i. The building(s) is / are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and

ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and

iii. The building can be served by adequate access and infrastructure; and

iv. The site has reasonable access to local services or

v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.

Policy H27 of the previous Salisbury District Local Plan which related to Permanent housing for rural workers was not saved and was replaced by Core Policy CP48. However, although saved policy H28 (Housing for Rural Workers) of the Salisbury District Local Plan (SDLP) relates solely to proposals for temporary housing for rural workers, the preamble supporting text for both policies (and therefore presumably saved) indicates that:

The Local Planning Authority acknowledges that agriculture and forestry require an adequate workforce in order to operate efficiently, and that it may be essential for workers and managers engaged in agricultural and forestry businesses to live on or near the holding. New housing may therefore be permitted in order to meet these needs, but applicants must demonstrate why it is essential. The Local Planning Authority will need to be satisfied that it is essential for the proper functioning of the enterprise or one or more workers to be readily available at most times, and will wish to establish the extent to which any existing accommodation in the area is suitable and available for the workers concerned. In addition, it will need to be demonstrated that the farming enterprise is economically viable...

The applicant has submitted a business plan to explain the need to reside on the land in respect of the activities proposed and associated with the business enterprise at ‘Nettlebed Farm’. This name, ‘Nettlebed Farm’ is the unofficial name of the application site and land shown in blue on the location plan.

It appears that the business would relate to the production of hay bales, local produce and agricultural machinery repairs of which small levels are already in operation following confirmation from the agent. Officers also note that the planning statement submitted by the agent on behalf of the applicants states: ***‘The Applicants are setting up a new agricultural enterprise and have developed a Business Plan which is provided with this application on a confidential basis. It is accepted that this does not engage an essential need at present’*** (officer emphasis).

Officers remain to be convinced that there is any real need to permanently reside on the land, even more so, considering the business is not currently in full operation as per the business plan forecast. As explained by saved policy H28, the applicants should in this instance have applied under that policy for a temporary dwelling, so that the LPA could ascertain whether the new business has a long term future. However, as this particular application relates to the conversion of an existing building (and not a new temporary building), this current proposal does not accord with the aims of saved policy H28.

Notwithstanding the lack of identified need, officers consider that the current proposal does not accord with CP48. Whilst this policy does not require there to be an identified need for a dwelling for a rural enterprise, it's clear aims is to permit the retention and conversion of buildings within the countryside, but only those which can positively contribute to the landscape character without significant works which would be tantamount to the creation of a new dwelling in the open countryside (as emphasised by criterion i) and ii) of CP48). For the reasons outlined in the next section of this report, officers consider that this proposal does not meet these policy aims.

9.2 Impact to the amenity of the area/ AONB and economic benefits

The NPPF guidance supports proposals to enhance rural employment opportunities, and adopted policy CP48 of the WCS also deals with supporting rural life, including improved local services and facilities.

Core Policy CP51 of the WCS which states:

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

The proposal should also aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy which aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Further relevance is given to Para 115 and para 172 of the NPPF which states '*great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty*'.

Paragraph 172 of the NPPF states '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited*'.

Also of relevance is recent case law - R (Cross) v Cornwall Council 2021. This court case quashed Cornwall Council's decision to grant planning permission for an agricultural dwelling, due to the impact the proposal would have on the AONB. The decision emphasised the importance of the AONB landscape in planning policy and national guidance, and dealt with

the weighing up of any harm to the AONB against any social/economic benefits of the proposal.

The AONB Group have raised concerns related to the application and have pointed out that:

“4. The National Planning Policy Framework (2019) states (paragraph 170) that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, which include AONBs, commensurate with their statutory status. Furthermore, it should be recognised that the ‘presumption in favour of sustainable development’ does not automatically apply within AONBs, as confirmed by paragraph 11 and footnote 6, due to other policies relating to AONBs elsewhere within the Framework.

5. For decision making the application of NPPF policies that protect an AONB ‘provides a clear reason for refusing development proposals’ (paragraph 11[d]). Furthermore paragraph 11(b) explains that for plan making being in an AONB provides ‘a strong reason for restricting the overall scale, type or distribution of development in the plan area’.

6. It also states (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. This paragraph is also clear that the scale and extent of development within AONBs and National Parks should be limited, and planning permission should be refused for major development.”

The AONB Group also go on to indicate that:

13. The application seems substantially similar to the previous, refused, application. The AONB’s views on that still seem to be relevant and I therefore attach a copy of that consultation response.

14. The site is clearly in an isolated location, distant from services, and therefore the proposal cannot be described as sustainable development. The agent fails to recognise that within an AONB the presumption in favour of sustainable development does not automatically apply. Nevertheless, as this is not a sustainable location his logic is flawed.

15. The Planning Statement, at paragraph 3.9, refers to paragraph 115 of the NPPF which relates to electronic communications and not Areas of Outstanding Natural Beauty and National Parks. The Planning Statement fails to acknowledge development within an AONB should be limited (paragraph 172) and that planning decisions should contribute to the enhancement of the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status. Areas of Outstanding Natural Beauty have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty.

16. The Wiltshire Core Strategy Policy 51 reference is incomplete, and I do not see within the submitted documentation the requisite demonstration of how the proposal complies with the objectives and policies of the AONB Management Plan.

17. The Planning Statement refers to NPPF paragraph 79 as support for the proposals. However, careful reading of that paragraph, and in particular subparagraph C, shows that the reference is to ‘reuse’ of redundant or disused buildings. The current proposal is clearly, a change of use for a disused building and, therefore, that element of the NPPF does not apply.

18. The proposed design of the conversion does not conserve nor enhance the AONB. Taken

as a whole, which we are supposed to do with the NPPF, the proposal is not sustainable development, it does conflict with policies to conserve and enhance the AONB, and the design is remarkably utilitarian and does not conserve nor enhance the AONB”.

It is evident that the appearance of the land has evolved to the detriment of the AONB over course of the recent planning history of this site.

Following a recent site visit to the application site by the case officer, it was noted that there were a number of vehicles, vehicle parts, outbuildings, a shepherd's hut and domestic paraphernalia on the land in question with no reference to these made within the planning application or submitted plans. Whilst it is acknowledged within the planning statement submitted by the applicant that a condition attached to any consent would be acceptable to tidy the land, this in officer opinion would not be acceptable and does not give a true reflection of the current appearance of the land given the location of the site within the AONB.

It should be noted that this application is for the part conversion of the existing redundant barn to a one-bedroom dwelling only. The agent has stated that the use of the shepherd's hut upon the land is used as an ancillary restroom in connection with the current agricultural use of the land. Whilst this is noted, there is in officer opinion no justification for the storing of a number of vehicles, vehicle parts, the erected outbuildings and domestic paraphernalia on the application site. Furthermore, there would appear to be no immunity from planning enforcement action under the 4 year ruling given that it is evident the appearance of the land has changed as described since the withdrawal of planning application 19/11868/FUL. This application was withdrawn on officer advice in January 2020 due to the detrimental impact the proposal would have to the AONB.

The proposal seeks to convert part of the existing barn into a one bedroom dwelling house. The existing barn on site is considered to be of poor visual quality. The submitted plans show that the converted barn would also be utilitarian in appearance following the proposed works. Materials to be used in the conversion of the barn include timber cladding over the existing blockwork opposed to render of the previous application. The existing fibre cement roofing over the proposed converted section of the building is to remain with replacement brown corrugated cladding proposed over the retained garage section of the barn. Access to the proposed dwellinghouse would be via a track across the field accessed via a slip road serving the nearby dwellinghouse, (Greenfields).

Whilst the modest differences in materials proposed for the conversion of the building are noted, having regard for the above mentioned policies, case law and the previous recent planning history, officers remain of the opinion that the existing building is of poor visual quality and that its proposed retention and reuse as a dwellinghouse in the manner suggested, together with any curtilage/residential paraphernalia (which would be difficult to control), include the creation of a long driveway, would result in a building and surroundings of limited visual quality, and thus the proposal would remain visually detrimental to the special landscape character and appearance of the AONB, particularly given its isolated position within the landscape.

Consequently, on the basis of the information submitted, officers remain to be convinced that there is any identified need to permanently reside on the land, particularly considering the business is not currently in full operation. Notwithstanding, the proposed building works involved in the reuse of the existing building would not result in an enhancement of the site or the wider landscape of the AONB. As such the proposal (the effective retention of a building of poor visual quality together with residential paraphernalia) and current unkempt appearance as previously outlined is considered to cause significant harm to the landscape character of the AONB. This is given great (significant) weight in line with the guidance given in the NPPF.

Whilst there may be some economic benefits from the applicants proposed business, these are likely to be localised and small scale, and there is no guarantee that the business would have a long term future. Officers therefore give this matter limited weight.

As result, it is considered that the harm caused by this proposal would outweigh any social/economic benefits of the proposal.

9.3 Highway safety/parking

Access to the proposed converted barn would be via an existing access road from the neighbouring property Greenfields which would then lead to the long driveway as proposed via the field to the existing building.

The Council's Highways Officer has assessed the proposal and following the submission of an additional plan detailing the appropriate visibility splay available from the existing access from the private track onto Butts Lane raises no objection subject to a number of conditions attached to any consent. The conditions proposed refer to the visibility splays, consolidated access and no entrance gates opening outwards. In officers opinion, based on the submitted plan, the visibility splays are unlikely to result in the removal of adjacent hedging or trees which currently enhance the landscape of the AONB, and thus such visibility works are unlikely to cause any significant harm to the AONB landscape.

Comments received from a member of the public regarding access rights across the road via Greenfields is a civil issue and not a matter for the Local Planning Authority to become involved with.

9.4 Ecological Impact/River Avon Catchment Area

The application is accompanied by an ecological survey which has been reviewed by the Council's Ecologist. The following comments have been provided:

The application is supported by a 'Bat Statement for Proposed Conversion of Agricultural Barn to Residential Dwelling at Butts Lane, Kilmington' prepared by Matthew Hollands Architects Limited. This report has not been prepared by a suitably qualified ecologist and doesn't include a desk study or baseline survey of the application area and it is not clear when the survey was carried out. As a result the application does not demonstrate that impacts on biodiversity (protected/ notable species and habitat) would be mitigated.

As insufficient information has been provided in respect of mitigated impacts to protected species, it is not possible to fully assess the ecological impact of the proposal.

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Avon Special Area of Conservation (SAC) catchment area. The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated in order to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river for example at sewage treatment works or from fertilizers applied to farmland throughout the catchment.

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

However, in officer opinion, in this instance, as this proposal is not considered to be policy compliant “planned development” due to it being contrary to other policies in the plan particularly CP2 and CP48, the proposal is not covered by the generic AA agreed between the Council and Natural England. Consequently, as no bespoke mitigation scheme for phosphate mitigation has been provided for this proposal, it is considered the proposal is contrary to Core Policies CP50 and CP69 of the WCS.

10. Conclusion and Planning Balance

This application has generated support from third parties, including the Parish Council and members of the public, which is duly noted. Such local support is given modest weight. Furthermore, the proposed business may, if it were to survive long term, have some smaller scale localised benefits to the local rural economy. However, as this business is not yet established on site, such benefits are given only limited weight, particularly as CP48 and NPPF does not in itself require there to be a local need for housing in the area in order to reuse a building.

The protection of the landscape of the AONB must be given great weight, in accordance with NPPF guidance. The current appearance of the land with the storage of vehicles, vehicle parts the erected outbuildings and residential paraphernalia for which there is no justification has a detrimental impact to the special appearance and character of the AONB. The AONB group have raised significant concerns, and the application proposal is little changed from the previous refusal. The proposal would result in the retention of a building of poor visual quality, and together with the associated residential paraphernalia and long access drive, it is considered that the proposal would cause significant harm to the landscape character of the AONB. Furthermore, due to the limited evidence submitted, the proposal would be likely to cause significant harm to protected species and the River Avon SAC. This harm is given significant weight.

Therefore, for the reasons outlined within this report, officers consider that the retention and reuse of the existing building as a dwellinghouse as proposed would cause significant harm to the AONB and biodiversity which is not outweighed by the limited economic benefits, and would be contrary to the aims of Core Policies CP 2, 48, 50, 51, 57 and 69 of the Wiltshire Core Strategy and the aims of the NPPF.

11. RECOMMENDATION: Refuse for the following reason(s):

1. The existing building is located on an isolated parcel of land on the outskirts of the village of Kilmington within the open countryside of the Area of Outstanding Natural Beauty (AONB). The existing structure on the land is considered to be of poor visual quality and is not considered to positively enhance the landscape character. However,

the proposed scheme is also considered to be of a similarly utilitarian appearance and of poor visual quality. Consequently, retention and reuse of the building for residential use, together with any curtilage/residential paraphernalia including the creation of a long driveway, would be detrimental to the special character and appearance of the landscape of the AONB. Whilst the proposal may result in some localised and small scale economic benefits, these are not considered to outweigh the significant harm caused by the proposal. Subsequently, the proposal is considered to be contrary to the aims of Core Policies CP48, CP51 and CP57 of the Wiltshire Core Strategy and the aims of the NPPF.

2. Whilst the application is supported by a bat report, the report has not been prepared by a suitably qualified ecologist and does not include a desk study or baseline survey of the application area, and it is not clear when the survey was carried out. As a result, the application does not demonstrate that impacts on biodiversity would be mitigated. Furthermore, the site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. Whilst the proposal may result in some localised and small scale economic benefits, these are not considered to outweigh the significant harm likely to be caused by the proposal. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.

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