

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

<b>Date of Meeting</b>	8 <sup>th</sup> December 2022
<b>Application Number</b>	PL/2022/06794
<b>Site Address</b>	Hartmoor Barn, Underhill Wood Nature Reserve, Underhill, East Knoyle, SP3 6BP
<b>Proposal</b>	Conversion of an existing barn/equestrian building to form a 2-bedroom dwelling, with associated hard and soft landscaping (resubmission of PL/2021/10169)
<b>Applicant</b>	Mr Jonathan Thomson
<b>Town/Parish Council</b>	EAST KNOYLE
<b>Electoral Division</b>	Nadder Valley – Cllr Bridget Wayman
<b>Grid Ref</b>	51.075659, -2.189381
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Georgina Wright

**Reason for the application being considered by Committee**

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

- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental or highway impact;
- Other – Inappropriate conversion of a barn to residential use in a rural location in the Cranborne Chase AONB

**1. Purpose of Report**

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

**2. Report Summary**

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

- Principle & Planning History
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- CIL/S106

The application has generated an objection from East Knoyle Parish Council; and 5 letters of Objection and 1 letter of support from third parties.

### 3. Site Description

The site is situated in the countryside and is outside of any settlement as defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP17 (Mere Community Area). A small cluster of neighbouring residential properties exist to the immediate south and east of the site, but otherwise it is surrounded on all sides by countryside/fields/woodland. Some of which to the south and west are identified within blue land (meaning that they are within the applicant's ownership) and are/were last used as equestrian paddocks. The site and surrounding land are all within the designated Cranborne Chase & West Wiltshire Area of Outstanding Natural Beauty (AONB). The site is accessed via a long track leading from the main road to the south of the site. A public footpath (Ref: EKNO22) extends away from this road/the southern boundary of the site in a south easterly direction.

The site currently consists of a traditional, brick and clay tile detached building that is situated on open paddock land which is on a significantly lower land level than the road. The planning history confirms that the building has until recently been used for an equestrian stable use along with the associated paddock. Planning permission was refused for the reuse of the barn for residential purposes in 2019 (under ref: 19/08823/FUL). The current applicant allegedly bought the building/site soon afterwards. A further scheme was refused earlier in the year for the barn's extension and conversion into a residential unit in association with the adjacent, newly established, nature reserve (under ref: PL/2021/10169).

### 4. Planning History

S/2007/1575	Create hard surfaces access track and hard surfaced area around barn and alter existing field access. Withdrawn	Withdrawn
S/2008/0074	Hard track across field to stables.	Permission – 10.03.2008
13/03614/FUL	Erection of detached 2 bed dwelling with garage (at the top of the site, adjacent to the road).	Refused – 08.11.2013
14/10339/FUL	Creation of wildlife pond (adjacent site)	Permission – 06.01.2015
19/08823/FUL	Conversion of former equestrian building into a dwelling.	Refused – 06.12.2019

This 2019 application was refused for the following reason:

- The site is situated in an isolated, countryside location where new unsustainable development is resisted without clear justification. No robust evidence has been provided to demonstrate that either the existing building is redundant and therefore that this development will not lead to the requirement for subsequent new development in the countryside in the future; or that the building is unsuitable for an alternative employment, tourism, cultural and community use in the first instance. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP17 (Mere Community Area); CP48 (Supporting Rural Life); CP60 (Sustainable Transport) and CP61 (Transport & Development).*

PL/2021/10169	Conversion of existing barn/equestrian building to form a new dwelling with ancillary landscaping and associated works.	Refused – 08.02.2022
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This 2021 application originally involved the conversion and extension of the existing barn to create a new 1 bedroom dwelling; a writer’s studio; and attached 2 bedroom holiday let. It was also originally to serve a number of purposes including a home for the applicant who manages the adjacent nature reserve; to enable cattle to be farmed on the adjacent land; to enable evening educational workshops to take place at the adjacent site; to improve security at the wider site; to create a writing retreat; to provide eco tourist accommodation; and to contribute towards the County’s identified housing land supply deficit.

During the course of the 2021 application, the proposals were significantly changed so that the scheme ultimately involved a straightforward conversion of the building into a 2 bed dwelling with no extensions to the existing barn (as per the description identified above). The application was ultimately only put forward and justified on the basis of Paragraph 80 of the National Planning Policy Framework (NPPF) which states:

*‘c) the development would re-use redundant or disused buildings and enhance its immediate setting’*

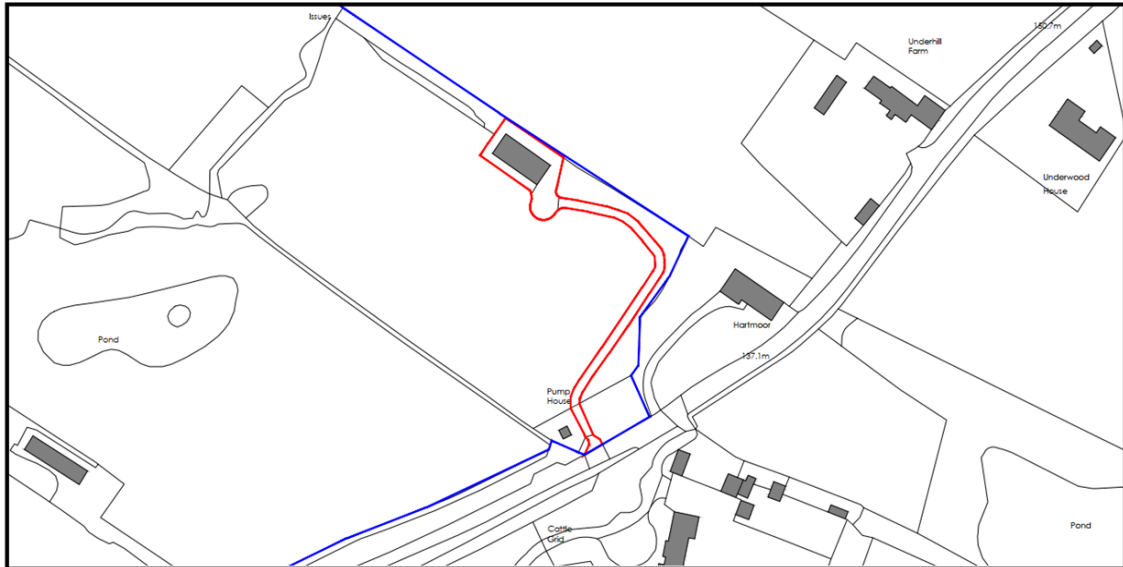
However, the 2021 application was refused for the following reason:

- 1 *The site is situated in an isolated, countryside location where new unsustainable development is resisted without clear justification. No robust evidence has been provided to demonstrate that either the existing building is redundant or that the building is unsuitable for an alternative employment, tourism, cultural and community use in the first instance. The proposals are also not considered to represent an enhancement of the building’s immediate setting. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) (Delivery Strategy), CP17 (Mere Community Area); CP48 (Supporting Rural Life); CP60 (Sustainable Transport) and CP61 (Transport & Development)*

## **5. The Proposal**

This is a full application now only proposing a straightforward conversion of the existing barn into a residential dwelling. Unlike the previous application (considered under PL/2021/10169), no justification has been put forward to suggest that the new dwelling is needed in association with the adjacent nature reserve; or that it is needed to enable cattle to be grazed on the land; or that it is needed to improve security/safety to the wider site; or that it is needed to provide a writing retreat for local writers/poets; or that it is to provide a unit of holiday accommodation to enable eco tourists to visit the nature reserve. It is also, no longer being put forward under Paragraph 80 of the NPPF.

Instead, like the application considered in 2019 (under ref: 19/08823/FUL), the proposals are now purely being put forward in line with WCS policy CP48 (Supporting Rural Life), as a conversion of an existing rural building into an alternative use. In this case as a residential dwelling.



**PLAN 1: Proposed Site Plan**

In detail, the current application involves a conversion of the existing brick built stable building into a 2 bedroom dwelling with private writer's studio, over 2 floors. No extensions are proposed to the existing, former equestrian building; and the proposed dwelling is thus to be contained within the existing height/footprint/form of the existing building. Glazing is proposed on all elevations, but this will essentially utilise existing openings within the building. The only 'new' elements consist of 4 new roof lights and a flue, all of which are to be positioned on the north eastern elevation. The latter is to serve a new wood burning stove.



**PLAN 2: Proposed Elevations**



**PLAN 3: Proposed Floor Plans**

As can be seen in PLAN 1, the 'site' and thus land that is the subject of this proposed change of use, is shown relatively tight around the existing building with a small area of hardstanding and a small residential garden on the north western and south western sides of the building, respectively. The long access track and an area of parking/turning is also incorporated into the 'site'. The remainder of the paddock/field is shown to be off site and is thus to remain in non residential use. A comprehensive landscape plan has been submitted for this remaining area identifying a new orchard, rough grassland meadow; and additional trees and hedgerow planting.

The application is accompanied by a Planning Statement; a Preliminary Ecological Appraisal & Bat Survey (September 2021); and a Viability Statement setting out why alternative uses, other than a residential use, are not practical propositions for the barn. During the course of the application, amended plans have also been received which have identified the proposed ecological mitigation discussed in the Ecological Appraisal, in situ on the site.

## 6. Local Planning Policy

*National Planning Policy Framework (NPPF)*  
*National Planning Practice Guidance (NPPG)*  
*National Design Guide (January 2021) (NDG)*

*Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy) (SDLP):*  
R2 – Public Open Space Provision

*Wiltshire Core Strategy (January 2015) (WCS):*

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP17 (Mere Community Area)

CP39 (Tourist Development)

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP52 (Green Infrastructure)

CP57 (Ensuring High Quality Design & Space Shaping)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

*Supplementary Planning Documents:*

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

East Knoyle Village Design Statement (VDS)

Cranborne Chase AONB Management Plan 2014-2019

Wiltshire Local Transport Plan – Car Parking Strategy

## **7. Summary of consultation responses**

### **7.1 East Knoyle Parish Council – Objection**

- The application does not meet the required NPPF criteria for conversion from agricultural use to housing for agricultural dwelling purposes

### **7.2 Highways – No Objection subject to Conditions**

- The application is the same in highway terms as the previous application and therefore my comments are similar to those for PL/2021/10169.
- The sustainability of the site is a concern as the site is located outside of any development boundary and I will be guided by you as to whether you consider the proposal to be contrary to policies CP57 (xiv), CP60(i) and CP61 of the Wiltshire Core Strategy and the NPPF 2021 paras 104, 105, 110-112 which seek to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.
- As the rural lane used to access the site, is of sufficient width along its majority to allow two vehicles to pass with informal passing places and wide verges, it is considered that the use of the barn for residential accommodation and the vehicle movements associated with it is acceptable.
- Should you be minded to support the proposal, I wish to raise no highway objection providing that conditions are imposed

### **7.3 Ecology – No Objection subject to Conditions**

- The ecology report and landscape plans submitted with this application are considered sufficient to assess the ecology baseline with suitable mitigation measures proposed

### **7.4 Landscape – No comments received**



## 7.5 AONB – Objection

- The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area
- Natural beauty includes wildlife, scientific, and cultural heritage.
- This AONB's Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils.
- It sets out the Local Authorities' policies for the management of this nationally important area and the carrying out of their functions in relation to it
- The NPPF confirms that the AONB and its Management Plan are material considerations.
- The 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 and footnote 7
- For decision making the application of NPPF policies that protect an AONB 'provides a clear reason for refusing development proposals'
- Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection
- The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas.
- The scale and extent of development within all the designated areas of AONBs and National Parks should be limited.
- development within their setting should be sensitively located and designed to avoid or minimise impacts on the designated areas.
- This AONB is in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB.
- On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world.
- Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified to eliminate its impacts.
- The AONB is concerned about light pollution.
- Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings. And maintained in perpetuity
- In this location that means all lighting complying with Environmental Lighting Zone E1 as defined by the Institute of Lighting Professionals 2011
- The site is at the interface of the Donhead – Fovant landscape character area of the Greensand Hills landscape character type and the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment
- The perceived need for accommodation in and around this AONB is for affordable dwellings.
- Although the proposal is for a 2 bedroom residence it is clear from the plans that it would not be categorised as 'affordable'.
- Looking at the Application Form, the 'unknown' response to foul sewage matters suggests that the proposal has not been thought through, and potential impacts on the landscape proposals or nearby water courses have not been considered.
- The lack of storage space for waste and recyclable materials between collections and the lack of technologies for the capture and utilisation of renewable energy mean the application fails to comply with the AONB Management Plan.
- I read that the existing gross floor space is 141 square metres. However, the additional first floor provision in the conversion is not included in the calculation.

- Somewhat strangely, the calculation on the application form shows there would be no new floor space and a net loss of floor space.
- The Planning Statement refers to the land and building being redundant in terms of equestrian use simply because no horses are being kept there at the moment.
- Without a change of use the equestrian use could be revitalised on the land and, if the current application is approved, an argument put forward for new stables.
- It would seem that until such time as the equestrian use is formally revoked the existing building, cannot be regarded as redundant.
- I see the planning consultant seeks to promote a case on the basis of NPPF paragraph 80c, and that reuse of a redundant building with enhancement of the immediate setting could be acceptable.
- The submitted landscape plan and specification, apparently aimed at reinforcing the natural characteristics of the location, includes a large number of *Berberis darwinii* which is not a native or naturalised species.
- Most of the landscape proposals would be outside the application, red line, area which could create confusion about the extent of the curtilage of the dwelling
- The AONB is very disappointed that the proposal continues with the insertion of roof lights into the proposed converted barn. As you know, roof lights have a considerable capacity to contribute to light pollution, and this AONB is the 14th International Dark Sky Reserve in the world.
- There is, therefore, an obligation on all the AONB partners, including Wiltshire Council, to reduce light pollution and not to facilitate developments that contribute to light pollution.
- It is not a case of minimising additional light pollution; unless reductions in light pollution can be demonstrated the AONB risks losing the IDSR status.
- It is also noticeable that there are areas of floor to ceiling glazing. Again, this has considerable capacity to contribute to light pollution and none of the submitted documentation indicates how that pollution would be prevented
- The submitted documentation seems to be just a little too relaxed when it comes to key points. For example, the reference to Wiltshire Core Strategy Policy 51 omits a key element that development proposals should demonstrate how they take account of the AONB Management Plan.
- The reference to NPPF Paragraph 11 and the possible shortage of a five year land supply does not take account of the fact that a shortfall in housing land supply does not negate policies in the NPPF that protect AONBs
- The AONB Partnership is very concerned about the number of the gaps within the submitted documentation.
- In this sensitive location all Permitted Development Rights should be removed
- Mindful of the AONB Management Plan objectives, any provision of services should be underground.
- Floor to ceiling glazing should incorporate integral blinds or louvres that can be closed at night to prevent light pollution.
- Roof lights should be designed out of any conversion.
- If there is an exceptional case for roof lights then, again, they must be fitted with integral blinds or louvres that are automatically closed at dusk and open at dawn.
- The application as currently submitted is not policy nor AONB Management Plan compliant, and is not good enough to approve.

#### **7.6 Letters** – 5 letters of objection received. The following comments made:

- How can so many applications be made for such an unnecessary and unwarranted development. This is the 4<sup>th</sup> application in 3 years
- Objections were raised to the previous planning applications in November 2021 and again in January 2022



- The revised design is very similar to the 2019 and final 2021 proposal. Both of which were refused. What has changed?
- The barn on the adjacent site was 'signed off' by Planning Enforcement as no unauthorised residential conversion had taken place. Yet the developer told East Knoyle Parish Council that both he and his employee regularly stayed overnight in the barn
- The conversion of an agricultural building of historical interest into a 2 bedroom dwelling is against the spirit and principles of development on rural land.
- This proposal is at variance with the principles of re-wilding and wildlife protection as it will disperse wildlife from the barn
- This barn could still have a purpose as a new barn has been constructed next to the reserve's administration and meeting centre in the adjacent field.
- The plans show a room layout that is more suitable for short term or ad hoc living than a permanent residence
- Eco tourism in this spot is ludicrous
- The building has been made redundant over the last 3 years by the current owner but there is demand in and around the village for horse/pony accommodation.
- All offers from local horse owners have been rejected
- The needs for accommodation to extend the activities of the Underhill Wood Nature Reserve are now not mentioned
- Windows on all elevations will all face at least one other house.
- A hedge is needed on the north side of the building where the windows are to be situated otherwise overlooking will occur
- The first-floor roof lights overlook the neighbours at Underhill Farm
- The barn is an interesting example of our horse based agricultural history and should not be developed into a house or for any other purpose.
- It is a valuable cultural asset to the village as an agricultural building.
- The applicant has not been maintaining or looking after the building.
- Development here is unnecessary, unwanted and is a creeping urbanisation of a beautiful and currently unspoilt setting.
- The barn can be seen from the public highway and converting it into a dwelling and landscaping the surrounding field will destroy what has been a beautiful and tranquil part of the village for hundreds of years.
- It will set a precedent that is unwelcome and unwarranted in this rural location
- Any screening effects of the proposed landscaping will be destroyed by the removal of hedgerows
- The barn is a haven for wildlife with swallows, barn owls, bats etc
- Maintaining the barn as it stands is far more beneficial to the surrounding area and the flora and fauna and wildlife than converting it into a dwelling
- Roof lights will increase the light pollution in this area from what is currently a dark field and woodland
- The site is within the International Dark Sky Reserve and this proposal is counter to their principles.
- Due to lack of space in the existing building, extensions, garages and outbuildings are likely to be required in the future
- Concerned about the volume of traffic on a narrow, single lane, country lane between Underhill to West Knoyle with a 60 mph speed limit
- The road is part of the Wiltshire Cycleway and attracts many cyclists
- Riders and horses, including the local hunt with their hounds, are regular users of the road along with farm traffic
- The 'writing studio' will become a meeting room for the nature reserve (cf. the 2021 proposal) causing further traffic movement and human activity

**7.7 Letters** – 1 letter of support received. The following comments made:

- My wife and I have been to Underhill Wood Nature Reserve several times to learn about rewilding.
- We have recently attended a very valuable workshop which gave us many ideas about how to support nature on our own property.
- Having the owners living on the site would enable the Nature Reserve to play an even greater role in combatting the climate and biodiversity crises

## **8. 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.

### **8.1 Principle:**

As is identified above, the site is situated in the countryside, as defined by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP17 (Mere Community Area); and is some distance from any local services or facilities. Any future occupier of this building will therefore be reliant on the private car to access the site and any local services. It is therefore considered to be in an unsustainable location where there is a general presumption against new development, particularly of a residential nature.

However, there are a number of exceptions to this general policy of restraint listed in paragraph 4.25 of the WCS. One such exception policy is WCS policy CP48 (Supporting Rural Life). WCS policy CP48 (Supporting Rural Life) is generally supportive of the conversion of an existing building in the countryside. This support is however subject to a number of criteria, as follows:

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

- 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.*
- 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.*
- The building can be served by adequate access and infrastructure.*
- The site has reasonable access to local services.*
- 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’.*

It is clear that the policy has 2 parts. The first provides a hierarchical consideration of alternative uses and insists that alternative employment, tourism, cultural or community uses are considered and discounted before a residential reuse of a building will be considered acceptable. The second part looks at the building and the level of work involved to convert the building for an alternative use; and the potential impact of the proposed conversion for landscape character; appearance; and highway safety. If

both parts of this policy can be satisfied, then the principle of the building's conversion, including for a new residential dwelling, could be accepted in this location, even though it is an unsustainable countryside location within an AONB.

## **8.2 Planning History:**

At this point it is necessary to briefly discuss the planning history for this barn, as a number of proposals have failed so far to convince the Local Planning Authority that the conversion of this building is acceptable for residential purposes.

### The 2019 Application:

As per the current application, the previously refused 2019 application was put forward purely on the basis of WCS policy CP48 (Supporting Rural Life). The 2019 application was however refused because it was not considered that enough evidence had been submitted to demonstrate that alternative uses could not be made viable; or therefore that a residential reuse was the only viable reuse option for this building. Whilst the policy does not set out how this can be tested/demonstrated, it is normally expected that a robust marketing exercise should be undertaken to test the market in these regards. In the absence of any such evidence, it was considered that its conversion to a dwelling was not justified.

In addition, the 2019 scheme was refused because the remaining site, at that point entirely unrelated to the adjacent nature reserve and not in the current applicant's ownership, was relatively large and would still need managing/maintaining either with horses or machinery. It was therefore considered that a new building to provide replacement stabling or machinery storage would likely be needed if the existing barn was converted for other purposes. The application was therefore refused and the decision was not challenged at appeal.

### The 2021 Application:

As is identified above, the subsequent 2021 application was submitted by the current applicant who purchased the barn following the refusal of the 2019 application. The 2021 application was still not accompanied by any market evidence to confirm that any alternative uses had been properly considered and/or would not be viable. However, this scheme went through many iterations during the lifetime of the application process, but was refused because it was not considered that a dwelling was necessary to enable cattle grazing to occur on the wider site; nor was a dwelling deemed to be necessary for the operation of the adjacent nature reserve.

This previous application also tried to argue that the proposals were acceptable in line with Paragraph 80 of the NPPF as a 'special circumstance' because of the isolated nature of the building, in line with the last paragraph of WCS policy CP48 (Supporting Rural Life). However the Local Planning Authority were not convinced that the building was redundant, as required by Paragraph 80. In addition, the proposed landscape works, which are part and parcel of most developments and could have happened irrespective of the development, were not considered to cause an enhancement of the immediate setting of the building, which is already an attractive building and is already situated in an attractive AONB landscape and setting.

It was however conceded that as the current applicant owns and sensitively manages the adjacent nature reserve site, the loss of this barn for an alternative, non equestrian/agricultural use is less likely to result in the need for a new building on the site. Any such machinery could be stored in other building/s on the wider site; and/or this remaining paddock could be managed as part of the wider nature reserve. Thus that concern was overcome by the previous application.

### 8.3 The Current Application:

The current application now seeks to convert the barn purely in line with WCS policy CP48 (Supporting Rural Life). Whilst it is clear that the site has still not been marketed for alternative uses, this application *is* now accompanied by a Viability Appraisal and a Planning Statement which together set out why alternative uses would not be suitable or viable for this barn.

#### Alternative Uses:

##### *Employment/Cultural or Community Uses:*

The supporting documentation argues that an employment, cultural or community reuse of the building would not be appropriate because of the isolated nature of the site; the unsuitability of the access and access track for use by potentially large vehicles; the level of car parking that would be required to serve such an office/business use; the compatibility of commercial uses adjacent to residential uses; and that the nearby village is already well served by community buildings and meeting rooms.

Given that the existing use of the site is for equestrian, it is not considered that the potential for large vehicles to use the site access is a realistic concern for these potential uses. Likewise the site could be made larger to accommodate the amount of car parking provision that would be required from such uses, especially as the applicant owns the whole surrounding paddock. The likely compatibility of an office use of the site, comparative to a stable is also unlikely to be worse for adjacent neighbouring amenities, especially as the former B1 office uses (now Class E(g)) are by their very nature considered to be compatible with residential uses.

However the isolated nature of the site does make these uses impractical. The site is not closely related to any village or settlement. The roads leading to it do not benefit from pavements and no bus services actively serve the site or link it to any nearby settlement. In addition, whilst the building is in good condition, it needs a large initial investment to make it water tight and suitable for office or community accommodation, which would be beyond the latter; and the end product would not really be large enough for a viable business/office use to offset this initial cost. It is therefore accepted that these alternative uses would not really be appropriate.

##### *Equestrian Use:*

In addition, much local representation has also suggested that this building should be retained in an equestrian use and that there is a lot of local demand for stabling in the area. Whilst it is accepted that the applicant has actively left the barn empty for the past 3 years which is the only reason it is now vacant; the planning system cannot insist that the applicant provides the associated land for such an equestrian use. Furthermore, despite assertions to the contrary, planning permission is not required to change the use of the surrounding land from equestrian uses, back to an agricultural use (including the creation of a wildlife/nature reserve) as this does not constitute development. Therefore whilst the building is suitable and could still be used as a stable; and there is no doubt that there is some demand for this locally, the site no longer provides sufficient grazing land associated with the stable building and certainly not enough to meet the animal welfare guidelines set out by the British Horse Society. Without the associated land it is not therefore considered that the building's continued use as a stable is suitable. In any event it must be noted that WCS policy CP48 (Supporting Rural Life) does not actually require the building to be redundant before an alternative use of the building will be accepted, but actually only requires them to be rural.

#### *Tourist Use:*

Finally there is the suitability of the building to be used for tourist accommodation. Indeed the last application originally proposed its conversion into a 2 bed holiday let in association with the adjacent nature reserve. However the application is now accompanied by a Viability Assessment which details the potential costs and thus viability of both a holiday let and a residential use.

There are a number of anomalies and errors in the submitted Viability Assessment, for instance it refers on numerous occasions to the 2018 NPPF, which is now out of date. It also assumes an end market value for a residential dwelling of nearly £1 million, which is considered unrealistic as it is unlikely that a 2 bed barn conversion of this size, even in this location, would be worth nearly £1 million. This cost appears to be based on an arbitrary cost per sqm calculation rather than on the actual market rate for such a property in this location. The report also aims for a 17.5% profit margin for a residential dwelling but only achieves 11%.

However, the policy does not require a residential use of the site to be viable, but merely that all other uses are found to be not viable before a residential reuse will be accepted. In addition, the assessment clearly demonstrates that a holiday let use of the building would not be viable given the initial costs involved to convert the building versus the potential return.

The submitted Viability Assessment and discussion regarding other potential uses for the site has therefore satisfactorily demonstrated that on balance, a residential reuse of this building is the only practical long term option for this building. Having a viable function for the building is essential and supported in this instance because it will ensure the long term safeguarding, investment, maintenance and thus retention of this attractive building, which as much local representation has confirmed, is of local importance. The previous reasons for refusal outlined in 2019 for a similar scheme have therefore been satisfactorily addressed and the requirements of the first part of WCS policy CP48 (Supporting Rural Life) has finally been fulfilled so that a positive recommendation can now be made.

#### **8.4 Character & Design:**

The site is situated in undulated countryside some distance away from the small village of East Knoyle. The whole site is also situated within the AONB which has recently been designated as the 14th International Dark Sky Reserve in the world. The existing building has an agrarian character of traditional brick and tile construction. It is an attractive, simple building within an open field setting. It nestles into the topography and as a result of the existing woodland and field boundaries that exist, it is fairly discreet from the wider public domain/surrounding footpath network.

As was established as part of the assessment of the previous applications, whilst no structural evidence has been submitted with the applications, the Council is satisfied that the building is in good order and appears to be capable of conversion without significant rebuild/addition. Any alterations to the building that are identified are kept to a minimum, with minimal new openings proposed; no changes to the height or form of the existing building identified; and the existing agrarian character is thus respected. Whilst a new external flue and 4 rooflights are proposed in the roof slope, these are to be on the northern elevation and the flue is of low height meaning that it will not protrude above the ridge or thus be particularly obvious from the public domain (and could be conditioned to be finished in a non reflective material). Therefore, it is considered that the resultant conversion works will still retain the rural character of the building; will not be too domestic; and are unlikely to result in significantly different implications for the character of the area or AONB, especially when seen from the

public domain, as the building will retain its existing agrarian character and relatively discreet presence in the landscape.

The existing building is located on one side of an attractive valley. The building is not listed but is of traditional agrarian character and is very attractive. Whilst not really prominent in the wider landscape the existing building is already considered to positively contribute to the character and rural nature of its setting. The identified 'site' and thus proposed residential curtilage is kept tight around the building and the access track, thereby limiting the impact of any domestication or encroachment of domestic paraphernalia into the remaining paddock land/countryside. A comprehensive landscape scheme has also been submitted, which proposes the planting of an orchard on the frontage part of the wider site; a supplementation of existing site boundaries with additional hedging and mature trees; and the creation of a rough grassland area on the rear part of the wider site. Whilst these areas of landscaping are off site, they are identified as being in blue land and thus in the applicant's control. Conditions can thus be imposed to ensure that these works are implemented. The AONB has suggested that the offsite landscape proposals will blur the edges of the residential curtilage meaning that in the future the residential curtilage will extend into this area. However the red line defines the residential curtilage and conditions can also be imposed to secure a boundary fence or field hedgerow along the site boundaries to physically delineate these areas on the ground. Whilst the provision of the proposed landscaping is not required in order to screen or enhance the building in this setting, they are considered to be appropriate for this landscape and are acceptable.

Much local concern has been raised by local residents and the AONB about the level of glazing proposed and in particular the rooflights identified as these could prejudice the AONB's dark skies initiative. However whilst the Council are very supportive of the dark sky initiative, there are no policies in the adopted development plan that prevent the insertion of rooflights in such structures in such locations; and indeed such features can be installed under a property's permitted development rights without the need for planning permission. It is not therefore possible or reasonable for the Local Planning Authority to prevent all roof lights in an AONB location.

In any event the insertion of a few modest rooflights was accepted as part of the previous conversion schemes on this site, albeit that the previous schemes were ultimately refused, as rooflights generally enable the agrarian character and form of the original barn to be retained; are less domesticating than standard windows; and involve minimal intrusion to the physical fabric of such a building. Given the position of the rooflights on the northern elevation, against a well defined hedged boundary, it is not considered that they would result in any significant implications for the dark sky setting of the site/AONB. It would also not be reasonable or enforceable to impose conditions regarding window coverings/blinds etc. However given that the four roof lights serve the 'writer's studio', a stairway, and a bathroom; and are proportionally small, it is likely that they will either be fitted with coverings or not be lit up constantly throughout the evening. Any potential light spill from these 4 roof lights will therefore be minimal. All other glazing/fenestration is to utilise existing openings in the building and is again therefore accepted.

Local concern has also been raised about the potential for future extensions or alterations to the dwelling if approved. However, the property's permitted development rights could be removed by condition meaning that any such alterations/extensions would require planning permission and thus these could be considered on their own merits at that point and prevented where harm was identified.

## **8.5 Neighbouring Amenities:**

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensure that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

The nearest residential property to the site is that of *Hartmoor* to the south east. This property is situated on higher ground and adjacent to the main road. The existing barn is however situated some distance from this neighbouring property. It is not therefore considered that the proposals would result in any implications for this neighbour in terms of overlooking, loss of light or dominance. There is scope for the use of the access track to lead to some noise or disturbance as it is adjacent to this garden boundary. However, this track already exists and is presumably already and/or was once in use by agricultural or equestrian vehicles. It is considered that the use of the access for a residential purpose is likely to result in less noise/disturbance than its previous use and would thus result in an improvement for these neighbouring amenities. The submitted landscape plan also identifies supplemented hedgerows between the two sites in order to increase/supplement screening and mitigate any potential impact for these closest neighbours in this regard.

Concern has been raised about the level of windows that are proposed on the building, as it is suggested that each elevation looks towards a neighbouring property. However as is discussed above, other than the 4 new rooflight, all other windows are to be positioned in existing openings in the building. In addition, whilst the windows may face in the direction of neighbouring properties, planning does not protect the right to a view, but rather tries to mitigate or resist the potential for harm that might arise from a development. Therefore just because the building and windows may be visible from neighbouring properties, this does not mean that a scheme should be refused. In this instance the existing building is nestled in a valley in the middle of a large paddock site and is surrounded by fields. The nearest neighbour, as is discussed above, is *Hartmoor* which is approximately 73 metres away to the south east of the existing building. This level of separation is considered to be more than sufficient to mitigate any potential impact in terms of direct overlooking or loss of privacy. Other neighbouring properties, including *Underhill Farm*; *Underwood House*; and *Brickyard Farm* (now *Windmill Farm*), are 100+ metres away from the site. Even if tree removal is proposed or views will be afforded, it is considered that, given this level of separation, any potential concern regarding overlooking, loss of privacy, dominance, or over shadowing would not be significant to justify a reason for refusal of this scheme.

## **8.6 Highway Safety:**

The Highway Authority has raised concern regarding the sustainability of the site as it is situated outside of any defined settlement and some distance from any local services. It has also been confirmed that there are no facilities within easy walking distance of the site and little opportunity to travel by means other than the private car. The Highway Authority however rightly confirm that this matter would be overridden if the provisions of WCS policy CP48 (Supporting Rural Life) were to be satisfied because the reuse of redundant buildings is a sustainable objective in its own right. As is identified above, this policy has now been satisfied by the current proposals and thus the conversion of this building into a dwelling is accepted as an exception to the general presumption against development in this unsustainable location.



Local concern has been raised about the proposed access and its position on a bend in the narrow lane which is well used by walkers, cyclists and horse riders. However, the access already exists and is/has been used to serve an equestrian/agricultural use of the site which could require large/slow/more cumbersome traffic and machinery visiting the site. It is therefore considered that these proposals would not result in any additional implications in this regard and is more likely to improve the existing situation due to the level and type of vehicles likely to be generated by this proposed use. The Highway Authority has raised no highway safety objections to the proposal, in terms of the access or onsite parking provision and therefore this local concern cannot be upheld in this instance.

#### **8.7 Ecology:**

Known local species records identify bats and badgers in the vicinity of the site. The site is also located in a rural area adjacent to mature hedge/tree with connectivity to surrounding woodland areas. WCS policies CP50 (Biodiversity and Geodiversity) and CP52 (Green Infrastructure) and the NPPF requires that the Local Planning Authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

For this reason, the application is accompanied by an ecological appraisal and bat survey. This has identified that the building is being used as a bat roost. Mitigation and enhancement measures are therefore identified in this document. During the course of the application, amended plans have also been received which identify these features on the building/site. The Council's Ecologist has raised no objection to the proposals in this regard, accordingly.

#### **8.8 Drainage/Flooding:**

The site is situated in Flood Zone 1; and is not in an area that is at high risk of ground water flooding. The scheme also involves the provision of 1 dwelling and is thus a small scale development. Whilst the AONB has questioned how the site is to be drained; in such a location and with such a scale of development, this is a matter that is dealt with at the building regulation stage. It is not a matter for consideration at this planning stage,

#### **8.9 CIL/S106:**

WCS policy CP43 (Providing Affordable Housing) and SDLP policy R2 require contributions towards affordable housing and public open space provision from any net gain in the number of dwellings in the area. However, following subsequent ministerial advice, the updated NPPF confirms that these policies now only apply to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application proposing only 1 new dwelling.

However, as of May 2015, Wiltshire Council adopted the Community Infrastructure Levy (CIL). Therefore this proposal may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A note highlighting this requirement to the applicant is therefore imposed on the recommendation.

#### **9. CONCLUSION:**

The building appears to be in good order and is capable of conversion; and the proposed conversion works are minimal, sensitive and will retain the agrarian character of the building. Enough evidence has also now been submitted to confirm that the building is not suitable for alternative purposes and that a residential reuse of the building is the only way to ensure its long term future/retention. Previous concerns

and reasons for refusal have therefore be adequately addressed and the proposals are therefore recommended for permission accordingly.

**10. RECOMMENDATION:**

Permission subject to 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:

Application Form & Certificate

Ref: 21/747/P001 Rev B – Proposed Site Location Plan. Received – 31.08.2022

Ref: 21/747/P002 Rev B – Proposed Site Block Plan. Received – 31.08.2022

Ref: 21/747/P100 Rev A – Proposed Ground Floor Plan. Received – 31.08.2022

Ref: 21/747/P101 Rev A – Proposed First Floor Plan. Received – 31.08.2022

Ref: 21/747/P102 Rev A – Proposed Roof Plan. Received – 31.08.2022

Ref: 21/747/P110 Rev B – Proposed North & South Elevations. Received – 14.11.2022

Ref: 21/747/P111 Rev A – Proposed East & West Elevations. Received – 14.11.2022

Ref: 21/747/P120 Rev A – Proposed Sections A-A and B-B. Received – 31.08.2022

Ref: 348\_PN\_01 Rev B – Landscape Plan. Received – 31.08.2022

Ref: 348\_PN\_02 Rev A – Planting Schedule & Specification. Received – 31.08.2022

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

3. The materials to be used in the construction/repair of any external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building; and/or shall accord with the material details identified on the approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. The flue hereby approved shall be finished in a dark, non reflective finish

REASON: In the interests of the visual amenities and the character and appearance of the area.

5. Notwithstanding the approved Landscape Scheme, the dwelling hereby approved shall not be first occupied until details of any hedgerows or boundary treatment that will be used to delineate the 'residential curtilage' of the dwelling on the ground have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with an agreed timetable or in accordance with the timings identified in condition 6, whichever is sooner. The boundary treatment shall be retained in perpetuity.

REASON: To ensure that the domestication and residential development of this site does not encroach into the surrounding paddocks/countryside to the detriment of the landscape character of the area/area of outstanding natural beauty.

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

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

7. The ecological mitigation measures, bat roosts and bat access points identified on Plans Ref: 21/747/P110 Rev B – Proposed North & South Elevations and 21/747/P111 Rev A – Proposed East & West Elevations (Received – 14.11.2022); and as outlined in pages 24-30 of the Preliminary Ecological Appraisal and Bat Survey Report, (Date: September 2021 by Stark Ecology Ltd), shall be installed in accordance with the approved details, or as otherwise specified in a relevant European Protected Species Licence superseding this permission. They shall be installed before the dwelling hereby approved is first occupied. The installation of the approved mitigation measures, bat roosts and access features will be supervised by a professional ecologist. The mitigation measures, bat roosts and access points shall be maintained and retained in situ in perpetuity for the lifetime of the development.

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

8. No new external artificial lighting shall be installed at the site.

REASON: In the interests of conserving biodiversity.

9. The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level, and maintained as such thereafter.

REASON: In the interests of highway safety.

10. The development hereby permitted shall not be first occupied until the first 5m 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.

11. Any gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

12. The development hereby approved shall be occupied until enough space for the parking and turning of 2 vehicles together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access/turning.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-E, G or H shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area; to retain the attractive agrarian character of the existing building; 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 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer windows or rooflights, other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of amenity of the area and to retain the attractive agrarian character of the existing building.

## **INFORMATIVES**

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

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

- 2) Please note that the drainage strategy for the development will be considered at the building regulation stage and has not been assessed as part of this planning application. Please note that should changes be required to the final approved scheme in order to achieve a satisfactory drainage strategy for the site, this may require the submission of a revised/amended scheme to be considered by the Local Planning Authority accordingly.
  
- 3) The barn is used bats as a roost. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future replacement of the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

- 4) The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.