

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	28/02/2024
Application Number	PL/2023/09202
Site Address	The Mount, Upper Seagry, SN15 5EX
Proposal	Variation of condition 2 of PL/2021/08755 "Erection of an agricultural building for livestock and machinery storage and associated track"
Applicant	Mr Nick Good
Town/Parish Council	Seagry Parish Council
Division	
Grid Ref	
Type of application	Householder Planning Permission
Case Officer	Samantha Stockley

Reason for the application being considered by Committee.

Application called in by Cllr H Greenman due to concerns raised. These include the scale and design of the development, the visual impact of the proposal on the surrounding area. The relationship of the proposed to adjoining properties in addition to the environmental impact. The proposal also used the wrong materials and larger than the original proposal.

1. Purpose of Report

The application concerns a variation to the design and finish materials to an agricultural livestock building on the edge of Upper Seagry in addition to the revised access which has received a number of letters of objection from the neighbouring community with regard to the proposal's impact on amenity, the streetscape, and being out of keeping with the character of the area.

2. Report Summary

The application has undergone an assessment within the report and found the proposal to have an acceptable impact on the streetscape and the materials to be in keeping with an agricultural building of its nature within the rural countryside.

3. Site Description

The application relates to an open agricultural land, located within the open countryside outside of any defined settlement. There is archaeological potential and interest within the locality and the locality is also susceptible to ground water flooding. The building's materials

(retrospective) include green box profile steel sheeting to the elevations. The roof is formed of green box profile steel sheeting with roof lights. A central roller door to the north elevation with a small personnel door and a central roller door to the south elevation. Access is taken from an unnamed road which runs through the centre of the small village.

In terms of policy constraints, the site is not located within the open countryside with Seagry Parish Neighbourhood Plan (2021)

4. Planning History

PL/2021/08755 - Erection of an agricultural building for livestock and machinery storage and associated track- **(Approve with Conditions)**.

PL/2021/06188 - Demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling (self-build); erection of attached double garage; alterations of existing access. **(Withdrawn by Applicant)**.

20/11118/FUL - Demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling; erection of attached double garage; creation of new access – **(Refused)**.

20/07250/FUL - Demolition of existing outbuilding and erection of replacement outbuilding with link to existing stable block. – **(Approve with Conditions)**.

17/05035/FUL – Development of 8no. houses (including 3no. affordable homes) with garages and covered parking. **(Withdrawn)**.

18/04272/FUL – 8 houses (3 affordable), associated garages and covered parking **(Refused)**.

5. The Proposal

The application seeks planning permission for variation to condition 2 (approved plans) for Regularise amendments to the design, materials and access lay out.

Materials: The proposed would see the approved finished material changed from concrete panels on the lower walls with Yorkshire boarding on the upper walls to Juniper Green plastic-coated steel walls and roof.

Design:

The Approved Plans

North Elevation. The north elevation approved plans are to have two roller shutter doors, and an open bay with a metal sheeted gate on the right. The elevation was proposed to have a gable end in the centre of the building, to be a design feature.

East Elevation. The approved plans eastern elevation is to be fully enclosed and benefit from a one metre overhang and either side of the building.

South Elevation. The permitted elevations include a roller shutter door in the centre of the building, which is proposed to measure 3m in length. The building was proposed to have three translucent roof panels.

West Elevation. The western elevation is approved to have the left side with an open partition with a metal sheet gate and the right being fully enclosed with. The building was approved to incorporate a one metre overhang on both sides.

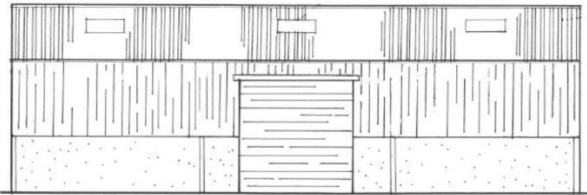
The Regularisation proposed plans.

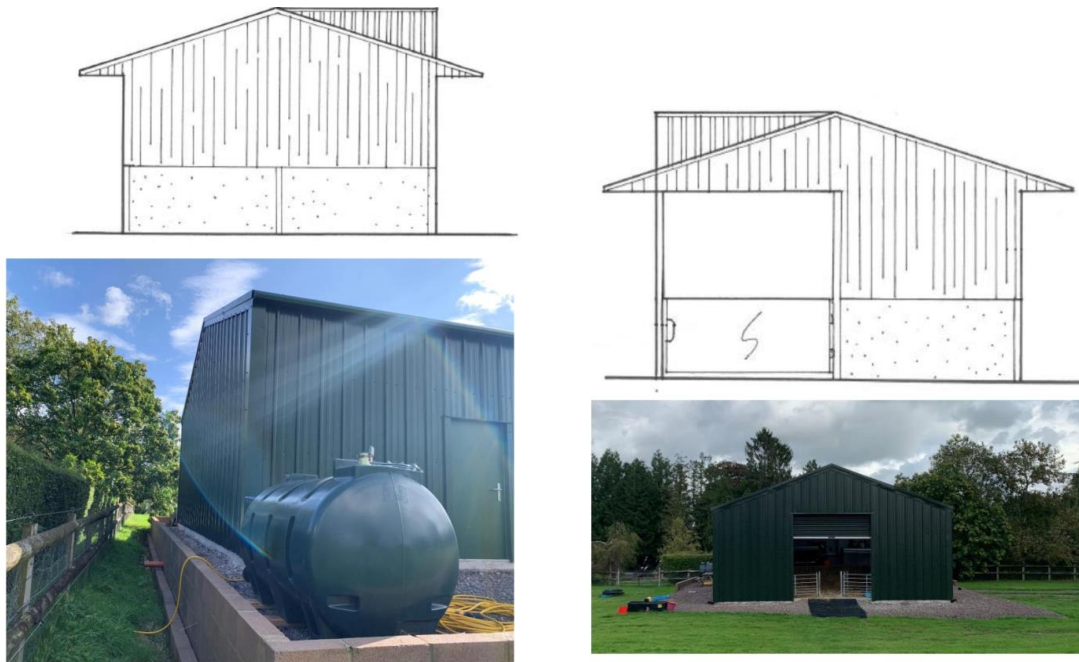
North Elevation. The north elevation has been built with one roller shutter door which measures 3 meters in length which is on the centre of the elevation and a pedestrian door to the left, which measures 1 metre. The right of the building is fully enclosed.

East Elevation. The building is fully enclosed. The building does not incorporate the overhang and is fully enclosed.

South Elevation. This has been built similar to the proposed plans. The roller shutter door is in the centre of the building but measuring 4m in length. The translucent roof panels have been incorporated.

West Elevation. The building has a roller shutter door in the centre of the building which extends to 3 meters wide. The elevation overhang has been changed to allow it to be fully encased.

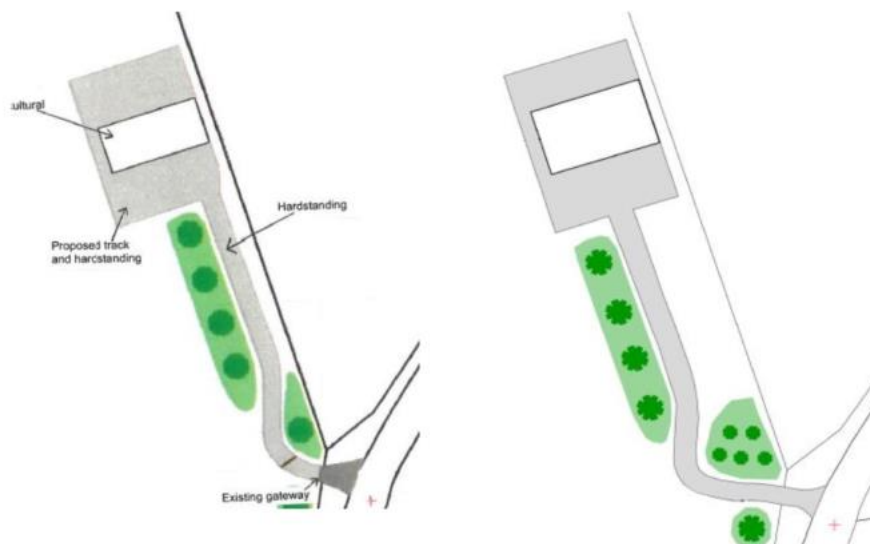




Reposition of the access.

The access Approved followed access from the existing gate way with trackway following the boundary fence line to the approved unit.

The variation seeks to regularise the access track running from the existing but would be shifted away from the fence boundary to the west running straight to lead to the centre of the building where the roller shutter entrance doors are located.



6. Planning Policy

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
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

Seagry Parish Neighbourhood Plan (Made May 2021)

Policy SNP5 – Character and Design
Policy SNP6 – Small infill development.

Wiltshire Housing Site Allocation Plan (Adopted Feb 2020):

Settlement Boundary Review and site allocations.

National Planning Policy Framework (NPPF) (2023)

Paragraph 11 – Presumption in Favour of Sustainable Development
Paragraph 38 – Proactive Approach to Decisions
Paragraph 59 – Planning Condition and Obligations
Paragraph 110 – Consideration of Development Proposals
Paragraph 130 – Function and Form of Development
Paragraph 134 – Achieving well-designed and beautiful places.
Paragraph 174 – Planning and flood risk.
Paragraph 192 and 194 – Ground conditions and pollution

7. Consultations

Seagry Parish Council: Objection

(Condensed) Advise an objection to the overall building being in noncompliance to the approved plans with no requirement to the access track to be amended. The proposed is out with the policies of the neighbourhood plan and conflicts with the character of the area due to the scale and materials.

8. Publicity

There were 6 letters of representation received in response to the application. With 3 raising an objection and 3 comments.

The objections raised the following material concerns relevant to the specifics of this application.

- Harmful Impact on the Landscape,
- Harmful impact on the character of the Village
- Harmful impact due to the Scale of Development
- Inaccurate plans

9. Planning Considerations

Assessment

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.

Principle of Development

The principle of the agricultural building within small villages including Upper Seagry subject to a range of site-specific considerations and compliance with relevant policies, neighbourhood plans is broadly accepted and in this instance the principle of development has been established under application PL/2021/08755.

Impact on the Character, Appearance and Visual Amenity of the Locality

Core Policy 57 of the WCS sets out that a high standard of design is required 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.

Core Policy 57, also, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. This is also reflected in the SPNP and in this respect policy SNP5 is relevant. WCS.

Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

Paragraph 130 of the NPPF states, among other matters, that development should be visually attractive as a result of good architecture and be sympathetic to local character.

The need for good design is reinforced by the National Design Guide (2021). Material concerns have raised by the Parish Council and Neighbouring parties with regards to the revised scale, design and amended materials in addition to the reposition of the track way due to impact on the open countryside and locality.

While it's noted that the original design is similar to a timber field shelter, one of which is within close proximity north to the site, and that the proposed is a more enclosed agricultural design with a stronger commercial/agricultural appearance and materials. The variation is still formed of a design and material found within the open countryside in various designs and scale. The revised design is also modest in terms of its simplistic design and still reflects the original intended use, and if viewed from public vintage points, the proposed building would not appear out of character. In addition, the proposed building would back onto existing buildings at the rear and it would be read within this context.

The objections received from the Parish Council have suggested the application is also considerably larger than that previously approved. In terms of eaves and ridge height there is no variation. In terms of footprint the building is 0.10m longer than that of the original. In terms of depth the original has an enclosed depth of 7 metre with a 1m overhang either side resulting in a roof span measuring 15m x 9m. The variation has the sides enclosed from the edge of the roof instead of inset with an overhang, as such the internal footprint is no larger than that of the original approved roof span.

Furthermore, the application building when compared to the overall scale/size of the application site would appear subservient in its setting given the limited scale and simple design of the building and as a result, a large portion of the land would remain undeveloped.

In addition, although the building would be visible from some vantage points, it is determined that the variations to the scale, and form, of the proposed building is largely typical of a countryside location and setting and as such it would not appear wholly out character and harmful to the visual amenity of the locality.

The alteration of the trackway appears to be more practical in terms of accessibility and manoeuvrability for larger vehicles especially if hauling trailers to access the site and building as needed. While it is recognised that the track would cut across a small area of the site it is not considered to be significantly harmful. It is determined that the proposed alterations would not see any of the existing trees or planting removed and would create a more direct access track. The access to the road would still be taken from the approved access with no alterations.

The proposal is therefore in accordance with policy CP51 & 57 of the WCS, policy SNP5 & 6 of the SPNP & para 130 of the Framework

Impact on Residential Amenity

Paragraph 130(f) of the NPPF seeks to secure a high standard of amenity for existing and future users. This is further reflected in Core Policy 57(vii) of the WCS which requires the proposed development to achieve appropriate levels of amenity in respect to neighbouring buildings and within the development itself.

The variations to the barn finish and access (retrospective) are not deemed to have any significant harmful impact in neighbouring residential amenity as the building is not located in close proximity to surrounding residential properties outside the control of the applicant.

The application does not include for a variation in use and on this basis, it is deemed that the proposal will not result in any unacceptable harm to the amenities or living conditions of residential occupiers in the context of an overlooking, loss of privacy or overbearing impact.

In the context of odour, concerns have been raised by interested third parties/neighbouring properties about the disposal of manure from the development which was addressed in the original application approval PL/2021/08755 and are not subject to this application.

In summary, the variations would be limited to the material finish, design, sale and improved trackway access and therefore would not likely result in significant harm with regards overshadowing, loss of outlook or noise impact on neighbouring properties.

10. Conclusion

The proposed variations to the barn materials, scale and altered access layout and associated works at The Mount are deemed to be acceptable in principle and also acceptable in relation to the locality and open countryside in terms of scale, materials and design. In addition, it is also determined that the variation of changes would not cause further harm to the visual impact of the streetscape due to the setback position of the building or to the amenities enjoyed by the occupants of the surrounding properties and is therefore in accordance with CP51, CP57, CP58 & CP60 of the WCS, policy SNP5 & 6 of the SPNP and paragraph 130, 174, 192 & 194 & section 12 of the Framework.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Conditions: (3)

1. The development hereby permitted shall be begun before the expiration of this permission on 19th April 2025.

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:

Location Plan - KCC3042-03 -Received 24th October 2023

Proposed Block Plan Rev B KCC3042-02B -Received 24th October 2023

Proposed Floor Plan and Elevations Rev A - KCC3042-01A -Received 24th October 2023

Supporting Statement KCC3042-SS Oct 23 Final- Received 24th October 2023

Proposed Visibility Splay KCC3042/05 03/22ec – Received 4th March 2022

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

3. If within a period of 10 years from the date of this permission dated 19th April 2022, the agricultural use of the building hereby permitted permanently ceases, the building/structure and resulting demolition materials shall be removed and the site shall, within a period of three months from the date of the substantial demolition of the said building/structure, be restored to its condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that the agricultural buildings/structures are removed on cessation of their agricultural purposes, in the interests of protecting the rural character of the area.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match be as stated on the approved plans, application form and submitted documentation received 24th October 2023.

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

5. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate

6. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors. Levels of amenity are achievable.

7. No external lighting shall be installed/erected on site unless details of the lighting scheme/location are submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved

details and no additional external lighting shall be installed.

REASON: To minimise light pollution and in the interests of the amenities of the area.

8. 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), the barn shall be used solely for agricultural purposes.

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

Informatives: (4)

1. 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.
2. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
4. 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.