

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 12 December 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@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 Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

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.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 in writing to the officer named on the front of this agenda no later than 5pm on **(4 clear working days, e.g. Wednesday of week before a Wednesday meeting)** 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 **(2 clear working days, eg Friday of week before a Wednesday meeting)**. 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 Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 Planning Appeals and Updates

To receive details of completed and pending appeals and other updates as appropriate.

7 Appeals Report (Pages 17 - 18)

8 Planning Applications

To consider and determine the following planning applications.

8a 17/08216/FUL Land North of 146, Upper Westwood BA15 2DE
(Pages 19 - 40)

8b 18/06893/FUL Former Health Clinic The Halve Trowbridge
Wiltshire BA14 8SA *(Pages 41 - 66)*

8c 18/05384/FUL Land at Auckland Farm, Codford Warminster BA12
0LZ *(Pages 67 - 94)*

9 Urgent Items

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

Part II

Item during whose consideration it is recommended that the public should be

excluded because of the likelihood that exempt information would be disclosed

This page is intentionally left blank

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 NOVEMBER 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr David Halik (Substitute) and Cllr Roy While (Substitute)

Also Present:

Cllr Johnny Kidney and Cllr Tony Jackson

63 Apologies

Apologies for absence were received from:

Cllr Andrew Dais who was substituted by Cllr Roy While.

Cllr Philip Alford who was substituted by Cllr David Halik.

64 Minutes of the Previous Meeting

The minutes of the meeting held on 17 October 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 17 October 2018.

65 Declarations of Interest

There were no declarations of interest.

66 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

67 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

68 **Planning Appeals and Updates**

The Planning Appeals Update Report for 5/10/2018 and 2/11/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 5/10/2018 to 2/11/2018.

69 **17/08216/FUL: Land North of 146, Upper Westwood BA15 2DE - Provision of two self-contained camping pods with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).**

Public Participation

Chris Baines spoke in objection to the application

Matt Pugh spoke in objection to the application

George Mumford spoke in objection to the application

Chris Beaver, Agent, spoke in support of the application.

John Bishop, Chair of Westwood Parish Council, spoke in objection to the application

Mathew Perks, Senior Planning Officer, introduced the report which recommended approval be granted for the provision of two self-contained camping pods with parking, change of use of land to leisure / tourism. This was a resubmission of 17/02852/FUL.

Key issues included; the principle of development, Landscape: Green Belt, Cotswolds AONB and Conservation Area, Impact on neighbour amenity; and Highways.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: whether the application proposal could be considered to be an exception as recreation related development, as defined by para 145 b) of the NPPF; and questioned the extent of the site, the proposed length and construction of the proposed access road to service the pods and the landscape impacts of the development.

The Officer, in response to the questions advised that; the development provided recreational facilities for visitors and tourists, and that the proposed new road access would be a removable framework known as grasscrete which would allow grass to grow the substrate and make the access road appear less conspicuous. It was accepted that the development site would allow for some long range visibility from public vantages gained across the valley at Turleigh and Winsley; and, the site would be open to views from the immediate

neighbouring property positioned 50m away from where the proposed pods would be sited.

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

In response to points raised during the public forum, the officer made reference to the points included in the report with regard to the assessment on impacts pursuant to: neighbours, nuisance, highways, landscape and visual impacts. It was also reported that whilst the pods would have a degree of permanence by virtue of being bolted in place, they would be low key structures measuring a few metres in height and would have limited impact.

The local member, Councillor Johnny Kidney, spoke in objection to the development noting that there had been a large number of objections raised by local residents and noted that the site was located within a highly protected landscape and close to the conservation area and was not secluded but open to views from across the valley and a neighbouring property – which would all be negatively impacted on so much so that the proposed development would conflict with the NPPF Greenbelt Policy, CP39, CP51, CP57 and CP58; and, there would be highway/access issues.

A motion was moved to hold a site visit by Councillor Jonathon Seed, which was seconded by Councillor Pip Ridout.

At the end of the debate it was;

Resolved

To defer making a decision until after a member site visit which was scheduled for 10 December 2018 at 1.15pm.

70 **18/07286/FUL: Adjacent To 489a Semington Road Melksham SN12 6DR - Erection of 4 no. dwellings (resubmission of 17/04649/FUL)**

Public Participation

Martin Haffenden spoke in objection to the application

Dr Sawson Williams, Applicant, spoke in support of the application.

David Cox, Senior Planning Officer, introduced the report which recommended approval be granted, subject to conditions, for the erection of 4 dwellings. This was a resubmission of 17/04649/FUL.

Members were advised on the content of a late representation which had been received prior to the meeting; which in addition to setting out the neighbours' concerns, the submission included a request to consider restricting the construction hours on the site by way of a planning condition.

The key issues were identified as; the principle of development and appraising the appeal decision (which was appended to the committee report), to appraise

the amenity/living standards of future occupants, and the impacts on neighbouring amenity, as well as consider highway safety and parking and the overall impacts on the street scene,

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the specification and effectiveness of the proposed solar tubes which were proposed for the middle properties.

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

The local member, Councillor Roy While, spoke on the application noting that the Parish Council had objected to the development and it was acknowledged that the previous application had been refused by officers, which was appealed and although dismissed, the planning inspector concluded that the development would not be out of keeping with the evolving character of the area (fully mindful of the recently approved 150 house development on land to the rear and other residential development approved along Semington Road), and it would not be inappropriate development if the amount of private amenity could be enhanced. As reported by officers and included within the officers report, it was accepted that the applicant had made material revisions to reduce the height and floor plan of the proposed terrace and to increase the size of the rear gardens and that officers now recommended approval of the application. It was also accepted that the inspector's conclusions on certain aspects of the proposal influenced the officer recommendation for this particular case.

A motion, to approve planning permission with a condition added to restrict construction hours, was moved by Councillor Jonathon Seed and was seconded by Councillor David Halik.

A debate followed where the following points were raised: issues about the terrace design including its roof and proposed parking provision.

At the end of the debate it was;

Resolved

To approve planning permission 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:**

Location Plan, Block Plan, Ground Floor Plan, First Floor Plan, Second Floor (attic) Plan, Front (south) Elevation Plan - all received 31 July 2018; 3D Photomontage comparisons, Solatube technical drawings and details, Street scene comparison plan (W/489a/Com) and Ridge and slab height comparison plan (2356/B/6 Rev A) - received 29 August 2018 and revised North and Rear Elevation Plans Rev A and Parking Plan - received 12 September 2018

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

- 3 No development above slab level shall commence on site until full details and samples of the stone walls and slate roof materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 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.

- 5 No part of the development hereby permitted shall be occupied until the access, parking spaces and footpath 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.

- 6 No dwelling shall be first occupied until visibility splays have been fully demonstrated on an updated Block Plan, and that those splays shown on the approved plan have been cleared of any obstruction to visibility at and above a height of 900mm measured above the nearside carriageway level. Thereafter the visibility provision shall be maintained free of obstruction above 900mm in perpetuity.

REASON: In the interests of highway

- 7 No development above slab level shall commence on site until a scheme for the discharge of surface water (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

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

- full details of any tree or hedgerow to be retained, together with measures for their protection in the course of development;**
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- all hard and soft surfacing materials.**
- Details of bin muster points**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 9 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.

- 10 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 Part 1, Classes A, D and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

- 11 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in gable elevations and the rear elevation(s) above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 12 No construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

INFORMATIVE TO APPLICANT: 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.

INFORMATIVE TO APPLICANT: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

A five minute comfort break was taken between 16:25pm and 16:30pm.

Councillor David Halik left the meeting at 16:25pm

71 **18/08115/FUL: 392 A Ham Green, Holt BA14 6PX - Demolition of conservatory and proposed rear extensions. Alterations to the front boundary treatments.**

Public Participation

John Palmer spoke in objection to the application

James Greenwell, Applicant, spoke in support of the application.

Bob Mizen, spoke on behalf of Holt Parish Council, in objection to the application

Kenny Green, Development Management Team Leader, introduced the report which recommended approval be granted for the demolition of a conservatory and proposed rear extensions and alterations to the front boundary treatments.

Members were informed that a late representation had been received, which had been circulated to committee members prior to the meeting, however the officer read out the concerns expressed by the concerned neighbour. The concerns comprised reference to overdevelopment, overbearing and loss of privacy impacts and loss of light to the neighbouring property and garden located to the east. The officer advised members that the unscaled sketched extension to the property in the form of an amended photograph could not be verified as being accurate, although the scaled plan measurements were clearly reported to the committee.

The committee was advised that Holt Parish Council, as part of their submitted objection, referenced Policy H18 which remains as being saved from the West Wiltshire District Plan, within in their representation, however, the committee members were advised that the Policy was not relevant to the development proposal since it related to ancillary domestic development and not new housing development. Members were also advised that the impacts of the development would be acceptable in planning terms and the development would not detrimentally affect the protected part of the village.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: the height of the railings and the light impacts on the neighbouring property.

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

Local Member, Councillor Trevor Carbin, spoke on the application noting: the detrimental impact on the area of minimum change, overshadowing, detrimental impact on neighbours amenity, the change in character of the property and dynamic of the community, making reference to saved West Wiltshire District Plan – 1st Alteration policy H18, and adopted Wiltshire Core Strategy Core Policy 57 and Core Policy 58.

A motion to refuse the application was moved by Councillor Trevor Carbin and seconded by Councillor Ernie Clark.

A debate followed where the following points were made: that the railings would change the character of the property and be out of keeping in an area that is protected, that the development proposal conflicted with the neighbourhood plan and that the extensions would have a detrimental impact on neighbouring interests and would be in conflict with adopted and saved plan policy.

Before a vote was taken, the presenting planning officer provided his professional interpretation of saved policy H18 and advised the committee that the whilst saved Policy sets out a presumption against the construction of new housing development within the protected area of minimum change, it did not extend to other development that is not new housing development. In addition, the present legal officer, David Kerfoot, further advised Members that he shared the same opinion and advised that the policy clearly did not refer to the construction of ancillary buildings such as extensions, and consequently, the policy would not apply to this particular case.

Following the vote the motion was lost.

A motion, to delegate the approval of the application to officers subject to the removal of the railings and gate, was moved by Councillor Jonathon Seed and was seconded by Councillor Pip Ridout.

At the end of the debate it was;

Resolved

To delegate the approval of the application to officers subject to the removal of the railing and gate.

72

Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

**Wiltshire Council
Western Area Planning Committee
12th December 2018**

Planning Appeals Received between 02/11/2018 and 30/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee

Planning Appeals Decided between 02/11/2018 and 30/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/12124/VAR	Land at Church Road Heywood, Wiltshire BA13 4LP	HEYWOOD	Removal of condition 2 and variation of condition 3 of planning permission 16/06088/FUL to allowed continued use of the building and part of land for storage purposes	DEL	Written Reps	Refuse	Split Decision	02/11/2018	None

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	12/12/2018
Application Number	17/08216/FUL
Site Address	Land North of 146, Upper Westwood BA15 2DE
Proposal	<p>Provision of one self-contained camping pod with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).</p> <p>Note: Members are advised that since the November WAPC meeting, the applicant has formally revised the application removing one of the proposed camping pods and the area subject to Change of Use to include only the access and the Pod. This application now only seeks one self-contained pod. This revision has been subject to a fresh consultation period limited to 10 days mindful of the 12 December committee meeting.</p>
Applicant	Mr & Mrs John Blake
Town/Parish Council	WESTWOOD
Electoral Division	Winsley and Westwood – Cllr Johnny Kidney
Grid Ref	380247 159451
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This matter is brought back to Committee following the elected members' resolution at the 14 November 2018 meeting "*To defer making a decision until after a member site visit*" – which is scheduled for 10 December 2018 at 1.15pm.

Cllr Johnny Kidney requested that this application be called-in for the elected members to determine (should officers be minded to grant permission). Cllr Kidney identified the following issues for Members to consider:

- Environmental or highway impact; and
- There is significant local concern regarding access and impact on the AONB.

1. Purpose of Report

Officers have followed up on member discussions at the previous meeting and the agent has submitted revised proposals and further information. A fresh consultation exercise has been carried out and is reported on below within this revised officers report. Any additional representations received following the publication deadline for the committee meeting will be verbally reported to committee members by the case officer.

The purpose of the report is to assess the merits of the revised proposal against the policies of the development plan and other material considerations and to recommend that the application be approved.

2. Report Summary

The report submitted to the previous Committee meeting is appended below for ease of reference.

As before, the main issues to consider with this application are:

- The Principle of Development;
- Landscape: Green Belt, Cotswolds AONB and Conservation Area
- Impact on neighbour amenity; and
- Highways.

Officers will verbally report on responses to the re-consultation exercise on 12 December. In respect of the previous proposals, Westwood Parish Council objected and the LPA received 51 letters of objection and 25 letters expressing support.

3. Legal Opinion, Additional Information and Appraisal of the Revised Proposal

Following on from Member discussion at the November meeting, the Council's Legal team were asked to provide a legal view on whether or not camping facilities constitute an exemption as "sport and recreation" under Green Belt Policy. Due regard has been given to the court ruling a member of the public and representor referenced at the November committee meeting (which is understood to relate to The Queen on the application of Amanda Boot and Elmbridge Borough Council [2017] EWHC 12 (Admin) case which resulted in a permission being quashed for a *new football and athletics facility* in Walton-on-Thames in Surrey.

Due regard has also been given to a recent (i.e. a post July 2018) appeal decision in Shropshire (under ref APP/L3245/W/18/3198157) which was pursuant to a "*change of use from agricultural land to a glamping site for 5 temporary wooden structures and temporary bell tent along with a kitchen area and WC/shower block*" wherein the appointed planning inspector found that the appealed development constituted inappropriate development in terms of applying paragraph 145 of the Framework and that it would introduce new buildings onto land that was previously open land used for agriculture, thus constituting an harmful encroachment into the countryside and in conflict with paragraph 143 of the framework.

The Council's legal officer advises that: "*Other than the Shropshire decision (referred to above) I have not been able to find any definitive answer on whether what is being proposed would amount to "appropriate facilities for ...outdoor recreation".*"

There are a number of cases where proposals for camping sites have been considered in the Green Belt but which have been considered inappropriate development as they did not involve "buildings". However, the implication is that caravanning/camping could be seen as outdoor recreation otherwise. Interestingly paragraph 146 of the NPPF 2018 now includes an express reference to a change of use of land for ...outdoor recreation purposes" which was not present in the 2012 version of the NPPF.

As far as the high court is concerned the only cases I have been able to find that are vaguely relevant are a little contradictory;

In Fordent Holdings Ltd -v- SoS CLG and Cheshire West and Chester Council [2013] EWHC the court considered a challenge to an Inspector's decision to refuse permission for a change of use of an agricultural field to use as a caravan and camping site with the construction of a

shop, reception, office and amenity blocks. Although the court didn't specifically consider whether the use was in fact an outdoor sport and recreation use, it did note that the Inspector had determined that it was such a use and that this had not been challenged by the Secretary of State in the course of the proceedings (paragraph 9 of the judgement). However the Inspector went on to determine the proposals were inappropriate development because of the impact on the openness and purpose of the Green Belt and that "very special circumstances" were not demonstrated by the applicant. The decision was upheld.

Similarly in R(xp Wildie) v Wakefield MDC [2013] EWHC which concerned a challenge to an application for a change of use of land from agricultural field to 20 pitch caravan and camping site with some office, storage buildings and access, it was "common ground" between the parties that the development was inappropriate development in the Green Belt as it did not fall within "other forms of development" in paragraph 90 of the NPPF 2012. Arguably this must mean that the parties were satisfied that the use did also not fall within paragraph 89 (Paragraph 25 of the judgement).

In the Delamere Forest case the Inspector seems to infer that paragraph 89 would be the appropriate paragraph to consider proposed log cabins/chalets under as exemptions to permit buildings in the Green Belt but didn't expressly state this given that he was satisfied the number/scale would impact on the openness of the Green Belt so they amounted to inappropriate development.

On that basis, in the absence of any case law from the applicant I would suggest that the Shropshire case must be the most relevant given the nature of the use proposed at Upper Westwood.

The point about the case cited by the local objector (the Boot case) is that the Council (and the case officer) found that the proposed stadium and playing fields were buildings associated with outdoor sport and recreation but would have only limited effect on the openness. This limited effect meant that they should then have gone on to consider if there were very special circumstances supporting the development. This they did not do. However, had they come to the conclusion that the buildings did not impact on the openness and purpose of the green belt then presumably their decision would have been fine.

The case is not strictly relevant if the Council were satisfied that the proposals were buildings (para 145) or a change in the use of the land (para 146) providing facilities for outdoor recreation which did not impact on the openness or purpose of the Green Belt – it would only be relevant if the Council were satisfied that there was such an impact in which case there would need to be a very special circumstances justification to permit the scheme.

The agent representing the applicant has, in turn, submitted further supporting information and has revised the application for one pod only. In respect of whether or not glamping pods would fall within the exception criterion under NPPF paragraph 145 (b), the agent submits that there are appeal decision and local precedents that reflect differing interpretations. Three cases are cited:

i. Land at Highfield Farm, Bridgnorth (PINS Ref: 3198157) – this 2018 appeal precedent related to a proposal for 5 No. wooden accommodation structures (pods), a bell tent and a WC/Shower Block) in the Green Belt. The proposal was judged by the Inspector not to be a sport and recreation use and was dismissed on grounds of an adverse landscape impact and loss of openness. This case included 3 pods plus a "grotto" structure, bell-tent, kitchen and ablution block. The Inspector found that the development constituted "holiday accommodation" and introduced additional built footprint and volume onto land that was previously open and was clearly visible in longer views and appeared as an encroachment into the countryside, thus not preserving openness of the Green Belt.

ii. Land at Bookham, Surrey (PINS Ref: 3029773) – this 2015 appeal related to the erection of 2 amenity blocks and change of use to a campsite in the Green Belt and an AONB. In considering this case the Inspector noted that, with the exception of the amenity blocks, the proposal was for a change of use and therefore, under the then applicable 2012 NPPF, would have been inappropriate development. [As noted by Council’s Legal Officer (above) paragraph 146 of the *NPPF 2018 now includes an express reference to a change of use of land for ...outdoor recreation purposes*]. The Inspector in allowing the Appeal in the 2015 case went on to find:

“17. Two new amenity buildings are proposed. The larger of these would be located in the north western corner of the site, replacing an existing substantial wooden shed. The proposed building would be less than one metre taller than the existing shed and have a marginally larger footprint. However, the front part of the building would consist of an open veranda. Consequently, I consider that the proposed increase in size would not adversely affect the openness of the Green Belt.

18. A new smaller wooden shed is proposed at the entrance to the site. The new building would be of limited dimensions and located in the south western corner of the site adjacent to the boundary. As a result I consider that the new building would not adversely affect the openness of the Green Belt.

19. Finally, the proposal would result in the removal of an existing toilet block and a further small storage shed and consequently I consider that there would only be a marginal increase in the permanent structures at the site.

20. Paragraph 79 of the Framework indicates that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. Given the location of the site in open countryside and the limited effect on openness that I have outlined above I conclude that the proposal would not result in the spread of the urban area or erode the overall openness of the Green Belt.”

Whilst this case is different in scale to the proposals now under consideration, it does reflect an Inspector’s interpretation on what constitutes harm to the openness of the Green Belt.

iii. Land at Hartley Farm, Winsley (Ref: 15/05252/FUL) – this was a planning application where the proposal related to a campsite in the Green Belt. Although the application was refused for highway reasons, the planning case officer stated in the delegated report:

“The provision of glamping facilities is considered to be a form of outdoor recreation and as such buildings associated for such a use are not inappropriate by virtue of Paragraph 89 of the NPPF”. (i.e. the 2012 Version)

In respect of (iii) above it should further be noted that a revised proposal under application 17/02879/FUL was subsequently granted, with the officer observing:

“The provision of glamping facilities is considered to be a form of outdoor recreation and as such buildings associated for such a use are not inappropriate by virtue of paragraph 89 of the NPPF.

The land however is currently not in any lawful recreation use; rather a change of use of agricultural land has occurred. Paragraph 90 of the NPPF makes further provisions as to what other developments in the Green Belt are not inappropriate. However changes of use are not included. As such it is assessed that the change of use proposed is inappropriate and by definition harmful. Paragraph 88 of the NPPF is clear that “when considering any planning

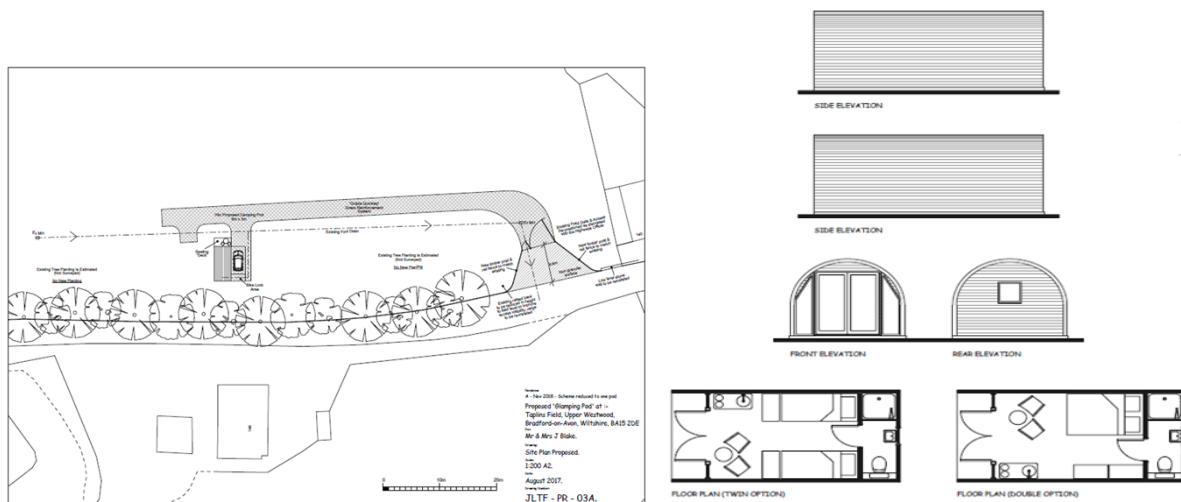
application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Change of use of the land for the provision of glamping facilities would be entirely consistent with the purposes of including land within the Green Belt designation. Specifically it would clearly encourage outdoor recreation. Paragraph 81 of the NPPF states "local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

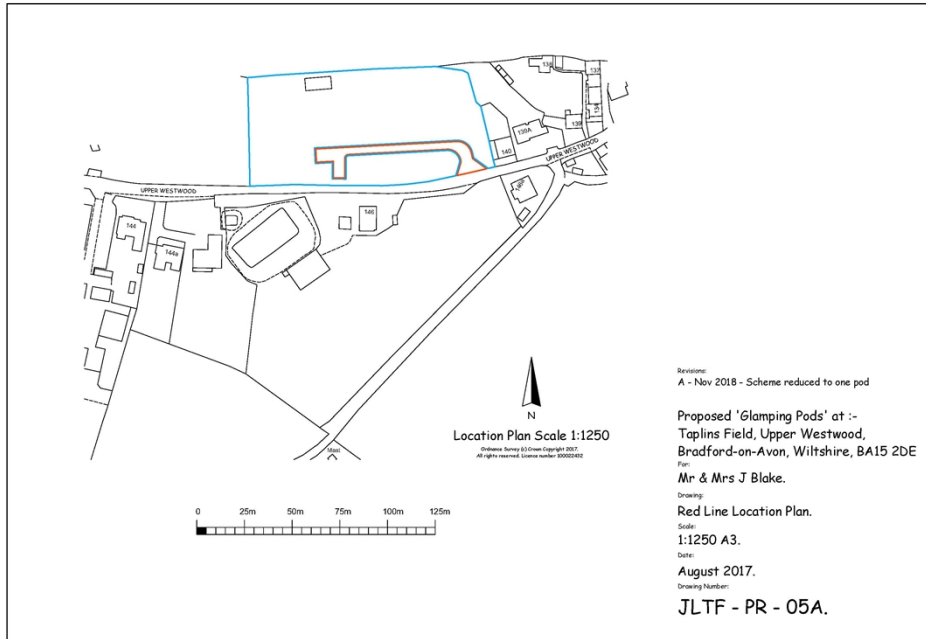
The proposals would result in a beneficial use of the Green Belt, by providing access for those people using the development; providing recreation facilities, albeit private; and by providing a diversification project to a local farmer who by virtue of their management of the wider area helps retain and enhance the landscape and thus ensures the ongoing visual amenity and biodiversity of the area. Therefore against the tests of paragraph 81 of the NPPF it is assessed that there are very special circumstances that would allow the approval of this development; namely that it accords with the actual purpose of the Green Belt designation; which is not actually to seek the retention of the land for agricultural purposes only.

The proposals are sympathetic to the openness of the Green Belt being quite minimal and spacious, even when compared to other similar camping type developments. The impact on the landscape will be considered below, but suffice to say the proposals are of a scale, form and siting so as to preserve the openness of the Green Belt and any relatively minor concern is mitigated by the established and young landscaping on and adjacent to the site. Further conditions can be used to minimise the amount of development to that being proposed which will further protect the openness of the Green Belt. ...As such, in terms of openness, it is considered that there is no substantive harm".

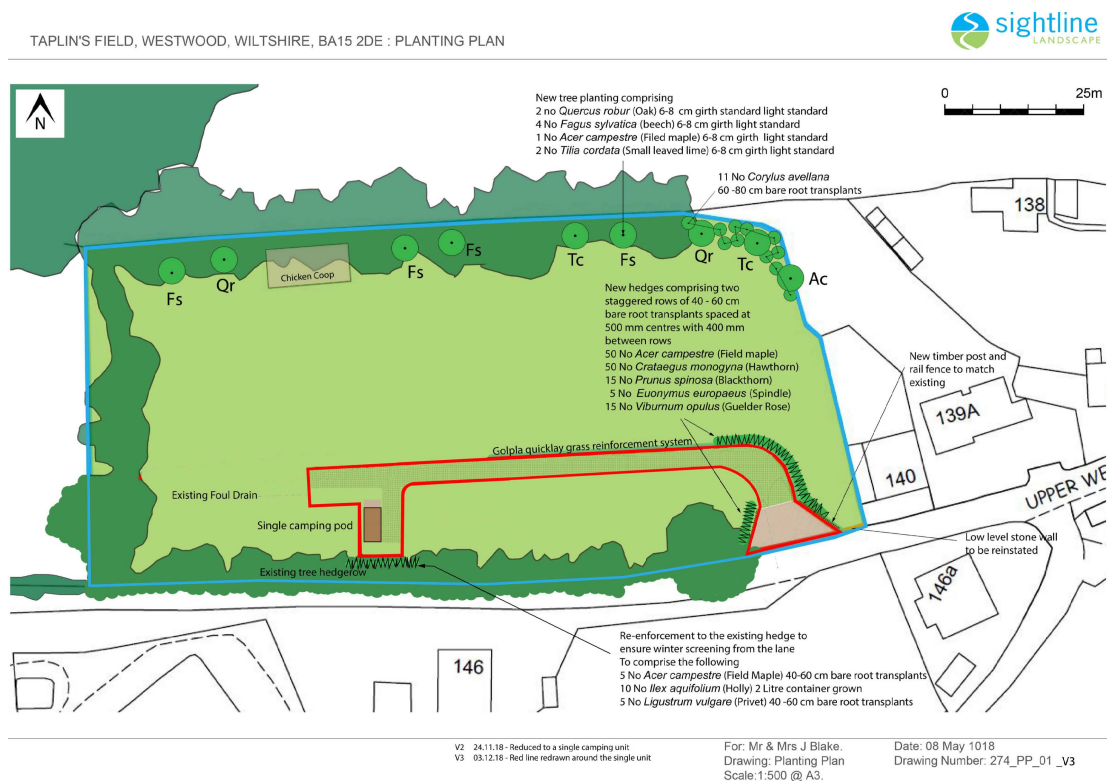
The agent has submitted amended proposals for the current application which would now provide only for a single self-contained glamping pod of the same design and materials as per the original proposal:



The revised application site furthermore restricts the change of use to the access and pod area. This was a concern raised by objectors, where the application site extended beyond the immediate area of the pods into the field.



The revised planting plan shows the provision of new screening and landscaping proposals:



Recognising the fact that the elected Members also discussed the management of the site at the November committee meeting, the agent provided further information advising that: "The applicants are well qualified to run a low impact tourism business of this nature. For 40 years Mr Blake has organised walking holidays for students and adults in National Parks, and has more recently organised treks for adults in Spain. As a qualified nurse, Mrs Blake, can provide

medical support / advice, if required. The applicants also attend the site on a regular basis to manage poultry and maintain the site which has been in their ownership for 40 years.”

In light of the above, the following is submitted for consideration by members :

- i. No clear-cut case law has been found reflecting the identical circumstances this case presents, i.e. the provision of self-contained movable “glamping pods” with no other supporting buildings, albeit that fixed drainage and access would be provided as ancillary facilities;
- ii. Whether or not “glamping” in the absence of any other buildings comprises “outdoor recreation”;
- iii. Appeal decisions reflect that Inspectors in the past have taken the view that a change of use for the provision of “*tourist facilities*” is inappropriate development in the Green Belt;
- iv. It is considered that, where the pod (albeit not built on foundations), would be located on the site permanently, or at least most of the year, and would be served by attached services and an access track, there would be a change of use. It is however also the case that the LPA has taken the view previously that “*glamping*” meets the ‘*outdoor recreation*’ exception to Green Belt Policy; criterion of NPPF: 145 (b) on the basis that they would be used for recreational purposes (in association with walking, cycling etc.).
- v. The proposed pod would be sited in a location where it is expected to meet demand from walkers, cyclists and canoeists, but would nevertheless be a permanent/semi-permanent feature, which would, it is considered, constitute a change of use;
- vi. An exception criterion in paragraph 145(b) to the NPPF (2018) excludes from inappropriate development “*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*”;
- vii. Para. 146 (e) also states that “*...material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate development. This exception was not part of the NPPF 2012 (the old para. 90), but is now included.*
- viii. If Members take the view that the proposed pod would serve outdoor sport/recreation then the key matter for consideration would be whether or not the proposal meets the para 141 of the 2018 NPPF test, viz: “*...local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.*”
It is considered that, given the minimal impact on the landscape, the provision of a facility to provide access to the Green Belt and AONB where sport/recreation would be served, the proposal meets Para 141 requirements;
- ix. However, should Members be of the view that the pod would indeed constitute “*inappropriate development*” primarily as a tourist accommodation facility then the question becomes whether or not very special circumstances apply justifying approval. It is considered that the proposal would not only meet the NPPF para 141 requirement but also meets the important aspiration of the AONB Management Plan of providing low key tourist facilities to enhance access to and use of the AONB. It is considered that these factors, again together with the minimal visual impact and diversification (albeit to a limited extent) of the local economy, constitute the very special circumstances envisaged by the NPPF.

In the interests of brevity, the other Policy considerations (in particular CP39 Tourism and CP 51, relating to the AONB) which were addressed in detail in the previous report have not been re-assessed as they are covered in the attached committee report copy. It is also considered

that the ecology matters as previously reported including the case officer verbal update at the previous meeting, have been satisfactorily addressed. As noted, the ecologist assessed the proposals and concluded “... it is evident that that there are a number of embedded measures which are features and characteristics of this application which have the effect of mitigating impacts on the Bath and Bradford on Avon Bats SAC. These allow me to conclude the application will not give rise to significant effects on the SAC and no further assessment is therefore required.” The Ecologist suggested conditions, which have been included in the recommendation of this updated report. Highway and neighbour amenity issues were also previously assessed.

4. Conclusion (The Planning Balance) 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. In view of the above additional considerations and the amendment to the proposal to provide for a single pod, it is considered that the proposed development accords with relevant policies on tourism, the AONB, green belt, heritage and highway safety. Planning permission is therefore recommended subject to the following planning conditions.

5. RECOMMENDATION - Approval 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:

Location Plan JLTF - PR - 05 A received on 30 November 2017
Existing Site and Access JLTF - PR – 02 registered on 7 December 2017
Proposed Site Plan JLTF - PR – 03 A registered on 26 November 2018
Site Plan JLTF - PR – 04 A registered on 26 November 2018
Pod Design JLTF - PR - 01 registered on 7 December 2017
Planting Scheme 274_PP_01 V3 received on 03 December 2018

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

3. The development hereby permitted shall take place in accordance with the methodology contained in the submitted “Ecological Assessment” (January 2018: Environmental Gain Ltd) and shall include the installation of the owl and bat boxes prior to the first occupation of the pods hereby permitted.

REASON: In the interests of nature conservation and the promotion of biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes of a camping site comprising a maximum of 1 camping pod.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to vary the accommodation provision.

5. The pod hereby permitted shall not be first brought into use until a Site Operational Statement with respect to the site management has been submitted to and approved in writing by the Local Planning Authority. The statement shall include information relating to the responsible person(s) and their contact details.

REASON: In the interests of neighbouring amenity and the proper management of the site.

6. No external lighting shall be installed.

REASON: In the interests of the prevention of light pollution, to protect dark skies within the AONB and protected species.

7. The development hereby permitted shall not be first brought into use until foul water drainage works have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the development is provided with a satisfactory means of drainage.

8. The back wall of the pods shall be located at least 1 metre from the existing uncut edge of the hedgerow / trees along Upper Westwood and any work to improve the access into the site will be undertaken under the supervision of an ecologist who shall be present on site while such works are undertaken.

REASON: In the interests of protected species and enhanced biodiversity.

9. The new tree and hedge planting 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 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.

Date of Meeting	14/11/2018
Application Number	17/08216/FUL
Site Address	Land North of 146, Upper Westwood BA15 2DE
Proposal	Provision of two self-contained camping pods with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).
Applicant	Mr & Mrs John Blake
Town/Parish Council	WESTWOOD
Electoral Division	Winsley and Westwood – Cllr Johnny Kidney
Grid Ref	380247 159451
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Johnny Kidney requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Kidney for Members to consider are as follows:

- Environmental or highway impact; and
- And where there is significant local concern regarding access and impact on the AONB.

6. 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.

7. Report Summary

The main issues to consider with this application are:

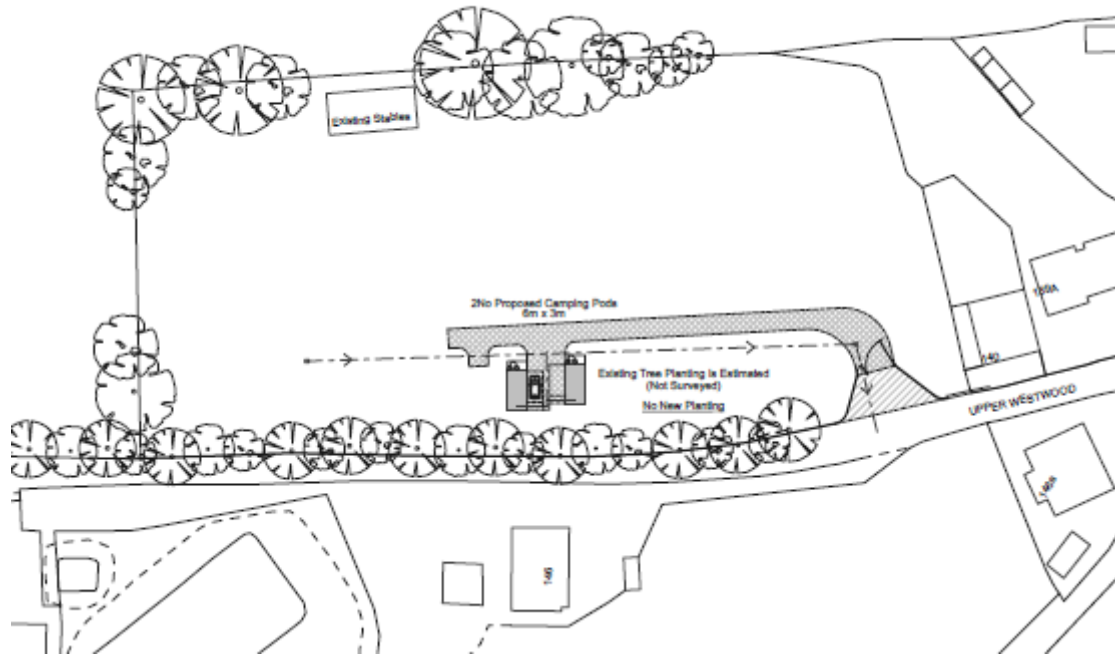
- Principle of development;
- Landscape: Green Belt, Cotswolds AONB and Conservation Area
- Impact on neighbour amenity; and
- Highways.

Westwood Parish Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summaries the letters of representation the LPA has received which comprises 51 letters of objection and 25 letters expressing support.

8. Site Description

The application site comprises circa 0.2 hectares of an existing paddock measuring 0.7ha in extent located approximately 150m to the west of the Westwood village settlement boundary.

Westwood is classified as a 'Large Village' in the settlement hierarchy as set out under WCS Core Policy CP2; with the site being open countryside and located within the Green Belt and AONB; and, adjacent to the Westwood Conservation Area. As illustrated below, the site is roughly rectangular in shape and is well enclosed by dense and mature tree planting. The paddock has a structure in the form of a stable block near the northern boundary.



9. Planning History

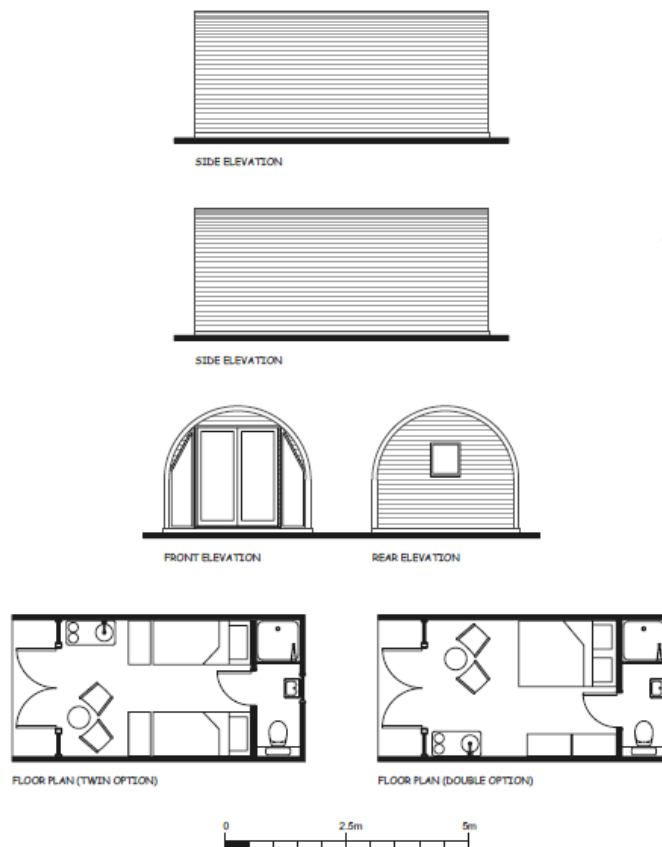
W/76/01194/FUL - Make safe existing entrance to land with new gate and slab – Approved
W/77/00975/HIS – Erection of stable block – Approved

17/02852/FUL - Provision of four self-contained camping pods with parking. Change of use of land to leisure / tourism – Withdrawn before a decision was made by LPA.

18/02852/CLE – Re-opening of existing field gate – Lawful development certificate issued.

10. The Proposal

The application proposal seeks full planning permission for the provision of two self-contained camping pods with access, parking and the associated change of use of paddock land to leisure / tourism purposes. The proposed pod dimensions would be 6m x 2.8m with the maximum height being 2.6m (taken from ground level to the top of the roof arc). The following inserts illustrate the proposed pod structure, the internal layout and elevation treatment



11. Planning Policy

Local context: Wiltshire Core Strategy (the development plan) - CP1, CP2, CP7, CP39, CP50, CP51, CP57, CP60, CP62, CP64, CP67 and appendix D's 'saved policy U1a of the West Wiltshire District Plan 1st Alteration (2004)

Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 - adopted 20 September 2018

National Context: National Planning Policy Framework 2018 (NPPF); and, Planning Practice Guidance (PPG)

12. Summary of consultation responses

Westwood Parish Council - The Parish objects to the proposal development and the change of use of the paddock on the grounds that they are "...contrary to the adopted Wiltshire Core Strategy (especially Core Policies 39 and 51) and the National Planning Policy Framework (especially Section 9 – Protecting Green Belt Land and Section 11 – Conserving and Enhancing the Natural Environment). The proposed development site is in the West Wiltshire Green Belt, it is designated an Area of Outstanding Beauty, of High Ecological Value and is directly adjacent to the Westwood Conservation Area. These protections must be respected. The proposed development site is highly visible throughout the Limpley Stoke Valley and the proposed development would represent an alien intrusion into a hitherto rural landscape. Highway access to the proposed site is severely restricted and wholly unsuitable for such a development. This proposed development and change of use will result in a severe loss of amenity for the neighbouring residential area and an irrevocable loss of, and a severe impact to, the character and appearance of the landscape.

Wiltshire Council Highway Officer - The Officer notes that the proposal relates to the erection of two camping pods, which would cater for two people with the provision of 1 car parking space per pod. It is recognised that the site is accessed via a rural road that is predominately of single width carriageway with no formal passing places; however, this section of Upper Westwood is not considered to be a 'through road' and therefore is largely used by residents, neighbours or customers of the Nursery. The Officer considers the camping pods to be a seasonal use and as such, there would be periods where the site does not attract many vehicular movements. Given the low level of traffic movements which would be generated by the proposal the Officer does not consider that a highway objection could be sustained in the light of NPPF (2018: now Para 109). In addition to the above, the revised access will slightly improve the access in terms of width and achievable visibility, and as this section of Upper Westwood is 'subject to/on the border of' a 20mph speed limit, the Officer would not expect traffic speeds to be significantly higher.

Wiltshire Council Environmental Health Officer - The Officer notes that the proposal for 2 camping pods is acceptable. However if the intention is to expand the site in the future there is the potential for loss of amenity to existing residential properties in which case a Noise Management Plan for the site would be requested.

Wiltshire Council Landscape Officer - The Officer advises that there is no landscape objection to the proposal for the 2 glamping pods. While the site is in a sensitive landscape location, within an AONB, Green Belt and near to the Conservation Area, the development is low key and not perceived to have an adverse impact in terms of landscape and visual effects. This is clearly demonstrated in the supporting landscape appraisal and the photos of the 'mock pod'. The Officer also confirms that she cannot find any conflict with NPPF Green Belt policy (no perceived coalescence) and the AONB Management Plan which is very supportive of low key camping sites such as this. Mitigation measures such as a natural colour for the

Pods, additional enhancement planting and reinforced grass track at grade all help to assimilate the development. The additional planting will strengthen the local landscape character and provide additional visual amenity to the site (CP51/NPPF) and a net gain for biodiversity (CP50/NPPF).

Wiltshire Council Ecologist - The Officer requested further information which was provided in the form of an Ecological Assessment. The assessment is discussed further below.

Wiltshire Council Tree Officer - No objections.

13. Publicity

The public notification exercise comprised advertisement by site notice and neighbour notifications. There were 76 respondents to the public notification and advertisement of the applications. 51 objection letters raised the following concerns:

- Inappropriate to change the use of this field to allow for camping & caravanning within the Green Belt & Area of Outstanding Natural Beauty and Conservation area.
- Narrow lane is unsuitable for extra vehicles and already dangerous for pedestrians
- Application focusses on the Pods not the change of use from agricultural to leisure and camping in particular.
- Area of High Ecological Value
- Impact on local property values
- Pictures taken from the other side of the valley clearly show the existing caravan marooning an otherwise beautiful hillside
- Previous objections not addressed
- Landscape Impact assessment doesn't properly assess the harm from the pods in a prominent locality in the AONB
- Visual impact of vehicles
- If impact is negligible there should be no need for mitigation planting
- Impact on wildlife
- Construction vehicles would create a problem on the narrow access road
- Number 94 bus service only runs Monday to Friday, no public transport to or from the village in the evenings or on weekends.
- Drivers unfamiliar with the area would create delays at the narrowest part of the village.
- There is no footpath for pedestrians and children along roadway
- Contrary to WCS Policies 39 & 51 & NPPF Policy on Green Belt and AONB
- Impact on views on countryside
- Harm to openness of the greenbelt
- Nuisance from noise, campfires etc..
- Potential precedent for a caravan park
- No onsite presence from the owners to address any issues that arise
- Granting leisure and tourism use will allow owners, either current, or in the future to increase the number of pods, chalets, caravans and tents
- No permanent physical boundary between the area which is subject to the proposed change of use and the rest of the site.
- Development is situated in a village and a residential area.
- Light pollution
- Attention must be paid to the Cotswold AONB Management Plan which states "It is a legal requirement for 'relevant authorities', including all public bodies, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB
- Inappropriate in an area which is designated as a highly protected environment in both local and national policies.

Photographs taken from various points, including from across the valley, were submitted in support of the objection in relation to visual impact concerns.

25 respondents supported the application and made the following observations:

- This development would be good for the village to have extra accommodation for family and visitors and also to help the viability of local services shop pub etc. and it will also encourage tourism in the AONB
- Siting close to very popular walking and cycling routes and only a short distance from a local mainline train station
- Will also be able to cater for the less active with vehicle access.
- Limited impact of 4 extra people using the pods - proportionate and as minimal as guests using the facility of a nearby B&B.
- The size of the two pods not excessive in terms of the visual impact on others either in the village or beyond.
- Limit to 2 people groups with a maximum of 4 on site at any one time shows applicants are conscious of need to limit impact, In fact small local businesses will undoubtedly benefit from the extra passing trade.
- Scare mongering such as concern about large Hen/Stag parties is unfounded.
- Pods are positioned in an area that is not steep and are erected on ground screws, eliminating the need for any excavation.
- Good for Westwood and Wiltshire tourism.
- Have experienced similar facilities and a great would be a wonderful way to share the environment.
- The field is an oasis of beauty and peace and would offer respite to walkers and cyclists who want to enjoy the beautiful Wiltshire countryside.
- Fact that planning application is only for 2 pods means that that peace and tranquility can be maintained but shared.
- The property is maintained by its owners to a very high standard
- Previous objections and concerns have been addressed
- Small amount of extra traffic that the pods will create would not be an issue
- Totally in keeping with the environment.
- One supporter who use to live across the valley in Turleigh and asserts to know the views intimately expressed the opinion that the development would have no impact on the visual landscape.
- Two additional cars in this area would have no detrimental impacts.
- A planning application in Lower Westwood (14/01659/FUL) for two adjoining holiday lets was approved and is currently under construction. This comprised a much larger scheme and impacts.

14. 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.

9.1 Principle of Development

Adopted Core Strategy Core Policy 39 (Tourism) sets out the key considerations for assessing the proposed development enshrined under this application. The Policy supports camping and touring caravan sites (including extensions) where they can be accommodated without adverse impacts on the character and appearance of the landscape. Westwood is a "Large Village" in the WCS settlement hierarchy, and where the application site is in close proximity to the settlement boundary, the principle is accepted under CP39.

CP39 states, inter alia that:

“Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages”

And that

“Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v...”

The policy provides for exceptional cases development may be supported away from the settlements in instances where it can be demonstrated that all of the following criteria are met:

- i. There is evidence that the facilities are in conjunction with a particular countryside attraction; and.*
- ii. No suitable alternative existing buildings or sites exist which are available for reuse.*

In this instance the site would provide a camping facility and is in close proximity to the Westwood Development limit boundary, with the pods themselves roughly 150m west of the boundary line. It is therefore considered that Criteria (i) and (ii) to CP39, which relate to application sites away from development limits, do not apply in this instance where the site is clearly close to a Large Villages.

Criteria (iii) to (v) therefore must be assessed.

Criterion (iii) of CP39 requires that *“The scale, design and use of the proposal is compatible with its wider landscape setting and 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 two proposed glamping pods would be small-scale and clad in timber which would be screened by the substantial existing boundary vegetation along the road. The accommodation in each would be limited to 2 people, making it highly unlikely that more than two vehicles would be present on site at any one time. No external lighting is proposed and this could be conditioned if necessary. It is acknowledged that a many of the objectors raise concern about the potential visual impacts. However, the application is supported by a Landscape Visual Assessment which concludes that the perceived and intrinsic effects on landscape character would be ‘negligible’. The Council’s Landscape officer (who would normally only be consulted on large scale applications) confirmed that the completed assessment was accepted and that landscape harm would not arise from the proposed development.

Criterion (iv) of CP39 relates to access and requires that sites be served by an adequate means of access and infrastructure. The highway officer was consulted on this application and is satisfied that the proposals would be acceptable in highway terms, given their very limited scale and likely traffic generation. The highway officer observed that the road primarily serves local residents and visitors to the nearby nursery and has a limited function as a through road. The existing field gate access measures 4.5m wide and lies within a 20 mph restricted zone. The access has sufficient exit visibility splays, and can be safely accessed by vehicles. The field access can be lawfully used by associated vehicles accessing the paddock and stabling and there is no evidence to substantiate concern relating to highway safety or inappropriate levels of traffic generation.

The site has mains electricity already installed and the application would make provision for foul and surface drainage disposal.

Criterion (v) of CP39 states that sites must have reasonable access to local services and a local employment base. The application site is in close proximity to the settlement of Westwood, which is a large village, which benefits from having very good access to the Avoncliff railway station some 650m distant; and, the Bradford on Avon railway station only 2.5km away. The site is located in an area with very good cycle routes and the canal tow path at Avoncliff provides additional transit route options for cyclists and walkers. In addition, there is a bus service providing connections to Bath and Trowbridge which serves Westwood.

With regard to National Policy, the July 2018 iteration of the NPPF within paragraph 83 requires:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside...”*

It is considered that the proposals meet the relevant criteria to CP39, as well as the aims of the NPPF with regard to supporting the rural economy.

In addition it is noteworthy to acknowledge that the “Cotswolds Area Of Outstanding Natural Beauty Management Plan 2018-2023” which was adopted on 20 September 2018, includes as one of its four key ambitions: The “*Promotion of the Cotswolds as the Walking and Exploring Capital of England*”.

Para. 3 to Policy Ue1 (Sustainable Tourism) of the Management Plan states that: “*Visitors should be provided with a range of type and priced accommodation options that are compatible with conserving and enhancing the natural beauty of the AONB*”. The supporting text to the Policy further states: “*The natural beauty of the Cotswolds AONB is the foundation on which the tourism industry in the Cotswolds is based. This natural beauty is an asset which needs to be managed and maintained. The tourism sector should, therefore, contribute to the conservation and enhancement of this natural beauty. New tourism products that increase the sustainable tourism offer should be encouraged*” and that “*Limited availability of low-cost accommodation, including camping, can exclude families and those on low incomes from staying in the area, reducing the diversity of visitors. Provision of such accommodation should be compatible with the purpose of conserving and enhancing natural beauty.*”

The Management Plan is a material consideration under the WCS, and the proposal is considered to support this ambition. (CP 51 States that “*Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs).... shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.*”). The site is situated in nearby proximity (in walking and hiking terms) to local visitor attractions, the canal network and the wider AONB pathway network.

9.2 Landscape: Green Belt, Cotswolds AONB and Conservation Area

The NPPF para. 144 requires that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and ensure that inappropriate development is not approved except in special circumstances. Para. 145 identifies the exceptions to inappropriate development which include:

“b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and

allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.

NPPF para. 146 further notes that certain other forms of development, including material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are also not ‘inappropriate’ in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

It is considered that the proposal, in meeting an aspiration of the AONB Management Plan of providing a low key tourist facility meets the criterion of being a facility serving outdoor sport and recreation within the AONB Green Belt setting. The submitted LVA confirms that no harm would arise in terms of unacceptable impacts on the landscape, and Council’s landscape officer is also of the view that the small scale development would not be contrary to Local Plan or NPPF policy on the Green Belt or the AONB.

9.3 Highway Impacts

As noted by objectors, the access to the site is via the narrow Upper Westwood Road. The highway officer advises that pursuant to the very limited nature of the proposed development, it would not give rise to unacceptable highway issues or impacts. Vehicles would be parked on site, using an access and surface treatment appropriate to the setting of the field. It is also acknowledged that the pods could very well appeal to people seeking a short term base for walking and cycling holidays and trips. Even if the pods result in being used by visitors accessing them by motorised vehicles, the volume of traffic to be generated would be limited to an extent that would not justify refusal in terms of NPPF para. 109.

9.4 Neighbouring Amenity Impacts

Objections include the potential impact on neighbouring amenity arising from nuisance such as noise, fires, loss of privacy, visual impact and vehicular movement. In this regard, the pods would be fairly isolated from existing local residents and would be largely screened from the roadway. The nearest neighbouring dwelling with a direct sightline would be about 55m away to the east. The proposed pods would be small structures which, at the distance stated, would not give rise to loss of privacy or an unacceptable visual impact in planning terms. With respect to potential noise and smoke nuisance, the pods would cater for two people with a maximum of four and two vehicles being on site at any time, on a seasonal basis. The environmental health/public protection officer confirmed that, at this scale, substantive material nuisance is unlikely to arise, albeit, any future expansion plans would require a more detailed assessment and consideration given to the proximity to existing development. It is appropriate that the LPA only appraises the application duly presented on 2 pods being proposed; and on this basis, officers consider it necessary to condition any such approval to secure a site operation management plan prior to it being brought into use. No external lighting is proposed which can also be conditioned.

The occupation and use of the pods would unlikely be any more intrusive than camping on the field - which could occur under permitted development rights.

Objectors raise concern that if approved, a precedent could be set leading to a further expansion of the camping site facilities. The law however dictates that the application must be considered on its own merits and precedent is not a material planning consideration. It is however considered reasonable (given permitted development rights) to condition any approval to restrict the development to the two pods, as proposed.

With regard to the site management, concerns have been raised about the absence of supervision by someone on the property. The agent has advised officers that the applicant lives nearby and that a site operation management plan would be written to be held on public record to ensure the proper running of the site.

In view of these factors, there are no neighbouring amenity reasons to justify a refusal of this application.

9.5 Ecology Impacts

Adopted WCS Core Policy 50 (titled 'biodiversity and geodiversity') requires that new proposals to protect features of nature conservation and geological value as part of the design rationale, and to make provision for appropriate mitigation and net biodiversity gain. The application is supported by an "Ecological Assessment" (dated January 2018) by Environmental Gain Ltd following a request made by the Council's ecologist. The assessment confirms that the pods would sit in an area of grassland of low ecological value. No light spill would occur onto the hedgerow to the south, and the use of "ground screw" foundations would avoid any significant ground disturbance. Ecological enhancements are proposed which extend to a "Planting Plan" as well as the provision of roosting boxes for owls and bats. The proposal includes re-alignment of the access gateway, some 6m to the east of its current position. This will locate it further away from the existing hedgerow.

The ecology assessment concludes that the proposed access realignment, the creation of a new access drive and the location of the pods would result in the loss of only a very small area of ruderal vegetation and a short section of defunct stone wall. No hedgerow, trees or shrubs (with the exception of an elder stump in the stone wall) would be removed.

Subject to appropriate precautionary working methods, the proposed development would not have any adverse effect on wildlife – with the working methods being adequately addressed by way of a condition. The ecology assessment confirms that: *"The applicant has agreed to provide ecological enhancements as part of the proposal, including erecting a barn owl box on a large tree on the southern boundary, and a bat roosting box on a tree on the western boundary. Given the rural location of these features, surrounded by good foraging habitat, both boxes are likely to be occupied and will provide a net enhancement for biodiversity. Wildlife and the natural landscape are one of the selling points of the camping pods, and there is therefore good incentive on the part of the applicant to maintain the wildlife value of the site into the future, as an integral part of the project."*

15. Conclusion (The Planning Balance)

In view of the above, it is considered that the proposed development accords with relevant policies on tourism, the AONB, greenbelt, heritage and highway safety. Planning permission is therefore recommended subject to the following planning conditions.

16. RECOMMENDATION - Approval 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:

Location Plan JLTF - PR - 05 registered on 7 December 2017

Existing Site and Access JLTF - PR – 02 registered on 7 December 2017

Proposed Site Plan JLTF - PR – 03 registered on 7 December 2017

Site Plan JLTF - PR – 04 registered on 7 December 2017

Pods JLTF - PR - 01 registered on 7 December 2017

Planting Scheme 274_PP_01 received on 22 May 2018

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

3. The development hereby permitted shall take place in accordance with the methodology contained in the submitted "Ecological Assessment" (January 2018: Environmental Gain Ltd) and shall include the installation of the owl and bat boxes prior to the first occupation of the pods hereby permitted.

REASON: In the interests of nature conservation and the promotion of biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes of a camping site comprising a maximum of 2 camping pods accommodating a maximum of two persons per pod.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to vary the accommodation provision.

5. The pods hereby permitted shall not be first brought into use until a Site Operational Statement with respect to the site management has been submitted to and approved in writing by the Local Planning Authority. The statement shall include information relating to the responsible person(s) and their contact details.

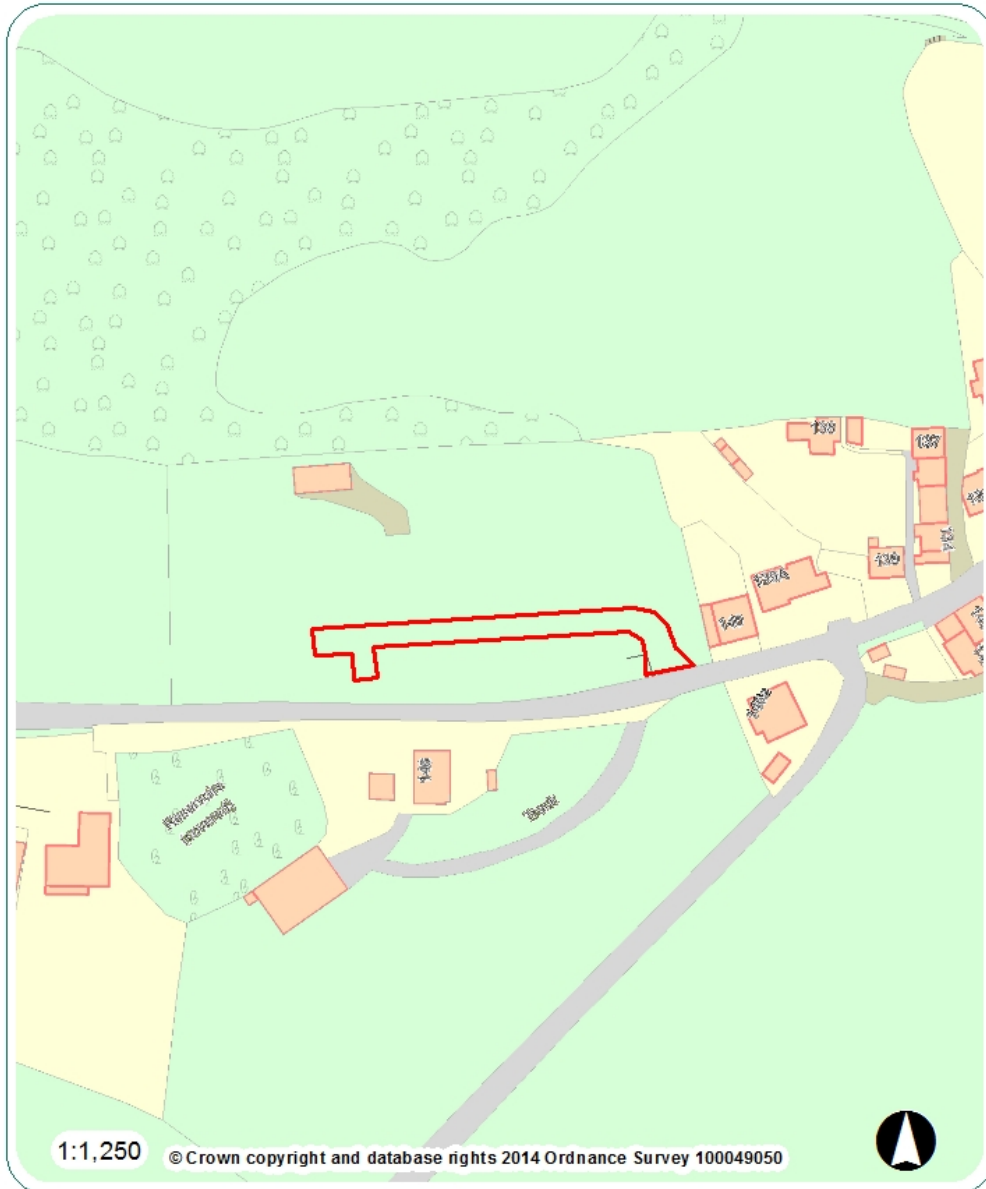
REASON: In the interests of neighbouring amenity and the proper management of the site.

6. No external lighting shall be installed.

REASON: In the interests of the prevention of light pollution and to protect dark skies within the AONB

7. The development hereby permitted shall not be first brought into use until foul water drainage works have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the development is provided with a satisfactory means of drainage.



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	12 December 2018
Application Number	18/06893/FUL
Site Address	Former Health Clinic The Halve Trowbridge Wiltshire BA14 8SA
Proposal	Proposed new second floor with 7 apartments and enlargement of ground floor D1 Dental Practice in Unit 1, relocation of unit 2 and reduced area of unit 3. New 2 bedroom apartment within existing first floor above relocated Unit 2 and external-works to rear
Applicant	RN Real Estates Ltd
Town/Parish Council	TROWBRIDGE
Electoral Division and Ward Member	TROWBRIDGE CENTRAL – Cllr Stewart Palmen
Grid Ref	385,845 158,245
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Stewart Palmen has requested that should officers be minded to approve this application, it should be brought before the elected members of the area planning committee for its determination to consider the design and scale of the development, the visual impact on the surrounding area, the relationships with adjoining properties and the environmental and highways impacts of the development.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be approved subject to conditions.

2. Report Summary

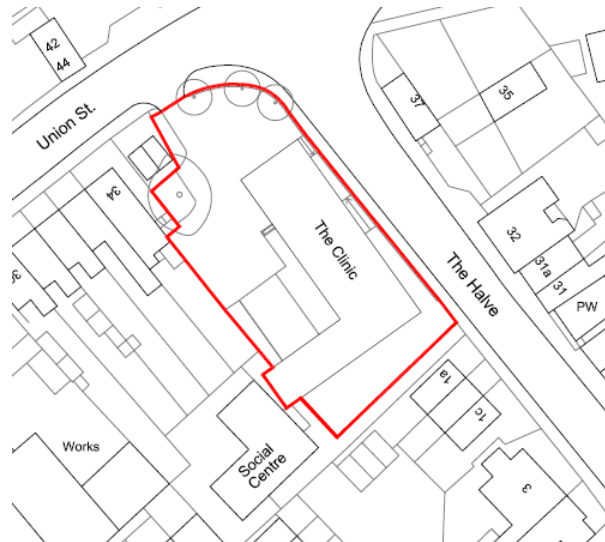
The main issues discussed in this report are as follows:

- The Principle of the Development
- Design Matters
- Living standards of Future Occupants
- Impacts on Designated Heritage Assets
- Impact on Neighbouring Amenity
- Highway Safety and Parking
- Impact on Ecology
- Drainage Matters
- Bin Collection Details

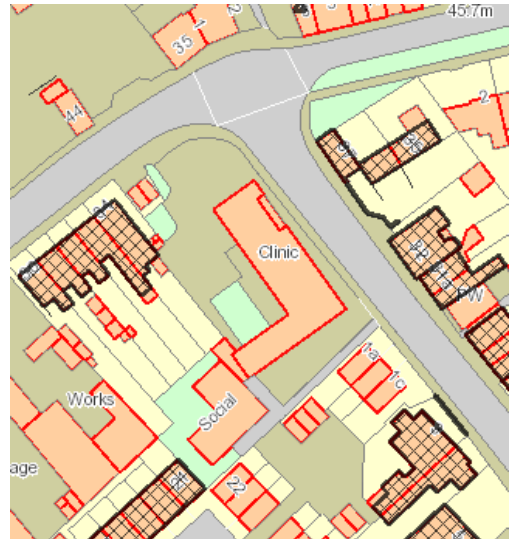
3. Site Description

The application site is within the Trowbridge conservation area and there are 13 Grade II listed buildings within approximately 40 metres of the application site – located along Union Street and The Halve. There are additional grade II listed buildings further down The Halve including a grade II* listed building at 14 The Halve which is approximately 105 metres away from the site.

On the following page, reproduced inserts illustrate the site location and proximity to listed buildings.



Site Location Plan



Adjacent Listed Buildings

The subject building at the former Halve Health Clinic is a 1960's two-storey 'L' shaped flat roofed building built with brown bricks forming most of the ground floor wall elevation and concrete pebbledash render on the first floor. There is a large amount of glazing as well on each elevation as the below site photograph reveals. Officers argue that the building is of no architectural merit; and moreover, it is submitted that the building substantively harms the appearance of the conservation area.



On the ground floor there is an existing dental practice with 3 surgeries. Unit 2 falls within a D1 use class and is occupied by an independent advocacy service and unit 3 has a lawful D1 use but is currently vacant.

The Halve is served by two vehicular accesses and two car parks. The main 13 space car park provides parking for the dental practice and is accessed off Union Street. This car park is adjacent to the existing open space area. The second access is off The Halve and serves a small car park of 5 spaces which, as proposed, would be retained for the existing D1 units (no.2 and 3).

4. Planning History

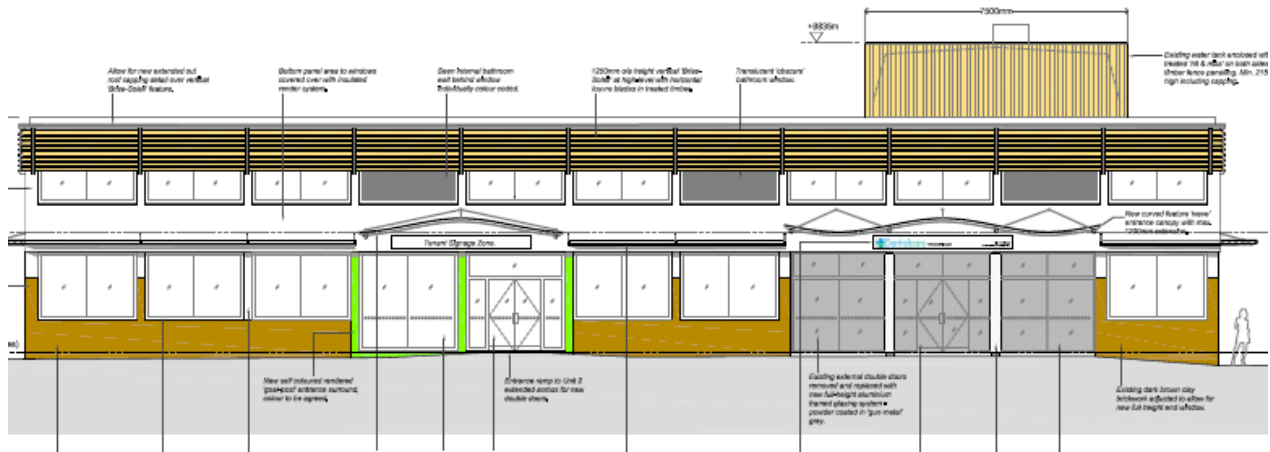
13/00736/FUL - Subdivision of building into 4 x D1 units (on first floor) and external alterations including a new access – Approved with conditions on 2 July 2013

13/06678/FUL – Conversion of first floor to provide 6 apartments and associated external works – Approved with conditions on 5 February 2014

16/08406/VAR – Variation of Condition 2 of 13/06678/FUL relating to approved plans – Approved with conditions on 18 November 2016

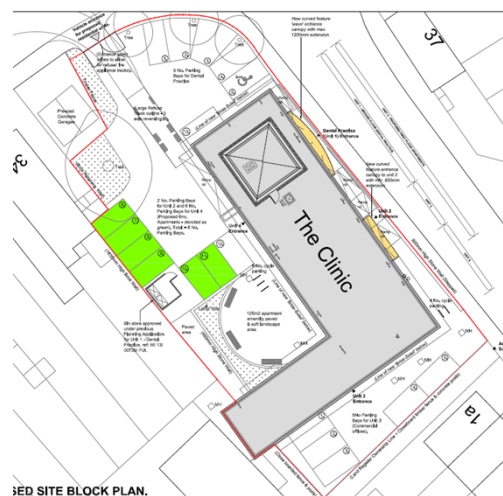
17/03214/FUL – Proposed new second floor to contain ten one bedroom/studio apartments. Provisions for a new ancillary staircase within internal courtyard area, change of use of previously planning approved ground floor bin store to a reception and waiting area – Application Withdrawn on 23 August 2017

Application 13/06678/FUL permitted a change of use of part of the first floor (the main section of the building facing the Halve but not its rear wing) to 6 x 1-bedroom flats. The flats range in floor area from 25.8m² to 42.4m² (one studio flat of 25.8m² and 5 apartments ranging from 37.6m² to 42.4m²). The existing pebble dash upper floor wall render was to be replaced with a new render system and installation of external timber high level horizontal louvres – as the elevation plan insert below reveals.

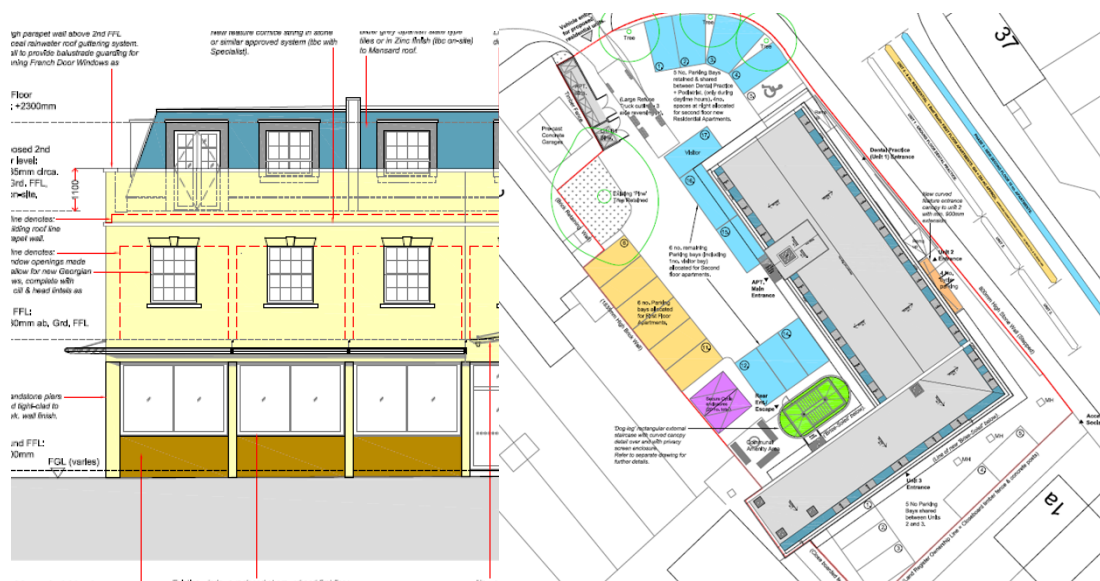


13/06678/FUL Front Elevation Plan

A communal garden of 125m² was allocated and approved at the rear adjacent to the car park and No 34 Union Street. 6 car parking spaces (seen in green in the image below) were to be allocated to the flats with the remaining 7 spaces being dedicated for the dental practice and the former GP surgery.



13/06678/FUL – Proposed Site Plan



Front Elevation Plan and Proposed Site Plan of 17/03214/FUL

5. The Proposal

This application seeks to add a second floor to accommodate 7 new one bedroom flats. The second floor would be designed behind a parapet wall and half mansard roof form, with the main roof of the building remaining flat. The proposal also includes the creation of an additional two-bed flat on the first floor at the southern end of the building. If approved, the building would be able to accommodate 7 flats on the first floor and 7 flats on the second floor.



18/06903/FUL – Proposed Front Elevation

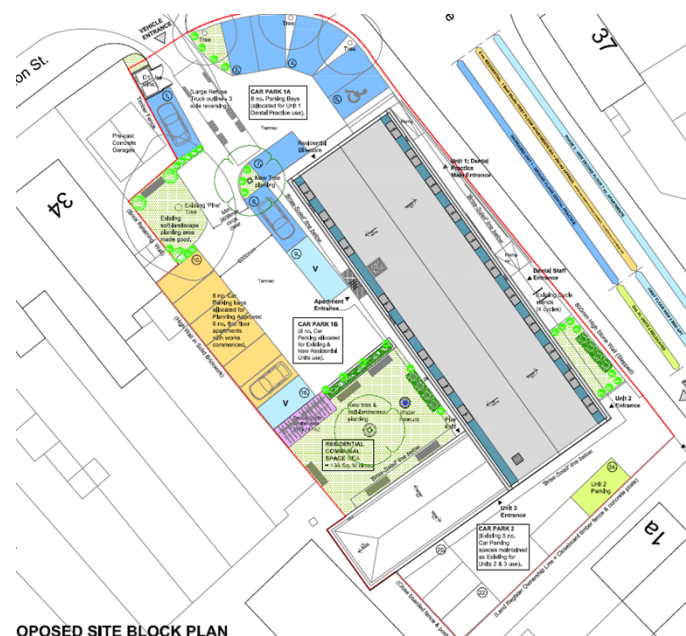
During the course of the application revised plans were sought from the applicants to secure various changes to the proposed development. The revisions duly secured include:

1. A re-design of the second floor introducing gables on both ends;
2. Removing the roof terrace so the communal amenity space is back in its original location and size as per 13/06678/FUL and 16/08406/VAR;
3. Removing one two bedroom unit from the second floor (the rear section that made the 'L' shape) leaving 7 flats proposed on the first floor;
4. Cycle store moved to be within the dedicated amenity space which allows both the existing dropped curb and Pine Tree to be retained;
5. The new proposed flats would constitute as a car free development, potentially using season tickets that are available from the adjacent Lovemead car park;

6. A commitment to produce and adhere to a travel plan condition that would include an instruction to staff to cease parking on the site leaving the dentist spaces (shown in blue on the below plan for customers).
7. Residential bin storage is now back within the main block of the building on the ground floor.



18/06903/FUL – Proposed Southern Side Elevation facing The Halve



PROPOSED SITE BLOCK PLAN
18/06393/FUL – Proposed Site Block Plan

On the ground floor, the dental practice would occupy more of the ground floor (but in recognition that the ground floor is already lawful under D1 use, there would be no change of use). The surgery would increase from 3 units to 6 (although it has to be taken into account that two of the surgeries were previously used by the GP practice. Unit 2 would be made smaller and be retained under D1 use.

The 6 permitted first floor flats (granted under application 13/06678/FUL) would still have provision for 6 car parking spaces (coloured in yellow in the image above). The plans also show that there would be two visitor spaces and 8 spaces for customers to the dental practice. The car parking for units 2 and 3 would remain unchanged.

6. Planning Policy

The Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP29 (Trowbridge Area Strategy), CP57 (Ensuring High Quality Design and Place Shaping), CP58 (Ensuring Conservation of the Historic Environment), CP60

(Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network), CP64 (Demand Management)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Housing Land Supply Statement – Base Date April 2018 – published March 2018

Trowbridge Town Centre – Conservation Area Character Assessment (CACA) 2006 (in particular section 5.6 Residential Area 2 (map 10))

The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)

DCLG – Technical Housing Standards – nationally described space standards 2015

7. Summary of Consultation Responses

Trowbridge Town Council – Objection: The development cannot accommodate a turning area to allow vehicles to enter and leave in a forward gear. The amenity space isn't suitable for the proposed residents. This constitutes over development of an inadequately sized site. The proposed design is an unsatisfactory and unsuitable mish-mash of pastiche, faux historic features and an updated modern ground floor treatment which is wholly incongruous and of poor quality. The proposed mix of unit sizes is unable to meet the mix of demands

Wiltshire Council Conservation Officer – No objection: This scheme has been revised to the point where it is considered that the impact on the heritage assets would not result in demonstrable harm. The existing building is a negative structure that is actively harming the heritage assets. The proposal would result in a building that takes reference from the surrounding historic buildings and whilst it would never be mistaken for a historic building, it would sit more comfortably in this historic context.

Note: Additional commentary provided by the Council's conservation officer is set out within section 9.4 of this report.

Wiltshire Council Highways Officer – No objection: subject to conditions

Wiltshire Council Waste Officer – No objection: subject to conditions

Wiltshire Council Tree Officer – No objection: subject to conditions

Wiltshire Council Ecologist – No objection.

Wiltshire Council Drainage Officer – No objection: subject to conditions

Wessex Water – No objection.

8. Publicity

A site notice was displayed 25 July 2018 and 23 individual notification letters were posted to neighbouring residents. Following these notifications, 21 letters of objection were received. When the revised plans were received 23 consultation letters were sent out which generated a further 23 letters of objection. The third party objections can be summarised as follows:

The Principle of Development

- The application is contrary to Wiltshire Core Policy 1 and 2 as the accommodation would only appeal to a very narrow range of people – not in keeping with the need to bring high skilled jobs to the area and to supply sufficient housing for such high skilled workers
- It is also contrary to CP29 – Future development should enhance not negatively impact on existing townscape. This is an ugly mishmash of styles which do not fit together comfortably
- It would not comply with CP41
- Nor would it comply with CP45 – new housing must be well designed to address local housing need incorporating a range of types, tenures and size of homes to create mixed and balanced communities. These flats are too small.
- Reducing the size of Unit 3 would bring its viability into question. As space is not required it should be demolished
- The Halve doesn't need more flats. It needs social space and amenities. Brownfield site should be used properly first.
- There is a deliberate avoidance of having to make s106 contributions.

Overdevelopment of the Site

- The proposal would squeeze too many undersized flats into the building which does not reflect the mixture of sizes required by the Council's Core Policies
- There would be inadequate amenity space for future residents
- Increased flats should proportionately require an increased amount of amenity space

General Design

- The design is still ridiculous
- Why isn't the developer listening to local concerns?
- The proposed floor spaces are crass – space would be lost to the roof slope and they can't provide a full roof slope as this would affect light levels to neighbours
- The proposed height is totally out of scale with its surroundings
- The proposal would overpower surrounding buildings
- Too similar to the 17/03214/FUL application which was withdrawn by the applicant as it was going to be refused. There is no real change/difference between these proposals. So why is it ok now?
- The first floor is a Georgian pastiche which neither mirrors the house opposite nor the houses on Union Street
- The design does not comply with CP57

Harm to Heritage Assets

- Not appropriate development for the conservation area or listed buildings
- Proposed materials not good quality and are 'cheap'
- The proposed flat roof is completely unacceptable
- The development would be out of scale with listed building opposite
- Where is the Heritage Statement?
- The proposal would not comply with CP58
- Concern over potential loss of the Pine Tree

Harm to Neighbouring Properties

- The development would overshadow neighbouring properties losing sunlight to properties at No 36 The Halve, Waterloo Place and Union Street
- The proposed second floor would cause adverse overlooking of neighbouring amenity (21 Taylors View and on the Halve).
- The proposal would break the 25 degree rule of thumb for No 32 and No 37 The Halve
- The proposal roof design would encourage gull nesting
- This proposal would generate noise pollution

Car Parking

- Lovemead is going to be earmarked for Council staff once East Wing is developed
- There is not enough car parking for dental visitors
- There is not enough parking on the site – parking would only overflow into neighbouring streets like Bellefield Crescent and Taylors View to avoid paying parking charges levied in the town car parks

Bin Collection

- How would the bins be emptied properly?
- The proposed bin store is not large enough
- The parking space in front of the bin store would prevent its use

Other Issues

- Two weeks re-consultation is not enough notice to appraise and comment on revised plans
- There is a dispute over the position of the erection of the fence that leads to the social club behind
- The proposal would not comply with CP55 in terms of air quality through the increased traffic
- If permission is granted, planning conditions should be imposed prohibiting further residential development and compliance with Level 4 of the Code for Sustainable Homes securing energy efficiencies. There should also be land contamination conditions, restrictions imposed on construction hours, bin management, a travel plan, and site management plan.

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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge area.

9.1 Principle of the Development

9.1.1 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outlines the Council's adopted strategy which identifies the settlements where additional sustainable residential development should take place to improve the lives of all those who live and work in Wiltshire.

9.1.2 The WCS identifies Trowbridge in Core Policy 1 as a Principal Settlement. Principal Settlements are defined within the WCS as strategically important centres and the primary focus for development. This is to safeguard and enhance their strategic roles as employment and service centres. They are identified to provide significant levels of jobs, and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self-containment that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.

9.1.3 The application site is within the limits of development of Trowbridge and therefore the principle of additional residential development utilising brownfield land and property is supported. It is important to note that the WCS, and in particular, Core Policies CP1 and CP2, set out the Council's definition of sustainable development which has been found to be fully compliant with the NPPF. Within the received representations, it is alleged that the application is not compliant with CP1 and CP2 because it does not provide housing for high skilled workers. CP1 and CP2 are primarily concerned with focusing development within the limits of development to meet Strategic Objective 3 to deliver new homes in the most sustainable locations. As the application site is well within the limits of development and close to employment, facilities and public

transport it is submitted that this is a very sustainable location. Officers also hold the view that there is no reason why 1-bed flats would not appeal to some high skilled workers. Not every high skilled worker wants or needs 2, 3, 4 bed+ dwellings.

9.1.4 The representations also state that the proposal is contrary to WCS CP45 in terms of not meeting Wiltshire’s housing needs. WCS CP45 requires that:

“New housing must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities.”

In the preamble to CP45 within paragraph 6.51, the Core Strategy states;

“All people should have access to a good home, irrespective of their personal circumstances. That means providing an appropriate range of dwellings in terms of size and price, from one bedroom apartments to large family homes.”

9.1.5 The context of the policy is that new housing should contribute to creating mixed communities with a range of property types and sizes. Through the provision of such a range of house types, there is more likelihood of delivering a mixed and balanced community. There is a good mixture of dwellings and flats in the immediate area, and this proposal would help meet the needs of people whether they are at the lower end of the income spectrum, those wanting to get on the property ladder, rent or just wishing to downsize – where 1 bedroom flats would satisfy their needs. Officers do not consider there to be an abundance of flats in the local area. Indeed the 2017 published Wiltshire Strategic Housing Market Assessment identifies the following:

^{4.109} At this time, the housing register also identifies that there are more households waiting for 1-bed dwellings than for any other property size, and on average they are also waiting longer than households who need larger homes. The Model identifies that a total of 2,120 additional 1-bed dwellings will need to be provided over the 20-year period 2016-36; which comprises 1,970 1-bed dwellings as a consequence of household growth and a further 550 1-bed dwellings associated with households downsizing within the social stock, offset against 400 1-bed affordable homes that are currently overcrowded which would be vacated when the household moved to a larger home.

9.1.6 The Council’s 2017 Wiltshire Housing Land Supply Statement (published in March 2018), identifies an indicative residual requirement for more housing in Trowbridge.

Area	Indicative requirement 2006-2026	Completions 2006-2017	Developable commitments 2017-2026 ¹¹	Indicative remaining requirement ¹²
Malmesbury	885	657	385	0
Malmesbury CA remainder	510	340	210	0
Malmesbury CA	1,395	997	595	0
Melksham and Bowerhill	2,240	1,445	910	0
Melksham CA remainder ¹⁵	130	115	247	0
Melksham CA ¹⁵	2,370	1,560	1,157	0
Royal Wootton Bassett	1,070	1,014	140	0
Royal Wootton Bassett and Cricklade CA remainder ¹⁶	385	305	177	0
Royal Wootton Bassett and Cricklade CA ¹⁶	1,455	1,319	317	0
Trowbridge	6,810	3,019	2,339	1,452
Trowbridge CA remainder	165	256	32	0

9.1.7 Third party objections are also raised against the perceived deliberate avoidance of s106 planning obligations (s106). However, following a court of appeal ruling on 11 May 2016 made pursuant to *Secretary of State for Communities and Local Government and West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441* local planning authorities are not permitted to burden applicants/developers through requiring tariff style and affordable housing contributions for small scale residential developments comprising of 10 units or less. This 2016 order made by the Court of Appeal give legal effect to the policy set out in the written ministerial statement dated 28 November 2014 and the direction to LPAs is set out within Planning Practice Guidance under paragraph: 031 Reference ID: 23b-031-20161116. This is not a case of an applicant avoiding paying contributions. The law and Governmental policy prohibits such contributions, and it is worthwhile being fully aware that immediately after the court ruling, the housing minister is on record as saying:

“The judgment “restores common sense to the system” and ensures that builders developing smaller sites don’t face costs that could stop them from building any homes at all”.

9.1.8 Therefore for the avoidance of doubt, only applications of 11 or more dwellings, where necessary and evidence based, can be burdened by s106 contribution obligations (e.g. education, affordable housing, public open space provision, bin contributions). This application seeks permission for 8 flats. The Council cannot include the 6 consented extant number of flats approved under the 2013 application as doing so would be *ultra vires*.

9.2 Design Matters

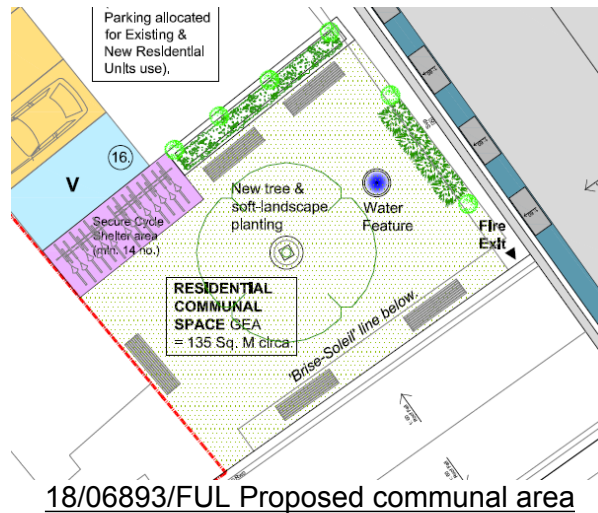
9.2.1 Officers do not consider the proposal to be an overdevelopment of the site. The following sections of the report will examine that the living standards of the proposed occupants, the impact on neighbouring amenity and the car parking provision, would be satisfactory.

9.2.2 As a starting point, the present building is considered harmful to the conservation area and nearby listed buildings. It has a large flat roof and is in serious need of redevelopment. A material start has been made securing the planning permission granted under application 13/06678/FUL for 6 flats and application 16/08406/VAR is a recent but expired permission.

9.2.3 The proposed additional storey and elevation treatment with provision of the parapet wall and ‘half mansard’ roof and bold gable ends emphasised by stone copings; would be a design improvement on the existing structure. It is submitted that far from creating a ‘mish-mash’ of design forms, the proposal would help accomplish a sympathetic transformation of the building and be complementary to the immediate setting of the street scene, conservation area and nearby listed buildings and would accord with the WCS and NPPF.

9.3 Living Standards of Future Occupants

9.3.1. All the proposed flats except for the studio apartment would have separate bedrooms, bathrooms and living rooms and a storage cupboard. Government guidance contained with the published Technical Housing Standards indicates that 1 bedroom dwellings occupied by single people should have 39sq.m of internal space. All the new units on the second floor would meet this standard. The proposed flats are therefore not undersized when tested against Government guidance. The proposed 2 bed flat would be 63sq.m, which exceeds the Technical Housing Standards recommendation that a 3 person household should have 61sq.m of internal floorspace.



9.3.2 The size of the proposed communal amenity area is criticised by third parties and is shown in the previous insert. The communal garden extends to some 135sq.m - some 10sq.m larger than what was permitted under 13/06678/FUL. This includes the cycle store and planters to screen the space from the car parking area. Under approved application 13/06678/FUL 6 flats would share 125sq.m of space (equating to 20.8sq.m for each apartment). It is submitted that with the additional cycle store incorporated into the new scheme, 125sq.m of communal space would still be retained, which, given the urban location and proximity to the park and public amenities, this is considered an acceptable provision.

9.3.3 The adopted WCS does not set a prescriptive level for a minimum amenity space. Core Policy 57 vii) states that development should however “ensure that appropriate levels of amenity are achievable within the development itself.” Every case must be tested on its merits and due cognisance given to the fact that the application seeks to provide flats rather than family housing. The space would serve a useful purpose and would be reasonably private, enclosed by the building and a 2m high stone wall with No 34 Union Street. The space would allow for a satisfactory outdoor amenity space.

9.3.4 With the cycle store being re-located nearby, it would have a double benefit in that it should encourage both the use of cycles and the communal garden. It is submitted that the communal space is sufficient to meet the needs of potential occupants of the 14 flats. It is also submitted that the provision would exceed the private outdoor provisions allocated to other recent flat developments in Trowbridge such as Ushers Court, Conigre Square and the Broad Street development.

9.4 Impacts on Designated Heritage Assets

9.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘special regard’ to be given to the desirability of preserving a listed building or its setting. Paragraph 193 of the NPPF states 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. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 194 of the NPPF states that “Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification”.

Paragraph 196 of the NPPF moreover advises 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...”

9.4.2 Core Policy 57 of the Wiltshire Core Strategy requires: *“A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings”*.

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

9.4.3 The existing building has a harmful impact on the settings of the surrounding listed buildings and on the character of the Conservation Area. This is not just the view of the case officer, but it has been expressed by the conservation officer and area team leader. It is submitted that this building, mindful of its context and proximity to numerous historic buildings and protected area, desperately needs significant redevelopment and remodelling. The present design and elevation treatment has not aged well and it materially detracts from the special character and appearance of the Conservation Area. The 2006 Trowbridge Conservation Area Character Assessment identifies the present building as a negative structure and furthermore states that *“Mid to late 20th century development has not contributed to the visual attractiveness of this area and in some locations has proved harmful to the character of the conservation area”*.

9.4.4 The proposed elevational design would bring about an enhancement. The application proposes to update the ground floor in a contemporary manner and provide new quality glazing in aluminium frames. On the first floor, the existing cladding would be replaced with a coloured render to match with local stone buildings and install Georgian style sash windows of a vertical emphasis. A parapet surrounding the second floor would be sensitively introduced along with string cornicing. The detailing and use of quality materials will be critical to the success of this scheme and as such, all the materials would need to be subject to a suspensive planning condition requiring the submission and appraisal of samples.

9.4.5 Officers do not raise objection to the proposed introduction of an additional storey. There are several three storey houses and three storey sections within terraces found along The Halve. The street is historically very interesting; including some attractive two storey cottages which originally lined, or partially lined, the street. However over time and particularly during the textile boom many of these houses were rebuilt or were upgraded and became larger two storey homes, with more height, or three storey townhouses with significant investment put into this part of the town.

9.4.6 The historic progression of the street is one of variation of complementary styles. The Halve is a coherent historic street yet is one that is defined by a mixture of roof styles, some with and some without parapets. The proposed use of parapets on the roof can be seen as part of the context of the listed buildings along The Halve with parapets and fitting into that wider character of variations.

9.4.7 It is fully acknowledged that if built, the extended subject building would be larger than Trellis Cottage (which is grade II listed) which is a relatively small cottage. However, its setting forms part of the wider backdrop of the large buildings on The Halve itself, and is also at significant detriment due to the existing building on the application site. The ‘half mansard’ roof and parapet wall would help soften the impact on the additional floor, screening the visual presence of the new windows. It is therefore considered that the settings of the most immediate listed buildings would be preserved.



9.4.8 No's 30-34 Union Street to the west of the application site are grade II listed buildings, and their setting extends beyond Union Street, to its rear and over the application site. The image above illustrates a view from the Union Street/Timbrell Street junction. The photo has been amended to include a red line (drawn by the case officer as a guide only) to show the approximate ridge height of the upward extension. The extension to create an additional storey would not result in a built form that extends above the ridge or chimneys of No's 30-34 and it is submitted that the proposal would not result in a built form that would dominate or harm the setting of the nearby listed building.

9.4.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) 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.

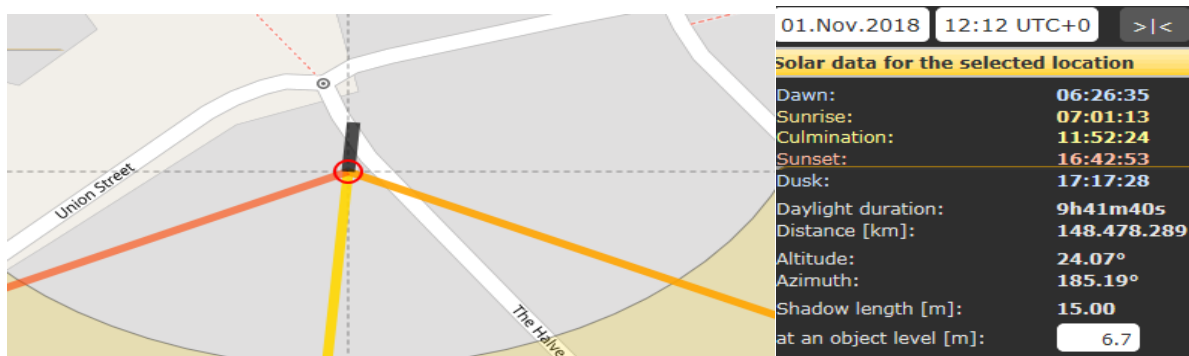
9.4.10 The character of the conservation area is defined by a mixture of uses, combining predominately residential properties and a range of businesses. Officers are of the opinion that the proposed development would deliver an improvement to the character and appearance of the conservation area and by maintaining the commercial uses on the ground floor the mixed character of the conservation area would be preserved. The development granted by application 13/06678/FUL could be implemented instead which would introduce a contemporary design. The 16/08406/VAR permission, although expired would have introduced a Georgian design aesthetic but still retain a large flat roof. The proposed roof treatment included under this present application is considered an improvement and the appearance of the conservation area would be preserved.

9.4.11 During the course of the consultation exercise, concerns were raised by the Council's tree officer regarding the preservation of the large pine tree within the site (which can be seen in the previous photo). The pine tree is a significant landscape feature; and as such, it has been given detailed consideration along with an appraisal on its longevity and value. The decision to move the cycle store to the communal garden area was heavily influenced by the need to protect the tree and to retain the dropped curb around it. The Council's tree officer confirmed his satisfaction with this revision and recommends a planning condition to ensure that any car park re-surfacing works do not harm the root system of the pine tree.

9.5 Impact on Neighbouring Amenity

9.5.1. The neighbour representations raise loss of sunlight, overshadowing and overlooking and a loss of privacy as key concerns. In regard to loss of sunlight and overshadowing concerns, No 37 The Halve is separated by the road and is approximately 15 metres away from the application

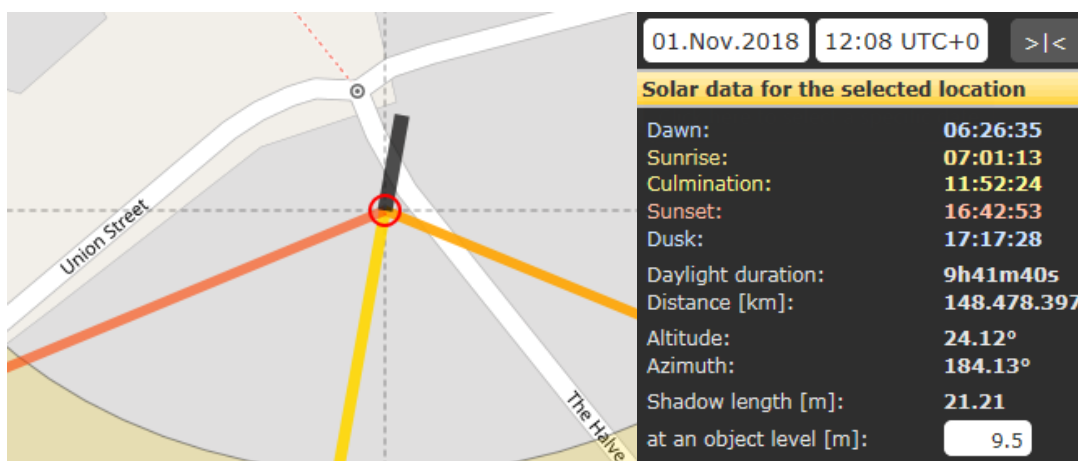
site, which is similar to the other distances along The Halve. It is also noteworthy to reflect on existing relationships which include No 1c (a three storey building) being approximately 16.5 metres from No 29 The Halve and represents a typical building to building relationship in the street. Representations have been received from No 36 which is approximately 19.5 - 20 metres from the application site. Both No 36 and No 37 are to the north east of the application site. Using a sunlight calculation website (www.suncalc.org) it is possible to examine the existing overshadowing and potential overshadowing of the proposal on each neighbouring property. The below insert is taken from part of the completed calculation.



9.5.2 Whilst the website does not allow for the target (the red circle in the image) to be placed exactly over the position of the existing building, through using the Council’s mapping system the distance from the southern corner of the existing building to No 37 is measured to be approximately 27 metres. As recorded in the recorded calculation, a 6.7 metre tall building (the height of the existing building), on a sunny day on 1 November (which is used as a test example) the sun would create a 15 metre shadow, which would only create shadow up to the road edge in the early part of the afternoon.

9.5.3 During summer months, the sun would be higher and it would not be until around the autumn equinox when the shadow would start to get long enough to cross the street. The overshadowing would progressively worsen until the shortest day on 21 December until the sun starts to rise again until the spring equinox when no overshadowing would occur. Along The Halve, existing buildings overshadow on each other for approximately 4-6 months over the course of the winter.

9.5.4 The proposed extension would increase the height of the building to approximately 9.5 metres, which would increase the shadowing extent and officers can confirm that No 37 would experience more overshadowing as a result. It is important to appreciate that the sun calculation tool can only demonstrate ground floor shadow and it cannot be used to examine how ‘high’ the shadow would extend above ground floor level.



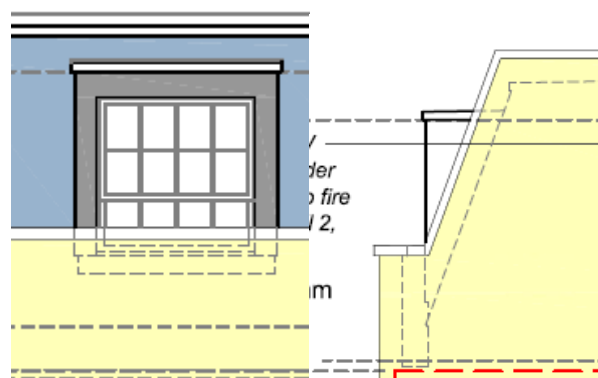
9.5.5 Officers appreciate that evening overshadowing would increase for No's 30-37 The Halve during summer months as the sun sets behind the application site. However, officers submit that there would still be a 15.5 metre gap between the subject building and No 37 (and other buildings on the Halve), and separated by the highway. No 37 would still benefit morning sunlight, and as described above, overshadowing would essentially start from 12-1pm depending on the time of the year. The severity of the overshadowing would be at its worst in December and would lessen between March and September.

9.5.6 The 3rd party representations also assert that the 25 degree 'rule of thumb' would be broken by the proposal on properties on the other side of the Halve (No's 32 and No 37). Officers have assessed the distance between the application site and the two buildings and found that a 9.6 metre tall building would not breach the 25 degree line.

9.5.7 It is submitted that the neighbouring/nearby properties on the opposite side of the Halve would still receive sufficient ambient daylight during overshadowing events and the impact on their amenity would not be sufficient in which to warrant the refusal of the application.

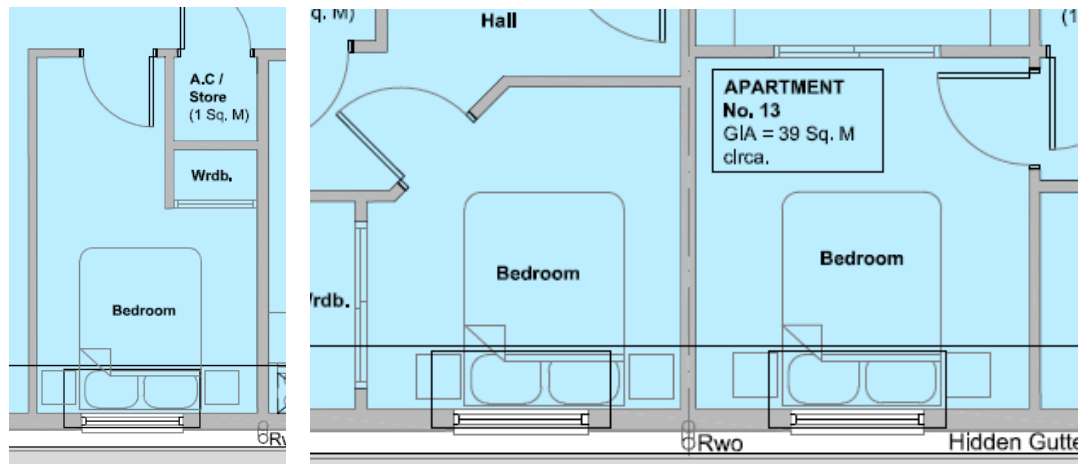
9.5.8 With regard to overlooking and loss of privacy, officers are satisfied that the development would not result in adverse harm to the immediate neighbours. As a 'general 'rule of thumb', officers seek to achieve a separation distance of 21 metres between habitable windows and 10.5 metres from first floor habitable windows to neighbouring garden boundaries. In this particular case, there would be a 15.5 metre separation between the proposed building and No's 32 and 37 The Halve on the opposite side of the road, however this is considered an acceptable distance in an urban setting. It also must be appreciated that the applicant can build out the consented flat development by implementing 13/06678/FUL. Therefore it is submitted that is only reasonable to appraise the impact of the 11 new second floor windows forming part of this application in terms of their relationship with nearby dwelling. Two of the windows would serve bathrooms and the use of obscure glass can be controlled by condition – and would thus remove any overlooking / loss of amenity concern.

9.5.9 Officers acknowledge that the remaining 9 habitable room windows would be approximately 8.4 metres above ground level, and despite not satisfying the 21 metre separation distance guide, it is submitted that there are mitigating factors. The windows would be relatively small measuring 1.15m x 1.15m and would be partly set back behind the proposed parapet wall.



9.5.10 Officers also submit that occupants don't always stand at a window and for the majority of the time are stood within the room, and if they look out, it is from within the room, thereby limiting the amount of overlooking that could occur. Furthermore due to the layout of the proposed flats, there are limited places where a bed could be positioned in each bedroom. As seen in the images below, due to the shape of the room, the location of the door and wardrobes, the beds are designed to be located in front of the window. When one also takes into account the sloping roof limitations, achieving a head height of 1.7 metres, the occupier in the uppermost rooms would have to stand approximately 30cm back from the window. In combination, occupants

would be able to use the window to observe outwards but only from within the room; and, it is submitted that this would be sufficient mitigation to overcome the lack of a 21 metre separation distance to No's 32 and 37.



Typical bedroom layout on the second floor

9.5.11 With regard to the overlooking concerns affecting No 1a the Halve, the additional floor rear wing section has been removed from the proposed development and therefore this part of the building would now remain as the existing two storey building. The first floor of the rear wing would also remain within unit 3's D1 use. The new flat on the first floor would have 3 habitable windows on the end elevation of the building facing No 1a, however it would only look directly onto No 1a's blank side elevation.

9.5.12 Although no stairwells are proposed to enable access to either the main flat roof on the new floor or the existing rear wing first floor flat roof, a planning condition is considered necessary to prevent both flat roofs from being potentially used as a roof garden. Introducing such a high level feature approximately 9.5 metres from the boundary with No 1a for example would adverse overlook neighbouring properties.

9.5.13 With regard to the potential overlooking impacts affecting No 34 Union Street (Waterloo Terrace) the two buildings are at a 90 degree angle to each other so there would be no direct window to window impact. The second floor windows would however look over their rear gardens. The general rule of thumb assumes that the 10.5 metre distance is from first floor windows and not second floors. As this application has an additional second floor which elevates it higher, there should be a greater distance of separation to ensure that new windows do not cause an adverse loss of private amenity. The new second floor windows would be approximately 15 metres away from the boundary, and it is submitted that the extra distance is considered to be sufficient to mitigate against the elevated height of the building. The same internal design issues as described above would also be a further mitigating factor.

9.5.14 It is therefore duly argued that whilst there would be some impacts in terms of overshadowing and overlooking, it would not be sufficient in which to warrant the refusal of the application.

9.5.15 As part of the revised plan submission, the communal garden area has been removed from the roof on the new floor back to its original position next to the car park as per 13/06678/FUL. Whilst the space could be used by more people than what was envisaged under the 2013 application, it is not considered that the outdoor space would cause adverse harm to neighbouring amenity through increased noise.

9.6 Impact on Highway Safety and Car Parking

9.6.1 Approved application 13/06678/FUL permitted the use of 3 dental surgeries and 2 surgery rooms for a GP practice (both D1 use class) and allocated 7 spaces for such uses and did not restrict the car park from being used by staff. This application would result in one extra surgery room but would provide at least 8 car parking spaces (ten if the visitor spaces are included). Planning and highway officers duly submit that 7 spaces are sufficient for the 5 permitted surgery rooms, and having 8 spaces serving 6 surgeries is also considered acceptable.

9.6.2 The applicant has agreed to planning condition which would secure the submission of a travel and site management plan which would prevent surgery staff from parking on site and would leave all the allocated commercial parking spaces for customers.

9.6.3 The Council's highways officer reports no objection to the additional flats being car free and acknowledges that this is a highly sustainable site on the edge of the town centre in close proximity to public car parks. Future occupiers of the flats may choose to buy parking permits and there is no evidence to indicate that being car free, would necessarily lead to hazardous or inappropriate parking elsewhere. There may be some local parking displacement, but no one has a private right to park on the highway in the same parking space every time. It is also considered to be a reasonable assumption that some flat owners/occupiers may not have or need a private motor vehicle.

9.6.4 Following the retention of the dropped curb around the pine tree, the access between parking space no 8 and the rest of the car park would narrow to 3.68m, which is wide enough to allow a single car to pass. The highways officer acknowledges that this would create a pinch point, but it wouldn't create a safety issue, as vehicles would be able to see each other and stop to allow one to pass.

9.7 Impact on Ecology

9.7.1 The proposal would add a first floor on a building that has a very low probability of supporting bats and the Council's ecologist has raised no objection.

9.8 Drainage Matters

9.8.1 The Council's drainage officer recommends the imposition of planning conditions regarding foul and surface water drainage details to be submitted. However, Wessex Water have confirmed that there are foul drains that can be connected to on the Halve. The existing building already has foul drain connections and therefore it is not reasonable to request a foul drainage condition in this particular case.

9.8.2 Wessex Water have also confirmed that some surface water can be disposed via the main sewer, which would already be the current situation on site. There are no changes to the existing layout of the site, which is already predominately hard surfaced and the existing storm/surface water drains into existing systems. Therefore it is also not considered to be reasonable or necessary to require a surface water condition.

9.9 Bin Storage and Collection

9.9.1 The application makes provision for both commercial and residential bin storage. As part of the revised plans the residential bin store has reverted back to being inside the building. The store would measure approximately 5.9 metres long by 4.3 metres wide and would be large enough for 4 'euro bins' and 11 x 180 litre recycling bins. Alternatively 8 euro bins could be stored within the compound. The Council's waste officer has confirmed that Council operatives are able to enter the site and remove and replace the bins once they've been collected which negates the need for the bins to be stored elsewhere on the site on collection days or along the pavement. The only issue is that parking space No 7 (allocated to the dentists) would be in front of the access doors to the bin store.

9.9.2 On collections days, bin operatives would not be able to access the bins should a car be parked in this location. However, whoever obtains control of the site in the future would have to ensure that the business and residential uses do not cause obstructions if they want the bins to be collected and emptied. This issue and potential future conflict could be resolved in part through the imposition of a planning condition that seeks the submission of a revised site layout plan that swaps dentist space No 7 with a visitor parking bay No 9 – both of which are illustrated in the plan insert below.



9.9.3 The travel and site management plan, which is recommended as a condition, could also be used to ensure that the parking space in front of the bin store access is not used at bin collection periods which are currently on Mondays and Wednesdays. The travel and site management plan could also secure the provision of a wall mounted notice advising residents/visitors to keep the space clear that during collections. On non-collection days this would become another usual parking space.

9.9.4 It is considered reasonable and realistic to expect future residents to adhere to such a site management plan. The consequences of not doing so, would only lead to their own disadvantage. The travel and site management plan should also identify those parking spaces allocated to which flats and those dedicated for the dental surgeries. It is not considered that the loss of a single visitor parking space during bin collection times would warrant a refusal of the application.

10. S106 / Developer Contributions

No S106 financial contributions are sought for this site. CIL burdens would however apply to the proposed flats.

11. Conclusion (The Planning Balance) - The proposal is not considered to be an over development of the site and would provide occupants with satisfactorily living conditions and car parking provision. The proposal would have some impact on neighbouring amenity but it would not be so significant to warrant refusal of application. The proposal would also deliver a significant uplift in the appearance of the building which would preserve the setting of the adjacent listed buildings and enhance the character and appearance of the conservation area.

12. 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:

Site Location Plan, Existing Site Block Plan, Existing Ground Floor Plan, Existing First Floor Plan, Existing Roof Plan and Existing Elevations – received 18 July 2018; Proposed Elevations, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan and Proposed Roof Plan – received 26 October 2018 and; Revised Proposed Site Plan – received 14 November 2018

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

3. No development above the existing height of the roof shall commence until full specification details and samples of the wall render, roof slates, and the lead or zinc dressed surrounds for the dormer windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No demolition, site clearance or development shall commence until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboricultural sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

- Subsequently and until the completion of all site works, site visits should be carried out on a frequency i.e. weekly, monthly quarterly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

5. No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected or retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

6. No part of the development hereby approved shall be brought into use, until a Travel and Site Management Plan (which needs to adhere to the requirement set by condition 7), has been submitted to and approved in writing by the Local Planning Authority. The Travel and Site Management Plan shall include the provisions to prohibit surgery staff from parking on site and well as setting out the measures to be employed to encourage staff to reduce private motor vehicle dependency levels. The plan shall also include full details of the plans implementation and its monitoring. Thereafter, the on-site use should operate in accordance with the agreed details. Future monitoring reviews of the Travel and Site Management Plan should be submitted to the Local Planning Authority on request, together with any changes made to the plan arising from the monitoring review.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

NOTE: The applicant should make contact with the Council's green travel plan officer Ruth Durrant to assist with the preparation of the plan and to ensure best practices are employed.

7. Notwithstanding the details contained within site layout plan (plan drawing A0813-A270P) no part of the development hereby permitted shall be brought into use until a revised site layout plan has been submitted to and approved in writing by the Local Planning Authority confirming the measures to be taken to ensure the bin store is not obstructed by parked vehicles on parking space no.7. No part of the extended development shall be brought into use until full details of the proposed site management and allocation and use of the car park spaces along with provision of wall mounted notice have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with such details and be maintained in perpetuity.

REASON: In the interests of road safety and adopting measures to avoid obstruction to the dedicated bin storage compound and to prevent the outside storage of waste bins.

8. No flat shall be 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.

9. No flat shall be occupied, until the cycle parking facilities shown on the approved plans (and subject to the discharge of condition 13) have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

10. No part of the flat roofed areas of the development hereby permitted or on the existing rear wing of the building shall be used as a balcony, roof garden or other form of external amenity area.

REASON: In the interests of residential amenity and privacy.

11. No balustrade or any other form of enclosure (other than those on the approved plans) shall be installed on the flat roofed areas of the building.

REASON: In the interests of residential amenity and privacy.

12. Prior to the development hereby permitted being first occupied, all the bathroom window(s) on the front (north east) and rear (south west) elevations shall be glazed with obscure glass [to an obscurity level of no less than level 4]. Thereafter, the windows shall be maintained as obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

13. Prior to the development hereby permitted being first occupied, full details and elevation plans of the cycle store, planters and any other form of enclosure of the communal garden area from the car park shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

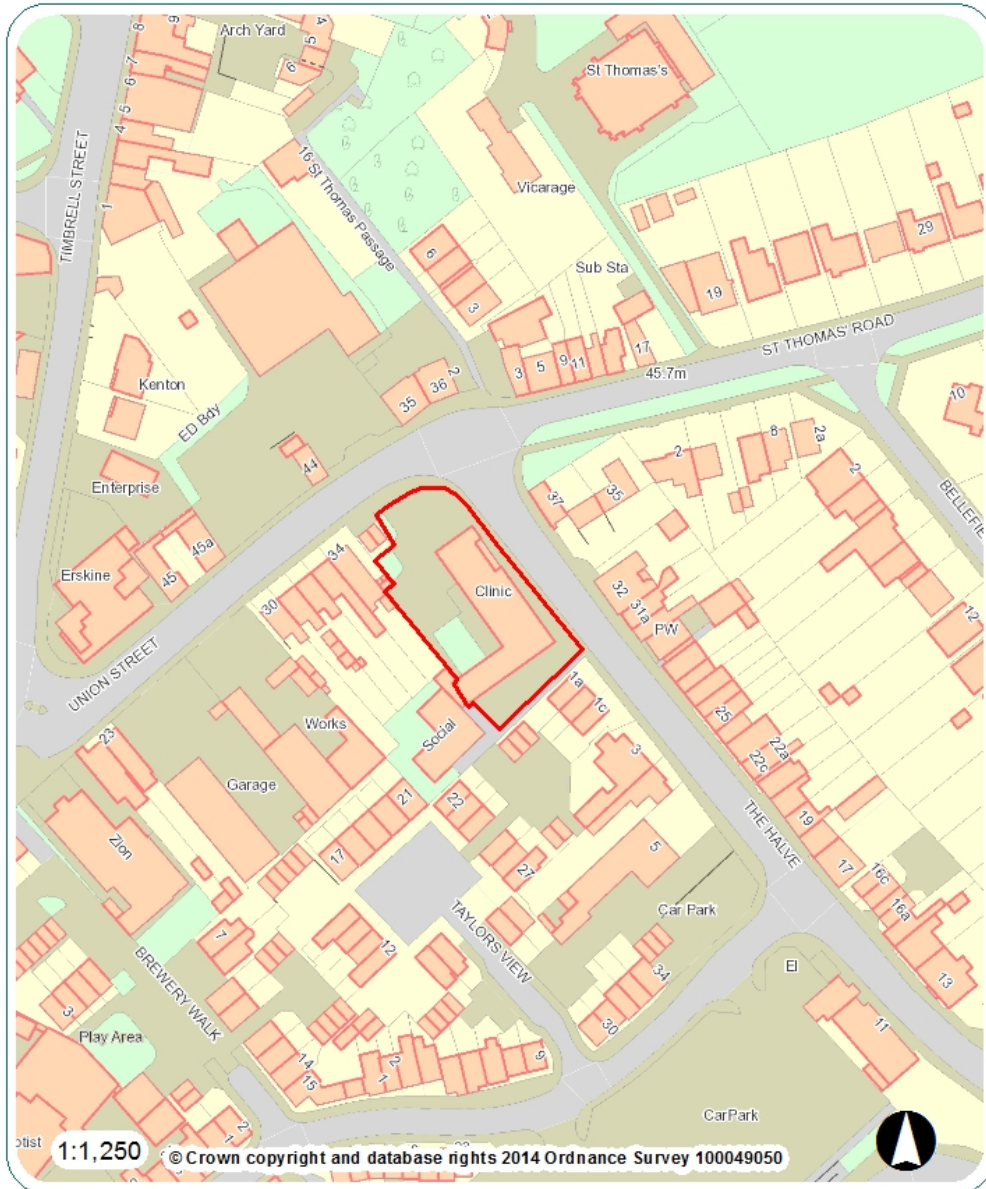
INFORMATIVES TO APPLICANT:

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

2. The applicant is advised that in order to discharge condition 7, parking space notated as No 7 should become a visitor space and space No 9 should be allocated to the dental practice.
3. The applicant is advised to make contact with Wessex Water to ensure the site is served by appropriate water and foul water connections.

This page is intentionally left blank



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	12 December 2018
Application Number	18/05384/FUL
Site Address	Land at Auckland Farm, Codford Warminster BA12 0LZ
Proposal	Proposed detached farm workers dwelling with integral garage and vehicular access
Applicant	Mr Ronald E Nevill
Town/Parish Council	CODFORD
Electoral Division	Councillor Christopher Newbury
Grid Ref	397642 141623
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Christopher Newbury has requested that this application should be reported to the planning committee for the consideration of the following key matters:

- The design - bulk, height, general appearance of the proposed dwelling;
- The application has been called in in the interests of public debate at the request of the applicant and Codford Parish Council.

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 should be approved.

2. Report Summary

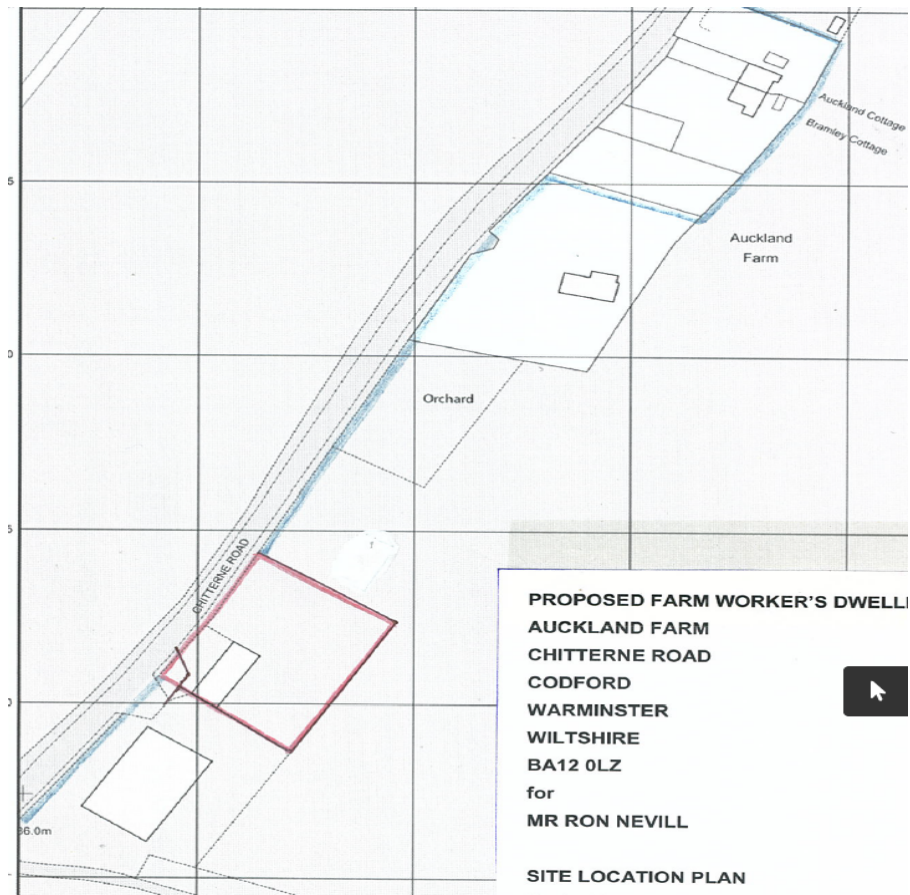
The main issues to consider for this application are considered to be:

- The Principle of Development
- The Impact on the Character of the Area/AONB
- The Impact on the Living Conditions of Neighbouring Residents
- The Highway Safety/Parking Issues

3. Site Description

The site is located within the open countryside beyond any defined settlement about 1.5km north of the village of Codford. The site forms part of an agricultural holding at Auckland Farm that extends to 66 hectares (162 acres) and is owned under freehold by a farming partnership, of which the applicant is a partner. The partnership also owns Manor Farm and land at Knook which in total extends to 476 ha (1,176 acres) across the three farming blocks.

The application site – which is located to the east of the adopted “c” class Chitterne Road which is illustrated on the following insert site plan. The site extends to some 0.18 hectares (0.45 acres) and includes an existing single-storey concrete block built agricultural building which is presently vacant and is identified for demolition. It is unlisted and of no architectural merit. There is another agricultural building also within the ownership of the applicant, to the south of the site. This building is also represented in the following plan and site photo inserts below.



The application site in foreground



Aerial photograph of site context

The nearest residential dwelling is located at Auckland Farm approx. 120 metres to the northeast. Also illustrated in the aerial photograph above right, is the grade II listed Manor Farm House and the separately grade II listed farm steading - located circa 0.5km to the west beyond the road and a couple of fields. The large building block illustrated to the south of the application sit, beyond the agricultural barn that adjoins the site and some 0.25km distant is the Lyons Sea Food Ltd factory site.

The site is located within the Salisbury Plain Special Landscape Area. The Cranborne Chase & West Wiltshire Downs AONB is located approx. 230 metres to the south. The nearest PRow is CODF5 (a bridleway) which runs roughly north-south and bypasses Manor Farm - about 0.4km from the application site. The site is flood zone 1 land (i.e.

land that has the lowest risk of fluvial flooding) with Chitterne Brook being located approximately 130 metres to the west and on the opposite side the road.

4. Planning History

18/03181/OUT – Demolition of existing breeze block building and erection of agricultural workers dwelling (Outline application relating to access) – Approved 05/07/2018

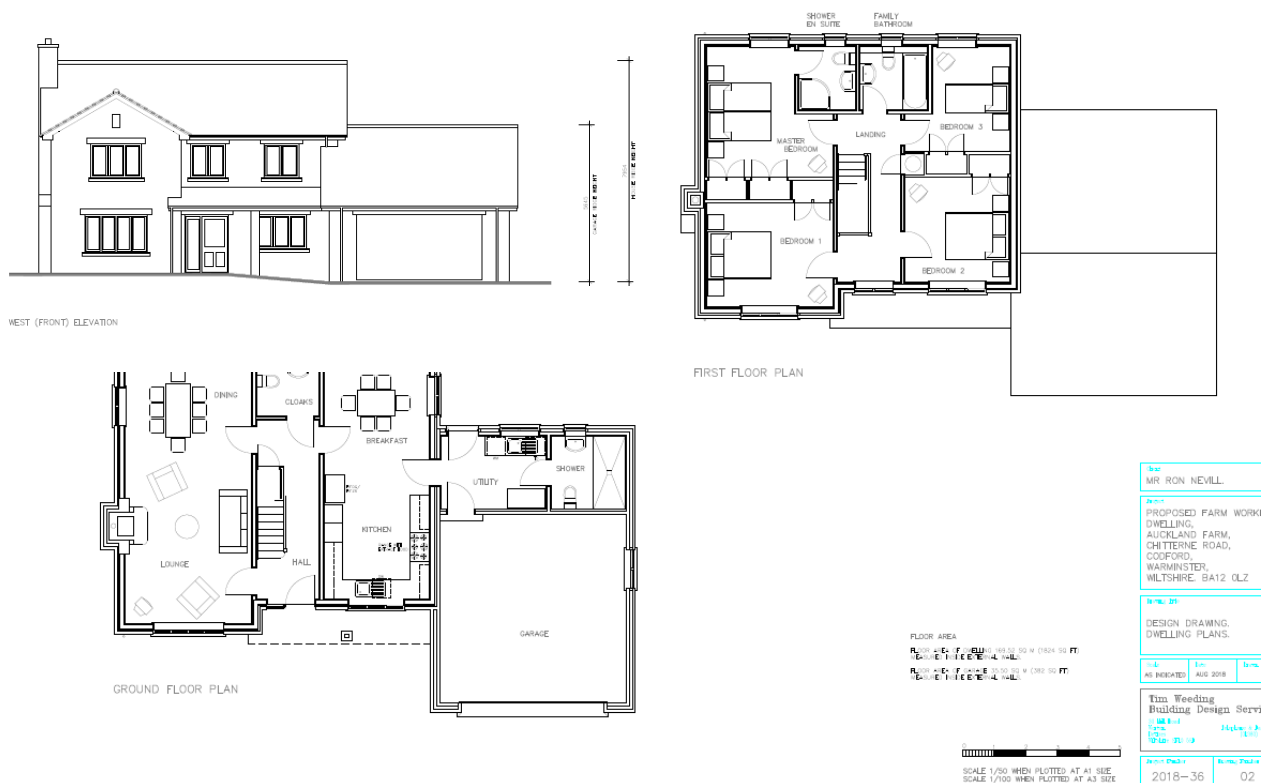
16/07266/FUL – Proposed barn – Approved 13.09.2016

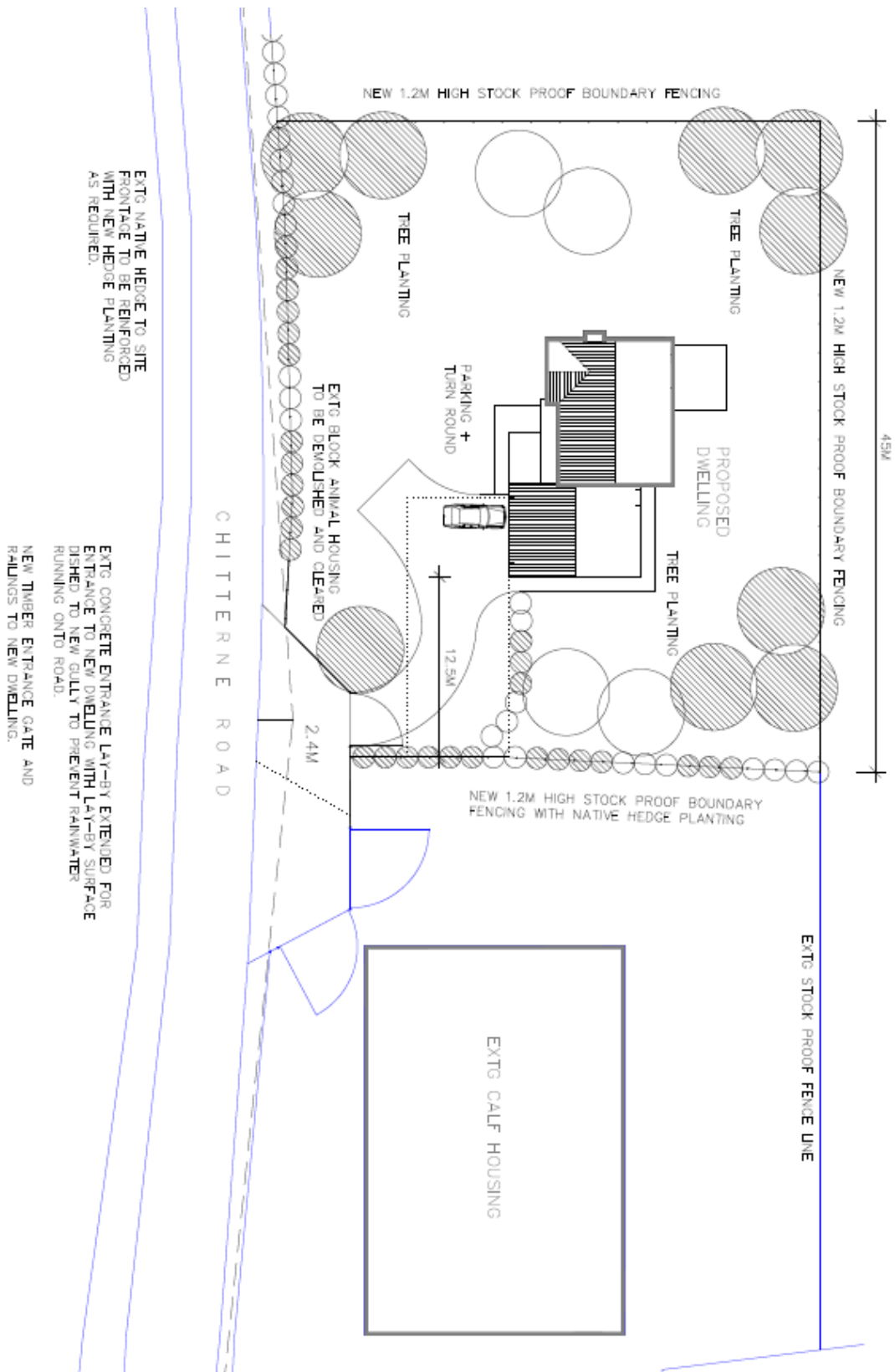
W/78/01159/HIS – Cattle Housing – Approved 09.11.1978

W/78/00839/HIS – Erection of stock housing steel framed building – Refused 29.09.1978

5. The Proposal

This is a full application seeking planning permission (following the approval of outline planning permission under 18/03181/OUT which was granted a few months ago) for the erection of a three bedroom detached 2-storey dwellinghouse for an agricultural worker. The following plan inserts illustrate the proposed dwelling which would measure about 17 metres long (including the proposed attached garage) and 9 metres deep. The accommodation would comprise 4 bedrooms, a dining room/lounge, kitchen and utility room. The dwelling would use the existing access off Chitterne Road and would be constructed using Bradstone reconstructed stone for the walls and Bradstone slate for the roof. The existing single storey agricultural building would be demolished. New 1.2m high fencing, tree and hedge planting is also proposed – which are illustrated on the proposed block plan on the following page.





There is one existing dwelling on the agricultural holding at Auckland Farm and that is currently occupied by Mr Grossman who currently manages the agricultural business.

The Farm Practice – The combined business is run as a dairy and livestock unit. The dairy herd is based at Manor Farm. The dairy herd is substantial with up to 400 cows with

between 280 and 320 in milk at any time. The herd maintains a level production of milk throughout the year which means that calving takes place evenly across the year. The dairy cows are calved at Manor Farm but calf rearing and the herd young stock are based at Auckland Farm. All female calves are retained; male calves are not retained. The retained calves are transferred to Auckland Farm at approximately eight weeks old. The calves are then reared through at Auckland. Typical stocking levels at Auckland Farm range between: 240 to 260 head of cattle. Younger animals are kept in the buildings with the older stock being put out to grass in the summer months.

There is no proposal to significantly alter the farming practices at either Auckland Farm or the wider business.

6. Planning Policy

Wiltshire Core Strategy - CP1: Settlement Strategy; CP2: Delivery Strategy; CP48: Supporting Rural Life; CP51: Landscape; CP57: Ensuring High Quality Design and Place Shaping; CP60: Sustainable Transport; and CP61: Transport and new development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - U1a Foul Water Disposal; the Wiltshire Local Transport Plan 2011- 2026

The National Planning Policy Framework (the Framework) – Chapter 2. Achieving sustainable development; Chapter 5. Delivering a sufficient supply of homes; Chapter 12. Achieving well-designed places and 15. Conserving and enhancing the natural environment and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

The Cranborne Chase and West Wiltshire Downs AONB 2014-2019 Management Plan.

7. Summary of Consultation Responses

Codford Parish Council: Objects to the revised proposals on the basis that it represents a very significant deviation from the outline proposals approved under 18/03181/OUT. This deviation is so extreme that the basis for the original permitted development can no longer be applied and the proposed development therefore breaches several planning policies.

The proposed development site is outside the Codford village policy limits and borders the Cranborne Chase AONB. Under The National Planning Policy Framework (The Framework) and Wiltshire Local Plan Policies, Councils are required to avoid development in the open countryside. Under national and local planning policy there is presumption against any development which may adversely affect the AONB.

The original outline permission was granted solely because the applicant claimed an “*essential need for a rural worker to live permanently at or near their place of work*”. This claim was professionally assessed, and the proposed accommodation that was required to meet the essential need was specified as a three bedroom bungalow suitable for a stockman. The revised application is for a 169m², four bed 2 bathroom house with an integrated 35m² double garage/utility/shower-room which is significantly larger than would be affordable on the salary of the average agricultural worker and must therefore be considered as intended for other purposes.

The revised two-storey dwelling would be 26ft tall, and 7-8ft higher than the adjacent livestock building. It would represent a significant change to the current height and massing of the existing Auckland Farm buildings and as such has the potential to generate visual intrusion on views to and from the AONB. In balancing the economic benefits of any development planners are required to place great weight on the value of the landscape character of the AONB.

On these grounds the Parish Council requests that officers and members of the planning committee do not approve the application. Should members be minded to approve this or any future detailed application for the site, the Parish Council request that consideration be given to a strict, lifetime agricultural condition on the use of the dwelling and careful measures to minimise the visual impact of the development.

Wiltshire Council's Agricultural Consultant: Supportive of the revised plan submission which reduced the proposed dwelling gross internal area of habitable floorspace from 200sq.m to 169sq.m with includes a ground floor utility room of 13sq.m which is considered essential for livestock farming to provide a dedicated area in which to remove dirty clothing, boots and to wash before entering the main part of the dwelling. The revised GIA of the proposed dwellinghouse is not considered *excessively large in relation to the identified essential need* at Auckland Farm. It is noted that the proposed development enshrined under this full planning application is materially different to what was envisaged at the outline stage, but the increased floor area is not excessive and there is an essential need for a dwellinghouse at the unit at most times. The business generates a significant turnover and the business is profitable.

[Note - A copy of the Council's agricultural consultant's appraisal is appended to this report. Paragraph 9.1 – sets out in more detail the agricultural consultant's appraisal and conclusions].

Cranborne Chase and West Wiltshire Downs AONB Officer: The site is located outside this AONB but it is submitted that the site seems to be isolated from the existing farm buildings at Auckland Farm, and could be an intrusion into views from the AONB and towards the AONB. The accommodation provided is significantly larger than that usually considered adequate for an essential farm worker. In relation to farm worker accommodation in other parts of this AONB, a property with 4 bedrooms and 3 bathrooms would be considered to be excessive. The AONB officer suggests that a building of 120sqm floor area is adequate. The proposed design, in a situation close to a road, would appear substantial and would not be subservient to the calving unit nearby.

8. Publicity

The application was publicised via a site notice. Following the publicity no third party letters of representation were received.

9. Planning Considerations

9.1 The Principle of Development – Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 79 of the NPPF advises that Local planning authorities “*should avoid the development of isolated homes in the countryside unless...there is an essential need, including those taking majority control of a farm business, to live permanently at or near their place of work in the*

countryside". NPPF Paragraph 79 additionally sets out provision for reusing redundant or disused building where the development would enhance the immediate setting.

9.1.1 WCS Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan). Core Policy 48 states that proposals for residential development outside the defined limits of development will be supported where these meet the accommodation needs required to enable rural workers to live at or in the immediate vicinity of their place of work and such proposal should be supported by functional and financial evidence.

9.1.2 It is material to reflect on the fact that the Council recently granted outline planning permission for the demolition of existing breeze block building and the erection of an agricultural workers dwelling (with all matters reserved except for the means of access) under application 18/03181/OUT which was approved in July 2018. In approving the outline application, the Council accepted there was an essential need for an agricultural workers dwelling to be constructed on site and the business plan is set on a sound financial basis. With the outline planning permission being extant (and runs until 2021) it is argued that the principle need for a rural workers dwelling on site is established and officers furthermore submit that it would not be reasonable to contest the essential need for a farm workers dwelling. Please refer to Appendix A for copies of the decision paperwork relative to application 18/03181/OUT.

9.1.3 The Council's agricultural consultant has nevertheless commented on the need for an agricultural workers dwelling at this site based upon the current farm practices and reflected on the business plan for the farming enterprise. With the recent outline permission freshly issued this detailed application does need to appraise the proposed detailed matters extending to the external appearance, landscaping, layout and scale of the development. The current scheme is a full application rather than a reserved matters application since the red line site plan is slightly different. The proposal before the committee is for a 2 storey dwelling measuring approx. 169m² Gross Internal Area (GIA) of habitable floorspace. In terms of the finalised proposed size of the new dwelling, the Council's agricultural consultant confirms within his paragraph no's: 8.1 - 8.3, that the 169sq.m or 156sq.m proposed dwelling (if one discounts the essential utility wash room) would not be excessive as quoted below:

"8.1 This report follows the submission of revised floorplans for the dwelling proposed in application 18/05384/FUL. The application was registered on 6th June. The original plans accompanying the application showed a dwelling with a Gross Internal Area (GIA) of approximately 200m². I concluded that the dwelling proposed was excessively large for the essential need recognised at the holding.

8.2 The revised drawings show a two storey dwelling with four bedrooms, two bathrooms (one ensuite) and an integrated garage. The revised Design and Access Statement indicates the dwelling (excluding the integrated garage) has a floor area of 169m². The floorplans include a ground floor utility area of 13m² GIA.

8.3 *In my view the ground floor utility area is a requisite for livestock farming, as an area in which to remove dirty clothes and to wash. It is therefore reasonable to discount a reasonable utility area from the total floor area. If the utility area is discounted then the GIA of the rest of the dwelling is 156m², which is not, in my view, excessively large for the identified essential need”.*

9.1.4 Although the principle for the need for an agricultural workers dwelling at Auckland Farm was established through the grant of outline permission, functional and financial evidence was once again submitted by the applicant. This was reviewed by the Council’s agricultural consultant in his report dated 17 September 2018 it is argued within the consultant’s report para “6.3: *The enterprise at Auckland Farm involves the close care of a significant quantity of young cattle ranging from animals just transferred in at approximately eight weeks old, through to in-calf heifers over 20 months old. In my view the quantity and type of stock presents a range of needs. The range extends from stressed smaller animals, dependant still on milk replacer, through weaning and into pregnancy. The stock are housed which means there is capacity for animals to become stuck, injured, bloated or infected”.*

9.1.5 The Council’s agricultural consultant concludes within report para 6.4: *“In my view the quantity of housed stock, together with the capacity for incident to occur means that in this particular set of circumstances there is an essential need for a presence at the unit at most times...”* The essential need is currently met through the accommodation provided at Auckland Farmhouse, but this property is not considered to be available since it has been confirmed that the property is occupied by Mr Grossman who intends to retire in the near future, and in his retirement he wishes to continue to reside in his home. Planning case law states, in particular *Keen vs SSE & Aylesbury Vale DC [1996] 2 PLR 8*, that it would be unreasonable to expect the occupier of a farmhouse to vacate it even if retiring, to make way for an active farm worker.

9.1.6 It should be appreciated that through well-established planning protocols planning conditions allow tied agricultural dwellings to be occupied by persons solely or mainly working, **or last working in the locality in agriculture** (emphasis added), forestry or a widow or widower of such a person, and any resident dependants. In such circumstances, it is appropriate to discount the existing farmhouse presently occupied by Mr Grossman when appraising the functional need for an agricultural workers dwelling at Auckland Farm since it would not be available to an agricultural worker following Mr Grossman’s retirement from active farm work. It is also important to appreciate that appeal decisions (e.g. APP/H0738/A/13/2193698 and APP/G2713/A/14/2220725 have cited the Keen ruling with planning inspectors being mindful of examining the suitability and availability of an existing dwelling to serve a functional need for an agricultural worker.

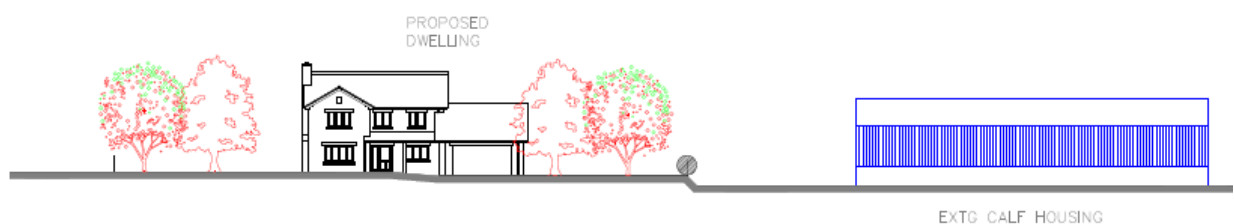
9.1.7 Officers can confirm that the finalised plans for the proposed dwelling are materially different to what the applicant envisaged at outline stage. However it is important to reflect upon the fact that the decision reserved detailed matters such as scale, layout to a subsequent application. It is also noteworthy to reflect on the fact that the decision did not restrict the subsequent house type to be single storey and nor did the decision set a prescriptive maximum floor area. Although there is a noted move away from what the applicant advised on at outline stage, there is no material conflict

with the terms of the outline permission. Whilst the concerns raised by Codford Parish Council and the AONB officer are duly noted, officers share the view expressed by the agricultural consultant that the proposed dwelling would not be excessive; and, at 169sq.m, the house would be proportionate to the needs of an agricultural worker.

9.1.8 The applicant has provided sufficient information to support the application in terms of satisfying a functional and financial need for an additional agricultural dwelling at Auckland House and thus, the application is considered to accord with CP2 and CP48 of the adopted Wiltshire Core Strategy and the NPPF.

9.2 Impact on the Character of the Area/AONB - Core Policy 51 of the Wiltshire Core Strategy states that development proposals should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced. Core Policy 57 states application for new development must respond positively to the existing landscape to effectively integrate the building into its setting.

9.2.1 The character of the area is one of an open rural landscape set against rolling hills with field boundaries comprised of hedgerows and trees. The application site consists of a plot of land which sits adjacent to an existing barn that is used to house livestock. A redundant concrete block built vacant agricultural building presently occupies the site. A low hedge fronts the highway – leaving the site open to the north and east. Within close proximity to the site, as identified on previous map and plan extracts, there are several built forms of development nearby and officers are not in agreement with the assertion made by the AONB officer that this would be an isolated form of development. The new house would be larger than the existing animal housing building, but it would not appear visually incongruous or harmful.



ELEVATION TO CHITTERNE ROAD.

9.2.2 The proposed dwelling would be 2 storey and would measure 7.8 metres to the roof ridge. The building to be demolished measures circa 4.5 metres and the adjacent agricultural barn is some 6.7 metres in height. The detailed proposal includes tree and hedge planting which would, along with new 1.2m high stock proof fencing, define the plot boundary and help soften the impact of the development. The Cranborne Chase & West Wiltshire Downs AONB is located approx. 230 metres to the south of the site. There is an intervening farm building between the AONB and the application site, and although views may be gained from the site into the AONB and from it, officers are

satisfied that proposed dwelling would not adversely impact on the setting of the AONB or harm, views into or from the AONB. The insert below reveals the proximity of the AONB to the site.



9.2.3 Officers are satisfied that the proposed development would not have an adverse impact on the rural character of the area and the application is considered to accord with Core Policies 51 and 57 of the WCS, the NPPF and it would not compromise The Cranborne Chase and West Wiltshire Downs AONB 2014-2019 Management Plan.

9.3 Impact on the Living Conditions of Neighbouring Residents - Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development has 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,

9.3.1 The closest residential dwelling to the site is Auckland Farm House located approximately 130 metres to the north. As such, the proposed dwelling would be a sufficient distance from neighbouring residents to have no adverse impact on their living conditions. Sufficient amenity space on the proposed 0.18 hectare plot would be available for the future occupiers and would thus satisfy CP57.

9.4 Highway Safety/Parking Issues - Core Policy 61 advises that new development should be served by safe access to the highway network. The development would use the existing access and sufficient off road parking would be available on site. Good visibility can be gained in both directions and the development would therefore not result in substantive harm to highway safety.

10. Conclusion (The Planning Balance) - Based upon the information provided, officers are satisfied that there is an essential need for an additional agricultural workers

dwelling and that the farm enterprise is financially sustainable. Through negotiated revisions, the size of the propose dwelling is considered proportionate and acceptable. The siting of the dwelling would not significantly or adversely affect the rural character of the area, the setting of the AONB, highway interests or neighbouring amenities; and sufficient amenity ground would be available for future occupants. The application therefore complies with Core Policies 2, 48, 51, 57 and 61 of the Wiltshire Core Strategy and the national planning policy advice contained within the Framework.

11. 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:

Amended site location plan scale 1:1250;
Amended proposed ground and first floor plans scale 1:50 dwg no. 02;
Amended proposed south and west elevation plan scale 1:50 dwg no. 03;
Amended proposed east and north elevation plan scale 1:50 dwg no. 04;
Amended block/street scene plan scale 1:250 dwg no. 05A;
Amended block plan scale 1:500 dwg no. 06A;

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

3. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

4. No development shall commence above ground floor slab level until details and samples 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending

that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

6. The existing single storey building on site shall be completely demolished with all material and debris being removed from the site prior to the construction of the dwellinghouse.

REASON: In the interests of amenity and protecting the rural character of the area

7. No development shall commence above ground floor slab level until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. No development shall commence above ground floor slab level until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

9. No development shall commence above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed

with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10. 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.

11. The development hereby approved 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.

12. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

Planning Informative:

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

2. The applicant should contact Wessex Water to secure appropriate water connections.

APPENDIX A: 18/03181/OUT – Demolition of existing breeze block building and erection of agricultural workers dwelling (Outline application relating to access) – Approved

CASE OFFICER'S REPORT

Application Reference: 18/03181/OUT
Date of Inspection: 1/5/18
Date site notice posted: 1/5/18
Date of press notice:

POLICIES

Wiltshire Core Strategy

CP1: Settlement Strategy

CP2: Delivery Strategy

CP48: Supporting Rural Life

CP51: Landscape

CP57: Ensuring High Quality Design and Place Shaping

CP60: Sustainable Transport

CP61: Transport and new development

CP67: Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

National Planning Policy Framework (NPPF)

6. Delivering a wide choice of high quality homes

7. Requiring good design

11. Conserving and enhancing the natural environment

Other

Planning Practice Guidance (PPG)

Wiltshire Local Transport Plan 2011- 2026

ISSUES

- The Principle of Development
- The Impact on the Character of the Area
- The Impact on the Living Conditions of Neighbouring Residents
- Highway Safety/Parking Issues

REPRESENTATIONS

Codford Parish Council: No objections

Highways Officer: No objection

Agricultural Consultant: No objection

ASSESSMENT

The site

The site is located in the open countryside with access off Chitterne Road. A dilapidated single storey building occupies the site. The site lies adjacent an existing agricultural barn used to house livestock. The site is located approx. 130 metres to the south of Auckland Farm House. The Cranborne Chase & West Wiltshire Downs AONB is located approx. 230 metres to the south.

The application

This is an outline application for the erection of a farm workers dwelling with all matters reserved except access. The existing single storey agricultural building on site would be demolished.

The Principle of Development

Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF advises that *'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside'*.

WCS Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan). Core Policy 48 states that proposals for residential development outside the defined limits of development will be supported where these meet the accommodation needs required to enable rural workers to live at or in the immediate vicinity of their place of work and such proposal should be supported by functional and financial evidence.

The Council's agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise. It is therefore firstly relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the farm enterprise. On this point, the Council's agricultural consultant concludes by saying (with paragraphs duly referenced) that:

'6.3 The enterprise at Auckland Farm involves the close care of a significant quantity of young cattle ranging from animals just transferred in at approximately eight weeks old, through to in-calf heifers over 20 months old. In my view the quantity and type of stock presents a range of needs. The range extends from stressed smaller animals, dependent still on milk replacer, through weaning and into pregnancy. The stock are housed which means there is capacity for animals to become stuck, injured, bloated or infected.'

6.4 In my view the quantity of housed stock, together with the capacity for incident to occur means that in this particular set of circumstances there is an essential need for a presence at the unit at most times. Clearly that essential need is currently met through the accommodation available at Auckland Farm House. The availability of Auckland Farm House is explored further, below.'

The Council's agricultural consultant therefore concludes that there is an essential need for a person to live on or near the site.

In cases such as this, it is necessary to assess the existing and proposed business as part of understanding the justification for the proposed rural dwelling. Such an assessment is critical to forming an opinion on an "essential need". In this case the essential need described and recognised above would only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail. In assessing the applicant's business plan, the Council's agricultural consultant has made the following comments:

'7.2 The applicant has submitted summary profit and loss accounts for the last six trading periods. The accounts indicate the business has a significant turnover (in excess of £1m) and that the business is profitable. In my view the level of profit is sufficient to show viability. I have not seen the capital accounts and thus cannot comment on the overall gearing or net worth of the business but the applicant confirms business borrowings are low.'

The council's agricultural consultant therefore concludes that the farm business is viable and financially sustainable.

The applicant has provided information on both functional and financial need for an agricultural dwelling on the site, in line with the requirements of Core Policy 48. Based upon the information provided it is considered that there is an essential need for one agricultural worker to live on or near the site and that the farm enterprise is financially sustainable.

There is one existing dwelling on the farm (Auckland Farm House) and this is occupied by Mr Grossman who currently manages the agricultural business. However Mr Grossman intends to retire in the near future. The council's agricultural consultant has concluded that there is a functional need for one agricultural worker to live on or near the site. Case law states, in particular *Keen vs SSE & Aylesbury Vale DC*, that it would be unreasonable to expect the occupier of a farmhouse to vacate to make way for an active farm worker. Therefore the farmhouse used by Mr Grossman should be discounted from any assessment relating to the number of dwellings needed to serve the unit. As stated above the Council's agricultural consultant concludes there is an essential need for one agricultural worker to live on/near the site. With the retirement of Mr Grossman Auckland Farm House would no longer be available for an essential farm worker. The principle of development for the erection of a dwelling for an essential farm worker has therefore been established.

The Impact on the Character of the Area

Core Policy 51 of the Wiltshire Core Strategy states that development proposals should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced. Core Policy 57 states application for new development must respond positively to the existing landscape to effectively integrate the building into its setting.

The character of the area is one of an open rural landscape set against rolling hills with field boundaries comprised of hedgerows and trees. The application site consists of a plot of land located adjacent an existing barn used to house livestock (south). A low hedge fronts the site while the site is open to the north and east.

The proposed development is outline only with all matters reserved except access. However the submitted 'Essential Needs Appraisal March 2018' stated (section 3.1):

'It is proposed to erect a farm dwelling, suitable for a stockman probably a three-bedroomed bungalow, adjacent to the first calf shed at Auckland Farm.'

The erection of a building that would not be significantly larger, in terms of its height, footprint and floorspace, than the existing building on site to be demolished would not be considered unacceptable. As such it is considered the erection of a suitable designed bungalow or dormer bungalow would have no adverse impact on the character of the rural landscape. In addition the site is a sufficient distance from the AONB that a dwelling designed to complement its rural location, would have no adverse impact on the character or setting of the AONB.

The Impact on the Living Conditions of Neighbouring Residents

Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development has regard to the compatibility of adjoining buildings.

The closest residential dwelling to the site is Auckland Farm House located approx. 130 metres to the north. As such the proposed dwelling would be a sufficient distance from neighbouring residents to have no adverse impact on their living conditions. The site is also of sufficient size that a suitably designed dwelling could be accommodated on site while providing sufficient amenity space for potential occupiers.

Highway Safety/Parking Issues

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Policy 61 furthermore advises that new development should be served by safe access to the highway network. The application is outline with all matters reserved except access. There are no objections to the scheme from the council's highways officer and the development would not result in additional harm to highway safety.

RECOMMENDATION: APPROVE Subject to conditions

Town & Country Planning Act 1990

Notification of Outline Planning

Application Reference Number: 18/03181/OUT

<p>Agent Kernon Countryside Consultants Ltd. Greenacres Barn Stoke Common Lane Purton Stoke Swindon SN5 4LL United Kingdom</p>	<p>Applicant Mr Ronald Nevill Highview Manor Farm Upton Lovell Warminster BA12 0JN UK</p>
<p>Particulars of Development: Demolition of existing breeze block building and erection of agricultural workers dwelling (Outline application relating to access)</p>	
<p>At: Auckland Farm, Chitterne Road, Codford, BA12 0LZ</p>	

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site plan scale 1:1250 dwg no. KCC2549/01 03/18tk
Block plan scale 1:500 dwg no. KCC2549/02 03/18se
Plans of proposed access scale 1:200 dated 16/5/18

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

- 5 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

- 7 Before works on the dwelling hereby approved commence the existing single storey building on site, and resulting demolition materials, shall be removed in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity and protecting the rural character of the area.

- 8 The development hereby approved 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.

- 9 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVE TO APPLICANT:

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

Signed



Tim Martiensen
Director
Economic Development and Planning

Dated: 05 July 2018



Promap
LANDMARK INFORMATION GROUP

Ordnance Survey © Crown Copyright 2018. All rights reserved.
Licence number 100029412. Printed Scale - 1:1250

PLAN	KCC2549/01		
TITLE	Site Plan		
SITE	Auckland Farm		
CLIENT	R Nevill Esq		
NUMBER	KCC2549/01 03/18tk		
DATE	March 2018	SCALE	1:1250 at A4

KERNON COUNTRYSIDE CONSULTANTS LTD
 Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon
 SN5 4LL Tel 01793 771333 Email: info@kernon.co.uk
 This plan is reproduced from the Ordnance Survey
 under copyright licence 100015226

This page is intentionally left blank

AGRICULTURAL ASSESSMENT OF PLANNING APPLICATION.

1.0	REFERENCE	APA/03/0145
1.1	Proposed Development	Proposed detached house, with integral garage, and vehicular access from road, with parking and turning area on site (amended plans)
1.2	Planning Authority	Wiltshire Council Development Management Central
1.3	Planning Application No.	18/05384/FUL
1.4	Applicant	Mr Ronald E.Nevill, Manor Farm, Upton Folly, Upton Lovell
1.5	Site Address	Auckland Farm, Chitterne Road, Codford

2.0 DESCRIPTION

2.1 Location

The application site forms part of Auckland Farm. Auckland Farm lies on the eastern side of Chitterne Road approximately three quarters of a mile north of Codford and one and a half miles south of Chitterne. The farm is in open countryside at the edge of Salisbury Plain.

2.2 Land

2.2.1 Area and tenure

The farm is owned freehold by a farming partnership, of which the applicant is a partner. The freehold at Auckland Farm extends to 66 ha (162 acres) in a ring fence. The partnership also owns Manor Farm and land at Knook which means the total ownership and farmed area extends to 476 ha (1,176 acres) across the three blocks.

2.2. Soil Type and Characteristics

The soil at the application site is classified in the Upton 1 association, which is described as shallow well drained calcareous silty soils over chalk, with deeper fine silty soils in valleys and coombes.

3.0 FARMING PRACTICE

Existing

- 3.1 The combined business is run as a dairy and livestock unit. The dairy herd is based at Manor Farm. The dairy unit is substantial with up to 400 cows in the dairy herd with between 280 and 320 in milk at any time. The herd maintains a level production of milk throughout the year which means that calving takes place evenly across the year.
- 3.2 The dairy cows are calved at Manor Farm but calf rearing and the herd youngstock are based at Auckland Farm. All female calves are retained; male calves are not retained. The retained calves are transferred to Auckland Farm at approximately eight weeks old. The calves are then reared through at Auckland. The highest quality heifers are moved back to Manor Farm at 15 – 16 months old; they are the run with the bull and admitted to the dairy herd. The second quality heifers are retained at Auckland Farm where they are run with an Angus bull and then moved back to Manor Farm prior to calving.
- 3.3 I understand the typical stocking level at Auckland Farm is between 240 to 260 head of cattle, ranging from eight week old calves through to in-calf heifers at up to 22 months. The younger animals are kept in the

buildings, some of the older stock are put to grass in the summer months but the farming practice is to keep the majority of the stock in the buildings.

Proposed

3.4 There is no proposal to significantly alter the farming practice at either Auckland Farm or the wider business.

Comments

3.5 The unit is a well established and substantial dairy business.

Buildings

3.6 The buildings at Auckland Farm are modern and reflect its former use as a freestanding dairy unit. The buildings include:

1. The recently constructed five bay covered yard to the south of the main complex. The building has a steel portal frame, spaced timber boarding to the upper elevations and concrete panels to the lower elevations. At the time of inspection the building was used to accommodate calves.
2. A five bay covered yard with steel portal frame, spaced timber boarding to the upper elevations and concrete panels to the lower elevations. At the time of inspection the building was in use to accommodate older heifers.
3. A three bay fodder shed
4. Two small covered silage clamps
5. The former milking parlour and dairy with circular collecting yard.
6. A three bay "Atcost" type shed with concrete portal frame.
7. A seven bay "Atcost" type covered yard and lean-to, used to accommodate cattle.

4.0 EXISTING ACCOMMODATION

Dwellings owned by applicant

4.1 The applicant does not own a dwelling at Auckland Farm. I understand the sole dwelling associated with Auckland Farm and owned by the farming partnership is Auckland Farm House. Auckland Farm House is occupied by Peter Crossman, who is a Partner in the farming business.

5.0 LABOUR REQUIREMENTS

Existing

5.1 Based on standard labour data and allowing for the interaction between Manor Farm and Auckland Farm it is my view that there is a requirement of between half and three quarters of a standard labour unit to manage the livestock at Auckland Farm. If Auckland Farm were run as a separate unit the labour requirement would be higher as the 160 acres of land would need to be run too.

5.2 The labour requirement is met by Peter Crossman and I understand that in practice Peter Crossman splits his time between Auckland Farm and Manor Farm.

Anticipated if proposals undertaken

5.2 No significant changes are proposed so the labour assessment is unlikely to alter significantly.

6.0 NPPF – ESSENTIAL REQUIREMENT

6.1 The planning application for the dwelling is associated with the existing calf and youngstock rearing activity at Auckland Farm. The National Planning Policy Framework (NPPF) was introduced in 2012. The NPPF

replaces all previous Planning Policy Statements (PPS). In the context of the application for the proposed dwelling, paragraph 55 of the NPPF states:

“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside”

- 6.2 Under the NPPF it is therefore relevant to consider the requirements of the current enterprise at Auckland Farm and whether those requirements present an essential need for a worker to live at or near the enterprise.
- 6.3 The enterprise at Auckland Farm involves the close care of a significant quantity of young cattle ranging from animals just transferred in at approximately eight weeks old, through to in-calf heifers over 20 months old. In my view the quantity and type of stock presents a range of needs. The range extends from stressed smaller animals, dependent still on milk replacer, through weaning and into pregnancy. The stock are housed which means there is capacity for animals to become stuck, injured, bloated or infected.
- 6.4 In my view the quantity of housed stock, together with the capacity for incident to occur means that in this particular set of circumstances there is an essential need for a presence at the unit at most times. Clearly that essential need is currently met through the accommodation available at Auckland Farm House. The availability of Auckland Farm House is explored further, below.

7.0 BUSINESS ASSESSMENT

- 7.1 There is no express reference in the NPPF to an assessment of either an existing or proposed business which will operate in association with the proposed rural dwelling. It is my opinion that such an assessment is critical to forming an opinion on the continuation of the “essential need”. In this case the essential need described and recognised above will only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail and the authority would be left with a dwelling but no “essential need” for its presence.
- 7.2 The applicant has previously submitted summary profit and loss accounts for the last six trading periods. The accounts indicate the business has a significant turnover (in excess of £1m) and that the business is profitable. In my view the level of profit is sufficient to show viability. I have not seen the capital accounts and thus cannot comment on the overall gearing or net worth of the business but the applicant confirms business borrowings are low.

8.0 GENERAL COMMENTS

- 8.1 This report follows the submission of revised floorplans for the dwelling proposed in application 18/05384/FUL. The application was registered on 6th June. The original plans accompanying the application showed a dwelling with a Gross Internal Area (GIA) of approximately 200m². I concluded that the dwelling proposed was excessively large for the essential need recognised at the holding.
- 8.2 The revised drawings show a two storey dwelling with four bedrooms, two bathrooms (one en suite) and an integrated garage. The revised Design and Access Statement indicates the dwelling (excluding the integrated garage) has a floor area of 169m². The floorplans include a ground floor utility area of 13m² GIA.
- 8.3 In my view the ground floor utility area is a requisite for livestock farming, as an area in which to remove dirty clothes and to wash. It is therefore reasonable to discount a reasonable utility area from the total floor area. If the utility area is discounted then the GIA of the rest of the dwelling is 156m², which is not, in my view, *excessively* large for the identified essential need.
- 8.4 It is still noted that the dwelling currently proposed is significantly different to that which was identified as needed to meet the essential need for the outline application (18/03181). The applicant’s agricultural adviser, KCC stated at paragraph 3.1 of their “Essential Needs Appraisal”:

“it is proposed to erect a farm dwelling, suitable for a stockman probably a three bedroom bungalow, adjacent to the first calf shed at Auckland Farm.”

8.5 It is thus clear from the KCC report that the dwelling would likely be a three bedroom bungalow, not the four bedroom, two storey dwelling currently proposed.

9.0 CONCLUSION AND OPINION

It follows from the above that the proposed dwelling is not excessively large in relation to the identified essential need at Auckland Farm.

I trust the above provides you with the information required. If you require any further information, or clarification on the any aspect of the above, please do not hesitate to contact the writer.

A.M Coke BSc (Hons) MRICS

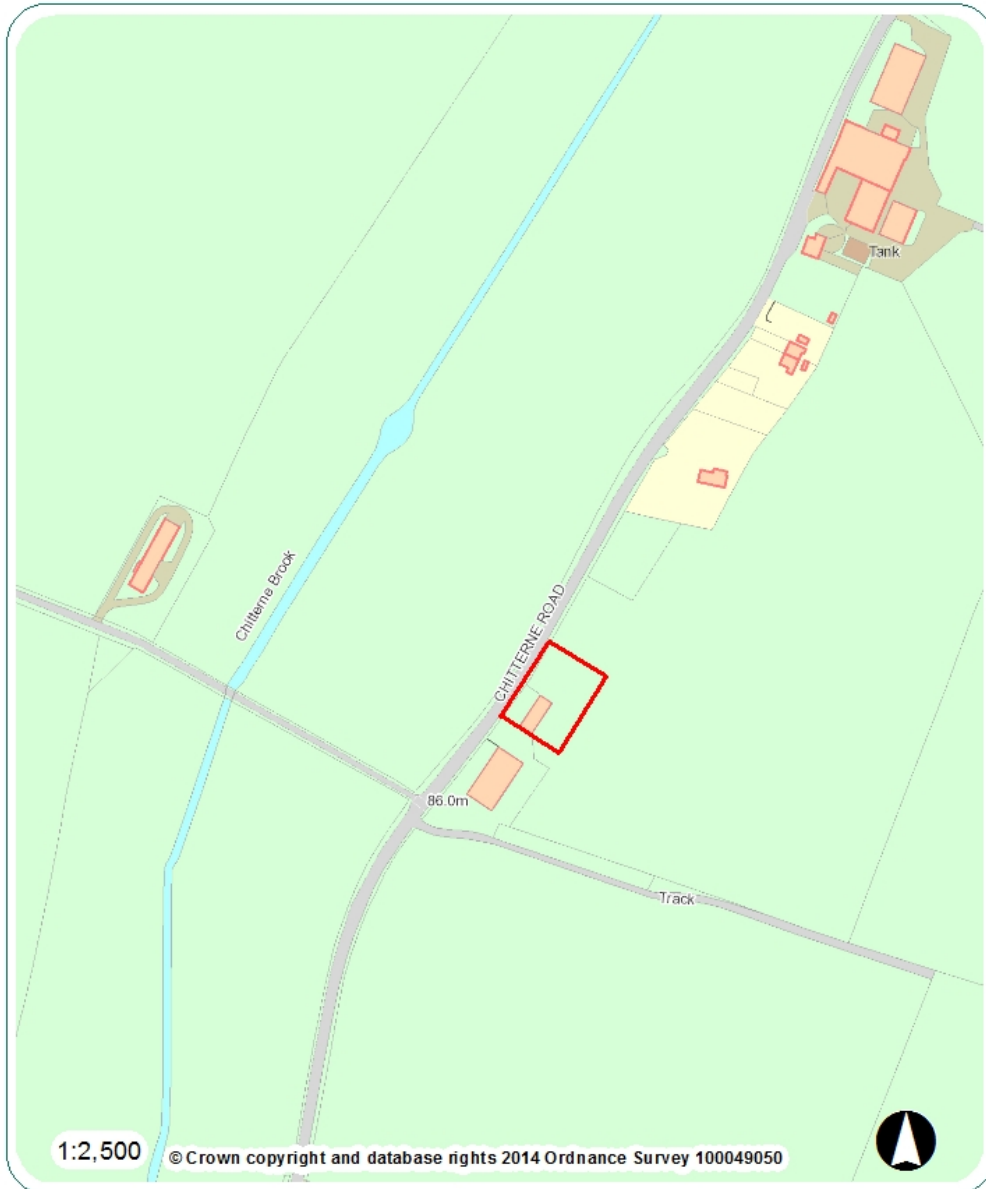
Note: *This Report has been prepared on information provided by the Applicant and or the Applicant's Agent.*

APA/03/0145/AMC

Macintosh HD:Users:tonycoke:Documents:APA:03
WWDC:Appraisals:0145 Auckland Farm:rept.docx

Date 17 September 2018

APA Consultants Ltd
Halstead Farm
47 High Street
Easterton
Devizes
SN10 4PE



This page is intentionally left blank