

# AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** [Online Meeting](#)

**Date:** Thursday 15 October 2020

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

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## Membership:

Cllr Mark Connolly (Chairman)  
Cllr Paul Oatway QPM (Vice-Chairman)  
Cllr Ian Blair-Pilling  
Cllr Stewart Dobson

Cllr Peter Evans  
Cllr Nick Fogg MBE  
Cllr Richard Gamble  
Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark  
Cllr Anna Cuthbert  
Cllr George Jeans

Cllr Jerry Kunkler  
Cllr Christopher Williams  
Cllr Graham Wright

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## **Recording and Broadcasting Information**

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## **Public Participation**

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

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

The full constitution can be found at this [link](#). For assistance on these and other matters please contact the officer named above for details.

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 10 September 2020.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

[Access the online meeting here](#)

### **Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than **5pm on Monday 12 October 2020**.

Submitted statements should:

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

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

Those submitting statements are expected to join the online meeting to read the statement themselves, or to provide a substitute to read the statement on their behalf.

Statements will be read out by those who have registered and provided a statement, in order of submission.

For further details on Public Participation, please see the [Remote Planning Committee Procedure](#).

### **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on Thursday 8 October 2020 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 Monday 12 October 2020.

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

## **6 Planning Appeals and Updates (Pages 23 - 24)**

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

## **7 Planning Applications**

To consider and determine the following planning applications.

7a        **20/05329/VAR - Thicket Cottage, Malthouse Lane, Upper Chute, SP11 9EG (Pages 25 - 42)**

Variation of conditions 2 and 5 of 20/01143/FUL to include the extension of the ground floor by 8m, and the formation of a rooftop terrace with external staircase.

## **8 Urgent items**

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

## **Part II**

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

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### Eastern Area Planning Committee

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#### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 SEPTEMBER 2020 AT ONLINE MEETING.

##### **Present:**

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Peter Evans, Cllr Richard Gamble, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

##### **Also Present:**

Cllr Jane Davies

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#### 26. **Apologies**

Apologies were received from Cllr Stewart Dobson who was substituted by Cllr Jerry Kunkler.

Apologies were also received from Cllr Nick Fogg MBE.

#### 27. **Minutes of the Previous Meeting**

The minutes of the meeting held on 9 July 2020 were presented for consideration and it was;

##### **Resolved:**

**To approve and sign the minutes as a true and correct record.**

#### 28. **Declarations of Interest**

Cllr Richard Gamble declared for transparencies sake that he had a non-pecuniary interest in agenda item 7a, 18/09889/FUL Land at South Street, Avebury as he was a former resident of Avebury and the former Portfolio Holder for Heritage, Arts and Tourism. He declared that he would consider the application on its merits with an open mind as he debated and voted on the item.

#### 29. **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

#### 30. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

31. **Planning Appeals and Updates**

The Chairman proposed a motion that the Committee note the updates for the period of 25/06/2020 to 28/08/2020, this was seconded by Cllr Paul Oatway QPM. It was;

**Resolved:**

**To note the report on completed and pending appeals.**

32. **Planning Applications**

The following planning applications were considered.

33. **18/09889/FUL - Land at South Street, Avebury, SN8 1QZ**

Public Participation

- Stephen Thomas, Chairman of the Avebury Society spoke in objection to the application.
- Dave Scattergood provided a statement in objection which was read out by the Democratic Services Officer.
- Aaron Smith, Agent, spoke in support of the application.
- Steve Croft of Centurion (Western) Limited (Applicant) spoke in support of the application.
- Stephen Stacey, Chair, Avebury Parish Council spoke in objection to the application.

Nick Clark, Senior Planning officer, presented a report which recommended that planning permission be granted with conditions for the erection of a dwellinghouse with garaging and access.

Key details were stated to include the following, the principle of the development; impacts on the character and appearance of the area and the impact on the heritage setting of the Stonehenge & Avebury World Heritage Site, the nearby Avebury Conservation Area and nearby non-designated heritage assets.

Slides were shown to the meeting, showing the location of the site, adjacent land owned by the applicant and its location in relation to heritage assets and the conservation area.

The proposal was for a one and half storey 4 bedroom dwelling with a detached garage/study and access would be via South Street. There was a retaining wall along the front of the site, which was about 3 foot high and was made up of sarsen stones. This wall also ran alongside the adjacent play area and Barley Cottage, the neighbouring property to the West.



There had been a number of objections, from Avebury Parish Council; the Avebury Society; the Campaign to Protect Rural England and 9 local residents. The main objections raised included that the proposal did not meet the identified housing need in Avebury for 1 and 2 bedroom dwellings; that the size of the proposed dwelling would dominate September Cottage (opposite); the loss of continuity of the sarsen wall; damage to this wall and the impact on the play area.

It was stated that although the proposal would not meet the identified need for 1 and 2 bedroom dwellings in the area, it would meet housing need in general, so this would not be sufficient to refuse the application.

With regard to September Cottage it was stated that the proposed dwelling would be slightly offset from September Cottage and due to the retaining wall and planting above would not impede the view. Therefore, it was concluded that there would be no harm to the heritage significance of September Cottage.

It was explained that the sarsen wall was approximately 50 metres in length in its totality and a 6 and a half metre length of the wall would be removed to form the new access to the site. The stones would be reused to form the return walls into the site and this was a condition recommended if approval was granted. The wall was not listed and not in the conservation area. However, it was a non-designated heritage asset. It was stated that the level of harm caused by breaking into the wall for the site access would be minimised by reusing the stones and the level of harm was considered to be the lowest level. It was felt that this very small level of harm would be outweighed by the benefit of a new dwelling.

The new house was situated approximately 1 metre from the play area boundary and it was concluded that there would be no adverse impact on the play area.

Therefore, the application was recommended for approval, subject to the conditions listed in the report.

Members of the committee then had the opportunity to ask technical questions of the officer. The officer confirmed that the sarsen wall had no official protection.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Jane Davies, spoke in objection to the application. It was stated that the application had been very controversial and there was much local opposition to the proposal. Key issues included were that people opposed the principal of the development; the impact on the character and appearance of the area; the impact on the heritage setting of the Stonehenge and Avebury World Heritage Site; that the site was not considered locally to be an infill site; the proposal did not meet local housing need; the

dwelling did not fit the character of the settlement; the size of the dwelling; damage to the sarsen stone wall, which could have been avoided by using the rear access to the site; the worry that the applicant would use their further land behind the site to develop further similar dwellings. Cllr Davies therefore hoped that the committee would oppose this application.

In response to public statements the officer stated that the World Heritage Site officer had been consulted regarding the application and was satisfied that there would be no impact on the outstanding universal value of the World Heritage Site. Regarding whether the site was infill development, it was acknowledged that whilst the gap was not typical of a space between two dwellings, it was in a clear gap between a dwelling and the play area, which was part of the village use. Therefore, this could be considered an infill site.

The Chairman then proposed a motion to approve the application, with conditions, as per the officer's report. This was seconded by Cllr Jerry Kunkler.

A debate followed where some Members stated they had previously been concerned regarding this issue of infill, however after visiting the site and reading the report felt that, although slightly unusual, the site did meet the criteria for infill development.

The loss of some of the sarsen wall was debated, some felt this be unfortunate, however felt that on balance the recommendation to approve the application was to be supported, as the World Heritage Site officer had not objected and there were no sound planning reasons for refusal. Others felt that the loss of the some of the sarsen wall was a real shame. WCS CP 58 part 3 was cited;

*Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including: iii. buildings and structures of special architectural or historic interest.*

There was real disappointment that the World Heritage Site officer did not consider the loss of some of the wall as significant damage.

It was also stated that it was very disappointing that the applicant had not thought to use their land to the rear of the site for access, rather than using the front and removing a section of the sarsen wall. Whilst others agreed with this sentiment, it was stated that the Members had to consider the application in front of them.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be granted subject to the following conditions as per the officer recommendation.**

- 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.

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- 2 Subject to the conditions below the development shall be carried out in accordance with the following approved drawings and details:

|                    |                                       |
|--------------------|---------------------------------------|
| Location Plan      | 180714-01                             |
| Block Plan         | 180714-03A (received 11th March 2019) |
| Design Scheme      | 180714-04 (received 11th March 2019)  |
| Topographic Survey | SWS081823topo                         |
| Heritage Statement | 26/05/2020 (received May 27th 2020)   |
| Site Sections      | 180714-06 (received May 27th 2020)    |

**REASON**

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

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- 3 i) No development shall commence on site (including formation of an access) until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- g) a scheme for disposing of waste resulting from construction works (including excavation); and
- h) hours of construction.

has been submitted to, and approved in writing by, the Local Planning Authority.

ii) The so-approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement.

**REASON**

The application includes insufficient detail to demonstrate how the works are to be undertaken. The above details are needed in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and setting within the Stonehenge & Avebury World Heritage Site and dangers to highway safety, during the construction phase.

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- 4** i) No development shall commence above ground floor slab level until the details of the following have been submitted to and approved in writing by the local planning authority:
- a) external materials to be used in the walls and roofs (including ridge tiles),
  - b) the materials and finishes of boarding on the dormer windows,
  - c) materials and finishes to be used on the exposed flank sides of the dormer windows,
  - d) materials to be used in all soffits, fascias and barge boards,
  - e) window arches and cills,
  - f) windows,
  - g) the material and finish of the garage doors,
  - h) materials and finish of the front porch canopy, and
  - i) rainwater goods.
- ii) The development shall not be carried out other than in accordance with the so-approved details.
- iii) All external timber joinery as so-approved shall thereafter be so-maintained and if the need arises, shall not be replaced other than using materials and finishes as so-approved.

#### **REASON**

In the interests of visual amenity and the character, appearance and heritage setting of the area.

#### **INFORMATIVE**

The details to be submitted under this condition should include details such as product literature and photographic examples, and only if requested, samples to be made available for inspection on the site.

The window details to be submitted should include for timber windows with a painted finish; the windows to be designed without storm proof sections and to be set back a minimum of 80mm in reveals.

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- 5** i) Prior to the first occupation of the dwelling or the substantial completion of the development (whichever is the sooner) there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include:-
- a) location and current canopy spread of all existing trees and hedgerows on the land to be retained,
  - b) a plan showing the location and extent of all new planting,
  - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
  - d) means of enclosure (including any existing fences to be retained),
  - e) all hard and soft surfacing materials.
- ii) All so-approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or following the substantial completion of the development whichever is the
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sooner.

iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iv) Any trees or plants which, within a period of five years of planting, die, are removed, or become seriously damaged or diseased (including those to be retained) 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.

v) Where replacement of failed plants is carried out under part (iv) of this condition, the requirements of part (iv) are to apply to the replacement planting as from the date of it being carried out.

vi) All hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the dwelling 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, in the interests of neighbouring amenities and the character and appearance of the area and setting within the North Wessex Downs AONB and World Heritage Site.

**INFORMATIVE**

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The details to be submitted under part (i)(d) of this condition shall in particular include full details of proposals for the front boundary wall and driveway returns using stone recovered through creating the driveway entrance.

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- 6 The development hereby permitted shall not be first brought into use 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.

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- 7 i) No part of the development hereby permitted shall be brought into use until the access, turning area and non-garage parking spaces have been completed in accordance with the details shown on the approved plans.

ii) The said areas shall be maintained for those purposes at all times thereafter.

**REASON**

In the interests of highway safety.

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- 8** i) There shall be no disturbance of the front boundary wall or other works for formation of the access from South Street until there has been submitted to and approved in writing by the local planning authority:
- a) A method statement for removal and protection of stones removed from the wall, and details for their safe storage on the site until re-used.
  - b) Full details for the construction of the return walls forming the access using the stones, including details of the tie-in to the retained length of wall.
  - c) Timing for commencement of construction of the dwelling following completion of these works.
- ii) The development shall be carried out in full accordance with the so-approved details and there shall be no occupation of the dwelling until the access walls have been constructed in accordance with the so-approved details.

**REASON:**

In the interests of the character and appearance of the area and maintaining the heritage interest of the sarsen stone wall.

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- 9** i) 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 measures, has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development shall not be first occupied until surface water drainage has been constructed in accordance with the so-approved scheme.

**REASON**

The application contained insufficient information to enable this matter to be considered prior to granting planning permission. Surface water drainage proposals need to be agreed before development commences in order that the development is undertaken in an acceptable manner, commencement of the development could prejudice the options for drainage. Drainage measures thus need to be determined at the outset to ensure that the development can be adequately drained in the interests of controlling flood risk and highway safety.

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- 10** The gradient of the access way shall not at any point be steeper than 1:15 for a distance of 10 metres from its junction with the public highway.

**REASON**

In the interests of highway safety and accessibility.

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- 11** i) No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway
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level.

ii) The said visibility splays shall be maintained free of obstruction at all times thereafter.

**REASON**

In the interests of highway safety.

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12 i) The first-floor window in the west elevation shall be glazed with obscure glass only and is to be permanently fixed shut unless the lower cill level of the opening part of the window is set at a height of no less than 1700mm above the finished floor level of the room served by the window.

ii) The said window shall be permanently so-maintained in perpetuity.

**REASON**

In the interests of neighbouring amenity and privacy.

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

**REASON**

In the interests of residential amenity and privacy.

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14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), 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.

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**INFORMATIVE**

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The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried within the highway, including its verges. The applicant will also need to apply for a Vehicle Crossing Licence in order to create the new access. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details

34. **20/03194/LBC & 20/04069/FUL - Barn at Southcott Manor, Southcott Road, Pewsey SN9 5JF**

Public Participation

- Mark Pettitt, Agent spoke in support of the application.
- Mrs. Middleton, Applicant spoke in support of the application
- Confirm that we had one from Pewsey PC that was after the deadline but was circulated to the Committee and case officer.

Pippa Card, Senior Conservation/Planning Officer presented a report which recommended that listed building consent and planning permission be granted subject to conditions for the retention of glazed doors to 2 original cart door openings.

Slides were shown to the meeting, showing the barn's location, plans of the barn and photographs showing the glazed doors.

It was explained that the glazed doors had been installed without the benefit of listed building consent or planning permission in 2017 and the Council was made aware of the unauthorised works via an enforcement complaint received on 17th February 2020. The applicants were now seeking to rectify the situation by submitting the two applications to gain permission for the works to the grade II listed barn.

The main consideration was the impact that the doors had on the special interest of the listed building i.e. were the changes harmful to the significance of the designated heritage asset. The special interest of the grade II listed barn lay in its simple vernacular construction of timber framing with a combed wheat reed thatched roof.

Originally the building would have had two sets of paired timber threshing doors fixed to these openings, so that they could be closed to protect the crop stored within from the elements. These doors had been lost over time and although the list description notes that there were cart doors in the second bays, there was no evidence that they were in situ at the time of listing (30th October 1987) or that they had been removed since listing. It was known by officers from visits carried out since 2010 that the barn did not have doors then.

In 1991 a change of use was approved from storage to one for activities relating to the production of cider. The current owners had realised a need to provide a secure building for the storage and protection of the product and associated equipment within the building.

Adaptive reuse of any redundant farm building could safeguard the building from deterioration by providing it with a long-term use, particularly so when in



secure ownership and having an active use protects the building for the foreseeable future.

In terms of the building's character, it would originally have had solid timber doors. The glazed doors had enclosed the barn to the elements rather than blocking them up: the doors were in sections and could be fully opened due to them being fitted into runners enabling them to be fully opened for access, as required. The glazed doors also preserved the view through the building that was possible prior to the changes. This approach was considered to be in line with Historic England guidance.

The NPPF requires that the proposals be assessed on the level of harm caused to the significance of the designated heritage asset (paragraph 193). Substantial harm was usually reserved for the total loss or destruction of a designated heritage asset or development within its setting and therefore was not relevant here, as the building was being retained and there was no development within its setting. Although the addition of the glazed doors was an alteration to the building, the impact on the building was that relating to the visual and aesthetic qualities of the vernacular building, as no intervention or loss of historic fabric had been required in order to implement the changes.

The concerns of the community in relation to the ecological impact of the changes to the building were noted. The Ecological Assessment (EA) provided with the application confirmed that there was evidence of birds entering the building through small gaps within the elevations and that fresh bat droppings had also been witnessed, providing evidence that the building was still being used by some species. Both the Council's Ecologist and the EA statement had suggested that additional bat and bird nesting boxes could be provided within the property boundary to mitigate any harm done to alleviate any concerns raised on this matter. Informatives had been suggested by the Council's Ecology Team to be included on a positive decision.

With regard to the comments relating to the lack of an application for the change of use, this had not been applied for, as the use of the building for production of organic cider and apple juice was approved in 1991. The Agent and Applicants had confirmed that the use continues to be for the apple harvest and associated agricultural equipment. Comments had been received regarding the current use not being in accordance with the planning permission approved in 1991, however no evidence to support these claims had been provided. A website link contained with one of the representations was investigated but the link did not work and returned an error message.

The scheme was considered to accord with the aims of Wiltshire Core Strategy, in particular Core Policy 57 'Ensuring High Quality Design & Place Shaping' and Core Policy 58 'Ensuring the Conservation of the Historic Environment'.

It was determined that the retention of the glazed doors would not harm the significance of the designated heritage asset, its setting or the special qualities of the North Wessex Downs AONB. The scheme did not have a harmful impact

on the listed barn's historic fabric and overall character as a traditional farm building.

The strong strength of feeling against the proposal by the local community was recognised, however it was considered that there were no valid grounds to refuse listed building consent or planning permission for the proposal.

In response to technical questions it was stated that it was hard to assess whether wildlife had been disturbed by the installation of the doors, as they were installed in 2017, so the ecology team had stated that any harm had already occurred. However, it was noted in the Ecological Assessment provided with the application that small birds and bats were still accessing the building.

Members of the public then had the opportunity to present their views, as detailed above.

It was noted that an application to speak had been received after the deadline from Pewsey Parish Council. Therefore, Pewsey Parish Council, who were in objection to the application, circulated their statement to all Committee members and the planning officer.

The unitary division member, Cllr Jerry Kunkler, spoke in support of the application. Cllr Kunkler stated that he had called the application is as was requested to do so. However, he did not agree with the views of the objectors. He felt the applicants had spent thousands on the house and estate and that the barn was vastly improved. He felt it was a shame that the applicants had previously taken bad advice, as when installing the doors, they were advised they did not need planning permission.

In response to public statements the officer stated that the Parish Council had maintained their objections to the proposal.

The Chairman proposed a motion that listed building consent and planning permission with conditions, as set out in the report, be granted, as per the officer recommendation. This was seconded by Cllr Ian Blair-Pilling.

A debate followed where the following issues were discussed. Many of the councillors felt that there did not seem to be any substantial harm caused from an ecological point of view. Birds and bats were still using the building and the informatives also provided alternatives. There was no change of use and no harm to the fabric of the building or the locality. The long-term viability of the building was enhanced and the doors were sympathetic and of the style supported by Historic England when adapting buildings of this kind.

However, many councillors were disappointed that this was a retrospective application, although that was not a reason to refuse the application now.

At the conclusion of the debate it was;

**Resolved:**

That listed building consent and planning permission be granted subject to the following conditions:

**20/03194/LBC**

No time limit is required as the works have already been carried out. Therefore the following are recommended:

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

- Design & Access Statement
- Drawing no. 200339-01 – Location Plan
- Drawing no. 3669-001 Rev B – General Arrangement Plan

Dated as received 14<sup>th</sup> April 2020.

- Drawing no. 200339-101 –Barn elevations and floor plan showing original openings
- Drawing no. 200339-100 – Barn elevations and floor plans showing new screen doors
- Drawing no. 200339-1 – Door Jamb Detail
- Drawing no. 200339-1A – Opening Jamb Detail
- Drawing no. 200339-2 – Door Head Detail
- Drawing no. 200339-2A – Opening Head Detail
- Heritage Statement by Forum Heritage Services
- Inspection Survey for Bat Roost and Bird Nesting Potential by All Ecology
- Schedule of works

Dated as received 31<sup>st</sup> July 2020.

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

2. **INFORMATIVE TO APPLICANT**

The applicant should note that the approval of this application does not include the change of use to the building.

3. **INFORMATIVE TO APPLICANT**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species including roosting bats. The protection extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified

and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### **4. INFORMATIVE TO APPLICANT**

General enhancement where impacts low: Although no evidence of bats and birds was found during the survey of the existing buildings, the proposed development offers an opportunity to incorporate features for bats and birds as part of the construction of the replacement dwelling, annex and garage, as a biodiversity enhancement in accordance with paragraph 175 of the National Planning Policy Framework. As an enhancement, roosting opportunities can be incorporated into buildings at very little cost, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp> ), bat tubes (e.g. [http://www.nhbs.com/2fr\\_schwegler\\_bat\\_tube\\_tefno\\_162812.html](http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) ) or Habitat (<http://www.habibat.co.uk/> ), which will not interfere with the living space of the building and require no maintenance. Other products are available from alternative suppliers. The Bat Conservation Trust (BCT) website provides a product list that may be useful to the applicant / agent ([http://www.bats.org.uk/pages/new\\_build.html](http://www.bats.org.uk/pages/new_build.html) ). Similar products are also available for nesting birds.

#### **20/04069/FUL**

No time limit is required as the works have already been carried out. Therefore the following are recommended:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Design & Access Statement
  - Drawing no. 200339-01 – Location Plan
  - Drawing no. 3669-001 Rev B – General Arrangement Plan

The above dated as received 11<sup>th</sup> June 2020.

- Drawing no. 200339-101 –Barn elevations and floor plan showing original openings
- Drawing no. 200339-100 – Barn elevations and floor plans showing new screen doors
- Drawing no. 200339-1 – Door Jamb Detail
- Drawing no. 200339-1A – Opening Jamb Detail
- Drawing no. 200339-2 – Door Head Detail
- Drawing no. 200339-2A – Opening Head Detail
- Heritage Statement by Forum Heritage Services
- Inspection Survey for Bat Roost and Bird Nesting Potential by All Ecology

- Schedule of works

The above dated as received 31<sup>st</sup> July 2020.

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

**2. INFORMATIVE TO APPLICANT**

The applicant should note that the approval of this application does not include the change of use to the building.

**3. INFORMATIVE TO APPLICANT**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species including roosting bats. The protection extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

**4. INFORMATIVE TO APPLICANT**

General enhancement where impacts low: Although no evidence of bats and birds was found during the survey of the existing buildings, the proposed development offers an opportunity to incorporate features for bats and birds as part of the construction of the replacement dwelling, annex and garage, as a biodiversity enhancement in accordance with paragraph 175 of the National Planning Policy Framework. As an enhancement, roosting opportunities can be incorporated into buildings at very little cost, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. [http://www.nhbs.com/2fr\\_schweqler\\_bat\\_tube\\_tefno\\_162812.html](http://www.nhbs.com/2fr_schweqler_bat_tube_tefno_162812.html)) or Habibat (<http://www.habibat.co.uk/>), which will not interfere with the living space of the building and require no maintenance. Other products are available from alternative suppliers. The Bat Conservation Trust (BCT) website provides a product list that may be useful to the applicant / agent ([http://www.bats.org.uk/pages/new\\_build.html](http://www.bats.org.uk/pages/new_build.html)). Similar products are also available for nesting birds.

**35. Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

**Wiltshire Council  
Eastern Area Planning Committee  
15<sup>th</sup> October 2020**

Planning Appeals Received between 28/08/2020 and 02/10/2020

| Application No | Site Location   | Parish        | Proposal  | DEL or COMM | Appeal Type             | Officer Recommend | Appeal Start Date | Overturn at Cttee |
|----------------|---|---------------|---|-------------|-------------------------|-------------------|-------------------|-------------------|
| 20/02136/FUL   | Chestnut Cottage<br>Hilcott, Wilts, SN9 6LE               | NORTH NEWNTON | Demolition of existing conservatory and its replacement with a single storey extension side extension.  | DEL         | Written Representations | Refuse            | 30/09/2020        | No                |
| 20/02720/LBC   | Chestnut Cottage<br>Hilcott, Wilts, SN9 6LE               | NORTH NEWNTON | Demolition of existing conservatory and its replacement with a single storey extension side extension.  | DEL         | Written Representations | Refuse            | 30/09/2020        | No                |
| 20/03737/PNCOU | Roundway Farm<br>Roundway, Devizes<br>Wiltshire, SN10 2HZ | DEVIZES       | Notification for Prior Approval under Class Q for Conversion and Adaptation of Existing Grain Store to Provide 5 No. Dwellings (Use Class C3) | DEL         | Written Representations | Refuse            | 03/09/2020        | No                |

Planning Appeals Decided between 28/08/2020 and 02/10/2020

| Application No | Site Location  | Parish              | Proposal   | DEL or COMM | Appeal Type         | Officer Recommend       | Appeal Decision | Decision Date | Costs Awarded?                               |
|----------------|--|---------------------|--|-------------|---------------------|-------------------------|-----------------|---------------|--|
| 19/08155/FUL   | Glyndene<br>8 Fiddington Hill<br>Market Lavington<br>Devizes, Wiltshire<br>SN10 4BU  | MARKET<br>LAVINGTON | Construction of one Detached House with Associated Siteworks with Access from The Paddock.   | EAPC        | Written Reps        | Approve with Conditions | Dismissed       | 03/09/2020    | Appellant applied for Costs - <b>REFUSED</b> |
| 19/08171/PNCOU | Former Pig Breeding and Rearing Building<br>Stobberts Agricultural Buildings<br>Market Lavington<br>Devizes, Wiltshire<br>SN10 4AZ | MARKET<br>LAVINGTON | Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3) and for Associated Operational Development | DEL         | Written Reps        | Refuse                  | Dismissed       | 11/09/2020    | None   |
| 19/10254/FUL   | Close Farm<br>Close Lane, Marston<br>Devizes, Wiltshire<br>SN10 5SN  | MARSTON             | Reconfigure and Convert the Existing Newly Built Stable into a 4-Bedroom Dwelling.   | DEL         | Written Reps        | Refuse                  | Dismissed       | 11/09/2020    | None   |
| 20/00157/FUL   | Longcroft, Marten<br>SN8 3SJ   | GRAFTON             | First floor extension to single storey bungalow (amendment to 19/07919/FUL).   | DEL         | House Holder Appeal | Refuse                  | Dismissed       | 09/09/2020    | None   |

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Agenda Item 6

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 15/10/2020   |
| <b>Application Number</b>  | 20/05329/VAR   |
| <b>Site Address</b>        | Thicket Cottage, Malthouse Lane, Upper Chute, SP11 9EG   |
| <b>Proposal</b>            | Variation of conditions 2 and 5 of 20/01143/FUL to include the extension of the ground floor by 8m, and the formation of a rooftop terrace with external staircase |
| <b>Applicant</b>           | Mr P Lelliott  |
| <b>Town/Parish Council</b> | Chute  |
| <b>Electoral Division</b>  | The Collingbournes and Netheravon – Cllr Blair-Pilling   |
| <b>Grid Ref</b>            | 429969 153731  |
| <b>Type of application</b> | Variation of Conditions  |
| <b>Case Officer</b>        | Louise Porter  |

The application has been called in for consideration by the committee by Councillor Blair-Pilling for consideration of the scale of development, its visual impact upon the surrounding area, and the proposed design in terms of bulk, height, general appearance.

### 1. Purpose of Report

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

### 2. Report Summary

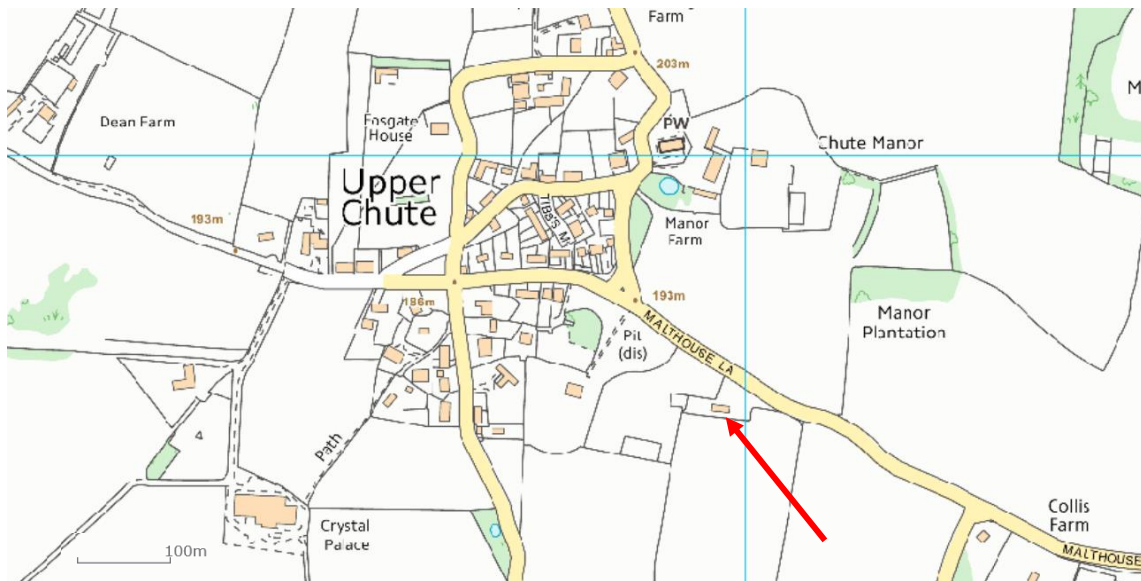
The key issues for consideration are:

- Scale and design, impact on character and appearance of area
- Neighbour amenity
- Highways

### 3. Site Description

The application site is a residential plot located approximately 180m outside of the village of Upper Chute. The plot is of an irregular shape, and all boundaries are formed from hedgerows. Vehicular access is at the north-eastern end of the site, with an additional pedestrian gate at the north-western end.

Following the granting of permission, the original cottage has been demolished and it is understood that works have begun on the implementation of 20/01143/FUL.



#### 4. Planning History

- 19/06565/FUL – Replacement dwelling – Refused – Appeal Allowed
- 20/01143/FUL – Replacement dwelling – Approved

#### 5. The Proposal

Planning conditions are often applied to the grant of planning permission. These limit and control the way in which the planning permission may be implemented.

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

This current application being considered is seeking permission to vary conditions 2 and 5 of 20/01143/FUL:

- Condition 2 is a list of all the relevant plans and documents that the permission relates to and that the development must be built in accordance with.
- Condition 5 is the timing requirement for implementation of all the soft landscaping detailed within the Mitigation Strategy.

The proposal is to replace the plans listed in conditions 2 and 5 with an amended set of plans in order to allow the following design changes:

- 4m single-storey extension to the eastern end of the building
- 4.1m single-storey extension to the western end of the building
- External staircase at western end of building
- Creation of roof terrace on both eastern and western flat roof, including the addition of 20cm parapet wall, and roof garden/landscaping

## 6. Planning Policy

- National Planning Policy Framework (NPPF) 2019
- Wiltshire Core Strategy (WCS): CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP26 (Tidworth Community Area), CP41 (Sustainable Construction), CP51 (Landscape), CP57 (Design)
- Kennet Local Plan: HC25 (Replacement dwellings)
- Wiltshire Local Transport Plan – Car Parking Strategy (Chapter 7: Parking Standards)
- North Wessex Downs AONB Management Plan 2014-2019
- North Wessex Downs AONB Position Statement (PS)
- The Upper Chute Conservation Area Statement
- The Chutes Village Design Statement (CVDS)

## 7. Summary of consultation responses

- Parish Council: Strongly object – impact on character/appearance of the area, incl. AONB and nearby Conservation Area.
- Wiltshire Highways: No objections

## 8. Publicity

A site notice was attached to the pedestrian gate to the site on 05/08/2020.

7 third-party objections have been received, covering the following issues:

- Inappropriate scale
- Out of keeping modern design
- Contrasting in scale and design to the allowed appeal scheme
- Potential harmful visual impact from domestic paraphernalia on roof terraces
- Loss of privacy for Long View, Chute Manor and Chute Collis Cottage

## 9. Planning Considerations

### 9.1 Scale and design, impact to character and appearance of area:

Kennet Local Plan (KLP) saved policy HC25 allows the replacement of existing dwellings within the countryside subject to the following conditions:

- *The siting is closely related to the footprint of the dwelling it replaces; and*
- *The scale of the replacement dwelling is not significantly larger than the original structure.*

In addition, the Chutes Village Design Statement (CVDS) and the North Wessex Downs AONB Position Statement (PS) on Housing both require the scale of replacement houses to be of a similar scale to the existing.

However, the recent appeal decision for the application site (19/06565/FUL) concluded that unless it could be demonstrated that the scale of the replacement dwelling had a harmful visual impact on the landscape then the size restrictions imposed by HC25 were unfounded,

and the advice within the CVDS and PS should only be given limited weight. A copy of the appeal decision letter is attached as Appendix A.

In terms of the siting of the proposed replacement dwelling, this remains as per 20/01143/FUL where it is clearly positioned over much of the footprint of the existing cottage and therefore the proposal is compliant with the first part of policy HC25.

In terms of the scale of the proposal, this application adds 4-5m of extra width to both sides of the single-storey element of the proposed dwelling, plus a 0.2m high parapet wall around the full extent of the single-storey elements. This increases the bulk of the proposed dwelling, albeit mainly at ground-floor level. Using the Inspectors rational for decision making on this site, the additional bulk should only be considered against whether or not it has a harmful impact on the character and appearance of the area, rather than if the result dwelling is of a similar scale to the dwelling it replaces. In this regard, the single-storey nature of the additional width is considered to have minimal visual impact as much of the built form will be partially shielded from views by the proposed landscaping scheme. The addition of the parapet wall (which will effectively just be a continuation upwards of the ground-floor walls) will make the two side elements of the house more visible from outside of the site, but at a height increase of just 0.2m, combined with planting on the areas of roof not laid out as a terrace, which will help soften the roofline, on balance this is considered to be acceptable alteration to the previously approved scheme.

Objection letters have raised the potential issue of domestic paraphernalia on the proposed roof terrace being highly visible and intrusive in the landscape. Tables and chairs etc are considered to have a minimal visual impact, especially given the proposed landscaping, whilst larger/higher items such as patio umbrellas would not be permeant fixtures.

As per 20/01143/FUL, the mix of materials (render, flint, timber boarding and a large areas of glazing) break up the expanse of the building. Whilst the building is contemporary in its design and contrasting with local properties in terms of its shape, the use of traditional materials ensures the building will still fit comfortably into its setting.

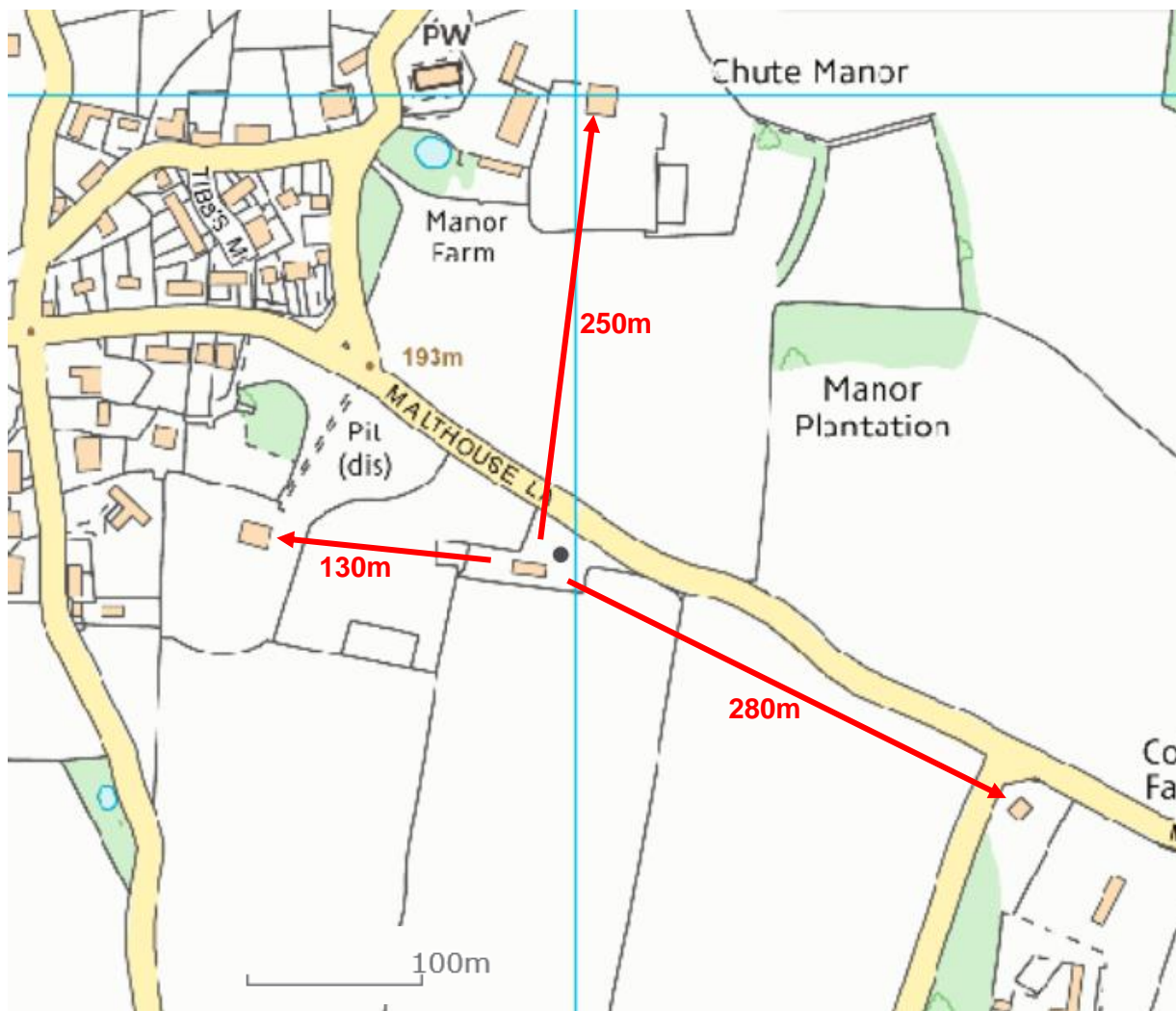
A landscape and visual impact assessment has been commissioned by the applicant for the previous application, which concluded that, with a landscaping mitigation strategy, the proposed dwelling could be successfully integrated into the landscape. An addendum to that strategy was submitted with the current application, which concluded that the variations to the proposal could still be successfully integrated into the landscape. A condition can be applied to ensure the landscaping mitigation is carried out within an appropriate time frame.

Given the previous appeal decision, and in the context of the previous approval, it is not considered that the changes now proposed would have a harmful impact on the character or appearance of the conservation area or other heritage assets.

## **9.2 Neighbour amenity**

CP57 requires proposals to have “*regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing...*”

One objection letter states the proposed roof terraces will create overlooking to Long View, Chute Manor and Chute Collis Cottage. These properties are of considerable distance (see map below) from the application site and therefore any potential direct line of site between the proposal and these dwellings would not lead to overlooking or cause a loss of privacy of a severity that would warrant refusal of the application on that basis.



### **9.3 Parking provision**

The location of the proposed additional footprint to the building do not affect the parking provision or access for the dwelling. Wiltshire Highways raised no objections to the proposal. It is necessary to reapply the standard condition relating to parking provision.

### **9.4 Sustainable Construction**

The WCS' key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41 (Sustainable Construction), which specifies sustainable construction standards required for new development.

For new build residential development the local planning authority has previously sought energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes via planning condition. However, the LPA is currently no longer applying CP41 and related conditions to applications given it has effectively been superseded by the current government direction of travel favouring Building Regulations for these matters.

### **9.5 S106 Obligations and CIL:**

In line with government guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), 1 replacement dwelling does not generate

the need for S106 contributions.

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this proposal. However, CIL is separate from the planning decision process, and is administered by a separate department.

## 10. Conclusion (The Planning Balance)

The proposal is considered to be acceptable by virtue of it having no significant adverse impact on the AONB landscape, neighbour amenity and highway safety.

The proposal is considered to be in accordance with the following legislation/policies:

- National Planning Policy Framework (NPPF) 2019
- Wiltshire Core Strategy (WCS): CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP26 (Tidworth Community Area), CP41 (Sustainable Construction), CP51 (Landscape), CP57 (Design), CP68 (Water Resources)
- Wiltshire Local Transport Plan – Car Parking Strategy (Chapter 7: Parking Standards)

## 11. RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before 21/04/2023 (the expiration of three years from the date of the original planning permission referenced 20/01143/FUL).

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:

181041-01 (Location Plan) dated Feb 2019 received 29/06/2020

181041-12 (Proposed Elevations, Section and Floor Plans) dated May 2020 received 29/06/2020

WHL-986-05 Rev A (Landscape Strategy) dated June 2020 received 29/06/2020  
Planning Statement received 03/02/2020

ST/181041/P10 (Covering Letter) dated 29/06/2020 received 29/06/2020

19.986 (Landscape and Visual Appraisal) dated Dec 2019 received 03/02/2020

19.986 (Addendum to Landscape and Visual Appraisal) dated June 2020 received 29/06/2020

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

3. No development above ground-floor slab level shall commence on site until the exact details and samples of the timber boarding and render to be used on the external walls has 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 in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

4. No flintwork shall be constructed to walls on site until a sample panel of flintwork, not less than 1 metre square, to demonstrate the type of flint, style of flintwork, laying pattern, mortar mix and finish, and pointing style has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel.

REASON: In the interests of visual amenity

5. All soft landscaping comprised in the approved details of landscaping (WHL-986-05 Rev A Mitigation Strategy - within the Addendum to Landscape and Visual Appraisal 19.986) shall be carried out in the first planting and seeding season following the first occupation of the buildings hereby permitted 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.

REASON: In the interests of visual amenity.

6. All hard landscaping, including boundary treatment, shall be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented 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 and shall thereafter be maintained as such.

REASON: In the interests of visual amenity.

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## Appeal Decision

Site visit made on 27 January 2020

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

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**Appeal Ref: APP/Y3940/W/19/3239783**

**Thicket Cottage, Malthouse Lane, Upper Chute SP11 9EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Lelliott against the decision of Wiltshire Council.
  - The application Ref 19/06565/FUL, dated 9 July 2019, was refused by notice dated 3 September 2019.
  - The development proposed is demolition of existing dwelling and erection of replacement dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of replacement dwelling at Thicket Cottage, Malthouse Lane, Upper Chute SP11 9EG in accordance with the terms of the application, Ref 19/06565/FUL, dated 9 July 2019, subject to the conditions in the attached schedule.

### Procedural matters

2. The site address is spelled 'Thickett Cottage' on the application form and the Council's decision notice. I have used the spelling on the appeal form, which appears to have been consistently used throughout the appeal process, and accords with the plans.
3. The description of development on the application form includes words to the effect that the proposal follows the withdrawal of an earlier application. As this is not an act of development, I have not included it within my description.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The site is a short distance outside the main built up area of Upper Chute, a settlement that sits subserviently in the rolling landscape that is evident in this part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The landscape contains a mix of agricultural fields and areas of woodland and there is notable tree planting around parts of the site. This wider landscape setting can be appreciated from the edge of the village and some places within its conservation area which has an intimate, informal character and appearance of organic, piecemeal development in a strong landscape setting.

6. The existing dwelling at the site is relatively small in scale, with its first floor accommodation within the roof space. Therefore, although it can be seen in views from the village edge and above the roadside hedgerow, it is recessive in the landscape. The proposed dwelling, described by some local residents as 'pseudo Georgian', would be a far grander structure, a full two-storeys in height with the roof structure concealed behind a parapet. The classical proportions and rectangular composition of the elevations would make more of a statement of presence compared to the existing cottage.
7. The appellants Landscape and Visual Appraisal (LVA) noted the prominence of some recently constructed dwellings outside the village and the Chutes Village Design Statement (VDS) notes that a disproportionate number of very large houses has begun to erode the intimate rural character of the area. It goes on to say that any more very large houses would exacerbate the problem and that many of the new ones are in very prominent positions in the landscape where they also harm the appearance of the area.
8. The increased scale compared to the existing dwelling would make the proposal more prominent. Notwithstanding the appellant's submitted photomontages, there is no doubt in my mind that the building would be more visible than the existing when viewed from Malthouse Lane immediately alongside the dwelling and looking back toward the site from the village. However, the backdrop of trees around the site access would prevent it being an isolated prominent feature in the landscape.
9. The LVA indicates that some landscaping is necessary to improve its integration into the landscape and the Council has suggested that landscaping should not be used to hide visually unacceptable development. However, such concealment from view would not be the case here as, even once the planting had established, some views of the dwelling would be likely. Instead, it would ensure that views were filtered so as to soften the effect of the increased scale, reduce any light spill, and assimilate it comfortably into the landscape.
10. Turning to the detailed design, the National Design Guide (2019) indicates that context and local identity are important when considering new development. It may well be that dwellings with an architectural style similar to that proposed are more typically found on larger country estates, and that there is little, if any, historic basis for the design put forward at this site.
11. However, the site is outside the conservation area. Although it may be within its setting, it is sufficiently distanced from it that the proposal would not compete with or harm the intimate, informal character and appearance of this designated heritage asset. The VDS indicates that there only a limited number of flint faced buildings in Upper Chute, and I am told in the various representations that those that are, are not of a Georgian style. However, despite the unprecedented design solution, the choice of finishes would reflect local building materials and be appropriate in this context, disjointed from the historic core of the village. Moreover, whilst the site is within a generally open part of the landscape, heading towards Upper Chute along Malthouse Lane, the existing tree cover and alignment of the access would do much to screen significant views such that it would not harm the approach to the village.
12. Therefore, I find that overall it would have a neutral effect on the landscape character of the area, appearance of the locality, and the scenic beauty of the AONB. Accordingly, there would be no conflict with the aims of Core Policies 51

and 57 of the Wiltshire Core Strategy 2015 (CS) which require development to protect, conserve and where possible enhance landscape character, and to be complimentary to the locality, including through responding to local context.

13. Nevertheless, the Council's objection, in part, relates to the increase in size of the dwelling. Policy HC25 of the Kennet Local Plan 2011 (LP) relates specifically to the replacement of existing dwellings. Whilst permitting replacement dwellings generally, it contains a specific clause that the scale of the replacement dwelling should not be significantly larger than the original structure. Furthermore, the North Wessex Downs AONB Position Statement (PS) on housing states that replacement dwellings should be of a scale and location that does not result in the new dwelling being particularly larger or higher than the existing, and the VDS includes a general guideline that new and replacement dwellings should be limited to family dwellings of a moderate size.
14. The replacement dwelling, largely due to its more imposing design would appear significantly larger than the existing. This would result in a technical conflict with Policy HC25. It would also appear to run counter to the advice in the PS and VDS. However, neither the PS nor VDS give any clear justification for these requirements where there would be no demonstrable harm to the character and appearance of the area. In light of my earlier findings in that regard, I, therefore, give that advice only limited weight.
15. Likewise, I have not been provided with any compelling justification for the size restrictions placed in Policy HC25. If it is to protect the character and appearance of the area, then I have already found no conflict with those aims. Therefore, whilst acknowledging a conflict with this policy, no harm would arise from it. Considering the clearly stated aims of the development plan in terms of protection of the character and appearance of the area and landscape character, and my findings in respect of CS Core Policies 51 and 57, I find that there would be no conflict with the development plan when considered as a whole.

### **Other matters**

16. There is suggestion in the representations of local residents that the existing dwelling should be considered a non-designated heritage asset. However, whilst it may be a traditional building of local vernacular and some age that maintains much of its original form, and is part of the spacious approach to Upper Chute, there is no compelling evidence that the building itself is particularly significant. Although the appellant has not investigated the potential for any heritage significance, the Council has not indicated that the building should be treated as a non-designated heritage asset. As Planning Practice Guidance (PPG) indicates that the identification of assets should be based on sound evidence, I see no reason to consider it as such.
17. It has been suggested that the proposal would remove a relatively affordable dwelling and replace it with one beyond the means of many local workers. However, even if this were another aim of LP Policy HC25, I have little information about local housing needs or any particular compelling need to retain smaller properties. I, therefore, attribute minimal weight to these concerns.

18. The representations indicate that nearby St Nicholas' Church supports a bat roost and that, consequently, the existing building could support bats. If protected species are likely to be present, it is important to understand the potential effect on them before deciding to grant planning permission. However, there is no clear evidence that the site itself is used by protected species and the matter has not been raised by the Council throughout the consideration of the two recent planning applications for redevelopment at the site. Circular 06/2005 indicates that protected species surveys should only be required where there is a reasonable likelihood of protected species being present and affected by the development. With regard to the foregoing, I have no basis to conclude that they would be.
19. The Council's officer report indicates that in order to avoid adverse effects upon the integrity of the River Avon Special Area of Conservation all new dwellings should be phosphate neutral. However, it goes on to indicate that such requirements only extend to net increases in dwellings. As this proposal would involve the replacement of an existing dwelling, I find that there would be no pathways to significant adverse effects on this European nature conservation site.

### **Conditions**

20. A plans condition is required in the interests of certainty. In the interests of the character and appearance of the area, details are required of external facing materials, and landscaping.
21. The Council's suggested condition in respect of wall finishes requires a sample panel to be constructed, which is reasonable given the sensitive landscape context. However, it goes on to specify that certain finishes such as pre-formed panels would not be appropriate. Whilst that may ultimately prove to be the case, in the absence of detailed information about such finishes, it would be unreasonable for me to rule out certain design solutions at this stage. The Council would retain sufficient control through the simple need to approve the details.
22. The Council's suggested condition in respect of roof materials required approval of details prior to any work above ground-floor slab, but there is no reason given for this timing which would more appropriately be linked to construction of the roof. I have made other minor revisions to the Council's suggested conditions in the interests of clarity.
23. The Council has also suggested a condition to remove permitted development rights for extensions and additions. However, whilst I understand that the Council is concerned about the size of the building, given my findings in respect of the main issue, there is no compelling reason to withhold permitted development rights. Planning Practice Guidance indicates that such conditions should only be used in exceptional circumstances and, with regard to the foregoing, I find that they do not exist in this case.

## **Conclusion**

24. For the reasons given above I conclude that the appeal should be allowed.

*M Bale*

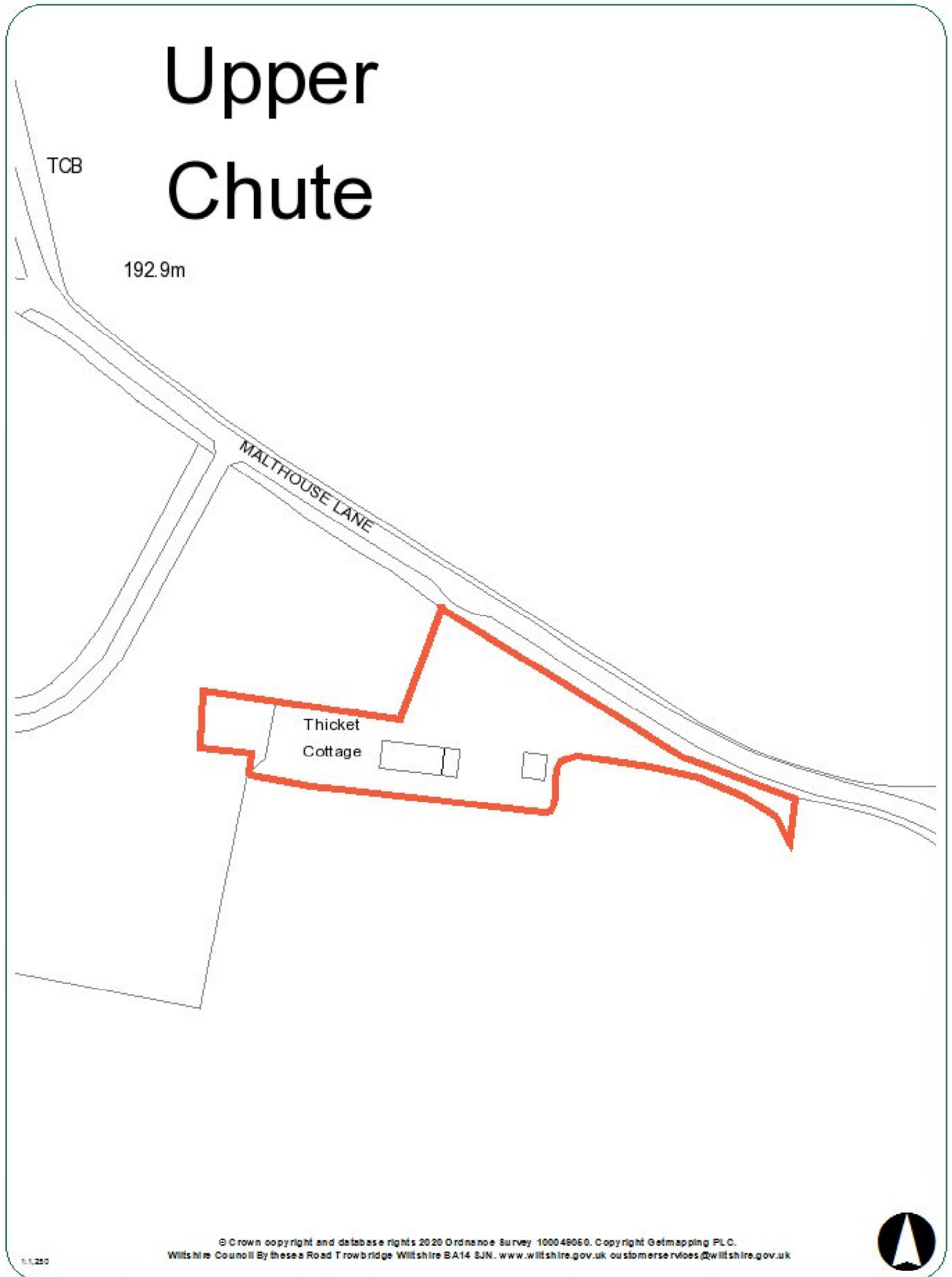
INSPECTOR

## **Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MFthicketEL; MFthicketGFFF; MFthicketTOPO; 181041-01; 181041-05 C; and 181041-06.
- 3) No brick or flintwork shall be constructed to walls on site until a sample panel of brick and flintwork, not less than 1 metre square, to demonstrate the type of bricks, the type of flint, style of flintwork, laying pattern, mortar mix and finish, and pointing style has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel.
- 4) No development in connection with the roof of the dwelling shall take place until the exact details and samples of the slates to be used on the external roofs has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) All soft landscaping comprised in the approved details of landscaping (Landscape and Visual Appraisal (19.881 Rev: B) Figure 5 Rev B: Mitigation Strategy) shall be carried out in the first planting and seeding season following the first occupation of the buildings hereby permitted 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.
- 6) All hard landscaping, including boundary treatment, shall be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented 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 and shall thereafter be maintained as such.

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