

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 JANUARY 2021 AT ONLINE MEETING.

Present:

Cllr Mark Connolly (Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble and Cllr James Sheppard

Also Present:

Cllr Stuart Wheeler

54. **Apologies**

Apologies were received from:

- Cllr Nick Fogg, MBE
- Cllr Paul Oatway, QPM, who was substituted by Cllr Jerry Kunkler.

55. **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 December 2020 were presented for consideration and it was;

Resolved:

To approve the minutes as a true and correct record.

56. **Declarations of Interest**

There were no declarations of interest.

57. **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

58. **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.

59. **Planning Appeals and Updates**

Resolved:

To note the report on completed and pending appeals.

60. **Planning Applications**

The following planning applications were considered.

61. **20/07424/FUL - Rear Barn, Land at Devizes Road, Potterne, Devizes, SN10 5LN**

Public Participation

Robert Hunt-Grubbe spoke in objection to the application.

Amy Towill (Applicant) spoke in support of the application.

Cllr Richard Clark of Potterne Parish Council spoke in objection to the application.

Morgan Jones, Senior Planning Officer presented a report which recommended that planning permission be refused for the conversion and change of use from former storage building to single dwelling.

The officer stated that the application related to a former agricultural building whose former use was a mixture of employment uses; B1 light industrial and former B8 storage uses. The application site lay in the countryside on the Northern side of Potterne. The site was accessed by a track, which was also a right of way, which ran from the A360.

It was explained that in regards to the planning policy context surrounding the application, the provision of a new build in this area would conflict with the settlement strategy in the development plan. The application sought to benefit from an exception policy of the Wiltshire Core Strategy (WCS), Core Policy 48 'Supporting Rural Life'. That policy provided support in principal for the conversion and re-use of rural buildings. This was subject to meeting the following set criteria:

- i) the building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and
- ii) the use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and
- iii) the building can be served by adequate access and infrastructure; and
- iv) the site has reasonable access to local services; or
- v) the conversion or reuse of a heritage asset would lead to its viable long term safeguarding.

It was explained that the agenda report gave an assessment against the policy and criteria stated above. The officer felt the proposal conflicted with CP48, in particular point (i) above as the works were too substantial to be considered a conversion.

Slides showing photographs of the current building were shown to the meeting. The building was a timber framed building, with block work walls, timber cladding and a metal roof. The proposed plans, including floorplans and elevations were also shown to the meeting.

The proposed works included with the Structural Assessment provided by the applicant and as detailed in the agenda report were explained by the officer.

After further correspondence with the applicant after the report was published it was explained that the applicant had felt there were some misstatements within the report. It was highlighted that the applicant stated the block walls would be retained and the wood cladding present on the barn would simply be extended to ground level. No existing walls would be removed and only solid walls built to support and hold aluminium windows and doors. No extra support blockwork was required.

However, the officer stated that these clarifications did not affect the overall conclusion reached on the principal of development. The officer felt that while the timber frame of the building had been found to be structurally sound, the totality of the works required would fall outside the scope of a conversion under Core Policy 48.

Highways safety aspects of the proposal were addressed by the officer. The Highways Authority had provided an objection to the application on highways safety grounds. Since then the applicant had provided more detail on the historic use of the site and on average vehicle movements at the site, which were stated to be 11 vehicle movements a day. The applicant also asserted that the visibility splay in both directions was 100 metres. Although a scale drawing demonstrating this was not provided.

The Highways Officer had acknowledged that a comparable dwelling to the proposal had around 8-10 vehicle movements a day. As the movements for the current use were stated to be 11 movements a day it was unlikely that vehicle movements would increase and the Highways Officer therefore no longer felt it was appropriate to use highway safety as a reason for refusal.

On balance, the officer recommended that the application be refused, for the reasons stated on page 26 of the report, with the amendment to omit the highway safety reason for refusal.

Members of the committee then had the opportunity to ask technical questions of the officer. In response to questions it was stated that the existing roof was corrugated metal. Further clarification was sought on Core Policy 48 and whether the site was considered isolated or there were any special circumstances to be considered in relation to the proposal. The officer explained that the proposal as located in the countryside. The proposal sought to benefit from the exception policy (CP48), however it was not considered that it met the criteria for this. There were also no special circumstances, such as a dwelling

being required for rural employment, to provide worker accommodation on a site.

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

Cllr Richard Gamble spoke in objection to the application, in the division members absence. Cllr Gamble stated that the site was not within or adjacent to a settlement, it was in open countryside and therefore contrary to CP1 and CP2. The proposal was contrary to the Potterne Neighbourhood Plan which stated that the gap between Potterne and Devizes should be retained. As the track to the site was a public right of way vehicle movements on the track were undesirable. Cllr Gamble felt that the junction onto the A360 was substandard and therefore there was risk surrounding that. Cllr Gamble stated that the proposal did not meet the requirements of CP 44, it was not a Rural Exception Site and the proposal did not support rural employment. It did also not meet CP48 as there were no special circumstances. Therefore, he urged Members to reject the application.

In response to public statements the officer stated that the Potterne Neighbourhood Plan had been considered and did form part of the assessment on the application as detailed at section 8.2 of the agenda report and was also featured in the reasons for refusal. In regard to vehicle movements the officer explained that the access to the site did not comply with new build standards but there would be no intensification of use when you considered the fall back position of 8-10 movements a day. In regard to the extent of works permitted by CP48 it was stated that the decision maker had to draw the line between conversion or rebuild and each individual case should be decided on its own merits. The officer felt that in this case the extent of works was too substantial to be considered a conversion.

The Chairman proposed a motion to refuse planning permission, as per the officer recommendation, for the reasons outlined on page 26 of the agenda with the amendment to omit the highway safety reason for refusal. This was seconded by Cllr Richard Gamble.

During debate the issue of Neighbourhood Plans was raised and it was stated that whilst these are very worthwhile documents which are taken into account by officers as they form part of the local development plan, each application should be assessed on its own merits. Therefore, occasionally decisions would go against Neighbourhood Plans. However, most felt that on this occasion the Potterne Neighbourhood Plan should be adhered to and the strategic gap between Potterne and Devizes maintained.

The main issues raised by Members during debate was that they felt this proposal was too substantial to be classed as a conversion and therefore was contrary to CP48. It lay in open countryside where a new build would not be permitted and the proposed dwelling would constitute a substantial rebuild. The building was not a heritage asset and there were no special circumstances or exceptions such as the dwelling being required for employment uses.

At the conclusion of the debate it was;

Resolved:

That planning permission be refused.

REASON:

The proposed development, due to the position of the site within the 'open countryside', would conflict with the settlement strategy (Core Policies 1, 2 & 12) of the Wiltshire Core Strategy, and the residential policies of the Potterne Neighbourhood Plan. The change of use of the building to create an unrestricted open market dwelling would not comply with the relevant exception policy (Core Policy 48 'Supporting Rural Life') of the local development plan because the totality of works required to secure a residential use is considered to amount to major rebuilding that would fall outside the scope of a 'conversion'. The proposed development is therefore deemed to be unsustainable and would conflict with the Council's plan-led approach to sustainable development.

In light of the above the proposed development is considered to conflict with Chapters 4 'Decision-Making', 5 'Delivering a Sufficient Supply of Homes', 9 'Promoting Sustainable Transport' and 15 'Conserving & Enhancing the Natural Environment' of the National Planning Policy Framework (2018), Core Policies 1 'Settlement Strategy', 2 'Delivery Strategy', 12 'Spatial Strategy: Devizes Community Area'; 48 'Supporting Rural Life', 60 'Sustainable Transport' and 61 'Transport and New Development' of the adopted Wiltshire Core Strategy (2015), and Policy PNP1 of the made Potterne Neighbourhood Plan.

62. **20/09147/FUL - Upper Farm, Wexcombe, Marlborough, SN8 3SQ**

Public Participation

Mr Charlie Woodhead spoke in support of the application.

Morgan Jones, Senior Planning Officer presented a report which recommended that planning permission be refused for the conversion of an existing agricultural building into a C3 residential dwelling, together with associated residential curtilage, parking and landscaping, including the demolition and removal of two existing open sided barns within the site (resubmission of 20/02786/FUL).

Attention was drawn to some late items. Since publication of the agenda there had been a further 10 letters of support for the application. Two people who had previously objected to the application had updated their positions, one now supporting the application in principal with the caveat that there was no further development on the site and one supporting in principal, but not this particular proposal.

The officer explained that the site was among former agricultural buildings on the edge of a village, surrounded on three sides by open fields and was within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Plans and evaluations were shown to the meeting. The current building was of steel frame construction with a mixture of corrugated metal and blockwork elevations.

It was stated that in regards to the planning policy context surrounding the application, the provision of a new build in this area would conflict with the settlement strategy in the development plan. The application sought to benefit from an exception policy of the Wiltshire Core Strategy (WCS), Core Policy 48 'Supporting Rural Life'. That policy provided support in principal for the conversion and re-use of rural buildings. This was subject to meeting the following set criteria:

- i) the building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and
- ii) the use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and
- iii) the building can be served by adequate access and infrastructure; and
- iv) the site has reasonable access to local services; or
- v) the conversion or reuse of a heritage asset would lead to its viable long term safeguarding.

It was explained that the agenda report gave an assessment against the policy and criteria stated above.

Further slides were shown with proposed elevations and graphics of the proposal. The proposed conversion would see the removal of 1 bay, which was approximately 25% of the structure. Existing metal and blockwork elevations would be largely rebuilt, along with the roof. New windows and doors would be added. Comparisons of the building in its current form and a 3D image of the proposed dwelling were shown, highlighting the differences between the two.

It was explained that the submitted structural report had been based on a visual inspection which did not contain much detail. However, the costings submitted showed that the only part of the structure to remain was its steel frame, everything else would be new and substantial works were required. Officers were of the opinion that the extent of works required to secure residential use of the building fell well outside the scope of a conversion.

There were public footpaths near the site and the impact of the proposal on the character of the site and the AONB were also key considerations. In conclusion the officer recommended that the application be refused for the reasons outlined on page 47 of the agenda report.

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

The unitary division member, Cllr Stuart Wheeler, spoke in support of the application. Cllr Wheeler stated that there were many old barns in the countryside such as the one on the site at present. He felt the application was different to the previous application at agenda item 7a as it was on the edge of a village and the current barn was an eyesore. The AONB had not objected to the application and it was not a new build. This was the redevelopment of a rural brownfield site and the conversion of an old building. The Member cited 2 other applications he considered to be similar in Burbage Wharf and Froxfield where permission was granted.

In response to public statements the officer stated that the AONB had not said they had no objection to the proposal but had not commented at all, although they had objected to the previous application submitted on the site. In relation to the application at Burbage Wharf the officer felt that was very different, it was the redevelopment of a site within the setting of a listed building so there were many different policies involved. The proposal being considered was a barn conversion under CP48. The officer acknowledged that there were some similarities to the Froxfield case, but the committee needed to consider each application on its own merits and to apply a planning judgement on whether it was a conversion, or a major rebuild.

The officer confirmed that the steel structure was structurally sound, however the scale of the works required to make the building a residential property were the issue. The officer clarified that the Hibbitt case referred to in the report was in relation to conversions under permitted development rights, which was slightly different to the application before the committee. However, the principals set out within the judgement could be applied to any conversion because it sought to define what was meant by the word 'conversion' in a planning context.

Cllr Mark Connolly proposed a motion to refuse planning permission as per the officer recommendation, for the reasons stated at page 47 of the report. This was seconded by Cllr Ian Blair-Pilling.

During debate councillors stated that they did see similarities between this and the previous agenda item. The committee would not approve a new build in this location, a small hamlet, as it would not be considered infill. Core policy 48 was central and the consideration as to whether this was a conversion. It was felt that the works were very substantial, there was very little resemblance between the current barn and the proposed dwelling. In fact, it was felt to be almost a complete rebuild as only the metal frame would be reused, therefore it could not be considered a conversion.

It was stated that the current building was not a heritage asset that required conservation. Members felt that if this was approved then this would set a precedent for every unsightly metal shed in the countryside to get approval in this fashion. It was acknowledged that the proposal would make the site look more attractive, but the committee had to follow policy and the countryside

should be protected. It was also stated that there were so special or exceptional reasons linked to the application.

At the conclusion of the debate it was;

Resolved:

That planning permission refused.

REASON

The proposed development, due to the position of the site within the 'open countryside' on the periphery of the village of Wexcombe, would conflict with the settlement strategy (Core Policies 1, 2 & 18) and exception policies of the Wiltshire Core Strategy. The change of use of the building to create an unrestricted open market dwelling would not comply with the relevant exception policy (Core Policy 48 'Supporting Rural Life') of the local development plan because the totality of works required to secure a residential use is considered to amount to major rebuilding that would fall outside the scope of a 'conversion'. The proposed development is therefore deemed to be unsustainable and would conflict with the Council's plan-led approach to sustainable development

It has not been demonstrated that the dwelling is required to meet a defined local need and there are no exceptional circumstances or material planning considerations which justify the approval of the proposed development.

In light of the above the proposed development is considered to conflict with Chapters 4 'Decision-Making', 5 'Delivering a Sufficient Supply of Homes', 9 'Promoting Sustainable Transport' and 15 'Conserving & Enhancing the Natural Environment' of the National Planning Policy Framework (2018), Core Policies 1 'Settlement Strategy', 2 'Delivery Strategy', 18 'Spatial Strategy: Pewsey Community Area'; 48 'Supporting Rural Life', 60 'Sustainable Transport' and 61 'Transport and New Development' of the adopted Wiltshire Core Strategy (2015).

63. **Urgent items**

(Duration of meeting: 3.00 - 4.25 pm)

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