

AGENDA

Meeting: Eastern Area Planning Committee

Online Meeting: [Watch the online meeting here](#)

Date: Thursday 7 January 2021

Time: 3.00 pm

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

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

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[The meeting will be available to watch live using this link.](#) A public guide on how to access the meeting is included below:

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

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

Substitutes:

Cllr Ernie Clark
Cllr Anna Cuthbert
Cllr George Jeans

Cllr Jerry Kunkler
Cllr Christopher Williams
Cllr Graham Wright

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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 - 10*)

To approve as a correct record the minutes of the meeting held on 3 December 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.

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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 Tuesday 5 January 2021** (one full clear working day before the meeting).

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 would be expected to join the online meeting to read the statement themselves, or to provide a representative 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 30 December 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 4 January 2021.

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 11 - 12)

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 20/07424/FUL - Rear Barn, Land at Devizes Road, Potterne, Devizes, SN10 5LN (Pages 13 - 28)

Conversion and change of use from former storage building to single dwelling.

7b 20/09147/FUL - Upper Farm, Wexcombe, Marlborough, SN8 3SQ (Pages 29 - 50)

Conversion of 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).

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

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 DECEMBER 2020 AT ONLINE MEETING.

Present:

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

45. Apologies

Apologies were received from:

- Cllr Paul Oatway QPM
- Cllr Philip Whitehead (Local Division Member)

46. Minutes of the Previous Meeting

The minutes of the meeting held on 15 October 2020 were presented for consideration and it was;

Resolved

To approve the minutes as a true and correct record.

47. Declarations of Interest

There were no declarations of interest.

48. Chairman's Announcements

The Chairman explained the procedure should a recess be required.

49. 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.

50. Planning Appeals and Updates

Resolved

To note the report on completed and pending appeals.

51. **Planning Applications**

The following planning application was considered.

52. **19/10845/FUL - Manor Farm, The Street, All Cannings, SN10 3PF**

Public Participation

Lara Clark spoke in objection to the application.

Simon Rodwell spoke in objection to the application.

Martin Crabb spoke in objection to the application.

Cllr Mervyn Woods, Chairman of Etchilhampton Parish Council spoke in objection to the application.

Jonathan James (Senior Planning Officer) presented a report which recommended that planning permission be granted with a condition for the retention of new access track in its current form.

Some late correspondence had been received in objection to the application, however no new issues were raised that were not already addressed in the agenda report.

The officer explained that the site was located in the open countryside between the hamlets of Etchilhampton and All Cannings. The site was within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The application was retrospective and was for the retention of an access track in its current form on the applicants land and the track was used for agricultural purposes. The track was approximately 598 metres long and 4.5 metres wide. It was composed of graded compacted stone. The officer stated that all comments received had been taken into consideration when making a recommendation on the application.

Slides were shown to the meeting which could also be seen in agenda supplement 1. The slides showed location maps of the track and photographs of the track. These showed the nature of the track, being composed of compacted stone. The track was already starting to soften into the landscape with grass encroaching on either side. Two of the photos showed that a section of the track (approximately 50 metres long) appeared to have been covered with builder's rubble. A photo showed that the access track was well screened by existing trees and hedgerows.

The officer stated that the principle of development for an agricultural track across agricultural land, in this location was considered acceptable. There were no issues in relation to flood risk or ecology and the potential for visual harm had been explored and found to be negligible. Highway safety concerns and issues regarding increased traffic had been raised and were acknowledged. However, the farm traffic existed prior to the access track and the track itself did not generate more traffic. Therefore, the application was recommended for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the location of the access to the track at Shortlands Lane which was explained to the committee. It was explained that the new access to the land created opposite Manor Land Farm was unauthorised and had been passed to the Enforcement Team.

It was clarified that the AONB, Natural England and the Environment Agency had been given opportunity to comment and it would be fair to say that as they had not commented they did not object.

Regarding the County Ecologists comments that the track should be permeable a Member stated that there appeared to be puddles, therefore would it be possible to impose as a condition that the track should be permeable. The officer stated that the track was considered to be permeable as it was made of compacted stone, therefore it was not felt that a condition of this nature could be imposed. It was explained that the site was on a flood plain and had a high water table, therefore there was often standing water in the fields. If approved and the track was not found to be permeable then that would become an enforcement matter.

In response to a further question it was explained that under General Permitted Development Orders, farmers had Permitted Development rights to carry out works on their land, such as creating access tracks. However, as the farmer had already implemented the track, Permitted Development rights no longer applied and that was why the application had been submitted and had to be considered.

Members of the public then had the opportunity to present their views, as detailed above. The main issues raised by objectors included the planning history on the site; unauthorised works on the site; the retrospective nature of the application and increased traffic as a result of the track which would include industrial traffic going from the farm to the bio digester in Bromham.

The Chairman proposed a motion to grant planning permission with the condition as stated in the agenda report. This was seconded by Cllr Stewart Dobson.

A debate followed where many Members stated they had a great deal of sympathy for the local residents. However, the track in itself did not generate traffic. Farmers had a right to go anywhere on the land they owned and an application could only be refused on highways grounds if it was linked to a development, which was not the case with this application.

In regard to issues raised in objections regarding the widening of the Shortlands Lane access and the possible creation of an unauthorised access, Members stated that these were not matters that the committee could take into account as they had to look at the application before them. These were enforcement issues that it was hoped would be looked into as soon as possible.

Many also felt that the way the applicant had approached matters, including the application before them, was unfortunate and distasteful. Retrospective applications were however allowed under planning policy. Almost all Members concurred that regrettably and reluctantly, as there were no sound planning reason to refuse the application, they would support it.

The Chairman requested that the officer clarify the issues raised in correspondence and statements regarding the length of the track being incorrect and that if this application was approved a length of the track would remain without planning permission. The officer stated that he had seen the correspondence and had walked the length of the track many times, however he was not himself aware of the extra length of track. If approved, then this would be something enforcement would be asked to look at along with the other issues raised earlier.

At the conclusion of the debate it was;

Resolved

To grant planning permission subject to the following condition:

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

- **Location Plan, Dwg No. MF/FT/PLN/001**
- **Block Plan and Section, Dwg No. MF/FT/PLN/002**

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

53. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 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

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

Wiltshire Council
Eastern Area Planning Committee
7th January 2021

Planning Appeals Received between 20/11/2020 and 22/12/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/09834/FUL	Clock House Honeystreet, SN9 5PS	ALTON	Demolition of two dwellings and vacant commercial buildings and replacement with six dwellings	EAPC	Written Representations	Approve with Conditions	14/12/2020	Yes
20/00623/FUL	Brunel Court, Elcot Lane Marlborough, Wiltshire SN8 2AZ	MARLBOROUGH	Re-development involving demolition, change of use and erection of 6, one and two bedroom dwellings and associated works (resubmission of 19/07124/FUL)	DEL	Written Representations	Refuse	01/12/2020	No
20/01634/FUL	Land North of Honeystreet Village Pewsey, Honeystreet	ALTON	Change use of part of an existing agricultural field to provide a village parking area for 20 cars with associated works and landscaping.	DEL	Written Representations	Refuse	02/12/2020	No
20/03140/FUL	The Old Priest House 18 West Street Aldbourn, SN8 2BS	ALDBOURNE	Demolition of existing outbuilding and garage, construction of new extension, new sheds and refurbishment and repair works to Listed Building.	DEL	Written Representations	Refuse	14/12/2020	No
20/03674/LBC	The Old Priest House 18 West Street Aldbourn, SN8 2BS	ALDBOURNE	Demolition of existing outbuilding and garage, construction of new extension, new sheds and refurbishment and repair works to Listed Building.	DEL	Written Representations	Refuse	14/12/2020	No
20/05229/VAR	Thicket Cottage Malthouse Lane Upper Chute, SP11 9EG	CHUTE	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	EAPC	Written Representations	Approve with Conditions	02/12/2020	Yes

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Planning Appeals Decided between 20/11/2020 and 22/12/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/01341/FUL	Crown Centre 39 St Johns Street Devizes, Wiltshire SN10 1BL	DEVIZES	Installation of a light to illuminate the hotel name sign	DEL	Written Reps	Refuse	Dismissed	18/12/2020	None
20/02035/LBC	Crown Centre 39 St Johns Street Devizes, Wiltshire SN10 1BL	DEVIZES	Installation of a light to illuminate the hotel name sign	DEL	Written Reps	Refuse	Dismissed	18/12/2020	None
20/03737/PNCOU	Roundway Farm Roundway, Devizes 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 Reps	Refuse	Dismissed	03/12/2020	None

Agenda Item 6

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REPORT TO EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	07 January 2021
Application Number	20/07424/FUL
Site Address	Rear Barn, Land at Devizes Road, Potterne, Devizes SN10 5LN
Proposal	Conversion and change of use from former storage building to single dwelling
Applicant	Miss Amy Towill
Town/Parish Council	POTTERNE
Electoral Division	Bromham, Rowde and Potterne – Councillor Richard Gamble
Grid Ref	400092 159374
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning' this application is brought to committee because the Director for Economic Development and Planning considers the policy context that applies to the proposed development, in particular an exception policy of the local development plan and its application to the proposed development, is considered to merit debate, and the application determined in an open, transparent and fair manner.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material planning considerations and to consider the recommendation to refuse planning permission.

2. Report Summary

The key issues for consideration are:

- Principle of Development;
- Impact on Landscape Character & Residential Amenity
- Access, Infrastructure & Local Services
- Environmental Impact
- Ecological Impact

3. Site Description

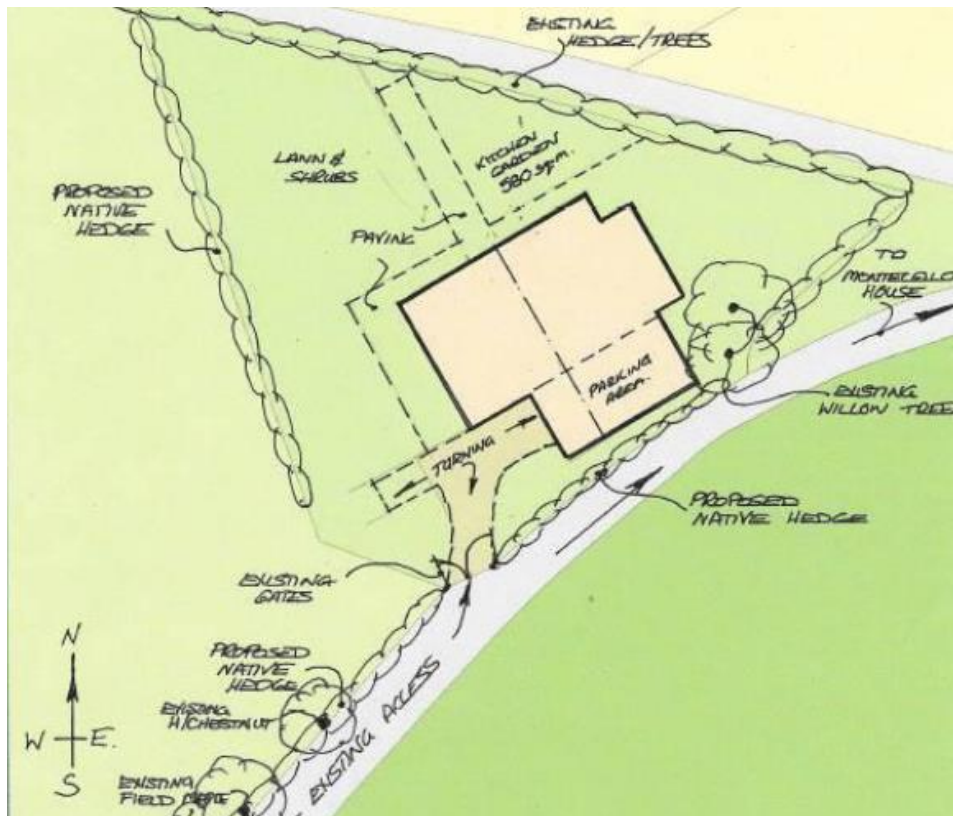
The application relates to a former agricultural building, said to be last used informally as a storage building, within the countryside on the northern side of Potterne and accessed via Public Right of Way ref POTT47, which runs from the A-class Devizes Road (A360).



Site Location Plan

4. The Proposal

The application seeks full planning permission for the conversion and change of use of the building to a single functionally carbon neutral dwelling.



Proposed Site Plan

The Design and Access Statement (DAS) explains that whilst visually appearing run-down, “the barn is in sound structural condition and is capable of being converted. This provides opportunity to breathe new life and purpose into the site and its surroundings. The design of the conversion is focused on delivering a high-quality building, subtly incorporating contemporary design features while keeping the overall concept true to the barn’s agricultural origins. The scope of materials has been intentionally limited to accentuate the simple external aesthetic of the barn, while the proposed landscaping and the implementation of renewable energy sources would greatly improve the appearance, sustainability and ecology of the surrounding site”.

The application is supported by existing and proposed plans and the following documents:

- Document. **Design and Access Statement** (September 2020);
- Document. **Structural Assessment** (June 2020) by Clive Towill BSc, Civ.Eng;
- Document. **Viability Appraisal** (August 2020) by Strakers;
- Document. **Protected Species Survey Report** (July 2020) by Cotswold Environmental;
- Document. **Protected Species Survey Report** (September 2020) by Cotswold Environmental, received 25.10.20.

5. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 ‘Decision-Making’, 5 ‘Delivering a Sufficient Supply of Homes’, 9 ‘Promoting Sustainable Transport’, 12 ‘Achieving Well-Designed Places’, and 15 ‘Conserving & Enhancing the Natural Environment’.

The adopted **Wiltshire Core Strategy**, in particular:

- Core Policy 1 ‘Settlement Strategy’
- Core Policy 2 ‘Delivery Strategy’
- Core Policy 12 ‘Devizes Community Area’
- Core Policy 41 ‘Sustainable Construction and Low Carbon Energy’
- Core Policy 44 ‘Rural Exceptions Sites’
- Core Policy 48 ‘Supporting Rural Life’
- Core Policy 50 ‘Biodiversity and Geodiversity’
- Core Policy 51 ‘Landscape’
- Core Policy 56 ‘Land Contamination’
- Core Policy 57 ‘Ensuring High Quality Design and Place Shaping’
- Core Policy 60 ‘Sustainable Transport’
- Core Policy 61 ‘Transport and Development’
- Core Policy 67 ‘Flood Risk’.

The made **Potterne Neighbourhood Plan** (made January 2017) with particular regard to General Policy PNP1.

Wiltshire Local Transport Plan 2011 – 2016: **Car Parking Strategy** (March 2011).

6. Consultations

Wessex Water – No objection, standard advice provided.

Wiltshire Council Highways Officer – Objection, on sustainability grounds and due to the access arrangements.

Wiltshire Council Ecologist – Originally requested an updated to the Protected Species Survey Work and once submitted requested a bat mitigation strategy.

Potterne Parish Council – *“Potterne Parish Council voted by a large majority to object to this Planning Application on the following grounds:*

- 1. The barn is on agricultural land.*
- 2. It is outside the village settlement boundary including any likely extension of it.*
- 3. It is in the scenic gap which separates Potterne from Devizes; a very important feature of our Neighbourhood Plan.*
- 4. This development would increase vehicular traffic on a narrow country track viewed as a safe route to Devizes which avoids the dangerous A360”.*

7. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. No third-party letters have been received as a result of the publicity.

8. Planning Considerations

8.1 Principle of Development

The relevant local development plan document comprises the Wiltshire Core Strategy (WCS) (adopted January 2015) and the made Potterne Neighbourhood Plan (made January 2017). In accordance with the aims and objectives of the NPPF and in the interests of promoting sustainable development and the protection of the countryside the policies of the plans seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages.

Core Policy 1 ‘Settlement Strategy’ of the WCS outlines a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 2 ‘Delivery Strategy’ of the WCS outlines that there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances (in circumstances as permitted by other policies within this plan, identified in paragraph 4.25).

Core Policy 12 ‘Spatial Strategy: Devizes Community Area’ identifies Potterne as a Large Village, however the application site falls outside the limits of development of the settlement and therefore for the purpose of assessing the proposal falls within the ‘countryside’.

Core Policy 2 states that development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. Development proposals which do not accord to Core Policy 2 are deemed unsustainable and as such will only be permitted in exceptional circumstances under the exception policies of the WCS.

The principle of new residential development can therefore only be considered under the WCS exception policies. Core Policy 48 ‘Supporting Rural Life’ is an exception policy and this application seeks to benefit from the policy which specifies: -

“Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following 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.***

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy”.

‘Conversion’ of the Agricultural Building

Core Policy 48 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;*

It is considered that based on the information submitted the proposal would conflict with the requirements of Core Policy 48, in particular criteria ‘i’. The intention of the policy is to enable the conversion of traditional rural buildings which are structurally sound and capable of conversion without major rebuilding. The supporting text does not provide a definition of what constitutes a ‘conversion’, but appeal case law has sought to define what is considered a ‘conversion’ as opposed to a ‘re-build’ or ‘new-build’.

The most pertinent recent appeal case is a High Court judgement in *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin) (hereafter referred to as the *Hibbitt judgement*). The case was in relation to the conversion of buildings under ‘permitted development rights’ but the principles set out within the judgement can be applied to any conversion proposal. The permitted development rights themselves allow greater scope for ‘conversions’ which would traditionally not be considered under Core Policy 48 but the national legislation and Planning Policy Guidance in this area is considered to merit weight in the consideration of this current application for full planning permission. The Planning Practice Guidance advises the following works should be permitted when considering a ‘conversion’ proposal under permitted development rights: -

“... the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already

suitable for conversion to residential use that the building would be considered to have the permitted development right" (Paragraph: 105 Reference ID: 13-105-20180615).

In terms of the Hibbitt judgement, it focused on the meaning of the word 'conversion' because the essence of the dispute focused on whether the proposed "conversion" amounted to a "rebuild". The judgement clarifies that the concept of 'conversion' must be understood in its specific planning context, and "It is not a term that can be plucked without more directly from a dictionary" (par 28).

The Hibbitt judgement clarified that the concept of conversion has inherent limits which delineate it from a rebuild: -

*"... a conversion is conceptually different to a "rebuild" with (at the risk of being over simplistic) the latter starting where the former finishes. Mr Campbell, for the Claimant, accepted that there was, as the Inspector found, a logical distinction between a conversion and a rebuild. As such he acknowledged that since Class Q referred to the concept of a conversion then it necessarily excluded rebuilds. To overcome this Mr Campbell argued that a "rebuild" was limited to the development that occurred following a demolition and that it therefore did not apply to the present case which did not involve total demolition. **In my view whilst I accept that a development following a demolition is a rebuild, I do not accept that this is where the divide lies. In my view it is a matter of legitimate planning judgment as to where the line is drawn. The test is one of substance, and not form based upon a supposed but ultimately artificial clear bright line drawn at the point of demolition. And nor is it inherent in "agricultural building". There will be numerous instances where the starting point (the "agricultural building") might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that **the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building*****" (par 27).

The key principle to take from the Hibbitt judgement and apply to a 'conversion' proposal under Core Policy 48 is the requirement to establish where the line is drawn between a 'conversion' and 're-build'. The works have to be reasonably necessary for the conversion of the building to residential use and not significant work that result in major rebuilding which would fall outside the scope of Core Policy 48 and ultimately the classification of a 'conversion'. This is a key point because if the development does not amount to a 'conversion' then it cannot be considered under the exception policy and the 're-build' should be considered under the settlement strategy of the local development plan, as detailed above, which does not lend support to the provision of a new build dwelling on the application site. It is worth highlighting that this assessment relies on planning judgement and it is recognised that the view of the applicant's representatives is that the proposal should be classed as a 'conversion'.

Turning to the proposed development itself, the application building is a large modern timber frame structure measuring approximately 20m x 13m, with a combination of timber cladding and non-structural block walls.

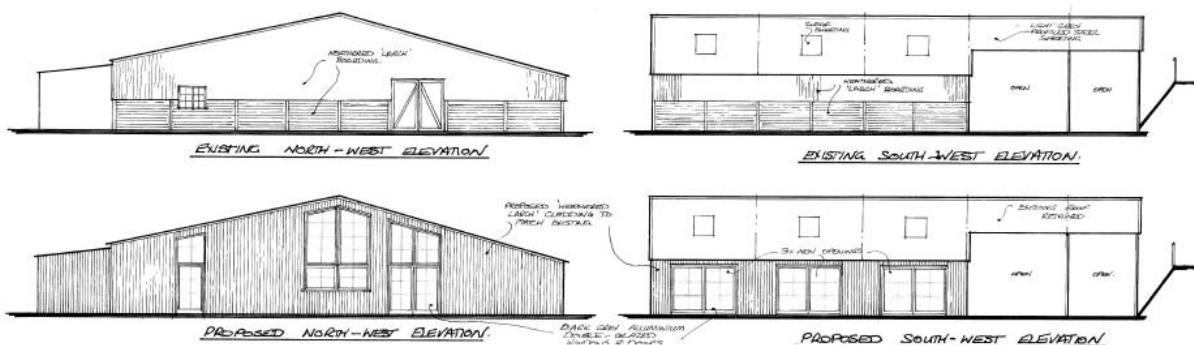
The Structural Assessment (June 2020) by Clive Towill BSc, Civ.Eng seeks to identify structural issues which may prohibit the conversion of the building but it is clarified it is not intended to be a full structural evaluation of the building. The report explains that the original building was entirely of timber post and rail construction but has since been modified and extended. In terms of the current condition of the building, the report explains that "The timber

frame was in good condition, there is minimal ‘distortion’ to the timber post & roof sections, and this is normal for an structure of this nature, and little sign of decay since at the time of construction the timber treatment was of good quality. There are some minor repairs needed to the roof sheeting, but generally the building would be described as watertight, and some of the fibrous-cement gutters would need repairing.”.

The Structural Assessment goes on to provide an overview of the proposed development:

“Having seen the proposals on plan we see that there are no intentions to cut or adapt the existing timber structure **other than to amend some of the openings which exist within the infill panels. The roof profile & materials would be retained or replaced ‘like-for-like’ and although considerable insulation materials will be required to the underside, this will be relatively easy to instal. New weathered vertical timber cladding would be fitted around the external walls, which will cover the existing timber posts**, and furnish further protection from the elements extending their lifespan, again large amounts of insulation will be required to the inside of the external walls to meet the ‘zero-carbon’ credentials of this conversion. A large amount of the internal block walls are to be retained, and as we have found no signs of settlement or cracking these should maintain useful ‘bracing’ to the structure and provide the necessary support for the continued use of the mezzanine floor.” **(emphasis added).**

The proposed development involves the retention of the original timber frame of the building which the Structural Report confirms is structurally sound. Whilst this point is not disputed, it is considered that significant works are required to the building to accommodate a residential use which is not surprising considering the original purpose of the building was to accommodate agricultural products and livestock. The application explains that the walls are made from non-structural block walls and exterior cladding, which was to contain animals and bedding only and provides little structural support. The proposed walls would therefore be made from the installation of new weathered vertical timber cladding fitted around the external walls and large amounts of insulation to the inside of the external walls and then an internal finish installed. This approach does not involve converting / repairing the existing structure but installing / building around the existing walls with a new external material and internal insulation. Furthermore, in order to install the new openings, a significant amount of the existing walls have to be removed and new solid walls built to support and hold the aluminium windows and doors.



Existing & Proposed Elevations

The application plans do not clearly identify what elements of the original building would be retained and re-used. The floor plans do not identify the extent of the external walls to be retained, replaced or adapted. The applicant’s description of the proposal however clearly details that the original frame of the building would be retained which will ensure the size and form of the building is retained, but new walls and a roof would be installed around the frame.

The timber frame of the building is structurally sound, but it is acknowledged by the applicant that during the works some upgrades may be made, for example if the roof load is increased.

A key aspect of the proposal is the delivery of a carbon neutral dwelling which requires the installation of a photovoltaic array on the south west facing roof. The Structural report does not provide any structural calculations as to the strength of the frame and whether it is enough to support the loads from new materials, insulation and solar panels etc. Furthermore, there is no structural assessment of the suitability of the foundations and it is unclear what elements of existing block walls would be retained externally and internally. The floor plans do not detail where new external cladding, walls and insulation will be provided.

The building is not considered capable of functioning as a dwelling in its current guise without the provision of new external walls and openings, internal partition walls, ceilings, insulation, and possible structural improvements to accommodate a new and / or adapted roof etc. which would be outside the scope of a 'conversion' permitted under Core Policy 48. The proposal is more akin to a new building based on the information presented with the application. It appears that a new dwelling would be constructed around the form of the timber portal frame with little help from, or purpose to, the existing walls. As such, in line with the principles set out within the Hibbitt judgement, the totality of the works required to secure a residential use of the building is considered to be closer to a 're-build' rather than a 'conversion' and is therefore considered to fall outside the scope of a 'conversion' permitted under Core Policy 48.

The applicant is strongly of the view that the proposed development should be considered as a 'conversion' and meets the requirements of Core Policy 48. This has been clearly set out within the submitted DAS and subsequent correspondence during the assessment of the application. The applicant has referred to many other cases for the change of use, conversion and adaption of rural buildings and is of the opinion the principle of converting a rural building such as the one the subject of this application has previously been accepted by the Local Planning Authority. Furthermore, the applicant draws attention to the High Court ruling of Guildford BC vs Secretary of State where the judgement stated - 'in the exercise of planning judgement a relevant consideration may be the local authority's own approach to similar applications in the locality. Public law principles demand consistency in the application of policies by public bodies such as local planning authorities, unless there are good reasons to the contrary, Consistency is required as a broad principle of good administration and derives from general principles of fairness in the treatment of citizens'.

The other cases referred to by the applicant were determined by the Local Planning Authority or Planning Inspectorate within the past couple of years and do establish certain policy principles and the type of buildings considered to be capable of conversion under Core Policy 48. Some of the principle established by these cases lend support to this current proposal and it is accepted that a narrow reading of Core Policy 48 is unjustified, and the ability of large scale modern rural buildings can benefit from the exception policy. However, the extent of works is the determinative factor. The decision maker has to apply planning judgement to establish where the line is drawn between a 'conversion' and 're-build'. There isn't a clear threshold or line that divides both, it's a matter of substance and therefore the individual elements of each case must be considered and ultimately determined on their own merits.

Principle of Proposed Residential Use

Notwithstanding the above assessment, Core Policy 48 does not permit the conversion of rural buildings to residential accommodation unless it can be demonstrated that employment, tourism, cultural and community uses are not practical propositions.

The application is supported by a Viability Appraisal (August 2020) by Strakers which seeks to demonstrate that the change of use and conversion of the existing building for Class B1c

(Light Industrial), Class B1a (Office), Tourism (self-catering holiday lets) or Class C3 Residential) is or is not commercially viable. Possible B2 General Industrial and B8 Storage uses have been discounted from the outset, despite the agent saying, "The building has just been used for storage of surplus building materials and scaffold for the last 10years". However, "The conversion of the barn to provide Class C3 Residential Use in the form of a detached for bedroom dwelling is seen to be financially viable as a residual valuation demonstrates a potential developer's profit in the sum of £127,020". The scope and lack of evidence that underpins the inputs within the Viability Appraisal was a matter that was discussed with the applicant during the assessment of the application, however it is accepted, even without the report being scrutinised by a third party specialist, the broad conclusions are clear if accepted at face value and lend support to the proposed change of use. This approach has also been accepted by multiple other cases by the Local Planning Authority.

It is recognised that viability appraisals have previously been accepted in certain circumstances to justify the conversion of rural building to dwellings under Core Policy 48 of the WCS. However, the intention of the policy is to establish whether there is any clear evidence which shows that the actual physical use or location of a rural building for employment, tourism, cultural and community uses is not practical. Whilst the application relies solely on the viability argument, it is recognised that due to the access constraints and position of the building within the countryside other alternative uses, or the intensification of use of the current use, would not be desirable from a sustainability perspective or safe from a highway safety perspective.

8.2 Impact on Landscape Character & Residential Amenity

Core Policy 48, criteria 'ii' - *the use would not detract from the character or appearance of the and would not be detrimental to the amenities of residential areas;*

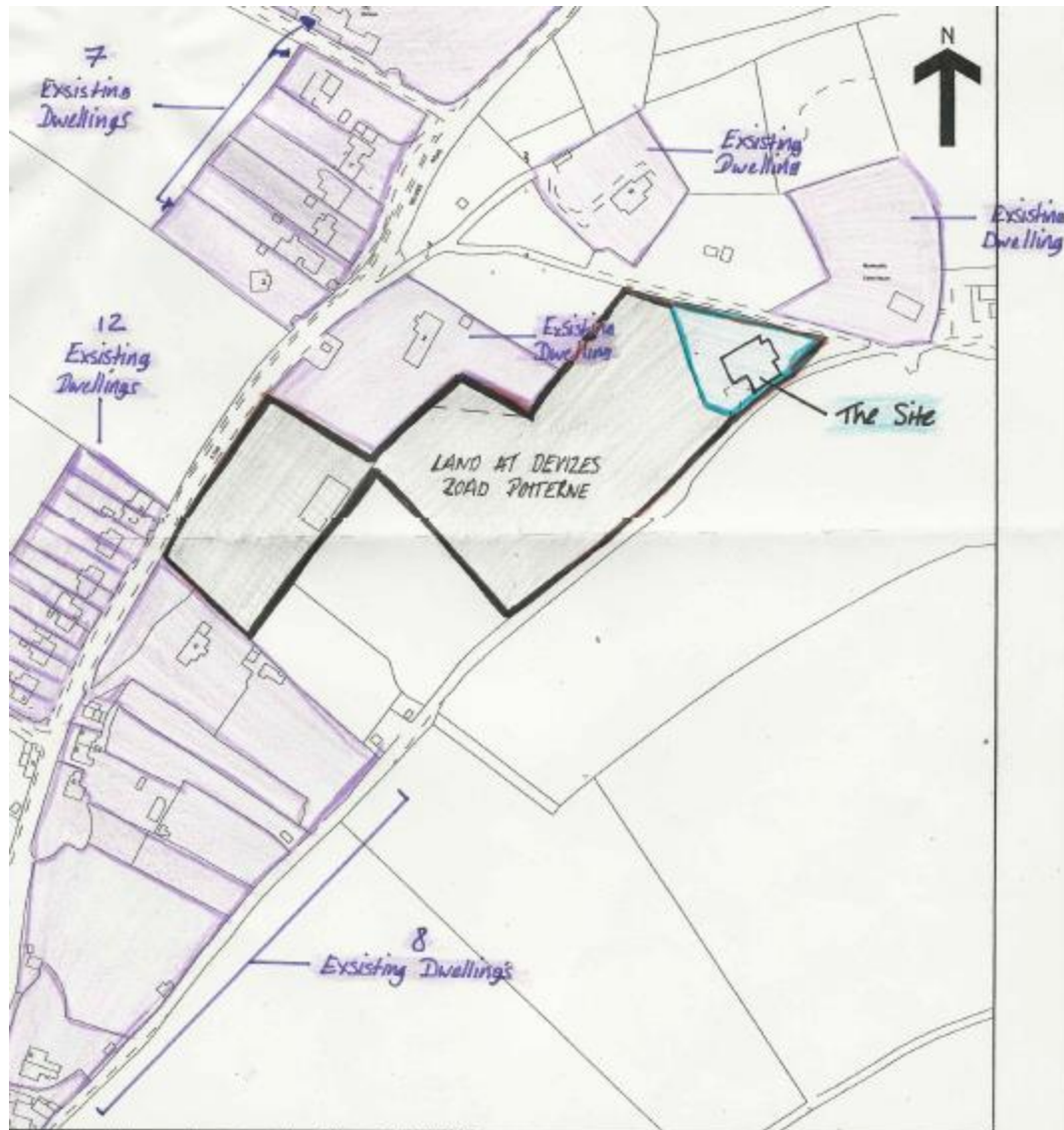
Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

In terms of the Potterne Neighbourhood Plan, part of its vision is to support residents of all ages to encourage a vibrant and supportive community for future generations but development has to be managed to maintain and protect the special views into the village available from surrounding countryside. A key objective to achieve the vision is to "maintain the distinctive character of the village by ensuring that there remain green corridors between the settlement boundaries of Potterne, Devizes and other nearby villages. The Plan also seeks to ensure that there is protection to specific views in and out of the village". The impact on the 'scenic gap' between Devizes and Potterne is an area of concern to the Parish Council.

The DAS asserts that the proposed development "would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas. – Due to the existing development surrounding the barn on 3 sides being of a solely residential nature, the conversion of the barn from agricultural to residential is not seen to be a use which would detract or have a negative impact on the surroundings. The barn and land do not provide any local amenities to the residents of the surrounding dwellings and so the proposal cannot have a negative effect in this regard. Furthermore, the views from the footpath of the proposed conversion would be a significant improvement over the current view of the disused and rundown looking structure".

The proposed development would result in a change to the use and character of the site from its rural agricultural appearance to that of a domestic property. Whilst this is considered to be detrimental to the original and established character of the rural landscape, it is considered

that should the principle of development be accepted under an exception policy of the local development plan, the harm to landscape character would be localised and scheme has been designed to mitigate the visual impact and provide landscape enhancement, in the form of an extension to the avenue of trees along the access lane, planting of new trees around the barn and garden, and native hedging along the site's boundaries. Furthermore, the residential use would not be out of character within the wider landscape which is characterised by properties scattered around the site as shown on the following submitted plan: -



8.3 Access, Infrastructure & Local Services

Core Policy 48 criteria 'iii' & 'iv' - *the building can be served by adequate access and infrastructure; and the site has reasonable access to local services;*

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities, and can be served by safe access to the highway network. The policies aim to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people. The development would not accord with the aims of these policies due to the location of the site

within the countryside. The proposed development is however being pursued under an exception policy of the local development plan which lends support to the conversion of rural buildings to dwellings within the countryside subject to them being served by appropriate infrastructure and having reasonable access to local services. It is accepted that the occupiers of such dwellings would be heavily reliant on the use of private transport and in this case it is recognised that this site is within walking distance of a bus stop (Hartmoor Lane) on the A360 and within a short drive from Potterne and Devizes where a range of services and facilities can be found.

In terms of the proposed access arrangements, the DAS explains that “The site is accessed via gates from the hard-surfaced country lane running south west from the A360 to Montecello Farm. Vehicular and pedestrian access is provisioned for over this lane via legal easement dating back to 1919.

The lane is used by the site in addition to 9 other dwellings situated along the lane, both before and after the site ... , with passing spaces situated at regular intervals along its route. In addition, the lane is used daily for postal deliveries and by Wiltshire Council when servicing the surrounding dwellings for their weekly recycling and refuse collections. The lane is also subject to a footpath POTT47.

The lane is accessed off an extended layby on the side of the A360”.



The Council’s Highways Officer advised that the access track from the A360 is narrow and the track junction onto the main road is also restricted with sub-standard visibility. As such, in order to be able to accurately consider the impact of the proposal on highway safety the applicant was asked to clarify what the existing use of the building entailed so the fall-back position could be considered. The applicant advised that the building has just been used for storage of surplus building materials and scaffold for the last 10 years.

The Council’s Highways Officer therefore provided the following appraisal:

“Initially I was under the assumption that there is a current associated , regular, vehicle use associated with the storage use. However, it has been brought to my attention that this is not the case. A new dwelling will attract around 8-10 movements a day (the location is heavily reliant on the use of the private vehicle). The junction onto the main road is sub-standard in

terms of visibility but also geometry which limits movements of exiting vehicles especially when exiting right out of the junction.

Though it is recognised that 8-10 movements is not a significant number and it could be argued under NPPF that a refusal on that basis could be considered unjust I am minded that the geometry of the lane and access is such that even a low number of increased vehicle movements could be considered dangerous and severe enough to warrant an objection. In summary, the location raises a highway objection on sustainability, the access is restricted in both width and in visibility and though I am minded that the number of movements associated with a single dwelling would not be significant, the geometry of the access is one which I believe will attract a highway objection”.

In light of the initial formal observations made by the Highways Officer, the applicant has highlighted that there are no recorded accidents on the road, the access onto the A360 is currently used by 9 residential dwellings, and the proposed development would only result in a 11% increase (“Based on the daily movement volumes provided by the highways in the original response (2 x 366 day years + 9 x 365 day years) 4017 x (9 dwelling with a mean movement of 9 per day) 325,377 movements with 0 reported accidents, even an 11% increase in this would statistically still result a 0 accidents”). The applicant also mentioned there were only 8 properties using the access until in 2015 a dwelling was approved with no highway authority objections raised. It is assumed this is application reference 15/11623/FUL which was for the ‘conversion of existing outbuilding to additional accommodation’ where the same Highways Officer stated “the location and the adjacent road network (it is narrow and not acceptable for an increase in vehicle movements)” and is not therefore suitable for an independent dwelling.

The Council’s Highways Officer later confirmed that the A360 has a 40mph speed limit of so in order to meet the required access standard for a road with such a speed limit a visibility splay of 2m x 120m should be provided. The Officer calculates (based on a desk based assessment) that the possible visibility splay is approx.: -

1. Visibility to the North East set at 2m back (as per DMRB) is approximately 63m to the nearside carriageway edge .
2. Visibility to the South West set at 2m back is approximately 31m to the nearside carriageway edge.

The Highways Officer further advised “The visibility splay is significantly and severely sub-standard and as such I do not support an increase in movements, even if these are not considered significant in their number.

The geometry of the access onto the A road is one which makes a right hand turn move difficult to achieve without full use of the adjacent carriageway and possible with more than one manoeuvre. The applicant has not provided any evidence to demonstrate that this movement is easy to achieve and safely. Any additional movement at this junction will introduce additional conflict at the risk to the safety of the users of the highway”.

The NPPF advises that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” (par 109). The minor development would not have a material impact on the capacity of the road network but it is considered there would be an unacceptable impact on highway safety. Whilst it is recognised that the increase in vehicular movements over and above the existing or former use of the building is not significant, it is not disputed that there would be an increase in vehicular movements and the movements would be out onto an A-class road from an access with insufficient visibility. The applicant asserts that access has never been an issue to the application building, but the intensification of use of a sub-standard access will pose a danger to highway safety. It is

considered the applicant has not demonstrated that “the proposal is capable of being served by a safe access to the highway network” which is the requirement of Core Policy 61 of the WCS.

8.4 Environmental Impact

Core Policy 67 ‘Flood Risk’ of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. The application specifies that surface water will be discharged via a soakaway and foul drainage via package treatment plant. The submission and approval of further information can be secured via conditions of any planning permission.

Core Policy 56 ‘Contaminated Land’ of the WCS outlines that new development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity. The applicant advises that the application building has been used for general storage for the past decade but the original use of the building may give rise to potential sources of land contamination e.g. oil storage, pesticides or herbicides and because it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/buildings and how development works will address any potential for land contamination which may exist. It is considered that this matter could be resolved via the submission and approval of further information via a condition of any planning permission.

8.5 Ecological Impact

Core Policy 50 ‘Biodiversity & Geodiversity’ of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. The application is therefore supported by a Protected Species Survey Report (July 2020) (updated September 2020) by Cotswold Environmental.

The Protected Species Survey Report contains a series of recommendations to ensure potential adverse impacts on the ecology of the site is mitigated. However, the Council’s Ecologist has highlighted that the building supports a night roost for a small number of lesser horseshoe bats but the report does not include any proposal for mitigation of the night roost that will be lost as a result of the development. A mitigation strategy needs to be submitted and approved by the Local Planning Authority to ensure that protected habitats and species will not suffer adverse effects as a result of development. A condition can be imposed on any planning permission that may be granted to secure a mitigation strategy and to ensure the development will be carried out in strict accordance with the recommendations given in the Protected Species Survey Report. Furthermore, a European Protected Species Licence (EPSL) will be required from Natural England in order for the works to lawfully proceed.

CONCLUSION (the planning balance)

The application seeks full planning permission to change the use and convert an existing rural building to a single functionally carbon neutral open market dwelling.

The provision of a new dwelling on the site would conflict with the objectives of the Settlement Strategy (Core Policies 1, 2 & 12) of the Wiltshire Core Strategy and residential policies of the made Potterne Neighbourhood Plan. The application however seeks consent for the proposal

under an exception policy (Core Policy 48) which allows the conversion of rural buildings provided they are structurally sound and capable of conversion without major rebuilding. It is however considered that whilst the timber frame of the building has been found to be structurally sound, due to the extent of works required to secure the proposed residential use of the building, it is considered that the totality of the works would result in the classification of the proposal as a 're-build' rather than a 'conversion' and is therefore considered to fall outside the scope of a 'conversion' permitted under Core Policy 48.

The concerns of the Parish Council regarding new development within the scenic gap which separates Potterne from Devizes is recognised. It is acknowledged that the proposed development would result in a change to the rural character of the site, however the proposal has been designed to be as sympathetic to the landscape as possible and would not appear as an isolated or standalone residential property that would appear at odds with the character of the wider built and natural environment. The concern regarding the increase in vehicular traffic on the track / public right of way leading to the site is also noted and the Council Highways Officer agrees that any increase in movements over and above the fall-back position has the potential to impact on highway safety due to the sub-standard access onto the A360.

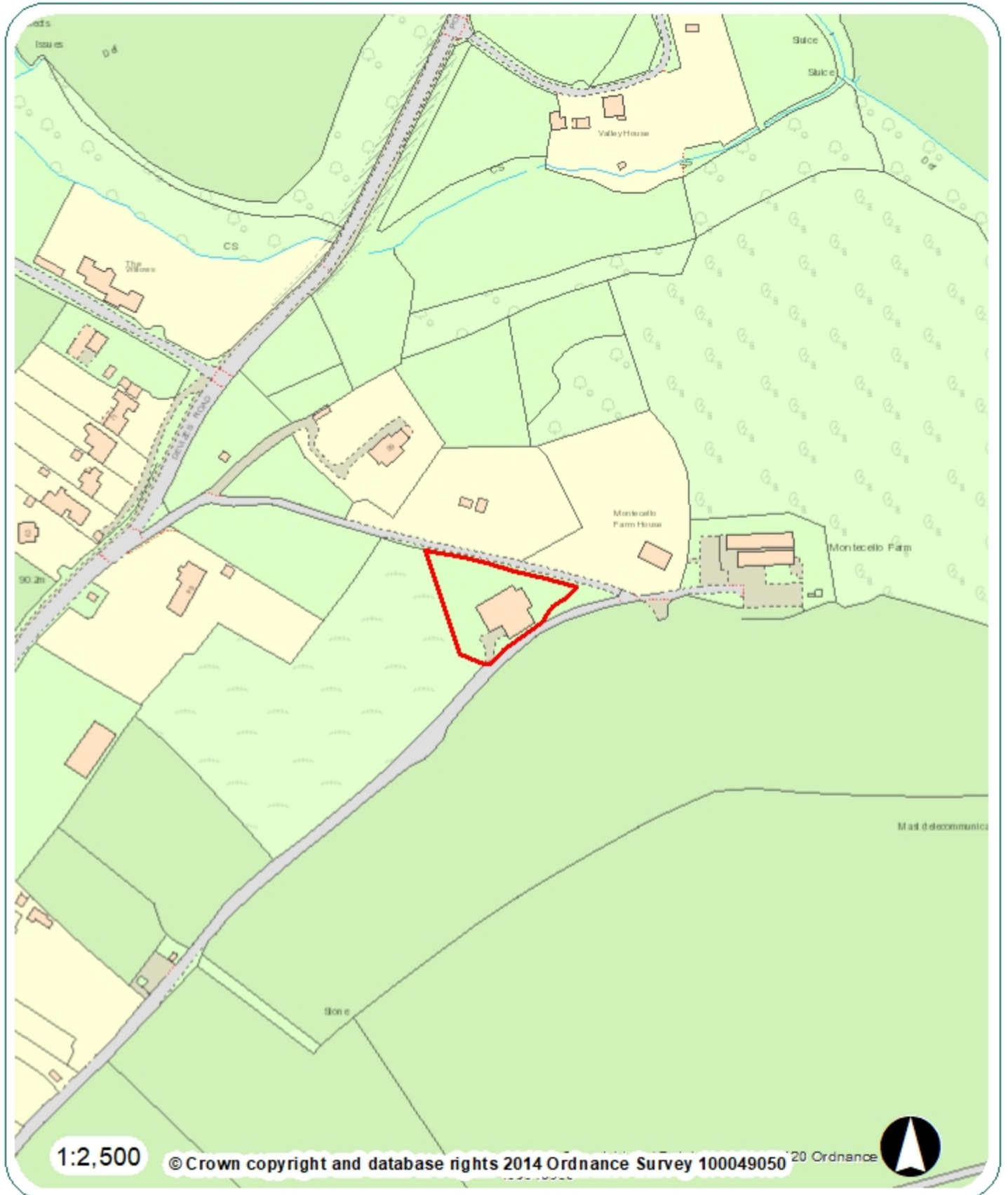
In light of the above, it is recommended that planning permission be refused.

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:

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. Furthermore, the increase in vehicular movements associated with the proposed use would pose a danger to highway safety due to the sub-standard access with the A360.

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.



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REPORT TO EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	07 January 2021
Application Number	20/09147/FUL
Site Address	Upper Farm, Wexcombe, Marlborough SN8 3SQ
Proposal	Conversion of 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)
Applicant	Greatworth Property Managers Ltd
Town/Parish Council	GRAFTON
Electoral Division	Councillor Stuart Wheeler - Burbage and The Bedwyns
Grid Ref	427243 159039
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Stuart Wheeler on the grounds of: - 'Scale of development', 'Visual impact upon the surrounding area', 'Design – bulk, height, general appearance', and 'suitable adaption of disused farm buildings'.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material planning considerations and to consider the recommendation to refuse planning permission.

2. Report Summary

The key issues for consideration are:

- Principle of Development;
- Impact on Landscape Character
- Access, Infrastructure & Local Services
- Impact on Heritage Assets
- Environmental Impact
- Ecological Impact
- Impact on Neighbour Amenity

3. Site Description

The application site relates to a range of purpose-built agricultural buildings at Upper Farm Yard and the former Church building next to/associated with Wexcombe House. The site is accessed directly from a lane leading westward to Fair Mile.

Upper Farm is one of two large historic farmsteads within the hamlet of Wexcombe. Both farms, Upper and Lower Farms, are in the same ownership, although the Grade II listed farmhouse at Upper Farm is in separate ownership and detached from the farming enterprise which is run from Lower Farm where the working buildings of the holding are located.



The site is surrounded on 3 sides by open agricultural fields, with Wexcombe House bordering the site to the east. The site and its surroundings lie within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Footpath GRAF20 runs approximately 140 metres to the south of the site between Chapel Cottage and Fair Mile.

4. Planning History

- Planning application 20/02786/FUL: Conversion of existing agricultural building and former chapel into a C3 residential dwelling, together with associated residential curtilage, parking and landscaping and the demolition and removal of two existing open sided barns within the site – Upper Farm, Wexcombe – Withdrawn 05.06.20.
- Planning application 17/02474/FUL: Demolition of agricultural buildings & erection of dwellinghouse with conversion and extension of former chapel to form ancillary residential accommodation & change of use of agricultural land to residential – Upper Farm, Wexcombe – Withdrawn 27.04.17.
- Planning application 16/10264/FUL: Demolition of agricultural buildings. Erection of dwellinghouse and cartshed. Conversion and extension of former chapel to form ancillary residential accommodation. Change of use of agricultural land to residential – Upper Farm, Wexcombe – Withdrawn 14.12.16.
- Planning application 16/02039/FUL: Demolition of agricultural buildings. Conversion and extension of former chapel to form single dwellinghouse with detached garage. Erection of dwellinghouse. Change of use of agricultural land to residential curtilage – Upper Farm, Wexcombe – Withdrawn 02.06.16

5. The Proposal

The application seeks full planning permission for the “conversion of 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)”.

The Planning, Design & Access Statement (PDAS) explains that the building proposed for conversion is a steel-framed building with high eaves levels. There are large openings in both gables. The ground floor is comprised of concrete with a tampered finish. The proposed conversion will see the removal of 1 bay of the large barn (approx. 25% of the existing structure) along its south-eastern elevation, creating a gap between the converted barn at Wexcombe Manor. “The proposal will retain the existing corrugated metal and blockwork elevations which will be clad with greyed timber weatherboarding. The metal roof will be retained and insulated.” The scheme proposes the insertion of new windows, glazing and doors with aluminium frames” (par 4.4). The proposed dwelling will comprise four bedrooms at first floor level.

The former proposal to convert the Chapel into a residential use has been removed from this current planning application, as a result of the amount of rebuilding work required. It is explained that only basic repair works will be carried out to make the application building structurally sound, but no further works to convert it to a residential use will take place.

The dilapidated open-sided agricultural buildings will be demolished, and the use of the land changed to residential to form part of the curtilage of the proposed dwelling. A detached three-bay garage is proposed to be erected to serve the property.



Proposed Site Plan

The application is supported by existing and proposed plans and the following document: -

- Document. **Planning, Design and Access Statement** (October 2020) prepared by Pro Vision;
- Document. **Heritage Statement** (October 2020) prepared by Pro Vision;
- Document. **Transport Statement (October 2020)** prepared by IMA Transport and Planning Ref. No. IMA-19-234;
- Document. **Preliminary Ecological Appraisal** (March 2020) prepared by Pro Vision Ecology Ref. No. 7669 Version 02 June 2020;
- Document. **Ecological Assessment** (October 2020) prepared by Pro Vision Ecology Ref. No. 7669 Version 01 March 2020;
- Document. **Structural Condition Reports** prepared by WFBA:- North Barn and Former Chapel Building Ref No. 20004 Rev C (16.07.20);
- Document. **Landscape and Visual Impact Statement** prepared by Clark Landscape Design March 2020 – Revised July 2020;
- Document. **Viability Report (September 2020)** by John J Read BSC MSC MRICS;
- Document. **Tree Survey and Arboricultural Impact Assessment** (October 2020 V.3 / Ref. No. 19/12/237/NH) prepared by Hellis Solutions Limited.

6. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 'Decision-Making', 5 'Delivering a Sufficient Supply of Homes', 8 'Promoting Healthy and Safe Communities', 9 'Promoting Sustainable Transport', 12 'Achieving Well-Designed Places', 15 'Conserving & Enhancing the Natural Environment' and '16 'Conserving & Enhancing the Historic Environment'.

The adopted **Wiltshire Core Strategy**, in particular:

- Core Policy 1 'Settlement Strategy';
- Core Policy 2 'Delivery Strategy'
- Core Policy 18 'Pewsey Community Area'
- Core Policy 41 'Sustainable Construction and Low Carbon Energy'
- Core Policy 44 'Rural Exceptions Sites'
- Core Policy 48 'Supporting Rural Life'
- Core Policy 50 'Biodiversity and Geodiversity'
- Core Policy 51 'Landscape'
- Core Policy 56 'Land Contamination'
- Core Policy 57 'Ensuring High Quality Design and Place Shaping'
- Core Policy 58 'Ensuring the Conservation of the Historic Environment'
- Core Policy 60 'Sustainable Transport'
- Core Policy 61 'Transport and Development'
- Core Policy 67 'Flood Risk'.

Wiltshire Local Transport Plan 2011 – 2016: **Car Parking Strategy** (March 2011).

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan

The Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) provides detailed information of the landscape enhancement priorities for each of the different character areas in the former Kennet District Council Area. There are eleven different character areas as identified by the **Landscape Character Assessment** (1999).

7. Consultations

AONB Planning Advisor – No observations.

Wiltshire Council Landscape Officer – No objection, subject to conditions to secure amendments to, and full details of, the landscape design scheme.

Wiltshire Council Ecologist – No observations.

Wiltshire Council Environmental Health Officer – No observations.

Wiltshire Council Conservation Officer – No objection.

Wiltshire Council Highways Officer – No objection.

Wiltshire Council Arboricultural Officer – No objection subject to a condition to ensure the protection of trees to be retained.

Grafton Parish Council – Support.

8. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the publicity two letters of support and three letters of objection have been received on the following grounds:

Support:-

- The scheme will utilise the format of the redundant workshop and create an innovative and low impact dwelling which would soften the environs and greatly increasing the aesthetic appeal for people entering into the village;
- The scheme will also enhance the landscape by removing two dilapidated buildings and secure ecological enhancements.

Objection:-

- The change of use of the barn site to residential may lead to further development at the site or a change to the permitted scheme by future applications;
- The existing field access remains within the site and will have no purpose;
- The proposal has the potential to impact the very special and unique area of the AONB visible from public rights of way, so the development needs to be contained along with lighting;
- There should be new landscaping around the perimeter of the site to protect the visual amenity of the occupiers of the properties to the south-east and users of public rights of way;
- The existing building is made of asbestos. The gutters and down pipes, roof and sides are all made of this material. Only the bottom section is not. Any alterations or removal needs adequate safety measures in place.
- The open sheds are not actually barns, so should not be classified as such;
- The Structural Report is not sufficient to prove whether the building is sound as the disclaimers remove any and all liability for accuracy, as well as declaring that it was only a superficial viewing from the ground;
- The Opinion Letter seems to be threatening the Unitary Council perhaps to frighten them off from refusing permission which we find unacceptable;
- This application cannot be described as a 'conversion' – it is a rebuild;
- There really is little reuse of the existing building, as required by the policy,
- The plans on which the valuation has been made are incorrect as they are based on the previous scheme, the valuation lacks evidence to justify the inputs, and fails to consider alternative tourism options for the building;

- The local water system has to be sorted out and upgraded to reflect the additional demand;
- The proposal will cause light to spill out to the rest of the village and wider landscape to the detriment of the dark skies of the AONB;
- The agent's covering letter contains inaccuracies and the application has not addressed previous concerns;
- The Heritage Statement lacks detail and credibility;
- The building design is very modern and out of keeping with the rest of the village;
- The design is not in keeping with the rest of the village at all or in its setting;
- The Transport Statement is based on theoretical rather than actual vehicular movements.

9. Planning Considerations

9.1 Principle of Development

The relevant local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). In accordance with the aims and objectives of the NPPF and in the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages.

Core Policy 1 'Settlement Strategy' of the WCS outlines a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 2 'Delivery Strategy' of the WCS outlines that there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances (in circumstances as permitted by other policies within this plan, identified in paragraph 4.25).

The site lies within the settlement of Wexcombe, which falls within the Pewsey Community Area, however the settlement is not identified for any type of growth by the settlement strategy (set by Core Policy 18 'Spatial Strategy: Pewsey Community Area'). Therefore, for the purposes of assessing the planning merits of the proposal the site falls within the 'open countryside'.

Core Policy 2 states that development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. Development proposals which do not accord to Core Policy 2 are deemed unsustainable and as such will only be permitted in exceptional circumstances under the exception policies of the WCS.

The principle of new residential development can therefore only be considered under the WCS exception policies. Core Policy 48 'Supporting Rural Life' is an exception policy and this application seeks to benefit from the policy which specifies: -

“Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following 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.***

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy”.

‘Conversion’ of the Agricultural Building

Core Policy 48 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;*

It is considered that, based on the information submitted, the proposal would conflict with the requirements of Core Policy 48, in particular criteria ‘i’. The intention of the policy is to enable the conversion of traditional rural buildings which are structurally sound and capable of conversion without major rebuilding. The supporting text does not provide a definition of what constitutes a ‘conversion’, but appeal case law has sought to define what is considered to be a ‘conversion’ as opposed to a ‘re-build’ or ‘new-build’.

The most pertinent recent appeal case is a High Court judgement in *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin) (hereafter referred to as the *Hibbitt judgement*). The case was in relation to the conversion of buildings under ‘permitted development rights’ but the principles set out within the judgement can be applied to any conversion proposal. The permitted development rights themselves allow greater scope for ‘conversions’ which would traditionally not be considered under Core Policy 48 but the national legislation and Planning Policy Guidance in this area is considered to merit weight in the consideration of this current application for full planning permission. The Planning Practice Guidance advises the following works should be permitted when considering a ‘conversion’ proposal under permitted development rights:

“... the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right” (Paragraph: 105 Reference ID: 13-105-20180615).

In terms of the *Hibbitt judgement*, it focused on the meaning of the word ‘conversion’ because the essence of the dispute revolved around whether the proposed "conversion" amounted to a "rebuild". The judgement clarifies that the concept of ‘conversion’ must be understood in its

specific planning context, and “It is not a term that can be plucked without more directly from a dictionary” (par 28).

The Hibbitt judgement clarified that the concept of conversion has inherent limits which delineate it from a rebuild:

*“... a conversion is conceptually different to a "rebuild" with (at the risk of being over simplistic) the latter starting where the former finishes. Mr Campbell, for the Claimant, accepted that there was, as the Inspector found, a logical distinction between a conversion and a rebuild. As such he acknowledged that since Class Q referred to the concept of a conversion then it necessarily excluded rebuilds. To overcome this Mr Campbell argued that a "rebuild" was limited to the development that occurred following a demolition and that it therefore did not apply to the present case which did not involve total demolition. **In my view whilst I accept that a development following a demolition is a rebuild, I do not accept that this is where the divide lies. In my view it is a matter of legitimate planning judgment as to where the line is drawn. The test is one of substance, and not form based upon a supposed but ultimately artificial clear bright line drawn at the point of demolition.** And nor is it inherent in "agricultural building". There will be numerous instances where the starting point (the "agricultural building") might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that **the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building**” (par 27).*

The key principle to take from the Hibbitt judgement and apply to a ‘conversion’ proposal under Core Policy 48 is the requirement to establish where the line is drawn between a ‘conversion’ and ‘re-build’. The works have to be reasonably necessary for the conversion of the building to residential use and not significant work that result in major rebuilding which would fall outside the scope of Core Policy 48 and ultimately the classification of a ‘conversion’. This is a key point because if the development does not amount to a ‘conversion’ then it cannot be considered under the exception policy and the ‘re-build’ should be considered under the settlement strategy of the local development plan, as detailed above, which does not lend support to the provision of a new build dwelling on the application site. It is worth highlighting that this assessment relies on planning judgement and it is recognised that the view of the applicant’s representatives is that the proposal should be classed as a ‘conversion’.

Turning to the proposed development itself, the application building is a large modern simple steel portal frame construction with low breeze block walls and corrugated fibre cement sheeting. The former Chapel has suffered significant damage and is partially collapsed.

The PDAS asserts that “the barn is structurally sound and capable of conversion, with only necessary modification required to achieve the proposed residential use. The proposal to clad the external of the building will enhance the visual appearance of the building whilst preserving its original character” (par 6.33). This assessment is based on the Structural Condition Report (January 2020 / Rev C 16.07.20) by WFBA Consulting Civil & Structural Engineers. However, the report clarifies that it provides “a written record of a visual structural inspection carried out by WFBA and is not a fully detailed structural survey” (p 2). The report is intended to advise of the suitability of the barn for conversion into residential use. It is not a detailed structural survey and does not provide any details of the works required to convert the buildings into residential use.

The Structural Condition Report describes the key features of the application building (the North Barn): -

“Roof:

- *The roof to the main building is a double pitched steel-framed roof with sheeting laid down the roof slope supported by steel angle purlins. The Roof lights are transparent sheets laid into the main panels.*
- *The central bay roof structure is a series of steel angle trusses spanning across the bay onto the main structural columns. The two outer bay roofs are supported by steel rafters spanning between the main internal and external structural columns.*

Walls

- *The external walls are generally blockwork to eaves level. Above eaves on both gables the walls have been formed using sheeting supported by horizontal steel work.*
- *There are large openings in both gable end allowing access for large vehicles.*
- *The walls to the north-west elevation and parts of the north-east and south-west elevations are below ground level and appear to be acting as retaining walls*

Floor

- *The ground floor is an in-situ concrete ground floor with a basic tamped finish.”*

The Structural Condition Report then provides the following recommendations: -

“There are minor areas of rust on the frame which is not surprising for the building’s use and partially exposed nature. There are also areas of damp penetration, particularly where the walls are acting as retaining walls and directly in contact with the external ground. The Barn building is generally in good condition. The frame will likely require a good clean and re-paint to deal with minor corrosion issues and the external wall damp issues will need to be dealt with.

Subject to the above and with the structure generally being in good condition, we consider The Barn is capable of being converted to residential use.” (p 6).

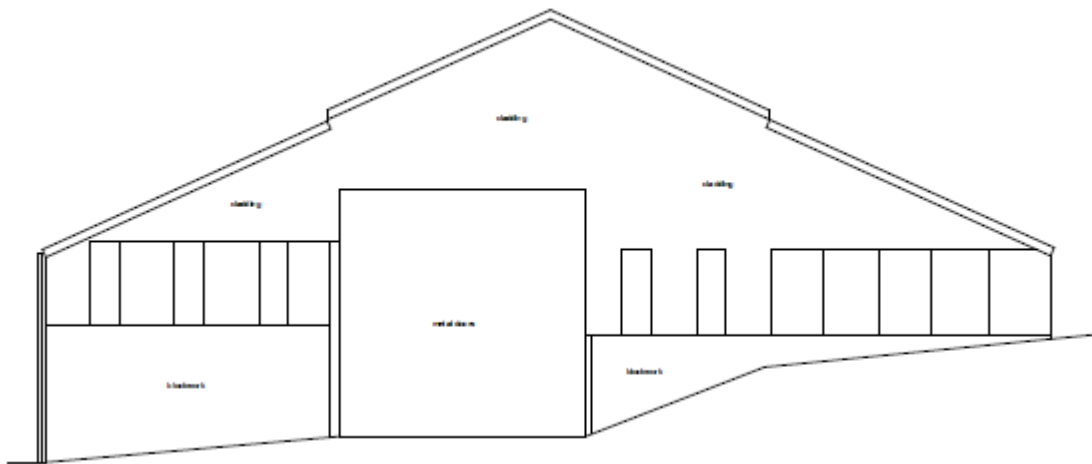
Whilst the Structural Condition Report says the application building is capable of being converted to residential use it does not take account of the actual proposal or detail the works required to convert the building into residential use. The report is not a full structural survey, so it is unclear whether the steel portal frame structure is capable of accommodating the additional loads to achieve the proposed residential use i.e. the addition of a first floor, new external cladding, internal insulation, aluminium openings etc. The only details of the actual works are shown on the application plans and described within the PDAS, along with information that can be gained from the Cost Estimate by J W Pillinger Limited (September 2020 / Rev A) for converting the building within Appendix D of the Viability Report.

The PDAS explains that the building condition report confirms that the large barn is of a viable condition, capable of conversion and refurbishment with little structural work required. “The main structural elements of the framework, floor and roof of the barn are all of a nature that can be re-used to form the new dwelling” (par 6.29). Furthermore, “The corrugated metal roof will be retained, treated and insulated. The corrugated metal elevations will be retained and treated. It will be clad with timber weatherboarding” (par 6.31).

It would be reasonable to conclude based on the comments within the PDAS that the building would be ‘converted’ but the application plans present a very different proposal and they are not supported by a detailed written schedule of works or structural calculations. The

information within the Viability Report conflicts with the description within the PDAS and describes a scheme that more closely aligns with the one shown on the application plans. The application plans indicate that:

- The north-east (front / roadside) elevation involves blocking up all existing openings and introducing new openings;
- The north-west (drive side) elevation involves blocking up all existing openings and introducing new openings;
- The south-west elevation clearly involves the rebuilding of the entire wall and the introduction of large new openings (set back balcony at first floor level)
- The south-east side will all be new (due to removal of single storey bay).
- The plans show a new metal profile roof with new rooflights.



Existing North-East Elevation



Proposed North-East Elevation

The extent of works shown on the plans does not suggest that the “corrugated metal elevations will be retained and treated”. It is reasonable to assume that the majority of the walls will have to be taken down and re-built to achieve the design of the proposed dwelling and a new roof installed, which is shown to be higher than the existing due to the new material / insulation. The proposed floor plans actually show a single solid wall structure around the building with new openings, and the elevations even show a brick plinth.

The interpretation of the scheme presented on the proposed plans does not tally up with the limited description of the works presented within the PDAS. The plans suggest that the layout is arranged around the main steel portal frame but there is limited information on the application plans. It appears that there will be a significant amount of re-building works required to achieve the proposed dwelling, along with new structural elements. The section plans show new steel trusses and supports. There are no details of the work required to repair or secure the steel frame, or work to the walls which currently act as retaining walls and have areas of damp penetration.



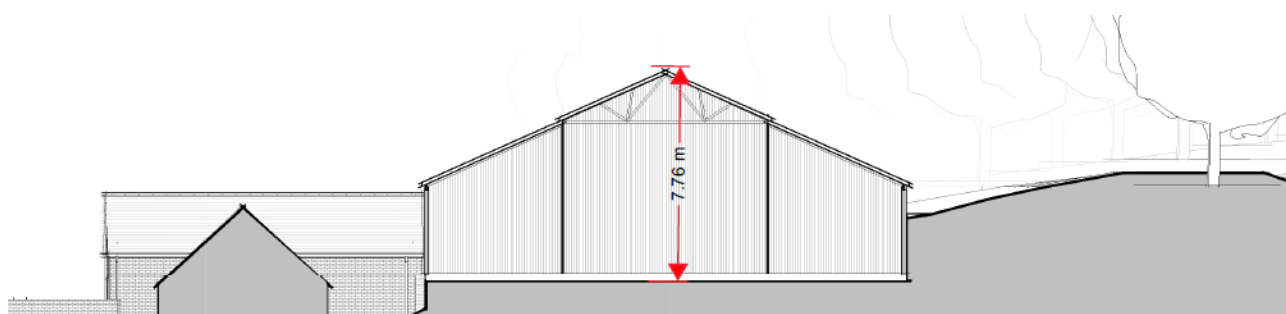
Existing & Proposed Ground Floor Plans

The above assessment is supported by the list of external works included within the Cost Estimate by J W Pillinger Limited (September 2020 / Rev A) which is as follows:

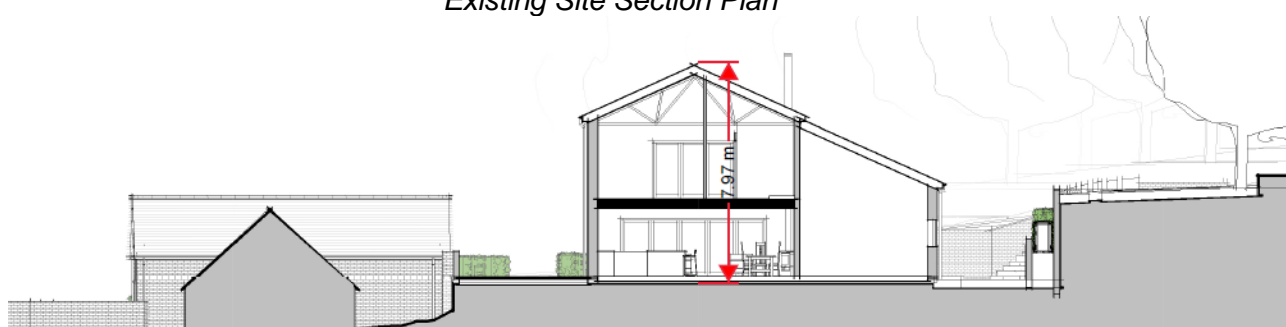
- a) *“Removal of an existing lean-to the south-west side of the barn*
- b) *Removal of one bay from the main structure of the existing barn*
- c) *Removal of existing corrugated steel cladding and roofing*
- d) *Making good and the repair of the existing steel frame; frame grit blasted and finished with protective painting and fireproofing*
- e) *New steel frame complete with fireproofing and a new concrete floor for proposed first floor accommodation*
- f) *Retaining and repair existing single skin of blockwork to three sides of the barn*

- g) New foundations and blockwork to provide external cavity walls as required complete with cavity insulation
- h) Clean and repair existing floor slab and provide new reinforced concrete topping with provision for a damp proof membrane and slab insulation
- i) Replacement composite insulated metal roof sheeting to existing frame
- j) Provision of roof lights for first floor bathrooms and over main entrance”

The works described above clarify that following the demolition works (i.e. lean-to on the south-west side and one bay of the main barn) and the removal of the existing corrugated steel cladding and roofing, the only element of the building that would remain is the steel frame. It is noted that the list says the single skin blockwork walls would be retained but this is not shown on the application plans. The starting point for the ‘conversion’ would be a bare steel frame which would be repaired / treated. The development would then involve a new floor and foundations to support new cavity walls with openings, and new composite insulated metal roof sheeting to the existing frame.



Existing Site Section Plan



Proposed Site Section Plan

The building is not considered capable of functioning as a dwelling in its current guise without the provision of new structural elements including new external walls and openings, internal partition walls, ceilings, insulation etc, including a new roof and structural elements to accommodate a first floor. It appears that a new dwelling would be constructed around the form of the steel portal frame. As such, in line with the principles set out within the Hibbitt judgement, the proposal is more akin to a ‘re-build’ rather than a ‘conversion’ and is therefore considered to fall outside the scope of a ‘conversion’ permitted under Core Policy 48.

Principle of Proposed Residential Use

Notwithstanding the above assessment, Core Policy 48 does not permit the conversion of rural buildings to residential accommodation unless it can be demonstrated that employment, tourism, cultural and community uses are not practical propositions.

It is recognised that viability appraisals have previously been accepted in certain circumstances to justify the conversion of rural building to dwellings under Core Policy 48 of the WCS. However, the intention of the policy is to establish whether there is any clear evidence which shows that the actual physical use or location of a rural building for employment, tourism, cultural and community uses is not practical.

The PDAS asserts that in order to be practical a use must be technically and financially viable. It argues that the continued use of the site for informal low-key storage use or for a cultural community or tourism use is not viable and not a practical proposition for the re-use of the main barn on a variety of grounds which include the location of the building, local infrastructure, and access constraints. The submitted Viability Report (September 2020) concludes that the use of the barn, once converted as a holiday let, would not be financially viable, but that an unrestricted C3 residential use would be.

Whilst there does not appear to be sound planning reasons for discounting the continued informal agricultural and storage use of the site, it is accepted there are a variety of factors that do not lend support for the change of use of the site to other employment, cultural and community uses. However, the lack of a viable alternative use does not outweigh the harm that would arise from a residential development in an unsustainable location.

9.2 Impact on Landscape Character

Core Policy 48, criteria 'ii' - *the use would not detract from the character or appearance of the and would not be detrimental to the amenities of residential areas;*

In terms of the impact on landscape character, the Countryside and Rights of Way (CROW) Act 2000, under section 85 (1) places a duty on public bodies that, "*In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*" Great weight is also afforded to the protection of the AONB within both national and local planning policy. The NPPF outlines that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (par 170). The NPPF states that AONBs have the highest status of protection in relation to landscape and scenic beauty and the scale and extent of development within these designated areas should be limited.

Core Policy 51 'Landscape' of the WCS outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures. In relation to AONBs, the policy applies great weight to conserving and enhancing landscape and scenic beauty and requires applications to demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plan for the AONB.

The impact of the proposed development on landscape character must be established in order to assess its acceptability within the North Wessex Downs AONB. The existing agricultural buildings on the site are of limited architectural value and due to their condition, size and design do not add to the overall attractive appearance of the area. Their demolition is therefore un-contentious. However, the change of use of the site and North Barn to a residential use has the potential to have a significant impact on the character and appearance of the area and very rural feel of the site. The impact on the proposal on the character of the site and wider landscape must be considered. The site is visible in close range views from public footpath ref.GRAF20 and in longer distance views from higher land from public rights of way.

The application is supported by a Landscape and Visual Impact Statement (March 2020 Revised July 2020) prepared by Clark Landscape Design.

In terms of visual impact, the LVIA states that “Overall, the proposed development is assessed as having a ‘Neutral’ or ‘Minor Beneficial’ visual impact by removal or refurbishment of the existing poor quality farm buildings, will provide an enhancement to the street scene and a much softer edge when seen from the wider vantage points of the North Wessex Downs AONB” (p 29).

In terms of landscape impact, the LVIA states that “The direct impacts on the landscape from the proposed development will be in terms of area lost to agricultural buildings. However, those direct impacts are minor when set against the extent of the area of the ‘Vale of Pewsey’ landscape character area as a whole” (p 29).

The LVIA concludes by stating that “By careful consideration of the landscape and visual impacts of the site from the surrounding countryside, masterplanning of the proposed layout, use of appropriate building materials and appropriate landscape mitigation measures my assessment of the proposed development is that the proposal will meet those requirements as well as the requirements of the Core Strategy Policies 57 – ‘Ensuring High Quality Design and Place Shaping’, 51 – ‘Landscape’ and 58 – ‘Ensuring the conservation of the historic environment’ (p31).

The Council’s Landscape Officer highlights that the application building is generally well concealed from all but the closest views and the proposed development will result in a reduction to the overall scale of the building. However, “whilst the mass of the building is reducing the elevations of the converted building will be changing considerably from an, or be it run down, agricultural farm building with large doorways suitable for modern agricultural machinery, minimal openings for lighting, and a rough patchwork of cladding including concrete block and corrugated sheet to a much more refined and domesticated elevations with timber cladding and modern sleek looking windows and doors”.

The Council’s Landscape Officer advises that the more domesticated elevations will visually impact on the currently more agricultural and rural character of the adjacent lane which will be to the overall detriment of the character of the lane moving away from the settlement of Wexcombe and into the countryside beyond. However, the visual impacts will be localised and minor in the context of the wider landscape and, on balance, there is no objection to the development subject to minor design alterations and full details of the landscape scheme to be secured via condition.

The AONB Planning Advisor commented on the previous application and raised concerns with the large rooflight on the north west elevation, due to the impact of light spill in what is a dark environment (dark skies being a special quality of the AONB). This matter has been addressed within this current application but the comments regarding the change of use and alterations to the appearance of the site remain. It was advised that “the changes surrounding the barn including the expansion of patio and new retaining structures introduces a significant amount of hard landscaping which would unfortunately have a suburban character to the detriment of the natural and scenic beauty of the AONB and the local character of Wexcombe”. The Planning Advisor recommended that permitted development rights for extensions and outbuildings be removed via condition should the application be granted planning permission, along with a condition restricting external lighting.

In conclusion, whilst there will be a notable change to the rural agricultural appearance of the site which will become more domesticated and therefore harmful to the special qualities of the AONB, the adverse impacts are localised and have been mitigated as best as possible. The site adjoins other residential properties so the change in character is not considered harmful

to wider landscape character and on balance, a refusal of planning permission on landscape grounds is not considered to be justified.

9.3 Access, Infrastructure & Local Services

Core Policy 48 criteria 'iii' & 'iv' - *the building can be served by adequate access and infrastructure; and the site has reasonable access to local services;*

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities, and can be served by safe access to the highway network. The policies aim to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people. The development would not accord with the aims of these policies due to the location of the site within the countryside and limited access to public transport facilities. The Council's Highways Development Control Officer does however recognise that the conversion of the building may be considered under an exception policy and indicated that if the principle of the development is considered acceptable the new use must be served by an appropriate access and not pose a risk to highway or pedestrian safety.

The existing access into the north-western corner of the site would be used, with the existing direct access to the barn closed. The Council's Highways Officer previously advised that "The proposal site has an access to the highway on the unclassified road that connects the hamlet to the main road at the classified road C21. This unclassified is narrow of a single track and the junction with the classified C21 (Chapel Lane/Fair Mile) is considered sub-standard in terms of visibility and geometry and additional vehicle movements would be discouraged due to these restraints. It is the opinion of the LHA [Local Highway Authority] that a change of use will result in an increase in vehicle movements and as such would not be looked upon favourably."

The application is supported by a Transport Statement prepared by IMA Transport which seeks to address the previous comments of the Council Highways Officer and concludes by stating that "The change of use is unlikely to alter daily traffic volumes significantly but would reduce direct access by large vehicles. The LHA has acknowledged there will not be any material change to traffic movements through the existing highway network and confirmed that no objection would be forthcoming on those grounds".

The Council's Highways Officer has advised that in general, a dwelling will produce more vehicle movements than a barn, although it is acknowledged that the Transport Statement demonstrates that for this site the impact of total movements for a dwelling in the proposal site location would be analogous to movements from the existing barn for which permission already exists. The Highways Officer mentioned that "The existing or permitted use can see large commercial or farm vehicles using the access and the narrow unclassified road that leads to the proposal site, so this proposal will result in fewer large slow moving vehicles and will largely replace these movements with domestic vehicle movements".

In conclusion, the site is not considered to be a sustainable location for new residential development, however the applicant is pursuing planning permission under an exception policy. As such, if the in-principle objection to the proposal is set aside, a refusal of planning permission on highway safety grounds is not considered to be justified in this instance. The site access is considered sub-standard in terms of visibility and geometry and additional vehicle movements cannot be supported; however, the application demonstrates via a Transport Statement there will be no greater risk posed to highway safety over and above the existing fall-back position.

9.4 Impact on Heritage Assets

Core Policy 48 criteria 'v' - *the conversion or reuse of a heritage asset would lead to its viable long term safeguarding.*

The duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 is the requirement to have special regard to the desirability of preserving the listed building (Wexcombe Manor) or its setting or any features of special architectural or historic interest which it possesses. Furthermore, as the adjacent Chapel building is considered to be a non-designated heritage asset proposals need to comply with policy 197 of the NPPF which states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the signification of the heritage asset”.

In considering applications, policy requires a balanced view, with the harm which would be caused being weighed against the public benefits or securing the optimum viable use which would result from the proposals (paragraph 196 of the NPPF).

In light of legislative and policy requirements noted above the department's Conservation Officer has been consulted and has reviewed the submitted Heritage Statement (October 2020) by Pro Vision and has provided the following appraisal:

Site: the site constitutes the farmyard of the property originally known as Upper Farm, Wexcombe. The farmhouse (known as Wexcombe House from the early 20th century) and a range of historic ancillary buildings comprising stables etc. to the north-west of the house were sold into separate ownership in the 1970s, with further land added to the holding in the early 1980s. The remaining part of the farmyard, subject of the current application, constitutes two modern agricultural buildings and the remnants of a 19th century single storey brick and tile agricultural building which is understood to have been used for a period at the end of the 19th century/early 20th century as a chapel of ease, serving local people who were not always able to attend the parish church due to the remoteness of the location. The farmyard appears to be largely disused although there is farm machinery stored in the modern buildings. The site is at the south-western edge of the hamlet on a sloping site. To the north and north-west the site is largely screened by a small plantation, but to the south-east the land drops away and the site is prominent within the landscape. The former farmhouse and its remaining ancillary yard (comprising buildings of a similar era to the chapel) lies to the north-east. Part of the former principal farmyard to the south-west of the farmhouse has also been taken into the ownership of the farmhouse and incorporated into its garden area. New intervening boundary walls and garden vegetation reflecting the changed ownerships impose a degree of physical and visual separation between the original farmhouse and its main yard.

The farmhouse was sold into separate ownership in the 1970s prior to its addition to the statutory List as a grade II listed building in July 1986. The chapel is therefore not part of the listed building but can be considered as a non-designated heritage asset.

Assessment – significance of the site: the chapel holds some historic and evidential value relating to its temporary use as a chapel of ease, a relatively rare provision for public use at this period, and should be considered as a non-designated heritage asset. Unfortunately, it was created via a relatively simple conversion of a farm building with few embellishments and the building's treatment and deterioration in the intervening years has largely eroded any presence it may have had relating to its sacred use.

In addition, the former chapel was originally an outbuilding forming part of the remaining range of historic single storey buildings (which are curtilage listed) and has some historic and evidential value as part of this ancillary yard and, visually, as the terminus to the roof of the range. As a whole the ancillary yard constitutes part of the setting of the farmhouse, contributing to its significance via the interest of its original fabric, function and use and to its aesthetic value as an attractive historic range of rural outbuildings.

The original farmyard to the south-west, with its buildings, layout and continuing agricultural use similarly contributed to the significance of the former farmhouse, providing its historic context and promoting understanding of its original function and reason for construction. However, none of the historic working buildings from the original principal farmyard now remain. The yard has been bisected by boundaries relating to the change in ownership and the area transferred to the former farmhouse has changed in character to that of a garden. Other than the site access, the remaining layout, buildings and hardstanding areas bear no relation to the historic situation. It is understood that the agricultural use of the site has all but ceased. On this basis it is considered that, although the farmyard falls within the historic setting of the listed house, the site as existing makes only a limited contribution to its significance due to its historic association and as part of its wider rural context.

Impact on the chapel: in contrast with previous schemes there are no proposals for the chapel at all and the scheme should therefore be considered to be neutral in this respect. Whilst it will not actively preserve the building, neither will it harm it.

Conversion of existing farm building: the proposed conversion of the existing building would retain a building of the same scale and form and some of the appearance of the modern farm building, which is of no intrinsic interest. However, the need to introduce glazing and usable openings and to provide an appropriate domestic setting would inevitably change the character of the site. Whilst the wider rural setting of the surrounding fields would be retained, the site would no longer have the agricultural connections which contribute to the setting of the adjacent designated and non-designated heritage assets and enhance their significance by creating context and assisting in understanding of their original function and development. Given that the site is largely unused at present the impact would be generally neutral. I do not consider that there would be any positive heritage benefit which would result from the conversion of the existing building.

Conclusion: the conversion of the existing building and site to residential use would have a neutral impact on the setting of neighbouring heritage assets, both designated and non-designated and, as a result, there is no objection from the perspective of built conservation issues (legislation and national and local policy requirements are met) to the proposed development as a whole.

However, the scheme is not considered to contribute any positive conservation benefit to weigh against other policy concerns which might exist.”

In light of the above, and whilst acknowledging the requirement to have special regard to the desirability of preserving the setting of the listed buildings, it considered that the proposal will not harm the significance of the designated heritage assets, or the non-designated heritage asset within the site.

9.5 Environmental Impact

Core Policy 67 ‘Flood Risk’ of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. The application for specifies that surface water will be discharged via a

soakaway and foul drainage via a septic tank. The submission and approval of further information can be secured via conditions of any planning permission.

Core Policy 56 'Contaminated Land' of the WCS outlines that new development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity. The Council's Public Protection Officer advised during the assessment of the previous application that the former use of the site/building may have given rise to potential sources of land contamination e.g. oil storage, pesticides or herbicides and because it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/buildings and how development works will address any potential for land contamination which may exist. Furthermore, any asbestos shall be removed and disposed of by an approved contractor.

The PDAS explains that the barn was originally constructed as a grain store and later used as a workshop. It is currently not in any use. "Given the nature of the previous uses, the Site is considered unlikely to suffer from harmful levels of land contamination. Furthermore, the Proposals seek to convert the main barn and carry out landscaping, so there will be no significant disturbance to the ground". The PDAS does however accept that this issue could be subject to further investigation but via a condition of any planning permission that may be granted which would also secure appropriate mitigation measures. The presence of asbestos has however not been investigated and addressed within the application. In order to achieve the proposed scheme, it is considered that all existing external cladding would be removed so the applicant would be required to safely remove any material that contain asbestos in line with the rules, regulations and procedures set by The Health and Safety Executive.

9.5 Ecological Impact

Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. The application is therefore supported by a Preliminary Ecological Appraisal (March 2020) and Ecological Assessment (October 2020) by Pro Vision Ecology.

The Council's Ecologist has previously confirmed that there are no sites designated for nature conservation within the zone of influence of this proposal and no significant protected species issues in the local area. The current reports contain a series of recommendations to ensure potential adverse impacts are mitigated and measures to enhance the ecology of the site. It is considered that if the recommendations given in the survey reports are followed, the development will not result in any adverse impacts to local populations of protected wildlife species. A condition can be imposed on any planning permission that may be granted to ensure the development will be in carried out in strict accordance with the recommendations given in the Ecological Assessments.

9.8 Impact on Neighbour Amenity

The site is visible from neighbouring properties to the south-west but there will be more than a sufficient separation distance between the proposed and existing dwellings to ensure no loss of amenity through overlooking etc. The proposed development has the potential to impact on the amenity of the occupiers of the properties adjacent to the south-east boundary of the site as a result of overlooking from the new first floor windows in the south-east elevation

but the section plan indicates that due to the site levels and orientation of the neighbouring building there will be no unacceptable loss of amenity as a result of overlooking.

CONCLUSION (the planning balance)

The application seeks full planning permission to convert an existing agricultural building into an open market residential dwelling with associated work involving the change of use of associated agriculture land to form a domestic curtilage, and the construction of a three-bay garage.

The provision of a new dwelling on the site would conflict with the objectives of the Settlement Strategy (Core Policies 1, 2 & 18) of the Wiltshire Core Strategy. The application however seeks consent for the proposal under an exception policy (Core Policy 48) which allows the conversion of rural buildings provided they are structurally sound and capable of conversion without major rebuilding. It is however considered that due to the extent of work required to secure the residential use the proposal is more akin to a 're-build' rather than a 'conversion' and is therefore considered to fall outside the scope of a 'conversion' permitted under Core Policy 48.

The site is within an agricultural use which is not classed as 'previously developed land' so the presence of agricultural buildings does not lend support to the redevelopment of the site for an alternative use that would conflict with the objectives of the local development plan. The proposal would result in the provision of a large five-bedroom dwelling within an unsustainable location and it has not been demonstrated that the accommodation is required to meet a defined local need.

The proposal would result in the loss of the rural agricultural character of the site through the change of use and the provision of a large modern looking building, to the detriment of the landscape of the AONB which is not considered to be justified.

In light of the above, it is recommended that planning permission be refused.

RECOMMENDATION

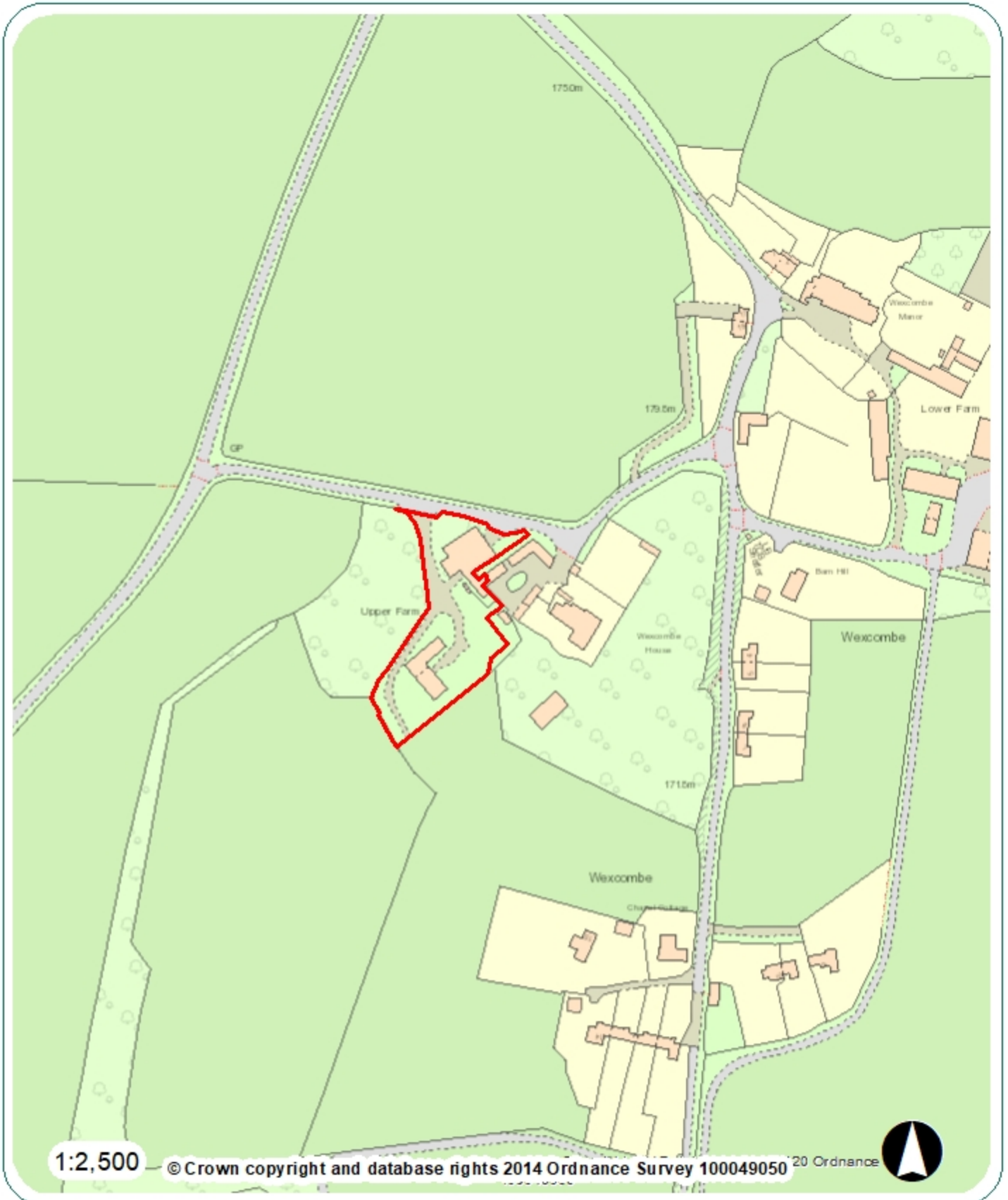
That planning permission be **REFUSED** for the following reasons:

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).



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