

# AGENDA

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**Meeting:** Western Area Planning Committee

**Place:** Council Chamber – County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Wednesday 19 January 2022

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Christopher Newbury (Chairman)	Cllr Stewart Palmen
Cllr Bill Parks (Vice-Chairman)	Cllr Antonio Piazza
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Ernie Clark	Cllr David Vigar
Cllr Andrew Davis	Cllr Suzanne Wickham
Cllr Edward Kirk	

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## Substitutes:

Cllr Matthew Dean	Cllr George Jeans
Cllr Jon Hubbard	Cllr Gordon King
Cllr Tony Jackson	Cllr Mike Sankey
Cllr Mel Jacob	Cllr Graham Wright

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## **Covid-19 safety precautions for public attendees**

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **Please contact the officer named on this agenda no later than 5pm on Monday 17 January if you wish to attend this meeting.**

To ensure safety at the meeting, all present at the meeting are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow one-way systems, signage and instruction

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

### **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

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

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

### **Public Participation**

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

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

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 29 September 2021.

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**

**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 17 January 2022.

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.

**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 Wednesday 12 January 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 Friday 14 January.

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 15 - 16*)

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

7 **Planning Applications**

To consider and determine the following planning application.

7a **PL/2021/08361 - 72 High Street, Heytesbury, Warminster** (*Pages 17 - 30*)

Change of use of existing annex to a standalone residential dwelling (Use Class C3).

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**

***Item 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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### Western Area Planning Committee

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#### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 29 SEPTEMBER 2021 AT COUNCIL CHAMBER – COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

##### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr Pip Ridout, Cllr David Vigar and Cllr Tony Jackson (Substitute)

##### **Present as Local Unitary Members:**

Cllr Horace Prickett  
Cllr Johnny Kidney

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#### 40 **Apologies**

Apologies for absence were received from Councillor Suzanne Wickham, who arranged for Councillor Tony Jackson to attend as a substitute.

#### 41 **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 July 2021 were presented for consideration, and it was,

##### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 7 July 2021.**

#### 42 **Declarations of Interest**

There were no declarations of interest.

#### 43 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

#### 44 **Public Participation**

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

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

45 **Planning Appeals and Updates**

The update report on planning appeals was received with details provided that a number of appeals had been received and determined. Development Management Team Leader, Kenny Green provided a summary of three allowed appeals in Semington, Bradford On Avon and Southwick.

**Resolved:**

**To note the Planning Appeals Update Report for 29 September 2021.**

46 **Rights of Way Applications**

The Committee considered the following Rights of Way application:

47 **Trowbridge Path No.8 Definitive Map and Statement Modification Order**

**Public Participation**

Steve Wylie spoke in objection of the application.

Andrew May was unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in support of the application.

Senior Definitive Map Officer, Janice Green presented a report which had the purpose to consider objections and representations received following the making and advertisement of "The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021". The report recommended that "The Wiltshire Council Trowbridge Path no.8. Definitive Map and Statement Modification Order 2021" be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified, including that the fence within the portion of land subject to the Order would require removal if it was found to be an obstruction of the highway, however this would depend on the findings of the Secretary of State regarding the width of the path and its status . It was explained that the current barrier was erected under the Highway Authority's powers to erect barriers in the highway to safeguard users, under Section 66 of the Highways Act 1980 and there is evidence that the opening of Church Lane as a through route to vehicular traffic has long been a concern. The Highway Authority's duty to safeguard users of the path continues if the path is upgraded to a bridleway, but of course any barrier would need to be appropriate for a bridleway at the full width. The current barrier would be removed and replaced with an appropriate barrier at the same time in order to protect non-motorised



users. As this would be an operational decision, it would be made by the Head of Service for Highways or the Rights of Way team

Additionally, it was clarified that the Order proposes to upgrade the footpath to a bridleway, rather than a byway open to all traffic and that the legal public use for this would only be on horseback, with bicycles and foot. Details were sought regarding the private rights of residents to use Church Lane in order to access their properties and it was explained by officers that private rights had not been investigated as there was no duty to do so. Any person driving down Church Lane would be doing so to access the properties along Church Lane, not to use the highway as a through route. The barriers in place do not allow motor vehicles to connect from Church Lane to Acorn Meadow.

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

The local Unitary Member, Councillor David Vigar, then spoke regarding the application. Key points included concerns from residents that the barrier might be removed and then not replaced, causing Church Lane to be a through road which would be dangerous for pedestrians. As it was not directly addressed in the report, Councillor Vigar sought assurance that there would be no immediate intention to remove the barrier without replacing it. It was clarified that the barrier historically was likely to have been authorised to be erected in 1962 to safeguard non-motorised users. The Council consider that the need to safeguard non-motorised users continues and there is currently no reason for the Council to remove the barrier. If the route is confirmed to be bridleway by the Secretary of State any replacement barrier would need to be of a particular design to suit equestrian and cyclist use whilst not allowing motorists through. Regarding the removal of the fence that narrows the width of the piece of land, it was clarified that if installed, the bridle gate would be required cover the full width of the bridleway to prevent vehicles from attempting to drive around the barrier.

A debate then followed including the need to follow government guidance regarding the installation of the barriers if the order was confirmed by the Secretary of State.

A motion to move and accept the proposal was moved by Councillor Ernie Clark and seconded by Councillor Bill Parks.

At the conclusion, it was,

**Resolved:**

**That “The Wiltshire Council Trowbridge Path no.8.Definitive Map and Statement Modification Order 2021” be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.**

*The meeting was adjourned at 4:01 pm and resumed at 4:08 pm.*

48 **Planning Applications**

The Committee considered the following Planning Applications:

49 **PL/2021/03460 - Yew Tree House, Brokerswood, BA13 4EG**

Public Participation

Richard Cosker spoke in support of the application.

Rachel Clow spoke in support of the application.

Mr and Mrs C.N. Stevens were unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in support of the application.

Roger Evans spoke on behalf of North Bradley Parish Council.

Senior Planning Officer, Verity Giles-Franklin, presented the report and recommended that the Committee refuse the application for the erection of two holiday eco lodges.

The committee was advised about the site circumstances being located in the open countryside beyond any defined settlement and not close to any such settlement. The officer advised members about the principle of development and change of the use of the land to a tourist use, as well as the consequential visual and ecology impacts, the impacts to neighbouring amenity and highway matters.

Members of the Committee had the opportunity to ask technical questions regarding the application. Clarification was provided on the lawful use of the land being residential curtilage following the approved conversion of the former public house to a residential property in 2015. The committee was also advised on the lead development plan policies and queries were answered pursuant to the adopted policy regarding infill and directing new tourist development to settlements or close to settlements as set out by Core Policy 39 and the overarching Council's policy of securing sustainable development. It was also confirmed that the application had no direct association to Brokerswood Country Park.

Additionally, the sustainability principles of the application were discussed in relation to the proposal generating additional traffic, with officers advising members that by virtue of the site's rural location, the two holiday lets would likely have a heavy reliance placed upon the use of private motor vehicles to gain access to local attractions, which would conflict with Core Policies 60 and 61, to reduce reliance on cars. Clarity was furthermore sought with respect to Core Policy 39 stipulating that new holiday let development in the open countryside should first of one be evidenced that the proposed facilities are in conjunction with a particular countryside attraction, the reasoning being to provide new development in exceptional cases where there is demand and a clear association to an existing use that requires new holiday let accommodation.

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

The local Unitary Member, Councillor Horace Prickett then spoke regarding the application. Key points included that the design of the proposed holiday lets would be out of character with other buildings in the area and that the development would have no local services available and would be isolated in the open countryside and would generate more traffic.

A debate then followed which considered the principle of the development along with the associated impacts the proposed development would have to the open countryside, the aesthetics of the proposal was also discussed with the use of steel cladding noted; and the merits of the eco-lodge proposals along with noting the site's proximity to the national cycle route and the proposed on-site provision of electric charging points. Regard was also given to the Senior Planning Officer's policy explanation.

A motion to move and accept the officer recommendation was moved by Councillor Ernie Clark and seconded by Councillor Trevor Carbin.

At the conclusion of the debate and following a tied vote, the Chairman's used his casting vote, and it was

**Resolved:**

**To refuse the application as per the officer's recommendation for the following reasons:**

**1. The subject site is located in open countryside and is not located in or close to a Local Service Centre or Large and Small Village and does not seek to re-use or replace an existing building and on this basis, only in 'exceptional cases' would such tourism accommodation be considered, which this proposal fails to adequately demonstrate, as the proposal fails to satisfy all the necessary criteria contained in CP39; and in particular, the Council is not convinced by the applicants' submissions that the proposal is justified or is supported by substantive evidence for this proposal to be considered 'exceptional'. As such, the proposal is not considered to be a sustainable form of development and is considered contrary to Core Policies 1, 2, 39, 60 and 61 of the adopted Wiltshire Core Strategy.**

**2. The proposed site is located in the open countryside and outside any identified limits of development whereby the proposed siting of two ecolodges to be used for holiday accommodation would constitute an unwarranted and unjustified encroachment of the open countryside, resulting in the loss of a spatial gap between existing buildings and introduce an urbanising effect that would harm the rural character and appearance of the area. As such, the proposal is considered to be contrary to Core Policies 51 and 57 of the adopted Wiltshire Core Strategy.**

*The meeting was adjourned at 5:00 pm and resumed at 5:06 pm.*

50 **20/10353/FUL - 37 A Monkton Farleigh, Bradford-on-Avon, Wiltshire, BA15 2QD**

Public Participation

Lisa Baird spoke in objection of the application.  
Jenny Potts spoke in objection of the application.  
Simon Chambers spoke in support of the application.  
Joy Spiers spoke on behalf of Monkton Farleigh Parish Council.

Senior Conservation and Planning Officer, Steven Sims, presented the report and recommended that the Committee approve the application for the erection of a replacement dwelling subject to conditions.

Details were provided of the site including the principle of development, the impact on the openness of the Green Belt and to the character and appearance of the Conservation Area and the AONB, as well as the impact on the amenity of neighbouring residents.

Members of the Committee had the opportunity to ask technical questions regarding the application. Clarification was provided by officers that, if approved, three car parking spaces would be required – which the proposed plans included. It was also confirmed, that as recommended, if the application was to be approved, certain permitted development rights should be removed by a planning condition.

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

The local Unitary Member, Councillor Johnny Kidney then spoke regarding the application. Key points included that the property was located in a sensitive village within a green belt as well as an Area of Outstanding Natural Beauty and that the proposed size of the replacement building would contravene the national planning policy framework. Councillor Kidney furthermore argued that the proposal would have a detriment impact on neighbouring properties.

A debate then followed whereby members discussed the merits and impacts of the proposed replacement dwelling and it was argued that despite officers securing negotiated changes that reduced the size and bulk of the replacement dwelling, the finalised proposal was still considered too large and harmful to neighbouring interests. The NPPF was referenced, specifically that a property should not be materially larger than the one being replaced. The sensitivities of the site were acknowledged and referenced, along with there being a recognition that the Council currently has a 5-year housing land supply deficit. However, it was also argued that the NPPF presumption in favour of supporting new housing when such a deficit exists, is not engaged for this particular case given the site's special protections.

A motion to refuse the proposal was moved by Councillor Trevor Carbin and was seconded by Councillor Antonio Piazza. The cited reasons for refusal were that the proposed replacement dwelling, by virtue of its materially larger size and height (when compared to the existing property) and the proposed re-siting, would constitute an inappropriate and harmful form of development in the green belt contrary to para 149 d) of the Framework, and moreover, it would have an unacceptable impact on the amenities of the neighbouring properties, especially No.37B, contrary to adopted WCS Core Policy 57.

At the conclusion of the debate, it was,

**Resolved:**

**That planning permission be refused for the following reason:**

**The proposed replacement dwelling, by virtue of its materially larger size and height (when compared to the existing property) and the proposed re-siting, would constitute an inappropriate and harmful form of development in the green belt contrary to para 149 d) of the Framework, and moreover, it would have an unacceptable impact on the amenities of the neighbouring properties, especially No.37B, contrary to adopted WCS Core Policy 57.**

51 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00pm – 5:50pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@wiltshire.gov.uk)  
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**Wiltshire Council  
Western Area Planning Committee  
19<sup>th</sup> January 2022**

Planning Appeals Received between 17/09/2021 and 07/01/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/11575/FUL	Land on the south west side of Black Dog Hill Chapmanslade Westbury, BA13 4AD	Chapmanslade	Change of use of land to 2 no. Gypsy pitch and associated works including, 2 no. mobile homes, 2 no. touring caravans, 2 no. dayrooms, and associated works	DEL	Hearing	Refuse	08/11/2021	No
20/07334/OUT	Land west of Semington Road, Melksham Wiltshire	Melksham Without	Outline planning permission for up to 50 dwellings and formation of access and associated works (Outline application to consider access with all other matters reserved).	DEL	Inquiry	Refuse	09/11/2021	No
20/09793/FUL	Beaglers Green 3C Kingsfield Grange Road Bradford On Avon BA15 1BE	Bradford On Avon	Proposed extension to dwelling	DEL	Householder Appeal	Refuse	09/11/2021	No
21/00068/FUL	Cowards Farm Brokerswood Westbury, Wiltshire BA13 4EQ	Dilton Marsh	Erection of a 2 bedroom log cabin for principal person of an established agricultural business	DEL	Written Representations	Refuse	05/10/2021	No
21/02064/FUL	Manvers House 3 Kingston Road Bradford on Avon BA15 1AB	Bradford on Avon	Erection of two storey building incorporating ground floor parking and an apartment above.	DEL	Written Representations	Refuse	06/12/2021	No
21/02603/LBC	Manvers House 3 Kingston Road Bradford on Avon BA15 1AB	Bradford on Avon	Erection of two storey building incorporating ground floor parking and an apartment above.	DEL	Written Representations	Refuse	06/12/2021	No

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Planning Appeals Decided between 17/09/2021 and 07/01/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded
19/08938/FUL	Land Adjacent 12 Farleigh Rise Monkton Farleigh BA15 2QP	Monkton Farleigh	Proposed demolition of former aviary buildings and to erect two dwellings and associated works	DEL	Written Reps	Refuse	Dismissed	28/10/2021	None
20/00575/ENF	Lavender Cottage 149 Winsley Bradford on Avon Wiltshire, BA15 2LJ	Winsley	Erection of fence over 1m high to front of property	DEL	Written Reps	Refuse	Dismissed	03/12/2021	None

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20/02756/FUL	Land at Stokes Marsh Lane, Coulston Wiltshire, BA13 4NZ	Coulston	Retrospective application for the siting of a temporary rural workers dwelling and associated works including erection of kennels and haystore and formation of hardsurface for access and parking.	DEL	Hearing	Refuse	Allowed with Conditions	03/11/2021	Appellant applied for Costs - <b>REFUSED</b>
20/05761/FUL	54 Blackmore Road Melksham, SN12 7HU	Melksham	Change of use of land into domestic garden, relocation of boundary fence closest to Gloucester Square access path and erect a new 2m high close boarded timber fence	DEL	Written Reps	Refuse	Dismissed	20/12/2021	None
20/07490/FUL	Lavender Cottage 149 Winsley Bradford on Avon Wiltshire, BA15 2LJ	Winsley	Erection of a pergola and 3 panel willow fence (retrospective).	DEL	Written Reps	Refuse	Dismissed	03/12/2021	None
20/07799/FUL	Ganders Heath Farm Lane Chapmanslade Westbury, Wiltshire BA13 4AN	Chapmanslade	Change of use of part of the agricultural building and the potting shed into two one-bedroom units of tourist accommodation (retrospective).	DEL	Written Reps	Refuse	Dismissed	27/09/2021	None
20/08793/FUL	Beaglers Green 3C Kingsfield Grange Road Bradford On Avon BA15 1BE	Bradford On Avon	Proposed extension to dwelling	DEL	Householder Appeal	Refuse	Dismissed	22/12/2021	None
21/00068/FUL	Cowards Farm Brokerswood, Westbury Wiltshire, BA13 4EQ	Dilton Marsh	Erection of a 2 bedroom log cabin for principal person of an established agricultural business	DEL	Written Reps	Refuse	Dismissed	07/01/2022	None
21/01266/FUL	Land west of Jasmine House, Hilperton Road Trowbridge, Wiltshire	Hilperton	Erection of a bungalow	DEL	Written Reps	Refuse	Allowed with Conditions	11/10/2021	None
PL/2021/03220	Whitepits Lodge, Kingston Deverill, BA12 7HD	Kingston Deverill	Use of annexe as a stand alone dwelling for a period in excess of ten years.	DEL	Written Reps	Refuse	Dismissed	21/10/2021	None
PL/2021/04022	Agricultural Building Land at Westwood Elms Cross Near Bradford on Avon BA15 2AL		Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building to One Dwellinghouse (Use Class C3) and for Associated Building Operations	DEL	Written Reps	Refuse	Dismissed	15/10/2021	Appellant applied for Costs - <b>REFUSED</b>



## REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	19 January 2022
<b>Application Reference</b>	PL/2021/08361
<b>Site Address</b>	72 HIGH STREET, HEYTESBURY, WARMINSTER
<b>Proposal</b> (Use Class C3)	Change of use of existing annex to a standalone residential dwelling
<b>Applicant</b>	Mr and Mrs D Stewart
<b>Town / Parish Council</b>	Heytesbury Imber & Knook Parish Council
<b>Electoral Division</b>	Wylve Valley – Cllr Christopher Newbury
<b>Grid Ref</b>	392865 - 142524
<b>Type of Application</b>	Full Planning Application
<b>Case Officer</b>	Steven Sims

### Reason for the application being considered by Committee

Councillor Christopher Newbury requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to approve planning permission for the proposed development and cited the following determinative matter:

‘To have regard to the particular circumstances advanced by the applicant in support of the development as approved.’

### 1. Purpose of Report

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

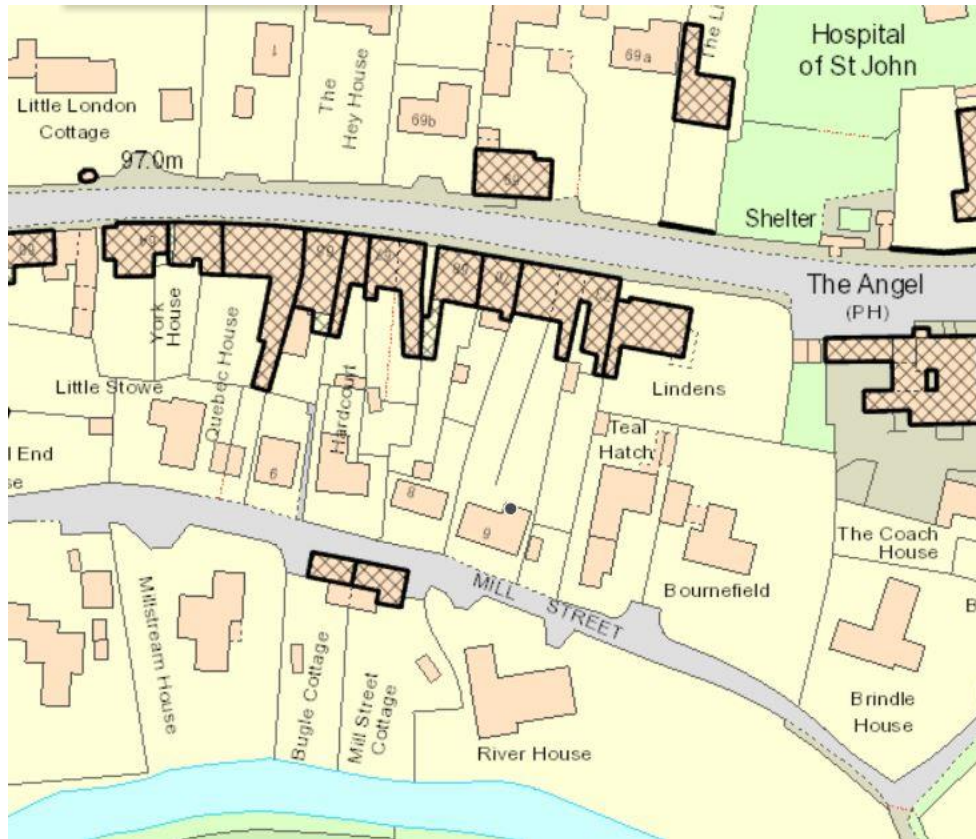
### 2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on heritage assets
- Impact on the amenity of neighbouring residents
- Highways/parking issues
- Drainage issues
- Other issues

### 3. Site Description

This application relates to an existing annex outbuilding that is located off Mill Street and is associated to and at the rear of No. 72 High Street, located within the village settlement limits of Heytesbury and within the Conservation Area. No. 72 High Street is a grade II listed building and as the following insert reveals, there are a number of listed buildings along the High Street as well as Mill Street Cottage and Bugle Cottage to the southwest, which are located along Mill Street.



Adjacent listed buildings shown as being hatched above.

The existing annex provides split level accommodation comprising an open plan kitchen, living and dining area, a study and WC on the upper ground floor with a timber decking leading to the shared garden. The lower ground floor comprises a shower room, bedroom and garage/store and a lobby. The floor area of the unit amounts to 87.6 sq. metres. Off road parking is provided directly to the south of the annex as shown below.



Existing front (south elevation)



Existing rear (north elevation)



Arial photo of the application site

#### 4. Planning History

20/03333/VAR – Removal of Conditions 2, 3, 4, 5, 6, 7, 8 and variation of Condition 9 of 16/09923/FUL, to refer to changes to materials and design – Approved

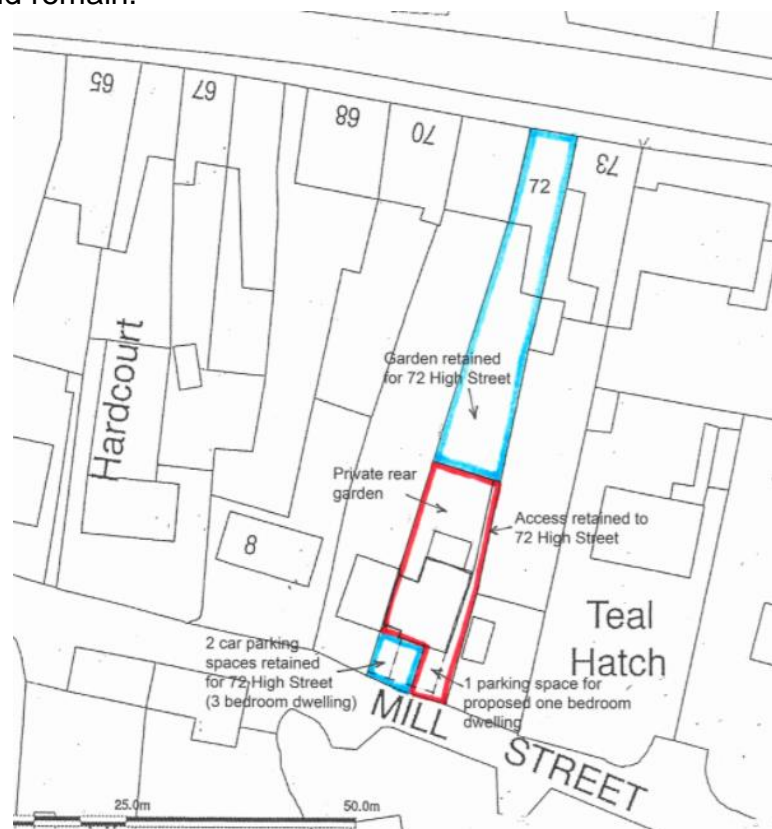
18/00952/ENF – Alleged not according to approved plans (16/09923/FUL) and unauthorised change of use – Case closed

16/09923/FUL – Demolition of existing garage and construction of a replacement garage with studio/annexe over (revised application (16/00188/FUL) – Approved

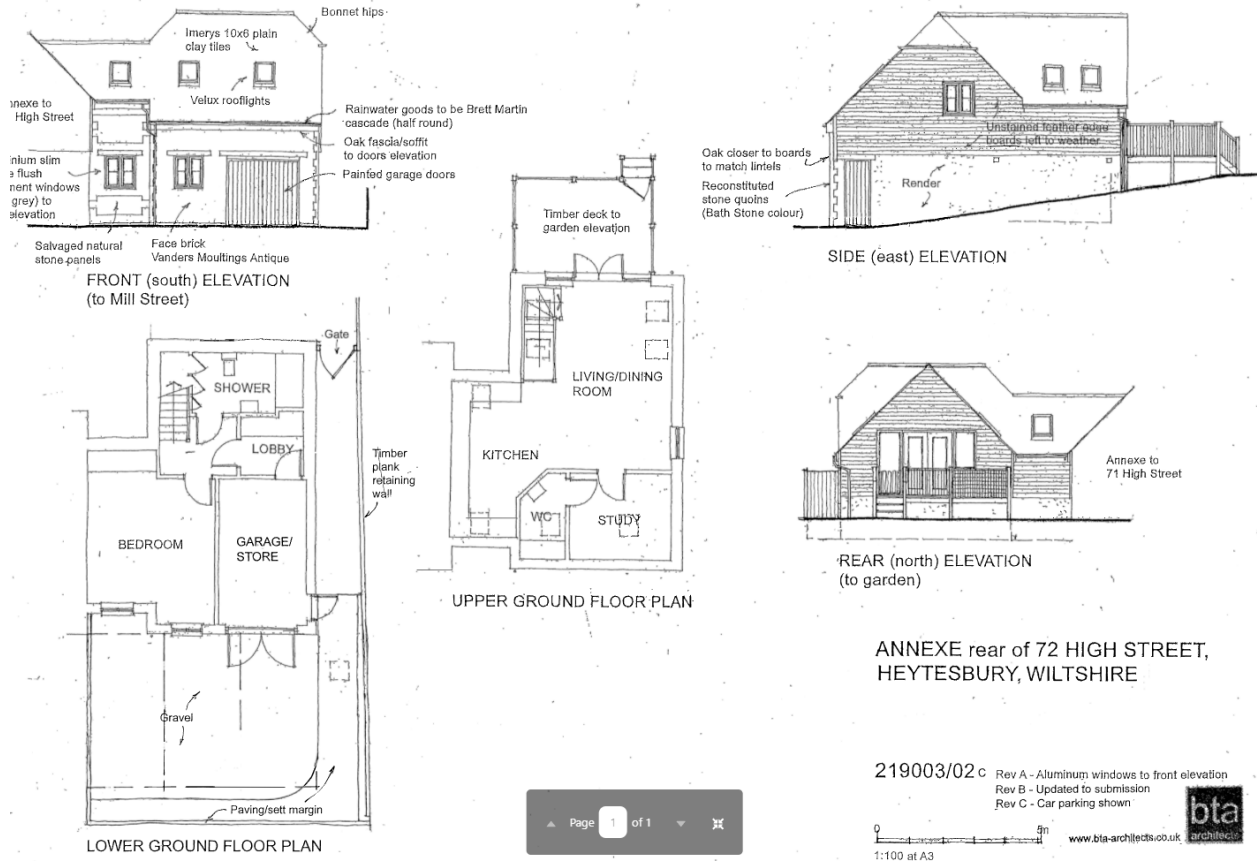
16/00188/FUL – Demolition of existing garage and construction of a replacement garage with studio/annexe over – Refused

#### 5. The Proposal

This is full application seeking permission for the change of use of an existing annex to become a separate residential dwelling. No internal or external alterations to the building are proposed. The building is as approved under application 20/03333/VAR. Three parking spaces are provided directly to the south of the property with access off Mill Street. One space would be allocated to the proposed new dwelling whilst 2 spaces would remain for the use by the residents of No. 72. The proposal allocates garden/amenity space to the north and to the rear of No. 72 High Street as shown below. The existing pedestrian access to the rear of No. 72 from Mill Street that is located to the east side of the annex would remain.



The proposed site with parking, amenity space and access



As Built / Approved Plans and Elevations

## 6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring conservation of the historic environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 64: Demand Management; Core Policy 67: Flood risk

Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration) U1a - Foul Water Disposal

National Planning Policy Framework 2021 (The Framework) and Planning Practice Guidance (PPG)

Wiltshire Council's Local Transport Plan and Car Parking Strategy 2011- 2026 Sections, 16, 66 and 72 of the Planning (Listed building and Conservation Area) Act 1990

## 7. Summary of consultation responses

Heytesbury, Imber & Knook Parish Council: Objects based on the following:

The Parish Council object to the change of use on the basis that the original condition of planning permission agreed in December 2016 stated that:

*"The garage with studio/annex hereby permitted shall remain as permanent ancillary accommodation to the principal dwelling 72 High Street Heytesbury, and shall be occupied by the same household, it shall not be sub divided, let or sold as separate accommodation".* (condition 10 refers)

The Parish Council believe that condition 10 of the planning permission should continue to be observed.

Wiltshire Council Highways Officer: No objection subject to a condition. No highway objection was raised to the studio annexe (under application 16/09923/FUL) with the creation of 3 car parking spaces. This proposal comes forward with no alteration to car parking, with the 3 spaces remaining on site, one for the proposed unit and two for 72 High Street. There is no highway objection subject to a condition securing the parking provision in perpetuity

Wiltshire Council Conservation Officer: No objection. The site is to the rear of a listed cottage located in a roadside position at the centre of the village and conservation area. The proposals relate to a recently constructed garage/annexe at the far end of the plot which fronts the rear lane, Mill Lane.

The NPPF defines significance as the *"value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"*.

Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and use of materials which have significant aesthetic value and stand as a good example of a terraced cottage within a village location.

The proposal is for a change of use of an existing approved annex with no proposed external alterations. The current parking and access arrangement to the listed property would be maintained, and the existing property would retain a substantial rear garden. The annex fronts onto a separate street and is accessed and served entirely independently from the listed building – and as a result, the proposal would have no additional impact on either the setting of the listed building or the conservation area.

Summary & Conclusion: There would be no additional impact on the heritage assets. The requirements of current conservation legislation, policy and guidance would be entirely satisfied and there is therefore no objection to the approval of the application from the viewpoint of the historic built environment.

## **8. Publicity**

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the site. As a result, the following comments were received from 6 third parties:

- Conditions were not properly discharged on the previous application and criticisms expressed about lack of enforcement action.
- No checks by the planning authorities were made either during or after construction.
- The annex was quickly turned into a dwelling with its own new address clearly displayed on its frontage resulting in a clear breach of planning control
- Mill Street is a very narrow lane servicing both the main frontage of houses and also back access and it is not feasible to have another permanent residence in it with parking for up to 3 cars
- The annex should not be subdivided, let or sold as separate accommodation
- There are flooding issues
- Congestion along Mill Street/unacceptable increase in traffic
- The premises have been in full residential use since 2018
- There are fire regulation issues
- There is insufficient space to park 3 cars,
- The access/egress driveway is inappropriate given the width of Mill Street
- There are surface water drainage issues
- The bin storage area is shared with No. 72
- The building can be seen from Mill Street
- Pedestrian access to No. 72 would be via rear garden of No. 73
- Shared water supply /septic tank concerns
- The property cannot be expected to accommodate up to 6 residents
- Lack of heritage details to support the application
- The garage facility is too small for a car
- Servicing/access issues regarding oil tank to rear of No. 72
- The lack of a 5-year housing supply is not relevant
- Poor positioning and display of the site notice

## **9. Planning Considerations**

### 9.1 The principle of development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS form the relevant development plan for the area.

The application site is located within the designated large village of Heystebury. Core Policy 2 sets out the delivery strategy for the Council and advises that within the limits of

development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Furthermore, it sets out that within Large Villages, a limited level of additional residential development will be supported by the adopted Wiltshire Core Strategy (WCS) in terms of suitable windfall proposals and for up to 10 houses on small sites.

In addition to the above, it is also necessary to be mindful that the Council cannot at the present time, demonstrate a 5-year housing land supply, and until this predicament is resolved, full weight cannot be afforded to the policies enshrined within the WCS (or the WWDP) that seek to restrict residential development.

This proposal is fully supported by officers to be used as a single dwelling and is supported by policy. However other policies set within the WCS require to be appraised, which is completed within the following sections.

### 9.2 Impact on Heritage Assets

NPPF paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings and their settings. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance*". The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments, noting that this should respond to the value of the historic environment by relating positively to the "*existing pattern of development*".

The site is located within the Heytesbury Conservation Area and No. 72 High Street, is a grade II listed building, and as noted at the start of this report, officers are appreciative of the fact that there are numerous nearby listed buildings. However, in this case, there are no external alterations proposed and in recognition that the existing building benefits from planning permission, there are no reasonable or substantive heritage-based grounds to refuse this application.

Mill Street is a narrow road that runs parallel with High Street and the built form/character of Mill Street is set by a mix of single and two storey detached, semi-detached and terraced properties. Sitting next to these properties, along the northern side of Mill Street, are garages associated with properties fronting High Street. The proposed development



is for the change of use of an annex dwelling to a separate residential dwelling (without alteration) and there can be no reasoned opposition now to the impact the building has on the street scene or special protected character of the immediate area.



Photo of Mill Street looking north towards listed cottages on left

The NPPF defines significance as the *“value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*

Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and use of materials which have significant aesthetic value and stand as a good example of a terraced cottage within a village location. The proposal is for the change of use of the existing approved annex. There would be no internal or external alterations to the building. The current parking and access arrangement to the listed property would be maintained, as would a large part of its rear garden. The annex fronts onto a separate street and is accessed and served entirely independently from the listed building, and as a result, the proposal would have no additional impact on either the setting of the listed building or the Conservation Area.

It is therefore considered there would be no additional impact on the Conservation Area or adjacent listed buildings including the host property at No. 72 and the development would cause no harm to the heritage assets.

The proposed development therefore complies with Core Policies 57 and 58 of the WCS and the advice contained within the Framework.

### 9.3 Impact on the Amenity of Neighbouring Residents

Core Policy 57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

The subject property is located within a residential area with extant permission for vehicular access off Mil Street. The proposed change of use proposes no alterations either internally or externally. As such, whether the building is used as an annexe or standalone dwelling, it would have no substantive adverse impacts on neighbouring residents in terms of loss of light or overshadowing, loss of privacy or overlooking – over and above what already exists.

Adequate off road parking space would be retained for the subject building and No.72 High Street. The use of the parking spaces would not result in substantive harm to adjacent residents. Officers raise no concern about the proposed amenity/garden space provision for future occupiers of the converted annexe and the garden that would remain for No.72 High Street.

The proposed development therefore complies with Core Policy 57 of the WCS and the NPPF.

### 9.4 Highways/Parking Issues

Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 furthermore states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Core Policy 64 of the WCS sets out to manage the demand for parking and sets residential parking standards based on minimum parking standards.

The current 3 off road parking spaces were approved under application 20/03333/VAR. The property has an integral garage however it does not comply with the size standards required to count as a vehicle parking space. However, the proposed one-bedroom dwelling would have access to one off road parking space while the remaining dwelling would have access to 2 of road parking spaces. It is noted the host dwelling has 4 bedrooms therefore the dwelling should ideally have access to 3 off road parking spaces in order to comply with current council standards. However, in this case, it is considered a shortfall of one-off road parking space would not lead to such high levels of harm to highway safety as to warrant a recommendation for refusal.

It is recognised that Mill Street is a narrow road where two-way traffic is difficult in parts however the number vehicle movements associated with use of the site as a single residential dwelling, would not be any greater than its use as annex accommodation and

would be limited in any case. As such it is considered the scheme would not result in additional harmful impacts to highway safety.

#### 9.5 Drainage Matters

The change of use would not impact existing drainage arrangements which were originally dealt with under application 16/09923/FUL when the annex/garage was first approved.

#### 9.6 Other Issues

Several representations have commented on the planning enforcement processes followed in the past for this site. In response to the reported criticisms, it is important to stress that in accordance with the Council's adopted planning enforcement protocols and best practice, enforcement related complaints are held as confidential. The planning enforcement officer did respond to raised complaints about planning breaches in the past and these were investigated and resulted in a revised variation application which is duly cited within this report.

There are no outstanding planning enforcement matters that require officer consideration or reporting for the purposes of this application.

In response to other matters raised, there is sufficient space at the front of the property to store bins without compromising highway safety. There are no known fire safety regulation concerns to report. Access to services such as water/electricity whether shared or not is not a material planning concern.

**RECOMMENDATION:** APPROVE: subject to conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Site location and block plan scale 1:1250 and 1:500  
Plans and elevations scale 1:100 drg no. 219003/02c

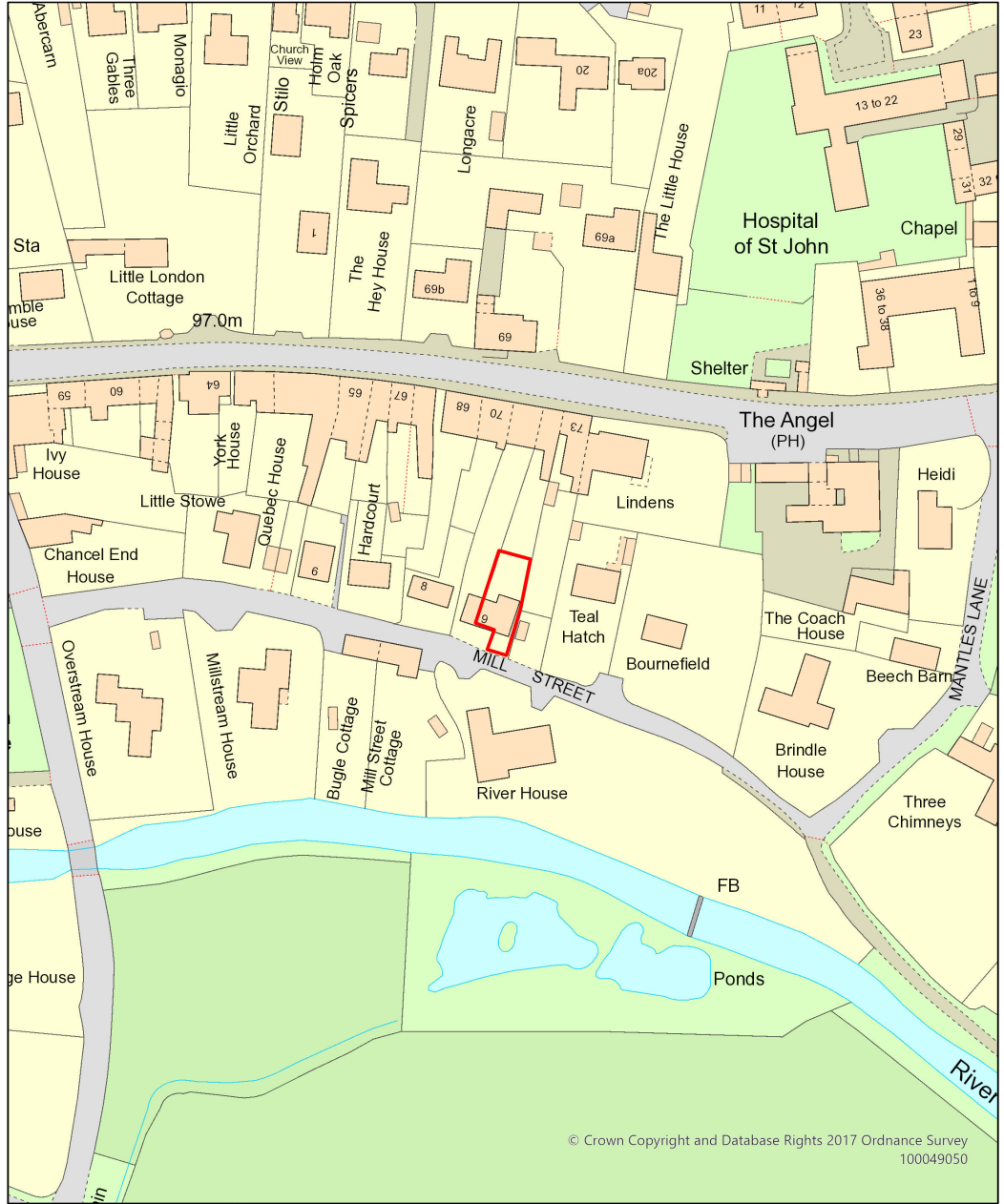
REASON: For the avoidance of doubt and in the interests of proper planning.

3. The parking spaces shown on the approved plans (Site Block Plan) shall be maintained for parking purposes only thereafter.

REASON: In the interests of highway safety.

## Informatives

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy)



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