

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 OCTOBER 2023 AT ASSEMBLY ROOM - DEVIZES TOWN HALL, DEVIZES, SN10 1BN.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Dominic Muns (Substitute)

43. **Apologies**

Apologies were received from:

- Cllr Tony Pickernell – substituted by Cllr Dom Muns
- Cllr Sam Pearce-Kearney

44. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Dom Muns, it was:

Resolved

To approve the minutes of the meeting, held on 7 September 2023, as a true and correct record.

45. **Declarations of Interest**

There were no declarations of interest.

46. **Chairman's Announcements**

There were no Chairman's announcements.

47. **Public Participation**

The Committee noted the rules on public participation.

48. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Dom Muns, it was:

Resolved

To note the appeals report for the period 25 August 2023 to 22 September 2023.

49. **PL/2023/05818: Boomerang Stables, Crooked Soley, Chilton Foliat, RG17 OTL**

Public Participation

- Ms Victoria Hellyer spoke in opposition to the application.
- Mr Steven Abbott (Steven Abbott Associates LLP) spoke on behalf of the Applicant, in support of the application.

The Planning Officer, David Millinship, introduced a report which recommended that the application for the re-use a former equestrian barn to create two dwellings, driveways, landscaping and related infrastructure be refused. He explained that the proposals included plans to erect a stable block within one of the gardens comprising 10 stables, a tack room, store and hay room; to erect a barn and garage within the same curtilage and to erect a garage within the other curtilage, a resubmission of PL/2022/08607. Key details were stated to include the principle of development, landscape, visual, highway, ecological and environmental impacts as well as the impact on neighbouring amenity.

It was noted that the site was of distinctively rural character within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). There were nearby footpaths to the public highway network, but vehicular access was via single tracked roads.

Attention was drawn to late representations on behalf of the Applicant and from Wiltshire Council's Drainage Consultant, included in Agenda Supplement 1. The Planning Officer confirmed that neither of these representations changed their recommendation.

The Planning Officer highlighted the statement in his report that it was reasonable to expect that the former equestrian barn would be capable of conversion into two residential units. However, he clarified that this conclusion was based on the incorrect assumption that it was steel, rather than concrete, framed. He explained that concrete framed structures were often more challenging to convert than steel framed ones. As a result, he felt that there was insufficient evidence, without the submission of a structural report, to say that it would be capable of conversion. He noted therefore that structural integrity was another possible reason for refusing the application.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer.

Details were sought about whether the Applicant would apply for another commercial stable to meet business needs if the application to convert the former equestrian barn was approved. It was confirmed that the application site

abutted a larger enterprise known as Boomerang Stables and that stables, still in operation as part of that commercial enterprise, were leased to a tenant.

In response to a query about the current use of the site, the Planning Officer noted that it was classed as sui generis, so for equestrian business and leisure use. If permission were to be granted it would become residential (C3) use.

Queries were asked about whether, if the application were to be approved, it would ever be possible to use the proposed 10 domestic stables on a commercial basis. The Planning Officer explained that they would need to apply for change of use for the block to be used commercially. However, he noted there would be a need for a planning condition to limit the use of the stables to domestic use only should Members find the principle of the development to be acceptable. It was confirmed that it was not intended for the scheme to house workers for the nearby equestrian facility, the dwellings would be open-market properties.

Further details were sought about the challenges having a concrete frame would present when converting the former equestrian barn. The Planning Officer clarified that it was explicitly stated in the Wiltshire Core Strategy, in relation to the conversion and re-use of rural buildings, that the building must be structurally sound and capable of conversion without major rebuilding. He reiterated that a structural survey would be required to ascertain this.

In reply to a further query about whether, were the application to be approved, it would be possible to condition that a full structural survey was undertaken advance of any building works, the Planning Officer acknowledged that this would be theoretically possible. However, he cautioned that he would have requested a structural survey before coming to Committee if he had been minded to recommend approval, which was not the case in this matter. The Development Management Team Leader, Karen Guest, reiterated that they would want the structural survey to be completed in advance of Committee to establish whether the scheme was compliant with Core Policy 48.

Members of the public then had the opportunity to present their views to Committee as detailed above. The Agent, Mr Stevens, speaking on behalf of the Applicant, stated as part of his speech that his client should be given the opportunity to submit a structural survey given that an incorrect assumption about the construction had been made.

Neither the local Parish Council nor Unitary Division Member were in attendance.

So the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be refused for the reasons outlined in the report. He clarified that the requirement for a structural survey to establish the suitability of the equestrian barn for conversion was not part of the reasons proposed in his motion.

A debate followed where issues such as the structural considerations, the planning history on the site, location, highway safety and demand for executive style dwellings were discussed.

Some Members expressed concern about the loss of a rural business and lack of conclusive evidence that the building was redundant or disused. They noted that there was evidence of demand for equestrian facilities in the area. In response to a question about the criteria that would need to be applied when assessing whether a site was redundant, the Development Management Team Leader stated that there would need to be evidence that the building had been out of use for a period of time and that a commercial site was no longer viable.

The Chairman proposed an amendment to his original motion to include an additional reason for refusal, that there was not sufficient evidence to demonstrate that the site was commercially redundant. He noted that the equestrian barn was in use for its intended purpose and emphasised that it was important to protect commercial and employment facilities in rural areas. The amendment was accepted as a friendly amendment by the seconder of the original motion, Cllr Wheeler.

The Development Management Team Leader advised that the amendment be incorporated into the wording of existing reasons for refusal rather than being listed as a third separate reason. She noted that Core Policy 48 stated that preference would be given to retaining the existing use of buildings for the protection of rural services and community facilities. It was then:

Resolved

That the application be REFUSED for the following reasons:

1 – The proposed development would result in the creation of two large open-market five-bedroom dwellings, that are not considered to meet the circumstances of rural exception housing, would not meet any identified local need and would be located in an area that cannot provide reasonable access to essential services and facilities. The existing building is not redundant or disused and no clear evidence has been submitted to demonstrate that reuse for employment, tourism, cultural or community uses are not practical propositions. The proposal conflicts with the development strategy for the area as set out within Core Policies 1, 2, 14 and 48 of the adopted Wiltshire Core Strategy. It would also fail to accord with the planning policy advice of paragraphs 79 and 80 of the National Planning Policy Framework, which seek to locate rural housing where it would respond to local circumstances and reflect local needs unless exception policies apply.

2 – The application site is in a location that cannot provide reasonable access to services and facilities, where the occupants of the development would have few options for sustainable transport alternatives and would be heavily reliant on the use of private motor vehicle transport contrary to

Core Policies 60 and 61 of the adopted Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

Informatives:

The application has been considered in line with paragraph 38 of the NPPF that:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

The application is not considered to provide any improvements to the economic, social or environmental conditions of the area. The Applicant has been kept up-to-date with the assessment and has been given opportunities to provide additional information and responses to the Case Officer's correspondence.

50. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk