

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber, Wiltshire Council Offices, Browfort, Devizes
Date: Thursday 25 February 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Janice Green, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718380 or email janice.green@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

Membership:

Cllr Philip Brown	Cllr Charles Howard
Cllr Mark Connolly	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Christopher Williams
Cllr Richard Gamble	

Substitutes:

Cllr Lionel Grundy OBE	Cllr Jemima Milton
Cllr George Jeans	Cllr Christopher Newbury
Cllr Jerry Kunkler	Cllr Jeffrey Ody

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 4th February 2010 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Applications** (*Pages 7 - 76*)

To consider and determine planning applications in the attached schedule.

7. **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

None.

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 FEBRUARY 2010, COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Philip Brown, Cllr Mark Connolly, Cllr Peggy Dow, Cllr Nick Fogg,
Cllr Richard Gamble, Cllr Charles Howard, Cllr Chris Humphries, Cllr Jerry Kunkler
(Reserve) and Cllr Christopher Williams

7. Apologies for Absence

Apologies were received from Councillor Laura Mayes.

8. Minutes of the Previous Meeting

The minutes of the meeting held on 14th January 2010 were approved as a correct record and signed by the Chairman, with the following amendment at Minute number 3, page 1:

E/09/1558/FUL – Councillor Brown declared a personal interest in this item as he is acquainted with the owner of the neighbouring property which has a gateway onto the application site. The owner of this particular property is a member of Rowde Parish Council of which Councillor Brown is also a member, however this is not a prejudicial interest and he would participate in the debate and vote.

9. Declarations of Interest

There were none.

10. Chairman's Announcements

There were none.

11. Planning Appeals

The Members of the Committee noted the appeal decisions within the planning appeals determined report.

12. **E/09/1602/FUL - Blacksmiths Yard, Alton Priors, Wiltshire, SN8 4JX: Retention of a single storage container**

Public Participation:

- 1) One letter of representation in support of the application, from the NFU, was reported as a late item (see late items list attached).
- 2) Mr Tim Carson, tenant farmer and applicant, spoke in support of the application.
- 3) Mr David Carson spoke in support of the application.
- 4) Mrs Shirley Burrow spoke in support of the application.
- 5) Councillor Robert Hall, Unitary Member for the Pewsey Vale, spoke in support of the application.

Resolved:

1. That planning permission be REFUSED for the following reasons:

The steel storage container, by reason of its prominent siting and stark utilitarian appearance, detracts from the character and appearance of the area, neither preserving nor enhancing its status as a conservation area and area of outstanding natural beauty. The container also detracts from the setting of the adjacent historic listed farm buildings. This is contrary to policies PD1 and NR7 of the Kennet Local Plan 2011 and Central Government planning policy set out in PPS7 (Sustainable Development in Rural Areas) and PPG 15 (Planning and the Historic Environment).

2. That action on the outstanding enforcement notice be delayed for a year until February 2011 to allow Council Officers and the applicant time to seek a resolution of the matter.

13. **E/09/1483/FUL - Witcha House, Marridge Hill, Witcha, Ramsbury, Wiltshire, SN8 2HQ: Removal of gravel surfacing and creation of hardstanding using cellular grass reinforcement grid for the parking of vehicles in connection with field maintenance**

- 1) Councillor Chris Humphries, Unitary Member for Aldbourne and Ramsbury, spoke in support of the application.

Resolved:

That planning permission be GRANTED for the following reasons:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to policies PD1 and NR7 of the Kennet Local Plan and to Central Government planning policy contained in PPS7.

Subject to the following conditions:

- 1 Within three months of the date of this permission, the present gravelled surface shall have been replaced with the cellular grass reinforcement grid specified in the application.

REASON:

In the interests of the scenic quality of the North Wessex Downs AONB.

- 2 The hardstanding hereby approved shall be used solely for the parking of vehicles required in connection with field maintenance, and between the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 Saturdays only. There shall be no parking on Sundays or Bank Holidays. The hardstanding shall not be used for the parking of domestic vehicles associated with Witcha House.

REASON:

Unrestricted parking on this prominent site would be detrimental to the scenic quality of the North Wessex Downs AONB.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plans Ref. 1:2500 location plan, drawing no. 09-01-PA-001A and cellular grid system detail on Design & Access Statement, all received 10/11/09

14. **Urgent items**

There were none.

LATE ITEMS

Please see late items list attached.

(Duration of meeting: 6.00 - 6.50 pm)

The Officer who has produced these minutes is Janice Green, of Democratic & Members' Services, direct line (01225) 718380, e-mail janice.green@wiltshire.gov.uk

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

WILTSHIRE COUNCIL

POST REPORT REPRESENTATIONS

PLANNING SERVICES GROUP

DATE: 4th February 2010

EASTERN AREA COMMITTEE

Agenda No. Application No.	Location	No Objection	Objection	To be reported	No comment
1. E/09/1602/FUL	Blacksmith Yard Alton Priors SN8 4JX			X	
Letter of Representation 01.02.10					

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Wiltshire Council

East Area Planning Committee

February 25th 2010

List of Applications for Consideration

1. **E/09/01353/FUL** (page 3)

Full planning application for: Construction of a 248 berth canal boat marina basin with mooring jetties; walkways and service bollards; new access; administration/shower block; service quay with fuel, pump out, elsan disposal; tow-path lift bridge; 124 car parking spaces, 2 non specific residential moorings; and landscaping.

At: Lower Foxhangers Farm Rowde, Devizes, SN10 1SS

RECOMMENDATION: Grant planning permission

2. **E/09/0630/FUL** (page 16)

Full planning application for: Retrospective planning application for a change of use from Agricultural to Equestrian and Training together with; re-cladding of existing barn, new storage shed and new access & driveway.

At: Yew Tree Farm Wilsford Pewsey Wiltshire SN9 6HB

RECOMMENDATION: Grant planning permission

3. **E/09/1613/FUL** (page 26)

Full planning application for: Erection of stable block.

At: Yew Tree Farm Wilsford Pewsey Wiltshire SN9 6HB

RECOMMENDATION: Grant planning permission

4. **E/09/1593/FUL** (page 31)

Full planning application for: The erection of a detached dwelling, including the provision of a new vehicular and pedestrian access and associated works

At: The Poores Wilsford Pewsey SN9 6HB

RECOMMENDATION: Refuse planning permission

5. **E/09/1242/FUL** (page 39)

Full planning application for: Conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling

At: The Old Chapel Seend Cleeve Melksham Wilts

RECOMMENDATION: Refuse planning permission

6. **E/09/1241/LBC** (page 45)

Listed building application for: Conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling

At: The Old Chapel Seend Cleeve Melksham Wilts

RECOMMENDATION: Refuse listed building consent

7. **E/09/0988/FUL** (page 47)

Full planning application for: Erection of building to contain two residential units to form part of the accommodation of Downs Equestrian Centre

At: Downs House Equestrian Centre, Baydon, Wilts

RECOMMENDATION: Refuse planning permission

8. **E/10/0038/FUL** (page 52)

Full planning application for: Erection of a general purpose barn to house ewes and agricultural machinery

At: Baydon Hill Grange Oxford Street Aldbourne Marlborough Wilts SN8 2DJ

RECOMMENDATION: Grant planning permission

Date of Meeting	25 th February 2010
Application Number	E/09/1353/FUL
Site Address	Lower Foxhangers Farm Rowde Devizes Wiltshire SN10 1SS
Proposal	Construction of a 248 berth canal boat marina basin with mooring jetties; walkways and service bollards; new access; administration/shower block; service quay with fuel, pump out, elsan disposal; tow-path lift bridge; 124 car parking spaces, 2 non specific residential moorings; and landscaping.
Applicant	MHJ Ltd
Parish Council	Rowde and Poulshot
Grid Ref	396791 161557
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application is before the Planning Committee at the request of Councillor Brown, the Division Member.

1. Purpose of Report

To consider the recommendation that the application be approved.

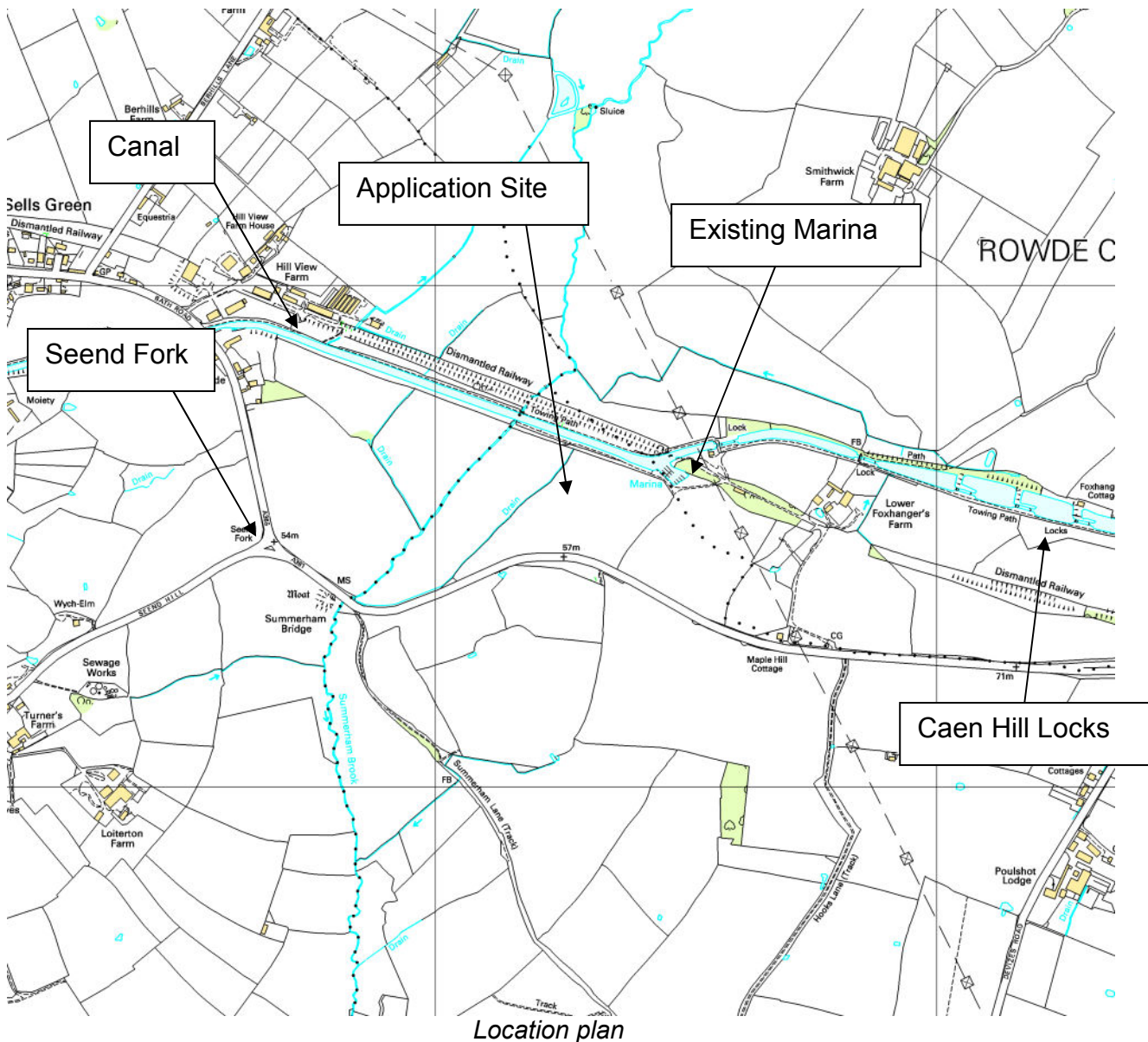
2. Report Summary

The main issues to consider are:

- Whether the proposal is acceptable in principle;
 - Whether the proposal would have a detrimental impact upon the character and appearance of the landscape in which it lies as well as the setting of the Kennet and Avon Canal;
 - Whether the proposal would have an adverse impact on nearby trees, hedges and ecology;
 - Whether the proposal would have any implications for highway safety;
 - Whether the proposal would result in an increased flood risk;
 - Whether the proposal poses a risk to archaeological remains; and
- Whether the proposal would have a detrimental impact on neighbour amenity;

3. Site Description

The application site is situated approximately 2.5 miles to the west of Devizes, at the base of the Caen Hill flight of locks at Rowde. It is an agricultural field located directly to the south of the Kennet and Avon Canal and lies adjacent to the existing marina at Lower Foxhangers. The site is in a lowland location on relatively flat ground with direct access to the canal towpath and existing access road. The site can be reached by taking a right-hand turning towards the existing Foxhangers Marina when exiting Devizes in a westerly direction (just beyond the end of the A361 dual carriageway). One must travel along the access road for approximately 300 metres until the termination of the car park/boat yard for the existing marina. The application site can be found immediately to the south. The site also abuts the A361 on its southern boundary and to the east and west are neighbouring agricultural fields. A location map is set out at Plate 1 below:



4. Planning History

Planning application K/13107 is the original permission for a marina at Lower Foxhangers and was approved in 1992. This permitted 90 moorings and associated operational facilities. Later that year, application K/15661 for a marina with public house, shops and operational facilities was also approved. Both of these original applications were subsequently renewed in 1995, 1998 and 2002 but have since lapsed. The most recent application was K/51899/O for the construction of marina and associated facilities but was subsequently withdrawn.

5. The Proposal

The application falls within the scope of the Environmental Impact Assessment Regulations and, as such, it is accompanied by an Environmental Statement. This statement consists of technical assessments and reports to address the issues that were likely to arise during the application process. A non-technical summary is also included. Hard or cd copies of these documents can be found on the planning file.

The application comprises the following elements:

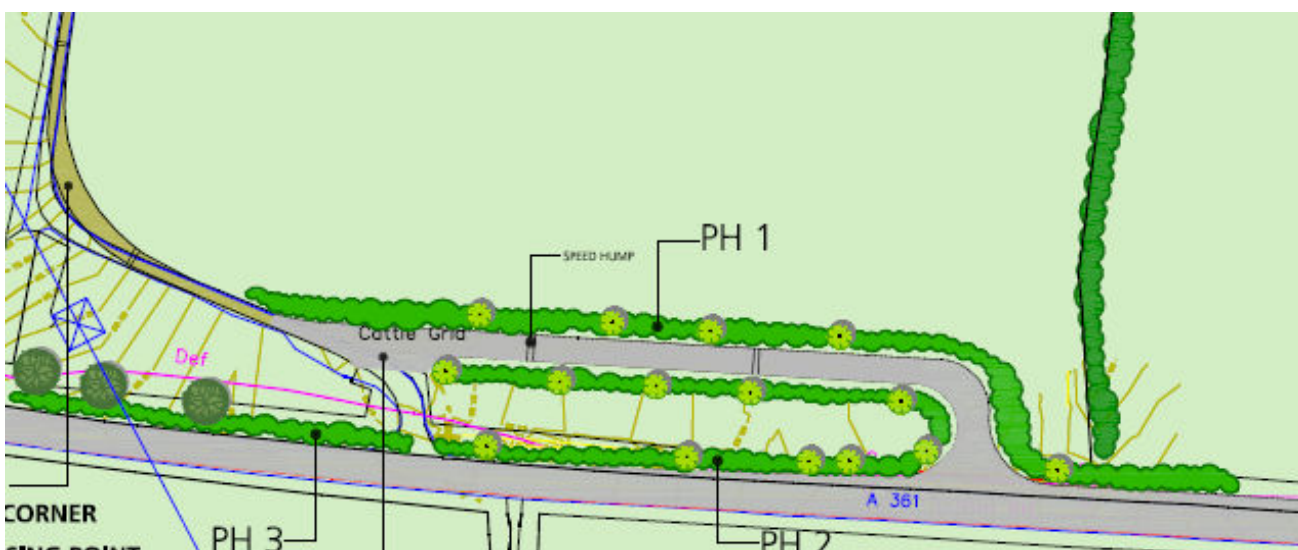
- Construction of a 248 berth canal boat marina basin with mooring jetties, walkways and service bollards;
- New access;
- Administration/shower block;

- Service quay with fuel, pump out, elsan disposal;
- Tow-path lift bridge;
- 124 car parking spaces;
- Two non-specific residential moorings, and
- Landscaping.

Amendments have been made to the scheme to (a) remove part of the banking and landscaping from the flood risk zones and (b) to slightly relocate the internal access to the site to include a passing bay and move it further away from neighbouring property to improve visibility. These amendments have not reduced the size of the marina or involved any major alterations to the scheme. Copies of the most relevant plans are set out below:



Application site



New access arrangement and landscaping (ghost island not shown)



General arrangements for the new marina basin

6. Planning Policy

Although the site lies within the open countryside, policy TR4 of the Kennet Local Plan permits, in principle, new off-channel mooring facilities within this location. Other relevant policies are PD1 relating to general development and design principles; NR7 relating to protection of the landscape and HH1 in respect of archaeology. In addition to these local plan policies, national planning policy advice in the form of PPS 1: Delivering Sustainable Development; PPS 7: Sustainable Development in Rural Areas; PPS 9: Biodiversity and Geological Conservation, PPG 16: Archaeology and Planning, PPS 25: Development and Flood Risk and PPG 17: Sport and Recreation are also relevant to the determination of the application. In addition, material consideration in the form of the central government document Waterways for Everyone (2007) is relevant. This document expands upon previous waterways statements and refers to the role and importance of canals.

7. Consultations

Environment Agency - Objections were raised to the original plans in that the scheme had not been submitted with a fully compliant Flood Risk Assessment. Amended plans were then received to specifically address this issue and the objection was subsequently removed. Both planning conditions and informatives in respect of surface water drainage, pollution prevention during construction, biodiversity, foul water drainage and water efficiency were advised.

British Waterways – support the application but recommend that an archaeological photographic recording of the remains of the railway viaduct is carried out.

Wiltshire Fire & Rescue Service – No objection. Standard advice in respect of fire safety measures was provided.

Poulshot Parish Council – No formal comments were received in writing but it was reported verbally by the ward member (Cllr Seed) that there were concerns in respect of the means of foul sewage disposal at the site as there is existing sewage capacity problems at Poulshot and these should not be exacerbated.

Rowde Parish Council – No comments received.

The Kennet & Avon Canal Trust – Strongly support the application as they are aware of the need for additional marina based moorings along the canal. Some observations and comments were made in respect of canal traffic, facilities for canal side boats, turning area for boats, amenity areas

and future proposals. Concern was also raised in respect of the impact of increased traffic generation using the existing access which was considered to be hazardous.

Wessex Water – No objection in principle but sets out advice for the applicant to contact Wessex Water to arrange water connections. It also states that the Environment Agency should be satisfied with the means of foul sewage disposal.

Wiltshire Council Environmental Protection Team – No objection.

Wiltshire Council Landscape & Countryside Officer – No objection in principle but requested appropriate planting mixes and densities in appropriate locations were shown on better scaled plans. It was also stated that landscaping was required behind the new access arrangement. No objection was raised to the amended plans which addressed these issues.

Wiltshire Council Ecological Dept – No objection in principle but recommends certain ecological measures are carried out.

Wiltshire Council Archaeological Dept – The archaeological department stated that whilst the archaeological assessment carried out has not found any buried or upstanding remains, it does highlight the potential for archaeology within Site A known as Wharf Field. It was advised that a pre-determination evaluation be carried out to assess this site and the remainder of the application area.

Wiltshire Council Highways Dept – No objection to the scheme subject to conditions in respect of (a) the new access being provided; (b) consolidated surfacing of the first 40 metres of the new access; (c) the stopping up of the existing access and (d) provision of parking spaces being imposed.

8. Publicity

Four letters of representation have been received in respect of the scheme. These are summarised as:

- No plans to provide moorings for residential boaters – many visitors to the area complain about the excessive number of boats moored along the canal west of Devizes. A growing number of people permanently live on boats but are forced to live on towpaths because marinas decline to accept residential moorers.
- The application comments on the benefit to local businesses – but because of the location the marina won't be attractive to visitors. Leisure boaters only occasionally visit their boats and this will only increase trade a little and will have little impact upon local economy. In contrast, residential boaters spend at a comparable level to a house dweller, provide security for marina. With more residential moorers there should be more certainty of employment within the marina at proposed or even higher levels.
- The applicant should be asked to offer 28 residential berths.
- Devizes Angling Association has retained the fishing rights on the Kennet and Avon Canal since 1893 from Semington to Pewsey. Concern is raised in respect of the general policy of British Waterways on mooring. We estimate there are 180 boats moored between Pewsey and Semington on the tow path at any one time – staying up to 14 days in one spot. It is requested that all boat owners without a registered mooring on this stretch of the canal be encouraged by British Waterways to take a mooring in the marina. This would reduce the overcrowding currently experienced on the canal.
- Parking for canal users is also a significant problem with parking spaces in limited areas by bridges etc being congested – this is a problem for members of the public and anglers alike. If no control over housing boat numbers on the canal can be achieved – objection is raised to the application as there is a real danger of the canal becoming one large housing site with no formal planning permission. The Anglers Association would like to stress they are not anti-boats but seek a balanced approach for all users.
- The existing access onto the A361 has a very restricted sight line. In view of the high volume and high speed of traffic on this road this is a problem that would need to be addressed both during the construction phase and during normal usage of the site.

- Maple Hill Farm is located adjacent the bend in the internal access road to the farm and marina. Concerns are raised in respect of highway safety both at the construction phase and for the new marina itself. The single track is private and does not benefit from speed restrictions. There are frequent times when car drivers speed. The minimum safety precaution is speed bumps and warning signage. The road also needs to be redirected away from the drive belonging to Maple Hill Drive to avoid people reversing onto private land when vehicles need to pass. A passing bay is also required.

9. Planning Considerations

The main issues in respect of this application are the principle of establishing a new marina in this location as well as its resulting impact upon the character and appearance of the surrounding landscape and setting of the Kennet and Avon Canal; highway safety; ecology; flood risk; archaeology and neighbour amenity. These issues are set out below.

Principle of Development

Both national and local level planning guidance and policies seek to enhance and improve natural recreational and tourist assets, such as canals, in appropriate locations and at an appropriate scale. Policy TR4 sets the local policy context in assessing the marina proposal. This states that “*proposals for permanent off-channel boating facilities and parking, toilet and related facilities for other canal visitors will be permitted on the stretch of canal between Martinslade and Upper Foxhangers Bridge*”. Policy TR4 therefore positively supports the introduction of new facilities to support permanent off-channel mooring facilities at the location proposed. The lack of such facilities both nationally and locally along the Kennet and Avon Canal is well recognised and British Waterways, as part of their statutory duty, is encouraged by central government to help secure the improvement, development, restoration and regeneration of inland waterways. British Waterways have stated that marinas and mooring basins are seen as essential facilities to support the use of the waterways for tourism and leisure, and are part of the waterway infrastructure and therefore, are vital for the long term sustainability of the waterway network. This is in line with the general advice and guidance set out in PPG 17: Outdoor Sport and Recreation which seeks to enhance the recreational needs of local residents and visitors alike.

The Kennet and Avon Canal is one of the most precious tourist and local recreational resources within the County and it is considered that this proposal seeks to enhance this by providing much needed off-channel mooring facilities for tourist users of the canal. The marina will provide 246 tourist berths with two additional residential berths for staff members who would operate and supervise the marina. The new marina will provide safe off-channel mooring spaces for boat storage, facilities for boat users and help reduce the numbers of visitors moored along the canal banks.

For the aforementioned reasons and because of the historic precedent of previous permissions for a marina at Lower Foxhangers, your officers therefore consider the proposed marina acceptable in principle.

Impact upon the character and appearance of the landscape and Kennet and Avon Canal

The proposals for the development of this site results from the local plan designation of the site for a marina. The site was deemed suitable as it is adjacent to the canal; is adjacent to existing facilities and is in a lowland location on relatively flat ground, and with good public access. In landscape and visual terms, the site is not within a sensitive area being outside the Area of Outstanding Natural Beauty and any other local or national designations. Your officers agree with the findings of the Landscape and Visual Impact Assessment in that, when completed, there will be enhanced linkages with the canal and significant landscape enhancements.

Visually, the most prominent views are those elevated points from the eastern edge of Seend and from the A361 from Seend to the site. From the elevated views the whole of the site will be visible and will exhibit a change of some significance. However, the relationship with the canal is of importance and the proposed peripheral planting will help to soften the impact of the banking and marina edges to the water body. From all other viewpoints, apart from the canal passing the site, only part of the development will be visible at any one time, and in low level views the angle

of view will be such that the low profile of the development will not have significant visual impacts. Those views of the marina from the canal are considered acceptable in that it is a form of development that one might expect to find alongside the canal and the approved landscaping scheme will help to ensure it is an attractive addition to the area.

The new access arrangement from the A361 will also have a visual impact. However, this is largely contained within and viewed alongside the A361 and the dual carriageway which leads towards Devizes. Landscaping in the form of a native hedgerow with trees is located behind the visibility splay and it is considered this will help to soften and partially screen its appearance in both long and short distance views. Some concerns have been raised by the landscape and countryside officer in respect of the potential harm arising from the lighting of the new access arrangement. However, at this stage it is not envisaged that a comprehensive lighting arrangement would be required. It is however recommended that the lighting of the new access be approved by means of a condition to ensure that this is kept to a minimum and ensuring the dual concerns of highway safety and visual impact are met. It is also recommended that a landscape management plan is secured by means of condition to ensure the future maintenance of the site in the context of the setting of the Kennet and Avon Canal.

Overall, your officers consider that the new marina will create a significant change in the landscape. However, this would be viewed within the context of the canal and views would be suitably mitigated by the submitted landscaping scheme. The scheme is therefore considered acceptable in visual and landscape terms.

Impact on Highway Safety

Some concerns have been raised in respect of the impact of the scheme upon highway safety. The A361 at the point of the new access has a designated speed limit of 60 miles per hour and a number of serious and fatal accidents have occurred upon the stretch of the A361 from the end of the dual carriageway to the Seend Fork junction. A full traffic assessment was carried out as part of the ES and pre-application discussions were held with the highways department at Wiltshire Council. The traffic assessment concluded that the assumed trip generations of the development were low with some visitors arriving by boat. The existing junction has, however, poor visibility and, as such, the access has been moved eastwards to achieve greater visibility in both directions. In addition, a right hand turn ghost island junction has also been proposed to upgrade the junction because of the aforementioned traffic accident history. It is therefore considered that the revised access and ghost island arrangement ensure that the access point is suitable to cater for the proposed marina and associated traffic. The existing internal access to the marina has also been amended to include passing bays, speed bumps and improve visibility.

The highways department have been involved both at the pre-application and application phases of this scheme. No objections to the scheme have been raised subject to conditions requiring the provision of the new access, consolidated surfacing of the first 40 metres of the new access, the stopping up of the existing access and provision of parking spaces. Your officers agree with the view of the highways department and recommended that the suggested conditions are imposed if planning permission is granted, in the interests of highway safety.

Ecology

It is not considered that the scheme will give rise to an adverse impact upon protected species or habitats. The key findings of the ecological report submitted as part of the ES are:

1. The site is an arable field bordered by hedgerows with a mature oak in the western boundary hedgerow.
2. The site and boundary hedgerows are used by foraging and commuting bats (six species identified); no bat roosts were identified within the site.
3. Water voles are likely to be present in the area although no evidence was found; the risk of harming this species during development is considered to be low.
4. Low numbers of grass snakes were found along the field margin and hedgerow.
5. Skylarks potentially nest within the site.

PPS 9 seeks to ensure that not only are protected species and their habitats protected, but also that development proposals should, where appropriate, seek to enhance biodiversity. This application, as part of its landscaping scheme, has included a number of mitigating and enhancement proposals (such as planting of wildflower meadows, woodland area and enhancement of some hedgerows) to ensure that the development would not result in significant harm to the protected species/habitats. The county ecologist has suggested some additional recommendations (such as buffer strips at the water margins for water voles and pollution prevention strategy) and considers the scheme acceptable.

Unfortunately, some of the ecological impact avoidance and enhancement measures set out in the ES and some recommendations made by the county ecologist are not in an appropriate form to be made a planning condition e.g. they are too vague and/or imprecise. Often this is because of the nature of the measures proposed in that they do not lend themselves well to forming part of a planning condition. It is therefore recommended that a condition be added requesting the submission and approval in writing of an ecological method statement. Such a report would encompass both the pre-construction phase mitigation measures, construction stage mitigation measures as well as enhancement and mitigation measures proposed once the development has been completed. This report would set out the exact measures proposed and precise details and timings of these. In all respects your officers therefore consider that the scheme will not be detrimental to protected species or their habitats.

Flood risk

Part of the west element of the site falls within flood risk zones 2 and 3. The Environment Agency have specifically assessed this issue and are satisfied that the amended scheme which removes banking works and landscaping scheme from this area (so water flow is not restricted) is acceptable. Your officers agree with this advice and therefore consider the scheme acceptable in respect of flood risk issues.

Archaeology

The archaeological department has recommended that a pre-determination survey be carried out at the site to establish what archaeological potential lies within the application site as it is known as Wharf Field. It was stated by the archaeologist that because the field within the site is referred to as Wharf Field in historic references and that it potentially extended along the northern site boundary then question remains over the potential for archaeology at the site. However, your officers disagree with this view and consider it unnecessary for a pre-determination survey to be carried out and that the standard "archaeological watching brief" condition is acceptable in this instance. This is because the desk based study carried out as part of the ES identified the site as possessing low archaeological significance and provided detailed desk based evidence for this conclusion. The validity of this report has not been questioned and the canal is a relatively modern engineering structure and, as such, it is not considered that costly pre determination requirements are justified.

Your officers therefore recommend that a "watching brief" condition be imposed where a qualified archaeologist carries out the necessary surveys and these are submitted to and approved in writing by the planning authority through liaison with the archaeological department.

Impact on Neighbour Amenity

The marina is set within a rural context where there are no immediate residential properties bounding the marina itself. The nearest neighbours are adjacent the access track - Maple Hill Cottage which shares part of the access drive and Lower Foxhangers Farm (which belongs to the owner of the application site). Amendments to the existing access have been made to include a passing bay, speed bumps and to slightly relocate it to improve visibility by Maple Hill Cottage. Although Maple Hill Cottage is some distance from the marina itself, it shares the access where there will be an increase in vehicular movements. However, as this is a small part of the access and the traffic generation is not considered to be demonstrably high, the creation of the marina is not considered to give rise to an adverse impact upon residential amenity. Furthermore, the improvements in the main access and internal road will ensure that the road can suitably cater for the additional traffic that does arise and would represent a marked improvement on the existing access arrangements. All other residential properties within the

area are of sufficient distance from the proposals and the scheme is therefore considered acceptable in residential amenity terms.

Other Issues

A number of objectors have raised concerns about the lack of permanent residential moorings at the site. The proposal is for a touring marina basin only and lies in a location where, in principle, there would be objections to permanent residential dwellings in a countryside location. Whilst it is recognised that congestion along the canal is a problem, it is not considered necessary, reasonable or appropriate to request permanent residential moorings at this site. This is a wider problem that British Waterways are attempting to address nationally.

10. Conclusion

The proposal is considered to be acceptable in terms of its location and impact on visual amenity, highway safety, ecology, flood risk, archaeology and neighbour amenity. Accordingly, the approval of planning permission is recommended subject to a number of conditions.

RECOMMENDATION

Approve with 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 two moorings included as 'residential moorings' shall only be occupied by persons wholly or mainly employed at the marina complex, including the spouse and dependants of such persons. No other moorings shall be occupied as permanent residential moorings.

REASON:

These residential moorings are only permitted in order to meet the particular operational and security needs of the marina operator. Any additional residential moorings within this countryside location would be contrary to planning policy HC26 and the overarching theme of "sustainable development" of the housing strategy of local plan. This strategy seeks to guide development to the most sustainable locations. Such additional permanent residential moorings would set an undesirable precedent within the area and county as a whole.

- 3 No development relating to the erection of the shower block and office building shall commence on site until details and samples of the materials to be used for the external walls and roofs (including the veranda) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the area.

- 4 No development relating to the shower block/office building shall commence on site until details of all eaves, verges, windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the area.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the marina

or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 All landscaping contained on the approved plans shall be managed and maintained in accordance with the details set out in the Landscape Maintenance and Management Plan received on the 24th January 2010 unless otherwise agreed in writing.

REASON:

To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 7 No part of the development hereby permitted, other the construction of the access itself and the associated highway works, shall commence until the new access arrangement from the A361 (including the new right hand turning bay and visibility splays) and alterations to the internal access road have been completed in accordance with the details shown on the approved plans. The visibility splays shall be kept free of obstruction to visibility at or above a height of 900 millimetres above the nearside carriageway level. The access shall be maintained as such thereafter and the visibility splays shall be maintained free of obstruction at all times thereafter.

REASON:

In the interests of highway safety.

- 8 The development hereby permitted shall not be first brought into use until the first forty metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 9 No development shall commence on site until details of the stopping up of the existing vehicular access for vehicles have been submitted to and approved in writing by the Local Planning Authority (the access shall remain open for users of the public right of way only). That stopping up shall take place in accordance with the approved details within one month of the completion of the new access arrangement which is shown on the approved plans and then shall be maintained in that form thereafter. No later than one month after the completion of the new access arrangement, the sole means of vehicular access to the development shall be as shown on the plans hereby approved.

REASON:

In the interests of highway safety.

- 10 No part of the development hereby approved, other than the new access arrangement, shall first be brought into use until the parking spaces shown on the approved plans have been properly consolidated, suitably surfaced and laid out in accordance with details shown on those plans, and this area shall thereafter be maintained and remain available for this use at all times.

REASON:

To ensure that adequate provision is made for parking within the site in the interests of highway safety and amenity.

- 11 No development shall commence on site until an ecological method statement has been submitted to and approved in writing by the local planning authority. This statement shall include pre-construction phase mitigation measures, construction stage mitigation measures as well as mitigation and enhancement measures to be carried out once the development has been completed and the marina is in operation. Development shall be carried out in accordance with the approved details.

REASON:

To ensure the proper protection and enhancement of protected species and their habitats.

- 12 No development shall commence until a Construction Environmental Management Plan, detailing pollution prevention measures, has been submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details and agreed timescale.

REASON:

To prevent pollution of the water environment.

- 13 No development shall commence on site until full details of the means of foul sewage disposal have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure that the means of foul water disposal proposed is appropriate and adequately sized for the development.

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the new access parts), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON:

To ensure that the development can be adequately drained.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere within the site.

REASON:

In the interests of visual amenity.

- 16 No external lighting shall be installed on site (including the access road), or in association with the proposed highway improvement works, until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the area and to minimise unnecessary light spillage

above and outside the development site.

- 17 No works shall commence on site until an archaeological photographic survey, including analysis, and photographic record of the remains of the railway viaduct has been submitted to and approved in writing by the Local Planning Authority. The results of the approved survey shall be supplied by the applicant to Wiltshire County Archaeology and British Waterways.

REASON:

To secure the proper recording of the railway viaduct.

- 18 No development shall commence within the application site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON:

To enable the recording of any matters of archaeological interest.

- 19 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON:

In the interests of the appearance of the site and the amenities of the area.

- 20 No development shall commence on site until details of the storage of refuse, including (details of location, size, means of enclosure and materials,) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON:

In the interests of public health and safety and visual amenity.

- 21 No development shall commence on site until details of recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON:

In the interests of public health and safety and visual amenity.

- 22 INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the public right of way officer.

- 23 INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from Wiltshire Fire and Rescue Service dated the 6th November 2009 and Wessex Water

dated the 29th October 2009.

- 24 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: 1831/001 B, Date Received: 12th October 2009

Plan Ref: 1831/002 E, Date Received: 25th January 2010

Plan Ref: 1831/003 G, Date Received: 25th January 2010

Plan Ref: 1831/004 B, Date Received: 12th October 2009

Plan Ref: 1831/005 F, Date Received: 12th October 2009

Plan Ref: 1831/007 C, Date Received: 2nd February 2010

Plan Ref: 1831/010 B, Date Received: 25th January 2010

Plan Ref: 1831/011 A, Date Received: 2nd February 2010

Plan Ref: 1831/012, Date Received: 25th January 2010

Plan Ref: 1831/013, Date Received: 25th January 2010

Plan Ref: Fig 1A (1 of 3), Date Received: 2nd February 2010

Plan Ref: CAD/LCD-LFH-001, Date Received: 12th October

Plan Ref: Landscape Maintenance and Management Plan, Date Received: 24th January 2010

Plan Ref: E-G6903.00/01 Rev: RO, Date Received: 25th November 2009

Appendices:

Background Documents Used in the Preparation of this Report:

None

The application file, planning history files
Kennet Landscape Conservation Strategy and
government guidance contained in PPS1,
PPS7, PPS9, PPG16 and PPG25.

Date of Meeting	25 th February 2010
Application Number	E/09/0630/FUL
Site Address	Yew Tree Farm Wilsford Pewsey Wiltshire SN9 6HB
Proposal	Retrospective planning application for a change of use from Agricultural to Equestrian and Training together with; re-cladding of existing barn, new storage shed and new access & driveway.
Applicant	Mr James Lucas
Town/Parish Council	WILSFORD
Grid Ref	409940 157250
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before Committee at the request of the Division Member, Councillor Brigadier Robert Hall.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues in this case are:

- The principle of equestrian development.
- Whether the proposals would preserve or enhance the character or appearance of the conservation area.
- Whether the proposals would preserve the setting of adjacent listed building(s).
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty.
- Impact upon neighbour amenity.
- Impact upon highway safety.
- Potential for pollution of nearby watercourses.

3. Site Description

The application site is split into two parcels. The first parcel lies on the south side of the main village street, between 20 & 21/22 Wilsford. It covers an area of 4.7 hectares and includes a number of former agricultural buildings including a concrete block building (known locally as The Old Dairy) and two barns. The second parcel of land lies to the north-west of the village and is slightly larger at approximately 7.7 hectares. There are no buildings on this parcel of land.



Site location plan

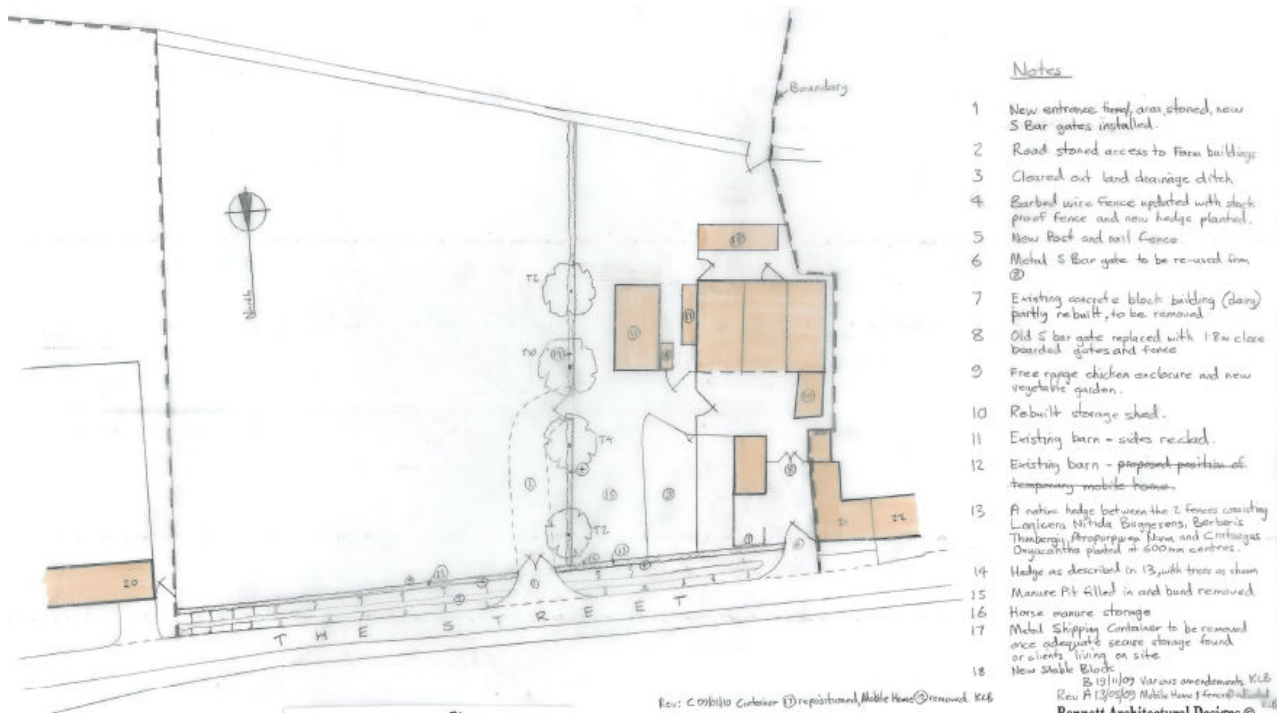
4. Planning History

There is no relevant planning history.

5. The Proposal

This is a retrospective planning application for a change of use from Agriculture to Equestrian and Training together with additional works comprising the re-cladding of an existing barn, the erection of a new storage shed and the construction of a new access and driveway. The original application included proposals for the siting of a mobile home for residential use, but this element has since been deleted from the scheme.

The applicants operate a business focused around the breeding, training and selling of polo ponies. This includes hiring the ponies out for chukkas and providing riding lessons and polo instruction.



Notes

- 1 New entrance road, area stoned, new S Bar gates installed.
- 2 Road stoned access to farm buildings.
- 3 Cleared out land drainage ditch.
- 4 Barbed wire fence updated with stock proof fence and new hedge planted.
- 5 New Post and rail fence.
- 6 Metal S Bar gate to be re-used from ②.
- 7 Existing concrete block building (dairy) partly rebuilt, to be removed.
- 8 Old S bar gate replaced with 1.8m close boarded gates and fence.
- 9 Free range chicken enclosure and new vegetable garden.
- 10 Rebuilt storage shed.
- 11 Existing barn - sides needed.
- 12 Existing barn - proposed position of temporary mobile home.
- 13 A native hedge between the 2 fences consisting of *Lonicera Nitida*, *Buglosses*, *Berberis Thunbergii*, *Atriplex purpurea*, *Horn* and *Camelina* *Daucastria* planted at 600mm centres.
- 14 Hedge as described in 13, with trees as shown.
- 15 Manure Pit filled in and board removed.
- 16 Horse manure storage.
- 17 Metal Shipping Container to be removed once adequate secure storage found or clients living on site.
- 18 New Stable Block.

Rev: C 09/10/10 Curbside ① repositioned, Mobile Home ② removed, KCB

B 15/11/09 Various amendments, KCB
 Rev A 13/05/09 Mobile Home ② removed, KCB
 Bennett Architectural Designers Ltd

Site block plan

6. Planning Policy

The site lies within the countryside, outside of the Limits of Development defined for settlements in the Kennet Local Plan 2011. Wilsford is identified in Table H.5 of the local plan as a village with limited facilities where housing development will be restricted. Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is a material planning consideration.

The site lies within landscape nationally designated as an Area of Outstanding Natural Beauty. Government guidance contained in PPS7: *Sustainable Development in Rural Areas* states that AONBs have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in development control decisions in these areas.

Recently published government guidance contained in PPS4 (paragraph EC6.2g) states that in rural areas local planning authorities should “where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character”.

The site also lies within the Wilsford conservation area. Government guidance contained in PPG15: *Planning and the Historic Environment* is relevant to the consideration of this application. Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement is a material planning consideration.

7. Consultations

Wilsford Parish Council – The parish council makes a lengthy representation, a full copy of which is available to view on the working file. The parish council’s views can be summarised as follows:

A commercial development on the site could introduce a significant different character to the use of the buildings and land, with increased noise and disturbance to local residents due to the extra activity and the extra traffic, including horseboxes. Any decision should be made on the basis of “the precautionary principle”, and the parish council requests that it be included should there be any further consideration of the application.

Wiltshire Council Environmental Health Officer – no objections subject to conditions to control manure storage and the burning of animal bedding and other waste matter.

Wiltshire Council Conservation Officer –

- The close boarded fencing and gate that have been erected at the previous site access are wholly out of character in this rural area and detract both from the bucolic character of the lane and setting of the adjacent listed building.
- The new vehicular access and track across the field are also out of character with the low key rural character of the village and area.
- The cladding of the existing hay barn, which increases the solidity and prominence of this 20th Century building, and the consolidation of this non-traditional group with additional buildings is regrettable.
- Whilst the existing buildings are nominally part of the area's agricultural legacy and their continuing use could not be objected to, the 20th Century group is generally unattractive and the area would now benefit more from their removal rather than any increase in development.

Wiltshire Council Highways – No objection. The amended access points are satisfactory for the use proposed. The traffic generation along the lanes leading to the site will be similar in type and scope to the traffic generation of the permitted agricultural uses of the land and buildings.

Wiltshire Council Landscape & Countryside Officer – Expresses concerns regarding some aspects of the development and the lack of landscape enhancement. Specific concerns are as follows:

- The drive across the field is not acceptable and forms an incongruous feature unrelated to other features of the site. The existing farm access should be reopened and used. The drive across the field should be removed and the site reinstated as field.
- The road frontage of the field should be hedged with native species.
- The close boarded fencing is unacceptable as is the spoil piled behind it. This should be removed and the fencing replaced with native hedging.
- Some sensitively located tree planting is required to mitigate the detrimental impacts of the farm buildings particularly from 'The Street'.
- Change of use of the land to equestrian should be restricted and all permitted development rights for equestrian paraphernalia removed.

CPRE – no fundamental objection to change of use to equestrian. However, there is insufficient information to make a fair judgement of the proposals. The following additional information is required:

- Confirmation as to what is meant by "training".
- The number of vehicle movements anticipated in connection with the development.
- Details of on-site parking for cars and lorries.
- Details of the nature and extent of any lighting proposals.
- Details of the proposed handling of waste.

- Details of the expected hours of operation and the nature of operations outside normal daytime working hours.
- The visual impact of the materials used for re-cladding of the barn should be reviewed.
- Support is provided for the Landscape Officer's comments about the drive across the field, the lack of landscaping proposals, and the need to control the extent of the equestrian "paraphernalia".
- Justification needs to be provided for the applicants' claims regarding potential employment opportunities in the development.

8. Publicity

The application has been publicised by site notice, press advert and neighbour notification.

Two letters of support have been received.

19 representations of objection have been received. The following issues are raised (in summary):

- a) The development has a damaging effect on the local landscape.
- b) The roadside fence and plastic cladding on the barn are not in keeping with the area.
- c) The new entrance, over-sized steel gates and driveway are visually intrusive.
- d) Lighting and floodlighting would adversely affect visual amenity, residential amenity and nocturnal animals that live in the vicinity.
- e) The road through the village is inadequate for the volume of traffic and the size of equestrian vehicles. The traffic generated by the equestrian use would be harmful to the living conditions of local residents and highway safety. Large equestrian vehicles would erode verges and have a harmful impact upon ecology. Furthermore, there would be no control over future traffic generation. The number of vehicle movements would increase with the number of horses on the site.
- f) The development would introduce noise and disturbance in this peaceful village location, including activity at anti-social hours.
- g) The development would lead to odours from animal waste and the burning of waste on site would be dangerous for nearby thatched dwellings. The existing slurry pit & earth mound present a health hazard, obstruct views from 21/22 Wilsford and detract from the setting of the listed building.
- h) The land has been known to flood and this could give rise to pollution.
- i) The close board fencing & entrance gate restrict views from 21/22 Wilsford and effectively enclose the east side of that property.
- j) The new storage shed utilises the boundary fence as its back wall. This contravenes the Building Regulations, presents a potential fire hazard and provides no acoustic separation with the neighbouring property.
- k) The blockwork wall adjacent to The Old Dairy, which was constructed some time ago without planning permission, does not enhance the conservation area and detracts from the setting of the adjacent listed building.
- l) The Council's failure to disclose the business plan is viewed amongst local residents with suspicion and distrust.

- m) There is no indication as to the intended use of the northern portion of the site.
- n) The freight container is not shown on any of the plans.
- o) Unsightly barbed wire has been augmented by yards of white, electric field tape.
- p) There are concerns regarding the suitability of the fencing, particularly where the land abuts public footpaths and bridleways.
- q) The development would not provide any benefit to the village.
- r) The applicant has cleared ditches on the site; this may have been harmful to toads.
- s) No ecological survey has been carried out; there have been positive sightings of bats and barn owls on the site.
- t) There are concerns regarding compliance with the Control of Asbestos Regulations 2006 as sections of asbestos have been removed from the barns.
- u) There are concerns regarding compliance with the Regulatory Reform (Fire Safety) Order 2005 and whether any risk assessment has been carried out.
- v) There has been a complete lack of consultation with village residents.
- w) This is an example of turning a field into a residential site through the back door.

9. Planning Considerations

Equestrian uses can often be an acceptable alternative to agriculture in countryside locations. Government guidance contained in PPS4 encourages local planning authorities to support equine businesses (including training and breeding businesses) that maintain environmental quality and countryside character.

The land and buildings at Yew Tree Fields were formerly in agricultural use, albeit relatively low key in recent years. The principle of equestrian use as an alternative to agriculture is considered to be acceptable; this would secure the re-use of existing buildings and comply with government guidance contained in PPS4.

It will be important to ensure that the equestrian use preserves the character and appearance of the conservation area and the scenic qualities of the AONB. The applicants have already carried out various physical works on the main site within the village, to facilitate the equestrian use. Some of these works are considered to be unacceptable in planning terms and therefore officers have secured the following negotiated solution:

- Horizontal close board fencing has been erected along a section of the site frontage, together with matching gates. These works are visually incongruous and harmful to the character and appearance of the conservation area and the setting of the adjacent listed building. The applicants have therefore agreed to replace the close board fencing with a new post and rail fence and mixed native hedge. The close board gate would be swapped with the existing five bar gate which currently sits deeper into the site between The Old Dairy and 21/22 Wilsford. This arrangement will provide the applicant with the desired level of privacy and security; however, the close board gate will be far less prominent in the street scene and it will not interfere with views of the adjacent listed building.
- The walls of one of the barns have been re-clad with mushroom coloured profile sheeting, with translucent panels at high level. The resulting building is more prominent due to the nature of the materials used. However, the works are not considered to be harmful to the amenities of the area, the character or appearance of the conservation

area or the scenic value of the AONB. The visual impact will be further mitigated by the planting of a mixed hedge and native trees along the western boundary of the paddock. This landscaping will also create additional containment for the main built-up part of the site where the majority of day-to-day business activities will be taking place.

- A manure pit has been dug behind the roadside boundary, and the resultant spoil has been used to create a bund. The retention of these earthworks does not form part of the current planning application. However, they would have required planning permission as an engineering operation. The applicants have agreed to restore the field to its original condition and they propose to site a manure storage facility between the two barns. This will improve the appearance of the site, reduce odour nuisance for neighbouring residential occupiers and help to prevent pollution of nearby watercourses.
- A new gated access has been created onto the village street, together with a track across the paddock. The track is considered to be an incongruous feature which is out of character with the low key rural character of the village. The applicants have therefore agreed to re-site the access further west, thereby reducing the length of track required and its visual impact.
- A metal shipping container has been sited to the rear of the existing barns, for the purposes of secure storage. The container is extremely visible from public vantage points and it is considered that its retention in the current position would be inappropriate in this conservation area and AONB location. The applicant has agreed to relocate the container to a position between the barns, and this is considered to be a less prominent (and therefore more acceptable) location.
- A new storage shed has been constructed on the western boundary, adjacent to one of the barns and alongside the boundary with 21/22 Wilsford. The design of the structure is considered to be acceptable. It is screened from neighbouring occupiers by fencing and associated planting along the boundary. There is no harm to amenity.

Further to the above, the applicants have agreed to remove the partly constructed concrete block walls which are attached to The Old Dairy. This would be a positive planning gain which the Committee is entitled to take into account when reaching its decision.

Overall, officers consider that the negotiated amendments would result in a development which would preserve the character and appearance of the conservation area, the setting of adjacent listed buildings and the scenic qualities of the AONB. The development secures the re-use of redundant agricultural buildings and may also have positive economic spin-offs in terms of additional employment (albeit relatively small). The development would comply with local planning policy and government guidance.

Objectors raise a variety of issues and concerns. Many of the points (such as the position of the freight container, the burning of animal waste and the visual impact of the re-clad barn, new access and close board fencing) are addressed by the amendments and landscaping scheme negotiated by officers. Other issues (such as external lighting and manure storage/disposal arrangements) are covered by appropriately worded planning conditions. Officers have taken account of all other points raised by objectors, but none provide valid planning grounds to refuse planning permission and they do not outweigh the considerations set out above.

It is worth noting that the concerns of local residents regarding traffic generation are not shared by the Council's Highway Officer, and as such it is not considered that a refusal of planning permission could be substantiated on highway grounds. The Highway Officer comments that the traffic generation along the lanes leading to the site will be similar in type and scope to the traffic generation of the permitted agricultural uses of the land and buildings. This "fallback" position is relevant when considering the application.

RECOMMENDATION

Approve with Conditions

- 1 There shall be no burning of waste material or animal bedding on the site.

REASON:

To protect the amenities of the area.

- 2 No barrels, poles or any other form of horse jump shall be placed, erected or stored on the site without the prior approval in writing of the Local Planning Authority.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 3 No external lighting shall be installed on the site without the prior written approval of the Local Planning Authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and thereafter it shall not be modified without the Local Planning Authority's prior written consent.

REASON:

In the interests of visual and neighbour amenity.

- 4 Within 3 months of the date of this decision the horizontal close board fencing and gates shall be removed from the site frontage and replaced by a post and rail fence and a five bar gate, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 5 Within 3 months of the date of this decision the manure pit shall be filled in and the associated bunding levelled and/or removed from the site, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 6 Within 3 months of the date of this decision details of the manure storage facility (to be located between the two barns) and details of disposal arrangements shall be submitted to and approved in writing by the Local Planning Authority. Manure shall be stored and disposed of in accordance with the approved details and no manure shall be stored on any other part of the site.

REASON:

In the interests of visual and neighbour amenity.

- 7 Within 3 months of the date of this decision the stoned access track (labelled as number 2 on superseded Drawing no. 1092/02A) shall be permanently removed from the paddock, the land restored to its original condition and the access onto the village street (labelled as number 1 on superseded Drawing no. 1092/02A) permanently closed, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 8 Within 3 months of the date of this decision the existing metal shipping container shall be relocated to the position shown on Drawing no. 1092/02C received on 10th February 2010.

REASON:

In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 9 Within 3 months of the date of this decision the partially constructed concrete block walls between The Old Dairy and the village street shall be demolished and the resulting materials removed from the site, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected on the site without the prior written approval of the Local Planning Authority. Any request for fences, gates, walls or other means of enclosure submitted pursuant to this condition shall include details of their design, height and location. The fences, gates, walls, and other means of enclosure shall be erected in accordance with the approved details and thereafter they shall not be modified without the Local Planning Authority's prior written consent.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 11 There shall be no storage or overnight parking of any vehicles (including trailers, horseboxes and untaxed vehicles) on the site, other than within any designated area first agreed in writing by the Local Planning Authority. Details of the designated area shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this decision.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

- 12 Notwithstanding the details shown on the approved plans, within 3 months of the date of this decision a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include all species, planting sizes and planting densities and it shall make provision for a revised species mix for the new hedging shown on Drawing no. 1092/02C received on 10th February 2010.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 13 All soft landscaping comprised in the approved details of the landscaping shall be carried out by 31st December 2010. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed, or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

14 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Application form, Design & Access Statement, drawing nos. 1092/01 & 1092/03 and supporting information received on 14th May 2009.

(b) Email from the agent dated 12th January 2010 which deleted the proposed mobile home from the application.

(c) Drawing no. 1092/02C received on 10th February 2010.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file, Wilsford Conservation Area Statement, Kennet Landscape Conservation Strategy and government guidance contained in PPS4, PPS7 & PPG15.

Date of Meeting	25 th February 2010
Application Number	E/09/1613/FUL
Site Address	Yew Tree Fields The Street Wilsford Pewsey Wiltshire SN9 6HB
Proposal	Erection of stable block.
Applicant	Mr James Lucas
Town/Parish Council	WILSFORD
Grid Ref	409912 157096
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before Committee at the request of the Division Member, Cllr Brigadier Robert Hall.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues in this case are:

- Whether the proposals would preserve or enhance the character or appearance of the conservation area.
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty.

3. Site Description

The application site is split into two parcels. The first parcel lies on the south side of the main village street, between 20 & 21/22 Wilsford. It covers an area of 4.7 hectares and includes a number of former agricultural buildings including a concrete block building (known locally as The Old Dairy) and two barns. The second parcel of land lies to the north-west of the village and is slightly larger at approximately 7.7 hectares. There are no buildings on this parcel of land.

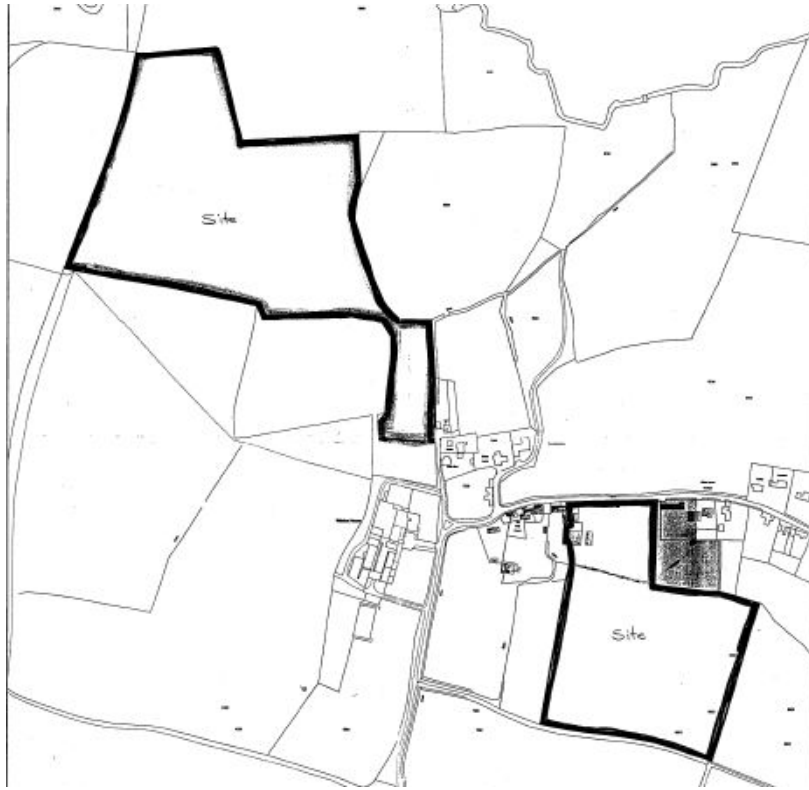
4. Planning History

This report should be read alongside the report for E/09/0630/FUL which is also on this agenda.

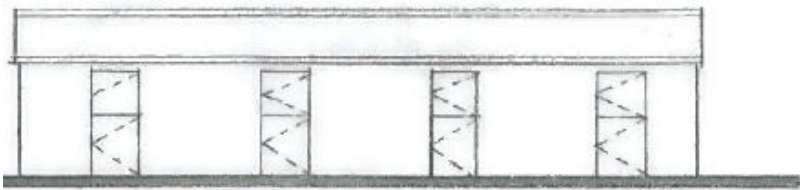
5. The Proposal

The proposal is for a stable block to be sited behind the existing barns. The stable would provide additional accommodation for horses being kept in connection with the applicant's business of breeding, training and selling polo ponies.

The stable block would be built on a footprint of 13.2m x 4.0m with a maximum height of 3.2m. Its walls would be constructed of concrete block with a shiplap boarding finish. The roof would be brown Onduline sheeting.



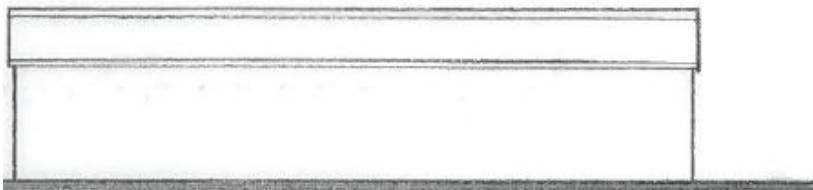
Site location plan



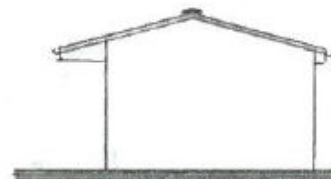
Front



Side



Rear



Side

4.

Proposed building

8. Publicity

The application has been publicised by site notice, press advert and neighbour notification.

Three representations of support have been received.

Four representations of objection have been received. The following issues are raised:

- a) Any additional stabling required for the business should be positioned within the original footprint of the existing farm buildings and yard.
- b) The proposals would be harmful to the character and appearance of the conservation area and the setting of adjacent listed buildings.

9. Planning Considerations

The proposed siting and design for the stable block are considered to be acceptable in planning terms. The building would not be visible from the main village street, although there would be extensive views from the south, including public rights of way and the lane leading into Wilsford from the A342. From this direction the stables would be viewed in the context of existing agricultural type buildings.

Amendments have been negotiated during the course of the application to secure shiplap boarding for the external walls of the stables (rather than the concrete blocks originally proposed). The resulting building would not look out of place in this rural location and it is not considered that any harm would result to the conservation area, the setting of listed building(s) or the AONB.

The parish council raises numerous concerns regarding the Council's handling of planning issues at this site. Members should note that the level of public consultation for this planning application exceeds the minimum statutory requirement. All planning breaches reported to the Council have been investigated and these enforcement matters are now the subject of a separate planning application (which appears earlier on this agenda). The current application for a stable block must be considered on its own individual merits and there is no sound planning reason why it should be withdrawn.

The business plan contains commercially sensitive financial information which should not be made public. It is mainly relevant to the proposals for a mobile home on the site, because any proposal for residential accommodation would need to meet the financial test set out in Annex A of PPS7. In the event the mobile home has been withdrawn from E/09/0630/FUL and therefore the business plan assumes lesser importance.

RECOMMENDATION

Approve with 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 No development shall commence on site until details of the finish for the shiplap boarding to be used for the external walls of the stable block have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the stable block being first brought into use.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Application Form, Design & Access Statement and Drawing nos. 1092/01 & 1092/02B received on 9th December 2009.

(b) Drawing no. 1092/04A received on 8th February 2010.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file, Wilsford Conservation Area Statement, Kennet Landscape Conservation Strategy and government guidance contained in PPS4, PPS7 & PPG15.

Date of Meeting	25 th February 2010
Application Number	E/09/1593/FUL
Site Address	The Poores Wilsford Pewsey SN9 6HB
Proposal	The erection of a detached dwelling, including the provision of a new vehicular and pedestrian access and associated works
Applicant	Mrs J A Gauntlett
Town/Parish Council	WILSFORD
Grid Ref	409739 157259
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before Committee at the request of the Division Member, Cllr Brigadier Robert Hall.

1. Purpose of Report

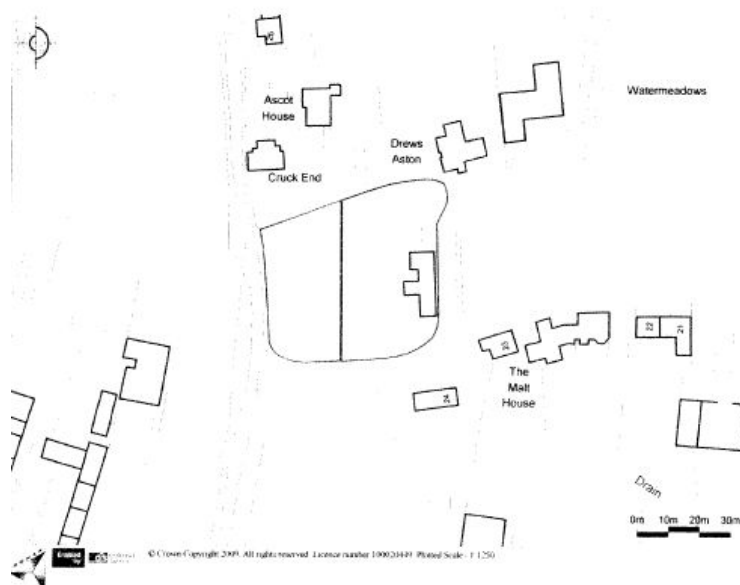
To consider the recommendation that the application be refused.

2. Report Summary

The main issues in this case are the principle of development, the design of the dwelling and whether the proposal would preserve or enhance the character or appearance of the conservation area.

3. Site Description

The application site lies at the western end of Wilsford. When travelling from the direction of Devizes on the A342 take the first left turning into Wilsford. On entering the village the road takes a sharp right and the site lies straight ahead on the outside of this bend. The site comprises part of the domestic curtilage of The Poores, an historic but unlisted thatched cottage. The land is currently used for a tennis court.

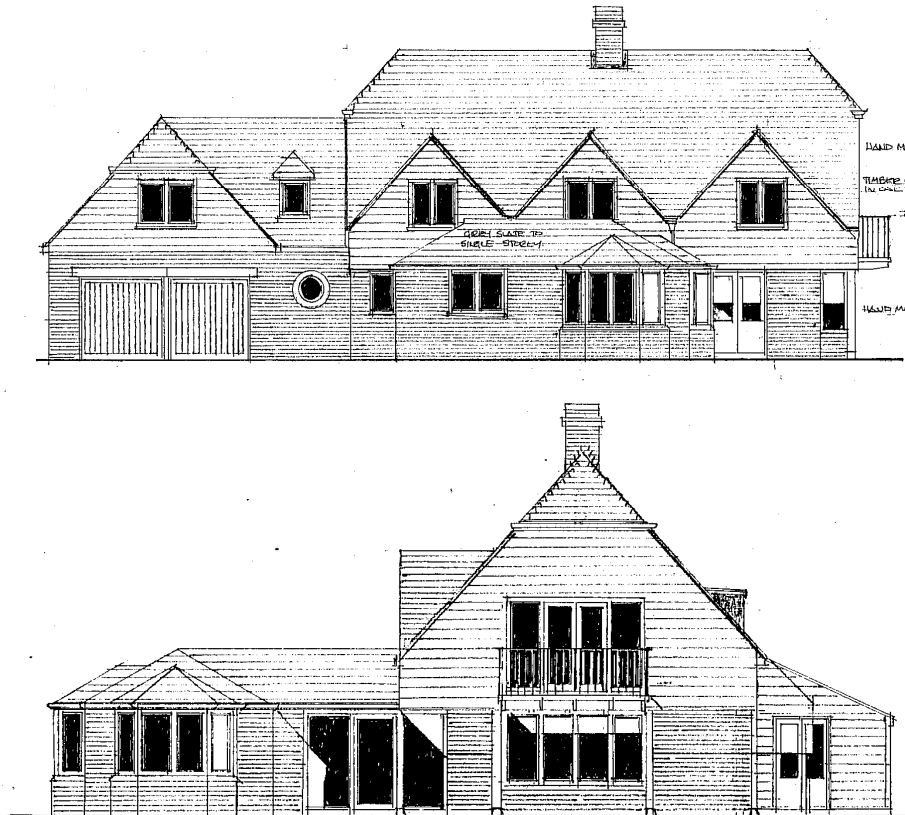


4. Planning History

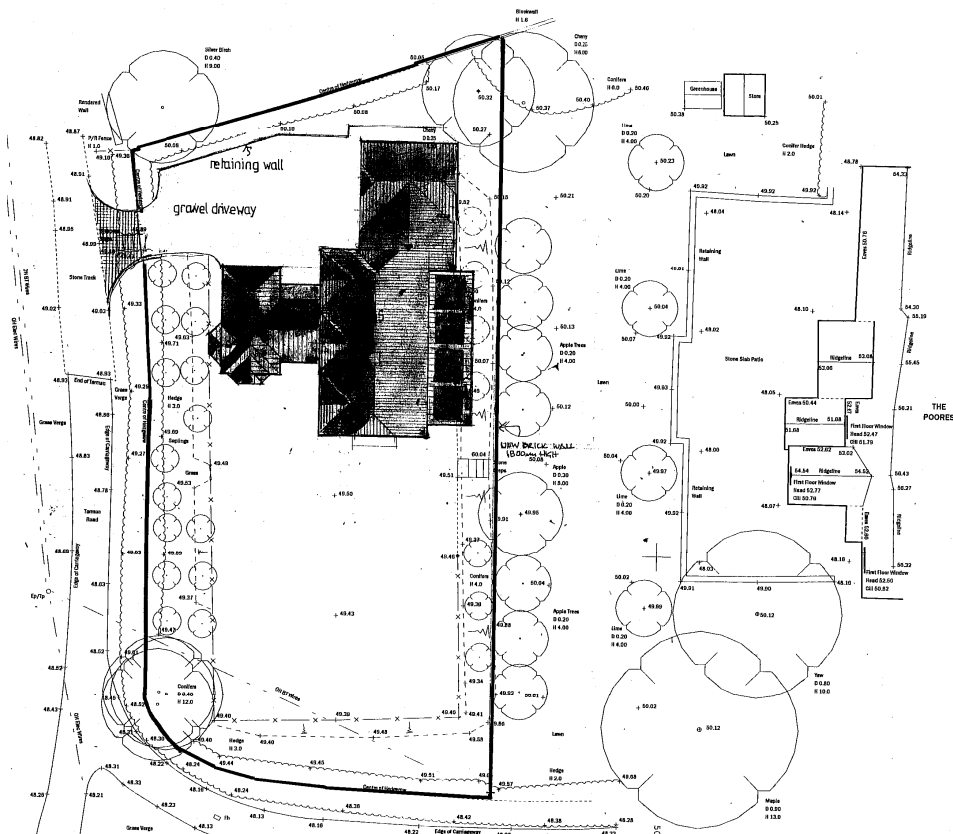
There is no relevant planning history.

5. The Proposal

The application proposes the construction of a new detached dwelling on the site of a tennis court to the rear of the existing house.



Proposed elevations



Proposed site layout

6. Planning Policy

The site lies in the countryside, outside of the Limits of Development defined for settlements in the Kennet Local Plan 2011. Wilsford is identified as village with limited facilities in Table H.5 of the local plan. The site also lies within the Wilsford conservation area and the Area of Outstanding Natural Beauty (AONB). Policies HC24 and PD1 of the local plan are relevant to the consideration of this application. Government guidance contained in PPS1, PPS7 and PPG15 is also a material consideration.

7. Consultations

Wilsford Parish Council strongly objects to the proposals and makes a lengthy representation, a full copy of which is contained on the working file. The main objections can be summarised as follows:

- A grant of planning permission would set an undesirable precedent for similar applications of this nature. Development or infilling of this plot would detract from the residential character and spacious nature of this area and would encourage, in the future, “garden grabbing” and ribbon development.
- The Poores, combined with The Malt House and numbers 23 & 24 The Street, give this part of the village a strong sense of place. The area has distinctive thatched cottages which give it a special character, and this must be maintained. The Poores sits well in a large plot of land, and it is clearly a property which adds special character to the conservation area. To reduce the size of the garden would detract from that special character and appearance, thus failing to preserve and enhance the conservation area.
- Development would consolidate a loose knit area of development, contrary to Policy HC24 of the Kennet Local Plan 2011. The proposal would also be contrary to the provisions of the Wilsford Conservation Area Statement which states that infilling is inappropriate within the village.
- The parish council is concerned regarding the possible loss of significant trees and hedging, and the resultant impact upon the conservation area and AONB.
- The proposed dwelling is too large for the site, which would lead to cramped, out of scale development leaving little garden area for the host property.
- The dwelling has features which are not referred to in the Conservation Area Statement as being recommended design or building materials. Neither are they features of the host property nor the distinctive thatched cottages which give this part of the village its character.
- The development would fail to preserve or enhance the character and appearance of the conservation area.
- The development would not be subservient to any of the neighbouring properties, some of which are Grade II listed.
- The development would not be sufficiently screened at any time of the year as it will sit proud of any neighbouring properties. The views of the development from every aspect will have a detrimental impact upon the setting of all the neighbouring properties.
- The lane to the west of the site, from which pedestrian and vehicular access is sought, is not a public highway. The consent of all the dwellings that currently have access to the lane will be required. The surface of the lane is already damaged and would not bear any additional vehicles, let alone construction traffic.

Wiltshire Council Conservation Officer – objects. The proposed development, by virtue of its siting and design, would be wholly out of character with surrounding historic development and would neither preserve nor enhance the character or appearance of the conservation area or the setting of neighbouring listed buildings.

Wiltshire Council Highways – recommends refusal for the following reason:

“The proposed dwelling would take vehicular access over the route of public footpath WILS3 creating additional vehicle movements along a pedestrian route to the detriment of the safety, convenience and amenity of pedestrian users.”

Wiltshire Fire & Rescue Service – standard guidance letter.

8. Publicity

The application has been publicised by site notice, press advertisement and neighbour notification.

Three letters of support have been received.

Six letters of objection have been received. The following issues and concerns are raised:

- a) The proposal would fail to preserve the character and appearance of the conservation area.
- b) The proposal will consolidate the existing loose knit character of the village.
- c) The application would run contrary to the contents of the Wilsford Conservation Area Statement which states that “infilling of single plots is inappropriate, as cumulatively, they would alter the bucolic character of the village”.
- d) The proposed design is not in sympathy with existing buildings in the village, and it does not fit in at all with adjoining properties.
- e) The new dwelling will be clearly visible through the roadside hedge during the winter months and it will create an eyesore at this prominent entry point into the village.
- f) The applicant’s statement that this is a ‘modest new cottage’ is incorrect. The proposal is for an executive home with an indoor swimming pool. The proposal in no way meets criteria for ‘affordable housing’ in Wiltshire.
- g) The proposal severely reduces the overall quality of an existing fine house which loses much of its garden and is severely overshadowed by the new build.
- h) The proposal would set a dangerous precedent for other potential subdivisions of property within the village which would be cumulatively harmful to the character of the village.
- i) The proposals will be harmful to the setting of Cruck End, a listed building.
- j) The proposal will restrict Cruck End’s views to the south-east.
- k) The proposed dwelling would overlook the rear garden and the windows on the eastern side of Wilsford House.
- l) The lane for access is too small and narrow to accommodate construction traffic (as is evidenced by the fact that the Council’s own refuse vehicles do not use the lane). Vehicles would be likely to cause damage to the triangular green at the top of the lane and the ancient cob wall on the north side of Wilsford House.
- m) Construction would give rise to noise and disturbance for local residents.

9. Planning Considerations

Policy Background

Wilsford is identified in the Kennet Local Plan 2011 as a village with limited facilities, to which Policy HC24 applies. This policy states that within such villages, new housing development will be restricted to infilling, the replacement of existing dwellings, the re-use of existing buildings or the redevelopment of existing buildings, provided that the development:

- a) is within the existing built-up part of the village;
- b) does not consolidate an existing sporadic, loose-knit area of development; and
- c) is in harmony with the village in terms of its scale and character.

The term 'infilling' is defined in the local plan glossary as the filling of small gaps within a small group of houses. Small gaps are interpreted as sites which are not sufficiently large for more than one dwelling.

Policy HC24 is supported by Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement which was adopted by the former Kennet District Council on 3rd June 2004. This document states that:

“New infilling developments would not be appropriate. The character of the village is such that the green spaces between buildings are essential. Development in the gaps would also cumulatively result in increased traffic on the lanes within the village and detract from the tranquillity of the Conservation Area” (p.16)

The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. It also has a statutory duty to have special regard to the desirability of preserving the setting of neighbouring listed buildings.

PPG 15 outlines government policy towards the historic environment. Paragraphs 4.17 & 2.14 of the guidance state that new buildings should be carefully designed to respect their context or setting.

PPS1 gives the government's up-to-date stance on sustainable development and design. The guidance states that “Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”.

Assessment of Principle

Policy HC24 of the local plan sets out the framework for assessing residential development proposals within Wilsford. In order to be acceptable in principle the proposal would need to meet the local plan definition of 'infill' and it would need to comply with criteria (a) – (c) above.

Officers consider that the proposals fail in three key areas:

1. The application site is considered too large to be an infill plot under the local plan's strict definition. This is not a 'small gap within a small group of houses'.
2. The proposal would consolidate the village's existing sporadic loose knit pattern of development, contrary to criterion (b) of the policy. Wilsford is precisely the type of village which the policy seeks to protect; a village whose rural charm is derived from its open character and the green spaces between buildings.
3. The design of the dwelling and its siting would not be in harmony with the village (see detailed assessment below).

Detailed Assessment

Wilsford is notable for its exceptional historic built environment which includes a collection of early thatched and timber framed buildings, several dating from the 15th Century and earlier.

Exceptions are more formal 'quality' buildings dating from the late 18th Century / early 19th Century (The Vicarage, Wilsford House [formerly the Manor], and the current Wilsford Manor) in brick or stucco and slate.

The proposed dwelling with its wide gable span, complex form and spreading footprint, balcony and mix of materials is wholly out of character with historic development within the village and would significantly detract from the exceptional quality and character of the surrounding historic built environment. In particular, the proposal would detract from the setting of neighbouring listed buildings and The Poores which, although unlisted, is identified as a significant unlisted building in the Conservation Area Statement.

The Design & Access Statement submitted with the planning application states that the proposal is designed to be a "modest new cottage" which will complement its surroundings and "add a new layer to the built history of the village". This is perhaps a tacit admission that this development has not been designed to respect its context or setting. Certainly the design bears no relation to any traditional form of cottage found elsewhere in the village. The requirement set out in legislation (and reinforced in government guidance contained in PPG15) is for development to *preserve* the existing character or appearance of the conservation area, not create a new character.

The applicant also seeks to argue that by removing the tennis court a more traditional character will be returned to the village. Whilst it is true to say that tennis courts are not typical features of the historic built environment, this particular tennis court is unobtrusive and the fencing is barely visible behind the roadside hedging. This hedging would be far less effective in screening the proposed dwelling and in the winter months it would be possible for passers-by to gain views straight through the hedge into the site (photographs taken by the case officer and held on the working file illustrate this point).

The public footpath (WILS3) entering the village from the west is elevated above the level of the lane and this would afford even clearer views of the development. The roofscape of any development would be especially prominent; the hard edged tiled roof with its complex forms would mask views of The Poores behind and jar with the softer profiles of neighbouring thatched cottages.

The creation of an opening to serve as vehicular access through the hedge and grass verge will further exacerbate the impact upon the character of the lane, currently little more than an informal rural track.

In contrast to the larger principal residences (the current Wilsford Manor, the Vicarage and Wilsford House), vernacular houses within the village (including The Poores itself) are generally closely related to the lanes and paths which run through the village, with many sited directly at the road edge. Some of the few inserted properties dating from the later 20th Century are at odds with this historic pattern of development and this tendency is continued by the current proposal which is set back within its plot, fronted by a large gravelled parking and turning area. This would be out of character with the historic pattern of development in the village.

Regard must also be had to the Wilsford Conservation Area Statement which has been adopted as Supplementary Planning Guidance for the purposes of development control. This document highlights the special character of Wilsford and in particular the importance of green spaces between buildings. It goes so far as to say that infilling developments would not be appropriate within the village. This lends considerable support to the view of officers, the parish council and local residents that planning permission should be refused.

It is always difficult to apportion any significant weight to the issue of cumulative impact, as each proposal needs to be considered on its own individual merits. However, a grant of planning permission for this site would certainly set a precedent and make it more difficult for the Council to resist similar proposals for other sites within the village. Developments of this nature would inevitably have a cumulative impact, resulting in the gradual erosion of the character and appearance of the conservation area.

Turning now to highway issues, the lane leading to the site is not adopted highway. This in itself does not make it unsuitable for construction traffic or vehicular movements generated by the new dwelling. However, the first section of lane is an adopted public footpath and the Council's Highways Officer considers that the development would create conflict, taking additional vehicle movements along a pedestrian route to the detriment of the safety, convenience and amenity of pedestrian users.

Objectors raise various concerns regarding the potential impacts upon the amenities of neighbouring occupiers. These impacts have been assessed and it is not considered that there would be grounds to refuse planning permission.

- a) The front elevation of the proposed dwelling would face towards Wilsford House. However, the first floor bedroom windows in the new property would be a minimum of 20m from the boundary wall to Wilsford House, with Wilsford House itself being a further 25m away. On this basis it would be impossible to argue that there would be loss of privacy, particularly given that the Council's own minimum standard for window-to-window overlooking is 21m.
- b) Although the proposed dwelling would impinge upon the setting of The Poores, it would not necessarily cause harm to residential amenity for the occupiers of that property. The dwelling would be built relatively close to the newly created boundary with The Poores. However, there would remain a separation distance of 22m between the buildings and all first floor windows in the rear of the new dwelling (serving a bathroom, en-suite and landing) are capable of being obscurely glazed. The Poores would retain an area of private amenity space well in excess of the Council's minimum standard of 50sqm.
- c) Similarly, although there would be an impact upon the setting of Cruck End to the north, there would not be any harm to residential amenity. The buildings would be separated by approximately 20m and there would be no first floor windows facing in the direction of the neighbour. Concerns have been expressed regarding the impact on views; however, this in itself is not grounds to refuse planning permission. The neighbours have no right to a view, although they should have a reasonable expectation that development will not cause harm to amenity by virtue of overbearing impact, loss of daylight/sunlight or loss of privacy.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposal would be contrary to Policy HC24 of the Kennet Local Plan 2011 by virtue of the fact that: (i) the proposal does not fall within any of the categories of development set out in the policy, or the definition of 'infill' contained within the local plan glossary; (ii) the proposal would consolidate an existing sporadic, loose knit area of development; and (iii) the proposal would not be in harmony with the village in terms of its scale or character. Furthermore, the proposal would be contrary to the Wilsford Conservation Area Statement which states that new infilling developments within the conservation area would not be appropriate.
2. The proposed development would, by virtue of its siting and design, be wholly out of character with surrounding historic development and would neither preserve nor enhance the character or appearance of the conservation area, the setting of neighbouring listed buildings or the setting of The Poores which is identified in the Conservation Area Statement as a significant unlisted building in the conservation area. The proposals would therefore be contrary to Policies PD1 & HC24 of the Kennet Local Plan 2011, government guidance set out in PPG15: 'Planning and the Historic Environment' and Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement.

3. The proposed dwelling would take vehicular access over the route of public footpath WILS3 creating additional vehicle movements along a pedestrian route to the detriment of the safety, convenience and amenity of pedestrian users. The proposals are therefore contrary to Policy PD1 of the Kennet Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	The application file, Wilsford Conservation Area Statement and government guidance contained in PPS1 and PPG15.

Date of Meeting	25 th February 2010
Application Number	E/09/1242/FUL
Site Address	The Old Chapel Seend Cleeve Melksham Wilts
Proposal	Conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling
Applicant	Mr Julian Mattock
Town/Parish Council	SEEND
Grid Ref	393084 160963
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before the Committee at the request of the Division Member, Councillor Seed.

1. Purpose of Report

To consider the recommendation that the application be refused.

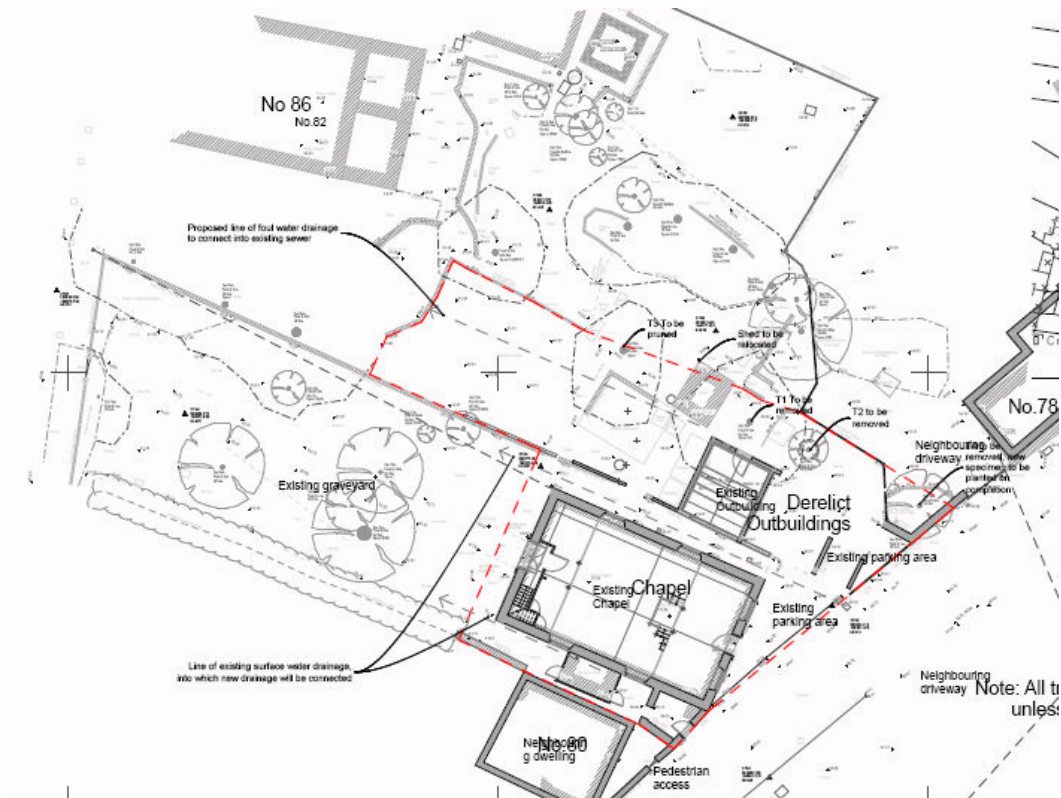
2. Report Summary

The main issue in this case is the impact of development upon the character and setting of the listed building.

3. Site Description

The application site lies within the built-up area of Seend Cleeve. It comprises a former methodist chapel, now redundant. The building is Grade II listed.





Site location plan

4. Planning History

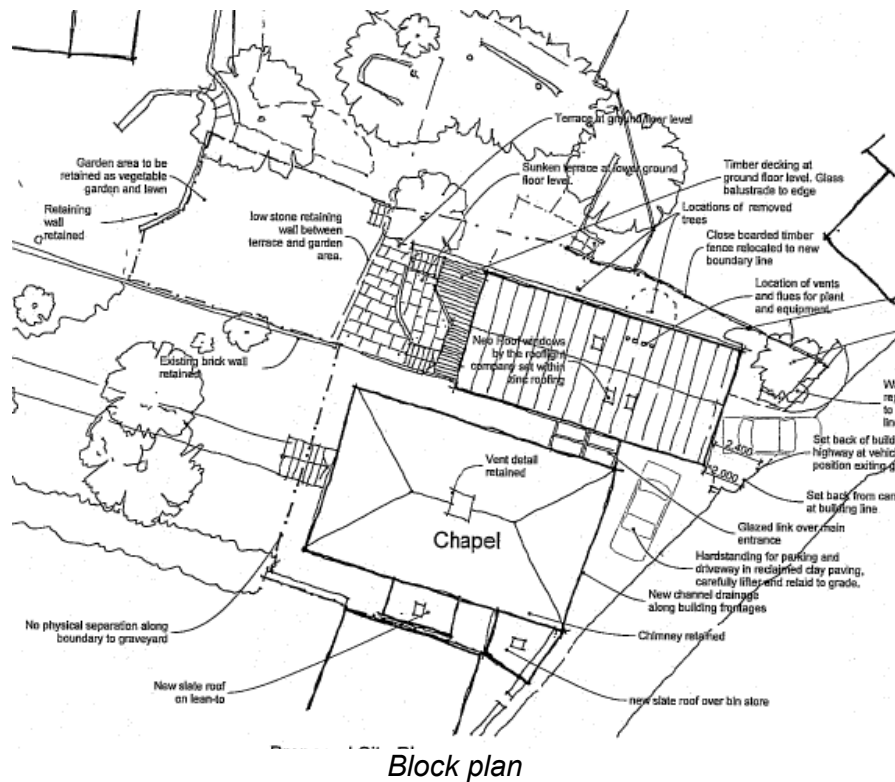
K/79/0485 - Conversion from a chapel to a dwelling, planning permission granted on 2nd August 1979, prior to the building being listed in 1987. The planning permission was never implemented.

5. The Proposal

The proposal is to convert the redundant chapel to residential use, demolish the remnants of former outbuildings and construct a new linked extension, to provide additional accommodation for the new dwelling.



Proposed elevations



6. Planning Policy

Policies PD1 & AT9 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application. Government guidance contained in PPS1 and PPG15 is also a material consideration.

7. Consultations

Seend Parish Council - objects. The proposed building is over-development of this small, cramped site, and out of keeping with the historical Chapel and surrounding properties. The build is likely to be overbearing on neighbouring properties below. The parish council is not happy with the proposed materials for the new build part of the development, and feel that the new building is too large in relation to the Chapel. As this is a proposal for a four bedroom property, it is felt that the proposed parking is inadequate.

Wiltshire Council Conservation Officer – objects (see planning considerations below).

Wiltshire Council Highways – no objection subject to appropriate conditions.

Wiltshire Fire & Rescue Service – standard guidance letter.

8. Publicity

The application was advertised by press and site notices and neighbour notification. Five letters of representation have been received from the occupiers of 30, 36, 42, 44 & 65 Seend Cleeve, raising the following objections:

- a) The cladding of the linked extension in zinc/metal sheeting is not in keeping with adjacent cottages or the surrounding area. The material would cause glare when the sun is shining on it.
- b) The proposed extension would be out of character with the chapel itself. The extension would be larger than the original workshop in terms of ground area and number of storeys. It will be too big in relation to the chapel and will detract from it.
- c) The garage is too close to the highway and will present a risk to highway and pedestrian safety.

- d) Insufficient car parking has been provided for a 4 bedroom dwelling.
- e) The proposal will reduce the amount of space available for on-street parking for those neighbouring properties without garages. The area is already congested with parked vehicles, especially in the evenings, overnight and at weekends.
- f) Concern is expressed regarding the need to protect the graveyard for the benefit of the families of people buried there.

9. Planning Considerations

Background

The Old Chapel is an attractive brick building with stone quoins, located on an unusual site on rising ground between two roads. The position of the chapel on the hillside and its relationship to the sloping burial ground and wider views and setting are unique and a particularly positive feature of this site. The adjacent burial ground remains under church ownership and is still in use. The current building was built to replace an earlier chapel in 1849. The chapel was sold and lapsed from religious use in 1979 and permission was subsequently granted for a residential use. This conversion was never implemented and the chapel was later included on the statutory list (Grade II) when the area resurvey was undertaken in 1987.

The Council's Statutory Duty

From the point of view of the historic environment a primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Government Guidance

PPG 15 outlines government policy towards the historic environment. PPS1 gives the government's up-to-date stance on sustainable development and design.

Government guidance contained within PPG 15 (paragraph C7) specifically states that "modern extensions should not dominate the existing building in either scale, material or situation". Proposed alterations to a listed building must also be justified to show how they are "desirable or necessary" (paragraph 3.4).

Government guidance contained in PPS 1 (paragraph 34) states that "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".

Principle of Development

The chapel has survived since being sold by the church as low-key storage and this has had some benefits in allowing the building to remain largely unaltered – however, it is clear that the point has now been reached where a much greater input into repair and maintenance will be required in the relatively near future and officers accept that a continuation of the current situation is unlikely to secure this investment.

PPG 15 is clear in its advice that "the best way of securing the upkeep of historic buildings and areas is to keep them in active use". In view of this and taking into account the nature of the building and its location and setting, officers have agreed that in their opinion a change of use to a single dwelling appears to offer the most obvious compatible solution. In principle, officers have also agreed that the addition of a modest extension on the site of a former outbuilding would be justifiable in order to facilitate the conversion and to minimise the level of alteration to the chapel itself.

Conversion of the Chapel Building

The proposals have largely been amended in line with officer advice provided at the pre-application stage, which sought to limit the impact of the proposals on the fabric and character of the building and, although it would have been the Conservation Officer's preference to see the inserted 'floating' floor reduced slightly further, the proposals compare well with similar schemes

of this type. Overall, no objection is raised to this part of the scheme subject to some further clarification on various details. These matters could be made the subject of appropriately worded conditions attached to the listed building consent.

Proposed Linked Extension

At pre-application stage the Conservation Officer expressed the opinion that the construction of a new building in the location of the former outbuilding in order to provide additional accommodation to facilitate the repair and conversion of the chapel was unlikely to be controversial in principle from a planning or conservation viewpoint. However, she did express concerns in respect of the scale of the structure proposed and urged that caution would be required. The Conservation Officer concluded her response to the pre-application proposals by advising that “further attention perhaps needs to be given at this stage to the balance between the existing building and new structure and to the overall design of the new extension”.

In particular the Conservation Officer raised concerns in respect of the potential for the new structure to dominate the chapel building from the south-eastern approaches and stressed the need for it to be subservient to the chapel building. She suggested specifically that the eaves level would need to be lowered in relation to the chapel, in order to assist in ensuring the subservience of the new structure. Unfortunately, the current proposals are largely unchanged from those presented at the pre-application stage in terms of their essential scale (with the exception of a lowering of the roof pitch which was anticipated and taken into account in pre-application advice).

Officers remain of the opinion that a contemporary approach is acceptable in principle, but there is little doubt that a contrasting design, form and materials will tend to heighten the impact (not least in public perception) of a new building/structure which, in this case, is already increased by its necessary location forward of the chapel. The result is that even greater care is required in the consideration of scale to ensure that proposed extension does not dominate the existing building.

Clearly there are occasional exceptions when it might be considered necessary to approve a bigger extension than would usually be felt to be acceptable – for example, in the case of a building of extreme fragility or sensitivity where only the lightest touch within the building itself would be acceptable. Here, however, it is difficult to conclude that the proposed level of accommodation is functionally essential in order to create a workable solution. Alternatively, it might be found that the measures required in order to repair and convert a building are so onerous in financial terms that an increased level of associated development might be justifiable in order to render the scheme economically viable. But again, no evidence has been presented to suggest that this is the case here.

Applicant's Response

The architect has considered the implications of amending the scheme in accordance with officer advice. However, he has concluded that the amendments would be fatal to the continuation of the project, resulting in the removal of the first floor of the linked extension and an overall level of accommodation which simply does not meet his client's needs.

Officers note this response but find it difficult to agree that all the accommodation being proposed is essential to the creation of a viable family home. Experience has shown that successful conversions of similar buildings can be achieved without the need for an extension.

Summary

Whilst officers remain of the opinion that the overall approach and general design are likely to prove acceptable, they believe that the scale of the linked extension should be reconsidered and reduced. As the proposal stands, the extension will tend to dominate the existing building to an unjustifiable extent. This would be contrary to Policy PD1 of the Kennet Local Plan 2011 and government guidance contained in PPS1 and PPG15.

Other Issues

Third parties raise concerns regarding the proposal's impact upon highway and pedestrian

safety, and its implications for on-street parking. However, it is not considered that these would be legitimate grounds to refuse planning permission, particularly in view of the lack of an objection from the Council's Highway Officer.

Likewise, officers cannot support the parish council's objection regarding the level of parking provision. The proposal provides a single garage (with additional room for bicycles and garden storage) and there would be space in front of the chapel for the parking of an extra car. This adheres to the Council's own maximum parking standards for dwellings with up to 4 bedrooms.

The parish council also expresses concerns that the development is likely to be overbearing on neighbouring properties below. The impact upon neighbour amenity has been assessed and it is not considered that the development would be overbearing. No objections have been received from the occupier(s) of the affected property.

There are no proposals to carry out works to the graveyard; this does not form part of the application site.

RECOMMENDATION

Refuse planning permission for the following reason:

- 1 The proposed linked extension would, by virtue of its scale, massing and situation, dominate the former chapel (a Grade II listed building) to the detriment of its character and setting. The proposals are therefore contrary to Policy PD1 of the Kennet Local Plan 2011 and government guidance contained in PPS1 and PPG15.

Appendices:	None
Background Documents Used in the Preparation of this Report:	The application file and government guidance contained in PPS1 & PPG15.

Date of Meeting	25 th February 2010
Application Number	E/09/1241/LBC
Site Address	The Old Chapel Seend Cleeve Melksham Wilts
Proposal	Conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling
Applicant	Mr Julian Mattock
Town/Parish Council	SEEND
Grid Ref	393084 160963
Type of application	Listed Building Consent
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before the Committee at the request of the Division Member, Cllr Seed.

1. Purpose of Report

To consider the recommendation that listed building consent be refused.

2. Report Summary

The main issue in this case is the impact of the proposals upon the character and setting of the listed building.

3. Site Description

A description of the site has been provided in the report on E/09/1242/FUL above.

4. Planning History

Details of the site's planning history have been set out in the report on E/09/1242/FUL above. The Council has not received any applications for listed building consent since the building was listed in 1987.

5. The Proposal

Details of the proposal are set out in the report on E/09/1242/FUL above.

6. Planning Policy

Government guidance contained in PPG15 sets out the relevant policy on alterations to listed buildings.

7. Consultations

Wiltshire Council Conservation Officer – objects.

8. Publicity

The application was advertised by press and site notices. Five letters of representation have been received. A summary of the objections received is included in the report on E/09/1242/FUL above.

9. Planning Considerations

A detailed assessment of this application is contained in the report for E/09/1242/FUL above. In

essence, the main issue for debate is whether the proposed linked extension is acceptable in terms of its design. Officers consider the proposals to be unacceptable; in their view the extension would, by virtue of its scale, massing and situation, dominate the listed building to the detriment of its character and setting. This would be contrary to government guidance contained in PPG15 which states that “modern extensions should not dominate the existing building in either scale, material or situation”.

RECOMMENDATION

Refuse listed building consent for the following reason:

- 1 The proposed linked extension would, by virtue of its scale, massing and situation, dominate the former chapel (a Grade II listed building) to the detriment of its character and setting. The proposals are therefore contrary to government guidance contained in PPG15

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file and government guidance contained in PPG15.

Date of Meeting	25 th February 2010
Application Number	E/09/0988//FUL
Site Address	Downs House Equestrian Centre, Baydon, Wilts
Proposal	Erection of building to contain two residential units to form part of the accommodation of Downs Equestrian Centre
Applicant	Mr A Giugni
Parish Council	BAYDON
Grid Ref	4282 1781
Type of application	Full Planning
Case Officer	Mike Wilmott

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Reason for the application being considered by Committee:

This application is before the Planning Committee at the request of Councilor Humphries, the Division Member.

3. Report Summary

The main issues to consider are:

- Justification for new dwellings in the open countryside
- Whether the proposal meets the tests under PPS7
- Design and appearance
- Visual impact in terms of the countryside and Area of outstanding natural beauty
- Highway safety
- Neighbour amenity issues

4. Site Description

This application seeks planning permission for two residential units at an established equestrian centre. The proposed dwellings are required for a variety of reasons connected with the use of the equestrian centre.

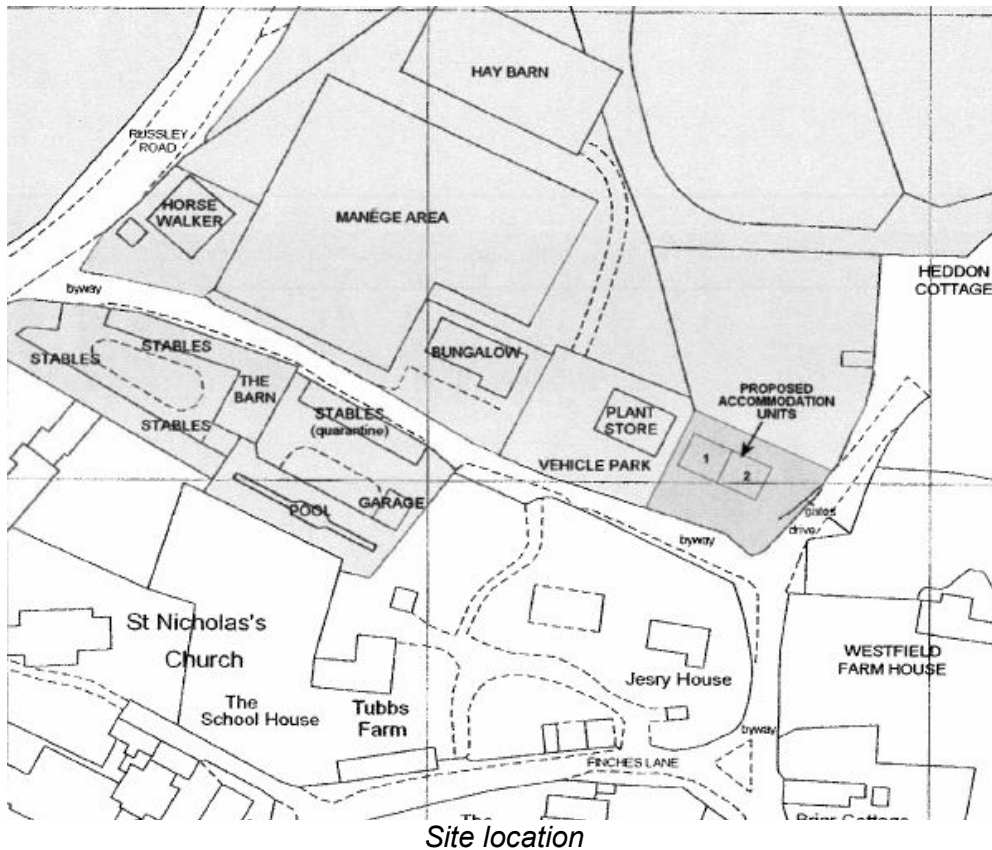
The site is mainly in a field to the east of the existing centre, with frontage onto a by-way. The area is semi-rural with mature hedges and trees along the boundaries on the east and west, and there are open views from the by-way to the north. Part of the site overlaps with a hardened area adjacent to the plant store at the centre.

The site is within the AONB and just outside the Conservation Area.

5. Relevant Planning History

K/59774/F – Erection of two On-Site Residential Units to Accommodate Pupils and Others – Refused January 2009 on the grounds that there was insufficient information to justify the proposal and due to siting and design. This was on the same site as the current proposal.

The Downs Equestrian Centre has an extensive planning history, with permission being granted in the past for the all-weather manege; horse walker, staff bungalow and other buildings.

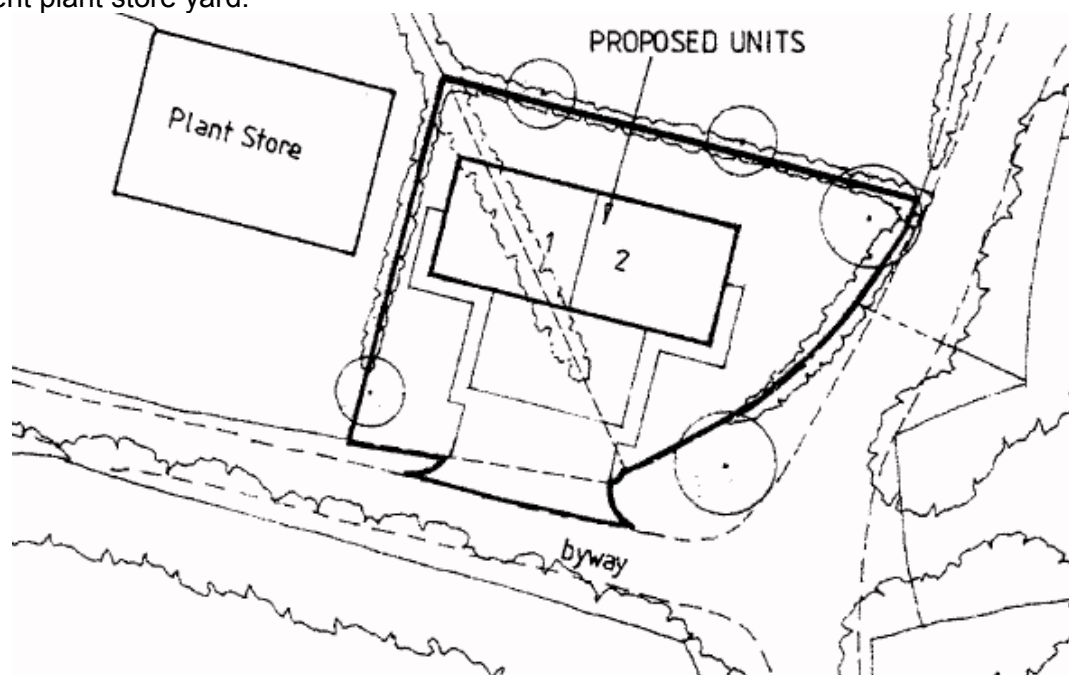


Site location

6. Proposal

This application seeks permission to erect a pair of semi-detached houses in connection with the use of the equestrian centre. The proposed units will have a ridge height of approximately 7 metres, so the bedrooms are within the roof space. Each semi will have two bedrooms and bathroom at first floor level and a kitchen, sitting room, dining room and utility on the ground floor. The proposed design is fairly simple with pitched roof dormers to the front and rear and constructed of brick under a clay tile roof.

Following concerns that the proposal appeared too urban in this semi-rural position the scheme was amended showing the frontage along the by-way landscaped and the parking within the adjacent plant store yard.



Site layout



Proposed elevations

It is understood that the accommodation is required for visitors for a variety of reasons in connection with the use of the equestrian centre. These include grooms for horses in transit, and children training at the centre.

7. Planning Policy

The following policies in the Kennet Local Plan 2011 are relevant to the consideration of this application:

- Policy PD1 - Development and Design,
- Policy NR6 - Sustainability and Protection of the Countryside,
- Policy NR7 – Development in the countryside
- Policy HC26 - Housing in the Countryside

The site lies outside of the Limits of Development for Baydon set out in the Kennet Local Plan. In these circumstances, the guidance contained within Planning Policy Statement 7: Sustainable Development in Rural Areas, is also applicable. PPS 4 contains policies relating to economic development, including equine businesses, but not residential accommodation.

8. Consultations

Baydon Parish Council - No objection.

Wiltshire Council Highways – No objection subject to conditions.

Wiltshire Landscape and Countryside Officer – The proposal will result in the views from the by-way being closed and the loss of a section of mature and important hawthorn hedge. The change will involve the urbanisation of a rural back-water. Recommend refusal as it will have a detrimental impact on the character and appearance of the area and falls foul of the Council's landscape protection policy and planning policy relating to the protection of the AONB.

Wiltshire Fire & Rescue Service - Commented on necessary and appropriate fire safety measures.

Wiltshire Council Archaeologist – The site is located within an area of potential archaeological interest. Therefore, a condition is requested that no development shall commence until a written programme of archaeological investigation is submitted.

Wiltshire Council Equine Consultant – The proposal does not 'fit' the usual assessment under PPS 7 Annex A for permanent workers dwellings because the proposal is to accommodate visiting clients of the business and not workers within the business. Whilst I am sympathetic with the applicant in that the business strategy is sound and he does need to provide good quality accommodation for the type of client he wishes to attract. The current financial statements do not show that the business can afford the annual costs associated with borrowings necessary for the size of accommodation that is proposed. The full report is attached at Annex 1.

8. Publicity

The application has been advertised with a site notice and neighbour letters.

One letter of objection has been received from a neighbour, the key issues raised are summarised below:

- The site is an agricultural field in the AONB.
- Proposal will require the removal a tree lined hedgerow.
- The proposal would obscure views of the countryside from the public by-way. It would be detrimental to change the landscape permanently.
- The proposal would create a requirement for several vehicle movements onto the public by-way, creating a danger to the public.
- The proposal encompasses land in the ownership of the adjacent cottage. (NB. An amended site plan has subsequently been submitted to overcome this issue).

9. Planning Considerations

Whilst there are issues relating to the impact on the appearance of the area, as the proposal relates to new housing in the open countryside, the key issue which first needs to be established is whether there is a justification for the type of accommodation proposed.

The information submitted with the application states that the accommodation is required for the effective operation and running of the centre, as the activities carried out require overnight accommodation for visitors. There is a variety of reasons why clients visit the centre including students requiring tuition, owners of horses in transit and prospective buyers.

There are two residential properties within the site, one is a converted barn occupied by the manager and tied to the centre by condition. The other, a hostel which can accommodate six people, this is tied by a legal agreement. There is one full-time employee at the site, however, as the activity is seasonal up to six staff members were employed as working pupils over the last summer living at the bungalow/hostel.

Planning policy in the form of PPS7 places strict guidelines on new residential development in the countryside. These guidelines are set out in Annex A of the PPS and relate to the functional need to be on hand to look after livestock and the viability test to ensure that the business is financially sound and has a clear prospect of remaining so. The purpose of these tests is to ensure that the planning system is not abused and that new houses are not built in the countryside where there is no genuine need, subsequently being re-sold to those with no requirement to live on the land. Given the complexity of this particular case it was considered appropriate to consult an equine expert to fully assess the application.

The report from the Equine Consultant indicates that:

Functional need – there is no justification for new accommodation on the grounds of the need to look after existing livestock at the unit as this requirement is already met by the residential accommodation on site;

Financial viability - the overall business has been established for at least three years. Downs Equestrian Centre Ltd has made an annual loss for the two years of trading accounts submitted and Downs Equestrian Services Ltd has made a marginal profit for one of them. Although more information has been provided to indicate that the financial position of these companies is improving, the fact remains that it is simply too early to be able to state with confidence that the business is financially sound and will remain so. It is also clear that the finance for the new build would come from an 'external source' rather than the business itself covering the build cost. This is important as for a business to be viable on an ongoing basis, it must be able to cover the cost of the accommodation. As it is, the level of net profit is barely sufficient for the applicant to draw a salary.

The planning system already has a means of dealing with assisting fledgling businesses in situations like these. This is to grant planning permission for a limited time for temporary accommodation. This enables the business owner to demonstrate that the business is founded on a sound financial basis. Once this has been demonstrated, permanent permission for

accommodation can be granted. This also ensures that there is no permanent damage to the appearance of the area if the business does not succeed as the accommodation units can be removed and the land restored. This practice is commonly used by the Council for accommodation associated with both equestrian and agricultural businesses. Your officers consider that this approach would be the appropriate one in these circumstances, particularly as the construction of the houses would have a harmful impact on the appearance of the area, closing off views from the end of the byway of the countryside beyond. Whilst this may be justified if the requirements of the business are well founded, it cannot be justified at this moment in time.

Aside from the adverse impact on the appearance of the area, it is not considered that objections raised on grounds of highway matters can be justified, as there is no objection from the highway authority. The siting of the houses does not significantly impact on the amenity of any nearby dwellings..

The consultant has also made reference to a large house adjacent to the site within the village which is owned by a Trust of which the applicant is the sole beneficiary. No evidence has been given as to why this property would not be suitable and available for the intended use.

10. Conclusion

The proposal is premature. It does not meet the financial viability test as required by PPS7 and in terms of the functional need, this is currently met by the accommodation on site. Other possibilities have not been fully explored for providing additional accommodation. To build the units in this location outside of the limits of development in the countryside would have a permanent adverse impact that cannot currently be justified. Accordingly, the refusal of planning permission is recommended and the applicant should be encouraged to consider either other properties where he has a financial interest or applying for temporary accommodation to enable the case to be reassessed when viability can be more adequately demonstrated.

RECOMMENDATION:

Refuse for the following reason:

1. The site lies in open countryside, in a location where planning permission will only be granted to provide accommodation for the essential needs of agriculture, forestry or other employment essential to the countryside. The proposal does not meet the functional or financial test to justify the erection of two additional dwellings as contained in Annex A of PPS7: Sustainable Development in Rural Areas. The development is also contrary to Policy HC26 of the Kennet Local Plan 2011. Furthermore, the development would have an adverse impact on the appearance of the area and this part of the area of outstanding natural beauty, closing off views of the open countryside from this end of the byway. This would conflict with policies NR6 and NR7 of the Kennet Local Plan.

Appendices:

Report from the Council's Equine consultant

Background Documents Used in the Preparation of this Report:

The application file, Kennet Landscape Conservation Strategy and government guidance contained in PPS4 & PPS7.

Date of Meeting	25 th February 2010
Application Number	E/10/0038/FUL
Site Address	Baydon Hill Grange Oxford Street Aldbourne Marlborough Wilts SN8 2DJ
Proposal	Erection of a general purpose barn to house ewes and agricultural machinery
Applicant	Mr M Bastard
Town/Parish Council	ALBOURNE
Grid Ref	427031 176170
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

This application is before the Planning Committee at the request of Councillor Humphries.

1. Purpose of Report

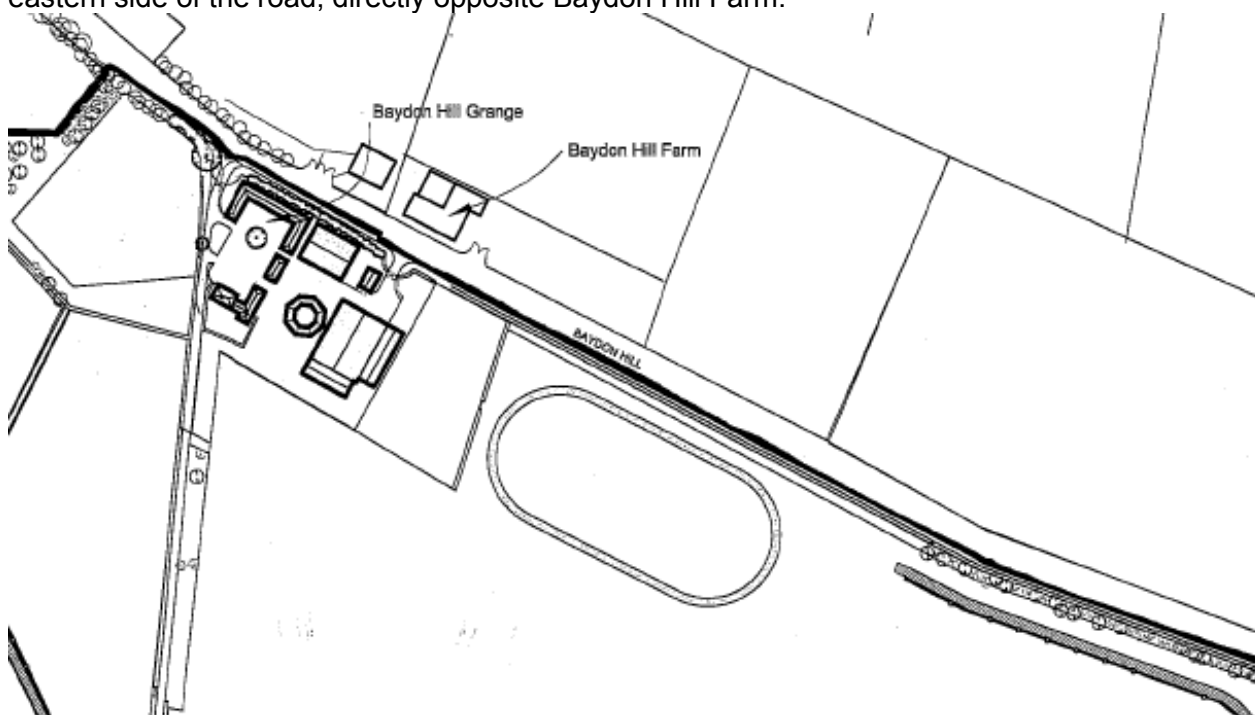
To consider the recommendation that the application be approved subject to the conditions set out.

2. Report Summary

The main planning issue is the visual impact of the proposal in relation to the AONB.

3. Site Description

Baydon Hill Grange is a large equestrian establishment situated approximately 250m beyond the edge of Aldbourne when heading out of the village towards Baydon. It is situated on the eastern side of the road, directly opposite Baydon Hill Farm.



Site location plan

4. Planning History

K/45796 - Approve with Conditions 30/07/2003
Sand exercise track for equine establishment.

K/11741/O - Refuse 08/03/1988
ERECTION OF AGRICULTURAL DWELLING

K/57931/F - Approve 28/02/2008
Four additional stables to match existing

K/57933/F - Approve with Conditions 14/02/2008
Construction of garden room/orangery

K/51908/F - Approve with Conditions 03/05/2005
Erection of extensions to existing multi-purpose covered barn to provide 18 horse boxes

K/44048 - Approve with Conditions 21/10/2002
Proposed revision to principal access

K/31313 - Approve with Conditions 15/05/1995
Extension to existing barn for forage storage. Roofing of dairy cow feeding yard.

K/32946 - Approve with Conditions 04/07/1996
Roof covering for existing concrete feed yard and erection of new building to provide loose housing for dairy cows.

K/51968/F - Approve with Conditions 04/05/2005
Stationing of two temporary mobile homes.

K/44835 - Approve with Conditions 21/08/2003
Development relating to the keeping, schooling and breeding of horses with associated owner's house, ancillary staff accommodation and buildings. Revision to K/42472.

K/57141/F - Approve with Conditions 07/09/2007
Removal of existing exercise gallop (reinstate to paddock); creation of new exercise gallop as extension of existing - area of track 900 sq metres

K/59960/F - Approve with Conditions 09/02/2009
Extension to lads' accommodation to provide dining area and additional bedroom

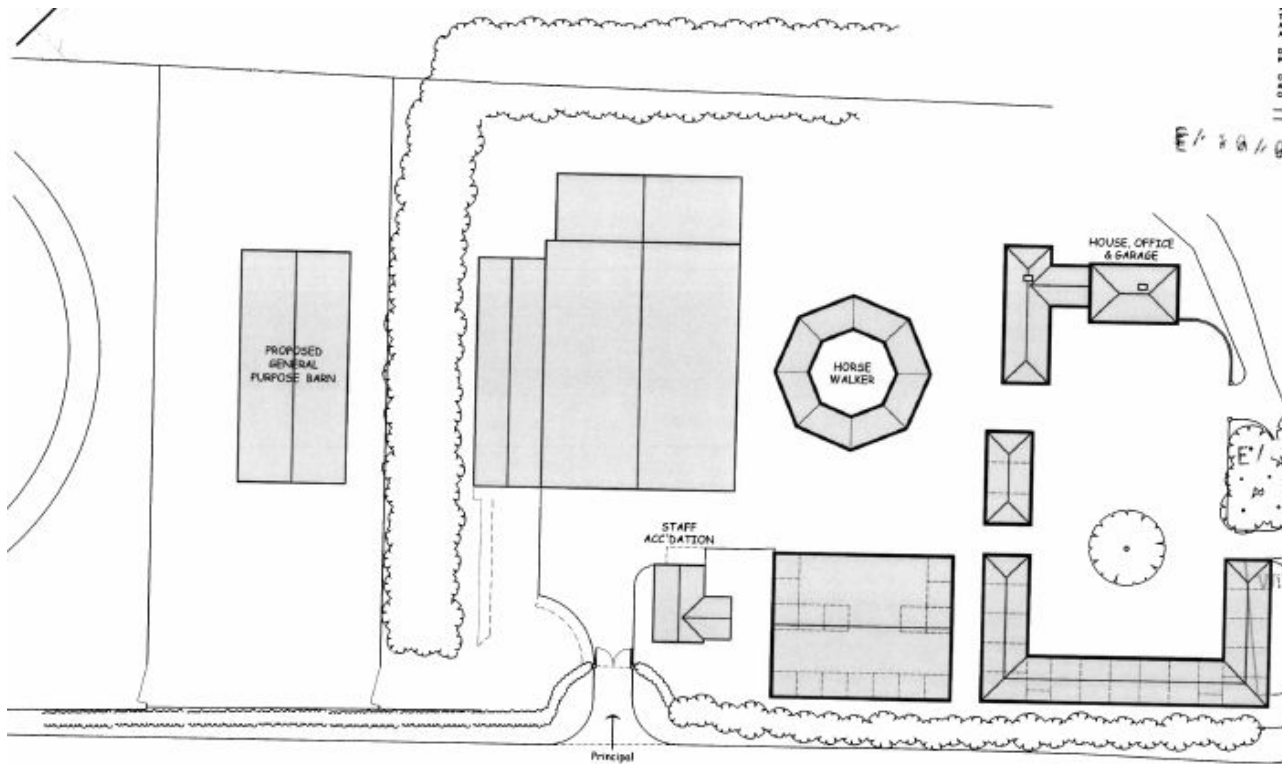
K/42472 - Approve with Conditions 19/07/2002
The change of use from agriculture to the keeping, schooling and breeding of horses with associated owner's house, ancillary staff accommodation and buildings

K/51425/F - Refuse 07/03/2005
New American barn to accommodate 16 loose boxes

K/51980/F - Approve 03/05/2005
Erection of extension to existing multi-purpose covered barn to provide 18 horse boxes.

5. The Proposal

The application proposes a barn for the housing and lambing of ewes and for the storage of farm machinery. It would be 30m long by 14m wide with a ridge height of 6m. It would be situated between the northern extent of the existing buildings and the exercise gallop.



Block plan of site

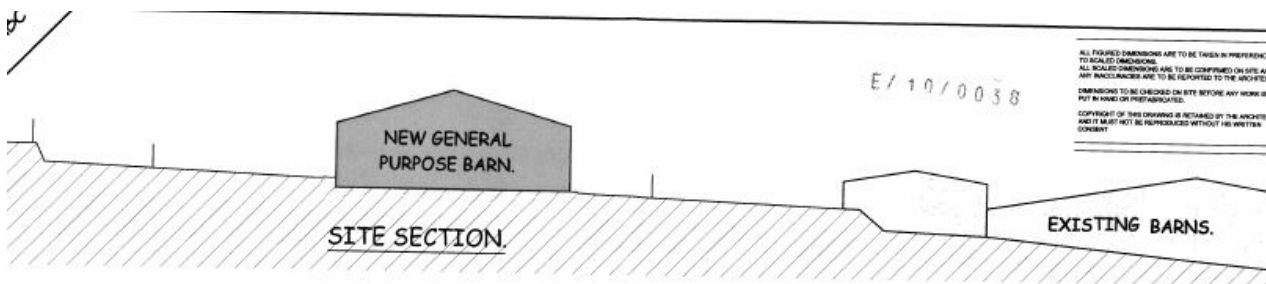
6. Planning Policy

Central Government planning policy on countryside planning issues, including issues relating to AONBs, is contained in PPS7 'Sustainable Development in Rural Areas'.

Kennet Local Plan policy NR7 covers landscape protection issues.

Wiltshire & Swindon Structure Plan policy C8 covers the AONB.

Kennet Local Plan policy Kennet Local Plan policy PD1 sets out broad development control principles which all developments are required to satisfy.



Cross section of proposed building

7. Consultations

Parish Council: Re-iterate their comments on the previous application (K/51908/F) in May 2005 which extended the previous boundaries of development on this site: ' We accept this proposal on the condition that there is no further building undertaken beyond the original footprint and that any further development would be considered as overdevelopment of the site.'

In addition, they also comment that the elevations of the proposed barn are too high in this prominent position and they question that this holding is agricultural and the site is a well established agricultural facility.

The Council's Agricultural Consultant: The unit is run primarily as an equestrian establishment where high value racehorses are trained. In addition to the equestrian business

the applicant has a ewe flock of some 60 head, which is lambed during April and May. The applicant plans to expand the flock to approximately 120 head, with lambing from February to April.

The proposed building will provide a gross external area of approximately 420 sqm. The applicant requires the building to provide space in which to store farm machinery and space in which to lamb the ewes. Although ewes can be lambed outdoors and machinery can be stored outdoors, in both cases it is preferable to utilise covered accommodation. Indoor lambing is easier to manage and can serve to improve survival rates and raise flock management. Indoor storage of machinery serves to reduce repair costs and depreciation. A building for both functions would therefore serve economic benefit to the agricultural operation.

He assesses the storage requirement for the farm machinery as approximately 100 sqm. The space required to lamb 60 ewes is approximately 150 sqm producing an overall requirement of some 250 sqm. If however the flock is expanded in line with the applicant's proposals then there will be a requirement for approximately 400 sqm of storage, against a proposal of 420 sqm.

The proposed building has been sized to take account of the increase in ewe numbers from 60 to 120. So although the building is significantly larger than the current storage requirement, it is appropriately sized for the intended flock.

The Council's Landscape Consultant: Although sited on elevated ground, the building will be screened from the adjacent road by the dense and tall hedge. Elsewhere views of the proposed building would be filtered by other landscaping and be seen in the context of the much larger existing buildings, both at Baydon Hill Grange and at Baydon Hill Farm opposite. The impact of the barn will not be significant and its location complies with the Council's Landscape Conservation Strategy Supplementary Planning Guidance

8. Publicity

No comments have been received from local residents.

9. Planning Considerations

The key planning considerations are whether the building has an agricultural justification, and if it does, whether it would have an acceptable landscape impact in the AONB.

The Council's Agricultural Consultant has confirmed that the proposed building is justified. Although it is significantly larger than would be required to house farm machinery and livestock associated with the current flock of 60 ewes, it is of an appropriate size to house the intended enlarged flock of 120.

The barn is a typical, fairly small, general purpose agricultural barn with a relatively low ridge height of less than 6 metres. It is to be used in conjunction with the stock which graze the land which is not in equestrian use. Although elevated it is well screened from the adjacent road by the dense, tall, hedge which is a dominant feature. To the south west a young belt of trees is growing well and filters views from that direction. This restriction of view will increase as the trees continue to grow to maturity. The barn will be a considerable distance from the road and slightly cut into the gently sloping ground, which will reduce its impact still further.

From the east there would be views down to the barn from Aldbourne Road, Baydon and from the PRoW which runs south from it. However, all the views are filtered by trees and hedges and are middle distant views, from where the proposed building has a limited significance in the landscape. This is helped by the fact that it would be seen in the context of the equestrian development and the much larger agricultural buildings, many of which have only recently been built, on the opposite side of the road. Additionally, in these views the barn would be seen against the developed form and tree cover and therefore would not break the skyline.

10. Conclusion

That the proposed barn has an agricultural justification and would not harm the scenic quality of the AONB. There are therefore no planning grounds to withhold the granting of planning permission.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 barn hereby permitted shall be used for the housing of livestock and for the storage of agricultural machinery only, and not for any equestrian purpose.

REASON:

To define the extent of the permission granted, in the interests of clarity.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the North Wessex Downs AONB.

- 4 **INFORMATIVE TO THE APPLICANT:**

Notwithstanding the submitted details, the roof of the building hereby approved shall be constructed of matt, merlin grey sheeting and the timber cladding shall be stained a dark colour.

- 5 Details of any hardstanding required in association with the building hereby permitted shall be submitted to and agreed in writing by the local planning authority in advance of being laid down. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and given that such details did not form part of the submitted planning application.

- 6 The adjoining existing planting shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by a chestnut paling fence (or other type of fencing to be agreed in writing by the local planning authority). After it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

To safeguard existing planting adjoining the site in the interests of the visual amenity of the North Wessex Downs AONB.

- 7 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plans Ref. 9011.01, 9011.02 and 9011.03, all received 08/01/10.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file, Kennet Landscape Conservation Strategy and government guidance contained in PPS7.

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SUMMARY

The proposal does not 'fit' the usual assessment under PPS7 Annex A for permanent workers dwellings because the proposal is to accommodate visiting clients of the business and not workers within the business.

I am sympathetic with the applicant in that the business strategy he is following is sound and he does need to be able to provide good quality accommodation for the type of client he wishes to attract. However, the current financial statements do not show that the business can afford the annual costs associated with borrowings necessary for the size of accommodation that is proposed.

1. INTRODUCTION

- 1.1 This report has been carried out in response to a request made by Wiltshire Council to carry out an appraisal of the facts relating to the proposed siting of ancillary accommodation at Downs Equestrian, Baydon.
- 1.2 The purpose of this report is to provide an objective evaluation of the existing equine business operated at Downs Equestrian Centre with regard to the need for additional accommodation for the proper functioning of the business.
- 1.3 The report has been prepared with regard to the guidelines set out in the Office of the Deputy Prime Minister Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004).
- 1.4 It advises at paragraph 10 that isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification relates to the essential need for a worker to live permanently at their place of work in the countryside, planning authorities should follow the advice in Annex A to PPS7.
- 1.5 The principles associated with the provision of dwellings in connection with the operation of equestrian enterprises has been clarified historically by way of Ministerial Planning and Enforcement Appeal Decisions both within Open Countryside and Green Belt locations.
- 1.6 PPS 7 requires that a functional and financial test is necessary to establish whether it is essential for the proper functioning of the enterprise for someone to be readily available at most times.
- 1.7 The evaluation of the equine aspects of the business and the preparation of this report has been carried out by Rebecca C Wilson. Rebecca Wilson is a qualified Chartered Surveyor, and also holds a postgraduate Diploma in Equine Business Management. She is a Director of the Equine Consultancy Group, having previously been a Planning Consultant with ADAS Rural Property Services. She specialises in the provision of equine planning consultancy to private and local government clients and undertakes appraisals of applications for equestrian dwellings on behalf of a number of local planning authorities.

2. SITE INSPECTION

- 2.1 An inspection of Downs Equestrian Centre and a meeting with the applicant, Alberto Giugni (applicant) was carried out by Rebecca C Wilson on 7th October 2009. Information about the business was obtained from Mr Giugni.
- 2.2 This report is based on the information obtained and observations made during the site meeting and inspection, on information contained within the documentation sent to me by the Council and on a telephone discussion with the applicant's accountant.

3. BUSINESS DESCRIPTION

Downs Equestrian Centre has been established as an event yard for eleven years under the ownership and management of the applicant, as detailed in the supporting documentation submitted by Oakley planning and Conservation.

3.1 LAND AND TENURE

- 3.1.1 The business currently owns and occupies around 26.3 hectares (65 acres) of land which includes a gallop and the buildings complex.

3.2 STOCKING

- 3.2.1 There are currently seven horses owned by the applicant's girlfriend that are stabled at the yard and eight horses owned by various private parties on which the applicant has the ride.
- 3.2.2 The odd horse is taken in for schooling livery, and some horses belonging to pupils are kept on site.
- 3.2.3 There is also a quarantine yard where transporters taking horses to and from Europe are able to stop off and give the horses a 12 hour rest from travelling.

3.3 BUILDINGS AND FIXED EQUIPMENT

- 3.3.1 The Centre has a comprehensive set of buildings and fixed equipment including:

- 20 stables with two tack rooms in main yard
- Wash box
- Feed room
- Washing room
- Clipping box
- Storage barn
- Horse walker
- All weather arena

- All weather gallop
- Lorry barn
- Indoor school
- Isolation yard of 6 boxes one tack room and swimming lane

3.4 LABOUR

3.4.1 The business has employed one core member of staff (Helen Pewsey) since June 2009. Because the main activity is seasonal – the eventing season runs from spring to autumn in England - up to six staff members were employed as working pupils over the last summer. This means that they each bring their own horse which is stabled at the Centre, they live in the bungalow on site and they receive lessons from the applicant. In return for this and a little pocket money they undertake day to day yard duties, which means that the requirement for full time employed staff is significantly reduced.

3.5 DWELLINGS

3.5.1 There is a bungalow on site that sleeps up to six working pupils and a converted barn in which the applicant and his girlfriend live.

4.0 PLANNING HISTORY

4.1 CURRENT PROPOSAL

4.1.1 The current proposal is an application for additional accommodation in the form of two cottages in which to house people coming to the Centre for various reasons including training with the applicant, and those clients looking for horses to purchase.

5. NATIONAL PLANNING POLICY GUIDANCE

PLANNING POLICY STATEMENT 7: SUSTAINABLE DEVELOPMENT IN RURAL AREAS

5.1 EQUINE RELATED ACTIVITIES

5.1.1 The National Planning Policy relating to equine development, Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, replaced Planning Policy Guidance Note 7 (PPG7) on 3rd August 2004.

5.1.2 Paragraph 32 of PPS 7 (Equine related activities) whilst generally supportive of equine activities, outlines the requirements to minimise any adverse impact of equestrian activities on the appearance of local countryside.

Paragraph 32 states:

'Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in their LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification.

5.2 AGRICULTURAL, FORESTRY AND OTHER OCCUPATIONAL DWELLINGS

- 5.2.1 The introduction to Annex A of PPS7 confirms, in paragraph 1 that one of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable agricultural, forestry, and certain other full time workers, (including equestrian workers) to live at or in the immediate vicinity of their place of work.
- 5.2.2 Paragraph A 1 goes on to accept that there will be some cases in which the nature and demands of the work concerned may make it essential for one or more of the people engaged in the work to live at or very close to the site of their work. The test will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 5.2.3 In order to make certain that applications are not an abuse of the concession for agricultural or equine dwellings, all applications will be scrutinised thoroughly.
- 5.2.4 Paragraph 15 '*Other Occupational Dwellings*' states that: *Local Planning Authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.*
- 5.2.5 Paragraph 3 of Annex A sets out the provisions for a new permanent dwelling as follows:
- Such a requirement might arise, for example, if workers are needed to be on hand day and night:*
- *in case animals or agricultural processes require essential care at short notice;*
 - *to deal quickly with emergencies that could otherwise cause serious loss.....*

5. APPRAISAL UNDER PPS7 ANNEX A3

5.1 (i) *There is a clearly established functional need.*

5.1.1 The functional need for a dwelling is principally determined by the scale and type of enterprises operated and the systems employed. A functional need is more likely to exist where circumstances requiring the prompt attention of a skilled worker could occur outside normal working hours and where they do not typically fall within a pre-determined routine.

5.1.2 The keeping, breeding and rearing of horses does in principle generate a functional need for the on-site residential presence of a skilled equine worker for an enterprise of this nature. The principle has been accepted in numerous appeals in relation to equine enterprises but in my experience it is exclusively limited to accommodation that is necessary for the welfare of the horses stabled or kept at the application site. In this case, the accommodation already provided on site is adequate to meet the established functional need of the horses.

The existing accommodation meets the functional need of the horses.

(ii) *the need relates to a full time worker, or one who is primarily employed in agriculture, and does not relate to a part time requirement;*

The proposed accommodation is not for a full time worker, but for 'paying guests', so it is not possible to meet this criterion.

(iii) *the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*

The overall business has been established for at least three years. Downs Equestrian Centre Ltd has made an annual loss for the two years of trading accounts submitted, and Downs Equestrian Services Ltd has made a marginal profit for one of them.

Following a discussion with the applicant's accountant it was agreed that the level of net profit is barely sufficient for the applicant to draw a salary and it will not cover the cost of the house build (at an approximate cost per square metre of £1,000) in addition to a full time agricultural workers wage. The applicant intends to undertake much of the building work himself thus reducing the build cost. However, it is usual to assess the financial ability of a business to cover the build cost on the basis that if the property were sold on prior to a building being built, then the incoming owner would be able to cover the cost of the accommodation even if he did not have the same skills as the applicant. Therefore goods and services that are available at little or no cost which are specific to the applicant should not be taken into consideration in assessing the financial test.

Mr McConnell, the applicant's accountant said that the finance for the build would come from an external source.

- (iv) ***the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and***

The functional need for accommodation on site in terms of welfare of horses is met by the existing residencies.

At the time of writing, there is no accommodation available to rent for the purposes of accommodating visiting clients in Baydon or within a three mile radius.

A large house close to the site is owned by a Trust of which the applicant is the sole beneficiary. I have not been given any evidence to date to show why this property would not be suitable and available for the intended use.

- (v) ***other planning requirements, e.g., in relation to access, or impact on the countryside, are satisfied.***

This is a matter for the authority.

Rebecca Wilson
Equine Consultancy Group
16.10.09

E/10/0038/KUL - BAYDON HILL GRANGE

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E/0910353 KUL - LOWER FOXHANGERS

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E109/0630/FUL & E109/1613/FUL - YEW TREE FARM, WILSFORD

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E/09/0988 / FUL - DOWNS EQUESTRIAN CENTRE, BAYDON, WILTS

Date of Printing: 15/02/2010

Scale: 1:2297

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← SITE

Baydon

1/040UN
1/030UN
1/020UN
1/010UN
1/000UN
1/090UN
1/080UN
1/070UN

499400E 499600E 499800E 499900E

KENNET DISTRICT COUNCIL ORDNANCE SURVEY EXTRACT

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N1007/G1

N1006/G1

N1007/G1

N1000/G1

N100/G1

E/1241/LBC & E/1242/KUL - THE OLD CHAPEL, SEEND CLEEVE, MELKSHAM

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