

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 18 July 2012  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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

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### Membership:

Cllr Desna Allen	Cllr Peter Hutton
Cllr Peter Colmer	Cllr Simon Killane
Cllr Christine Crisp	Cllr Mark Packard
Cllr Peter Davis	Cllr Toby Sturgis
Cllr Peter Doyle	Cllr Anthony Trotman (Chairman)
Cllr Alan Hill (Vice Chairman)	

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### Substitutes:

Cllr Chuck Berry	Cllr Howard Marshall
Cllr Bill Douglas	Cllr Bill Roberts
Cllr Mollie Groom	Cllr Judy Rooke

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# AGENDA

## Part I

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

1 **Apologies**

To receive note of any apologies for absence or substitutions.

2 **Minutes** (*Pages 1 - 14*)

To approve and sign as a correct record the minutes of the meeting held on **27 June 2012**.

3 **Declarations of Interest**

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

Members of the public who wish to speak either in favour or against an application or any other item 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 and up to 3 speakers on any other item on this agenda. 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.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda **no later than 5pm on Wednesday 11 July 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals** (*Pages 15 - 16*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 17 - 18*)

To consider and determine planning applications in the attached schedule.

7a **12/01252/FUL - Fordswood Miniature Horse Stud, Lower Kingsdown Road, Kingsdown** (*Pages 19 - 24*)

7b **12/01105/FUL - SW Agricultural Machinery & Plant Hire, Folly Lane, Lacock** (*Pages 25 - 30*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

**Part II**

**Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 27 JUNE 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Desna Allen, Cllr Peter Colmer, Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Chris Caswill and Cllr Judy Rooke

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#### **50 Apologies for Absence**

Apologies were received from Cllr Mark Packard.

Cllr Packard was substituted by Cllr Bill Douglas.

#### **51 Minutes of the Previous Meeting**

The minutes of the meeting held on **06 June 2012** were presented. It was,

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### **52 Declarations of Interest**

There were no declarations.

#### **53 Chairman's Announcements**

The Chairman requested all those present turn off their mobile phones during the meeting.

#### **54 Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

55 **Planning Appeals**

The Committee noted the contents of the Appeals update. Attention was drawn to all three planning appeals decided between 25/05/12-15/06/12 being dismissed.

56 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, and attached to these minutes, in relation to items **7b**, **7c**, and **7d** as listed in the agenda pack (Minutes **56b**, **56c** and **56d**)

56 a) **12/00286/FUL - Brethren Meeting Room, Goldney Avenue, Chippenham, Wiltshire, SN15 1ND**

Public Participation

Mr Peter White spoke in objection to the application.

Mr Joel Smith, agent, spoke in support of the application.

The Planning Officer introduced the report, which recommended authority be delegated to the Area Development Manager to grant permission subject to conditions and the signing of a Section 106 legal agreement. It was noted that the application had been deferred from 16 May 2012 in order to obtain clarification from Highways officers, and to seek further negotiations on alterations to the proposed detached dwelling in terms of orientation and scale.

The Planning Officer highlighted the changes negotiated, including a reduction in height, alteration to a hipped roof rather than gabled, and retention of the hedge separating the detached dwelling from neighbouring properties as a result of extending the gap between properties due to a reduction in width.

The Committee then had the opportunity to ask technical questions of the officers. The number of car parking spaces was raised, and the Highways officer clarified that for the high density area, it was felt the number of spaces was appropriate. It was further clarified that visibility when reversing from the site was deemed acceptable, and that national guidance instructs officers to ignore the impact of parked cars when assessing visibility. The design of the property and lack of a chimney was also raised.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Judy Rooke, then spoke in objection to the application.

A debate followed, where the suitability of two storey swellings for the local area was discussed, along with the distances to neighbouring properties and planned retention of the dividing hedge, including an acceptable height for the hedge, and the resulting impact on amenity.

At the conclusion of debate, it was,

**Resolved:**

**That authority be DELEGATED to the Area Development Manager to grant permission for the following reason subject to conditions set out below and signing of a Section 106 Legal Agreement:**

**The proposed residential development is considered to be of an acceptable scale, design and layout that would be appropriate in the context of surrounding residential development. The proposal would not have a significant impact upon the amenities of surrounding residential properties and would deliver an appropriate contribution towards the provision of public open space. The proposal would comply with the provisions of Policies C2, C3, CF3 and H3 of the adopted North Wiltshire Local Plan 2011.**

**Subject to the following conditions:**

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

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

**2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.**

**Design and Access Statement date stamped 31.01.12**

**11-1445-L(0)03 E date stamped 12.06.12**

**11-1445-L(0)07 A date stamped 31.01.12**

**11-1445-L(0)08 A date stamped 31.01.12**

**11-1445-L(0)06 B date stamped 12.06.12**

**11-1445-L(0)02 A date stamped 31.01.12**

**11-1445-L(0)09 B date stamped 12.06.12**

**11-1445-L(0)01 A date stamped 31.01.12**

**11-1445-L(0)11 A date stamped 31.01.12**

**11-1445-L(0)04 A date stamped 31.01.12**

**11-1445-L(0)05 A date stamped 31.01.12**

**11-1445-L(0)10 B date stamped 12.06.12**

**11-1445-L(0)12 date stamped 12.06.12**

**REASON:** To ensure that the development is implemented as approved.

**3. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure 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 development being occupied / brought into use.**

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**4. No part of the development hereby permitted shall be first brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**REASON:** In the interests of highway safety.

**5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

**6. No development shall commence on site until a scheme of hard and soft landscaping, including the retention of the conifer hedge on the northern boundary at a height of at least 2.0 metres, has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**

- (a) indications of all existing trees and hedgerows on the land;**
- (b) a detailed planting specification including all species, planting sizes and planting densities and canopy spread of all trees and hedgerows;**
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
- (d) finished levels and contours;**
- (e) means of enclosure;**
- (f) car park layouts;**
- (g) other vehicle and pedestrian access and circulation areas;**



- (h) hard surfacing materials;
- (i) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (j) four trees of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

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

7. 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 building(s) 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.

8. Notwithstanding the details shown on the submitted plans, there shall be no window inserted in the first floor side elevation of plot 5.

**REASON:** In the interests of residential amenity and privacy.

9. No external lighting shall be installed on site 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.

10. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Where possible, this should include SuDs methods to attenuate surface water thereby allowing for runoff volumes. 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.

**Informatives:**

**1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.**

**2. The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 16th February 2012.**

**56 b) 11/04113/FUL - Land at Chippenham Railway Station, Cocklebury Road, Chippenham, Wiltshire, SN15 3QH**

Public Participation

Cllr John Scragg, Chippenham Town Council, offered several observations and comments on the application.

The Planning Officer presented a report which recommended permission be granted subject to conditions. It was stated concerns over an historical railway platform found on site had been resolved when English Heritage declined to support its retention, and concerns over a chain-link fence lining the site had been altered following negotiation to a low stone wall and landscaping. Attention was drawn to the issue of floodlights attached to the site, which were conditioned in the officer recommendation.

The Committee then had the opportunity to ask technical questions of the officers. As the proposed development attached to an existing car park, it was asked why there was a need for two entrances. It was clarified that the two sites were owned separately, and it had proven impossible to agree a single entrance for the combined site. Details on the extent of conditions regarding lighting were sought, in addition to details on the extent and type of landscaping.

Members of the public then had the opportunity to speak, as detailed above.

The Local Member, Cllr Chris Caswill, thanked officers for their efforts in securing improvements to the site, and spoke in support of the application.

A debate followed, during which the retention of landscaping and precise location of the site was raised. Cllr Alan Hill requested it be recorded that he questioned why the application had come before the Committee, as it could have been handled by officers, and that there had been an increase in questionable call-ins to Committee.

It was,

**Resolved:**

**Planning Permission be GRANTED for the following reason:**

**The proposed development will not adversely affect the character or appearance of the site or the Chippenham Conservation Area. The measures proposed in the applicant's supporting documentation are considered sufficient to mitigate any adverse impacts on the ecology of the site. Subject to the subsequent agreement of lighting and boundary treatments, the proposal will not significantly harm the residential amenity of the locality. The proposal therefore accords with Policies C3, NE9, HE1, T1, T3, T4 and T5 of the adopted North Wiltshire Local Plan 2011.**

**And subject to the following 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 works shall commence on site until an archaeological survey and recording of the existing historic platform structure in situ has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.**

**REASON: In the interests of maintaining a record of the undesignated heritage asset on the site.**

- 3 No development shall commence on site until details and samples of the external stonework, including type, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall be constructed in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use or 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 ten 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. 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.

- 5 The development hereby permitted shall not be first brought into use until the first five 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.

- 6 No development shall commence on site until details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details.

**REASON:** To minimise light pollution and in the interests of the amenities of the area.

- 7 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

440304/C/100 rev J - Proposed General Arrangement (sheet 1)  
440304/C/100 rev J - Proposed General Arrangement (sheet 2)  
440304/C/105 rev J - Elevations Existing and Proposed  
440304/C/200 - Cross Sections, Proposed Cut & Fill (sheet 1)  
440304/C/200 - Cross Sections, Detailed Sections (sheet 2)  
440304-C108 rev C - Retaining Wall & Grass Verge Detail  
440304/C/102 rev C - Surface Water Proposed Drainage Plan  
440304/C/101 rev C - Traffic Paths & Turning Circles

Received 21 May 2012

**REASON:** To ensure that the development is implemented as

approved.

**Informatives:**

1. **No specific details are submitted in respect of any signage, ticket machines, etc, to be incorporated into the scheme. Any advertisement which does not have consent by virtue of the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended) must not be displayed unless you have received the necessary consent from the local planning authority. Application forms are available, on request, from the local planning authority.**
2. **The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.**

*The above decision was subject to a recorded vote upon the request of the requisite number of Members. The results were as follows:*

*For Decision (9):*

*Cllrs Desna Allen, Peter Colmer, Christine Crisp, Alan Hill, Peter Hutton, Simon Killane, Toby Sturgis, Anthony Trotman, Bill Douglas.*

*Against Decision (0)*

*Abstentions to Decision (2)*

*Cllrs Peter Davis, Peter Doyle.*

**56 c) 12/00885/FUL - Manor Farm, Broad Town, SN4 7RN**

Public Participation

Mr Paul Oakley, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal, highlighting the key issues as being the principle of the development and the scale and size of the proposal, and that a suitable business case to justify the scale had not been submitted.

The Committee then had the opportunity to ask technical questions of the officers. The footprint of the building was raised, and the level of detail required and received regarding a business case.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

Cllr Toby Sturgis, speaking on behalf of the Local Member, Cllr Mollie Groom, spoke in objection to the application.

A debate followed, where the lack of a business case was stressed. Cllr Alan Hill requested it be recorded that he did not feel the application should have been called to Committee given the lack of suitable reasons provided to query the officer recommendation.

After debate, it was,

**Resolved:**

**That Planning Permission be REFUSED for the following reason:**

- 1. By reason of its scale and extent of facilities provided and self contained nature, it is considered that without sufficient justification, the proposal is tantamount to a new dwelling in the open countryside. As such the proposal would be contrary to policies C3 and H4 of the North Wiltshire Local Plan 2011, Core Policy 2 of the emerging Wiltshire Core strategy and Paragraph 55 of the National planning policy Framework**
  
- 2. The proposal by way of its scale and massing is considered to result in an overly large building which contributes to the domestication of a site outside of a residential curtilage within a rural setting, contrary to policies C3, NE15 and H8 of the North Wiltshire Local Plan 2011.**

**Informatives:**

**This decision relates to documents/plans submitted with the application, listed below.**

**Plan Ref:**

**153/01A**

**153/02A**

**153/03A**

**153/04A**

**Date stamped 21.03.12**

**56 d) 12/00908/FUL - 20 St Aldhelm Road, Malmesbury, Wiltshire, SN16 0DB**

**Public Participation**

Mr Jason Thornbury, applicant, spoke in support of the application.

Mr Peter Thornbury spoke in support of the application.

The Planning Officer introduced the report which recommended refusal. It was stated that officers felt the extension to the previously agreed property was on balance too impactful on the amenity of neighbouring properties.

The Committee then had the opportunity to ask technical questions of the officers. The distances to properties on either side of the proposed extension was sought, and it was confirmed there was no increase in the footprint of the building.

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

The Local Member, Cllr Simon Killane, then spoke in support of the application.

A debate followed, during which the limited impact on amenity and agreed contribution to public open space was discussed.

After discussion, it was,

**Resolved:**

**That Planning permission be GRANTED subject to a Section 106 Agreement to secure the contribution of £1,120.00 towards Public Open Space for the following reason:**

**The proposed extension, by reason of its design, form, scale and siting, would be in keeping with the host dwelling and would not be harmful to the amenities of the occupiers of the adjacent dwelling, and therefore complies with policies C3 and H8 of the North Wiltshire Local Plan 2011.**

**And subject to the following conditions:**

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

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

**2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.**

**Drawings: 01, 02, 03, 04, 05, 06, 07, 08, 09, 010 & 011**

**Dated: 26<sup>th</sup> March 2012**

57 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.50 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,  
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Press enquiries to Communications, direct line (01225) 713114/713115



This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

**The text in bold is additional/amended information to that circulated to Members on Tuesday 26<sup>th</sup> June 2012**

Item 7b – Land at Chippenham Railway Station, Cocklebury Road, Chippenham, Wiltshire, SN15 3QH (11/04113/FUL)

English Heritage

No further comment.

*“Despite my previous hope I obviously was unable to provide you with any further comments on this application prior to your committee paper deadline. My apologies for this.*

*However, having now considered the additional information and amendments submitted by the applicant there is little more that we would wish to add to our previous letter.*

*The outcome of the spot-listing exercise clearly demonstrates that the fabric in question is not of sufficient national interest to justify formal designation but this does not automatically suggest that it is no value or interest at all as far as the local context and contribution to its historic character is concerned. However, the judgement as to whether further information on the matter of local significance should be required and how the fabric might inform any development proposals is a matter for local authority discretion, and we are happy to defer to the advice of the Council's own conservation advisers on this point.*

*We therefore have no specific additional comments to offer on the amended proposals, and if there is local agreement that the proposals and their design is now acceptable it may be that all that can reasonably be sought is to record the historic fabric which will be affected by them.”*

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**Item 7c – Manor Farm, Broad Town, SN4 7RN (12/00885/FUL)**

**Late observations have been received from the agent in support of the application and are summarised below.**

- **The number of horses on site varies throughout the year with winter being the busiest time with 40-50 horses on site. Ideally 4-5 staff are required to look after and train them.**
- **There is a need to provide better facilities to attract and retain the highly specialised staff required for the business who can be trusted to run the yard when the applicant is away on business**

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**27th June 2012**

- Issue is not attracting staff, but the right calibre of staff who expect accommodation as part of their employment, due to local housing costs, and would prefer not to share
- At least 2 experienced members of staff are required on site at all times as the applicant frequently travels for her business
- No business plan or further supporting information was submitted for the approved 2010 application for grooms' accommodation (10/01199/FUL) and this application is not discernibly different from the previous.
- The applicant has confirmed that they are happy for a condition to be placed on any permission to ensure the accommodation remains ancillary
- The existing office for the business is currently within the house, (the kitchen) and is not suitable. The proposed office area is on the footprint of part of the existing building.
- The proposed gym is mainly for residential use and means that a room in the house doesn't have to be utilised.
- The proposed garage is on the footprint of the existing building which is already partially used for parking for the applicant, staff and visitors.
- The business case is not one of providing a flat to attract staff, but appropriately skilled staff, therefore it is not a question of a horse to staff ratio

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Item 7d – 20 St Aldhelm Road, Malmesbury, Wiltshire, SN16 0DB (12/00908/FUL)

Applicant

The applicant has confirmed that they accept the Public Open Space contribution of £1,120 and this will be secured through a S106 agreement.

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**Wiltshire Council**  
**Northern Area Planning Committee**  
**18th July 2012**

Forthcoming Hearings and Public Inquiries between 05/07/2012 and 31/12/2012

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	22/10/2012
11/02485/FUL	Gable End Farm, Grittleham, Chippenham, Wilts. SN15 4JY	Brinkworth	Retention of Temporary Agricultural Workers Dwelling for a Further One Year Period (Renewal of 07/01681/FUL)	Informal Hearing	17/07/2012
11/02574/OUT	Land at Widham Farm/Widham Grove, Station Road, Purton, SN5	Purton	Outline Planning Application for up to 50 Dwellings, Access and Associated Works Following Demolition of Two Dwellings	Public Inquiry	21/08/2012
11/03790/FUL	Rose Field, Hullavington, Wilts. SN16 0HW	Hullavington/St Paul Without	Change of Use to a Caravan Site for Occupation by Six Gypsy and Traveller Families with Associated Works.	Informal Hearing	31/07/2012

Planning Appeals Received between 15/06/2012 and 05/07/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/03074/FUL	Land Adjacent to Wood Lane House, Wood Lane, Brinkworth, Wiltshire, SN15 5EF	Brinkworth	Use of 3 Stables for Full Time Livery	DEL	Refusal	Written Representations
12/00384/FUL	58 Pickwick Road, Corsham, Wiltshire, SN13 9BX	Corsham	Extend Dropped Kerb & Remove Part of Boundary Wall to Create Parking Space	DEL	Permission	Written Representations
12/00457/FUL	Charlton Farm, Pink Lane, Charlton, Wiltshire, SN16 9DS	Charlton	Extension, Alterations and Conversion of Stables to Ancillary Accommodation.	DEL	Refusal	Written Representations
12/00759/CAC	58 Pickwick Road, Corsham, Wiltshire, SN13 9BX	Corsham	Demolition of Part of Front Boundary Wall	DEL	Refusal	Written Representation

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Agenda Item 6

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/00935/FUL	109 Gloucester Road, Malmesbury, Wiltshire, SN16 0BT	Malmesbury	Demolition of Existing Bungalow and Erection of Residential Development Consisting of Five 2 Bedroom Flats, Two 2 Bedroom Dwellings and One 1 Bedroom Dwelling.	COMM	Appeal Allowed	Permission	Written Representations
11/01021/CAC	109 Gloucester Road, Malmesbury, Wiltshire, SN16 0BT	Malmesbury	Demolition of Existing Bungalow	COMM	Appeal Allowed	Permission	Written Representations
11/03003/FUL	Land at Curlew Drive, Chippenham, Wiltshire, SN14 6YQ	Chippenham	Erection of Two 4 Bed Dwellings and Associated Access	DEL	Appeal Allowed	Refusal	Written Representations
11/01852/FUL	Land of B4040 at Stonehill, Charlton, Malmesbury, Wiltshire, SN16 9DY	Charlton	Use of Land for Stationing of a Mobile Home for Essential Workers for 3 Years	DEL	Appeal Dismissed	Refusal	Informal Hearing
11/01853/FUL	Land of B4040 at Stonehill, Charlton, Malmesbury, Wiltshire, SN16 9DY	Charlton	Change of Use of Agricultural Building to Mixed Use Agricultural and Equine Dentistry and Veterinary Facility, Construction of Menage, Horsewalker and Change of Use of Land to Mixed Use Agricultural and Equestrian.	DEL	Appeal Dismissed	Refusal	Informal Hearing
12/00667/FUL	Woodmans Cottage, Bowden Hill, Lacock	Lacock	Removal of Existing Conservatory & Erection of Two Storey Rear Extension	DEL	Appeal Dismissed	Refusal	Written Representations

# Agenda Item 7

## INDEX OF APPLICATIONS ON 18/07/2012

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
7a	12/01252/FUL	Fordswood Miniature Horse Stud, Lower Kingsdown Road, Kingsdown, SN13 8AZ	Change of Use From Agriculture to Mixed Equestrian and Agriculture in Association with Breeding Establishment. Erection of Permanent Rural Workers Dwelling and Associated Works	Permission
7b	12/01105/FUL	SW Agricultural Machinery & Plant Hire, Folly Lane, Lacock, Wiltshire, SN15 2LP	Change of Use to Agricultural Machinery & Plant Hire Yard, Erection of Workshop/Store Building and Associated Works	Refusal

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	12 <sup>th</sup> July 2012		
<b>Application Number</b>	12/01252/FUL		
<b>Site Address</b>	Fordswood Miniature Horse Stud, Lower Kingsdown Rd, Kingsdown, SN13 8AZ		
<b>Proposal</b>	Change of Use from Agriculture to Mixed equestrian and Agriculture in Association with A Breeding Establishment. Erection of Permanent Rural Workers Dwelling and Associated Works.		
<b>Applicant</b>	Mrs Clark		
<b>Town/Parish Council</b>	Box		
<b>Electoral Division</b>	Box & Colerne	Unitary Member	Cllr Sheila Parker
<b>Grid Ref</b>	381412 168021		
<b>Type of application</b>	Full		
<b>Case Officer</b>	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

### Reason for the application being considered by Committee

Councillor Sheila Parker has called the application to Committee on the grounds of design, bulk, height and general appearance and environmental and highway impact.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and a legal agreement to tie the dwelling to the land.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development – functional need and financial assessment.
- Impact upon highway safety
- Impact upon visual amenity and landscape character of AONB and Green Belt.
- Impact upon protected species
- Impact upon neighbour amenity

The application has generated objections from Box Parish Council and 10 letters of objection and 1 letter of support from the public.

### 3. Site Description

### 4. Relevant Planning History

Application Number	Proposal	Decision
08/00109/FUL	COU of land and barn from agriculture to keeping of horses.	REFUSED

08/01210/FUL	COU of land and barn to horse breeding establishment	Allowed at appeal - temporary Allowed at appeal - temporary
08/01219/FUL	Temporary siting of mobile home	

## 5. Proposal

The proposal is for a permanent change of use of the land to a mixture of agriculture and a horse breeding establishment together with a permanent rural workers dwelling. The temporary permission for both the use of the land for keeping of horses in connection with the breeding enterprise and the mobile home expired earlier this year.

The applicant has submitted justification in support of the continued use of the land for the keeping of horses for breeding purposes and also a justification for a permanent dwelling on site.

The dwelling is of modern construction with a grass roof.

## 6. Planning Policy

North Wiltshire Local Plan: policies C3; NE1; NE4 and H4

The site lies within the Cotswolds AONB and Bath Green Belt.

## 7. Consultations

Box Parish Council object on the grounds that this is a new building in the Green Belt and AONB without any financial justification for it. The plan for the house is not a simple agricultural workers cottage.

Highways note that the previous objection in 2009 on sustainability grounds was set aside at the appeal and there is no highway objection provided that the dwelling can be justified on economic and agricultural need.

The Council's Agricultural Advisor has been consulted and his full report is available on file. However, his conclusion is that there is an essential requirement for a worker to live at the site in association with the current business practice. The business is profitable and based on the most recent set of accounts the level of profitability demonstrates viability. The proposed dwelling is of an appropriate size for the recognized functional need.

**In support of the application** the agent has submitted the following documentation, which is available on the planning file:

- Report on the need for a permanent workers dwelling.
- Circumstances requiring rapid human assistance or intervention.
- Design and Access Statement.
- Planning Statement.

## 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

10 letters of objection have been received. 1 letter of support has been received.

Summary of key relevant points raised:



- The addition of agriculture to the application indicates that the equine business is insufficient financially.
- Overstocking of land.
- Lack of market for the bred foals.
- Insufficient evidence of mares visiting the stallions.
- There have been a number of properties for sale in the vicinity
- State of the art CCTV would provide sufficient supervision.
- The owned land is unsuitable for horses in the winter and the applicant kept them on rented land all winter – what would happen if this were removed?.
- The site is in AONB and Green Belt.
- Precedent.
- The property has been on the market since November 2011 showing lack of intent.
- Noise and smoke pollution from vehicles and fires.
- 3 double rooms is too many for one site worker.
- Lack of on site parking.
- Severe poaching of land.
- Local roads are very narrow.

## 9. Planning Considerations

Planning permission was granted, at appeal, for the temporary change of use of the land and barn for the keeping of horses as a horse breeding establishment together with the erection of a horse riding arena and associated works under reference number 08/01210/S73A. At the same time planning permission was also granted at appeal as a retrospective application for the temporary siting of a mobile home in association with a horse breeding establishment (08/01219/S73A).

In determining the appeals the Inspector stated that although he accepted that the development for the mobile home was 'inappropriate development' in the Green Belt, he considered there were special circumstances which outweighed the harm caused and that the impact upon the Cotswold Area of Outstanding Natural Beauty was acceptable also.

Both permissions expired in May 2012, but the use and the presence of the mobile home remain.

The business is the breeding of miniature horses. The applicant has 37 equines on site (21 mares, 10 weanings, 4 stallions and 2 two year old colts). There are also visiting mares and those that return to the site for foaling. The animals are bred for onward sale as either breeding stock or pets. The applicant states that there are approx 20 foalings per year. The business has been operating on site since 2007 and the current buildings are 8 stables, a tackroom, a storage shed, two mobile field shelters and a small all weather turnout ring.

The agricultural aspect of the business relates to breeding miniature goats, pigs and bantam hens, but these are not assessed by the agricultural advisor and do not form part of the financial/functional analysis.

The Council's agricultural advisor has stated that he considers there to be a functional need for the dwelling and the business satisfies the financial test. So, whilst a new permanent dwelling in the Green Belt is considered to fall within those uses defined as inappropriate, there are 'very special circumstances' which permit departure from this and agricultural (or rural enterprise) need is one such special circumstance. From this point of view the application is considered to comply with policies C3, NE1 and H4 of North Wiltshire Local Plan 2011.

The proposed dwelling would have an approx. floor area of 150 sq m with an external terrace to the west and would be sited to the south of the hardstanding area set into the existing bank. The design has been chosen to minimise the impact on the openness of the greenbelt and AONB. The dwelling would have a flat sedum roof with just a small ashlar stone chimney. It would be approx 1.4m higher than the roof of the adjacent barn. The external wall materials would be of horizontal cedar boarding. The external terrace would be stainless steel post and wire ballustrading.

The design is unusual for an agricultural dwelling, but will help minimise its impact in the landscape. Views from the higher land to the south will be largely of the sedum roof, whilst those from the north would be largely obscured by mature woodland planting. It is considered that the design is appropriate for this location and construction costs will be within the parameters expected for an agricultural dwelling. The dwelling is considered to be acceptable in relation to policies C3 and the advice contained within the National Planning Policy Framework. It is also considered that it would not be unacceptably damaging to the openness of the Cotswold AONB nor the Bath Green Belt and thus complies with policies NE1 and NE4 of the North Wiltshire Local Plan 2011.

With regard to comments by local residents about overstocking this argument was not supported by the Inspector in determining the 2009 appeals and should the rented land to the north become unavailable to use in extreme weather conditions, the applicant does have buildings in which to house the animals.

It has been confirmed by the agent that the agricultural aspect of the business makes up for less than 10% of the income and thus is not directly related to the viability of the unit.

## **10. Recommendation**

Planning Permission be GRANTED subject to appropriate conditions and a S106 agreement tying the land and buildings to the new dwelling and for the following reason:

The proposal is considered to be justified on the grounds of essential need for an equestrian worker and is thus compliant with policies C3 and H4 of the North Wiltshire Local Plan 2011. The need outweighs the presumption against such development in the Green Belt and the dwelling has been designed to best preserve the openness of the Bath Green Belt and Cotswolds Area of Outstanding Natural Beauty so that it complies with policies C3, NE1 and NE4 of the North Wiltshire Local Plan 2011. The proposal is also considered to comply with the Emerging Core Strategy's policies 48 (Supporting Rural Life) and 51 (Landscape).



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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>18 July 2012</b>		
<b>Application Number</b>	<b>N/12/001105/FUL</b>		
<b>Site Address</b>	<b>Folly Lane, Lacock, Wiltshire SN15 2LP</b>		
<b>Proposal</b>	<b>Change of Use to Agricultural Machinery &amp; Plant Hire Yard, Erection of Workshop/Store Building and Associated Works</b>		
<b>Applicant</b>	<b>SW Machinery Hire Ltd</b>		
<b>Town/Parish Council</b>	<b>Lacock Parish Council</b>		
<b>Electoral Division</b>	<b>Corsham Without &amp; Box Hill</b>	<b>Unitary Member</b>	<b>Cllr Dick Tonge</b>
<b>Grid Ref</b>	<b>391195 168223</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Chris Marsh</b>	<b>01249 706657</b>	<b>chris.marsh@wiltshire.gov.uk</b>

### **Reason for the application being considered by Committee**

The application has been called to Committee by Cllr Tonge in order to consider the business need and economic impacts of the proposal.

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED.

### **2. Main Issues**

The main issues for consideration are:

- Impact on the openness of the countryside;
- Impact on the highway network; and
- Economic impact of the proposal

### **3. Site Description**

The site comprises a small parcel of land, with an allocated private access drive, located in undesignated open countryside to the West of the village of Lacock. The land forms part of a former farming enterprise, which has subsequently diversified in part to other uses including a plant nurseries and a small caravan park, associated with a single detached dwelling; 'Piccadilly'. It is understood that an agricultural field shelter existed previously toward the North of what is now the storage yard, the remains of which can still be seen.

Folly Lane is a narrow road accessed directly from the A350 main road between Melksham and Chippenham and linking to the village of Gastard to the West. A former farm track bounded by a steel gate has been resurfaced in loose stone, providing sufficiently wide access to the site, which is located some 150m South of Folly Lane. This track lies outside the land ownership within which the remainder of the site falls.

Some works have already been undertaken to facilitate the current use of the site for the storage and routine maintenance of agricultural plant and machinery. A shipping container is stationed at the centre of the plot and is used for storage and basic office functions. Some tarmac surfacing

works have also been undertaken at the Northeast corner, alongside a row of trees that afford the site some degree of screening from the main road. Most of the works already undertaken on site are understood to have taken place in 2009, when the business moved to the site from a nearby farm.

The remainder of the site is surfaced in loose stone and used for the general storage of machinery and parts associated with its maintenance. At the current scale of the business operation, there is adequate informal staff car parking space available on site.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>N/07/00899/FUL</b>	<b>Erection of General Purpose Agricultural Building</b>	<b>Permitted</b>
<b>N/06/02581/OUT</b>	<b>Demolition of Glass House And Change of Use of Lane to Storage of Caravans</b>	<b>Permitted</b>
<b>N/05/02533/COU</b>	<b>Change of Use of Horticultural Land to Use for Stationing of Tents and Caravans – Re-submission of 99/02485/COU</b>	<b>Permitted</b>
<b>N/03/03177/COU</b>	<b>Change of Use of Former Nursery Building to B8 Storage with Associated Office Space</b>	<b>Permitted</b>
<b>N/03/02318/FUL</b>	<b>Change of Use of Former Nursery Building to Storage (B8)</b>	<b>Withdrawn</b>
<b>N/99/02485/COU</b>	<b>Change of use of Land from Horticultural to Form Extension to Existing Caravan Park (Touring)</b>	<b>Permitted</b>

## **5. Proposal**

The scope of the application is effectively threefold; namely the erection of a new workshop, part-retrospective engineering works and a retrospective change of use from agricultural to industrial/storage. The access from Folly Lane is to remain unchanged.

The proposed workshop building is to be sited toward the North of the site, occupying a similar footprint to the shipping container, which is to be removed from the site. The building is predominantly agricultural in form, and is proposed to be constructed around a simple steel frame. A box-profile metal sheeting is to be used for the external walls, with a shallow pitched roof to be made from a mixture of corrugated fibre cement and Perspex sheeting. Large double doors are to be installed on the Southern elevation, providing access onto a new cobbled area approximately 230m<sup>2</sup> in footprint and adjoining the Southern end of the existing tarmac hardstanding.

In addition to the building works proposed, the application seeks retrospective permission for the tarmac area and earth bunds formed along the South, West and North boundaries of the site. The bunds are between 300 and 500mm in height and resultant of the original levelling of the site when this took place in 2009. The remaining surface area is to be covered by hardcore, with the exception of the Western bank of the site and an area at the Southern end of the site, approximately 700m<sup>2</sup>, which is to be retained as grass and trees.

In order to regularise the present use of the site, a retrospective change of use from agricultural to B2 (general industrial) and B8(storage and distribution) is also proposed.

## **6. Consultations**

Lacock Parish Council – no objection

Highways – objects on grounds of highway safety at the junction between Folly Lane and the A350, particularly in light of the types of vehicles operated from the site

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

No public representations have been received in respect of the proposed development.

## **8. Policy Context**

Policies C3 (Development Control Core Policy), NE15 (The Landscape Character of the Countryside) and BD5 (Rural Business Development) of the adopted North Wiltshire Local Plan 2011 are relevant to this application.

Material weight has also been given to the content of the National Planning Policy Framework, with particular regard to Paragraph 28 (Supporting a prosperous rural economy) and Section 11 (Conserving and enhancing the natural environment).

## **9. Planning Considerations**

### Impact on the openness of the countryside

The area surrounding the site is characterised by its openness and whilst the nearby horticultural buildings and caravan park are a departure from the traditional use of the land, their physical presence is as a distinctive grouping to the Northwest of the site. The proposed new building, whilst predominantly agricultural in form, does not eliminate the need for the substantial volume of outside storage required to accommodate the machinery used by the business. This, it is considered, represents a further intrusion into the countryside, which alters the character of the area such that its agricultural context is eroded, to the detriment of the surrounding area.

### Impact on the highway network

The proposal has attracted an objection from the Highways Officer on grounds that the type and intensity of the proposed business would have significant implications for the safety of the junction between Folly Lane and the A350, which the large vehicles would inevitably have to use in order to access the site and customers. The business' current operation from the site and junction is immaterial to the assessment of highway safety in this instance, as this use is unauthorised.

A previous appeal decision (N/02/00139/FUL refers) examined the issue of increased use of the same junction, this time in respect of the traffic generated by regular car boot sales taking place on the adjacent landholding. In this instance, the inspector found that the increased intensity of activity on the site was unacceptable in relation to the access arrangements in place, as this would significantly compromise highway safety. The appeal was dismissed.

### Economic impact

As it concerns land most recently used for the purposes of agriculture, the proposal could be regarded as a diversification of an existing farm. However, the land immediately adjacent and under the same ownership has already seen new non-agricultural enterprises, including plant nurseries and a small caravan park, implemented successfully with a lesser impact on the highway and surrounding countryside. The plant hire business currently employs one full-time, and intends to recruit an additional part-time, member of staff, and although this is a factor in considering the application, it is considered insufficient to justify the harm otherwise caused by the development.

## Conclusion

Irrespective of its current operation, as the proposal amounts to a new B2/B8 business in the open countryside, particular justification should be given as to its location as such. It is considered that the proposed development fails to meet the criteria set out in Policy BD5 of the adopted Local Plan and, as such, amounts to an unwarranted business use that would harm the character of the open countryside, contrary to Policy NE15 of the adopted Local Plan.

Furthermore, the application, if successful, would regularise the increased use of an inadequate junction between Folly Lane and the A350, to the detriment of highway safety. The size and type of the vehicles frequently entering and leaving the site presents an additional danger to road users and this is consistent with the Inspector's previous findings.

Whilst SW Agricultural Machinery & Plant Hire is evidently a successful business, it is considered that there is no overriding justification why it should have to be based in this location while alternative, and more appropriate, sites are available.

## **10. Recommendation**

Planning Permission be refused for the following reasons:

The proposed development amounts to a new business in the open countryside that would be detrimental to the character and appearance of the area; and

The proposed development will incur the increased use of a substandard access such that, owing to the type and frequency of vehicle movements, would act to the detriment of highway safety

Contrary to the provisions of Policies C3, NE15 and BD5 of the adopted North Wiltshire Local Plan 2011.





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