

AGENDA

Meeting: Eastern Area Planning Committee
Place: Wessex Room, Corn Exchange, Devizes, SN10 1HS
Date: Thursday 30 May 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Samuel Bath of Democratic Services, County Hall, Bythesea Road, Trowbridge,

Direct line: 01225 718211 or email: samuel.bath@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 Mark Connolly (Vice-Chair)
Cllr Stewart Dobson
Cllr Peter Evans
Cllr Nick Fogg

Cllr Richard Gamble
Cllr Charles Howard (Chairman)
Cllr Jerry Kunkler
Cllr Paul Oatway

Substitutes:

Cllr Liz Bryant
Cllr Terry Chivers
Cllr Ernie Clark
Cllr Dennis Drewett

Cllr James Sheppard
Cllr Philip Whitehead
Cllr Christopher Williams

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on **25 April 2013**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation 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 22 May 2013**. 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 Applications

To consider and determine planning applications in the attached schedule.

6a **E/2012/1502/FUL: 57 Bell Inn High Street, Great Cheverell, Devizes SN10 5TH** (Pages 13 - 24)

6b **E/2013/0152/LBC: Baydon Manor, Marridge Hill, Ramsbury, Wiltshire, SN8 2HG** (Pages 25 - 32)

6c **E/2013/0372/S73: Little Thornham Farm Bungalow, Trowbridge Road, Seend, Melksham, Wiltshire, SN12 6PQ** (Pages 33 - 40)

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

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

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 APRIL 2013 IN THE WESSEX ROOM, CORN EXCHANGE, DEVIZES, SN10 1HS.

Present:

Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler, Cllr Jemima Milton, Cllr Jeffrey Ody (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Brigadier Robert Hall

26. Apologies for Absence

Apologies were received from Cllr Laura Mayes and Cllr Jane Burton.

Cllr Jeffrey Ody substituted for Cllr Jane Burton.

27. Minutes of the Previous Meeting

The Minutes of the previous meeting held **04 April 2013** were presented for consideration.

It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

28. Declarations of Interest

Cllr Ody stated that he was acquainted with the objector for item E/2013/0092/FUL.

Following discussions it was agreed that this would not inhibit the procedure, and that there were no declarations of interest.

29. Chairman's Announcements

The Chair gave details of emergency exits in the event of a fire.

30. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

No questions or statements were submitted.

31. **Planning Appeals Annual Update Report**

The report was presented to the committee.

It was,

Resolved:

To NOTE the report.

32. **Planning Applications**

The Chairman introduced the reports to the committee.

33. **E/2012/1459/FUL: The Wickets, Dragon Lane, Manningford Bruce, Pewsey, SN9 6JE**

Public Participation

Mr Nigel Buck spoke in objection to the application.

Mr Chris Palmer, agent, spoke in support of the application.

Cllr Richard Netherclift, Chairman of Manningford Parish Council spoke in objection to the application.

The Planning Officer introduced the report, which recommended the item be granted permission. Details of the application were then summarised by the officer.

The Committee then had the opportunity to ask technical questions of the Officers.

Members of the public were given the opportunity to address the Committee with their views on the application.

Cllr Brigadier Robert Hall, local member, spoke in objection to the application.

A discussion then followed whereby members discussed the positioning of the planned access to the land. The access along the lane, disturbance to

neighbouring houses, drainage and adverse effects on historical land boundaries were also discussed.

At the conclusion of the debate it was,

Resolved:

That the application be DELEGATED to officers to APPROVE subject to amended plans being negotiated to relocate the access further along Dragon Lane towards the Wickets, opposite the allotments. This would reduce the impact upon occupiers of Fairfields.

Subject to this amendment, the proposed works would comply with policy PD1 “Development and Design” of the Kennet Local Plan 2011 and policy C8 “Development in Areas of Outstanding Natural Beauty” of the Wiltshire & Swindon Structure Plan 2016.

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 development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
 - a) location and current canopy spread of all existing trees and hedgerows on the land;
 - b) full details of any to be retained, together with measures for their protection in the course of development; and
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities.

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

- 3) 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 of the new access 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.

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

- 4) The access hereby permitted shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the nearside edge of the carriageway 25 metres to the north-west and 25 metres to the south-east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

REASON: In the interests of highway safety.

- 5) The gradient of the access hereby permitted shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.**

REASON: In the interests of highway safety.

- 6) The development hereby permitted shall not be first brought into use until the first 4.5 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.

- 7) The gates shall be erected in accordance with the details shown on approved plan number NA/JP/cp08 (received on the 25th February 2013). The gates shall be set back 5 metres from the edge of the carriageway and shall open inwards only, in perpetuity.**

REASON: In the interests of highway safety.

- 8) The development hereby permitted shall be carried out in accordance with**

the following approved plans:

Plan ref: Location plan, Date received: 26th November 2012;

Plan ref: NA/JP/cp06, Date received: 4th February 2013; and

Plan ref: NA/JP/cp08, Date received: 25th February 2013.

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

**34. E/2013/0092/FUL: The Little House, 24 The Fairway, Devizes, Wiltshire
SN10 5DX**

Public Participation

Ms Jean Greenwood spoke in objection to the application.

Mr Carl Drury, agent, spoke in support of the application.

Mr Keith Hudson, applicant, spoke in support of the application.

The planning officer presented the report to the committee which recommended the application be approved. Attention was drawn to three letters of support for the application which had arrived after the completion of the committee report.

The Committee then had the opportunity to ask technical questions of the officers.

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

The Local Member, Cllr Jeffrey Ody, then detailed some of the objections and potential solutions for the application, and that the issue for the Committee was to determine on balance if the mass increase and side door access caused unacceptable levels of amenity loss for neighbours.

A debate followed whereby the committee discussed the changes in floorspace, scale and design of the planned development and side access to the property.

At the end of the discussion it was,

Resolved:

That planning permission be GRANTED for the following reason and subject to conditions below.

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 the National Planning Policy Framework and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental, social and economic conditions of the area.

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 provision of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match in material, colour and texture those used in the existing dwelling.**

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

- 3 The extension hereby permitted off the northern elevation of the existing dwelling shall not be occupied at any time other than for the purposes ancillary to the residential use of the main dwelling, known as The Little House, 24 The Fairway, Devizes and it shall remain within the same planning unit as the main dwelling.**

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: Application Form, Design & Access Statement, Drawings Nos. 12.24TF.P.01, 12.24TF.P.02, 12.24TF.P.03, 12.24TF.P.04, 12.24TF.P.05, all received on 08.01.2013. Drawing No. 12.24TF.P.SITE.01A, received on 29.01.2013.**

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

34.a E/2013/0171/OUT: Whittonditch Farm, Whittonditch, Ramsbury, SN8 2QA

Public Participation

Mr Peter Lawson, agent spoke in support of the application.

Ms Sheila Glass, from Ramsbury Parish Council spoke in support of the application.

The planning officer introduced the report which recommended the application be rejected. It was noted, in a correction to the report papers, that the application was for Outline permission only, and that specific details on scale and design were reserved. It was also clarified that the site did not meet the NPPF definition of brownfield sites.

The Committee then had the opportunity to ask technical questions of the officers.

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

The Local Member, Cllr Chris Humphries, then spoke in support of the application.

A debate then followed whereby Members discussed the interpretation of the policy guidance for isolated applications beyond the limits of development, sustainable developments and parish Neighbourhood Plans. The committee also discussed the contribution to affordable housing, the funding offered to provide a footpath for the village and the agreed funding for a play area in the town.

Following the discussion, it was,

Resolved

That planning permission be GRANTED subject to the following list of conditions and the prior completion of a S106 agreement to secure two affordable dwellings on site and a financial contribution towards children's recreation.

Redevelopment would improve the appearance of this site which currently comprises unattractive former farm buildings and also secures planning benefits in terms of two affordable dwellings on-site, a contribution towards children's recreation and a footway to Ramsbury. The site does lie outside of the Limits of Development defined for Ramsbury in the adopted Kennet Local Plan 2011 and emerging Wiltshire Core Strategy but it is not isolated in planning terms, benefitting from a regular bus service and easy access to services and facilities in nearby Ramsbury. As such,

the proposal complies with Government policy contained in the NPPF which includes a presumption in favour of sustainable development.

1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON:

To comply with the provisions of Section 92 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 following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**
- (e) The means of access to the site.**

The development shall be carried out in accordance with the approved details.

REASON:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

4 This permission authorises a maximum of four residential units on the site.

REASON:

To define the extent of the permission and to ensure against the overdevelopment of the site.

5 No development shall commence on site until all the existing buildings (except the roadside building which is to be converted), including concrete hardstandings, have been demolished and all of the

resulting demolition materials and debris have either been removed from the site or set aside for recycling as part of the construction works. Any materials set aside for recycling and not subsequently used for this purpose shall be removed from the site before any of the residential units are first occupied.

REASON:

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

6 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 dwellings 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.

7 Prior to first occupation of the development hereby permitted a kerbed footway to highway adoptable standards shall have been provided to achieve a surfaced pedestrian route between the southwestern end of the existing permissive path near Whittonditch crossroads and the existing highway footway at the eastern edge of Ramsbury village.

REASON:

In the interests of highway safety.

8 Construction of the footway referred to in condition 7 above shall not be commenced until full details have been submitted to the Local Planning Authority and been approved in writing, and until a Section 278 Agreement has been completed to secure the footway construction.

REASON:

In the interests of highway safety.

9 Prior to first occupation of the development hereby permitted the existing permissive path near Whittonditch crossroads shall have been surfaced in consolidated stone in accordance with details to be first submitted to and approved by the Local Planning Authority in writing.

REASON:

In the interests of highway safety.

10 The demolition of the existing buildings shall be carried out in accordance with the recommendations given in Section 4 of the Phase I Bat Scoping and Barn Owl Survey Report by Hankinson Duckett Associates, March 2013.

REASON:

To mitigate against the loss of existing biodiversity and nature habitats.

11 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON:

To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

12 The development hereby permitted shall be carried out in accordance with the following approved plan: 1:1250 Site Location Plan received 07/02/13.

REASON:

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

35. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	30th May 2013
Application Number	E/2012/1502/FUL
Site Address	57 Bell Inn High Street Great Cheverell Devizes SN10 5TH
Proposal	Erection of detached dwelling
Applicant	Mr & Mrs Weston
Town/Parish Council	Great Cheverell
Grid Ref	398162 154333
Type of application	Full Planning
Case Officer	April Waterman

Reason for the application being considered by Committee

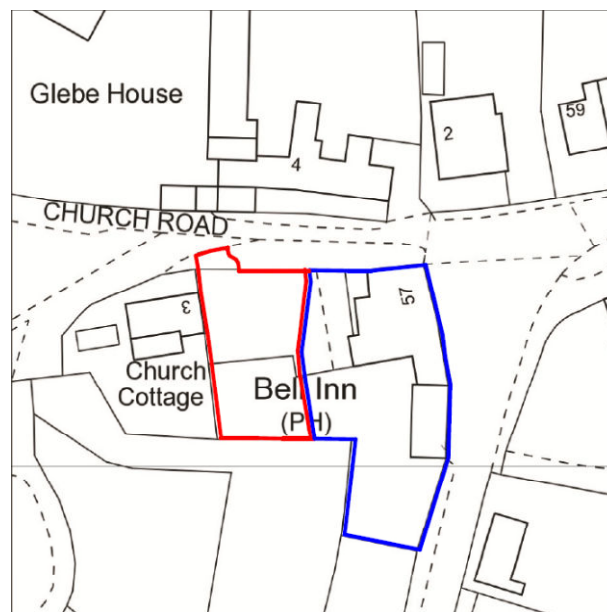
The case has been called to committee by the division member Cllr Gamble.

1. Purpose of Report

To consider the recommendation that the application be approved subject to conditions

2. Report Summary

This report sets out an assessment of whether the modern dwelling proposed on this site is appropriate in terms of its impact on the character and appearance of the conservation area; the setting of the adjacent listed building and the impact on the amenity of neighbouring property, as well as other material considerations raised.



Location of site – adjacent to village pub ‘ The Bell’

3. Site Description

The site comprises a very roughly rectangular parcel of land currently forming part of the rear garden immediately to the west of the Bell Public House. The land slopes gently down northwards for most of its area, with a sharper drop in level fronting Church Road. The plot is grassed, with some slab hardstanding, and a variety of hedging within and bordering the site. Of note is a holly specimen towards the eastern end of the road frontage.

The side gable of no. 3 Church Cottage, a two storey semi-detached house, lies on the western boundary. Garden land for other property continues to the south of the site, with the eastern edge of the site separated from the rear elevation of the Bell PH by the remainder of its curtilage

Church Road is a narrow lane, bounded on its southern side by the Bell PH, the northern bank edge of the site, and then the raised front garden of Church Cottage before it splits to either access the Church or other residential properties further to the west. On its northern side the lane is enclosed by the front garden hedges and raised stone pavement definitions of other houses.

4. Planning History

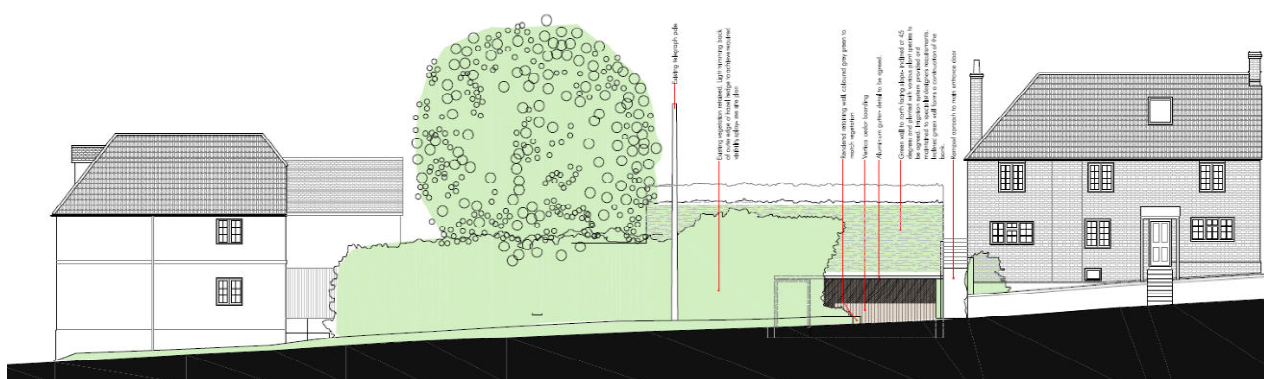
There is no planning history relating to this site.

5. The Proposal

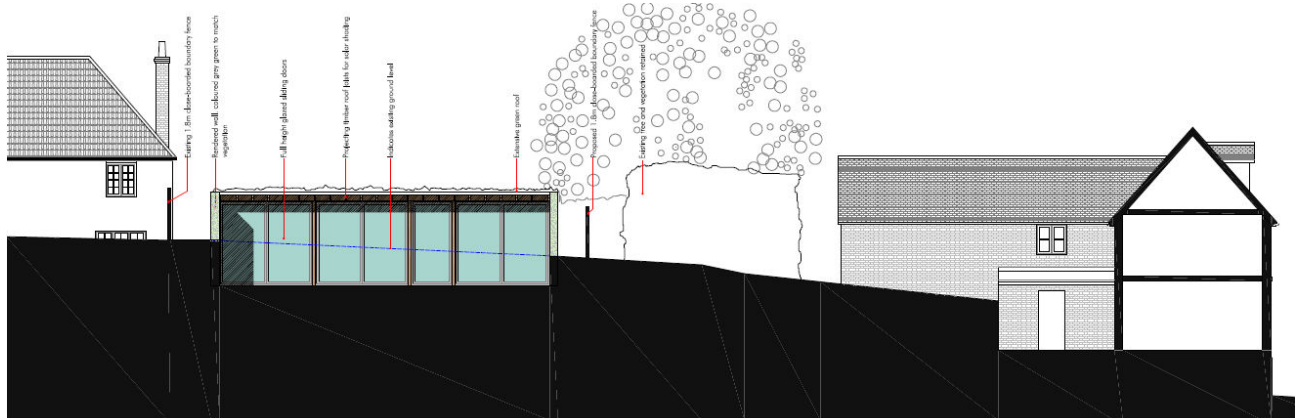
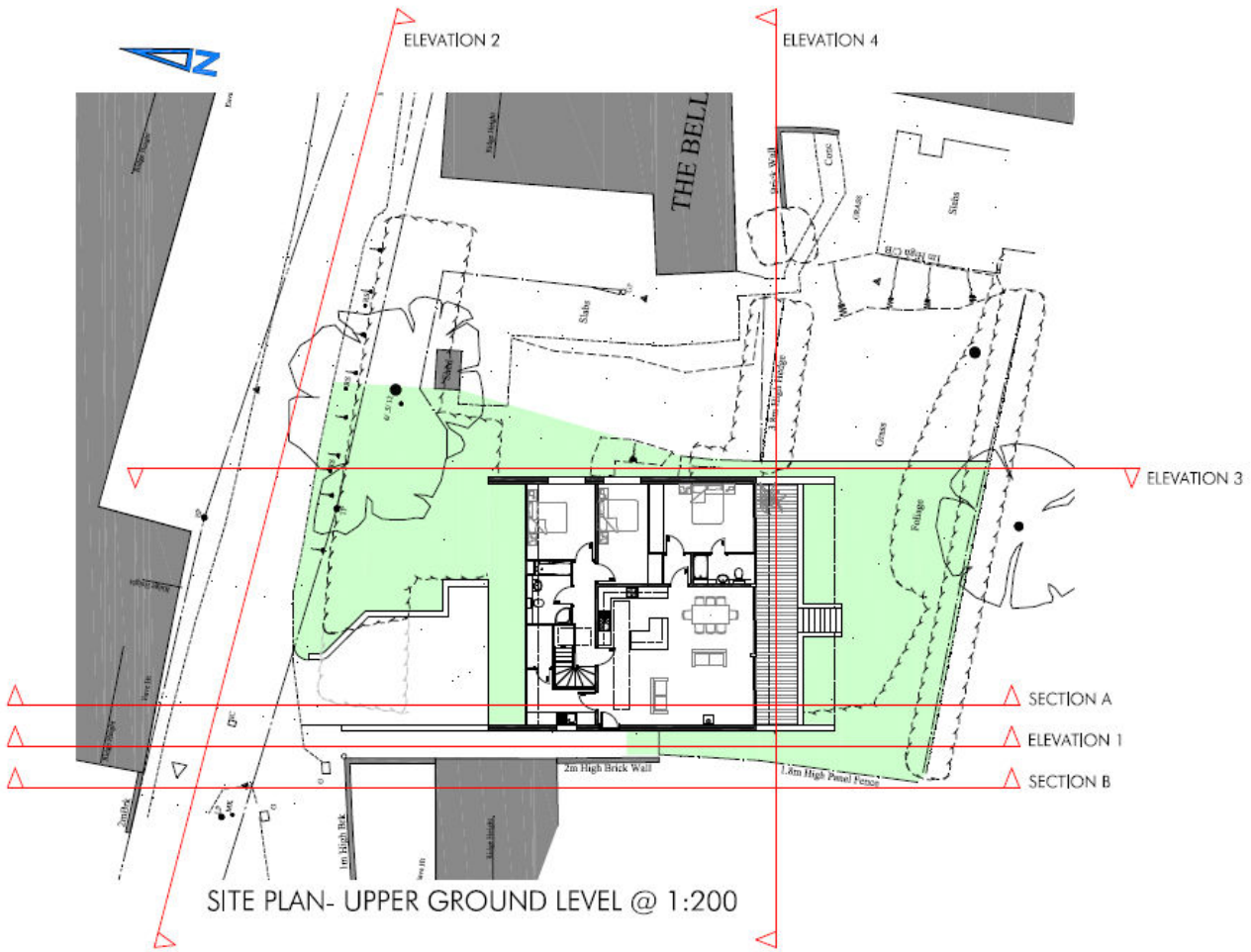
Full planning permission is sought for the erection of a modern house, which would be predominantly cut into the bank of the plot, creating a home that would have its lower floor hidden, with in effect a single storey dwelling above the existing level of the plot. Off-road parking would be provided on a forecourt, very gently sloping down from the level of the lane, with an access onto the highway kept to the minimum width necessary, to retain the maximum amount of existing road edge bank and verge.

Amendments to the scheme have been submitted to show the retention of a larger proportion of the existing Church Road frontage hazel hedge bank, and changes to the proposed green roof slopes. Confirmation is given that the required visibility from the proposed access can be provided without loss of or damage to the holly tree.

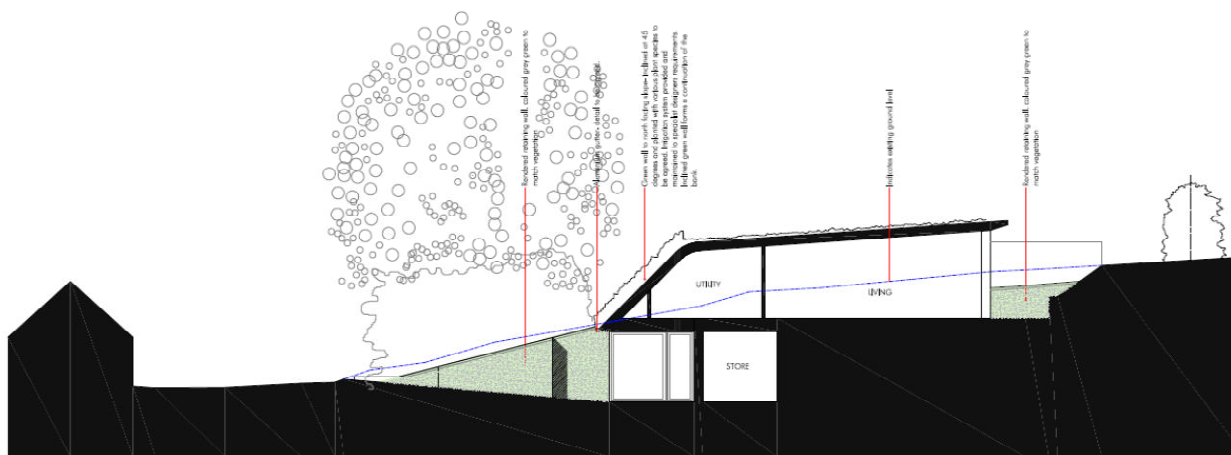
NB – plans are not reproduced here to the scale annotated.



ELEVATION 2- NORTH (ROAD) ELEVATION



ELEVATION 4- SOUTH (GARDEN) ELEVATION



SECTION A

6. Planning Policy

Kennet Local Plan 2011 - Policy PD1 *Development and design*; Policy HC22 *Villages with a range of facilities*

Great Cheverell Conservation Area Statement 2003

Great Cheverell Parish Plan and Village Design Statement 2011

National Planning Policy Framework 2012

Historic Environment Planning Practice Guide 2010

7. Consultations

Great Cheverell Parish Council

Concerns have been raised about access to the new development. There is no turning circle within the boundaries of property. Parking may be a problem. The design of the property is modern and attempts to minimise its impact appear to have been made. However, Council expressed concern about lack of guidance or comment from the Conservation Officer. There will be impact on residents, church-goers, villagers and businesses during construction.

Amended plans - No change from comments submitted on previous application

Wiltshire Council Conservation Officer

The Bell Inn is a grade II listed building located in a prominent location within the heart of the Great Cheverell Conservation Area. It was purpose-built as an Inn in 1740 and is characteristic of the village, being raised up with steps to the ground floor. It is of brick and tile with casement and dormer windows. The wing at lower level is a former carriage house, stabling and a function room above. With curved door and window openings it is externally much as original and of particular character. Located on the junction of High Street with Church Road, the forecourt of the Bell Inn is regarded as the centre of the village. Here a variety of buildings, trees, walls and hedge enclose the area. It slopes down to the north east into the relatively wide lower part of the High Street. To the south it slopes up into a narrow sunken lane of rural character that is the upper part of the High Street. Church Road leaves the forecourt between buildings along a level contour north of the inn. The immediate location of the site is very sensitive to change, being surrounded by listed buildings or significant unlisted buildings (as identified in the adopted Conservation Area Statement).

The application is for the erection of a modern detached dwelling, which is partially subterranean, with the primary living accommodation on one level. In order to achieve the plot for the new dwelling, the existing garden/grounds of The Bell Inn are subdivided, to provide an individual rather than shared plot. Although this subdivision provides a physical division between the existing and proposed buildings, the site is still considered to be within the curtilage of the listed building and therefore any impact on its setting is an important consideration from a planning perspective. It's location within the Conservation Area is also a valid consideration, including any impact on the area's established character and appearance, as is the impact on the setting of

other listed buildings.

My comments on specifics of the application are as follows:

1. Principle of development within the curtilage of the listed building
2. Design and materials
3. Impact on setting of listed building(s)
4. Impact on character and appearance of the conservation area
5. Creation of new access onto Highway
6. Long-term viability of the business
7. Setting a precedent for development

In turn:

1. Principle - The plot is in a sensitive location and I consider the acceptability of the principle of development to be wholly based on the specifics of the scheme's design and its relationship with its immediate surroundings and the potential impact on the setting of the area of which it will become part. The proposed building is partially subterranean, with a green roof, which is not a conventional building type. This is completely different to the historic buildings around the site, but I consider that there is scope for such a contemporary approach in this location and therefore consider the principle of this type of dwelling acceptable in this instance.
2. Design - As commented in point 1 above, the design is contemporary and completely different to other building types in the locality. The type of design, to partially sink the building below ground, whilst providing a green roof and sloping bank wall to the principal elevation, are modernist ideals to embrace contemporary design, whilst using design measures to incorporate the building into its surroundings whilst minimising its visual impact within a key historic area. These efforts clearly demonstrate an understanding and appreciation of the building's sensitive setting, producing a proposal which neither references nor emulates the historic buildings within the conservation area. The move away from pastiche is positive element of the proposals, along with the use of natural, green materials although I appreciate there may be concerns of the longer-term appearance of such a building. It would benefit the application if photographic examples of other 'green roofed' materials within the country were provided, to aid the concept being proposed here, along with a long-term maintenance statement to avoid any concerns this aspect of the proposals may raise.
3. Impact on listed building - The design has creatively tried to minimise the visual impact of the new dwelling on its surrounding, by certain features already identified in my comments above. Of immediate concern would be the listed building of The Bell Inn itself, as it is development within the curtilage of this listed building, but I am satisfied that measures, including the design and location, have been taken to minimise any potential impact upon the setting of this listed building, and therefore the other heritage assets (designated and other) that surround the site.
4. Impact on conservation area - The principle concern on the impact on the CA comes down to whether the proposals are considered to have a negative, neutral or positive impact on the CA. Although the proposed building is not representative of the character and appearance of the area, conservation area status does not preclude new development in such a protected area. The design does not reflect the character and appearance of the historic buildings within Great Cheverell however I do not consider the proposals to have a negative impact on the conservation and indeed the inclusion of modern development, that stands on its own, rather than providing pastiche architecture, if executed to a high standard, can contribute positively to an area such as this. As for the current proposal, I consider it likely to have a neutral contribution to the character of the area, preserving it with minimal negative effect.
5. Access implications - Currently the formation of a new access is kept to a minimum onto

this quiet lane, retaining the majority of the established hedge/boundary. I would be concerned of the proposals if they were amended as per the recommendations of the Highways Officer, to create a wider visibility splay, which opens the site up to view: this would change my view outlined above to one of a negative impact on the character of the conservation area and the setting of the listed buildings that surround the site.

6. Viability of business - Another concern lies with the subdivision of the public house's plot and the longer term effects this may have on the viability of the business. The attraction of a large safe garden to the rear of the site, I assume, is an attractive feature for the business: selling off or developing part of the curtilage for a use disassociated with the business raises concerns over the medium-to-long-term viability of the business. I appreciate this is hypothetical, but it is a concern that should be taken into consideration.
7. Precedent - My final concern over an approval of a dwelling in this location is if this established a precedent for any dwelling on this site and therefore any decision reasons and should clearly emphasise the principle is closely bound to the design of the dwelling.

Overall I support the principle of the development in terms of the design proposed, although I do have some concerns over long-term maintenance, widening of the access in response to Highways' comments and the sub-division of the plot from a long-term business viability point of view. The latter is a hypothetical point which I am not qualified to assess, but I consider it an important point to mention.

Wiltshire Council Highways Officer

I refer to the above planning application and to the revised plan 1408/Plan 1 SITE PLAN LOWER GROUND LEVEL recently received. I have no highway objections subject to planning conditions to cover the following points:-

1. The access being constructed and laid out as detailed on the submitted plans.
2. The provision of visibility as detailed on plan 1408/Plan 1 SITE PLAN LOWER GROUND LEVEL with nothing to exceed the height of 900 metre above carriageway level, or to be lower than 1800mm above carriageway level, between the carriageway edge, and a line drawn from a point 2.0 metres back along the centre-line of the access from the carriageway edge, to a point on the nearside carriageway edge 25 metres to the east, with the exception that the telegraph pole may remain within this splay.
3. The gradient of the access over the first 4.5 metres not to exceed 1 in 15.
4. The surfacing of the first 4.5 metres of the access in a well-bound consolidated material (not loose stone or gravel).

Wiltshire Council Arboricultural Officer

The significant Holly tree and hedge to some extent are important in helping to characterise the more rural character of the Church lane, which leads to the Church and other important buildings within the immediate vicinity. Although the scheme is likely to have no detrimental effect of the health and stability of the tree, I would welcome the narrowing of the drive entrance to retain as much green verge as possible.

Wiltshire Fire and Rescue Service

Requests a contribution towards fire fighting infrastructure, reminds the applicant of the need for suitable access and water supplies to be available for fire fighting, and promotes the use of a domestic sprinkler system.

8. Publicity

The application has been advertised with press and site notices

A large number of representations have been received in support of and in objection to the proposed development. The full text of each of the comments is available to view on the website, and Members may wish to read these, to appreciate the depth of interest that this proposal has prompted within the community. In summary the points raised include:

Support

Design is thoughtful, context-sensitive and of high quality

Proposal would enhance the character of the area

All villages have a mix of ages of buildings

Great Cheverell's character is epitomised by the variety of its architecture

Scheme would be beneficial economically to the PH therefore would assist its long term service to the village

Care being taken to retain trees

Carefully designed individual properties are preferable to overcrowded estates of unimaginative pastiche boxes

Building will be hardly visible from the lane once green roof is established

Good modern architecture should be encouraged

Parking for the proposal would be adequate

Loss of the beer garden could be mitigated by clearance and better use of other sections of the PH curtilage

PH parking problems have been overstated

The new dwelling would cause an insignificant increase in the amount of traffic using Church Lane.

Objection

Unacceptable impact on the setting of nearby Listed Buildings

Design out of keeping with traditional village architecture and form – a real eyesore

Proposal conflicts with the Village Design Statement

Old and new designs can sometimes mix, but not in this sensitive location

Would not preserve or enhance the Conservation Area

Too cramped

If the grass roof is used as external space, will enable overlooking of neighbouring private rear garden

Additional traffic would worsen access difficulties on an already congested lane for all residents and businesses served by Church Lane

Access is required to the Church for weddings, services, funerals, meetings, grave tending and grass-cutting vehicles

Contractors' materials deliveries will cause unacceptable obstruction of the lane – could become a frequent police matter

PH/B+B car parking already inadequate and use of Church Road for this will worsen

Emergency access to properties to the west, including the Church, would be endangered

No on-site turning, so vehicles would reverse onto lane

Inadequate waste and recycling space provision

Loss of green bank and hedge

Alteration to green character of the lane

Excavation could make adjoining property unstable – no details of how the foundations of Church Cottage will be protected

Impact on privacy and amenity of adjoining properties

Impact on viability of the Public House by loss of garden

9. Planning Considerations

9.1 Principle of Development

The proposed development site falls within the Limits of Development of Great Cheverell, which

is defined in the Kennet Local Plan 2011 as a village with a range of facilities and suitable for limited residential development including small groups of houses. In principle, therefore, this scheme is considered to represent a form of sustainable development, which should be supported according to guidance contained in the National Planning Policy Framework 2012.

The siting, scale and design of the proposed dwelling has been tailored to the constraints of the site. The plot size is considered to be adequate to accommodate a new unit, compared to the mixture of plot sizes and ratios in this part of the village. The position of the building within the site also accords with the general pattern of residential development in the Lane, which is typically to present to the street frontage, with a set back of a few metres from either a walled or hedged lane edge.

The scheme fits a 4 bed, or 3 bed + studio, house into a built shell the scale of which would not compete with or overwhelm the adjoining buildings, but would essentially retain the sense of space between them from the public vantage point. The visual impact of the development on the streetscene, in terms of its mass and form, is considered to be acceptable as a result of the shallow-pitched main roof design, and because the level change between the majority of the site and the Church Lane frontage has been used to submerge the lower section of the building, so keeping the overall height of the development low in relation to the existing site and the buildings to the west and east of it. That part of the building visible from the Lane is considered to have a recessive design, which would, within a relatively short period of time, display a predominantly green facade, continuing the effect of the retained road-fronting hedge bank and tree cover.

9.2 Impact on character and appearance of the conservation area and the setting of the listed building

It has been correctly pointed out that the modern design of the house does not match the architectural style of any of its neighbours. However, few of the surrounding buildings match the design of all or elements of each other. The diversity of the built forms in the vicinity of the site is considered to be a positive attribute in the character of the Conservation Area, and provided that the quality of new development meets the standard of its neighbouring buildings, it is considered unnecessary (and possibly undesirable) to prescribe a particular style or period of architecture for any new development.

The effect of the proposed development on the significance of the heritage assets (Listed Buildings, unlisted buildings of historic interest, and the Conservation Area as a whole) has been considered carefully by the Conservation Officer (whose full comments are set out above) and the conclusion drawn is that this scheme is acceptable and should be granted planning permission.

9.3 Highway matters

No objection to the scheme has been raised by the Highways Officer in relation to the traffic generation/attraction that the proposed dwelling would prompt, and subject to the maintenance of the specified visibility provision, the proposal is considered to be acceptable. The degree of hedge trimming needed to secure the required visibility is small, and overall, with the landscaping proposals to re-enforce (gap up) the hazel hedge, and the appropriate management of the mature holly tree to elongate its life, it is considered that the safety, convenience and character of the Lane would not be harmed by the development.

The issue of construction traffic is problematic in any new development, and without doubt the narrowness of the Lane will require deliveries and other traffic to be carefully planned and executed. However, this issue cannot preclude the development, which is, in all other planning considerations, acceptable.

The tree and hedge protection measures set out in the submitted documents are considered to secure an appropriate landscaped setting for the development, and to preserve and enhance the character and appearance of the Conservation Area.

9.4 impact on amenity of adjacent dwelling

The question raised over whether the degree of excavation of the site would, potentially, cause damage to the adjoining property is a matter for the Building Regulations. A grant of planning permission cannot over-ride the requirements of safe construction, which are the remit of other legislation.

The design of the dwelling has precluded any overlooking potential from within the new building to its neighbours.

10. Conclusion

The development of this site for the design of dwelling proposed is considered to be acceptable, when assessed against relevant planning policy and guidance.

RECOMMENDATION:

To Grant planning permission, for the following reasons, and subject to the conditions set out below:

The proposal is an acceptable form of infill development in accordance with policies PD1 and HC22 of the Kennet Local Plan that will preserve the character and appearance of the conservation area and will not cause any demonstrable harm to interests of acknowledged importance.

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 and samples of the materials to be used for the external surfaces, including the retaining walls, steps and hardsurfacing for the car parking 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.

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;

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

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 occupation of the building 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting or amending that Order with or without modification), no extensions to the dwelling shall be erected without the prior grant of planning permission by the local planning authority.

REASON:

In the interests of residential amenity and privacy and to protect the character and appearance of the conservation area.

6. Before the dwelling is first occupied:

i) The access shall be constructed and laid out as detailed on the submitted plans.

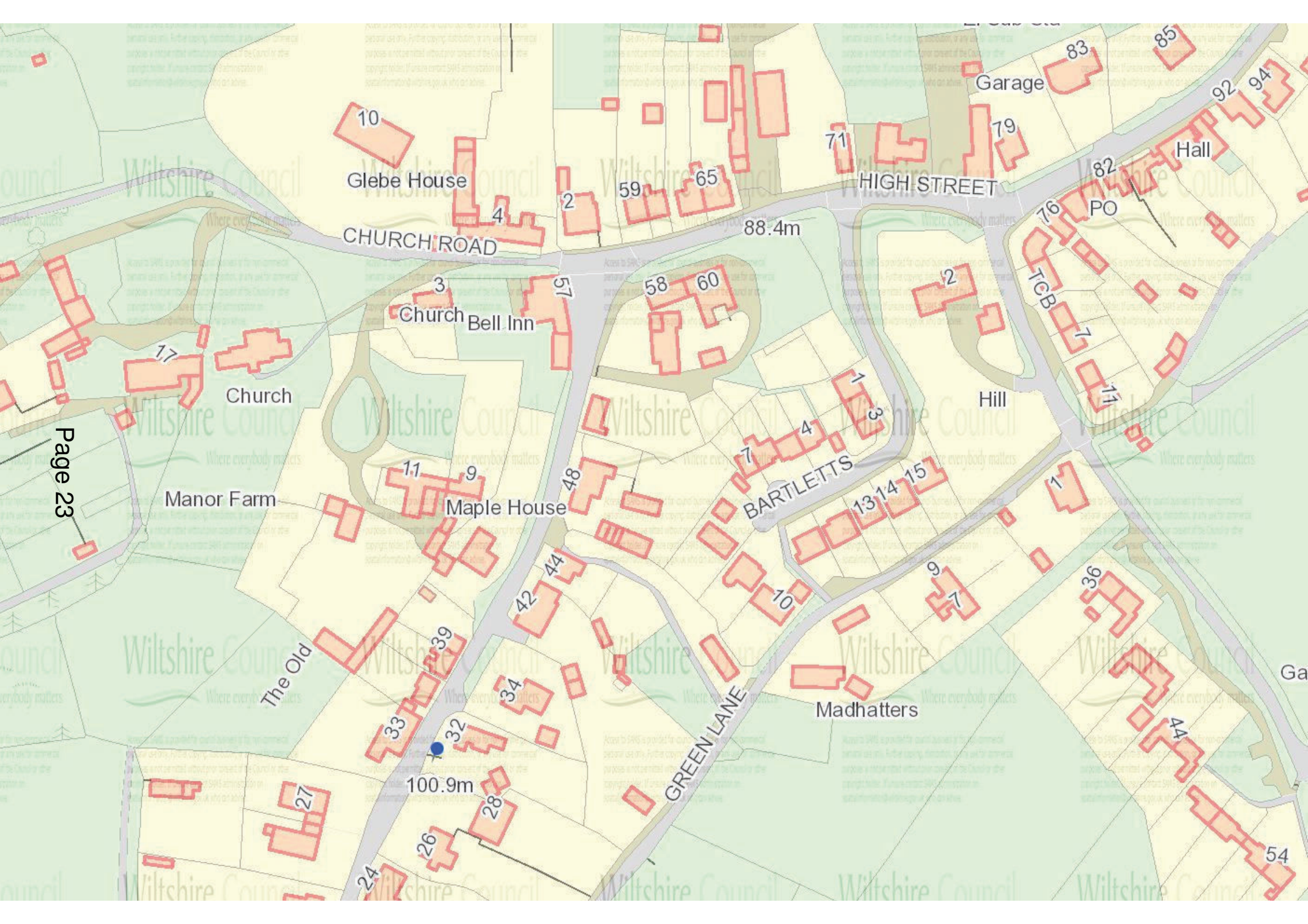
ii) Visibility shall be provided as detailed on plan 1408/Plan 1 SITE PLAN LOWER GROUND LEVEL with nothing to exceed the height of 900 metre above carriageway level, or to be lower than 1800mm above carriageway level, between the carriageway edge, and a line drawn from a point 2.0 metres back along the centre-line of the access from the carriageway edge, to a point on the nearside carriageway edge 25 metres to the east, with the exception that the telegraph pole may remain within this splay. This splay shall thereafter be retained free of obstruction, as set out above.

iii) The gradient of the access over the first 4.5 metres shall not exceed 1 in 15.

iv) The surfacing of the first 4.5 metres of the access in a shall be completed in a well-bound consolidated material (the material to be as agreed in condition 2 above).

REASON:

In the interests of road safety.



10
Glebe House

CHURCH ROAD

HIGH STREET

88.4m

3
Church Bell Inn

Church

Manor Farm

11 9
Maple House

BARTLETTS

Hill

Madhatters

GREEN LANE

100.9m

Garage

Hall

PO

TCB

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	30 th May 2013
Application Number	E/2013/0152/LBC
Site Address	Baydon Manor, Marrison Hill, Ramsbury, Wiltshire, SN8 2HG
Proposal	Total Demolition of Winter Garden
Applicant	Mr & Mrs Stibbard
Town/Parish Council	Ramsbury
Grid Ref	428735E 174837N
Type of application	Listed Building Consent
Case Officer	Pippa Card

Reason for the application being considered by Committee

The application has been brought to committee at the request of the former Division Member.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues to consider are:

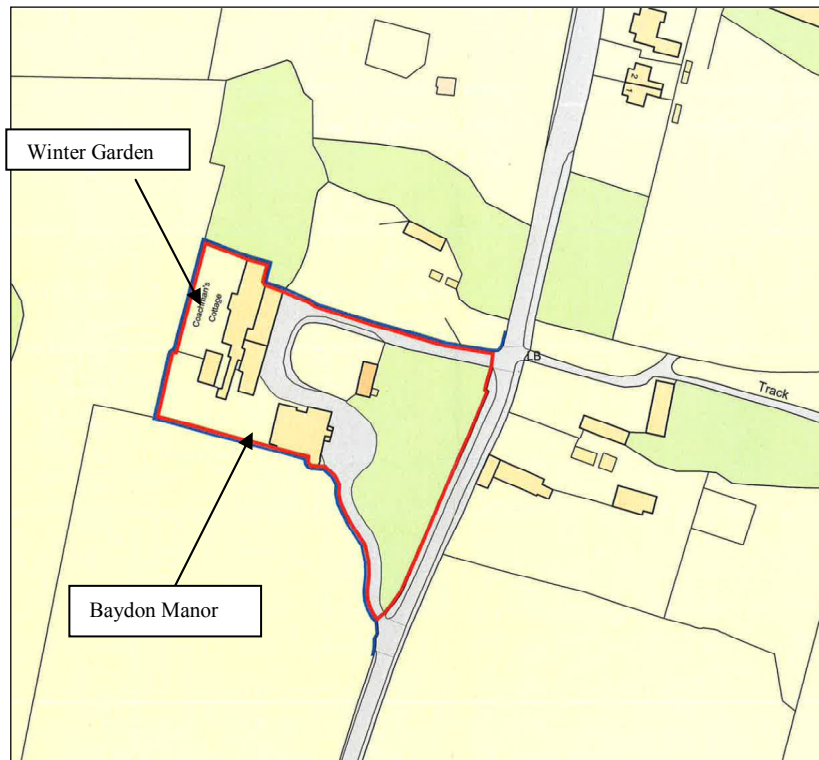
- The impact of the proposal on the listed building

3. Site Description

The application relates to The Winter Garden, which is a grade II listed conservatory located within the grounds of Baydon Manor (itself Grade II listed). The list description dates the building circa late 19th century although it is now acknowledged to date from 1913-1916, by the firm Messengers & Co. Built with a brick base and glazed timber windows above, the building has cast iron trusses. It backs onto barn-type buildings and shares a rear brick wall with these buildings. The hipped roof has a raised ridge with clerestory lights and small finials at each end. The interior is a 17-bay roof with cast-iron trusses with ornate openwork spandrels and fine detailing, such as the moulded dentilled cornice. There is a wide 3-bay alcove on the rear [east] wall with fluted cast-iron posts and fireplace on the west front in wide inglenook with small ball pendants. To the south is a lean-to style structure, similarly constructed, which was a vinery of the same date and provides the means of access to this substantially larger rectangular building.

The building has been disused and neglected for many years, resulting in its current poor state of repair.

The structure stands to the north-west of Baydon Manor, a substantial country house dating from the C19 in a good state of repair.



*Site Location – Baydon Manor and its Winter Garden,
to the west of Manor Lane, Marrison Hill.*

4. Relevant Planning History

E/2011/1572/LBC – Total demolition of Winter Garden. REFUSED at Wiltshire Council Planning Committee held on 11th October 2012, according to Officer recommendation. Decision currently subject to Appeal.

E/10/1252/LBC – Total demolition of Winter Garden. REFUSED.

K/43876/L – Proposed alterations, conversion and extension of Winter Garden to form a single dwelling. REFUSED.

K/43873 – Proposed alterations, conversion and extension of Winter Garden to form a single dwelling. REFUSED.

5. The Proposal

To deconstruct the early 20th century Winter Garden for permanent storage. For clarity – the scheme involves the deconstruction of the entirety of the main winter garden structure, whilst the lean-to vinery to the south and the linking structure between this and the winter garden will be retained.

6. Planning Policy

The National Planning Policy Framework outlines Government policy, including that relating to the historic environment.

The PPS5 Practice Guide is still extant, providing guidance on making changes to Heritage Assets.

7. Consultations

Ramsbury & Axford Parish Council – SUPPORT.

English Heritage – OBJECTION – “The proposal description is for partial demolition of the building and off-site storage. This is the third application for removal/demolition of the building, the two previous applications were refused by the Council. Whilst this application recommends storage of the dismantled structure the issues discussed previously remain the same, as the works will involve substantial harm to a grade II listed building. The planning policy context had slightly changed as the NPPF is now the policy document. We remain opposed to the removal of this listed building.....The dismantling of the winter garden would, in our view, result in the loss of a significant heritage asset which is a good representative of a depleted building type. We hope that the condition of the building could be stabilised rather than opting for removal of the structure.....We therefore recommend refusal of consent.’

Wiltshire Archaeological and Natural History Society (WANHS) – OBJECTION – Their comments can be summarised as follows:

- The application is the latest on a series of applications to demolish the Winter Garden section of the listed structure.
- The description of the application as ‘Partial deconstruction’ is confusing as it relates to the total deconstruction of the Winter Garden, with the retention of the Vinery.
- It is unclear how the deconstruction of the structure would preserve internal features (plasterwork, chimneys, cornicing, timber etc).
- There are no details of the ‘off-site storage’ proposed.
- The structure has been neglected for a number of years with no attempt to improve its condition or prevent weathering of the structure.
- Partial deconstruction is misleading as it will result in the loss of a listed building.
- The Winter Garden complements the listed house, is part of the context and setting of the house and is a listed building in its own right.
- We wish to object to the “Partial Deconstruction” request as it is in fact a precursor to loss of a listed structure.

Council for British Archaeology – Endorse the view of WANHS, above and consider the structure to be a building at risk and state that ‘the archaeological significance of the winter garden lies in its ability to inform our understanding of the turn of the (20th) century country house and the leisure facilities valued and utilised by its inhabitants. It is a vital component of the totality of the heritage asset at Baydon and should not be allowed to simply weather and decay.’ The CBA urges the local authority, with enforcement action if necessary, to ensure the survival of this unique and special part of Wiltshire’s historic environment.

The Victorian Society – OBJECTION – ‘The Victorian Society **objects** to the application, on the grounds that the substantial harm to the listed building has not been adequately justified.... The building is Grade II listed and is fully worthy of that listing.... Although the application refers to the proposed works as deconstruction rather than demolition, the proposal is to remove the majority of the material of the current building (as in the listing description), except the east wall and southern extension, from the current site to storage. Without a firm guarantee of future re-erection in its present form, it would merely be a collection of structural components; this would mean that the main body of the building itself no longer exists. There is no doubt that this constitutes, *at the very least*, significant harm to the listed building..... We therefore recommend that you refuse consent.’

8. Publicity

The application has been advertised with a press and site notice.

9. Planning Considerations

Please note that the previous application, E/2011/1572, is now subject to an Appeal with the Planning Inspectorate, the outcome of which will be unknown at the date of this meeting.

9.1 Background

The future of the Winter Garden has been subject to various discussions with English Heritage, Kennet District Council and Wiltshire Council since 2005. Demolition of the structure was not

discussed until the submission of applications E/10/1252/LBC and E/2011/1572, which were refused.

The current application seeks consent for the deconstruction of the building, its removal from the site and medium-to-long term (potentially permanent) storage of the structure.

This application should not be viewed in isolation but also viewed in the context of the site as a whole i.e. the impact of the structure's removal from its context and history as part of Baydon Manor.

9.2 Assessment

The report which accompanies the application maintains that the only distinctive feature of the structure is the Winter Garden's size. However, it is not considered that this is the case, a view supported by English Heritage and the amenity societies who have made representations. Whilst the size of the building is one of its important features, it is also an ornate structure of high quality design by a nationally significant foundry. It has played an important role in the history of Baydon Manor, providing a space for various uses and activities, including a winter garden, ballroom and games room. The conservatory constitutes a rare survival of its type and era and remains relatively intact, other than the addition of asbestos sheet roofing for blackout following its requisition during the war.

The building is in a poor state of repair and has not been in use for a number of years. There are a number of broken or missing panes of glass from the timber framed walls/windows and roof (seen beneath the asbestos sheeting) and missing sections of timber. Whilst access to the interior was not available, it is clear that there is substantial damage to the suspended timber floor and to plasterwork from water ingress. Vegetation growth to the exterior is exacerbating these issues. Asbestos sheeting added during the war remains in situ on the roof and there would appear to have been little in the way of repairs carried out since that period. Whilst it is appreciated that work has been undertaken to the vinery, officers are unaware of any evidence to suggest that attempts have been made to stem decay or provide interim protection to the main building during the period of ongoing discussions with the authorities regarding its future (for example by clearing vegetation from the exterior). AKS Ward's report on the condition of the building notes that 'the building has suffered from being derelict for many years with no maintenance evident'. NPPF paragraph 130 states that 'where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision', and it is considered that this paragraph is a relevant consideration in this particular case.

Government policy contained in the NPPF sets out the presumption to be made in favour of the conservation of designated heritage assets (including listed buildings) and requires that any harm to the significance of a heritage asset, its fabric or its setting should be weighed against the wider public benefits of the proposal. Paragraph 132 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

The application differs from the previous proposals as it involves the careful dismantling of the winter garden and its storage off site whilst it is made available for purchase or reconstruction. English Heritage note that this is welcomed in terms of trying to find a new use for the structure but point out that it still does amount to substantial harm (the extent of deconstruction is substantial and if removed it is not guaranteed that the building will be re-erected) and that the assessment therefore remains similar to previous applications.

The application includes no methodology showing how the dismantling will be carried out or assessment of how much fabric will be salvaged in the process. It would be impossible to save all the fabric and, once removed, materials such as glazing may be more vulnerable to damage and loss. English Heritage also note that "part of its significance lies in its location overlooking the

landscape” - a relationship with its context which will be lost once removed from the site.

Deconstructing the listed building and removing it from its location without guarantee of re-erection also presents an issue over the listed status of the building. English Heritage has advised that “If something is removed from site under permission and without condition or obligation to return it to site at some point in the near future, it would in all likelihood be determined to be unlisted. This site would still be on the list (although it may then be delisted), but there would be no legal means of returning the structure to site, so the protection of the structure is effectively at an end.’ No new location has been proposed and no re-erection of the building is guaranteed making the future of the dismantled building in storage extremely uncertain and removing any options for pursuing enforcement action in the future should a long-term solution for the building not be found.

As a result, English Heritage advise that the proposal should continue to be assessed against Paragraph 133 which states that ‘where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.’

The proposal involves no public benefit but removes a heritage asset from its site. Paragraph 133 therefore requires that all four of the alternative tests are satisfied. However, there is no evidence that the continuing presence of the structure is preventing reasonable use of the wider site and, in the event of the removal of the structure, the site would merely revert to garden and there would be no benefit from this course.

Two valuations, with and without the repair of the conservatory are presented to show a conservation deficit. Whilst it is understood that the owners do not wish to sell the property, government policy set out in the PPS 5 Practice Guide (Paragraph 96) requires active and comprehensive marketing for a range of uses in order to demonstrate redundancy. Although the current owners may not have the resources to repair the building a future owner may. The repair specifications relied upon to inform the valuations are extensive. More limited options, including proposals for temporary holding works to stabilise and make safe whilst alternative uses/owners or funding sources are sought have not been considered. (n.b. it should be noted that policy (Paragraph 96) requires that loss of value from deterioration due to deliberate neglect should not be taken into account in calculations of value etc.) It is also noted that the proposed deconstruction, storage and site clearance will incur not insignificant costs – which could alternatively be put towards maintenance of the building.

Overall, it is considered that insufficient evidence has been presented to show that there are no further options for achieving the repair and retention and use of the structure and the criteria for allowing the complete demolition of a heritage asset set out in the NPPF paragraph 133 are therefore not met.

In addition, the building has a close historical association with the main manor house and the proposal to deconstruct the winter garden and remove it from its setting will negatively impact on the setting of Baydon Manor: this is contrary to NPPF paragraph 132, which states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any

harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional’.

10. Conclusion

No firm proposals for the re-erection of the building have been put forward and it is not considered that the current application could ensure the survival of the dismantled building in storage. As a result the proposals would be likely to result in the loss of the winter garden at Baydon Manor and the end result would be similar to that of the applications for demolition which have previously been refused.

The winter garden is considered to be a good surviving example of a depleted building type which is an important element within the curtilage of Baydon Manor. Despite its current condition, the Winter Garden is a principal listed building and its building type, character and its social history are part of its special interest. Demolition of a listed building is considered to be last resort, as if approved, it obviously results in a permanent loss of the heritage asset and the decision is therefore irreversible. No case has been established to indicate that the building cannot be repaired (even to halt the current level of deterioration) and the material submitted does not provide sufficient justification to override the presumption in favour of the preservation of the heritage asset. It is therefore considered that the deconstruction of the Winter Garden conflicts with the NPPF Section 12, which deals with conserving and enhancing the historic environment.

RECOMMENDATION

Refuse listed building consent for the following reasons:

1. The proposal would result in the loss of a designated heritage asset, for which no adequate justification has been provided. As such, the proposal is contrary to Government policy contained in Section 12 of the National Planning Policy Framework, including paragraphs 130, 132 and 133.
2. The proposal would result in the loss of a significant element within the setting of the Baydon Manor, a designated heritage asset. As such, the proposals are contrary to Government policy contained in Section 12 of the National Planning Policy Framework, including paragraphs 132 and 133.



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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	30 th May 2013
Application Number	E/2013/0372/S73
Site Address	Little Thornham Farm Bungalow, Trowbridge Road, Seend, Melksham, Wiltshire, SN12 6PQ
Proposal	Variation of Condition 2 of B4922/P2372 – removal of agricultural occupancy restriction
Applicant	Mrs Victoria Haines
Town/Parish Council	Seend
Grid Ref	
Type of application	Section 73
Case Officer	April Waterman

Reason for the application being considered by committee

The application has been called to the East Area Planning Committee by Cllr Seed.

1. Purpose of the report

To consider the recommendation to refuse a request to remove an agricultural occupancy restriction, imposed by condition, on a modern 1960's bungalow.

2. Report summary

The issue to determine is whether the existing bungalow should continue to be subject of a planning restriction to allow its occupation only by those employed locally in agriculture, or in forestry, and their dependents. This report will set out whether appropriate and sufficient measures have been taken by the applicant to demonstrate that there is no longer any demand, on the farm itself or in the locality, for an occupancy-restricted dwelling in the open countryside at this location, and therefore whether the need for the restriction still exists.

3. Site description and background

This detached three-bedroomed bungalow, built in 1966, lies within the open countryside to the south of Seend Cleeve, and to the south west of Seend. Little Thornham Farm comprises a Listed Farmhouse, a collection of curtilage and agricultural buildings (one of which has been converted to an annexe for Mrs Haine senior), the bungalow subject of this application, and approximately 8 acres (3.32 hectares) of mainly grazing land. Having previously had a dairy herd, and then beef cattle at the farm, the only livestock now kept on the reduced acreage are 14 sheep.

The bungalow has a fair-sized garden area, with parking on site, and is functionally and spatially separate from the farm. The single track leading to Little Thornham Farm from the A361 is unsurfaced for some of its length.

A combination of the scaling back of agricultural practice at the farm, a change in employment, retirement or ill-health of family members, has resulted in there being no suitable occupier for the agriculturally-tied dwelling among the existing family. The bungalow has been unoccupied since 2011. While the building has been advertised for sale since June 2011, no information about efforts to rent out the property has been submitted.



4. Planning history

B4922/P2372 Outline planning permission granted June 1965, and reserved matters approval issued August 1965 for the erection of a bungalow. Condition 2 of the outline permission stated

“The occupation of the bungalow to be limited to persons employed locally in agriculture as defined in section 221(1) of the Town and Country Planning Act 1962, or the dependents of such persons.”

K/56550/FUL and K/56554/LBC Planning permission and Listed Building Consent granted in June 2007 for the conversion of a redundant cow shed into a granny annexe.

5. The proposal

Under section 73 of the Town and Country Planning Act 1990 permission is sought for the development of the land without compliance with the requirements of condition 2 of the 1965 planning permission.

The bungalow has been advertised for sale since June 2011, with an asking price of £295,000. This represents just over a 15% reduction in the “unencumbered” price of £350,000 estimated as the property’s value without any occupancy restriction.

6. Planning policy and guidance

National Planning Policy Framework 2012

Kennet Local Plan 2011 – policies Policy HC26: *Housing in the countryside* & Policy NR6: *Sustainability and protection of the countryside*

7. Consultations

Parish Council - No comments received at date of report.

Wiltshire Council Agricultural Consultant

An assessment of the request to remove the condition has been undertaken by the Council's consultant, in the light of advice contained within Circular 11/95, which states:

"Where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose. This assessment will be necessary in all cases"

The consultant's report sets out three main questions:

Is there still a need for the dwelling on the holding?

How has the property been marketed?

What evidence of demand has been shown?

The findings are

Need: *The current labour requirement [for Little Thornham Farm] is for one part time unit of labour for land maintenance only....the current farming activity does not present an essential requirement for a presence on the holding at most times. It is my opinion that a unit of eight acres is highly unlikely to be a viable proposition.*

Marketing and Demand: *[In relation to the guide price] it is my experience that the typical range for discount to reflect an occupancy condition is 25% - 35%. It is therefore my view that the level of discount applied to reflect the occupancy condition is outside the lower end of that range.*

The agent has made direct approaches to some 10 local farmers, none of whom have expressed interest in the property. In this context it must be noted that the condition is for occupiers working in agriculture in the "locality". There is no express definition of "locality", however, in my experience [of] the Inspectorate the area typically can be equated to a District Council or, say a 10 mile radius of the property. Thus, whilst direct approaches have been made, the area concerned is rather more limited than might be appropriate.

Conclusion: *Whilst a marketing exercise has been conducted for a period of 12 months it is my opinion that:*

- *For the whole of the marketing period the guide price has not adequately reflected the discount for an occupancy condition.*
- *More can be done to target members of the agricultural community within the "locality" (as above) of the dwelling.*

8. Publicity

No representations from the public have been received.

9. Planning Considerations

With the cancellation of all Planning Policy Statements and their respective appendices on the publication of the National Planning Policy Framework 2012, there is now no national policy guidance against which to assess proposals like this to remove agricultural occupancy conditions

on existing rural dwellings. Previously, detailed advice on this issue was set out in Annex I of PPS7, and although no longer a raft of policy that must be taken into account in planning decisions, the criteria and methodology of the Annex have been held as representing best practice in such appraisals by Planning Inspectors dealing with appeal cases since the introduction of the National Planning Policy Framework 2012.

The applicant particularly draws attention to the guidance set out in this Annex relating to existing dwellings that are subject of agricultural occupancy restrictions:

“Such dwellings...should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.”

There is no argument with the applicant that this is the relevant test. However, in this case, it is considered that it has not been demonstrated that the occupancy restriction has indeed outlived its usefulness. While no interest was shown in purchasing the bungalow by nearby farmers when they were approached directly on the applicant’s behalf, this exercise was limited to a smaller area geographically than would be expected to qualify as “the locality” in the planning condition wording. Its findings are not felt to show conclusively that there is no need for the bungalow to be reserved for an agricultural or forestry worker, therefore. Furthermore, the asking price of £295,000 for the bungalow is considered to include too small a discount (15%) on the price of an “untied” rural dwelling, and therefore the marketing exercise as a whole would not be expected to produce the level of interest that the dwelling, if discounted by some 25 – 35 % could produce.

This is the key issue. It has been held on appeal that a 15% discount to open market value is too low a reflection of the reduction on the open market value of an agricultural occupancy condition. Typically, 25-35% is normally considered appropriate. If the appropriate discount is not applied, then clearly the marketing exercise is fatally flawed as it may rule out those that can afford to pay what is an appropriate price for an agriculturally tied dwelling.

It may well be the case that even at the properly reduced price, there is no demand for an agriculturally tied dwelling, in which case officers would have no problem with recommending approval of an application in such circumstances. Officers have asked the applicant to withdraw the proposal, undertake a period of marketing of the bungalow with the appropriate (larger) discounted price to reflect the occupancy restriction, and then re-apply for the removal of the condition if the marketing exercise still raises no interest from suitably-employed people. This suggestion has not been taken up and the applicant has asked for the application to be determined as it stands. In these circumstances, the only recommendation can be for refusal.

10. Conclusion

New dwellings in the open countryside are only normally permitted in special circumstances such as to house an agricultural worker, and then need to be reserved for that purpose to continue to provide a stock of rural dwellings for rural workers within the area at prices that such workers may afford. In this case it has not been demonstrated that all reasonable efforts have been made to attract to the dwelling an agricultural worker who would be employed in the locality, particularly as a result of the promoted guide purchase price not being set to reflect properly the occupancy restriction.

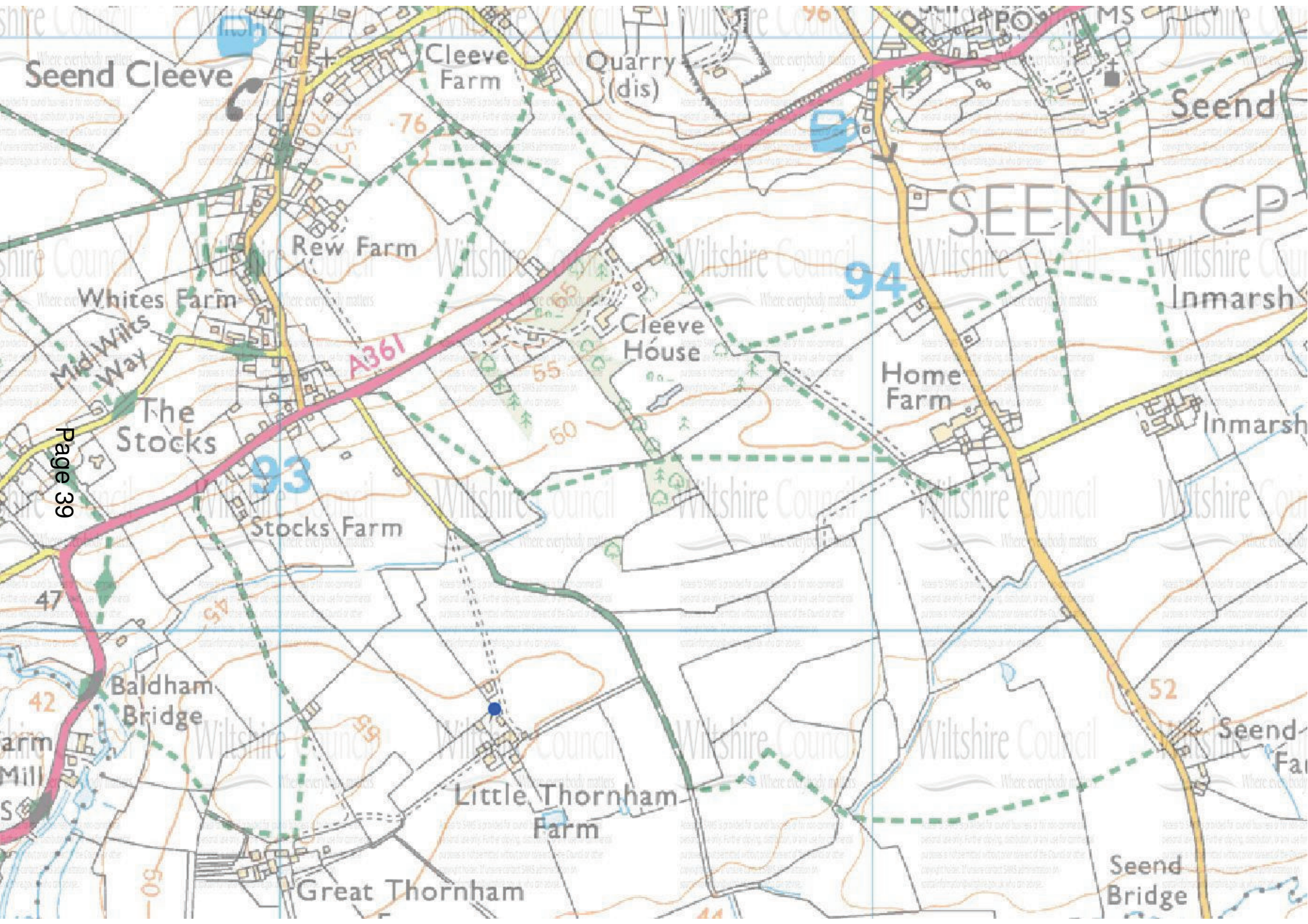
RECOMMENDATION

Refuse the application for removal of the planning condition no. 2 from the planning permission referenced P2372, for the following reason

1. Insufficient evidence has been provided to demonstrate that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the bungalow for that purpose. In particular, the marketing of the bungalow has not included an appropriate discount on the purchase price to reflect the restriction of its occupancy to an agricultural or forestry worker. The removal of

the condition would result in the creation of a dwelling in the open countryside in conflict with the terms and objectives of the policies in the development plan, namely NR6 and HC26 of the Kennet Local Plan, and of the advice contained within the National Planning Policy Framework 2012.

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Seend Cleeve

Cleeve Farm

Quarry (dis)

Seend

SEEND CP

Rew Farm

Whites Farm

Cleeve House

Home Farm

The Stocks

Stacks Farm

Baldham Bridge

Little Thornham Farm

Great Thornham

Seend Farm

Seend Bridge

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