

# AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

**Date:** Thursday 2 April 2015

**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Adam Brown, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718038 or email [adam.brown@wiltshire.gov.uk](mailto:adam.brown@wiltshire.gov.uk)

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## Membership:

Cllr Charles Howard (Chairman)	Cllr Nick Fogg MBE
Cllr Mark Connolly (Vice Chairman)	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr Jerry Kunkler
Cllr Peter Evans	Cllr Paul Oatway

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## Substitutes:

Cllr Terry Chivers	Cllr James Sheppard
Cllr Ernie Clark	Cllr Philip Whitehead
Cllr Dennis Drewett	Cllr Christopher Williams
Cllr Jeff Osborn	

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# 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 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 19 February 2015.

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 **Thursday 26**

**March 2015.** 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**

To receive details of the completed and pending appeals.

### 6a **Appeal Performance 2014** (*Pages 17 - 18*)

To note the outcomes of decisions made by the Committee in 2014 and the decisions made by the Planning Inspectorate on appeals in the area covered by the Eastern Area Planning Committee in 2014.

## 7 **Planning Applications**

To consider and determine the following planning applications.

7a **14/09837/FUL - Land South West Of Car Park, Station Road, Devizes** (*Pages 19 - 30*)

7b **15/01547/FUL - Crooked Cottage, 53 Burr Lane, Shalbourne** (*Pages 31 - 40*)

7c **15/01585/LBC - Crooked Cottage, 53 Burr Lane, Shalbourne** (*Pages 41 - 46*)

7d **14/12100/OUT - Land adjacent Bell Caravan Park, Lydeaway, Devizes** (*Pages 47 - 58*)

## 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*

## **EASTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 FEBRUARY 2015 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

#### **Present:**

Cllr Charles Howard (Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE,  
Cllr Richard Gamble, Cllr Jerry Kunkler and Cllr Philip Whitehead (Substitute)

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#### **13. Apologies for Absence**

Apologies were received from:

Cllr Mark Connolly.  
Cllr Paul Oatway.

Cllr Connolly was substituted by Cllr Philip Whitehead.

#### **14. Minutes of the Previous Meeting**

##### **Resolved**

**To approve and sign as a true and correct record the minutes of the meeting held on 29 January 2015, subject to the following amendment:-**

##### **Minute No. 3 – Declarations of Interest**

**“Cllr Evans stated that he had not taken part in the application at the Town Council level and would participate in the item with an open mind.”**

#### **15. Declarations of Interest**

There were no declarations of interest.

#### **16. Chairman's Announcements**

There were no announcements.

## 17. **Public Participation and Councillors' Questions**

The rules on public participation were noted. There were no questions submitted.

## 18. **Planning Appeals**

There were no planning appeals.

## 19. **Planning Applications**

### **19.1 14/07804/FUL - Granham Garage, Granham Close, Marlborough SN8 4DH**

Demolition of existing buildings and redevelopment of site to form 27 apartments including car parking, communal areas and landscaping.

#### **Public Participation**

Val Compton spoke in objection to the application.

Sue Harris spoke in objection to the application.

Felicity O'Sullivan spoke in objection to the application.

Mada Alfazema spoke in support of the application.

Alex Child spoke in support of the application.

Alan Burns spoke in support of the application.

Justin Cook spoke in objection on behalf of Marlborough Town Council.

The senior planning officer introduced the report which recommended that the decision to grant planning permission should be delegated to the Area Development Manager subject to the prior completion of a Section 106 legal agreement. Key issues were stated to include: the principle of development and provision of care facilities; density and layout; and design, landscaping, visual impact and impact on highway safety.

There were no late items.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought on the crossing at Pewsey Road; it was confirmed that there was an existing dropped kerb on Pewsey Road for assisting pedestrians crossing the road, and that a controlled crossing point was not proposed as part of the development. It was asked if the S106 contribution for affordable housing could be ringfenced for the Marlborough community area, this would be investigated if needed. The application was noted as being a redevelopment proposal, and did not come under the category of change of use. The parking on Granham Close was explained as not changing, and there would be a parking area with provision for bicycles and mobility users.

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

The division member Cllr Nicholas Fogg spoke in opposition to the application. It was stated that it went against Core Policy 46 and would not fulfil the needs of the Marlborough area. The application was described as an overdevelopment and would cause parking issues within the area.

It was explained that the National Planning Policy Framework (NPPF), Planning Policy guidance and the Wiltshire Core Strategy declared that there was a need to plan for housing for the elderly. The Council's New Housing team also outlined that there was a need for elderly accommodation in the Marlborough area. The elderly housing quota for the area was explained as being at a minimum level that could be exceeded, and was not a limit. There had been no objections from any statutory bodies to state that there would be a strain on any local services as a result of the application. The site had been deemed a suitable brown-field site for redevelopment, and the parking had been declared as acceptable.

A debate followed where Core Policies 1, 43 and 46 were discussed, and as such the effect of the application on the sustainability and viability of the Marlborough community was considered, along with the promotion of a mixed and balanced community. A possible controlled crossing on Pewsey Road and accessibility from the site to Marlborough town centre were discussed. Ringfencing the S106 contribution to affordable housing for the Marlborough area was considered.

At the conclusion of debate it was,

### **Resolved**

**To delegate the decision to grant planning permission to the Area Development Manager subject to the prior completion of a Section 106 legal agreement to secure financial contributions towards affordable housing in Marlborough and the Wessex Stone Curlew Project, and subject to the planning conditions set out below:**

- 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. Each of the apartments hereby permitted shall be occupied only by:**
  - persons of 55 years of age or over;**
  - persons living as part of a single household with such a person or persons;**
  - persons who were living as part of a single household with such a person or persons who have since died.**

**REASON:** The units of the residential home/sheltered accommodation have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing, particularly given the parking and amenity space provision.

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

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

4. No above ground development, excluding demolition, shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. Details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

6. No above ground development, excluding demolition, shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

**REASON:** In the interests of visual amenity.

7. No above ground development, excluding demolition, 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) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) all hard and soft surfacing materials;
- d) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);.

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

8. 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.

9. No above ground development, excluding demolition, shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

10. No part of the development hereby permitted shall be first brought into use 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.

11. No above ground development, excluding demolition, shall commence on site until full details of the off-site highway improvement works, as

shown on drawing no.034.0041.100 RevP3, 'Proposed Pedestrian Crossing and Junction Alterations', have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or first brought into use until the improvement works have been carried out in accordance with the approved details.

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

12. 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include a lux plot that shows darkened edges to the site, with a maximum level of 1 lux at canopy level of all tree lines.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site to ensure the potential impacts from lighting to biodiversity adjacent to the site are removed.

13. No development shall commence until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:**

To enable the recording of any matters of archaeological interest.

14. 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.**

- 15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

**REASON: To protect the water environment from pollution**

- 16. 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. The development shall not be first occupied until surface**

water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

**17. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) measures to control the emission of dust and dirt during construction;
- e) measures for the protection of the natural environment.
- f) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**18. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

- Drawing no.A01\_1972\_001 RevB, Site Location Plan, received 13 August 2014;
- Drawing no.A01\_1972\_002 RevB, Existing Site Plan with Survey, received 13 August 2014;
- Drawing no.A01\_1972\_003 RevB, Existing Site Sections, received 13 August 2014;
- Drawing no.A01\_1972\_005 RevB, Landscape Plan, received 13 August 2014;
- Drawing no.A01\_1972\_020 RevB, Existing Section AA and Proposed Section AA, received 13 August 2014;
- Drawing no.A01\_1972\_021 RevA, Existing Section BB and Proposed Section BB, received 13 August 2014;
- Drawing no.A01\_1972\_009 RevB, Proposed Site Plan (Roof), received 13 August 2014;

- Drawing no.AP07 (A01\_1972\_013\_C), Ground Floor Layout, received 16 December 2014;
- Drawing no.AP08 (A01\_1972\_013\_C), First Floor Layout, received 16 December 2014;
- Drawing no.AP09 (A01\_1972\_013\_C), Second Floor Layout, received 16 December 2014;
- Drawing no.AP10A (A01\_1972\_013\_C), Roof Layout, received 16 December 2014;
- Drawing no.AP20 (A01\_1972\_030\_D), Elevations 01 & 02, received 26 November 2014;
- Drawing no.AP21 (A01\_1972\_031\_E), Elevations 01 & 02, received 26 November 2014;
- Drawing no.034.0041.100 RevP3, Proposed Pedestrian Crossing and Junction Alterations, received 13 August 2014;
- Drawing no.034.0041.103 RevP2, Refuse Vehicle and Car Tracking, received 13 August 2014;
- Extended Phase 1 Ecological Survey by Marishall Thompson Group, ref E1410131516v2, received 13 August 2014;
- Site Noise Assessment by AAD, ref 14140/001/lwr, received 13 August 2014;
- Refuse and Waste Management Plan, received 13 August 2014;
- Transport Statement by Paul Basham Associates, received 13 August 2014.

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

19. **INFORMATIVE TO APPLICANT:** The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that an agreement with the Highway Authority under Section 278 of the Highway Act 1980 will be required before any works are carried out on any carriageway, verge or other land forming part of the highway.
20. **INFORMATIVE TO APPLICANT:** Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses or adjoins the application site.
21. **INFORMATIVE TO APPLICANT:** The attention of the applicant is drawn to advice and guidance provided by the Environment Agency within their letter dated 07 October 2014.
22. **INFORMATIVE TO APPLICANT:** The attention of the applicant is drawn to advice and guidance provided by the Wiltshire Fire & Rescue Service within their letter dated 26 August 2014.

**23. INFORMATIVE TO APPLICANT:** The attention of the applicant is drawn to advice and guidance provided by Thames Water within their letter dated 29 January 2015.

**24. 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 \_\_\_\_\_

**20. Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.30 pm)

The Officer who has produced these minutes is Adam Brown, of Democratic Services, direct line 01225 718038, e-mail [adam.brown@wiltshire.gov.uk](mailto:adam.brown@wiltshire.gov.uk)

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## Wiltshire Council

### Eastern Area Planning Committee

2<sup>nd</sup> April 2015

#### Appeal Performance 2014

##### 1. Purpose of Report

To review the outcomes of decisions made by the Committee in 2014 and the decisions made by the Planning Inspectorate on appeals in the area covered by the Eastern Area Planning Committee in 2014. The report also updates the situation since January 2015.

##### 2. Committee Decisions

The Eastern Area Planning Committee met six times and considered 15 applications in 2014, which was a reduction in both the number of meetings and applications considered in 2012 and 2013. Seven of these applications were refused, of which 3 were refused against the recommendation of officers, whilst four were refused in accordance with the reasons for refusal recommended by officers.

Out of these 7 refusals, none have been taken to appeal and the period for doing so has now expired in each case.

##### 3. Appeal Decisions

During 2014, the Council received decisions on 10 appeals. Five of these were against refusals made under delegated powers in the area covered by the Eastern Area Planning Committee. All 5 of these (100%) were dismissed, including one appeal against an enforcement notice. There were no cost awards against the Council in any delegated decision. The list of appeal decisions made on delegated decisions is set out in Table A.

**Table A**

#### **Appeal Decisions Received in 2014 on Applications Refused under Delegated Powers**

<b>Reference</b>	<b>Parish</b>	<b>Location</b>	<b>Description</b>	<b>Appeal Decision</b>
E/2012/1298/FUL	Bromham	New Road	5 houses	Dismissed
E/2012/0261/ENF	B Cannings	Church Cottage	Access	Dismissed
13/03266/FUL	Devizes	New Park Street	Windows	Dismissed
13/01352/FUL	Burbage	75, High Street	1 house	Dismissed
13/04553/FUL	G Bedwyn	Back Lane	1 house	Dismissed

## **Appeal Decisions Received in 2014 on Applications Refused by the Committee**

E/2012/0923/FUL & E/2012/1121/LBC Marlborough Bridewell Street

Both of these applications related to alterations to the wall adjacent to Marlborough College to facilitate a new puffin pedestrian crossing. The applications were recommended for approval by officers but refused by the committee. The Inspector allowed both appeals, finding no substantial harm and a clear practical benefit in the provision of the crossing.

13/00719/FUL Devizes St Mary's Church

This application related to the proposed 'cloister' extension to the church. The application was recommended for refusal by officers and this recommendation was supported by the committee. The Inspector dismissed the appeal, finding that the works would cause substantial harm to the special qualities of the church and would harm the character and appearance of the conservation area and the setting of nearby listed buildings.

E/2012/0238/FUL Land adjacent to Chute Forest Cottage, Chute Cadley

This appeal took the Inspectorate almost a year to determine. The application for a single dwelling was recommended for approval by officers, but was refused by the committee. The Inspector eventually dismissed the appeal, deciding that the development would harm the character and appearance of the conservation area and be detrimental to road safety.

There was also one appeal in the Eastern Area concerning a decision made by the Strategic Committee. This was for 350 houses at Coate Road, Devizes. The Planning Inspector considered that the appeal should be allowed, but his recommendation was not accepted by the Secretary of State, who overturned it and dismissed the appeal, expressing concern over the conflict with the emerging Neighbourhood Plan. The Secretary of State's decision is currently the subject of a legal challenge in the Courts.

There were no cost awards against decisions made by the Eastern Area Planning Committee, although the Secretary of State did make a partial award of costs against the Council's decision by the Strategic Planning Committee to refuse the Coate Road application.

## **Appeal Decisions in 2015**

There have been a further four appeal decisions received in the area covered by the Eastern Area Planning Committee since January 1<sup>st</sup> 2015. Each of these concerned delegated decisions to refuse planning permission for single dwellings at Market Lavington; Stanton St Bernard; Chilton Foliat and Marlborough. All four of these appeals were dismissed, with costs awarded against the appellants in the appeal at Chilton Foliat.

With the Wiltshire Core Strategy now firmly in place, it is possible that the number of appeals against new residential development outside of town and village limits may decline, although this remains to be seen

**Report Author – Mike Wilmott, Area Development Manager.**

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	April 2 <sup>nd</sup> 2015
<b>Application Number</b>	14/09837/FUL
<b>Site Address</b>	Land South West Of Car Park, Station Road, Devizes
<b>Proposal</b>	Formation of a vehicular access off Station Road car park to land at Castle Farm (Amended location of access to development of leisure park approved under implemented planning permission K/13235/O).
<b>Applicant</b>	Mr Nigel Grist
<b>Town/Parish Council</b>	DEVIZES
<b>Division</b>	DEVIZES NORTH
<b>Grid Ref</b>	400080 161469
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Eileen Medlin

### Reason for the application being considered by Committee

Councillor Sue Evans has called this application into committee to consider:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking
- Biodiversity report only dealt with protected species
- Traffic Management

### 1. Purpose of Report

This report considers the application and recommends that planning permission is granted subject to conditions.

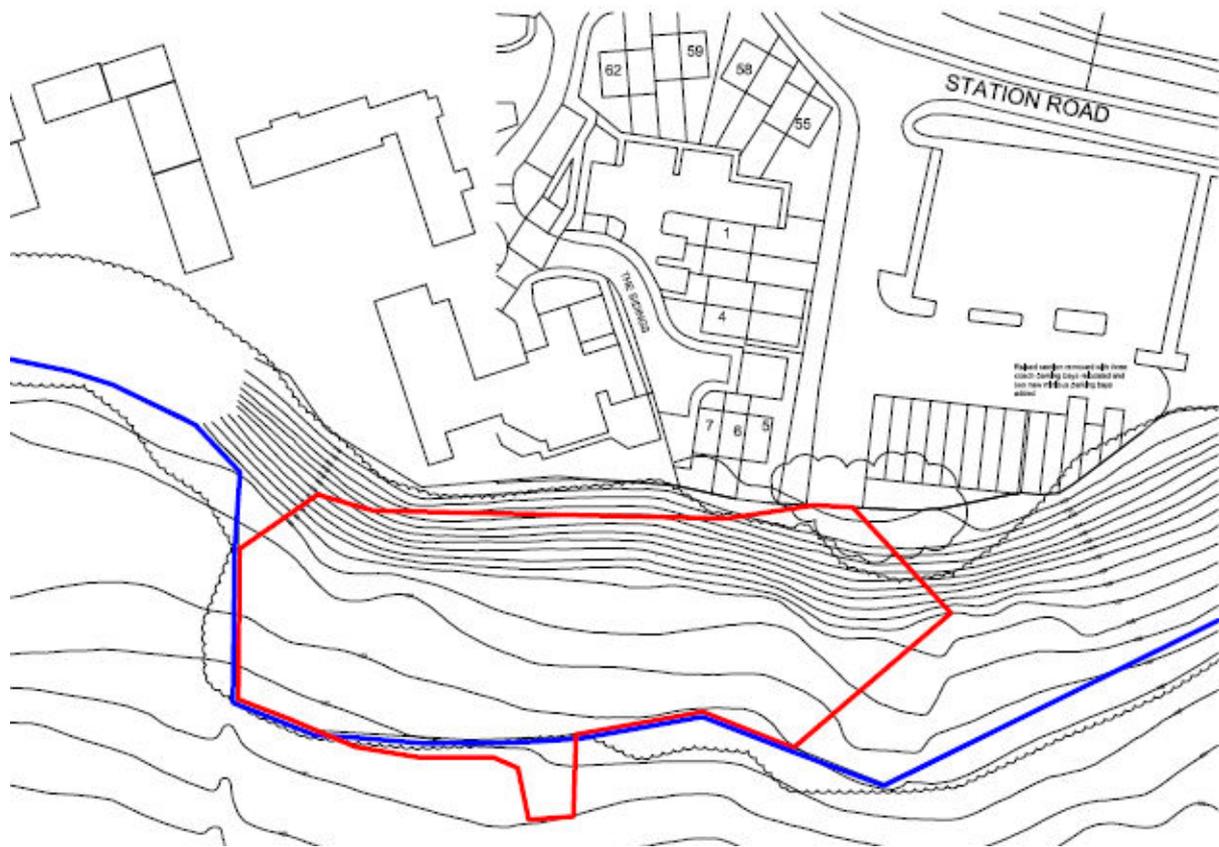
### 2. Report Summary

The main issues considered in this report are as follows:

- The existing planning status of the site
- Impact on the character and appearance of the area
- Impact on trees and ecology
- Impact on the amenities of adjoining occupiers
- Impact on highway safety and parking

### 3. Site Description

The application site is located to the southwest of the Station Road Car Park in Devizes. The site comprises a steep embankment located between the Station Road Car Park, The Sidings and Elizabeth House (to the north) and Castle Farm (to the south). The application site is in the ownership of the council and the applicant has signed Certificate B on the planning application form and advised the council of the application.



Site Location Plan

#### 4. Planning History

K/13235/O	LEISURE PARK, INCLUDING GOLF COURSE, EDUCATION CENTRE, RURAL CRAFT CENTRE, EQUESTRIAN CENTRE, PLAY AREA, 500 SEAT (MAXIMUM) AMPHITHEATRE, LAKE AND CONSTRUCTION OF NEW ACCESS.	Full planning permission granted in 1991 subject to conditions
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#### 5. The Proposal

The application proposes the creation of a vehicular access from the Station Road Car Park to Castle Farm. The land to the south of the application site has planning permission for a leisure park which was approved under planning permission reference K/13235/O granted in January 1991. The proposal would provide an alternative access to Castle Farm to that approved under the above planning permission. The proposed access is located approximately 80m to the west of that previously approved.





Original Planning Permission

## 6. Planning Policy

### Development Plan context

The Wiltshire Core Strategy (WCS) was adopted at a special council meeting on January 20<sup>th</sup> 2015 and as such, it can be afforded 'Full Weight' in planning terms.

The following WCS policies are relevant to this application: Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 3 – Infrastructure; Core Policy 12 – Spatial Strategy: Deizes Community Area; Core Policy 36: Economic Regeneration Core Policy 38: Retail and Leisure; Core Policy 39 – Tourist Development; Core Policy 40: Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities; Core Policy 41- Sustainable construction and low carbon energy; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 – Landscape; Core Policy 52 - Green infrastructure; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 58 – Ensuring the conservation of the historic environment; Core Policy 60 - Sustainable transport; Core Policy 61 - Transport and development; Core Policy 62 - Development impacts on the transport network; Core Policy 63 - Transport strategies; Core Policy 64 - Demand management; Core Policy 65 - Movement of goods; Core Policy 66 - Strategic transport network; Core Policy 67 - Flood risk; Core Policy 68 - Water Resources.

The Development Plan also includes a number of policies carried over from the Kennet Local Plan and the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPDs. For the avoidance of any doubt, the still saved policies of the Kennet Local Plan are listed in Appendix D of the Core Strategy.

**Neighbourhood Planning** – The Deizes Neighbourhood Plan has been through the regulatory processes associated with consultation (Reg 14, 15 and 16) and will now be examined by an independent 'examiner' (Reg 17).

### **National Planning Policy context**

The **National Planning Policy Framework (NPPF)** was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the

presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking.

The NPPF is clear in stating that '*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. Paragraph 32 is also critical in terms of asserting that local planning authorities should only refuse applications on transport/highway safety grounds where "*the residual cumulative impacts of development are severe*".

**Planning Practice Guidance (PPG)** provides guidance on the interpretation of the NPPF.

## 7. Consultation responses

**Wiltshire Council Landscape Officer** – no in principle landscape objections given the extant permission on the site. Raised concerns about land stability, pedestrian access, woodland character but agreed that these issues could be dealt with by condition.

**Wiltshire Council Tree Officer** – no objection to loss of self sown trees

**Wiltshire Council Transport Officer** – no objection given extant permission and agreement for re-provision of car parking within the Station Road Car Park.

**Wiltshire Council Ecology Officer** – no objection given the extant permission but would require a planting buffer to the south of the site to ensure a continued wildlife corridor.

**Devizes Town Council** - object to the application on the basis that the town council does not believe that the appropriate consultation has taken place as a number of properties who would be impacted by the proposals have not been contacted. In addition the town council consider that the biodiversity report is very limited and there is no discussion with regard to traffic flow. They also advised that Wiltshire Council being the owners of Station Road car park are currently undertaking a review across the county and it would be inappropriate to compromise that review by agreeing this access. The Town Council also requested that the Council investigate the validity of the planning permission for the leisure park.

## 8. Publicity

A site notice was placed at the entrance to the car park and letters were sent to neighbouring occupiers. 13 letters of objection were received on the following summarised grounds:

- Consultation on application not wide enough
- Likely to be further requests for more roads to the valley
- Environmental effects not fully explored
- Traffic impacts not assessed
- Planning permission is likely to lead to further applications to develop the land
- The complexity of proposed engineering works for the road seems excessive for access to nature reserve
- Traffic and pollution
- Not clear what future aspirations for the land are
- Is the permission for the leisure park still relevant
- Construction could impinge upon the outcome of the current Wiltshire Council Parking Review
- Access will open up site for development and spoil the country side
- An application for the road cannot be considered in isolation

- Application is premature and incomplete
- Applicant has no right of access over road
- More logical to secure access through Hillworth Road or down the existing Webb's Lane.

1 letter of support was received regarding the use of the lake for angling.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### **9.1 Principle of development - The existing planning status of the site**

Planning permission was granted in 1991 for a leisure park. This permission was technically implemented through the construction of the lake which formed part of the proposals. The lake is clearly visible in aerial photography of the area. The remainder of the development was never fully implemented and the site remains in agricultural use.

The application proposes an alternative access to a site which already has the benefit of planning permission and therefore constitutes a valid fall-back position. Therefore the principal consideration is the suitability of this access relative to the fall back position of the previously approved access that also came from this car park.

Objections to the application have highlighted the possibility of revoking the planning permission. Section 97 TCPA 1990 provides a procedure for the revocation or modification of planning permissions. Planning permission vests development rights in the land, and the local planning authority have no power simply to withdraw a permission unilaterally. The authority must demonstrate that it is expedient to revoke the planning permission, having regard to the development plan and to any other material considerations.

The exercise of the power is subject to liability to pay compensation under Section 107 in respect of expenditure rendered abortive by the order and for any other loss or damage directly attributable to the revocation or modification.

The implications of the cost of compensation are a material consideration in determining whether to revoke or modify.

The order must be confirmed by the Secretary of State, unless it is agreed by all parties likely to be affected by it.

The power may be exercised only up until the time any permitted operational development or change of use is completed, and the revocation or modification has no effect against any operations already carried out (subs.(4)). Where it is too late to rely upon the powers under this section, Section 102 of the Act gives power to make a discontinuance order. Again, the authority must show that discontinuance is expedient having regard to the development plan and to any other material considerations.

Alternatively, if the person with the necessary interest in the land agrees that the permission should not be further implemented, he may enter into a s106 agreement to that effect.

### **9.2 Impact on the character and appearance of the area**

The access road is down the steep former railway embankment located between the car park and Castle Farm and would result in the loss of trees and vegetation. The council's tree officer has raised no objection to the loss of the self sown trees currently on site and their replacement with native species as proposed by the applicant. There is no objection to the visual impact of the scheme in light of its connection to the wider development of the area adjacent the site subject to conditions securing the landscaping of the embankment and the planting of a tree belt to the south of the application site. Therefore the proposed

development is considered to be in accordance with Core Policy 51 and 57 of the adopted Wiltshire Core Strategy.

### **9.3 Impact on trees and ecology**

As discussed in the paragraph above there is no objection to the loss of the trees on the embankment as they are self sown and are themselves of only medium conservation value. However, the trees on this site form part of a continuous wooded belt that is valuable as a connective corridor between habitats to the east of the application site and the habitats associated with the canal. Therefore the council ecologist has requested that additional planting is carried out at the southern edges of both the eastern and western edges of the woodland area in order to buffer the area of works and reduce the impact of disturbance on commuting wildlife in advance of the start of the works to remove the existing trees and regrade the slope. In addition it is recommended that a culvert is installed under the road running roughly east to west, to ensure greater connectivity once construction is completed. Subject to conditions the proposed development is considered to be in accordance with Core Policy 50: Biodiversity and Geodiversity of the adopted Wiltshire Core Strategy.

### **9.4 Impact on the amenities of adjoining occupiers**

The application currently under consideration relates solely to the creation of an alternative access route to Castle Farm and not the wider development of Castle Farm. The impact of the uses permitted under the application for the Leisure Park on residential amenity were assessed when that application was determined. Therefore it must be considered whether the siting of this access would have an acceptable impact on residential amenity taking the fall back position of the permitted access into account. The proposed access road is located to the south of the Sidings and Elizabeth House (which were developed following the grant of planning permission for the leisure park) and runs closer to these residential properties than the internal road network previously approved. The proposed road is at a lower level and approximately 10m from the boundary with these neighbouring residential properties and a further 10m from the properties themselves. A landscape buffer is proposed between the road and the residential properties. Overall it is considered that the proposed access road would not have an unacceptable adverse impact on residential amenity in accordance with Core Policy 57 of the adopted Core Strategy.

### **9.5 Impact on highway safety and parking**

The proposed access to the site would use the western most entrance to Station Road Car Park and follow the western boundary of the Car Park where a new entrance to the site would be created in the south western corner of the site. The proposed access road turns west on entering site, switches back and then enters the farm to the south of Elizabeth House.

The access would displace a number of parking spaces with the Station Road Car Park but colleagues in transport have raised no objection to this on the basis that the council's estates management team who manage this council owned and operated car park have advised that the spaces can be relocated elsewhere on the site.

In addition it is noted that the impact on the surrounding highway network would be the same as if the permitted access was brought into use.

Therefore it is considered that the proposed access would not conflict with the transport policies in the adopted Wiltshire Core Strategy, namely Policy 60, 61, 62 and 64.

## **10. Conclusion**

**The proposed access road is considered to be acceptable considering the impacts in light of the fall back position.**

## RECOMMENDATION

### Approve with conditions

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

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

2. No development shall commence on site until 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;

e) means of enclosure;

f) all hard and soft surfacing materials;

g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

l) A 5.5m wide tree belt consisting of trees of a size and species and density to be agreed in writing with the Local Planning Authority, shall be planted to the south of the southern boundary of the site in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: To ensure a satisfactory landscaped setting for the development and to preserve the connective wildlife corridor which the site currently contributes to.

3. The tree belt along the southern boundary as detailed in the approved details of landscaping shall be carried out in advance of clearance of the site for development; 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 to preserve the connective wildlife corridor which the site currently contributes to.

4. All soft landscaping within the red line boundary of the site comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the access road; 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 to preserve the connective wildlife corridor which the site currently contributes to.

5. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be first brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

6. 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

A00 Location Plan, received 31 October 2014

A01 Survey Plan, received 31 October 2014

A001 Proposed Site Plan, received 31 October 2014

A201 Proposed Road Elevation and Field Access Elevation, received 31 October 2014

A301 Proposed Access Section A-A, received 18 December 2014

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

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<b>Application Number</b>	14/09837/FUL
<b>Site Address</b>	Land South West Of Car Park, Station Road, Devizes
<b>Proposal</b>	Formation of a vehicular access off Station Road car park to land at Castle Farm (Amended location of access to development of leisure park approved under implemented planning permission K/13235/O).
<b>Case Officer</b>	Eileen Medlin

**Map**



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**REPORT FOR EASTERN AREA PLANNING COMMITTEE**

**Report No. 2**

<b>Date of Meeting</b>	2 <sup>nd</sup> April 2015
<b>Application Number</b>	15/01547/FUL
<b>Site Address</b>	Crooked Cottage, 53 Burr Lane, Shalbourne, SN8 3PT
<b>Proposal</b>	Rear single storey garden room extension.
<b>Applicant</b>	Mr & Mrs C Bartholomew
<b>Town/Parish Council</b>	SHALBOURNE
<b>Division</b>	BURBAGE AND THE BEDWYNS
<b>Grid Ref</b>	431299 162820
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

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

This application is brought to committee at the request of Divisional Member, Cllr Wheeler.

**1. Purpose of Report**

To consider the recommendation that the application be refused planning permission.

**2. Report Summary**

The key issues for consideration are:

- a) Whether the proposal would preserve the character and setting of the listed building;
- b) Whether the proposal would preserve or enhance the character or appearance of the Shalbourne Conservation Area.

Given the nature of the site and the relationship the property has with neighbouring dwellings it is not considered that there are any other planning issues that need to be addressed in this report. Therefore the report will concentrate on the proposed extension.

**3. Site Description**

Below is a location map with photographs that show the context of the site.



Rear Elevation



Rear Elevation (close up)

**4. Planning History**

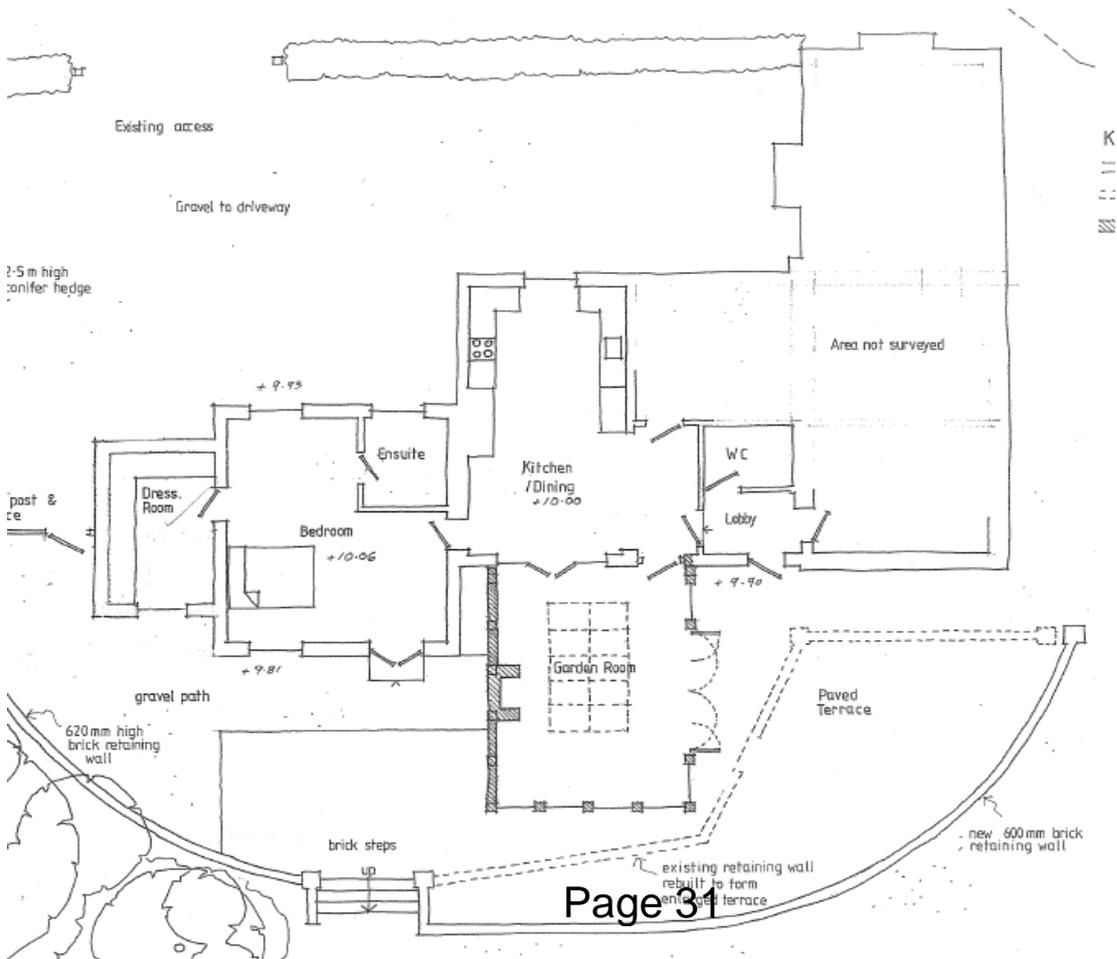
The property has 17<sup>th</sup> century origins and originally consisted of a timber frame with brick infill house gable-end onto the road. A large two storey wing was added to it in 1979 before it was listed. It was listed in 1986.

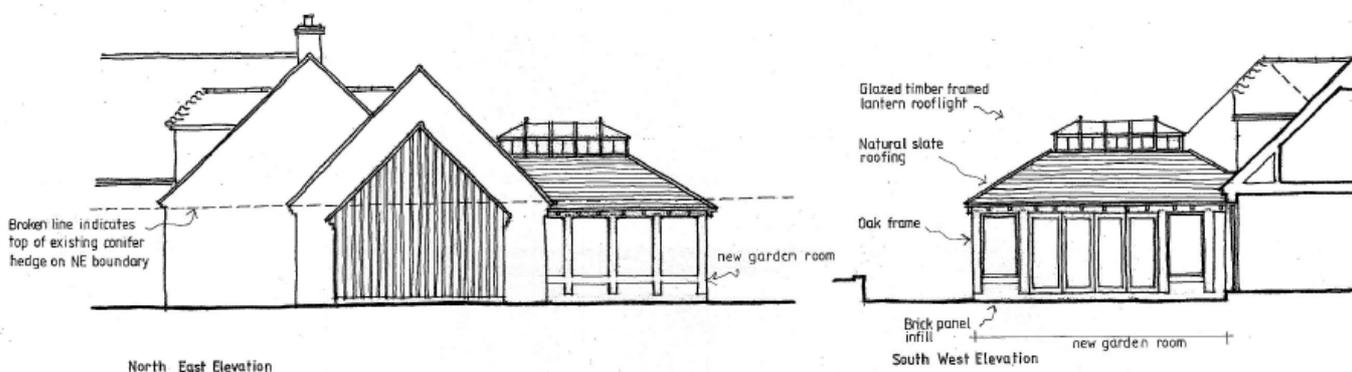
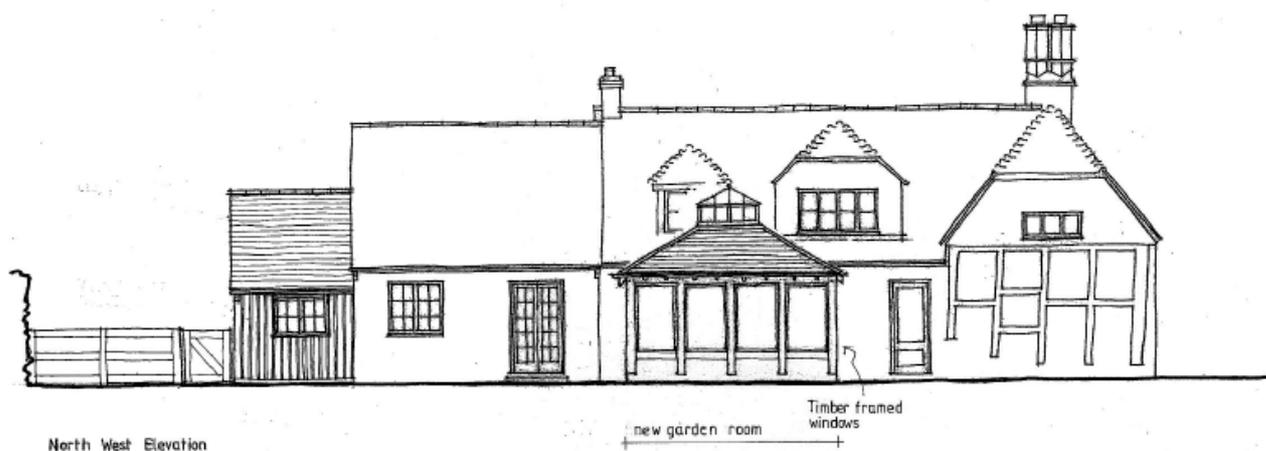
K/56914/F & K/56916/LBC – conversion and extension of garage to form bedroom with ensuite bathroom - Approved in 2007

E/2010/1148/FUL	Dressing room extension	Approved
E/2010/1149/LBC	Dressing room extension	Approved
E/2013/0146/FUL	Erection of a single storey garden room and dressing room (amendment to application E/10/1148/FUL)	Withdrawn following officer concern over garden room
E/2013/0147/LBC	Erection of a single storey garden room and dressing room (amendment to application E/10/1148/FUL)	Withdrawn following officer concern over garden room
14/10639/FUL	Extensions to dwelling comprising the erection of a single storey garden room and dressing room	Withdrawn following officer concern over garden room
14/10686/LBC	Extensions to dwelling comprising the erection of a single storey garden room and dressing room	Withdrawn following officer concern over garden room

**5. The Proposal**

The application proposes the erection of a single storey garden room extension. Plans of the development are show below. The room would project 5.8 metres out and would be 4.8 metres in width and within 2.5 metres of the timber framed part of the house.





## 6. Planning Policy

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give **special regard** to the desirability of preserving the building or its setting (S16) and to the desirability of preserving the character and appearance of the conservation area (S72).

**Wiltshire Core Strategy** – Core Policy 57 (design) and 58 (Historic Environment), which requires that “designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.

Relevant policies within the National Planning Policy Framework (namely section 12) and guidance contained within the saved Planning Policy Statement 5 Practice Guide.

The Shalbourne Conservation Area Statement provides additional guidance.

## 7. Consultations

### Wiltshire Council Conservation Officer

The building has been extended to the maximum that does not harm its significance: any further extension would have a cumulative effect on the special interest of the listed building, to its detriment. This would be contrary to both local and national planning policy. Therefore it is strongly recommended that the applications be refused.

### Shalbourne Parish Council

The Parish Council strongly supports this application stating that the proposal will have no impact on the surrounding area and, in the opinion of the Parish Council, will not detract from the character of the house or surrounding area.

## 8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbours.

## 9. Planning Considerations

### 9.1 Impact upon the listed building – Extension

The local planning authority has a statutory duty placed upon it to protect the character and appearance and the setting of the listed building and any features of architectural or historical interest that it may possess.

In this case, the garden room proposed is a very substantial additional structure in its own right, extending beyond the established building line at the rear and largely obscuring remaining views of the historic section of the building from the north-west. The scale and mass of the extension relative to its footprint is incongruous in this context. Although this view is currently not a public one, the Planning Practice Guidance produced by the government makes it clear that the setting of a listed building does not depend on their bring public rights to experience that setting.

Paragraph 178 of PPS5: Planning for the Historic Environment Practice Guide states that the main considerations for additions and alterations to heritage assets are:

*“...proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.”*

The Shalbourne Conservation Area Statement reflects the above advice, stating that *“All extensions should be in scale and character with the building to which they are added and should not dominate”*.

It is clear from the above that scale is a particularly important aspect to consider and that any proposed and existing modern additions to listed buildings should not either separately or cumulatively as a result of their size dominate the original asset or its setting. Paragraph 120 of the same guidance goes on to state that: *“when assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...”*

In this case, although the additional extension would have no further physical impact on historic fabric, the proposal would take the cumulative impact of the modern extensions well beyond the level which could be considered as dominating the original building and would result in significant harm to its character and setting.

The special interest of the listed building derives from its historic core which comprises a two bay cottage which dates from the C17th. To the rear, the attractive gable of the original range is prominent and defines the character of the building. It has a particular value in providing evidence of the building’s original timber framed construction, which has been re-fronted in brickwork elsewhere. The scale, materials and vernacular construction of the cottage, including the evidence of its re-fronting, are characteristic of historic cottages in the vicinity.

A one and half storey extension and former garage provide additional living accommodation and are attached at right angles to the main range, on the approximate footprint of previous, historic, additions which appear on the early OS map (ie from the turn of the century). The form and nature of these previous extensions, however, is not known and given their non-survival it is possible that they were modest and ephemeral structures. The presence of

previous unknown structures cannot be seen as creating any precedent for further, unacceptable, development and the existing C20 extensions and current proposals must be judged on their own merits. On this basis, the existing modern extensions follow the general form and materials of the re-fronted main range but, from the rear, only narrowly avoid dominating the original gable of the timber framed cottage. Listed as a good example of a modest cottage, it is important that the significance of the building is not diminished by further large extensions.

The current proposal is considered to be of such a scale – in terms of its 5.8m length, 4.8m width and 4.4m height to the lantern - that it would significantly detract from the original building and be harmful to its character and setting. The cumulative impact with previous extensions is particularly harmful. The harmful impact of the proposed extensions is compounded by its siting, which protrudes uncharacteristically from the compact established footprint. In addition, the largely glazed design, the slate roofing and glazed lantern are all out of character in the context of the existing vernacular cottage and would tend to draw further attention to an already prominent addition, increasing its dominating presence. This goes directly against government guidance and Conservation Area Statement advice

The NPPF makes a distinction between proposals which cause ‘substantial harm’ to a designated heritage asset and those which lead to ‘less than substantial harm’. The former category is reserved for situations such as the complete demolition of a listed building whereas the latter is more applicable in cases such as this. It does not automatically mean that less than substantial harm is more acceptable, it simply means that a different test is applied. Paragraph 134 of the NPPF states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.

The current proposal would not give rise to any public benefits. No evidence has been provided to suggest that the extension is required to secure the long term viability of the building and it is clear that it has functioned successfully for many years as a family dwelling with a perfectly workable internal layout. Accordingly, the harm cannot be justified in policy terms.

### 9.2 Impact upon conservation area – Extension

The existing listed building is an important element of the conservation area and contributes towards its character and appearance and significance as a heritage asset. However, whilst the extension would harm the significance of the heritage asset that is the listed building, the location of the extension to the rear of the building means that any impact on the wider conservation area is limited and not considered to be significant.

## **10. Conclusion**

The proposed size, design and location of the extension, as well as its cumulative impact when added to the existing modern extensions is such that it would harm the setting and significance of the original listed building, diminishing its significance as a designated heritage asset. As such, the proposal is contrary to government policy contained within Section 12 of the NPPF and to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy 2015. In addition, in cases where it is identified that a proposed development will give rise to harm to a heritage asset, recent case law has emphasised that the over-arching ‘special regard’ required by Sections 66 and 72 of the Act imposes a presumption against the grant of consent in cases of this nature.

**RECOMMENDATION:**

That planning permission be REFUSED for the following reasons:

The design, bulk and location of the extension, together with the consequent cumulative impact of the proposed and existing modern extensions in relation to the original dwelling would harm the character and setting of the listed building and diminish its significance as a designated heritage asset. As such, the proposal is contrary to the legislative requirements of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and to government policy contained within Section 12 of the NPPF; guidance contained in the PPS5 Practice Guide, and to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy 2015 and supplementary planning guidance contained in the Shalbourne Conservation Area Statement.

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 3

<b>Date of Meeting</b>	2 <sup>nd</sup> April 2015
<b>Application Number</b>	15/01585/LBC
<b>Site Address</b>	Crooked Cottage, 53 Burr Lane, Shalbourne SN8 3PT
<b>Proposal</b>	Rear single storey garden room extension.
<b>Applicant</b>	Mr & Mrs C Bartholomew
<b>Town/Parish Council</b>	SHALBOURNE
<b>Division</b>	BURBAGE AND THE BEDWYNS
<b>Grid Ref</b>	431299 162820
<b>Type of application</b>	Listed Building Consent
<b>Case Officer</b>	Ruaridh O'Donoghue

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

This application is brought to committee at the request of Divisional Member, Cllr Wheeler.

#### 1. Purpose of Report

To consider the recommendation that the application be refused planning permission.

#### 2. Report Summary

The key issues for consideration are:

- a) Whether the proposal would preserve the character and setting of the listed building;
- b) Whether the proposal would preserve or enhance the character or appearance of the Shalbourne Conservation Area.

#### 3. Site Description

As previously reported under 15/01547/FUL

#### 4. Planning History

As previously reported under 15/01547/FUL

#### 5. The Proposal

As previously reported under 15/01547/FUL

#### 6. Planning Policy

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give **special regard** to the desirability of preserving the building or its setting (S16) and to the desirability of preserving the character and appearance of the conservation area (S72).

Wiltshire Core Strategy – Core Policy 57 (design) and 58 (Historic Environment), which requires that “designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.

Relevant policies within the National Planning Policy Framework (namely section 12) and guidance contained within the saved Planning Policy Statement 5 Practice Guide.

The Shalbourne Conservation Area Statement provides additional guidance.

## **7. Consultations**

### Wiltshire Council Conservation Officer

The building has been extended to the maximum that does not harm its significance: any further extension would have a cumulative effect on the special interest of the listed building, to its detriment. This would be contrary to both local and national planning policy. Therefore it is strongly recommended that the applications be refused.

### Shalbourne Parish Council

The Parish Council strongly supports this application stating that the proposal will have no impact on the surrounding area and, in the opinion of the Parish Council, will not detract from the character of the house or surrounding area.

## **8. Publicity**

The application has been advertised by way of a site notice and consultations with the neighbours.

## **9. Planning Considerations**

The listed building considerations are identical to those set out in the report for the accompanying planning application (15/01547/FUL). The assessment is reproduced below:

### 9.1 Impact upon the listed building – Extension

The local planning authority has a statutory duty placed upon it to protect the character and appearance and the setting of the listed building and any features of architectural or historical interest that it may possess.

In this case, the garden room proposed is a very substantial additional structure in its own right, extending beyond the established building line at the rear and largely obscuring remaining views of the historic section of the building from the north-west. The scale and mass of the extension relative to its footprint is incongruous in this context. Although this view is currently not a public one, the Planning Practice Guidance produced by the government makes it clear that the setting of a listed building does not depend on their bring public rights to experience that setting.

Paragraph 178 of PPS5: Planning for the Historic Environment Practice Guide states that the main considerations for additions and alterations to heritage assets are:

*“...proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.”*

The Shalbourne Conservation Area Statement reflects the above advice, stating that “All extensions should be in scale and character with the building to which they are added and should not dominate”.

It is clear from the above that scale is a particularly important aspect to consider and that any proposed and existing modern additions to listed buildings should not either separately or cumulatively as a result of their size dominate the original asset or its setting. Paragraph 120 of the same guidance goes on to state that: *“when assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...”*.

In this case, although the additional extension would have no further physical impact on historic fabric, the proposal would take the cumulative impact of the modern extensions well beyond the level which could be considered as dominating the original building and would result in significant harm to its character and setting.

The special interest of the listed building derives from its historic core which comprises a two bay cottage which dates from the C17th. To the rear, the attractive gable of the original range is prominent and defines the character of the building. It has a particular value in providing evidence of the building's original timber framed construction, which has been re-fronted in brickwork elsewhere. The scale, materials and vernacular construction of the cottage, including the evidence of its re-fronting, are characteristic of historic cottages in the vicinity.

A one and half storey extension and former garage provide additional living accommodation and are attached at right angles to the main range, on the approximate footprint of previous, historic, additions which appear on the early OS maps (ie from the turn of the century). The form and nature of these previous extensions, however, is not known and given their non-survival it is possible that they were modest and ephemeral structures. The presence of previous unknown structures cannot be seen as creating any precedent for further, unacceptable, development and the existing C20 extensions and current proposals must be judged on their own merits. On this basis, the existing modern extensions follow the general form and materials of the re-fronted main range but, from the rear, only narrowly avoid dominating the original gable of the timber framed cottage. Listed as a good example of a modest cottage, it is important that the significance of the building is not diminished by further large extensions.

The current proposal is considered to be of such a scale – in terms of its 5.8m length, 4.8m width and 4.4m height to the lantern - that it would significantly detract from the original building and be harmful to its character and setting. The cumulative impact with previous extensions is particularly harmful. The harmful impact of the proposed extensions is compounded by its siting, which protrudes uncharacteristically from the compact established footprint. In addition, the largely glazed design, the slate roofing and glazed lantern are all out of character in the context of the existing vernacular cottage and would tend to draw further attention to an already prominent addition, increasing its dominating presence. This goes directly against government guidance and Conservation Area Statement advice

The NPPF makes a distinction between proposals which cause ‘substantial harm’ to a designated heritage asset and those which lead to ‘less than substantial harm’. The former category is reserved for situations such as the complete demolition of a listed building whereas the latter is more applicable in cases such as this. It does not automatically mean that less than substantial harm is more acceptable, it simply means that a different test is applied. Paragraph 134 of the NPPF states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.

The current proposal would not give rise to any public benefits. No evidence has been provided to suggest that the extension is required to secure the long term viability of the building and it is clear that it has functioned successfully for many years as a family dwelling with a perfectly workable internal layout. Accordingly, the harm cannot be justified in policy terms.

## 9.2 Impact upon conservation area – Extension

The existing listed building is an important element of the conservation area and contributes towards its character and appearance and significance as a heritage asset. However, whilst

the extension would harm the significance of the heritage asset that is the listed building, the location of the extension to the rear of the building means that any impact on the wider conservation area is limited and not considered to be significant.

## **10. Conclusion**

The proposed size, design and location of the extension, as well as its cumulative impact when added to the existing modern extensions is such that it would harm the setting and significance of the original listed building, diminishing its significance as a designated heritage asset. As such, the proposal is contrary to government policy contained within Section 12 of the NPPF and to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy 2015. In addition, in cases where it is identified that a proposed development will give rise to harm to a heritage asset, recent case law has emphasised that the over-arching 'special regard' required by Sections 66 and 72 of the Act imposes a presumption against the grant of consent in cases of this nature.

## **RECOMMENDATION:**

That listed building consent be refused for the following reasons:

The design, bulk and location of the extension, together with the consequent cumulative impact of the proposed and existing modern extensions in relation to the original dwelling would harm the character and setting of the listed building and diminish its significance as a designated heritage asset. As such, the proposal is contrary to the legislative requirements of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and to government policy contained within Section 12 of the NPPF; guidance contained in the PPS5 Practice Guide, and to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy 2015 and supplementary planning guidance contained in the Shalbourne Conservation Area Statement.

<b>Application Number</b>	15/01547/FUL & 15/01585/LBC
<b>Site Address</b>	Crooked Cottage, 53 Burr Lane, Shalbourne, SN8 3PT
<b>Proposal</b>	Rear single storey garden room extension.
<b>Case Officer</b>	Ruaridh O'Donoghue

Map



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**REPORT FOR EASTERN AREA PLANNING COMMITTEE**

**Report No. 4**

<b>Date of Meeting</b>	02 April 2015
<b>Application Number</b>	14/12100/OUT
<b>Site Address</b>	Land adjacent Bell Caravan Park, Lydeway, Devizes SN10 3PS
<b>Proposal</b>	Erection of two dwellings (Outline application to determine access and layout). Resubmission of 14/06079/OUT.
<b>Applicant</b>	Mr Allan Nash
<b>Town/Parish Council</b>	URCHFONT
<b>Division</b>	URCHFONT AND THE CANNINGS
<b>Grid Ref</b>	405239 158021
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jonathan James

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

The application has been called to committee at the request of the division member, Cllr. Whitehead. The key issues for justifying the call in, should the application be refused, are the visual impact on the surrounding area, the relationship to adjoining properties and the nearby larger development allowed on a neighbouring plot and concern at the previous reasons for refusal.

**1. Purpose of Report**

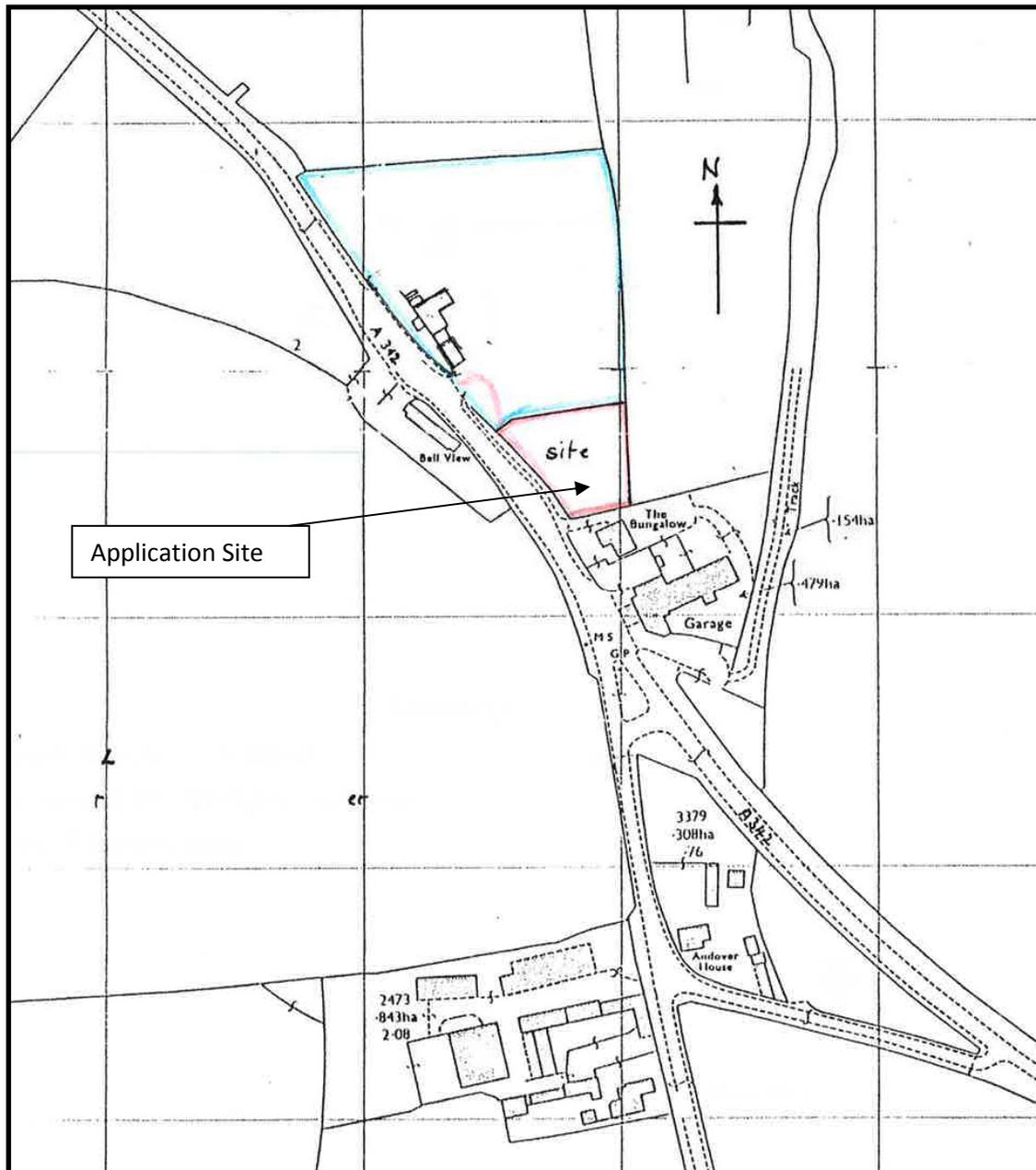
To consider the recommendation that the application be refused.

**2. Report Summary**

The main issue to be considered is the principle of development due to the fact that the site lies within countryside outside of any recognised Limits of Development; as such the proposal represents an unsustainable form of development contrary to the policies of the recently adopted Core Strategy and should be refused on these grounds.

**3. Site Description**

The application site forms part of an existing caravan park. The land is designated as falling within the boundary of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). It is bordered to the south by an existing residential dwelling, "the Bungalow", to the north is the remainder of the caravan site with the owners dwelling and associated buildings, to the east is open countryside/agricultural land and to the west is the adjacent highway, the A342, from which the site is accessed.



### Site Location Plan

The site is bounded by a mix of mature hedgerow and interspersed with mature trees; it is well screened within the landscape. The topography of the land within the site is generally level. The land is predominantly grassed over and with hedge and tree features forming the setting, along with a mix of timber and post and wire fencing boundary finishes.

There is a strong mature hedgerow between the proposed site and the dwelling ("The Bungalow" to the south and between the western boundary of the site and the adjacent highway.



View of site for proposed dwellings, hedgerow in background forms boundary with adjacent bungalow. As can be seen the site is very rural in character and maintains its historical context with the surrounding agricultural land.

#### **4. Planning History**

The site has been the subject of an extensive site history relating primarily to the evolution of the caravan site located here.

*K/11376 – Variation of condition No.1 of K/79/-995 to increase number of caravans by 8 – Approve with conditions*

*K/79/0997 – Convert closed down pub into complete residential – Approve with conditions*

*K/79/0995 – Touring caravan site – Approve with conditions*

*K/81/0172 - Reception office, stores, shop, toilets and laundry buildings in connection with caravan site - Approved*

*K/82/0882 – Porch – Approved with conditions*

*K/83/0755 – Swimming pool – Approved with conditions*

*14/06079/OUT - Erection of two dwellings (Outline application to determine access, layout and scale) - Refused*

With specific regard to the development proposed under the current submission the previous application “14/06079/OUT – for erection of two dwellings (outline to determine access, layout and scale)” was refused on the 6<sup>th</sup> October 2014 for the following reasons:

- 1 The proposed dwellings would lead to a consolidation of existing sporadic development in the countryside, representing an unsustainable form of development, being situated outside of any defined settlement boundary and would increase the need to travel by car to reach services, facilities and employment opportunities. There are no special circumstances which would outweigh this harm. Consequently the proposed development is contrary to policy HC26 of the Kennet Local Plan 2011, policy contained within the National Planning Policy Framework 2012 (particularly paragraphs 12, 37 and 55) and Core Policies CP1, CP2, CP48 and CP60 in the emerging Wiltshire Core Strategy (tracked*

changes version) April 2014.

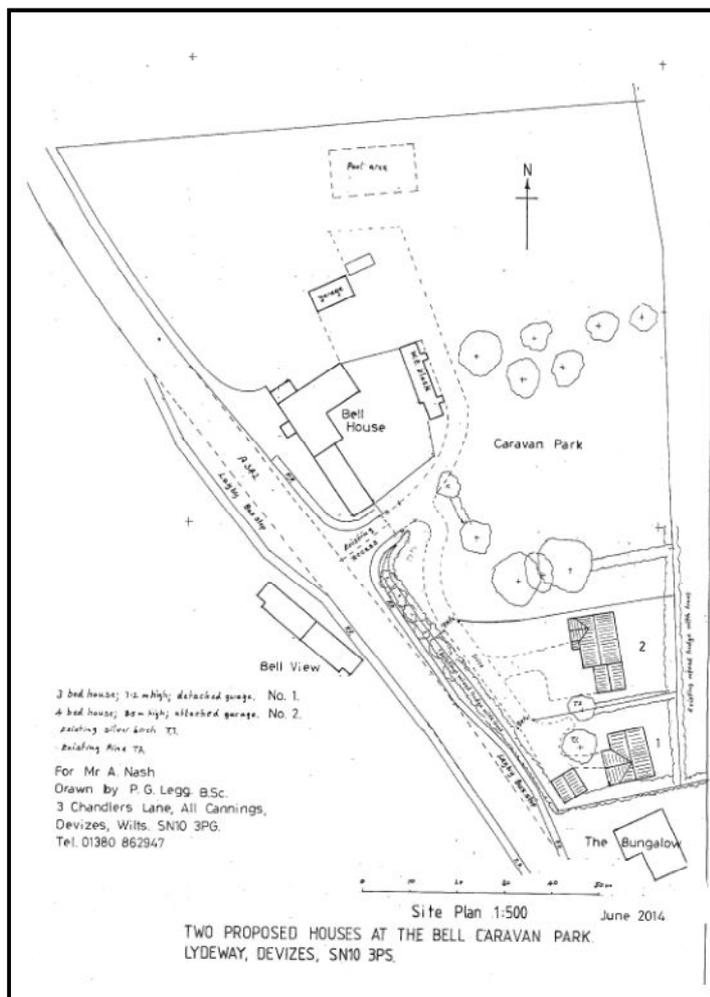
- 2 *In terms of the matter of scale, the application is lacking in detail in respect of the heights of the proposed garages, preventing a full assessment of the impacts of the development on visual and residential amenity. As such the application is contrary to policy PD1 of the Kennet Local Plan 2011 and policy CP57 of the draft Wiltshire Core Strategy (tracked changes version) April 2014.*

Other than the removal of the consideration for scale in the application and the fact that the Wiltshire Core Strategy has now been adopted there has been no material change in circumstances.

## 5. The Proposal

This is an outline application, with all matters reserved except means of access and layout. The proposal is for the erection of two dwellings, accessed from the A342 via the existing access point of the Bell Caravan Park.

An indicative planning layout illustrates how the site might be developed. The site is subdivided by established hedgerows, trees and boundary features, these would be retained.



Indicative Planning Layout

## Access

It is proposed that the dwellings would be served by a private access drive branching from the vehicular access point into the Bell Caravan Park Site which joins the A342. No comments have been received from the Highways Officer on this application, although on the previous application their comments did not raise any concerns. The existing access has good visibility and allows for vehicles to pull in off the road whilst others may be trying to exit. The proposed site layout for both units would allow vehicles to enter and exit in a forward gear. On balance it is considered that the proposed development would not adversely affect highway safety in this location.

## Layout

The dwellings are proposed to be laid out in a linear fashion and each is shown to be served by private amenity space and a parking and turning area. Plot 1 is also shown with a detached garage located at the front of the site. There are no objections to this approach which offers potential for adequate relationships between the plots and between the dwellings and the neighbouring bungalow (subject to the retention of existing boundary landscaping and provided the detached garage is modest in height). Whilst the rear garden serving plot 1 is quite shallow, the overall private amenity space surrounding the dwelling would be considered adequate. The layout is considered broadly in keeping with other scattered residential development at Lydeaway which tends to follow a linear pattern of development.

## Scale

Under the historical application concern was raised at the scale of the proposed development, more specifically the potential for impact from the scale of the garages. This element has now been removed from the scheme and is no longer for consideration under this application. It is considered that the second reason for the refusal was down to a lack of information to allow for a full assessment of the impact and even though this matter is now reserved for future consideration that detail is still lacking. However, it is acknowledged that as this matter can now reasonably be considered at a later date that it would no longer be reasonable to refuse again for this issue.

## **6. Planning Policy**

The site lies outside of any recognised Limits of Development (LOD) and hence in planning policy terms lies within countryside where policy seeks to restrict new build residential development to that which is required to meet an essential agricultural need, or other employment essential to the countryside. Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally identified through a subsequent Development Plan Document (DPD) or a community-led neighbourhood plan.

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. Core Policy 2 states that development outside of LODs will only be permitted where it has been identified through community led planning documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This development must be adjacent or well related to the LOD.

Any existing settlement boundaries for Small Villages and other small settlements not identified in the settlement strategy will be removed, and there is a general presumption

against development outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. However, some very modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities. Any development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of this plan.

The NPPF describes the presumption in favour of sustainable development to be the “golden thread” running through plan-making and decision taking.

## **7. Consultations**

Urchfont Parish Council: Supports the proposal. The following is a summary of their comments:

Support is given to this application and hope that the future viability of the Caravan Park will be secured. Urchfont Parish Council Planning Committee would further request that this application be treated in the context of the recent approval of Application 14/05562/OUT, in respect of travel and access to facilities.

North Wessex Downs AONB Unit: No comments received.

Wiltshire Highways: No comments received.

Wiltshire County Landscape Consultations: No comments received.

Wiltshire Council Landscape and Arboriculture: No comments received.

Wiltshire Fire and Rescue: make recommendation for use of domestic sprinklers and other measures in order to improve safety and property loss in the event of a fire.

## **8. Publicity**

There have been four letters of support for the application; the following is a summary of the comments made:

- See no reason to object to the proposed houses and feel that it will be a positive move that will support the community of Lydeaway;
- As next door neighbour, no objections to the application;
- Fully support the planning application and can't see what all the fuss is about when there has been four houses passed within a stones throw of this proposed site;
- As a long term resident of Lydeaway, delighted about this proposal and fully support it; hope it will be followed by several more.

## **9. Planning Considerations**

### **9.1 Planning Policy**

The site lies outside of the Limits of Development (LoD) and hence in planning policy terms lies within the countryside. Policy seeks to restrict new build residential development to that which is essential for the needs of agriculture or other employment essential to the countryside, the aim being to concentrate development within settlements and to tightly control development in the open countryside in order to preserve its open and natural character. As described by the North Wessex Downs AONB Council of Partners during the development of the Wiltshire Infrastructure Delivery Plan (2011 – 2026), development of any kind in the area north of the A342 requires careful consideration as the landscape is particularly sensitive to change.

Whilst no comments have been received from the North Wessex Downs Officer on this current application, on the historical application an objection was maintained on the grounds that the site is outside of the settlement boundary and within countryside and nationally protected AONB landscape. They further argued that development would lead to sporadic and unsustainable development which is contrary to local and national policy. There has been no change in circumstance since the previous comments other than the adoption of the WCS (2015).

Core Policy 2 in the draft Wiltshire Core Strategy states that development outside of LODs will only be permitted where it has been identified through community led planning documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development.

The site was put forward in the recent consultation rounds of the local neighbourhood plan for the area. Whilst support has been offered by the Parish Council under the current application the site did not go further forward in the neighbourhood plan. The same support of the site was not forthcoming during the course of the recent neighbourhood plan development phases. The site was evaluated as part of the Urchfont, Wedhamptom, Lydeaway Neighbourhood Plan (UWLNP) consultation (Nov. 2014), where it, along with two other sites was rejected at stage 1 of the evaluation and was determined by the public process not to be included as a candidate site for future development within the area.

Residential development will not normally be permitted in the countryside unless it meets the requirements of Core Policy 44 (rural exceptions sites). However, additional dwellings may be justified in certain circumstances when they are required in the interests of supporting rural employment, for example in association with equestrian activities when worker accommodation is needed onsite. In view of the exceptional circumstances applications will be scrutinised thoroughly and opportunities for accommodation within nearby settlements must be considered initially. Whilst an argument has been put forward that the provision of two market houses will support an existing business this is not for the provision of necessary housing for the owners of the business but to provide financial gain.

Core Policy 44 allows for the allocation of or granting of planning permission for small sites comprising of affordable housing only as an exception to normal policies. The Urchfont Parish Housing Needs Survey Report identifies a minimum need up to March 2016 for 6 new, shared/low cost affordable homes for the area. However, the proposed development does not provide for affordable housing and would not meet the criteria of this policy.

It is therefore identified that the proposed development does not meet an essential requirement for accommodation for rural workers and is not applicable to the determination of this application.

It was identified, in the Urchfont Parish Plan, amongst the key objectives to be considered in the neighbourhood plan that there needs to be a reduction in the number of car journeys for out commuting.

The National Planning Policy Framework defines three dimensions to sustainable development, a social, economic and environmental role and which it considers are mutually dependent (para's 7 and 8). It is considered that the site would not be categorised as brownfield/previously developed land and even if a successful argument was made to the contrary the stipulation of the definition of such land argues that not all of the land will be necessarily suitable for development. When planning consent was granted for the change of use of the land to a caravan park this particular area of the site was to be retained as paddock and would not have formed part of the formal set out for the seasonal occupation of the caravans. Clearly over time this area of land has been used for the placing of caravans.

However that has not resulted in any significant change in the character of the land. The existing use of the land as a caravan park is considered to be a use which is compatible with this countryside setting, has a social and economic role as aids to support tourism and facilities within rural areas and is considered a use which has limited long term environmental effects on the character of the land. Introducing a permanent residential use on the site would fundamentally alter the character of the land to the detriment of the rural setting. It would also set a precedent for further permanent residential development of this tourist facility..

The presence of the two bus stops and farm shop with some small business services close to the site is acknowledged, however it is reasonable to expect that most journeys to schools, employment or larger shopping trips would be likely to be undertaken by private vehicle and it is not considered the fallback position generated by the current use would be comparable in terms of trip generation, particularly as the use of the site would have seasonal fluctuations and the applicant has stated the land in question is not heavily used due to its proximity to the road. For these reasons taking into account the above factors, the proposal is not considered to constitute sustainable development as defined within the framework.

## **9.2 Other matters.**

The application suggests that the proposed development would help *“the local planning authority somewhat in providing housing to satisfy their huge outstanding housing supply deficit during the plan period”*. As has been confirmed by the Inspector’s report the supply of housing land has been provided for within the WCS which has been found sound and robust, therefore this is not a material argument in this instance.

The application argues that new development has recently been granted nearby to the site, on a former garage site. The agent and applicant have referred to this permission in correspondence querying the differences between the two proposals. It is confirmed that outline permission has recently been granted for 4 dwellings on the nearby site at Lydeaway Garage (14/05562/OUT). Whilst the application particulars and officer report leading to the reasons behind the decision to approve 14/05562/OUT are available to view online on the Council’s website, officers consider it is pertinent to record that whilst the policy starting points for the two proposals were comparable, the two applications have materially different circumstances.

Namely that in the case of the garage site evidence was submitted to indicate that despite marketing efforts, the continued use of the site for commercial purposes was unlikely (due to the location and significant reinvestment required) to be viable. The likelihood of the site, which is visually prominent, of falling into disrepair was considered a possibility and therefore the proposed redevelopment offered potential for visual benefits. Furthermore it was judged that due to the nature of the commercial uses operating at the site, there would be some amenity benefits to the adjacent residential uses. Finally, the fallback position in terms of vehicular trips also was found in the applications favour. On balance these material circumstances were found to outweigh conflict with policy concerning the location of new housing development and the application was approved.

For the reasons outlined within this report there have not been found to be any material circumstances in the case of this application which would allow officers to reach the same conclusion.

Reference has been made to planning application 14/05874/FUL – Manor Farm, West Overton as this involved the creation of dwellings outside of the village, although immediately adjacent to the village policy limits. The site had existing buildings on which

could in time fall into a state of disrepair and create a negative visual impact on the AONB in this area. In addition this case created further benefits through the provision of affordable housing, open space and education contributions all of which allowed for an on balance positive conclusion to be reached. Each case is dealt with on its own merits, however where no positive merits are demonstrable then the only conclusion that can be reasonably reached is that of refusal.

## **10. Conclusion**

The site is located outside of any recognised settlement boundaries and therefore in policy terms occupies a countryside location where policy restricts new housing development except in a limited number of exceptional circumstances and none of which are applicable to this proposal. It would have an adverse impact on the character and appearance of the countryside. It is not considered the material considerations in this case would be sufficient to overcome the conflict with policy which restricts new housing in locations such as this, which fall outside recognised settlement boundaries in order to avoid sporadic and unsustainable development within the countryside.

## **RECOMMENDATION**

**That the application be refused for the following reasons:**

The proposed dwellings would lead to a consolidation of existing sporadic development in the countryside that would have an adverse impact on the character and appearance of the countryside in this part of the area of outstanding natural beauty and that would represent an unsustainable form of development, being situated outside of any defined settlement boundary and consequently increasing the need to travel by car to reach services, facilities and employment opportunities. There are no justified special circumstances which would outweigh this harm. Consequently the proposed development is contrary to policy Core Policies CP1, CP2, CP48, CP51 and CP60 in the Wiltshire Core Strategy (Jan 2015) and policy contained within the National Planning Policy Framework 2012 (particularly paragraphs 12, 17, 37 and 55).

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<b>Application Number</b>	14/12100/OUT
<b>Site Address</b>	Land adjacent Bell Caravan Park, Lydeway, Devizes SN10 3PS
<b>Proposal</b>	Erection of two dwellings (Outline application to determine access and layout). Resubmission of 14/06079/OUT.
<b>Case Officer</b>	Jonathan James

Map



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