

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber, Wiltshire Council Offices, Bradley Road,  
Trowbridge  
**Date:** Wednesday 27 January 2010  
**Time:** **6.00 pm**

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Please direct any enquiries on this Agenda to Marie Gondlach, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email [marie.gondlach@wiltshire.gov.uk](mailto:marie.gondlach@wiltshire.gov.uk)

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### Membership:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Rod Eaton	Cllr Graham Payne
Cllr Peter Fuller	Cllr Stephen Petty
Cllr Mark Griffiths	Cllr Jonathon Seed
Cllr Malcolm Hewson	Cllr R While
Cllr John Knight	

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### Substitutes:

Cllr Rosemary Brown	Cllr Francis Morland
Cllr Trevor Carbin	Cllr Jeff Osborn
Cllr Andrew Davis	Cllr Fleur de Rhe-Philippe
Cllr Russell Hawker	Cllr Pip Ridout
Cllr Tom James MBE	

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# AGENDA

## Part I

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

1. **Apologies and Substitutions**

2. **Minutes of the Previous Meeting** *(Pages 1 - 8)*

To approve the minutes of the last meeting held on 18 November 2009 (copy attached)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

6. **Planning Applications** *(Pages 9 - 46)*

To consider and determine planning applications in the attached schedule.

7. **Planning Appeals Update Report** *(Pages 47 - 50)*

To receive details of appeal decisions and appeals pending (see attached schedule.)

8. **Urgent Items**

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

9. **Exclusion of Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 8 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in Paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Paragraph 5 refers to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

**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***

*Members are reminded that Part II reports contain confidential information and should be treated accordingly. They should not be disclosed or passed to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are urged to return them to the Democratic Services Officer at the end of the meeting for disposal.*

10. **Planning Appeal in respect of land at Hilperton (Pages 51 - 74)**

To consider the attached report

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## WESTERN AREA PLANNING

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 18<sup>TH</sup> NOVEMBER 2009 AT 6.00PM AT BRADLEY ROAD, TROWBRIDGE

#### Present:

Cllr. Ernie Clark, Cllr. Andrew Davis, Cllr. Rod Eaton, Cllr. Peter Fuller (Chairman), Cllr. Mark Griffiths, Cllr. Malcolm Hewson, Cllr. John Knight, Cllr. Christopher Newbury, Cllr. Stephen Petty, Cllr Jonathan Seed, Cllr. Roy While.

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#### **71. Apologies for Absence**

Apologies for absence were received from Cllr Graham Payne (substituted by Cllr Andrew Davis).

#### **72. Minutes**

The minutes of the meeting held on 28<sup>th</sup> October 2009 were confirmed as a correct record and signed by the Chairman subject to the following:

##### **Minute No.66 refer.**

That the Declarations of Interest for Councillors Ernie Clark, Rod Eaton and Roy While be amended to read as follows:

W/09/01581/REM, W/09/01579/FUL, W/09/01580/FUL, W/09/01964/FUL – Councillor Clark declared a personal interest in these items as a board member of Selwood Housing Society. Councillor Clark gave his assurance that he would consider the applications on their own merits and with an open mind. As fellow board members of Selwood Housing Association Councillors While and Eaton also declared a personal interest in these items, but also gave assurances that they would consider the applications on their own merits and with an open mind.

#### **72. Chairman's Announcements**

The Chairman welcomed the Democratic Services Officer now clerking the Western Area Planning Committee.

**73. Public Participation**

The Chairman explained the rules of public speaking, in doing so he pointed out that four people had required to be registered to speak as objectors to planning application W/09/01471/FUL. The Chairman decided to allow all four speakers to address the Committee but would limit their time to speak to two minutes each.

**74. Declarations of Interest**

W/09/01471/FUL - Cllr Andrew Davis declared a personal interest this item as a Warminster Town Councillor but pointed out that he had abstained from voting on this application when it was presented to Warminster Town Council. Councillor Davis gave his assurance that he would consider the application on its own merit and with an open mind.

**75. W/09/01471/FUL. Redevelopment of existing car park to the rear of the Three Horseshoes Mall allowing a new class A1 food store (3,980 sq m) and a new class D1 library/museum/tourist information office building (1,200 sq m), and revised car parking layout together with new and enhanced pedestrian access, new public space and hard/soft landscaping - Car Park Station Road Warminster Wiltshire**

Public Participation:

1. The following late additional comments were reported:
  - i) Warminster Town Council – maintain their objection
  - ii) Avenue School and Children’s Centre – maintain their objection
  - iii) Local resident representations – five further objections
2. Mr Richard Haes, Warminster Civic Trust, spoke in objection to the application.
3. Mr Peter Blackburn, Warminster Chamber of Commerce, spoke in objection to the application.
4. Mr Michael Mound, Warminster and Villages Development Trust, spoke in objection to the application.
5. Mr Simon Crosby, architect for the project, spoke in support of the application

6. Mr Julian Stephenson, Multi Evans Planning Consultant, spoke in support of the application.
7. Mr Simon Hoad, Stockland UK, spoke in support of the application.
8. Mr Nicklin, Warminster Town Council, spoke in objection to the application.

**Resolved:**

**That planning permission be REFUSED, contrary to officer recommendation.**

**For the following reasons:**

**1 The proposed development of a 3,980 square metre food store, separated by a car park from the primary retail frontages, in this edge of town centre location for which there is no proven retail need would be contrary to Policies SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.**

**2 The proposals fail to provide sufficient public car parking spaces, because of the increased usage arising from the proposed food store, which would lead to an inadequate number of parking spaces for public use to the disadvantage of retailers, local residents and other users including the adjoining school and doctors' surgeries contrary to Policies SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.**

**3 The proposed layout of the car park together with the servicing route for the proposed food store, library and existing retail premises would result in conflict between users including lorries, cars, cyclists and pedestrians to the detriment of safety and convenience of users of the town centre contrary to Policies SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.**

**4 The proposals, which would result in the loss of bus parking and waiting areas, make inadequate provision for public transport contrary to Policies SP1, SP3 and T9 of the West Wiltshire District Plan - 1st Alteration 2004.**

**5 The proposed scale, mass, height, design and location of the supermarket and library would not be in keeping with the scale and spatial characteristics of the area and would be harmful to the character and appearance of the conservation area contrary to**

**Policies C17, C18, C31A, SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.**

**76. W/09/02038/FUL. Permanent 2 storey, 5 bedroom agricultural dwelling to replace existing temporary dwelling - Land North Of New Manor Farm South Wraxall Wiltshire**

Public Participation:

1. Mr Sebastian Abbott, local resident, spoke in support of the application.
2. Mr Tom Farthing, applicant, spoke in support of the application.
3. Mr Paul Richards, Architecture Verte, agent for the applicant, spoke in support of the application.

**Resolved:**

**That planning permission be PERMITTED, contrary to officer recommendation**

**For the following reason(s)**

**The applicant has demonstrated the size and scale are necessary and therefore accord with Policy H19 of the West Wiltshire District Plan, First Alteration 2004 and advice given in PPS3 and PPS7.**

**Subject to the following condition(s)**

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

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

- 2 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an



essential need for a new dwelling/residential accommodation in this location having been demonstrated.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 policy H19

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

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C31a.

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended by the Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions, extensions, enlargements, or external alterations to the building, including the insertion of windows, doors, or other form of openings other than those shown on the approved drawings.

REASON: in order to protect the character and appearance of the Conservation Area, the openness of the Western Wiltshire Green Belt, and the character of the building.

Wiltshire Structure Plan 2016 – Policy DP12, and West Wiltshire District Plan - First Alteration 2004 – Policies C19, and C31a.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended by the Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses, and other ancillary domestic outbuildings, nor no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected anywhere on the site without the express permission of the Local Planning Authority.

REASON: in order to protect the character and appearance of the Conservation Area, the openness of the Western Wiltshire Green Belt, and the character of the building.

Wiltshire Structure Plan 2016 – Policy DP12, and West Wiltshire District Plan - First Alteration 2004 – Policies C19, and C31a.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

- 7 No part of the development hereby approved shall be brought into use until the drive and parking area shown on the approved plan has been consolidated, surfaced and laid out in accordance with the approved details as outlined in the hard landscaping details. This area shall be maintained and remain available for this use at all times thereafter.

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

West Wiltshire District Plan 1st Alteration 2004 - Policy T10

- 8 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

- 9 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

West Wiltshire District Plan 1st Alteration 2004 - Policy U2

- 10 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:-
- indications of all existing trees and hedgerows on the land;
  - details of any to be retained, together with measures for their protection in the course of development;
  - all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - finished levels and contours;
  - means of enclosure;
  - other vehicle and pedestrian access and circulation areas;
  - hard surfacing materials;
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

West Wiltshire District Plan 1st Alteration 2004 - Policies C31a and C32

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

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

West Wiltshire District Plan 1st Alteration 2004 – Policies C31a and C32

- 12 No floodlights or other forms of external lighting shall be installed on the site without the prior permission, in writing, of the Local Planning Authority.

REASON: To protect the amenities of the locality

- 13 The mobile home and its constituent parts shall be removed from the land within one month of occupation of the dwelling hereby by approved, and the land shall be restored to its former appearance, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the building does not remain within this Green Belt landscape thus protecting the openness of the area.

**Informative(s):**

- 1 The site lies over an Area of Ground water Source Protection (Policy U4 of the West Wiltshire District Plan – First Alteration 2004) and the Environment Agency are concerned that all options should be investigated before a Consent to Discharge may be required from them

**77. Planning Appeals Update Report**

Members of the committee notes the appeal decisions and appeals pending, outlined within the “Planning Appeals Update Report – 9 October 2009 to 30 October 2009”.

(Duration of meeting: 6.00 pm – 8.30 pm. A short recess took place between 7.30 pm and 7.45 pm)

Chairman .....

Date .....

The Officer who has produced these minutes is Marie Gondlach, democratic Services Officer, direct line (01225) 713 597 or email

[marie.gondlach@wiltshire.gov.uk](mailto:marie.gondlach@wiltshire.gov.uk)

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## WESTERN AREA PLANNING COMMITTEE

27 January 2010

### Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	W/09/02622/FUL	Mobile home, day room and retention of existing pair of sheds - Land At Capps Lane Bratton Wiltshire	Bratton	1
02	W/09/03287/OUT	Demolition of existing double garage and erection of two bedroom dwelling plus associated parking - Land Adjoining 14 Woodrow Road Melksham Wiltshire	Melksham (Town)	10
03	W/09/03218/REM	New dwelling (reserved matters) - Land East Of Valley Farm Chitterne Wiltshire	Chitterne	17
04	W/09/03316/FUL	Erection of a proposed rear extension and new dormer windows to existing bungalow - Brooklands 49 Woolley Street Bradford On Avon Wiltshire BA15 1AG	Bradford On Avon	25
05	W/09/03170/FUL	Single storey front and rear flat roof extension to existing post office - Post Office Stores Tynings Way Westwood Wiltshire BA15 2BU	Westwood	31

<b>Date of Meeting</b>	<b>27.01.2010</b>		
<b>Application Number</b>	<b>W/09/02622/FUL</b>		
<b>Site Address</b>	<b>Land At Capps Lane Bratton Wiltshire</b>		
<b>Proposal</b>	<b>Mobile home, day room and retention of existing pair of sheds</b>		
<b>Applicant</b>	<b>Mr Freddy Hughes</b>		
<b>Town/Parish Council</b>	<b>Bratton</b>		
<b>Electoral Division</b>	<b>Ethandune</b>	<b>Unitary Member:</b>	<b>Julie Swabey</b>
<b>Grid Ref</b>	<b>389997 153518</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mr James Taylor</b>	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

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

This application is being brought to Committee following the receipt of further requested information. This has been obtained following the members requests and ultimate deferral of a decision at the 28 October 2009 meeting.

Councillor Julie Swabey requested that this item be determined by Committee due to:

\* "I understand that there is enforcement action ongoing with this and the land has been used as a site, unauthorised for several years."

\* "complete lack of clarity on the number of sites we should allow in the West Wiltshire area".

**1. Purpose of Report**

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

Further to address the concerns of members at the meeting of 28 October 2009 namely:

1. to establish the current position with regards to gypsy and traveller sites in the LDF including the number of pitches needed in the western part of Wiltshire and the number that have been provided
2. to find out more details about the applicants 'lifestyle', 'nomadic / travelling way of life' and his 'horse trading business'
3. for an explanation of where the existing unauthorised sheds fit into the applicant's proposals for the site and this application
4. to ascertain the current status of the enforcement action on the site, -
  - \* what action is currently being taken.
  - \* what is being done to remove unauthorised structures etc,
  - \* against whom id this action being taken

This information has now been received and these matters are addressed in the officer's appraisal at Planning Considerations.

## **2. Main Issues**

The main issues to consider are:

- \* Impact on the rural character of the area
- \* Impact on highway safety
- \* Impact on amenity, including that of neighbours
- \* Proximity to local services and facilities
- \* The needs and safety of future occupants and their children
- \* Requested information from members

## **3. Site Description**

The application site is located in open countryside which is subject to no special landscape designations. It is sited on the C-classified Capps Lane which runs between Heywood and the settlements of Bratton and Edington.

The site has natural hedges to the north and east boundaries. To the south the boundary is a post and wire fence. To the west it is a mix of hedge and post and wire fencing.

Part of the site is still open to grazing, but the northern part is occupied by 2 barns and a caravan; the site has been subject to enforcement action by the Council regarding this and its uses.

Access to the site is existing, denoted by solid timber gates set back nominally from the highway. A rough access track is laid into the site beyond.

## **4. Relevant Planning History**

None

## **5. Proposal**

This is a planning application for a single private gypsy pitch to include the siting of a mobile home and touring caravan and the erection of a day room.

The day room would have a footprint of 5 metres by 6 metres; a height to eaves of 2.35 metres and a height to the ridge of 4 metres.

The proposal also proposes the retention of two existing barns at the site for use in connection with horses; the applicant is a traditional horse dealer.

Further the proposal includes revising the existing access to the site, hard and soft landscaping and parking and turning provision.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP15 Accommodation for Gypsies and Travellers

National guidance  
PPS1: Delivering Sustainable Development  
PPS7: Sustainable Development in Rural Areas

ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.  
DETR Circular 03/1999: Planning requirement in respect of the use of non-mains sewerage incorporating septic tanks in new development.

## 7. Consultations

### Bratton Parish Council

Objection:

"The council opposed the application on the following grounds:

1. The application is for a site outside the village policy limits contrary to policies H1 and H17 of the West Wiltshire District Plan 1st alteration (2004).
2. The proposal located in open countryside outside the defined village policy limits of Bratton would be tantamount to a new dwelling in the countryside without justification in the essential needs of agriculture or forestry contrary to Policy H19 of the West Wiltshire District Plan 1 Alteration (2004)
3. The proposal by reason of the proliferation of gypsy and traveller sites in the area would have a cumulative impact which fails to respect the scale of the village of Bratton contrary to paragraph 54 of ODPM Circular 01/2006.
4. The potential to accommodate further families.
5. It would appear that this application has been engineered to obstruct the declared wishes of Wiltshire Council (i.e the enforcement notice of 13.07.09) who have stated that the land should be cleared."

### Highway Authority

No Objection: Subject to conditions:

The development hereby permitted shall not be occupied until the access has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. REASON: In the interests of highway safety."

### Wessex Water

No Objection.

## 8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 7 October 2009.

2 letters of objection from 1 party have been received. Summary of points raised:

- \* The land has been subject to planning enforcement, which has yet to be complied with.
- \* If approved the land may be handed back to the original owner to proceed as they intended prior to Council enforcement action.
- \* Blot on the landscape (confirmed by planning inspector)
- \* Erode the isolated and unspoilt countryside location.
- \* Noise from generators and barking dogs is disturbing amenity (tested by an inspector).
- \* Increase in traffic cannot be coped with on this lane.
- \* No footpath or lighting on this lane which is used by local riding school
- \* In the enforcement appeal it was stated by the Council that the land should not be residential.
- \* No bus service
- \* This proposal is a means of side stepping planning law.
- \* The siting of the caravan and the new day room would spoil views from lounge and bedroom windows.



## 9. Planning Considerations

9.1 With regard to the first member request relating to the LDF progress on gypsy and traveller sites, Wiltshire Council's spatial planning officers have confirmed that in the 'west' area in July 2009 there were 10 sites. They have confirmed that the draft RSS has a requirement between 2006 and 2011 for 14 pitches and 5 transient pitches in this area. To date there is a residual requirement for 11 pitches and 5 transient pitches.

9.2 The spatial planning team have detailed a timetable for the adoption of a Development Plan Document for gypsy and traveller site applications, to form part of the LDF. This is looking at issues and strategy up to Christmas with a report to cabinet expected early in the new year so that we can do an issues and strategy options consultation and do a call for sites February / March.

9.3 As detailed in the initial committee report this spatial planning work for the LDF is at an early stage and there is a confirmed shortage of sites in this area at present. There is a demonstrable need for further gypsy and traveller sites.

9.4 The second member request relating to details of the applicants 'lifestyle', 'nomadic/travelling way of life' and 'horse trading business'. The applicant's agent has supplied additional information and stressed the original submission of details.

9.5 This may be summarised as follows. The applicant has reiterated that they are a gypsy and have stated that they have not lived in a house for 30 years and although using a permanent address with his partner and family often travels with his family for several months, as long as 8 months sometimes. Indeed the Hughes family are well known Romany Gypsies who have been saving and waiting for some land to be available such as this. Living in permanent accommodation has had negative impacts on the applicant's health and relationships.

9.6 It is also considered prudent to reiterate the planning circular definition of a gypsy set out by national government in ODPM circular 01/2006.  
'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently.....'

9.7 It is considered that the applicant appears to meet the definition of a gypsy or traveller. Further the suggested condition can ensure that the Council retains reasonable control of the occupation of the site, limiting it to a person (and their family) that meets the above definition.

9.8 Turning to the third member request relating to details of how the unauthorised sheds that are on the site fit into the applicant's proposals. The applicant has clarified that these would be used for the keeping of horses to be taken away for sale at fairs or direct to purchases. There would not be any selling of horses at the site. The sheds would therefore be used for stabling and for keeping usual equestrian type equipment and feed.

9.9 The applicant has highlighted, that like many Romani gypsies, they do many different things including in this case seasonal field work and demonstrations of gypsy crafts such as wooden peg making. Mr Hughes took part in the Romani Gypsy traveller history in June in Frome.

9.10 This additional information and reiteration of the previous comments affirm the status of the applicant as a gypsy and also confirms the intended use of the existing barns on the site.

9.11 Finally the members request for confirmation on the current status of enforcement action on the site has been thoroughly detailed. The Council has successfully taken enforcement action against the previous land owners who were in breach of planning regulations. This matter was considered in the magistrates' court in November where a guilty plea was made; the magistrates issued a fine and ruled that the Council's reasonable costs should be paid. The Council's enforcement team cannot take any further action against the previous land owner who was in breach of planning as they have sold the land.

9.12 The Council now needs to consider enforcement action against the new owners, however the outcome of this planning application is material to considering the expedience of such efforts.

9.13 Returning to the original planning considerations. This proposal has been presented as an application for a single private gypsy site. As such it must be principally considered under Policy DP15 of the Wiltshire Structure Plan 2016 and Policy CF12 of the West Wiltshire District Plan (2004). Further the proposals need to be considered in light of other relevant development plan policy and the regional and national context which includes the ODPM Circular 01/2006 on planning for gypsy and traveller caravan sites.

9.14 Policy DP15 clearly states that proposals for gypsy caravan sites cannot be assessed using policies for settlements and that travellers and gypsies have particular needs which are recognised in central government policy. Further it is clear that suitable sites may be found within and outside settlements.

9.15 Policy CF12 is consistent with the Structure Plan and also sets out criteria by which to assess applications and has a positive phrasing stating that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to issues such as nuisance, encroachment into open countryside, the needs and safety of future occupants and their children, highway safety, availability and adequacy of infrastructure, proximity to services, protecting agricultural land and flood risk.

9.16 National policy on such matters was updated in February 2006 with the production of ODPM Circular 01/2006. This acknowledges that the community has generally become more settled and that being settled can have benefits in terms of access to health and education facilities, and can contribute to greater integration and social inclusion within local communities as detailed in the circular.

9.17 As detailed above the Council's spatial planning team continues to work towards the production of a Development Plan Document for Gypsy and Traveller site allocations as part of the new Local Development Framework for Wiltshire. However this is in its very early stages and no allocations have been made to date nor have consultations on issues and options taken place. The Regional Spatial Strategy has indicated that there is a shortage of allocated sites within the former West Wiltshire administrative area and so there is an acknowledged need in the area.

9.18 National and local planning documents accept that private sites are acceptable in principal, indeed this can be beneficial in that it can reduce conflict between different families, ethnicities and cultural origins of travellers on larger communal sites.

9.19 This application site is located in the open countryside remote of village policy limits. This site is very close to an existing authorised private gypsy site and via public rights of way can access the village of Bratton and its services and facilities. The first of the Capps Lane approved sites was granted by a planning inspector who considered the site to be reasonably sustainable for a gypsy site given their nomadic lifestyles.

9.20 The planning policy is explicitly clear that applications should not be considered against the normal policies for housing and village and town settlement boundaries. Applications outside of settlements may be perfectly acceptable.

9.21 It is noted that the highway authority raises no objection subject to safety orientated conditions. The access to the site is rather rough, although well established. The visibility in both directions can be improved without significant harm to landscaping interests. Therefore subject to conditions over visibility splays then the modest intensification of traffic at this point poses no significant concerns. Indeed the proposals would set back the gates which in itself would be an improvement over the existing access provision.

9.22 The site is located approximately 1.5 km from the village policy limits of Bratton which has all the facilities to be expected of a modest rural village, including a rural bus service which connects to larger local settlements and their facilities. This site, although not ideal in terms of its location some

distance from an established settlement and not very well related to any settlement, in the context of being a gypsy application, is on balance reasonable. There is access to local facilities and services to satisfy the needs and safety of future occupants and their children including access to education, health facilities and work and leisure opportunities. Other locations, arguably, may be preferable, but without any LDF site allocations (indeed the Council's work is still at an early stage) it is hard to reasonably argue such a case when there is a demonstrable need. This site has been brought forward and must be assessed on its merits in light of the material considerations.

9.23 Turning to wider planning considerations of the site it is noted that this proposal is in open countryside that is subject to no special designations. The frontage of the site is well screened by an established hedge. The site would however be visible from public vantage points and the one neighbouring property to the west. However landscaping may mitigate against this to some extent and the planning system does not seek to protect an individual property owner's view. This can be reasonably secured by planning conditions and the applicant states a willingness to discuss landscaping and take on board advice from the Council on additional planting.

9.24 The amount of development being proposed is quite typical of a single, private gypsy application including a large caravan, a touring caravan and a dayroom. All of this development is limited to single storey heights and would be suitably sited within the context of the area, viewed against the backdrop of vegetation. In summary the proposal would not have a significant impact on the rural character at this point.

9.25 The proposals detail the siting of sewerage treatment facilities on the site, which seem reasonable. Since there are no mains facilities in the area then this is an acceptable approach. It is noted that Wessex water raises no objection. Conditions can reasonably control the points on services, and thus reduce the potential for nuisance noise from generators.

9.26 The application site is subject to the lowest level of flood risk and therefore this factor is not of significance. Further the land is not considered to be the best or most versatile agricultural land.

9.27 It has been noted that the proposals have been subject to some public objection following the display of a site notice and some neighbour letters being sent out. All the comments and points received in the consultation process have been noted and given consideration prior to reaching any conclusion or recommendation. Any planning matters have been discussed above, but other grounds for objection such as the loss of view are not material planning considerations.

9.28 In conclusion the members are advised that the additional information that has been sought at their request does not make any difference to the officers' original comments and recommendation at the committee meeting on 28 October 2009. In short the Council's LDF work is at an early stage and is being informed by evidence of a lack of sites at this time. The applicant has detailed their lifestyle, travelling and horse trading arrangements, which appear consistent with gypsy and traveller culture. The proposed use of the existing barns is reasonable in planning terms and is reasonable. Finally enforcement action has been successfully taken against the person originally in breach. However no further action against the new owners is dependent on the outcome of this application which requires a decision from members. Your officers still recommend planning permission be granted subject to conditions.

**Recommendation:            Permission**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

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

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

- 2 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan or mobile home, shall be stationed on the site at any time.

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

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

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

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 6 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 7 No development shall commence and no caravans brought onto site until details, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority for the following:

- i) the materials to be used in the construction of the external surfaces of the day room, hardstandings, access drives, parking and amenity areas;
- ii) the landscaping of the site (a scheme showing the species, plant sizes, numbers and densities) including details of any supplementary planting to reinforce the existing hedgerows;
- iii) any new boundary treatment, fencing or gates
- iv) refuse storage facilities
- v) electricity generation
- vi) lighting
- vii) details of septic tank

REASON: In the interests of amenity of the area and neighbours.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 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 site. 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.

West Wiltshire District Plan 1st Alteration 2004 – POLICY CF12.

- 9 There shall be no burning of waste on the site.

REASON: In the interests of amenity and environmental protection.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

## RELEVANT APPLICATION PLANS

- Drawing : SITE PLAN received on 08.09.2009
- Drawing : 0946/01 received on 08.09.2009
- Drawing : 0946/02 received on 08.09.2009
- Drawing : DAY ROOM received on 08.09.2009

<b>Date of Meeting</b>	<b>27.01.2010</b>		
<b>Application Number</b>	<b>W/09/03287/OUT</b>		
<b>Site Address</b>	<b>Land Adjoining 14 Woodrow Road Melksham Wiltshire</b>		
<b>Proposal</b>	<b>Demolition of existing double garage and erection of two bedroom dwelling plus associated parking</b>		
<b>Applicant</b>	<b>Mrs Glynis Sealy</b>		
<b>Town/Parish Council</b>	<b>Melksham (Town)</b>		
<b>Electoral Division</b>	<b>Melksham North</b>	<b>Unitary Member:</b>	<b>Rod Eaton</b>
<b>Grid Ref</b>	<b>391301 164882</b>		
<b>Type of application</b>	<b>Outline Plan</b>		
<b>Case Officer</b>	<b>Mr Philip Baker</b>	01225 770344 Ext 286 philip.baker@wiltshire.gov.uk	

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

Councillor Eaton has requested that this item be determined by Committee due to:

- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties

**1. Purpose of Report**

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

**2. Main Issues**

The main issues to consider are:

- Principal of new dwelling
- Impact on neighbouring amenities
- Impact on street scene

**3. Site Description**

The application site is located within the defined Town Policy Limits of Melksham sited adjacent to No. 14 Woodrow Road.

The site currently forms part of the residential curtilage associated to the host property. There is an existing free standing garage on the site which would be demolished along with a side lean to (attached to No. 14 Woodrow).

#### 4. Relevant Planning History

None

#### 5. Proposal

The application is seeking outline permission for a detached dwelling with all matters to be determined under a future application. The applicants in this particular case, only seeks to establish the principle of the proposed development.

#### 6. Planning Policy

Government Guidance

PPS1 Delivering sustainable communities

PPG3 Housing

West Wiltshire District Plan First Alteration 2004

C31A Design

C38 Nuisance

H1 Further housing development in towns

#### 7. Consultations

##### Town/ Parish council

Melksham Town Council – Objection – Comments received 8/12/2009

Loss of amenity space to 14, Woodrow (part of the kitchen to be demolished to make way for a new dwelling) and loss of open space valued by residents in 33 and 34 Woodcombe especially which have a detrimental effect on their future well being. Policies C31a and H1d apply.

##### Highways

Comments received 27/11/2009

The access and parking provision is acceptable.

I recommend that the following conditions be attached to any permission granted:-

The dwelling on the development hereby approved shall not be occupied until sufficient space for the parking of two cars together with vehicular accesses thereto has been provided for the proposed dwelling and sufficient space for the parking of two cars together with vehicular accesses thereto shall be retained for the existing dwelling, in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purposes of access.

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

The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900 mm above the nearside carriageway level. The area shall be maintained free of obstruction at all times thereafter.



REASON : In the interests of highway safety.

### Wessex Water

No objections comments received 1/12/2009

The development is located within a foul sewer area. It will be necessary for you to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets.

The developer has proposed to dispose of surface water to soakaway. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

## **8. Publicity**

The application was advertised by site notice/neighbour notification.

Expiry date: 4/12/2009

Summary of points raised:

1 letter of objection has been received

Neighbour to the rear would receive no sunlight in late afternoon;  
The proposed building would have a lack of adequate amenity space to the rear of the proposed property;  
Loss of privacy as the proposed building would look directly into the rear of the property;  
The height of the proposed building, would far exceed the height of 14, Woodrow Road;  
Immaterial reference to the "Prescription Act 1832" and "Right to Light Act 1959";  
Extra parking would be generated on Woodrow Road on an already congested road  
A garden which was previously a vegetable plot doesn't constitute previously developed land;  
A good provision of private garden space should be provided.

## **9. Planning Considerations**

### **9.1 Principal of a new dwelling**

The plot of land is within the town policy limits of Melksham and as such the application it is subject to the provision of policy H1 of the West Wiltshire District Plan First Alteration 2004. The development of this site is therefore acceptable providing it meets the criteria of this policy.

All detailed matters (e.g design, scale, landscaping and access) for this application are reserved for a future application. The Council cannot therefore consider these matters at this stage.

Only the principle of development is open for consideration. On this particular issue, the parcel of land is considered to be a brownfield site located within defined policy limits of Melksham. In line with the Government Guidance contained within PPS 3 (paragraph 40) the proposed development would make "effective use of land by re-using land that has previously been developed." The development of land adjoining 14, Woodrow Road, Melksham fully complies with this guidance.

## 9.2 Impact on neighbour's amenity

The site has a 14 metre depth with a width of 9 metres and this would be sufficient to site a property of 7 metres by 7 metres. This would reflect the footprint of dwellings found locally. In addition, it should also be noted that there is no policy within West Wiltshire District Plan regarding the distance between habitable rooms, however, the Council generally seeks 18-21 metres between habitable windows. It is submitted that a carefully designed interior could ensure that neighbouring amenities are not compromised. However, it would be necessary for a condition to be imposed to prevent any wall openings being formed on the flank walls of the new dwelling to safeguard residential amenities and privacies.

The 3rd parties have objected on the grounds of siting, loss of light, loss of privacy and window to window relationships.

A 2-storey dwelling on this parcel of land would not be out of character with surrounding dwellings. However, it must be duly noted that the height, size, mass and bulk are matters which would be considered under a reserved matters application.

Regarding, the 3rd Party objection to overshadowing, it must be noted that this application seeks outline approval with all matters reserved. The Council cannot determine the impact of a house on the site from the neighbouring properties without exact details regarding height, scale and bulk. However, it would be accepted, on the basis of the information provided that the impact of a building would reduce the amount of sunlight penetrating the gardens of 33 and 34 Woodcombe in the afternoon. Whilst this could cause some nuisance, it would not be considered sufficiently harmful to warrant a refusal.

The proposal would introduce another building of similar proportions to 16A, Woodrow Road. The topography of the land slopes downwards from Woodcombe to Woodrow Road and consequently on the basis of the information provided, there could be issues of overlooking into the roof space of the proposed property. This would be mitigated by conditioning any approval having no openings inserted into the rear roof elevation.

The window to window relationships would be acceptable through conditioning that no windows or openings should be inserted on the flank elevations. The new property would be sited approximately 12 metres from 33, Woodcombe – the same distance to 16A Woodrow Road as 34, Woodcombe is located away.

## 9.3 Impact on street scene

In respect of the visual appearance of the building, there have been no details submitted with regards to appearance (design) and landscaping. Having regard to the above it would be considered that these matters are to be dealt with at the reserved matters stage.

Access to the site is a reserved matter, but on the basis of the information submitted the existing drop kerb access for 14 Woodrow Road would make use of existing access and hardstanding for 2 vehicles. This is considered acceptable.

**Recommendation:            Permission**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**Subject to the following condition(s):**

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

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

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

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the roof or flank elevations of the dwelling hereby permitted.

REASON: In the interests of neighbouring amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.

- 4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 5 The dwelling hereby approved shall be two storey, with no rooms formed in the roof.

REASON: In the interests of amenity and privacy

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.

- 6 The dwelling on the development hereby approved shall not be occupied until sufficient space for the parking of two cars together with vehicular accesses thereto has been provided for the proposed dwelling and sufficient space for the parking of two cars together with vehicular accesses thereto shall be retained for the existing dwelling, in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purposes of access.

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

- 7 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900 mm above the nearside carriageway level. The area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, D, E, F, G and H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

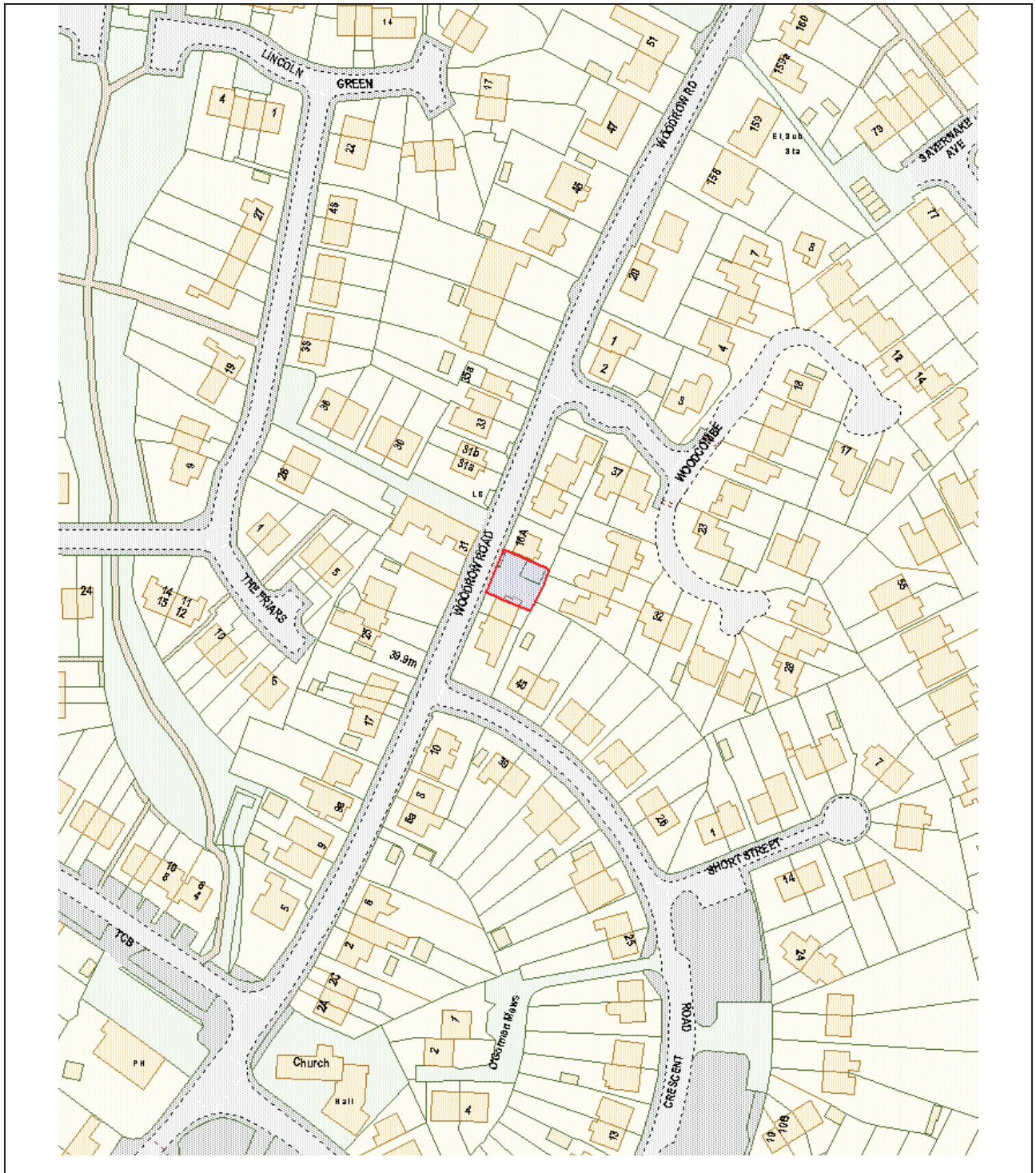
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

**Informative(s):**

- 1 It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there maybe any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN received on 13.11.2009

Drawing : BLOCK PLAN received on 13.11.2009

Drawing : SITING PLAN received on 07.12.2009

<b>Date of Meeting</b>	27.01.2010		
<b>Application Number</b>	W/09/03218/REM		
<b>Site Address</b>	Land East Of Valley Farm Chitterne Wiltshire		
<b>Proposal</b>	New dwelling (reserved matters)		
<b>Applicant</b>	Harley Farms South		
<b>Town/Parish Council</b>	Chitterne		
<b>Electoral Division</b>	Warminster Copheap And Wylve	<b>Unitary Member:</b>	Christopher Newbury
<b>Grid Ref</b>	398581 143815		
<b>Type of application</b>	Reserved Matters		
<b>Case Officer</b>	Mr James Taylor	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

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

Councillor Christopher Newbury has requested that this item be determined by Committee “to consider whether the scale and visual impact of this development are acceptable, especially with regard to the agricultural need”.

**1. Purpose of Report**

To consider the above application and to recommend that this reserved matters application be refused.

**2. Main Issues**

The main issues to consider are the approval of the reserved matters detailed in DCLG Circular 01/2006:

- \* Layout
- \* Scale
- \* Appearance
- \* Access
- \* Landscaping

Further this proposal needs to be assessed in light of the original outline planning permission reference 08/00785/OUT and the refusal of reserved matters application reference W/09/01943/REM on 21 August 2009.

**3. Site Description**

The application site is located in the undulating landscape of the Salisbury plain. The area has been designated as a special landscape area of County-wide significance.

The site is located to the west of the rural village of Chitterne which is characterised by a variety of house types and periods.

The site slopes from north to south and is currently laid to pasture. It is to the east of the established farm complex of Valley Farm which has one dwelling and some typical modern and substantial agricultural barns. The dwelling existing here is a substantial 2-storey property orientated to be north facing and constructed from red brick with stone details and pantiles to the roof. This has a footprint of approximately 11 metres by 17 metres.

Access to the site is existing, utilising the private road which leads from the B390 to Valley Farm.

The site is located within an area of archaeological potential and a ground water source protection zone.

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

08/00785/OUT - Proposed new dwelling – Permission on 16.06.2008

W/09/01943/REM – New dwelling (reserved matters) – Refused on 21.08.2009 as follows:

“1. The proposal by reason of its size and scale fails to accord with the established functional need under outline approval reference 08/00785/OUT contrary to policy H19 of the West Wiltshire District Plan 1st Alteration (2004) and Planning Policy Statement 7: Sustainable Development in Rural Areas Annexe A paragraph 9.

2. The proposal by reason of the scale and appearance (as defined in DCLG Circular 01/2006) would be a prominent and incongruous development which fails to respect the special rural landscape character of this area and the quality of the local architecture contrary to policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration (2004).”

Nearby history:

88/00935/FUL - Erection of a farmhouse and an agricultural building @ Valley Farm – Permission on 09.08.1988

03/00472/FUL - Proposed stock shed for finishing cattle organically @ Valley Farm – Permission on 25.06.2003

Recent Wiltshire Decision:

N/08/02633/FUL – Agricultural workers dwelling and garage @ Grove Farm, Ashton Road, Leigh, Swindon, Wiltshire – Refused - Appeal dismissed on 25 November 2009.

#### **5. Proposal**

This is a resubmission of a reserved matters application for the erection of an agricultural worker's dwelling following the granting of outline permission in June 2008 and refusal of reserved matters in application W/09/01943/REM.

The detail now being provided indicates a 2-storey dwelling with accommodation on the ground floor to include kitchen, breakfast area, utility room, shower room, office, lounge and dining room/board meeting room. On first floor the accommodation would include 2 family bathrooms, 4 bedrooms, a computer room and a games room.

The proposal requires the cut and fill of land, on approximately equal level to create a flat base for the dwelling. This would reduce and raise levels by up to 2 metres.

The proposed dwelling would have a south orientated frontage 14.6 metres in width, 5.6 metres to eaves and 8.7 metres to its ridge. This would be constructed with dressed ashlar and local flint panels covered with natural slate to the roof and have a front porch detail with a footprint of 4.2 metres by 1.7 metres. The frontage part of the building would have an overall depth of 12.7 metres, again constructed in dressed ashlar with flint details.

The remaining depth of the building would be a further 5.3 metres in depth and 'extend' towards the north. This would have a width of 12.8 metres and its roof form would span at a right angle to the frontage of the building with the same eaves level and ridge heights. This element of the building would be constructed from a sand and cement render but with raised quoin details.

The remaining materials have been described as being dressed ashlar chimneys, hardwood sliding sash windows and doors and black aluminium gutters and downpipes.

The submitted plans show access from the existing private road to Valley Farm with a biotec sewerage treatment plant to the east of the dwelling.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C3 Special Landscape Area

C16 Archaeological Investigation and Recording

C31a Design

C32 Landscaping

C38 Nuisance

H19 Development in Open Countryside

Supplementary Planning Document – Residential Design Guide

Supplementary Planning Guidance on house alterations and extensions

National guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

## **7. Consultations**

### Chitterne Parish Council

I would like to confirm that the Chitterne Parish Council has no objection to the application in respect of Harley Farms South.

This matter was heard by the council at outline and detail stage; a special meeting was convened to allow Chitterne residents to examine and ask questions about the plans and Mr Harley afforded the council and residents an opportunity to visit the site. A clear majority of councillors and residents approved the application, recognising it to be functionally essential to the business of Chitterne's major employer. We hope that permission to proceed will be granted.

We were unable to bring the matter to the council for a third time, since there was no meeting in December, but I am confident that the alterations proposed are not in themselves sufficient to change the council's view.

### Highway Authority

No objection

### Wessex Water

No objection raised: "It is noted that this application is for reserved matters only, should this have any implications on Wessex Water infrastructure I would be happy to comment. It is recommended that you contact us at the full/outline planning stage."

### Tree and Landscape Officer

No comments received.



## County Archaeologist

No further comments over outline approval.

## Agricultural Consultant

The proposed dwelling is unusually large in relation to the functional need at the holding. I have not seen any up to date financial information for the business; however it is my opinion that the cost of the dwelling is likely to be very significant.

The guidance set out in paragraph 9 Annex A of PPS7 is, in essence, in two parts – whether the cost of the dwelling is unusually large in relation to the income that can be sustained by the farm business and secondly whether the dwelling is unusually large in relation to the identified functional need.

The appeal in respect of Grove Farm, Ashton Keynes, Leigh (Wiltshire Council Development Management North ref N/08/02633/FUL and Inspectorate ref APP/Y3940/A/09/2103759) concerned a proposal to extend a partially constructed agricultural dwelling. The consented dwelling had a floor area of approximately 120sqm and the proposal, subject of the appeal was to increase the floor area to approximately 205sqm. In her decision letter dated 25th November the Inspector stated at paragraph 18:

“To conclude I have found that a larger agricultural dwelling than the one permitted would not be commensurate with the established functional requirements of the holding”.

The point that the Annex A guidance directs us to is whether the dwelling is “unusually large” in relation to the functional need at the holding. The guidance in Annex A refers both to the size of dwelling and the income that can be sustained. In terms of income that can be sustained, the applicant has provided no up to date financial information for the business. However, the submitted plans and elevations I would suggest that the cost of the proposed dwelling is likely to be significant and unlikely to be lower than £1,000 per sqm.

## **8. Publicity**

The application was advertised by site notice and neighbour notification.

Expiry date: 30 July 2009

Summary of points raised:

\* No comments received.

## **9. Planning Considerations**

9.1 This is an application for the reserved matters and the principle of an agricultural worker’s dwelling at this site has been established by the outline planning approval reference 08/00785/OUT. Regrettably it was the detail of the first reserved matters application which was the source of significant concern. There have been some amendments to the scheme with alterations to the footprint, roof form and materials. However the detail of the scheme is still a significant concern and the previous reasons for refusal have been far from adequately addressed. The proposal cannot therefore be reasonably recommended for approval.

9.2 The proposed dwelling would be sited between the established Valley Farm, which consists of a substantial modern farmhouse (circa 1988 and subject to an agricultural tie) and 2 large steel framed barns, and the village of Chitterne to the east. This site is located lower in the valley compared to the established farm which has been prominently sited on higher ground and is clearly visible on approaches from the A36 along the B390. This proposed dwelling would also be highly visible, subject to the status of the growing landscaping in the vicinity, because of its substantial scale.

9.3 The significant scale of the proposal in terms of its footprint especially, but also its height and amount of accommodation, poses substantial concern. It is considered that this is not warranted under the terms of PPS7 and would be harmful in terms of its design and scale on the rural character

of the area, which has been designated as being a landscape of County-wide significance. The development plan policy on this matter states that development that is considered to be detrimental to the high quality of these landscapes will not be permitted. It goes on that proposals for development essential to the social and economic well-being of rural communities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations.

9.4 Special justification has been made for an agricultural worker's dwelling in the outline approval reference 08/00785/OUT in accordance with PPS7 paragraph 10 and Annexe A. The functional and financial tests were met, however no substantive detail on the final scheme was available with all matters left reserved.

9.5 Annexe A to PPS7 also contains relevant national guidance on the detail of any agricultural dwelling proposals at paragraph 9 it states that:

'agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding'.

9.6 An agricultural consultant, who agreed that a dwelling in principle would meet the functional and financial tests at the time of the outline application, has revisited the scheme in light of the reserved matters. They have stated a very clear view that this proposal is of such a scale and size that it would clearly be unusually large. In reaching this conclusion they have contextualised the phrase 'unusually large' by comparing other authority standards and a recent appeal decision in Wiltshire's north hub area where an agricultural worker's dwelling less than half the size of this proposal was considered unusually large in relation to the functional need and also of such a cost as to be unrealistic for the finances of the enterprise.

9.7 There are some clear similarities with the November 2009 appeal in our neighbouring hub, although the maxim of each case on its merits must be observed.

9.8 In the outline approval which provided a minimal amount of information in terms of scale, size and development parameters an agricultural consultant's opinion was sought by the Council. They concluded that there was a function and financial need on the basis of the agricultural operation at that time. This included a substantial beef enterprise with 650 suckler cows of which 350 head are calved indoors and a livestock enterprise of some 20,000 poultry which are then sold on to shoots. No further detailed justification has been submitted with this application so it is on that basis that the functional need and financial tests have been assessed in this case also. The comments in the design and access statement have been noted regarding the 8000 acres (3237 hectares) of land in Wiltshire that are being farmed and the international nature of the business with the subsequent need for visitor accommodation and meeting space. Also comments made in letters to Councillors by the applicant and discussions with the planning agent have been given consideration in reaching the conclusions of this report.

9.9 It has been noted from previous site inspections that part of one of the barns has been substantially converted to provide 2-storey office, meeting, storage and wash room facilities for staff and the business. This is understood to be an unauthorised development at this time, and whilst not a material consideration the presence of these facilities is important context. It raises the question of why further meeting room, computer room and offices spaces are required and how is this justified?

9.10 The detail now provided in this reserved matters application is for a dwelling over 2-storeys with a substantial floor area. The accommodation detailed includes 2 family bathrooms, 4 bedrooms, a games room and a computer room up stairs. These rooms are of a very substantial size and several bedrooms could well be divided to comfortably create more rooms. On the ground floor the spaces are equally substantial and arguably oversized. This space includes a dining room/meeting room (approximately 90 sq.m. in area), a lounge, an office, a utility, a shower room, a kitchen and a breakfast area. Whilst it is acknowledged that this business has an international dimension with partners from the USA it is not considered to justify the extent of facilities and is inconsistent with the

outline approval's functional justification considered by the Council's consultant last year. The footprint of the building has been changed, however it is considered to be only a nominal change and the concerns previously raised in application W/09/01943/REM substantially remain.

9.11 The scale of the building is not considered to be adequately justified in connection with the functional requirements of the holding and would be incongruous with the character of this rural area and landscape; the existing housing types in the locality are not of this scale. For example the existing 5 bedroom and 2 bathroom agricultural worker/manager's dwelling at Valley Farm to the west of the application site is large for the area and it has a floor area very approximately 30% less than being proposed in this instance. The proposal is for a very substantial dwelling in the open countryside which is not commensurate with the established functional requirement as required by PPS7 at Annexe A. It is clearly, from the submitted plans an unusually large dwelling, by any measure, but especially by agricultural standards as exemplified by the recent appeal decision in the north hub where a dwelling roughly half the size was refused.

9.12 Further Annexe A picks up on the issue of construction cost, stating that proposals that would be unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. This point has been raised by the agricultural consultant stating a broad price of £1000 per sqm. Officers in building control have confirmed that this construction cost is a reasonable estimate often used in trade and given the high quality materials being proposed, namely Ashlar and natural slates, it is likely to be a conservative estimate. Given the size of dwelling then very approximately this proposal may cost in the region of half a million pounds to construct. The proposal is for an agricultural worker's dwelling; wages and income for such a group are highly unlikely to be able to sustain this in the long-term. The fear is therefore that if the agricultural operation cannot sustain the dwelling then a huge dwelling in open countryside would exist and pressure may exist to release the agricultural tie, or costly enforcement action from the Council may be required. In this context the cost of construction appears to make the proposal completely contrary to PPS7's Annex A requirements.

9.13 The substantial scale of the dwelling is fundamental to the appearance and visual impression it has on the surrounding area. This is a sensitive local landscape which needs to be treated with care. The bulk, mass and scale of development creates an appearance which is substantial and would be incongruous in this context. The use of flint is typical of the area and not so objectionable in principle, however the detail of its use does pose some concern. The height of this revised scheme is still substantial, albeit the roof form has been changed to the better. The high quality materials being proposed are also noted and are a laudable intention, but it does not mitigate against the harm of such a large scale residential development in open countryside. Indeed caution should be had when considering the likely cost implications of this and therefore the agricultural validity of this development.

9.14 The Highway Authority has commented that the proposals do not raise any objection for them. It is noted that there is a slight porosity of information in regards to landscaping and highways, especially parking and turning. However in light of the comments made and the outstanding conditions imposed on the outline approval then matters of access and landscaping do not form grounds for refusal.

9.15 In conclusion this revised application fails to adequately address the planning history and the previous reasons for refusal. The scheme is still of a substantial scale which must be assessed as unusually large by functional and financial agricultural standards. Further this proposal by reason of its scale, design and appearance would be incongruous in this special landscape context and would represent significant and unjustifiable harm in this location.

**Recommendation:            Refusal**

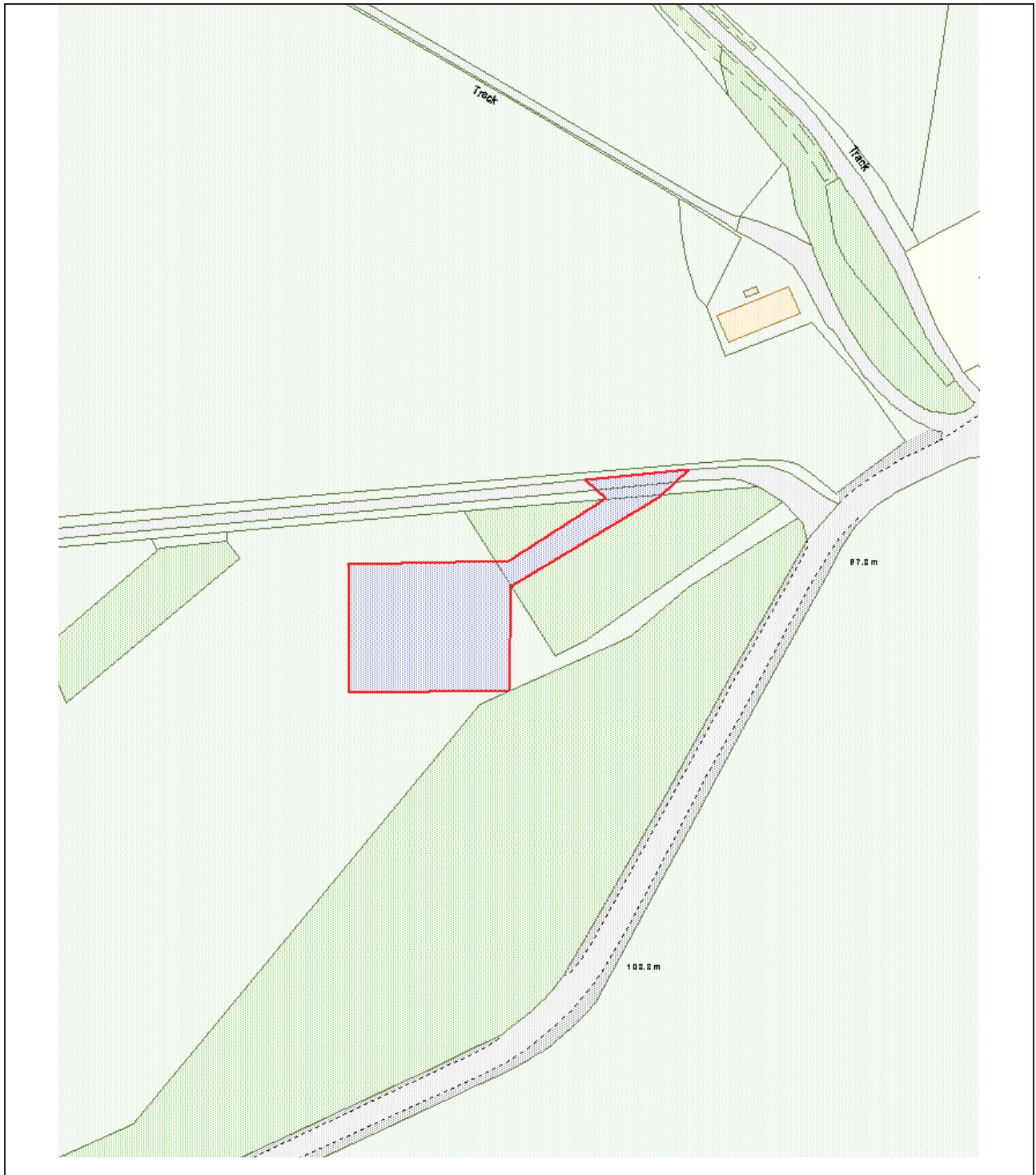
**For the following reason(s):**

- 1     The proposal by reason of its size and scale fails to accord with the established functional need under outline approval reference 08/00785/OUT contrary to policy H19 of the West Wiltshire

District Plan 1st Alteration (2004) and Planning Policy Statement 7: Sustainable Development in Rural Areas Annexe A paragraph 9.

- 2 The proposal by reason of the scale and appearance (as defined in DCLG Circular 01/2006) would be a prominent and incongruous development which fails to respect the special rural landscape character of this area and the quality of the local architecture contrary to policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration (2004).

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN received on 29.10.2009  
Drawing : BLOCK PLAN received on 29.10.2009  
Drawing : FLOORPLANS received on 29.10.2009  
Drawing : ELEVATIONS received on 29.10.2009  
Drawing : CROSS SECTION received on 29.10.2009

<b>Date of Meeting</b>	<b>27.01.2010</b>		
<b>Application Number</b>	<b>W/09/03316/FUL</b>		
<b>Site Address</b>	<b>Brooklands 49 Woolley Street Bradford On Avon Wiltshire BA15 1AG</b>		
<b>Proposal</b>	<b>Erection of a proposed rear extension and new dormer windows to existing bungalow</b>		
<b>Applicant</b>	<b>Beswick Homes Ltd</b>		
<b>Town/Parish Council</b>	<b>Bradford On Avon</b>		
<b>Electoral Division</b>	<b>Bradford On Avon North</b>	<b>Unitary Member:</b>	<b>Rosemary Brown</b>
<b>Grid Ref</b>	<b>383209 161198</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mrs Kate Sullivan</b>	01225 770344 Ext 244 kate.sullivan@wiltshire.gov.uk	

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

Councillor R Brown has requested that this item be determined by Committee due to:

- \* Scale of development
- \* Visual impact upon the surrounding area

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be  
Granted for the scheme applied for.

**2. Main Issues**

The main issues to consider are:

- \* Impact on the host dwelling
- \* Impact on the neighbouring amenity
- \* Impact on the Conservation Area

**3. Site Description**

The application site is a bungalow located at the end of Woolley Terrace on Woolley Street. The site is identified in the Conservation Area Character Assessment as sitting in a significant private enclosed space.

Planning permission has been granted for a four bedroom bungalow in the rear of the grounds.

**4. Relevant Planning History**

W/09/01693/FUL - Erection of 4 bedroom bungalow associated works and retention of open space - Permission, 01.09.2009

W/09/01702/CAC - Conservation area consent for demolition of conservatory, domestic garage and car ports - Consent, 01.09.2009

07/00495/FUL - Demolition of existing dwelling and erection of four new three bedroom terraced cottages and associated works and open space area - Refused, 03.02.2009

07/03878/CON - Demolition of existing dwelling and erection of four new three bedroomed terraced cottages, associated parking and open space area - Refused, 03.02.2009

06/03011/CON - Demolition of existing dwelling and erection of six 3-bedroom terraced cottages and associated works - Dismissed, 07.02.2006

05/00214/FUL - Demolition of existing dwelling and erection of six 3-bedroom terraced cottages and associated works - Refused, 08.08.2005

AP/05/00076/REF - Demolition of existing dwelling and erection of six 3-bedroom terrace cottages and associated works - Dismissed, 07.02.2006

04/01991/FUL - Demolition of existing dwelling and erection of 8 three bedroom terrace cottages and associated works - Refused, 10.12.2004

80/00892/FUL - Stone garage and car park - Permission, 19.08.1980

## **5. Proposal**

The application is for the erection of a proposed rear extension and a new dormer windows to the existing bungalow.

The rear extension would measure approximately 3.1 metres in depth by 5.7 metres in width and would measure 5.3 metres to the ridge. It includes a dormer window to serve a bathroom.

Timber bi fold doors would stretch along the rear elevation and a dormer window would be inserted into the roof elevation.

A new dormer would be inserted above the front door. The dormer would measure approximately 1.7 metres in width by 2.3 metres in width and 1.2 metres in height with a flat roof.

As part of the proposals an existing dormer would be re-furbished.

## **6. Planning Policy**

West Wiltshire District Council, 1st alteration 2004

C19 Alterations in a conservation area

C31a Design

C38 Nuisance

Supplementary Planning Guidance - Household alterations and extensions, 2004

Bradford on Avon conservation area character assessment, 2008

Planning policy guidance 15 - Planning and the historic environment

## **7. Consultations**

### Town/ Parish council

Object to the application as "it does not preserve or enhance the character and appearance of the conservation area, nor apply with the policies in respect of the street scene (C23), Design (C31a) and Landscaping (C32).

In particular they have highlighted the unacceptable proposals for the visually prominent and historic front boundary wall along Woolley Street.

Bradford on Avon Preservation Trust

Recommends refusal on the same grounds as the Town Council. They have particularly sited the importance of restoring the boundary wall to the original height (Referencing the appeal decision App/F3925/A/05/1190361) and the proposed dormer windows.

Conservation Officer

No Objections

He has commented that:

1. "The proposed extension would not imbalance the proportions of the property and would almost match the neighbouring approval for a new bungalow.
2. The bungalow is 20 metres away from Woolley Street and as such the increased volume would not have a detrimental effect on the Conservation Area.
3. The flat roofed dormer is a shame, but does not cause harm as to warrant a refusal.
4. Material samples should be required to ensure the extension is in keeping with the host building and surrounding area."
5. He raised concerns regarding discrepancies on the drawings.

### Highways

No response received

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification.

Expiry date 11.12.2009

Summary of points raised:

Three letters of comment and objection were received on the following grounds

Ignoring the requirements of a previous planning consent (W/09/01693/FUL) in relation to this application.

The front boundary wall is a significant boundary feature and discrepancies in details of the wall

Extension is so visually prominent and flat roof dormer not acceptable

Pd rights should be removed



Inconsistency with landscaping from that which was given consent under W/09/01693/FUL and the plans submitted on this application

## **9. Planning Considerations**

9.1 The existing wall that runs along the front boundary of the site was raised as a concern by the Town Council. Whilst the Inspector in the appeal reference App/F3925/A/05/1190361 for a proposed 6 dwellings on the site refers to the lowering of the wall having a detrimental effect on the Conservation Area, this proposal does not indicate that the existing wall would be altered by the proposals. The proposal is for a rear extension and a new dormer. The said wall is not part of this application and in previous correspondence the Conservation Officer advised that the reduction of the wall did not constitute development for which conservation area consent was required.

9.2 Detailed landscape proposals have not been submitted in this application however, it is not usual practice to impose a landscaping condition on modest domestic extensions. If a condition was imposed it could only be imposed in order to mitigate the impact of the extension on the street scene and not to the entire garden. Given the distance the property is set back from the street it would not therefore be appropriate to impose a landscaping condition on this proposal. The agent has offered to submit a revised plan which will incorporate landscaping to mirror that which was required for planning permission 09/01693.

9.3 The proposals are for modest extensions that would remain subservient to the host building and the addition of two dormers. Whilst the Conservation Officer has acknowledged that it is unfortunate that the dormer would have a flat roof, which is against advice given within the SPG on household alterations, the flat roofed dormer would mirror the existing dormer present on the roof, and the Conservation Officer suggests that even in this location, the insertion of a flat roofed dormer would not cause harm so as to lead to a refusal of the application.

9.4 The alterations to the property would not unbalance the dwelling, and have been designed to reflect the design of the recently permitted adjacent bungalow.

9.5 The proposed extension would not protrude closer to the boundary than the existing dwelling, which would retain the sense of space felt to those using Woolley Street and the important space identified in the Conservation Area Character Assessment.

9.6 The car parking/ access to the site would not be affected by the proposed alterations.

9.7 A condition would be required to be placed on any permission to require the submission of material samples before the works take place to ensure that the materials are appropriate for the dwelling.

9.8 The discrepancies with the plans have now been corrected and the correct plans are on file.

9.9 Whilst the alterations proposed are to a dwelling located in a prominent position within the Conservation Area, they are appropriate to the host building which is set back from the street by approximately 20 metres and thus the impact and resulting harm would not warrant a refusal for the application. It is Officers opinion that it would be unreasonable to remove permitted development rights for this type of application.

**Recommendation:           Permission**

**For the following reason(s):**

**The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.**

**Subject to the following condition(s):**

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

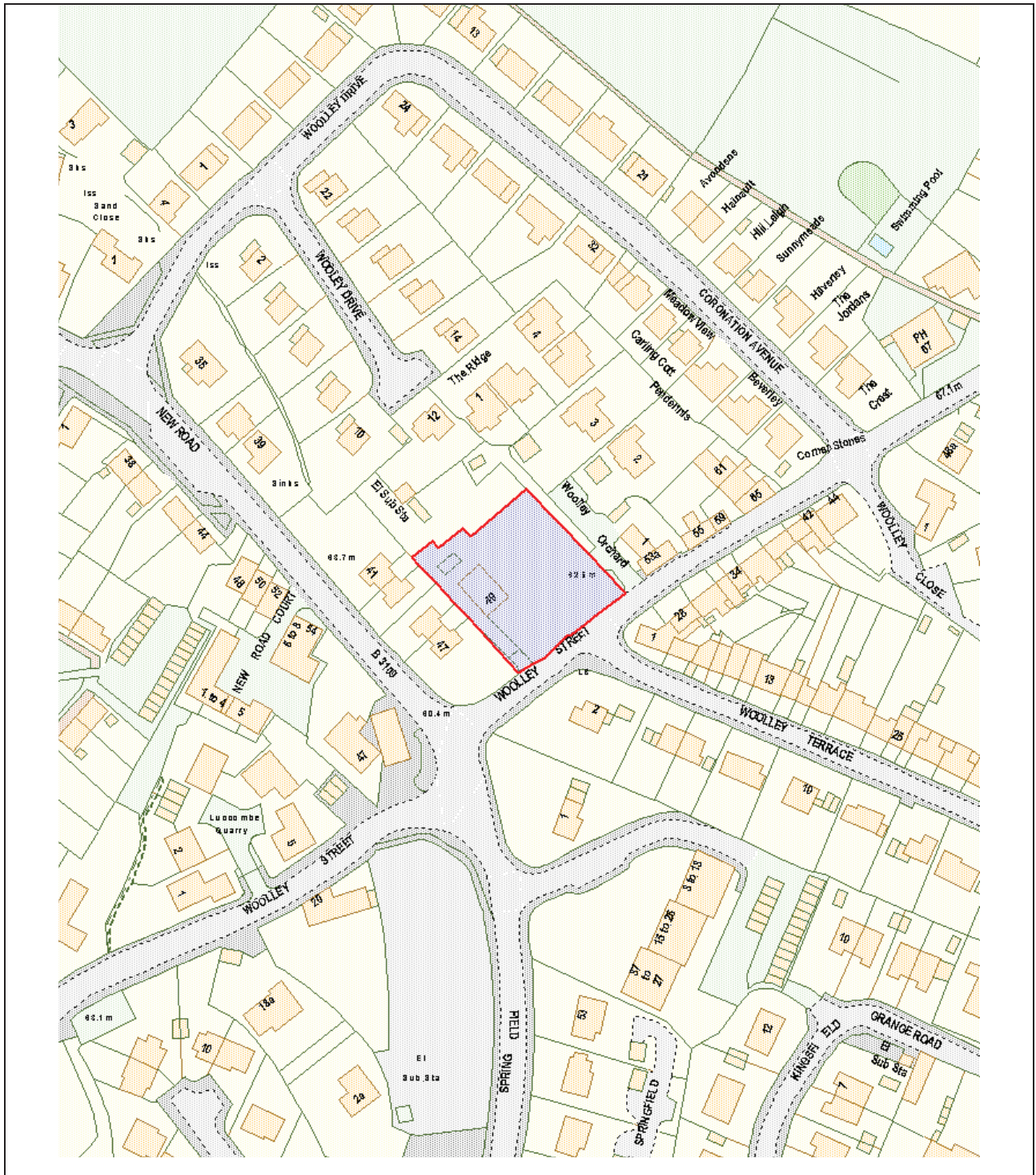
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the materials to be used on the development 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

<b>Appendices:</b>	
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MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : 49/PL/01 A received on 17.12.2009

Drawing : 49/PL/03 received on 09.11.2009

Drawing : 49/PL/04 received on 09.11.2009

<b>Date of Meeting</b>	<b>27.01.2010</b>		
<b>Application Number</b>	<b>W/09/03170/FUL</b>		
<b>Site Address</b>	<b>Post Office Stores Tynings Way Westwood Wiltshire BA15 2BU</b>		
<b>Proposal</b>	<b>Single storey front and rear flat roof extension to existing post office</b>		
<b>Applicant</b>	<b>Mr R Parsons</b>		
<b>Town/Parish Council</b>	<b>Westwood</b>		
<b>Electoral Division</b>	<b>Winsley And Westwood</b>	<b>Unitary Member:</b>	<b>Linda Conley</b>
<b>Grid Ref</b>	<b>380733 159244</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Miss Julia Evans</b>	01225 770344 Ext 140 juliaj.evans@wiltshire.gov.uk	

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

(THE LIST BELOW ARE OPTIONS SO DELETE THIS LINE AND ALL THAT ARE NOT RELEVANT)

Councillor Conley has requested that this item be determined by Committee due to:

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Design - bulk, height, general appearance

**1. Purpose of Report**

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

**2. Main Issues**

The main issues to consider are:

- \* impact of the proposal on retail provision within the village;
- \* design matters;
- \* amenity matters;
- \* drainage and water supply matters;
- \* parking and access matters.

**3. Site Description**

This is a full application for the single storey flat-roofed shop extension, and a single-storey flat-roofed rear extension to the Post Office Store, Tynings Way, Westwood, Wiltshire. The Post Office Store lies on a corner plot to the north of Tynings Way. It is a semi-detached property with coursed rubble stone to the front elevation of the property, and reconstituted stone to all other elevations, with brown concrete roof tiles. To the rear of the store lies a double flat-roofed garage, with flat-roof link between them and the store. Vehicular access to the property lies to the front of the garages. The store

occupies the ground floor of the building, with a residential unit above. The property's garden lies to the south-western side of the property. The surrounding area is residential, with a mix of house and bungalow types.

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

N/A.

#### **5. Proposal**

This is a full application for the single storey flat-roofed shop extension, and a single-storey flat-roofed rear extension to the Post Office Store, Tynings Way, Westwood, Wiltshire. The extension to the front of the property would be to provide extra retail floorspace, including extending facilities for a post office. It would be constructed of reconstituted stone walls with a flat roof. A disabled access ramp would be constructed on the pavement to allow access to the shop on the south-eastern elevation.

To the rear of the property, the existing open-fronted flat-roofed covered yard would be enclosed to provide a store / rest room for the shop, with a doorway linking to the adjoining garage. The materials would match those in the existing building. Internal alterations would also take place to the shop to provide additional facilities, including the segregation of the access to the flat from the shop.

The application has been supported with a Design and Access Statement and a Sustainability Report. This latter document states that "The shop and post office suffers from a lack of selling area for an estate and village of this size, offering a greater service level will reduce the need to travel quite so often." The report goes on to state that changes to hygiene legislation also necessitate changes to the store, along with a need for increased level of services and facilities.

#### **6. Planning Policy**

Wiltshire Structure Plan 2016

DP1 Priorities for sustainable development

DP6 Shopping

T5 Cycling and walking

T6 Demand management

West Wiltshire District Plan - First Alteration 2004

C25 Shopfronts

C31a Design

C32 Landscaping

C35 Light pollution

C38 Nuisance

T10 Car parking

I3 Access for everyone

#### **7. Consultations**

Westwood Parish Council "supports" the application.

Highways Authority states "it appears that the proposal is to re-grade the existing footway; therefore I will need to be satisfied that these works we not have an adverse effect on pedestrians. I shall be glad to receive further plans illustrating the proposed works to the highway, ie cross sections and longitudinal sections."

Wessex Water states "The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

“The developer has proposed to dispose of surface water to soakaway. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

“With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

“It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

“The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water’s ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant’s expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.”

## **8. Publicity**

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

Expiry date: 21/xi/09.

Summary of points raised: no responses have been received.

## **9. Planning Considerations**

9.1 This application raises the following planning matters:-

- \* retail impact of the proposal;
- \* design matters;
- \* highways and access matters;
- \* drainage and water supply matters;
- \* amenity matters.

9.2 National guidance seeks to encourage the health and vitality of retail facilities in villages. Planning Policy Statement 6 - Planning for Town Centres states that “Local Planning Authorities should be aware of the extent of the rural population which is dependant on a particular centre or facility, such as a village shop, and seek to protect existing facilities and promote new ones accordingly.” (paragraph 2.61). The proposal to extend the shop’s retail floorspace is acceptable pursuant to this objective in that it seeks to maintain the shop’s viability.

9.3 In addition to the retail implications of the proposal, the application also has to be considered in terms of its visual impact on a prominent location within the street-scape. The shop occupies a corner plot, and has a large glazed window, in front of which lies a paved forecourt. The flat-roofed design of the proposal would be a visually intrusive element in the street-scape, which due to its size and location would be a discordant and incongruous addition to the host building and the surrounding area. The applicant was asked to revise this aspect of the scheme but has retained the flat roof, considering that it is similar to the many flat-roofed garages in the area. Although the merits of the shop extension are appropriate under national retail guidance, it is considered that such a large flat-roofed extension in a prominent location in the street-scape is visually unacceptable, and the application is recommended for refusal on this basis. No objection is raised to the enclosure of the open-fronted store to the rear of the building.

9.4 The application includes works to the public pavement in the form of a ramp in front of the proposed new shop door. These works involve its regrading, and the highways authority has not objected subject to the provision of detailed drawings. These can be achieved by conditions.

9.5 Wessex Water were consulted on the application and raised no objection subject to agreement of points of connection onto their apparatus, which could be dealt with by condition.

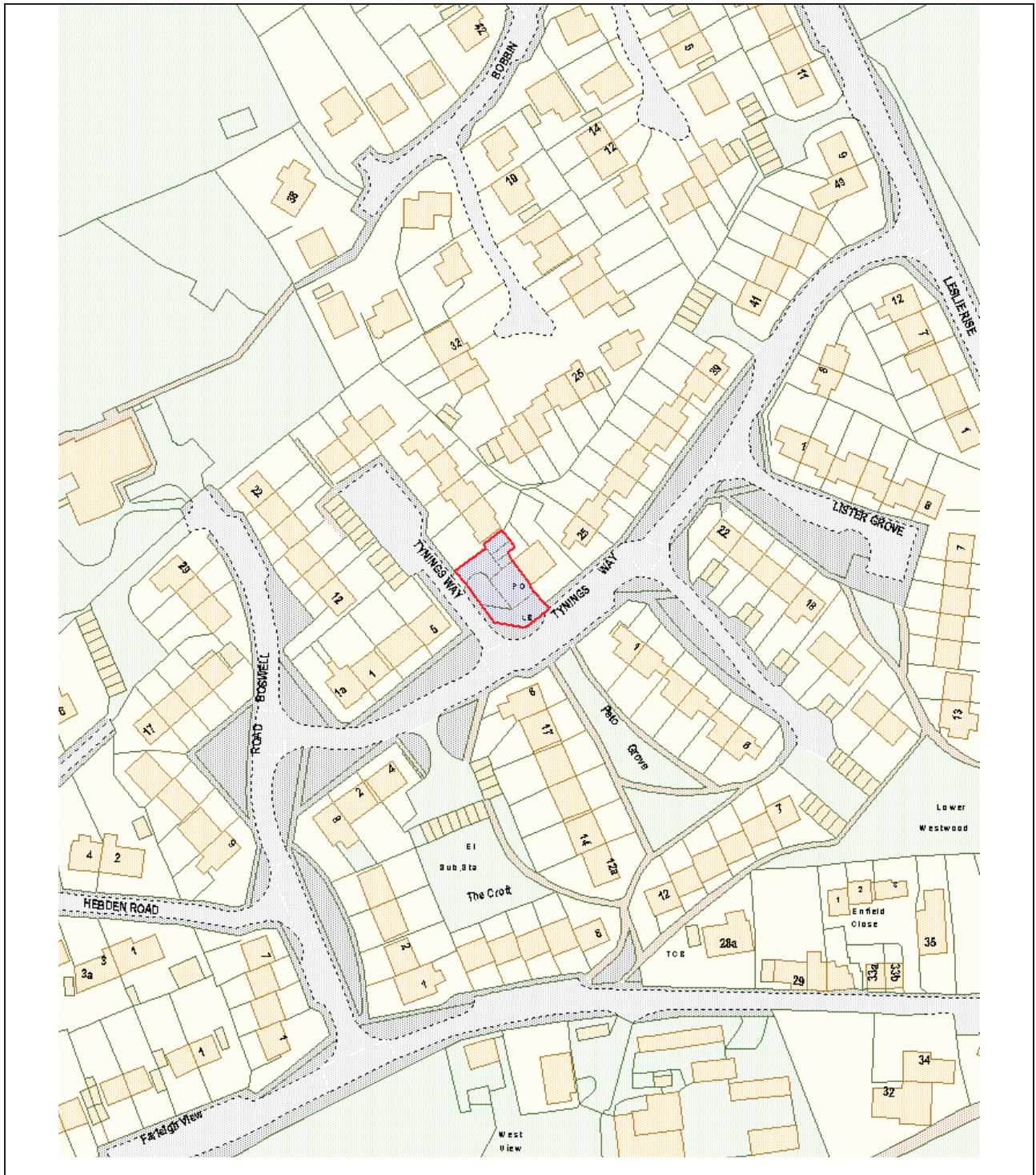
9.6 Neither the shop extension or the enclosure of the store to the rear is considered to raise any amenity concerns, due to its single storey nature.

**Recommendation: Refusal**

**For the following reason(s):**

- 1 Policy C31a of the West Wiltshire District Plan - First Alteration 2004 requires new development on prominent sites to pay particular attention to proportion, composition, form, massing and scale. The proposed extension to the shop by reason of its large flat roof and prominent location within the street-scene is considered to be an unacceptable, incongruous addition to the host building and the surrounding area, which is therefore contrary to development plan policy.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

## RELEVANT APPLICATION PLANS

- Drawing : SITE LOCATION PLAN received on 12.11.2009
- Drawing : BLOCK PLAN received on 12.11.2009
- Drawing : 1645-5
- Drawing : 1645-1 received on 26.10.2009
- Drawing : 1645-2 received on 19.11.2009
- Drawing : 1645-3 received on 26.10.2009





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**Wiltshire Council – Area West  
Planning Committee  
27 January 2010**

**PLANNING APPEALS UPDATE REPORT  
30 October 2009 to 30 November 2009**

**New appeals received**

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	COM	CHAIR	INQ
W/09/01648/FUL	Little Bowerhill Farm 457 Bowerhill Lane Bowerhill	Melksham Without	Alterations and extensions to farmhouse	DEL	REF	WR
W/09/01919/FUL	48 Church Lane North Bradley	North Bradley	Single storey annexe extension	DEL	REF	WR
W/09/01499/FUL	Duck Pond Barn 37A Church Lane Wingfield	Wingfield	Erection of agricultural store beyond the building curtilage	DEL	REF	HRG
W/09/01214/FUL	7 Birch Gardens Hilperton	Hilperton	Single storey extension	DEL	REF	WR
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	COM	PER	HRG
W/09/01271/FUL	Kings Farm 6 Little Common North Bradley	North Bradley	Two storey extension to house	COM	REF	WR
W/09/01272/LBC	Kings Farm 6 Little Common North Bradley	North Bradley	Two storey extension to house	DEL	REF	WR

## Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appe al type	Appeal Decisn
W/09/00612/FUL	5 Fore Street Westbury	Westbury	Change of use from shop (empty hairdressing salon) to residential 1 bedroom self contained flat	DEL	REF	WR	ALLOWED
08/03237/FUL	Land Adjacent 116 Bradford Road Atworth	Atworth	Conversion of garage/studio to form separate dwelling	DEL	REF	WR	ALLOWED
W/09/01632/FUL	Cley Hill Farm Cley Hill Lane Corsley	Corsley	Extensions to front, side and rear	DEL	REF	WR	ALLOWED
W/09/01430/FUL	9 Lower Marsh Road Warminster	Warminster	Extension to dwelling providing one further bedroom	DEL	REF	WR	DISMISSED
W/09/01499/FUL	Duck Pond Barn 37A Church Lane Wingfield	Wingfield	Erection of agricultural store beyond the building curtilage	DEL	REF	HRG	WITHDRAWN
W/09/00267/FUL	Land Adjoining Mudmead Stables Mudmead Lane Steeple Ashton	Steeple Ashton	Change of use of land for the siting of an agricultural workers mobile home for three years	DEL	REF	HRG	DISMISSED

\* additional notes on decision below

- I = Inquiry            H = Hearing
- Del = Delegated decision

WR = Written Representations

Comm = Committee decision

## ❖ Points of interest arising from decisions

### **W/09/00612/FUL - 5 Fore Street Westbury**

The appeal was allowed and regrettably a partial award of costs made against the council. It was the view of your officers that the loss of the existing shopfront, as part of the change of use to residential, would be harmful to the character of the conservation area. However, the Inspector took a different view because he regarded the shop front as of little intrinsic value. Furthermore, since the shop unit was not within the area of primary retail frontages it did not fulfil an important and valid retail and employment function.

### **08/03237/FUL - Land Adjacent 116 Bradford Road Atworth**

The Inspector in allowing this appeal disagreed with your officers even though he considered that the building was in close proximity to surrounding dwellings. He did not consider that there was sufficient harm from overlooking to result in undue loss of privacy either from windows or a dormer window. He shared officers' concerns about the potential for noise nuisance and disturbance from manoeuvring vehicles but in the event of the appellant having offered to remove the parking spaces for 116 this was overcome. Turning to the impact on highway safety, even though this would displace more vehicles to the road, he concluded that it would not result in additional highway safety hazards.

### **W/09/01632/FUL - Cley Hill Farm Cley Hill Lane Corsley**

The Inspector in allowing this appeal as he did not share the view of officers that the proposed extensions, which he conceded were large and lacking in symmetry, would be detrimental to the appearance of the building. He took the view that the existing dwelling was of notably poor external appearance and that the additions would be likely to improve the unsatisfactory exterior. Furthermore, in view of the existing unattractive farm buildings, which would be partially obscured by the new extensions, there would be no harm to the visual appearance of the landscape.

### **W/09/00267/FUL - Land Adjoining Mudmead Stables Mudmead Lane Steeple Ashton**

In dismissing the appeal the Inspector concluded that there was no functional need for a worker to be resident at the alpaca enterprise and that there was no need for an extended presence at the site. Any security risk did not have sufficient weight to justify a permanent presence at the site. Furthermore, the appellant already had a house in the village approximately 1 mile from the site and he took the view that a new dwelling, albeit a temporary one, in this isolated open countryside location would be harmful to the quality of the landscape.

#### **Note**

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

**Forthcoming hearing or Inquiries**

<b>Ref. no.</b>	<b>Site</b>	<b>Town/ Parish</b>	<b>Description</b>	<b>Appeal type</b>	<b>Venue</b>	<b>Date</b>
08/00334/BLD_L	Land adj Crusader Park Furnax Lane Warminster	Warminster	Unauthorised land contouring works	INQ	CC	26.01.2010 + 27.01.2010 (date changed from 05.01.2010)
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	HRG	CR1	02.03.2010
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	INQ	CC	23.03.2010

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