

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	28 <sup>th</sup> January 2016
<b>Application Number</b>	15/11632/VAR
<b>Site Address</b>	Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX
<b>Proposal</b>	Removal of condition 2 of planning permission E/2012/0670/FUL to allow full time independent residential occupation of the holiday let.
<b>Applicant</b>	Mr & Mrs M Rhodes
<b>Parish Council</b>	GREAT BEDWYN
<b>Electoral Division</b>	BURBAGE AND THE BEDWYNS – Councillor Stuart Wheeler
<b>Grid Ref</b>	426956 163104
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Nick Clark

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

The application is one of two applications for the site that are being reported to the planning committee for consideration at the request of Councillor Wheeler, to consider the need for consistency, taking into account approval granted in 2015 for a similar proposal outside the Limits of Development of Burbage.

#### 1. Purpose of Report

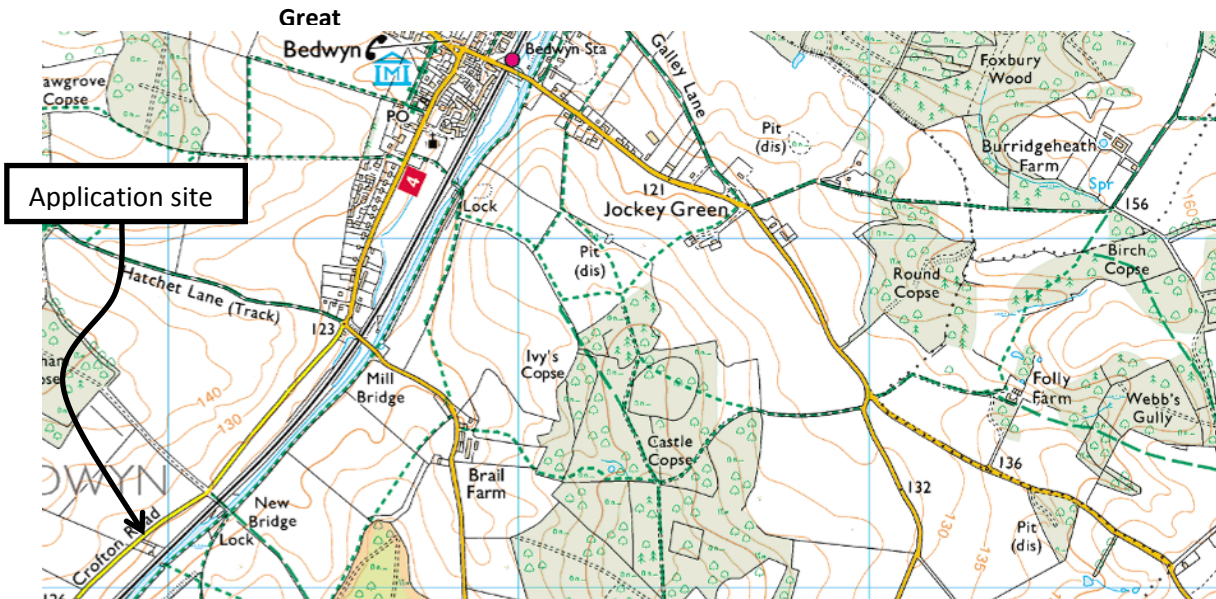
The purpose of the report is to allow the Committee to assess the merits of the proposal against the policies of the development plan and other material considerations, and the recommendation of officers that the application be refused.

#### 2. Report Summary

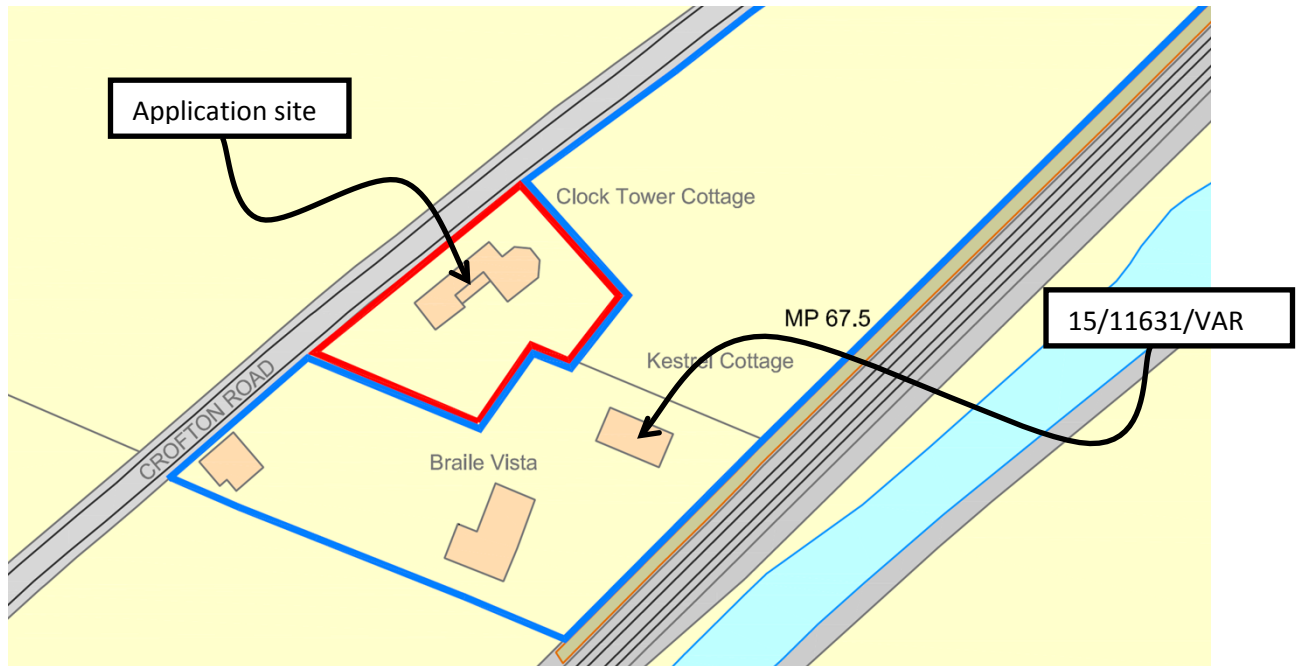
The main issue to be considered is the sustainability of allowing a new dwelling in the countryside and North Wessex Downs AONB when assessed against Wiltshire Council's Spatial Vision as set out in the adopted Core Strategy, and impacts in terms of the character of the area and the accessibility of local amenities and services for the occupants of the building.

#### 3. Site Description

The building is located within the grounds of the property Brail Vista, 900 metres south west of the Great Bedwyn village limits on the unclassified road leading to Crofton.



The main line railway and Kennet & Avon canal lie to the south east. Open countryside lies to the south west, north west and north east.



The site is within the North Wessex Downs AONB.

The building was erected as an outbuilding for use as stables, hay barn and tractor store and has since been converted to allow residential use as holiday accommodation.

Access is via a single driveway that also serves Braille Vista and the other holiday let on the site (subject to application 15/11631/VAR in the previous report).

#### 4. Planning History

K/81/0048	Extension to dwelling	Approved
K/32679	The erection of a double garage and log store with games room above. The erection of a porch and a conservatory.	Approved 22/08/1996
K/44735	Change of use of garage & store into Holiday	Approved

	accommodation	06/02/2003
<b>K/59480/F</b>	<b>Two stables, tack room, hay barn and tractor store</b>	<b>Approved 28/10/2008</b>
<b>E/2012/0670/FUL</b>	<b>Conversion of stables to 2 No holiday let cottages</b>	<b>Approved 09/07/2012</b>
15/11631/VAR	Removal of condition 2 of planning permission K/44735 to allow for full time rental occupation	Pending

## 5. The Proposal

The application concerns a building within the grounds of Brail Vista, approved in 2008 for use as stables/ storage and converted as recently as 2012 for use as a holiday let.

The 2012 approval for holiday use is subject to a condition that the building is only to be used as holiday accommodation and that no person is to occupy the accommodation for more than 8 weeks in any calendar year or for more than 4 continuous weeks.

The condition was imposed as “This site is in the open countryside where the Local Planning Authority, having regard to long standing local and national planning policies, would not permit permanent residential accommodation”.

The current application seeks removal of this condition, effectively thereby creating a further permanent independent 2-bedroom dwelling within the countryside and AONB.

## 6. Local Planning Policy

The development plan so far as is relevant comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

The following policies of the Wiltshire Core Strategy are of particular relevance to the proposal:

CP1	Settlement strategy
CP2	Delivery strategy
CP18	Pewsey Area Strategy
CP41	Sustainable construction and low carbon energy
CP48	Supporting rural life
CP51	Landscape
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP64	Demand management
CP67	Flood risk

## 7. Summary of consultation responses

Great Bedwyn Parish Council: Support subject to:

- 1) No additional access to Crofton Road in the future
- 2) No future extensions

## **8. Publicity**

The application has been publicised by way of a site notice posted outside the site.

## **9. Planning Considerations**

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

### **9.1 The principle of development**

The Spatial Vision of the Wiltshire Core Strategy as set out in Core Policy 1 and Core Policy 2 sets a general presumption against any residential development outside the recognised limits of development.

Core Policy 2 is clear that development will not be permitted outside the limits of development, unless supported by other policies within the Core Strategy. This is reiterated in Core Policy 48, the supporting text for which states that residential development will not normally be permitted in the countryside unless it meets the requirements of Core Policy 44 (affordable housing).

Core Policy 39 supports development of tourist accommodation, and it was similar provision in former policies of the Kennet Local Plan that supported the 2003 conversion of the building.

In terms of the conversion of existing buildings, Core Policy 48 provides that residential use should only be considered where there is *clear evidence* that the use for the purpose of holiday accommodation is no longer a practical proposition, or otherwise in line with national planning policy.

#### Consistency with approval 15/05858/FUL

The applicant and Councillor Wheeler highlight approval under delegated powers of application 15/05858/FUL. That application related to a 'barn' approved in 2008 (against the recommendation of officers) to provide a purpose built mixed use building of 2 holiday units and office space. The application retrospectively sought the use of the holiday units as independent dwellings and a change of use of part of the office space for A2 purposes (Financial and professional services). Approval was granted as the residential accommodation was specifically supported by Burbage Parish Council, which considered that the village had 'much need' for small rented accommodation such as the 1-bedroomed units in that instance.

The current proposal involves a larger 2-bedroomed unit, and whilst Great Bedwyn Parish Council offers qualified support for the current proposal, no need for the accommodation being proposed has been identified. The application site in Burbage was also significantly closer to the settlement boundary (100m rather than c. 900m) and along a no-through-road that is more pedestrian-friendly than the through route of the Crofton Road that serves the current site. Furthermore, this application relates to an outbuilding that was originally permitted as a double garage and store, before being allowed to be used as holiday

accommodation. It would set an undesirable precedent if new dwellings are allowed in the countryside via a back door route of erection of a stable block and subsequent conversion to new dwellings little more than 3 years after their conversion.

Perhaps similar to Burbage, the Council's Housing Register shows that in the Great Bedwyn area, the housing need is predominantly for 1-bedroom homes, with the need for 5 x 1 bedroom homes in Great Bedwyn, and 9 x 1 bedroom homes in Great Bedwyn and surrounding parishes being registered. There is also a need registered for 1 x 2-bedroom home of social housing, but there is nothing to suggest that the proposed housing would meet this need as it would instead be rented on the open market.

It is also the case that since the Burbage approval, the Council has published a revised Housing Land Supply statement that demonstrates a strong 8½ years supply of deliverable housing land within the East Wiltshire Housing Market Area.

The circumstances of the Burbage approval thus differ significantly in a number of respects from the applications at Brail Vista such that the 2015 decision does not set a precedent. As with all applications, the current proposals need to be considered on their own merits with regard to all the circumstances.

## **9.2 Continued use of the building as a holiday let**

In addressing the practicality continued holiday use, the application suggests increasing difficulties in the owners being able to service the holiday units themselves, and a difficulty in employing staff, the cost of which, with advertising costs, also impacts on the viability of the holiday let business.

Whilst appreciating that the current owners may have difficulty servicing the holiday accommodation, this is essentially a short-term personal difficulty that need not apply to future management of the site. Equally it would not apply if the building were to be returned to its former use as an outbuilding to serve Brail Vista and the associated paddock.

The application also reports diminishing holiday occupancy due to increased competition and suggests an undesirability of the accommodation due to the proximity of the railway line and the impacts of noise. (Although it should be noted that some owners of holiday accommodation in close proximity to railway lines advertise this fact in the specialist railway press).

It is said that there are 20 holiday cottages competing in the Marlborough/ Pewsey area, but no evidence has been provided in respect of the occupancy of the unit.

Similarly no evidence has been provided in respect of financial viability. In 2015 alone however the Council received 32 enquiries/ applications in respect of proposals for 70+ holiday units within AONBs, suggesting a high demand for, and profitability in providing, holiday accommodation in the area.

No acoustic assessment has been submitted in support of the suggested undesirability of the application site for holiday purposes, although any such impact would of course impact also on permanent residential use of the building.

It is thus concluded that there is thus no *clear evidence* as required by Core Policy 48 before independent residential use of the building can be considered.

The application seeks support from approval 14/11062/FUL in which the council accepted the argument of viability. In that case however the applicant provided the required *clear evidence* in the form of a detailed viability assessment with details of occupancy rates and accounts in respect of the business. No such details have been provided in support of the current application.

It should be noted that the Council has had two appeal decisions since the adoption of the Core Strategy last year where applicants have sought permission to remove conditions restricting accommodation to holiday purposes. These were at Bradford on Avon (July 2015) and Chute Cadley (August 2015). Both of these were dismissed, with the Inspectors concluding that the requirements of Core Policy 48 that there should be 'clear evidence' that the holiday use was not a practical proposition before permanent residential use was allowed as an exception in the countryside were not met. The same lack of evidence applies in this case. Copies of the appeal decisions are attached as an appendix to this agenda.

### **9.3 Suitability of the location/ premises for independent residential use**

#### Location

Core Policy 60 provides that the Council will use its planning powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people within Wiltshire. A key element of the policy is to ensure that development is located in accessible locations.

As noted above, the site is located 900m from the settlement boundary of Great Bedwyn. Services and amenities within the village are further, for example 1.6km to the closest village shop and 2.3km to the primary school. Crofton Road does not have any pedestrian provision or streetlighting, and as such it is likely that occupants of the building would be largely reliant on the use of private cars for all day-to-day transport needs. As such the establishment of an additional household on the site would be contrary to the principles and aims of sustainable development and Core Policy 60.

#### Impact on the character of the area

The holiday use of the building gives rise to limited need for the outdoor accoutrements such as a washing line, play equipment, garden outbuildings etc that is likely to be associated with a permanent residential use. Whilst the site is relatively well-screened from views, it is evident within the countryside and landscape of the AONB from public rights of way on rising ground south of the canal. It is also clearly visible by users of the railway and evident to an extent from the Crofton Road through and above the roadside hedge.

The visual impact associated with independent residential use is a matter supported on appeal by the government's Planning Inspectorate – for example in a recent appeal decision dated 11/12/2015 concerning conversion of a residential outbuilding to a dwelling in Bromham. A copy of the decision is appended to the agenda (see paragraphs 17 & 18 ). The site was outside the AONB and was 'relatively well-screened in public views'. The Inspector nonetheless held that 'hard surfaces, parked vehicles and other domestic paraphernalia within the site's curtilage would have a diminishing effect on the setting of the building to the detriment of the area's character and appearance' and the appeal was dismissed on this basis.

The same principle applies equally but more-so within the AONB and it can only be concluded that the unfettered residential use of the site, and resulting likelihood of outdoor paraphernalia would have a detrimental impact on the rural character and landscape of the AONB, contrary to Core Policies 51 & 57 which seek to protect the landscape quality and character of Wiltshire.

#### Amenities

In terms of the building itself, the application does not include floor plans, but internal inspection shows the property to provide a suitable level of internal accommodation for the 2-bedroom capacity. There is a small south-facing private garden area to the rear which would provide an adequate level of outdoor amenity space.

#### Access and parking

The access and parking arrangements are considered acceptable for the proposed use.

### **10. Conclusion (The Planning Balance)**

Whilst the removal of the condition to allow permanent and independent residential occupation would contribute toward the availability of dwellings in the area, there is no evidence of need to support the proposal. The principle of the proposal outside the defined limits of development is contrary to the Vision of the Wiltshire Core Strategy and the Strategy for the Pewsey Community Area as set out in Core Policies 1, 2 & 18. Whilst the Core Strategy is accepting of the residential re-use of buildings in certain circumstances, the application does not provide the required 'clear evidence' of the impracticality of continued use as a holiday let that Inspectors have confirmed is required to demonstrate compliance with the recently adopted policies of the Core Strategy. Furthermore the occupants would have high levels of car dependence, thereby increasing unsustainable patterns of travel within Wiltshire contrary to Core Policy 60, and the visual impact arising from pressure for outbuildings, garages, play equipment etc would be detrimental to the rural and landscape character of the area, contrary to Core Policies 51 & 57.

### **RECOMMENDATION**

That the application be refused for the following reasons:

- 1) The site is located in open countryside outside of the limits of development defined for Great Bedwyn in the Wiltshire Core Strategy (adopted January 2015). The proposal would therefore conflict with Core Policies 1, 2 and 18 of the Wiltshire Core Strategy (adopted January 2015) which seeks to ensure that housing developments occupy sustainable locations throughout Wiltshire including the Pewsey Community Area.

Furthermore, the proposal would conflict with the criteria set out in Core Policies 48, 51, 57 and 60 of the Wiltshire Core Strategy and with paragraph 55 and of the NPPF for the following reasons:

- the application does not include any 'clear evidence' of the impracticality of continued use as a holiday let,
- local services and facilities could not be easily accessed other than by use of

unsustainable modes and patterns of travel,

- The permanent independent residential use would result in pressure for outbuildings, play equipment etc that would be detrimental to the rural and landscape character of the area.