

<b>Date of Meeting</b>	25th February 2015
<b>Application Number</b>	15/11589/FUL
<b>Site Address</b>	Mobile Home site at Lime Kiln Farm, Dinton, Wiltshire.
<b>Proposal</b>	Demolition of an existing dwelling (with certificate of lawful development) and outbuilding and erection of a replacement dwelling.
<b>Applicant</b>	Mr J Hand
<b>Town/Parish Council</b>	Dinton
<b>Electoral Division</b>	Nadder and East Knoyle
<b>Grid Ref</b>	400626 133640
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Adam Madge

### Reason for the application being considered by Committee

The Division member, Cllr Bridget Wayman, has asked for this application to be considered at committee because of the scale of development, the visual impact on the surrounding area and the design, bulk, height and general appearance.

#### 1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) to **APPROVE** the planning application.

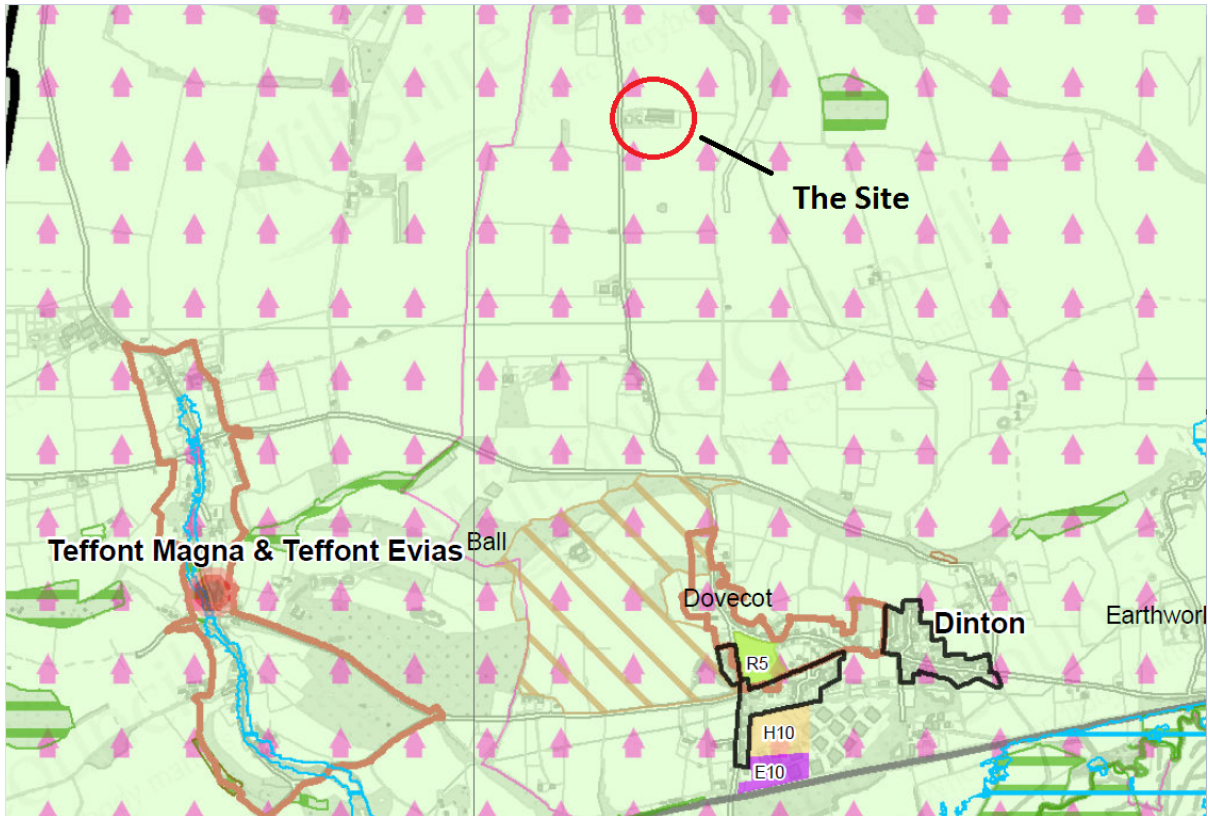
#### 2. Report Summary

The main issues to consider are

- a) The principle of development and policy implications;
- b) Scale and impact on the landscape
- c) Highways access
- d) Amenity issues
- e) Issues raised by the parish council

#### 3. Site Description

This site relates to a small site just off the C road that runs between the villages of Dinton and Wylve in the Cranbourne Chase Area of Outstanding Natural Beauty. The site covers an area of approximately 0.172 hectares and is partially covered in trees and vegetation with an existing mobile home type dwelling situated on the land. The site slopes up towards the East from the road. Closest to the road is a small agricultural workers bungalow in the ownership of the applicant whilst above the site are two large Chicken sheds also in the ownership of the applicant. Below is an extract from the Wiltshire core strategy map that covers the area.



This shows the site to the top of the diagram in the middle. (The purple arrows indicate a 40% affordable housing zone which is not applicable to this application.) The light green indicates the AONB and the striped green is a County wildlife site.

#### 4. Planning History

**71/YM/491** Erection of a bungalow for an agricultural worker Approved 25/11/71

**S/2012/0467** The stationing and use of a mobile home, and its curtilage, for residential purposes Refused 18/5/2012

**S/2012/1127** The stationing and use of a mobile home, and its curtilage, for residential purposes (Certificate of lawfulness). Refused (subsequent appeal dismissed)

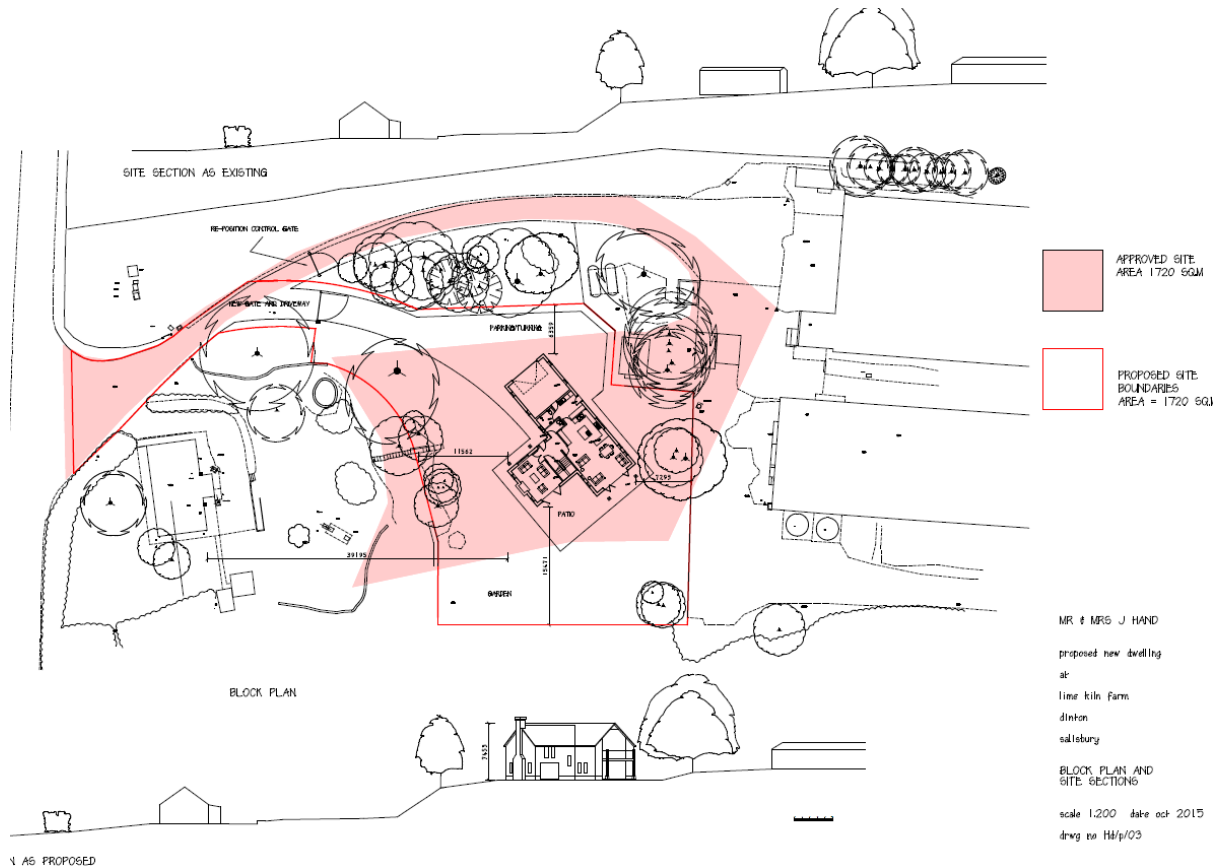
**14/06183/CLE** Certificate of lawfulness for the stationing and use of a mobile home, extensions and its curtilage for residential purposes Approved 1/6/2015

#### 5. The Proposal

The application seeks full planning permission for the demolition of the existing mobile home style dwelling that currently sits on the site and the replacement with a new two storey 3 bedroomed dwelling incorporating a tiled/slate roof with wood clad walls and a brick base.

A new access way is proposed off the existing driveway with a new gate and an associated vehicular turning area in front of the integral garage. The property is shown to be at a higher level to the bungalow below but on a similar level to the existing dwelling with the chicken sheds at a higher level.

The proposed layout of the site is as shown below –



## 6. Planning Policy

Wiltshire Core strategy

Core Policy 1 – The Settlement Strategy

Core Policy 2 – (Delivery Strategy)

Core Policy 33 – The Wiltshire Area Strategy

Core Policy 41- Energy efficiency

Core Policy 50 – Biodiversity

Core Policy 51 -Landscape

Core Policy 57- Ensuring High Quality design and place shaping

Salisbury District Local Plan ‘saved’ policies:

H30 Replacement dwellings in the countryside

National Planning Policy Framework & National Planning Policy Guidance

Dinton Parish Plan

## **7. Consultations**

### **Dinton Parish Council –**

Dinton Parish Council have made the following points -

The site is outside of the housing policy boundary  
The proposed building is considerably larger than the existing dwelling  
The existing dwelling is of such unique character it should remain  
The existing dwelling is not visible from the road.

If officers are minded to approve, Dinton PC request that the application is called into committee.

### **Wiltshire council highways –**

It is considered that the proposed replacement dwelling will not detrimentally affect highway safety and I therefore recommend that no highway objection be raised to this application.

### **Wilts and Dorset Fire Service –**

Recommend the introduction of a domestic sprinkler system in the building if the development is granted consent.

## **8. Publicity**

2 letters of support have been received including the following points –

As the nearest house to the proposed development I have no objections. There will be no visual impact as it will be mainly hidden by existing trees. I would recommend approval as the development would make another property available in the much needed housing stock.

Can't believe the PC's comments, do they know where it is? It's so isolated so as not to effect anyone.

I have viewed the plans and this looks like a great design for a property. In my opinion it would enhance the look of the farm and the surrounding area. I live nearby and have no objections to this application and am looking forward to it being passed.

No letters of objection have been received

## 9. Planning Considerations

### 9.1 Principle of Development

The principle of a new dwelling on this site has now been established by the certificate of lawfulness issued in June 2015 and which is this council's reference **14/06183/CLE**. This gave permission for a dwelling on the site not just a mobile home. It was established through this certificate of lawfulness application that a dwelling had been present on the site for four years and therefore the principle of having a dwelling on the land has been accepted and established. Members will be aware that this is a matter of law and the way that the dwelling was established is not a material consideration for this application.

Having established the use of a dwelling on the site the current application to replace that dwelling has to be considered in the light of the most relevant planning policies. The new Wiltshire Core Strategy does not contain a policy on the replacement of new dwellings in the countryside and for this reason the previous policy of the former Salisbury District Local plan has been saved in order to cover this point. The previous policy of the Salisbury District Local Plan is policy H30 and this states that -

*The replacement of an existing dwelling in the countryside will be permitted provided that:*

*(i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling; (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings; (iii) the siting of the replacement dwelling is closely related to that of the existing; (iv) current parking and access standards can be met; and (v) the existing dwelling has not been abandoned.*

*Where the residential use of the existing dwelling is the result of a temporary or a series of temporary permission, any permanent replacement dwelling will only be permitted in exceptional circumstances.*

The text to this policy then goes on to explain the policy in detail -

*Although new residential development in the countryside is generally considered unacceptable, it is recognised that there may be cases where existing dwellings are in poor condition and could reasonably be replaced. A replacement dwelling should not be significantly larger than the one being replaced in order to maintain the overall character of the countryside. The fact that a house on a particular site would be unobtrusive is not considered sufficient justification for a substantial increase in size, as the cumulative impact of proposals, if not carefully controlled, would lead to the long-term erosion of the character of the District's countryside. In addition, the dwelling should be designed to a high standard appropriate to its rural surroundings. Proposals for replacement dwellings will only be acceptable if they relate to established buildings which have not been abandoned and which are not the result of temporary planning permission. Mobile homes are temporary in nature and will*

*generally not be considered suitable for replacement by permanent dwellings unless required for agriculture or forestry.*

Therefore considering each of these aspects in detail:

(i)The proposed dwelling is significantly larger than the existing dwelling and would have a greater impact than the existing dwelling. The existing dwelling has a footprint of 44m<sup>2</sup> and the proposal has a footprint of 166m<sup>2</sup>. Clearly therefore as the proposals footprint is in excess of double that of the existing dwelling it cannot be said that it is not significantly larger. The applicants agent has said that an existing outbuilding is to be removed which has a footprint of 74m<sup>2</sup> and should be added to the footprint of the lawful dwelling thus giving a footprint of 118m<sup>2</sup>. However the approved curtilage of the existing dwelling via the certificate application does not include this outbuilding and therefore clearly this can't be used for the purposes of calculating the footprint of the building. Similarly the agent states that because the application site did not have its permitted development rights withdrawn by the certificate of lawfulness the application property could be extended substantively without the need for further permission. Whilst it *could* be, it would seem very unlikely it would be. Given the relatively poor construction of the existing dwelling it would seem very unlikely that anyone would wish to extend the existing building in anyway. So this does not constitute a fallback position. Given all of this it is plain that the existing dwelling would be substantially larger than the existing dwelling and fail this part of the policy. However the second aspect to this policy is whether this larger building would have a greater impact than the existing structure and this is discussed under scale and impact on the landscape below.

(ii)The design of the new dwelling needs to be of a high standard and appropriate to its rural surroundings. There is little information with the application to explain why the applicant considers the building to be of a high design standard. There are a series of paragraphs in the applicants submission which state "The design of the dwelling takes it's references from key aspects of the local context in its traditional design features and choice of materials" and "The dwelling has been designed utilising traditional materials and local vernacular appropriate to its rural surroundings and is of a scale in accord with the overall size of the plot and the rural character of the area." There is no explanation about which materials are traditional to the surrounding area or which part of the design uses the local vernacular and it is not clear how this new property would be of a high standard of design. It appears to be a design which is partly vernacular and partly contemporary. The first floor windows with their large glazing and pyramidal appearance are modern in style as is the integral garage whilst the veranda style porch and chimney are more of a traditional design. The applicant's agent has clarified that the entire property is to be timber clad. The roof covering is to be "Slate or similar" At present therefore there it is not clear that the building would be of a high quality design.

(iii) The siting of the dwelling has to be closely related to the existing and in this respect it is. The applicant's agent has stated that the new dwelling is directly adjacent to the old property and therefore whilst not within the footprint of the new dwelling it would comply with this part of the policy as it is close by. The applicant's submitted statement suggests that the existing building will be demolished/removed prior to work commencing on the new dwelling and if the application is approved it would be appropriate to condition this.

(iv) Current parking standards can be met see highways below

(v) The existing dwelling has not been abandoned.

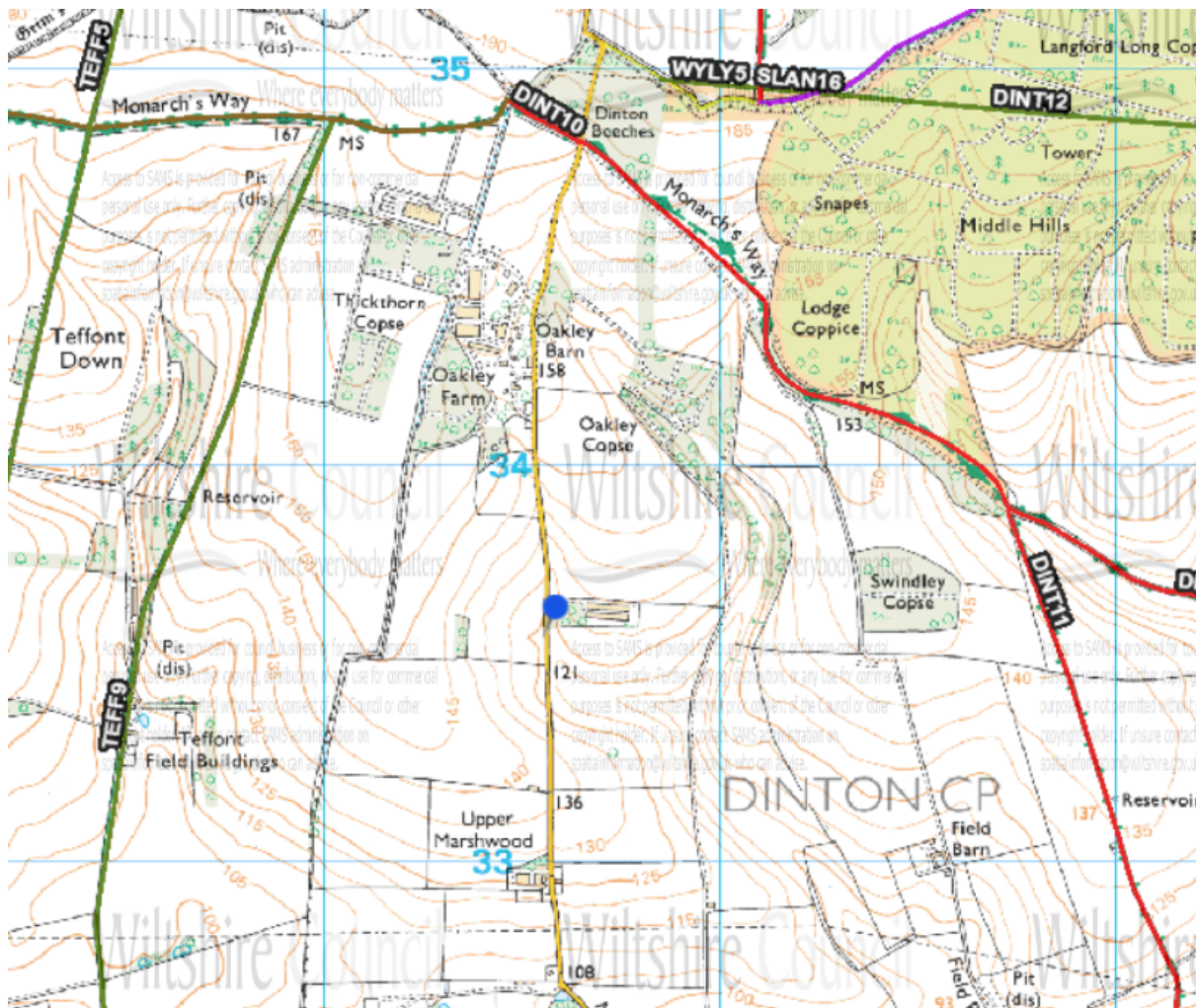
It can be seen from this that the proposal does not meet saved policy H30 in respect of the existing footprint and there is insufficient information to be satisfied that the dwelling is of a high design standard. However it does meet the policy in respect of car parking, siting close to the existing, and has not been abandoned.

## **9.2 Scale and impact on the landscape**

The surrounding landscape is an area of Outstanding Natural Beauty and as such it is important to consider the impact of this proposal on this landscape. In this respect the existing dwelling cannot be seen from the surrounding area. The existing screening of the site from most directions is therefore very good. However the proposed new building is 7M tall compared to the existing buildings approximate 3M height and as such and with a depth of 9M it will be seen from the surrounding area most likely from its roof and parts of the first floor.

The most obvious views are when driving up or down the Dinton to Wyllye road on which it is situated and there will be views of the building's roof and partially of its upper floors when nearing the site in either direction. The existing screening on site providing it is retained in the future will do a good job of screening the buildings lower floors but parts of the upper floors and roof will still be seen.

Other limited views exist on the public footpaths close to the site as below. There are no views of the site from Teff9 the public footpath to the west. There is a distant view from Three Barns road to the South East and again midway along DINT11 to the East of the site. The site is glimpsed through trees on part of DINT10 (Part of the Monarchs Way) but probably only during the months of the year that the trees have no leaves. Therefore views from the surrounding footpaths and public rights of way are limited.



The primary public view will be on the approaches to the site along the Dinton to Wylve road and as stated above, the roof and possibly upper floors will be seen from both directions. However it is considered given the potential for slate tiles on the roof and the walls to be some form of wood cladding which will weather in time. It is not considered that what will be seen in the AONB would cause substantial harm to the landscape. A slate grey colour to the roof and some form of wood cladding that will weather to a silver colouring has the potential to be relatively unobtrusive and therefore would be appropriate in this context.

### 9.3 Highways Access

The highways access is considered acceptable, it will not be substantially different to that currently in operation and the council's highways officer has raised no objections to the application. The internal access within the site will alter slightly from present in order that the access is separated more from the poultry sheds at the top of the site. This will make it safer. There are no issues with regard to access.



## **9.4 Amenity Issues**

Amenity issues potentially arise from the new dwellings location close to the existing chicken sheds and any noise smell or general disturbance associated with these that may affect the occupiers of the new dwelling. There is an existing dwelling on this site which if such issues arose would also be affected by these issues and this is unrestricted in its current form. It would therefore be unreasonable to restrict the new dwelling in terms of noise or disturbance through the use of conditions if it was considered that there were any amenity issues associated with the existing poultry sheds.

The other amenity issue to consider is that of overlooking and in this respect there would only be one other property that could potentially be overlooked and this is the agricultural workers bungalow at the bottom of the site close to the road which is in the same ownership as the application site. Although the new dwelling is situated on higher land than the bungalow it has been angled so that the main windows do not overlook the bungalow below and it is considered that the distances between the properties even taking account of the levels changes in the land would be sufficient to prevent overlooking.

## **9.4 Issues raised by the parish council**

The parish council has raised concerns about this proposal these were as follows -

- 1) The site is outside of the housing policy boundary.

As explained above under the principle of development. The principle of a new dwelling has been established under the certificate of lawfulness and cannot be reconsidered now whether or not the dwelling is outside the housing policy boundary.

- 2) The proposed building is considerably larger than the existing dwelling

The proposed dwelling is considerably larger than the existing dwelling and as such does not comply with Saved Policy H30 as explained above.

- 3) The existing dwelling is of such unique character it should remain

This is an odd comment as the existing building is a former mobile home and is of no particular architectural or other interest.

- 4) The existing dwelling is not visible from the road.

It is agreed that the existing building is not visible from the road and that the new building at least in part of its roof and upper floors would be visible. (See scale and impact on the landscape above.)

## **10. Conclusion**

In conclusion there is an established residential dwelling on the site which is of poor construction and it would seem reasonable to replace. The new dwelling is substantively larger than that which it replaces in particular its height and as such it would be seen in public views in the surrounding area and AONB. However these views would be limited and would primarily relate to those from the C road on which the site sits as such whilst not complying with saved policy H30 for replacement dwellings it would none the less create an acceptable development that would not be entirely out of character with the surrounding area.

### **RECOMMENDATION Grant planning permission subject to the following conditions -**

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2)Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

3)No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning

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

4)No development shall commence on site until the trees on the site which are shown as being retained within the submitted site plan have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be

approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

Reason: In the interests of the character and appearance of the area

5) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

6) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

Hd/p/03 Block plan and site sections

Hd/p/02 Plans as proposed

Planning design and access statement

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

8) Prior to commencement of development on site the existing dwelling to be replaced by this proposal shall be removed in its entirety from the site as stated in the applicant's submitted design and access statement.

REASON: In order to ensure that two dwellings do not remain on the site.