

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	14 September 2016
Application Number	16/06079/FUL
Site Address	Bremhill Grove Cottage, East Tytherton, Chippenham, SN15 4LX
Proposal	Retrospective Application for the Subdivision of One Existing Five Bed House into Four Bed House and One Bed House
Applicant	Mr and Mrs N Pillow
Town/Parish Council	BREMHILL
Electoral Division	CALNE RURAL – Councillor Christine Crisp
Grid Ref	397148 175218
Type of Application	Full Planning (Retrospective)
Case Officer	Catherine Jackson

Reason for the application being considered by Committee:

The application has been called to Committee by the Local Member in order to consider the relationship of the proposal to adjoining properties, taking into consideration that no new build is proposed.

1. Purpose of Report

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

2. Report Summary

The main issues in the consideration of the above application are as follows:

- The principle of the proposal.
- Whether the proposed development is located in a sustainable location.
- The impact of the development on the character and appearance of the application site and surrounding landscape.
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the development on highway safety.

At the time of recommendation, no comments have been received from Bremhill Parish Council with regard to the application. No comments have been received from members of the public as a result of the direct neighbour notification letters or site notice.

3. Site Description

The site to which this application relates is at Bremhill Grove Farm, located to the north east of East Tytherton within the open countryside, outside of any defined settlement. The farm

extends to approximately 50 acres and accommodates two dwellings, one of which is occupied by the Applicants and the other, to which this application relates, is a rental property. There are also a number of stables, a Dutch barn, offices and a small flat at the site. The site and location are not subject to any designations but constraints mapping identifies Historic Buildings Sites and Monuments Records in this locality.

Prior to its subdivision, Bremhill Grove Cottage was a detached five bedroom dwelling. The property fronts a courtyard formed with the stables and office building. The rear of the property faces onto a garden.

4. Planning History

N/04/02786/CLE	Use of Bremhill Grove Farmhouse and Adjacent Bremhill Grove Cottage as Two Independent Dwellings – Approved
N/05/00154/FUL	Demolition and Replacement of Farmhouse and Associated Works – Approved with Conditions
N/08/01752/FUL	Replacement Dwelling and Associated Works – Approved with Conditions
N/11/03540/S73A	Formation of New Vehicular Access, Closure of Existing Vehicular and Pedestrian Access and Retrospective Change of Use of Agricultural Land to Domestic Garden – Approved with Conditions
13/04331/FUL	Retrospective Conversion of Existing Farm Building into 2 Offices and 1 Flat – Approved with Conditions
15/01217/ENF	Property being subdivided with the intention of creating an independent dwelling

5. The Proposal

Retrospective full planning permission is sought for the subdivision of one existing five bedroom dwelling into a four bedroom dwelling and a one bedroom dwelling.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) – Adopted January 2015:

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 51 – Landscape

Core Policy 57 – Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and Development

North Wiltshire Local Plan (NWLP) – 2011:

Saved Policy H4 – Residential Development in the Open Countryside

National Planning Policy Framework (NPPF) – March 2012:

Paragraphs 14 and 17

Section 6 – Delivering a Wide Choice of High Quality Homes

Section 7 – Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

7. Summary of consultation responses

Bremhill Town Council – No response received at the time of recommendation.

Wiltshire Council Highways – *'I note that the property is currently a 5 bed house and as such is already subject to a certain level of vehicle movements and the principle of a residential unit has been established.*

The site is able to accommodate the required parking of 3 car spaces for the 4 bed and 1 for the one bed. As such I am happy to offer no highway objection.'

8. Publicity

The application was advertised by site notice and direct neighbour notification letter. No representations from members of the public have been received.

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.

Principle of the Proposal:

The application site is located to the north east of East Tytherton, within the open countryside and outside of any designated Framework Boundary.

As a matter of principle, Core Policies 1, 2 and 60 of the WCS direct new residential development towards settlements identified in the hierarchy set out in the Core Strategy, ensuring that new occupants would have adequate access to local employment, services and transport.

Core Policy 2 of the WCS states that other than in circumstances in accordance with paragraph 4.25 of the WCS, development outside of the defined limits of development will not be permitted.

Although no external works are proposed, the proposal envisages the subdivision of the existing house into two dwellings with separate curtilages, which would create a new dwelling in a rural location. From the information submitted with the application, it appears that the proposal to create a new, separate residential unit would not meet any of the exception criteria and as such the principle of the proposal is not supported by the relevant planning policy.

It is acknowledged that Council is unable to demonstrate a five year housing land supply and therefore Core Policies 1 and 2 carry more limited weight. A single dwelling would not however significantly boost the supply of land for housing and the proposal is not regarded as sustainable development given its location and reliance on the private motor vehicle for travel.

A recent Court of Appeal judgement (C1/2015/0583 Suffolk Coastal District Council and Hopkins Homes Limited and C1/2015/0894 Richborough Estates Partnership LLP vs. Cheshire East Borough Council) examined how to apply and interpret Paragraph 49 of the NPPF which states that *'policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'* The Court of Appeal judgement indicates that weight can still be given to Development Plan policies for the location of housing and each application should be determined on its own merits. This particular proposal has site specific constraints including

unsustainable development and inadequate residential amenities which would, when also taken alongside the limited contribution to housing land supply, warrant the refusal of the application.

Sustainability:

The spatial vision of the Wiltshire Core Strategy, as expressed in policies CP1 and CP2, is to locate new residential development within the settlement limits, in sustainable locations with good access to local services and facilities to minimise the need to travel. This approach reflects the emphasis for the location of housing set out in the NPPF.

Occupants of the new dwelling are likely to be heavily reliant on the use of private cars for day to day activities. As such the development would be in an unsustainable location. The proposal would therefore be contrary to policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy.

Paragraph 55 of the NPPF says that local planning authorities should avoid approving isolated new homes in the countryside unless there are special circumstances. It is not considered that there are any special circumstances in this instance. No evidence has been provided to suggest that the proposal is required for a rural worker to live at or near to their place of work for instance.

Character:

No external changes to the existing building are proposed. The residential use of the site however would intensify as a result of the proposal due to the creation of a new independent unit which is likely to increase the accumulation of parked vehicles, boundary treatments and other domestic paraphernalia on site. This in turn is likely to create a more cluttered appearance than which currently exists. Given the fact that the newly created dwelling would only accommodate one bedroom and therefore a maximum of two additional occupants, this is not considered to have significant detrimental impacts upon the character and appearance of the wider area.

Residential Amenity:

The Application states that the four bedroom dwelling within Bremhill Grove Cottage is occupied by a family who also rent the stables facing into the courtyard. There are some concerns with regard to the amenity standards of the occupiers of the one bedroom property given their close proximity to these separate units. It is considered that the occupiers of this property would suffer from inadequate privacy, as well as noise and disturbance. In addition, due to the proximity of the stables to the dwelling, odour pollution is of concern.

In addition, access to the allocated car parking spaces for the one bedroom dwelling would be gained via passing in close proximity to the front elevation of the four bedroom property. This arrangement would result in an inadequate level of amenity due to nuisance and disturbance caused by vehicular movements.

Highway Safety:

The new property would utilise the existing access that currently serves the site. Adequate car parking provision is achievable on site for both the four bedroom and one bedroom dwellings. No adverse comments have been received from Council's Highways Department and the proposal is not considered to pose a severe or significant risk to highway safety.

Other Matters:

The site lies within a location of archaeological potential given the identified Historic Buildings Sites and Monuments Record in this location. However given the nature of the proposal and the limited external works with potential for ground disturbance that are proposed, it is not considered that there is a basis of concern or objection in this respect or any requirement for the use of conditions.

10. Conclusion

In conclusion, the principle of the proposal is not supported by the relevant planning policy. Although no external building work is proposed, the proposal results in the creation of a new, separate dwelling in an unsustainable location within the open countryside. Whilst the Agent asserts that there is an increasing demand for smaller, more affordable housing within the area, no evidence has been submitted with the application to indicate this. In the absence of any overriding public benefit or exceptional circumstances, it is recommended that the application be refused.

RECOMMENDATION

That planning permission is REFUSED, for the following reasons:

RECOMMENDATION

- 1 The subdivision of the property known as Bremhill Grove Cottage results in the creation of a new, separate residential dwelling in a rural location outside any recognised development limits. The formation of a new dwelling in the countryside is contrary to the Paragraphs 7, 14, 17 and 55 of the National Planning Policy Framework, Policies CP1 and CP2 of the Wiltshire Core Strategy and Saved Policy H4 of the North Wiltshire Local Plan, which set a presumption against development outside of the towns and villages in rural areas except in a number of exceptional circumstances, none of which apply in this instance.
- 2 The newly created dwelling is located remote from services, employment opportunities and not well served by public transport. This is contrary to the key aims of the Paragraphs 7, 14, 17 and 55 National Planning Policy Framework which seeks to promote sustainable development and reduce growth in the length and number of motorised journeys. The proposal also is contrary to the principles of sustainable development set out in policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy.
- 2 The subdivision would result in an unacceptable impact upon the living conditions of the occupiers of both properties. The four bedroom dwelling would suffer from nuisance and disturbance caused by vehicular movements accessing the car parking area of the adjacent one bedroom dwelling. The one bedroom dwelling would suffer from a lack of privacy, and unacceptable levels of noise and disturbance due its location in between the adjacent dwelling and stables. The proposal is therefore contrary to Paragraph 17 of the National Planning Policy Framework and Core Policy 57 of the Wiltshire Core Strategy.