

Date of Meeting	28 September 2016
Application Number	16/06505/OUT
Site Address	Land South Of Bury House, Green Lane, Codford, BA12 0NY
Proposal	Outline application for the erection of one detached dwelling
Applicant	Mr & Mrs Martyr
Town/Parish Council	CODFORD
Electoral Division	WARMINSTER COPHEAP AND WYLYE – Councillor Newbury
Grid Ref	396677 140142
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Newbury has requested that the application be considered by the Planning Committee if recommended for Approval for the following reasons:

- Visual impact upon the surrounding area.
- Relationship to adjoining properties.
- Called in at the request of the Parish Council in the interests of public debate, to consider the parish council's views and the policy considerations for this site.

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 planning permission should be granted.

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways

3. Site Description

The site lies just outside the limits of development of Codford. Bury House itself is a large detached dwelling with substantial grounds that has two existing accesses (and one partially blocked access). The site is currently used partly as a vegetable garden and is partly overgrown. The whole of the village and its surroundings, including this site, are located within the Area of Outstanding Natural Beauty (AONB) and just outside the existing limits of development of Codford (designated as a large village in the Wiltshire Core Strategy).

4. Planning History

14/07205/OUT – Detached dwelling and associated works (outline application to determine access) – Refused 19/09/14 for the following reason:

The site is located in the open countryside and there is no special agricultural, forestry or other overriding justification to allow such a residential development. The proposal would therefore result in unacceptable encroachment into the open countryside thus having an adverse impact upon the Area of Outstanding Natural Beauty and is therefore contrary to Saved Policies C1. C2 and H19 of the West Wiltshire District Plan 1st Alteration, Core Policy 2 of the emerging Wiltshire Core Strategy and guidance contained in the NPPF.

Although not on the site in question, a planning application on the neighbouring Bury Farm which is immediately south of the site was approved for the erection of 3 dwellings under reference number 15/12553/FUL on 15th February 2016. This development has not yet commenced.

5. The Proposal

This application is for outline planning permission for the erection of a single detached dwelling in the south west corner of the existing site, adjacent to Green Lane and close to existing buildings in Bury Farm. All other matters (access, appearance, layout, landscape, scale) have been left to the reserved matters stage.

The existing site has two accesses and one partially blocked access which would be permanently blocked up to allow a new access to the site to be created.

6. Planning Policy

Wiltshire Core Strategy

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP31 – Spatial Strategy Warminster Community Area

CP51 - Landscape

CP57 – Ensuring High Quality Design and Place Shaping

CP60 – Sustainable Transport

CP61 – Transport and New Development

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

Other

National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance (PPG)

Wiltshire Car Parking Strategy

7. Consultations

Codford Parish Council – Object for the following reasons:

- At the time of the application, notwithstanding any future changes to the village settlement boundary, the proposed development lies outside the existing village policy limit and as such the Council is not in a position to support it.

Wiltshire Council Highways – No objection

Cranborne Chase AONB Officer – The proposal does not comply with the AONB Management Plan but has advised conditions if recommended for approval.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 19th August 2016. 2 letters of objection have been received by the Local Planning Authority raising the following concerns:

- Codford has enough houses that are either not finished or are in the process of being finished.
- There are not enough smaller houses that are affordable to allow the young villagers to remain or return to the village – a more sensible plan would be two smaller houses for young local people

6 letters of support have been received making the following comments (summarised)

- It has the potential to provide a beneficial addition to the stock of mid-range housing in this village
- It is in keeping with its immediate surroundings, including the development immediately adjacent to Bury Farm
- It should be regarded as infill and not encroachment
- The site is removed from the congested high street and has good access
- No objection subject to the dwelling not being built on the boundary to Bury Farm

9. Planning Considerations

9.1 Principle

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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved, form the relevant development plan for the area. The Wiltshire Housing Sites Allocation Plan is an emerging plan but can only be afforded very limited weight at this stage of its preparation. In this particular case, it is important to record that at the present time, the Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

A recent court ruling – Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168 has provided a useful direction and understanding that when Councils find themselves unable to demonstrate a 5-year housing land supply, whilst adopted housing policies and any associated restrictive policies relating to housing development should be

considered “out of date”, they should not be wholly ignored, but cannot be relied upon by themselves as reasons for refusal. It is necessary for decision makers, as directed by paragraph 14 of the NPPF, to weigh up the benefits against any identified harm.

Core Policy 1 (CP1) of the Wiltshire Core Strategy sets out the settlement strategy for Wiltshire identifying four tiers of settlement, namely: Principal Settlements, (2) Market Towns, (3) Local Service Centres and (4) Large and then Small Villages. The limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans have been carried forward into the Core Strategy and retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations Development Plan Document (DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect changes which have happened since they were first established. It will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan. This approach was supported by the Core Strategy Examining Inspector in his report published in December 2014.

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire across the plan period including allocations within the Core Strategy, existing commitments, windfall sites, those sites identified through the future Site Allocations Development Plan Document and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously developed land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of new development sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites.

The site of this application is located just outside but adjacent to the existing limits of development of the village of Codford. The existing limits of development run to the west and are approximately 40 metres to the South of the site. Codford is identified as a large village in the Wiltshire Core Strategy which are defined as “*settlements with a limited range of employment, services and facilities*”. Codford has a good range of services and facilities which include a primary school, post office, small supermarket, petrol station, theatre, village hall, bar, doctors surgery with pharmacy and a veterinary surgery. There are also plenty of interest groups that are run in the village which include a gardening club, history club, tennis club etc. The site is a short walk from the High Street that is served by public transport and as such cannot be considered to be inaccessible or even inconvenient. Its position within the village is therefore considered to weigh in favour of its sustainability credentials. It is clearly not an isolated location within the NPPF meaning, albeit is open countryside in policy terms.

The settlement strategy set out in CP1 supports development in Large Villages. As noted above, at the present time, the Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. The relevance of this is that at present the restraints imposed by CP2 cannot be relied upon per se as a reason for opposing this particular development.

9.2 Impact upon the character and appearance of the area

The site is located in the AONB where the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection. The site is also located within the Wyllye Chalk River Valley landscape character area of the Greensand Terrace

Landscape character area. The AONB Officer is of the opinion that the application does not comply with the AONB management plan and does not address CP51 as it fails to demonstrate how the proposal takes into account the objectives and policies of the AONB Management Plan. The AONB Officer continues by stating that a landscape and visual appraisal of the locality undertaken by a qualified landscape architect is required to consider the landscape impact and that the application should take into account the loss of open and green space by the proposed development. The Officer is also of the opinion that a full detailed application should be submitted to demonstrate that a dwelling can be located on this site to demonstrate that the proposal would not adversely impact the AONB. The Officer concludes by saying that if the Local Planning Authority were minded to approve the application then conditions should be applied requiring a detailed landscape plan and specification alongside details of any external lighting.

With regards to the AONB's comments, it is considered that the proposed dwelling which would be located behind an existing brick wall would not result in the loss of a green open space that would be experienced by those passing the site and that a dwelling that would be located adjacent to existing buildings/dwellings would not be seen in isolation when viewed from possible vantage points within the AONB. The site is located near to existing residential dwellings. On the opposite side of the road are existing cul-de-sacs of relatively modern housing, within the limits of development; to the north of the site would be Bury House. To the east lies existing fields and to the south lies the Bury Farm complex where the recently approved application for 3 dwellings is located. It is therefore considered that any harm to the character and appearance of the landscape would be limited, and that this needs to be balanced against the identified need for housing in the housing market area.

It is noted that the existing brick wall that fronts Green Lane is to be lowered to 900mm and a new access through this wall would have to be created. Although access has been left as a reserved matter, it is considered in principle that these elements which would change the character of this immediate area would not have an adverse impact upon the immediate area.

No details of materials have been submitted as the application is in outline and therefore this element would be left for determination under the reserved matters application.

Sustainable Construction

CP41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure an equivalent energy performance level the same as Code Level 4 (in full) of the Code for Sustainable Homes.

9.3 Impact upon neighbouring amenity

Due to the application being in outline, the impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of the dwelling including height and location of windows are yet to be determined. However, the submitted illustrative site location plan and elevation drawing indicate that a dwelling could be located on this site without impact upon neighbouring amenity. The proposal at this outline stage is therefore considered to comply with the relevant criteria of CP57.

9.4 Highway Impact

The existing dwelling has two vehicular accesses and a partially blocked access which is to be permanently blocked up to allow a new access into the site. The proposal indicates through an illustrative layout that a new access is likely to be created through the existing brick wall which would need to be lowered to 900mm to gain the required visibility splays. This in principle has been considered to be appropriate by the highways officer but detailed information would still need to be submitted in the reserved matters application to demonstrate how the access would comply with the relative policies and legislation.

As the application is in outline, no details of off-street parking have been provided, other than on the illustrative drawing which details a possible double garage. However, it would be for the reserved matters application to demonstrate that the proposal would comply with the Wiltshire Council Car Parking Strategy and there is adequate land available to enable this to be accommodated.

The Council Highways Officer has raised no objections to the scheme but recommends conditions which include access surface, gradient, gates, visibility splays and details of surface water discharge all of which are not considered to be appropriate due to the application looking at principle only.

10. Conclusion

The previous application was refused on the basis that it was located outside the limits of development of Codford which was before the adoption of the Wiltshire Core Strategy and at a time when the Council could demonstrate a positive land supply position. Section 9.1 of this report explains why at the time of decision making, the existing limits of development are not considered to be up to date and it details the latest position on the five year housing land supply. The conclusion that can be drawn from Section 9.1 of this report is that the principle of the development of this site should be considered acceptable at present unless there are adverse impacts that can be identified that would significantly and demonstrably outweigh the benefits of the proposal. The potential adverse impact here would be the landscape impact, as the site is located within the AONB. However, in this case, the site is located adjacent to the existing limits of development and is set in the context of existing housing development to the west and north, with an approved scheme to the south. In this context, any adverse impact on the landscape is limited. In these circumstances, and given the sustainable location, close to the limits of development and within walking distance to services and facilities in the village, the application is recommended for approval.

RECOMMENDATION: Approve with the following conditions

- 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 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The 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.

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

BHC PL: 01 and 02

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

- 1 **INFORMATIVE TO APPLICANT:** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority,

any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure.

- 2 **INFORMATIVE TO APPLICANT:** The applicant is advised that the Reserved Matters application should include a detailed landscape plan and visual appraisal of the locality which should be undertaken by a qualified landscape architect. This report should include details of how the proposed dwelling will accord with the AONB Management Plan, Core Policy 51 of the Wiltshire Core Strategy, AONB's Position Statement on Light Pollution and the Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings. More information can be found by contacting the AONB Officer Richard Burden at: AONB Office, Shears Building, Stone Lane Industrial Estate, Wimborne, BH21 1HB Tel: 01 725 517417, Email: info@cranbornechase.org.uk, Web site: www.ccwwdaonb.org.uk