

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

<b>Date of Meeting</b>	23 May 2017
<b>Application Number</b>	17/01623/FUL
<b>Site Address</b>	Land Adj. Dahl Al Misfir, Park Lane, Ford, Chippenham, Wiltshire, SN14 8RN
<b>Proposal</b>	Erection of building for equipment and tractor storage
<b>Applicant</b>	Mrs Keren Worsnop
<b>Town/Parish Council</b>	CASTLE COMBE
<b>Electoral Division</b>	BY BROOK – Councillor Baroness Scott of Bybrook OBE
<b>Grid Ref</b>	384246 174931
<b>Type of Application</b>	Full Planning
<b>Case Officer</b>	Catherine Jackson

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

The application has been called to Committee by the Local Member, Councillor Baroness Scott of Bybrook OBE, in order to enable members to consider the scale of the proposal and whether or not it would be in breach of Condition 3 imposed by the Planning Inspector included in an Appeal Decision (APP/J/3910/A/04/1160629) at the adjacent 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 the application be approved.

**2. Report Summary**

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

- The principle of the development.
- The impact of the proposal on the character and appearance of the application site and the surrounding Cotswolds Area of Outstanding Natural Beauty.
- The impact of the proposal on the character and appearance of the Long Dean-Ford-Slaughterford Conservation Area and on the setting of the nearby listed buildings.
- The impact of the proposal on the residential amenities of surrounding properties.

Castle Combe Parish Council did not object to the proposal but raised concerns as to its location in relation to the main property and future use of the structure. North Wraxall Parish Council initially raised no objection but has since withdrawn its initial submission and submitted a representation of objection. In addition, four objections from nearby residents have been received.

**3. Site Description**

The application site relates to a parcel of land located on the eastern side of Park Lane in Ford, adjacent to the property known as Dahl Al Misfir. The site is located outside of a defined Settlement Boundary, within the open countryside, and forms approximately one hectare of agricultural land which is bound to the north and east by established woodland.

Three residential properties, including Dahl Al Misfir, which is under the Applicant's control, are located to the west of the application site.

The site is situated within the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Long Dean-Ford-Slaughterford Conservation Area. A number of Grade II listed buildings are also located within the vicinity of the site, the closest being Church Farm House, situated approximately 30 metres away.

#### 4. Planning

#### History

N/02/01980/FUL	Erection of Dwelling	Refused	November 2002
N/02/02096/CAC	Demolition of Outbuilding Stable/Garage	Approved	November 2002
N/04/01267/FUL	Erection of Single Storey Part Underground Dwelling and Internal Garage	Allowed at Appeal	
N/10/01614/FUL	Lay Geothermal Pipes 1 Metre Below Ground in Field Adjacent to Church Farm House	Approved	August 2010

#### 5. The Proposal

This application seeks permission for the erection of a building for the storage of equipment and a small tractor, which would be used in conjunction with the maintenance of the agricultural land on which the proposal would be sited. The building would measure approximately 6 metres in length and 5.8 metres in width with additional open sided lean to log storage areas located on either side elevation of the proposal (each to measure approximately 1.5 metres in length). The proposal would reach a height of approximately 1.575 metres to the eaves and 3.97 metres to the ridge.

Externally, the proposal would be clad in timber weatherboards under a grey slate tiled roof and windows would be timber framed.

The siting of the proposal has been amended since the original submission of the application following Officer concerns that the proposal was located in an isolated position with the field. The amended plans relocate the proposed building to the site's south western boundary. Access to the building would be gained via an existing gate along the boundary which separates the site from the residential curtilage of Dahl Al Misfir.

#### 6. Planning Policy

##### National Planning Policy Framework (NPPF):

Paragraphs 14 and 17

Section 7; Paragraphs 56, 57, 60, 61, 63 and 64

Section 11; Paragraphs 109, 115, 118, 120 and 125

Section 12; Paragraphs 129, 131, 132 and 137

##### Wiltshire Core Strategy (WCS):

Core Policy 51 – Landscape

Core Policy 57 – Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

#### 7. Summary of consultation responses

##### Wiltshire Council Highways:

No objections.

Wiltshire Council Conservation:

Formal written comments not received at the time of writing, however the following comments were made by the Senior Conservation Officer verbally:

- *The proposal results in no significant impacts upon the character and appearance of the Conservation Area or on the setting of the nearby listed buildings.*
- *It is considered that there are some public benefits resulting from the proposal in that the building would support the agricultural use of the site, enabling it's open, rural character to be retained.*

Environment Agency:

No comments received at the time of recommendation.

Cotswolds Conservation Board:

No comments received at the time of recommendation.

Castle Combe Parish Council:

*'The Council does not object to this application. It considered the position of the building in the centre of the field is inappropriate and would be more usable if close to the main property. There was concern that this could be used as the basis for larger domestic property at some time in the future.'*

North Wraxall Parish Council:

Initially provided support for the proposal however later requested that this response be withdrawn and that the application be called in.

The Parish Council indicated that *'The reason for this request is that the proposal building is far too large in relation to the very small area of land where it is proposed to site it. Moreover, it is in direct breach of the condition no 3 imposed by the inspector when granting the appeal for the original house (APP/J/3910/A/04/1160629).'*

## **8. Publicity**

The application was advertised by site notice and direct neighbour notification letter. Four letters of objection were received which relate to the plans as originally submitted and are summarised as follows:

- The scale of the proposal is too great in the context of the small field on which it would be sited.
- The proposal would be located in a prominent position, visible from popular footpaths.
- The proposal would have a detrimental impact on the rural aspect of the valley, the AONB and the Conservation Area.
- The proposal has no similarities to the garage at *Meadowcroft*.
- A condition imposed by the Planning Inspector when granting planning permission for the dwelling known as Dahl Al Misfir, located on the adjacent site, restricts the development of garages, extensions or other structures.

Following the submission of the amended plans, two of the objectors indicated that their fundamental objections still remain.

## **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.

Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Principle:

The application site is made up of approximately 1 acre of agricultural land. The use of the land for agricultural purposes would remain and the requirement of an outbuilding for storage purposes is considered reasonable in order to support this use. Therefore, the principle of the proposal is regarded as acceptable.

Character and Appearance:

The proposed siting of the outbuilding has been subject to revision and would be contained in close proximity to the field corner, against its south western boundary and adjacent to existing woodland. It would also be located on the lower lying part of the sloping field. These factors aid in reducing the visual impact of the building on the wider landscape, including the natural and scenic beauty of the Cotswolds AONB. In addition, the use of the proposed building is compatible with surrounding land uses.

A public footpath is located along Park Lane, diverting past the property known as Meadowcroft and continuing through woodland to the north of the application site. The repositioning of the outbuilding minimises its visibility from the public footpath. In any case, merely being visible would not warrant the refusal of the application and due its design character and scale, no significant harm would be caused to the character and appearance of the application site or surrounding area.

AONB:

The proposal is located within the Cotswolds AONB; consequently, there is a requirement to ensure that the development does not have a detrimental impact on the natural beauty of the landscape. As the proposal is well contained within the application site, uses natural materials that harmonize with the landscape and is positioned in close proximity to the setting of existing built form it is considered that the proposal would have acceptable impacts upon the natural beauty of the wider area.

In addition, the proposal is the type of structure often found in the Cotswolds AONB locality. Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states '*Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds.*' As such the Management Plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB.

The Appeal decision referred to in the Parish Council and neighbour objections included a condition removing permitted development rights for the erection of garages, extensions or other structures in relation to the dwelling permitted. The current application site area was not however included in the red line boundary of the appeal site and therefore is not subject to this condition. In addition, the removal of permitted development rights does not mean no development is allowed, it means that a planning application is required for the development. This effectively allows the Council the opportunity to consider the impacts of new

development proposals in full. As such these types of conditions are not a total prohibition on any future development.

Heritage Assets:

The proposal is located within the Long Dean-Ford-Slaughterford Conservation Area, however it would not form a highly prominent or visible feature within it being positioned against the site's boundary, on the lower part of the sloping site and well screened by existing woodland. The proposal is also single storey in height and utilizes natural materials appropriate to a Conservation Area setting. As such, the proposal would not cause undue harm to the character and appearance of the Conservation Area.

The building would also be located in the vicinity of a number of Grade II listed buildings, the closest being Church Farm House, which is situated approximately 30 metres away. As such, a material consideration in the determination is the impact of the proposal on the setting of the listed buildings. The proposal is a single storey structure, clad in timber weatherboards under a grey slate tiled roof and windows would be timber framed. The building would be positioned against the site's south western boundary, ensuring that the openness of the field in which it would be located remains. The scale and design of the proposal, including the use of materials, as well as the degree of separation from the listed buildings would ensure that the setting of the listed buildings is preserved, according with Core Policies 57 and 58 and Paragraph 131 of the NPPF.

Residential Amenity:

The proposal would not result in any significant additional levels of overlooking and would not result in any loss of light nor would it have an overbearing impact on neighbouring properties. In terms of the impact of the proposal on the residential amenities of surrounding properties, the application is regarded as acceptable.

**10. Conclusion**

On balance, it is considered that the proposed development is in accordance with the development plan. The development is considered to be acceptable on its planning merits and having regard to all other material considerations and circumstances, it is recommended that planning permission be GRANTED.

**RECOMMENDATION:**

**That planning permission is GRANTED, 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plans, dated 19 April 2017, Floor Plan and Elevations, dated 16 March 2017.

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

- 3 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Dahl Al Misfir and it shall remain within the same planning unit as the main dwelling.

REASON: The building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

- 4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those specified on the Application Form, dated 16 April 2017 and on the Approved Plans.

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

- 5 No paint or stain finish shall be applied to external timber (including external walls and window joinery), until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

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

- 6 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 7 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 8 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to

obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

9      **INFORMATIVE TO APPLICANT:**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.