

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	4th October 2017
Application Number	17/06735/FUL
Site Address	Northwood Barn, Doncombe Lane, North Colerne
Proposal	Erection of a replacement dwelling
Applicant	Mr & Mrs Harraway
Town/Parish Council	COLERNE
Electoral Division	BOX AND COLERNE – Cllr Brian Mathew
Grid Ref	380908 172869
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application has been called in by Cllr Mathew on the basis of a recommendation for refusal by the Case Officer. Cllr Mathew has provided the following reason for call in: *“I am satisfied that this proposed eco home will be in keeping with the area, that it is far enough away from a foot path not to be noticed, and will help provide sustainability for a local family.”*

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 critical issues in the consideration of the application are as follows:

- Principle of Development
- Design/Character and Appearance of the Area (AONB)
- Residential Amenity
- Ecology

The application has met with no objection from Colerne Parish Council and no public representations, but objections have been received from the Landscape Officer, Building Control Officer and Ecology Officer.

3. Site Description

The application site comprises a single storey dwelling “Northwood Barn” which was formerly a cattle byre. The building is finished in rubble stone, set beneath a slate tiled roof. The building has been sensitively converted with the majority of windows/openings within the front (southern) elevation and an arrow slit window in the western elevation. The property is enclosed by a stone wall, with trees to the south and east.

The site is located outside of any defined settlement boundary and is therefore classified as being within the open countryside. It is situated 1.5 miles to the north of the large village of Colerne, and 0.6 miles to the north east of the area known as North Colerne. The dwelling is accessed from Doncombe Lane via an approximately 590m long unmade track which passes between agricultural buildings situated south of the site. There are no nearby residential properties. The site is situated within the Cotswolds AONB.

4. Planning History

- N.96.1048.F – Conversion of Two Buildings to Form Two Holiday Units & Use of Yard as Car Parking – Granted 24th July 1996
- 15/05132/CLE – Certificate of Lawfulness for Use of Building as Dwelling House – Granted 13th July 2015
- 16/11590/FUL - Erection of replacement dwelling – Withdrawn

5. The Proposal

The proposal comprises the complete demolition of the existing building and replacement with a pre-fabricated bungalow.

6. Local Planning Policy

The determination of a planning application is to be made pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires applications to be determined in accordance with the Development Plan unless Material Considerations indicate otherwise.

The Development Plan consists of the Wiltshire Core Strategy (adopted January 2015) and the ‘saved’ policies of the North Wilts Local Plan.

Material considerations include the National Planning Policy Framework (NPPF) and planning history.

The following policies would be relevant to the determination of the application:

Wiltshire Core Strategy (WCS) (Jan 2015):

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 11 (Community Area strategy: Corsham Community Area)

Core Policy 48 (Supporting Rural Life)

Core Policy 50 (Biodiversity and Geodiversity)
Core Policy 51 (Landscape)
Core Policy 57 (Ensuring high quality design and place shaping)
Core Policy 61 (Transport and development)
Core Policy 64 (Demand management)

North Wiltshire Local Plan

Saved policy H4 'Residential Development in the Open Countryside'.

National Planning Policy Framework (NPPF)

Paragraphs 14, 17, 109 and 115 and Sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment).

7. Summary of consultation responses

Colerne Parish Council - No objection

Highways

"The replacement of an existing dwelling remote from the public highway with existing access and adequate parking and turning would not usually warrant adverse highway comments and I raise no highway objection to the above."

Building Control

Observes the report to be limited in scope and contradictory. The surveyor is attributing the damp to poor construction and lack of insulation, whilst not being able to totally dismiss this, the original building regulation application for this property shows insulated floor, walls and roof and the new floor would have incorporated a damp proof membrane. The actual cause of the condensation has not been fully addressed in the report and should be investigated further by a suitably qualified expert to remove doubt.

Does not consider the property to be unviable as a dwelling. This application was submitted to building control as a holiday let and it maybe that the infrequent occupancy and heating patterns together with lack of ventilation is a more significant factor in causing the condensation.

Observes that the costs quoted within the submitted report for repair and refurbishment is excessive. Assumes that the report includes an improving of the fabric to comply with current standards, which is not a legal requirement under the building regulations. It is also difficult to provide a costing on remedial works without fully understanding what is needed to resolve the problem. Observes that the costs and problems identified in the report could have been avoided if the property had been adequately maintained over the last 20 years.

Landscape Architect

Objection – *"the application proposes to demolish a building that supports appropriate local character within the AONB, i.e. agricultural form in countryside and constructed in natural stone, and it's proposed replacement with a non-descript domestic bungalow on a larger footprint is a principle that should not be supported by the LPA.*

The requirements of the 'Countryside and Rights of Way Act' (2000) Section 85, requires Wiltshire Council as a responsible authority to consider the statutory purpose and function of the national 'AONB designation' whilst undertaking its statutory role as a Local Planning Authority. From the information submitted it is clear that the current proposal will not conserve or enhance natural beauty within the AONB. I am currently unable to check any further information that the applicant may have submitted to justify demolition of this characteristic building but I suggest any such justification would need to be compelling, otherwise the approach to development at this location should be to conserve the existing agricultural building form and design a sensitive and high quality extension, if the principle of the larger footprint requirement is acceptable under policy restrictions.

The applicant should be encouraged to read the Cotswolds AONB's Management Plan and the 'Landscape Strategy / guidelines' produced by the Cotswolds AONB Partnership. They should then consider whether their current proposal is in line with this information? My initial reaction is that the current proposal falls very short of this advice and the applicant should be reminded or informed that this AONB information forms part of this Council's evidence base, along with the 'North Wiltshire' and 'Wiltshire' Landscape Character Assessments that underpin the Wiltshire Core Strategy, Core Policy 51:Landscape.

At this time, I can confirm that CP51: Landscape could and should be included as a reason to refuse this current application."

Ecology

"The site is in the Bat SAC consultation zone, within a local area known to support roosts of lesser horseshoe bats. Without any evidence to say that the building is entirely unsuitable for roosting bats, a precautionary approach must be taken.

Prior to determination, a scoping bat roost survey of the building should be submitted in support of the application.

This should include survey for any actual or potential access points and/or roosting opportunities, and look for any evidence of current or recent roosting. The subsequent report should make further recommendations for further survey work if necessary, and/or recommendations for enhancement which should be incorporated into the proposal's design.

The report should be sent to the ecology team for appraisal prior to determination."

Archaeology - No comment

Rights of Way - No objection

MOD Defence Estates Safeguarding - No safeguarding objections

8. Publicity

The application was advertised by site notice and neighbour notification letter.

No representations have been received from local residents.

9. Planning Considerations

Principle of development

New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled so as to restrict homes being built in unsustainable locations remote from local services, facilities and transport routes. Policies CP1 "Settlement Strategy" and CP2 "Delivery Strategy" of the WCS direct new development to sustainable locations.

The proposal is for a replacement dwelling and as such, Saved Policy H4 "Residential Development in the Open Countryside" of the North Wiltshire Local Plan 2011 is of relevance. This policy permits replacement dwellings where:

- a) The residential use has not been abandoned; and
- b) the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings; and
- c) the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.

The proposal is considered against each of this policy's criteria below:

a) Abandonment

With regard to criterion a), having visited the site and given the recent granting of a Lawful Development Certificate, the residential use has not been abandoned.

b) Ability to retain and surroundings

In respect of b), the applicant has submitted a 'Structural Condition Report' to support the notion that the existing dwelling is incapable of retention in its current state. The report sets out that the property is in need of a considerable amount of repair and improvement work, although there are elements of the property that are well constructed. Key issues raised relate to repointing and repair of stonework, damp proofing, rebuilding the chimney, additional insulation, and window and doors relatively poor quality for replacement.

The Council's Building Control surveyor has reviewed the report and considers it to be contradictory and leave significant room over the true condition of the property. There are doubts that the damp are a result of poor construction and lack of insulation as the original building regulation application showed insulated floor, walls and roof and the new floor would have incorporated a damp proof membrane. It is not considered the actual cause of the condensation has been addressed and should be investigated further by a suitably qualified expert. From the information provided, there is no evidence to suggest the property to be unviable as a dwelling. There may be other reasons for the condensation such as its use as a holiday let with infrequent occupancy (and heating patterns) and a lack of ventilation. The

costs quoted for repair and refurbishment are excessive, and cannot be accurately estimated until the issues are fully understood.

The applicant has responded, with their retained Surveyor suggesting that the conclusions reached by the Council's Building Control Surveyor are incorrect – in particular stating that the ingress of moisture to a property of this type is highly likely and due to a lack of foundation and damp-proof coursing (rubble walls being particularly difficult to proof). The applicant's Surveyor also suggests that the cost of refurbishment has risen significantly in recent years and that they do not believe the figures quoted to be anything other than fair.

Notwithstanding the applicant's response, it is considered that there remains doubt over the incapability to retain the property in its current state.

The second part of criterion (b) permits a replacement dwelling where a building is unsightly or is out of character with its surrounds. In this particular instance, the existing building is a cattle byre type conversion of some charm. As set out in the site description section above, the conversion retains its original vernacular as a rural building; being finished in rubble stone, beneath a slate tiled roof – materials that speak to its environs using an entirely appropriate architectural vocabulary. The proposal demonstrably fails criterion b) to this policy.

c) *Size and scale*

With reference to c), the proposed bungalow is significantly larger in scale than the existing single storey dwelling. Whilst the proposal remains single storey, its footprint is much larger and is considered to be excessive in size and therefore in conflict with this criterion.

It should be noted that the three criteria to Saved Policy H4 compel a *compound* consideration, which each separate element needing to be complied with. Even a positive conclusion on the issue of the ability to retain the property would not render the proposal compliant to Policy H4, since it demonstrably fails its other elements. The inescapable conclusion must therefore be that the proposal does not comply with Saved Policy H4 and that the principle of development is, in this instance, unacceptable.

Design/Character and impact on landscape

WCS Core Policy 57 requires new development to be of a high standard of design and requires development to create a strong sense of place through drawing on the local context and being complimentary to the locality. Amongst other matters, the policy requires development to respond positively to the existing landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines, to integrate the building into its setting effectively. The property is situated within the Cotswold AONB, which Policy CP51 of the Wiltshire Core Strategy applies great weight to conserving and enhancing landscapes and scenic beauty.

The Landscape Officer has been consulted on the proposal and has raised a significant objection to the proposal on the basis that the application would demolish a characteristic Cotswold landscape building (a converted agricultural building finished in natural materials), to be replaced with a bungalow utilising timber cladding walls, slate roof and wooden/wooden effect windows (it is assumed that this notation on the elevations suggests the possibility of uPVC fenestration).

The proposed bungalow is of a suburban design and character entirely at odds with its context – which is, after all, one of the most protected landscapes within Wiltshire. In contrast to the *titular* Cotswold stone of the existing property, the use of timber cladding is both discordant to local character and a stark reminder of the differential in quality when compared with the existing property.

No evidence has been supplied that the new dwelling would somehow be more “sustainable” or more energy efficient that would be required under the Building Regulations regime, but what is clear is that the “Dan-Wood House” demonstrated on the submitted plans would be a form of modular build. Such a property would add to the concerns that the character and appearance of the proposal would not be appropriate to its sensitive location.

No LVIA type study has been undertaken by the applicant to support their application, but it is very clear that the proposal could not be described as protecting, conserving or enhancing the natural beauty of the AONB. In contrast, it would result in the incremental dilution of a characteristic and valued landscape element within the AONB. The Landscape Institute’s guidance on LVIA establishes that where a proposal would constitute an incremental dilution of a characteristic and valued landscape element within an AONB (for example - proposals which remove characteristic stone agricultural buildings and their replacement with suburban dwellings), the landscape effects need not be publically visible. The Cotswolds AONB Board Management Plan confirms such a principle.

It is indisputable that the loss of the existing building characteristic of the locality and its replacement with a modular bungalow of suburban appearance would neither protect, conserve or enhance the AONB. The proposal would fail the provisions of Policy CP51 of the Wiltshire Core Strategy.

Ecology

The Ecology Officer has indicated that the site is in the Bat SAC consultation zone, within a local area known to support roosts of lesser horseshoe bats. Given the circumstances of the property, without evidence to confirm that the building is entirely unsuitable for roosting bats, a precautionary approach must be taken whereby a scoping bat roost survey of the building being a prerequisite before any positive determination on that issue. Whilst the applicant has indicated that they have instructed an Ecological consultant to inspect the property, at the time of preparation of this report, no bat roost survey has been submitted in support of the application. In the light of conclusions on other matters, it must be concluded that the proposal would fail the provisions of CP50 and CP57 of the Wiltshire Core Strategy.

Residential amenity

The property is remote from any neighbouring properties and as such there would be no adverse impacts on residential amenity.

Other considerations

One of the reasons for call in applies some merit to the replacement building being an eco-home. Whilst this may have been suggested by the applicant in person, no evidence has been submitted to suggest that the proposed replacement dwelling is an eco-home. Furthermore, even if the building had some eco-credentials it is not considered that the sustainability benefit of this would outweigh the landscaping harm or establish the principle of the development.

In respect of highways, the replacement dwelling would utilise the existing access and there is adequate parking and turning at the site. Consequently no highway objection is raised.

Conclusions

The proposal does not comply with Policies CP1, CP2, CP11, CP50, CP51 and CP57 of the Wiltshire Core Strategy as well as Saved Policy H4 of the North Wiltshire Local Plan 2011 and supporting paragraphs of the NPPF.

Recommendation

That planning permission be **refused** for the following reasons:

1. The proposed development, by reason of its location would be contrary to the settlement, delivery and community area strategies and residential development in the open countryside policy and is unacceptable in principle. The proposal fails to accord with Core Policy 1, 2 and 11 of the adopted Wiltshire Core Strategy (Jan 2015), as well as Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14 and 17 of the NPPF.
2. The proposed development, by reason of loss of the existing building, which entirely appropriate to the distinctive character of the Cotswold AONB, and its replacement with a pre-fabricated bungalow would adversely impact the character and appearance of the Cotswold AONB. The proposal fails to accord with Core Policy 51 (ii and ix) and 57 (i, iii and vi) of the Wiltshire Core Strategy (Jan 2015), and Paragraphs 14, 17 and 115 of the NPPF.
3. Insufficient information has been submitted for the Council to assess whether the existing building could support roosts of lesser horseshoe bats. A scoping bat roost survey would be required prior to the determination of the application in order to assess this application against Core Policy 50 and 57 (ii) of the Wiltshire Core Strategy (Jan 2015), and Paragraphs 14, 17 and 109 of the NPPF.