

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

Date of Meeting	16 th May 2018
Application Number	18/00474/FUL
Site Address	Equestrian Centre The Malthouse 18 Bushton Swindon Wiltshire SN4 7PX
Proposal	Erection of 5 no. dwellings, parking, meadow and orchard (resubmission of 17/03393/FUL)
Applicant	Mr & Mrs Greenway
Town/Parish Council	Clyffe Pypard
Electoral Division	Lyneham – Councillor Allison Bucknell
Grid Ref	
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

Application called in by Councillor Allison Bucknell for the due consideration of the proposal having regard to the planning history on the site and the concerns raised by the local community.

1. Purpose of Report

To consider the above application and to recommend **REFUSAL**.

2. Report Summary

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

- Acceptability of proposal site being located outside of the defined settlement boundary and rural exceptions site
- Impact on historic setting
- Impact on visual amenities of the area
- Impact on ecology
- Impact on the residential amenity
- Impact on highway safety/sustainability
- Impact on drainage

3. Site Description

The application site is situated to the western edge of Bushton and comprises of a detached dwellinghouse known as The Malthouse, a ménage and land that is occupied by an indoor riding school, barn and stables. It's eastern boundary forms strip development that runs along the main road through Bushton comprising of residential properties. The western boundary is open agricultural land. The site is fairly level with a slight slope towards the north-east corner of the site. A part of the site is currently used for an equestrian riding school.

To the south of the site is Smith's Farm, a 17th century farmhouse which is a Listed Grade II building. To the east of the site is Manor Farmhouse a Grade II listed building, which is enclosed by service yard brick/stone entrance walls and piers – also being Grade II listed.

Bushton is identified as being within a historic rural landscape which comprises of a few large farms and a scatter of houses. It is understood to be a post medieval hamlet that despite some modern expansion along the road retains much of the historic form/character seen on the historic mapping. The site is situated approximately 0.6km from the northern edge of the North Wessex Downs Area of Outstanding Natural Beauty and would be visible from public footpath CPYP6 which runs through the adjoining field to the west leading to the remains of the medieval village of Woodhill and Mill Mead Wood.

The application is supported with a Planning Statement and Preliminary Ecological Appraisal dated January 2017.

4. Relevant Planning History

17/03393/FUL – Erection of six dwellings with ancillary parking and associated landscaping – Refused for the following reasons:

- 1 The proposed development is located outside of a designated settlement boundary and does not meet any of the exception criteria listed under paragraph 4.25 of the Wiltshire Core Strategy. As such the proposal fails to promote a sustainable pattern of development within the County and the harm associated to the development is not outweighed by the benefits. Therefore, the proposed development is considered contrary to Core Policies 1 & 2 of the Wiltshire Core Strategy and paragraphs 14 and 55 of the National Planning Policy Framework.
- 2 The proposed development would, by reason of the size and scale of the proposed dwellings and associated residential paraphernalia result in unacceptable increase in the built form within the site resulting in harm to the visual amenities of the open countryside. Therefore, the development is contrary to Core Policy 51 and 57 of the Wiltshire Core Strategy.
- 3 The site is located in close proximity to a known medieval settlement. The application fails to adequately demonstrate that the proposed development can be carried out without harming any significant archaeological remains. Without the submission of this information it is not possible to fully consider the development's impact. The proposed development is therefore contrary to Core Policy 58 of the Core Strategy.
- 4 The proposal located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys.

5. The Proposal

This is a revised proposal which seeks permission for the erection of five dwellings with associated parking, meadow and orchard. The application seeks to address the reasons for refusal set out in 17/03393/FUL.

The main dwellinghouse, The Malthouse is situated to the south of the proposed site for the dwellings and would share the access that serves the proposed development. The application site is a broadly rectangular plot of land orientated north to south and is approximately 1.23 hectares in size. The site is fairly level with a slight slope towards the north-east corner of the site. The 5 no. dwellings would be arranged in a sporadic fashion along the western boundary with open countryside.

The composition of the 5 no. dwellings comprises:

- House type A and B – detached 3 no. bedroom, 2 bathrooms (x 2)
- House type C – semi-detached 2 no. bedrooms (x 2)
- House type D – detached 4 no. bedrooms, 2 bathrooms (x1)

The application is supported with a Preliminary Ecological Appraisal dated January 2017 and Planning Statement.

6. Planning Policy

National Planning Policy Framework 2012 (NPPF)

Achieving sustainable development – Core Planning Principles (Paragraphs 7, 11, 14 & 17)
Chapter 1- Building a strong, competitive economy (Paragraphs 18, 19 & 21)
Chapter 3- Supporting a prosperous rural economy (Paragraph 28)
Chapter 4- Promoting Sustainable Transport (Paragraphs 30, 32, 36 & 41)
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 58, 65 & 66)
Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 111, 113, 117, 118, 120, 121, 123 & 125)

Wiltshire Core Strategy (WCS) (Adopted January 2015)

Core Policy 1 - Settlement Strategy
Core Policy 2 - Delivery Strategy
Core Policy 3 - Infrastructure Requirements
Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping;
Core Policy 60 – Sustainable Transport;
Core Policy 61 – Transport and Development;

Saved Policies of the North Wiltshire Local Plan 2011

NE14- Trees and the control of new development
H4 – Residential development in the countryside

Neighbourhood Plan

A Clyffe Pypard Neighbourhood Plan Area was designated on 13th July 2017 in accordance with section 61G of the TCP Act 1990 as amended for the purposes of Neighbourhood Planning.

Paragraph 5.2 of designation statement states that:

Clyffe Pypard parish is rural in nature and includes the hamlets of Clyffe Pypard and Bushton and harms within open countryside. The parish is partly within the North Wessex Downs AONB.

Preparation of a Neighbourhood Plan has not reached an advanced stage and for the purposes of decision making, therefore, little weight can be given to it.

7. Summary of consultation responses

Clyffe Pypard Parish Council – COMMENTS/OBJECTION – (summarised);

- The PC supports small scale affordable development
- Core Strategy does not identify CP for development except in exceptional circumstances
- CP 44 referred to throughout application however the proposals is not for affordable housing and cannot be applicable
- Extract from Parish newsletter is unclear
- NP is underway and in accordance with plan led housing needs survey the objective needs of the parish would be identified at that time with support of the local community

Highways- OBJECTION – (summarised):

- Previous refusal attracted adverse highways comments involving lack of detail and on principle on sustainable transport grounds.
- A similar lack of detail with the above proposal with no detail on how the site is to be drained and no parking information.
- As the access is existing as indicated in the Site Entrance plan (PG/D/12.17) is considered to be adequate.
- The principle of development given the isolated nature of the proposal site would normally attract negative highway comments on sustainability issues. The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.
- Comments on on-site parking standards

Ecology – OBJECTION – (summarised):

- The Phase 2 surveys recommended in the Preliminary Ecological Appraisal report have not been completed. As such, this justifies an objection on ecology grounds on account that insufficient baseline information and mitigation measures have been submitted to determine the application. The Ecologist confirms that Phase 2 surveys would need to be carried out and submitted for consideration before determination of

any application for development on this site and goes on to state that it is not appropriate for phase 2 surveys to be the subject of planning conditions.

Archaeology – OBJECTION – (summarised):

- It is noted that a short archaeological desk assessment is provided however it is requested that a field evaluation is carried out as the site has some archaeological potential within a Medieval settlement in line with advice provided previously

Drainage - SUPPORT subject to conditions on surface water and foul water drainage

Housing Team - OBJECTION – (summarised):

- Does not meet Core Policy 44 as the site will not be 100% affordable housing
- Letting to people in the village is not enough to meet the affordable housing criteria
- Any affordable housing would need to be transferred to a registered provider
- In exceptional circumstances market housing can be used to subsidise AH provision to make the scheme viable this is not the case here

Arboriculturist - OBJECTION – (summarised):

- The application is not supported with any information in relation to trees
- Unable to confirm the impact on trees

Public Protection – COMMENTS – (summarised):

- Conditions requested on noise, odour and light emission

Wessex Water – COMMENTS only – (summarised):

- It appears that surface water from the site will be directed to an on-site pond prior to discharge to off-site watercourse. Your Authority will need to be satisfied with arrangements and clear regarding future ownership and maintenance liabilities.
- There must be no surface water connections to the foul sewer network.
- There is an existing public foul water sewer to the east of the site; connection subject to application. There is current available spare capacity within the existing public foul sewer network and receiving sewage treatment works to accommodate the predicted foul flows generated by the development. Connection subject to application and adoption arrangements. Further details on Wessex Water website.

8. Publicity

The application was advertised by neighbour letter, site notice and press advert. These generated 11 no. letters of objection and 8 no. letters of support raising the following points (summarised):

Objections:

- Inappropriate site for business use outside of the settlement boundary
- Site is not Brownfield land but agricultural
- Fails to be truly affordable housing
- Expensive housing in the countryside

- Landscape impact
- Noise and disturbance from building work
- Road safety concerns
- Not in a sustainable location
- Lack of public transport provision locally
- Lack of safe pedestrian access
- Closure of local facilities locally
- Layout shows a gated community out of character with local area
- No local consultation
- Not in line with Neighbourhood Planning process
- Unacceptable harm to landscape character in this part of Bushton
- Out of scale and character in this rural area resulting in back-land development
- Overlooking and loss of amenity for nearby residential properties
- Bushton is a hamlet and not a village
- Information within the submission is not accurate

Support:

- Will provide low cost housing locally for local people and families
- Will bring vitality back to village
- Brownfield site suitable for redevelopment
- Need to grow local community
- Other uses of the site would be undesirable in this location
- Will ensure existing site does not fall into dereliction

9. Planning Considerations

Policy and principle of development:

Wiltshire Core Strategy

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

This revised application seeks the erection of 5 no. dwellings outside of an identified settlement boundary. Core Policy 2 of the Wiltshire Core Strategy states that other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. Paragraph 4.25 of the Wiltshire Core Strategy identifies the following policies as exception criteria to allow development outside of the limits of development:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)

- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

This revised application seeks to justify the proposals by meeting Core policy 44 as a rural exception site for affordable housing provision. Core Policy 44 (inter alia) states that a proactive approach will be taken with local community's and Parish Council's to allow housing that meets a local housing need **solely** for affordable housing, provided that:

- i. The proposal has clear support from the local community
- ii. The housing is being delivered to meet an identified and genuine local need
- iii. The proposal is within, adjoining or well related to an existing settlement
- iv. Environmental and landscape considerations will not be comprised
- v. The proposal consists of 10 units or fewer
- vi. Employment and services are accessible from the site
- vii. Its scale and type is appropriate to the nature of the settlement and will respect the character of the setting of the settlement
- viii. The affordable housing provided under this policy will always be available for defined local needs

The submission is considered to fail to accord with Core Policy 44 on a number of levels as the housing mix of the site would not seek to provide affordable housing despite the aspirations contained within the accompanying Planning Statement.

Neighbourhood Plan

Clyffe Pypard Neighbourhood Plan is under development, whilst at an early stage the hamlet of Bushton has been identified within the Clyffe Pypard Neighbourhood Planning area where any local housing provision and allocations will be identified as the plan progresses and gains weight in consultation with the local community in this area. This is the relevant mechanism with which to identify sites (ie. a plan led approach). However, because the Neighbourhood Plan is at an early stage of development, at this time, it may only be afforded limited weight when determining this planning application. Further, the number of representations received has in any event identified that there is no clear support from the local community meaning that there is some doubt as to whether an allocation of this site within a Neighbourhood Plan would survive independent examination or referendum.

Previously Developed Land

The applicant has advised that they consider the proposal to be the redevelopment of a brownfield site. It is considered that in-part the site can be considered to be previously developed land however this does not relate to the entire site and the proposals would represent a significantly more intensive form of development. Paragraph 111 NPPF advises that policies should encourage the effective re-use of land provided that it is not of high environmental value. The existing stable and riding arena buildings are single storey structures which are befitting of this rural setting and which retain an open rural character, this character would be seriously undermined with the introduction of an urbanised form of development in this rural edge location.

Location and sustainable development

Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

The proposals are not underpinned with any supporting evidence or undertaking to ensure that the 5 no. dwellings comply with the definition of Affordable Housing and the application is not being brought forward in conjunction with a registered affordable housing provider. As such it is not considered to meet an identified and genuine local need. Officers' are of the view that the proposed development seeks the creation of 5 no. dwellings outside the limits of development which does not meet any exception criteria identified in Saved Policy H4 of the North Wiltshire Local Plan 2011 or para. 4.25 of the Core Strategy.

The proposed development would represent isolated dwellings in the open countryside and would not meet any of the exception criteria listed. Therefore, the development is considered to fail to follow the sustainable plan led approach to residential development in Wiltshire and is contrary to National Planning Policy on new dwellings in the open countryside.

Impact on the historic setting:

The site is situated within an identified medieval hamlet where there is potential for archaeological surviving remains. No archaeological evaluation has been submitted in support of the application which has been requested by the Council's Archaeological officer as part of previous submissions. The archaeological desk top assessment submitted with this application has not sufficiently appraised the site it is not possible therefore to fully consider the proposed development's impact.

To the south of the site is Smith's Farm, a 17th century farmhouse that is a Grade II listed building. To the east of the site is Manor Farmhouse a Grade II listed building which is enclosed by service yard stone/brick entrance walls and piers which are also grade II listed.

No analysis of the existing heritage asset's or their setting is contained within the submissions. The proposed development is considered to be contrary to Core Policy 58 of the Core Strategy.

Impact to the Visual Amenities of the Surrounding Area:

The proposed development seeks the demolition of buildings and structures within the site and the erection of 5 no. dwellings that would be arranged in a sporadic fashion along the western edge of the site. The site itself is approx. 0.6km to the north of the Wessex Downs Area of Outstanding Natural Beauty. From the west there are limited views of the western edge of the site from the main road leading towards Thornhill however more significant views

would be gained from the Public Rights of Way (CPYP6) that runs through the adjoining field alongside the site boundary and leading to the site of an identified medieval village at Woodhill Park and Mill Mead Wood.

Presently, this edge is occupied by buildings that have an agricultural character and appearance between the existing linear settlement that runs along the road side to the east which is separated from the application site by a small section of existing agricultural land. Whilst it is considered that the existing built form is of limited architectural merit the stables and riding school are timber clad structures with shallow pitched roof profiles that are not inappropriate within this rural landscape setting. It is considered that the introduction of 5 no. two-storey dwellings, that includes 3 no. large detached properties and 2 no. semi-detached dwellings, would have an urbanising impact and would seriously undermine the rural landscape character in this part of the hamlet. This would lead to a more consolidated line of dwellings, which would dilute the character of the area.

To that end, the mitigation of the proposals include the provision of a pond, wild flower meadow, orchard, paddocks as a buffer between the existing built form and the proposed site. Whilst this is a positive feature the existing site is already undeveloped and open which provides the setting of the development. No detailed assessment of existing landscape features are provided including trees and hedgerows to be replaced or retained and how they would be impacted by the proposals. This would conflict with the Framework which recognises the intrinsic character and beauty of the countryside as part of one of its core planning principles. Therefore, the proposed replacement of the existing buildings on site in this open countryside setting with 5 no. dwellings is considered to result in unacceptable harm to the visual amenities of the surrounding area.

Ecology:

The Council's Ecologist has advised that Phase 2 habitat surveys specifically recommended in the submitted Preliminary Ecological Appraisal (PEA) report have not been completed and that their absence is necessarily fatal to the proposal due to the LPAs statutory duties.

Section 3.1 of the submitted PEA refers to the potential presence of great crested newts and reptiles on the site. Via survey work, that potential does need to be firmly established prior to the determination of any application for development. Where necessary, such surveys would inform the formulation of appropriate mitigation and compensation – which would also be required prior to the determination of any planning application.

Contrary to what is asserted within the PEA, it is not appropriate or possible for the LPA to make use of planning conditions to compel the completion of ecological survey work since, their completion goes to the heart of the acceptability of a proposal for development on the site. Such conditions would not be NPPF compliant and the Council would demonstrably fail in exercising its statutory duties in attempting to use them.

The Council's Ecologist objects to the proposals and it would place the LPA in legal jeopardy if it were to diverge from their clear conclusions.

Impact to Residential Amenity:

Concerns have been raised by local residents with regards to impact on residential amenity. Having considered the proximity of the existing dwellings to the site and the separation distance it is not considered that the proposed dwellings would represent significant harm to residential amenity to justify a refusal on this basis.

The proposed dwellings would be sufficiently distanced from any neighbouring residential unit, to ensure no harm to residential amenity would occur from loss of light, loss of outlook or sense of dominance.

Highways / Parking/Sustainability:

The proposed units would utilise the existing access into the site which is considered to be adequate and does not raise any highway objections. The provision of 5 no. dwellings however remote from services, employment opportunities and not being well served by public transport would mean that the occupiers of the dwellings would be reliant on private car to travel to and from the site. As such the proposals are considered to be contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys. This is considered to represent a reason for refusal and is duly attached to this recommendation.

Drainage:

The Drainage Engineer has identified that the application lacks any details concerning drainage proposals however conditions are recommended. Subject to the submission of detailed surface water drainage and foul water drainage. This is not considered to represent an additional reason for refusal.

10. Conclusion

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development; whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would provide the limited environmental benefits of the removal of some existing structures from within the site and the social benefit of the provision of new residential dwellings. However, these limited benefits are not considered to outweigh the harm from the creation of isolated dwellings in the open countryside, the increase in built form within the site and, the absence of meeting one of the identified exceptions within adopted planning policy, the harm to the open countryside and failure to follow a sustainable plan led approach to residential development within Wiltshire and would, therefore, fail the requirements of Policies CP1 and CP2 of the Wiltshire Core Strategy as well as Saved Policy H4 of the North Wiltshire Local Plan 2011.

The proposal fails to provide adequate ecological baseline information and mitigation measures for the site and development proposed and would accordingly fail the requirements of CP50 of the WCS.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

- (1) The proposed development is located outside of a designated settlement boundary and does not meet any of the exception criteria listed under paragraph 4.25 of the Wiltshire Core Strategy. As such the proposal fails to promote a sustainable pattern of development within the County and the harm associated to the development is not outweighed by the benefits. Therefore, the proposed development is considered contrary to Core Policies 1 & 2 of the Wiltshire Core Strategy, Saved Policy H4 of the

North Wiltshire Local Plan 2011 and paragraphs 14 and 55 of the National Planning Policy Framework.

- (2) The proposal located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Core Policy 60 and national sustainable transport guidance which seeks to reduce growth in the length and number of motorised journeys.
- (3) The proposed development would, by reason of the size and scale of the proposed dwellings and associated residential paraphernalia result in unacceptable increase in the built form within the site resulting in harm to the visual amenities of the open countryside. Therefore, the development is contrary to Core Policy 51 and 57 of the Wiltshire Core Strategy.
- (4) The site is located in close proximity to a known medieval settlement and the setting listed buildings. The application fails to adequately demonstrate that the proposed development can be carried out without harming any significant archaeological remains. Without the submission of this information it is not possible to fully consider the development's impact. The proposed development is therefore contrary to Core Policy 58 of the Core Strategy.
- (5) The proposal fails to provide any information on the proposed impact on existing trees or hedgerows within the site. As such it is not possible to fully consider the development's impact on natural landscape features. The proposed development is therefore contrary to Core Policy 51 of the Core Strategy.
- (6) The submissions fails to provide complete Phase 2 surveys recommended in the Preliminary Ecological Appraisal. As such, this justifies an objection on ecology grounds on account that insufficient baseline information and mitigation measures have been submitted to determine the application. The proposed development is therefore contrary to Core Policy 50 of the Core Strategy.

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

This recommendation relates to the following plans/documents:

Planning Statement & Addendum
Keystone Preliminary Ecological Appraisal
House type D elevations and floor plans
Location Plan
Block Plan
Site Entrance Plan
House type A, B and C elevations and floor plans
Sections

