

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	13 th June 2018
Application Number	18/03570/FUL
Site Address	Land adjacent to Nettleton Baptist Chapel, Nettleton
Proposal	Erection of single dwelling with attached garage and associated landscaping (Resubmission of 17/05891/FUL)
Applicant	Mr Ian Madge
Town/Parish Council	Nettleton
Electoral Division	By Brook – Cllr Baroness Jane Scott of Bybrook OBE
Grid Ref	382120, 177900
Type of application	Full Planning
Case Officer	Rose Fox

Reason for the application being considered by Committee

The application has been called in on the basis of a recommendation for refusal, for the committee to consider the following:

“The parish council are concerned at the lack of housing affordable for local families and decided that, on balance, this application should be supported. The applicant and his wife have lived in the parish for over 30 years. He is a senior farm worker (with Clark Farms) and she supports her elderly parents in the village. They are prepared to enter into a suitable agreement to prevent any further development on the land concerned. The Parish Council would like a condition added confirming the agreement of the owner informed the Parish Council he had agreed to, and that no more than 1 building allowed on the site. The reasons are it conforms with Core Policy 48 Supporting rural life.”

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
- Highways and Parking
- Drainage
- Ecology

The application has support of Nettleton Parish Council (objection was raised to the original application 17/05891/FUL). 26 representations have been received from members of the public with 16 in support and 10 in objection.

3. Site Description

The application site is situated within the area known as Nettleton, but it sits south of the main village where there is some sporadic, ribbon development following the unnamed road which leads north to south. The site would be accessed via the unnamed road on its eastern boundary. The application site comprises an agricultural field, although part of the land is being used as an allotment (it is unknown whether this is a lawful use). Aside from the buildings to the east (Nettleton Baptist Chapel and Rose Cottage), the site is bordered by open countryside on all other sides. The site is situated within the Cotswold Area of Outstanding Natural Beauty (AONB).

The application site is situated outside any defined settlement boundary, within the open countryside.

4. Planning History

17/05891/FUL - Erection of single dwelling with attached garage and associated landscaping – Refused 25 August 2017

The current application is a resubmission of the above application. The only change is the applicant's proposal to enter into a unilateral agreement to prevent future residential development on the land outlined in blue, which would need planning permission regardless.

5. The Proposal

This application seeks permission for the erection of a single dwelling with attached garage and associated landscaping

6. Local Planning Policy

The following policies of the Wiltshire Core Strategy (Jan 2015) (WCS) are relevant:

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 10 (Community Area strategy: Chippenham Community Area)

Core Policy 41 (Sustainable Construction and Low Carbon Energy)

Core Policy 45 (Meeting Wiltshire's Housing Needs)

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)

Core Policy 64 (Demand management)

Core policy 67 (Flood Risk)

National Planning Policy Framework (NPPF)

Paragraphs 14, 17, 34, 55 and 115 and Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) are also relevant.

7. Summary of consultation responses

Nettleton Parish Council

“Nettleton PC Cllrs. voted to approve this application, although it was a split vote of 4 in favour, 1 against 2 abstained.” – Also see reasons for application being called for planning committee on page 1 which expresses the views of the Parish Council.

Ecology Officer

No objection subject to conditions as per comments on previous application:

The application is supported by an ecological appraisal identifying that the site is of local ecological value (in particular for Bat species) and consequently proposes mitigation measures which are considered necessary and reasonable and can be addressed via use of condition.

Conditions:

The development shall be carried out in strict accordance with the recommendations stipulated in section 4 of the Preliminary Ecological Appraisal (TP-Ecology Ltd, 15th June 2017) and the ecological enhancement measures proposed in section 4.18 shall be implemented.

REASON: To ensure adequate protection, mitigation and enhancement for protected and priority species and priority habitats.

If new external artificial lighting is proposed, a lighting plan shall be submitted to Wiltshire Council for approval in writing prior to the commencement of development. The lighting plan shall illustrate the location of proposed external lighting and specify the type and height of luminaire(s), the positions of fittings, direction and other features, e.g. cowls, louvres or baffles; and shall demonstrate that the proposed lighting will not illuminate the hedgerows and treelines along the site boundaries through provision of a lux plot/lighting contour plan.

REASON: To minimise light spillage and to maintain dark foraging and commuting corridors for bats.

Informative:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist.”

Highways – Objection recommend refusal.

“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.

Reason: In the Interests sustainable transport

The proposed development is located in an unsustainable location in transport terms generating additional vehicular movements by private motor vehicle to access employment, services and facilities with limited scope for use of alternative sustainable modes of transport. Initial concern was raised in respect of inadequate visibility, however further to an additional plan demonstrating visibility at the site, the Highways Officer has no objection in respect of this.

Drainage

There is a lack of drainage information submitted in support of the application. The proposed foul drainage will be via a package treatment plant but there is no confirmation where the effluent will discharge. The storm water drainage is proposed to be by a soakaway but it is recognised there are high ground water levels so this may not work. Detailed drainage information and testing is necessary prior to the commencement of works. It is considered given the size of the site that suitable drainage could be achieved, so there is no objection subject to pre-commencement conditions.

Wessex Water

No objection

Cotswold AONB:

No representation

Rights of Way Officer:

No representation

8. Publicity

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

26 representations have been received, 16 in support, 10 in objection.

Please note not all comments that have been submitted are from local neighbours.

Supportive comments are summarised as follows:

- Development would be in keeping, enhance the area of land, and would blend into the structure of the village. Design unobtrusive, utilizing natural landscaping, and traditional materials. Not overlooked.

- Nettleton is identified in the WCS as a location for limited development to meet local housing needs. Site is not isolated and considered to be a sustainable location.
- Very little affordable property available in area
- Intention of applicant to remain employed locally
- It would keep a local family in the parish and allow them to look after aging family members.
- The occupiers would use local facilities, shop, schools, church etc.

Concerns/objections are summarised as follows:

- Contrary to settlement and delivery planning policies:
 - Application site is outside the defined settlement boundary and is not infill development.
 - Contrary to community area strategies.
- Harmful to character, rural nature and amenity value of Nettleton and AONB
- Proposed property is a substantial 4 bedroom, 4 reception room executive style house with a double garage, set within a large plot. Size of proposed building cannot claim to be affordable housing.
- No request for agricultural tie despite the applicants job being used as a reason for development
- Previous refusal reasons still valid. No change from original application that was refused. No reasonable or logical reason to be considered for approval.
- Sustainability issues:
 - No effective public transport services and would lead to increase in car journeys contrary to local and national transport policy guidance.
 - Not in an area with services or employment opportunities.
- Concern over highway safety re: access and low traffic movements within the village
- Proposal could set a precedent for other speculative applications which could result in loss of amenity and environmental degradation. The proposal to enter into a unilateral agreement to prevent any future residential development on the adjoining land demonstrates the risk of precedent. Would such an agreement be enforceable in the first place and how long would this agreement be for? What would happen if land sold?
- Harm to neighbour amenity
 - Overlooking into garden and bedrooms of “King William IV” property from first floor windows.
- Drawings poor quality, unscaled and do not show the ridge heights.
- No visual impact assessment or environmental impact assessment.
- No appetite for new residential properties during consultation for the Nettleton Parish Plan (2011) with support only raised for redevelopment of existing outbuildings/brownfield sites. Some support for social housing or rural workers dwellings which do not pertain to this application.
- Applicant has suggested that neighbours who did not submit comments on the previous application were largely supportive – not the case.
- Applicant already lives and works locally.

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. CP1 “Settlement Strategy” of the Wiltshire Core Strategy sets out where sustainable development will take place across the plan period. CP2 “Delivery Strategy” of the Wiltshire Core Strategy states that at the Small Villages development will be limited to infill within the existing built area. Proposals will be supported where they seek to meet housing needs of settlements provided that the development respects the existing character and form of the settlement; does not elongate the village or impose development in sensitive landscape areas; and does not consolidate an existing sporadic loose knit areas of development related to the settlement.

The application site is situated at the small village of Nettleton. The village is characterised by a cluster of development to the north of the application site, sporadic ribbon development along local roads, and farms. The application site comprises agricultural land which is situated adjoining the Nettleton Baptist Chapel and another property. The site is bordered on three sides by open countryside and is open in nature, and as such it is not considered that this site would be infilling a gap within an existing built area. The only adjoining built form is the church and property to the east. Consequently, it is not considered the proposal is infill development as intended by this policy. Whilst it has been put forward that the applicant wants to live locally, there has not been any evidence that justifies need for this additional housing within the village. Notwithstanding this, the site is situated within the open countryside and the Cotswold AONB, and consequently it is considered contrary to policy as it would impose development within a sensitive landscape area which would contribute to consolidating the sporadic nature of development within the area.

CP2 goes on to state that other than in circumstances permitted by other policies within the plan, development will not be permitted outside the limits of development. These exemption policies are:

- 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)

Core Policy 48 sets out an exception for accommodation to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.

Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as

essential need for rural workers to live at or near their place of work or whether there is an exceptional quality or innovative nature of the design of a building. There are no special circumstances in this instance.

Saved Policy H4 of the Wiltshire Local Plan 2011 has also been considered which permits new dwellings in the countryside where it would be in connection with the essential needs of agriculture, forestry or other rural based enterprise; or it would be a replacement for an existing dwelling subject to certain criteria. The proposal is for a new dwelling (not a replacement).

The Planning Statement confirms that the applicant is employed by Clark Farms Ltd in Burton and suggests that the building is justified due to the applicant working nearby. The above policies (CP48, Para 55 and H4) relate to rural workers dwellings which are an exception to the housing and delivery strategies CP1 and CP2. The application is for a new dwelling and not a rural/agricultural workers dwelling and no functional and financial evidence has been provided to attempt to justify a rural workers dwelling in accordance with any of these policies.

Since the applicant's occupation is referred to within the application, it is also relevant to note that the employer of the applicant, Clark Farms Ltd, recently gained planning permission for a third agricultural workers dwelling associated with Burton Farm in December 2016 (ref: 16/07374/FUL). Since the grant of that planning permission for an exception dwelling, one of the other existing agricultural workers dwellings at the holding ("Burton Farm Cottage") was subsequently made available. An application was subsequently received in September 2017 from Mr Clark of Clark Farms Ltd for the agricultural tie of that property to be removed as it was claimed there was no need for a third agricultural workers dwelling associated with Burton Farm (ref: 17/09314/106). That application was refused in December 2017, as in view of the lack of evidence within the application to prove otherwise, it was concluded that there is still a need for properties with an agricultural occupancy condition to be available for workers at Burton Farm and the locality. Accordingly, the section 106 agreement covering that property still served a valid planning purpose.

Although not directly sought to be justified as an agricultural workers dwelling, in light of the above situation with the availability of agricultural workers accommodation at the applicant's place of work in Burton, it remains highly unlikely an additional agricultural workers dwelling could be justified in this location.

It is also claimed that the property as a self-build would constitute affordable housing, and the parish cite that there is a lack of affordable housing within the local area. There are no policies or guidance to suggest that "self build" housing should be treated any differently to regular open market housing. The four bedroom property is large in scale with a generous curtilage and would not fall under the definition of affordable housing. Affordable Housing is defined in the NPPF (March 2012) as social rented, affordable rented and intermediate housing. Similarly the scale and form of the proposed dwelling is such that it would not generally be considered appropriate and affordable as an agricultural workers dwelling.

The application would result in the addition of an isolated dwelling in the open countryside and conflicts in principle with the policies of the development plan and national guidance WCS CP1 CP2 CP10 CP48; NWLP Saved Policy H4; and NPPF para 55.

Design considerations and impact on the character and appearance of the area

WCS Core Policy 57 states that a high standard of design is required in all new developments which must enhance local distinctiveness by relating positively to the existing pattern of development and townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size elevational design, materials and streetscape. Proposals must also take account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and wider character of the area.

The property is situated in the Cotswold AONB where Paragraph 115 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection. This is closely reflected in Core Policy 51 of the WCS.

The proposal is for a sizable four bed two storey detached dwelling with attached double garage. The massing of the building is relatively large compared to the closest buildings. The building would be finished in natural rubble stone, bath stone, coloured textured render and vertical unfinished sawn oak boarding, set beneath a roof of clay double roman tiles for the dwelling and natural slate for the garage. The proposed materials are generally reflective of the local area. Whilst there are parts of the building which may appear somewhat agricultural, the building is predominantly domestic in appearance.

The construction of this dwelling including the associated infrastructure, boundary treatments, domestic paraphernalia and additional vehicles parked at the site would result in an urbanisation of currently open agricultural land in a visually prominent location and is consequently considered harmful to the character and appearance of the local area and it would not serve to conserve or enhance the AONB which must be afforded great weight. A new dwelling and associated development in this location would result in the consolidation of the existing loose knit pattern of development and would alter the visual appearance and prevailing rural character of the area. For those reasons it is not considered that the development would integrate effectively into the immediate setting or wider character of the area. The proposal is therefore considered contrary to NPPF Section 7 and WCS CP51 (ii, vi and ix) and CP57 (i, iii, vi).

Effect on Amenity of Neighbours

One neighbour has raised concerns in respect of overlooking from the proposal. However, given the distance of this property to the application site, the positioning of the proposed dwelling would not result in harm to neighbour amenity. The neighbouring properties would suffer no loss of daylight, sunlight or privacy as a result of the proposal.

Highways/Sustainability

The Highways Officer has not raised objection in relation to parking, turning areas and visibility. However officers have raised an objection on grounds of it being an unsustainable location. The Wiltshire Core Strategy seeks to ensure that all new development is located in accessible locations whilst promoting sustainable transport alternatives to the use of the private car. The proposal is 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.

Other matters

The proposal that the applicants would enter into a unilateral agreement with the council to prevent any future residential development on the land outlined in blue does not provide any justification for the proposal. Planning permission would be needed for any residential development on this land.

The Ecology Officer has raised no objection to the proposal subject to a condition and informative.

The Drainage Officer has stated that they would require submission of a Drainage Strategy, but this could be dealt with by way of a pre-commencement condition.

Conclusions

Overall, it is considered that the new dwelling would be contrary to the housing settlement and delivery policies and result in an isolated dwelling within the open countryside which is not justified by an exceptions policy. The location of the site is considered to be an unsustainable location for new dwellings in principle and in terms of highway policies. The proposal is considered to harm the character of the prevailing rural character of the area and the AONB.

RECOMMENDATION

The proposal does not comply with the development plan policies and as such the application is recommended for refusal for the following reasons:

1. The proposed development, by reason of its location outside of any defined settlement boundary and not being considered to meet the criteria of infill development contained within WCS Core Policy 2, the proposal is contrary to the settlement, delivery and community area strategies and is unacceptable in principle. The proposal fails to accord with Core Policies 1, 2, 10 and 48 of the adopted WCS (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan 2011 and Paragraphs 14, 17 and 55 of the NPPF (March 2012).

2. By reason of the location of the application site within the open countryside and AONB, the proposed development would result in the consolidation of the existing loose knit pattern of development and would alter the visual appearance and prevailing rural character of the area. It is not considered that the proposal would integrate effectively into the immediate setting and it would not conserve or enhance the AONB which is afforded great weight. Consequently the proposal is considered contrary to Core Policy 51 (ii, vi and ix) and 57 (i, iii, vi) of the WCS (Jan 2015) and NPPF (March 2012) Paragraph 115 and Section 7.

3. 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 WCS (Jan 2015) and Paragraph 34 of the NPPF (March 2012).