

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 NOVEMBER 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Matthew Dean, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan and Cllr John Smale

Also Present:

326 **Apologies**

There were none.

327 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 20 September 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes.

328 **Declarations of Interest**

There were none.

329 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

330 **Public Participation**

The Committee noted the rules on public participation.

Questions had been submitted in advance of the meeting and had been circulated as part of the agenda pack. The response to the questions were also published online as a supplement and copies were available at the meeting.

Questions and responses:

Submitted by Dr Claydon, were in relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018:

Q1. The responses given to my submitted questions on 20th September were factually incorrect, misleading and showed a contempt for the due processes required of the LPA in regard to Nightwood Farm. Has the LPA reviewed what they said in the two replies?

Response: The LPA is satisfied with its responses and does not intend to review them.

Q2 Since I was given reassurances at the Planning Meeting of 20th September in regard to the total failure of the LPA to manage the instruction of the Southern Area Planning Committee of the 10th January nor to reject the application for a Certificate of Lawfulness for Nightwood Farm registered 21st June I would request a clarification and an update in what is happening for the benefit of the whole Planning Committee.

Response: After the application was refused the LPA liaised with the Environment Agency who were considering what action to take under their legislation. On 21 February the Environment Agency informed the LPA that they did not intend to take any action. On 1 June the LPA's Enforcement Team served a requisition for information, the first stage in enforcement proceedings but on 31 May the certificate of lawfulness application was received and enforcement action was held in abeyance pending consideration of this application. The CLE remains undetermined and legal advice is expected to be received by 20 November

Q3 What was the legal advice that was given to the LPA in regard to Nightwood Farm and what I consider to have been the incorrectly validated application for the Certificate of Lawfulness.?

Response: The Council is still waiting for the legal advice. However, we do point out that Legal Privilege is a recognised exemption under both the Freedom of Information Act and the Environment Information Regulations and upon receipt of any such advice consideration as to whether such advice can or should be released or not can then be made.

Dr Claydon was then permitted to ask supplementary questions. He addressed the Committee with the following:

Supplementary question 1

The reply that the LPA has no intention of reviewing their reply to my September question is worrying because that reply showed that there is little appreciation by the LPA of the difference between a routine planning application and an application for a certificate of lawfulness. I am not aware, as the original

response seems to be addressing, of it ever being suggested that the validation should have been refused because the site or development is contentious.

Q - Why have the LPA ignored the guideline for validation of a Certificate of Lawfulness application and treated it as a normal planning application?

The validation process required for a certificate of lawfulness is to check if there is any incorrect or false statement in the application. It is an offence to submit anything false or incorrect without any evidence to justify any such statement and the application cannot be validated. My position is that the LPA appears to have overlooked and ignored the specific part of Town and Country Planning Act (Development Management Procedure) (England) Order 2015 para 39 which is specifically in regard to Certificates of Lawfulness and treated the application as if it were a normal planning application. Para 39b requires there to be evidence verifying the information included in the application. The basis throughout the submission for the application is that the land upon which the bunds have been created is agricultural land with associated permitted development rights, when it is accepted and agreed by the LPA that the land is registered as Ancient Woodland. It cannot be treated as agricultural land for the purpose of planning and Ancient Woodland does not have any permitted development rights. There is no submitted evidence claiming that it is not Ancient woodland and indeed the words Ancient Woodland in relation to the land under the bunds is not as far as I can see, mentioned. The Planning Officer should not have validated the application based, as it is, on a false and incorrect assertion.

Furthermore, another false statement in the submission (para 2.2) is that the amount of asbestos in the bunds according to the EA is so negligible that it should be disregarded. This is completely the opposite of what EA actually said, which was that in their view, because of the buried asbestos present in the bunds, disturbing the bunds by removing them was potentially more hazardous than leaving them untouched.

Supplementary question 2

The LPA response is an interesting timeline that exposes the inactivity of the Enforcement Department and a failure to do what was required of them by this Committee on January 10th 2018. On their own admission, for three months after the EA response, absolutely nothing was initiated by Enforcement. Your clear instructions were, it is now shown, apparently ignored for months until it was too late to proceed. I do not need to remind you of the feeling expressed here on January 10th but, in spite of that, the very people who were tasked, I assume is to serve the wish of this Committee, did not act in an acceptable timeframe.

It had taken over two years to get the LPA to require the landowner to submit the retrospective planning application in the first place. There is something about this development site that provokes a reluctance for action by LPA, that does not seem right and I would hope in the interests of democracy will be addressed.

Q – Why did the Enforcement Department take no action for over three months, following the delay of over a month awaiting the reply from the EA, and then only act after the Certificate of Lawfulness application had been received, which effectively halted any enforcement action?

The Chairman noted that a written response would be provided to the supplementary questions.

Cllr Devine re-iterated the Committees previous request that an update on the matter be provide in due course.

Cllr Dean requested the name of the Officer whom had provided the response to the questions. This would be provided to him in writing after the meeting.

331 Planning Appeals and Updates

The Committee received details of the appeal decisions as detailed in the agenda.

Resolved

That the report on Appeals and Updates for the period of 07/09/2018 to 02/11/2018 be noted.

Cllr Devine asked the Officer how long appeals were currently taking. The Planning Team Leader noted that it varied by case, however once someone appealed, the matter then went to the inspectorate in Bristol, and was then out of the hands of the LPA. On average appeals were taking five to six months, and even up to 12 months in some cases.

332 Planning Applications

333 18/06366/FUL & 18/06723/LBC - Little Manor Nursing Home, Manor Farm Road, Milford, Salisbury, SP1 2RS

Public Participation

Stuart Jamieson spoke in objection to the application.

Richard Fuller spoke in objection to the application.

Matthew Airey (Wessex Care) spoke in support of the application.

Mark Bugden (Project Manager) spoke in support of the application.

Matthew Holmes (Planning Consultant) spoke in support of the application.

The Senior Planning Officer, Becky Jones presented the application for external and internal alterations/refurbishments of the historic Grade II listed part of a 24 bed residential care home. Together with the demolition of the recent (non historically significant) extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing capacity to 30 bed. Demolition of two ancillary buildings and associated landscape works and alterations to access (resubmission of 17/11250/FUL).

Previous application 17/11250/FUL which had been refused, was currently at appeal.

It was noted that by 2026 there would be a shortage of 246 bed spaces in the area.

The differences with this application compared to the previous included a row of pleached trees, a screen on upper terrace, stacked bay windows, the distance from the wall had increased, materials had been changed and simplified. The glazed extension had been shortened and now has glazed glass. There were landscaping and gardening proposals and the inclusion of a cycle building and a smoking area with this scheme. Parking remained the same.

The application was recommended for refusal.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that appendix 1 to the report included the full list of amendments.

Members of the public then had the opportunity to present their views as stated above.

The Division Member Cllr Sven Hocking then spoke in support of the application, noting that he had a different opinion to the Conservation and Heritage Officer, in that he agreed the front of the building did have a great amount of character, however the rest of the building which was behind did not, adding that the part the public see would not look any different.

The impact the new build would have on the rest of the local area needs to be weighed up against the benefits. This scheme included better landscaping, and screening of the buildings from Westbourne close.

I sympathise with residents; the previous proposals would have seen a large structure much close to their property but I hope most of the concerns had been addressed. It would be better to have this provision on the site than somewhere out of town.

The positives of a much-improved facility outweigh the negatives.

Cllr Hocking then moved the motion of approval, this was seconded by Cllr Devine.

A debate then followed, where the key issues raised included that the development would result in six additional well needed beds for specific types of care, which would be of great use to the community.

There was a balance to consider, between the harm to the listed building and the impact on the surrounding residents, against the benefits that an improved facility would provide to the community.

The scheme had detailed 26 revisions, which had come about following the refusal at the last meeting.

The previous planning application was at appeal, and may well be determined in favour by the inspector. The dilemma here was to decide between need and planning considerations.

Despite the 26 changes that had been instituted following the refusal last time, on design, scale, mass and proximity, they had not been able to address the scale and mass issues. When it was originally the manor house it was part of a reasonable size estate. If a site is suitable, you can make a design that works. But if a site is not suitable for the scale of the development proposed, you cannot make it work.

With regard to application 18/06366/FUL, the Committee then voted on the motion of approval, against Officers recommendation, on the grounds of need.

Resolved

That application 18/06366/FUL be approved, against Officer's recommendation, on the grounds that the need for the nursing home, and the public gain, was significant enough to outweigh the harm caused to the listed building and residential amenity. To include 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 No development shall commence with regards to the relevant materials and features, until the exact details and samples of the materials to be used for the external walls and roofs, and large scale architectural details of windows, cills, headers, doors, and eaves for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and heritage asset.

3 No development shall commence with respect to the following matters, until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- * full details of any existing trees and other existing landscaping to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * all hard and soft surfacing materials;
- * minor artefacts and structures including the proposed inter-visibility screen
- * Details of timing of planting and future maintenance regime for 5 years following first occupation of the development and 10 years for the pleached trees following first occupation of the development.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of neighbouring amenity.

4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years (or within a period of ten years for the pleached trees), die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5 Any boundary and screening walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the enlarged part of the nursing home hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

6 No part of the enlarged nursing home extension works hereby permitted shall be brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

7 Before the first occupation of the relevant accommodation/room, full details of the obscure glazing materials shall be submitted to and approved in writing by the Local Planning Authority. The agreed obscure glazing materials must be put in place prior to first occupation of the relevant accommodation/rooms. The relevant windows shown on the approved plans shall be obscured with etched glass and made nonopenable/fixed shut (with the exception of the side panels which shall be clear glazed with restricted opening only), and shall be permanently maintained in this manner in perpetuity.

REASON: In the interest of amenity and to prevent undue overlooking.

8 Unless shown on the approved plans, no lighting or ventilation/extraction equipment /apparatus shall be installed on the building.

REASON: In the interests of the amenities of the area.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely as a residential care home, and for no other purposes within Class(es) C1, C2, C3, or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

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

Location Plan 1931/100
Proposed Site Plan 1931/300B
Proposed north and west elevations 1931/306C
Proposed south and east elevations 1931/307C
Proposed west elevation and sections 1931/308C
Proposed east street elevation 1931/305C
Proposed section AA and BB 1931/309B
Proposed ground floor plan 1931/301A
Proposed first floor plan 1931/302B
Proposed second floor plan 1931/303B

**Proposed loft and roof plans 1931/304B
Outline Landscape Proposals LAN 01b
Proposed Bike/Smoking shelter 1931/310A
Proposed new steps 1931/220
Proposed dormer alterations 1931/221
Waste Audit (1931) by Relph Ross Architects
Design and Access Statement Rev A June 2018 by Relph Ross Architects
Ecological Appraisal and preliminary Ecological Appraisals by Clarke
Webb Ecology Ltd 19th July-14th Sept 2017 and 19th July 2017
Tree Survey and Arboricultural Impact Assessment by Hellis July 2017
Archaeological Desk Based Assessment by Wessex Archaeology Nov
2017**

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

11 No demolition works shall commence on site and no works to the extension hereby approved shall commence until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to reduce, manage and control the emission of dust and dirt during construction and demolition;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

12 The works hereby granted consent shall be carried out in such a manner as to ensure that the existing listed building is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

13 Other than above ground works, no development shall commence within the site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;

and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

14 Any gates shall be set back 6.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

15 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

16 The development hereby permitted shall not be first brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

17 No materials shall be burnt on the development site during the demolition and construction phase of the development. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of neighbouring amenities.

18 No development hereby approved shall not be brought into use until a scheme for the discharge of surface water from the site (including surface

water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development is occupied in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVES

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway.

The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

Any removal of shrubs/trees shall be carried out between October and February including so as to avoid the bird nesting season, or otherwise only following a thorough check to confirm that no active bird nests are present at the time. Should birds start to nest within or upon the buildings at any time then all works liable to impact upon such nests should be delayed until the nests are no longer occupied.

With regards to application 18/06723/LBC, the Committee then voted on the motion of approval, against Officers recommendation.

Resolved

That application 18/06723/LBC be approved against Officer recommendation, on the grounds that the need for the nursing home, and the public gain, was significant enough to outweigh the harm caused to the listed building and residential amenity. To include the following conditions:

1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No development shall commence with regards to the relevant materials and features, until the exact details and samples of the materials to be used for the external walls and roofs, and large scale architectural details of windows, cills, headers, doors, and eaves for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and heritage asset.

3 The works hereby granted consent shall be carried out in such a manner as to ensure that the existing listed building(s) is/are preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

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

Location Plan 1931/100

Proposed Site Plan 1931/300B

Proposed north and west elevations 1931/306C

Proposed south and east elevations 1931/307C

Proposed west elevation and sections 1931/308C

Proposed east street elevation 1931/305C

Proposed section AA and BB 1931/309B

Proposed ground floor plan 1931/301A

Proposed first floor plan 1931/302B

Proposed second floor plan 1931/303B

Proposed loft and roof plans 1931/304B

Outline Landscape Proposals LAN 01b

Proposed Bike/Smoking shelter 1931/310A

Proposed new steps 1931/220

Proposed dormer alterations 1931/221

Waste Audit (1931) by Relph Ross Architects

Design and Access Statement Rev A June 2018 by Relph Ross Architects

Ecological Appraisal and preliminary Ecological Appraisals by Clarke Webb Ecology Ltd 19th July-14th Sept 2017 and 19th July 2017

Tree Survey and Arboricultural Impact Assessment by Hellis July 2017

Archaeological Desk Based Assessment by Wessex Archaeology Nov 2017

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

334 **18/04897/FUL - Land referred to as Paddock View Farm, Dean Road, East Grimstead, SP5 1HR**

Public Participation

Zena Church (applicant) spoke in support of the application.

Alan Breckon (Agent) spoke in support of the application.

Rosie Wilkinson spoke on behalf of Grimstead Parish Council.

The Planning Officer, Joe Richardson presented the application for retention and alterations to an existing agricultural building and the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes (resubmission of 17/04844/FUL).

The previous application which had been refused, sought to amend the design, and that included a groomsman's quarter within the barn.

This application seeks to amend that issue with the removal of the groom's quarter. The site also had a stable block and a tack room.

Other details included in this proposal included the removal of the French windows and replace with a shutter door. The casement windows would be retained and include shutters to give more of a barn appearance. The barn would also be timber clad and have a new roof.

The site was set back from the public highway. There was an existing mobile home on the site, which would be removed.

The use of the barn would remain for agricultural and equestrian use.

The application was recommended for approval.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that current ongoing enforcement action had been suspended pending the consideration of this application. If the application was approved the applicant would in due course be permitted to apply for a variation.

The upper floor area within the barn was for general agricultural use.

Members of the public then had the opportunity to present their views as stated above.

The applicant had previously acted on bad advice of a former agent, and now sought to make improvements to reinstate a more barn like appearance to the building. The requirement of a toilet and seating area was for the comfort of her family members. The applicant did not intend to live on the site, and intended to retain the agricultural use for livestock.

Grimstead Parish Council spoke to object to the application, noting that the current barn did not reflect the original planning permission, in that it had windows and French doors and did not blend in with the surrounding area. The PC consider the building to be more akin to an inhabitable dwelling than a barn.

The Division Member Cllr Chris Devine then spoke in objection to the application, noting a ref to another similar previous development in the local area, called Windrush, which was next to the application site, further down the road. He informed the Committee that Windrush had originally put in for an office and a tack room in a barn, then four years later they put in for a Certificate of Lawfulness and now they were living there. The size of the barn in this application was enormous, it also had a second floor, and was nothing like the original design.

This site was also in a Special Landscape Area (SLA). He felt that the barn should be made to go back to what it was supposed to be. Take the upper floor out of this as well. This is a house in waiting.

Cllr Devine then moved the motion of refusal, this was seconded by Cllr Dalton, on the grounds of overdevelopment, and inappropriate development in a SLA.

The Planning Team Leader, Richard Hughes noted that the application for consideration did not include any residential accommodation.

A debate then followed, where the key issues raised included that the application would need to be considered on its own merits and not speculate on what the applicant or future owners may or may not do.

The applicant had advised that they would not be putting up any lighting externally.

The barn was already there, so it could not be considered overdevelopment.

The Committee then voted on the motion of refusal, against Officers recommendation.

The Motion was not carried.

Cllr Westmoreland then moved the motion of Approval with conditions, in line with Officer's recommendation. This was seconded by Cllr Matthew Dean.

Resolved

That application 18/04897/FUL be approved with the following conditions:

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

DWG No: 918.1 Site Location Plan, Proposed Site Location Plan, Proposed Ground and First Floor Plan of Existing Barn, Existing Floor Plan of Tack Room and Stables Date Received 22.05.18

DWG No: 918.2.A Proposed Barn Elevations Date Received 14.08.18

DWG No: 918.1.A Manure Storage Plan Date Received 02.10.18

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

- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for the purposes of agriculture and the private stabling of horses associated with the agricultural/equestrian use of the land.**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

- 3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

REASON: In the interests of highway safety.

- 4. No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.**

REASON: In the interests of amenity

335 18/08496FUL & 18/08762/LBC - Box Hedge Cottage, High Street, Porton, SP4 0LH

Cllr Jeans left the meeting at 5.15pm, he did not take part in debate or vote on this application.

Public Participation

Rita Pope (Applicant) spoke in support of the application.

The Planning Officer, Hayley Clark then presented the application for retrospective planning permission for a replacement gate.

Members had the opportunity to ask technical questions of the Officer, there were no questions.

Members of the public then had the opportunity to present their views as stated above.

The applicant noted that since owning the cottage in 2016, they had renovated it to a high standard. The gates had been designed to ensure the cottage was always visible. The PC had not objected, and the application had been supported by Highways. The sliding mechanism was felt to have been the best option.

The Division Member Cllr Mike Hewitt then spoke in support of application, noting that the gate was of a unique style. The previous gate had opened onto the road which was now illegal. The PC had no objections and a lot of the PC Cllrs pass this property frequently and were aware of the gate. The gate did not go against the Neighbourhood Plan, and was a safe option for the family and other users.

Cllr Hewitt then moved the motion of approval, against Officer recommendation, this was seconded by Cllr John Smale.

A debate then followed, where the key issues raised included that the cottage was an important 17th century building, and to put a structure of this design was inappropriate and not in keeping with the surroundings.

When a cottage of this period, in a conservation area is taken on, respect for the restrictions and requirements of such a grade II listed building need to be accepted.

The original style of wooden gate should be reinstated.

The Committee then voted on the motion of approval.

The motion was not carried.

Cllr Dalton then moved the motion of refusal in line with Officer's report and recommendation. This was seconded by Cllr Devine.

Resolved

That application 18/08496/FUL be refused, as per the Officer's recommendation, for the following reasons:

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasis its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to policies CP57 & CP58 of the Wiltshire Core Strategy, section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

In accordance with paragraph 38 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.

Resolved:

That application 18/08762/LBC be refused as per the Officer's recommendation for the following reasons:

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasis its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to contrary to policies CP57 & CP58 of the Wiltshire Core Strategy, section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

336 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,
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