

CMT UPDATE - Agenda Item 7c, Lowerhouse Farm, Lower Chute:

Since the agenda report was written we have received a number of additional representations and consultation responses.

DRAINAGE:

- Holding Objection removed subject to conditions.

As discussed in the officer report the applicant has chosen to dispose foul drainage to a Sewage Treatment Plant and surface water to a Soakaway. These comply with the EA's hierarchy for drainage where mains drainage is not an option. The council's Drainage Team now accept these options for drainage. Conditions are however requested.

However as is also discussed in the report, on a site of this size (under a hectare); outside Flood zones 2 and 3; and involving small scale development (under 10 dwellings) the drainage details are not really a planning matter which will instead be dealt with at the Building Regulation stage. It is not therefore reasonable or relevant to planning to attach the suggested drainage conditions to this planning recommendation as they do not meet the 6 tests for conditions and are covered by other legislation.

If, however the design or detailed scheme needs to materially change in order to accommodate the detailed drainage strategy agreed at the building regulations stage, a new planning application may be required to deal with those matters which will be considered accordingly at that stage. No new conditions are therefore proposed but Informative 2 on the recommendation needs to change to bring this to the applicant's attention, as follows:

The applicant's attention is drawn to the advisory notes provided at the application by Wessex Water in the letter dated 23rd August 2019; and the comments made by the Council's Drainage Officer to the scheme. Both will need to be considered as part of any detailed drainage scheme for the site or as part of any subsequent building regulation application at the site. Should the detailed scheme materially alter the development proposals, a fresh planning application may need to be submitted to the Local Planning Authority for consideration accordingly.

REPRESENTATIONS:

We have also had 7 additional letters of objection from residents and the parish council who have already made comment on the application. The majority of the points made are already addressed in the report. However, to reiterate and respond to some of the main points:

Is this infill?

Infill is defined in CP2 (Delivery Strategy). It is the filling of a small gap within the village. In this instance whilst stable buildings already fill this gap, this site represents a gap in the residential uses along this lane. The change of use of the buildings to residential uses falls under the definition of development and it is therefore considered that this proposal would serve to fill in this gap of non-residential uses within the village with residential dwellings.

In addition, HC24 is not relevant. It is not a saved policy and its interpretation/wording or assessment cannot be used to assess these proposals.

It also must be remembered that policies are fairly broad. They cannot cover every eventuality and type of development in their wording. They do however give the general context, along with national guidance (i.e. the NPPF), within which proposals should be considered. They therefore give a direction of travel for considering applications of all shapes and sizes.

In this instance we need to strip this back to first principles. As a starting point, the NPPF gives a *presumption in favour of sustainable development*. Our local policies then set out a settlement hierarchy as to when development will be considered sustainable in Wiltshire. Within the WCS, Lower Chute is categorised as a Small Village where small-scale residential development '*for not more than a few dwellings*' is accepted in principle.

In addition, both national and local policies also allow for the conversion of redundant agricultural buildings for residential purposes even when they are outside of any villages and are in more remote countryside locations.

Within this context it is considered that the reuse of these buildings; within the existing built up parameters of a small village; for a total of 3 dwellings, constitutes sustainable development and is therefore acceptable. Officer's advice to members is therefore that this development does constitute infill development.

To suggest that the nuance that as this involves conversion rather than new build makes a difference to the assessment of the application is simply an incorrect application of policy and is unlikely to be followed by an Inspector at appeal given the general presumption in favour of sustainable development.

In addition, and fundamentally, this application is a resubmission. The previous scheme was not refused on matters of principle. It was refused for matters relating to the listed buildings and the scheme has been altered in an attempt to overcome this matter, by:

- The large perpendicular extension previously extending from plot 3 being omitted
- The boundary between Lowerhouse Farm and the stables being maintained in its existing position
- A double garage/outbuilding being retained by the host dwelling

The matters of principle, highways, ecology, design, drainage, residential amenities were all considered previously and did not result in a further reason for refusal. To introduce new issues on these matters at this resubmission stage would be unreasonable and open the Council up to costs at any subsequent appeal.

How can raising the roof be considered a minimal change?

The acceptability of roof change is considered on its own merits. In this case the raising of the roof of this roadside barn by approx. 0.5 metres (50 CMS) is unlikely to result in a significant change to the character or appearance of the building. It is not going to make much difference to the street scene or neighbouring amenities and is therefore considered to be acceptable.

We must use approximate measurements in our reports because of the scale of the plans that we are using. However, this is precise enough in planning terms. It does not allow much of a margin for change when being constructed.

The open courtyard will become a parking area.

The existing courtyard is already used for the parking and manoeuvring of vehicles in association with the stables. It is not an open space/garden per se.

Some subdivision will be created for gardens (1.2 metres high picket fences) and parking but essentially the courtyard arrangement will still be apparent by the fact that the group of buildings will continue to frame it and limited extension is proposed.

Why are drainage details, oil tanks and ecology not being considered now?

As above, the detailed drainage matters are dealt with at building reg stage on a site of this size and development of this scale. It simply isn't a planning matter once we know the type of system that is going to be used. It would be unreasonable to hold up or refuse an application on a non-planning matter.

Likewise, an oil tank will need planning permission in its own right under class E of the GPDO. The position of any future oil tank would need to be considered as part of any future application. But we cannot insist that they apply for that now or as part of this application. We also can't insist that the dwelling is heated at all. It would therefore be unreasonable to insist that this detail is submitted now, or withhold or refuse permission on this basis.

Ecology has been considered in the report and the council's ecologist is satisfied that the scheme provides an appropriate mitigation scheme to ensure that protected species are protected both during construction and as part of the future use of the site. Conditions are also attached to ensure that these mitigation measures are implemented. The need (or not) for a European licence is not a planning matter and is dealt with by other legislation. It is considered by Natural England and always happens after planning is granted. It cannot be used as a reason to refuse an application though.

The buildings are listed

The council's conservation officer has raised no objection

The previous reason for refusal, involving only listed building matters, have been addressed and are overcome.

The council is satisfied that these works involve a sensitive conversion of the buildings which will secure their maintenance and upkeep in the long term.

The council is not able to insist that the applicant continue to use the buildings as a stable or offer them up for such a use to others. There is no policy requirement to do so and no policy for the protection of stables/equestrian uses.