

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	22 January 2020
<b>Application Number</b>	19/08882/FUL
<b>Site Address</b>	Bays Corner, Pinckney Green, Farleigh Wick, BA15 2EG
<b>Proposal</b>	Retrospective application for the construction of a single storey dwelling following demolition of farm building (alterations to design of building previously approved, and use of the building as a dwelling rather than a holiday let)
<b>Applicant</b>	Sir Charles Hobhouse
<b>Town/Parish Council</b>	MONKTON FARLEIGH
<b>Electoral Division</b>	Holt and Staverton - Cllr Trevor Carbin
<b>Grid Ref</b>	379988 164588
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Verity Giles-Franklin

**Reason for the application being considered by Committee:** Cllr Trevor Carbin requested that should officers be minded to refuse this application it should be called-in to committee for the elected members to determine. Cllr Carbin has cited the call-in reason being in the "*Interests of residents and the local community*".

### 1. Purpose of Report

1.1 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

2.1 This report appraises the principle of development, the impact on the Green Belt and on the Cotswolds Area of Outstanding Natural Beauty (AONB) as well as the impacts on neighbouring amenity, ecology and highway safety.

2.2 Monkton Farleigh Parish Council support the application for the reasons cited within section 7 of this report; and following the public notification exercise, two third parties wrote to support the application which are summarised within section 8.

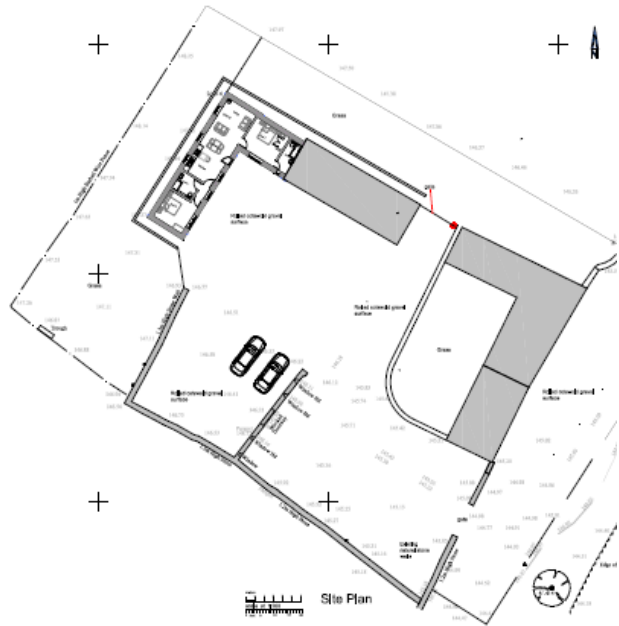
### 3. Site Description and Constraints

3.1 The application site comprises part of a former farmyard courtyard which comprises several converted/altered stone barns and byres, surrounded by open countryside. The application site known as Bays Corner is accessed via a track off the Pinkney Green A363 road and is located within the Cotswold AONB and the West Wiltshire Green Belt.

3.2 The former farmstead forms a group of buildings which are detached from the main built up part of Pinckney Green and Farleigh Wick. The hamlet of Pinckney Green is located over 170m south-east of the application site.

3.3 The building subject to this application relates to a single storey, stone-built structure located along the north-western range of the former farmstead, which is identified by the following map, plan and photographs which are included on the following page.

3.4 The re-development of this former farmstead was granted planning permission under application reference 14/08318/FUL (further details of which are provided within Section 4 of this report).



Above left is an extract of the site taken from the Council's mapping system to show the relationship between Bay's Corner and Pinkney Green to the south-east and the submitted site plan (above right)



*Case officer's site photograph of Bays Corner as built and extended*

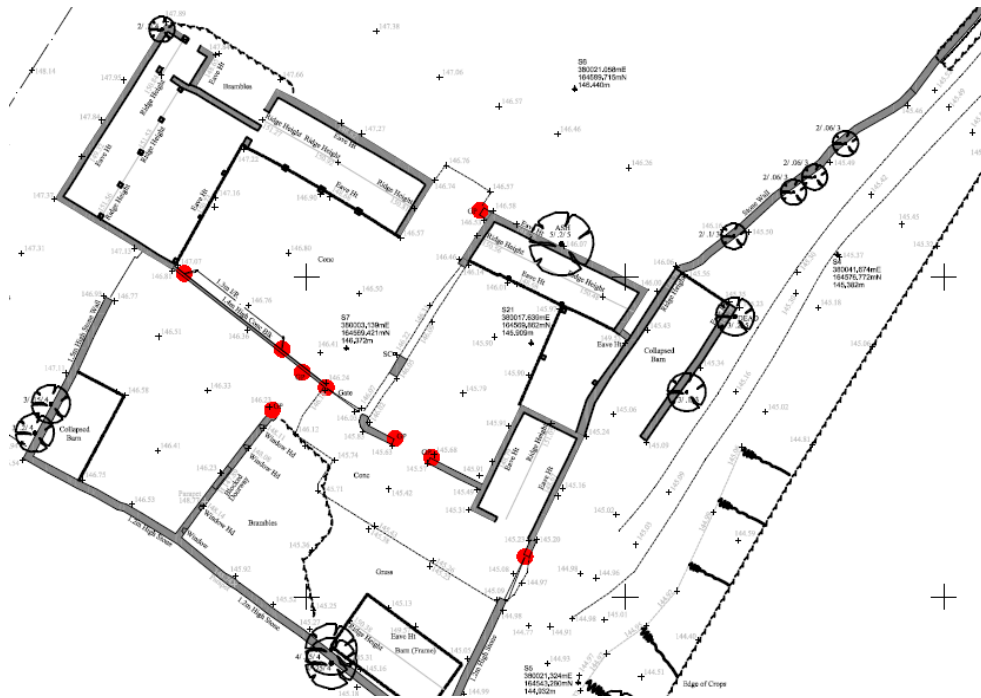
#### **4. Planning History**

The following list of planning applications are of material relevance to this application:

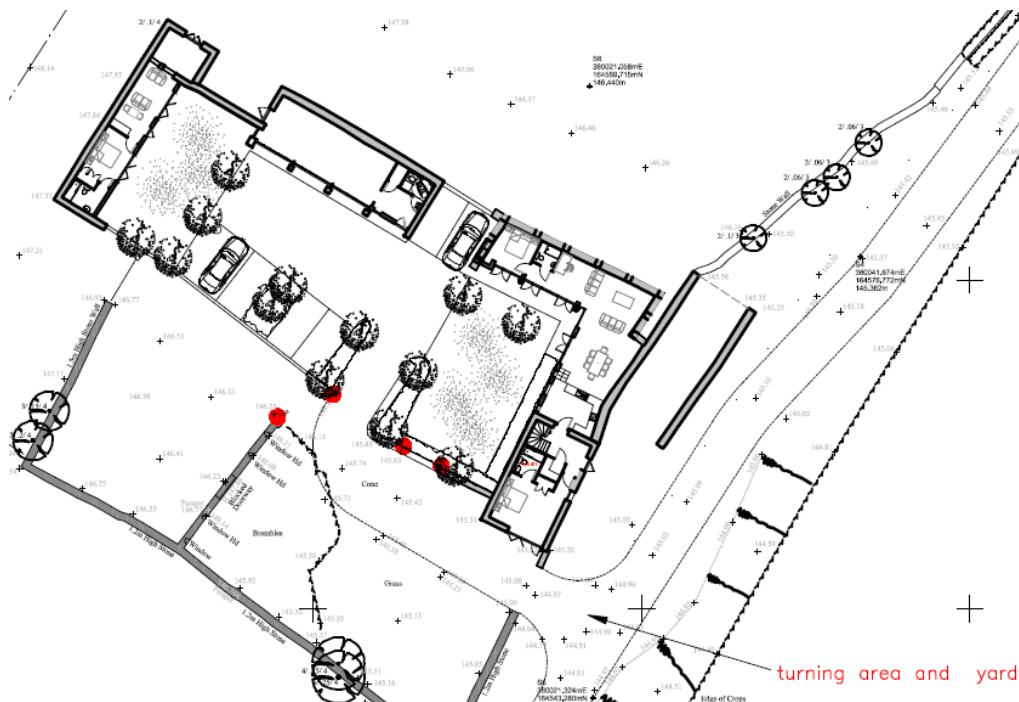
4.1 W/09/00212/FUL - Conversion and reconstruction of existing farm buildings to provide B1 office units, with upgraded access drive - The application was withdrawn by the applicant after being informed by officers that they were minded to refuse the application due to concerns relating to the consequential impacts on the AONB protected landscape, the increased use of the junction onto the A363 and sustainability concerns.

4.2 14/08318/FUL - Conversion and reconstruction of existing farm buildings to provide 1 3-bed dwelling with ancillary office space and one 1-bed holiday let cottage – This application was approved with 16 planning conditions and two informatives.

4.3 The above planning application approved the creation of one dwelling, an office and a holiday let at Bays farmstead, through the reconstruction and conversion of five existing agricultural buildings. The below extracts show the existing and approved site plans for the site. The application was determined and approved under delegated powers.



The existing site plan submitted under application reference 14/08318/FUL



The approved site plan submitted under application reference 14/08318/FUL

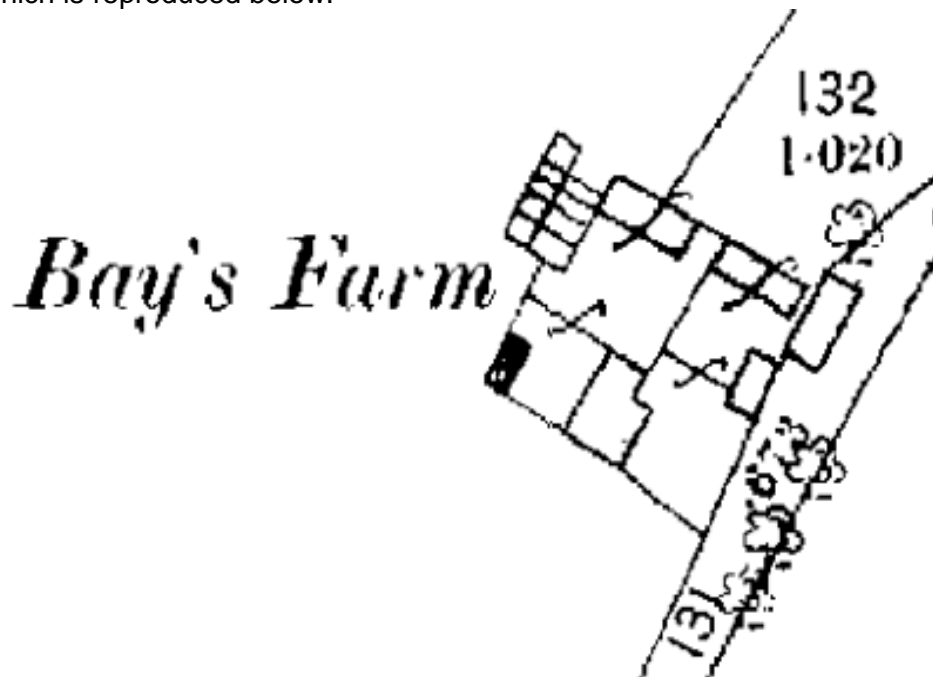
4.4 In appraising the principle of the development for the 2014 application, the case officer concluded that the proposal would be contrary to the then extant Plan policies H21 and TO3 of the West Wiltshire District Plan 1st Alteration 2004, and with Core Policy 2 of the then emerging Wiltshire Core Strategy, however, the case officer resolved that there was:

*“...a degree of conformity with the emerging WCS Plan policy and the only area of concern is residential use element of [the] mixed-use scheme. But the proposals do accord with the thrust of the national policy position”.*

The case officer in weighing up the planning balance for the mixed-use scheme, identified “positive outcomes” that would be secured by converting the underused former farm buildings.

4.5 The case officer for 14/08318/FUL also concluded that in reaching the recommendation to grant permission for the mixed use scheme (that comprising residential use, holiday let and office accommodation within different buildings), it was “*a very finely balanced case as whilst the principle of development is questionable there are very significant benefits to the landscape and the undesignated heritage assets*” and was therefore considered acceptable and approved subject to conditions.

4.6 The building that is the subject of this application, which formed part of the consented 14/08318/FUL application (and was restricted for holiday let use), was materially altered from the remains of a former piggery building, which appears on historic OS map the Council has access to, an extract of which is reproduced below:



*Extract taken from the Epoch 1 1868-1899 Historic OS map*

4.7 The original piggery building had an overall footprint greater than that of the holiday let unit which was approved as a one-bed, self-contained unit which was also considered to “*suit annexe accommodation given its relationship to the main dwelling*” as referenced by the case officer in appraising application 14/08318/FUL. For completeness, a copy of the case officer’s delegated report for the abovementioned application is attached within Appendix 1 and can be found at the end of this committee report.

4.8 The planning permission granted under application reference 14/08318/FUL contained two conditions which restricted the use of the holiday let accommodation which read as follows:

- 12 *Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or any order which revokes and re-enacts that Order with or without modification), the holiday let hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.*

*REASON: This site is in a position where the Local Planning Authority, having regard to*

*the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.*

- 13 *No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.*

*REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.*

4.9 The applicant acknowledges that in this particular case, the consented 2014 application has been breached, as the holiday let use was never implemented. Moreover, the building which has been erected on the site in place of the former piggery has not been constructed in accordance with the approved plans as listed within Condition 16 of the decision notice dated 30 October 2014. The subject building has in fact been constructed materially larger than that which was approved under application 14/08318/FUL.

4.10 In light of the above breach of planning control, if members resolve to refuse planning permission as recommended by your officers, the Council's planning enforcement team would be informed to begin formal enforcement proceedings.

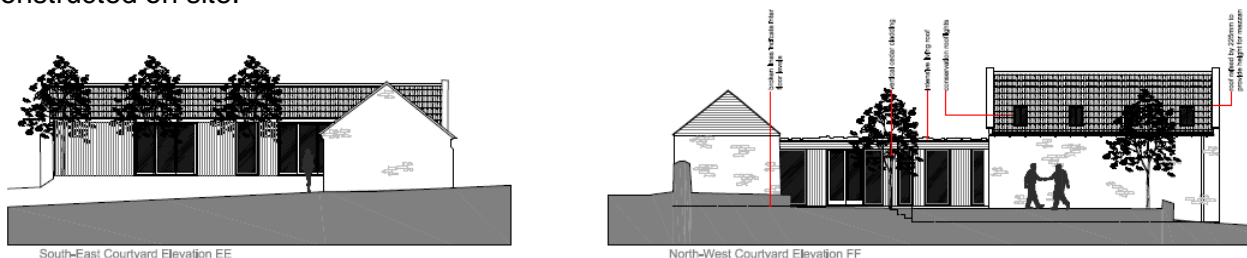
## 5. The Proposal

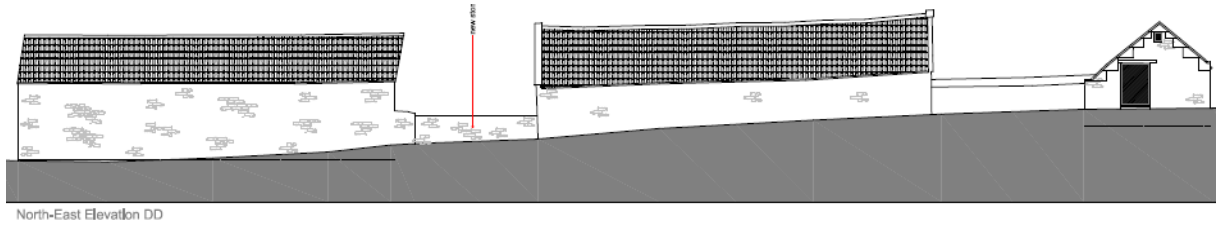
5.1 This application seeks retrospective planning permission to regularise the unauthorised construction of a 2-bed single storey dwelling following the demolition of the former piggery building. As confirmed above, the applicant's submitted Planning Statement asserts that the 2014 consented holiday let use was never implemented and instead the applicant has constructed a single storey, private dwelling at Bays Corner without the benefit of planning permission.

5.2 In light of the above, it is important to appreciate that the 2014 consented application assessed the planning merits of reconstructing and converting (not demolishing) the former agricultural building to create a holiday let. Having read and understood the case officer's 'on balance' decision-making reasoning back in 2014, officers are of the view that there is no legitimate fall back to rely on given that the building that exists on site is not the building that was approved in 2014 and no such holiday let use has ever been implemented.

5.3 The applicant's submitted Planning Statement also confirms that Bays Corner is currently being privately rented on a 12-month lease. Given the unauthorised use and material conflict with the 2014 consented plans, this application proposal must be subject to a fresh assessment in terms of the principle of development as well as the consequential impacts for a site located within the protected AONB, open countryside and Green Belt.

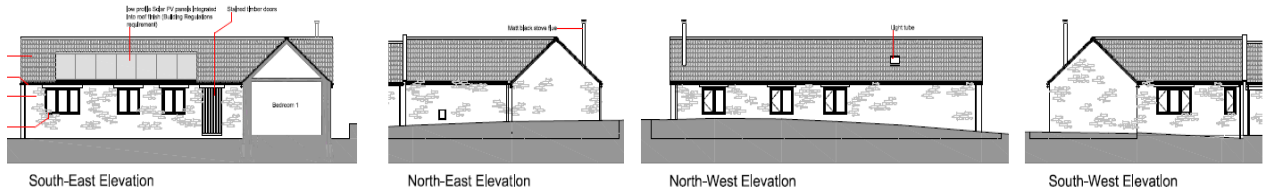
5.4 The extracts provided below that continue onto the following page, illustrate the difference between what was approved under reference 14/08318/FUL compared to what has been constructed on site.





North-East Elevation DD

*Elevations approved under reference 14/08318/FUL*



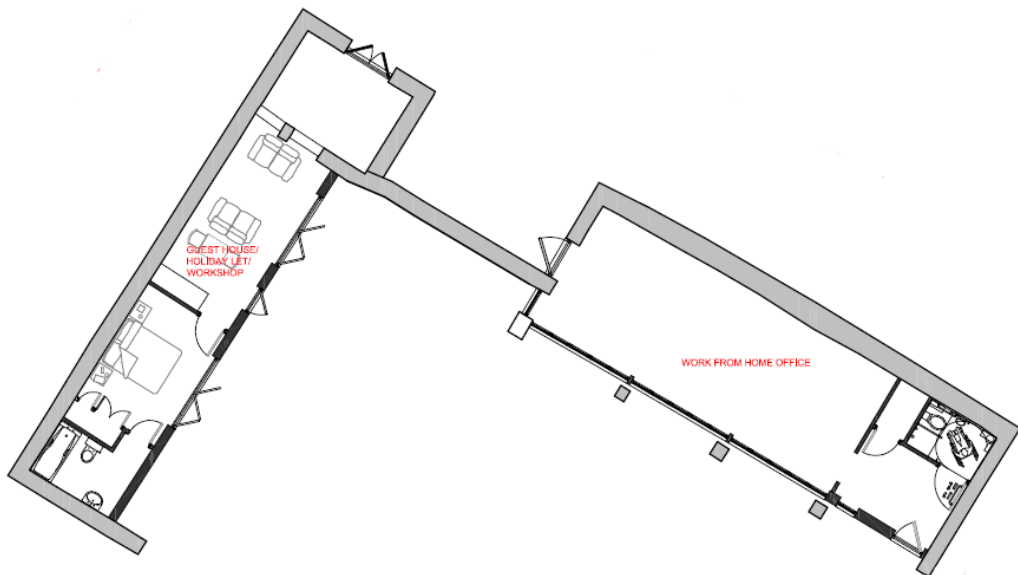
South-East Elevation

North-East Elevation

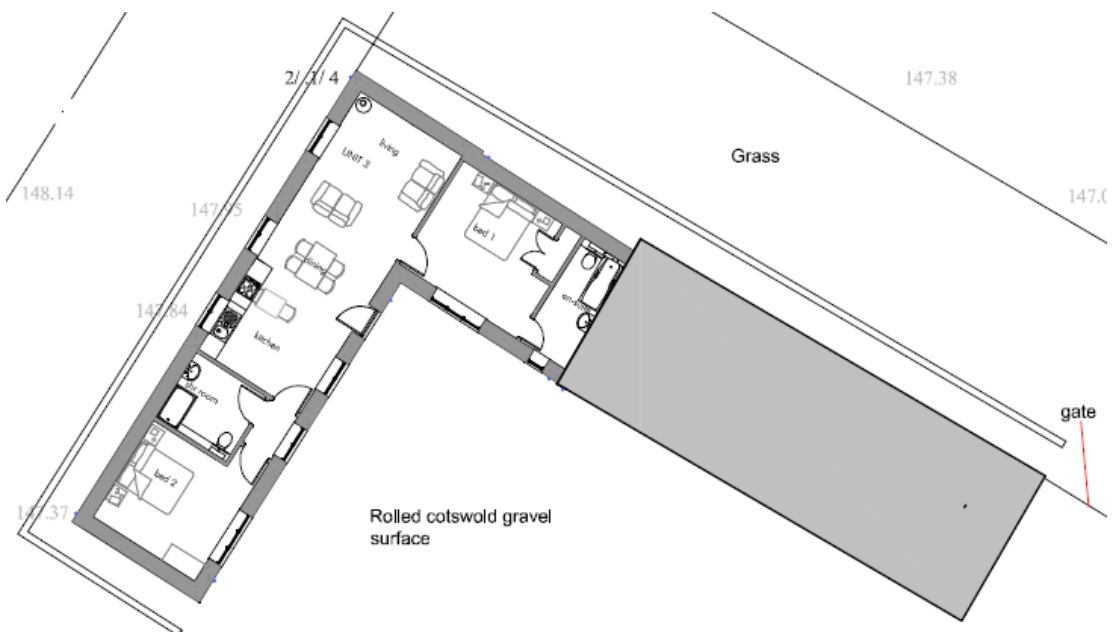
North-West Elevation

South-West Elevation

*Elevations submitted as part of 19/08882/FUL*



*Above: is an extract of the floor plan associated with the approved 14/08318/FUL application*



*Above: is an extract of the floor plan submitted under this retrospective 19/08882/FUL application*

5.5 The photograph included on the next page was taken by the case officer and highlights the extent of the unauthorised development that has increased the size of Bays Corner which has been completed without the benefit of planning permission.

5.6 It is also important to note that the former agricultural building was demolished rather than converted and in terms of understanding how this type of development fits with the Council's adopted development plan is explained in detail within section 9 of this report. The pitched roof link between the 'consented' holiday let unit and the office is clearly identified by the red line shown below. The approved elevation extracts which are included on the above pages reveal what should have been a low profile flat roofed link element between the holiday let and office conversion. Instead, the space has been infilled with a pitched roof extension, with the 'holiday let' building being built c.1.2m wider than that originally approved under application reference 14/08318/FUL.



*Extract of the case officer's site photograph dated October 2019*

## **6. Planning Policy**

The adopted Wiltshire Core Strategy (WCS) - CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP7 - Spatial Strategy for the Bradford on Avon Community Area; CP39 - Tourist Development; CP44 - Rural Exceptions Sites; CP48 - Supporting Rural Life; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP60 - Sustainable Transport; CP61 - Transport and New Development; and CP64 - Demand Management

The following saved policies from the West Wiltshire District Plan 1<sup>st</sup> Alteration are also relevant: U1a - Foul Water Disposal

The Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy is also relevant

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD); Charging Schedule (Charging Schedule); and Regulation 123 List (123 List)

National Planning Policy: National Planning Policy Framework (NPPF); and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

Planning (Listed Buildings and Conservation Areas) Act 1990.

It is important to mention that since application 14/08318/FUL was appraised, the National Planning Policy Framework has been revised most recently on 19 February 2019; and at local level, the Wiltshire Core Strategy was adopted on 20 January 2015. West Wiltshire District Plan 1st Alteration 2004 Policy H21, which was still saved and relevant back in 2014 has been replaced by Core Policy 48 and TO3 has been replaced by Core Policy 39 of the adopted WCS.

## **7. Summary of consultation responses**

Monkton Farleigh Parish Council: Supportive.

Wiltshire Council Highways: No highway objection is raised.

Wiltshire Council Ecology: No objections. The building has been previously subject to ecology survey work that was found to be acceptable by the Council's ecology team and it is noted that within the submitted Planning Statement, the applicant has confirmed that the ecology mitigation measures that were identified as part of the 2014 application have been implemented. If this application is to be approved, it would be necessary to tie in the ecology survey and its long-term monitoring and mitigation for protected species by a planning condition.

## **8. Publicity**

The application was advertised by the display of a site notice which was attached to a post at the entrance to the track leading to the application site on 3 October 2019. Pursuant to the public notification exercise, two supporting representations were received, one from the current tenants of the unauthorised Bays Corner property and one from the Chair of the Parish Council.

The submitted representations explain that Bays Corner has been let on a long-term basis as a private dwellinghouse and argue there is a shortage of affordable properties to rent in the local area. The submissions also include the assertion that an adverse decision would have serious consequences for living and working arrangements for the present occupiers.

In further support of the application, it is argued that the completed work has brought about an enhancement to the environmental and aesthetic quality rather than cause harm. The use of the building as a dwelling rather than a holiday let is argued to make eminent sense.

It is moreover argued that the applicant has a long standing and successful policy of good land husbandry and sympathetic management of the landholding and commercial property – with the conversion work at Bays Farm being a testament to that approach.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for this development proposal.

9.1 Principle of Development: Core Policy 1 of the adopted WCS sets out the settlement strategy for the County and identifies the settlements where sustainable development should take place. CP1 identifies a hierarchy of four tiers of settlements, namely: Principle Settlements; Market Towns; Local Service Centres; and Large and Small Villages. With reference to Core Policy 7, Monkton Farleigh is identified as a small village, which is defined by Core Policy 1 as having “*a low level of services and facilities, and few employment opportunities*”.

9.2 Monkton Farleigh is also identified within Appendix F of the WCS as being a small village that does not have a boundary. The application site must therefore be treated as a site outside the limits of development and within the open countryside.

9.3 Core Policy 2 of the adopted WCS sets out the Council's delivery strategy for new development and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Outside the defined limits of development, the Plan directs that new residential development should not be permitted unless the development complies with one of the six exception policies listed within Paragraph 4.25 of the



WCS which seek to respond to local circumstance and national policy (which is discussed further below).

9.4 Core Policy 2 also sets out that at small villages (like Monkton Farleigh) new residential development shall be limited to 'infill' sites located within the built up area as well as being in accordance with the following criterion:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

9.5 Paragraph 4.34 of the WCS defines infill for the purposes of Core Policy 2 as *“the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling”*. In this instance the subject building forms part of a group of former farm buildings, which are very clearly detached from the existing identifiable 'settlement'. The application site cannot be considered to be an infill site in terms of applying the aforesaid policy direction.

9.6 In terms of appraising the retrospective construction of the new dwelling against the exception policies listed in paragraph 4.34, these comprise of:

- Additional employment land (CP34)
- Military establishments (CP37)
- Development related to tourism (CP39 and CP40)
- Rural exception sites (CP44)
- Specialist accommodation provision (CP46 and CP47); and, development that
- Supports rural life (CP48)

9.7 In this instance, the creation of a new dwelling in the open countryside does not satisfy any of the above listed exception policies except for Core Policy 48 which does allow for conversion and re-use of existing rural building(s) subject to a series of qualifying criteria being satisfied.

9.8 Central to Core Policy 48, new developments are expected to conform with the following requirements:

- i. The building(s) should be structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.
- ii. The use should not detract from the character or appearance of the landscape or settlement and should not be detrimental to the amenities of residential areas.
- iii. The building should be served by adequate access and infrastructure.
- iv. The site should have reasonable access to local services; and,
- v. The conversion or re-use of a heritage asset should lead to its viable long-term safeguarding.

9.9 Moreover, Core Policy 48 sets out a sequential approach to the re-use of redundant rural buildings that may deliver planning betterment by being converted with some modest alterations; and the policy requires the provision of clear evidence (emphasis added) that a re-use for employment, tourism, cultural and community uses are not practical propositions. The policy goes on to further provide some additional opportunities for rural residential development for isolated locations where the subject building is redundant or disused. This provision cannot be reasonably applied for this case given that the former building has been demolished and the subject building is in use and has been constructed to be used as a dwelling.

9.10 As part of assessing application reference 14/08318/FUL, the case officer identified that the previous planning proposal was contrary to the emerging Core Strategy “*as no evidence (just opinion) that an economic use cannot be secured in preference to a residential use*” had been submitted for barn 4. [In addition, no] *structural surveys [were] presented and indeed other than barns 2 and 4 all the buildings on site require[d] substantial rebuilding works to allow for the conversion.*”

9.11 For this current application the previous farm building was demolished, which renders the need for a structural report as being unnecessary. Core Policy 48 does however require the applicant to provide ‘clear evidence’ and to present ‘special circumstances’ to justify the residential new build in line with national policy and the adopted Core Strategy. The quality of the new build development may very well be of a good specification and finish, but in terms of principle, officers are concerned that no real attempt has been made to confirm that the property cannot be reasonably or acceptably used for employment, tourism, cultural and/or community uses.

9.12 The application was originally supported with a 13 September 2019 dated letter produced by Property Link who, as estate agents covering the City of Bath and the surrounding area, who were instructed by the applicant in the autumn of 2018 to let the three barn ‘conversions’ at the former Bays Farm site. The letter, which was addressed to the applicant’s planning agent stated that they advised the applicant that:

*“the potential occupiers of the residential property, which is the largest unit of the three, might not like having a holiday let in close proximity. As a result of this we initially marketed the site as one unit hoping that the clients may also require the holiday let for visiting family and friends and the rural office unit to work from”.*

The letter from Property Link continues to say that they received ‘very few’ enquires by the end of 2018 (which was only 4 months or so after the initial marketing exercise had started); which led in the beginning of 2019, to the site being marketed as three separate rental options, from which there was interest for the dwelling (Bays Barn) and Bays Corner on a residential basis but not as a holiday let. Unfortunately, no evidence has been provided to show how long the site was marketed for, and there has been no clear evidence to show that Bays Corner was indeed marketed as a holiday let and there is insufficient evidence to support the assertion that the 1-bed consented holiday let would not be appealing to the wider market. All we have is the opinion of one letting agency; and, the limited marketing did not extend to the alternative sequential uses as set out within Core Policy 48. It is fully acknowledged that the 2014 application did not allow for cultural or community uses, but it did not allow for 2 residential dwellings either. The lack of robust and clear marketing evidence represents a material policy conflict.

9.13 During the past few months, officers requested additional justification from the applicant’s appointed agent. The agent responded by arguing that the previously consented tourism use does not represent a viable re-use for the redeveloped mixed-use farm complex. A viability report (note: not a marketing report) was commissioned by the applicant and was submitted to the Council in late November 2019. This viability report contains financially sensitive information and is therefore not published on the Council’s public planning portal. Officers have carefully reviewed the report and find substantive failings within it.

9.14 It is noted that the report sets out a marginal profit being gained through renting Bays Corner as a private dwelling, with a marginal loss for the use of Bays Corner as a holiday let. However, the report fails to appreciate that the premise of the 2014 application was to deliver a mixed-use development and the report should have considered the entirety of the development that was approved under one submission rather than break up individual elements of the scheme. In addition, the unauthorised dwelling has been built larger than the holiday let, so the additional development costs that were borne by the applicant for the unauthorised works should not be factored in to marginalise the viability of the holiday let proposal. The evidence that has been

submitted puts forward the argument that the unauthorised building is not suitable for any other purpose other than residential. Officers are not satisfied that this assertion has been fully justified.

9.15 In recent times, the Council has been successful in defending appeals where the local planning authority (LPA) has refused similar rural conversion proposals (that seek to jump straight to residential use) without going through the sequential marketing testing as explained above pursuant to Core Policy 48 and the NPPF requirements. One such example was a case in Staverton (appeal reference APP/Y3940/W/18/3198906) in which the appointed Inspector agreed with the Council's position in requiring clear evidence as why alternative non-residential uses were not practical propositions. A copy of the appeal decision is attached within Appendix 2.

9.16 Officers therefore submit that in terms of principle, this retrospective application for the construction of a new dwelling in the open countryside is unacceptable and in conflict with established planning policy; namely: CP1, CP2, CP7 and CP48 of the adopted WCS.

9.17 Officers are cognisant of national planning policy's aim to providing affordable housing and to support rural housing needs (as set out within paragraphs 77-79 of the NPPF). However, the dwelling at Bays Corner is an open market dwelling and officers have not been furnished with any substantive evidence to suggest that it has been provided or secured as an 'affordable' home mindful of the established NPPF definition of what constitutes 'affordable housing' which is set out within Annex 2 of the NPPF.

9.18 The application is considered to conflict with paragraph 79 of the NPPF, which states that planning decisions "*should avoid the development of isolated homes in the countryside unless*" they meet one or more of the five criteria, which includes: housing for a rural worker (a), the optimal viable use of a heritage asset (b), re-use of redundant or disused buildings (c), subdivision of an existing residential dwelling (d); and/or the design is of exceptional quality (e). In this instance, the applicant has not provided any evidence that would seek to justify the development on the above grounds.

9.19 In addition, the proposal cannot be considered to represent a 'previously-developed' or 'brownfield' site respecting that agricultural land is exempted from such a definition by the NPPF which states as follows:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape" (emphasis added by officers)*

9.20 It is also necessary to mention Core Policy 60 and Core Policy 61 of the adopted WCS, which states that the Council should use its planning and transport powers to help reduce the need to travel by private car, and to support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire, by planning developments in accessible locations. Core Policy 61 states that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The unauthorised construction of a dwelling at Bays Farm by virtue of being unjustified, is by default also considered to be an unsustainable development and is therefore contrary to WCS Core Policy 60 and Core Policy 61.

9.21 Principle of Development in the Green Belt and Impacts on its Openness: The Council does not have a specific policy in the adopted WCS relating to development on designated Green Belt land and therefore the relevant policies for assessing development in the Green Belt is provided within the NPPF.

9.22 Paragraph 133 of the NPPF states that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. Paragraph 145 of the NPPF states that a *“local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”* unless the development satisfies the exceptions listed in paragraph 145 as copied below:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

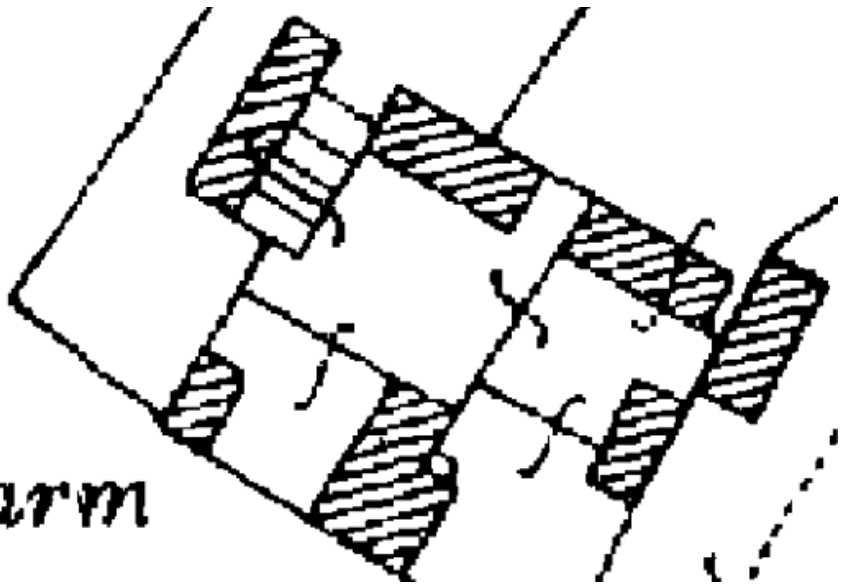
9.23 The exceptions listed in paragraph 145 of the NPPF include infilling within villages, which does not apply to this application, for the reasons specified in the ‘principle of development’ section above.

9.24 Officers are aware that the former agricultural building has been demolished, with a new open market dwelling having been constructed. Therefore exceptions d. and f. listed within NPPF paragraph 145 are not applicable either.

9.25 Turning to the exceptions listed under part g) which relate to *“limited infilling or the partial or complete redevelopment of previously developed land”*, as argued above, the NPPF defines ‘previously developed land’ on page 70 in Annex 2 and excludes land that *“is or was last occupied by agricultural or forestry buildings”* meaning that these provisions cannot be readily relied upon in terms of supporting the application.

9.26 In terms of appraising the application against criteria c. of NPPF paragraph 145, officers have calculated the volume of the existing building as it originally stood at the time of the 2014 application, which officers consider to be akin to the footprint of the former farm building shown on the 1908-1933 OS map – which can be considered to have represented the ‘original buildings’ as defined in Annex 2 of the NPPF.

## Bay's Farm



*Extract taken from the 1908-1933 historic OS map to show the footprint of the former farm buildings*

9.27 Officers have also calculated the volume of the approved 2014 scheme and the volume of the buildings as currently built and as presented in this application, to aid the assessment as to whether the unauthorised works would constitute a 'disproportionate addition' over and above the size of the original building - in this case as an extension to the office building that was converted from the former agricultural building consented under application 14/08318/FUL.

9.28 Officers accept that the office building was converted as part of the 2014 application and from checking and comparing the existing and proposed plans submitted as part of application 14/08318/FUL against those submitted as part of this current application, officers accept that the office building has not been extended beyond its original footprint.

9.29 Officers have calculated the following volumes for the former piggery building, the consented holiday let building and the 'as built' unauthorised dwelling, as follows:

Former farm piggery building prior to the approval of 14/08318/FUL: c. 544m<sup>3</sup>

Consent proposal as approved under application 14/08318/FUL: c. 183m<sup>3</sup>

The 'As built' volume of the subject building as presented within this application: c. 234m<sup>3</sup>

9.30 In light of the above volume calculations, officers have calculated that the 'as built' volume of the unauthorised dwelling has resulted in an approximate 57% reduction in terms of volume compared to the volume of the former piggery building. The unauthorised dwelling and the pitched roof link addition that connects with the consented office building has resulted in a c.28% increase over and above what was consented under application reference 14/08318/FUL for the reuse of the former piggery building as a holiday let. Officers consider that this 28% increase constitutes as a proportionate addition mindful of the extent and volume of the former agricultural buildings which were previously present at the site.

9.31 The volume of the unauthorised dwelling when considered as a new build extension to the consented office building would constitute as an approximate 104% increase over and above the original farm building which is now used as an office. Turning to the pitched roof link element as a separate entity (which did not form part of the 2014 application), this alone represents as 39% additional volume to the consented office building. In factoring in all of the above calculations, officers are mindful of the scale and volume of the former agricultural buildings that were formerly present on the site. Moreover, whilst the new build extension constructed off the office would

represent a 104% increased volume, it is still substantively less than what was formerly present at the former farm steading. Officers submit that the building which has been constructed does not represent a 'disproportionate' addition over and above the size of the original farm building now used as an office, but its impact on the green belt openness must be appraised which the following paragraphs discuss.

9.32 Paragraph 133 of the NPPF considers the "*essential characteristics of Green Belts*" to be its openness and permanence. The submitted Planning Statement concludes that the proposal has resulted in the reduction of built form and volume on the site and states that whilst the building at Bays Corner has been built larger than previously approved, the unauthorised dwelling is single storey and is smaller than the former barn it replaced in height and footprint. The Planning Statement quotes on page 12 that in terms of footprint, the unauthorised dwelling is 54 square metres smaller than the former barn, which represents a 40% reduction in footprint terms. No volume calculations have been submitted by the applicant, but as shown in paragraph 9.29 of this report, officers have carried out their own calculations.

9.33 In addition to the volume calculations, the case officer has reviewed the officer's site photographs for both 14/08318/FUL and those taken whilst on site most recently. The photographs clearly show a reduction in the built form at the site. Given the reduced built form compared to that of the former piggery building, the 28% increased volume which has been created by the additional infill extension, this unauthorised development does not adversely affect the openness of the Green Belt. Notwithstanding this, the proposal still fails to satisfy CP1, CP2, CP7, CP60 and CP61 of the adopted WCS and paragraph 73 of the NPPF.

9.34 Impact on the AONB: The application site is located within the Cotswold AONB and is located within a prominent location, where wide public views of the site are gained from the Pinckney Green road and from the public right of way footpath, reference MFAR22 which is located to the south of the application site. CP51 of the adopted WCS requires development in these protected landscape areas to "*protect, conserve and where possible enhance landscape character*" with any "*negative impacts*" to be "*mitigated as far as possible through sensitive design and landscape measures*".

9.30 The application site forms part of a former farmstead, which has been redeveloped following the granting of 14/08318/FUL. The former farmstead is surrounded by open countryside and forms a group of stone-built buildings. It was concluded as part of the officer's assessment of application 14/08318/FUL (refer to Appendix 1 - attached to this report) that the loss of the farm buildings would be "*harmful to the AONB*" whereas their retention and conversion would maintain a "*sense of enclosure, retention of traditional local materials, [with the] removal of modern and inappropriate structures and materials and removal of a maintenance liability and provision of an economic asset to the overall Monkton Farleigh estate*" which was part of the planning balance that led to the 2014 application being approved.

9.31 With reference to the submitted Planning Statement produced by the applicant's appointed agent, RCC Town Planning Consultancy, the previously approved scheme involved "*the removal of larger and more modern structures to improve the sense of openness and reduce its impact on the Green Belt, open countryside and the AONB landscape*". This application is seeking to regularise the construction of a new residential dwelling following the demolition of a former agricultural building, which did not form part of the previous planning application submitted under reference 14/08318/FUL. The unauthorised dwelling has been constructed on a larger footprint than what was approved under application reference 14/08318/FUL, which the applicant's agent argues to better reflect the extent of the former agricultural building (paragraph 5.7 of the submitted Planning Statement).

9.32 The case officer has reviewed the site photographs that were taken to support the assessment of application 14/08318/FUL and has compared these against what has been

constructed on site, and members are advised in AONB terms the development is not demonstrably harmful given the form and siting of the building and use of complementary materials (i.e. natural stone). However, this does not override the in-principle concerns listed above.



*View of north-east elevation of site from existing track from September 2014*



*View of north-east elevation of site from existing track from October 2019*

9.33 Ecology: In appraising the merits of the proposal submitted under application reference 14/08318/FUL, no ecology-based objections were raised. A set of mitigation and enhancement measures were set out and have been implemented, including the provision of a little owl box; only planting native tree and shrub species; and, restricting external lighting by planning condition, which the submitted Planning Statement confirms have been adhered to.

9.34 The Council's ecology team were re-consulted and provided a verbal response arguing no objections.

9.35 Impact on Neighbouring Amenity: The unauthorised dwelling does not have had an adverse impact on the amenity of the nearby dwelling, given the scale, location and separation distance of some 34m between the two buildings. Therefore, impact on the amenity of the nearby residential dwelling is not considered to form part of the reason for refusing this application.

9.36 Highway Matters: The unauthorised dwelling is accessed via an existing access which is located at a junction with the public highway and a public right of way (MFAR22) to the south-east of the application site. No alterations are proposed to the existing access or public right of way as part of this application. Wiltshire Council's highways department raised no objections to this application and the use of the existing track and access onto the Pinkney Green road was previously considered acceptable in the determination of 14/08318/FUL. Furthermore, there is considered to be adequate turning and car parking space within the site for all three buildings. As such, no highway issues are raised. However, as set out within paragraph 9.20 of this report there is a conflict with CP60 and CP61 in terms of sustainability.

## **10 Conclusion (The Planning Balance)**

The unauthorised dwelling is not considered to be policy compliant in terms of CP1, CP2, CP48 due to the location of the application site in the open countryside, where local and national planning policy does not support the construction of new residential development, except in certain circumstances, which this application does not comply with. Furthermore, since the former piggery building has been demolished, there is no fall-back position in terms of the application being

assessed as a conversion or re-use. The site is located in the countryside where the occupiers of the development would be most likely be reliant upon the use of a private motor vehicle, which would conflict with the aims of CP60 and CP61 of the WCS which aims to encourage the use of sustainable transport. Therefore, officers recommend that the application be refused.

**RECOMMENDATION: Refuse for the following reason:**

The unauthorised and unjustified construction of the 2-bed dwellinghouse conflicts with CP1, CP2, CP7, CP48, CP60 and CP61 of the adopted Wiltshire Core Strategy 2015 and the NPPF, principally Paragraph 79 due to the isolated and unsustainable location of the dwelling in open countryside.



APPENDIX 1 - DELEGATED OFFICERS REPORT FOR 14/08318/FUL

**CASE OFFICER'S REPORT**

**Application Reference:** 14/08318/FUL  
**Date of Inspection:** 17 September 2014  
**Date site notice posted:** 17 September 2014  
**Date of press notice:** 19 September 2014

**POLICIES**

West Wiltshire District plan 1<sup>st</sup> Alteration (2004)  
C1, C2, C31a, C32, H19, H21, TO3, U1a and U2.

Emerging Wiltshire Core Strategy  
CP1, CP2, CP7, CP39, CP41, CP48, CP50, CP51, CP57, CP58, CP60, and CP67.

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

**ISSUES**

- Principle of development;
- Whether inappropriate development in the Green Belt;
- Impact on the openness of the Green Belt;
- Impact on the nationally important landscape of the AONB;
- Impact on un-designated heritage assets.
- Highway safety;
- Ecology;
- Drainage;
- Archaeology; and
- Neighbour amenity.

**REPRESENTATIONS**

Monkton Farleigh Parish Council: Support.

Wiltshire Council's archaeology: No objection

Wiltshire Council's ecology: No objection subject to conditions and infromatives.

Wiltshire Council's highways: No comments received.

Wiltshire Council's highways: No objection.

Wessex Water: No objection.

Wiltshire Fire & Rescue Service: No objection.

Public consultation consisted of a site notice and a Wiltshire Times advert. 1 letter received stating no principle objection but raising areas that need to be considered as follows:

- Increased vehicular use and highway impact;
- Insufficient space to accommodate vehicles;
- Parked vehicles and new drive impact on Green Belt and AONB;

- Conflict of agricultural and domestic use of access may result in a new agricultural access and loss of stone wall;
- Light pollution;
- Office use and holiday let should be tied to dwelling by s106; and
- All permitted development rights should be removed.

#### **ASSESSMENT:**

- Introduction.

This application has been called-in to the area planning committee for a decision, but only if the officer wishes to recommend it for refusal.

This is a proposal to create a dwelling, office and holiday let at Bays Farm from the remaining 5 agricultural buildings that are of various ages and in very mixed conditions at Bays Farm, Farleigh Wick.

In order to create the dwelling on site it is proposed to convert an existing stone 2-storey barn (barn 4), utilise the footprint of barn 3 which has been built up in recent years and been given a new roof in order to retain the historic footprint of circa 1887 and provide a new flat roof sedum linking structure to replace the existing timber framed building that is between the two. The plans have been submitted to illustrate an open plan kitchen, living and dining space with 3 bedrooms.

The proposals detail the conversion of a single storey stone barn (barn 2) to become an ancillary office space. This is a detached building that has, from site inspection, been subject to very recent and substantial works including the insertion of a damp-proof membrane. From site inspection photographs taken in circa March 2009 it is evident that this building existed with all walls and a roof intact.

Finally, the proposals include the create of a holiday let which would be formed from the remains of a former piggery detailed on the 1887 maps and which now forms a part of barn 1. Barn 1 has an overall footprint far greater than the proposed holiday let but is clearly largely of modern origins. The holiday let would be self-contained with a single bedroom – it would also suit annexe accommodation given its relationship to the main dwelling.

It is proposed to demolish the skeleton remains of barn 5. Other lean-to structures would be demolished. There is evidence of other structures within the site which have collapsed, and it is proposed to tidy up.

The existing access would be upgraded to provide the necessary visibility splays. This may require nominal works to existing field boundary walls to reduce the heights by one or two courses. The existing horse chestnut tree would be retained. The informal grass access tracks would be upgraded to roll stone drive with a minimum width of 3.7 metres.

- Principle of Development.

Current local plan policy on matters such as this is not in accordance with the NPPF and therefore should not be afforded full weight according to paragraph 215 of the NPPF.

It is considered that the proposal would be contrary to policy H21 of the local plan in regard to conversion of rural buildings in the open countryside as no detailed efforts to secure a completely economic re-use in preference to the proposed mixed-use development. It is noted that no structural surveys have been presented and indeed other than barns 2 and 4 all the buildings on site will require substantial rebuilding works to allow for the conversion. Other criteria will be considered further below; but suffice to say that the scheme is contrary to the adopted development plan; but the weight that can be given to this is material too.

The site is located outside of any settlement boundaries and as such new build holiday accommodation is not acceptable under policy TO3 of the local plan.

The NPPF has to be considered in its entirety, however it is important to note that amongst the core principles at paragraph 17 is to encourage the reuse of existing resources, including conversion of existing buildings. Paragraph 55 on new dwellings in the countryside details that isolated new homes in the countryside should be avoided but exceptionally “*where such development would represent the optimal viable use of a heritage asset*” or “*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*” then planning may be granted. This is an isolated location.

Paragraph 28 details a need to support rural tourism in the interests of the rural economy.

The emerging Wiltshire Core Strategy is a material consideration as set out in paragraph 216 of the NPPF. It is reaching an advanced stage with adoption anticipated in the coming months. As such it may be afforded some weight.

Core Policy 48 supports the conversion and reuse of redundant rural buildings to residential where there is clear evidence that an economic use cannot be achieved; there is access to employment and 5 detailed criteria are met. It is considered that the proposal would be contrary to CP48 of the emerging local plan as no evidence (just opinion) that an economic use cannot be secured in preference to a residential use in regard to barn 4. It is noted that no structural surveys have been presented and indeed other than barns 2 and 4 all the buildings on site will require substantial rebuilding works to allow for the conversion. Other criteria will be considered further below; but suffice to say that the scheme is contrary to the emerging development plan; but the weight that can be given to this is material too.

The site is located outside of the main built form of Farleigh Wick and Monkton Farleigh but within the built form of a historic farm yard. The proposal is clearly not an in-fill development under CP2 of the emerging policy.

Core Policy 39 is the emerging policy in regard to holiday let accommodation. This details that “*Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings.*” Although clearly out of the built-up area of Monkton Farleigh it is assessed that this is a location that is reasonably close to that village which has some limited facilities including a primary school, shop and post office, pub, village hall and a limited rural bus service. Furthermore, it is noted that the holiday let proposal is for a replacement building making use of a historic footprint.

It is noted that the principle of development was broadly supported at pre-application stage. However, that was not a contemporaneous exercise having been carried out circa 4 years ago with the development control manager of the former West Wiltshire District Council around the time that the transition to a unitary authority was occurring. Since that time both national and local policy has evolved. The pre-application advice was also based on taking a masterplanning approach to the redundant assets of the Monkton Farleigh Estate owned by the applicant as it was acknowledged that various elements may not accord with policy but looking holistically there would be merit to the overall use of redundant resources in the estate. This masterplanning is not evident with this application, but it is also acknowledged that this would have been difficult to secure in any event.

In terms of considering principle it is assessed that the proposals are contrary to the current local plan policy; there is a degree of conformity with the emerging policy and the only area of concern is residential use element of this mixed-use scheme. But the proposals do accord with the thrust of the national policy position. Furthermore, there are also detailed reasons (as set out below) why

this scheme may result in positive outcomes. It is assessed that a weighing exercise is required in order to determine this application reasonably.

- Whether inappropriate development in the Green Belt.

The only policy consideration in this regard is the NPPF. This sets out that inappropriate development is harmful by definition and should not be approved except in very special circumstances.

Paragraph 90 details that *“the re-use of buildings provided that the buildings are of permanent and substantial construction”* is not inappropriate where the openness of the Green Belt is preserved. This is relevant within the context of barns 2 and 4 and allows for this as no impact on the openness would occur from the retention of these structures.

It is proposed to make use of the existing volumes created by barn 3 and the wooden framed structure between that and barn 2 to create further accommodation attached to barn 2 and make a suitable dwelling unit. If all of the new build element were to be considered as an extension to barn 2 then it must be concluded to be disproportionate to the original building. This would be inappropriate development. However, the flat roof linking element between barn 2 and 3 is considered to be a reasonable and proportionate extension and that it replaces a wooden framed building is not necessarily relevant. The works required to barn 3 are though so great that this area must be considered to be a new building.

Paragraph 89 is therefore applicable, and this provides an exhaustive list of exceptions. Exceptions at bullets 1, 2, 3, 5 and 6 are clearly not applicable.

Bullet 4 details – *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. The proposed use is changing from agriculture to residential and so this cannot apply. However, it may be considered that an application could be made to rebuild this barn and continue an agricultural use. Then an application could be made to convert a structurally sound building. This would circumvent the Green Belt policy.

In terms of the holiday let development it is assessed that the exception at bullet 2 of paragraph 89 is applicable: *“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”*. This is because a holiday let use is considered to relate to a form of outdoor recreation and the openness will be improved from the reduction in the size of the existing barn.

Strictly speaking it is assessed that the proposals are inappropriate by virtue of either the fact that the new building connected to the residential use would be in a different use. On this basis it is assessed that whilst there is clearly harm; the harm by reason of inappropriateness is not very significant and policy makes provision for allowing development where the harm and any other harm can be *“clearly”* outweighed.

- Impact on the openness of the Green Belt.

The proposals would see a substantial reduction in the overall volume of the built form on the site; the openness therefore of the Green Belt would be enhanced.

- Impact on the nationally important landscape of the AONB.

The landscape at this point is of national significance and great weight should be afforded to its protection and in terms of landscape and scenic beauty it must be afforded the highest protection.

The NPPF is clear on this and states that *“the planning system should contribute to and enhance the natural and local environment”*.

The landscape is part of the south Cotswolds limestone lowland and key characteristics include:

- ❖ scattered farmsteads distributed throughout the area crossed by network of rural roads;
- ❖ Traditional buildings of local limestone an obvious feature; and
- ❖ Presence of historic parkland and estates marked by stone estate walls, grand entrances and parkland trees and avenues.

All of these key characteristics to this nationally important landscape are relevant in regard to this development and the potential impact it would have on the landscape character at this point. This is a farmstead that is clearly in great decline and its buildings have nominal agricultural use value with modern farming practices. An alternative use must be found if they are to remain – otherwise they will fall into further decline and disrepair and eventually be lost. This spiralling decline and ultimate loss would be harmful to the AONB and the proposal would see the retention of the farmstead sense of enclosure, retention of traditional local materials, removal of modern and inappropriate structures and materials and removal of a maintenance liability and provision of an economic asset to the overall Monkton Farleigh estate allowing resources to be diverted to preservation of ancillary features of the area such as stone estate walls, grand entrances and parkland trees and avenues.

The proposals would be a significant enhancement to the AONB and this needs to be attributed great weight in the balance of decision making. The site is very prominent within the landscape and can be seen from numerous rights of way and main roads through this rural area. It is very sensitive and prominent location.

- Impact on Un-Designated Heritage Assets.

The issues in this regard are similar to the consideration of the landscape in that this cluster of buildings will inevitably spiral into a state of further decline if viable uses cannot be found; harmful to the character and appearance of these undesignated heritage assets. Ultimately features will be lost forever. In particular at this site the sense of enclosure offered by the buildings creates a traditional farmstead appearance which is important to the landscape. The inappropriate structures would be removed, and the traditional structures would be converted. New buildings would be sympathetic in scale and materials to the historic buildings on the site and reflect the farmstead evident in the late 19<sup>th</sup> century mapping.

In conclusion it is assessed that the historic rural farm buildings and the farmstead generally form an undesignated heritage asset and would be substantially enhanced by the proposals.

The NPPF is clear that heritage assets are an “*irreplaceable asset*” and the requirements at paragraph 126 have to be considered very carefully. Further the considerations in paragraph 131 are noted namely:

- ❖ the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- ❖ the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- ❖ the desirability of new development making a positive contribution to local character and distinctiveness.

This raises an important question when considering viable uses consistent with the conservation of the asset. Whilst no evidence of potential economic uses has been provided – in the current economic climate it remains that small scale rural B-class employment floorspace is not likely to be in demand in a location such as this. A community use is clearly not going to make economic sense given the initial investment required to carry out these works. This leaves permanent residential or holiday accommodation as the only realistic options to secure the initial works and

then the long-term conservation of the heritage assets. This proposal makes a mixed-use development case and includes an ancillary office development that could likely be a holiday let if future occupiers do not desire an office.

The heritage assets are considered to be significant given the contribution they make to the nationally important landscape and the undesignated heritage asset of the farmstead. As such weight needs to be attached to this factor.

- Highway Safety.

The proposal details the reuse of the existing access which is located at a junction with the public highway and a public right of way. It is on a long and straight section subject to a 50mph limit. Visibility is reasonable and can be enhanced with very minimal works.

It is assessed that the proposal would lead to a relatively modest intensification in movements at this point; but the traffic conditions are such that there is no harm, clearly no severe impact within the NPPFs meaning.

There is adequate space on the site for parking and turning to meet the needs of a dwelling, office and holiday let.

- Ecology.

The proposals have the potential to impact on ecological interests and an ecological survey has identified a set of mitigation measures to ensure that ecological interests are preserved on site. Further a scheme of enhancement has also been detailed so as to provide a little owl box and only planting native species. It may therefore be concluded that as required by national and emerging local policy preservation and enhancement of ecological interests would be provided by the development. This is a positive consideration that may be given some weight in the overall balance, however it is relatively slight in the overall balance. The ecologist raises no objection.

- Drainage.

The proposals details the use of a septic tank to serve the development for foul drainage and a sustainable drainage system for surface waters.

This is a non-mains area and so a non-mains solution is necessary. A condition can control this.

The proposals will lead to a modest reduction in surface waters from the site potentially depending on the surface treatment to the courtyard. There is also opportunity to enhance the situation by preventing any discharge to the highways. A condition can control this.

- Archaeology

The site is subject to archaeology designated but no archaeology objection has been raised.

- Neighbour Amenity.

The proposals are remote from other residential property and as such would have no impact on neighbouring amenity. The mixed-use development detailed would not be likely to lead to amenity issues given that the employment area would be ancillary to the residential dwelling and a B1 type use.

- Rights of Way

The entrance to the site is at a point where there is a public right of way. The rights of way officer has commented that the footpath should remain open and available for public use. This can be addressed by an informative.

- Other Material Considerations

The issue of light pollution has been raised. However, there is a lawful use of the site for agriculture and this could lead to some light pollution too. It is not assessed that any harm would merit refusal of the application.

It is not considered reasonable or necessary to tie the holiday let and office to the dwelling on site. However, it is considered reasonable within the Green Belt and AONB to restrict permitted development rights.

- **Summary and Conclusion.**

This is a very finely balanced case as whilst the principle of development is questionable there are very significant benefits to the landscape and the undesignated heritage assets. Further there are relatively minor positives including enhancing ecological interests at the site.

The residential use and associated rebuild of barn 3 is the key area of concern. A further concern is that the office space is only proposed to be ancillary to the residential dwelling. These considerations have implications in terms of the principle of development and whether this is inappropriate development within the Green Belt. It has to be assessed though – what demonstrable harm would this cause to planning interests and what weight can be attached to that against the positive impacts in terms of landscape and heritage.

The proposals would provide a dwelling, with employment space and a holiday let which would support the local facilities in this and surrounding villages. There would be a likely reliance on the private car to get to wider facilities (although employment would be likely to be on site) as the bus service is limited as is typical in rural locations. However, sustainability is a far more multi faceted issue than simply whether there will be a reliance on the private car and the contribution to the rural facilities, and economic and social benefits through tourism by preserving and enhancing the landscape and heritage issues must be considered also.

Inappropriate development in the Green Belt is by definition harmful. However, it is assessed that the enhancements to both landscape and heritage provide very special circumstances to clearly outweigh what limited harm is caused by reason of inappropriateness.

Furthermore, it is assessed that the identified contravention of current and emerging local plan policy in terms of principle and the likely reliance on the private car is outweighed by the comments of the NPPF which supports sustainable development and the weight that needs to be attached to the enhancements in terms of landscape and heritage. This is very much an on balance conclusion.

**RECOMMENDATION:**

On balance, permission subject to conditions.

**Town & Country Planning Act 1990**

**Notification of Full Planning**  
**Application Reference Number: 14/08318/FUL**

<b>Agent</b> PKA Architects Ltd Featherbrook Whistley Road Potterne Devizes Wiltshire SN10 5TD	<b>Applicant</b> Sir Charles Hobhouse Monkton Farleigh Estate Monkton Farleigh Manor Bradford on Avon Wiltshire BA15 2QE
<b>Parish: MONKTON FARLEIGH</b>	
<b>Particulars of Development: Conversion and reconstruction of existing farm buildings to provide 1 three bed dwelling with ancillary office space and one holiday let cottage</b>	
<b>At: Bays Farm, Pinkney Green, Farleigh Wick, Bradford-on-Avon,</b>	

**In pursuance of its powers under the above Act, the Council hereby grant PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below).**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**Subject to 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 on site until details and samples of the materials to be used for the external walls and roofs 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 the interests of visual amenity and the character and appearance of the area.

- 3 No development shall commence on site 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:-



- a) location and current canopy spread of all existing trees and hedgerows on and adjacent to the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft surfacing materials; and
- i) retained historic landscape features and proposed restoration, where relevant.

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

- 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, 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 No part of the development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 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 900mm above the access envelope level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for

additions, extensions or enlargements.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 9 No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of the area's amenity.

- 10 No development shall commence on site 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. No part of the development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 11 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 12 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or any order which revokes and re-enacts that Order with or without modification), the holiday let hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 13 No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 14 The development hereby approved shall be carried out in accordance with the recommendations made in Section 7 of the Bats and Protected Species Survey report dated 16th July 2014 prepared by Chalkhill Environmental Consultants, including the provision of a Little owl nest box on a suitable mature tree to be identified by a professional ecologist, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure adequate protection and mitigation for protected species.

- 15 Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of bat roosts (a minimum of 4 integral 'boxes' on south-east (x2), north-west (x1) and north-east (x1) elevations, e.g. Elevations 3, 8 and 12 on drawing no. BDS-30/07/08 'Internal Survey of Barns – Elevation and Section Positions') and nesting sites for birds (House martin, House sparrow, Starling and/or Swift) into the new buildings shall be submitted to the local authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.

REASON: To provide additional roosting for bats and nesting for birds as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 and paragraph 118 of the National Planning Policy Framework.

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

site plan \_1211-site 2.dwg received on 2 September 2014

topo\_1211-survey site.dwg received on 2 September 2014

elevs 1 \_1211-survey elevations.dwg received on 2 September 2014

elevs 2 \_1211-survey elevations.dwg received on 2 September 2014

P1 \_1211-plan 2.dwg received on 2 September 2014

P2 \_1211-plan 2.dwg received on 2 September 2014

BDS-30 07/08 received on 2 September 2014

Bays Farm Location Plan received on 2 September 2014

Planning, Design and Access Statement by SmithsGore dated August 2014 received on 2 September 2014

Bat and Protected Species Survey by Chalkhill dated July 2014 received on 2 September 2014

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

**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 this consent 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 and consider the need for a licence from Natural England prior to commencing works. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing (including the need for a derogation licence). All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists. Please see Natural England's website for further information on protected species:  
<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx>

**INFORMATIVE:**

There is a public footpath (MFAR22) which should remain open and available for public use. Access to the path should be via a gap in the wall/ hedge with no gate or stile unless this is required for the control of stock.

**Signed**



**Director for Economic Development & Planning**

**Dated: 30 October 2014**



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## Appeal Decision

Site visit made on 19 June 2018

by **I Bowen BA(Hons) BTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> August 2018

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### **Appeal Ref: APP/Y3940/W/18/3198906 Land at Staverton, Trowbridge, Wiltshire BA14 6PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Roger Kirk against the decision of Wiltshire Council.
  - The application Ref 17/06040/FUL, dated 22 June 2017, was refused by notice dated 17 October 2017.
  - The development proposed is change of use and extension of existing agricultural building to a dwellinghouse with residential curtilage and a new access (revised scheme).
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### **Decision**

1. The appeal is dismissed.

### **Preliminary matter**

2. In July 2018 a revised National Planning Policy Framework (the revised Framework) replaced the previous version (the 2012 Framework). The main parties have had opportunity to comment on the significance or otherwise of the changes and I have had full regard to those comments and the revised Framework in determining this appeal.

### **Main Issues**

3. The main issues are (i) whether the appeal proposal would constitute a suitable location for residential development with particular regard to the strategy of the adopted Development Plan and national policies and (ii) the effects of the proposed development on the character and appearance of the area.
-

## Reasons

### *Suitability of the location*

4. The appeal site comprises a small agricultural building in a field on the outskirts of the village of Staverton in rural Wiltshire. The development would involve the conversion of the building to residential use, together with an extension to facilitate the necessary habitable space. The creation of a new access onto Elm Road connecting the proposed dwelling with a new track is also proposed in recognition of the inadequacy of an existing field gate access onto the B3105 to serve a dwelling.
5. The Wiltshire Core Strategy (WCS) was adopted in January 2015 and therefore fully accords with the National Planning Policy Framework (the Framework) in planning for sustainable development. In this regard, the revised Framework recognises the intrinsic character and beauty of the countryside and advises locating housing in rural areas where it will enhance or maintain the vitality of rural communities.
6. Accordingly, WCS Core Policy (CP) 1 defines 4 tiers of settlements to which housing and economic growth is directed within an overall strategy of balancing homes and jobs, matching growth with services and facilities and thereby reducing the need to travel. Given its limited range of services, Staverton is identified in WCS Policies CP2 and CP7 as being a "Small Village" lying in both the Bradford on Avon and Trowbridge sub-areas – the lowest category of settlement within which very modest development is permitted. WCS Policies CP60 and CP61 reinforce the strategy by seeking to locate developments so as to promote a reduction in the need to travel, particularly by the private car, and to encourage sustainable transport alternatives.
7. Policy CP2 goes on to establish that, in order to manage the delivery of the limited levels of development commensurate with the role of small villages, such growth will be limited to development in the form of infill within the "existing built up area". The WCS does not, however, delineate a development boundary for the village instead leaving this matter to the judgement of the decision-maker.
8. The appeal site lies directly adjacent to the busy B3105 which, in this location, is flanked on both sides by houses and a public house which form a knot of development detached from the larger built up part of the village lying a short distance further south along the B3105 beyond an open break and a railway line. Immediately outside the site is a bus stop and there are schools in the main part of the village to the south. A substantial food manufacturing factory lies a little further to the north. Immediately to the south of the site is Elm Close, a cul-de-sac which stretches away from the B3105 in a south-easterly direction before shortly turning northwards to partially wrap around the appeal site albeit some distance beyond its eastern boundary. The site is bordered to the north by Staverton Farm.
9. Given the above, and mindful of the judgement in *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin) (15 November 2017)*, I do not regard the site as lying in an isolated

location in the countryside. It is not distant from either the limited day-to-day services or other parts of the built up area of the village.

10. However, given its rural location and small scale, there is a strong sense of the built up area in this part of the village being set in the countryside. Although to some extent enclosed by Elm Close as described above, the appeal site nevertheless clearly forms part of a larger field which, in turn, gives way to the wider countryside to the east. In my view therefore, for the purposes of the WCS policies, the appeal site falls immediately adjacent to, but outside of, the existing built up area of the "Small Village" of Staverton.
11. My attention has been drawn by the appellant to an appeal decision issued in September 2015 for a scheme in Upper Seagry (APP/Y3940/W/15/3005870) in which that Inspector concluded that that proposal was functionally associated with the settlement despite being located on its outer edges. Whilst such appeal decisions are relevant to my consideration of this appeal, each case must also be determined on its own merits. I do not have full details of that appeal, but I note in that case the Inspector concluded both that the site was "domestic in appearance" and that it constituted infill development in a small gap. That contrasts strongly with the appeal case before me where, as I have concluded above, the proposed development would occupy agricultural land which has the character and appearance of the countryside.
12. Even had I concluded that the appeal site before me lies within the village however, the development clearly would not constitute "infill" as it would involve the re-use/extension of a small building which lies in a large field. In this regard, the reasoned justification to WCS Policy CP2 clarifies that infill is defined as the *"filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling"*.
13. I have already acknowledged above that services and facilities are available in Staverton. However these are limited and the WCS will already have taken them into account in framing its spatial strategy and deciding how and where growth is to be provided. The new dwelling would therefore be likely to increase the need to travel particularly by private car.
14. The proposed development therefore conflicts with WCS Policies CP1, CP2, CP7, CP60 and CP61 in proposing development which would be harmful in leading to housing growth in a manner which would prejudice the overall spatial objective of reducing the need to travel. In reaching this conclusion I have, in addition to the appeal decision cited above, taken account of a range of other appeal decisions highlighted by the appellant. Most of these relate to housing land supply issues which I address below. However, a case at Eakring in Nottinghamshire (APP/B3030/W/17/3169590) has been cited in particular seeking to demonstrate a principle with respect to development in the countryside outside built settlements. Again, mindful that I do not have full details of that case and each case must be considered on its own merits, I note in that case the relevant Core Strategy had been adopted prior to the issue of the 2012 Framework (although a subsequent Site Allocations Document was not) and that the scheme involved particular benefits which the Inspector noted were unlikely to be repeated elsewhere. I do not therefore regard that case as being determinative of the appeal before me.

15. Notwithstanding the conflict with the spatial policies of the WCS, however, WCS Policy CP48 separately makes provision for the conversion and re-use of rural buildings for housing. This is subject to the provision of clear evidence that reuse for employment, tourism, cultural and community uses are not practical propositions. A number of criteria then apply including, amongst others, that the building is structurally sound, the development would not harm the character and appearance of the area or residential amenity and that the site has reasonable access to local services.
16. The appellant has provided satisfactory evidence confirming the structural soundness of the building. Reasons are also provided why prior consideration for alternative re-use has not been considered. However, this is not the same as having provided the "clear evidence" required by the policy. In this respect it is merely asserted that the building would not be suitable for any purpose other than residential. Whilst this may have some credibility given the small size of the existing building, I am mindful that the proposed development would involve the existing building needing to be extended and I do not therefore regard it as appropriate to take at face value that residential re-use is the only viable option. I have considered the decision described by the appellant relating to the change of use of the former Methodist Church a short distance to the north to the extent that I have details of that case (W/13/00833/FUL). However, I understand the circumstances in that case were different in a number of respects including that it is listed building and marketing evidence was supplied by the applicant to show that existing/alternative uses were not viable. Again, therefore I do not regard that case as being a reasonable comparison to the appeal before me.
17. The Council also contends that the current appeal proposal fails in relation to criterion (iv) of WCS Policy CP48 by virtue of not having reasonable access to local services. However, given that policy is framed specifically for circumstances where buildings suitable for conversion would be an exception to the normal spatial strategy policies for housing of the WCS, I do not regard the current appeal proposal as being deficient in this respect. Whilst the availability of services and facilities are limited in the overall context of the strategic distribution of growth, there is nevertheless some availability and these would be, to my mind, sufficient to satisfy the specific requirement of this policy.
18. For the above reasons, I therefore conclude, overall, that the development would conflict with WCS Policy CP48.
19. In conclusion on this main issue, I regard the site as falling adjacent to, but outside of, the built up area of Staverton. However, even if I had concluded it lies within the built up area of the village, the appeal proposal would not represent "infill" development. It would therefore cause unacceptable harm in proposing development which would lead to housing growth in a manner which would prejudice the overall objective of reducing the need to travel to access services by the private car and would therefore conflict with WCS Policies CP1, CP2, CP7, CP60 and CP61. Moreover, given it has not been demonstrated on any evidential basis that re-use for alternative non-residential uses would be unviable, the proposed development also conflicts with WCS Policy CP48 which sets out the circumstances where re-use of rural buildings will be appropriate.



### *Character and appearance*

20. As described above, the appeal site adjoins the village but occupies a green field giving way to the wider countryside. Whilst there are no public rights of way across the site, views into and across it are gained over the boundary wall and through the field gate access from the main road. Although existing built development is evident on either side, with the dwellings on Elm Close apparent on the opposite side of the field and the large factory building further away in the distance, the site nonetheless presents an attractive, open rural vista. Glimpsed views into and across the site are also gained from Elm Close.
21. The appeal building itself is relatively discreetly located at the edge of the field and only readily apparent from the B3105 when travelling southwards. The proposed extension to the existing building would be relatively modest and would relate well to the existing building which would remain a single storey structure.
22. Nevertheless, on the basis of the submitted plans, the area of the field nearest the B3105 would be severed by the construction of a post and rail fence in order to create the residential curtilage. The character of this part of the site would be likely to be further urbanised through the provision of the usual domestic paraphernalia such as drying and sitting out space. Furthermore, 2 car parking spaces would be provided in this area and the necessity for the construction of a new access track to the east would further lead to harm to the open and undeveloped nature of the site. This would be aggravated by the need to create a new access in what is currently a hedgerow on Elm Close.
23. Whilst landscape screening, particularly to the site's frontage with the B3105 and along the proposed access track, would mitigate the harm to some extent, this would also involve foreclosing open views across the site which currently contribute positively to the character of the village. Furthermore, whilst somewhat dilapidated, the existing structure is small and typical of a traditional agricultural building of the sort one would expect to see in the countryside. To my mind, therefore, it does not currently detract from the character and appearance of the area.
24. I therefore conclude that, overall, the proposed development would be harmful to the character and appearance of the area. Whilst the site is not formally protected by a conservation area or Area of Outstanding Natural Beauty, it would nonetheless conflict with WCS Policy CP51 which seeks to protect, conserve and where possible enhance the locally distinctive character of settlements and their landscape settings in both built up and countryside areas.

### **Other Matters**

25. I have had special regard to the desirability of preserving the nearby Grade II listed Old Bear Inn and its setting. However, the building is located on the opposite side of the B3105 and slightly to the south of the appeal site. The area nearest the appeal site is a large car parking area and given their lack of inter-relationship, I am satisfied the proposed development would not lead to substantial or less than substantial harm to the listed building or its setting.

26. I recognise that the Council entered into pre-application discussions with the appellant who had understood there would be no "in-principle" objection to the proposal. I do not have full details of these discussions but in any event, any such advice cannot be binding on the final decision of a local planning authority. I also understand that Staverton Parish Council unanimously raised an objection to the planning application despite having apparently previously given an indication of its support for the scheme. However, this is not a matter for me to consider in this appeal and I do not therefore give significant weight to these matters.
27. Concerns by Interested Parties have been raised in relation to the effects of the development on the living conditions of 1 Elm Close. However, I note the proposed scheme reflects a revised design and the proposal before me would avoid any unacceptable loss of light, privacy or outlook to the occupants of that property. I therefore afford this consideration limited weight in dismissing this appeal.
28. Similarly, I am satisfied that on-street parking capacity would not be adversely affected by the creation of a new access onto Elm Close as this would not remove any existing parking provision.

### **Planning Balance**

29. In terms of the Development Plan, I have found that the proposed development would conflict with WCS policies CP1, CP2, CP7, CP48, CP51, CP60 and CP61 by virtue of its location and harm to the character and appearance of the area.
30. Having established that the proposed development conflicts with those policies, I now consider the weight to be attached to other considerations. I note that at the time of the application, the Council accepted that it could not demonstrate a 5 year supply including the 5% buffer, as required by the 2012 Framework.
31. However the Council has confirmed it updated its land supply position since the determination of the planning application and on this basis has submitted evidence that a supply of 5.73 years can now be demonstrated. This has, I understand, been confirmed at a separate appeal at Forest Farm, Chippenham although I have not been provided with a copy of that decision. Nevertheless, on the basis of the submitted Housing Land Supply Update (March 2017) and in the absence of any challenge to these updated figures by the appellant, I see no reason to dispute them. Therefore, the advice in paragraph 11 of the revised Framework that permission should be granted unless the adverse impacts of development would significantly and demonstrably outweigh the benefits is not engaged. Accordingly, whilst I have had regard to the various appeal decisions supplied by the appellant in this respect, I give them limited weight.
32. A number of matters have been raised which would weigh in favour of the scheme. I appreciate that the intention is to provide a dwelling for the appellant to live close by other family members and that this would also contribute to the area's housing land supply and support local services in line with objectives of the revised Framework. However, preferences relating to family circumstances are not sufficient in themselves to outweigh the harm I have identified. Similarly, the contribution to housing land supply and local services would not be significant

given the proposal is for a single dwelling and I have therefore attached limited weight to these considerations.

33. Representations have been made by an Interested Party that the view from the nearby public house would be improved. The appellant has also drawn attention to the fact the site lies in the lowest risk flood zone, that sustainable construction techniques would be employed together with appropriate materials and that ecology measures would be adopted in line with relevant WCS policies and the revised Framework. The benefits of these are, however, either neutral or modest in the context of a single additional dwelling and these do not outweigh my conclusion that the appeal should not succeed.
34. Overall, I find that the proposed development would conflict with the Development Plan as a whole. Taking the likely benefits together, including the policies of the revised Framework and all other matters, the harm that would result would not be outweighed by other material considerations.

### **Conclusions**

35. For the reasons given, the appeal is dismissed.

*Ian Bowen*

Inspector