

Date of Meeting	29 th September 2020
Application Number	20/02624/FUL
Site Address	The Old Dairy, Church Road, Milston, SP4 8HT
Proposal	Change of use of two adjoining agricultural buildings to form a single-family home. Demolition of a further barn and its replacement with a garage/workshop and associated works.
Applicant	Mr & Mrs P Kennedy
Town/Parish Council	MILSTON
Electoral Division	Bulford, Allington & Figcheldean – Cllr Smale
Grid Ref	416433 145198
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the Application being Considered by Committee

This application is brought to committee at the request of Councillor Smale, for the following reasons:

- Concentrates on possible Flooding yet the ground is 2m above the norm

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be REFUSED.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

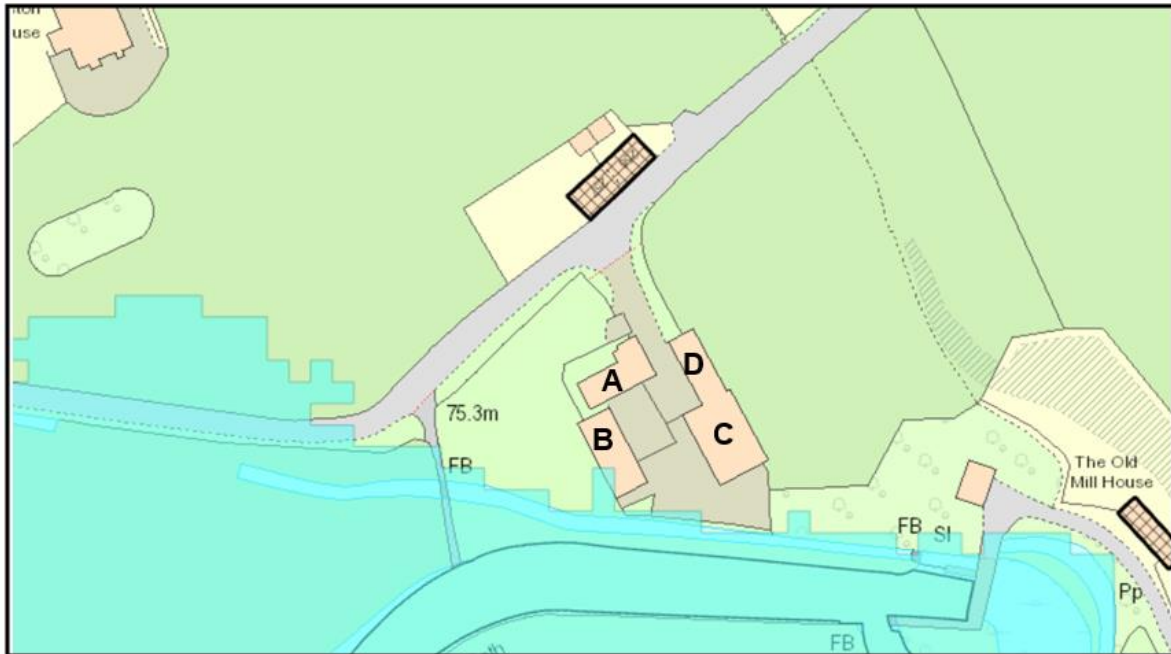
- Principle
- Heritage, Character & Design
- Neighbouring Amenities
- Highway Safety
- Flooding
- Ecology

The application has generated no comments from Milston Parish Council; and 20 letters of support from third parties.

3. Site Description

The site is situated on the edge of the small hamlet of Milston. Milston is not defined as any kind of settlement in planning terms by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy) CP2 (Delivery Strategy) or CP4 (Amesbury Community Area), and therefore the hamlet and this site, are both situated in unsustainable, designated countryside.

The site is surrounded to the east, south and west by fields/open countryside. To the north, Church Road separates the site from a pair of semi-detached cottages, both of which are Grade II Listed Buildings. The River Avon and its associated flood zones define the southern boundary of the site. Flood Zone 2 partially extends into the site on the western and southern boundaries; whilst Flood Zone 3 also partially extends into the site on the southern boundary. The River is also designated as a Special Area of Conservation (SAC); a Site of Special Scientific Interest (SSSI); and an Area of High Ecological Value. The site is situated within the River Avon Catchment and within a Special Landscape Area as defined by Saved Salisbury District Local Plan (SDLP) policy C6. The site is also within 6.4 kilometres of the Salisbury Plan Special Protection Area (SPA).



PLAN A – Site Plan

The site is subject to a level change with the land falling away as it extends from Church Lane (to the north), towards the river (to the south). It is accessed directly off Church Lane to the north. A public footpath (MILS3) exists approximately 45 metres away from the site to the east. A further public footpath (MILS17) runs parallel to and approximately 35 metres away from the western boundary of the site; and public footpath (MILS18) runs along the southern edge of the river that exists along the southern boundary of the site.

The site currently consists of a farmyard of buildings framing a central courtyard. As per PLAN A above and for the purposes of this report, Building A is situated along the northern boundary of the courtyard. This building is a modern agricultural building that is steel framed and clad with corrugated steel/rendered masonry on all elevations. It received consent for its conversion into a dwelling (under ref: 17/01873/PNCOU).

Building B extends along the western boundary. This building is also a modern agricultural building with a steel frame and a mix of corrugated steel and masonry cladding. It is open sided onto the courtyard with a roller door filling one quarter of this elevation. Consent has previously been refused (and dismissed at appeal under ref: 17/11183/PNCOU) for this building to be converted into a dwelling as it was found that it is not of a standard that is capable of conversion without significant rebuild/new build.



PHOTOGRAPH 1 – Building A



PHOTOGRAPH 2 – Building B

Building C is also a modern agricultural building that is steel framed and clad in metal. It is predominantly open sided on its southern elevation. It is situated in the south eastern corner of the plot. All previous permissions on the site have required this building to be demolished.



PHOTOGRAPH 3 – Building C

Building D is of traditional construction with brick and flint walls and an asbestos roof. This building is situated in the north eastern corner of the site and also received consent for its conversion into a dwelling (under ref: 17/01873/PNCOU).



PHOTOGRAPH 4 – Building D

The whole site is accessed from the north via a small access track. A further little brick building exists along this track immediately behind building A. A concrete apron/farm yard is situated centrally. A blockwork wall defines the southern and western boundaries of the site. Whilst permissions have historically been granted for 2 of the 4 main farm buildings to be converted into 2 dwellings, the permissions were never implemented and have since expired (on 13th April 2020). The buildings are therefore still in agricultural use in planning terms.

4. Planning History

16/05547/FUL	Demolition of 1 agricultural building; conversion of 4 retained agricultural buildings to residential use, including 1 building as garage, plus extension of 1 building with erection of associated cart shed; provision of parking and turning space, private amenity space and landscaping	Withdrawn
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This application was heading for refusal because the site is situated outside of any defined village; is in an unsustainable location; there was doubt as to whether the buildings were capable of conversion; alterations/extensions were proposed which were deemed to be beyond those that were reasonably necessary; and no alternative reuses of the buildings had been considered or discounted. The proposals were therefore considered to be contrary to the provisions of WCS policy CP48 (Supporting Rural Life). The applicant withdrew the application before it could be determined.

16/09911/PNCOU	Prior notification under Class Q for change of use of agricultural buildings to form three dwellings.	Withdrawn
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This application concerned buildings A, B and D and was also heading for refusal because there was doubt as to whether the buildings were capable of conversion; more structural information was required as to whether the buildings were capable of supporting the proposed alterations including new floors and finishes; and the conversions were considered to exceed the 450 square metre allowance so did not benefit from this type of permitted development right. The proposals were not therefore considered to comply with the provisions of Class Q of the Town & Country Planning (General Permitted Development)(England) Order 2015 (GDPO) and were withdrawn before the decision could be issued.

17/01873/PNCOU	Prior notification under class Q for change of use of agricultural buildings to two single dwellinghouses (Use class C3) and associated building operations.	Prior Approval Not Required – 13.04.2017
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This application involved buildings A and D and after the submission of structural surveys, it was considered that these two buildings were capable of conversion and the proposals satisfied all of the criteria of Class Q to enable them to be converted into residential uses. A condition was imposed as part of this decision requiring buildings B and C to be demolished prior to occupation of either buildings A or D for residential purposes. This permission however expired on 13th April 2020.

17/11183/PNCOU	Notification for prior approval under Class Q for a proposed change of use of agricultural building to single dwellinghouse and associated operational development	Refuse – 04.01.2018. Appeal Dismissed – 10.09.2018
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This application involved building B and requested its conversion into a single dwelling under the Class Q process of the GDPO. It was refused and dismissed at appeal for the following reason:

1. *The identified building is not considered to be capable of conversion without significant building operation works being undertaken that go beyond what would be reasonably necessary to make the existing building function as a dwelling. It is not therefore considered that the proposals satisfy criterion (i) of Class Q1 of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015; nor the guidance set out in the National Planning Policy Guidance, and the works therefore do not constitute permitted development. Planning permission would therefore be required for the proposed works.*

5. The Proposals

This is a full application which now proposes to convert buildings A and B into a single, large 4 bedroom property. The bedroom accommodation is to be provided in building A, whilst the associated living accommodation is to be provided in building B. The two buildings are to be linked by a small, single storey, glazed addition in the south western corner of building A to enable the two buildings to function as a single dwelling. Building A is to have two partial mezzanine floors installed at either end of the building to create a galleried landing and study. Building B is also to have a mezzanine installed over the northern quarter of the building to create a galleried landing/sitting area. A canter levered, glazed balcony is proposed on the southern elevation of building B which is to be served from the proposed, ground floor living room. As part of the works, both buildings are to be clad in insulated metal cladding panels. The roof of both buildings is also to be replaced with insulated metal roof panels. New openings are proposed on all elevations of the 2 buildings, sometimes utilising existing openings. Roof lights are proposed on both buildings and the open side of Building B is to be infilled with glazing on its southern 3 quarters and steel on its northern quarter.

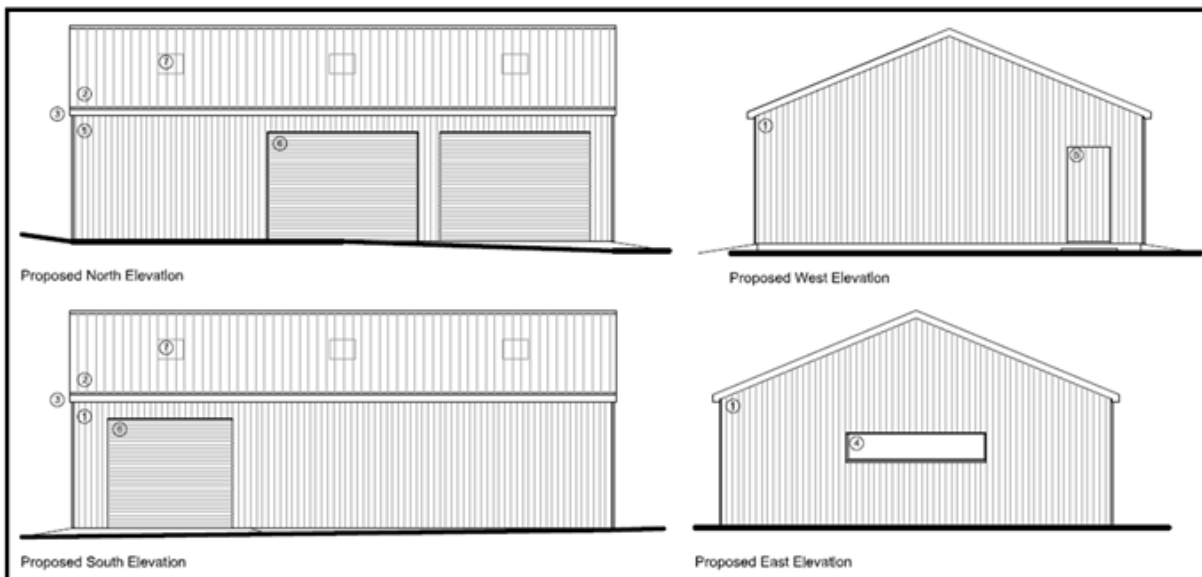


PLAN B – Proposed Elevations of Buildings A & B



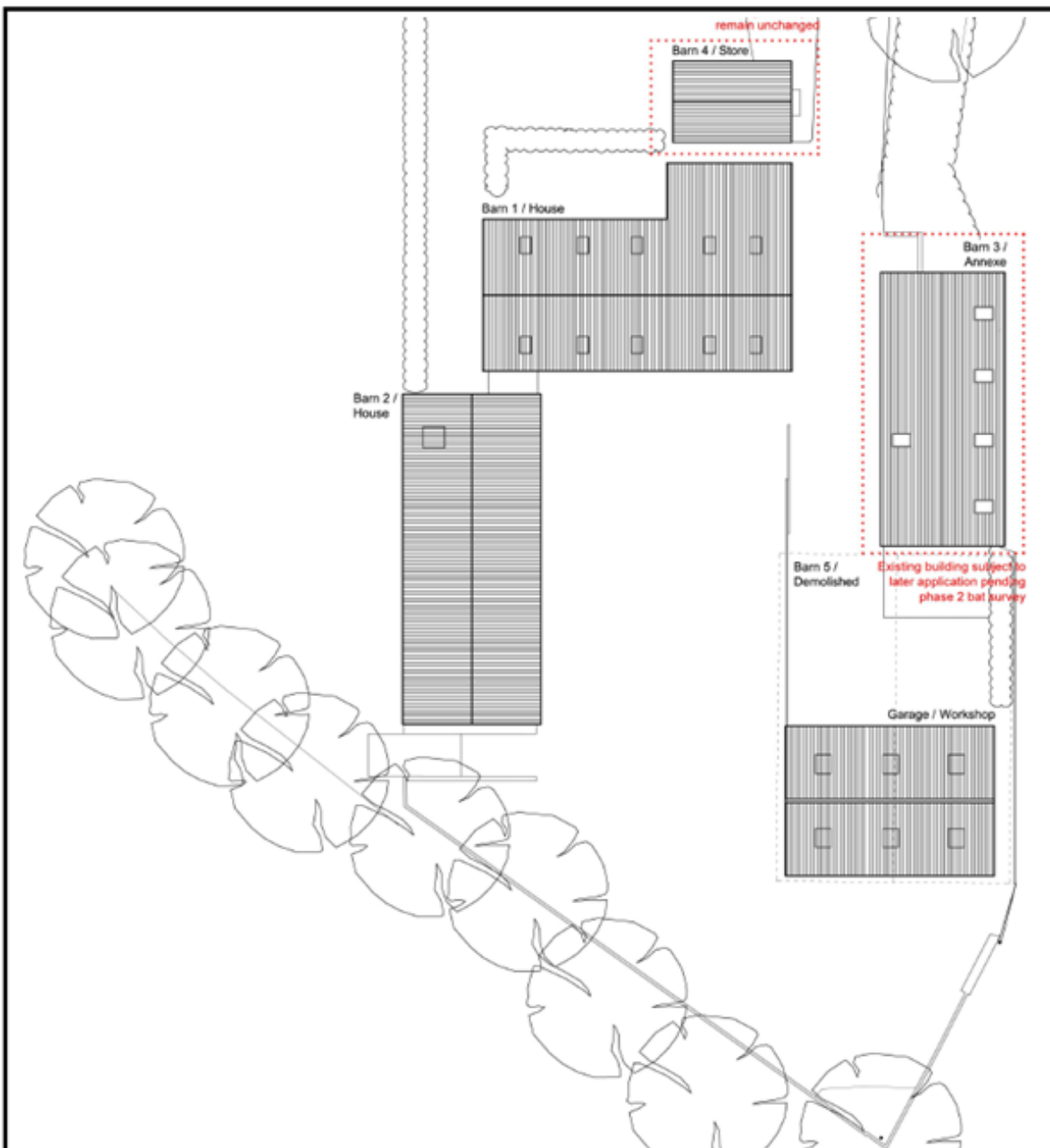
PLAN C – Proposed Ground & First Floorplans of Buildings A & B

As part of the proposals, building C is to be demolished and in its place a double garage with workshop is proposed. This building is to be situated along the southern boundary of the site and is to consist of a single storey, pitched roof building that is to be clad in the same metal sheeting as the rest as the development. It is to have a footprint of approximately 11.75 x 7.75 metres and is to extend to a height of approximately 5.25 metres.



PLAN D – Proposed Garage Elevations

The plans show that building D is to be converted into a home office, one bedroom annex and games room. It is however confirmed that this will be subject to a separate application and is not included in this proposal. Likewise no works are proposed to the small brick building that exists behind building A



PLAN E – Proposed Site Plan

The application was accompanied by a Planning Statement; Flood Risk Assessment; a Bat Report; and a Structural Report. During the course of the application additional drainage and ecological information was submitted.

6. Local Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):

C6 – Special Landscape Area

R2 – Public Open Space Provision

H31 – Extensions to dwellings in the Countryside

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP4 (Amesbury Community Area)

CP43 (Providing Affordable Housing)

CP45 (Meeting Wiltshire's Housing Needs)

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP67 (Flood Risk)

CP68 (Water Resources)

CP69 (Protection of the River Avon SAC)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Durrington & Larkhill Village Design Statement (VDS)

Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of Consultation Responses

Milston Parish Council – No comments received

Highways – No Objection

- Whilst I note that this site lies outside any settlement framework, on the basis that the development proposed can be justified on planning policy grounds, I would not wish to raise a highway objection to it.
- It is considered that the proposal will not have any significant impact on highway safety.

Conservation – Objection

- As you know we've previously dealt with a number of applications on this site.
- I cannot convince myself to believe that retention of these unattractive modern sheds in a converted form offers an enhancement to the setting of anything.
- Neither of the buildings in this application is worthy of retention, and one might very reasonably argue that they are not capable of the proposed use without complete recladding etc.
- Neither building, nor that proposed for demolition, has any heritage interest.

Archaeology – No Objection

- The site has been heavily impacted by modern development and the proposed groundworks are limited in scale.

Ecology – Objection

General:

- The submitted details have been reviewed and include an initial ecology survey report;
- 'Phase 1 Bat Report' Lyndsey Carrington Ecological Services, February 2020.
- This identified potential for bats to use adjacent buildings to those affected by the current application and a subsequent ecology survey report has been provided; 'Phase 1 and 2 Bat Report' Lyndsey Carrington Ecological Services, Updated June 2020.
- This has found no bat roost use the site including adjacent buildings, recommendations are made for biodiversity enhancement measures and for lighting restrictions to protect wildlife. The enhancement details are generally suitable and should be shown on a plan.
- We also note that the site is adjacent to a mill race and within close proximity to the River Avon, there are numerous records of water vole within the area, Construction Environmental Management Plan (CEMP) should therefore be provided to protect these features.
- These details of these measures may be provided as conditions or in advance of a decision on the application.

Salisbury Plain SPA:

- This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into appropriate assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects.
- The qualifying features for Salisbury Plain SPA are non-breeding hen harrier and breeding populations Eurasian hobby, common quail and stone-curlew.
- Conservation objectives for the SPA and supplementary advice for implementing them have been published by Natural England (NE).
- Development coming forward under the Wiltshire Core Strategy is only anticipated to impact one of these species, the stone-curlew.
- This is a ground nesting species which research shows is particularly sensitive to disturbance by people and people with dogs.
- The unique character of the Plain attracts many visitors and a recent study has demonstrated 75% of these live within 6.4 km.
- Within this zone housing allocations from the Core Strategy, Housing Site Allocations Plan, Army Basing Programme and Neighbourhood Plans have the potential to lead to significant effects through their combined recreational pressure.
- The Council's housing plans are mitigated through a project funded by the Community Infrastructure Levy (CIL) which records where stone-curlews breed and works with farm managers to maximise breeding success.
- The project was agreed with Natural England in 2012 and reviewed in 2018 and continues to provide an effective, timely and reliable means of mitigating any additional effects arising from new residential development.
- The quintennial visitor survey next due for August 2020, has been postponed until August 2021 due to COVID 19 restrictions as, in order to repeat the surveys in a consistent way, there would be unacceptable degree of face to face contact between surveyors and a large number of visitors.
- In addition, these restrictions mean that monitoring of stone curlew nesting and liaison with land managers which usually starts in April has been delayed until survey personnel are able to resume working safely.
- In a worst case scenario there would be the loss of a season's breeding data and plot management would be uninformed by the latest survey data.
- Visitor patterns are likely to be atypical this year as people are being advised to reduce unessential travel while on the other hand having more time than usual to walk their dogs while on furlough leave.

- Birds will also be experiencing atypical plot management with implications for the chances of failed breeding and second broods.
- The consequences of the project not running for 2020 on the conservation objectives relating to stone curlew are expected to be insignificant if it is a temporary dip in delivery that can be compensated for in remaining years.
- Survey results from the exceptional year of 2019, show there is considerable headroom in terms of numbers of breeding pairs and productivity to withstand any foreseeable down turn in 2020 due to the COVID 19 situation even if this was to be combined with a period of poor weather.
- A further review of the project will be undertaken in the lead up to the next season in order to take account of the post COVID 19 situation; make every effort to ensure the project resumes in 2021, and; assess opportunities to recover lost ground on delivery.
- It is recognised that the pressures at Salisbury Plain are changing and in the future further mitigation for this species may be necessary.
- Experience has demonstrated landowners are willing to take up conservation measures and that interventions can be effective at sustaining the population.
- Where such measures may be insufficient, future housing plans may need to refocus housing delivery.
- For the time being the current strategy, in combination with mitigation implemented for the Army Basing Programme, appears to be adequate to support housing numbers up until 2026 even if these are above figures in the Wiltshire Core Strategy and Housing Site Allocations Plan.
- The Council is therefore able to conclude beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the Salisbury Plain SPA.

River Avon SAC

- WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.
- The site is situated within the River Avon Special Area of Conservation (SAC) catchment area.
- The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon.
- It is part of a network of sites across Europe designated in order to protect these and other species vulnerable to man-induced habitat change.
- This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river for example at sewage treatment works or from fertilizers applied to farmland throughout the catchment.
- All European sites are protected under the Habitats Regulations 2017.
- Under these Regulations, where a land use authorisation, has the potential to adversely affect a European site, it is necessary for the “competent authority” to consider whether the activity being authorised would impact on any of the designated features and if so to undertake an appropriate assessment to determine whether there is a risk it could lead to a loss of the integrity of the site either alone or in combination with other plans and projects.
- The ‘competent authority’, for planning applications is ‘the Local Planning Authority’.
- Regulation 63 of the Habitats Regulations 2017 states the responsibilities for competent authorities thus:
 - *A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

- *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- *is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*
- *A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.*
- The Local Planning Authority therefore has to give greater scrutiny to the effects of development on such sites.
- As explained by WCS policy CP69 (Protection of the River Avon SAC), currently, phosphate concentrations exceed the appropriate targets required by the conservation objectives for the River Avon SAC.
- Since the WCS was adopted, further research has demonstrated that the Nutrient Management Plan prepared to ensure development related phosphate emissions would be more than offset by reductions in agricultural inputs, is insufficiently reliable for appropriate assessment purposes.
- The Planning Authority, on the advice of Natural England, is now committed to ensuring that all development which it authorises is 'phosphate neutral'.
- In order to deliver phosphate neutral development, the Council has signed up with other relevant local authorities to deliver an 'Interim Delivery Plan'.
- This identifies specific phosphate reduction measures which will be paid for using CIL money, the quantity of phosphate purchased annually being sufficient to offset the quantum of approved dwellings being occupied in that year.
- However, Natural England has recently questioned the Council's delivery mechanisms and advised that until the Council can demonstrate adequate phosphate reductions are in place for the coming year, it is unlikely that any appropriate assessments will be able to conclude with sufficient certainty that there will be no adverse effects on the River Avon SAC both alone and in-combination with other plans and projects.
- The Local Planning Authority is not therefore currently able to confirm that this residential development which lies within the River Avon catchment will be phosphate neutral and thus that it will not have a significant effect on the SAC
- This application involves the provision of a new dwelling from conversion and demolition of agricultural buildings in the River Avon Catchment Area.
- As it has potential to increase phosphate loading into the River Avon SAC, the development must be appraised in line with the Habitat Regulations by an Appropriate Assessment.
- In view of the uncertainty on the phosphate issue at this time, the Council's Ecologist has confirmed that the AA cannot be concluded favourably and thus the proposal fails to meet the requirements of the Habitat Regulations.
- Previous permissions should not be taken into account. It's the current situation (unbuilt) that forms the baseline for an AA.
- I raise an objection on this basis accordingly.

Drainage – No Objection

- The further information that has been submitted looks to be acceptable.

Environment Agency – Sequential Test is Required

- You confirmed that it is your conclusion that the application cannot be considered as a conversion and that it forms a new build instead.
- The flood map shows the site to be affected by flood zone 2.

- It is important to note that the flood map is indicative in nature and that, without modelling evidence to show otherwise, we must assume that flood risk will be as shown by the Flood Map or worse due to the affects of climate change and mapping inaccuracies.
- If the applicant wishes to dispute the Flood Map they would need to embark on an official process with the EA.
- This would usually involve new modelling at their cost and can be time consuming.
- A wall around a site cannot be automatically assumed to play the role of a flood defence.
- There would need to be a formal structural assessment to prove that it could withstand flood waters.
- As you feel the development would actually constitute a new build, in Flood Zone 2, according to NPPF, this triggers the requirement for the Sequential Test to be applied.
- Therefore the LPA will need to undertake the Sequential Test for this application.

Wessex Water – No Objection

- The planning application indicates that foul sewerage will be disposed of via the public sewer
- Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding.
- The current planning submission indicates that rainwater (also referred to as “surface water”) will be disposed of via the existing watercourse.
- If the proposals require new connections to the public foul sewer and public water mains an application to the water authority will be required
- According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.
- One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.
- It is indicated that surface water will be disposed of via the existing watercourse. This is subject to agreement with the local planning authority.
- There must be no surface water connections into the foul sewer network.

8. Publicity

This application was advertised through the use of site notices; an advert in the local press; and letters of consultation.

Letters – 20 letters of support received from the residents of Manor Stables, The Old Manor House, Milston House, Milstone Cottage, 255 & 256 Church Road, Milston; The Barn House, Brigmerston Farmhouse, Brigmerston House, 10 & 12 Brigmerston; and Romany Rye, Lancaster & 10 The Ham, Church Street & 34 Windsor Road, Durrington. The following comments made:

- This application is a sympathetic development of the site.
- The principle of development at this site has been established previously but this application seeks to improve on that permission by restoring the site and maintaining it as a single dwelling.
- The only place where this site is visible from the public highway is the footpath between Milston and Durrington.
- This application seeks to maintain the character of the site from that public view by retaining and enhancing the barns.
- The permitted development fundamentally changes the aspect of the site from the public highway changing its character forever. That is not positive development.

- By retaining Barn 3 the story of the old dairy's development is retained and enhanced.
- From my assessment of the application it would be wrong to consider the conversion of barn 2 in isolation, it is an integral part of the application, furthermore the proposals seek to enhance the building by recladding the structure.
- This could not be considered major rebuilding and it would be wrong of the council to rely on the previous appeal decision which was for a fundamentally different proposal (i.e. separate dwellings).
- As the proposal satisfies the other tests set out in CP48 the council would open itself to a claim cost at appeal if it were to refuse this application relying on the appeal decision ref 18/02945/FUL.
- This is a considered and sympathetic proposal which improves on the previously approved consent, which was secured at appeal.
- It would not be in the public interest to refuse this application and would constitute a waste of tax payers' money if the council were to refuse.
- The Kennedys have fully embedded themselves into the village life.
- I have the most fond memories of spending the vast majority of my childhood at The Old Dairy in the beautiful environment near the river.
- I think it would be both unnecessary and against Environmental interest to level the buildings rather than convert them, particularly when they are structurally sound.
- The sooner it is converted into a happy family home rather than a building site the better this will be for the family and the surrounding residents.
- I am certain that the proposed plans by the Kennedys will fit with village environment
- The plan is to alter the structure and tidy up the area and join two unsightly buildings to make a family home. They are not knocking it down and putting up some ugly construction.
- The family have shown all the villagers the plans and not one person objected
- the Old Dairy is currently a derelict eye-sore
- The previous tenant has left the buildings fall into disrepair
- The holistic and sympathetic approach to the design and use of Barns 1 and 2 meet greatly with our approval
- The Barns would retain the history of the farmyard and would be more aesthetically pleasing to both passers-by and us who overlook the plot.
- More importantly we believe it would create an ideal living space for a family of six.
- What we cannot understand is why Barn 2 needs to be completely raised to the ground, when structurally most elements of the building have been deemed fit for use for conversion.
- Has consideration been given to the environmental impact this would have, not just on demolishing it, but also of disposing of it to landfill
- only utilising barns 1 & 3 to house a large family is sufficient usable space, particularly as any linkage between the two would be more difficult, expensive and probably quite unattractive due to its span
- We are aware of previous attempts to develop the site and the outcomes but we think this proposal is different, far more positive and not with financial gain as a motive
- having a renovated and 'new' building sympathetically constructed using many of the existing materials was one to be welcomed
- It is perfectly reasonable to have a larger family home for six people as opposed to having to smaller houses with no physical connection between the two as envisaged in the original planning approval
- The officer's proposed reduction in floor area is likely to render the project uneconomic and ensure the site's continued dereliction
- We believe that the proposed plans are in proportion to the site and the houses in the surrounding locality and have no issue with their scale

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.

9.1 Principle of Development

As is identified above, the site is situated on the edge of the small hamlet of Milston. Milston is not defined as any kind of settlement in planning terms by WCS policies CP1 (Settlement Strategy) CP2 (Delivery Strategy) or CP4 (Amesbury Community Area), and therefore the hamlet and this site, are both situated in designated countryside. In such an unsustainable countryside location there is a general presumption against new development, particularly of a residential nature. However WCS policy CP48 (Supporting Rural Life) is one exception to this general policy of restraint. This policy confirms that:

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria:

- i. The building(s) is/are 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 would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*
- iii. The building can be served by adequate access and infrastructure.*
- iv. The site has reasonable access to local services.*
- v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.

In this instance the site consists of 4 buildings which are situated around a courtyard/farm yard. One of the buildings, building D is of traditional form, design and construction with an attractive mix of flint and brick construction, which is contemporary with the listed buildings to the north of the site. Otherwise the remaining 3 buildings are of modern construction and are in a various states of disrepair. The remaining buildings are steel framed with a hotch potch of corrugated steel and block work infill. Some are also open sided on one or more elevations. They are of typical modern agrarian character which are found across the Wiltshire countryside, but they are not particularly attractive or worthy of retention and normally it would be expected that if such buildings are no longer necessary for agricultural purposes, they should be removed from the site.

Whilst structural surveys have been submitted with the application (and with past applications) which have found buildings A, B and D to be structurally sound; soundness of the existing structure and amount of work required to 'convert' a building are two different assessments and both need to be satisfied in order to comply with WCS policy CP48 (Supporting Rural Life). If this application were to be considered without reference to the planning history at the site, and solely against Wiltshire Core Strategy policy CP48 (Supporting Rural Life) outlined above, it would be concluded that only 1 of the buildings (building D) is worthy of retention or capable of conversion without major rebuilding, alteration or modification. Given their type, construction and condition, none of the other 3 buildings are capable of conversion without significant alteration and re/new build. Indeed whilst the existing frames are to be retained and some of the existing walls are to be over clad, buildings A and B are both to be entirely

reclad on all 4 elevations; both are to be reroofed; and the entire eastern elevation of building B is to be built from scratch as this is currently open sided. Indeed the submitted structural survey concludes that building B is '*...to be upgraded to suit modern Building Regulations. This should be achievable within the existing envelope*' but it confirms that the asbestos roof and upper wall plates are to be replaced and as the building is currently open sided, a whole new wall insert will be required on this elevation. It also appears that a new level, internal floor will be created. New openings are to be created on all elevations; a new glazed link; and a new canter levered balcony are also proposed. Altogether, it is considered that the amount of works required to the buildings to enable them to function as a dwelling, will go well beyond what is accepted within the remit of WCS policy CP48 (Supporting Rural Life) and go beyond what could be considered to be a 'conversion' of the existing building.

A recent appeal was dismissed on similar grounds on a site in Normanton (considered under ref: 18/02945/FUL) and confirms this method of applying WCS policy CP48 (Supporting Rural Life). In that instance the building that was the subject of the appeal was in a significantly better starting condition, design and construction than the buildings on this site, but was open fronted (see PHOTOGRAPH 5 below). The proposals involved the conversion of this outbuilding into incidental home office accommodation.



PHOTOGRAPH 5 – Existing barn considered by 18/02945/FUL

In that instance the inspector confirmed that:

'The evidence presented by the appellant indicates that, prior to the submission of the planning application, the assessment carried out by a structural engineer concluded that the building was structurally sound...Whilst I accept that no structural alterations would be required to enable the conversion of the existing building, it would nevertheless require the front elevation to be infilled with glazing and oak cladding, as well as the erection of internal partitions and insulation works...I consider that the building would not be capable of conversion without major rebuilding, by reason of the extent of the

works required as part of the proposal. The proposal would therefore conflict with the requirements of Core Policy 48i of the Wiltshire Core Strategy’.

The current application involves 2 buildings that are in a significantly worse starting condition than this case in Normanton. Thus the works involved in the proposed conversion of buildings A and B into a single dwelling will conflict with the provisions of WCS policy CP48 (Supporting Rural Life) and are not supported in principle.

However, as can be seen from the planning history for the site, both buildings A and D have received consent in the past, under the far more permissive Class Q permitted development route, to be converted into 2 dwellings at this site (under ref: 17/01873/PNCOU). This is because, unlike WCS policy CP48 (Supporting Rural Life), Class Q of the GDPO allows for building operations consisting of the installation or replacement of new windows, doors, roofs, or exterior walls to the extent *‘reasonably necessary for the building to function as a dwelling house’*. The level of works permitted in such conversion operations are significantly greater than under the assessment of WCS policy CP48 (Supporting Rural Life). Whilst this permission has now expired, the Class Q process and considerations has not changed significantly since the previous decision was issued and it is therefore likely that should a similar application be submitted, buildings A and D would still receive consent for their conversion for residential purposes. This potential therefore represents a legitimate fallback position for the consideration of this application, even though this application is applying for full planning permission in line with adopted policy, rather than prior notification. Therefore, despite building A not meeting the criteria of CP48 (Supporting Rural Life) regarding the works required to convert the building; and despite no alternative uses being investigated before residential use is proposed, the identified fallback position means that the conversion of building A for residential purposes remains acceptable.

However, this proposal also involves a new link extension and ‘conversion’ of building B in order to create a large, 4 bedroom dwelling out of both buildings A and B. The plans confirm that building A will provide the bedroom accommodation whilst building B will provide the living accommodation. Both buildings are to be clad in one material and a glazed extension will link the two. However, the Council is still not convinced that building B is capable of conversion under the remit of WCS policy CP48 (Supporting Rural Life) especially in the context of the Normanton appeal detailed above.

As can also be seen from the planning history above, building B has been subject to a lot of planning history including a refusal for its conversion into a separate dwelling and a dismissed appeal. The reason why the conversion of this building was previously refused is because, even under the far more permissive Class Q route, the building was still not considered to be capable of conversion in the first instance. The Inspector, in considering the appeal for building B, confirmed that:

‘The appellant has provided a structural condition report (dated September 2015) that recommends the building can be converted as proposed, with the structural fabric generally being retained. The report acknowledges the building is in a poor state of repair and that the external roof and upper wall cladding would require removal and replacement. Having seen the poor condition of this sheeting at my site visit, I have no reason to disagree.

...For the building to function as a dwelling, it may be appropriate to undertake internal structural works, including to allow for a floor...Furthermore, the size of the open front of the barn would be such that the building could not function as a dwelling unless new walls and large glazed panels were constructed. Whilst the steel frame would be retained, and the installation or replacement of exterior walls falls under the scope of

permitted development, the extent of the open side along with the provision of a new roof and large areas of replacement walls to the other elevations would go beyond what could be described as conversion.

...Taken as a whole, the building would not be capable of functioning as the proposed dwelling without significant works. New roofs and new and replacement walls would be necessary to allow the barn to function as a dwelling. Consequently, the extent of the totality of the works would go beyond conversion and that which would be reasonably necessary for the building to function as a dwelling. As such the existing barn is not already suitable for conversion to residential use, and the works required would not fall within the scope of that permissible under Class Q'

Given the planning history; and the more restrictive provisions of WCS CP48 (Supporting Rural Life), it is considered that the proposed works involved to 'convert' building B go beyond what would be acceptable and represent significant new build/alteration in an unsustainable countryside location.

Saved SDLP Policy H31 allows extensions to existing dwellings in the countryside but this is only on the basis that:

- (i) the extension is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling;*
- (ii) the design of the extension is in keeping with that of the existing dwelling and uses complementary materials; and*
- (iii) the extension would not create, or be capable of creating, a separate dwelling.*

In this instance, given the size of building B it is not considered that the proposals would satisfy these criteria or represents an extension to building A either. The wing that would be created on the site of building B would not be subservient to the dwelling that could be created by building A and it would be entirely possible that this could be separated from the main dwelling and create a separate dwelling at a later date. The proposed 'conversion' of building B for the purposes identified are therefore considered to be contrary to the provisions of WCS policy CP48 (Supporting Rural Life); SDLP policy H31; and have not addressed or overcome the concerns raised about this building in the previous refusal/appeal decisions. The proposals are recommended for refusal in principle accordingly.

Notwithstanding this principle objection to the proposals, the implications of the development for the character of the area, design, heritage, highway safety, neighbouring amenities, flooding and ecology must also be assessed. These matters are therefore considered in more detail below.

9.2 Heritage, Character & Design:

The site is not situated in a conservation area but the access to the site is opposite 2 Grade II listed cottages. The site is also situated within a special landscape area, as defined by saved SDLP policy C6 and is surrounded by 3 public footpaths. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. In having 'special regard' the NPPF requires an assessment to be made as to whether the proposal causes 'substantial harm', 'less than substantial harm' or no harm to the asset.

In this instance, the Council's Conservation Officer has confirmed that the retention of these unattractive modern sheds in a converted form will not offer an enhancement to the setting of anything and that neither of the buildings in this application are considered to be worthy of retention in the first place. However it is not considered that the proposals, given their position on the site and in relation to the nearby listed cottages, will result in any harm for the setting of these listed buildings.

Whilst the proposed buildings are large and will be visible from the surrounding footpaths, their potential impact for the visual amenities of the area or special landscape area are unlikely to be any different to the impact of the existing buildings. Indeed much local support for the scheme has been received as it is considered that the development will vastly improve the 'eye sore' that currently exists on the site. Some of the elements are considered to be a little domestic for such an agricultural conversion (such as the proposed glazed balcony on the southern elevation of building B and the plethora of roof lights) and if the application were being recommended for permission, amendments would be sought to address these elements. Overall however it is not considered that the proposals would have any greater impact for the character of the area; nearby heritage assets; or landscape setting than the existing development on the site.

With regard the proposed new outbuilding to provide garaging facilities, given that the site has had consent for residential uses in the past and no permitted development rights were removed from the dwellings as part of the previous permission to control this type of development, the principle of a new detached garage on the site is accepted. In this instance the proposals involve the replacement of building C with a 2 berth garage and additional workshop. This has been designed in a similar industrial vernacular as the proposed dwelling and is to be constructed with similar materials. Whilst it is of significant size, it is considered that the site can accommodate the additional development and the impact would be little different to that caused by the building it is to replace (building C). This element is also therefore deemed to be acceptable in this regard.

9.4 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Place Shaping) also requires new development to have *'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution'*. The NPPF also confirms that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Again given the position of the buildings in the countryside and relative to any neighbouring properties, it is not considered that the proposals would result in any significant implications for any neighbouring amenities in terms of loss of light or overlooking. The proposals are therefore considered to be acceptable in this regard too.

9.5 Highway Safety:

The Highway Authority has reconfirmed that the development of this site for a residential dwelling in the countryside would be contrary to the provisions of WCS policies CP60 (Sustainable Transport) and CP61 (Transport & Development), which seek to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods. As is highlighted above however, subject to compliance with the provisions of Class Q and/or WCS policy CP48 (Supporting Rural Life), a dwelling *could* be accepted as an exception on this site.

The proposed development would utilise the existing access off Church Road to the north and also proposes a double garage and large areas of hardstanding for additional parking and on site turning provision. The Highway Authority has confirmed that the proposals are unlikely to result in any significant implications for highway safety accordingly.

9.6 Flooding & Drainage:

As is identified above the site is partially situated in Flood Zones 2 and 3. The application is therefore accompanied by a Flood Risk Assessment and during the course of the application additional drainage information has been submitted. Wessex Water and the Council's Drainage Team are both satisfied that the site can be adequately drained.

However, the Flood Zone 2 designation extends into the site on its western edge and partially covers building B which is proposed for 'conversion' to residential purposes as part of this application. The NPPF confirms that Local Planning Authorities should '*...take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk*'. It confirms that '*New development should be planned for in ways that...avoid increased vulnerability*'. Paragraph 155 states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*'. Whilst all plans should apply a sequential, risk-based approach to the location of development '*...so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by...applying the sequential test and then, if necessary, the exception test*'. Paragraph 158 further confirms that '*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding*' and only if this is not possible then the exception test should be applied. Paragraph 164 however confirms that '*Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments*'.

Whilst this application does propose the conversion/change of use of building B for residential purposes; as has been established above, the level of works involved are considered to go beyond conversion and it is considered that they instead represent new/rebuild. In such a situation, the proposed residential development on parts of the site that are identified as being in Flood Zone 2, need to be appraised by a Sequential Test. This approach has been confirmed by the Environment Agency (EA). In this regard, the fact that prior approval consent has previously been granted for 2 dwellings on this site, both of which would have been located wholly outside of Flood Zone 2 or 3; and that these dwellings would have been entirely self contained and functional without extending into the flood zones, demonstrates that there are alternative options for such a residential redevelopment of the site which do not extend into the flood zones. The current proposal involving new development in Flood Zone 2 is not therefore necessary. The application therefore fails the sequential test in this regard and the development is considered to represent unnecessary and unacceptable development in areas that are at high risk of flooding, contrary to the provisions of the NPPF or WCSS policy CP67 (Flood Risk).

The applicant has insisted that given the ground levels across the site and the existing boundary wall, the flood zone designation is incorrect in this instance. However it is not for the Local Planning Authority to override the flood zone designations. These are produced by the EA and any challenge needs to be made directly to them. The EA has confirmed that there is a formal process for such a challenge, which would '*usually involve new modelling at [the applicant's] cost and can be time consuming*'. The EA has also confirmed that '*the flood map is indicative in nature and that, without modelling evidence to show otherwise, we must assume that flood risk will be as shown by the Flood Map or worse due to the affects of climate change and mapping inaccuracies*'. For the purposes of assessing this application,

and until any such challenge to the flood zone maps is successfully resolved, the Local Planning Authority must therefore assume that the flood zone maps are accurate or even worse as a result of climate change. Therefore it is proper to apply the sequential test in this instance and given that the development proposals fail the sequential test, it is not appropriate to apply or consider the exception test or potential mitigation for any potential flood risk that has been put forward by the applicant. The proposals are also therefore recommended for refusal on this basis accordingly.

9.7 Ecology:

The application was accompanied by an initial ecology survey report which identified potential for bats to use buildings on the wider site. A subsequent ecology survey report has therefore been provided during the course of the application. This has found that no bats are using/roosting in any of the buildings on this site and makes a number of recommendations and suggests biodiversity enhancement measures. These are considered to be acceptable and accord with WCS policy CP50 (Biodiversity and Geodiversity).

However, as is identified above, the site is also situated within 6.4 Kilometres of the Salisbury Plain SPA and is also within the River Avon Special SAC Catchment. The Council's Ecologist has therefore appraised the proposals in line with the Habitat Regulations. The full Appropriate Assessment (AA) for both sensitive ecological receptors have been outlined above but in relation to the Salisbury Plain SPA and implications for Stone Curlews, the Council is able to conclude beyond reasonable scientific doubt, that the proposed development would not lead to adverse effects on the integrity of the Salisbury Plain SPA.

With regard the River Avon SAC however, the Local Planning Authority has to give greater scrutiny to the effects of development on such sites. As explained by WCS policy CP69 (Protection of the River Avon SAC), currently, phosphate concentrations exceed the appropriate targets required by the conservation objectives for the River Avon SAC. Since the WCS was adopted, further research has demonstrated that the Nutrient Management Plan prepared to ensure development related phosphate emissions would be more than offset by reductions in agricultural inputs, is insufficiently reliable for AA purposes. The Planning Authority, on the advice of Natural England, is now committed to ensuring that all development which it authorises is 'phosphate neutral'. In order to deliver phosphate neutral development, the Council has signed up with other relevant local authorities to deliver an 'Interim Delivery Plan'. This identifies specific phosphate reduction measures which will be paid for using CIL money, the quantity of phosphate purchased annually being sufficient to offset the quantum of approved dwellings being occupied in that year.

However, Natural England has recently questioned the Council's delivery mechanisms and advised that until the Council can demonstrate adequate phosphate reductions are in place for the coming year, it is unlikely that any AAs will be able to conclude with sufficient certainty that there will be no adverse effects on the River Avon SAC both alone and in-combination with other plans and projects. The Local Planning Authority is not therefore currently able to confirm that this residential development which lies within the River Avon catchment will be phosphate neutral and thus that it will not have a significant effect on the SAC

It is considered that this application, involving the creation of a new dwelling on this site (ultimately with an ancillary annexe yet to be applied for), has potential to involve an additional household in this River Avon Catchment Area and thus a potential increase in phosphate loading into the River Avon SAC. The development must therefore be appraised in line with the Habitat Regulations by an AA, summarised above. In view of the uncertainty with the phosphate issue at this time, the Council's Ecologist has confirmed that the AA cannot be concluded favourably and thus the proposal fails to meet the requirements of the Habitat

Regulations. Whilst consent has been granted previously on this site for 2 dwellings, this permission has since expired and the proposals have not been implemented. This phosphate issue is a new situation that has occurred since April 2020 and a change in circumstance since the previous applications were considered at the site that now makes the proposals unacceptable. The Council's Ecologist has also confirmed that even if the previous consent had not expired, previous permissions should not be taken into account in this process as it is the current situation (as currently built) that forms the baseline for an AA. An additional reason for refusal is therefore added to the decision accordingly.

9.8 CIL/S106

As of May 2015, Wiltshire Council adopted the Community Infrastructure Levy (CIL). Therefore this proposal may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If this application were to be recommended for permission, a note highlighting this requirement to the applicant would have been applied.

10. Conclusion

The site is situated in the countryside where there is a general presumption against unsustainable new development. In this instance the Local Planning Authority is not convinced that the buildings, particularly building B, is capable of conversion without significant new build/modification and therefore represents new residential development in the countryside contrary to the NPPF; and adopted development plan policies. The development also fails the sequential test regarding flood risk and thus constitutes unnecessary new development in Flood Zone 2; and is likely to result in additional phosphate loading in the River Avon SAC. The proposals are recommended for refusal on these grounds accordingly.

RECOMMENDATION

REFUSAL

1. The Local Planning Authority is not convinced that the buildings that are the subject of this application, and particularly building B, are capable of conversion without significant new build/modification and alteration. Building B as proposed is also too large to be considered a subservient extension to building A and/or would make the development easily severable in the future. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP4 (Amesbury Community Area), CP48 (Supporting Rural Life); CP60 (Sustainable Transport) and CP61 (Transport & Development); and saved SDLP policy H31.
2. The application site is partially located in Flood Zones 2 and 3 and building B is situated partially in Flood Zone 2. The delivery strategy for new development in the adopted Wiltshire Core Strategy is based upon sustainable principles and in terms of flood risk this means the steering of development to areas at lower risk of flooding (i.e. Flood Zone 1). It is considered that the proposed development fails to satisfy the 'sequential test' required by the National Planning Policy Framework (paragraph 158) as there are alternative options available that do not require development within Flood Zone 2. The proposals would therefore conflict with the National Planning Policy Framework and Wiltshire Core Strategy policies CP2 (Delivery Strategy) and CP67 (Flood Risk).
3. The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the

impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with The Habitat Regulations 2017; Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.