

Date of Meeting	07 January 2021
Application Number	20/07424/FUL
Site Address	Rear Barn, Land at Devizes Road, Potterne, Devizes SN10 5LN
Proposal	Conversion and change of use from former storage building to single dwelling
Applicant	Miss Amy Towill
Town/Parish Council	POTTERNE
Electoral Division	Bromham, Rowde and Potterne – Councillor Richard Gamble
Grid Ref	400092 159374
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning' this application is brought to committee because the Director for Economic Development and Planning considers the policy context that applies to the proposed development, in particular an exception policy of the local development plan and its application to the proposed development, is considered to merit debate, and the application determined in an open, transparent and fair manner.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material planning considerations and to consider the recommendation to refuse planning permission.

2. Report Summary

The key issues for consideration are:

- Principle of Development;
- Impact on Landscape Character & Residential Amenity
- Access, Infrastructure & Local Services
- Environmental Impact
- Ecological Impact

3. Site Description

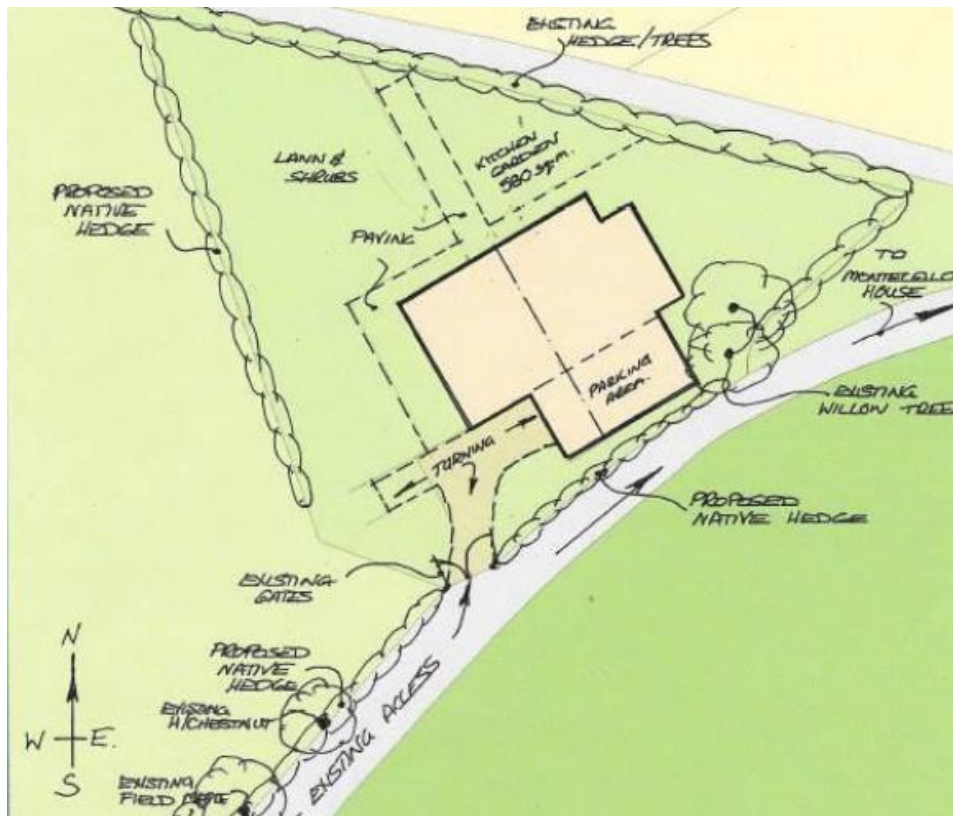
The application relates to a former agricultural building, said to be last used informally as a storage building, within the countryside on the northern side of Potterne and accessed via Public Right of Way ref POTT47, which runs from the A-class Devizes Road (A360).



Site Location Plan

4. The Proposal

The application seeks full planning permission for the conversion and change of use of the building to a single functionally carbon neutral dwelling.



Proposed Site Plan

The Design and Access Statement (DAS) explains that whilst visually appearing run-down, “the barn is in sound structural condition and is capable of being converted. This provides opportunity to breathe new life and purpose into the site and its surroundings. The design of the conversion is focused on delivering a high-quality building, subtly incorporating contemporary design features while keeping the overall concept true to the barn’s agricultural origins. The scope of materials has been intentionally limited to accentuate the simple external aesthetic of the barn, while the proposed landscaping and the implementation of renewable energy sources would greatly improve the appearance, sustainability and ecology of the surrounding site”.

The application is supported by existing and proposed plans and the following documents:

- Document. **Design and Access Statement** (September 2020);
- Document. **Structural Assessment** (June 2020) by Clive Towill BSc, Civ.Eng;
- Document. **Viability Appraisal** (August 2020) by Strakers;
- Document. **Protected Species Survey Report** (July 2020) by Cotswold Environmental;
- Document. **Protected Species Survey Report** (September 2020) by Cotswold Environmental, received 25.10.20.

5. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 4 ‘Decision-Making’, 5 ‘Delivering a Sufficient Supply of Homes’, 9 ‘Promoting Sustainable Transport’, 12 ‘Achieving Well-Designed Places’, and 15 ‘Conserving & Enhancing the Natural Environment’.

The adopted **Wiltshire Core Strategy**, in particular:

- Core Policy 1 ‘Settlement Strategy’
- Core Policy 2 ‘Delivery Strategy’
- Core Policy 12 ‘Devizes Community Area’
- Core Policy 41 ‘Sustainable Construction and Low Carbon Energy’
- Core Policy 44 ‘Rural Exceptions Sites’
- Core Policy 48 ‘Supporting Rural Life’
- Core Policy 50 ‘Biodiversity and Geodiversity’
- Core Policy 51 ‘Landscape’
- Core Policy 56 ‘Land Contamination’
- Core Policy 57 ‘Ensuring High Quality Design and Place Shaping’
- Core Policy 60 ‘Sustainable Transport’
- Core Policy 61 ‘Transport and Development’
- Core Policy 67 ‘Flood Risk’.

The made **Potterne Neighbourhood Plan** (made January 2017) with particular regard to General Policy PNP1.

Wiltshire Local Transport Plan 2011 – 2016: **Car Parking Strategy** (March 2011).

6. Consultations

Wessex Water – No objection, standard advice provided.

Wiltshire Council Highways Officer – Objection, on sustainability grounds and due to the access arrangements.

Wiltshire Council Ecologist – Originally requested an updated to the Protected Species Survey Work and once submitted requested a bat mitigation strategy.

Potterne Parish Council – *“Potterne Parish Council voted by a large majority to object to this Planning Application on the following grounds:*

- 1. The barn is on agricultural land.*
- 2. It is outside the village settlement boundary including any likely extension of it.*
- 3. It is in the scenic gap which separates Potterne from Devizes; a very important feature of our Neighbourhood Plan.*
- 4. This development would increase vehicular traffic on a narrow country track viewed as a safe route to Devizes which avoids the dangerous A360”.*

7. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. No third-party letters have been received as a result of the publicity.

8. Planning Considerations

8.1 Principle of Development

The relevant local development plan document comprises the Wiltshire Core Strategy (WCS) (adopted January 2015) and the made Potterne Neighbourhood Plan (made January 2017). In accordance with the aims and objectives of the NPPF and in the interests of promoting sustainable development and the protection of the countryside the policies of the plans seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages.

Core Policy 1 ‘Settlement Strategy’ of the WCS outlines a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 2 ‘Delivery Strategy’ of the WCS outlines that there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances (in circumstances as permitted by other policies within this plan, identified in paragraph 4.25).

Core Policy 12 ‘Spatial Strategy: Devizes Community Area’ identifies Potterne as a Large Village, however the application site falls outside the limits of development of the settlement and therefore for the purpose of assessing the proposal falls within the ‘countryside’.

Core Policy 2 states that development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. Development proposals which do not accord to Core Policy 2 are deemed unsustainable and as such will only be permitted in exceptional circumstances under the exception policies of the WCS.

The principle of new residential development can therefore only be considered under the WCS exception policies. Core Policy 48 ‘Supporting Rural Life’ is an exception policy and this application seeks to benefit from the policy which specifies: -

“Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies 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; and***
- 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; and***
- iii) the building can be served by adequate access and infrastructure; and***
- iv) the site has reasonable access to local services; or***
- v) the conversion or reuse 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”.

‘Conversion’ of the Agricultural Building

Core Policy 48 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;

It is considered that based on the information submitted the proposal would conflict with the requirements of Core Policy 48, in particular criteria ‘i’. The intention of the policy is to enable the conversion of traditional rural buildings which are structurally sound and capable of conversion without major rebuilding. The supporting text does not provide a definition of what constitutes a ‘conversion’, but appeal case law has sought to define what is considered a ‘conversion’ as opposed to a ‘re-build’ or ‘new-build’.

The most pertinent recent appeal case is a High Court judgement in *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin) (hereafter referred to as the *Hibbitt judgement*). The case was in relation to the conversion of buildings under ‘permitted development rights’ but the principles set out within the judgement can be applied to any conversion proposal. The permitted development rights themselves allow greater scope for ‘conversions’ which would traditionally not be considered under Core Policy 48 but the national legislation and Planning Policy Guidance in this area is considered to merit weight in the consideration of this current application for full planning permission. The Planning Practice Guidance advises the following works should be permitted when considering a ‘conversion’ proposal under permitted development rights: -

“... the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already

suitable for conversion to residential use that the building would be considered to have the permitted development right" (Paragraph: 105 Reference ID: 13-105-20180615).

In terms of the Hibbitt judgement, it focused on the meaning of the word 'conversion' because the essence of the dispute focused on whether the proposed "conversion" amounted to a "rebuild". The judgement clarifies that the concept of 'conversion' must be understood in its specific planning context, and "It is not a term that can be plucked without more directly from a dictionary" (par 28).

The Hibbitt judgement clarified that the concept of conversion has inherent limits which delineate it from a rebuild: -

*"... a conversion is conceptually different to a "rebuild" with (at the risk of being over simplistic) the latter starting where the former finishes. Mr Campbell, for the Claimant, accepted that there was, as the Inspector found, a logical distinction between a conversion and a rebuild. As such he acknowledged that since Class Q referred to the concept of a conversion then it necessarily excluded rebuilds. To overcome this Mr Campbell argued that a "rebuild" was limited to the development that occurred following a demolition and that it therefore did not apply to the present case which did not involve total demolition. **In my view whilst I accept that a development following a demolition is a rebuild, I do not accept that this is where the divide lies. In my view it is a matter of legitimate planning judgment as to where the line is drawn. The test is one of substance, and not form based upon a supposed but ultimately artificial clear bright line drawn at the point of demolition. And nor is it inherent in "agricultural building". There will be numerous instances where the starting point (the "agricultural building") might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that **the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building*****" (par 27).

The key principle to take from the Hibbitt judgement and apply to a 'conversion' proposal under Core Policy 48 is the requirement to establish where the line is drawn between a 'conversion' and 're-build'. The works have to be reasonably necessary for the conversion of the building to residential use and not significant work that result in major rebuilding which would fall outside the scope of Core Policy 48 and ultimately the classification of a 'conversion'. This is a key point because if the development does not amount to a 'conversion' then it cannot be considered under the exception policy and the 're-build' should be considered under the settlement strategy of the local development plan, as detailed above, which does not lend support to the provision of a new build dwelling on the application site. It is worth highlighting that this assessment relies on planning judgement and it is recognised that the view of the applicant's representatives is that the proposal should be classed as a 'conversion'.

Turning to the proposed development itself, the application building is a large modern timber frame structure measuring approximately 20m x 13m, with a combination of timber cladding and non-structural block walls.

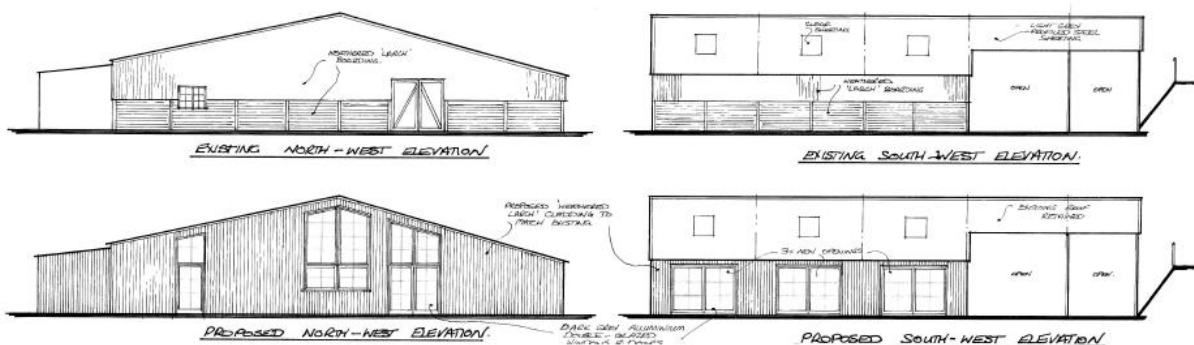
The Structural Assessment (June 2020) by Clive Towill BSc, Civ.Eng seeks to identify structural issues which may prohibit the conversion of the building but it is clarified it is not intended to be a full structural evaluation of the building. The report explains that the original building was entirely of timber post and rail construction but has since been modified and extended. In terms of the current condition of the building, the report explains that "The timber

frame was in good condition, there is minimal ‘distortion’ to the timber post & roof sections, and this is normal for an structure of this nature, and little sign of decay since at the time of construction the timber treatment was of good quality. There are some minor repairs needed to the roof sheeting, but generally the building would be described as watertight, and some of the fibrous-cement gutters would need repairing.”.

The Structural Assessment goes on to provide an overview of the proposed development:

“Having seen the proposals on plan we see that there are no intentions to cut or adapt the existing timber structure **other than to amend some of the openings which exist within the infill panels. The roof profile & materials would be retained or replaced ‘like-for-like’ and although considerable insulation materials will be required to the underside, this will be relatively easy to instal. New weathered vertical timber cladding would be fitted around the external walls, which will cover the existing timber posts**, and furnish further protection from the elements extending their lifespan, again large amounts of insulation will be required to the inside of the external walls to meet the ‘zero-carbon’ credentials of this conversion. A large amount of the internal block walls are to be retained, and as we have found no signs of settlement or cracking these should maintain useful ‘bracing’ to the structure and provide the necessary support for the continued use of the mezzanine floor.” **(emphasis added).**

The proposed development involves the retention of the original timber frame of the building which the Structural Report confirms is structurally sound. Whilst this point is not disputed, it is considered that significant works are required to the building to accommodate a residential use which is not surprising considering the original purpose of the building was to accommodate agricultural products and livestock. The application explains that the walls are made from non-structural block walls and exterior cladding, which was to contain animals and bedding only and provides little structural support. The proposed walls would therefore be made from the installation of new weathered vertical timber cladding fitted around the external walls and large amounts of insulation to the inside of the external walls and then an internal finish installed. This approach does not involve converting / repairing the existing structure but installing / building around the existing walls with a new external material and internal insulation. Furthermore, in order to install the new openings, a significant amount of the existing walls have to be removed and new solid walls built to support and hold the aluminium windows and doors.



Existing & Proposed Elevations

The application plans do not clearly identify what elements of the original building would be retained and re-used. The floor plans do not identify the extent of the external walls to be retained, replaced or adapted. The applicant’s description of the proposal however clearly details that the original frame of the building would be retained which will ensure the size and form of the building is retained, but new walls and a roof would be installed around the frame.

The timber frame of the building is structurally sound, but it is acknowledged by the applicant that during the works some upgrades may be made, for example if the roof load is increased.

A key aspect of the proposal is the delivery of a carbon neutral dwelling which requires the installation of a photovoltaic array on the south west facing roof. The Structural report does not provide any structural calculations as to the strength of the frame and whether it is enough to support the loads from new materials, insulation and solar panels etc. Furthermore, there is no structural assessment of the suitability of the foundations and it is unclear what elements of existing block walls would be retained externally and internally. The floor plans do not detail where new external cladding, walls and insulation will be provided.

The building is not considered capable of functioning as a dwelling in its current guise without the provision of new external walls and openings, internal partition walls, ceilings, insulation, and possible structural improvements to accommodate a new and / or adapted roof etc. which would be outside the scope of a 'conversion' permitted under Core Policy 48. The proposal is more akin to a new building based on the information presented with the application. It appears that a new dwelling would be constructed around the form of the timber portal frame with little help from, or purpose to, the existing walls. As such, in line with the principles set out within the Hibbitt judgement, the totality of the works required to secure a residential use of the building is considered to be closer to a 're-build' rather than a 'conversion' and is therefore considered to fall outside the scope of a 'conversion' permitted under Core Policy 48.

The applicant is strongly of the view that the proposed development should be considered as a 'conversion' and meets the requirements of Core Policy 48. This has been clearly set out within the submitted DAS and subsequent correspondence during the assessment of the application. The applicant has referred to many other cases for the change of use, conversion and adaption of rural buildings and is of the opinion the principle of converting a rural building such as the one the subject of this application has previously been accepted by the Local Planning Authority. Furthermore, the applicant draws attention to the High Court ruling of Guildford BC vs Secretary of State where the judgement stated - 'in the exercise of planning judgement a relevant consideration may be the local authority's own approach to similar applications in the locality. Public law principles demand consistency in the application of policies by public bodies such as local planning authorities, unless there are good reasons to the contrary, Consistency is required as a broad principle of good administration and derives from general principles of fairness in the treatment of citizens'.

The other cases referred to by the applicant were determined by the Local Planning Authority or Planning Inspectorate within the past couple of years and do establish certain policy principles and the type of buildings considered to be capable of conversion under Core Policy 48. Some of the principle established by these cases lend support to this current proposal and it is accepted that a narrow reading of Core Policy 48 is unjustified, and the ability of large scale modern rural buildings can benefit from the exception policy. However, the extent of works is the determinative factor. The decision maker has to apply planning judgement to establish where the line is drawn between a 'conversion' and 're-build'. There isn't a clear threshold or line that divides both, it's a matter of substance and therefore the individual elements of each case must be considered and ultimately determined on their own merits.

Principle of Proposed Residential Use

Notwithstanding the above assessment, Core Policy 48 does not permit the conversion of rural buildings to residential accommodation unless it can be demonstrated that employment, tourism, cultural and community uses are not practical propositions.

The application is supported by a Viability Appraisal (August 2020) by Strakers which seeks to demonstrate that the change of use and conversion of the existing building for Class B1c

(Light Industrial), Class B1a (Office), Tourism (self-catering holiday lets) or Class C3 Residential) is or is not commercially viable. Possible B2 General Industrial and B8 Storage uses have been discounted from the outset, despite the agent saying, "The building has just been used for storage of surplus building materials and scaffold for the last 10years". However, "The conversion of the barn to provide Class C3 Residential Use in the form of a detached for bedroom dwelling is seen to be financially viable as a residual valuation demonstrates a potential developer's profit in the sum of £127,020". The scope and lack of evidence that underpins the inputs within the Viability Appraisal was a matter that was discussed with the applicant during the assessment of the application, however it is accepted, even without the report being scrutinised by a third party specialist, the broad conclusions are clear if accepted at face value and lend support to the proposed change of use. This approach has also been accepted by multiple other cases by the Local Planning Authority.

It is recognised that viability appraisals have previously been accepted in certain circumstances to justify the conversion of rural building to dwellings under Core Policy 48 of the WCS. However, the intention of the policy is to establish whether there is any clear evidence which shows that the actual physical use or location of a rural building for employment, tourism, cultural and community uses is not practical. Whilst the application relies solely on the viability argument, it is recognised that due to the access constraints and position of the building within the countryside other alternative uses, or the intensification of use of the current use, would not be desirable from a sustainability perspective or safe from a highway safety perspective.

8.2 Impact on Landscape Character & Residential Amenity

Core Policy 48, criteria 'ii' - *the use would not detract from the character or appearance of the and would not be detrimental to the amenities of residential areas;*

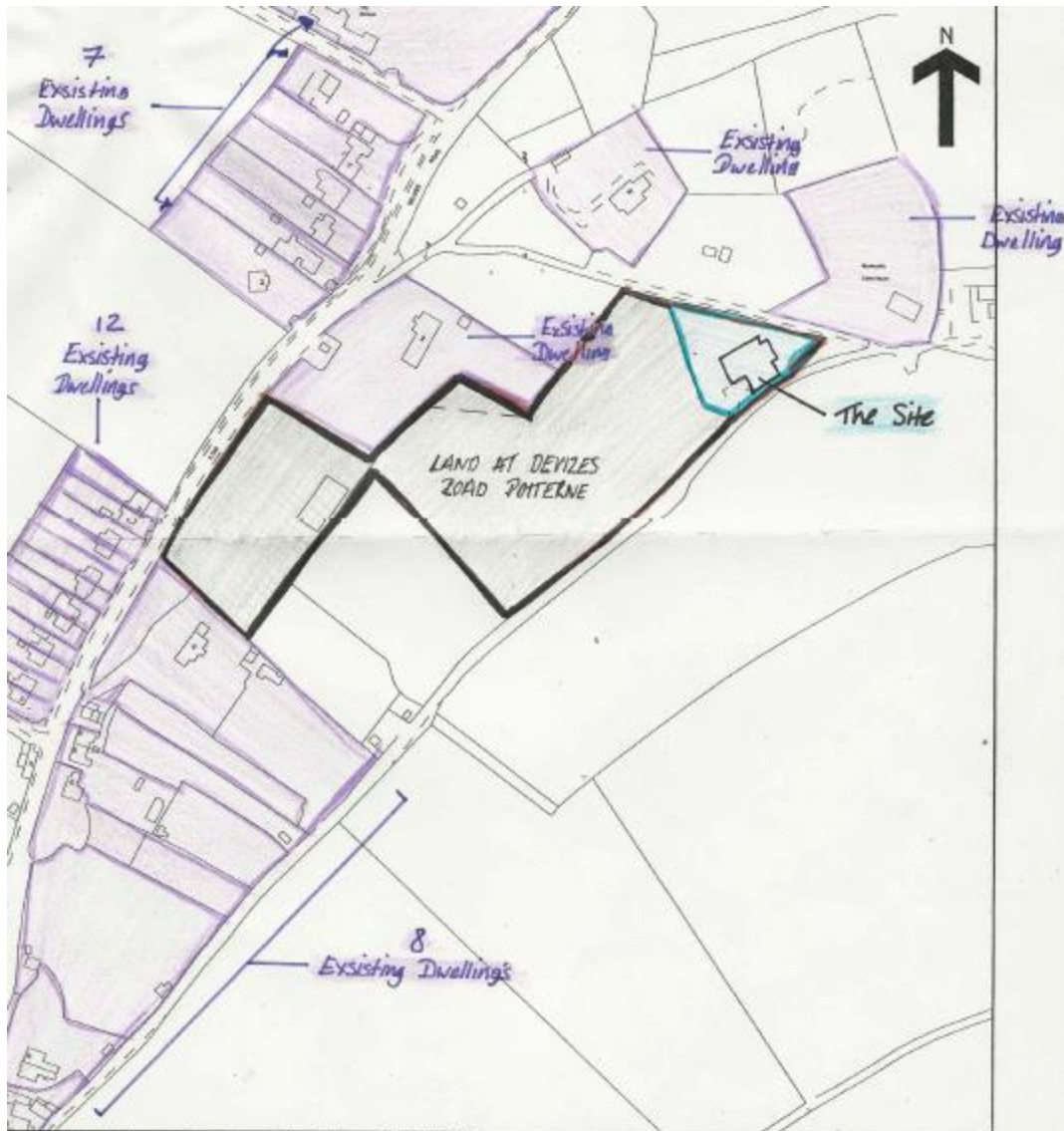
Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

In terms of the Potterne Neighbourhood Plan, part of its vision is to support residents of all ages to encourage a vibrant and supportive community for future generations but development has to be managed to maintain and protect the special views into the village available from surrounding countryside. A key objective to achieve the vision is to "maintain the distinctive character of the village by ensuring that there remain green corridors between the settlement boundaries of Potterne, Devizes and other nearby villages. The Plan also seeks to ensure that there is protection to specific views in and out of the village". The impact on the 'scenic gap' between Devizes and Potterne is an area of concern to the Parish Council.

The DAS asserts that the proposed development "would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas. – Due to the existing development surrounding the barn on 3 sides being of a solely residential nature, the conversion of the barn from agricultural to residential is not seen to be a use which would detract or have a negative impact on the surroundings. The barn and land do not provide any local amenities to the residents of the surrounding dwellings and so the proposal cannot have a negative effect in this regard. Furthermore, the views from the footpath of the proposed conversion would be a significant improvement over the current view of the disused and rundown looking structure".

The proposed development would result in a change to the use and character of the site from its rural agricultural appearance to that of a domestic property. Whilst this is considered to be detrimental to the original and established character of the rural landscape, it is considered

that should the principle of development be accepted under an exception policy of the local development plan, the harm to landscape character would be localised and scheme has been designed to mitigate the visual impact and provide landscape enhancement, in the form of an extension to the avenue of trees along the access lane, planting of new trees around the barn and garden, and native hedging along the site's boundaries. Furthermore, the residential use would not be out of character within the wider landscape which is characterised by properties scattered around the site as shown on the following submitted plan: -



8.3 Access, Infrastructure & Local Services

Core Policy 48 criteria 'iii' & 'iv' - *the building can be served by adequate access and infrastructure; and the site has reasonable access to local services;*

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities, and can be served by safe access to the highway network. The policies aim to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people. The development would not accord with the aims of these policies due to the location of the site

within the countryside. The proposed development is however being pursued under an exception policy of the local development plan which lends support to the conversion of rural buildings to dwellings within the countryside subject to them being served by appropriate infrastructure and having reasonable access to local services. It is accepted that the occupiers of such dwellings would be heavily reliant on the use of private transport and in this case it is recognised that this site is within walking distance of a bus stop (Hartmoor Lane) on the A360 and within a short drive from Potterne and Devizes where a range of services and facilities can be found.

In terms of the proposed access arrangements, the DAS explains that “The site is accessed via gates from the hard-surfaced country lane running south west from the A360 to Montecello Farm. Vehicular and pedestrian access is provisioned for over this lane via legal easement dating back to 1919.

The lane is used by the site in addition to 9 other dwellings situated along the lane, both before and after the site ... , with passing spaces situated at regular intervals along its route. In addition, the lane is used daily for postal deliveries and by Wiltshire Council when servicing the surrounding dwellings for their weekly recycling and refuse collections. The lane is also subject to a footpath POTT47.

The lane is accessed off an extended layby on the side of the A360”.



The Council’s Highways Officer advised that the access track from the A360 is narrow and the track junction onto the main road is also restricted with sub-standard visibility. As such, in order to be able to accurately consider the impact of the proposal on highway safety the applicant was asked to clarify what the existing use of the building entailed so the fall-back position could be considered. The applicant advised that the building has just been used for storage of surplus building materials and scaffold for the last 10 years.

The Councils Highways Officer therefore provided the following appraisal:

“Initially I was under the assumption that there is a current associated , regular, vehicle use associated with the storage use. However, it has been brought to my attention that this is not the case. A new dwelling will attract around 8-10 movements a day (the location is heavily reliant on the use of the private vehicle). The junction onto the main road is sub-standard in

terms of visibility but also geometry which limits movements of exiting vehicles especially when exiting right out of the junction.

Though it is recognised that 8-10 movements is not a significant number and it could be argued under NPPF that a refusal on that basis could be considered unjust I am minded that the geometry of the lane and access is such that even a low number of increased vehicle movements could be considered dangerous and severe enough to warrant an objection. In summary, the location raises a highway objection on sustainability, the access is restricted in both width and in visibility and though I am minded that the number of movements associated with a single dwelling would not be significant, the geometry of the access is one which I believe will attract a highway objection”.

In light of the initial formal observations made by the Highways Officer, the applicant has highlighted that there are no recorded accidents on the road, the access onto the A360 is currently used by 9 residential dwellings, and the proposed development would only result in a 11% increase (“Based on the daily movement volumes provided by the highways in the original response (2 x 366 day years + 9 x 365 day years) 4017 x (9 dwelling with a mean movement of 9 per day) 325,377 movements with 0 reported accidents, even an 11% increase in this would statistically still result a 0 accidents”). The applicant also mentioned there were only 8 properties using the access until in 2015 a dwelling was approved with no highway authority objections raised. It is assumed this is application reference 15/11623/FUL which was for the ‘conversion of existing outbuilding to additional accommodation’ where the same Highways Officer stated “the location and the adjacent road network (it is narrow and not acceptable for an increase in vehicle movements)” and is not therefore suitable for an independent dwelling.

The Council’s Highways Officer later confirmed that the A360 has a 40mph speed limit of so in order to meet the required access standard for a road with such a speed limit a visibility splay of 2m x 120m should be provided. The Officer calculates (based on a desk based assessment) that the possible visibility splay is approx.: -

1. Visibility to the North East set at 2m back (as per DMRB) is approximately 63m to the nearside carriageway edge .
2. Visibility to the South West set at 2m back is approximately 31m to the nearside carriageway edge.

The Highways Officer further advised “The visibility splay is significantly and severely sub-standard and as such I do not support an increase in movements, even if these are not considered significant in their number.

The geometry of the access onto the A road is one which makes a right hand turn move difficult to achieve without full use of the adjacent carriageway and possible with more than one manoeuvre. The applicant has not provided any evidence to demonstrate that this movement is easy to achieve and safely. Any additional movement at this junction will introduce additional conflict at the risk to the safety of the users of the highway”.

The NPPF advises that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” (par 109). The minor development would not have a material impact on the capacity of the road network but it is considered there would be an unacceptable impact on highway safety. Whilst it is recognised that the increase in vehicular movements over and above the existing or former use of the building is not significant, it is not disputed that there would be an increase in vehicular movements and the movements would be out onto an A-class road from an access with insufficient visibility. The applicant asserts that access has never been an issue to the application building, but the intensification of use of a sub-standard access will pose a danger to highway safety. It is

considered the applicant has not demonstrated that “the proposal is capable of being served by a safe access to the highway network” which is the requirement of Core Policy 61 of the WCS.

8.4 Environmental Impact

Core Policy 67 ‘Flood Risk’ of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. The application specifies that surface water will be discharged via a soakaway and foul drainage via package treatment plant. The submission and approval of further information can be secured via conditions of any planning permission.

Core Policy 56 ‘Contaminated Land’ of the WCS outlines that new development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity. The applicant advises that the application building has been used for general storage for the past decade but the original use of the building may give rise to potential sources of land contamination e.g. oil storage, pesticides or herbicides and because it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/buildings and how development works will address any potential for land contamination which may exist. It is considered that this matter could be resolved via the submission and approval of further information via a condition of any planning permission.

8.5 Ecological Impact

Core Policy 50 ‘Biodiversity & Geodiversity’ of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. The application is therefore supported by a Protected Species Survey Report (July 2020) (updated September 2020) by Cotswold Environmental.

The Protected Species Survey Report contains a series of recommendations to ensure potential adverse impacts on the ecology of the site is mitigated. However, the Council’s Ecologist has highlighted that the building supports a night roost for a small number of lesser horseshoe bats but the report does not include any proposal for mitigation of the night roost that will be lost as a result of the development. A mitigation strategy needs to be submitted and approved by the Local Planning Authority to ensure that protected habitats and species will not suffer adverse effects as a result of development. A condition can be imposed on any planning permission that may be granted to secure a mitigation strategy and to ensure the development will be carried out in strict accordance with the recommendations given in the Protected Species Survey Report. Furthermore, a European Protected Species Licence (EPSL) will be required from Natural England in order for the works to lawfully proceed.

CONCLUSION (the planning balance)

The application seeks full planning permission to change the use and convert an existing rural building to a single functionally carbon neutral open market dwelling.

The provision of a new dwelling on the site would conflict with the objectives of the Settlement Strategy (Core Policies 1, 2 & 12) of the Wiltshire Core Strategy and residential policies of the made Potterne Neighbourhood Plan. The application however seeks consent for the proposal

under an exception policy (Core Policy 48) which allows the conversion of rural buildings provided they are structurally sound and capable of conversion without major rebuilding. It is however considered that whilst the timber frame of the building has been found to be structurally sound, due to the extent of works required to secure the proposed residential use of the building, it is considered that the totality of the works would result in the classification of the proposal as a 're-build' rather than a 'conversion' and is therefore considered to fall outside the scope of a 'conversion' permitted under Core Policy 48.

The concerns of the Parish Council regarding new development within the scenic gap which separates Potterne from Devizes is recognised. It is acknowledged that the proposed development would result in a change to the rural character of the site, however the proposal has been designed to be as sympathetic to the landscape as possible and would not appear as an isolated or standalone residential property that would appear at odds with the character of the wider built and natural environment. The concern regarding the increase in vehicular traffic on the track / public right of way leading to the site is also noted and the Council Highways Officer agrees that any increase in movements over and above the fall-back position has the potential to impact on highway safety due to the sub-standard access onto the A360.

In light of the above, it is recommended that planning permission be refused.

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:

The proposed development, due to the position of the site within the 'open countryside', would conflict with the settlement strategy (Core Policies 1, 2 & 12) of the Wiltshire Core Strategy, and the residential policies of the Potterne Neighbourhood Plan. The change of use of the building to create an unrestricted open market dwelling would not comply with the relevant exception policy (Core Policy 48 'Supporting Rural Life') of the local development plan because the totality of works required to secure a residential use is considered to amount to major rebuilding that would fall outside the scope of a 'conversion'. The proposed development is therefore deemed to be unsustainable and would conflict with the Council's plan-led approach to sustainable development. Furthermore, the increase in vehicular movements associated with the proposed use would pose a danger to highway safety due to the sub-standard access with the A360.

In light of the above the proposed development is considered to conflict with Chapters 4 'Decision-Making', 5 'Delivering a Sufficient Supply of Homes', 9 'Promoting Sustainable Transport' and 15 'Conserving & Enhancing the Natural Environment' of the National Planning Policy Framework (2018), Core Policies 1 'Settlement Strategy', 2 'Delivery Strategy', 12 'Spatial Strategy: Devizes Community Area'; 48 'Supporting Rural Life', 60 'Sustainable Transport' and 61 'Transport and New Development' of the adopted Wiltshire Core Strategy (2015), and Policy PNP1 of the made Potterne Neighbourhood Plan.