

Date of Meeting	29 September 2011		
Application Number:	S/2011/0900		
Site Address:	Bridge Woodland, Britmore Lane, Gutch Common, Shaftesbury. SP7 9BB		
Proposal:	Change of use of existing building to a dwelling and modify existing vehicular access and construct turning space and parking area		
Applicant/ Agent:	Robert Paley Associates		
Parish:	Donhead St Mary		
Grid Reference:	Easting 389555.061 Northings 125587.849		
Type of Application:	Minor		
Conservation Area:	Cons Area	LB Grade:	Grade
Case Officer:	Case Officer Mrs J Wallace	Contact Number	Case Officer Number 01722 434 687:

Reason for the application being considered by Committee

Councillor Tony Deane has requested that this item be determined by Committee due to Local Concern

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and a S106 agreement.

2. Report summary

The main issues in the consideration of this application are as follows:

History of site
 Compliance with policy
 Impact upon visual amenity and landscape character
 Impact upon the ecological value of the County Wildlife Site
 Impact upon highway safety
 Public open space; compliance with policy R2

The application has generated objections from the Donhead St Mary Parish Council.

Neighbourhood Responses

No letters received objecting to the proposal
 One letters of support received

3. Site Description

The land is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and includes an area of woodland, which comprises part of a County Wildlife Site. The land comprises an area previously used for woodland management and recreational pursuits, by charitable organisations and more recently by the previous owners of the site, together with two timber buildings.

4. Relevant Planning History

Application Number	Proposal	Decision
S/1987/0865	Siting of caravan for occasional use when visiting adjacent woodland for study/recreational use	R 22/07/87
S/2005/1371	Retrospective application for the refurbishment and alteration of an existing forestry building to include additional storage and rest facilities and occasional use as a base for recreational/leisure pursuits on the adjoining land and construction of a compost toilet building	AC & S106 09/11/2006

5. Proposal

It is proposed to change of use of the existing timber building, adjacent to the road, to a dwelling, create a domestic curtilage, modify the existing vehicular access to improve the visibility and construct a turning space and parking area within the site, whilst retaining the spirit of the existing S106 Agreement.

6. Planning Policy

G1 and G2	Aims and criteria for development
C2	Development in the countryside
C4 and C5	Development in the Area of Outstanding Natural Beauty
C11 and C13	Areas of ecological value
C22	Change of use of buildings in the countryside
H22	Previously developed land outside Housing Policy Boundaries
H23	Undeveloped land outside Housing Policy Boundary
H27	Housing for rural workers
R1C	Recreation and leisure development in the countryside
PPS1	Delivering sustainable development
PPS4	Planning for sustainable economic growth
PPS7	Sustainable development in rural areas. (The economic development sections of PPS7 were replaced by PPS4 in 2009)
PPS9	Planning and biodiversity
ODPM Circ 06/2005	The Conservation of Habitats and Species Regulations
Draft National Planning Framework	

7. Consultations

Parish Council

Objects for following reasons

1. Outside settlement boundary
2. Use of building under section 106 was only for support of educational, environmental and ecology studies instruction and only to be used for overnight stays for limited times per annum.
3. Building is not suitable as a residential dwelling.
4. Access to and from the site is onto a narrow lane on a bend and is considered dangerous.
5. Vehicular movement would increase

Wiltshire fire and rescue

Comments regarding need for adequate access for fire fighting, adequate water supplies and encouragement to provide sprinkler system

Area of Outstanding Natural Beauty Office

The land was previously in the control of an educational trust with occasional use as a sanctuary. If permission were granted for full residential then a further permission to redevelop the basic accommodation would be difficult to resist. In effect, granting a change of use would open the door to new residential development in the countryside. The AONB is **concerned** about the potential precedent for other locations in the AONB that could be created if this application were to be approved.

However, if you are minded to approve the application the AONB would like to see solar energy incorporated and steps taken to prevent light pollution.

Environmental Health

Following receipt of the requested further information regarding the proposed foul and surface drainage, a response is awaited

Highways

Recommend refusal on the grounds that the proposal is contrary to the advice given in PPG 13 Notwithstanding the above, the Applicant states that the access can be improved by the hedge being partially removed, which appears to be in direct contravention of Condition 5 of the earlier approval S/2005/1371. If 2.4m x 33m visibility splays cannot be achieved in both directions then recommend further refusal reason on highway safety grounds.

Ecology

The application should be approved subject to a condition for tied occupancy and a condition to submit a woodland management plan for planning authority approval. The applicant should maintain and implement a 5 year rolling work programme for the wood.

Building Control

The building appears to be already in use as a dwelling. Building Regulations application will be required, if change of use is successful.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

One letter of support received

Summary of key relevant points raised:

1. Applicants are keen conservationists, will maintain the landscape and support the wildlife.
2. The access to the road is on a straight, quiet country lane.
3. The applicants are young and enthusiastic presence in the ageing community a good thing. The houses in this area are holiday homes and homes for the older generation due to their price tags.
4. The cabin hasn't been used for a number of years. Like to see it used as a family home. Uses a structure which is otherwise empty and unused. Recycling an existing structure to make a beautiful home. The planning authority should see this for a common sense and good idea for the cabin.
5. The woodland has been let go over the years and a number of trees now grow wild and out of control. My great grandparents worked and maintained those woods for years.

6. The planning authority should support a young family. Bureaucracy should be put to one side
7. Propose a simple change of use, so that they can live somewhere unique and beautiful. I admire their ambition to be self sufficient and to consider the environment in every action they take.

9. Planning Considerations

9.1 History of site

The land in the applicants' ownership includes an adjacent area of woodland which it is understood was owned and managed by the Bridge Woodland Syndicate/Educational Trust between 1987 and 2002 and used for teaching woodland management. The current owners purchased the site in 2010.

In 2006, approval was granted for a wider range of activities including recreation and leisure but the associated Section 106 legal agreement very tightly controlled the uses/activities.

On the land there are two timber buildings. One of the buildings which is located in the middle of the woodland, was erected by the Bridge Education Trust some 25 years ago and is still used irregularly as a retreat/sanctuary. The other building, (the subject of this application) which is adjacent to the road, was granted approval, (with the 2006, S106 legal agreement) to be used on an occasional basis for overnight accommodation by educational/recreational/woodland management groups (2 nights a month), forestry groups (4 nights a year) and by the then owners for no more than 40 nights a year. Paintballing and similar activities are specifically excluded.

9.2 Compliance with policy

In the context of the existing adopted Local Plan, the site is within the open countryside, outside of any Housing Policy Boundary, where development is normally strictly controlled as policy H23 in the Local Plan, states that undeveloped land outside a Housing Policy Boundary is excluded from residential development. Policy H22 would only support residential development on previously developed land outside the Housing Policy Boundary of a major settlement; into which category Gutch Common, does not fall. Also previously developed land (as defined by PPS3) would exclude any land used for forestry purposes.

That said, policy C22 permits the change of use of an existing building to residential or live/work, subject to certain criteria. In this case, a building has been on the site for at least 25 years, is not inappropriate in its setting and whilst it is constructed of timber, it is not flimsy and could be used in the manner proposed without substantial reconstruction. Indeed the applicants propose to retain it unaltered. On that basis the change of use of an existing building, in the manner proposed, would appear to be acceptable in principle.

Policy H27 would permit the erection of a new dwelling in relation to forestry or agriculture. In this case, the proposal, for the change of use of an existing building that will be used to support a forestry/recreational/educational purpose and which would be used in conjunction with the management of the adjacent woodland, could gain some support from this policy, depending on the judgement in terms of the specific impact of this building on the AONB, and whether the management/development of the woodland which would provide only a part of the income of the occupiers is sufficient justification for the conversion of a wooden cabin, in the open countryside, into a permanent dwelling. Also of relevance though is the acceptability of the proposed use, bearing in mind the precedent that would be set for other sites. Currently, the use of the adjacent woodland is controlled quite strictly by the S106

agreement which also authorises the use of the building. In combination, the building could be in use for overnight accommodation for approximately 70 nights a year. So long as the accommodation, is used in conjunction with the woodland; it would be difficult to argue that an increase in the number of overnight stays would harm the Area of Outstanding Natural Beauty, particularly as there appears to be no restriction of the level of day time use that can be made of the building.

When considering the acceptability or otherwise, of using the building as a full-time dwelling, the designation of the site as open countryside, is relevant, though, it must be recognised that it is neither remote nor isolated. It is immediately bordering Bluebell Cottages and adjacent to the settlement of Gutch Common. Furthermore the applicants propose to live on the site and carry out maintenance and enhancement of the woodland and organise education and other activities in line with the existing S106 agreement, whilst having a sustainable lifestyle and continuing the existing approved use of the majority of the land. Whilst the Parish Council have objected to the application, partially on the basis that the building is unsuitable for use as a dwelling, the supporting statement accompanying the application includes a petition signed by 17 local people supporting the proposal.

9.3 Impact upon visual amenity and landscape character

The existing building is constructed of timber and stained green, an appropriate colour for its location. It measures only 11m by 5.6m and is approximately 4m high. The cabin consists of one large room with a sleeping platform in one corner. To some extent, externally, it already has a domestic appearance, emphasised by the large veranda. However, there is no mains sewer in the area and the site has no foul drainage. There are only composting toilet facilities available in a separate small building nearby. The applicants consider that this is appropriate for their environmentally friendly life style, as they are able to recycle the waste as an organic fertiliser, but the comments of the Environmental Health Officer on this aspect are awaited

The applicants maintain that if permission were granted that the current building would be unaltered, however, because of the limited size of the building, it appears likely that in the future, an extension, not least to provide a sleeping area suitable for a family would be required. Furthermore, the AONB Office has expressed its concerns that if approved, further permission to redevelop the basic accommodation would be difficult to resist, in effect, that granting a change of use would open the door to new residential development in the countryside.

As built, the cabin is fairly prominent from the adjacent highway and if it were converted to residential and a parking and turning area created, then the site would be urbanised and that combined with the domestic paraphernalia (such as washing lines) which would surround the building, would have a detrimental impact upon the visual amenity of the landscape and would not enhance the surrounding Area of Outstanding Natural Beauty.

The applicants also suggest that the hedge adjacent to the highway, which could partially screen the domestic paraphernalia around the cabin if consent were granted; should either be removed or set back. This is proposed so as to improve the visibility at the access point. But the loss of this hedge would result in a detrimental change to the visual character of the area. Moreover, Members should be aware that when considering the 2005 application, it was considered very important to retain the boundary hedge as it currently exists. It was considered that this hedge was part of the rural character of the area. The improvements to the access could however, be conditioned so that it was limited to the setting back of the hedge, which would retain the vegetative edge to the site. Nevertheless in the short term

particularly there would be a substantial change to the rural character of this stretch of the road.

9.4 Impact upon the ecological value of the County Wildlife Site

Policies in the Local Plan support development which would enhance wildlife habitats in order to increase biodiversity and to support sustainable development. The woodland which the applicants propose to manage is a County Wildlife Site (CWS) because it is believed to have been wooded more or less continuously since the 1600's, though the current woodland crop has been planted at various times over the last 200 years. In ecological terms, the site is currently in good condition, though it is considered that it would benefit from positive management to secure the wildlife value of the woods for the longer term. Woodland management could for instance support the removal of sycamore seedlings (sycamore is a "weed" of Wiltshire woodlands obscuring the diversity of the local flora) and promote the regeneration of hazel, oak and birch. The majority of small woodlands in Wiltshire are unmanaged and this is the single biggest threat to their long term value. The County Ecologist considers, there is no ecological reason to refuse an application for a permanent residence at this site provided residency is tied to the management of the woodland.

9.5 Impact upon highway safety

The site is outside of the Housing Policy Boundary and is designated as open countryside and Highways recommend that this application be refused on the grounds that the proposal is contrary to national advice as given in PPG 13 as it is not located in a sustainable location; but whilst the applicants would have to rely on private transport if this site was used as a private dwelling, it is neither remote nor isolated, being immediately adjoining other dwellings and adjacent to the settlement of Gutch Common.

The Highway Authority is also concerned that the vehicle movements generated by a residential use would be harmful to highway safety. However, the approved use of the land involves small groups of people working to maintain the conservation value of the woodland, together with occasional other leisure/educational uses. It is understood that Salisbury College and other organisations (including disability groups) were previously involved from an educational and training perspective. In terms of movements, it is understood that in the past, small groups of between 10 or 12 persons, used the site for leisure/educational or woodland management purposes, and that the current owners visit the site daily to carry out woodland management operations and check on security. This lawful use would generate similar (or potentially greater) movements to those generated by a residential use of the cabin. A refusal on highway safety grounds might therefore be difficult to defend at appeal. In terms of highway safety, the applicants accept that visibility from the existing access could be improved and suggest variously that the hedge be removed or set back, if members were minded to approve the proposal, this could be conditioned, though Members should be aware that in 2005, when considering the earlier proposal, the retention of the boundary hedge was considered to be important so as to maintain the rural character of the area.

9.6 Public open space; compliance with policy R2

All new residential properties are required to make provision for public recreational open space. On small sites of less than 10 dwellings the Local Planning Authority will accept a financial contribution towards off-site provision. This issue can be resolved by the applicants agreeing to enter into a Unilateral S106 Agreement.

10. Conclusion

As the site is within the open countryside, outside of any Housing Policy Boundary; local and national policies would require that any development be strictly controlled, but as the building is in existence and can be occupied for up to 70 nights in the year, on balance, it is considered that in light of the planning history of the site, and suitably conditioned and with a legal agreement, the change of use of the building to be occupied by persons employed in the management of the adjacent woodland, is justified in this instance as being in compliance with the aims of policies C22 and H27 of the Salisbury District Local Plan.

11. Recommendation

Subject to the applicants agreeing to make provision for public recreational open space and amending the S106 legal agreement to ensure that only whilst the occupants of the building manage the adjacent woodland may the building be permanently occupied as a dwelling.

Planning Permission be GRANTED subject for the following reasons:

As the site is within the open countryside, outside of any Housing Policy Boundary; local and national policies would require that any development be strictly controlled, however, as the building is in existence and can be occupied for up to 70 nights in the year, on balance, it is considered that in light of the planning history of the site, and suitably conditioned and with a legal agreement, the change of use of the building to be occupied by persons employed in the management of the adjacent woodland, is justified in this instance as being in compliance with the aims of policies C22 and H27 of the Salisbury District Local Plan.

Subject to the following conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 .This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Statement accompanying planning application received on 21 June 2011

Drawing ref. no. PO/05/37; Location plan showing land in ownership of applicant received on 21 June 2011

Drawing ref. no 2011/004 Access Improvement Plan received on 21 June 2011.

Details of proposed digester received on 14 July 2011

Details of proposed composter toilets received on 5 August 2011

Preliminary Conservation Management Plan, prepared for the Bridge Educational Trust received on 21 June 2011

REASON: For the avoidance of doubt.

3 The residential use of the building hereby permitted shall be limited to a person solely or mainly working in the woodland management of the land outlined in blue, on drawing ref. no. PO/05/37, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted

POLICY: C22 and H27

4 Prior to the commencement of the permanent residential use of the building, hereby approved, a woodland management plan, (to include a 5year rolling programme of works), for the land outlined in blue on drawing ref. no. PO/05/37; shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the Donhead Cliff County Wildlife Site, biodiversity and the character and appearance of the area.

POLICY: C11, C13, C4 and C5

5 There shall be no external illumination of the site

REASON In the interests of the AONB

POLICY C4 and C5