

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**18<sup>th</sup> July 2012**

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

**The text in bold is additional/amended information to that circulated to Members on Tuesday 17<sup>th</sup> July 2012**

Item 7a – 12/01252/FUL – Fordswood Miniature Horse Stud, Lower Kingsdown Road

The County Ecologist has commented on the Ecological Report submitted by the applicant and states that the report demonstrates that the grassland contains remnants of calcareous grassland, but much of the ecological interest has now been damaged due to inappropriate management and poaching from the recent equestrian use. From an ecological point of view it would be defend a refusal as the policy protection afforded to BAP habitats under local and national policies largely relates to their current condition, although NPPF and the emerging Core Strategy do afford some weight to the restoration value of habitats. The preferred option is to submit a revised grassland management plan which will improve the management regime.

**16 letters of support have been received from local residents and purchasers and those who visit the site/**

**Area Development Manager states that the following condition should also be added:**

**“Within one month of the first use or occupation of the development hereby permitted, the mobile home on site together with its fixtures and fitting shall be completely removed from the site.**

**REASON: In the interests of visual amenity.”**

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading including the levels and contours to be formed, and the nature of the material, showing the relationship of the new levels to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development.

- 4 No part of the development hereby permitted shall be first brought into use until the

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access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter

REASON: In the interests of highway safety.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 8 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

Location Plan (643:01) Plan Numbers 643-S 01; 02 & 03 Plan Numbers 643-P-01; 02; 03 & 04 Topographic Survey

Received 02/05/2012

REASON: To ensure that the development is implemented as approved.

- 9 Unless otherwise agreed in writing by the local planning authority, occupation of the mobile home shall be limited to a person solely or mainly employed or last employed in the horse breeding business occupying the land edged red on drawing no. 643:01, or a widow or widower of such a person, or any resident dependants.

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REASON: The dwelling as only been permitted due to the special circumstances of the applicant

- 10 There shall be no residential curtilage formed on the development hereby permitted without the prior written approval of the local planning authority.

REASON: In the interests of protecting the landscape quality of the Green Belt and Cotswolds Area of Outstanding Natural Beauty.

- 11 Unless otherwise agreed in writing by the local planning authority, between 31 October and 31 March inclusive, the number of equines on the land and in the buildings included within the redline on the approved plans shall not exceed 44 (including foals at foot) at any time and during those periods no equines exceeding 40 inches in height shall be permitted on the land or in the buildings.

REASON: To protect the landscape quality of the land.

- 12 The development hereby permitted shall be carried out in strict accordance with the manure storage and disposal methodology as approved under 08/01210/S73A. The approved methodology shall be permanently used.

REASON: In the interests of the landscape quality of the Area of Outstanding Natural Beauty and Green Belt and residential amenity.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification no wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the site edged red.

REASON: To safeguard the character and appearance of the area.

- 14 No hedges within or on the boundary of the site edged red shall be removed without the prior written approval of the local planning authority. If, contrary to this condition, any hedge or part of a hedge is removed or destroyed, new hedging shall be planted during the first available planting season in accordance with details that have first been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the landscape quality of the Area of Outstanding Natural Beauty and Green Belt and residential amenity.

- 15 Prior to the commencement of the development hereby permitted a revised grass management plan shall be submitted to and approved in writing by the local planning authority. Once agreed the approved methodology shall be permanently used.

REASON: To protect the ecological interest of the site

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Item 7b - 12/01105/FUL - Folly Lane, Lacock

An email response to the Committee report in respect of the above has been received from the agent. This is summarized below, with the comments of the Planning Officer (shown in italics):

Impact on open countryside

I am surprised that you consider the proposal will have a detrimental impact on the character of the open

*It is considered that the character of the countryside extends beyond that which is visually apparent and includes the land uses and general amenity that define such areas. The site is obscured to some extent by the planting along its Eastern boundary, however the site does not currently host a building of any significant volume.*

I can confirm that the most number of vehicles to be stored outside in the yard area at any one time will be 20. This however is unlikely to be on a regular basis as for at least six months of the year most vehicles are let out on long term rental.

*As above, the level of activity on the site is substantially above that which might be expected with that of an agricultural enterprise, which should be the benchmark against which the impact of proposals such as this should be assessed.*

Impact on highway network

In your report you state that 'owing to the type and frequency of vehicle movements' the development will cause harm to the highway safety. In my view a maximum of 40 movements per week which is only on busy weeks is not excessive.

You refer to a previous appeal decision (N/02/00139/FUL). I have researched this application and contacted the Council Office to find that there is no record of an appeal. In my view I consider my clients proposal is not comparable to a car boot-sale activity.

*Unfortunately there appears to have been an error and reference to an appeal on the adjacent site was inaccurate. Highways Officers have reviewed the application again and have concluded that, in fact, there is no objection to the proposals on grounds of highway safety subject to imposition of conditions requiring details of the access, provision of adequate parking and restriction of the use to agricultural machinery repair and hire only. The second reason for refusal on highway safety should be omitted.*

The use class of the business

I would like to reiterate my view that the change of use involved in this application is a sui generic use rather than a B2/B8 use.

*The Officer is content that the proposal is for a combination of B2 (general industrial) and B8 (storage) Uses, not Sui Generis, as the scheme should be assessed on the basis of the actual activities, rather than the holistic purpose of the business. It is commonplace to consider vehicle repair and maintenance workshops as B2 uses due to the occasional noise implications of mechanical works.*

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I refer you to another example of a similar development which was approved under application reference 08/02202/S73A. This application was for a 'Change of Use of Pullet Rearing Unit to Agricultural Machinery Repairs & Sales of Agricultural Machinery. In this case the use class was not specified and in fact in the decision notice it specifically stated 'The development hereby permitted shall be used for the repair and sale of agricultural machinery and for no other purpose (including any other purpose in Class B1, B2, B8)'. I consider a similar condition could be appropriate in my client's case.

*In the case of the above application, the business intended to re-use an existing agricultural building with only minor physical alterations, in order to run an agricultural machinery business. As such, this proposal was considered compliant with Policy BD5 of the adopted Local Plan, which prioritises the re-use of rural buildings and seeks to prevent the unjustified dispersal of business into the open countryside.*

*The condition references 'any other purpose in Class B1, B2, B8' thus making clear that the permission granted relates to these Classes, rather than not. The agent openly likens the current proposal, which is explicitly classified as a B2 and B8 use, to the aforementioned development, which also included a sales element that would be classified within Use Class B1.*

Area Development Manager's comments

As referred to above the Highways Officers have amended their recommendation from one of objection to no objection, subject to conditions. However, the principle reason for refusal (that the proposal represents a new business (and building) within the open countryside that is not supported by policy) remains and the recommendation remains one of refusal:

Recommendation

Planning permission be REFUSED for the following reason:

The proposed development amounts to a new business in the open countryside that would be detrimental to the character and appearance of the area which is contrary to the provisions of Policies C3, NE15 and BD5 of the North Wiltshire Local plan 2011.

Plans:

Location plan; Site Plan as proposed; Proposed Building Elevations (Drawing no 1) and proposed building plan (Drawing No 2)

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