

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	01.08.2012		
Application Number	W/12/01033/FUL		
Site Address	486 Semington Road Melksham Wiltshire SN12 6DR		
Proposal	Sub-division of existing dwellinghouse to form two dwellings with extensions		
Applicant	Mr David Elmer		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without South	Unitary Member:	Roy White
Grid Ref	390128 162555		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor White has requested that this item be determined by Committee due to the following reasons:

Whilst the proposed subdivision of the existing substantial end of terrace property (with extensive land for parking etc at the side) lies just outside the limits of development, in no man's land between Melksham and Berryfields, the development will not :

Affect the protection of the countryside
 Nor will it have any adverse affect on agriculture
 Or promote any coalescence whatsoever
 Lead to the development of any green fields.
 Furthermore the Melksham Without Parish Council have no objection.

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

Neighbourhood Responses - No third party representation has been received.

Parish/Town Council Response - No objection.

2. Report Summary

The main issues to consider are:

Principle of Development / Policy on New Housing in Open Countryside
 Impact on Surroundings / Neighbours
 Impact on Highway Safety Interests

3. Site Description

The subject property is a two-storey 3 - bedroom red brick built semi-detached dwellinghouse which has in the past been extended to provide additional accommodation (the third bedroom and lounge

below). The house is located on the eastern side of Semington Road in an area defined as being both outside the established Town Policy Limits of Melksham and the Village Policy Limits of Berryfield, and is thus, considered to be located in the open countryside.

4. Relevant Planning History

93/00486/FUL - Lounge extension, garage and alteration to access - Permission 29.06.1993

95/00875/FUL - Extension at first floor, single garage and alterations to entrance walls - Permission 07.09.1995

5. Proposal

Under this application, planning permission is sought for the sub-division of the existing dwellinghouse at No. 486 Semington Road to create an additional residential unit with ground floor extensions. No agricultural, forestry or rural employment based justification has been submitted with this application. The proposal would leave the existing dwelling as a two-bedroom house and create a second two-bedroom house in the former extension and in addition, construct a single storey rear kitchen and dining room extension measuring 7.1 m x 4.2m and erect a porch/lobby 2.6m x 5.5m addition on the northern facade of the new unit. Both extensions would have mono-pitched roofs with construction materials to match that of the existing host property.

The access arrangements would remain as existing.

6. Planning Policy

Wiltshire and Swindon Structure Plan - 2016

DP1; DP9; T5; T6;

West Wiltshire District Plan - 1st Alteration

C1 - Countryside Protection; C31a - Design; C38 - Nuisance; H17 - Village Policy Limits; H19 - Development in Open Countryside; T10 - Car Parking; U1a - Foul Water Disposal; U2 - Surface Water Disposal; U4a - Sewage Treatment Works.

Government Guidance

The National Planning Policy Framework (NPPF)

Emerging Wiltshire Core Strategy Policies

Strategic Objectives - delivering a thriving economy; addressing climate change; providing everyone with access to decent, affordable homes; helping to build resilient communities; protecting and enhancing the natural, historic and built environment; and, ensuring that adequate infrastructure is in place to support our communities.

Core Policies - Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 48 - Supporting Rural Life; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development

7. Consultations

Town/ Parish Council - No objection.

Highways - This proposal was the subject of a pre-application enquiry and it must be stressed that the requirements set out for the access have not been met.

The Council previously advised the applicant's agent of how to improve the existing access, to accommodate the increased use, including the rebuilding of both brick wing walls on straightened

alignments and possibly the removal/setting back of the hedgerow over the majority of the site frontage with Semington Road so that visibility splays of 2.4m by 60m can be achieved to both the north and south. The 60m distance is required along the nearside kerb line. However the splay has been shown to the centre line of the road to the south and to the north the splay goes off the plan so a full assessment cannot be made and the proposal cannot be supported.

Recommends refusal on the grounds that the necessary splays have not been demonstrated.

Furthermore, since the site is outside of any defined planning policy boundary as defined in the West Wiltshire Local Development Framework, the following reason for refusal is also raised-

The proposal, located outside of outside of a defined housing policy boundary, is contrary to local and national sustainable transport policy guidance.

Spatial Planning Team - The site is located within the open countryside and in such areas, West Wiltshire District Plan. Policy H19 of the District Plan indicates that new dwellings will not be permitted in the open countryside unless they are justified in connection with the essential needs of agriculture or forestry.

National planning policy in the NPPF indicates that "housing should be located where it will enhance or maintain the vitality of rural communities" and that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

In terms of likely future local planning policy, the Wiltshire Core Strategy Pre-submission Document identifies Berryfield as a Small Village and proposes that, at Small Villages, the Village Policy Limits will be removed and development will be limited to infill within the existing built area. It is considered that the property at 486 Semington Road is separated from the main settlement of Berryfield, and hence does not lie within the existing built area of the village. The proposed Core Policy 48 of the Wiltshire Core Strategy Pre-submission Document indicates that, outside the existing built area of Small Villages, "proposals for residential development will only be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside".

Policy Recommendation: The proposal is considered to be contrary to policy H19 of the West Wiltshire District Plan. There is a clear policy objection to the principle of providing an additional dwelling in this location through the subdivision of an existing property, unless the additional dwelling could be justified in connection with the essential needs of agriculture or forestry. The proposal is also likely to be contrary to the proposed Core Policy 48 of the Emerging Wiltshire Core Strategy.

Wessex Water - No objection.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 13.07.2012

No third party representations received.

9. Planning Considerations

Principle of Development / Policy on New Housing in Open Countryside

Existing adopted District Plan policy and the emerging core strategy are very clear in terms of supporting the principle of additional residential development in rural locations (i.e. areas outside of the established Town and Village Policy Limits) only where proposals are fully justified and the new residential unit(s) are essential to the site and needs of any agricultural/forestry enterprise. Without such a justification, the provision of a new residential unit would run contrary to Council Policy H19; and would in itself, be considered as an unsustainable form of development.

In this particular case, the applicant seeks permission to create an additional residential unit and adopted District Plan policy H19 applies in this regard. Whilst it is fully accepted that this proposal

would not result in the loss of agricultural land or lead to a coalescence of the village of Berryfield and Melksham town, in the absence of any justification, the proposal is in conflict with and contrary to policy H19.

Whilst each planning application must be assessed on its own merits, the potential precedent that this type of development could create must be recognised. If the Council accepts the principle of sub-dividing an existing house in the countryside to form additional residential unit(s), without any justification, adopted policy H19 could be significantly compromised.

Whilst the Emerging Core Strategy identifies an importance in terms of supporting rural life (core policy 48 refers), this policy makes it abundantly clear that new/further residential units in rural locations will only be supported where there is an essential need.

The NPPF, which was published in late March 2012, identifies the primacy of established Development Plan policies (adopted in 2004 or thereafter). The NPPF also makes it clear that any new housing (whether new build, conversion or sub-division) must satisfy the following:

there must be an essential need for a rural worker to live permanently at or near their place of work in the countryside;
represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
where the development would re-use redundant or disused buildings, it would lead to an enhancement to the immediate setting; or,
in cases where the proposal is of exceptional quality or innovative nature.

This proposed development fails to adhere to any of the above, and for this reason, the proposal is contrary to the guiding national planning policy guidance contained within the NPPF.

Impact on Surroundings / Neighbours

The internal sub-division of existing (previously approved) extensions and the proposed single storey additions would not result in demonstrable harm to the immediate surroundings or to neighbouring interests.

Impact on Highway Safety Interests

As reported above, the Council's Highway Officer recommend that this application be refused on sustainability grounds and are disappointed that previous advice given at the pre-application stage has not been taken into account. However, given the site's proximity to the defined town policy limits, there can be no substantive planning based sustainability objection. The visibility splays necessary to provide a satisfactory means of access to the development have not been demonstrated and as such, the application should be refused.

Conclusion

Given the site's proximity to the defined town policy limits, it is not considered that the highway objection on traffic sustainability grounds can be justified. In this particular case, the refusal recommendation is based on the fundamental lack of an agricultural or forestry based planning justification for this rural conversion in accordance with established adopted policies. The lack of acceptable plan drawings to address highway safety matters is a secondary reason to refuse this application.

Recommendation: Refusal

For the following reason(s):

- 1 The sub-division of the existing dwelling to form an additional residential unit without any justification is contrary to the Policy H19 of the adopted West Wiltshire District Plan 1st

Alteration 2004 to the effect that new dwellings located in the countryside (i.e. in locations outside of the defined Town and Village Policy Limits) will not be permitted unless justified in connection with the essential needs of a rural enterprise, and to Paragraph 55 of the National Planning Policy Framework which states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.

- 2 The visibility splays necessary to provide a satisfactory means of access to the development have not been demonstrated contrary to adopted West Wiltshire District Plan - 1st Alteration Policy H21 and the National Planning policy Framework (NPPF).

Appendices:	
Background Documents Used in the Preparation of this Report:	