

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	04 <sup>th</sup> July 2013
<b>Application Number</b>	13/00202/FUL
<b>Site Address</b>	Land at Wet Lane, Mere, Wiltshire, BA12 6BA
<b>Proposal</b>	The removal of a barn, the clearing of an area of land and the construction of a detached four bed dwelling and a detached car port
<b>Applicant</b>	Mr Eric Mitchell
<b>Town/Parish Council</b>	Mere
<b>Grid Ref</b>	E. 382799 N. 130708
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Banks

### Reason for the application being considered by Committee

Cllr Jeans has requested the consideration of this planning application at a Planning Committee if the Case Officer's recommendation is not to grant planning permission for this proposal which has the support of some members of the local community.

The Case Officer has recommended the refusal of the planning application and therefore the application is to be considered by a Planning Committee.

### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED** for the reasons detailed below.

### 2. Report summary

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

1. The principle of development
2. Sustainability
3. Financial contributions towards the provision of recreational open space and affordable housing
4. The impact that the proposal would have on the amenity of the occupiers of the properties nearest to the proposal
5. The impact that the proposal would have on the character and appearance of area surrounding the proposal site
6. The impact that the proposal would have on highway safety

### 3. Site Description

This application relates to a piece of land which is located to the south west of Wet Lane in Mere. The site accommodates an excavator, a caravan, part of a goods vehicle, logs and a wooden framed metal clad barn. Established hedging and trees form the southern and northern site boundaries of the proposal site and a golf driving range can be found to the west of the proposal site. The area surrounding the proposal site is of a predominantly rural character. The proposal site falls within the Special Landscape Area and outside of any Housing Policy Boundary.

### 4. Relevant Planning History

S/2001/1275	The construction of an agricultural dwelling	R	03/12/2001
S/2002/1081	The construction of an agricultural dwelling	R	11/09/2002
S/2002/2493	Use of barn and land for a logging and landscape garden business	Conditionally approved	24/04/2003

### 5. Proposal

Planning permission is sought for the removal of a barn, the clearing of an area of land and the construction of a detached four bed dwelling and a detached car port.

### 6. Planning Policy

Salisbury District Local Plan saved policies (which are 'saved' policies of the adopted South Wiltshire Core Strategy):

G1: Principles of sustainable development

G2: General criteria for development

C6: Development in the countryside which falls within the Special Landscape Area

TR11: The provision of off street car parking spaces

R2: Open space provision

H23: Residential Development outside Housing Policy Boundaries

South Wiltshire Core Strategy:

Core Policy 1 The Settlement Strategy and distribution of growth in south Wiltshire

Core Policy 3 Meeting Local Needs for Affordable Housing

National Planning Policy Framework: Paragraph 49, 56, 64 and 47

### 7. Consultations

Mere Parish Council, in their consultation response, expressed their support for the proposal.

Wessex Water, in their consultation response, confirmed that new water supply connections would be required to serve the proposal.

Wiltshire Council's New Housing Team, in their consultation response, identified that the need for a financial contribution towards affordable housing, under Core Policy 3 of the South Wiltshire Core Strategy, is triggered by the proposal.

Wiltshire Councils Highways Department, in their consultation response, considered that the proposal would represent an unsustainable form of development. On the basis of this consideration Wiltshire Councils Highways Department considered that planning permission should not be granted for the proposal.

Wiltshire Council's Ecology Department, in their consultation response, considered that the proposed clearance of the site margins would lead to a loss of biodiversity. Wiltshire Council's Ecology Department consequently considered that the applicant should provide an ecological report.

## **8. Publicity**

This application was advertised through the use of a site notice, press notice and letters of consultation.

No letters of support or objection to the application have been received by Wiltshire Council.

## **9. Planning Considerations**

### *9.1 The principle of development:*

Saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) defines undeveloped land which falls outside of any Housing Policy Boundary as being countryside, where the erection of new dwellings will only be permitted under special circumstances, where, for example, there is an established agricultural need or need for affordable housing.

It should be noted that policies H26 and H27 are referred to in saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy). Policy H26 related to the provision of affordable housing and has been replaced by Core Policy 3 of the South Wiltshire Core Strategy and saved policy H27 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) relates to the provision of housing for rural workers.

The piece of land to which this application relates to falls outside of any Housing Policy Boundary and is therefore considered to be open countryside. The applicant's have not submitted any satisfactory evidence which justifies a special circumstance or need for the proposed dwelling.

The proposal is therefore considered to be contrary to saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

### *9.2 Sustainability*

Sustainable development is an important theme which runs through and is supported in both the NPPF and the South Wiltshire Core Strategy. In principle, self contained settlements are considered to function in a sustainable manner and it is the aim of the

South Wiltshire Core Strategy to create self contained settlements. In order to create self contained settlements it is considered that growth should be focussed around settlements with a range of facilities which can meet housing, service and employment needs in a sustainable manner.

The South Wiltshire Core Strategy has identified in a hierarchy, which settlements are considered to be suitable for growth. Growth is primarily focussed in the first three of the six tiers of the hierarchy.

The lowest tier in the Hierarchy is tier F: Other Settlements and the Countryside. The proposal site is considered to fall within this tier. This tier relates to remote rural areas where facilities are limited. These areas are considered to represent the most unsustainable areas for growth and development is unlikely to appreciate in these areas.

Core Policy 1 of the South Wiltshire Core Strategy identifies areas for growth. The proposal site does not fall into any of the areas and is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy.

Saved policy G1 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) is a sustainability policy and part i of the policy gives priority to development proposals that would achieve an overall pattern of land use which would reduce the need to travel and would support the increased use of public transport, cycling and walking. The proposal site is remote from facilities and any occupiers of the proposal would be reliant upon the private motor vehicle to reach facilities. The proposal would increase rather than reduce the need to travel and cycling and walking would not be encouraged. The proposal is therefore considered to be contrary to saved policy G1 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

In paragraph 15 of the NPPF it is stated that, "All plans should be based upon and reflect the presumption in favour of sustainable development," and in paragraph 49 of the NPPF it is stated that, "Housing applications should be considered in the context of the presumption in favour of sustainable development." It is further stated in paragraph 49 of the NPPF that, "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 47 of the NPPF requires local planning authorities to, "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%".

South Wiltshire currently has a 17 year supply of housing sites.

It has been established above that the proposal is not considered to represent a sustainable form of development and there is not a lack of a supply of deliverable housing sites which are considered to be sustainable in South Wiltshire. Therefore, it is not considered that there is an exceptional need for the proposal of which it is proposed to site in a location which is considered to be countryside and unsustainable.

Therefore the proposal is contrary to paragraph 49 of the NPPF.

The consideration, in the material which has been submitted as part of this planning application, that proposal site should be considered as brown field land is noted.

The site which is the subject of this planning application currently accommodates a logging and landscape gardening business. Planning permission was granted for this development on the twenty fourth of April 2003. As stated above, an excavator, a caravan, part of a goods vehicle, logs and a wooden framed metal clad barn exist on site. It is considered that the logs and excavator are associated with the use of the site. The proposal site does not accommodate any considerable built form which would be considered to represent a typical brown field site. It is further considered that the site could readily be returned to agricultural land. Therefore, in the interests of clarity, it is not considered that the proposal site represents a brown field site.

Saved policy H22 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits residential development, in the main settlements of the District, on previously developed urban land outside of a housing policy boundary provided that, amongst other factors, the development would be well related to the existing pattern of development and be accessible by public transport.

The proposal site does not represent previously developed urban land, is not well related to an existing pattern of development and is not easily accessible by public transport.

Therefore, even though the site is not considered to represent a typical brown field site, it would in any case be contrary to Saved policy H22, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), which relates to the development of brown field land.

### *9.3 Financial contributions towards the provision of recreational open space and affordable housing*

On proposal sites where it is proposed to create 4 dwellings or less a financial contribution, under Core Policy 3 of the South Wiltshire Core Strategy, is sought towards the provision of affordable housing. On proposal sites where residential development is proposed, a financial contribution, under saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), is sought towards recreational open space. Section 106 agreements are entered into when applicants are willing to comply with the requirements of saved policy R2 and Core Policy 3 of the South Wiltshire Core Strategy. Given the fundamental concerns, regarding this application, which are detailed above, it is not considered prudent to enter into a Section 106 agreement. However, due to the absence of a Section 106 agreement being entered into the proposal is considered to be contrary to saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

### *9.4 The impact that the proposal would have on the amenity of the occupiers of the properties nearest to the proposal*

Part (vi) of saved policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) states that new development will be considered against the avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.

The proposed dwelling, by reason of its size and the separation distance between the proposed dwelling and the nearest properties and the views possible from the proposed

openings, would not harm the amenity of the occupiers of the properties nearest to the proposal.

The proposal is therefore considered to be in accordance with part (vi) of saved policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

#### *9.5 The impact that the proposal would have on the character and appearance of area surrounding the proposal site*

Good design forms an important theme in the NPPF. Paragraph 56 of the NPPF states that, "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 of the NPPF further states that, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Saved policy C6 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits development within the Special Landscape area which is sympathetic with the landscape.

It is not considered that the design, size and positioning of the proposal would significantly harm the character and appearance of the area.

The proposal is therefore considered to be in accordance with saved policy C6 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

#### *9.6 The impact that the proposal would have on highway safety*

Part (i) of saved policy G2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), states that new development will be assessed against the provision of a satisfactory means of access and turning space within the site. Reference is also made to the provision of a sufficient level of parking. Wiltshire Councils Highways Department, in their consultation response, considered that the proposal would represent an unsustainable form of development. On the basis of this consideration Wiltshire Councils Highways Department considered that planning permission should not be granted for the proposal. Because Wiltshire Council's Highways Department did not raise any objections to the proposal on the grounds of highway safety it is considered that the proposal would not conflict with part (i) of saved policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

Saved policy TR11, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), requires the provision of a sufficient level of off street parking spaces for development proposals.

Wiltshire Council's Highways Department did not object to the proposal on the grounds of a lack of off street parking spaces and it is considered that a sufficient level of off street parking spaces has been proposed. The proposal is therefore considered to be in accordance with saved policy TR11 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

## **10. Conclusion**

The proposal site, falls outside of any Housing policy Boundary, forms part of an area which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and saved policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.

The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to saved policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

## **11. Recommendation**

### **Planning Permission be REFUSED for the following reasons:**

1.The proposal site, falls outside of any Housing policy Boundary, forms part of an area which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and saved policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.

2.The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to saved policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

### **Informative:**

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.