

**REPORT TO THE NORTH AREA HUB  
PLANNING COMMITTEE**

Report No.

Date of Meeting	29 <sup>th</sup> January 2014
Application Number	N/13/04291/FUL
Site Address	The Old Granary, Nettleton, Chippenham SN14 7NY
Proposal	Use of Land as Residential Garden (Retrospective)
Applicant	Mr & Mrs Roberts
Town/Parish Council	Nettleton Parish Council
Grid Ref	381954 178565
Type of application	Full (Retrospective)
Case Officer	Lee Burman

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**Reason for the application being considered by Committee**

Councillor Scott called the application to Committee to consider the impact of development on the locality.

**1. Purpose of Report**

To recommend that planning permission be refused.

**2. Report Summary**

The main issues in the consideration of this application are the visual impact on the character and appearance of the locality; and the impact on the character, historic features and setting of the heritage assets at the site.

One letter of objection has been received from a neighbouring resident (See section 8 below).

Nettleton Parish Council resolve to support the application (See section 7 below).

**3. Site Description**

The site is located within the open countryside outside of any defined framework settlement boundary. The site falls within an Area of Outstanding Natural Beauty and is curtilage listed to the Grade II Listed farmstead of Priory Farm. The property is one of several outbuildings that were permitted for conversion to independent residential use over an extended period during the 1980s and 1990s. The conversions have fragmented the ownership of the site and have included the creation of separate residential curtilages now forming a part of the character of the listed property and its development over time. The site is largely surrounded by agricultural land with several large historic rural dwellings adjacent. The site is located to the south of the village of Burton, North of the village of Nettleton and North East of the hamlet of Nettleton Shrub.

**4. Planning History**

The site has been the subject of a long and very complicated application history and it's not intended to reference this in full as part of this report. Key applications are referenced as is the recent application history. As already noted a range of outbuildings forming part of the original farmstead were granted permission for conversion to independent residential use. The various properties created have been known by various names, the application site is now known as the Old Granary. In 1992 consent was granted for the erection a garage and store at Priory Farm. A Certificate of Lawfulness was subsequently issued in 2007 for use of this building as a residential annexe including garage spaces The established permissions at the site included a range of conditions relating to the form and character of development.

A significant range of unauthorised works have taken place at the Old Granary recently. Applications seeking to regularise the position in respect of some of these works as referenced in the description of the proposals above. A series of applications have been submitted with regard to various unauthorised works at the site and additional proposals. These included variations in respect of the extent of the description of development for which consent was sought in successive applications. It should be noted that none of the submitted applications covered and sought consent for the full extent of the unauthorised works undertaken. An enforcement investigation has been initiated in this regard but given the nature of the applications submitted has been held in abeyance pending determination of the applications.

It should be noted that the applicant has also submitted a separate retrospective application (Ref: N/13/034289/FUL) for the retention of a Timber Garden Workshop & Store.

#### Further Recent Application History

12/01591/LBC - Change of Use of Land from Agricultural to Residential, Siting of Garden Shed, Erection of Garage, Installation of Balcony, Erection of Boundary Wall (Retrospective), Installation of Metal Flues (Retrospective) & Insertion of French Doors in Place of Window - WDN

12/01590/CLP - Change of Use of Land from Agricultural to Residential, Siting of Garden Shed, Erection of Garage, Installation of Balcony, Erection of Boundary Wall (Retrospective), Installation of Metal Flues (Retrospective) & Insertion of French Doors in Place of Window - S73A

12/00544/LBC - Erection of Garage & Alterations to Driveway Access. Relocation of Heating Oil Tank. Erection of Garden Shed. Window Replacement with French Doors and Balcony to Main Dwelling. Alteration to Kitchen Elevation - WDN

12/00231/FUL - Erection of Garage & Alterations to Driveway Access. Relocation of Heating Oil Tank. Erection of Garden Shed. Window Replacement with French Doors and Balcony to Main Dwelling. Alteration to Kitchen Elevation – WDN

13/00212/FUL Building, Engineering Works and Change of Use of Land Comprising - Installation of Windows and Rooflight (Retrospective); Installation of 2 Metal Flues (Retrospective); Erection of Boundary Wall (Retrospective); Erection of Garden Boundary to East; Replacement of Door to Kitchen; Replace Solid Doors with Glazed Doors (Retrospective) and Change of Use of Land from Agriculture to Residential Curtilage (Resubmission of 12/03323/S73A). Permitted.

13/00214/LBC Building, Engineering Works and Change of Use of Land Comprising - Installation of Windows and Rooflight (Retrospective); Installation of 2 Metal Flues (Retrospective); Erection of Boundary Wall (Retrospective); Erection of Garden Boundary to East; Replacement of Door to Kitchen; Replace Solid Doors with Glazed Doors

(Retrospective) and Change of Use of Land from Agriculture to Residential Curtilage (Resubmission of 12/03324/LBC). Permitted.

#### Relevant Historic Applications

N89/1625/F Conversion of Barn to Two Dwellings

N/89/2636/LB Alterations to Listed Building Conversion of Barn to Dwellings

N89/1626/F Conversion of Barn (Former Dwelling) to Dwelling

N89/2637/LB Alterations to Listed Building Conversion of Barn to Dwelling (Reinstatement to Dwelling)

N91/2139/F Erection of Double Garage

N91/2288/LB Removal of Existing Nissan Type Building and Erection of Double Garage and Associated Access Arrangements

N91/1985/F Conversion of Barn (Former Dwelling) to Dwelling

N91/1986/LB Conversion of Barn to Dwelling (Reinstatement of Dwelling)

N92/0933/F Erection of Garage and Store

N96/1787/F Conversion of Existing Barns to 3 Dwellings

N97/0255/LB Conversion of Existing Barns to 3 Dwellings

N/04/02685/COU Conversion of Outbuilding to Form Self Contained Dwelling

N/06/02961/CLP Proposed Use of existing Detached Garage and Workshop as Residential Annex to Priory Farm as Part of A Single Planning Unit with No Separate Access to the Highway

N/09/0096/FUL Re-site and Replace Oil Tank

## **5. The Proposal**

The proposal which is the subject of this application is for the change of use of land from agriculture to private residential amenity space. The proposals include the repositioning of a dry stone wall boundary from its approved and historic location to a position further to the west to incorporate the land subject to the proposed change of use. Reference is also made in the supporting documentation to the inclusion of a gated access to further agricultural land to the west now in the ownership of the applicant which the submissions indicate will be used as an orchard.

## **6. Planning Policy**

National Planning Policy Framework

Planning Policy Statement 5 Planning for the Historic Environment Practice Guide

North Wiltshire Local Plan Policies:

C3 Development Control

NE4 Areas of Outstanding Natural Beauty

NE15 The Landscape Character of the Countryside

HE4 Development, Demolition or alterations Involving Listed Buildings

## **7. Consultations**

### **Conservation**

Conservation Officers consider that the proposals would result in a significant and harmful change to the character and setting of the curtilage listed building and the listed property as whole which is not in justified by any public benefit as required under national guidance and adopted and emerging local plan policy.

## **Nettleton Parish Council**

Resolved to support the proposals subject to two conditions, firstly requiring the provisions of a native hedge to demarcate a clear boundary to the extended garden; and secondly prevention of the erection of garden sheds or other buildings on the extended garden area (removal of permitted development rights).

### **8. Publicity**

One letter of objection was received from neighbouring residents raising objections to the scheme proposals in the following respects:-

- The land is within an designated Area of Outstanding Natural Beauty
- The land separates the historic Priory Farm complex from the neighbouring settlement of Nettleton
- The land has known archaeological interest
- There is no planning based justification for change of use from pasture land to residential amenity space
- The proposals do not preserve or enhance the heritage assets or reflect the historic pattern of development at the site
- The submitted information including that in the application form is misleading and inaccurate
- Considers that the loss of the previous boundary wall has resulted in harm to ecological interests and a full ecological assessment is required
- Extensive unauthorised works have been undertaken and continued over an extended period to which previous objections have been submitted to the Council
- The land was sold subject to restrictive covenants regarding use
- The site is visible from the surrounding locality and the development results in harmful visual impact on the character of the locality
- The previous stone wall boundary was not disintegrated or overgrown with vegetation prior to the unauthorised removal it was intact
- Proliferation of residential clutter resulting in harm to the character and setting of the heritage assets at the site
- No planning justification for works undertaken to change ground levels at the site
- Timeframes and a programme are required for the reinstatement of the previous existing historic features at the site and remediation of the unauthorised works undertaken.

### **9. Planning Considerations**

There are two key considerations in respect of the proposed development firstly its impact on the historic fabric and character and setting of the heritage assets at the site; and secondly the visual impact on the character and appearance of the locality and the designated Area of outstanding natural beauty. In both contexts it is important to note that the scale of development is significant. The area of land involved is substantive and the extent of change including replacement and repositioning of an historic listed boundary wall and the change of use of land is in and of itself of a significant scale. When consider that this relates to a proposal for the extension of private residential amenity space for a single dwelling the proposals are considered to be large scale and the scale of change and related impact commensurately large.

### **Conservation**

The historic character and features of listed buildings are not solely related to their

architectural merits or fabric and details of the built structures themselves; the setting i.e. the space(s) surrounding the structures is also of critical importance to the character and significance of the property/structure. The retention of these spaces without substantive changes is of significant importance to the long term preservation of our historic environment. Guidance in this respect is contained at paragraphs 114 and 116 of Planning Policy Statement 5 Planning for the Historic Environment Practice Guide.

The proposals (retrospective) which have already been implemented relate not solely to the setting and character of the listed and curtilage listed structures at the site but also affect the fabric of the listed property itself i.e. the boundary wall.

As noted above the alterations that have been implemented are not considered to be minor or limited but are substantive. Their impact can clearly be assessed as the works have largely already been undertaken.

The Conservation Officer has identified that these types of historic farmsteads were typically clearly delineated and did not sprawl out into the adjacent open countryside. This is reflected by the existence of the historic boundary wall. Its condition prior to removal by the applicant is disputed. It should however be noted that the applicant has consent for the reinstatement of the wall under planning and listed building consents (13/00212/S73A and 13/00214/LBC) in its historic position. The removal of the original wall and its proposed relocation to a new position with a gated (no detailed plans submitted) is considered to be harmful to both the historic fabric of the listed structure/heritage asset and its setting and character. This is clearly contrary to the Council's adopted policies in the North Wiltshire Local Plan C3 (ii) and HE4 and paragraphs 17, 131, 132 and 134 and Section 12 of the National Planning Policy Framework. Also Planning Policy Statement 5 Planning for the Historic Environment Practice Guide paragraphs 79, 85, 87, 114 and 116 which remains in force. The NPPF at paragraphs 131, 132 and 134 emphasises that the significance of heritage assets should be sustained and enhanced and requires clear and convincing justification for any proposal and that any harm caused to the significance of a heritage asset should be weighed against public benefits. PPS5 Practice Guide paragraphs 79, 85 and 87 identify the potential heritage benefits of development and in this context identify a presumption in favour of conservation weighing any harm to the significance of a heritage asset against any potential public benefits. There is no such public benefit in this instance the proposals will only be of benefit to the applicant and no public benefit justification is advanced in the submitted application documentation.

### **Visual Impact on the Character and Appearance of the Locality**

As identified above the scale of development undertaken is considered substantive both in and of itself and in the context of the related property. The change of use of land from agriculture to a private garden results in a clear change in character and form of the land in question. This land functions as buffer to the residential development in the locality and was very clearly well established agricultural land. The land in question falls within a designated Area of Outstanding Natural Beauty and the change in character resulting from the changed use of the land does not preserve that established and protected characteristic. The proposal to erect a new boundary treatment in a new location where previously there was no such feature or characteristic is considered to compound that impact and degree of change. Regardless of any conditions that may be proposed relating to permitted development rights and ancillary residential structures the change to private residential amenity space would inevitably result in the proliferation of residential clutter and related landscaping and planting that it is not a feature of the landscape or AONB at present. Formalised planting beds, outdoor seating and chairs, children's play equipment

and toys etc are likely to be features of this area of land and could not be controlled by condition as they do not constitute development in themselves but clearly alter the character of the landscape. The land in question is visible from the surrounding locality both in terms of views from adjacent properties and roads. In addition there are three public rights of way on land in the area immediately surrounding application site NETT29 NETT30 and NETT31. NETT 30 is particularly close to the site and affords clear views of the property and the land that is the subject of the application. Without question the visual impact on the character of locality will be noticeable and prominent. In this context the development is considered to be in direct conflict with C3 (ii), NE4 and NE15 of the North Wiltshire Local Plan 2011 and paragraphs 17 section 11 of the National Planning Policy Framework.

## **10. Conclusion**

In conclusion it is considered that the works undertaken and proposed have substantive impact on both the natural and historic built environment that is harmful in visual terms to the character and appearance of the landscape and AONB and the historic fabric and setting of the listed heritage assets at the site. It is not considered that there are any material considerations including defined public benefit that would mitigate or justify this level of impact. The proposals are considered to conflict with the National Planning Policy Framework, PPS5 Historic Environment Planning Practice Guide and policies C3 NE4 NE15 and HE4 of the adopted North Wiltshire Local Plan 2011.

## **RECOMMENDATION**

That the application be refused for the following reasons:-

1. The proposed development results in substantive change to and does not preserve the character and appearance of the landscape and defined Area of Outstanding Natural Beauty which is harmful and not justified by any overriding material considerations. The proposals are in conflict with policies C3(ii) NE 4 and NE15 of the North Wiltshire Local Plan 2011 and paragraph 17 and Section 11 of the National Planning Policy Framework.
2. The proposed development results in harm to the historic fabric, character and setting of the heritage assets at the site including Listed boundary wall and curtilage listed building known as the old Granary which is not justified by any overriding material considerations or identified public interest. The proposals are in conflict with policies C3(ii) and HE4 of the North Wiltshire Local Plan 2011 and paragraphs 17, 131, 132 & 134 and Section 12 of the National Planning Policy Framework and PPS5 Historic Environment Planning Practice Guide paragraphs 79, 85, 87, 114 & 116 and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **Background Documents Used in the Preparation of this Report: Application Documentation**

