

REPORT TO THE EASTERN AREA PLANNING COMMITTEE Report No. 2

Date of Meeting	07 August 2014
Application Number	14/06017/FUL
Site Address	Land at The Bottom Urchfont Devizes Wiltshire SN10 4SF
Proposal	Erection of detached dwelling (resubmission of 14/04118/FUL)
Applicant	Mrs Pat Banwell
Town/Parish Council	URCHFONT
Ward	URCHFONT AND THE CANNINGS
Grid Ref	404294 157274
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

This application is brought to committee at the request of the division member, Councillor Philip Whitehead, on the following grounds:

- Scale of development;
- Visual impact upon surrounding area;
- Relationship to adjoining properties;
- Design.

1. Purpose of Report

To consider the recommendation that the application be refused planning permission.

2. Report Summary

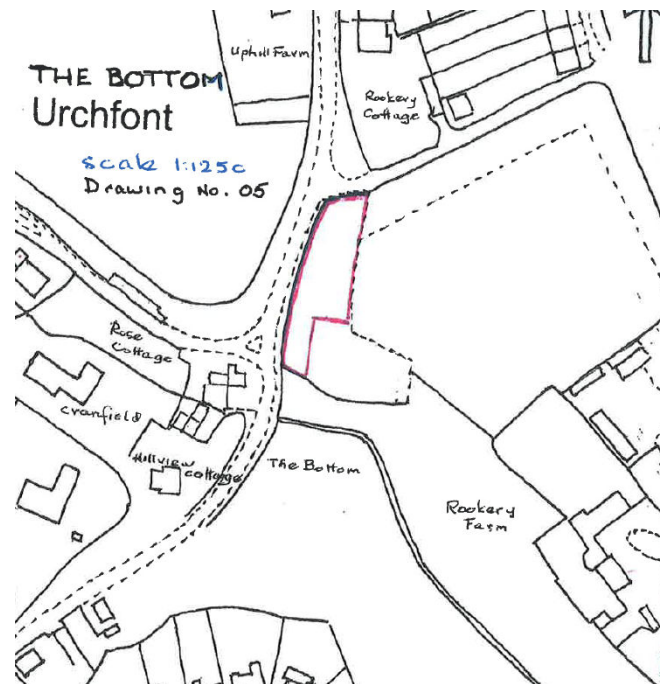
The key issues for consideration are:

- Principle of development;
- Layout, design and visual impact;
- Impact on highway safety;
- Environmental and ecological impact.

3. Site Description

The application site lies on the eastern flank of Friars Lane. The site has historically been overgrown but has recently been cleared. The site follows the gradient of the

Friars Lane with drops from north to south. The lane adjoins the west boundary of the site, the north adjoins the junction between Crooks Lane and Friars Lane, and the east boundary adjoins a steep bank as the land to the east is at a higher level.



Site Location Plan

The Design and Access Statement submitted for the previous application at the site (ref 14/04118/FUL) outlines that the site has been in the applicant's family since 1953 and was used for the purpose of keeping chickens, ducks and other small livestock from 1953 until 1978. Since 1978 the land has been vacant however the applicant has recently cleared the site and has also replaced the fence that has been broken down to prevent trespass and illegal tipping.

4. Planning History

Planning applications 80/0038 (erection of dwelling) and 81/0613 (change of use to builders yard and erection of workshop) are both historic applications that were refused at the site.

Planning application 80/0038 was refused by the local planning authority and an appeal into this refusal was dismissed. At the time of this appeal planning policy only permitted, in principle, infilling within the built-up frontage of the village. The Inspector's Statement notes that

"The Bottom forms a contrast to the more built-up area of the village and [the site] ...makes a definite contribution to the character of the village as whole. If the appeal proposal were permitted it would I believe diminish the present pleasant character of The Bottom by introducing a new modern dwelling into a prominent position...I also share the Council's fears that approval to the development proposed could set an undesirable precedent and I also think that the lane serving the area should as far as

is possible be protected from further development because of its relatively steep gradient and limited traffic capacity”.

Planning application 81/0613 was refused for three reasons, these are summarised as:

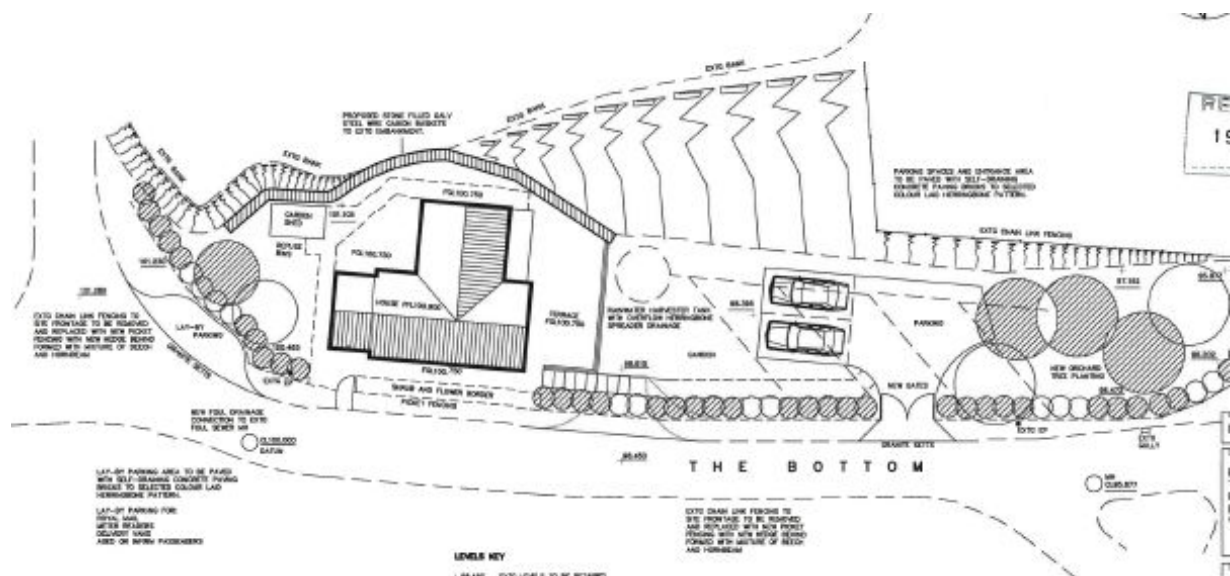
- (a) The proposal would be detrimental to the visual amenities of The Bottom which is a pleasant largely undeveloped valley;
- (b) The lane serving the area, lacking footways, having unsatisfactory width, alignment and gradient and debouching at both ends at sub-standard junctions, is inadequate and unsuitable to serve the proposed use;
- (c) If permitted, the commercial use would set a precedent for similar developments along a grossly inadequate road which would be contrary to highway safety and the character of the valley.

Planning application 14/04118/FUL sought full planning permission for the erection of a dwelling house on the site earlier this year, however it was withdrawn by the applicant on the 22 May 2014 following concerns raised by the Local Planning Authority in relation to the principle of the development and highway safety.

5. The Proposal

The application seeks full planning permission to construct a two storey, three bedroom dwelling. The external walls will be finished with a red facing brick and the roof with a natural slate tile. The windows and doors will be of a timber construction.

The dwelling will be sited on the northern end of the plot, a new orchard on the southern side of the plot and a parking area access via a new entrance from Friars Lane within the centre of the plot. A lay-by will be provided next to the junction with Crooks Lane and Friars Lane for post and delivery vehicles to use.



Proposed Site Plan

6. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 1 'Building a strong, competitive economy', 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring Good Design' and 11 'Conserving and enhancing the natural environment'.

The Saved Policies of the adopted **Kennet Local Plan 2011**, in particular:

- PD1 Development & Design;
- HC22 'Villages with a Range of Facilities';
- HC26 'Housing in the Countryside';
- NR6 'Sustainability & Protection of the Countryside';
- NR7 Protection of the Landscape;

The **Wiltshire Core Strategy** submission document does not yet carry significant weight however its policies are a material consideration, in particular:

- Core Policy 1 'Settlement Strategy';
- Core Policy 2 'Delivery Strategy';
- Core Policy 12 'Devizes Community Area';
- Core Policy 51 'Landscape';
- Core Policy 57 'Ensuring High Quality Design and Place Shaping'.

Wiltshire Local Transport Plan 2011 – 2016: **Car Parking Strategy** (March 2011).

7. Consultations

Wiltshire Council Highways – Object to the proposal on sustainability grounds.

Wiltshire Council Ecologist – No objection.

Urchfont Parish Council – Support the application, subject to Wiltshire Council recognition that surface water from this property is catered for by the design of the revised drainage system to be installed in The Bottom.

8. Publicity

The application has been publicised via press and site notices and letters sent to properties within close proximity of the site. As a result of the publicity five letters have been received with the following comments and concerns:

- The now proposed 'Lay-By Parking' area will pose a danger to highway safety, it will be positioned on the bend at the road T Junction where the road slopes and has limited visibility. The road is also constantly used by tractors and other farm equipment from the farm at Uphill, especially more so in the summer months;
- The site is rather steep not a moderate slope as mentioned within the application;

- A hedge of hornbeam and beech is proposed, the owners of a neighbouring property were not allowed to plant a beech hedge because it is not an indigenous species.
- There is only one gully serving The Bottom which is supposed to collect the water coming down from Uphill. However, this is not effective during heavy rainfall and the lower part of the road floods.
- The application may exacerbate the problem of flooding at The Bottom during extremely heavy rainfall;
- The proposed lay-by and driveway are to be laid with "self draining bricks", At times of torrential rain fall a majority of the water will simply flow off this surface due to the time scale in which huge amounts of water hits the bricks.
- As Wiltshire Council are at this very moment investigating the surface water pipes in the area it would be beneficial and sensible that no development takes place until such time as any remedial work is undertaken by Wiltshire Council and certainly not before a second gully is installed.
- Badgers may be present within the application site.
- The site's last use was a sewage works for the Crooks Piece estate (where Foxley Fields is now situated) and it should be described as a brownfield site.

The Wiltshire Fire & Rescue Service has provided standard advice and guidance for the applicant.

9. Planning Considerations

9.1 Principle of Development

The adopted local development plan document for this area is the Kennet Local Plan 2011 (KLP) (adopted June 2004). In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages.

The Kennet Local Plan outlines that villages which have a range of facilities and have access to public transport provide the most sustainable location for limited new housing in the rural areas. Policy HC22 'Villages with a Range of Facilities' & Table H.4 defines the villages with a range of facilities. Elsewhere in rural areas, new housing will be remote from services and facilities and therefore contrary to the plan's sustainable development objectives. The site adjoins the Limits of Development for Urchfont which is defined as a Village with a Range of Facilities. However, the site itself is completely outside the limits of development within an area defined as 'countryside'.

Policy HC26 of the Kennet Local Plan states that new residential development in the countryside will only be permitted to provide accommodation for the essential needs of agriculture or forestry or other employment essential to the countryside. Additionally, the policy would allow for the re-use of existing buildings to provide holiday accommodation or where the conversion of a listed building to residential use is the only economic means of retaining the historic structure.

This policy approach is reiterated at the national level. The golden thread of the NPPF is the presumption in favour of sustainable development. The emphasis for development to be sustainable is reiterated throughout the whole document and heavy emphasis is placed on this. Paragraph 55 of the NPPF specifically states the special circumstances that allow for new housing in the countryside. These are:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting

The proposed development does not meet any of the special circumstances listed above and as such, it would be considered contrary to both national and local planning policy.

The draft Wiltshire Core Strategy (dWCS) includes a settlement strategy and Core Policy 12 Spatial Strategy: 'Devizes Community Area' identifies Urchfont as a Large Village with the same limits of development as within the Kennet Local Plan. Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' outlines that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages, but development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Development proposals which do not accord to the delivery strategy are deemed unsustainable and as such will only be permitted in exceptional circumstances.

The applicant's agent asserts that the site should be classed as brownfield land and as such the principle of the development should be accepted. One of the twelve core land-use planning principles outlined within the NPPF is that the planning system should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value" (par 17).

The NPPF provides a definition of 'previously developed land' which is as follows – *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; ... and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time"*. The site does not accommodate any buildings and is currently overgrown and therefore clearly does not apply with the definition of previously developed land / brownfield land.

9.2 Layout, Design, Visual Impact

The application site and the immediate landscape surrounding the site has a very rural character and appearance. The highway is a narrow lane and the site is undeveloped and overgrown. The proposed development would result in the siting of a two storey brick build dwelling at the northern highest part of the site, and will involve significant engineering operations to level and grade the site to accommodate the dwelling and associated parking area and access. There will also be a requirement to place stone filled galvanised steel wire gabion baskets (1.7m in width x 1.5m in height) next to the embankment on the east boundary of the site opposite the proposed dwelling.

It is noted that a new hedge will be planted along the roadside boundary and new trees within the southern side of the site. However, the dwelling would appear very prominent when travelling north out of Urchfont and would not be set against the backdrop of any other residential properties.

Policy NR7 'Conserving and Enhancing the Natural Environment' of the Kennet Local Plan seeks to ensure that any development in the countryside protects and enhances the character and quality of the environment and does not have a significant adverse impact on the landscape. It is considered that the proposed development would have a harmful impact on the natural setting of the site and as such conflict with the aforementioned policy.

The comments of the Planning Inspector made within the decision notice of the planning application dismissed at appeal in 1980 for a dwelling on the site remain relevant today. The Inspector noted that:

"The Bottom forms a contrast to the more built-up area of the village and [the site] ...makes a definite contribution to the character of the village as whole. If the appeal proposal were permitted it would I believe diminish the present pleasant character of The Bottom by introducing a new modern dwelling into a prominent position"

Despite the significant period of time that has passed since the Inspector made the above observations there is no reason to disagree with this view as the status and appearance of the site is unchanged.

9.3 Impact on Highway & Pedestrian Safety

The Council's highways team has highlighted that the proposal will result in a new dwelling within the open countryside and as such would be heavily reliant on the private vehicle. As such, a highway objection has been provided on grounds of unsustainable development.

Notwithstanding the objection to the principle of the development, the Transportation is satisfied with the proposed new access, lay-by and parking provision, provided that the following is secured:

- a visibility splay of 2m x 27m to the carriageway nearside edge to the north and 2m x 27m to the centre of the carriageway to the south;

- the first 5m of the access to be consolidated and surfaced (not loose stone or gravel); and
- any gates will be required to be set back at 4.5. from the edge of carriageway.

In light of the observations made by the highway team the applicant's agent has updated the proposed site plan to show that the requirements of the above conditions can be met. The agent also stated that "opposite the southern end of the site there is a small triangle of grass. A footpath extends beyond the grass area along the valley and takes you to the Village Hall and the Church" and other facilities within the village. It should be noted that a no-through road (The Bottom) leads west from the site and does not include a footpath, however at a public right of way (ref URCH40) begins at the end of this road and runs into the village.

It is acknowledged that local residents have raised concerns about the safety of the proposed lay-by, however, although the highway team does not believe the lay-by is necessary they do not object to its inclusion within the scheme as it will benefit from the required visibility.

9.4 Environmental & Ecological Impact

The application site has recently been cleared but is now covered with tall ruderal weeds such as nettles and docks, which in this situation are of low conservation value. The site is bordered on the eastern side by mature hedge species including, Hazel, Elm, Elder, Hawthorn, with Sycamore, Ash and Beech providing the specimen trees. The application is supported by a letter from an Arboricultural Association which outlines that some of these trees/hedges will need to be cut back / removed to accommodate the proposed development.

The Council's Ecologist has indicated that there are very few species records within the immediate surrounding area. As such, it is considered unreasonable to request a Phase I Habitat Survey for this site. However, the Council's Ecologist advised that rank vegetation probably offers some cover for small mammals and possibly reptiles, especially slow worms. As such, it is recommended that an informative should be added to any permission in order to alert the applicant to their responsibilities under environmental legislation.

The applicant's agent has drawn the Local Planning Authority's attention to a badger sett on land adjacent to the site. Within the Design and Access Statement for the previous application (ref 14/04118/FUL) the agent mentioned that the Wiltshire Badger Group has been made aware of the proposed development and that the dwelling will be sited on a part of the site which is free of badger activity. It is intended to form an orchard in the area where badger activity has been observed. This remains the case for this current application and as such the proposal should not have any adverse ecological impacts.

It is acknowledge that local resident believe the proposed development may lead to flooding problems at The Bottom, and that the Parish Council support the proposed development subject to Wiltshire Council recognition that surface water from this property is catered for by the design of the revised drainage system to be installed in The Bottom.

Without an appropriate drainage scheme there is potential for surface water to flow onto the highway and exacerbate the flooding problems experienced at the Bottom during periods of heavy rainfall. However, the application plans provide details of the proposed method to dispose of surface water which will be via a rainwater harvesting tank with overflow herringbone spreader drainage to slow down the discharge of water to the bottom of the site. The parking spaces and access will also be paved with self-draining concrete paving bricks. These measures will ensure that surface water is contained within the site and disposed of via the sustainable drainage system.

10. Conclusion

The application seeks full planning permission for the construction of a residential unit outside the Limits of Development of Urchfont. The proposal would be contrary to both national and local planning policy which seeks to contain all new residential development within the Limits of Development in the interests of promoting sustainable development and the protection of the countryside. The principle of the proposed development is therefore not considered acceptable. The approval of a new residential unit within such an area would set an undesirable precedent for similar schemes elsewhere.

It is considered that the proposed development would diminish the present pleasant character of The Bottom by introducing a new modern dwelling into a prominent position. The scheme would therefore erode the sites' rural setting and have an adverse impact on the character and appearance of the landscape.

The proposed development is therefore contrary to sections 4 'Promoting sustainable transport' and 6 'Delivering a wide choice of high quality homes' of the NPPF, saved Policies PD1 'Development & Design', HC26 'Housing in the Countryside', NR6 'Sustainability & Protection of the Countryside' and NR7 'Protection of the Landscape of the Kennet Local Plan, and Core Policies 51 'Landscape' and 57 'Ensuring High Quality Design and Place Shaping' of the Wiltshire Council Core Strategy.

RECOMMENDATION

Planning Permission is REFUSED for the following reasons:

1. The proposed development would result in the creation of a new residential unit within the countryside outside of the Limits of Development of Urchfont as defined within the Kennet Local Plan. The site is considered to be within an unsustainable location for residential development and there are no exceptional circumstances to justify a residential use at the site. As such, the proposal would be contrary to both national and local planning policies, which seek to promote sustainable development and protect the countryside, namely section 4 'Promoting sustainable transport' and 6 'Delivering a wide choice of high quality homes' of the NPPF, saved Policies NR6 'Sustainability & Protection of the Countryside' and HC26 'Housing in the Countryside' of the Kennet Local Plan, and Core Policy Core Policy 1 'Settlement Strategy', Core

Policy 2 'Delivery Strategy' and Core Policy 12 'Devizes Community Area' of the draft Wiltshire Core Strategy.

2. The proposed development would be detrimental to the visual amenities of the area in that it would disrupt the unspoilt character of the site by introducing a new modern dwelling, and associated works, into a prominent position. The proposal would erode the rural appearance of the site and have an adverse impact on the character of the landscape. As such, the proposal is contrary to section 11 'Conserving and enhancing the natural environment', saved Policies PD1 'Development & Design' and NR7 'Conserving and Enhancing the Natural Environment' of the Kennet Local Plan, and Core Policy 51 'Landscape', and Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the draft Wiltshire Core Strategy.