

Deadline	28th July 2010		
Application Number:	S/2010/0798		
Site Address:	MAPPERTON HILL FARM GILLINGHAM ROAD MERE WARMINSTER BA126LH		
Proposal:	CHANGE OF USE OF LAND TO FORM EXTENSION OF RESIDENTIAL CURTILAGE, DEMOLITION OF OUTBUILDING AND ERECTION OF BUILDING TO PROVIDE ADDITIONAL ACCOMMODATION		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Parish:	MERE		
Grid Reference:	380460.4 130726.5		
Type of Application:	Full		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce- White	Contact Number:	01722 434682

Reason for the application being considered by Committee

The Area Development Manager does not consider it prudent for the application to be determined under delegated powers due to the unusual circumstances of the application.

1. Purpose of Report

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

Neighbourhood Responses

No letters of representation were received.

Parish/Town/City Council response

Support

2. Main Issues

- Acceptability in relation to development plan policies
- Other material considerations
- Highways safety
- Protected species
- Other matters

3. Site Description

The site relates to Mapperton Hill Farm, situated within a relatively isolated location on Gillingham Road to the south of Mere. This consists of an extended stone dwelling, generous sized residential curtilage and a large barn and stable building. The site is situated outside of any development boundary and is within the Special Landscape Area.

4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
08/1112	Removal of condition 2 (Agricultural occupancy condition) imposed on planning permissions 73/WO/263/215 for "alterations & additions to the existing farmhouse & construction of an agricultural access to serve the beef rearing unit"	AC	13/08/08
09/1163	Application for a certificate of lawful use (existing) to establish whether use of land as residential curtilage is lawful	AC	15/12/09

5. The Proposal

It is proposed to demolish the existing barn and to erect a replacement building which the applicants describe as additional accommodation. In effect this comprises a new dwelling in to which the applicants and their children would intend to relocate to from the existing stone dwelling at Mapperton Hill Farm. Also proposed is the extension of part of the residential curtilage into what was a former paddock.

6. Planning Policy

The following development plan policies and Government guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, H23, C2, C6, C12
- PPS1, PPS3, PPS7, PPG13

7. Consultations

Highways Officer

Object on the grounds that the additional accommodation would result in the increased use of a sub-standard access and an increase in unsustainable travel patterns.

Wessex Water

Confirm that site is not within a sewerage area.

Environment Agency

Regard should be given to Circular 3/99 and note that an Environmental Permit may be required.

Parish Council

Support

8. Publicity

The application was advertised by neighbour notification and site notice.

No letters of representation were received.

Should members resolve to approve the application it should be noted that the application will require further publicity as a departure from the Local Plan

9. Planning Considerations

9.1 Acceptability in relation to development plan policies

Local Plan policy H23 states that:

Undeveloped land outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area and not identified for development in this Local Plan will be considered to be countryside where the erection of new dwellings will be permitted only where provided for by policies H26 [Affordable Housing] or H27 [Housing for Rural Workers] of this Local Plan.

The site relates to undeveloped land (in terms of the definition prescribed within PPS3), is outside of a development boundary and the development proposed does not comprise one of the normal exceptions to housing within the countryside. Consequently, the proposal would not accord with policy H23.

Government guidance PPS7 echoes the objectives of Local Plan policy H23, stating that local planning authorities should “strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans”. It goes on to say that “Isolated new houses in the countryside will require special justification for planning permission to be granted...”.

Local Plan policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment.

9.2 Other material considerations

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

The applicants refer to two main material considerations in support of their application:

i) Personal circumstances

Three of the applicants' six children have been diagnosed with Friedreich's Axtaxi, a progressive degenerative condition, and it is anticipated that all three children will become wheelchair users and require fully accessible accommodation in the years to come. This has been confirmed by Salisbury District Hospital, together with their required accommodation needs. These include providing three ground floor bedrooms, day rooms large enough to accommodate all the family, and various other general provisions which will help facilitate more independent lifestyles for the affected children. The applicants maintain that the existing dwelling is not capable of being adapted to provide the type of accommodation that will be necessary for the family to continue to operate as a single unit and to meet the needs of the children in the coming years. On the other hand the new accommodation proposed has been specifically designed to meet these needs and would allow the family to live together on the existing site. It is intended that the vacated existing four bed dwelling would then be occupied by the applicant's elderly parents or possibly a carer for the children at a later date.

Officers have had reasonably extensive pre-application discussions over proposals to adapt and extend the existing dwelling to provide appropriate accommodation to meet the applicants' needs. However, in order to provide fully accessible ground floor accommodation within the existing dwelling, the extent of extension required would need to be substantial, and likely to seriously erode the character of the existing dwelling.

ii) Benefits of the proposal in relation to the 'fallback' position

The applicants contend that the barn could be adapted and converted without planning permission to provide additional ancillary accommodation to the existing house, such as is permitted under Section 55(2)(d) of the 1990 Act, and therefore that the barn could in theory provide the same accommodation as proposed within the planning application. Because of this claimed fallback position, it is contended that a replacement building of similar scale and footprint, but with substantially improved design, would be the most appropriate option.

Whilst Officers agree that the barn could potentially be used for accommodation incidental to the existing house without planning permission, it is not agreed that it could be lawfully used for the extent of accommodation proposed within the planning application. The proposal is for a substantial sized dwelling, more extensive than the existing dwelling, and is intended to be occupied in a manner which would effectively comprise the main household on the site. It is not considered that this accommodation can be reasonably described as "incidental to the enjoyment of the dwellinghouse" in terms of what can be

permitted by Section 55(2)(d) of the 1990 Act.

Rather, a lawful incidental use of the barn might comprise its use as additional accommodation, but still dependent upon the existing dwelling and incapable of being occupied as a self contained unit. A more realistic fallback in Officers' opinion would therefore be the conversion of part of the barn to relatively modest annexe accommodation, such as for dependent relatives or a carer, but with an extension to the existing dwelling still required to provide the appropriate accommodation for the applicants' immediate family.

The benefits of the development as proposed within the planning application is that no extension would be required to the existing dwelling and that the barn would be replaced by a building of a similar scale but much improved design. The replacement barn would actually have a smaller footprint than the existing building, by approximately 20 - 25 %, but with a greater overall bulk due to its increase height, albeit only 500mm greater than the highest part of the existing building. Its design would reflect the character of traditional agricultural timber buildings, with natural stone plinth, horizontal timber boarding and either a slate or clay tiled roof. There would be reasonably extensive amounts of glazing, but this would be concentrated on the less public facing elevation, with the roadside elevation being more restrained and 'agricultural' in character.

On the negative side, the proposal would result in the creation of an additional dwelling within a countryside location, with poor access to sustainable means of travel, the implications of which would remain long after the applicants have ceased occupying the site. The Government document *The Planning System: General Principles* states that:

Unless otherwise specified, a planning permission runs with the land. Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application... Such arguments will seldom outweigh the more general planning considerations, however.

The circumstances of the applicants are reasonably exceptional due to the nature of the accommodation requirements for this large family. The proposals would offer a long term solution for the family, without having to relocate, and there is no certainty that more suitable existing accommodation exists elsewhere within reasonable distance of the applicants' local business and other ties to the Mere area. However, the proposal to create what is in effect a new dwelling in this isolated location would constitute a significant departure from the aims and objectives of the Local Plan. Officers are of the view that there are more acceptable alternatives available to the applicants which would still allow for the necessary accommodation to be provided on site. For instance, this could include a replacement dwelling, as may be permitted through policy H30 of the Local Plan.

9.3 Highways safety

The Highways Officer has raised concerns over the proposal on the grounds of sustainability and the increased use of the existing access which is considered to offer substandard visibility. The matter of sustainability has been discussed above. With regards to the site access it is noted that the visibility is below current standards for junctions onto roads subject to the national speed limit. Consequently, without improvements, the access

is considered inappropriate for the intensified use which would result in permitting the additional accommodation on the site. At the time of writing this report, no proposals to improve the access had been put forward, although the applicant had indicated that such improvements were viable and that amended plans may be forthcoming. The Committee shall be updated at the meeting on any plans subsequently received.

9.4 Protected species

The barn to be demolished has been surveyed by an appropriately qualified ecologist for bats and nesting birds. No bats or barn owls were found to be present, although there were signs that swallows and/or sparrows could potentially be. Consequently recommendations have been made regarding the timing of works and final checks before demolition.

9.5 Other matters

The application also includes a retrospective proposal to extend part of the residential curtilage into what was a former paddock. Although a relatively large area, the land subject to the change of use would neatly square off the authorised curtilage, which is 'L'-shaped, so that it would project no further into surrounding agricultural land than the extremities of the existing curtilage. As such it is considered that this would be an acceptable form of extension to the garden that would not have a significant impact upon the character and appearance of the countryside. If approved, it is considered appropriate to remove permitted development rights to erect outbuildings within the curtilage, so that the visual impact of any future such buildings can be considered at a later date within the planning application process.

10. Conclusion

The development as proposed would represent a significant departure from Local Plan policy on new housing in the countryside. It is not considered that the personal circumstances of the applicants outweigh the normal presumption against new residential development in the countryside, having regard to the potential alternatives available and the highway safety concerns associated with the intensified use of the existing access.

RECOMMENDATION

It is recommended that planning permission is REFUSED for the following reasons:

It is not considered that the personal circumstances of the applicants outweigh the normal presumption against new residential development in the countryside, having regard to the potential alternatives available and the highway safety concerns associated with the intensified use of the existing access. The proposal would therefore be contrary to the aims and objectives of PPS3, PPS7, PPG13 and policies G1, G2, C2 and H23 of the adopted Salisbury District Local Plan.

INFORMATIVE:

This decision relates to documents/plans submitted with the application, listed below:

Plan Ref....Drg. No. MP-001....
Plan Ref....Drg. No. MP-002....
Plan Ref....Drg. No. 05155-1 C....

Date Received....28.05.10....
Date Received....28.05.10....
Date Received....02.06.10....

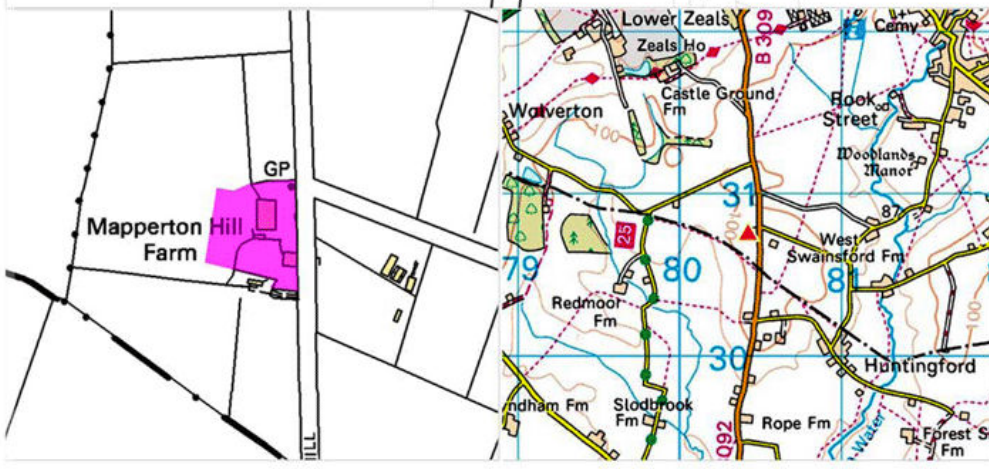
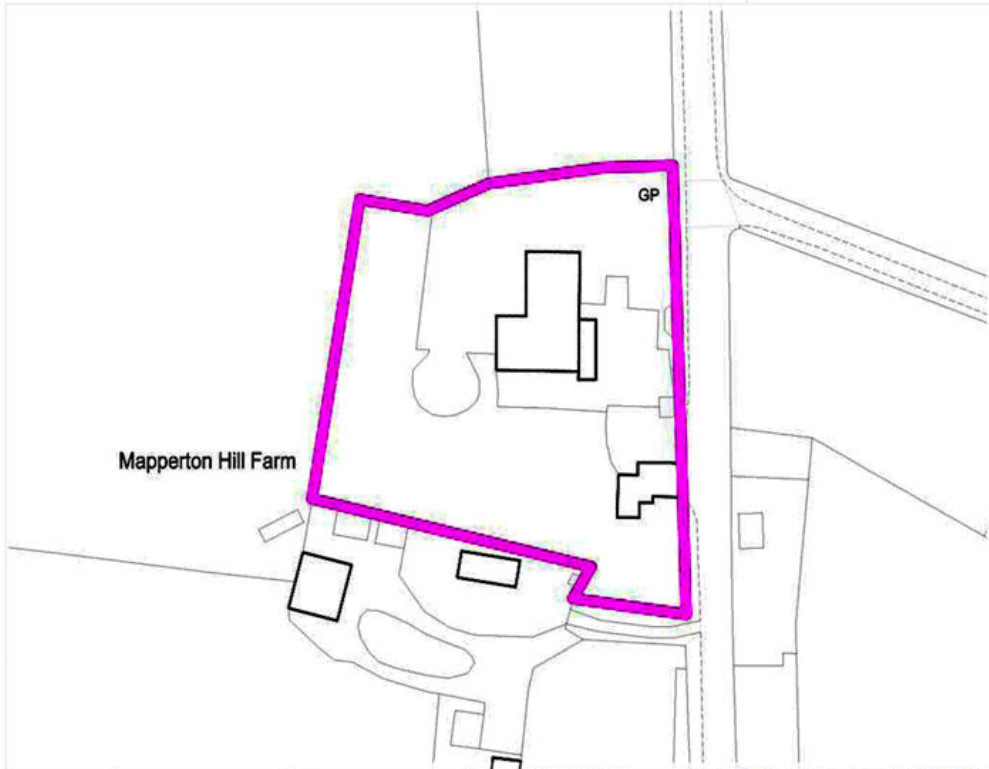
Appendices:

None

Background documents used in the preparation of this report:

None

S/2010/798



Wiltshire Council
Where everybody matters

MAPPERTON HILL FARM

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