

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>13<sup>th</sup> October 2010</b>		
<b>Application Number</b>	<b>10/02409/FUL</b>		
<b>Site Address</b>	<b>The Knowle (Coped Hall Garage), Coped Hall, Wootton Bassett SN4 8ES</b>		
<b>Proposal</b>	<b>Proposed detached dwelling house following demolition of pair of semi-detached houses</b>		
<b>Applicant</b>	<b>Mr Fisher</b>		
<b>Town/Parish Council</b>	<b>Lydiard Tregoz</b>		
<b>Electoral Division</b>	<b>Wootton Bassett East</b>	<b>Unitary Member</b>	<b>Councillor Mollie Groom</b>
<b>Grid Ref</b>	<b>407624 183535</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Tracy Smith</b>	<b>01249 706 642</b>	<b>tracy.smith @wiltshire.gov.uk</b>

## Reason for the application being considered by Committee

This application has been referred to the Development Control Committee at the request of Councillor Groom to consider all aspects of the development and to consider the background to the development.

### 1. Purpose of Report

To consider the application and the key issue of abandonment.

Lydiard Tregoz Parish Council expressed concern regarding incorrect consultation which has delayed the application, parking provision being solely provided in front of the workshop, commencement of work before planning and building regulations approval, the abandoned cottages were demolished prior to approval being sought.

1 letter of support has been received.

### 2. Main Issues

The application seeks permission for the replacement of a pair of cottages with a single detached dwelling. The cottages had, prior to its unlawful demolition, fallen into a significant state of decline and had been consumed by vegetation to the extent that only the two side gables and part of the front elevation remained of the building. The associated garden is also unrecognisable.

The site lies outside the framework boundary.

Therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policies H4
- Principle of development
- Design and layout
- Residential amenity
- Access, highway safety and parking

### **3. Site Description**

The application site lies to the north of the A3102 Swindon Road at Coped Hall. The site contains a number of buildings, most notably the single storey building which operates as a garage run by the applicant.

The cottages, which have been demolished, were as mentioned above in such a poor condition that only two outer gables remained with a partial front elevation. No internal structures remained and the site was consumed by vegetation.

The site lies wholly outside the framework boundary.

### **4. Relevant Planning History**

There is no recent history of relevance to this application.

### **5. Proposal**

This proposal is for the erection of a dwelling following the demolition of a pair of existing semi-detached cottages.

The detached dwelling will match the style of the previous cottages on site being two storeys in form and occupying a similar footprint.

No parking is provided other than in association with the adjacent garage.

### **6. Consultations**

Lydiard Tregoz Parish Council - expressed concern regarding incorrect consultation which has delayed the application, parking provision being solely provided in front of the workshop, commencement of work before planning and building regulations approval, the abandoned cottages were demolished prior to approval being sought.

Wootton Bassett Town Council – no objections.

Highways Officer – objects on sustainability grounds (as the use has been abandoned) and requires confirmation of on site parking arrangements.

Wessex Water – comments waited.

Thames Water – comments waited.

### **7. Publicity**

The application was advertised by site notice and neighbour consultation.

1 letter of support was received.

## **8. Planning Considerations**

### **Principle of development**

The site lies outside the framework boundary for Wootton Bassett and fronts the main road adjacent to an existing garage operation run by the applicant.

Replacement dwellings are permitted by Policy H4, however in this instance, it is considered that there is no longer a dwelling or dwellings to be replaced on grounds that the former dwellings had been abandoned.

The issue of abandonment rests on four factors namely the physical condition of the building, period of non-use, any other uses and evidence of intentions of owners.

In terms of the physical condition, it was clear that the existing dwelling on the site had fallen into a significant state of disrepair and dereliction and prior to its recent demolition comprised only two outer gable walls and partial front elevation. All other elements had been eroded and consumed by vegetation. Essentially the cottages could only be described as a ruin.

This decline is considered to have occurred over a period of some 20 years. The Council's own evidence indicates that the cottages ceased being occupied in the early 1980's with the use being abandoned in 2003. The recent building regulations approval sought consent for partial demolition and rebuild of derelict house which supports this indication of abandonment on physical and non-use grounds.

No other intervening use occurred.

No evidence has been provided in this respect but based on the call-in forms, it would appear that a relative prevented anything being done to the building which also was severely damaged by fire in the 1990's. This indicates abandonment of the use by a family member.

A Dangerous Structure notice was served in January 2007.

It is the view of the officer that having regard to the four factors of abandonment established in case law, that the residential use on the site had been abandoned.

Accordingly, there is no dwelling which can be permitted to be replaced and the proposal amounts to the erection of a dwelling in the open countryside which is not required for any agricultural/forestry or rural enterprise based needs.

The proposal thus fails to accord with Policy H4.

### **Design and Layout**

The new dwelling is not objectionable in terms of design and layout as based on the submitted plans it would appear to match the design and footprint of the previous semi-detached cottages on the site.

### **Residential Amenity**

It is noted that the property is intended to be occupied by the applicant and his family who run the adjacent garage.

The adjacent garage is subject to conditions regarding hours of operation.

It is considered that in light of the close proximity of the proposed dwelling to the business and lack of parking on the residential plot itself (see below), any permission would have to be tied via a planning condition.

If the property were occupied independently of the adjacent workshop, harm would be caused to residential amenity and highway safety, the latter is addressed in more detail below.

### **Access, highway safety and parking**

The proposal attracts a sustainability objection as a matter of principle as it is new residential development outside the framework boundary.

In terms of parking, the agent is to provide details of on-site parking in advance of the Committee meeting. Parking for the dwelling is proposed within the forecourt of the workshop in the control of the applicant. No other off-street parking is available.

It is for this reason that in the event of any permission the property must be tied to the workshop since the absence of any parking on the site of the dwelling would be detrimental to highway safety at this location.

### **9. Conclusion**

At the crux of this application is whether or not the previous residential use has been abandoned. The design of the dwelling is not objectionable and a condition requiring occupation in association with the adjacent workshop is required in the interests of residential amenity and highway safety.

It is considered that the residential use has been abandoned having regard to the significant decline of the cottages for the past 20 years, no occupation, no intervening use and no evidence of attempts to resurrect the use.

Accordingly, the proposal is for the erection of dwellings in the open countryside contrary to Policy H4 of the Local Plan 2011.

### **10. Recommendation**

Planning Permission be REFUSED for the following reason:

The proposed development is for a new dwelling in the open countryside and is not required in connection with agriculture, forestry and rural based enterprise. The proposal is thus contrary to Policy H4 of the adopted North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<b>none</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 2.24, 4.02, 4.03, 4.04, 5.01, 5.02, 5.04</b>

