

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	6 <sup>th</sup> December 2023
<b>Application Number</b>	PL/2022/07660
<b>Site Address</b>	Forge House, The Street, Alderton Chippenham, SN14 6NL
<b>Proposal</b>	Conversion of rural building to create a single dwelling (Resubmission) and the erection of bat house
<b>Applicant</b>	Mrs M Powell
<b>Town/Parish Council</b>	Luckington CP
<b>Electoral Division</b>	Sherston
<b>Grid Ref</b>	Forge House (host dwelling) 383999 182984
<b>Type of application</b>	Full Application
<b>Case Officer</b>	Olivia Tresise

### Reason for the application being considered by the Northern Area Planning Committee

Councillor Martin Smith considers the following key issues justify the call-in:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental / highway impact

And the application has been called-in for the following reasons:

Due to Parish Council's objections and potential breach of Core Policies 60 and 61 related to the application being outside the village boundary, in a potentially unsustainable location and located in the Cotswold Landscape (formerly called the Area of Outstanding Natural Beauty).

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider recommendation that the application be approved.

### 2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Conversion of rural buildings
- Character and Appearance
- Residential Amenity
- Impact on Heritage Assets
- Arboriculture and Landscape character
- Highway safety and parking requirement
- Ecology finding and interests

### **3. Site Description**

The application relates to a single storey barn/stable, located within the open countryside outside of any defined settlement. The southern part of barn is partly open at the front and the attached stable has existing doors. The sides and the rear elevation are clad with stone under a tile roof. The host dwelling (Forge House) is grade II listed as such the buildings subject of the application are curtilage listed, there are also multiple other listed buildings in the vicinity of the site and the application site falls within the Alderton Conservation Area.

The application site is set back from the public highway, and it backs onto open fields at the rear. The application site is located within the Cotswolds Area of Outstanding Natural Beauty 'AONB'. There is known archaeological potential and interest within the locality. The site is located in Flood Zone 1; however it is noted that the locality is susceptible to ground water flooding. The outbuilding subject of the proposed development features records of protected species, including bats, and the application is supported by a bat roost survey and the bat activity survey identifying presence on site within the buildings subject of the application and proposed development.

### **4. Planning History**

N/90/011111/FUL – Erection of a new dwelling (approved with conditions)

N/06/02793/FUL & N/06/02794/LBC – Alterations To Rear Roof and Extension to Link With Outbuilding (Withdrawn)

N/07/00602/FUL – Alterations to Rear Roof and Rear Extension (Approved with conditions)

N/07/00190/LBC – Replacement of Defective Timber Windows with Metal Casements; Reinstall Gate in Boundary Wall (Approved with conditions)

N/07/02626/LBC & N/07/02627/COU – Conversion of existing open fronted byre to holiday letting (Withdrawn)

N/08/02442/LBC – Repair and Alterations to Byre for use as Stables, Tack Room & Log Store (Approved with conditions)

## 5. The Proposal

The proposal is for the conversion of rural building to create a single 2-bed dwelling, and the erection of a bat house, which would measure approximately 5.3 metres by 5.3 metres, and 5.23 metres in height to its ridge. The bat house would be finished with rubble stone under double-roman tiles; it would provide day and night roosting space for bats. 2 storerooms to be provided ground floor. Given that the barn is curtilage listed, a listed building application, PL/2022/07970, has also been submitted for the proposal.

This application is a resubmission following the refusal of the previous applications, PL/2021/04511 (Full planning applications) and PL/2021/07852 (Listed Building application). The full planning application was refused for the following reasons:

- i. The proposed development, by reason of its location outside of any defined settlement boundary in the open countryside, is contrary to the settlement, delivery and community area strategies of the plan and is unacceptable in principle. Although Core Policy 48 provides an exception to this approach in the case of the conversion of rural buildings, when considering the proposed works as a whole required to convert the building into a residential use these would be significant and would constitute major rebuilding contrary to Core Policy 48 (i). There is no assessment including marketing of the site to demonstrate that employment, tourism, cultural and community uses are not feasible. The proposal by virtue of its location poorly related to services and facilities, not well served by a range of modes of transport would be heavily reliant on access by private motor vehicle. Therefore, the proposal fails to accord with Core Policies 1, 2, 13, 48, CP60 (i & ii) and CP61 of the adopted Wiltshire Core Strategy (Jan 2015), Saved Policy H4 of the North Wiltshire Local Plan (2011) and Paragraph 7, 8, 11, 12, 80, 105, 110 (a), 111 of the National Planning Policy Framework (July 2021).*
- ii. The position of the property by virtue of its close proximity to the two neighbouring properties would result in overlooking and be subject of overlooking and as a consequence result in both the loss of existing privacy and inadequate levels of privacy for the occupants of the proposed dwelling. The proposed development would therefore result in unacceptable levels of amenity for future and existing occupier's contrary to the requirements of Core Policy 48(iv) & 57(vii) of the adopted Wiltshire Core Strategy (2015) and Paragraph 130 (f) of the National Planning Policy Framework (2021).*
- iii. The proposal lacks information to fully assess whether the proposed conversion would result in loss of a bat roost. Bats and their roosts are afforded stringent protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and as such are a material consideration within planning. The LPA can therefore only grant permission where sufficient and appropriate mitigation measures have been included in any proposal where bats are present, in order to ensure that they are not adversely affected as a result. The proposal therefore conflicts with Core Policy 50 (para 6.45) of the*

*adopted Wiltshire Core Strategy 2015 and Paragraphs 174 (a & d) and 180 (a) of the National Planning Policy Framework July 2021.*

The key differences of the proposal subject to this application are:

- The previously proposed extension to the byre has been omitted, as such, the proposal is only to convert the existing barn,
- a viability appraisal by Strakers Estate Agents is provided,
- further Bat Survey data and mitigation strategy are submitted, and
- The proposal now comprises an erection of a bat house to accord with the recommendations of the bat survey report.

To facilitate the proposed conversion, the following works are proposed:

- removing the existing roof covering enabling remedial works to be undertaken to the existing roof structure and to enable the roof to be insulated
- roof structure and salvaged tiles, the north, west and south walls will be retained

A detached bat house is also proposed near the southwest corner of the ownership boundary of Forge House as mitigation to rehouse the bats found within the application barn proposed for conversion. [It should be noted the ownership boundary should not be read as residential curtilage for neither Forge House or the proposed dwelling]. The existing access will be utilised for the proposal, parking and turning spaces are provided within the site and landscaping is proposed around the site.

During the course of the application, a revised proposal was submitted in order to address the Council's Conservation Officer's concerns. The revised proposal has been reviewed by the case officer and the Conservation Officer. The revised proposal includes:

- to omit all proposed rooflights;
- to reduce the size of the new patio door and to omit one of new doors on the rear elevation; and
- to retain the two open bays by recessing the full height panels from the front elevations behind the existing pillars.

## **6. Planning Policy**

### Wiltshire Core Strategy adopted Jan 2015

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 13: Spatial Strategy: Malmesbury Community Area

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable transport

Core Policy 61: Transport and new development

Core Policy 62: Development impacts on the transport network

Core Policy 63: Transport strategies

Core Policy 67: Flood Risk

Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006):  
H4 Residential Development in the open countryside

Wiltshire Housing Site Allocation Plan (Adopted Feb 2020):  
Settlement Boundary Review and site allocations

National Planning Policy Framework September 2023

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the nature environment

Section 16 Conserving and enhancing the historic environment

## **7. Consultations**

**Conservation Officer:** No objection subject to conditions

**Highway Officer:** The proposal is not considered to be a sustainable form of development. However, no objection to the proposed access or parking arrangement

**Ecology Officer:** No objection to the revised proposal subject to conditions

**Public Protection Team:** No objection subject to condition

Luckington and Alderton Parish Council object to this application, and consider that it does not adequately address the concerns raised in the previous refusal of both Full Planning Permission and Listed Building Consent:

- a) The proposed development remains outside the village area boundary.
- b) Its proposed location will overlook and be overlooked by two neighbouring properties.
- c) The application lacks information to fully assess whether the proposed conversion would result in loss of a bat roost. The Council would be interested to see the advice of the Wiltshire Council Ecology Advisor.

## **8. Publicity**

Public Consultation: four letters of objection were received, and the residents' concerns were summarised as below:

- increase noise and disturbance with associated activity, lighting, vehicle parking, etc.
- loss of privacy due to proximity and many of window facing our property
- the evergreen bay hedge could be removed in future.
- If it is allowed to grow over 3.5m, this compromises light/amenity.

- The existing hedge between our two properties stands currently at 5.5m, although due to our property sitting at a lower level it has an effective height of 6.5m; this has considerable impact on the light in our property. (If it is decided to pass this development, we would like to suggest a 3m Cotswold stone wall at the boundary)
- Potential for a development of this sort to be let as a holiday home, AirB&B, with the potential of additional associated noise and compromise to privacy
- developing away from the linear building line, and creating a new building as a bat house, undermines this consideration and sets a precedent for further development on this large site and across the village more generally.
- Impact on a listed building
- This proposed development separates it from its stables/barn and a large portion of gardens and orchard, and this diminishes its setting and degrades its listed status and the historic landscape.
- The proposed bat house is a substantial new two-storey building which is located very close to the boundary with adjacent properties (Mistletoe Cottage and Wychwood). As such it will have a considerable impact on the aspect from these properties, particularly because the boundary also marks a drop in ground level, so the adjacent properties are already set at the lower ground level.
- question the long-term effectiveness of the bat house due to increased activity, parking, and lighting around it and its proximity to adjacent houses.
- impacts on my quiet enjoyment of my home.
- my neighbours property starts within 3 metres of my house and that the planning of an evergreen hedge of over 3 metres in height is not a reasonable way to resolve the reduction in privacy.
- The hedge impacts on my enjoyment of my garden.
- Should the hedge be reduced to a more reasonable 2 metres will not ensure that my house and the proposed new development are not overlooked.
- As a large house with substantial grounds such buildings already have a purpose and that any future owner will be very likely to require housing for equipment and animals and hence this buildings purpose and future preservation are secure. Surely every rural barn and stable does not need to be converted into housing to preserve our heritage?
- The change to floor-to-ceiling windows on the north-west elevation make the problems even worse.
- These windows have direct line of site to our two bedroom windows. A hedge - which is problematic in itself due to its size - is not a satisfactory solution to this since it is not permanent: it can be removed by the applicant or future owners of the property should they wish.

## **9. Planning Considerations**

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) & Wiltshire Housing Site Allocation Plan (Adopted Feb 2020) WHSAP.

## Principle of development

The application site is located within the open countryside outside of any defined settlement.

Core Policy 1 & 2 of the Wiltshire Core Strategy states that development will not be permitted outside the limits of development other than in circumstances as permitted by other policies within the Plan. New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled to restrict homes being built in unsustainable locations remote from local services, facilities and which necessitates access and travel by private motor vehicle for day to day needs in accord with the provisions of the framework. Paragraph 4.25 of the WCS in support of CP2 identifies a number of exceptions in Core Policy 48, which supports conversion and re-use of rural buildings in the open countryside.

Core Policy 13 states development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Saved policy H4 of the NWLP allows for rural workers dwellings in the open countryside as an exceptions approach, such policy does not include proposals for barn conversion, therefore the proposal does not fall within this policy.

As mentioned earlier, CP48 of the WCS identifies that conversion and re-use of rural buildings in the open countryside will be supported if the proposals are to convert and re-use rural buildings for employment, tourism, cultural and community uses and with residential use being an option and subject to applicants demonstrating through use of marketing statement/supporting information that sequentially preferable uses such as employment, tourism, cultural and community uses are not feasible.

In this case, to address the previous refusal reason, a viability appraisal report was submitted to reveal the financial viability of alternative uses in respect of the proposed conversion of a former byre at Forge House. The purpose of the appraisal is to establish whether or not the conversion of the stone byre is commercially viable for either business or tourism related, including light industrial, office use, tourism (self-catering holiday let) and residential. The report concluded the following:

- The demand for commercial premises in rural area which are remote from a town's employment pool is specialist; the restricted accessibility and the lack of ready transport facilities will limit the market appeal of this building for employment purposes.
- In the qualified survey's experience, there is little or no demand for one-off holiday-let investments. The management of a remote, single holiday cottage is a feature which will limit the appeal to the investor.
- The potential conversion for light industrial use, office use or tourism in the form of a holiday cottage is not financially viable.
- The conversion of the barn for private residential use in form of single dwelling is seen to be financially viable.

In addition, the case officer also visited the site and noted that the constraints of the site in terms of the proximity to the residential properties and restricted access. Officers agreed that general industrial use, light industrial use and office use would not

be appropriate at this location, given the uses may likely result in some adverse impacts upon the neighbouring properties. In terms of holiday let, it is noted that a hotel 'the Manor Farm' is located further to the north of the site. However, the site is not particularly close to any tourist attractions. The nearest well-known attraction would be 'Badminton Horse Trial', which held in May (approximately a week) every year. Another tourist attraction near the area would be Westonbirt National Arboretum, which is approximately 6 miles away from the site. Given its discreet location of the application site, it is unlikely that the property would attract reasonable and regular income to sustain the building to be permanently used as a holiday accommodation.

Core Policy 48 supports the conversion and re-use of rural buildings, but the proposal must meet the following criterion:

*i) The building is structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*

The application is supported by a Structural Report dated 8<sup>th</sup> October 2020 by Nick Matthews Surveying (chartered building surveyor). For description purposes for the barns, the southern part of barn which is open at the front elevation would be called barn A and the enclosed part of the barn is called barn B.

Regarding Barn B, although it has a small roof leak, the structural report does not identify significant structural intervention being required and concludes that the building appears to be in suitable condition for conversion.

The structural report identifies some issues about Barn A; the roof is partially collapsing within Barn A and an 'acrow prop' has been installed due to the failure to the rear purlin and this prop is preventing this section of the roof from collapsing. It identifies that there is rotation from the movement within the wall which is forcing the truss forwards towards the east front of the building and as a result, there is some cracking within the bay 1/2 masonry column. The structural report notes that the rear southwest corner of barn A is under little distress and the corner is starting to lean outwards. The report states that this corner needs to be taken down, a new foundation cast to the same level but wider and the corner properly rebuilding. It is noted that the existing floor is compact earth and as such new flooring would be required. It also identified in the structural report that Barn A is a rather lower and awkward height to the trusses tie beams and as the roof will need to be repaired, there is the opportunity to dismantle and alter the trusses within this section of the barn to provide improved headroom. However, structural report concludes that the existing barns are sufficiently robust and structurally stable to withstand the alterations contained within the proposed conversion without the need to replace the walls or roof structures in their entirety.

In the first instance, it should be noted that there are some differences between the revised proposal and the previously refused scheme. The current scheme as revised has been carefully designed to protect the character and appearance of this rural building, by utilising the existing opening and minimising the amount of alterations. Full height panels to be installed behind the existing pillars of Barn A, instead of building new walls on the front elevations. Any new opening has been kept to the minimum. No extension is proposed, the originally proposed chimney and rooflights



have been removed from the scheme. Any enlargement of existing opening has also been kept to a minimum.

In this instance, whilst there would be some works to repair the structure of the building, on balance, it is not considered that the proposed works would go beyond the provisions of CP48.

*(ii) The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential area*

#### Character and Appearance:

In terms of the character and appearance and the amenity of residential area, Core Policy 57 of the WCS would also be relevant as it sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The proposal has been amended to ensure that the rural character of the barn would not be adversely affected. As discussed earlier, the proposed alterations would be sympathetic to the character and appearance of the building, no extension, rooflight or chimney are proposed. In addition, the resulting dwelling would not be visually prominent from public domain. Subject to conditions to remove permitted development rights for extension, roof addition or alterations, outbuildings, it is considered that the resulting dwelling would not harm the character or appearance of the landscape or. As such, the proposal would meet this criterion.

#### Residential Amenity:

Core Policy 57 also seeks to avoid creating developments with unacceptable low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent buildings.

In terms of amenity of the residential area, a number of residential properties, Mistletoe Cottage, Wychwood and Torri Cottage, are located to the east of application site. Residents' comments are noted regarding the potential impact, in terms of overlooking, noise and disturbance, to these existing dwellings.

Whilst the existing barn would be only few metres away from the rear boundary of these neighbouring dwellings, the separation distance from the rear elevation of these properties to the front elevation of the barn (first floor rear window – ground floor front window on the barn) would be approximately 17 metres or more.

The proposal is to convert the existing barn into a 2-bed dwelling, no extension is proposed, and the resulting dwelling would remain as a single storey building. Whilst these neighbouring properties would have fenestration for habitable rooms facing the application site, the new bedrooms windows at the barn would be recessed behind the

existing stone pillars. The siting room window is not large in size given the size of the siting room. Whilst there would be some overlooking, given its fenestration design and its recessed position, it is not considered the degree of overlooking would be so significant to be detrimental to the living conditions of the neighbouring properties.

With regard to the use of garden area, the existing outbuilding in front of the barn would provide some screening between the new dwelling and the neighbouring properties. Whilst the front garden area would likely to be overlooked by the neighbouring properties, the proposal would also a private garden area at the rear for the future occupiers of this dwelling. In this instance, it is considered that the proposal would provide adequate private amenity space for the future occupiers.

In terms of noise and disturbance during the construction period, given the proximity to the neighbouring properties, it would be necessary to impose a condition to restrict the hours of construction to protect the amenity of the neighbouring residents.

Therefore, on balance, it is considered that the impact upon the amenity of the neighbouring properties would not be so significant to warrant a refusal reason in this regard.

*iii. The building can be served by adequate access and infrastructure.*

In terms of access and parking provision, the existing access would be utilised for the proposed dwelling. Also, there is adequate parking and turning spaces within the site, therefore there is no highway objection in this instance.

Given the use of the barn, there are currently no drainage provision, planning conditions are imposed to seek further details regarding surface water drainage and foul drainage method, and these drainage provision will also be addressed through approval of Building Regulations.

*iv. The site has reasonable access to local services.*

The site is within the open countryside and as such, it is not well served by public transport. The nearest settlement to the site would be Luckington - the village has a primary school, pre-school and nursery, schools, village hall, place of worship, public house and bus stops. The application site would be approximately 1.3 miles (approximately 31 minutes walking distance) to this village. The Council's Highways officer raised an objection in this context given that the vehicle movements associated with the site are likely to take place via private modes, and that would be contrary to the key aims of sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys.

*v. The conversion or re-use of a heritage asset would lead to its long-term safeguarding.*

The proposal is to convert this curtilage listed byre building to a dwelling. During the course of the application, a revised proposal was submitted to address concerns relating to the detailed design of the scheme. The Council's Conservation Officer has reviewed the revised proposal and considered that the scheme is acceptable subject to conditions to seek further design details, rainwater goods, material, sample wall and render panel. As such the criterion of CP48 in this instance is met. Furthermore, there would be some benefits arise from its upkeep given it would safeguard the building in the long term.

### Bat House

Part of the application is to erect a detached bat house to provide a roosting space for bat. Whilst the proposed bat house would not be small in scale, the size of the bat house has been designed to accommodate the particular bat species that are found in the barn. The Council's Ecology Officer also confirmed that this is the case, therefore, Officers have no objection to the size of the proposed bat house.

Residents' concerns regarding the proposed bat house are noted. Given there are a reasonable separation distance from the adjacent dwelling, and it would be situated adjacent to the open fields at the rear, it is not considered that there would be an unreasonable adverse impact upon the amenity of the neighbouring properties.

### Impact on the Heritage Assets (Conservation Area and Listed Buildings)

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 57 i, iii & iv, amongst other things, require that applications for development should respect the historic environment, and be sympathetic to and conserving historic buildings and historic landscapes.

Core Policy 58 (iii & iv) requires that development should protect, preserve and where possible enhance heritage assets.

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

#### (i) Impact upon conservation area

The property is situated within the Alderton Conservation Area, and there is no Conservation Area Appraisal currently published for this designation. However, the conservation area, by virtue of its designation, is significant in heritage terms and this significance arises from its aesthetic (fortuitous) value (the material used within the locality – mainly stone), communal (associative) value and historical (illustrative) value (the use of stone walls are common features).

The proposal is not considered to harm the significance of the Conservation Area given the buildings are set back within the site and obscured by surrounding dwellings and existing vegetation with no significant intervisibility between the application buildings and the Conservation Area. As such, no harm is identified to this Heritage asset.

Similarly, it is not considered that harm arises to the setting of nearby listed buildings, given the degree of separation and some instances intervening structures, there would not be any direct intervisibility between the application buildings and nearby listed buildings such that their setting would not be impacted.

(ii) Impact upon listed building or its setting

Forge House is a grade II listed building, the listing describes the Farmhouse as a two-storey property. The description identifies features of significance including that the farmhouse dates to c1700 and that is constructed of squared rubble stone with stone slate roof and end stacks. It notes that there are 5-window range of 2-light cyma-moulded recessed mullion windows with centre door in bolection moulded surround. The listing continues by stating that there are moulded band and eaves band, leaded lights and the door is in c1830-40 squared rubble stone porch by James Thomson hipped with centre low gable and ball finial, tripartite front on piers with plain capitals, depressed arch with keystone to centre, side-lights flanking. The significance of the building is therefore considered its aesthetic (fortuitous), communal (associative) and historical (illustrative) value.

It is considered that the proposed conversion of the application barn would not harm the significance of the curtilage listed structures given the bulk of the alterations proposed are not considered to alter the character and appearance of the existing barn such that it would appear out of character with the existing structures on site. In addition, the proposal is to convert this curtilage listed byre building to a dwelling and it is noted its upkeep would safeguard the building in the long term and contribute to the enhancement of the listed property and other listed structures within the curtilage.

In the case of the proposed bat house located near the southwest corner of the site, and there is some distance between the bat house and the listed building. In addition, there are planting and other listed structures within the curtilage. As such, the proposal is not considered to harm the significance and value of the listed dwelling (host property) and its curtilage itself.

In this instance, there is no objection from heritage perspective.

Arboriculture and Landscape character

The site is situated in the open countryside and the Cotswold Area of Outstanding Beauty. Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

On the basis that the proposal is to alter the existing structures, the proposal would not change the scale of the building, and the detailing of the proposed works are appropriate taking into consideration the context of the site, it is considered the proposed conversion would not in significant harmful impact of the locality or the special landscape character of the AONB.

A bat house is proposed as part of the mitigation strategy to provide roosting space for bat that found in the barn, and it would be situated near the south western boundary of Forge House. Although there are no objection in principle to the proposed bat house, given that there are some trees growing along this boundary, it would be reasonable to ensure that the construction of the proposed bat house would not cause any damage to the tree roots. In this instance, a planning condition is imposed to seek an Arboricultural Method Statement.

Furthermore, whilst the proposal would not adversely affect the existing landscape features within the site, Core Policy 51 seeks to conserve and where possible enhance landscape character of the site. Given that the site is situated within the most highly valued landscapes, the Cotswold AONB, therefore it would be reasonable to seek a full detailed landscaping plans to enhance the landscape character of the site.

As such, subject to these conditions, the proposal is not considered to be in conflict with the relevant policies of the plan and provisions of the framework in this specific respect.

#### Impact on Highways/Parking requirement

CP60 & CP61 of the adopted Wiltshire Core Strategy states the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

The NPPF also seeks to ensure that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, improve air quality and public health.

The Highways Officer has reviewed the proposal and raised no objection to the proposed site layout which demonstrates adequate provision for turning, parking and access to the site to serve the development proposed. However, in the context of the site location, the Council Highways Officer raised an objection based on unsustainable transport grounds given that it is outside the settlement boundary. Whilst the Highway Officers' concerns are noted, the case officer is also mindful that the proposal is to convert the existing rural building (and not to extend the building), which is immediately adjacent to other residential properties. Although the site is outside the settlement boundary, the proposal would not create an isolated home given its location and the proximity of neighbouring dwellings.

#### Impact upon ecological finding/interest

Paragraph 180 (a) of the NPPF notes that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Similarly, CP50 of the WCS requires that development should avoid and reduce disturbance of sensitive wildlife species and habitats; and if this is not possible, the removal or damage will only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible.

The submitted Preliminary Bat Roost Assessment Report (ref:2020-070, version 1.1; March 2021) provides evidence that the application buildings support protected species, specifically bats (horseshoe bat roost) and birds (swallows nest) in this instance. It is also noted that a Bat Survey Report (ref.: 2020-070, version 1; 11 July 2022) was also submitted with the application.

The mitigation proposed for the bats is a separate outbuilding that would be located southwest of the site, and this would divert the bats to this outbuilding. In case of the birds nest, a compensatory nesting site for swallows would be provided within a covered structure (e.g. car port, porch) or building on the site, where flight access to the interior is possible.

The Council's Ecology Officer has reviewed the submitted documents and proposed drawings. In addition, the Officer has confirmed that the bat house needs to provide certain size in order to provide adequate roosting space to accommodate the species that found in the existing barn. Officers are satisfied with the submitted documents, subject to conditions there is no objection from ecology perspective.

### Other matters

Although the site is not subject to high risk of flooding, it is susceptible to ground water flooding. The application has not been accompanied by any drainage details, any necessary drainage provision will therefore be addressed through planning conditions and Building Regulations.

There is known archaeological potential and interest within the locality, however, the Council's Archaeology Officer was previously consulted with respect to the scheme and there is no objection in this regard.

Residents raised concerns about the potential use of the converted barn to holiday accommodation. In the event that the proposed dwelling to be used as a holiday accommodation that result in material change of use of the property, planning permission will be required for the change of use.

Concerns regarding the existing hedges, including their height and impact upon the neighbouring properties are noted. As the site is situated within a conservation area, a removal of existing trees will require a prior consent from the local planning authority. The nuisance associated with tall hedges would be subject to the high hedges legislation. With reference to the assessment of planning proposals, it would not normally be practical or reasonable to use hedges or planting to provide privacy for the interested parties. In most cases, planning permission would not be required for the installation of 2 metres high fence as boundary treatment. In this instance, given the proximity of the neighbouring properties, officers consider that it would be reasonable to seek details of boundary treatment, which is expected to be approximately 2 metres in height.

### Planning Balance

The Council is currently unable to demonstrate a NPPF compliant supply of deliverable land for housing, the published figure in May 2023 is 4.6 years, which is relatively modest shortfall and the contribution to the supply that the proposal will make being one dwelling is also limited.

The Council's housing delivery test is currently being met and exceeded at 141%. Additionally, the Council is seeking to address the shortfall and has an action plan in place for so doing which includes permissions have been granted for residential development within this community area and surrounding settlements were well related to existing settlements. The Council's Housing Land Statement (published in May 2023) indicated that Malmesbury and Community Area which included Alderton has already exceeded the minimum requirements of housing within the Malmesbury Community Area and the surrounding rural area.

However, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The benefit of the proposal is considered to be the provision of a single dwelling in the context of the housing land supply shortfall and the stated objective of the NPPF to significantly boost the supply of housing. As the Council's housing land supply shortfall is relatively modest, and the lack of supply is not persistent, consequently, moderate weight is afforded to this benefit.

In addition, there would be some benefits given that the proposal would help to safeguard or upkeep this curtilage listed building in the long term. A modest weight would be given to this benefit.

There would also be some economic benefits through construction jobs in the short-term and potential support for local shops, services and facilities in the long-term. The proposed conversion is a relatively small development; therefore it will not generate a substantial number of construction jobs over a long period of time. Limited weight is therefore given to this benefit.

It is noted that the location of the application site is not well related to existing settlements and cultural/community uses are therefore unlikely to be viable options. The submitted viability appraisal report has demonstrated that it would not be financially viable to convert the building for industrial use, office use or tourism uses. In the previous officers' report, other alternative uses were suggested, such as, commercial equestrian or storage uses, or other ancillary uses to the host dwelling. However, the barn is not large in size, and it is located at the rear of the neighbouring properties, any commercial uses would likely result in adverse impact upon the amenity of the locality.

Furthermore, whilst the site is not situated at sustainable location, outside the settlement boundary and it would be remote from some local services, it is an existing building immediately adjacent to residential dwellings. The proposal would not create an isolated home in this instance.

On the above basis, it is considered that the benefits of the proposal would significantly and demonstrably outweigh the harm of the proposal when assessed against the policies in the Framework and the development plan taken as a whole. Accordingly, the application is recommended for approval subject to conditions.

## **10 Conclusion**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and Lydiard Millicent Neighbourhood Area Plan (2018-2036) was made in 2021, and to all the relevant material considerations set out in the report

## **11. Recommendation**

That planning permission be granted subject to the following conditions:

### **1 Time Limit for Implementation**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **2 List of Approved Plans and Drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Location Plan, Drawing No. 01 Revision C, Project No. LDC.2284A,
- Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A,
- Bat House Floor Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Bat House North and East Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd, and
- Bat House South and West Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd,
- Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd, all received by the Council on 3 October 2022
  
- Revised Proposed Plan & Elevation, Drawing No. 9 Revision A Project No: LDC. 2284A, received by the Council on 30 October 2023, by Land, Development & Planning Consultants Ltd



- The measures outlined in Section 5 of the ecology report: Bat Survey Report, Barn at Forge House, Ref: 2020-070, Version: 1, Date: 11/07/2022 by Smart Ecology Ltd.

REASON: For the avoidance of doubt, the protection, mitigation and enhancement of biodiversity, and in the interests of proper planning.

### **3 Provision of new bat roost**

Bat roosts and bat access points shall be strictly incorporated into the development in accordance with:

- Drawing: Bat House Plan, Drawing No. 3, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.

- Drawing: Bat House Elevation, Drawing No. 4, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.

- Drawing: Bat House Elevation, Drawing No. 5, Project No: LDC.2284A, Date: July 2022 by Land, Development & Planning Consultants Ltd.

- Drawing: Proposed Site Plan, Drawing No. 6, Project No: LDC.2284A, Date: March 2021 by Land, Development & Planning Consultants Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features shall be supervised by a professional ecologist and this part of the condition will only be discharged when photographic evidence of installed features have been submitted to and approved in writing by the Local Planning Authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

### **4 Details of surface water drainage disposal methods (Pre-commencement condition)**

Notwithstanding the submitted details, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: This is a pre-commencement condition to ensure that drainage disposal method has been made available prior to the construction of the approved dwelling, and to minimise the flood risk to the locality.

### **5 Details of foul sewage disposal methods (Pre-commencement condition)**

Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage, including the point of connection to

the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

REASON: This is a pre-commencement condition to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

## **6 Further design details (Pre-commencement condition)**

Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery and shutters including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- (iii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Full details of proposed meter and alarm boxes;
- (vi) Large scale details of proposed eaves and verges (1:5 section);
- (vii) Full details of proposed internal service routes;
- (viii) A full schedule and specification of repairs including:
  - (ix) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
  - (x) proposed timber and damp proof treatment
  - (xi) proposed method of cleaning/paint removal from historic fabric
  - (xii) a full schedule of internal finishes to walls, ceilings and floors
  - (xiii) Full details of external decoration to render, joinery and metalwork; and
  - (xiv) Full details and samples of external materials.

The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be

agreed with the Local Planning Authority before works commence in order that the works are undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

## **7 Material (Pre-commencement condition)**

No development shall commence on site until details of the roof tiles, bricks, stone and timber cladding to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

## **8 Sample wall panel (Pre-commencement condition)**

No development shall commence on site until a sample wall panel, not less than 0.5 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

## **9 Sample render panel (Pre-commencement condition)**

No development shall commence on site until a sample panel of the render to be used on the external walls not less than 0.5 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

## **10 Arboricultural Impact Assessment (Pre-commencement condition)**

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by a qualified arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;

- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

## **11 Details of rainwater goods**

No works to add or replace rainwater goods shall commence on site until details of all new or replacement rainwater goods (which shall be of cast metal construction and finished in a colour to be agreed) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

## **12 Landscaping scheme**

Notwithstanding the submitted Site Plan and Landscaping, Drawing No. 1689/SP 1A Revision A, within three months following the commencement of development on site

until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials
- number of trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
- 

REASON: To ensure a satisfactory landscaped setting for the development.

### **13 Removal of PD Rights – additions and extensions**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

### **14 Remove of PD Rights – No windows, dormers, or rooflights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window, or rooflight, shall be inserted in any part of the roof slope of the development hereby permitted.

REASON: In the interests of residential amenity and privacy, preserving the character and appearance of the listed building and its setting.

### **15 Removal of PD rights – No garages / outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area; preserving the character and appearance of the listed building and its setting.

## **16 Lighting Scheme**

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, any new external artificial lighting as part of this development should only be for the purposes of security and safe access. Any new lighting should be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity and the amenity of the neighbouring properties.

## **17 Hours for Demolition and Construction**

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

## **18 Use of bat house**

The proposed bat house hereby permitted shall only be used for bat roosting space and shall not be converted to habitable accommodation or used for no other purposes.

REASON: To mitigate for impacts to bats arising from the development.