

Deadline	18/09/09		
Application Number:	S/2009/1098		
Site Address:	LAND ADJACENT ROOKWOOD COTTAGE TOLLARD ROYAL SALISBURY SP5 5PW		
Proposal:	ERECTION OF 1X 4 BED DWELLING		
Applicant/ Agent:	MIKE ETCHINGHAM - ETCHINGHAM MORRIS ARCHITECTURE		
Parish:	TOLLARD ROYALFOV/CHALKEVALLE		
Grid Reference:	394482 117778		
Type of Application:	FULL		
Conservation Area:	TOLLARD ROYAL	LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

Delegated Report

1. Purpose of Report

To consider the above application and to recommend that planning permission be **deferred** to enable Councillors to view the site

2. Main Issues

The main issues to consider are :

1. Principle
2. Impact on amenities
3. Impact on Conservation Area and Housing Restraint Area
4. Access and parking

3. Site Description

The site is a plot of land adjacent to Rockwood Cottage within the rural settlement of Tollard Royal and is within an Area of Outstanding Natural Beauty, Conservation Area and a Housing Restraint Area.

4. Planning History

Application number	Proposal	Decision
06/1252	Silvicultural thinning of sycamore and beech, fell 1x norwegen spruce	NOBJ 31/7/06
09/278	Erection of 4 bed dwelling and carport and associated works to vehicular access	WD

5. The Proposal

The proposal is for the erection of a two storey detached 4 bed dwelling and 2 parking spaces.

6. Planning Policy

The following policies are considered relevant to this proposal

- PPS1 PPS3
- G2- General Criteria for development
- D2, D3- Good design
- H19- Housing Restraint Area for Tollard Royal
- TR11 – Parking standards
- R2 – Outdoor sport and recreation facilities
- CN8 – Conservation Areas

7. Consultations (please use these headings where appropriate)

Highways

No objection in principle however concerns raised over parking provision

Environmental Health

No objection subject to condition

Wessex Water

No objection subject to informative

Wiltshire Fire & Rescue

No objections subject to sprinklers system

WCC archaeology

No objections

Arboricultural Officer

No objections

8. Publicity

The application was advertised by site notice/press notice /neighbour notification Expiry date 13/09/09

Neighbour notification Yes Expiry 03/09/09

Third Party responses Yes 4 letters of objection on the grounds of scale and design, overlooking, and parking, emergency vehicles.

9. Planning Considerations

9.1 Principle of development

The size of the application site is similar to other plots within the immediate surrounding area within Tollard Royal and is located off the B3081. The site lies between the residential properties of 'Rockwood Cottage', 'Gordon Cottage', 'Hope Cottage', and 'Church Hill Cottage' and is of a similar size plot to each of these neighbouring sites which lends itself to appropriate residential development that is appropriate in form within this sensitive environment. The site lies within a Housing restraint Area which states that the erection of a new dwelling, will be acceptable only if the following criteria are met;

- i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area
- ii) there is no loss of an important open space which contributes to the special character of the area
- iii) the loss of features such as trees, hedges, and walls, which contribute to the character of the area, is kept to a minimum; and
- iv) the development will be in keeping with the character of the neighbouring properties.

The following report assesses whether the proposal meets the above criteria.

9.2 Impact on residential amenities

The proposed dwelling is to be located on a currently vacant plot of land which is surrounded by existing properties along all adjoining boundaries. The plot is sited in an elevated position visible to the surrounding area. The proposed development is considered to have an impact on the surrounding properties due to the distance between them. The proposed dwelling is approximately 9m from 'Gordon Cottage', 30m from 'Hope Cottage' and over 10m from 'Church Hill Cottage'.

Concerns have been raised over overlooking and whilst it is accepted that the location of proposed windows at both ground and first floor level will face adjoining properties it is considered that this impact is reduced significantly by the distance between the properties. The South Western elevation has four windows at first floor level serving 2 bedrooms and 2 bathrooms however is proposed to be approximately 10m to the closest dwelling 'Church Hill Cottage' which itself has a number of first floor windows facing the application site and as such is considered that the location of the windows is acceptable as there will be no significant detrimental impact on the amenities of the adjoining property. The North East elevation has 2 windows at first floor level serving 2 bedrooms and a roof light serving the landing area. Whilst the proposed dwelling will finish closer the adjoining property of 'Gordon Cottage' it is again considered that the siting of the windows will not have a detrimental impact on the amenities of the neighbouring property due to the adequate distance between the two.

9.3 Access and parking

The site is to be accessed by an existing shared access off the B3081 that serves The Flints, The Old School House, Spindle Berries, Rockwood Cottage and Gordon Cottage. Parking provision is to be provided within the existing parking area shared by the surrounding dwellings The Flints, The Old School House, Spindle Berries, Rockwood Cottage and Gordon Cottage with an additional space to be provided directly adjacent to a garage which was approved in a

previous application (S/07/1921), creating a total provision of 2 spaces which is the maximum under parking standards Appendix V. This additional parking space will result in an increase in hard standing however it is considered that this will not be to the detriment of 'Rockwood Cottage'.

An objection has been received by Highways which raised concerns over an increased parking pressure on the Highway due to parking provision of 1 space. However an additional parking space has been provided which is considered to be acceptable in relation to the size of the dwelling and is at the maximum car parking standards as set out in appendix v of the adopted Salisbury District Local Plan.

9.4 Impact on Conservation Area and Housing Restraint Area

The immediate surrounding area is made up of modestly sized cottages and detached houses with good sized gardens that contribute to the characteristics of the area. The proposal is of a larger scale than any surrounding properties and it is considered that its scale whilst larger relates well to the overall size of the plot and immediately surrounding properties and would not introduce an awkward relationship and as such is considered to be acceptable.

The proposed detached house uses simple styling that utilises a brick and flint finish under a tiled roof. The dwelling itself will be located to the north east of the site which lies towards the lower end of the slope. The proposal also respects the characteristics of the surrounding conservation area with simple window design, painted timber window frames and is considered to be of a reasonable design and appearance. The proposed facing brickwork with flint coursed panels is considered to be acceptable and will merge well with other existing more recent properties such as The Flints and Chase Cottage as will the chimney stack and natural slate roof.

Whilst the site itself is currently made up of ageing woodland it is considered that from an Arboricultural standpoint the trees are all of a poor quality and therefore has no concerns regarding the loss of trees are raised. As a result, a refusal based on the removal of the trees and the impact on the wider area would be difficult to support at appeal.

The proposal is considered to have a limited impact on the Conservation Area due to the scale and design of the proposal. Furthermore the location of the proposal which is set back from the B3081 reduces the impact on the Conservation Area further. The proposed dwelling is similar in design to more recently constructed properties which will ensure that the proposal does not introduce an incongruous feature into the area. The proposal is considered to be acceptable in terms of its impact on the Housing Restraint Area as the development is in keeping with surrounding properties, will not result in the loss of an open space as the land directly adjacent to the B3081 is Parish Council land and does not form part of this application, does not have an adverse impact on the character of Tollard Royal due to the appropriate scale and design, and has kept the loss of trees on site to a minimum.

9.5 Recreational open space

As an additional dwelling is being proposed, the applicant must comply with policy R2 of the SDLP. R2 is usually dealt with by a unilateral agreement.

10. Conclusion

The proposed development due to its location within a relatively uniformed area is considered

to be acceptable and would introduce a development in harmony with the surrounding properties and Conservation Area. The scale, design, and highway safety of the proposal is considered to be acceptable for the reasons outlined above and as such is in accordance with saved policies G2, D2, H19, TR11, R2, and CN8 of the adopted Salisbury District Plan. The proposal is therefore considered acceptable, subject to a 106 agreement to receive R2 money and suitable conditions, which will be explained in detail at the next committee meeting.

Recommendation

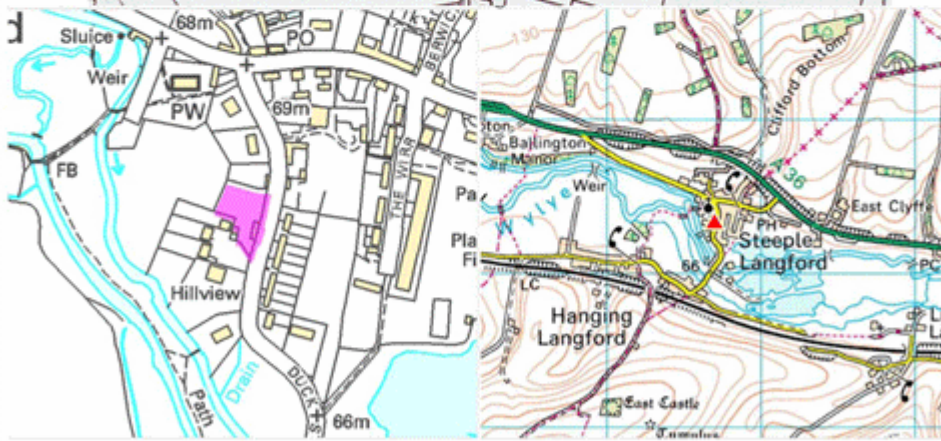
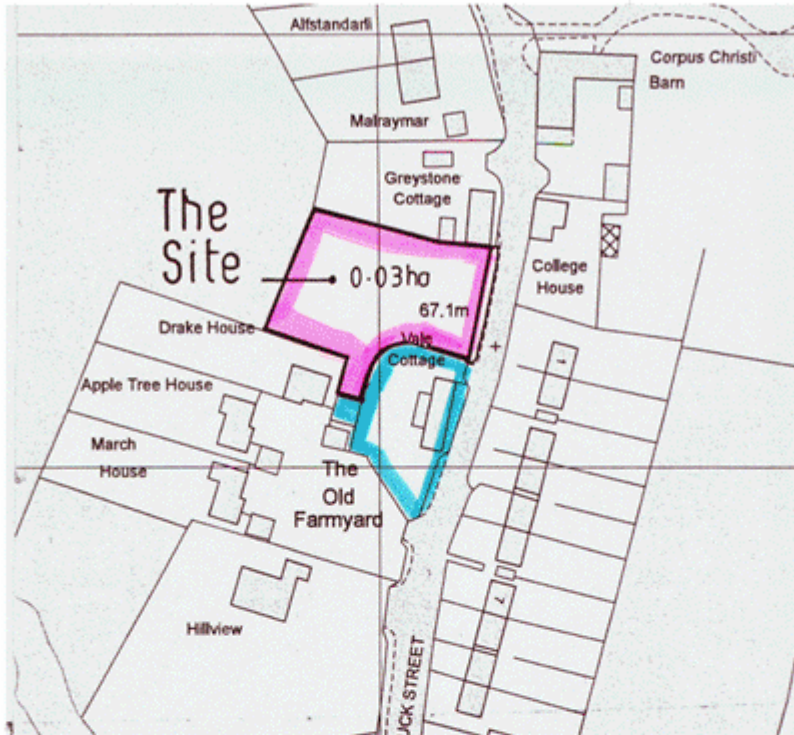
That the application is **deferred** to allow a site visit to be conducted prior to the next committee meeting as it is considered essential for the Councillors to view the site prior to making a decision.

Appendices:	None
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Background Documents Used in the Preparation of this Report:	Location Plan: ST274-29a Site as existing: ST274-30 Site Plan: ST274-32a Floor Plans: ST274-33 Elevations (sheet 1): ST274-34a Elevations (sheet 2): ST274-35a
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S/2009/1156

Site Visit:



Wiltshire Council
Where everybody matters

VALE COTT, STEEPLE LANGFORD, SP3 4NH

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Deadline	14/10/09		
Application Number:	S/2009/1220		
Site Address:	LAND ADJACENT TUCKING STONES TUCKINGMILL TISBURY SALISBURY SP3 6JA		
Proposal:	NEW DWELLING WITH ASSOCIATED CAR PARKING AND LANDSCAPING		
Applicant/ Agent:	MR TONY ALLEN		
Parish:	WEST TISBURYTISBURY		
Grid Reference:	393998 129195		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

Reason for the application being considered by Committee

The Director EDPH does not consider it prudent to exercise delegated powers given the history of the site including an appeal decision made in 1993, which cited landscape impact and coalescence of the settlements as reasons for dismissal.

1. Purpose of Report

To consider the above application and to recommend that planning permission be **REFUSED** on highway safety grounds.

2. Main Issues

The main issues to consider are :

1. Principle and site history
2. Scale, design and impact on the character of the countryside and locality
3. Impact on neighbouring amenities
4. Highway safety and sustainability
5. Public open space

3. Site Description

The site lies on the edge of Tisbury and fronts Vicarage Road, which connects Tisbury with Tuckingmill. The plot forms part of a stretch of open, rising land which separates the two settlements and forms part of the landscape setting.

The site comprises the garden area (as cited in the 1993 appeal) to the west of an existing dwelling called Tuckingstones. The garden slopes upwards towards the west, and an existing field shelter approved as an office/studio is sited in the south west corner, opposite a metal gate providing access onto the road. To the east are Tuckingstones and Tisere, and to the

immediate south is a field which slopes downwards towards Springfield Park. To the west are the dwellings of Mount Pleasant, and to the north is open countryside. The north boundary includes a number of mature trees and hedges, which screen the site from the road.

4. Planning History

Application number	Proposal	Decision	
1963	O/L 2 dwellings & double vehicular access	AC	13.3.64
2028	O/L 15 dwellings & garages	R	12.6.64
2327	Bungalow & altered access	AC	14.5.65
79/670	Single dwelling unit with access	A	6.9.79
82/757	Approval of matters reserved: dwelling & garage	A	10.11.82
88/1512	House, garage & access	AC	24.11.88
88/1688	Addition of dormer window & new pitched roof to porch/utility room at Tuckingstones	AC	18.10.88
92/1720	Erection of dwelling and garage and alterations to access	R	25/1/93 Appeal Dismissed
94/0581	Proposed pitched roofs over existing dormer windows	AC	13.06.94
95/430	Replacement Field Shelter	AC	30/06/95
07/1191	C/U of field shelter to home office / studio	WD	19/07/07
07/1504	C/U of field shelter to home office / studio	AC	17/09/07

5. The Proposal

The applicant is seeking to erect a two storey 4 bedroom dwelling with attached garage within the garden area to the west of Tuckingstones. The proposed east elevation of the dwelling would be set at the existing site level, with the remainder of the dwelling being 7.9 metres high to its ridge. The west elevation would be set lower than the existing site levels, and the existing site levels on the south boundary would be maintained. From the proposed plans, the ridge of the dwelling would not exceed the height of the existing field shelter/office/studio in the south west corner of the plot.

The majority of the fenestration for the house would be positioned on the north and south elevations, with first floor windows on the rear elevation being flat roof lead dormers. The dwelling would have hipped roof details, with stone heads above the windows, natural random coursed stone for the walls and a plain clay tile roof.

An integral garage would be provided, with wooden doors to the front. The garage would be served by a new entrance onto the road, set back 4.5metres from the edge of the highway. The existing gated entrance to the field shelter/office would be retained. Existing trees on the north boundary and the existing south hedge would be retained. A new 2 metre panel fence would separate Tuckingstones from the new property. The new dwelling would be over 19 metres to the west of Tuckingstones.

6. Planning Policy

The following policies are considered relevant to this proposal

PPS3	Housing
G2	General principles for development
H22	Main settlements
D2	Design
C5	Area of Outstanding Natural Beauty
R2	Public Open Space
TR11	Off street parking

7. Consultations

Parish council

Parish Councillors commended the overall design of the proposed new dwelling. The proposed use of natural stone is in its favour and a feature which councillors support.

However, after some debate, they resolved to object for the following reasons:

There are concerns that the proposed dwelling is to be situated on green belt land which straddles the two housing policy boundaries of Tisbury and Tuckingmill, thereby linking the two areas. Effectively at present, the proposed dwelling would be built in the open countryside. This is an elevated site, it is a large dwelling and the roof lines seem very high. Councillors would prefer to see something more sympathetic with the topography. The proposed dwelling is unlike any other properties in Tuckingmill – its features are very dominant and too big, and too high for its location.

Object to the proposed chimney – *Note: This has been deleted from the scheme.*

There are concerns regarding the access to the lane

Highways

Objection on sustainability and highway safety grounds (see below).

Environmental Health

No objection subject to conditions relating to restriction of hours of construction and prohibition of burning on site.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date 17th September.

7 letters of observation and objection that have been received. Summary of key points raised:

Site history – dwellings have been refused on this site in the past in 1992/93

Breaches defined building line, contour line and development area. Lies within the green belt between the two settlements. Need to retain as open space and a rural break from Tisbury.

Dwelling is too big, too high and out of keeping with the area. Not clear how tall it is or what the materials area. Impact on topography, the building will dominate the location, needs to be closer to Tuckingstones.

Lane is too narrow, with too much traffic. No road surface drainage or pavement. New access would be hazardous. Loss of hedgerow.

Use of field shelter as a barn is misleading.

Needs sympathetic use of Chilmark stone.

9. Planning Considerations

9.1. Principle and site history

The site has been the subject of a similar proposal in 1992, which was refused on the principle, design and landscape impact grounds, and later dismissed at appeal in 1993. Please refer to Appendix 1 for the Inspector's report.

The replacement Salisbury District Local Plan was not adopted until June 2003, and postdates the appeal with the inclusion of Policy H22. The current application must therefore be considered afresh, in the light of the current guidance for brownfield land in PPS3 and the Local Plan.

PPS3 states that, *“Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.*

Policy H22 sets out the criteria for proposals for new housing development *outside* a housing policy boundary on brownfield land in the main settlements of the District including Tisbury. It states:

In the main settlements of the District, residential development will be permitted on previously developed urban land outside a housing policy boundary provided that the site is

- i) not identified for an alternative form of development in this Local Plan
- ii) well related to the existing pattern of development and
- iii) accessible by public transport.

Development of the proposed site for a dwelling in the established garden area of Tuckingstones is therefore acceptable in principle, provided the three policy tests set out in H22 and the other policies of the local plan can be satisfied. These are considered below.

9.2. Scale, design and impact on the character of the countryside and locality

Several third parties and the Parish Council have objected to the proposal on the grounds of its

impact on the character of the landscape. The 1993 appeal also cited landscape impact as a reason for dismissal. In summary, it states, *“The development would encroach upon this open wedge of land and would be seen as extending the built up area of Tisbury further up the hill, particularly in the view obtained from the environs of the railway station. The appeal site appears to be beyond the limits of this (Springfield Park) bowl in an area that could increase pressure for the remaining land fronting Vicarage Road to be developed. The proposal would cause significant harm to the character and appearance of the surrounding area.”*

However, the application has been considered afresh, given the stance set out by Policy H22 and the current local plan policies. Policy D2 sets out the general criteria for the design of infill development, which should respect or enhance the character or appearance of an area and Policy C5 seeks to ensure that the siting and scale of development are sympathetic with the AONB and standards of landscaping and design are high. The proposed dwelling would be constructed from stone, with a plain clay tile for the roof. The materials are considered to be suitable for the location and sympathetic with the landscape. It is noted above that the Parish Council commended the overall design of the dwelling.

The issue of coalescence is not addressed in Policy H22, and the reliance is on the proposal having an acceptable impact on the character of the landscape. In terms of landscape impact, the siting of the dwelling would be lower than existing site levels to the west, and the dwelling would be partially screened by the hedge on the south boundary and existing trees and hedges on the north boundary. The roofline, which would be 7.9 metres above the ground level, would be visibly broken by the proposed hips and flat roof dormers. From higher ground, such as Mount Pleasant, the dwelling would be viewed against the urban backdrop of Tisbury, and would not therefore occupy an unacceptably prominent or conspicuous location. The breach of a height contour line described by third parties does not exist in policy terms. Therefore, the proposal is considered to be acceptable in terms of its design and siting, and would not appear unduly prominent or out of character with the locality, given the proximity and visual relationship with the urban settlement of Tisbury. Existing mature trees on the south and north boundaries would be retained.

For the reasons set out above, the proposal is considered to satisfy Policy D2 and C5, and would not cause significant harm to the character or appearance of the surrounding area.

9.3. Impact on neighbouring amenities

There are no immediate neighbours who could be affected by overlooking or dominance, other than Tuckingstones. The proposed dwelling would be sited about 19 metres away from Tuckingstones, and there are no first floor windows on the east elevation facing Tuckingstones, and the impact on the amenities of the occupiers are considered to be in accordance with policy G2.

9.4. Highway Safety and Sustainability

Policy H22 states that the site must be well related to the existing pattern of development and accessible by public transport in order to be acceptable for development. The highways department have objected to the proposal as follows:

This proposal utilises a new access point adjacent to the garden store access which is retained and the proposed dwelling is located in land outside housing policy limits. Policy H22 is noted and is not considered to apply in this instance. Refusal is recommended on the following grounds:-

1. *The existing access road serving the development is derestricted being subject to the National speed limit, single width, unlit, without the benefit of footways and further development along its length will only exacerbate existing road safety hazards.*

2. *The proposal is located outside the limits of Housing Policy H16 of the Local Plan, is not well served by public transport and will encourage use of the private car against the key aims of PPG 13 which seeks to reduce the growth in the length and number of motorised journeys.*

The Director EDPH considers that the proposal is accessible by public transport. Less than 100m to the east of the site next to Tisere is a public footpath leading to Brook Close, and the railway station would be about ten minutes walk. Buses are available from the centre of Tisbury. Furthermore, the emerging core strategy describes Tisbury as *an important local centre, which is strongly benefited by the existence of the railway service between London and Exeter. Modest new growth will be sympathetically designed and located so it blends with the village and takes account of the constraints presented by the poor access roads and the sensitive landscape of the AONB.* Therefore, officers do not agree that the site is unsustainably located. However, the recommendation by highways to refuse the scheme on highway safety grounds is undisputed. Therefore, the proposal would be contrary to Policy G2 of the Salisbury District Local Plan.

9.5. Public Open Space

The applicant has completed a Section 106 Agreement in accordance with Policy R2.

10. Conclusion

The site is considered to be in a sustainable location, and would utilise existing brownfield land on the edge of one of the District's main settlements. The proposed dwelling would be constructed from suitable materials, and it would not have a significant impact on landscape character or quality as it would be viewed against the backdrop of the existing urban settlement. However, the proposed access would be detrimental to highway safety.

Recommendation

It is recommended that planning permission is **refused** for the following reasons:

1. The existing access road (Vicarage Road) serving the development is derestricted being subject to the National speed limit, single width, unlit and without the benefit of footways. Further development along its length will only exacerbate existing road safety hazards. The proposed development would therefore be contrary to Policy G2 of the Salisbury District Local Plan.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

INFORMATIVES

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

Plan Ref North and South Elevations with Amendment A. Date Received 14/9/09

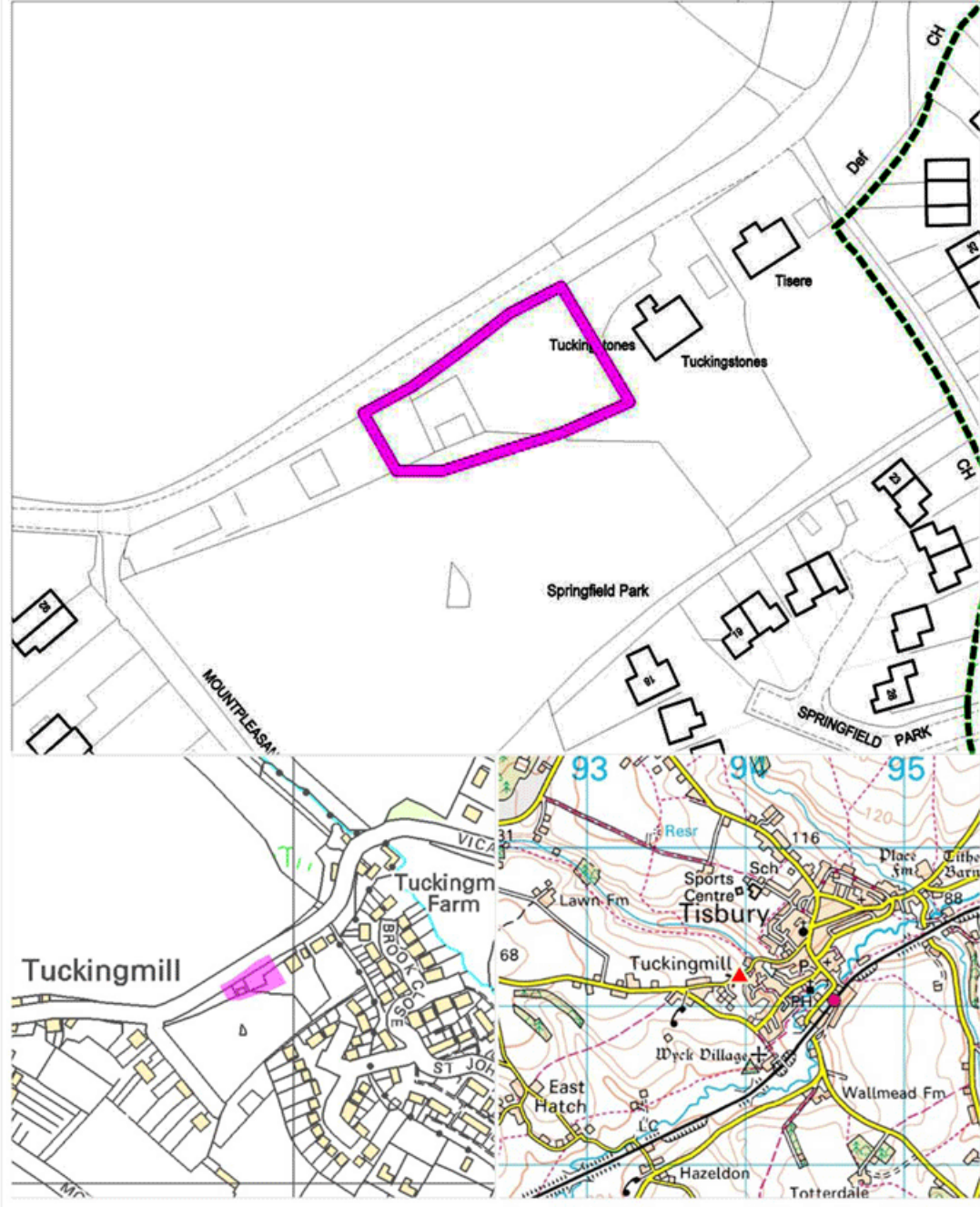
Plan Ref Extg Site Section, West and East Elevations with Amendment A. Date Received 14/9/09
 Site Location Plan and Floorplans with Amendment A. Date Received 14/9/09
 Section Through Road, Block and Roof Plan with Amendment A. Date Received 14/9/09

2. It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

Appendices:	Appendix 1: Appeal Decision for S/1992/1720 TP
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Background Documents Used in the Preparation of this Report:	<p>NONE.</p> <p>Plan Ref North and South Elevations with Amendment A. Date Received 14/9/09 Plan Ref Extg Site Section, West and East Elevations with Amendment A. Date Received 14/9/09 Site Location Plan and Floorplans with Amendment A. Date Received 14/9/09 Section Through Road, Block and Roof Plan with Amendment A. Date Received 14/9/09</p>
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Site Visit:



Deadline	01/10/09		
Application Number:	S/2009/1156		
Site Address:	ADJACENT TO VALE COTTAGE DUCK STREET STEEPLE LANGFORD SALISBURY SP3 4NH		
Proposal:	CONSTRUCTION OF DETACHED DWELLING, FORMATION OF NEW ACCESS AND CONSTRUCTION OF DETACHED GARAGE (REVISED DETAILS)		
Applicant/ Agent:	MR COLIN BURROWS		
Parish:	STEEPLE LANGFORDTILL/WYLYEVALLE		
Grid Reference:	403690 137349		
Type of Application:	FULL		
Conservation Area:	STEEPLE LANGFORD	LB Grade:	
Case Officer:	Mr R Palmer	Contact Number:	01722 434377

Reason for the application being considered by committee

Councillor West has requested that this item be determined by Committee due to:

- (i) Scale of development
- (ii) Visual impact upon the surrounding area
- (iii) Relationship to adjoining properties
- (iv) Design – bulk, height, general appearance

He also states there is a great deal of local interest in this application and recommends a site visit.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to a S106 Agreement in respect of the provision of public open space in accordance with policy R2 of the adopted Salisbury District Local Plan.

2. Main Issues

The main issues to consider are :

1. Principle
2. Previous planning permission (S/2008/1149)
3. Previous refusal (S/2009/0788)
4. Impact upon the character of the Conservation Area, adjacent listed building, HRA and AONB
5. Residential amenity

- 6. Trees
- 7. Drainage
- 8. Flooding
- 9. SSSI/SAC/Ecology.
- 10. Highways
- 11. Archaeology
- 12. R2

3. Site Description

Vale Cottage is situated within a Housing Restraint Area, the Conservation Area of Steeple Langford and the AONB. To the north of the site is a Grade II listed building comprising of a thatch cottage.

This part of the village comprises a variety of old and modern housing differing materials, heights and designs. They are set at varying distances back from the road, which winds through this relatively flat area.

There is a mixture of dwelling types, design, age, materials and relationship to the road, including white rendered Vale Cottage with two gable windows in the front elevation ; stone and thatched Greystone Cottage which also has a gable window in the front elevation, and stone and tiled College House with steeply pitched roof and gable with stone coping in the front elevation (all set close to/on the edge of street) and the more modern development of the red brick houses of The Old Farmyard and semi-detached dwellings to the north and rendered terraces opposite which are set back from the street.

4. Planning History

Application number	Proposal	Decision
95/0393	To fell trees (Conifer and 2 limes)	NOBJ 02.05.95
97/1915	Tree surgery	NOBJ 12.01.98
07/2132	Tree Surgery	NOBJ 04.12.07
08/0298	Fell Cherry tree	NOBJ 13.03.08
08/1149	Construction of two-storey detached dwelling, formation of new access and construction of detached garage	Approved with condition 22.08.08
09/0788	Construction of three storey detached dwelling, formation of new access and construction of detached garage (Revised details)	Refused 31/07/09

5. The Proposal

To subdivide the garden to create a building plot for one detached dwelling and garage with new vehicle access

6. Planning Policy

The following policies are considered relevant to this proposal

Salisbury District Local Plan
G1 (Sustainable development)
G2 (General Criteria)
G5 (drainage infrastructure)
C4 & C5 (Development within the AONB)
D2 (Design)
C12 (Protected species)
CN3 & CN5 (listed buildings)
CN8 (Conservation Area)
R2 (Recreation Open Space)
H19 (Development in Housing Restraint Area)

PPS1 – Sustainable development
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation
PPS25 – Development and Floodrisk
PPG15 – Planning and the Historic Environment

7. Consultations

Parish council

The Parish Council has considered the revised application which is very similar to the previous one which was refused, and has the following objections and observations to make:

1. The size of the plan is still the same;
2. Three bathrooms is overloading the system;
3. Not in keeping with the surrounding area as there is nothing like it in the parish;
4. Extra load into an already struggling sewage system;
5. The plan shows the height of the building to the roof ridge and not to the top of the chimney. This is misleading and does not give the correct information.
6. The application is in an AONB and conservation area and could adversely affect the views across the area;
7. Concerns about the construction being close to Greystone Cottage, a Grade 2 listed building as the building will be overwhelmed by such a large construction. What precaution are being proposed to protect the foundations of Greystone Cottage?;
8. Planned construction is close to the flood plain;
9. The access is directly on to a very narrow road with poor visibility and restricted views.

WC Highways

No highway objection be raised subject to the following conditions being attached:

Précis: (i) First 5m of access being consolidate (ii) Gradient of access being no steeper than 1 in 15; (iii) discharge of surface water

WC Archaeology

I note comments that the site has not been built on. Andrew's and Dury's Map of Wiltshire of

1773 indicates that the village did include this area at this time. I would recommend an archaeological watching brief takes place during the initial stages of construction to record any early settlement features that may exist in the area.

WC Arboricultural Officer

No objection

WC Environmental Health

No objection subject to the following condition (précis) (i) No construction work to take place on Sundays or public holidays or outside 8.am to 6pm weekdays and to 1pm on Saturdays.

Wessex Water

The site is within a foul sewer area and a mains water area

Wiltshire Fire and Rescue

Domestic sprinkler system recommended

WC Conservation Officer

No objection to the principle of a new house on this plot which, as you are aware, has been the subject of two previous applications.

I do have concerns about the rooflights on the rear roofslope as I think they are overly dominant. I would suggest one velux would provide ample light (and heat) to a room of this size, particularly as there is also a suntile.

Not sure about the pavouirs for the surface treatment. Is it not possible to have bonded gravel ? I think this would be more in keeping with the village character. Pavouirs are much more urban in character.

I would suggest the following conditions :

Approval of roofing material (slate/clay tile)

Porch detail at 1 :20

Windows to be painted timber and details provided at 1 :5 ;

Door timber and detail at 1 :10 ;

Approve stain for weatherboarding ;

To approve details of rooflight ;

But most critically is to approve a decent constructed panel of stone and mortar to act as an approved 'template' for the house.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification
Expiry date 10.09.2009

Two letters of objection that have been received:
Summary of key points raised:

- (i) The footprint of the building is still basically the same;
- (ii) No reduction in the potential output of foul water/Problems with the foul sewerage in the area;
- (iii) No adjustment made to the drive with poor access onto Duck St.
- (iv) No substantial reduction in ridge height. The building will still be very oppressive;
- (v) It is still basically the same width and length;
- (vi) The revised plans will not reduce the impact on the surrounding area and the dwelling is much higher than the surrounding area and will affect the Conservation Area;
- (vii) Its size will be disproportionate in the area and out of keeping;
- (viii) Access arrangements onto the narrow lane will be a highway hazard. The lane is used by many school children;
- (ix) The depth of the building will affect the rural character;

9. Planning Considerations

9.1 Principle

The site is located in the HRA, where the principle of the erection of a new dwelling will be acceptable where there is no adverse impact to the character of the settlement, there is no loss of an important gap or open space which contributes the character of the area, does not require the loss of features such as trees which contributes the character of the area, and that the development is in keeping with the character of neighbouring properties. Policy H19 describes that the character of the HRA is normally derived from an open loose-knit pattern of development and the underpinning principle of the HRA is to ensure that development will not have an adverse impact on the character of the environment.

Policy D2 of the Adopted SDLP states that proposals for street and infill development will be permitted where proposals respect of the enhance the character or appearance of the area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

The site is also located within the Steeple Langford Conservation Area where the Local plan policies require that development within Conservation Areas should preserve or enhance the character of the area, where the form, scale and design of new development and the materials used, respect the character of the area, in accordance with policy CN8. Greystone Cottage to the north of the site is a Grade II listed building. The listed building policies CN3 and CN5 requires that development within or outside of the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building. Within the AONB, development proposals should respect the need for high standards of design and materials and are sympathetic to the landscape.

PPS3 and PPS1 gives clear guidance to the Government's objective and commitment to promoting the efficient use of land, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and should not be allowed if it would be out of character or harmful to its locality.

A proposal for development within the curtilage of Vale Cottage, is not therefore unacceptable in principle, provided that it can demonstrate appropriate scale, design and impact upon the listed building, conservation area, AONB and other considerations outlined below.

9.2 Previous Approval of planning permission (S/2008/1149/TP)

Planning permission was granted for a two storey detached dwelling, garage and with alterations to access on 22.08.2008. In this respect it was considered that the proposed height (8.8m to the ridge), scale, design, impact to setting of Grade II listed building and its impact upon character and appearance of Conservation Area, housing restraint area and AONB was acceptable, subject to conditions. Furthermore it was considered that the development would not result in an adverse impact upon the amenities and living environment enjoyed by existing and proposed residents and will not result in an adverse impact to highway safety.

9.3 Previous Refusal of planning permission (S/2009/0788/TP)

Planning permission was refused in July 2009 for a three storey house. Whilst the house which was approved was 8.8m high this proposal was 9.2m high and included an extra projection to its frontage. There was also a rear 3rd floor addition with a large 'triangular window' in the gables and a larger rear extension. It was this increased height combined with the resulting increase in the massing, which was considered would result in the dwelling being too dominant on the site, be overbearing on the two neighboring dwellings and become a dominant feature in the 'streetscene'. It was subsequently refused for the following reasons:

1) Duck Street in Steeple Langford consists of a mixture of housing development of a variety of ages and designs. Towards the centre of the village, the built-up development is more dense and in some cases higher compared to the less dense southern side. The application site is towards the southern side of Duck Street, where the character is more spacious with one & half and two storey dwellings. It is considered that the proposed building by reason of its height, width, scale, massing and design, will form a dominant form of development that would be out of keeping and detract from this existing character and subsequently will have an adverse visual impact within the street scene and appearance of the Conservation Area and the appearance of the Area of Outstanding Natural Beauty. Furthermore, it is considered that the proposed building will have an adverse visual impact upon the setting of the Grade II listed building to the north of the site by reason its extra height and dominance. It is therefore considered that the proposed development is contrary to saved policies D2, H19, CN5, CN8 and C5 of the adopted Salisbury District Local Plan.

(2) The proposed development, in that it does not make adequate provision for public recreational open space, would be contrary to saved policy R2 of the Adopted Salisbury District Local Plan.

9.4 Scale, design, impact to setting of Grade II listed building and character and appearance of Conservation Area, housing restraint area, AONB

As before, the proposed site would be created through the severance of the area of the side garden of Vale Cottage and is currently well screened from the street by a mature hedge to the east boundary. A new vehicular access will be created for the proposed dwelling running alongside the existing drive to Vale Cottage. The proposal will reduce the hedging to the street frontage through creating an additional access.

The neighbouring dwellings are 1½ storey and two storey, and whilst there are three storey dwellings elsewhere in this road, these are towards the main built-up heart of the village rather than towards the southern rural edge, as per the site. Thus the return to a two storey dwelling, with no evidence that the roof space is occupied from the front elevation, is welcomed.

Following the refusal of planning permission, the revised proposal has returned the height of the proposed dwelling to the previously approved 8.8m height and the appearance of the front will be exactly the same. The proposal will introduce rooflights and an extra dormer to the rear roof slope in order to utilise the attic space and being at the rear, they will have minimal visual impact upon the general visual amenities of the area. The rear extension will be larger, but this will remain single storey and will be screened by a garden wall and gates leading to the garage and rear garden. The rear extension, whilst larger, than that previously approved, still appears subservient to the main body of the house and is not prominent to the various elevation views. This rear extension also did not form a reason for refusal of the last planning application. It is therefore considered that when viewed from the streetscene, views in the conservation area and upon the setting of the listed building to the north, will be the same as that which was previously approved, and is thus considered to be acceptable. Furthermore, with consideration of the overall development, the qualities of the AONB will be maintained. Further details of windows, doors and detailing etc including the proposed rooflights on the rear roof slope have been requested as part of a condition of this permission.

9.5 Residential amenity

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers.

The dwelling has been designed with principal elevations to the front and rear with limited windows on the side elevations to avoid impact to the adjacent dwellings to either side of the plot (including the existing). The dwelling is set back from the road and the side boundaries the same distance as previous, and thus it is considered that it would not result in an adverse impact upon the amenities, such as overlooking or loss of daylight of the neighbours, compared with the approved scheme.

Greystone Cottage has a first floor gable window which will overlook the front garden of the proposed development site. The proposed dwelling is set further back than Greystone Cottage, and it is not considered that the outlook from this window will significantly change as it will look out over the front garden of the proposed dwelling.

Achieving high quality housing via good quality design is a key objective of the Government, reflected in guidance within PPS3 and PPS1. PPS3 states that matters to consider when assessing design quality include the extent to which the proposed development provides private outdoor space such as residential gardens. It goes on to expand that where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is a good provision of private garden areas which should be well-designed, safe, secure and stimulating.

The Design and Access statement explains that the design layout of the dwelling has taken into account Drake House to the south (part of The Old Farmyard residential development) which currently overlooks the side garden of Vale Cottage. A garage has been attached to the south side of the proposed dwelling giving privacy to the north of the garage for the occupiers of the new dwelling.

It was considered that even the previous refused scheme, which had greater height and massing, would not *unduly* affect the amenities of the adjacent occupiers, due to the distance away from the side boundaries, and being set back into the site a sufficient distance. Thus it is considered this revised more modest design is considered acceptable.

9.6 Trees

Like the previous planning permission S/2008/1149, this application has taken into account the provision of a sufficient tree protection zone around the mature tulip tree to the north boundary of the site and also to revise the turning area in front of the dwelling to ensure that the birch trees within the front hedge can be retained. The arboricultural officer has agreed that subject to conditions requiring the development to be completed in accordance with an arboricultural method statement providing more details on the construction of the north west corner of the lounge of the proposed development, that the most important trees can be adequately protected during the period of site clearance and construction.

9.7 Drainage

Policy G5 of the local plan requires development to have a satisfactory means of foul sewage disposal and states in sewered areas new development will be expected to connect to main drainage. It is proposed to connect to the mains sewer.

Local objections have still been received in relation the inadequacy of the existing mains drainage system. However, Wessex Water has confirmed that the existing public foul sewer has sufficient capacity to accommodate the additional foul flows from the proposed dwelling.

9.8 Flooding

Third party concerns have been raised relating to flooding and surface water drainage.

The applicants have confirmed that the pond to be infilled is not spring fed.

The site is located outside of floodzone 2 and 3 and the Environment Agency's standing advice on development and flood risk confirms that a Flood Risk Assessment is not required for the site.

No objection in principle has been raised from SDC Environmental Health Department, subject to conditions.

9.9 SSSI/SAC/Ecology

The application is in the vicinity of the River Avon Special Area of Conservation and Site of Special Scientific Interest. A construction method statement has been submitted with the application addressing how pollution to the river will be prevented. Subject to a condition requiring the development to be completed in accordance with the method statement, it is considered that the development, either alone or in combination with other plans or projects is not likely to have a significant effect on the important interest features of the River Avon SAC, or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest.

Planning authorities are required to take account of the presence of protected species, when considering applications for planning permission. However, the protected species legislation applies independently of planning permission. It is considered reasonable to attach an informative to the consent to make the applicant's aware of the legal obligations towards protected species.

9.10 Highways

Off-street parking and turning space is provided on site and subject to conditions and a revision to the access visibility splay Wiltshire Council Highways Department have raised no objections to the proposal.

It is considered that adequate off-street parking is provided and third party concerns relating to obstruction of the public highway caused by parking on the street are not material to this application.

9.11 Archaeology

The County Archaeologist has recommended a condition requiring an archaeological watching brief if development is allowed.

9.12 R2

The scheme relates to the creation of an additional unit of accommodation, and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment.

10. Conclusion

The proposed development has been considered against the requirements of Local Plan policies. It is considered that the proposal respects the character and appearance of the conservation area, setting of the adjacent listed building, housing restraint area and Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Subject to conditions, it is not considered that the development will result in an adverse impact upon the amenities and living environment enjoyed by existing and proposed residents and will not result in an adverse impact to highway safety.

Recommendation

Following completion of a Section 106 legal agreement to secure a commuted sum towards the provision of public open space in accordance with policy R2 of the adopted Salisbury District Local Plan 2003, then planning permission be granted for the following reasons:

The proposed development has been considered against the requirements of Local Plan policies. It is considered that the proposal respects the character and appearance of the conservation area, setting of the adjacent listed building, housing restraint area and Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Subject to conditions, it is not considered that the development will result in an adverse impact upon the amenities and living environment enjoyed by existing and proposed residents and will not result in an adverse impact to highway safety. As such it is considered to be in accordance with the following policies G1, (Sustainable development); G2 (General Criteria); G5 (drainage infrastructure) C4 & C5 (Development within the AONB); D2 (Design); C12 (Protected species) CN3 & CN5 (listed buildings); CN8 (Conservation Area); R2 (Recreation Open Space) H19 (Development in Housing Restraint Area); PPS1 (Sustainable development); PPS3 (Housing); PPS9 (Biodiversity and Geological Conservation); PPS25 (Development and Floodrisk); PPG15 (Planning and the Historic Environment)

Subject to the following conditions:

1) 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 section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2) Before development is commenced, samples of materials and finishes, to be used for the external walls and roofs of the proposed development (to include the stone, bricks, roof tiles, slates and colour of the stained boarding) shall be submitted to and approved in writing by the Local Planning Authority. In addition before development is commenced, the surface material of the driveway shall be approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the dwelling and driveway is appropriately detailed.

Policy: G1 (Sustainable development); G2 (General Criteria); C4 & C5 (Development within the AONB); D2 (Design); CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area)

(3) No development including site clearance shall commence until an arboricultural method statement in relation to protecting the tulip tree during the development has been submitted to and approved in writing by the local planning authority. The statement must include details on the method of construction of the north west corner of the lounge (which encroaches into the 7.5m radius tree protection zone) and include details of the fencing around the remainder of 7.5m radius tree protection zone in accordance with BS 5837:2005 and include any other means needed to ensure that the tulip tree will not be harmed during the development. The statement must also include details of the method of construction of the retaining wall to the patio. The tulip tree must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act, so as to ensure that the amenity value of the most important trees growing within the site are adequately protected during the period of site clearance and construction.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); CN8 (Conservation Area)

(4) The development shall be completed in accordance with the arboricultural method statement received by this office on the 27th June 2008.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act, so as to ensure that the amenity value of the most important trees growing within the site are adequately protected during the period of site clearance and construction.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); CN8 (Conservation Area)

(5) No delivery of plant, equipment or materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 and 18:00, weekdays and 08:00 and 13:00 on Saturdays.

Reason: Due to the proximity of existing residential uses

Policy: G2 (General Criteria)

(6) Before development commences, a scheme for the discharge of surface water from the buildings and all hard surfaces and driveways hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out as approved. The approved scheme shall include measures to limit surface water run-off.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

Policy:- G5 (drainage infrastructure)

(7) No development shall take place within the area of the application until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation in relation to an archaeological watching brief to take place during the initial stages of construction, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To record any early settlement features that may exist in the area. Langford is first mentioned in documents of AD943 suggesting that the settlement here dates from the Saxon period. The settlement certainly continues into the medieval period as All Saints Church displays Norman features. By the time of Andrew's and Drury's map of 1773 the village certainly extended into the area of the above proposal.

Policy: G2 (General Criteria); PPG15 (Planning and the Historic Environment)

(8) Any gates to close the access shall be set back a minimum distance of 4.5m from the carriageway edge and made to open inwards away from the highway only.

Reasons In the interests of highway safety

Policy:- G2 (General Criteria)

(9) Prior to the first occupation of the dwelling hereby approved, the driveway and turning areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before the commencement of development.

Reasons In the interests of highway safety

Policy:- G2 (General criteria)

(10) The gradient of the access shall not exceed 1 in 15 for a distance of 4.5m back from the carriageway edge.

Reasons In the interests of highway safety

Policy:- G2 (General criteria)

(11) Before development commences on the site, details of the disposal of surface water on the site so as to prevent its discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority, and the agreed details shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of highway safety.

Policy:- G2 (General criteria)

(12) The rainwater goods on the development hereby permitted shall be of cast iron or aluminium. Details of the colour and profile of shall be submitted to and approved in writing prior to development commencing on site. Development shall be completed in accordance with the agreed details.

Reason: To ensure that the dwelling is appropriately detailed.

Policy: - CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area)

(13) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no alteration or extension to the dwelling, nor any extensions, enlargement or alterations to the roof (including the insertion of rooflights), nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); D2 (Design); CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area)

(14) The development hereby approved shall be completed in accordance with the method statement (Ecological and Biodiversity Statements) detailing measures to limit the risks of pollution during construction works to the river system received by this office on the 6th August 2009, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent habitat loss, pollution and damage to the River Avon System Site of Special Scientific Interest and Special Area of Conservation during construction works, to ensure that the nature conservation interests of the SSSI/SAC are safeguarded.

Policy:- G1 (Sustainable development); C12 (Protected species)

(15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows added to all elevations of the dwelling other than those hereby permitted.

Reason: To ensure that the Local Planning Authority retains control over any additional windows in the interests of residential amenity (to ensure adequate privacy for the occupants of neighbouring premises) and their visual impact in the conservation area.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); D2 (Design); CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area)

(16) Before work on the stonework walls of the dwelling hereby approved commence, a sample stonework panel shall be constructed on the site (demonstrating the coursing and

mortar) and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the dwelling is appropriately detailed.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); D2 (Design); CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area)

(17) The development shall not commence until detailed drawings showing the elevation and horizontal and vertical sections of the main external door (at a scale of 1:10); section drawings through the corbelled eaves of the dwelling (at a scale of 1:5); the elevations, horizontal and vertical sections of the windows and dormer windows (at a scale of 1:5) of the dwelling and drawings of the porch canopy and timber supports (at a scale of 1:10), the rooflights hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the dwelling is appropriately detailed.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); D2 (Design); CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area).

(18) Before development is commenced, full details of the chimney stack to include samples of the proposed bricks detailed drawings of the corbel detail (at a scale of 1:5) shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure that the dwelling is appropriately detailed.

Policy:- G2 (General Criteria); C4 & C5 (Development within the AONB); D2 (Design); CN3 & CN5 (listed buildings); CN8 (Conservation Area); H19 (Development in Housing Restraint Area)

INFORMATIVES: - POLICY

This decision has been in accordance with the following saved policies of the Salisbury District Local Plan:

G1 (1); G2 (General Criteria); G5 (drainage infrastructure); C4 & C5 (Development within the AONB); D2 (Design); C12 (Protected species); CN3 & CN5 (Listed Buildings); CN8 (Conservation Areas); R2 (recreational open space); CN21 & CN22 (Archaeology); H19 (Development in Housing Restraint Area).

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE:- Wessex Water

The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (2) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not where apparatus will be affected change Wessex Water's ability to seek agreement as to the carrying out of diversionary and or conditioned protection works at the applicant's expense or in default of such agreement the right to prevent the carrying out of any such development proposals as may affect its apparatus.

INFORMATIVE:- Trees in Conservation Areas

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present.

All species of bats and their roosts are legally protected. Bats may use trees with suitable holes, crevices or cavities for roosting at anytime of year but they are usually difficult to detect. If you think tree works may affect a bat roost, you should seek advice from a bat expert who will be able to advise on how to avoid harming bats. If bats are discovered during tree works, you should stop work immediately and consult Natural England at their Devizes office 01380 725 344.

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1st March and 31st August but it may occur outside this period. If there is a likelihood breeding birds are present, you must delay tree works until young birds have left the nest or the nest has been abandoned.

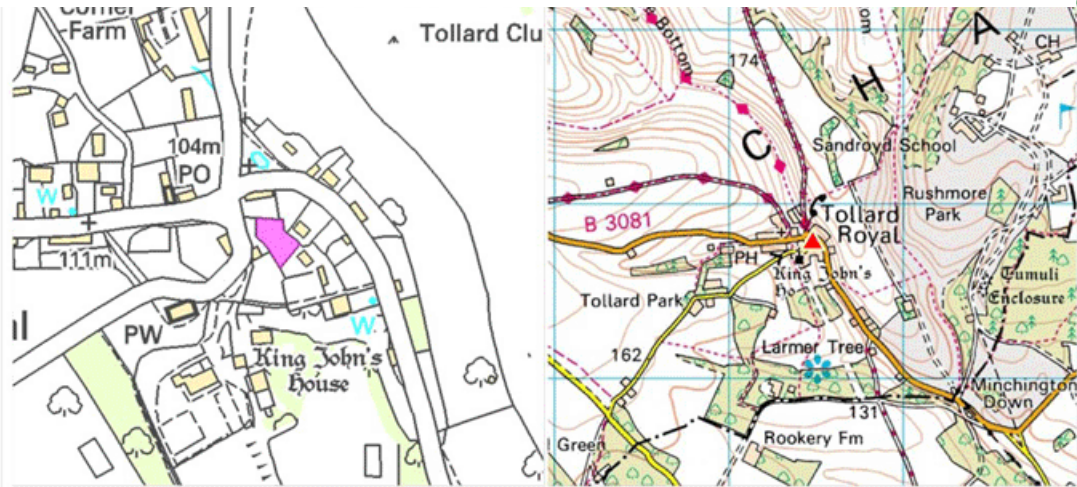
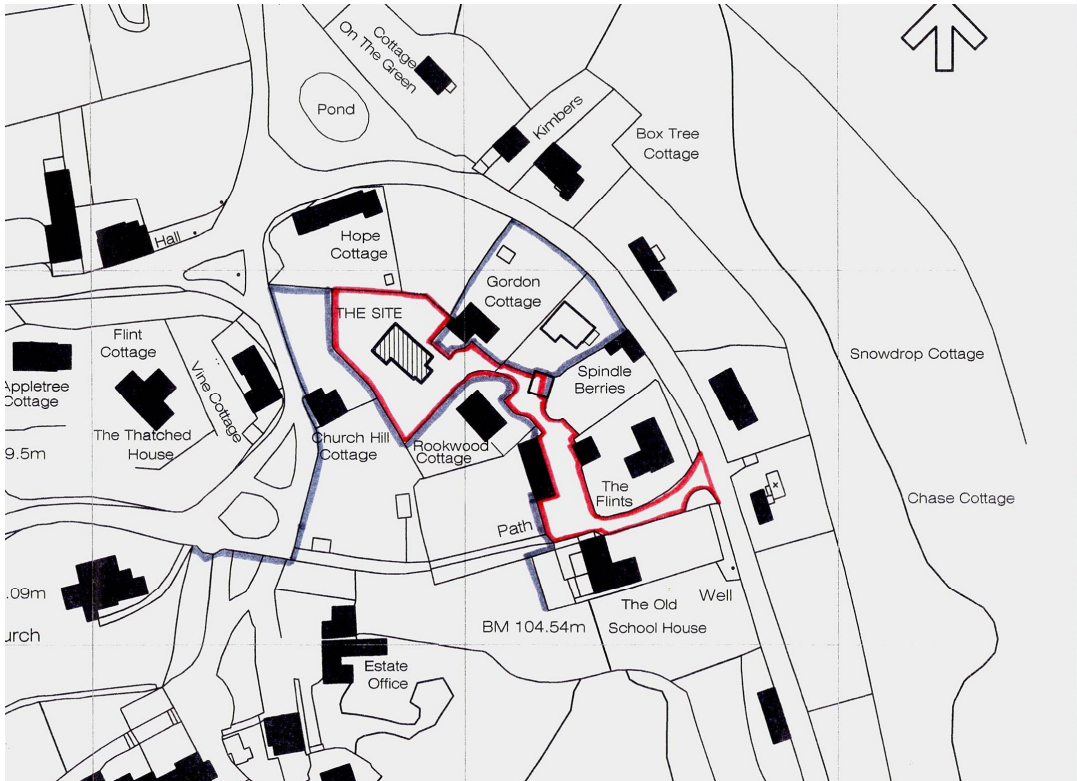
Appendices:	None
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Background Documents Used in the Preparation of this Report:	02909/5; 02909/6; 02909/7; 02909/8.
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ERECTION OF 1X 4 BED DWELLING

Site Visit:

S/2009/1098



ROOKWOOD COTT, TOLLARD ROYAL, SP5 5PW

SCALE: NTS DATE: 24/09/2009 10:09:55
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Deadline	06/10/09		
Application Number:	S/2009/0975		
Site Address:	BROKEN BRIDGES NATURE RESERVE NEWTON ROAD SALISBURY SP2 7QA		
Proposal:	CHANGE OF USE OF MEADOWLAND FROM AGRICULTURAL TO INFORMAL RECREATION WITH LOW INTENSITY GRAZING		
Applicant/ Agent:	DR CHRISTOPHER COCHRANE		
Parish:	NETHERHAMPTONFOV/CHALKEVALLE		
Grid Reference:	412639 130036		
Type of Application:	CU		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce- White	Contact Number:	01722 434682

Reason for the application being considered by Committee

The application is made by Councillor Cochrane of Wiltshire Council (Fisherton & Bemerton ward).

1. Purpose of Report

To consider the above application and the recommendation of the case officer to APPROVE the development subject to conditions.

2. Main Issues

- Principle of development
- Character and appearance of the area
- Ecological impact
- Flood risk

3. Site Description

The site relates to 10ha of water meadows situated between Harnham and Lower Bemerton. A public footpath runs through the middle of the site, linking these two built up areas. The Local Plan designates the site as falling within an Area of High Ecological Value as well as the Landscape Setting of Salisbury and Wilton. All of the site falls within Flood Zone 3 (> 1 in 100 annual probability of river flooding).

4. Planning History

None relevant

5. The Proposal

Consent is sought to change the use of the meadowland from agricultural to informal recreation with low intensity grazing. Essentially this involves widening the fencing either side of the public footpath that runs through the middle of the site, and providing several pedestrian gateways into the meadowland either side, where informal paths will be formed to create nature trails at appropriate times of the year. The application is made on behalf of a volunteer group who wish to manage the land as a nature reserve for the benefit of local residents.

6. Planning Policy

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

- Local Plan policies G1, G2, C2, C7, C11, C12, C13, C17, C18, R1C
- PPS7, PPS9, PPG17, PPS25

7. Consultations

Environment Agency

No objection

Natural England

No objection

8. Publicity

The application was advertised by neighbour notification and site notice.

Publicity expiry date 24/09/09

2 letters of representation were received, supporting the application.

9. Planning Considerations

9.1 Principle of development

Local Plan policy R1C advises that proposals for new outdoor recreational facilities in the countryside may be permissible subject to a number of considerations including landscape and nature conservation impact, satisfactory means of access, and not affecting the amenities of residents or other recreation users

9.2 Character and appearance of the area

The physical alterations proposed are modest in nature, involving the replacement of existing fencing on a revised line with new pedestrian gateways. The new fencing would be on a like for like basis (i.e. stock proof fencing) and the gates would comprise timber kissing gates, both of which would be appropriate to the rural character of the area. The line of fencing to the east of the footpath would have a native species hedge planted alongside. A schedule of works to trees within the site has been provided, although this is not directly related to the application and would comprise part of the on-going management of the land to fulfil legal health and safety obligations. No alterations to the surface of the public footpath are proposed at this time, and the informal pathways through the meadowland would be created by merely strimming the grass.

Given the nature of the modest alterations and the low key recreational use proposed for the site, i.e. a nature reserve with permissive access, it is not considered that the landscape qualities or rural character of the area would be significantly affected.

9.3 Ecological impact

Natural England has confirmed that they do not believe there will be any adverse impacts on the River Avon Site of Special Scientific Interest or the River Avon Special Area of Conservation. They also note that the proposals could promote the opportunities to manage the meadows, riverside and public access in a manner sensitive to the needs of the conservation interest. Proposals for hedge and small scale tree planting would enhance wildlife habitats.

Due to the modest nature of the proposed works, which only involve new fencing/gateways, and their distance from the river, it is not considered likely that there would be any adverse impacts upon the habitats of protected species.

9.4 Flood risk

The Environment Agency have considered the applicant's Flood Risk Assessment and have resolved that the proposed works will not exacerbate flood risk. It is noted that PPS25 allocates amenity open space and outdoor recreation as uses which are compatible with areas such as this which are highly prone to flooding.

10. Conclusion

The proposed development would not significantly harm the landscape or ecological qualities of area, and would comprise a use that is compatible with the high flood risk of the watermeadows. Furthermore, the proposal would provide benefits to local residents and recreation users by maintaining and improving appropriate access to the countryside. The development would therefore accord with the aims and objectives of the development plan and other government guidance.

Recommendation

It is recommended that that planning permission is **granted** for the following reasons:

The proposed development would not significantly harm the landscape or ecological qualities of area, and would comprise a use that is compatible with the high flood risk of the watermeadows. Furthermore, the proposal would provide benefits to local residents and

recreation users by maintaining and improving appropriate access to the countryside. The development would therefore accord with the aims and objectives of the development plan and other government guidance, having particular regard to saved Local Plan policies G1, G2, C2, C7, C11, C12, C13, C17, C18, R1C and the aims and objectives of PPS7, PPS9, PPG17 and PPS25.

Subject to the following conditions:

- 1) 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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority detailing how public access to the meadowland (i.e. the land other than the public footpath) will be managed. This shall include how public access will be maintained to the meadowland, or particular parts of it, over a typical annual period, unless there are overriding ecological or other natural constraints. Public access to the site shall be maintained in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure an appropriate balance between maintaining a recreational use of the site and preserving the ecological and natural interests of the meadowland.

Policy: R1C

- 3) The site shall be used primarily for informal public recreation with low intensity grazing as ancillary to the primary use.

Reason: To control the type of recreational activity in the interests of ecology and the character and appearance of the area.

Policy: R1C

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Ref.....Location Map.....	Date Received07.07.09.....
Ref.....Site Map.....	Date Received07.07.09.....
Ref.....Planning Statement.....	Date Received07.07.09.....
Ref.....Kissing gate specifications	Date Received07.07.09.....

2. The applicant should be aware that all works (i.e. fencing) outlined within this application, that fall within 8 metres of the Main River Nadder will also require prior Flood Defence Consent (FDC) from the Environment Agency in accordance with Byelaws legislation. Any future works (i.e. tree planting or ditch clearance) not identified within this application may also require Flood Defence Consent if they fall within the extent of Flood Zone 3. Further guidance regarding

Flood Defence Consent can be obtained from Development & Flood Risk Officer Daniel Griffin on 01258 483351.

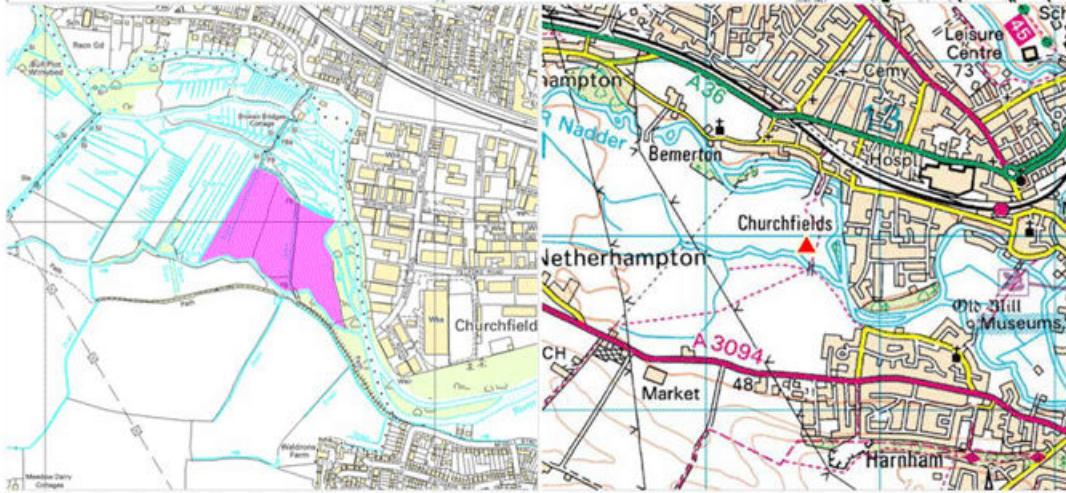
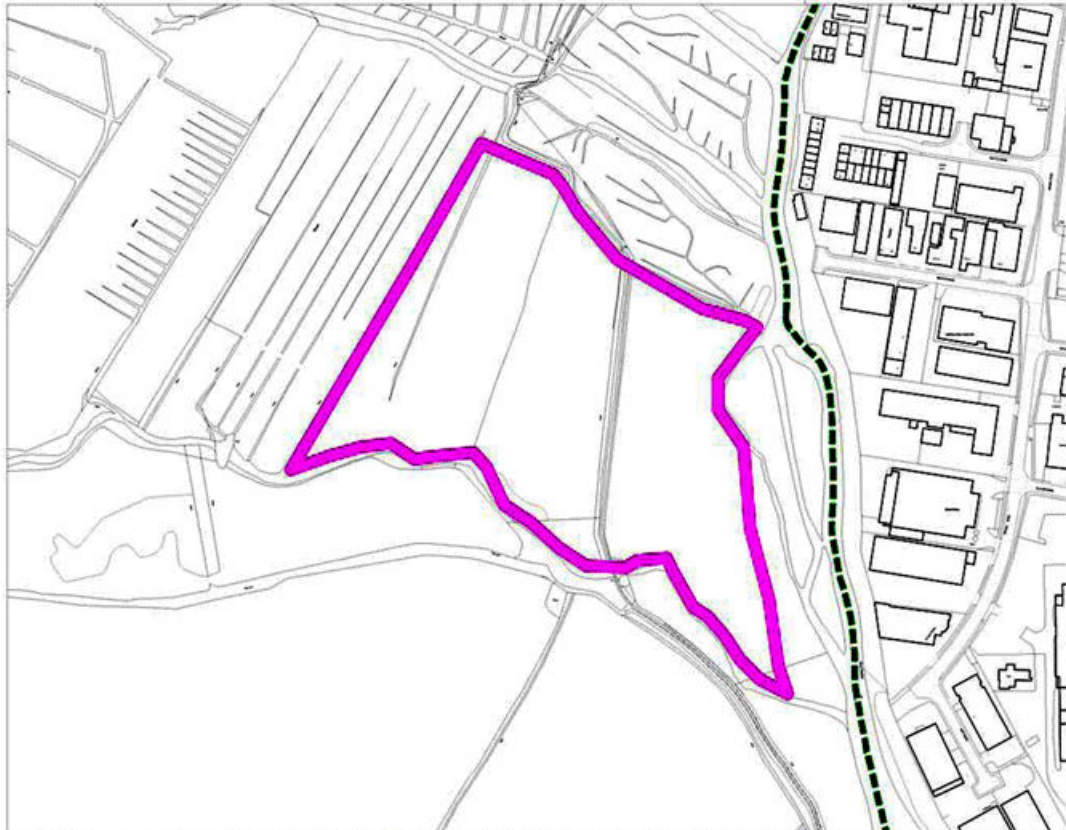
3. Any new small sections of boardwalk required to provide/improve access across ditches may require the further planning consent of the Local Planning Authority. Further guidance on this can be obtained from the Planning Officer Charlie Bruce-White on 01722 434682.

Appendices:	None
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Background Documents Used in the Preparation of this Report:	Location Map.....	Date Received07.07.09.....
	Site Map.....	Date Received07.07.09.....
	Planning Statement.....	Date Received07.07.09.....
	Kissing gate specifications	Date Received07.07.09.....

Site Visit:

S/2009/975



BROKEN BRIDGES, SALISBURY, SP2 7QA

SCALE: NTS DATE: 24/09/2009 10:00:22
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Deadline	23/09/09		
Application Number:	S/2009/1096		
Site Address:	LAND AT GURSTON FARM GURSTON LANE BROAD CHALKE SALISBURY SP5 5HR		
Proposal:	PROPOSED RURAL WORKERS DWELLING WITH DETACHED DOUBLE GARAGE, DOG KENNELS AND TIMBER GARDEN SHED.		
Applicant/ Agent:	MR RUSSELL LOCK		
Parish:	BROADCHALKEFOV/CHALKEVALLE		
Grid Reference:	402641 125340		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

Reason for the application being considered by Committee

Councillor Green has requested that this item be determined by Committee due to:

The impact of the proposed development within the surrounding AONB

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- Whether the proposed is justified in terms of a functional and financial agricultural need
- Other factors (including public recreational open space facilities)

3. Site Description

The site consists of a field used as part of an existing agricultural/game bird enterprise operating from Gurston Farm. The proposed dwelling would be located adjacent to two existing dwellings, Gurston bungalow (a 1960s agricultural worker's dwelling) and Gerrardstone (an older two storey dwelling).

In planning terms the site lies in the open countryside, outside of a Housing Policy Boundary or similar designation in the Local Plan. The site and much of the surrounding countryside is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

4. Planning History

Application number	Proposal	Decision
S/2009/0563	Proposed agricultural workers dwelling and garage at Gurston Farm	REF 17.06.09

5. The Proposal

The application proposes the erection of a detached bungalow to provide accommodation for an employee (gamekeeper) in connection with the operation of the Gurston Down Shoot. The proposal includes a detached double garage, timber shed and dog kennels. The dwelling would have a footprint of approximately 12.6m by 14.4m, with an approximate height of 6m. It would be constructed using clay facing brick with flint bands, a natural slate roof with terracotta hip and ridge tiles, and uPVC windows and doors.

The dwelling would contain two bedrooms, a dining room, study, a utility room, bathroom, kitchen, sitting room, a pantry and a hall. Its total floorspace (measured externally) would be around 140 square metres. Also proposed is a separate detached garage measuring approximately 6m by 6.5m, a timber shed measuring approximately 2.4m by 1.8m, and three kennels with caged runs measuring approximately 4.5m by 4m (overall).

This current application differs from the previously refused scheme under planning reference S/2009/0563 by reason of the inclusion of kennelling and a timber shed in the garden.

6. Planning Policy

The following policies are relevant to determining this application:

Adopted Salisbury District Local Plan

H23	New dwellings in the countryside
H27	Housing for Rural Workers
C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development Criteria
R2	Public Recreational Open Space

National Guidance

Planning Policy Statement 7 – ‘Sustainable Development in Rural Areas’
 Planning Policy Guidance 13 – ‘Transport’

7. Consultations

Parish Council

No comments received.

Environmental Health

No objection, subject to Conditions

Highways

I recommend that no highway objection be raised on the basis that the proposed development is justified on agricultural grounds otherwise I recommend refusal on the grounds that the proposal is located remote from services employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys

8. Publicity

The application was advertised by site notice and neighbour notification with an expiry date of 27th August 2009.

No third party representations have been received

9. Planning Considerations

9.1 Whether the proposed is justified in terms of a functional and financial agricultural need

The site is in the open countryside and AONB, where new dwellings would not normally be permitted unless exceptionally justified. This is in the interests of the overall character and appearance of the countryside, and to ensure a sustainable pattern of development. An exception is made for dwellings where they can be justified on the basis of an agricultural functional and financial need. PPS7, annex A, and Local Plan policy H27, sets out the relevant criteria.

9.1.1 Functional need

In this case, in functional terms it is argued that a dwelling is required to provide accommodation for a gamekeeper, and that day-old chicks require constant attention to ensure that they settle successfully into their new environment. During the first four weeks of life, any unattended-to loss of artificial heat (ie from brooders) quickly results in large scale death. Following on from this period, for up to eight weeks, chicks (with under-developed feathers) are vulnerable to sudden heavy rain storms and require shepherding until the storm has passed. There is also a risk of theft or malicious sabotage.

In terms of the financial justification, the applicants say that the businesses (which include a shoot and a hillclimb) have been established for 40 years, with the agricultural business having been established since 1887.

The Council has employed an independent agricultural consultant to assess the revised case (revised over that submitted under the previously refused application reference S/09/0563) put forward by the applicants. The consultant is satisfied that the financial test is met, but continues to maintain his opinion that the functional test is not met. In particular, PPS7 Annex A (and policy H27) requires that the functional need relates to the need for a worker *at most times* and the consultant remains of the opinion that the need here is only for a limited period of time. He takes the view that the functional need relates only to the time that the birds are under heat.

Security considerations and the need to retain highly a skilled gamekeeper warranting suitable accommodation, though not disputed, does not of itself form part of the functional justification.

9.1.2 Alternative accommodation

PPS7 and H27 also require assessments in relation to the availability of existing accommodation; whether dwellings have been sold off 'recently', and the suitability of the dwelling in terms of site, design and location.

The applicants detail the three dwellings within the ownership of the holding, at Gurston Down Farmhouse, The Old Byre (with has an agricultural occupancy condition) and Gurston Bungalow. They are all currently occupied and the consultant is satisfied that they are not therefore 'available'.

The applicant points out that alternative accommodation that would allow the keeping of 5 working dogs can not be found in the local area. Whilst this is not disputed, and certainly forms a contributing factor in the lack of availability for alternative accommodation (particularly in the availability of alternative accommodation for rent), the non availability of alternative accommodation does not in itself 'generate' a functional need for a worker to be accommodated on the site.

Turning to the history of the holding, Gurston Down Farmhouse was amalgamated from two dwellings into one dwelling relatively recent in 2005. Meanwhile Knapp Bungalow (on the other side of High Lane) was sold off in 2002. The applicants tried to secure the vacancy of Knapp Bungalow but the Agricultural Dwellinghouse Advisory Committee found against the applicants. These are in addition to the main farmhouse, Gerrardstone House, which was sold off in 1997 (probably too long ago to be considered 'recent').

It is considered that the selling off of Knapp Bungalow does not, on balance, further justify refusal. The fact that the two Gurston Cottages were amalgamated in 2005, some time after the (previous) gamekeeper was first employed in 1999 does call into question the need for another dwelling to some extent. However, there is no particular reason to believe that the amalgamation was achieved other than to provide improved accommodation for the occupier and the history of the holding probably would not justify refusal alone. It is understood that the current gamekeeper resides approximately one mile away in Broad Chalke in rented accommodation.

In terms of the size and design of the dwelling, its external footprint is around 140 square metres which is not considered excessively large. Its design is not considered unacceptable given the appearance of the dwelling of Gurston Bungalow and the need to minimise its impact on the landscape. Its location is sensible, continuing the small cluster of development formed by the existing two adjacent dwellings.

Officers remain of the view that the functional need for the proposed new dwelling is not met, and for this reason planning permission should be refused.

9.2 Other factors (including public recreational open space facilities)

Policy R2 of the Local Plan requires that all new additional dwelling must contribute to the addition pressure placed on public recreational facilities. Were the application being approved, a contribution would be sought from the applicants in accordance with this policy. In its absence this must also form a reason for refusal so that the contribution can be secured should an appeal be lodged against refusal.

In other respects the proposal would not be unacceptable. There has been no objection from the highways department (other than on sustainability grounds as referred to above) and the proposed dwelling would not unacceptably overlook its neighbour. There is no reason to believe that protected species' interests would be harmed by the proposal.

10. Conclusion

Although there is a sufficient financial justification, and the dwelling would not be unacceptable in terms of size, location, design, impact on neighbours or highway safety, there remains insufficient functional justification, consequently it is considered that planning permission should be refused.

Recommendation

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

(1) The site lies in the open countryside and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. In such areas, in the interests of the overall character and appearance of the countryside, and to ensure a sustainable pattern of development, new dwellings are only permitted in exceptional circumstances, such as an agricultural need. In this instance it is considered that there is insufficient functional agricultural justification for an additional dwelling, and that therefore the proposed development would be contrary to saved policies C2, C4, H23, H27 and G1 of the Adopted Salisbury District Local Plan, and the advice in Planning Policy Statement 7 - Sustainable Development in Rural Areas, and Planning Policy Guidance 13 - Transport.

(2) The proposed development, in that it does not make adequate provision for public recreational open space facilities, would be contrary to policy R2 of the Adopted Salisbury District Local Plan.

INFORMATIVE:

The applicant is advised that reason for refusal 2, relating to Policy R2 of the adopted Local Plan, could be overcome if a unilateral undertaking under s106 of the Town and Country Planning Act 1990 is entered into, making the appropriate contribution. In the event of an appeal, the applicant is invited to contact the Local Planning Authority to obtain a copy of the standard agreement.

This decision has been taken in accordance with the following saved policies of the Adopted Salisbury District Local Plan:

H23 - New dwellings in the countryside
H27 - Housing for Rural Workers
C2 - Development in the countryside
C4 & C5 - Development in the AONB
G1 & G2 - General Development Criteria
R2 - Public Recreational Open Space

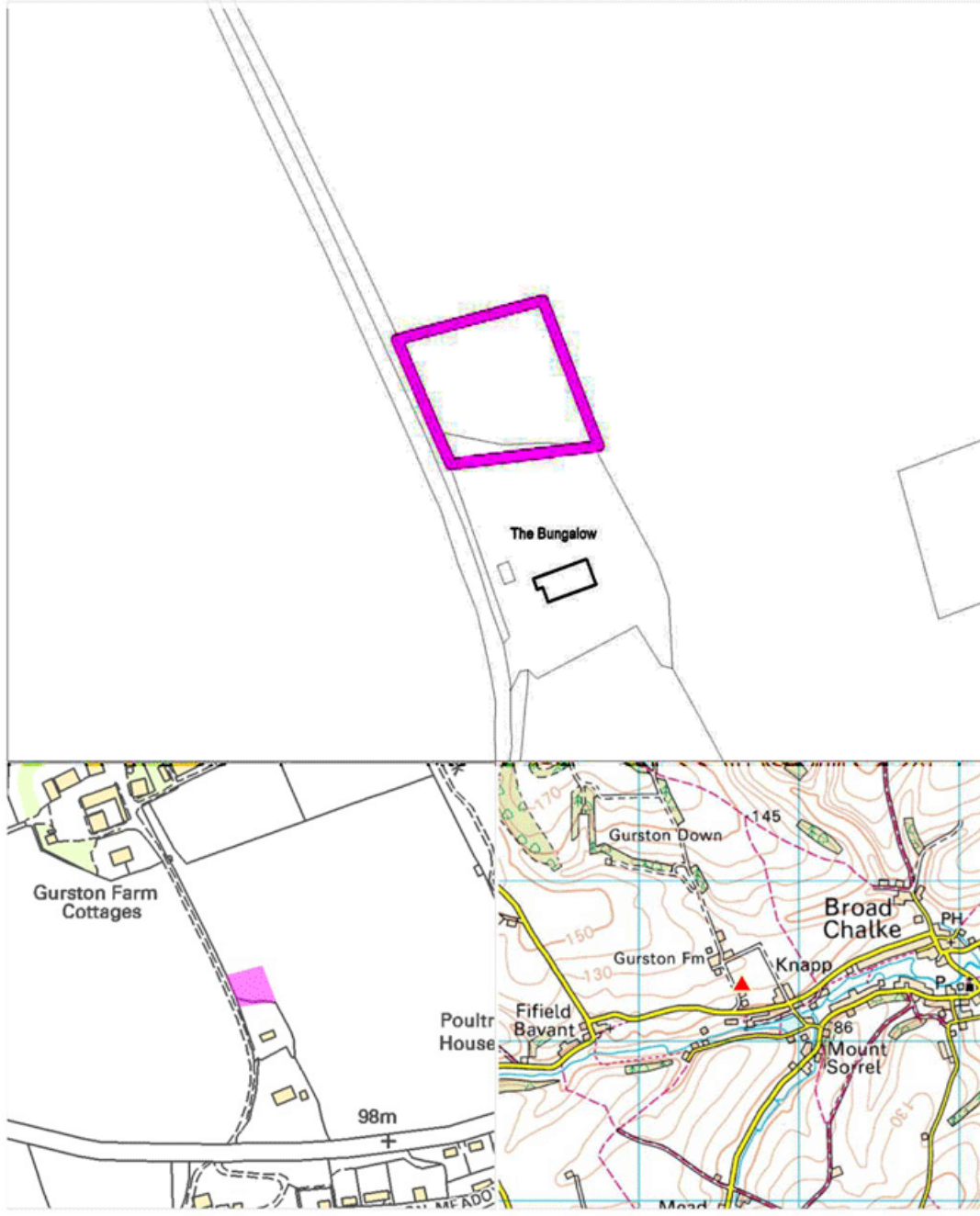
and National Guidance

Appendices	The following submissions from Mr A M Coke (APA Consultants Limited) are attached as appendices to this report: <ul style="list-style-type: none">• Appendix 2: Agricultural Assessment Report dated 06.06.09 (relating to S/2009/0563)• Appendix 3: Supplementary letter dated 31.07.09• Appendix 4: Supplementary letter dated 09.09.09
Background Documents Used in the Preparation of this Report	Plans 0496/01D, 0496/02D, 0496/03D and site location plan. Also the Design and Access Statement, letter from Mr R Hitchings dated 29 th March 2009 and the emails of Rob Hitchings and Edward Dyke dated 13.08.09 and 27.08.09 respectively. Also taken into consideration are the following submissions from Mr A M Coke (APA Consultants Limited): <ul style="list-style-type: none">(i) Agricultural Assessment Report dated 06.06.09 (relating to S/2009/0563) (Appendix A)(ii) Supplementary letter dated 31.07.09 (Appendix B)(iii) Supplementary letter dated 09.09.09 (Appendix C)

PROPOSED RURAL WORKERS DWELLING WITH DETACHED DOUBLE GARAGE, DOG KENNELS AND TIMBER GARDEN SHED.

Site Visit:

S/2009/1096



Wiltshire Council
Where everybody matters

GURSTON FARM, BROAD CHALKE, SP5 5HR

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The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

Mr Eric Cox DMA
2 St Catherines Way
Fareham
Hampshire
PO16 8RL

Salisbury District Council
Planning Department

Your Ref: EC/695
Our Ref: P/APR/T3915/A/93/221473/P2

Received 16 AUG 1993

Copy to: _____
Date: _____

13 AUG 1993

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS D LACEY
APPLICATION NO: S/92/1720/TP

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Salisbury District Council to refuse planning permission in respect of an application for the erection of a dwelling and garage on land at Tuckingstones, Tuckingmill, West Tisbury, Wiltshire. I conducted a hearing into the appeal on 27 July 1993.
2. From the submissions made, the written representations received and from my inspection of the site and its surroundings I consider the main issue to be decided in this case is the effect of the proposal on the character and appearance of the surrounding area.
3. The appeal site is part of the large garden of a property known as Tuckingstones. The site lies on the edge of Tisbury, and fronts Vicarage Road, which connects Tisbury with a small settlement known as Tuckingmill, about 100 metres to the West of the appeal site. Tisbury, Tuckingmill and the appeal site are within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).
4. Although it was argued that the appeal proposal, together with the dwellings of Tuckingstones and Tissere could be regarded as a small group of buildings well related to the village of Tisbury, I consider that the appeal site itself lies clearly outside the present settlement limits. The site forms part of a stretch of open, rising land which separates Tuckingmill from Tisbury, and is perceived as part of the wider landscape setting of the village, linking the fields around Monmouth Road to those above the Oddford Brook.



5. Its development, which would result in the loss of a large apple tree on the site, would encroach upon this open wedge of land, and would be seen as extending the built up area of Tisbury further up the hill, particularly in the view obtained from the environs of the railway station. There has been considerable recent development in the Springfield Park area close to the site, but it is relatively contained in a natural bowl in the landscape. The appeal site appears to me to be beyond the limits of this bowl, in an area where its development could increase pressure for the remaining land fronting Vicarage Road to be developed. Such pressure could be difficult for the local planning authority to resist, with consequent effects on the rural character of the road, and on the wider landscape.

6. In planning policy terms I consider the proposal to be contrary to Policy C1D of the approved South Wiltshire Structure Plan, in which priority is to be given to the conservation of the character and scenic quality of the landscape. The siting of the proposal, and its implications for further development in an exposed position, fail the test in C1D.1 of being sympathetic with the landscape. The proposal is also contrary to Policy H2 of the plan, wherein limited development in Tisbury will normally be permitted, provided it would not have an adverse impact on the environment.

7. One of the Council's reasons for refusal was given as conflict with Policy H7, which deals with new dwellings in the countryside. This policy was relevant, in the Council's view, because the site was outside the proposed Tisbury housing policy boundary. It was argued that this boundary should be discounted as it appears only in a consultation draft of the Salisbury District Local Plan. An objection to the proposed boundary has been made by your client. Given the status of the local plan, and the possibility of change before adoption, I consider that little weight can be accorded to the boundary line at present. Greater weight must be given at this stage to the principles set out in the policies of the Structure Plan. For the reasons given in paragraph 5, I consider that the appeal proposal is in conflict with these principles. As the site lies outside the built up area, in open countryside, and there is no agricultural or forestry need for the dwelling, it is also in conflict with Policy H7.

8. My conclusion on the main issue is that the proposal would cause significant harm to the character and appearance of the surrounding area.

9. I have taken account of all other matters raised in the representations but have found nothing to outweigh the main considerations which have led me to my conclusion.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Robert Forster

ROBERT FORSTER BA Dip LD MRTPI
Inspector

Appendix 2: Agricultural Assessment Report dated 06.06.09 (relating to S/2009/0563)

AGRICULTURAL ASSESSMENT OF PLANNING APPLICATION IN ACCORDANCE WITH PLANNING POLICY STATEMENT SEVEN OF AUGUST 2004.

1.0	REFERENCE	APA/04/030
1.1	Proposed Development	Construction of a Gamekeeper's Dwelling.
1.2	Planning Authority	Wiltshire Council Development Control South
1.3	Planning Application No.	S/2009/0563
1.4	Applicant	Mr Robert Hitchings
1.5	Site Address	Gurston Farm, Broadchalke, Salisbury

2.0 DESCRIPTION

2.1 Location

The application site lies to the west of Broadchalke, immediately north of the road to Fifield Bavant. The arm lies in open downland countryside.

2.2 Land

2.2.1 Area and tenure

The applicant's freehold extends to approximately 322ha (795 acres) at the application site, with a further 42 ha (104 acres) at Fovant, held on a farm business tenancy

2.2.2 Soil Type and Characteristics

The soils at the application site are classified in the Andover 1 association, which is described as shallow well drained calcareous soils over chalky

3.0 FARMING PRACTICE

Existing

3.1 The holding is run with three principal sources of income. The land is farmed; there is a commercial shoot and part of the holding is let for motorsports.

3.2 The agricultural enterprises comprise an arable enterprise across some 243 ha (600 acres), which is split evenly between an organic regime and a conventional regime. All cultivations are undertaken by farm staff and harvesting is undertaken jointly using a combine harvester purchased with a neighbouring farm.

3.3 The agricultural livestock comprises some 274 ewe lambs, which are grazed in the summer months.

3.4 The shoot is a commercial, high value venture. Gurston Down shoot has world renown as a commercial shoot. Currently the shoot is stocked with 9,000 partridge and 12,000 pheasant

annually. Some 25 – 30 days shooting are offered each year, with private clients and clients from the corporate market. The shoot was originally developed some 30 years ago and has a very strong reputation for high driven birds, utilising the undulating downland landscape. Birds are purchased as day old chicks in May; they are then reared under heat for approximately four weeks. The heat is gradually reduced and the birds are then turned out to pens in which they “harden off”. As the birds mature they are then transferred to release pens.

- 3.5 The third main enterprise is the Gurston Down Hill Climb. The applicant lease the hill climb track and its associated area to another party. An annual income is received under the leasehold arrangement, with the track used primarily for motorsport throughout the year.

Proposed

- 3.6 No significant changes are proposed to the existing enterprises.

Comments

- 3.7 It is noted that the shoot has international recognition for the quality of the high pheasant and high partridge. The farm has been in the applicant’s family for many years, enabling a continuity of development of the enterprises.

Buildings

- 3.5 The farm buildings comprise a range of arable sheds, immediately north of the application site.

4.0 EXISTING ACCOMMODATION

- 4.1 Dwellings owned by applicant

There are three dwellings associated with the farm. The applicant occupies Gurston Down Farmhouse. The applicant’s brother occupies The Old Byre, which is immediately north of the farm house. The third dwelling, Gurston Bungalow, lies to the south of Gurston Down Farm House. The Bungalow is occupied by a semi retired farm worker, aged 83. I understand that the Old Byre is the subject of both an agricultural occupancy condition and a section 106 agreement. I am not aware whether either of the remaining dwellings are subject to agricultural occupancy conditions.

5.0 LABOUR REQUIREMENTS

- 5.1 Existing

The applicant works on the unit full time. The applicant’s brother works on the unit full time. A full time gamekeeper is employed on the shoot and there is a part time farm worker.

- 5.2 Anticipated if proposals undertaken

There are no proposals to alter the labour input.

6.0 FUNCTIONAL NEED

Existing

- 6.1 The planning application is for a new dwelling to provide accommodation for the full time gamekeeper. At present the keeper lives in accommodation just over a mile from the application site. The accommodation is rented from a third party, at a cost to the business.
- 6.2 The applicant's case is that the dwelling is needed in order for the gamekeeper to properly perform his duties. From Annex A of PPS7 there must be an existing functional need for an essential presence at most times. In my opinion the functional need at the holding relates to the introduction of very young gamebirds. As the birds are brought onto the holding they are wholly reliant on the use of artificial heat to stay alive. In my opinion it is essential for a presence on site during the initial period of time in order to cater for any breakdown in the heating system. Such a breakdown will result in the birds becoming cold and crushing together, causing further losses. It is noted that this initial period is limited to approximately eight weeks across the pheasant and partridge.
- 6.3 As part of the shoot management the gamekeeper is required to provide overall security to reduce or prevent poaching, theft and to manage vermin. Such duties can involve long hours. Whilst security is clearly an important part of the day to day duties, it does not of itself form part of the functional test outlined in Annex A of PPS7.
- 6.2 Whilst it is clear that the provision of the proposed dwelling may well enable the more efficient conduct of the gamekeeper's duties, it is my opinion that the functional need relates to the period of time that the birds are under artificial heat. That period of time is limited and does not, in my opinion, constitute "most times".

7.0 FINANCIAL TEST

Existing

- 7.1 For confidentiality, the applicant has not submitted financial data as apart of the planning application. The applicant has shown me copies of the accounts for the farm business and the shoot for 2007 and 2008. I can confirm that from the data shown in the accounts both the businesses are profitable. From my sight of the accounts it would seem that the businesses are viable and financially sound. It is my opinion that both the businesses have a realistic prospect of remaining financially sound.

8.0 GENERAL COMMENTS

- 8.1 The applicant has indicated that it is very important to recruit and retain a highly skilled and experienced gamekeeper in order to maintain the high quality of the shoot. The applicant argues that in order to do so it is important to provide suitable accommodation. I can confirm that it is often the case that an employer provides a dwelling for a gamekeeper and it would serve to improve the prospects of attracting and retaining a suitable keeper.
- 8.3 It is noted that there are three dwellings in the applicant's ownership at the holding. Under PPS7 it is important to establish whether there are dwellings that are "suitable and available" for the worker concerned. In this case, all three dwellings are occupied by other people and are therefore not, at present, available for the worker concerned.

9.0 CONCLUSION AND OPINION

In my opinion the functional test is not met and the proposed dwelling is not warranted under Annex A of PPS7.

I trust the above provides you with the information required. If you require any further information, or clarification on the any aspect of the above, please do not hesitate to contact the writer.

A.M Coke BSc (Hons) MRICS, FAAV

Note: *This Report has been prepared on information provided by the Applicant and or the Applicant's Agent.*

APA/04/030/AMC

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Documents\APA\SDC\Appraisals\030 gurston down farm rept.doc

Date 6th June 2009

APA
Halstead Farm
47 High Street
Easterton
Devizes,
SN10 4PE

Appendix 3: Supplementary letter dated 31.07.09

APA CONSULTANTS LIMITED

31st July 2009

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supp.doc

The Planning Services Manager
Wiltshire Council Development Control South
Planning Dept
61 Wyndham Road
Salisbury
SP1 3AH

Halstead Farm
47 High Street
Easterton
Devizes
Wiltshire
SN10 4PE

Tel: 01380 813449

Email: tony@coke.fsbusiness.co.uk

Your ref S/2009/0563

Our ref APA004/030 supp



For the Attention of Oliver Marigold

Dear Sir

Town and Country Planning Act 1990
Proposed Occupational Worker's Dwelling at Gurston Down Farm, Broadchalke

Thank you for your email of 16th July, together with the enclosures from Mr Hitchings and Mr Dyke (both dated 14th July). You have asked for my comments on the enclosures. The enclosures cover a number of issues, however I think they can be summarised in two key areas:

1. The functional test when applied to gamekeeping operations
2. Comparison to the appeal decision for Teffont Farm Buildings.

Turning firstly to the analysis of functional need in Mr Dyke's letter I agree that an essential presence is required to monitor the birds under heat (eight weeks). I note the points made by Mr Hitchings in relation to the operational requirements associated with the birds in the rearing fields and I accept that this period falls within the functional test (eight weeks). There is thus an accepted period of sixteen weeks.

As identified by Mr Dyke, the birds are then moved out to release pens, which are scattered in woodland across the shoot. Mr Dyke continues, identifying the day to day working requirements of a keeper, along with security to the overall shoot. It is common ground that these tasks form part of the duties that would be expected of a gamekeeper. I also accept that it would be more convenient for the gamekeeper to undertake such tasks with the benefit of a dwelling on site. I do not, however, accept that such tasks require an *essential* presence on site at most times.

Based on the foregoing, there is an accepted period of 16 weeks, or four months, requiring an essential presence on site at most times. Whilst longer than the eight weeks that the birds are under heat, the period does not constitute "most times".

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Mr Hitchings gives a full account of the tasks undertaken within the gamekeeper's duties and his views on the similarities between the appeal decision for Teffont Farm Buildings and the situation at Gurston Down.

I deal firstly with the appeal decision in respect of Teffont Farm Buildings. The enterprise in question at Teffont Farm Buildings was the rearing of game birds and the operation of a commercial shoot, with 35 days sold. It is common ground that the scale of the rearing enterprise at Teffont Farm Buildings is different to that at Gurston Down; however, I think it is appropriate to set out more detail on the differences. The table below indicates the differences:

Enterprise	Teffont Farm Buildings	Gurston Down
Rearing Partridge	10,000	9,000
Rearing Pheasant	18,000	10,000
Finishing half reared birds	15,000	nil
Totals	43,000	19,000

Numerically, the enterprise at Gurston Down is less than half that that which prevailed at Teffont Farm Buildings at the time of the appeal. The rearing operation at Teffont Farm Buildings was significantly more extensive than at Gurston Down and the it was concluded that there was a functional requirement for six months, which equates to "most times"

Mr Hitchings continues, arguing that tasks outside of the rearing period form part of functional need. I do not consider that to be the case (see above). I note also that the Inspector at Teffont Farm Buildings did not consider that to be the case either, as he would have included the tasks undertaken in that period in his assessment of functional need.

Overall it remains my view that the functional test is not met. Should you have any questions concerning the report or if you would like to discuss any points in further detail then please do not hesitate to contact me.

Yours faithfully



**A.M.Coke BSc (Hons) MRICS FAAV
Director**

Registered in England and Wales
Company No.6917183

APA CONSULTANTS LIMITED

9th September 2009

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Planning Dept
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Halstead Farm
47 High Street
Easterton
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SN10 4PE

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Your ref S/2009/1096

Our ref APA004/031

For the Attention of Warren Simmonds/Oliver Marigold

Dear Sir

Town and Country Planning Act 1990 Proposed Occupational Worker's Dwelling at Gurston Down Farm, Broadchalke

Thank you for your emails of 27th and 28th August. I note that the planning application has been re-submitted following the earlier refusal. In Mr Hitchins' correspondence there are two key points:

1. The operation at Gurston Down is comparable to Teffont
2. Placing the birds in release pens forms part of the functional need.

I identified the comparisons between Gurston Down and Teffont Fields in my earlier letter (31st July). So far as the comparisons reflect the recognised functional need it remains my view that the operation at Teffont Farm Buildings (rearing 43,000 birds) is significantly greater than Gurston Down (19,000 birds previously identified, now amended to 22,500 for last season)

It is recognised that the birds require attention when placed in release pens, however, I do not consider that the attention required forms part of the functional test. Mr Hitchins and Mr Dyke both make their views clear on the point and it is clear that we are not going to reach agreement on that aspect. It would point you to the previous comments I made (the penultimate paragraph of my letter of 31st July) regarding the appeal for Teffont Farm Buildings.

Attention has been drawn by Mr Dyke to the suitability of a dwelling to meet the functional need identified by the applicant. Whilst this aspect is clearly an issue, the fundamental point, in my opinion, is that the existing enterprise does not meet the functional test.

Overall it remains my view that the functional test is not met. Should you have any questions concerning the report or if you would like to discuss any points in further detail then please do not hesitate to contact me.

Yours faithfully

**A.M.Coke BSc (Hons) MRICS FAAV
Director**