

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	15 th October 2008
Application Number	08/02019/S73A
Site Address	Ashley Lodge Farm, Ashley, Box
Proposal	Demolition and reconstruction of existing stable block to form dwelling (amendment to 04/01967/COU)
Applicant	Mr & Mrs Jenkins
Town/Parish Council	Box
Grid Ref	380617 167929
Type of applications	S73A

Reason for the application being considered by Committee

- This application has been submitted to the Committee for decision under the scheme of delegation at the request of Councillors Tudor Jones and Hartless, so that the Committee may consider whether the proposal would have a detrimental impact locally.

Summary of Report

The application is for the erection of a new single dwelling in the open countryside, outside of any defined Settlement Framework Boundary. The application site is located within the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB).

This largely retrospective application is made pursuant to a 2004 permission, which allowed for the conversion of a range of four existing stable building on the site. A significant proportion of the stable block has now been demolished and removed from the site, with new buildings erected in their place.

Key points to consider are as follows:

- Implications of national and local planning policy
- Context and relevance of 2004 permission

Officer Recommendation

Planning Permission be REFUSED

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Proposal and Site Description

The proposal is for the construction of a new single dwelling following the removal of remaining stable blocks. The proposal no longer proposes to convert and re-use those existing stable building on the site, as was proposed and approved under 04/01967/COU, in favour of a complete demolition of those buildings and new build. Works have commenced in breach of the 2004 permission, with a significant proportion of the stable block now been demolished and removed from the site, with new buildings erected in their place.

The proposed buildings are positioned hard up against Ashley Lane site, and comprises part of an open agricultural field (apparently under separate ownership), which slopes westwards toward the A4 Bath Road. Although not situated at a high point within the Box Valley, the buildings and site is visible for some distance when approaching from Ashley Lane.

The site and surrounding Box Valley is, perhaps, the most protected in the District being part of the Green Belt and AONB, where new development is strictly controlled.

Relevant Planning History

Application number	Proposal	Decision
04/01967/COU	Conversion of existing stables into residential dwelling	Approved 27/08/04
08/01330/CLP	Application to determine whether demolition and rebuilding of existing stable building to create new dwelling is lawful in context of planning permission 04/01967/COU The Council refused to issue the above certificate for the following reason: Taking account of the submitted application forms, plans, correspondence and description of development, planning permission 04/01967/COU permits the conversion of the existing buildings on the site only. Whilst some alteration and extension of those buildings was encompassed, within that permission, it did not grant permission for their complete demolition and replacement. With a consequential inability to entirely complete the approved development in accordance with the plans, the demolition of existing buildings on the site extinguishes the 2004 permission, therefore also rendering any new residential buildings unlawful. The proposal is, therefore, a proposal to erect a new dwelling for which planning permission has not been granted.	Refused 25/07/08

Consultations

Box Parish Council –

“Strong objections. This is contrary to policies NE1 (c) and NE4 of the NWDC Local Plan and is a new dwelling in the Green Belt.”

Representations

Twenty two (22) letters of support. Issues raised:

- Previous buildings were unsightly and the proposal will tidy the appearance of the site
- Need for homes for local families in the locality
- Belief that the 2004 permission allowed for complete demolition and rebuilding of the stable blocks
- Acknowledging the value of maintaining the AONB, feel that the proposed development will not harm its character
- Proposed building follows spirit and style of buildings removed
- This proposal is entirely less of an imposition upon the landscape when compared to the large house on the opposite site of Box Valley (authors note: assumed reference to Westwood Farm development, Colerne - 06/02554/FUL refers)

Planning Considerations

Planning Policy

The site lies outside of any defined settlement framework boundary identified with the adopted North Wiltshire Local Plan 2011. For the purposes of planning policy, therefore, the site is part of the open countryside where, with few very specific exceptions, new residential development is resisted.

Furthermore, the wider landscape is subject to Green Belt and AONB policy. In planning policy terms, this local landscape is the most protected within North Wiltshire.

At both a national and local level Green Belt planning policy provides for a clear presumption against inappropriate development. With very few exceptions, new building within the Green Belt is expressly prohibited and is, by definition, regarded as inappropriate due to, inter alia, its encroachment of the landscapes inherent openness. Furthermore, in acknowledging that the re-use of buildings may be acceptable, Green Belt Policy specifically requires that those buildings to be re-used should be of permanent and substantial construction and are capable of conversion without major or complete reconstruction.

The AONB designation seeks to conserve and enhance the natural beauty of the landscape. Policy NE6 of the adopted North Wiltshire Local Plan 2011 requires that environmental effects of all development will be the major consideration and specifically goes on to state that development should be, inter alia, restricted to the change of use of existing buildings.

It should be noted that there are minor differences when comparing submitted plans with those approved under the 2004 permission, and that furthermore, those approved 2004 plans do not appear to be reflected in the works so far undertaken on the ground. Nevertheless, the applicant has, under this application, submitted a scheme for a replacement building that generally follows the overall form and massing of the original building removed, although a general approximation in form and massing is not considered to be a justification for allowing new building in the landscape because of the established and clear-cut directives of local/national policy, and the precedent (and therefore inherent weakening) that such a departure from policy would set.

Context of proposal and relevance of 2004 permission

This planning application is submitted pursuant to enforcement action in respect of the construction of new buildings on this site. It is your Officers clear advice that the 2004 decision clearly constituted planning permission for the conversion and re-use of the existing building on this site. It should be noted that such a decision would fully accord with the requirements and restrictions associated with national and local policy that is applicable in the open countryside, AONB and Green Belt. The 2004 permission did not allow for, or in any way imply, a permission for the complete or substantial demolition of the existing building and the erection of a new dwelling in its place. The substantial demolition of buildings on this site results in the 2004 permission un-implementable, thus rendering further development on the site as unlawful.

The Council's stated position on the relevance of the 2004 permission is summed up in the reason for refusing to grant a Certificate of Lawful Use or Development under Section 191 and 192 of The Act (reference 08/01330/CLP refers).

Whilst the applicant is nevertheless of the opinion that the 2004 permission should be interpreted as intrinsically involving extensive rebuilding, this is a matter of fact and degree that has been resolved under the earlier CLP decision. It is not a matter for consideration under this planning application.

Other matters

It is understood that the proposal for a new dwelling on this site does benefit from significant local support. The comments received from local residents is understood and acknowledged, but unfortunately are not considered to represent a justifiable reason to overcome long established and very clear-cut national and local Planning Policy.

Conclusion

The proposed erection of a new dwelling in this location is a clear departure from established local and national planning policy. The approximation in scale and mass of the new building compared to that replaced is not a justification for departing from such policy. There are no "very special circumstances" required for inappropriate development in the Green Belt.

Members of the DC Committee are not required to consider whether the 2004 approval allowed for the complete or substantial demolition or rebuilding of the existing building, since that matter is the subject of a separate Council decision under 08/01330/CLP.

The proposal should be considered on its own merits and should be determined in accordance with adopted Local Plan policy and national planning guidance, unless material considerations indicate otherwise.

Recommendation and any Proposed Conditions/Informatives :

REFUSE for the following reason(s) :

1. The proposal is situated within the open countryside, Western Wiltshire Green Belt and Cotswold AONB, where the principle of isolated new dwellings, unrelated to agriculture or forestry, is unacceptable. Furthermore, new residential development in this location will fail to preserve the openness of the Green Belt, nor would it conserve or enhance of the AONB. As such the proposal is contrary to well established planning policy at the local and national level, particularly Policies C3, NE1, NE4 and H4 of the adopted North Wiltshire Local Plan 2011 and national planning guidance contained within PPG2, PPS3 and PPS7.

2. The proposal of for a new dwelling which would be located remote from services, employment opportunities and unlikely to be well served by public transport, is contrary to the key aims of PPG13, which seeks to reduce growth in the length and number of motorised journeys, expressed at the local level by Policy C1 of the adopted North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 4.02; 4.04; 5.01; 6.03