

Wiltshire Council
East Area Planning Committee

January 14th 2010

List of Applications for Consideration

1. **E/09/0160/CAC** (page 2)

Conservation area consent for: Demolition of existing house

At: 'Copsewood', Low Road, LITTLE CHEVERELL, SN10 4JZ

RECOMMENDATION: Refuse conservation area consent

2. **E/09/1558/FUL** (page 12)

Full planning application for: Change of use of land from agriculture to equestrian.
Erection of stables and a ménage together with a parking area for horse box and vehicles

At: Melksham Road, Westbrook, BROMHAM

RECOMMENDATION: Refuse planning permission

.....

Date of Meeting	14 th January 2009
Application Number	E/09/0160/CAC
Site Address	Copsewood, Low Road, Little Cheverell, Devizes, Wilts, SN10 4JZ.
Proposal	Demolition of existing house
Applicant	Mr and Mrs Walker
Parish Council	LITTLE CHEVERELL
Grid Ref	398892 154105
Type of application	Conservation Area Consent
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application is being re-presented to Committee following the High Court's decision to quash the original Conservation Area Consent in November 2009. The original decision to approve conservation area consent was made by the Eastern Area Interim Planning Committee on the 28th May 2009. The decision was quashed on the grounds that the decision notice did not contain adequate reasons for the decision. The claimant for the Judicial Review alleged that the decision was flawed by reason of the Council failing to have any or sufficient regard to the need to pay special attention to: (1) the desirability of preserving or enhancing the character or appearance of the conservation area; (2) Government guidance in PPG15; and (3) the Little Cheverell Conservation Area Character Appraisal and Management Proposals. The claimant maintains these grounds, but consented to the judgment that the decision should be quashed on the grounds that the decision notice did not contain adequate reasons.

The planning permission for a replacement dwelling on the site that was also granted on 28th May by the Interim Planning Committee was not quashed, although it cannot be implemented unless Conservation Area consent for the demolition of the existing dwelling is granted.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issue to consider is:

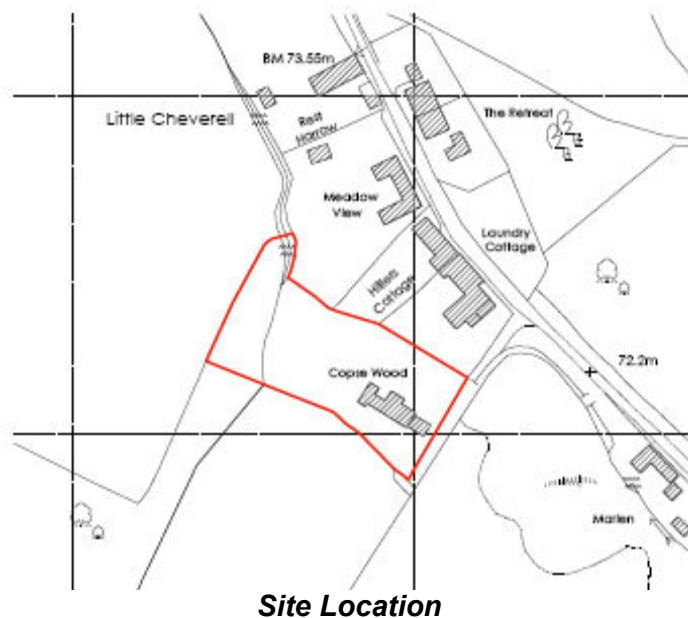
- Whether the proposal is in accordance with the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

In considering the above, national guidance contained within Planning Policy Guidance Note 15: Planning and the Historic Environment and the Little Cheverell Conservation Area Character Appraisal and Management Plan adopted by Kennet District Council in September 2007 are relevant.

Also relevant is the fact that there is an extant planning permission for a replacement dwelling on the site. The committee are entitled to take this into account in determining the application for Conservation Area consent.

3. Site Description

The application site lies within the village of Little Cheverell. The house lies along a private driveway to the southwest of properties fronting onto Low Road. From the A360 proceeding south from the direction of Devizes, take the right turning signposted to Great Cheverell. Continue along this road and immediately after the railway bridge, take a left turning into Low Road. Continue along here for approximately a quarter of a mile and the property can be found along a private drive on the right hand side, which is immediately after a pair of semi-detached properties on the same side. The site is at a lower level than the road and lies within the Little Cheverell Conservation Area.



4. Planning History

The most recent and relevant planning history for the site is as follows;

K/57240/F – Withdrawn 25/09/2007

Demolition of existing single storey extension and replacement two storey extension. Demolition of existing garage and replacement with single garage and carport.

(This application was withdrawn following officer concerns that the proposed extension was too large in scale and would dominate the host dwelling and that insufficient information had been submitted to accurately assess impact on protected species; namely water voles and bats.)

K/59075/F – Approve with Conditions 22/08/2008

Replacement garage

E/09/0159/FUL – Approve with Conditions 28/05/2009.

This is the corresponding planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling. This planning permission was not quashed but remains extant. The fact that there is a live planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling is a material consideration in the determination of this application,

5. The Proposal

The application seeks conservation area consent for the demolition of the existing detached house on the site. Photographs of the existing dwelling are set out below, followed by plans of the proposed replacement dwelling, to assist members in their duty of paying special attention to

the desirability of preserving or enhancing the character or appearance of the Little Cheverell Conservation Area.





EXISTING VIEW LOOKING NORTH FROM PUBLIC RIGHT OF WAY



INDICATIVE PROPOSED VIEW LOOKING NORTH FROM PUBLIC RIGHT OF WAY



Elevations of Proposed Replacement
Top – East elevation (front)
Middle – North (side)
Bottom – West (rear)



6. Planning Policy

National Guidance – Planning Policy Guidance Note 15: Planning and the Historic Environment
Adopted Supplementary Planning Guidance – Little Cheverell Conservation Area Appraisal and Management Proposals

7. Consultations

Little Cheverell Parish Council - No objection was raised to the original consultation and following re-consultation, the parish council has voted in favour of approving the application by 3 votes to 2.

Great Cheverell Parish Council – Initially inferred that they objected to the proposal, stating; ‘We would support renovation of the property as opposed to demolition to preserve the character of the conservation area of the village.’ However, it should be noted that no part of the building to be demolished lies within Great Cheverell Parish (only part of the grounds).

Conservation Officer – Originally, the Conservation Officer viewpoint was that ‘the existing cottage does make a positive contribution to the character and appearance of the conservation area and therefore, as per the guidance given in PPG15, the presumption is that the historic building should be retained. There is no doubting that the cottage is in need of renovation or even that an extension of an appropriate scale may be considered acceptable, but it is clear that the proposal for its demolition has not been fully justified in the CAC application. The application ...must therefore be refused.’

Despite the subsequent provision of a Supplementary Report by Heritage Planning Practice and specifications for both the New Dwelling and the Extend and Refurbish option, the Conservation Officer does not accept that the building makes only a neutral contribution to the conservation area, but in fact makes a positive contribution as backed up by its status as a significant unlisted building within the Little Cheverell Conservation Area Appraisal and Management Proposals. Therefore, there is a presumption in favour of its retention under PPG 15 and the case put forward is not sufficient to meet the strict demolition tests set out in paras 3.17- 3.19 of PPG15. The application must therefore be refused.

These comments will be expanded upon within the Planning Officer comments section and a copy of the conservation officer’s full comments are available on the file.

8. Publicity

The application was initially advertised by press and site notices and neighbour notification. Following the court order to quash the approval of conservation area consent first determined on the 28th May 2009, a further site notice has been erected, Little Cheverell Parish council have been notified and in addition those who previously wrote in on the applications have been notified by letter.

From the first round of consultations;

A total of 19 representations were received in support of the application. Some of the main reasons for their support are set out below;

1. The proposed replacement dwelling will not erode the character of the village – many local historic properties have been successfully extended. The proposed dwelling is sympathetic to the area.
2. If this proposal is not supported, it may likely lead to the loss of this young family from the village, who make a positive contribution to the local community.
3. The site is barely visible from the road and the property well screened by existing vegetation which would be retained. The proposed replacement dwelling is very similar to the existing dwelling and so the proposal would not result in any particular harm.
4. The existing dwelling is substandard, not of any great architectural merit, is not suitable for modern living and does not warrant preservation.
5. The proposed replacement dwelling would be much more friendly to the environment.

Three objections were received plus a further late item expressing objection to the scheme. Some of these are lengthy and can be viewed in full on file. However, some of the main concerns can be summarised as follows;

1. The condition report and the argument that this is the only financially viable way to provide habitable accommodation on the site does not warrant demolition of this cottage, which is defined as a significant unlisted building within the conservation area statement. This is especially so in light of the fact that the property was recently purchased and the applicant is a local surveyor.
2. If allowed, the application could set an unwanted precedent for further demolition within the conservation area.
3. Allowing the demolition of this significant unlisted cottage which makes a positive contribution to the conservation area would undermine the very reason for its designation.
4. The property may be worthy of listing and should not be demolished
5. A 2009 pastiche property would not be in keeping with the character of the conservation area and would have no soul.
6. It is difficult to conceive that the planning authority can grant these applications in the statutory exercise of their powers.

Two of these objectors set out that if the existing dwelling could be retained, they would not raise objection to a sympathetic extension which would give an attractive finish in keeping with the host dwelling.

Following the second round of consultation, a further 15 letters of objection and a further 24 letters of support have been received.

In addition to the above points, which remain relevant, additional points in support of the proposal may be summarised as;

- The current house is very dilapidated and has been poorly extended with substandard additions. If consent is prevented, it would turn into a ruin, which would certainly be an eyesore and harmful to the conservation area.
- The current dwelling is an insignificant building and should not have been included within the Conservation Area Statement as a significant unlisted building.
- It is simply the setting of the building and its pink washed appearance which make it appear attractive from a distance but this does not stand up to close scrutiny and a replacement would be equally/ more attractive, especially as the setting will be retained.
- The cottage makes no architectural contribution to the conservation area or to the village

- The conservation issues were considered in full by Members at the May committee, who came to a reasonable decision that the application ought to be granted. There is no reason why this re-application should be considered any differently.
- The quashing Order was only made on the basis that the permission notice 'did not contain adequate reasons' and resulted from the application for judicial Review from a single resident. The application was previously permitted on the basis of suitable and reasonable debate and full democratic procedure and it would be natural justice to approve this further application.
- The existing cottage has only a neutral impact on the conservation area at best, but in its current state, makes a negative one.
- The application should be determined in line with local democracy
- This quashing of the decision and procedural matters have caused this young family much anxiety and was a waste of public money, the application should be approved as soon as possible.
- Only glimpses of parts of the property are currently afforded from the road and with the use of appropriate materials, such glimpse views will be improved not worsened.

And additional objections can be summarised as;

- The arguments that the building should not have been included within the Conservation Area Appraisal as a significant unlisted building do not stand up to close scrutiny. The building meets the English Heritage criteria for assessing these matters and it was included within an Appraisal that was subject to proper public consultation. The Council's Expert Consultant that carried out the appraisal stands by the decision.
- The building, with its wealth of local vernacular details, enhances the village as a traditional rural cottage. The replacement proposed would be a pastiche lacking the same character;
- The building is clearly and easily visible in views from the road and from the public footpath, and is therefore a visible part of the Conservation Area;
- Its identification as a significant unlisted building, together with the expert views that argue that it should not be demolished, support the case that the application should be refused as contrary to national guidance and the Conservation Area Appraisal. The expert views should be supported;
- The building was in better condition when it was bought by the current owner but has been left to deteriorate;
- Repair and renovation would not cost as much as the applicant claims.

9. Planning Considerations

PPG15 provides clear guidance on assessing proposals for demolition of buildings within a conservation area;

Paragraph 4.27 states *'The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 above).'* -

'3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority..... to address the following considerations:

i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use....

ii. the adequacy of efforts made to retain the building in use...

iii. the merits of alternative proposals for the site....'

With regard to the tests in PPG15, the assessment must first be made as to whether the building makes a positive contribution to the character and appearance of the conservation area. The cottage is clearly historic, dating at the latest from the 19th century and relates closely to the other buildings in the village, the architectural character of which is of small scale buildings dating from the late 18th and 19th centuries. The cottage also reflects the area's palette of traditional materials.

The historic cottage is nestled in the valley, in the only plot situated behind those buildings fronting the lane. It is on the edge of a wooded area with only a small scattering of cottages in the immediate area; this is clearly reflective of and therefore contributes to the character of Little Cheverell as a rural and unspoilt village. The conservation area appraisal states how the relationship of buildings with the landscape is a very important part of its character and this is particularly well demonstrated here. The appraisal especially notes the setting of the cottage and the contribution that trees on the site have to the character of the conservation area.

For the reasons highlighted above, the cottage is noted as a significant unlisted building in Appendix 1 to the Little Cheverell Conservation Area Appraisal, a conservation area which was designated as recently as 2007. Although it has been argued that the building is not significant, this argument cannot be supported as the proper tests were applied when it was included in such a list in 2007 and the consultant who carried out the professional appraisal has reiterated that its inclusion was not an error. He states: '*It is clearly part of the historic development of the village and it retains its overall form and scale and some of its historic detail*'. The correct place for the Council to start from is therefore that the existing building does make a positive contribution to the character and appearance of the conservation area. Paragraph 3.5 of the Conservation Area Management Proposals states that there will be a presumption in favour of conserving the key unlisted buildings identified in the appraisal. Copsewood is one of these.

Having established this, it is then necessary to assess the proposal for demolition against the advised criteria, as highlighted above:

i. A professional survey report has been submitted which outlines the condition of the building, which is clearly in need of renovation. Significant works are required, such as the replacement of the substandard single storey extension, which probably dates from mid 20th century and complete stripping of the roof to make it weatherproof and to improve ventilation and insulation; However, these works do not perhaps seem exceptional for a renovation project such as this where a building has been somewhat neglected over the years.

The conclusion of the report is that the feasibility (in financial terms) of a renovation project is exceeded by the economic logic of replacing the property in its entirety. However, the supporting information infers that the building is capable of refurbishment and repair. The two quotes provided to renovate and extend the property support the fact that whilst not favourable from an economic perspective, refurbishment and extension is an option.

This economic argument, combined with the desire to introduce measures to increase energy efficiency, is put forward as the justification for the demolition of the building and its replacement with a new dwelling. Two basic quotations have been submitted which outline the renovation works as costing £253,517 & £261,972, whilst the total demolition and re-build costs would total £182,250 and £189,478 respectively. These figures are challenged by at least one of the objectors, who considers that the total cost of repairing the property would be in the order of £148,000 and that rebuild costs could be higher.

Other issues that should be addressed relate to the value derived from its continued use which may take into account its intrinsic value of it being an historic building and also the value that the cottage's presence in the historic conservation area adds to the overall value of the building stock of the village. The Impact Assessment submitted on the 11th May 2009 by CGMS Ltd, sets out the historical phasing of the property but otherwise concentrates on justifying the proposed new dwelling and provides scant justification for the proposal of demolition. In the absence of further justification for demolition in accordance with PPG15, it must surely be the case that if historic buildings that make a positive contribution to the conservation area are demolished to

make way for modern pastiches, that the historic character of the conservation area will be severely eroded.

ii. The building is currently vacant, as the applicants have moved out. It is deteriorating, as any building left vacant will do. The applicant did initially consider proposals to renovate and extend the building, but has subsequently argued that the economic argument and energy saving features that a new building would bring argue against retaining it. The building has not been marketed at a price that would reflect the work required to repair and renovate the building as the applicant wishes to live on the site.

iii. Planning permission exists for a replacement dwelling, granted by the Council in May 2009. The proposed replacement is a similar, but larger, dwelling. In designing the new building some of the architectural features have been copied, such as chimneys, dormer and bay windows; the ridge height and gable spans are only marginally greater than the existing. It is inevitable that because of modern construction practices and the requirement to meet buildings regulations that the resulting building could never replicate the detailing and vernacular features of the existing historic building.

10. Conclusion

The statutory duty imposed on the Council is to pay special attention to the desirability of preserving or enhancing the character or appearance of the Little Cheverell Conservation Area. The view of Officers is that the demolition of the existing dwelling would detract from the character and appearance of the Conservation Area by removing a building that makes a positive contribution to its character and appearance. Although the construction of the replacement dwelling already granted permission would help ameliorate the situation, it would not overcome the loss that the demolition would involve.

The concerns regarding the erosion of the character of the conservation area could be avoided by retaining the existing cottage and extending it to a sympathetic scale.

RECOMMENDATION

Refuse

Reasons for Refusal

- 1 The cottage, which is noted as a significant unlisted building in the Little Cheverell Conservation Area Statement, makes a positive contribution to the character and appearance of the conservation area and therefore, as per the guidance in Planning Policy Guidance Note 15, the presumption is that the historic building should be retained. The proposed demolition of the existing dwelling has not been justified as part of this application and as such its demolition would be considered contrary to the guidance in Planning Policy Guidance Note 15. The proposed replacement dwelling, whilst it would help ameliorate the situation, would not compensate adequately for this loss.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file and associated history files, together with the Conservation Area Character Appraisal & Management Plan and PPG 15.

Date of Meeting	14 th January 2010
Application Number	E/09/1558/FUL
Site Address	Field at Melksham Road, Westbrook, Bromham, Wilts
Proposal	Change of use of land from agriculture to equestrian. Erection of stables and a manège together with parking area for horse box and vehicles (resubmission of E/09/0992/FUL).
Applicant	Mr & Mrs D Johnson
Parish Council	BROMHAM
Grid Ref	396700 166347
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before the Committee at the request of the local member, Cllr Brown.

1. Purpose of Report

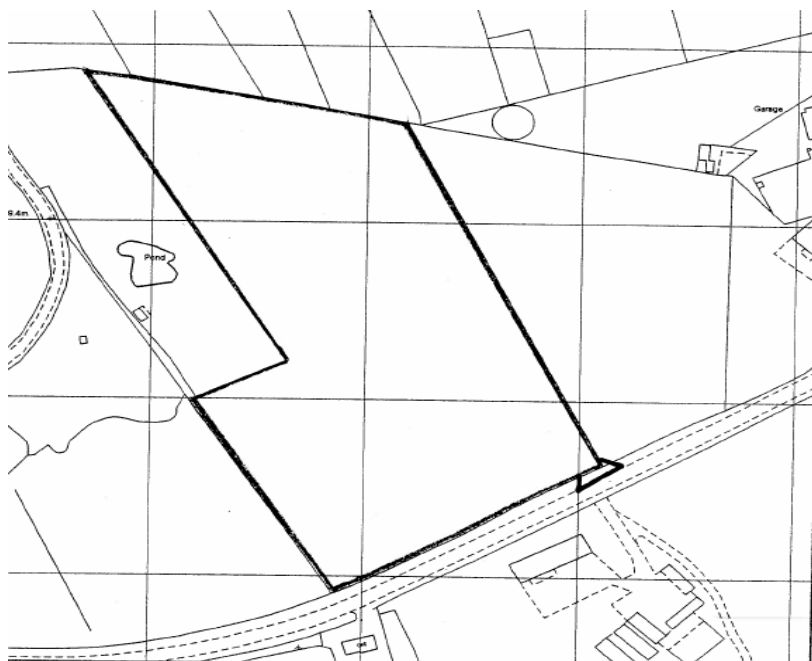
To consider the recommendation that the application be refused.

2. Report Summary

The main issue in this case is the impact of the development upon the character and appearance of the area.

3. Site Description

This application relates to a field on the north side of the A3102 at Westbrook near Bromham. When travelling from Devizes on the A342 turn left into the A3102 (signposted towards Melksham) at the Collins Farm Shop. The site lies on the right hand side after approximately 200 metres.



Site Location

4. Planning History

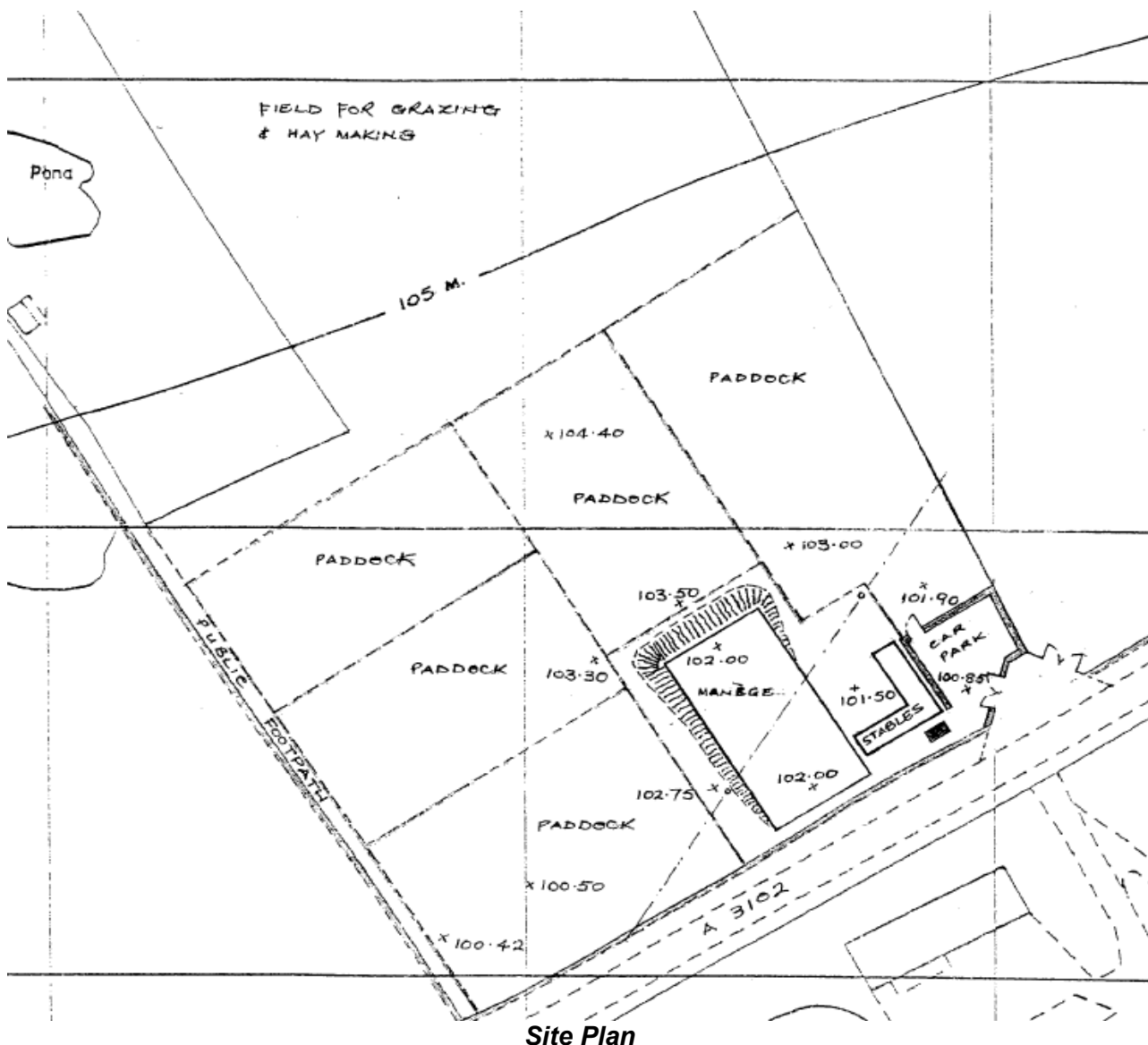
E/09/0992 – Change of use of land from agriculture to equestrian. Erection of stables and a manège together with parking area for horse box and vehicles. Planning permission refused on 15th September 2009 for the following reason:

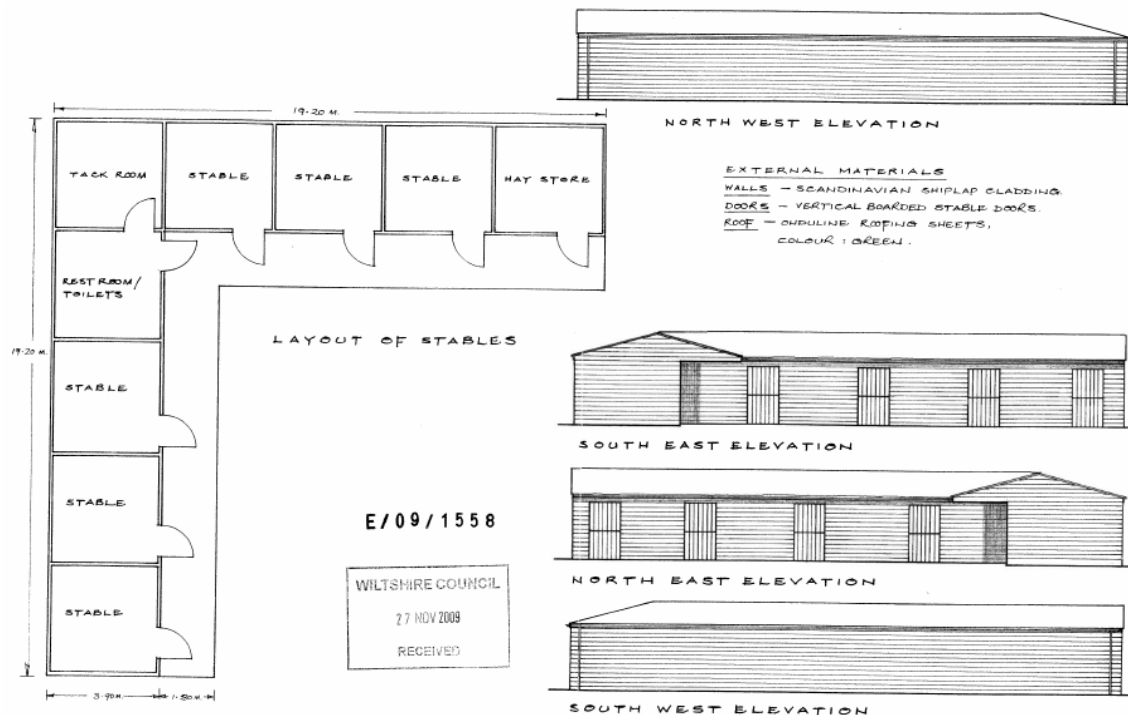
"The proposed stable block, manège and parking area would, by virtue of their siting and resulting prominence in the landscape, the size of the stable block and the need for regrading to construct the manège, be harmful to the character and appearance of the area. Furthermore, insufficient information has been provided to enable a proper assessment to be made of the impact of the change of use of the land to equestrian purposes. As such, the proposals are contrary to Policies PD1 & NR7 of the Kennet Local Plan 2011 and Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy."

5. The Proposal

The proposal is for change of use of land from agriculture to equestrian, erection of stables and construction of a manège together with parking area for horse box and vehicles. The development would be non-commercial and for the personal use of the applicants and their family only.

Members will note that extensive excavation and ground re-profiling works have already been carried out on site without the benefit of planning permission. A sizeable hardcore entrance apron has also been constructed using crushed building materials.





6. Planning Policy

Kennet Local Plan - the site lies in open countryside. Policies PD1 & NR7 of the Local Plan are relevant to the consideration of the application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is also a material consideration.

7. Consultations

Bromham Parish Council – The parish council is concerned about the adequacy of the drainage system off of a hard surface with known flooding in this area.

Wiltshire Council Archaeologist – no objections.

Wiltshire Council Highways –

The access that has been partly formed is unnecessarily large. There would be no highway objection to a smaller access more appropriate to the proposed use. If the access is to be completed as currently laid out it will be important for the roadside kerbs to be properly lowered and for the first part of the access area to be surfaced. (Currently the access is surfaced in loose demolition material which is unsatisfactory.)

No objection subject to planning conditions to cover the following points:-

- The existing roadside kerbs across the entire access position being replaced by lowered bull nose kerbs at 20mm upstand.
- The surfacing of at least the first 7.5 metres of the access in a well-bound consolidated material (not loose stone or gravel).

The applicant must be advised that Public Footpath 14 runs along the west side of the site. Either a 2.5m strip must be maintained free of obstruction along the footpath route, or if paddock fences are constructed across the route, styles must be provided at each point.

8. Publicity

The application has been advertised by site notice. Neighbour notification has also been carried out. No representations have been received.

9. Planning Considerations

Equestrian uses can often be an acceptable alternative to agriculture in countryside locations. However, care needs to be taken to prevent harm to the character and appearance of the area. This can often result from poorly sited stable blocks and manèges, and the paraphernalia associated with equestrian use (parked horseboxes, jumps, etc.).

In this instance the site covers an extensive area of approximately 3.50 hectares. The field is highly visible in the landscape, with clear views achievable from the A3102 and a public footpath which runs through the western edge of the field. There will also be views into the site from Chittoe to the north. The prominence of the site is made worse by the local topography.

All three elements of this proposal would be extremely prominent in the landscape.

a) Stable

The proposed stable is sizeable, forming an L-shape with 9 individual compartments (identified on the plans as 6 stables, a hay store, tack room and restroom/toilets). This would be a large building for personal use and is verging on the scale required for a commercial use.

The stable block would be positioned near the site entrance onto the A3102. The building would be highly prominent when viewed from the public highway, presenting road users with a 19.20m long elevation. There are other stable blocks and field shelters in the neighbouring fields to the north but these are much smaller and far less prominent.

b) Manège

Works on the manège have started prior to planning permission being granted and have involved significant excavations and earthworks to create a level surface for construction. These works are intrusive in the landscape and it is considered that they have seriously harmed the character and appearance of the area.

c) Parking Area & Entrance Apron

The parking area would be prominently sited at the entrance to the site. There is no opportunity to use landscaping to screen the area from the road and therefore parked vehicles would be highly visible. The visual impact is exacerbated by a sizeable hardcore entrance apron which has been created without planning permission using crushed building materials. This in itself is harmful to the character and appearance of the area and it is far larger than is necessary to serve an equestrian use and an adjacent agricultural field. Highway officers have confirmed that a smaller apron would be acceptable.

Summary

Overall it is considered that a grant of planning permission for this equestrian development would result in harm to the character and appearance of the area. If members resolve to accept the recommendation to refuse planning permission then officers will commence enforcement action to secure the removal of the hardcore entrance apron and the restoration of the field to its original condition.

RECOMMENDATION

Refuse planning permission on the following grounds:

- 1 The proposed stable block, manège and parking area would, by virtue of their siting and resulting prominence in the landscape, the size of the stable block and the need for regrading to construct the manège, be harmful to the character and appearance of the area. Furthermore, the hardcore entrance apron is visually intrusive due to its excessive size and the nature of the materials used in its construction. As such, the proposals are contrary to Policies PD1 & NR7 of the Kennet Local Plan 2011 and Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy.

Appendices:

None

**Background Documents Used in the
Preparation of this Report:**

The application file and associated history
files.