

# Schedule Of Planning Applications For Consideration

*In The following Order:*

*Part 1) Applications Recommended For Refusal*

*Part 2) Applications Recommended for Approval*

*Part 3) Applications For The Observations of the Area Committee*

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

## **ABBREVIATIONS USED THROUGHOUT THE TEXT**

<b>AHEV</b>	- <b>Area of High Ecological Value</b>
<b>AONB</b>	- <b>Area of Outstanding Natural Beauty</b>
<b>CA</b>	- <b>Conservation Area</b>
<b>CLA</b>	- <b>County Land Agent</b>
<b>EHO</b>	- <b>Environmental Health Officer</b>
<b>HDS</b>	- <b>Head of Development Services</b>
<b>HPB</b>	- <b>Housing Policy Boundary</b>
<b>HRA</b>	- <b>Housing Restraint Area</b>
<b>LPA</b>	- <b>Local Planning Authority</b>
<b>LB</b>	- <b>Listed Building</b>
<b>NFHA</b>	- <b>New Forest Heritage Area</b>
<b>NPLP</b>	- <b>Northern Parishes Local Plan</b>
<b>PC</b>	- <b>Parish Council</b>
<b>PPG</b>	- <b>Planning Policy Guidance</b>
<b>SDLP</b>	- <b>Salisbury District Local Plan</b>
<b>SEPLP</b>	- <b>South Eastern Parishes Local Plan</b>
<b>SLA</b>	- <b>Special Landscape Area</b>
<b>SRA</b>	- <b>Special Restraint Area</b>
<b>SWSP</b>	- <b>South Wiltshire Structure Plan</b>
<b>TPO</b>	- <b>Tree Preservation Order</b>

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE  
 FOLLOWING COMMITTEE  
**NORTHERN AREA COMMITTEE 13<sup>TH</sup> JULY 2006**

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

<b>Item Page</b>	<b>Application No Officer Site Address Proposal</b>	<b>Parish/Ward Recommendation Ward Councillors</b>
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1.	S/2006/0982 Mr T Wippell	SHREWTON REFUSAL
	MR R T KINSEY WOODWAY COTTAGE CHITTERNE ROAD SHREWTON SP3 4JW  ERECTION OF GENERAL PURPOSE BUILDING INSIDE RESIDENTIAL CURTILAGE.	CLLR MILLS CLLR WEST

# Part 1

## Applications recommended for Refusal

1.

Application Number:	S/2006/0982		
Applicant/ Agent:	HERON CONSTRUCTION COMPANY LIMITED		
Location:	WOODWAY COTTAGE CHITTERNE ROAD SHREWTON SALISBURY SP3 4JW		
Proposal:	ERECTION OF GENERAL PURPOSE STORAGE BUILDING INSIDE RESIDENTIAL CURTILAGE		
Parish/ Ward	SHREWTON		
Conservation Area:		LB Grade:	
Date Valid:	15 May 2006	Expiry Date	10 July 2006
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

### REASON FOR REPORT TO MEMBERS

This item is to be determined by Committee due to:

- The Applicants Wife being a council employee

### SITE AND ITS SURROUNDINGS

Woodway Cottage is a semi-detached dwelling in an isolated position in the open countryside. The property is set back from the main road, with the main gardens fronting the road. To the rear of the property, a hardstanding has been constructed, which is used as a storage area for tools and vehicles.

### THE PROPOSAL

The proposal is to create a large agricultural storage building to the rear of the property, within the residential curtilage of the dwelling.

**RELEVANT PLANNING HISTORY**      None relevant

### REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes

**Third Party Representations:** None  
**Parish Council:** No objections  
**Consultations:** Electricity Board- No objections  
**Policy Context:** G2, D3, H31

### PLANNING CONSIDERATIONS

Impact upon visual amenity and character of the area  
 The design, height (5.6 metres) and overall scale of the storage building is considered to be out of keeping with the residential nature of the site. The footprint of the storage building is excessive, its design is utilitarian in appearance, and the proposal does not exhibit an obviously subservient relationship with the associated dwelling. In design terms, it is considered that a

development could be achieved in a more acceptable way that would limit the harm caused to the visual amenity of the wider area.

## **USE OF OUTBUILDING**

The main issue to consider in this application is the intended use of the storage building for agricultural/business purposes. As the applicant has confirmed that the primary use of the building is for the storage of agricultural machinery/ vehicles to be used with a contracting business, approving this application would be tantamount to allowing a new business in the curtilage of a residential property.

For the purposes of this application, it must be stated that wherever possible, agricultural and residential development should be kept separate unless there is a strong justification and requirement for the development. Indeed, the applicant has stated personal circumstances as to why the scheme should be approved; mainly that the storage building is required for the survival of an agricultural contracting business. These circumstances must be taken into account as a material planning consideration as part of the decision making process.

However, in this particular circumstance, whilst it is accepted that there may be a valid need for an agricultural storage building for the contracting business, it is considered that the structure would be far better located on agricultural land, preferably within close proximity to the contracting business, and not within the residential curtilage of a dwelling. The principle of allowing such a development would be contrary to local and national planning policy, and approval of this scheme could make it difficult to resist further applications of a similar nature in the District.

In summary of the officer's position on the issue, whilst it is accepted that the applicant's personal circumstances may justify the development of an agricultural storage building for use with a contracting business, in light of national and local planning policy officers find it difficult to recommend anything other than a refusal.

However, planning case law states that when planning issues and impacts are finely balanced, the personal circumstances of an applicant can be a material consideration in the determination of an application in exceptional circumstances.

As such, members may consider that the personal circumstances of the applicant in this case, outweigh the planning considerations laid out in this report. Such a consideration would not therefore be wholly unreasonable, subject to suitable conditioning regarding times when the building is in use, and personal permissions.

## **RECOMMENDATION: REFUSE**

For the following reasons:-

The proposed development would by reason of its excessive dimensions, agricultural characteristics and use within the residential curtilage of 'Woodway Cottage', introduce an incongruous characteristic into the environment likely to result in a conflict of uses to the detriment of the residential amenity of the site and neighbouring property. As such, the proposal is considered to be contrary to the aims and objectives of PPS7 and Policies G2, D3 and C6 of the Salisbury District Local Plan.

### **INFORMATIVE:**

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

- G2 - General Criteria for Development
- D3 - Good Design
- C6 - Essential Development Criteria in Special Landscape Areas

## **HUMAN RIGHTS**

### **State the right(s)**

Article 6 – The Right to a Fair Hearing

Article 8 – The Right to Respect for private and family Life

Article 1, Protocol 1 – Protection of Property

### **2. Give details of the victims and how their rights are affected – consider third parties as well as the person affected directly by the decision.**

Applicants The right to extend their property

Neighbouring Residents the right not to be detrimentally affected

General Public The right not to be detrimentally affected

### **3. Give details of how the right is qualified and the interference is legitimate**

Article 8 and Article 1, Protocol 1 is qualified.

Article 6 is absolute.

Interference is legitimate in that is necessary in the public interest for the protection of the rights and freedoms of others and/or for protection of the environment

### **Give details of the laws with which the decision is in accordance.**

Town & Country Planning Act 1990

### **5. Details of the legitimate aim being pursued**

Aim – To control development in accordance with the Development Plan and National Policies contained in the accompanying report.

### **6. Give details of how the decision is proportionate and the relevant and sufficient reasons for it.**

The balance of the considerations is such that the applicants' property rights outweigh any interference which there may be with the rights of neighbours and the general public – for the reasons set out in the report.

### **Give the reasons why there is no discrimination.**

If there is discrimination give details. It has been dealt with no differently from any other planning application and the decision is in accordance with the Development Plan and National Policy Guidance.

**Part 2**  
**Applications recommended for Approval**

No Approvals