

**Planning application 07/02253/FUL – Proposed replacement dwelling – Heronsview, 91B Winsley Hill, Limpley Stoke**

**Officer - David Hubbard, Development Control Services Manager**

**Purpose**

This report is brought to the Planning Committee following a request from the Chairman of the Committee for officers to look again at the need to refer this application to the Secretary of State as the Committee are minded to grant planning permission for this development in the green belt.

**Background**

This is a full application for a replacement dwelling at 91B Winsley Hill, Limpley Stoke.

At the meeting of this Committee on 13 September it was resolved that:

“The application be referred to the Secretary of State as a Departure in the Green Belt which the Council are minded to approve because of the very special circumstances.”

In making this decision, the Committee concluded that the proposed replacement of the existing dwelling would not be materially larger than the dwelling to be replaced. In so doing the conclusion made was that the proposal complied with Policy GB2 of the West Wiltshire District Plan First Alteration.

The report to the meeting of 13<sup>th</sup> September can be found at item 12 (page 77) of the list of applications to be determined. The draft minute for this item can be found at page 11 of the draft minutes

**Main Issues**

In correspondence with the Chairman of this Committee, the applicant has questioned the need for this application to be referred to Secretary of State. The chairman has asked officers to look further at policy and guidance on this point and if necessary to report back to this Committee.

The Town and Country Planning (Green Belt) Direction 2005, requires that where a local planning authority is minded to permit a planning application for inappropriate development in the Green Belt, the Secretary of State should be consulted on development which involves

- a) The construction of a building or buildings with a floor space of more than 1000 square metres; or

- b) Any other development which, by reason of its scale or nature or location, which would have a significant impact on the openness of the Green Belt.

Further reference to guidance in Planning Policy Guidance Note PPG2 – Green Belts and Policy GB2 (Control of development in the Green Belt) of the West Wiltshire District Plan, first Alteration 2004 has led your officers to conclude that the proposed replaced dwelling is not inappropriate development in the green belt. It follows therefore that the development would not have a significant impact on the openness of the Green Belt. Consequently there is no requirement to consult the Secretary of State.

**Recommendation:**

**That the Secretary of State is not consulted on this application and that planning permission is granted subject to the conditions and note to the applicant agreed at the meeting of 13<sup>th</sup> September and as set out below.**

**Conditions**

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. Such details shall include to use of natural stone to the external walls.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies GB2 and C31A.

- 3 Before any work starts on site details of the slab levels shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order to ensure the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies GB2 and C31A.

- 4 The dwellings hereby approved shall not be occupied until the turning space shown on the approved plan has been properly consolidated and surface to

the satisfaction of the Local planning Authority. Such turning space shall be kept clear of obstructions at all times

REASON: In the interest of highway safety.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) A-E of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy GB2

Note to Applicant:

- 1 The applicant is advised that this permission does not absolve the developer from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005

Background papers

- Planning application files – 06/03853/FUL and 07/02253/FUL
- The Town and Country Planning (Green Belt) Direction 2005
- Planning Policy Guidance Note PPG2 – Green Belts
- West Wiltshire District Plan, first Alteration 2004 policy GB2 (Control of development in the Green Belt)