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Report

SUBJECT: Planning application S/2006/2384
at Pythouse Club, West Hatch, Tisbury

REPORT TO: Planning and Regulatory Committee

DATE: 28th February 2008

AUTHOR: Oliver Marigold, Senior Planning Officer

Reason for Report:

The purpose of this report is to consider a planning application for a replacement clubhouse including two storey extensions, and creation of a caretaker's flat, and associated works.

The application has been brought before the Planning and Regulatory Committee because the Western Area Committee's recommendation is considered to be a material departure from Saved Policies H23 and T7 of the Adopted Salisbury District Local Plan (June 2003).

Background:

The application was recommended for refusal by officers and was considered by members at Western Area Committee on 7th February 2008. Following a site visit members resolved to recommend approval, subject to a s106 agreement, for the following reason:

Reason for approval:

"It is considered that the proposed development, including the provision of 'tourist/holiday' accommodation, and the provision of ancillary residential accommodation for a caretaker, would provide a positive benefit in providing a community facility that would contribute to the social and economic vibrancy of this rural community, that would not harm the character and appearance of the countryside or of the Cranborne Chase and West Wiltshire Downs AONB.



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Although the proposal would not entirely accord with the saved policies of the Adopted Salisbury District Local Plan, it is considered that in this exceptional case, the benefits are a sufficient material consideration that justifies approval in this instance."

Subject to the applicants entering into a legal agreement under s106 of the Town and Country Planning Act to ensure that:

- All units are tied into one ownership, and that the residential unit or the units of visitors'/tourists accommodation will not be let/sold/occupied other than in association with the sports club
- No other part of the premises will be occupied before the cricket ground and its new facilities are fully completed
- Priority will be given to local people in the use of the facilities and membership (based on the terms of the Pythouse Club Business Plan submitted with the application)

It was also recommended that the application should be subject to conditions and the setting of conditions was delegated to the Head of Development Services. The recommended conditions are therefore:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason (1): 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 take place until details (and where so required by the Local Planning Authority) samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D03A)

Reason (2): in the interests of the character and appearance of the area

(3) Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved

Reason (3): In the interests of the character and appearance of the area

(4) No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason (4): In the interests of the character and appearance of the area

(5) Before the commencement of development, the 2.4m x 90m visibility splay indicated on the submitted site plan numbered 044-PO5B shall be provided with nothing over 1.0m in height above the adjacent carriageway level being planted, erected or maintained in front of (highway side) the splay line.

Reason (5): in the interests of highway safety

(6) The first 5.0m of the site access measured back from the highway carriageway edge shall be properly surfaced and consolidated (not loose stone or gravel) in accordance with details that shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of development.

Reason (6): in the interests of highway safety

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

Reason (7): in the interests of highway safety

(8) The development hereby approved shall be undertaken in full accordance with the revised mitigation protected species survey (including the clarified timings associated with construction).

Reason (8): in the interests of protected species

(9) Prior to the commencement of development, details of the proposed re-sited cricket pavilion shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason (9): in the interests of clarity

(10) Prior to the commencement of development, details of the surfacing of the tennis courts and of the proposed car parking area shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason (10): in the interests of the character and appearance of the area

(11) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason (11): to prevent the increased risk of flooding.

(12) No development approved by this permission shall commence until a scheme for water and energy efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason (12): In the interests of sustainable development.

(13) Full details of the non-mains foul drainage system to be used to serve the development must be submitted to and approved in writing by the Local Planning Authority in accordance with circular 3/99 (Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development).

Reason (13): To prevent pollution of the local water environment

(14) The development hereby approved shall be used only as a sports/community clubhouse and associated accommodation, and for no other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason (14): planning permission has only been granted for the scheme as submitted. Other D2 uses would raise considerably different planning issues, which would merit further consideration

(15) Prior to the commencement of development, details of the means of lighting the site (including number, position, timing, hours and shielding of lighting) shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be lit in accordance with the approved lighting scheme, and no changes to the lighting scheme shall be made without the prior written consent of the Local Planning Authority.

Reason (15): in the interests of reducing light pollution and the impact of lighting on the Area of Outstanding Natural Beauty

(16) Between March and August inclusive of any and every year, no work shall take place within areas of the site known or potentially used by nesting birds, unless a thorough assessment for the presence of nesting birds has been undertaken by a competent ecologist of the part of the site to be worked on. If any nests are found as a result of this assessment no work shall take place in the area until the nest has been permanently vacated by the birds.

Reason (16): in the interests of ensuring bird habitats are not disturbed

INFORMATIVES:

1. Any signage needs to be sensitively designed and placed, and may need separate consent under the Advertisement Regulations.
2. The applicant is referred to the advice of the Environment Agency in their letter of 11th December 2006 regarding water efficiency measures, foul drainage and swimming pool filter backwash, sustainable drainage systems, pollution prevention and sustainable construction

The report of the Head of Development Services is provided below (at **appendix A**), together with the schedule of additional correspondence that was previously circulated at the Western Area Committee (at **appendix B** and associated **appendix C**). Where relevant the officer's report has been updated to reflect the changes made as a result of late correspondence (ie planning history, parish council response)

Options for consideration:

- (a) approve the application, as recommended by members of the Western Area Committee;
- (b) refuse the application, as recommended by officers.

Officer's report to Western Area Committee

REASON FOR REPORT TO MEMBERS

Councillor Green has requested that the application be heard at Western Area Committee, on the grounds of the extent of interest shown in the application.

SITE AND ITS SURROUNDINGS

The site consists of the Pythouse Club, an existing two storey building with associated structures including a swimming pool and tennis court. Although the existing facility is used by a tennis club, it is accepted that the existing building is in a dilapidated and run-down state.

In planning terms the building lies in the open countryside and within the Cranborne Chase and West Wiltshire Downs AONB.

THE PROPOSAL

The application proposes the replacement of the existing clubhouse with a new building. The replacement building would be essentially on the same site, but of a more modern design in comparison to the existing site and building. The building would, however, be larger in that it includes an extension to the eastern side.

The accommodation within the building would consist of replacement sports facilities including changing rooms, sauna, remedial rooms etc, yoga, gym, members' gallery etc. Also included, however, is a caretaker's one-bedroom residential flat, and accommodation consisting of 8 bedrooms for members. These two elements are new facilities (although there is a question about previous unauthorised residential use – see below).

Also proposed is a car parking area, two tennis courts, the re-location of the existing cricket pavilion, and associated landscaping.

PLANNING HISTORY

S/1992/0326 Refurbish and provide country club accommodation plus living quarters within existing structures. Members resolved to grant permission subject to a legal agreement under s106 of the Town and Country Planning Act to ensure that:

- (a) no other part of the premises will be occupied before the cricket ground and its new facilities are fully completed
- (b) priority will be given to local people in the use of the facilities and membership
- (c) the residential unit shall not be sold or let separately from the sports club

The legal agreement was not entered into, and therefore no decision was made on the application

CONSULTATIONS

Highway Authority – No objection subject to conditions

Natural England – Remove their objection on the grounds that the application now contains sufficient information to demonstrate effect on legally protected species of the development can be mitigated acceptably. Recommend conditions ensuring that development takes place in accordance with the revised mitigation report (dated 22nd January 2008) and a condition in relation to timing in relation to birds.

Forward Planning – Key Policies are Salisbury District Local Plan Adopted 30th June 2003 G1, G2, C4, C5, C12, C24, PS1, R1C, T5, T6, H23, H27 [policy T5 has not been ‘saved’ so is no longer relevant].

Policy C4 will allow developments in the AONB if it does not harm the natural beauty of the landscape. The site is not well maintained and is an eyesore in the landscape. Though the proposal intends to build on previously non-developed area the applicants have shown that views will not be significantly altered.

Policy C5 states that small scale developments in the AONB must have a siting and scale sympathetic to the landscape and have high standards of landscaping and design with appropriate building materials reflecting the character of the area. The proposal exceeds the current footprint with a 2 storey extension to the east that is relatively large compared to the original building and will result in the main west elevation being shorter than the north elevation. The design and access statement submitted with the application describes the building materials as timber, brick and aluminium which although reflecting the mixture of building materials currently there may not be the most appropriate materials for an AONB site. Advice from the Design Forum will help conclude whether the proposed design and materials are of a high enough standard and reflect the area’s character.

Policy C12 states that development affecting protected species will not be allowed unless it can be shown that there would be no adverse impact on protected species. The applicants submitted an ecology report stating that three species of bats were found residing in the clubhouse and that the site could also contain Great Crested Newts and native reptiles. The report suggests further surveys in spring and summer will reveal more information about the possible species present. It would be beneficial if the applicants carried out these further surveys and state what measures will be used to protect the wildlife before a decision is made. Consultations from Natural England and Wiltshire Wildlife Trust could also provide additional information. Until this happens it is considered that the application contains insufficient information on whether the development would have an adverse effect on the species identified.

Policy C24 will permit an extension to be built in the countryside if is sympathetic in scale within the existing curtilage and is in keeping with the character of the existing building and its surroundings. Although the extension is relatively large it is still sympathetic in scale and within the curtilage. As mentioned under policy C5 the proposed development is generally in keeping with the character of the existing building and surroundings however further advice should be sought from the Design Forum.

Policy G1 is concerned with promoting the vitality and viability of the local communities and the conservation of cultural heritage. It also aims to reduce the need for travel and encourage public transport cycling and walking. The vitality and viability of the local communities would not be encouraged by the development of a private membership club as local residents and other members of the public would not be able to use the facilities. However, it should be noted that the proposal would create employment opportunities and the cultural heritage of the site as a recreational facility will be preserved. The facility is located away from settlements and it has been concluded that the 44 car parking spaces will encourage unnecessary private car use and should be reduced. The proposed construction of 12 cycle parking spaces will encourage cycling and local community use.

Policy G2 states that new developments should have satisfactory access turning space and parking and will not place an undue burden on existing facilities services or roads. The proposal should respect the existing landscape and avoid the loss of important open spaces and natural features. The development should also have no conflict with nearby dwellings and result in minimal or no loss of forestry or agricultural land. The Highways Agency have suggested that alterations to the access will be required submitted maps show sufficient turning space and policy G1 deals with parking.

Policies C4 and C5 provide more information regarding how the proposal will respect the landscape. The proposal will create relatively little loss of features such as hedges and trees and the site is not

located near other dwellings, agricultural land or forestry

The redevelopment or enlargement of existing community facilities located outside settlements will be permitted by policy PS1 because the proposed development is wholly inside the site's existing boundaries.

Policy R1C is concerned with the development of new outdoor recreation facilities in the countryside and mainly affects the proposed new swimming pool that will be moved southwards of the existing, poorly maintained, pool. According to the policy the development should not adversely impact on the amenities for local residents or be dependent upon the construction of large buildings. Policy G2 has shown that the proposal will not affect local amenities and the development of the pool is not reliant on the construction of the rest of the proposal. The development should also not adversely impact the AONB, therefore, further information is required about the pool site as stated in policy C12, as the area may have been re colonised by nature

Tourist Member's accommodation

Because the original building will be demolished and the proposed eight bedrooms for tourists and members will be housed in the new extension. Policy T5 will need to be satisfied as it relates to the development of new hotels in the open countryside. This policy categorically states that such developments built in the countryside and not related to any settlement are not permitted. [This policy has not been 'saved' as part of the LDF process and the advice in PPS7 is relevant instead – see below].

The applicants have suggested that the proposed new tourist or members' accommodation can be permitted under policy T6. This policy will allow the change of use of buildings to a site of tourist accommodation if the development has no adverse effects on the surrounding amenities and any extensions are subordinate in size and do not detract from the appearance and quality of the surroundings.

Residential flat

The proposal includes a caretaker's flat in a site outside the Housing Policy Boundary Policy H23 relates to residential development in these areas and states that such applications are restricted to affordable housing for local people and rural workers. The applicants have stated that this case can be justified by policy H27 which relates to rural worker accommodation

Policy H27 states that accommodation in the countryside is permitted for full time agricultural and forestry workers if alternative dwellings are not available or suitable and that there is an established need for the worker to be accommodated at the site. Unfortunately a caretaker is neither an agricultural nor a forestry worker however the applicants have suggested an exception could be made. The applicants state that a full time residential caretaker is necessary for the business and must be located at the site to fulfil his job and prevent vandalism. The applicants have shown that planning permission for a residential caretaker was granted in 1993 and residential use has been associated with the site in the past. However planning permission would have been granted under a now obsolete local plan and any previous residential use has now ceased. They have also demonstrated that while the site was in a state of disrepair the area had been vandalised, however this does not establish whether vandalism would continue after the site was redeveloped. Therefore the proposal has not shown a clearly established existing need for workers to be accommodated at the site however it should be noted that a caretaker's flat could be described as ancillary accommodation.

Policy H27 also requires that the activity the residential worker is involved in must have been in business for the last three years and been in profit for at least one of those years. Although the site has been in use for 100 years the proposed development will dramatically change the current business at the site with additional buildings facilities and staff. The resulting business does not reflect its current use or its recent profitability therefore the application does not come from a proven successful business as requested by the policy.

Recommendation of Forward Planning department

As the site is located in an AONB further surveys and consultations with Natural England the Wiltshire Wildlife Trust and the Design Forum should be sought regarding the protected species present and the proposed design and building materials before planning permission is considered.

Although the local plan seeks to encourage the development of community facilities this proposal is for a private members club that local residents may not be able to access easily. Possible discount memberships and access for non-members have been suggested but if these are not implemented the facilities will not be readily available for local residents.

The local plan restricts the construction of residential housing and new tourist accommodation in the countryside in order to preserve greenfield sites. Some residential housing is acceptable such as that for rural workers however the requirement for a caretaker to reside at the site has not been satisfactorily demonstrated. New build hotels in open countryside are not permitted by policy T5. In conclusion the Forward Planning Team recommend this proposal be refused.

Environment Agency – no objection subject to conditions in relation to foul drainage, flood risk and water and energy efficiency.

Environmental Health – no observations to make in connection with this application

Wessex Water – disposal of foul drainage will be to a proposed septic tank

REPRESENTATIONS

Advertisement Yes – expired 21/12/06
Site Notice displayed Yes – expired 21/12/06

Departure Yes – if recommended for approval, the application would need to be heard at Planning and Regulatory Panel, because it would be a departure from the saved policies of the Adopted Local Plan (policies H23 and T7)

Neighbour notification No
Third Party responses Yes – **140** letters supporting the application
Parish Council response Yes - The Parish Council have made the following comments:

The application caused some debate; however, on balance the Parish Council took the view that re-development of the clubhouse, which is currently an eyesore, would improve the amenity and potentially bring some employment and prosperity to this run-down area in West Tisbury. It was also felt that a development that will encourage the take up of sport and fitness routines should be supported towards the achievement of Health of the Nation targets.

Discussion centred on concerns that the development may increase traffic on the lane & potential for noise nuisance at night.; lights may cause light pollution in the rural area; concerns on potential impact on the community. Agreed the proposal has many good features. On balance, council considered the benefits would outweigh the disadvantages. Proposed to recommend conditional acceptance. Prop RF; 2nd IL 3 in favour; 2 against”

MAIN ISSUES

The principle of development and the impact on the countryside and AONB
Protected species
Other factors

POLICY CONTEXT

G1, G2	General Development Criteria
C2, C4, C5	Development in the countryside and AONB
C12	Protected species
PS1	Public Services
R1C	Outdoor recreational facilities
T6	Change of use of buildings to hotel, bed and breakfast etc accommodation
T7	Permanent holiday accommodation
H23	New Permanent dwellings in the countryside
H27	Agricultural workers' dwellings
R2	Public recreational open space facilities
PPS7	Sustainable Development in rural areas

DCLG advice '*Good Practice Guide on Planning for Tourism*'

PLANNING CONSIDERATIONS

The principle of development and the impact on the countryside and AONB

The site is in the countryside and AONB where, as has been identified, local and national policies are clear in restricting new development. However, Policy PS1 of the Local Plan does support the development of *community* facilities. Policy R1C supports new outdoor recreation facilities provided that they are not dependant on the construction of large buildings. In the context of this site, this is taken to mean a building larger than the existing building.

Bearing in mind the social and economic benefits, it is considered that the replacement of the existing building with one providing facilities similar to those that exist already (but have fallen into disuse) would not be unacceptable in principle, provided that the emphasis is on providing facilities for the community rather than as an exclusive private club. Clarification and detail on the proposed membership criteria of the club, events, use, fees, catchments areas etc has been provided that shows that the club would be focused on local membership and activities (although the extent that this can be controlled in the long term future is questionable).

In relation to the proposed uses, however, it is considered that the tourist accommodation (eight bedrooms and guest accommodation) would not be acceptable, both because of the principle of such a use, and because of the additional two storey wing necessary to accommodate the bedrooms.

In terms of principle, as has already been identified by the Forward Planning Team, Local Plan policies do not support the provision of new-build tourist accommodation (as opposed to conversions of barns for example) in the open countryside. Policy T7 makes clear that new-build hotels or permanent tourist accommodation should not be permitted in the open countryside unrelated to existing settlements, while policy T6 supports 'hotel, guest house, bed and breakfast or self catering accommodation' only where it takes place through the conversion of an existing building. Policy T5 has not been 'saved'; instead PPS7 provides guidance on hotels in the countryside.

PPS7 makes clear that new building development in the countryside should be strictly controlled and specifically says that most tourist accommodation should be located within (or adjacent to) existing towns and villages.

PPS7 does support the replacement of buildings in the countryside, for economic development purposes, where such a building could be converted but where replacement would result in sustainable and environmental improvements.

While it is accepted that this does give some support for a replacement of the existing building (as accepted above), PPS7 also says that this does not apply to residential development, and that there will be cases where the size and scale of replacement buildings will not be acceptable. It is considered that this is one such case. Indeed the PPS specifically emphasises conversion (and not new build) as being acceptable for hotel or other serviced accommodation.

It is considered that it would be preferable for those making use of the bedroom accommodation (for example visiting teams) to make use of existing hotel and tourist accommodation in the local area (a number of which have been identified by the applicants) helping the local rural economy.

Even if this 'in principle' could be overcome, and notwithstanding the landscaping mitigation proposed, the wing proposed for the bedroom accommodation significantly adds to and extends the amount of development on this site. It is appreciated that at one time there was a boundary treatment surrounding the pool, but the pool site (other than the pool itself) has now blended into the landscape and has a rural feel.

Turning to the proposed permanent residential accommodation, the fact is that new dwellings in the countryside are unacceptable as a matter of principle. The only relevant exception is that provided in PPS7 for *rural-based enterprises*. This exception only allows for permanent accommodation for established enterprises - rather than new enterprises such as this - and then only where a financial and functional justification is provided as set out in annex A of PPS7 (ie similarly to agricultural dwellings).

In this case the essential justification for the dwelling is based on security needs, in relation to concerns that without continuous residential occupation the building would be subject to vandalism etc. From site visits, there is a degree of vandalism internally that has resulted from apparently unlawful occupation.

However, as members will be aware from dealing with agricultural dwellings, security needs cannot on their own form a justification for new residential accommodation in the open countryside, because this argument could be used for any enterprise operating in the countryside. It also seems unlikely that a new facility will not be provided with a high standard of security measures (alarms, movement sensors etc).

It is also argued that on-site accommodation is necessary to 'meet and greet' users of the club, and that members of the public will use facilities at irregular times of the day and night, but it is not considered that these justifications amount to the functional need required by PPS7. To the extent that the guest bedrooms require an on-site presence, this only adds to the demonstration that such uses are not normally acceptable in principle in the countryside other than through conversion or extension of existing buildings.

Even if there is a need for on-site accommodation, it is considered that this should be provided only by means of temporary accommodation, at least for the first three years of the enterprise while it becomes established. Indeed, this was how the caretaker's accommodation was provided from 1980 to 1988.

The projected profits submitted show that the club would break even in the second year (albeit before tax, depreciation, capital repayments etc) and that the 'industry average' would be achieved by year five.

However, there is no guarantee that the enterprise would be successful and it is for this reason that permanent accommodation is not permitted until the business becomes established. If the business is not successful then the Authority would be left with a dwelling in the countryside which it would find

difficult to resist being used as an unrestricted unit of accommodation.

Nevertheless, it is accepted that there are additional factors to be taken into account in this case. One is the potential for a lawful use to have been established through use by a caretaker until 1995 and a subsequent unlawful occupation later on.

From visiting the site, it appears that the unlawful use of the building as residential accommodation had clearly ceased some time ago. Furthermore the accommodation between 1980 and 1988 was (according to the applicant's evidence) provided by a caravan rather than as a dwelling and therefore this does not establish a use that could assist a case in favour of a permanent dwellinghouse or flat.

Between 1997 and 2003 there is some evidence to suggest that there was residential occupation of part of the building itself. However, this evidence is not of sufficient standard to issue a Lawful Development Certificate and, crucially, it appears that the residential occupation during this time was not continuous, casting considerable doubt as to whether residential use has established immunity from enforcement action (notwithstanding the fact that it ceased some time ago anyway). Therefore the history of unlawful residential uses carries very little weight and does not provide a 'fallback' position for the applicants.

A second factor was the previous planning application. However, no formal decision was made and, even if it had been, this would have lapsed by now. Any resolution to grant made in the 1990s would have been made under very different policies and this can also be given little weight.

Overall, it is considered that although the replacement of the existing building would not, of itself, be unacceptable, planning policies clearly weigh against the guest and residential accommodation elements of the proposals.

Other than the 'in principle' objections, it is considered that the proposed design would be acceptable, being a contemporary re-interpretation of the existing clubhouse, with design elements incorporated from the current building.

Considering the landscape impact (bearing in mind the AONB designation), the applicant's landscape assessment accepts that the building is visible from a number of positions (both relatively close to and from some distance away).

A scheme of landscaping would help to mitigate the impact of the proposals (including the other aspects of the development including car parking, tennis courts etc) and it is considered that were it not for the proposed projection, the size and design of the replacement building would not be unacceptable.

However, the extension proposed significantly increases the amount of development, being two storey and extending built form (and effectively extending the footprint) to the east, whereas at present on this side there is only the disused swimming pool and a single storey outbuilding, neither of which are particularly prominent or visible and (at least in relation to the pool) does not adversely impact on the landscape. The extension intrudes into an essentially undeveloped part of the site, and it is considered that this would have an adverse impact on the character and appearance of this part of the AONB.

Protected species

When originally consulted, Natural England objected on the grounds that the application contained insufficient information to be sure that the proposed development would not have an adverse impact on legally protected species, specifically bats, reptiles and great crested newts.

In particular, an initial ecological survey had identified that the existing clubhouse supports a maternity roost of brown long-eared bat and possible maternity roosts of serotine and greater horseshoe bats, the latter being nationally endangered. Natural England were concerned that there needs to be conclusive demonstration that there would be no impact on the favourable conservation status of bats

as a result of the development.

The initial ecological survey identified that further detailed survey work was required over the summer months to establish the status of the roost and the number of bats present, as well as a detailed mitigation strategy. In addition a survey for reptiles and great crested newts was also considered necessary but again could only be undertaken at the appropriate time of year.

Natural England have now confirmed that the additional survey information and recommendations (including a mitigation report strategy with specific details including location of bat boxes, times of work etc) are satisfactory for the proposed development not to harm the interests of protected species, and have lifted their objection, subject to conditions.

Sustainable development

Consideration has also been given to the sustainability of the site. On one hand, the site is inherently unsustainable, being located in the open countryside and away from existing services and facilities.

On the other hand, it is an existing site with an existing use. A new building will provide the opportunity to use sustainable materials and energy-reduction measures, although the conversion of the existing building would be the normally-preferable 'recycling' of an existing building. Encouraging a business in a remote location would encourage greater traffic movements, but having living accommodation on-site could mean less trips than would use of existing facilities. A new dwelling in the countryside would normally be considered unsustainable, agricultural dwellings are accepted as an exception. Therefore if the justification for a dwelling were accepted in principle (as being necessary for the running of the business), sustainability would not form a reason for refusal.

It is considered that the sustainability merits and de-merits are finely balanced, both 'for and 'against' and that, although sustainability does not weigh heavily in favour of the proposal, neither should this issue form a reason for refusal. The County Council have not objected on the grounds of sustainability.

Other factors

Consideration has been given to the impact of the proposal on flood risk, but the Environment Agency have not objected on this basis, subject to the imposition of a suitable condition requiring a scheme of surface water run-off limitation.

Consideration has also been given to the proposed septic tank. Septic tanks are usually the least-preferred foul drainage option, in accordance with circular 3/99 and the Environment Agency and Wessex Water will often object if such provision is proposed without good justification.

In this case, however, the Environment Agency has not objected, but has recommended a condition to ensure that a septic tank is the only available option (possibly because of the need to discharge swimming pool filter backwash).

In relation to highway safety, the Highway Authority have not objected subject to conditions requiring details of the visibility splay and other conditions.

In relation to public recreational open space associated with the dwelling, while in theory the dwelling should make a contribution to the Parish facilities (under policy R2), given the range of private facilities that would be available to the caretaker, it would seem that in this case requiring a contribution (and refusing permission in its absence) would be difficult to defend at appeal.

CONCLUSION

That planning permission should be refused for the following reasons:

1. The proposed development, in that it would result in a new unit of residential accommodation

in the open countryside, without sufficient justification, and the provision of new-build 'tourist' accommodation in the open countryside, would be unacceptable as a matter of principle given the strict planning policies that apply to the open countryside and AONB, necessary in order to maintain the countryside's overall character and appearance. In this respect the development would be contrary to policies C2, H23, T6 and T7 of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statement 7

2. The size of the proposed development, in particular proposed two storey eastern extension, by reason of size, height and length, would have an adverse impact on the character and appearance of this part of the countryside and the AONB, contrary to policies C2, C4, C5 and R1C of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statement 7

Late Correspondence at Western Area Committee

Update to HDS report [these have now been incorporated into the officer report above]

Unfortunately the relevant planning history section of the report was missed off (although reference has been made to it in the report). It is included here for the sake of completeness.

S/1992/0326 Refurbish and provide country club accommodation plus living quarters within existing structures. Members resolved to grant permission subject to a legal agreement under s106 of the Town and Country Planning Act to ensure that:

- (a) no other part of the premises will be occupied before the cricket ground and its new facilities are fully completed
- (b) priority will be given to local people in the use of the facilities and membership
- (c) the residential unit shall not be sold or let separately from the sports club

The legal agreement was not entered into, and therefore no decision was made on the application.

Parish Council response

The Parish Council have made the following comments:

'I note from the WAC Agenda received this morning that Pythouse Club is recommended for refusal; also that the Parish Council apparently did not respond.

I do not have a copy of the WTPC response, although I believe the Council did respond at the time. However, the following is an extract from the minutes of the 2006 Parish Council meeting at which this planning application was discussed. I should be grateful if you would please bring these comments to the attention of the Western Area Committee at the meeting on Thursday 7th February.

As you will see, the application caused some debate; however, on balance the Parish Council took the view that re-development of the clubhouse, which is currently an eyesore, would improve the amenity and potentially bring some employment and prosperity to this run-down area in West Tisbury. It was also felt that a development that will encourage the take up of sport and fitness routines should be supported towards the achievement of Health of the Nation targets.

"S/2006/2384 Pythouse Club - REPLACE CLUBHOUSE INCLUDING TWO STOREY EXTENSIONS AND CREATION OF CARETAKERS FLAT AND ASSOCIATED WORKS – [JR in the Chair for this item on the agenda] – discussion centred on concerns that the development may increase traffic on the lane & potential for noise nuisance at night.; lights may cause light pollution in the rural area; concerns on potential impact on the community. Agreed the proposal has many good features. On balance, council considered the benefits would outweigh the disadvantages. Proposed to recommend conditional acceptance. Prop RF; 2nd IL 3 in favour; 2 against"

Additional representations

A further four letters have been received reiterating their support. One goes into some detail in relation to the officer's report, and this is included in full as appendix C.

Edward and Amanda Bannister
The Old Chapel
Semley SP7 9AU
5 February 2008
07720 448706

To: The Salisbury District Planning Committee/Mr Marigold

Pythouse Club: Planning Application Number S/2006/2384

We live in Semley and, along with many others, wrote in to support of the original application and continue to support it.

We have considered the planning officer's Report to the Committee ("the Report") and would like to make the following points (some of which may well have been covered in the planning correspondence).

Background

The Report refers to PPS7; unlike the views in the Report, we feel that the application complies with many of the policies in PPS7 – few if any applications can comply with all policies.

- One of the Government's key objectives for sustainable development in rural areas (as set out in PPS7) *is to raise the quality of life and the environment in rural areas through the promotion of sustainable economic growth and diversification. This redevelopment will provide local employment both during construction and subsequently.*
- The PPS acknowledges that priority should be given to the re-use of previously developed sites, in preference to greenfield sites. Considerable weight should be attached to the fact that this development utilises a brownfield site, which is currently an eyesore.
- Para. 6 notes that people who live or work in rural areas should have reasonable access to a range of services and facilities – and that these can be *adjacent* to existing villages.
- Para. 7 advises that planning authorities should adopt a positive approach to planning proposals designed to improve the viability and community value of existing services and facilities...that play an important role in sustaining village communities. **It goes on to say that planning authorities should support the retention of those local activities.**
- This is further supported by PPG17. This states that open spaces, sports and recreation all underpin people's quality of life. PPG17 points out that accessibility to local sports and recreational facilities contribute to the quality of life and well being of people who live in rural areas, promote community cohesion and healthy living. **Considerable weight should be attached to the need to provide sports and recreation facilities locally.**

There is reference throughout the Report to the facility not being available to members of the community; our understanding is that the facilities will be available albeit through a membership scheme; this is little different to being an annual member of Tisbury Sports Centre where the charge would be £864 pa for family membership and that centre is not open on Sundays and the pool is only open in summer and there are frequent reports of the pool's possible closure.

First reason for refusal

The first reason for refusal is that the proposed development would result in a new unit of residential accommodation in the open countryside, without sufficient justification and the provision of new build tourist accommodation in the open countryside which would be unacceptable as a matter of principle given the strict planning policies that apply to the open countryside and AONB. **It states that the**

development would not be in accordance with policies C2, H23, T6, T7 and PPS7; we disagree, for the reasons stated below.

- **Policy C2** states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment. **This development will benefit the local economy by providing local employment both in the construction of the development and once the leisure facilities are open to the public.**
- The proposals will also enhance the environment by replacing the current derelict buildings (which the Report acknowledges are not well maintained and are an eyesore in the landscape).
- **The provision of one unit of residential accommodation** (which can only sensibly be occupied by the caretaker of the premises and which will only be a one bedroom flat so that it is the minimal residential provision suitable for the job) **will not have an adverse impact on the environment**, not least as it will not be a stand alone unit of accommodation but rather will be contained within the main club house building. The provision of this one unit of accommodation **will benefit the local economy** by forming part of the employment package to attract someone to accept the job as caretaker – as the Report acknowledges, the facility needs to be self financing to be economically viable, and this is part of that business model.
- **The building containing the 8 rooms of self service accommodation will not have an adverse impact on the environment**, (as the Report concludes that the proposed development is in keeping with the character of the existing buildings and surroundings and the design and materials to be used in the development can be strictly controlled by condition, thereby ensuring that the appearance of the buildings positively enhance the environment). The provision of this accommodation **will benefit the local economy** by enabling visitors such as sports teams to visit the area to compete against local teams and spend money in the locality. **The proposals are therefore in accordance with policy C2.**
- **Policy H23** states that undeveloped land that is not identified for development within the local plan will be considered to be countryside where the erection of new dwellings will be permitted only as provided for in policies H26 or H27 of the local plan. (Policy H26 relates to provision of affordable housing which is not relevant in this instance.) Policy H27 is entitled "housing for rural workers" however it only deals with provision of dwellings on established agricultural units. **This fails to recognise the other types of rural worker accommodation that may be necessary and is therefore not in accordance with Government policy as set out in PPS7. In such circumstances the committee should look to PPS7 to fill this policy gap.**
- Paragraph 10 of PPS7 states that isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification relates to the essential need for a worker to live permanently at or near their place of work in the countryside planning authorities should follow the advice set out in Annex A to PPS7. **(Annex A acknowledges that there will be some cases where the nature and demands of the work make it essential for one or more people engaged in the enterprise to live at or very close to the site of their work.** Annex A goes on to state that whether this is essential in any particular case will depend on the needs of the enterprise concerned.)
- Paragraph 3 of Annex A sets out the test for permission for permanent agricultural dwellings, the criteria and principles of which are also to be applied to applications for other occupational dwellings. The test requires the applicant to show the following:
 - (a) there is a clearly established existing functional need and the need is for a full time worker - in this case we should cite existing instances of vandalism and insurance policy requirements together with the assumption that these will worsen once the site has been redeveloped to a high standard plus the need to have someone on site to deal with the self catering accommodation.
 - (b) the test also requires the activity to have been established for at least three years and to have been profitable for at least one year, to be currently financially sound and to have a clear prospect of remaining so - in this instance this is not possible but the business would suffer (see above) if this was not provided and we note the offer of an occupancy condition limiting the residential use to the caretaker of the premises only and for that use to cease should the leisure use cease.

(c) the test also requires proof that the functional need cannot be otherwise be fulfilled: the caretaker cannot deter vandals/thieves/intruders and deal with the visitors staying in the self catering accommodation living a mile or more away.

- **Policy T6** states that proposals for the change of use of buildings to self catering accommodation will be permitted subject to there being no adverse effect on the amenities of dwellings in the area. Extensions should be subordinate to the existing buildings and not detract from their appearance or the quality of their surroundings. The Report argues that this only permits the conversion of existing buildings to self catering accommodation rather than the demolition of the existing club house and construction of a new club house containing self catering accommodation. This may follow the precise wording of the policy but it does not follow the spirit and intention of it. **The applicant could, in order to fall squarely within Policy T6, restore and convert the existing club house building. This would however be nonsensical,** given the acceptance by all parties that a superior building will be created by demolition of the existing building and construction of a new one. **The Report acknowledges that the proposed new building does not have an adverse impact on the amenities of local dwellings and that the whole of the proposed new building including the extension is in keeping with the character of the existing buildings and surroundings. The proposals therefore accord with all of policy T6 save for retention of the existing club house building which it is acknowledged is not the best solution for the site. We would contend therefore that these proposals are in accordance with the spirit of policy T6.**
- **Policy T7** states that proposals for permanent holiday accommodation will not be permitted in the open countryside unrelated to existing settlements. Both with regard to policy T6 and T7, PPS7 states (para 34), that local **planning authorities should recognise that in areas statutorily designated** for their landscape or nature conservation qualities, **there will be scope for tourist and leisure related developments**, subject to appropriate control over their number, form and location to ensure that the particular qualities or features that justified the designation are conserved. We strongly believe that 8 rooms of accommodation located within a building (which the Report acknowledges would have no adverse impact on amenity) **pose no risk to the features that justified the designation of the AONB.** Further we suggest that it will enhance the appearance of the AONB and it will provide facilities to allow visiting teams to stay in the area and compete against local teams and will provide **much needed revenue to ensure that this leisure facility is able to remain open** for years to come **whilst maintaining a facility of high standards of quality for use by local residents.**
- We would also point out that policy T2 in the Salisbury Local Plan states that in the countryside, proposals for the development of new tourist attractions or the improvement of existing ones will be considered against the following criteria: within the Cranborne Chase and West Wiltshire Downs AONB proposals will only be permitted where they are small in scale and would be compatible with the special landscape quality of the area. For the reasons stated above, **we strongly believe that 8 rooms of accommodation, located within a building which will enhance the environment, pose no risk to the features that justified the designation of the AONB.**

Second reason for refusal

The second reason for refusal states that the development would not be in accordance with policies C2, C4, C5, RC1 and PPS7; **we disagree, for the reasons stated below.**

- **Policy C2** states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment. **This development will benefit the local economy by providing local employment** both in the construction of the development and once it the leisure facilities are open to the public. The proposals will also **enhance the environment** by replacing the current derelict buildings as noted above. The Report acknowledges that the proposed development is in keeping with the character of the existing buildings and surroundings and the design and materials to be used in the development can be strictly controlled by condition thereby ensuring that the appearance of the buildings positively enhance the environment. **The proposals are therefore in accordance with policy C2.**

- **Policy C4** allows development in the AONB if it would not harm the natural beauty of the landscape. The Report states that "although the proposal intends to build on previously non-developed area, the applicants have shown that views will not be significantly altered". **This confirms that, in the planning officer's opinion, the proposal is in fact in accordance with Policy C4 rather than contrary to it.**
- **Policy C5** states that small scale developments in the AONB must have a siting and scale sympathetic to the landscape and have high standards of landscaping and design with appropriate building materials reflecting the character of the area. The standards of landscaping, design and appropriateness of building materials can all be effectively controlled by conditions attached to the planning permission. Later in the Report (when discussing policy C24) **it is confirmed that the proposed development is generally in keeping with the character with the existing buildings and surroundings.** Policy C5 also notes that regard should be had to the social and economic well being of the area. **The proposed development contributes to both by providing local employment and local sports and leisure facilities. The proposals therefore comply with policy C5 rather than being contrary to it.**
- **Policy RC1** is concerned with new outdoor recreation facilities in the countryside to ensure that the development should not adversely impact on amenity of local residents. The Report concludes that **the development will not affect local amenities.** The only concern raised in the Report is in relation to the possible colonisation of the swimming pool by nature. It should be noted that **English Nature have withdrawn their objection** subject to the imposition of conditions and any further studies required of the pool and any possible timing of development or subsequent relocation of wildlife can be adequately controlled by conditions attached to the planning permission. **The development would therefore comply with policy RC1 rather than be contrary to it.**
- Paragraph 19 of PPS7 explains that the Government is supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion. Local authorities should set out in their LDDs clarification on the permissible scale of replacement buildings. The Report is concerned that the side extension intrudes into an undeveloped part of the site and thereby has an adverse impact on the character and appearance of the AONB. **It is not clear why this view has been reached.** (In reality we understand that the overall building size is only 17% larger than the footprint of the original building as whilst it extends to the side, it is shorter in length than the current building.) The Council has not yet introduced LDDs clarifying the permissible scale of replacement buildings, however **the acknowledgement in PPS7 that this will be necessary in due course makes it clear that it is not a case of simply replacing like for like,** there can be some change in the size of the replacement building compared to the existing one. **We consider that 17% is a minimal increase in space and is not in any way contrary to the policies in PPS7.**

Turning to less planning based points:

- Travel by bicycle – the planning officer has probably not tried to cycle up the hill to Newtown, which is both very steep and dangerous and most of the other sporting facilities in the area are some distance away – for instance Blandford and Shaftesbury – these would involve greater use of the car;
- Alternative accommodation – especially in the summer we have found it very difficult, if not impossible, to find rooms available within 12 miles of Semley.

For the reasons above we feel that both on planning grounds and common sense the application should be approved.

Yours faithfully

Edward and Amanda Bannister