

Regulatory

17th February 2005

Planning Services

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RECOMMENDATION: Grant Full Planning Permission

Item 1:

APPLICATION: K/51502/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning Permission
Installation of two additional floodlights on 16 metre high columns and variation of condition no. 4 of planning permission K/50286/F to allow floodlights to be switched on until 10.30pm
MarlboroughTown Football Club, Elcot Lane, Marlborough
GRID REF: 19751 69282
APPLICANT: Marlborough Town Football Club
DATE REGISTERED: 18th January 2005
CASE OFFICER: Mr A Guest

SITE & LOCATION

The application site is located on the north side of Elcot Lane, Marlborough. It comprises established playing fields including football pitches, floodlit practice areas and associated buildings and structures (pavilions, dug-outs, fencing, etc.).

To the west side of the playing fields are mainly industrial uses, a car park and club buildings associated with the playing fields. To the east, south and south-west are established residential areas (Barrow Close and Elcot Lane). To the north are open countryside and the Marlborough Landscape Setting policy area.

Travelling east from Marlborough on the London Road (A4), Elcot Lane is found on the left, approximately 350m past the junction of London Road with Salisbury Road. The playing fields are then 150m further along the lane on the left side.

SITE HISTORY

Over the years a number of planning applications have been made to improve facilities at the football club. The following recent application is particularly relevant:

K/50286/F – Installation of floodlighting on four 16 metre high columns – approved 12/08/04 subject to conditions requiring anti-glare hoods and shields to be provided, no lights to be directed towards neighbouring residential properties, and a days/hours restriction (two days per week only and not between 10:00pm and 9:00am daily).

DESCRIPTION OF DEVELOPMENT

This application is effectively an amendment to the earlier planning permission referred to above. The proposal is to install further floodlights on two further 16m high columns to be sited at the eastern end of the football pitch (that is, adjacent to the boundary with properties in Barrow Close). It is also proposed to vary condition no. 4 of the previous permission to allow all of the floodlights to be switched on until 10:30pm rather than 10:00pm as approved.

The reason for the additional columns and floodlights is to provide the required level of lighting at the east end of the pitch. The earlier planning application included lights on the four approved columns to cover the east end of the pitch. However, as some of these lights faced directly towards properties in Barrow Close (with the potential for 'point-source' nuisance), they were deleted by way of a planning

condition. The club are concerned is that the approved development would not adequately floodlight the east end of the pitch. The two additional columns now proposed would effectively support the floodlights deleted from the earlier scheme, but with these lights now facing west (that is, away from Barrow Close).

The proposed variation to the hours of use of the floodlights is to allow for matches which start late or go into extra time. No change is proposed to the number of days the lights would be used (this remaining at two per week).

The overall purpose of the floodlighting at the site is to enable the football club to further promote junior and youth football in the Floodlit Leagues in accordance with FA requirements.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments to the application.

ADDITIONAL STATEMENT BY THE APPLICANT

There is no additional statement by the applicant.

TOWN COUNCIL COMMENTS

Marlborough Town Council: no objection.

CONSULTATIONS

KDC Environmental Health: The extension to the hours the lights can be switched on should be limited to match days only and not other events. The additional lights should be suitably shielded to prevent backlighting/spill. The light spill assessment with the application indicates that the levels of lighting at the nearest property will comply with ILE Guidance.

REPRESENTATIONS

One objection letter has been received from 13 Barrow Close summarised as follows:

- Questions necessity for such high columns;
- Requires assurance that no telecommunications equipment would be attached to the columns.

Any further consultation responses will be reported verbally at the Committee meeting.

POLICY CONSIDERATIONS

Kennet Local Plan 2011: Policies PD1, NR10 and TR19 are relevant.

PLANNING OFFICERS COMMENTS

The main issues in this application are the impact of the proposed floodlights and changed hours of use on the visual amenities of the area and the privacy of nearby residential properties.

Policy TR19 of the Local Plan supports proposals to improve existing outdoor sports and recreation facilities in order to increase their use provided that this would not result in an adverse impact on neighbouring land uses. Policy PD1 seeks high standards of design. Policy NR10 resists development within or adjoining the defined Landscape Setting area around Marlborough if this would adversely affect the distinctive character or appearance of landscape features and uninterrupted views.

The principle of floodlighting at the site has been established by the earlier planning permission, and it is not considered that two additional columns of identical height to those already approved would significantly affect visual amenity in general. The site comprises an established, formalised sports facility with pavilions, clubhouses, fencing and other associated development, and within this 'managed' context it is not considered that the columns and floodlights would appear out of place.

The additional columns would be positioned close to the boundary with the nearest neighbouring properties and would be visible from these properties. The common boundary is defined by a fir tree hedge which varies in height from between approximately 4m and 6m. The actual distance between the proposed columns and the houses would be approximately 14m.

Notwithstanding the proximity of the columns to the houses and their visibility above the hedge line, their slender, tapering design would ensure no adverse impact on outlook. The floodlights would be directed away from the houses, and suitably shielded to minimise light spill and nuisance. This combined with the limited days and hours of operation (namely two days only up until 10:30pm) would, again, ensure no adverse impact on residential amenity. No objection is raised on environmental health grounds.

Regarding the third party concern that the columns may be used to support telecommunications equipment, this is not proposed as part of the planning application. Any such proposal would be considered on its merits if and when a planning application is made. The height of the columns – 16m – is typical for a sports ground of this standard.

In conclusion, the proposal is considered to be in accordance with the Local Plan, providing improved facilities for sport and recreation in Marlborough whilst maintaining appropriate levels of amenity for residents.

RECOMMENDATION

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - Prior to commencement of the development hereby approved details of the anti-glare hoods and shields required to direct the floodlighting and prevent light pollution shall be submitted to the local planning authority for approval in writing. The anti-glare hoods and shields shall be installed and permanently retained as approved, and shall not be modified or adjusted without the further written approval of the local planning authority.

REASON:

To ensure proper planning of the development and safeguard the amenities of neighbouring residential properties.

3 - The floodlights hereby approved together with the floodlights previously approved under reference K/50286/F shall only be switched on for two days in any week, and shall not be switched on between the hours of 10:30pm and 9:00am on any days.

REASON:

To accord with the terms of the application and safeguard amenity.

4 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, NR10 and TR19.

Item 2:

APPLICATION:	K/51478/F
PARISH:	WILCOT
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Conversion of existing loose boxes to holiday cottage
SITE:	Loose boxes by Northgate, West Stowell, Oare, Marlborough, Wiltshire, SN8 4JU
GRID REF:	13800 62464
APPLICANT:	C & M Bastion
AGENT:	Dr. J Campbell
DATE REGISTERED:	14th January 2005
CASE OFFICER:	Mr A Guest

SITE & LOCATION

The 0.1 ha application site is located adjacent to the private drive serving West Stowell House and surrounding residential properties, with frontages to both the drive and the public highway. Approximately half of the site (adjacent to the public highway) is covered by woodland which is the subject of a Tree Preservation Order. The remainder of the site is open with a disused block of substantially constructed loose boxes erected centrally thereon.

The site lies within the countryside and Area of Outstanding Natural Beauty.

SITE HISTORY

K/15844 – Use of stable block as livery stable – refused 30/04/90.

K/17392 – Change of use of private stables to livery – refused 11/07/91.

K/50936/F – Conversion of existing loose boxes to holiday cottage – withdrawn 08/11/04.

DESCRIPTION OF DEVELOPMENT

The proposal is to convert the stable block to a two bedroom holiday cottage. No enlargement of the building is envisaged. The area in front of the building would be laid to lawn although with a parking/turning area at the far south side and access from the private drive.

The application is supported by an arboricultural report.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments have been made to since submission.

ADDITIONAL STATEMENT BY THE APPLICANT

There is no additional statement by the applicant.

PARISH COUNCIL COMMENTS

Wilcot and Huish Parish Council: views awaited from meeting on 8th February.

CONSULTATIONS

Wiltshire County Highways (Mark Wiltshire) – no objection.

Wiltshire Fire Brigade: recommends informatives.

REPRESENTATIONS

Three objection letters have been received from West Stowell House (on behalf of 13 residents at West Stowell), West Stowell Grange and The Apple House (on behalf of the West Stowell Residents Association) summarised as follows:

- Concerns over adequacy of water supply. West Stowell has no mains supply and is dependent on bore holes; a further bore hole may impact on supplies;
- Concerns over proposed septic tank. Holidaymakers do not generally understand about septic tanks especially the limitations of cleaning materials and objects that can be introduced to them. There are bound to be problems of malfunction and malodours;
- No fencing shown on drawings (to make development dog and child proof);
- Short stay holiday accommodation is unsuitable in this location which is characterised by private houses occupied by mainly older people. The proposal would do little to benefit the West Stowell community;
- Potential nuisance from noisy holiday makers;
- Security problems;
- Concern in relation to proximity of cottage to trees with potential injury risk to occupiers by falling branches.

Any further representations will be reported verbally at the Committee meeting.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Relevant policies are PD1, HC26, ED14, NR14 & NR8.

PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are firstly the principle of the proposed development, and if this is established, the impact of the specific scheme on visual and residential amenity, trees, the character of the area in general, and water supply.

With regard to the principle, Policy HC26 resists new residential development in the countryside unless it is for certain specified limited purposes including to provide holiday accommodation from the conversion of an existing building. The proposal in this case is to provide such accommodation through the conversion of the existing building, and consequently as a matter of principle the proposal complies with the policy.

Policy ED14 provides specific criteria for conversion proposals. This states that they will be permitted provided that the proposal does not, in particular, conflict with the ecological and archaeological value of the area, result in the complete or substantial reconstruction of the building, conflict with other policies of the plan, have an adverse impact on the landscape quality of the area, result in the loss of traditional character or architectural features, or create more than a modest increase in traffic. The proposal in this case complies with the requirements of the policy. Specifically, the building is apparently structurally sound and capable of conversion without reconstruction. The site itself is well-screened being surrounded by established woodland and hedge lines, and consequently no harm would be caused to the landscape quality of the area and AONB. The design of the conversion is sympathetic to the character and appearance of the existing building, retaining the stable block appearance, and traffic generation from a single holiday cottage is likely to have a minimal impact on highway safety (no objection has been raised by Wiltshire County Council).

Regarding residential amenity, although the site shares the private access drive to West Stowell House and other properties, the building itself is some 35m from the nearest neighbouring house, The Gate House, with intervening hedges and the drive. Having regard to these site characteristics together with the nature of the proposed use itself, it is considered, that no adverse impact would be caused to residential amenity or the general character of the area.

Use of the septic tank is a matter for the applicant to manage and it cannot be assumed that misuse or mismanagement would occur. Statutory nuisances such as smells are dealt with by other legislation.

The views of the Environment Agency have been sought in respect of the water supply issue raised by third parties and these will be reported verbally at the Committee meeting.

RECOMMENDATION

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

3 - No burning of materials shall take place on this site within 6 metres of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved landscaping scheme on the site or of any trees on adjoining land.

REASON:

To ensure that trees on the site or adjoining land are not put at risk.

4 - In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and

particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by a chestnut paling fence in the position indicated in the application particulars. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

5 - All tree works specified in the Arboricultural Report by Sharples Tree Services dated 13 November 2004 shall be carried out prior to the commencement of any works to the building the subject of the application.

REASON:

To accord with the terms of the application and safeguard the trees.

6 - The accommodation hereby approved shall not be occupied by any person for a period exceeding 8 weeks in any one-year, nor for a period exceeding 4 weeks at a time, with no return within 4 weeks. A register of occupiers shall be available for inspection by the local planning authority at all reasonable times.

REASON:

The site lies within an area where permanent accommodation without a special agricultural, or other essential local need would not be approved.

7 - Prior to the commencement of the development hereby approved full details of fences or other means of enclosure to be erected around the boundaries of the site shall be submitted to the local planning authority for approval in writing. The fences or other means of enclosure shall be erected as approved and maintained as such.

REASON:

The application contains insufficient detail to satisfactorily approve this matter at this stage.

8 - Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

9 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC26, ED14, NR14 & NR8.

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10 - INFORMATIVE TO APPLICANT

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

11 - INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the content of the attached letter from Wiltshire Fire Brigade.

Item 3:

APPLICATION:	K/51322/F
PARISH:	EASTERTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	The erection of a detached dwelling house (renewal of planning permission K/38420)
SITE:	Plot 1, Halstead Farm, Easterton
GRID REF:	02070 55185
APPLICANT:	Yorkclose Property Development Ltd
AGENT:	Brian Toogood
DATE REGISTERED:	26th November 2004
CASE OFFICER:	Miss V Longdon

SITE & LOCATION

The site lies to the rear of Halstead Farmhouse on the west side of the High Street in Easterton and is sited on the south side of a byway (no.5 east). It is an undeveloped plot on the site of former farm buildings. To the south is a dwelling that has been erected on part of the former farm and to the north, across the byway, the former jam factory. From the High Street (B3098) turn into Kings Road and instead of following Kings Road up the hill, the site is on the level on the south side of the road.

SITE HISTORY

K/84/0520 - full planning permission granted on 29th November, 1984 for the erection of two dwellings on land to the rear of Halstead Farm.

K/14874 - full planning permission granted on 24th October, 1989, for the renewal of planning permission reference K/84/0520.

K/14875 - conservation area consent granted on 24th October, 1989 for the demolition of the existing farm buildings from the site.

K/20644 - full planning permission granted on 4th November, 1993, for the erection of a two storey house, plot 2 on land to the rear of Halstead Farm.

K/30719 - full planning permission granted on 28th November, 1994, for the erection of a two-storey house, plot 1 on land to the rear of Halstead Farm.

K/33995 - planning permission refused on 16th April, 1997 for the erection of two single storey dwellings, plot 1 on land to the rear of Halstead Farm.

K/38420 – planning permission for the renewal of K/30719 for a detached house was permitted on 10th February 2000.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the erection of a two storey house on plot 1. The proposal is for a dwelling to be sited on the same site and is identical in size, siting and design to that which was approved under reference K/38420 (this permission is due to expire on the 10th February 2005). The plans also indicate levels in respect of Halstead Farmhouse and the dwelling on plot 2.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement in support of the application.

PARISH COUNCIL COMMENTS

The Parish Council are sympathetic to a proposal for a single detached dwelling on this site subject to materials and style complementing both its nearest neighbours. However, it is believed that the site plan encroaches onto the public byway and therefore in its present form should not be approved.

CONSULTATIONS

Wiltshire Fire Brigade – general advice, not directly related to planning considerations, regarding suggested fire safety measures.

Wiltshire Highways (L Tilling and public rights of way) – no objection.

REPRESENTATIONS

Four representations have been received, these are summarised as:

1. The existing building is incorrectly plotted and these details need to be accurate as it is important for vehicular access to remain to Woodbine Cottage.
2. The living accommodation is predominantly on the first floor and concern is raised as to the loss of privacy in the back garden of Halstead Farm. Any windows should be placed so as not to overlook this garden, or failing this, be obscured glass or high level windows.
3. This application is a renewal of a previous permission which no attempt has been made to commence. There is a concern therefore that the applicant will fail to commence or complete the works for a significant amount of time.
4. The height of the dwelling appears unclear from the plans.
5. The dwelling must be in keeping with the village.
6. The dwelling looks far too big for the area and the living room appears to overlook Halstead Farm.
7. Whoever lives in the property would have a poor aspect, looking out towards the dwelling that has been erected on plot 2, which the objector considers to be of a poor design.
8. There should be a clause specifying that the dwelling should be completed in a specified time.

POLICY CONSIDERATIONS

The site lies within the village of Easterton and the designated Conservation Area. Policies PD1, PD2, HC24, HH5 and AT22 are relevant considerations.

PLANNING OFFICER'S COMMENTS

This application is for the renewal of planning permission K/38420, which itself was a renewal of K/30719. The two storey house is identical in size, design and siting to these two previous approvals. It is also worth drawing Member's attention to the fact that K/38420 is extant until the 10th February 2004 and therefore, at the time of writing this report, this permission could still be implemented. The pertinent policy consideration is PD2 which refers to the renewal of planning permissions. This policy states that a planning permission will be renewed before or after it has lapsed, providing there has been no material change in planning circumstances.

The Parish Council raise issues of land ownership in relation to the adjacent byway, as do other objectors to the scheme. Other concerns relate to design, size and amenity. These are all issues that have been assessed in the processing of the two previous approvals and your Officer's do not consider that there has been any material change in planning circumstances to now justify refusing the scheme.

Wiltshire County Council have been specifically consulted on the impact of the scheme upon the right of the way and have no objection to the renewal of planning permission.

Members are therefore recommended to approve the scheme subject to the relevant conditions that were applied previously. It is no longer considered necessary to add the previous condition and informative that related to noise abatement measures from the former jam factory to the north. This factory is no longer operational and it is therefore considered unreasonable and unnecessary to apply the condition which required a scheme for protecting the proposed dwelling from noise from the factory. A new informative drawing the applicant's attention to the letter from Wiltshire Fire Brigade has been added. An informative regarding the adjacent byway has also been included reminding the applicant of the need to keep this area clear of any obstruction.

RECOMMENDATION

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

3 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity of the area.

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level in the south or east elevations of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

8 - The windows at first floor level shown on the approved plans on the south elevation at first floor level shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

9 - INFORMATIVE TO APPLICANT:

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. A separate application under the Town and Country Planning or Highway Acts will be necessary.

10 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire Brigade dated the 10th December 2004.

11 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, PD2, HC24, HH5 and AT22.

Item 4:

APPLICATION:	K/51084/F
PARISH:	GREAT CHEVERELL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Stationing of mobile home for occupation by an agricultural worker
SITE:	Lower Green Farm Dairy, Great Cheverell
GRID REF:	98315 54808
APPLICANT:	Mr and Mrs K Gover
AGENT:	LDPC
DATE REGISTERED:	20th October 2004
CASE OFFICER:	Mr N Britton

SITE & LOCATION

The agricultural holding described as Lower Green Farm Dairy occupies approximately 15 hectares (37 acres) of pasture land north of the railway at Great Cheverell. A small, self-contained part of this area, near the road, is occupied by farm buildings including barns and a milking parlour, but with no living accommodation. To the north is a bungalow, and there are other non-agricultural dwellings in the vicinity. The land is understood to have been subdivided and sold from a larger holding in the recent past.

SITE HISTORY

K/50425 – This was a previous application for the stationing of a mobile home which was withdrawn on 31 August 2004.

DESCRIPTION OF DEVELOPMENT

The mobile home, measuring 9.144 metres by 3.048 metres, is to be sited on an area of about 300 square metres of open ground in the front of the complex of buildings, close to the roadside.

The application does not request permission for a specific period, although the business plan relates to a period of five years.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

None

ADDITIONAL STATEMENT BY THE APPLICANT

A full report has been submitted with the application, which includes an assessment of future business prospects. From the planning point of view, the salient points are as follows:

- The applicants purchased the land in April 2004 without accommodation. The previous farm dwelling was not offered when the larger holding was split. A suckler herd of 40 breeding cows will be set up (currently 20 have been purchased). A beef enterprise will also be run, building up to about 55 animals. An additional 22 hectares (56 acres) of land will be rented for forage.

- The facilities at the site are adequate for the enterprises, and there has been some investment, e.g. in water supply. The applicants have sold their previous house and are living in rented accommodation.
- The labour requirement is 1.48 units. A skilled stock person is required to live on site to monitor calving and care generally for the livestock on the farm. The enterprise, which will include a meat retail trade, is set to become financially viable.

PARISH COUNCIL COMMENTS

Great Cheverell Parish Council, although it would welcome agricultural activity on this site, do not think this application is appropriate. They object on the grounds that the business plan costs are still under-estimated and they still question the need to live on site when local properties are available to rent or buy.

CONSULTATIONS

County highways - (Leah Tilling) - no objection as long as the council is satisfied regarding agricultural need, otherwise, they recommend refusal as the mobile home which would be located remote from services, employment opportunities and not being well served by public transport is unsustainable in that it would increase the need to travel, particularly by car.

KDC Agricultural Consultant (abridged comments - a copy of the full report is attached as an appendix to this agenda.) - There will be a functional requirement to assist with calving at specific times in the year only. At present the unit is not viable, and will only become so in years four and five and then only if there is a successful establishment of a retail meat trade, which does not exist at the holding at present. A copy of the report is attached as an appendix to this agenda.

The conclusion is that the functional and financial tests are not met. The proposal depends on a retail meat trade from the unit, it does not overcome the unit's dependency on temporary land and it still requires an abnormal length of time for the unit to demonstrate viability. The proposed mobile home is not warranted under Annex A of PPS7.

REPRESENTATIONS

Eight letters of support have been received including three from Great Cheverell residents and one from the Country Land and Business Association. The reasons for support are summarised as follows –

- 24 hour care is required, in the best interests of animal welfare, including calving and disease, and protection against straying,
- The applicants are competent,
- The business plan depends on breeding,
- The business is viable,
- Livestock farming should be encouraged,
- Government supports sustainable farming and food,
- The community will benefit economically and socially,
- The appearance of the village will not be affected,
- It is preferable to the large equestrian premises in the area.

POLICY CONSIDERATIONS

Policy HC27 of the Kennet Local Plan 2011 states that, in the countryside, planning permission for a dwelling will only be granted where accommodation is required to

enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside.

The Government's PPS7 "Sustainable Development in Rural Areas" (2004) sets out detailed guidance on dealing with agricultural dwellings at Annex A.

PLANNING OFFICER'S COMMENTS

Para 12 of Annex A of PPS7 recommends that where a new dwelling is essential to support a new farming activity it should normally, for the first three years, be provided by temporary accommodation. It should satisfy the following main criteria (summarised):

- i) clear evidence of a firm intention and ability to develop the enterprise,
- ii) essential for the functioning of the enterprise for a worker to be readily available at most times (functional test),
- iii) planned on a sound financial basis (financial test),
- iv) no other dwelling available in the area.

Paragraph 13 states that if permission for temporary accommodation is granted, further tests should be applied in the event of a subsequent application for a permanent dwelling.

Temporary permissions should not normally be given in locations where a permanent dwelling would not be permitted.

In purely locational terms, the proposed site is considered appropriate, as it is well related to the existing complex of farm buildings and adjacent to a loose grouping of other dwellings north of the village. It is well served by the public highway, and the stationing of a mobile home would not be unduly prominent in the landscape. Therefore the determining issue is whether the proposal complies with criteria (i) to (iv) above. The committee also has to be aware that the grant of permission could lead to an application for a permanent dwelling at a later date.

The conclusion of the council's consultant is that the functional and financial tests are not met at the present time. In particular, a full-time presence is not required on the site throughout the year and it is considered that financial viability in agriculture will not be attained in the normally allowed initial three-year period. The longer term viability depends on a future retail meat enterprise of which the detail is not entirely clear.

Accordingly, the proposal does not comply with Policy HC27 of the Local Plan or the advice in PPS7.

RECOMMENDATION

Refuse, for the following reasons;

The proposal conflicts with policy HC27 of the Kennet local Plan 2011 in that it is located in the open countryside where new residential development is restricted to that justified in connection with the needs of agriculture or other employment essential to the countryside. The case put forward does not satisfy the tests set out in Government advice in PPS7 Annex A and consequently the dwelling is not adequately justified.

Item 5:
APPLICATION: K/51236/F
PARISH: URCHFONT
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolish existing stables, garage & contemporary barn. Erection of dwelling & garaging incorporating existing barn
SITE: Old Manor Farmhouse, High Street, Wedhampton, Urchfont
GRID REF: 06097 57503
APPLICANT: Mr and Mrs D Morrison
AGENT: Digby Rowsell Associates
DATE REGISTERED: 10th November 2004
CASE OFFICER: Miss K Whittington

BACKGROUND

This application has been brought to committee at the request of the local ward member.

SITE & LOCATION

The site lies at the southern end of the hamlet of Wedhampton, on the south side of Plum Lane, which runs east from High Street. It is located to the rear of Wedhampton Manor. The site comprises the main farmhouse (which is grade II listed), a stable block and a range of farm buildings.

SITE HISTORY

K/38894: planning permission was granted in April 2000 for the erection of new loose boxes and stores, a retaining wall and a boundary fence.

K/39553: planning permission was granted in July 2000 for the construction of a double garage and potting shed.

K/39835: planning permission was granted in September 2000 for the construction of a stable block and field shelter.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing garage, stable block and contemporary farm structures and construct a new dwelling in the style of a farmstead building, which would link with the existing nineteenth century barn. The applicant's agent has advised that the new dwelling would be occupied by the applicants and their family and the existing manor house would be used as ancillary accommodation for the housekeeper, guests and family. The garden area for the new dwelling would extend into the existing paddock.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted a bound statement in support of the proposal, which is available for viewing on the application file.

PARISH COUNCIL COMMENTS

Urchfont Parish Council has raised no objections to the proposal, but requests that the following conditions are imposed:

1. A Section 106 agreement, which would tie the proposed new dwelling to the existing one, to prevent it from being sold as a separate unit.
2. A landscape plan should be submitted to provide screening.
3. Replacement stables to be provided simultaneously with the development.

CONSULTATIONS

County highways (Mark Wiltshire) – no objection.

Environment Agency – no objection in principle.

Wessex Water – no objection in principle.

Wiltshire Fire Brigade – no objection in principle.

REPRESENTATIONS

No letters of objection have been received. Any that are subsequently received shall be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

Policies PD1, HC24, HH5 and NR8 in the Kennet Local Plan 2011 are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

Policy HC24 in the adopted Kennet Local Plan states that within the villages in the countryside listed in Table H.5 of the plan (those that do not have Limits of Development (which includes Wedhampton)), new housing development will be restricted to infilling, the replacement of existing dwellings, the re-use of existing buildings or the redevelopment of existing buildings. In accordance with the policy, if one of any one of these criterion is met, the development must also:

- a) be within the existing built-up area of the village;
- b) not consolidate an existing sporadic, loose-knit area of development; and
- c) be in harmony with the village in terms of its scale and character.

The proposal would involve the demolition of a number of buildings on the site, including a garage, a large stable block and a contemporary barn and the construction of a new dwelling on the footprint of these buildings. In accordance with Policy HC24, it would therefore constitute the redevelopment of existing buildings. The question is therefore whether the proposal accords with the three criteria (a-c) set out above.

It is considered that the proposal would conflict with criterion a, as it would not be within the existing built-up area of the village. At this southern edge of the settlement, the built-up part is considered to extend as far as the dwellings along Plum Lane, namely Wedhampton Manor, Old Manor Farm House and 7-8 Plum Lane. Beyond the main dwellings themselves, the area is considered to be agricultural in character, comprising small paddocks and agricultural/equestrian buildings. The construction of domestic buildings within this area would therefore effectively extend the built-up part of the settlement into the countryside, which would conflict with criterion a.

It is considered that the proposal would also conflict with criterion b, as it would consolidate an existing, sporadic, loose-knit area of development. The basic form in the settlement is irregular and spacious. This sporadic form would be disrupted as a

result of the development, which would effectively infill the existing gaps between buildings and extend their overall footprint.

It is also considered that the proposal would conflict with criterion c of the policy, as it would not be in harmony with the village in terms of its scale and character. Plum Lane is characterised by large dwellings fronting the road. The construction of a dwelling to the rear of these dwellings would constitute backland development which would be out of character with the form of the settlement.

In view of the above, it is considered that the proposal fails to comply with the criteria specified in Policy HC24 of the Kennet Local Plan.

It is also considered that the scale, location and appearance of the development and the resulting domestication of the area would be detrimental to the character and appearance of the landscape, which is designated as an Area of Outstanding Natural Beauty, and the setting of the nearby listed buildings and the Wedhampton Conservation Area.

The applicants' agent has advised in the supporting information submitted with the application that the new dwelling would become the applicants' main residence, whilst the existing dwelling would be used as ancillary accommodation for a housekeeper, guests and family. The applicants have indicated that they would be willing to enter into a Section 106 legal agreement to tie the new property with their existing residence (Old Manor Farmhouse), to prevent the two properties from being separated. A Section 106 agreement of this nature would usually be imposed when the proposed accommodation is modest in terms of scale and the level of facilities provided. In this case, the proposed dwelling could not be defined as 'ancillary accommodation', due to its size and the level of facilities provided. Furthermore, officers do not consider that the applicants' offer to tie the two dwellings would override the fact that the proposal conflicts with Policy HC24 in the Kennet Local Plan.

For the reasons given above, the proposal is considered to be unacceptable and consequently, the refusal of planning permission is recommended.

The applicants' agent has advised in the supporting information submitted with the application that the new dwelling would become the applicants' main residence, whilst the existing dwelling would be used as ancillary accommodation for a housekeeper, guests and family. The applicants have indicated that they would be willing to enter into a Section 106 legal agreement to tie the new property with their existing residence (Old Manor Farmhouse), to prevent the two properties from being separated. A Section 106 agreement of this nature would usually be imposed when the proposed accommodation is modest in terms of scale and the level of facilities provided. In this case, the proposed dwelling could not be defined as 'ancillary accommodation', due to its size and the level of facilities provided. Furthermore, officers do not consider that the applicants' offer to tie the two dwellings would override the fact that the proposal conflicts with Policy HC24 in the Kennet Local Plan.

For the reasons given above, the proposal is considered to be unacceptable and consequently, the refusal of planning permission is recommended.

RECOMMENDATION

Refuse, for the following reasons;

1 - The proposal conflicts with policy HC24 in the Kennet Local Plan 2011, in that it is outside of the built up area of the village, would consolidate an existing sporadic and loose knit area of buildings and would have a harmful impact on the scale and character of the village by introducing a distinctly residential aspect to a predominately rural farm setting.

2 - The site lies within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Wedhampton Conservation Area. It is also adjacent to listed buildings at 7 & 8 Plum Lane and Old Manor Farmhouse. The scale, location and appearance of the development and the resulting domestication of the area would be detrimental to the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty and the setting of both the listed buildings and the Wedhampton Conservation Area. As such, the proposal would be contrary to Policies PD1, HH5 and NR8 in the Kennet Local Plan 2011.

Item 6:

APPLICATION:	K/51425/F
PARISH:	ALDBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New American barn to accommodate 16 loose boxes
SITE:	Baydon Hill Grange, Oxford Street, Aldbourne, Marlborough, SN8 2DJ
GRID REF:	27285 76129
APPLICANT:	Coln Pen Limited
AGENT:	Matthewson Whittaker Waters
DATE REGISTERED:	29th December 2004
CASE OFFICER:	Mr P Smith

SITE & LOCATION

The site is located between Aldbourne and Baydon on the right hand side of the road heading north out of Aldbourne towards Baydon. The site supports an equestrian business and comprises a managers house, small unit of staff accommodation, a stable block, an American style barn, a tack room and store, a horse walker and a multi-purpose covered barn. The buildings are arranged in a modest complex adjacent to the road. This building would be sited at the north end of the site, adjacent to the multi-purpose covered barn that is set back 30 metres from the road.

SITE HISTORY

K/42472 – Change of use from agriculture to the keeping, schooling and breeding of horses with associated owners house, ancillary staff accommodation and buildings. Approved, 19/07/2002.

K/44835 – Development relating to the keeping, schooling and breeding of horses with associated owners house, ancillary staff accommodation and buildings. Revision to permission K/42474. Approved 21/08/2003.

K/45796 – Sand exercise track for equine establishment. Approved, 30/07/2003.

DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of an additional American barn containing 16 loose boxes. This building is rectangular in shape and would be situated adjacent to the large multi-purpose barn on the northern edge of the complex. It would be 24.5 metres in length, 16 metres wide and 6.5 metres in height to the ridge line.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The site layout has been amended to show some additional details, including indicative landscape planting and a section through the site to show levels and the relationship of the proposed building to the adjacent barn.

ADDITIONAL STATEMENT BY THE APPLICANT

The business has grown and the numbers of young horses has increased to such an extent that a number of temporary stables have had to be provided to accommodate the additional horses. Given the increase in business the applicant now wishes to provide an additional American barn with 16 loose boxes.

PARISH COUNCIL COMMENTS

Aldbourn Parish Council: objects on the grounds that the proposal amounts to an over-development of the site beyond the existing building line. Also consider that more horses would require more staff, and that this in turn would require more staff accommodation. Additionally query whether the land ownership is sufficient to sustain the proposed number of horses.

CONSULTATIONS

Wiltshire County Highways (Mr. Wiltshire): No highway objection.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – relevant policies are PD1, NR6, NR7 & NR8. the site is located within the North Wessex Downs Area of Outstanding Natural Beauty.

PLANNING OFFICERS COMMENTS

The key consideration in the determination of this application is considered to be the visual impact of the development on the AONB.

The application site is elevated above the adjacent barn on the northern edge of the complex of existing buildings. It currently supports a belt of young trees which form part of the landscaping scheme approved as part of the original planning permission for the equestrian use of the overall site. Despite its elevated position the proposed building would be sited adjacent to the existing barn. It would have a smaller 'footprint' than the existing barn and an overall height no greater than the existing barn. Whilst the building encroaches into countryside beyond the present complex of buildings, this encroachment is slight and with appropriate landscaping and suitable materials would not result in a significant visual impact or intrusion into the AONB. There is no 'building line' as such in this area.

The development is required in connection with a newly established business and would benefit the rural economy in accordance with both economic development and AONB policies.

With regard to the Parish Council's particular concern about the need for additional staff accommodation to be provided, this would require a further planning application which would be considered and determined on its individual merits at such time. The applicant has indicated verbally that no such additional accommodation would be required.

Concerning the ability of the land to sustain the number of horses at the establishment, this is considered to be an operational matter rather than a planning consideration. The applicant has indicated verbally that the holding (over 24 ha in size) is sufficiently large to cater for the number of horses involved.

RECOMMENDATION

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 2413.2 Rev. A received on the 18/01/2005.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

3 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, unless variations are otherwise first agreed in writing by the local planning authority.

REASON:

To secure harmonious architectural treatment in the interests of the appearance of the development and surrounding area.

4 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - All soft landscaping comprised in the approved details of the landscaping shall be carried out in the first planting and seeding season following the first use of the building or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. The development shall then be carried out in accordance with the agreed levels.

REASON:

In the interests of visual amenity.

7 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, NR6, NR7, NR8.

