

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
SOUTHERN AREA –15/04/04

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

A106 - Approve subject to S106	DOEC - Refer to DLTR (Committee) Now DTLR	REF - Refusal
APP - Approve	NOBJ - No objection	REV - Subject to Revocation Order
APPC - Approve with conditions	OBJ - Objection	DOED - Refer to DLTR
APRE - Part approve / refuse	OBS - Observations to Committee	Now DTLR - (delegated)

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN- CILLORS	NOTES
1	S / 2004 / 496 Mr S P Hawkins	MR & MRS L LOMAX THE OLD COACH HOUSE EAST GRIMSTEAD	REF	GRIM	2 - 11	ALDERBURY & WHITEPARISH Councillor Mrs Bissington Councillor Mr Britton Councillor Mr Randall	
2	S / 2003 / 2650 Mr S P Hawkins	L STANLEY NEW FARM PITTON ROAD PITTON	REF	PITT	12 - 16	WINTERSLOW Councillor Mr Moss Councillor Mr Devine	
3	S / 2004 / 303 Mr R Hughes	MR & MRS M A CONLON DOWNTON HILL REDLYNCH	APPC	REDL	17 - 21	DOWNTON & REDLYNCH Councillor Mr Anderson Councillor Mr Leo Councillor Mrs Peach	
4	SV S / 2004 / 330 Mr T Pizzey	MR DAVID WEBB FOREST VIEW LYNDHURST ROAD LANDFORD	APPC	LAND	22 - 28	ALDERBURY & WHITEPARISH Councillor Mrs Bissington Councillor Mr Britton Councillor Mr Randall	

5	SV	S / 2004 / Mr R Hughes	331	CAROLINE WILKINSON BOX COTTAGE MIDDLETON ROAD WINTERSLOW	APPC	WINT	29 - 33	WINTERSLOW Councillor Mr Moss Councillor Mr Devine
6		S / 2004 / Mrs J Wallace	342	MR & MRS DKR CLIFTON- MOORE HEDGEMOOR COTTAGE MILL LANE WINTERSLOW	APPC	WINT	34 - 37	WINTERSLOW Councillor Mr Moss Councillor Mr Devine
7		S / 2004 / Mr P Ridley	507	MR T WEEKS 49 CHURCH ROAD LAVERSTOCK	APPC	LAVE	38 - 40	LAVERSTOCK & CLARENDON PARK Councillor Mr Bissington Councillor Mr McLennan
8	SV	S / 2004 / Mr R Hughes	512	MR & MRS I DAVIES COWESFIELD HOUSE ROMSEY ROAD WHITEPARISH	APPC	WHIT	41 - 43	ALDERBURY & WHITEPARISH Councillor Mrs Bissington Councillor Mr Britton Councillor Mr Randall

END OF LIST

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

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

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

which planning permission is sought is therefore tantamount to the erection of a new dwelling. The applicant's Human Rights have been taken into account, however having regard to the lack of any proven need for affordable housing or to house an agricultural or forestry worker, to permit the development to remain would therefore be contrary to policy DP15 of the Wiltshire Structure Plan 2011 and policies H23 and C2 of the adopted Replacement Salisbury District Local Plan.

The site lies in countryside within a Special Landscape Area, where development is strictly limited in order to protect the environment of the countryside and conserve the character and scenic quality of the landscape. The development unacceptably erodes the open, rural character of the site and surroundings and involves an unwarranted, residential intrusion into the countryside, seriously detracting from the character and quality of the landscape. To permit the development to remain would therefore be contrary to policy C9 of the Wiltshire Structure Plan 2011 and policies C2 and C6 of the adopted Replacement Salisbury District Local Plan.

This residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Replacement Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

At the same meeting Members authorised the issuing of an Enforcement Notice, requiring cessation of the residential use and demolition of the building, for similar reasons to those set out above.

This latest application, which is retrospective, seeks a change of use of the building on the site to a mixed residential/ horticultural use, in conjunction with a proposed Christmas tree growing enterprise at the site also involving making and selling Christmas tree wreaths, bee keeping and growing vegetable produce at the site. The submitted plans show a ground floor and a lower ground floor to the building; the ground floor rooms are used as two bedrooms/office and a washroom. The lower ground floor rooms are shown as being used for storage, WC, rest room and kitchen/ hygiene area.

Permission is initially sought for four years, to enable to horticultural business to establish itself.

The building in question had originally been granted conditional permission in 1999 (see below) as a barn, partly on the basis of operating a horticultural interest at the site whilst providing a restroom, physiotherapy and toilet area for the applicant, who had and still has a medical condition.

Supporting information has been provided regarding the latest application, to the effect that the applicants have lived at the site for around 9 months following their eviction at short notice from their previous home. They wish to remain at the site initially for a period of four years to allow them to develop and establish the proposed horticultural enterprise and enterprise and also partly due to Mr. Lomax's poor health (Parkinson's disease) and requirement for physiotherapy and massage at regular intervals night and day.

A business plan has been submitted, indicating projected profits from the enterprise over the next four years. Reference is also made to an adjoining site at Holme Farm -the agent states that developments at the application site bears favourable comparison.

The applicant has also offered to remove the fencing fronting the site, which was erected as 'permitted development', and provide a more sympathetic boundary treatment for the duration of any temporary permission given for residential accommodation.

A copy of the agent's supporting letters and the applicant's business plan are appended to this report, for Members' information.

As with the previous application, the applicant's description of the development is considered inaccurate. It was established that the building erected on site has departed significantly from the permission given in 1999, principally in terms of elevational openings and its roof pitch and was not therefore authorised under that permission. The applicant has refuted this conclusion; nevertheless it is considered that this is correct.

Therefore, in effect it is considered that the latest application seeks the temporary retention of the current building for mixed use including use as a dwelling and horticulture, for a period of four years.

PLANNING HISTORY

The site has a long and complex planning history, the main parts of which are summarised below:

S/93/8/ENF –Enforcement Notice against the change of use of land to use for storage of building materials and equipment and stationing of a portable building.

S/93/786 –Formation of access to C289 for agricultural purposes. Approved 16.09.93.

S/95/1314-Portacabin for special needs at the Old Coach House. Approved 12.12.95.

S/96/13/ENF-Enforcement Notice against formation of a turning/ parking area and paved areas on the land and the erection of a pole on the side of the portacabin. Appeal under ref S/96/1353 allowed 02.7.97.

S/96/687-Turning/parking area. Poles for alarm and CCTV. Shed and owl house. Refused but appeal allowed 2.07.97.

S/96/1341-Retention of portacabin. Approved 14.11.96.

S/98/643-Erection of replacement rest room and storage barn. Refused 10.07.98. Appeal dismissed 7.12.98.

S/99/17-Amendment to proposed barn to replace approved shed and temporary rest room. Approved 5.05.99, subject to conditions which amongst other things made the permission personal to the applicant and required removal of the structure when they ceased to use it (condition 7)

It should also be noted that effectively, this proposal related to erection of a new building and the description of development was not accepted by the Council at the time.

S/99/1710- Renewal of planning permission S/96/1341 for retention of portacabin. Approved 16.12.99.

S/00/1066-Erection of barn without compliance with condition 7 on p.p. S99/0017 (personal restriction). Refused 31.10.00 and appeal dismissed 8.03.01.

S/02/2234 Change of use to residential dwelling (retrospective). Refused 27th January 2004.

Enforcement Notice –requiring use of the building for residential purposes to cease within one year and its subsequent demolition issued 2nd March 2004. At the time of writing, an appeal against the issuing of this Notice had just been received by the Planning Inspectorate.

In summary, permission was given for a temporary portacabin in 1995, which was renewed in 1999. This permission expires in May 2004, however the portacabin has now been removed and the permission can no longer be relied on. A small shed was allowed on appeal in July 1997. The permission given in 1999 involved a larger building partly on the footprint of the appeal shed and effectively superseded that allowed on appeal.

The previous permissions for a building on the site, culminating in the 1999 permission, were granted partly on the basis of the giving applicant facilities to develop a horticultural interest at the site whilst allowing for his state of health. Condition 7 attached to the 1999 permission restricts the use of the building and require its removal once the use by the applicants cease in recognition of the somewhat unusual circumstances under which permission was given. The reason for this condition was to safeguard the long-term visual amenity of the area, by securing removal/extinguishment of the building/use only justified on the basis of a special temporary need.

The building erected at the site does not comply with that permission however, so the conditions attached to that permission are not enforceable.

The Enforcement Notice requires cessation of the use of the building and its removal, within one year.

CONSULTATIONS

WCC Highways	- No highway objection.
Environmental Health-	-No objection.
Wessex Water	- The site is not within a Wessex sewered area. The Council should be satisfied with arrangements for disposal of foul and surface water.
Environment Agency	-No comment.
Southern Water	- Aware that site is in a DRA, but no objections- the DRA is the subject of a review and the DRA is likely to cover a smaller area in future.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes –expired 8.04.04
Departure	No
Neighbour notification	Yes-expired 20.03.04

Neighbour response No.

Parish Council response Yes –object –the site is outside the Housing Restraint Area, no agricultural or other business case has been demonstrated and no R2 payment made. Development would not normally be permitted in open countryside. Residential use would set a precedent for further development. Permission had been given for the existing structure based upon the fact that the applicant had a genuine need for a rest room facility. To grant change of use now would not be within the spirit of that approval. The site has a history of enforcement action. The proposal conflicts with policies H23 and C22 (summary).

MAIN ISSUES

Principle

Agricultural need for a temporary residential accommodation at the site

Effect on countryside/SLA

Fallback position

Holme Farm

Conditions/ Section 106 Agreement

Enforcement matters

Human Rights

Development Restraint Area

R2

POLICY CONTEXT

Planning Policy Guidance Note No. 7 “The Countryside: Environmental Quality and Social Development” at Annex I gives guidance on the relevant tests to be applied to proposals for new agricultural workers' dwellings. Functional and financial tests are required to be satisfied. Paragraph I4 stresses the importance of establishing that stated intentions to engage in farming are genuine, are reasonably likely to materialise and are capable of being sustained for a

reasonable period of time. Paragraph I5 indicates that the need should relate to a full-time worker

The *functional test* is used to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, i.e. if workers are needed to be on hand day and night in case animals require essential care at short notice; and /or to deal quickly with emergencies which could otherwise cause serious loss of crops/produce by the failure of automatic systems. Security reasons alone are not considered sufficient to justify a dwelling.

The *financial test* in relation to agricultural workers' dwellings to support a new agricultural activity should demonstrate that the enterprise has been planned on a sound financial basis.

Additionally the accommodation should be of a temporary nature (para. I4 gives the example of a caravan, a wooden structure which could otherwise be dismantled, or other temporary accommodation) there should be clear evidence of a firm intention and ability to develop the enterprise (i.e. investment in farm buildings) and there should be no accommodation available in the area capable of occupation by the worker concerned.

Replacement Salisbury District Local Plan. The site lies within the general extent of the countryside within the Special Landscape Area, adjacent to but outside of the Housing Restraint Area for East Grimstead. It is also in a Groundwater Source Protection Area.

Policy H28 concerns temporary dwellings to support a new farming activity, which should be considered subject to the following criteria:

clear evidence of a firm intention and ability to develop the enterprise concerned;

- (ii) a clearly established need for one or more workers to be accommodated on or near the holding;
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- (iv) the need cannot be fulfilled by another dwelling on the unit, or any other accommodation in the area which is suitable and available for the workers concerned.

This policy closely reflects the relevant guidance in PPG 7 above. Additionally policies G7 (Development Restraint Area); H23 (presumption against new housing outside existing settlements); C1 & C2 (the rural environment); C6 (development in the Special Landscape Area) and R2 are relevant. Policy C20 (development essential to meet the needs of agriculture and horticulture) and C22 (re-use of existing rural buildings) are also of relevance, for reasons referred to below.

Wiltshire County Structure Plan 2011-policies DP15 (housing, employment and related development in the open countryside and C8 (development in the AONB and conservation of the landscape) are relevant.

PLANNING CONSIDERATIONS

Principle

It is considered that the building erected at the site is materially different to that permitted in 1999- the approved plans under that permission show a single storey building with a shallow pitched roof. The structure erected on site however is on two floors, has a steeper roof pitch than that shown on the approved plans and also has a different elevational treatment, albeit being of similar height to eaves.

It is considered that the building cannot therefore benefit from the 1999 permission and is unauthorised. As noted above, the current proposal is therefore tantamount to seeking retention of the building, albeit on a temporary basis.

The 'fallback position' (i.e. what would have occurred if the approved building under S/99/0017 for a barn had been erected) is of relevance. Firstly this is in terms of policy C20 above, in that it is accepted that a (very limited) part of the floorspace of the building it is sought to retain, equates to that which has been previously accepted by appeal Inspectors and the Council as 'essential' for horticultural activities on the site. Therefore, it can be accepted that there is an essential requirement for a modest building equating to the size of the shed permitted in 1997 (11m²) to service agricultural activities at the holding. By contrast, however, the current building has a floor area of 80m².

The fallback position is also of relevance in relation to policy C22 above concerning re-use of existing buildings. Planning permission S/99/0017 was subject to a 'temporary' and personal condition requiring eventual removal of the building in order that the visual amenity of the area was safeguarded in the longer term.

Therefore, even if the proposal is considered against policy C22, it would still fail key tests of that policy at (i) and (iii) which indicate that proposals involving buildings subject to temporary planning permissions and/or causing visual intrusion will not be acceptable.

In the light of all the above, it is considered that the application is correctly tested against policies relating to new agricultural and residential development in the countryside C20, H23 and H28 rather than policy C22, which relates to the re-use of existing rural buildings.

Agricultural need for a temporary residential accommodation at the site

This should be considered in the context of the functional and financial tests in PPG 7, and the relevant criteria in policy H28 above. Paragraph I22 of PPG 7 indicates that LPA should be able to determine many applications for agricultural workers' accommodation on the basis of their experience and the information provided by the applicant.

In determining an appeal in 1998 (S/98/643) in relation to a proposal for erection of a restroom and storage barn at the site, the Inspector concluded that.... "despite the limited size of the holding, I am satisfied from the evidence presented there is a genuine intention to operate a commercial venture on the site, albeit on a small scale". This followed an earlier Inspectors' decision in 1996 allowing a small shed at the site for agricultural storage purposes (S/96/687).

Whilst the above should be noted, as far as the Council is aware, there has been no appreciable attempt to establish an enterprise at the site in almost six years since that date.

PPG 7 indicates that significant investment in new farm buildings is often an indication of intentions to develop an enterprise. However, the building the subject of this application is unauthorised. Whilst it contains the same extent of floorspace and facilities including areas devoted to developing a horticultural interest at the site as that granted under planning permission S/99/17, it also contains a significant element of residential accommodation not authorised under that permission.

On balance, whilst noting the applicant's intentions to develop a business at the site, it is unclear whether this would in fact come to fruition.

The business plan accompanying the application does not demonstrate that the proposed enterprise would provide sufficient work for a full-time worker. Further having regard to the nature of the proposed enterprise, it is considered that it would not be necessary for a worker to be in attendance at most times to deal with emergencies.

Additionally, on the basis of the submitted projected returns from the business, it is considered that it would not attain financial viability in terms of providing sufficient income for a full-time worker and therefore it has not been planned on a sound financial basis.

Overall it is therefore considered that the proposal has not satisfied the functional and financial tests set out in PPG 7 and policy H28. In the absence of a proven essential agricultural/ forestry justification for the use of part of this building for residential purposes, the proposal for its

retention even on a temporary basis is considered to be contrary to policies seeking to safeguard the general extent of the countryside from unnecessary residential development.

Effect on countryside/SLA

The site lies in a 'gap' between two parts of the settlement covered by the Housing Restraint Area designation.

In dismissing the 1998 appeal for a replacement rest room and storage barn at the site, the Inspector considered that such undeveloped areas were a significant feature of the village and an important component of its rural character. The site comprised one such area and although views across it from the road are obscured by the boundary fence, it had the appearance of undeveloped frontage. Much of the gable end roof of the building would be visible from the road, which would give a built-up appearance, seriously undermining the contribution that this gap makes to the overall character of the village. She concluded that the building would intrude into the countryside and would unacceptably erode the openness of the site, in conflict with Development Plan policies aimed at protecting the environment of the countryside and in particular those which seek to conserve the character and scenic quality of the SLA.

Similar sentiments were shared by the Inspector in dealing with the 2001 appeal concerning removal of condition 7 (temporary and personal condition for the building approved under S/99/0017), who in dismissing the appeal also concluded that permanent retention of the building after the applicants circumstances had ceased would be harmful to the character and appearance of the countryside.

It is considered that the above Inspectors 'objections concerning visual intrusion of built form into the surrounding countryside with consequent harm to the character and appearance of the surroundings and the scenic qualities of the SLA, would apply equally to any proposal which gave rise to the current building remaining at the site on a permanent basis.

Additionally, it is considered that allowing of a residential use of the site would lead to a proliferation over time of residential paraphernalia such as washing lines, ornamental planting fountains, rockeries, play equipment etc. across the area of the site, the progressive effect of which would be to further blur the distinction between built-up area and countryside and to undermine the rural character and appearance of the surroundings within the SLA.

As noted above, the applicant has offered to remove the fencing fronting the site whilst in residential occupancy thereof. It is acknowledged that this would result in some visual improvement to the site and surroundings, overall it is considered that this is not sufficient to outweigh the above objections in terms of the adverse visual impact arising from permanent retention of the building.

It is also necessary however to consider the fallback position of the 1999 permission. In comparing the visual impact of the bulk of the building erected on the site vis a vis that permitted in 1999 there are significant similarities to the extent that from beyond the site, it would be difficult to argue that the current building has any additional visual impact. The most significant difference between that erected and that approved, is that the current building is not subject to the conditions, including the temporary and personal condition attached to the planning permission for the approved building, which would have brought about the latter's eventual removal and thus remedied any harm caused to the SLA.

However, if the removal of the building when any temporary requirement for it ceased together with any associated residential paraphernalia could be secured, this would appear to overcome the above objections, and it would not be necessary to refuse the application on landscape impact grounds. This is dealt with in more detail below

Fallback position

The fallback position of the applicant implementing planning permission S/99/0017 (which is still extant until 5th May 2004 and could therefore still be implemented -following substantial demolition of the current building), and its bearing on the current proposal, has already been considered above.

In his supporting statement the agent has also made reference to the applicant's right to construct some of the structures previously approved at the site. Whilst not specific, it assumed that this comment refers to the shed approved in 1997, and the portacabin for which further temporary permission was given in May 1999.

In relation to the former, the current building has been erected on the footprint of the proposed shed. Even if permission for the shed were still extant, it could not now be erected in accordance with that permission. Further as noted above, the portacabin referred to has been removed from the site. Moreover, its removal was a condition of planning permission S/99/0017. Therefore, it is considered that any argument that the portacabin could be placed back on the site should be given limited weight.

Holme Farm

The applicant's agent has also drawn attention to the above case at a site slightly to the north of the application site, which it is argued is materially similar to this proposal.

Permission was given in April 2001 for re-use of an existing rural building for an employment use at the above site with associated residential accommodation (S/01/0028). A Section 106 Agreement was completed to limit the extent of the residential accommodation to that applied for, and its occupancy, to ensure it remained ancillary to the business. The agreement also required such residential use to cease upon cessation of the business. The re-use of an existing, permanent rural building for such purposes was consistent with policy C24 in the 1996 Plan, which policy C22 above replaced.

This current proposal differs from that at Holme Farm in key respects, however. The existing building at the application site is unauthorised (albeit of similar footprint and height to an approved building); approval was only given for erection of a building on the application site in 1999 of such a size exceptionally, partly on the basis of the applicant's personal circumstances and it was only intended to be a temporary structure and a condition required its removal at a future date.

Therefore, different policy considerations arose as opposed to those which applied at Holme Farm and it is considered that there are material differences in terms of the planning issues relating to the two sites.

Human Rights

Two Articles of the Human Rights Act are considered relevant in this case – Article 1, Protocol 1 concerning the protection of property and Article 8, the right to respect for private and family life, which includes the right to a home. Interference in these rights can only be lawful if there is a legitimate public interest at stake and the interference is proportionate.

In this case the public interest is the protection of the countryside and its special character in accordance with Development Plan policies, which are consistent with national planning guidance and justifies interference in Articles 1 and 8.

The applicant's particular personal circumstances outlined in the supporting letters are noted and can be sympathised with. However, Government guidance in PPG 1 indicates that personal circumstances should only rarely outweigh the normal operation of planning policies.

In this case, refusal of permission is considered a proportionate interference in the applicant's Article 8 rights to a home. The granting of planning permission with conditions would not remedy the harm to the public interest identified in the report above, that is the protection of the countryside from unnecessary development and protection of a regionally important landscape, even if that permission were given for a limited duration and made temporary to the applicant.

Use of conditions /Section 106 Agreement

If Members are minded to grant planning permission for this proposal, similar conditions could be imposed to those on the 1999 permission. Officers are however mindful that what has been erected at the site by the applicant is in effect, a 'permanent' building. In such circumstances, ministerial guidance on the use of planning conditions indicates that imposing a condition to require removal of the building without very special justification would cross the threshold of reasonableness. It is therefore considered that there is a strong risk that such a condition would be removed in the event of an appeal, leading to permanent retention of the building after the justification for its existence has ceased.

In addition to an occupancy condition, an agreement under Section 106 of the Act could however be sought to require use of the residential accommodation solely in association with the proposed horticultural enterprise, with the accommodation limited in extent to that shown on the submitted plans. Alterations to the building to comply with the plans approved under S/99/017 on cessation of the residential use, together with the restrictions placed on the site equivalent to the conditions attached thereto (including the requirement to remove the building when it was no longer used by the applicant) could also be sought as part of such an agreement, if Members resolved to approve this proposal.

Enforcement matters

As noted above, an Enforcement Notice was issued in March 2004 requiring cessation of the residential use and removal of this building.

If Members were minded to grant temporary permission for residential use of part of the building on the basis of the case put forward by the applicant, it would however be necessary to withdraw the Notice in the light of the changed circumstances and re-serve it with a longer compliance period.

In the event that Members are minded to refuse this application however, it is considered that there are no significant implications in terms of the current Enforcement Notice.

Development Restraint Area

The proposal conflicts with policy seeking to prevent new development involving regular habitation of property within the Development Restraint Area having regard to the potential for nuisance to occupiers by odours from a nearby sewage treatment plant.

Having regard to the comments of Southern Water however, it is considered that a reason for refusal would not be sustainable for this reason. This does not outweigh the other objections set out above, however.

R2

R2 contributions are only normally sought when a permanent residential dwelling is proposed. In the event that Members refused this latest application, which is in respect of a temporary residential use, it would not be necessary to add an additional reason concerning non-compliance with policy R2.

CONCLUSION

It is considered that no essential agricultural need for a residential presence in conjunction with proposed horticultural activities at the site have been demonstrated and that retention of this unauthorised building and the residential use to which it has been put even on a temporary basis as proposed would conflict with Development Plan policies.

The applicant's Human Rights considerations have been taken into account, however it is considered on the balance of all the above issues that permission should be refused.

RECOMMENDATION: REFUSE for the following reasons: -

1. The existing building is not authorised under planning permission S/99/0017 dated 5th May 1999 and the development for which planning permission is sought is tantamount to seeking the temporary retention of a new, permanent building erected without planning permission. The site lies in countryside outside of the Housing Restraint Area for East Grimstead, where new dwellings are not permitted unless an essential need for agriculture or forestry has been proven. It has not been demonstrated that there is a need for a worker to be accommodated on or near the proposed enterprise or that the enterprise itself has been planned on a sound financial basis. Therefore, the proposal fails the functional and financial tests applied to such proposals set out in PPG 7 Annex I. The applicant's Human Rights have been taken into account, however to permit the development to remain at the site for the period applied for would be contrary to policy DP15 of the Wiltshire Structure Plan 2011 and policies H23, H28 and C2 of the adopted Replacement Salisbury District Local Plan.

NOTES:

S/2003/2650	18/12/2003 13:52:30	12/02/2004 13:52:30	L STANLEY
PITT			
Easting: 421758.5	Northings: 132108.2		

PROPOSAL:	FULL APPLICATION -RETENTION OF MOBILE HOME
LOCATION:	NEW FARM PITTON ROAD PITTON SALISBURY SP5 1EG

This application relates to the retention of a mobile home at this site, which has been on site for several years under temporary planning permissions granted for its retention.

Members will recall that this application was deferred at the March meeting of the Committee, following receipt of an agricultural appraisal on behalf of the applicant, which stated that there was an essential need for an agricultural worker to live at the site to service a proposed agricultural enterprise thereat. A copy of the previous report to Committee is attached for Members' information.

Briefly, the applicant's submitted appraisal recounts the background to the previous enterprise undertaken at the site, a bull beef enterprise and the reasons for its demise (Foot and Mouth disease and the following economic difficulties). The appraisal accepts that on the basis of the current farming activities, there is no longer a functional need for an agricultural worker to live at the site. It indicates however that a proposed farming enterprise will be developed by the applicant, consisting of the production of goats milk from a flock of 300 dairy goats. The applicant has already attempted to purchase one group of such animals but is still looking. The animals would be purchased as a group, with homebred replacements in future. Existing buildings within the site are suitable to house a flock of this size. Other buildings within the farm complex being suitable and available for forage and storage. The land available to the holding is sufficient as the enterprise is not dependent on the land for forage. Additionally, the farm would be available for educational visits by local schools and demonstrations to pupils in the spirit of opening the countryside to the town, and the applicant is investigating the Defra Rural Enterprise Scheme in this regard.

The submitted report indicates that there is a functional need in excess of one person to service the proposed enterprise. Additionally, there is an essential need for at least one worker to be present at the site at most times to give the milking and other goats attention. The proposed demonstration unit has not been included in these figures and could result in a requirement for additional labour in future. The business plan submitted indicates that once established, the business will achieve viability. A copy of the consultant's appraisal submitted on behalf of the applicant is also attached as an **Appendix**.

The Council have sought its own appraisal of the need for a dwelling at the above enterprise; however in view of the limited time since the applicant submitting her appraisal, at the time of writing the views of the Council's agricultural consultant are not available. Officers, are aware that Members wished this application to be brought back before Committee for determination as soon as possible. It is therefore intended that a further report be brought to the Committee as part of the schedule of Late Correspondence, to inform them of the consultant's conclusions and give a recommendation as to whether to approve or refuse this application in the light thereof.

RECOMMENDATION: A further report will be brought to the meeting.

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers, as refusal of permission would result in a further report being brought to Committee concerning the expediency of enforcement proceedings.

SITE AND ITS SURROUNDINGS

The site lies in open countryside to the north east of the built up area of Pitton village and is adjacent to Dunstable Road, at the foot of rising land to the east. It currently comprises a large mobile home and extension thereto, with an established garden to the rear.

The existing mobile home was granted permission on appeal on a temporary basis in 1994. This permission has subsequently been renewed at intervals, to allow the applicant the opportunity to develop an agricultural enterprise at the site. When permission was granted on 8th January 2001 in respect of the latest renewal of temporary permission for the mobile home, the Council added the following informative:

“You are advised that the Local Planning Authority consider that this fourth permission for a temporary mobile home on the site, permitted only in light of the exceptional circumstances surrounding the agricultural sector in the last 10 years, represents the last chance for the applicant to establish a genuine need and financial justification to be on site. The Local Planning Authority would expect a case for a planning application for a permanent dwelling, or clearance of the site, at the end of the temporary permission hereby granted. “

This latest renewal (reference S/00/18887) expired on 1st January 2004.

The access to the site also serves the farm to the rear. The complex consists of a variety of buildings and cattle yard areas, with the existing buildings comprising a total area of around 1,400m². Additionally in early 2001, Southern Area Committee resolved to grant planning permission for another general purpose agricultural building (reference S/00/1911). However, a Section 106 agreement requiring the building to be used for agricultural purposes by the applicant or adjoining agricultural holdings or to remove the structure has never been completed and planning permission has not therefore been granted.

The farm itself extends to 8.9 hectares of grazing land. The farming enterprise undertaken at the site mainly consists of rearing young calves, with a small herd of dairy calves also kept.

THE PROPOSAL

Permission is now sought to renew the latest permission for retention of the mobile home. The applicant has stated that this will be justified on the basis of a need for a dwelling at the site to serve a new agricultural enterprise at the site, however to date no further information has been received in this respect.

PLANNING HISTORY

Members will recall that the December 2003 meeting of Southern Area Committee, an application for a permanent dwelling to replace the existing mobile home was refused, for the following reason (reference S/03/1965):

“The proposed development represents a new dwelling in the countryside, which is not justified in connection with a proven need, for the purposes of agriculture. The applicant’s current circumstances and the type of enterprise contemplated in future have been taken into account but are not considered to justify an exception in this case, which would lead to works of a permanent nature not required by the scale of farming operations taking place. The proposal is therefore contrary to policies H27, H23, C2 and C6 of the adopted Replacement Salisbury District Local Plan and policy DP15 of the Wiltshire Structure Plan.”

This site has a long planning history. In addition to the most recent application referred to above, the following applications are also of relevance:

88/1364	Site for mobile home in connection with agricultural holding	Refused	21.09.88
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88/2404	Mobile home on agricultural holding	Refused	26.04.89
	Appeal allowed 19.02.90		
89/7ENF	Enforcement notice against change from agricultural land to use for stationing residential mobile home		
90/5ENF	Enforcement notice against erection of an extension to mobile home		
90/1738	Appeal against enforcement notice to remove extension from mobile home		Appeal Allowed 07.01.92
	13.03.92		
93/0132 31.03.93	Renewal of permission for siting of mobile home		Approved
93/1362 18.02.94	Renewal of temporary consent for the siting of a mobile home		Refused
			Appeal allowed
	07.10.94		
94/12 ENF	Enforcement notice for removal of mobile home & associated hardstanding & restoration of the land to its former condition		
94/0854 07.10.94	Appeal against Enforcement Notice for the siting of a mobile home		Appeal allowed
97/1651 12.01.98	Retention of mobile home for agricultural worker		Approved
99/1006 08.10.99	O/L Permanent dwelling to replace ex. mobile home		Refused
			Appeal dismissed
	19.06.00		
00/1887 08.01.01	Retention of mobile home for agricultural worker (renewal of S/97/1651)		Approved
00/1911	Erection of a general purpose agricultural store for feed machinery, etc.		Undetermined

CONSULTATIONS

WCC Highways - No highway objection.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes –expiry 29.01.04.
Departure	No
Neighbour notification	Yes –expiry 13.01.04
Neighbour response	No
Parish Council response	Yes –cannot make a decision as yet because of the contradictory nature of the information on the application form. (Note-Officers have contacted the Parish Clerk to clarify matters on which the PC was unclear, which related to whether this was a 'full' planning application or an application to renew a temporary permission. However, no further comments have been received to date.

MAIN ISSUES

Principle of renewing permission

Human Rights

POLICY CONTEXT

The site lies in countryside within the Special Landscape Area. Policies G1 and G2 (general); H23 (application of Housing Policy Boundaries); H27 and H28 (agricultural workers' dwellings); C2 (development in the countryside) and C6 (development in the Special Landscape Area) are all of relevance.

In addition, PPG 7 at Annex I gives guidance on the planning considerations in relation to agricultural workers' accommodation.

PLANNING CONSIDERATIONS

Principle of renewing permission

As noted above, there is a long and complex history to this site, which has resulted in the mobile home being present thereon and occupied by the applicant for around 15 years in conjunction with agricultural activities.

Policy H28 indicates that applications for temporary agricultural dwellings should only be considered favourably where there is clear evidence of a firm intention and ability to develop the enterprise; a clearly established need for a worker to be accommodated on or near the holding; clear evidence that the enterprise has been planned on a sound financial basis and that there was no nearby accommodation that would meet the requirement. The above reflects the functional and financial tests in PPG7 Annex I.

In relation to the 2003 application for a permanent dwelling, the Council's agricultural consultant concluded however that on the basis of the current scale of farming activity at the site, there was currently no functional requirement for an essential presence on site at most times. Whilst he thought such a requirement could be met in future if a proposed enterprise suggested by the applicant were undertaken, whether the financial test could be satisfied was unclear.

The applicant has been given an opportunity to support her application in relation to the continuing requirement for the dwelling in terms of the agricultural needs of the holding. However as noted above, to date no further information has been presented. In the circumstances it can only be concluded that the proposal does not satisfy the relevant policies concerning development in the countryside

Moreover, relevant guidance in Circular 11/95 and PPG 7 suggests against successive renewals of temporary permissions in such cases. Whilst recognising the applicant's previous attempts to develop an enterprise at the site and the continuing difficulties faced by the farming sector, as noted above the Council had previously made it clear in 2001 that it was unlikely to grant a further temporary permission if the agricultural business was not established by the renewal date of 1st January 2004.

Human Rights

In the event that permission were refused, there would be interference with the Applicant's rights under Article 1, Protocol 1 of the Human Rights Act as it would affect her property rights.

Of greater significance however is the effect on her rights to privacy and a home under Article 8.

In both instances, the interference is considered justified in terms of the public interest of protecting the countryside from unnecessary development in accordance with Development Plan policies and proportionate in that there is no lesser, course of action, other than refusing permission, which could comply with the relevant policies.

CONCLUSION

In the absence of any evidence to support any continuing agricultural need for a dwelling at the site at this time, to permit the application and allow the mobile home to remain would therefore be contrary to policies concerning development in the open countryside.

RECOMMENDATION:

A: REFUSE for the following reasons:

The continued retention of this temporary dwelling has not been justified in connection with an essential need for the purposes of agriculture and to permit the application would therefore be contrary to policies H23, H28 and C2 of the adopted Replacement Salisbury District Local Plan and policy DP15 of the Wiltshire Structure Plan.

B: That a report be brought to a future meeting of the Southern Area Committee concerning the expediency of enforcement action to secure removal of the mobile home from the site.

NOTES:

Part 2

Applications recommended for Approval

Item No. Case Officer Contact No.

App.Number Date Received Expiry Date Applicant's Name
Ward/Parish Cons.Area Listed Agents Name

Proposal
Location

3	Case Officer Mr R Hughes	Contact No 01722 434382	3
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S/2004/303	12/02/2004 14:31:48	08/04/2004 14:31:48	MR & MRS M A CONLON
REDL			MR A STOCKEN
Easting: 419580	Northing: 121063.5		

PROPOSAL:	O/L APPLICATION -FIVE HOUSES CAR PARKING AND CONSTRUCTION OF NEW ACCESS
LOCATION:	DWNTON HILL MORGANS VALE REDLYNCH SALISBURY SP5 2JF

REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

SITE AND ITS SURROUNDINGS

The site contains the fire damaged remains of the Appletree Inn public house. There is access of the adjacent Downton Hill road.

THE PROPOSAL

This outline application proposes the erection of 5 dwellings on the site in a linear pattern, with vehicular access off the main road. However, members should note that detailed approval is only being sought firstly for the access to the housing site, and secondly, for the siting of the 5 dwellings in so far as the linear form of development. The footprint of the dwellings, and therefore their depth and overall bulk, is to be left as a reserved matter.

PLANNING HISTORY

Various applications connected with the former public house

CONSULTATIONS

WCC Highways - Verbally No objections
Environmental Health - Awaited
Wessex Water Authority- Public sewer crossing the site
Environment Agency - Awaited

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 18.3.04
Departure	No
Neighbour notification	Yes. Expiry 8.3.04
Neighbour response	Yes. 63 letters stating objections to the proposal due to loss of land facility and impact of housing development.
Parish Council response	Object. The PC would wish to see the public house replaced. If that is not possible, more detailed plans must be provided so that proper discussion can take place.

MAIN ISSUES

Principle
Impact on surrounding environs
Impact on highway safety

POLICY CONTEXT

G2 D2 PS3

PLANNING CONSIDERATIONS

1. Principle – loss of a public house/community facility

This proposal raises difficult policy issues.

Members are normally used to dealing with proposals for the change of use of public houses to residential uses. In such circumstances, such proposals are judged against various policy criteria, including policy PS3, which states that:

“The change of use of premises within settlements that are currently used, or have been used for retailing, as a public house or to provide a community facility central to the economic and/or social life of the settlement, will only be permitted where the applicant can prove that the current or previous use is no longer viable”.

Members will note that policy PS3 specifically relates to the change of use of premises, and does not seem to relate to the set of circumstances peculiar to this application, ie that this application does not relate to the change of use of a premises, because the public house building is no longer present on the site. However, the view of the solicitor of this Council is that the wording of the policy should not be interpreted to legalistically, and that we need to analyse the wider objectives of the policy.

In this instance, the wider aim of policy PS3 is obviously to restrict the loss of community facilities, which are central to the life of particular settlements. Consequently, this proposal must first be judged against this criteria. Secondly, if members considered that the public house did perform this central role, members would still need to assess the viability of the previous public house use.

Was the public house central to the social/economic life of the settlement?

From the numerous responses received from members of the public, it is clear that the former public house was popular, and was used regularly as a location for local meetings and other activities. Thus, it appears to have performed a valuable function as a venue for local activities and other functions.

However, the wider area around the site contains a number of public houses, and other local facilities, and in theory therefore, the community role of the public house can be carried on in another building. Consequently, whilst the comments and objections of local people are noted and understood, in policy and planning terms, it is considered that the former public house use could not be construed as being central to the economic or social life of the settlement.

Viability of the public house use

Given that little remains on site of the former public house building and the use has clearly ceased, planning permission would be required to rebuild the building itself, and furthermore, permission would also be required to “re-start” the public house use. Members should note that as the building was not listed, and is not located in a conservation area, the LPA cannot insist that the building is rebuilt. Even if the building itself were to be rebuilt, the LPA could not insist that the public house use is “re-commenced”.

In response to the various objections and concerns of the Parish and local people, the applicant has submitted additional information regarding the viability of rebuilding the public house building and recommencing the public house use. (See attached **Appendix**)

The applicants additional information states that after seeking professional advice as to the cost of reinstating the public house, a figure of around £400,000 pounds would be needed. This would include the rebuild of all the trade areas including fixtures and fittings, plus separate private accommodation above. The applicant goes onto to say that a standard business loan over a 14 year period, assuming interest rates stay the same, would cost around £41,000 pounds per annum in repayments. This cost along with all other costs associated with running a pub would make it impossible for anyone to make a living from such a small establishment. Add to this the fact that the value of a public house is determined mainly by its turnover, and does not reflect domestic property prices of the area. This being the case, one could end up with a building that is worth less than it cost to build. The applicant concludes that he feels that it is definitely not a viable proposition to reinstate.

Members should however note that at this time, no independent assessment has been sought to confirm the comments of the applicant.

b) Principle of housing development on the site

The site lies within the HPB, and within an existing housing area. Therefore, in principle, notwithstanding the policy issues regarding policy PS3, the development of the site for housing is acceptable, subject to its impact on the surrounding environs.

Consequently, if members accept the officers advice above with regards to policy PS3 issues, members still need to consider the impact of this proposal on the surrounding environs, with particular regard to the linear form of development proposed, and the access arrangements.

2. Impact of proposed housing on surrounding environs

Impact on character of area

Members should note that this scheme is in outline, with only the siting of the dwellings in terms of a linear form of development and the positioning of the access being for determination. Details of external appearance and design and scale can be considered as part of a future application.

The existing surrounding residential area contains a variety of architectural styles and houses of various sizes. However, in the main, dwellings are arranged in a relatively linear built form, facing the various main roads.

It is therefore considered that linear style development on this site would be appropriate and would be in keeping with the character of the surrounding area.

Impact on amenities

In terms of impacts on surrounding amenities, it is considered that whilst the site is elevated compared to adjacent dwellings to the south and east, and is located close to other adjacent existing dwellings, any impacts in terms of overshadowing, dominance issues, or loss of privacy issues could be resolved through careful design of the dwellings.

Impact on highway/parking

The existing highway network around the site is narrow and restricted. The public house site has an existing access of the main road.

Members should note that the dwellings have been sited and set back in the plot so as to allow the enlargement of the narrow highway, and the provision of a new footpath. Furthermore, members will note from the submitted indicative site plan that the site access is proposed to be in the same position as the existing access. Parking could be provided in a linear form behind each dwelling, with room for two parking spaces per dwelling.

Consequently, with the support of WCC Highways, it is considered that the proposal would be unlikely to have an adverse impact on the surrounding highway system, in terms of highway safety, and in terms of containing most parking within the site.

CONCLUSION

Whilst the loss of the public house use is regrettable and the local people's comments and objections understandable, given the other local facilities/public houses in the area, it is considered that the loss of the public house use in this instance does not contravene policy PS3. Therefore, even if the pub premises were still in existence, (and this application related to the actual change of use of the public house building), in officers opinion, a refusal of planning permission on the basis of the loss of a community facility would be difficult to support.

Notwithstanding the loss of the local facility issues surrounding this application, it is considered that in principle, the erection of 5 dwellings in a linear built form with access off the main road would be in keeping with the general character of the area, and could be designed so that surrounding amenities remain largely unharmed.

WCC Highways have stated verbally that it has no objections to the proposals, and given the reuse of the existing vehicular access, the proposed widening of the narrow carriageway, and provision of public footpath, and the ability of the site to contain adequate off street parking facilities, it is considered that the proposal would cause no harm to highway safety, and would not exacerbate the existing parking problem in the area surrounding the site.

RECOMMENDATION: APPROVE subject to the following conditions:

(1) Approval of the details of the siting, design and external appearance of the building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. (A01A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

(2) Plans and particulars of the reserved matters referred to in condition 01 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (A03A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (A04A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

(5) The details of the development which are required pursuant to the above conditions shall generally accord with the illustrative layout drawings in terms of the linear form of development and access arrangements only, which have been submitted in amplification of, but do not form part of, the outline application.

Reason: The illustrative drawing[s] accompanying the application indicate the form of development which the Local Planning Authority considers appropriate for the site.

(6) No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority. (A12A)

Reason: In order to comply with the requirements of policy R2 of the adopted Salisbury District Local Plan

(7) No development shall commence until a scheme for the widening of the road and provision of a new footpath link across the frontage of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

INFORMATIVES:

(1) This outline permission relates solely to detailed approval of the access arrangements and the siting of the dwellings only in so far as the linear form of development. The developer should note that the dwellings shown on the submitted illustrative plans are considered too uniform in general design and bulk terms, and any future development of this site needs to be more sympathetic to the character of the surrounding area, which is typified by a variety of built forms.

(2) This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan (G2, D3, PS3).

(3) Please note that condition 07 may require the applicant to enter into a legal agreement with WCC Highways.

NOTES:

S/2004/330	16/02/2004 09:51:00	12/04/2004 09:51:00	MR DAVID WEBB
LAND			RICHARD BAGNALL ASSOCIATES
Easting: 425939.286911547	Northing: 118206.114395142		

PROPOSAL:	CHANGE OF USE -FOR STATIONING OF RESIDENTIAL MOBILE HOME AND ANCILLARY WC AND STORAGE BUILDING
LOCATION:	FOREST VIEW LYNDHURST ROAD LANDFORD SALISBURY SP5 2AS

REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

SITE AND ITS SURROUNDINGS

This application relates to a site on the east side and at the southern end of Lyndhurst Road, Landford.

The site is approximately 0.18 ha, roughly rectangular in shape and enclosed by a dense, mainly conifer tree lined boundaries, set back slightly from the road. The site appears to have been surfaced, or partly surfaced, with scalplings from a previous use (see history below) and contains an old trailer and shed. It is noticed that a more recent, similar sized shed has been placed on the site.

Access to the site is from Lyndhurst Road, and is shared with two other accesses serving adjacent land. There is also a substantial more indigenous tree / shrub lined boundary to the road frontage, although the access provides a view into the site through the entrance gates at this point. The surrounding land is generally open in character (grazing) but there are a selection of rural / barn type buildings on the adjacent to the south which is used as a stud farm.

The site is located within the NFHA, SLA and outside of the village HPB. There is a SSSI located just to the northeast, and adjacent 'blue land' under the control of the applicant, to the rear of the application site edged red.

THE PROPOSAL

The proposal is to site a mobile home on the site together with a smaller touring caravan, and an outside storage / WC building. The application states that the applicant would live in the mobile home and his daughter in the tourer, for an estimated eight to nine months of the year. Main services are available.

The application was supported by a planning statement by the applicant's agent, which is attached as appendix. Two undated letters of support were also submitted with the application from The National Romani Rights Association and Montfort Missionary Society.

PLANNING HISTORY

There have been various applications for development of this site since 1976. However, the last authorised use of the site appears to have been as a lorry and trailer park in connection with a local business, which was allowed on appeal in 1981 (ref S/80/568). The permission was made personal to the applicant. The most recent application on the application site was for a dwelling with the lorry park, which was dismissed on appeal in 1985 (ref S/88/1395). The adjoining stud farm was permitted on appeal in 1986 (ref S/85/1448) but did disallowed an associated mobile home.

CONSULTATIONS

WCC Highways - No objection subject to resurfacing of the access

WCC Planning - "Proposals for gypsy caravan sites cannot be assessed using normal strategic settlement policies. This is acknowledged in the adopted Structure Plan and specifically referred to in Policy DP16. Consequently, providing that you are satisfied that the personal and local environmental factors relating to this proposal fall within the provisions of adopted Structure Plan policy DP16 then, on behalf of the County Council, I write to confirm that there will be no objection to the proposal from a strategic point of view".

Housing & Health Officer - No objection. Will require a caravan site license

Wessex Water Authority- Not within a Wessex sewered area. Note that it is proposed to dispose foul water to a septic tank and surface water to soakaways. Council should be satisfied with any arrangement for the disposal of foul and surface water flows.

Southern Water - Awaited. In view of comments of Wessex Water, Southern Water have been consulted in respect of foul water disposal.

Environment Agency - No objection in principle. Points out that discharge consent may be required from the agency. Also notes that records indicate that there is a mains sewer in the road and in determining any application for discharge consent, the agency will expect the applicant to justify why the mains is not being proposed.

English Nature - No objection in principle. Consultation response attached as appendix.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry Date: 18.03.04
Departure	No
Neighbour notification	Yes. Expiry Date: 10.03.04
Neighbour response	Yes. 7 letters of objection on the following main grounds:

Part of Landford Common and can only be used for agriculture/sheep/cattle/horses.
Would set a precedent for further development on this side of the road / thin edge of wedge
There is a 3 way right of access
Already connected telephone and electricity
Could lead to an application for a house
Highway safety (on crest of a hill)
Adversely affect property prices
Proposed septic tank /would adversely affect SSSI / Landford Bog / Nature Conservation
Further unsightly and unwarranted intrusion
Will adversely affect the landscape / within New Forest Heritage Area
There are no existing buildings on the site
Would be the only residential development in the area on that side of Lyndhurst Road
Previous appeal dismissed for dwelling on adjacent land
Concern that will become a gypsy encampment
Reference to applicant's previous site and complaints/nuisance, cost to SDC to remove from that site/fear of repeat problem.

Parish Council response Yes.

Object. The PC believe that any development on the east side of Lyndhurst Road, south of the SSSI, would be undesirable, setting a precedent that could make further development hard to resist. The site is surrounded by open country, within the NFHA and outside the Landford Housing Policy Boundary.

MAIN ISSUES

Housing Policy
Impact on NFHA / SLA
Impact on adjacent SSSI
Impact on highway safety
Impact on residential amenity
Policy R2

POLICY CONTEXT

G1, G2, G5, H34, C6, C10, HA1, R2 Adopted SDLP
DP1, DP16, C7, C9 Approved Structure Plan
Circular 1/94 Gypsy Sites and Planning

PLANNING CONSIDERATIONS

Housing Policy

There are two key policies in the Development Plan which relate to providing accommodation for gypsies:

Policy DP16 of the Approved Structure Plan states:

DP16 SPECIAL CONSIDERATION SHOULD BE GIVEN TO BONA FIDE PROPOSALS TO PROVIDE CARAVAN SITES FOR GYPSIES. SUCH PROPOSALS SHOULD NOT BE CONSIDERED AGAINST OTHER POLICIES FOR TOWNS AND VILLAGES, DUE TO THEIR PARTICULAR REQUIREMENTS. SUITABLE SITES MAY BE FOUND BOTH WITHIN AND OUTSIDE SETTLEMENTS. THEY WILL NEED TO HAVE A MINIMUM IMPACT ON ADJOINING LAND USES AND THE NATURAL AND BUILT ENVIRONMENT, BE WELL LOCATED TO MEET THE NEEDS OF OCCUPANTS AND PERMITTED BUSINESS ACTIVITIES AND PROVIDE ACCEPTABLE ACCESS AND SERVICES.

Policy H34 of the Adopted SDLP takes the principle further in relation to Salisbury District, and states:

H34 Proposals for gypsy sites outside Housing Policy Boundaries or Housing Restraint Areas will be subject to the following considerations:

- (i) where the proposal is in the New Forest Heritage Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, the Stonehenge World Heritage Site, or any Site of Special Scientific Interest or Area of High Ecological Value, such development will only be permitted where there will be no adverse impact on these designated areas.
- (ii) elsewhere in the District, proposals should be acceptable in landscape and nature conservation terms, there are no overriding environmental objections, and the access and services are satisfactory; and
- (iii) the site is situated within or close to a settlement and is well located in relation to local services and amenities; and

The applicant is known to the Council, and has previously sought planning permission to site a mobile home in two locations in Whiteparish over the past 10 years or so, without success. Mr Webb has generally been accepted in the past as being of bona fide gypsy status, but there have been specific planning objections to the above sites.

Both the above policies accept that bona fide proposals will require special consideration and may be acceptable in principle, for example, outside of a HPB. It is considered that the proposal could be acceptable subject to the consideration of site-specific matters, which are discussed below.

Impact on the NFHA. /SLA

At this location, the east side of Lyndhurst Road is generally characterised by open grazing land and the Stud and Farm buildings immediately adjacent the site. However the site itself has been previously disturbed and the trees, which have been planted around the former lorry park, provide a strong sense of enclosure. It is accepted that a mobile home because of its nature (form and materials) would clearly not be in keeping with the local vernacular nor would not be 'invisible' from surrounding views, for example, through the access. However the existing screening around the site and along the road frontage would greatly mitigate the impact of the development. It is recognised that the existing tree planting around the site boundary is so dense that some thinning / pruning of the conifers may inevitably be required. The application indicates that some additional hedge and tree planting would be undertaken on land around the site within the control of the applicant, which in time would help screen the site from this direction. An appropriate landscaping condition to control new planting could be imposed if permission is granted.

It is a matter of judgement, and there is some concern that the existing tree screen could be lost, thereby opening up views of the site to an unacceptable degree. Some control can be imposed with the use of conditions, and on balance, it is considered that given the existing location and nature of the site is such that the affect on the NFHA and SLA is unlikely to be so significant so as to warrant refusal on grounds of landscape impact.

Impact on the SSSI

The site does not directly affect the SSSI but is close to it. English Nature raises no objection to the application in principle. However, it will be noted from the consultation response that the part of the SSSI abutting the site has been notified as a buffer zone to protect the main bog from fertilizer runoff and other potential farming hazards. They note that the application includes a 'paddock' between the main site and the SSSI which could be retained as a buffer zone between the site and SSSI. They consider that foul water should be connected to the mains, rather than a septic tank and surface water should be to soakaways as close to the buildings as possible. EN also consider that storage is limited to the buildings / hardstanding, as storage of materials elsewhere on the site could prove a hazard to the SSSI by way of run off.

It is considered that a condition could be imposed requiring connection to the mains sewer if possible, and covering the use of the 'blue land', which is between the application site and the SSSI. Comment from Southern Water Authority are awaited to confirm that a mains sewer is available for connection.

Highway Safety

The existing access is well established, but poorly surfaced. WCC consider that there is adequate visibility and raise no objection to the proposal on the grounds of highway safety, subject to the resurfacing of the access. This can be conditioned if planning permission is granted.

Locational / sustainability factors

Policy H34 stipulates under criteria (iii) that the site should be within or close to a settlement, and is well located in relation to local services and amenities.

The application site is outside of the village HPB. The majority of housing development along Lyndhurst Road is on the west side of the road, in the form of frontage linear development, certainly in the immediate vicinity of the application site. However, in general locational terms, it is not particularly isolated from the village services, no more so than the houses opposite, which are within the HPB. Adequate services appear to be available in the road and the site is on a bus route (a bus stop is located only a short distance away. The village shops are also within walking distance. Whilst there are no footpaths on this side of the road, it is considered that the site could be said to reasonably meet the locational requirements of criteria (iii) of policy H34.

Impact on residential amenity

As the site is located on the opposite side of the road from existing residential development at this point, and quite well screened from the road generally. It is not considered that there will be undue harm to the residential amenities of the occupiers of nearby housing. As mentioned above there will be some views into the site from this direction, and from where the mobile home would be visible, however, this is not considered to be of such harm to warrant refusal. The application states that there will be no business activity on the site or use of machinery. In view of its relatively small size, the site itself also imposes its own constraints to some extent.

Policy R2

If temporary planning permission is granted, it is not considered appropriate to require compliance with policy R2.

CONCLUSION

Circular 1/94 provides some guidance on the planning aspects of sites for caravans, which provide accommodation for gypsies. It states that where a development plan contains policies relevant to a proposal for a gypsy site, authorities must determine the planning application in accordance with the plan unless material considerations indicate otherwise. The development plan in this case contains relevant policies, but a judgement still needs to be made on whether the site meets the relevant criteria. The impact on the NFHA is clearly of particular importance, and is finely balanced. The concern of local residents is also acknowledged but, on balance, it is considered that subject to appropriate conditions, approval can be recommended. It is recommended that in view of the nature of the application, any planning permission is made personal to the applicant and for a temporary basis.

RECOMMENDATION:

Subject to the receipt and consideration of comments from Southern Water Authority to the satisfaction of the HDS

APPROVE: for the following reasons:

The proposal is considered to be acceptable in terms of its impact on the New Forest Heritage Area, the Special Landscape Area, local residential amenity, and in accordance with adopted policies of the Replacement Salisbury District Local Plan,

And subject to the following conditions

1. The use hereby permitted shall be discontinued and the mobile home, touring caravan all other buildings and structures shall be removed from the site and the land restored to its former condition on or before 01.04.2009, unless otherwise agreed in writing by the Local Planning Authority upon submission of an application in that behalf.

Reason: 0106 In the interests of amenity, in order to secure the cessation of a use for which permission can only be justified on the basis of a special temporary need.

2. The occupation of the site shall be limited to the applicant Mr D Webb and any resident dependents.

Reason: 0102 In the interests of amenity, to secure the cessation of a use which can only be justified on the basis of a special personal need by the applicant.

3. The site shall be used for residential / domestic purposes only.

Reason: 0088 In the interests of amenity.

4. The land edged blue on the approved plans shall be retained for use as a paddock only, and shall not be used for the storage of any materials, plant, machinery or for the erection of any structures, unless otherwise agreed in writing by the Local Planning Authority and upon submission of a planning application in that behalf if appropriate.

Reason: In the interest of visual amenity and nature conservation interests.

5. Prior to commencement of the use, full details of the design and external appearance and precise siting of the proposed outside storage building and mobile home shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reasons: 0042 In the interests of the amenity and the environment of the development.

6. Not more than one mobile home and one touring caravan shall be stationed on the site.

Reason: 0042 In the interests of the amenity and the environment of the development.

7. No development shall commence until details of the drainage for foul and surface water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The foul water shall be connected to the mains, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 0062 To ensure that the development is provided with a satisfactory means of drainage.

8. No trees on the site shall be felled, topped or lopped without the previous written consent of the Local Planning Authority.

Reason: 0042 In the interests of the amenity and the environment of the development.

9. No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority. (G21A)

Reason: 0042 In the interests of the amenity and the environment of the development.

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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. (G22A)

Reason: 0042 In the interests of the amenity and the environment of the development.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (G23A)

Reason: 0042 In the interests of the amenity and the environment of the development.

12. Prior to occupation of the mobile home, the access shall be resurfaced in a suitable bound material for a distance of at least 5 metres from the nearside edge of Lyndhurst Road, in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. .

Reason: 0052 In the interests of highway safety.

13. No buildings or structures other than hereby permitted shall be erected / installed within the site unless otherwise agreed in writing by the Local Planning Authority, upon submission of an application on that behalf.

Reason: 0042 In the interests of the amenity and the environment of the development.

And in accordance with the following policies of the adopted Salisbury District Local Plan:

Policy G1	general principles of sustainable development
Policy G2	general criteria for development
Policy G5	provision of water services
Policy H34	criteria for gypsy accommodation
Policy C6	development affecting the Special Landscape Area
Policy C10	development affecting a SSSI
Policy HA1	development affecting the New Forest Heritage Area

NOTES:

S/2004/331	16/02/2004 10:08:10	12/04/2004 10:08:10	CAROLINE WILKINSON
WINT			BLA ARCHITECTS
Easting: 424065.9	Northing: 133031.2		

PROPOSAL:	FULL APPLICATION -PROPOSED COTTAGE AND CONSTRUCTION OF NEW ACCESS
LOCATION:	BOX COTTAGE MIDDLETON ROAD WINTERSLOW SALISBURY SP5 1QJ

REASON FOR REPORT TO MEMBERS

Contrary to WCC Highways recommendation

SITE AND ITS SURROUNDINGS

The site currently forms part of the curtilage of Box Cottage, and contains a large outbuilding/garage, as well as an open area of garden associated with the main dwelling. There is an existing access onto Middleton Road. To the north, the site abuts The Causeway, a narrow unmade track which serves several existing houses.

THE PROPOSAL

It is proposed to demolish the large outbuilding on the site, and construct a two storey dwelling. Furthermore, the existing vehicular access onto Middleton Road would be stopped up, and a new access inserted in the rear northern boundary of the site onto The Causeway, which would serve both Box Cottage, and the new dwelling.

The submitted plans also show the removal of a mature tree and hedging, and the regrading of part of the existing bank in order to improve visibility at the Causeway/ Middleton Road junction.

PLANNING HISTORY

A previous application on this site for a dwelling and access was recently withdrawn pending further consultation with the LPA and WCC Highways.

However, the more pertinent planning history relates to a site opposite this application site between Pyt House and Ashvale . Application S/99/0093 relates to a scheme for one dwelling on land adjoining Pyt House and Ashvale, including a new access onto the Causeway. This application was refused primarily on highway grounds, following objections from WCC Highways, which are similar to those expressed as part of this current application.

The application proposal was subsequently dismissed on appeal on highway grounds, with the Inspector primarily concerned about two main highway issues, namely the geometry of the junction between The Causeway and Middleton Road, and secondly, the use of that junction due to the limited visibility splays.

A full copy of the Inspectors comments are attached as an appendix to this report.

CONSULTATIONS

WCC Highways	- Object. Comments attached
Southern Water Authority	- No objection
Environment Agency	- No response

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 25/3/04
Departure	No
Neighbour notification	Yes. Expiry 10.3.04
Neighbour response	9 letters expressing concerns regarding highway safety issues. One letter of support.
Parish Council response	Support

MAIN ISSUES

Principle
Design
Impact on amenities
Impact on highway safety

POLICY CONTEXT

G2 D2 R2

PLANNING CONSIDERATIONS

Principle

The site is located within the HPB, and within an established housing area. The site also contains existing buildings, and can be regarded as previously developed land as defined in PPG3. Therefore, the redevelopment of site for a new dwelling would be acceptable in principle, but subject to the impacts of the proposal on the surrounding environs.

However, Members also need to take the planning history of the adjacent site between Pyt House and Ashvale into consideration, and need to assess whether the concerns expressed by the Inspector have been overcome by the details of this proposal.

Design

Box Cottage itself is an attractive but not listed building, which appears to be one of the more historic houses in a village dominated by 20th century designs. The large outbuilding is of no particular architectural merit, and its removal is regarded as having little impact on the character of the existing main dwelling or the surrounding area.

The new dwelling as proposed would be located on the same site as the existing outbuilding, but would be marginally larger than the existing outbuilding in terms of its footprint and overall bulk and height. The building would be clad largely with timber with a clay tile roof.

The overall scale and bulk of the building would be rather modest, and allow for a suitable area of garden and parking/turning area to serve both the new dwelling and the retained Box Cottage. The character and setting of the retained dwelling would not be adversely affected, and given the rather secluded and divorced location of the site, adjacent dwellings would not be visually dominated by this proposal.

Whilst the proposed materials suggested are rather unusual, the use of extensive timber cladding for external walls on dwellings is not without precedent in Winterslow. In particular, it is considered in this instance that the choice of the regressive materials would help the dwelling blend with the surroundings, and would limit its visual impact despite its prominent corner location.

Amenities

Given the secluded and divorced location, and the modest scale of the proposal, the new dwelling itself would have no significant impact on adjacent amenities in terms of loss of privacy or overshadowing.

However, given the rather awkward levels of the site and proximity to adjacent dwellings and the narrow highway network, a condition has been suggested relating to the submission of a scheme for the methodology of the development works to be submitted and agreed, so as to protect the surrounding environs.

Highways

This proposal is considered more complex given the previous appeal decision with regards to a new dwelling and access onto The Causeway adjacent to Ashvale, which is a material consideration in the determination of this current application.

The Inspector dismissed the appeal essentially on highway safety grounds, and paragraphs 5, 6 and 7 of his decision as attached outline the main crux of his case. Members can see from his decision that the inspector pinpointed two main concerns regarding highway safety, namely the visibility at the access of the Causeway with Middleton Road, and the alignment of this particular access.

The main question for Members is whether this current scheme overcomes the Inspectors reasons for dismissal of the 1999 application on the adjacent site.

Firstly, the submitted plans show alterations to the existing hedging and banking and removal of a mature tree adjacent to the main Junction with Middleton Road, so as to improve upon the current visibility. Members may therefore consider that this overcomes the Inspectors concerns regarding visibility, although Members should note that WCC Highways still consider that such a visibility splay would be inadequate.

Secondly, the scheme proposes the creation of a new joint access off The Causeway for both the existing Box Cottage and the proposed new dwelling, and closure of the existing vehicular access onto Middleton Road. This is considered an improvement in safety terms, given the limited inter-visibility between this access and traffic on the main road, due to the mature hedging either side of the access.

WCC Highways also raise other concerns regarding the deficiencies of the proposed new access onto The Causeway, and the impact of additional traffic on The Causeway. Whilst WCC seem now to be happy with the amended plans submitted for the gradient of the access driveway, the County are still concerned about the lack of a decent lay-by/pull in bay for service vehicles off the Causeway and the arrangement of the new access which makes a right turn out of the site and a left turn into the site very difficult.

Whilst Members also need to consider these points, Members need to assess where this additional dwelling would be likely to generate any significant traffic which would need to undertake such turning manoeuvres, particularly as The Causeway is a no through vehicular route.

The objections raised by WCC Highways are also similar to those raised by the County regarding the previous dismissed 1999 application, which were then assessed on appeal by the Inspector.

It is considered that the previous Inspectors report commented on and addressed some of these ancillary issues, and that his comments and objections regarding the previous refused scheme seemed to concentrate mostly on the impacts of a new dwelling on the main access onto Middleton Road. He did not seem unduly concerned about the increased use of the Causeway itself by additional vehicular traffic and did not seem wholly convinced that there was a particular danger to pedestrian traffic. No reference was made by the inspector regarding the need for a layby or passing bay off the Causeway.

Members therefore have to consider whether the combination of the improved visibility at the main junction with Middleton Road and the closure of the main vehicular access onto Middleton Road outweighs any visual detriment, and also overcomes the concerns of the previous appeal Inspector.

Members should also note that the mature tree and hedging could be removed/replaced without planning permission.

CONCLUSION

This application raises difficult highway safety and visual issues which members need to consider carefully. The main issues are whether Members consider that the highway improvements offered by this scheme overcome the current concerns of WCC Highways and the previous reasons for refusal offered by the Inspector, and whether the visual impacts of those proposed changes are considered acceptable.

In your officers opinion, the changes proposed would indeed enhance visibility at this main junction, (although not to highway standard) and together with the closure of the main Middleton Road access, the proposal as a whole would lead to some highway safety benefits for all road users. It is therefore considered that the proposal may well overcome the highway concerns of the previous Inspector, but do not address the concerns of WCC Highways.

Given that the improved visibility splay would completely alter the visual appearance of the site and make the proposed new dwelling readily visible, it is considered that the scheme would be visual detrimental in the short and medium term, until replacement planting can mature.

However, on balance, given that the existing planting and trees can be removed by the owner at any time, and replacement planting can be conditioned and will eventually re-establish itself and help screen the site, and given that the proposal would improve highway safety in general terms with regards to visibility at the junction of The Causeway with Middleton Road, it is considered that the scheme would appear to overcome the highway concerns and issued raised as part of the previous appeal for the adjacent site.

RECOMMENDATION: APPROVE subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

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

(2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

(3) Before the dwelling is first occupied, the existing access onto Middleton Road shall be permanently stopped up; the visibility splay shown on the approved plan created by the removal of part of the hedging and the mature tree, and the regarding of the bank, and the new access and driveway onto The Causeway shall be created and made available for use, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

(4) Before any development commences, a scheme for the demolition of the existing building and the construction of the new dwelling and other ancillary works on site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: In order to protect adjacent amenities and highway safety around the site

(5) Before development commences, a scheme of replacement planting, including species, positioning, and planting times shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out in accordance with the agreed scheme.

Reason: In the interests of visual amenity

And in accordance with the following policies of the Adopted Salisbury District Local Plan.
D2, G2, R2, H16.

NOTES:

S/2004/342	17/02/2004 09:47:27	13/04/2004 09:47:27	MR & MRS DKR CLIFTON-MOORE
WINT			NIGEL LILLEY
Easting: 425107.319274217	Northing: 132805.164698929		

PROPOSAL:	O/L APPLICATION -NEW DWELLING AND ACCESS
LOCATION:	HEDGEMOOR COTTAGE MILL LANE WINTERSLOW SALISBURY SP5 1PX

REASON FOR REPORT TO MEMBERS

Contrary to Parish Council's views

SITE AND ITS SURROUNDINGS

The site consists of part of the garden of Hedgemoor Cottage. It is situated close to the northern side of the junction of the Roman Road (unmade and unadopted) and Mill Lane. Part of the site, where it is proposed to locate the dwelling, is currently occupied by a collection of garages and sheds. The remainder (included on an amended site plan) forms an extension to the garden, is largely level and laid to grass. The general ground level of the site falls away eastwards; so the site is prominent when viewed from the east.

THE PROPOSAL

The proposal is an outline application to demolish the existing three garages and a shed and erect a detached dwelling with garages using one of the three existing accesses off Roman Road.

The drawing shows the dwelling sited 'forward' of the existing dwelling, with the front of the dwelling facing south, with the area towards the side of the proposed dwelling, outside the housing policy boundary, forming the amenity space for the new dwelling. However only the proposed siting of the dwelling and use of the existing access form part of the outline application

PLANNING HISTORY

1975/215 Erection of garage, lay driveway and create access AC
 1977/712 Reserved matters - double garage, drive and access AC
 1979/798 Extension to dwelling, study and kitchen AC
 1986/398 Extension to dwelling, lounge AC
 1990/431 First floor extension AC

CONSULTATIONS

WCC Highways - No highway objections though conditions regarding adequate parking, turning space, gates and consolidation of surfaces.

Archaeology - A watching brief will be required as site is adjacent to roman road running from Salisbury to Winchester

Wessex Water Authority - Need to agree points of connection.

Environment Agency - No objection.

REPRESENTATIONS

Advertisement No
 Site Notice displayed Yes expiry date 18/03/04
 Departure No
 Neighbour notification Yes expiry date 11/03/04

Neighbour response Yes- 4 letters of objection received, on grounds of: -
Extending village envelope
Increased use by cars of single track unmade road
Previous application on this site was refused

Parish Council response Yes- object on following grounds

- Access would be over an unmaintained byway
- No parking indicated
- Overdevelopment of site
- Possible infringement of housing policy boundary

MAIN ISSUES

Principle
Effect on character of the surroundings
Impact on residential amenities
Effect on highway safety

POLICY CONTEXT

The site for the dwelling is within the Housing Policy Boundary of Winterslow, whilst the amended plan shows the garden land adjacent to be used as the garden/amenity space

G2, D2, H16, and R2 of Replacement Adopted Salisbury District Local Plan

PPG3, which advocates the more efficient use of land within settlements with a good level of local services and good access to transport, is also relevant.

PLANNING CONSIDERATIONS

Principle

Within the Housing Policy Boundary infilling and small -scale residential development can be acceptable in principle, provided among other things the proposal will not constitute tandem or inappropriate backland development, there is no loss of open areas which make a positive contribution towards the character of the settlement. In this particular case only part of the site is within the housing policy boundary and its development without the use of the adjacent garden area would result in a cramped and congested form of development. However, the total site is relatively generous in size and compares reasonably with those of others in the locality, though that part of the site within the housing policy boundary where the development would be located is limited.

Effect on character of the surroundings

The pattern of development and character of the built form in the immediate vicinity is mixed, including traditional style properties, with later and modern infill, all in a variety of different sized/shaped plots. The siting of adjoining and nearby properties varies considerably in the locality. contributing to the loose -knit, spacious character to the locality.
It is considered that the demolition of the existing garages and shed and the redevelopment of this site with a dwelling would not detract from the character and appearance of the area, and is considered could be consistent with Local Plan policies.

Effect on highway safety

Roman Road is a narrow single-track road which is unmade and unadopted. Concern has been expressed regarding the use of this track by increased levels of traffic but the Highway Authority has no objection to the development provided the existing access is improved and off street parking is provided. The proposed development does not appear to incorporate either off street parking or turning facilities to enable a vehicle to enter and leave the highway in forward gear. Whilst noting neighbours' comments regarding the access this proposal improves an existing access, and does not the formation of an additional one.

R2

A contribution for recreational facilities would be required for the new dwelling pursuant to the above policy. This could be secured through a condition.

CONCLUSION

Whilst being mindful of the prominent nature of the site and its sensitivity, being close to the outer boundary of the Housing Policy Boundary, this proposal would be in keeping with the pattern of development in the vicinity and would not erode the character of the area. It would not have a seriously detrimental impact on surrounding amenities nor on highway safety conditions and is therefore considered to be consistent with the relevant planning policies referred to above.

Furthermore the erection of a dwelling on an under-utilised parcel of land in a village such as Winterslow, which has good access to services and public transport, could also be deemed to be consistent with sustainability objectives in PPG3.

RECOMMENDATION:

APPROVE subject to the following conditions:

(1) Approval of the details of the siting, design and external appearance of the building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. (A01A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

(2) Plans and particulars of the reserved matters referred to in condition 01above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. (A02A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (A03A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (A04A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

(5) The development hereby approved shall not be occupied until 2 parking places have been provided within the curtilage of the site.

Reason: In the interests of highway safety.

(6) A recessed entrance or similar layout providing a minimum width of 3.2metres shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed at an angle of 45degrees towards the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall previously have been submitted to and approved in writing by the Local Planning Authority. (I11A)

Reason: In the interests of highway safety.

(7) Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. (L07A)

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

(8) No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority

Reason: In order to comply with Policy R2 of the Salisbury District Local Plan

(9) Notwithstanding the provisions of Class[es] A to F of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

(10) No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise adequate control over any development which would affect the area of archaeological interest.

And in accordance with the following policies of the Adopted Salisbury District Local Plan. G2, D2 H16, and R2

NOTES:

S/2004/507	08/03/2004 08:43:42	03/05/2004 08:43:42	MR T WEEKS
LAVE			MR COLIN R W BURT
Easting: 416051.5	Northing: 131308.7		

PROPOSAL:	FULL APPLICATION -ROOF CONVERSION:- INCLUDING DORMERS, SIDE ADDITION/GARAGE ADDITION, REMOVE EXISTING CAR PORT ADDITION
LOCATION:	49 CHURCH ROAD LAVERSTOCK SALISBURY SP1 1QY

REASON FOR REPORT TO MEMBERS

Contrary to Parish Council recommendation

SITE AND ITS SURROUNDINGS

A detached bungalow set well back from the road with a relatively large garden.

THE PROPOSAL

Side extension including extension to the roof. New dormer windows and garage to the front.

PLANNING HISTORY

S/04/35 Side extension, dormer windows and new garage Withdrawn 1.03.04

CONSULTATIONS

None

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes, expires 8 April 2004
Departure	No
Neighbour notification	Yes, expires 31 st March 2004
Neighbour response	None

Parish Council response Object

- Overdevelopment of a small property
- New building work close to boundary effecting neighbours
- New garage extension extends beyond existing building line
- No provision for turning space effecting turning space
- The front elevation is not in keeping with neighbouring properties, thereby having negative impact on the street scene.

MAIN ISSUES

Impact on neighbours, visual amenity.

POLICY CONTEXT

D3 G2

PLANNING CONSIDERATIONS

Impact on neighbour amenity.

The neighbouring property adjacent to the single storey extension will be overshadowed to a degree. The single storey extension and garage do however slope away from the next door garden and are to the south of the property where the sun is at it's highest in the sky. A major factor in this judgment is that the highest point of the ridge height is not being raised.

The original application had a degree of overlooking with a large dormer window. The resubmission has however gone a long way to rectify this as the large dormer has been reduced to a single window dormer with obscure glazing for the bathroom. The rear roof lights are permitted development. It is also important to note the strong inter-relationship between properties already present as dormer windows and first floor windows in other properties already overlook adjacent properties.

The development is close to the party wall, work that affects the party wall is however a civil matter controlled by the Party Wall Act and is not a material planning issue.

Visual Amenity

The garage is in front of the adjacent garage. The built form in this part of the village is not however uniform in this location. The dormer windows and side extension are considered appropriate for this location.

Although the front garage will be visible in the street scene, other garages exist in adjacent front gardens and therefore, it is considered that the proposal will have limited impact on the street scene.

Highway Safety

This application does not contain any vehicular turning area in the site and the Parish Council has raised concerns about this. However, there is a large open garden area to the front of the dwelling, and a turning area could therefore be accommodated on the site and conditioned to that effect.

CONCLUSION

Although the Parish Council have objected, it is considered that development does not cause significant harm by reason of the extension relative to it's plot size, it's relationship with other designs in the area. It is also considered that the issues of overlooking have been overcome following negotiations to reduce and obscure the rear dormer window. The proposal is therefore considered generally acceptable and a recommended on balance approval.

RECOMMENDATION: APPROVE: Subject to the following conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

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

(2) The materials to be used in the construction of the external surfaces of the extension(s) hereby permitted shall match those used in the existing building. (D01A)

Reason: To ensure that the proposed extension will satisfactorily harmonise with the external appearance of the existing building.

(3) Prior to development commencing, the proposed dormer window in the rear elevation shall be glazed with obscure glass, and details of the windows shall be submitted to and approved in writing by the Local Planning Authority. The window shall be constructed in accordance with approved details prior to occupation of the room served by the dormer window and be maintained in this condition thereafter.

Reason: To prevent the undue overlooking of adjoining dwellings.

(4) No additional windows or rooflights shall be constructed on the roof of the roof extension hereby approved.

Reason: To prevent the undue overlooking of adjoining dwellings.

(5) Details of turning space to serve the garage hereby approved shall be submitted to and approved by the Local Planning Authority. The turning space shall be constructed in accordance with approved plans prior to the garage hereby approved being brought into use and shall be maintained in this condition thereafter.

Reason: In the interest of highway safety.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

Policy G2	Purpose Highway safety and impact on neighbours
Policy D3	Visual amenity

NOTES:

S/2004/512	08/03/2004 09:21:06	03/05/2004 09:21:06	MR & MRS I DAVIES
WHIT			DAMEN ASSOCIATES
Easting: 426153.359853745	Northings: 124350.176101923		

PROPOSAL:	FULL APPLICATION -DEMOLITION OF EXISTING DWELLING CONSTRUCTION OF REPLACEMENT DWELLING WITH ATTACHED OUTBUILDING C OF U RESIDENTIAL - AGRICULTURAL AND C OF U AGRICULTURAL - RESIDENTIAL TOGETHER WITH ASSOCIATED WORKS
LOCATION:	COWESFIELD HOUSE ROMSEY ROAD WHITEPARISH SALISBURY SP5 2QY

REASON FOR REPORT TO MEMBERS

Recommendation departs from policy H30 (i)

SITE AND ITS SURROUNDINGS

This site has an interesting history, having once been part of the larger estate connected with Cowesfield Manor, a large house demolished in the mid 20th century.

The site is located in the open countryside of the SLA. The site contains a modern chalet bungalow, including outbuildings. The immediate area also contains numerous farm buildings, and the remains of the former Cowesfield manor house, and walled garden. The former coach house connected with the old manor house is located some distance to the west of the application site.

The site is reached via a narrow track with an access onto the A27 to the south.

THE PROPOSAL

It is proposed to demolish the existing chalet bungalow, and to construct a larger dwelling to the east. The application also seeks to clarify and confirm the extent of the residential cartilage of the new replacement dwelling. The new dwelling would also have a large garage and store building on its eastern flank.

A new driveway and turning area would be located to the north of the new dwelling, on the site of the former manor house.

PLANNING HISTORY

None of direct relevance

CONSULTATIONS

WCC Highways - No objections
WCC Library/ Museum - No comments
Wessex Water Authority- Awaited
Environment Agency - Awaited

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 8/4/04
Departure	No
Neighbour notification	Yes. Expiry 8.4.04
Neighbour response	6 letters of support
Parish Council response	Awaited

MAIN ISSUES

Principle
Impact on wider countryside/SLA
Impact on amenities

POLICY CONTEXT

G2 D3 H30

PLANNING CONSIDERATIONS

The existing site and dwelling are well screened, and not readily visible in the wider landscape. Given the historic use of the site a part of a larger manor house and grounds, the actual curtilage /garden area of the existing dwelling is rather indistinct, with much of the environs around the property being unkempt or disturbed land, which may well have been part of the much larger curtilage of the previous manor house.

The proposal involves a new replacement dwelling which is considered to be significantly larger than the existing chalet bungalow, and which would not be sited on the same footprint as the existing dwelling. The proposal therefore appears to contravene the criteria of policy H30.

However, it is considered that given the screened and secluded nature of the site, the replacement dwelling as proposed would have no greater impact than the existing dwelling despite its size and repositioning. Furthermore, the design of the new dwelling would be a significant improvement compared to the non-descript chalet bungalow, thereby improving the visual appearance of the area in general.

Furthermore, the positioning and enlargement of the redefined curtilage of the new dwelling is considered acceptable, as there is no intrusion into the open countryside surrounding the site, the boundary with which is cleared marked by various fences and other natural boundaries. The scale of the larger garden area and curtilage would also relate well to the proposed house, and would in any respect been much smaller than the previous historic cartilage related to the old manor house.

Given the isolated nature of the site, adjacent amenities would remain unaffected by this proposal, and there are no additional highway matters.

Members should also note that the proposed dwelling is sited so to avoid and retain any remains of the old manor house, and in an attempt to improve the general ambiance of the previous manor house setting, part of the ha-ha and access steps for which apparently still survives.

CONCLUSION

This is a rather unusual proposal given the historical background of the site. Officers consider that whilst the replacement dwelling is larger and somewhat grander than the chalet bungalow, its overall design would represent an improvement, and the overall scheme would facilitate an improvement of the site in general. The new houses and the enlargement of the curtilage raises no adverse issues regarding the character of the surrounding countryside and surrounding amenities, which remain unaffected.

RECOMMENDATION: APPROVE subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

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

(2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

(3) Before any development commences pursuant to this consent, a scheme for the removal of the existing dwelling house on the site, including removal of debris, and timing of works, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

Reason: In order to ensure the removal of the existing dwelling from the site within a specified time period in accordance with the requirements of policy H30 and to prevent the creation of an additional dwelling in the open countryside.

And in accordance with the following policies of the Adopted Salisbury District Local Plan. G2, D3, H30.

NOTES: