

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
SOUTHERN AREA & 28/10/04

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 Now DTLR - (delegated)
APRE - Part approve / refuse	OBS - Observations to Committee	

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH	PAGE NOS	WARD & COUNCILLORS	NOTES
I SV	S / 2004 / 1544 Mrs J Wallace	LORRAINE EMMA SMITH BADGERS REST WINTERSLOW ROAD PITTON	APP	PITT	3 - 9	Cllrs Devine and Moss Winterslow	
2	S / 2004 / 2086 Ms B Jones	MR J G TOMSETT 21 GREAT CROFT FIRSDOWN	APP	FIRS	10 - 12	Cllrs Devine and Moss Winterslow	

SV = Site Visit for Members

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

Part 1

Applications recommended for Refusal

Item No.	Case Officer	Contact No.	
App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed	Agents Name
Proposal			
Location			

No Refusals

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

I	Case Officer Mrs J Wallace	Contact No 01722 434687	I
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S/2004/1544	16/07/2004	10/09/2004	LORRAINE EMMA SMITH
PITT			
Easting: 421618.670487404	Northing: 131658.330470204		

PROPOSAL:	CHANGE OF USE -STATIONING AND RESIDENTIAL OCCUPATION OF TWO TOURING CARAVANS (RETROSPECTIVE)
LOCATION:	BADGERS REST WINTERSLOW ROAD PITTON SALISBURY SP5 1DH

REASON FOR REPORT TO MEMBERS

Contrary to highways recommendation

SITE AND ITS SURROUNDINGS

This application relates to a site on the east side and at the northern end of Footpath no31 off The Green. Pitton.

The site is approximately 0.8 ha, roughly rectangular in shape on the side of a hill. The site slopes up in an easterly direction and appears to be mainly laid to grass. Adjacent to the junction of the bridleway and the footpath is a surfaced vehicular access and behind a substantial secured gate are a stable, store and the two touring vans.

Vehicular access to the site is off Bridleway no32 just to the north of Townsend Pitton and there is an additional pedestrian access via Footpath no31 off The Green. Pitton.

There is a substantial reinforced indigenous tree / shrub lined boundary to the footpath frontage which provides very limited views of the site. The vehicular access provides long views of the site though the boundary hedge largely hides the buildings. The surrounding land is generally open in character being grazing land.

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

THE PROPOSAL

The proposal is to retain the two touring vans on the site. Mains water is available on the site, but sewage is via a septic tank.

PLANNING HISTORY

The last authorised use of the site appears to have been as a grazing for horses as permission was given in 1986 for a stable and hay store.

CONSULTATIONS

WCC Highways	- Refuse. Access is via a substandard bridleway which is unmade, single width and has inadequate visibility at its junction with the 'C' class highway and the likely increase in vehicular traffic along this route is considered detrimental to highway safety
Environmental Health	- No objection in principle, however, if minded to grant consent a caravan site licence must be applied for. Licences are subject to conditions, which must be adhered to.
Wessex Water Authority	- none received
Rights of Way	- none received
Fire Officer	- normally a space of 6metres is left between the caravans
Social services	- none received

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry Date: 19/08/04
Departure	No
Neighbour notification	Yes. Expiry Date: 11/08/04
Neighbour response	2 letters of objection on the following main grounds:

- Would set a precedent for further development in this area
- Retrospective approval would be thin edge of the wedge
- Would set a precedent as anyone could buy a piece of agricultural land place a caravan on it and expect permission
- Could lead to an application for a house
- Unsightly and unwarranted intrusion into countryside
- Adversely affects the landscape

2 letters of support on the following main grounds:

- Site is well managed and looked after
- No impact on landscape
- Family have not created nuisance or noise
- Maintain local footways and bridleways and have removed fly-tipped rubbish
- Assist and support villagers
- Have integrated into the village

Parish Council response	Object. Do not wish to set a precedent.
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MAIN ISSUES

Principle
Impact on SLA
Impact on highway safety
Impact on residential amenity
Policy R2

POLICY CONTEXT

G1, G2, H23, H34, C6, R2 Adopted SDLP
DPI, DPI6, C7, C9 Approved Structure Plan
Circular 1/94 Gypsy Sites and Planning

PLANNING CONSIDERATIONS

Principle

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; policy H34 of Salisbury District Local Plan accepts the principle of gypsy sites outside settlement boundaries and policy DPI6 of the Wiltshire Structure Plan acknowledges that proposals for gypsy caravan sites cannot be assessed using normal strategic settlement policies.

The key policy in the Development Plan that relates to providing accommodation for gypsies is Policy DPI6, which states:

DPI6 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.

The applicant (who is a gypsy) and her three children have occupied touring caravans on the site since 2000. The site is outside any recognized settlement, in the open countryside where development is strictly limited and is not permitted unless it would benefit the local economy and maintain and enhance the environment (SDLP policy C2). Residential development is only permitted in such areas if it is for affordable housing or for agricultural/forestry workers (policies H23, H26, H27, H28).

Moreover, within the SLA development should not have an adverse effect on the quality of the landscape (SDLP policy C6).

Policy G1 (i) of the Replacement SDLP also requires development to observe the principles of sustainability by reducing the need to travel in accordance with PPG13.

As noted above, the owner has claimed gypsy status but though it is a matter of fact and degree it is accepted that at present she does not maintain a nomadic lifestyle. However, it is relevant to consider the development against Policy H34 of the adopted Salisbury District Local Plan.

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

Policy H34 therefore allows for provision of gypsy sites outside Housing Policy Boundaries, in recognition of the need to provide accommodation consistent with gypsies' nomadic lifestyle, subject to certain criteria. These include: the site having no adverse impact in landscape and nature conservation terms, access considerations and the site lying close to local services and amenities.

The applicant claims to be of gypsy status and both the above policies accept that bona fide proposals will require special consideration and may be acceptable in principle, outside of a Housing Policy Boundary. It is considered that this proposal could be acceptable subject to the consideration of site specific matters, below.

Impact on the Special Landscape Area

At this location, the site is generally characterised by open grazing land. Indeed the site itself has been previously used as grazing for horses and the boundary hedge on the lower slope provide a strong sense of enclosure. It is accepted that the mobile homes because of their nature would clearly not be in keeping with the local vernacular nor would they be 'invisible' from surrounding views, for example, from Townsend. However the existing screening around the site greatly mitigates the impact of the development. The existing tree screen could however, 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 SLA is unlikely to be so significant so as to warrant refusal on grounds of landscape impact and an appropriate landscaping condition to impose new planting could be required if permission were granted.

Highway Safety

The existing vehicular access for the site uses an unsurfaced bridleway off the C class road between Pitton and Winterslow. WCC consider that there is inadequate visibility at the junction with this road and raises objection to the proposal on the grounds of highway safety. However, it is considered that whilst the junction is outside the village speed limit, as the 'C' class road is very straight at its junction with the bridleway that the use of this junction by the vehicles of one family unit is unlikely to create substantial highway safety issues and a refusal on these grounds would be difficult to support on balance, given that the access already exists and can be used currently by vehicular traffic.

Locational / sustainability factors

Policy H34 of Salisbury District Local Plan stipulates under criteria (iii) that the site should be within or close to a settlement, and be well located in relation to local services and amenities. It is accepted that the application site is outside of the Pitton Housing Policy Boundary and is in the open countryside. However, in general locational terms, it is not particularly isolated or remote from village services and there is easy footpath access to the village.

On balance 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 in an isolated position 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 the Townsend direction, however the mobiles themselves are not visible, and this is not considered to be of such harm to warrant refusal.

Policy R2

If planning permission is granted, it is considered appropriate to require compliance with policy R2, however, if temporary consent is granted then it would not be appropriate to require compliance.

Human Rights Implications

There are two relevant rights engaged in this case –Article 1 (first protocol) which establishes the peaceful enjoyment of property and the legitimacy of controlling the use of such property in accordance with the general interest. Article 8 establishes the right to respect for private and family life including an individual's right to a home. Interference in these rights is only lawful if there is a legitimate issue of public interest at stake. Further, in order to be justified, the level of interference needs to be proportionate to the public interest it is sought to protect.

The interference with the owner's property rights (first protocol) in the event of planning permission not being granted may be considered justified in the public interest and proportionate in view of the harm to the objectives of the national and local planning policies if indiscriminate unnecessary development in the countryside, i.e. the building and caravans, were allowed to remain and perpetuated the harm to the landscape and conflict with sustainable development objectives also identified. However, such conflict does not apply in this case, as has been indicated above.

Of more significance is that there would be an interference with the occupier's rights to a home (Article 8) in the event of planning permission being refused.

Ms Smith who occupies the site with her school age children has stated that she is a Gypsy. The reason for settling at this site is primarily because the land was available and provided a settled place where the children could benefit from the local education facilities. The three children now attend local schools namely Farley Primary school, Wyvern and St Joseph's Secondary Schools in Salisbury. The schools attended by the children have confirmed that children attend school on a regular basis. They are benefiting from a stable, continuous educational environment and it would be detrimental to their education if their schooling were to be disrupted by their having to move elsewhere.

Ms Smith is employed locally and currently she and her children do not have a nomadic lifestyle, though she considers that it may be possible that she would resume a nomadic lifestyle once the children have completed their education. She would not wish to live in conventional housing.

The effect on the occupier's right to a home needs to be weighed against the harm to the countryside, the environment and sustainability objectives identified above. The public interest seeks protection of the countryside by preventing unnecessary development and development harmful to the landscape.

Members should give the above factors appropriate weight in determining the application. Overall, the balance of the considerations is that a temporary and personal consent could be considered to protect the appearance of the Special Landscape Area and the Human Rights of the occupiers of the site would be safeguarded by allowing the children to complete their education. Further, it is considered that the permission whilst temporary and personal should be for a substantial period to permit the youngest child (aged 7) to complete his education.

CONCLUSION

Circular 1/94 provides guidance on the planning aspects of sites for caravans for gypsies and the development plan contains policies, which accept the principle of gypsy sites outside settlement boundaries. However, a judgment still needs to be made on whether this particular site meets the relevant criteria within the Development Plan.

In considering a recommendation the impact on the Special Landscape Area is clearly of particular importance, but it could be argued that in this particular case, because of the characteristics of this site, the impact is very limited. As regards the other criteria, the site could be considered to be reasonably well located in relation to services/facilities and relatively close to a settlement.

On balance, it is considered that subject to appropriate conditions, approval can be recommended as the criteria of Salisbury District Local Plan Policy H34 and Structure Plan DPI6 are satisfied. 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: APPROVE:

Reasons for approval

The proposal is considered to be acceptable in terms of its impact on 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 touring caravans shall be removed from the site and the land restored to its former condition on or before 28/10/2014, 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 Ms L. E. Smith 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. Not more than two touring caravans shall be stationed on the site.

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

6. 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.

7 Within three months of this permission hereby granted there shall be submitted to 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. Within 6 months of the first planting season thereafter the approved scheme shall be implemented (G22A)

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

8. 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.

9. 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 H23	development outside Housing Policy Boundaries
Policy H34	criteria for gypsy accommodation
Policy C6	development affecting the Special Landscape Area
Policy R2	open space provision

NOTES:

S/2004/2086	29/09/2004	24/11/2004	MR J G TOMSETT
FIRS			R B GOGGIN PARTNERSHIP
Easting: 421058.1	Northing: 133204.7		

PROPOSAL:	FULL APPLICATION -LOFT CONVERSION
LOCATION:	21 GREAT CROFT FIRSDOWN SALISBURY SP5 1SN

REASON FOR REPORT TO MEMBERS

Council employee application

SITE AND ITS SURROUNDINGS

The site forms a residential curtilage within Great Croft, which is a cul de sac of bungalows within Firsdow. The site lies within the Housing Policy Boundary and Special Landscape Area. Several bungalows have been converted to create first floor accommodation, with windows and dormers to the rear.

THE PROPOSAL

The applicant is seeking to convert the existing loft space to provide a third bedroom, showeroom and study. The development would comprise an alteration to the slope of the existing roof pitch, and the creation of two new dormer windows on the rear elevation. Materials would include roof tiles, upvc white fascia barge boards with stained weatherboarding to the front and side of the dormers, and double glazed upvc windows. The bathroom window would be glazed with obscured glass and a roof light would be added to the front roof elevation, for the proposed study.

PLANNING HISTORY

02/1627 Conservatory at rear AC 16/9/02

CONSULTATIONS

Environmental Health No objections

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 4/11/04
Departure	No	
Neighbour notification	No	Expiry 25/10/04
Third Party responses	None to date	

Parish Council response None to date

MAIN ISSUES

The main issues for the application are the scale and design of the proposal and impact on neighbouring amenities.

POLICY CONTEXT

Adopted Salisbury District Local Plan Policies G2, H16, C6 and D3

PLANNING CONSIDERATIONS

Scale & Design

Policy D3 supports the principle of residential development and extensions within the Housing Policy Boundary of Firsdown, subject to criteria relating to the compatibility of the proposal with the character of the existing property, other property and the landscape framework. Policy C6 further emphasises the need for new development to be sympathetic with the landscape, using high standards of design and appropriate materials. Policy G2 sets out the general principles for development, including the avoidance of undue loss of amenity to occupiers of adjoining dwellings.

The proposals seek to extend an existing bungalow within a residential area. The scale and design of the scheme and the proposed materials are considered to be sympathetic to the existing dwelling, and other dwellings in the vicinity, some of which have already been subject to first floor conversions.

Neighbouring Amenities

The adjacent property (No19) has a single storey brick built rear extension, which extends into the rear garden along the boundary with the application site. The addition of two dormer windows to the applicant's roof slope is unlikely to affect light levels or overlook the adjoining property, as the windows would be set back approximately 4m from the building line of the adjacent building, and would therefore overlook its roof.

There would be no windows added to the west elevation, and the building line of the property would extend no further towards the adjacent property (No 23). There are no properties to the rear of the site.

It is therefore considered that the proposals would not detrimentally affect neighbouring amenities, in accordance with Policy G2.

CONCLUSION

The proposed development is considered to be appropriate development within the Firsdown Housing Policy Boundary, the scale and design of the dormer windows would be sympathetic with other properties in the vicinity, and would not detrimentally affect adjoining amenities or the character of the Special Landscape Area.

RECOMMENDATION:

Subject to there being no new material considerations arising from the neighbour notification (expires 25/10/04) and the site notice, which expires on 4/11/04, then:

APPROVE:

For the following reasons

The proposed development would be in accordance with the adopted policy context of the Salisbury District Local Plan, and would not adversely affect neighbouring amenities.

And 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)
2. The materials to be used in the construction of the external surfaces of the roof extension hereby permitted shall match those used in the existing building (D01A)
3. The development shall be carried out in strict accordance with the drawing[s] hereby approved, or with such other details as may subsequently be submitted to and approved in writing by the Local Planning Authority. (B05A)

Reasons:

1. To comply with the provisions of Section 91 of the Town & Country Planning Act
2. To ensure that the proposed roof extension will satisfactorily harmonise with the external appearance of the existing building.
3. For the avoidance of doubt.

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

Policy G2	General Principles for Development
H16	Housing Policy Boundaries
C6	Special Landscape Area
D3	Design of Extensions

NOTES: