

Agenda Item 12

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE SOUTHERN AREA 24 March 2005

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

AI06 - 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 (delegated)
		Now DTLR
APRE - Part approve / refuse	OBS - Observations to Committee	

Item	Application No. Office	Applicant's Name Location	Rec	Parish/Ward	Page Nos.	Ward Councillors
1 SV	S / 2005 / 121 Mrs B Jones	WINTERSLOW PARISH COUNCIL THE RECREATION GROUND WINTERSLOW	REF	WINT	2 - 4	WINTERSLOW Cllr Devine and Cllr Moss
2 SV	S / 2005 / 126 Mrs B Jones	WINTERSLOW PARISH COUNCIL THE RECREATION GROUND WINTERSLOW	REF	WINT	5 - 6	WINTERSLOW Cllr Devine and Cllr Moss
3	S / 2004 / 2097 Mr R Hughes	MR & MRS CONLON, MISS K THORNE, MR P AWBERY ORCHARD ROAD AND DOWNTON HILL MORGANS VALE	REF	REDL	7 - 13	DOWNTON AND REDLYNCH Cllr Anderson, Cllr Leo and Cllr Mrs Peach
4	S / 2004 / 1544 Mrs J Wallace	LORRAINE EMMA SMITH BADGERS REST WINTERSLOW ROAD PITTON	APPC	PITT	14 - 20	WINTERSLOW Cllr Devine and Cllr Moss

5 SV	S / 2005 / 142 Mrs J Wallace	MR AND MRS CHANT WINDRUSH FARM LONGFIELD WEST DEAN	APPC	WDEA	21 - 24	WINTERSLOW Cllr Devine and Cllr Moss
6	S / 2005 / 222 Charlie Bruce-White	MR AND MRS J HENDERSON SEARCHLIGHTS LODGE DROVE WOODFALLS	APPC	REDL	25 - 26	DOWNTON AND REDLYNCH Cllr Anderson, Cllr Leo and Cllr Mrs Peach

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			

I	Case Officer Mrs B Jones	Contact No 01722 434388	I
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S/2005/121	25/01/2005	22/03/2005	WINTERSLOW PARISH COUNCIL
WINT			MR R J HARDY
Easting: 423697.113841057	Northing: 132840.252965927		

PROPOSAL:	FULL APPLICATION -RETROSPECTIVE APPLICATION FOR FIRST FLOOR ACCOMMODATION WITH ALTERATIONS, INCLUDING EXTERNAL STAIRCASE
LOCATION:	THE RECREATION GROUND MIDDLE WINTERSLOW WINTERSLOW SALISBURY SP5 IRR

REASON FOR REPORT TO MEMBERS

Councillor Moss has requested that this item be determined by Committee due to:
The controversial nature of the application and the local interest.

SITE AND ITS SURROUNDINGS

The site is an existing sports pavillion located in the north east corner of the Recreation Ground in Winterslow. To the east of the site are existing dwellings, and the existing portacabin lies to the north. A public footpath (No 52) provides access to the site in the northern corner of the rec. The site is allocated as public open space within the adopted SDLP.

THE PROPOSAL

The applicant is seeking retrospective permission for variations to the extension to the building, applied for under S/00/1634. The variations include alterations to the northern portion of the building as follows:

Roof pitch – raised by approx 0.6m (from ground level) from original approved plan.
Insertion of first floor door with clear glazing on north east (rear) elevation – no first floor accommodation approved under S/00/1634.
Insertion of wooden stairway to first floor on north east (rear) elevation – no first floor accommodation approved under S/00/1634.

PLANNING HISTORY

S/00/1634	Extension to Recreation Ground Pavillion	AC	28/4/93
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CONSULTATIONS

Parish Council response **No objection**

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 24/2/05
Departure	No	
Neighbour notification	Yes	Expiry 17/02/05
Third Party responses	Yes	2 letters of Objection on grounds of loss of privacy, greater level of noise and disturbance caused by first floor activities, impaired visual impact of building resulting from changes, loss of amenity due to proximity of stairs to fenceline, visual and sound screening reduced, league fixtures no longer played, inadequate original drawings, visual impact or extension from dwellings, health and safety issues surrounding activities and lettings,

MAIN ISSUES

1. Principle
2. Neighbouring Amenities

POLICY CONTEXT

Adopted SDLP Policies G2, R5, R1A

Principle

Policy R5 makes provision for seeks to protect existing areas of recreational open space from development which would lead to their loss. Policy R1A makes provision for new outdoor recreational facilities on the edge of existing settlements, provided they are accessible by a means of public transport, and subject to there being no adverse impact on the landscape. The principle for the original extension (S/00/1634) was accepted in accordance with the recreational policies of the SDLP. However, the changes to the original proposal have raised amenity issues, which are considered under Policy G2.

Neighbouring Amenities

The changes to the approved building include provision of first floor accommodation, accessed via a stairway and glazed door. The window and stairway are situated about 4m from neighbouring properties, and when stood on the stairway, a person can look directly into the gardens of the properties. Neighbours have supplied photographs to this effect.

The increased roof height of 0.6m and alterations to the roof pitch arising from the change have led to a greater visual impact of the building when viewed from neighbouring premises. However, this change in height and pitch is not considered to be so different to the approved scheme or sufficiently detrimental to amenities to justify a refusal on these grounds.

The stairs and access to the first floor accommodation and the increased activity associated with the first floor in close proximity to adjacent dwellings are considered to be detrimental to amenities. The stairway enables considerable potential for overlooking and disturbance. The proposal would therefore be contrary to Policy G2.

It is considered that an appropriate compromise may be for the stairway and door to be moved to the front elevation, and the rear first floor window made fixed (unopenable) with obscured glass.

RECOMMENDATION: **REFUSE** for the following reasons:

- I. The pavilion extension was approved as a single storey structure with no accommodation in the roof. The retrospective variation would create first floor accommodation, accessed via a stairway on the north east (rear) elevation, which is in close proximity to adjoining dwellings. Furthermore, the variations include a first floor door with clear glazing, which affords some overlooking of adjacent properties. The proposed variations are likely to disturb the amenities of adjoining occupiers, by virtue of overlooking and disturbance associated with the stairway which accesses the first floor, contrary to Policy G2 of the Salisbury District Local Plan.

And contrary to the following policies of the adopted Salisbury District Local Plan:

G2 General Principles for Development

NOTES:

S/2005/126	25/01/2005	22/03/2005	WINTERSLOW PARISH COUNCIL
WINT			MR R HARDY
Easting: 423692.61995554	Northing: 132850.238157988		

PROPOSAL:	FULL APPLICATION -FIVE YEAR RETENTION OF PORTACABIN FOR USE AS A YOUTH CLUB
LOCATION:	THE RECREATION GROUND MIDDLE WINTERSLOW WINTERSLOW SALISBURY SP5 IRR

REASON FOR REPORT TO MEMBERS

Councillor Moss has requested that this item be determined by Committee due to:
The controversial nature of the application and the local interest.

SITE AND ITS SURROUNDINGS

The site is an existing portacabin located in the north east corner of the Recreation Ground in Winterslow. To the east of the site are existing dwellings, and the existing pavilion building lies to the south. A public footpath (No 52) provides access to the site in the northern corner of the rec and a mature tree is in close proximity to the building. The site is allocated as public open space within the adopted SDLP.

THE PROPOSAL

The applicant is seeking retrospective permission to retain the portacabin, which was originally granted on a temporary basis for use by the cricket club for storage and changing facilities.

PLANNING HISTORY: none

S/93/279 Siting of portacabin to provide changing facilities AC 28/4/93

This permission is granted for the limited period ending 29/4/96.....

S/96/728 Continued siting of portacabin for 5 years AC 5/7/96

This permission is granted for the limited period ending 29.04.2001 at the expiration of which the building shall be removed and the land reinstated to its former condition unless otherwise agreed by the Local Planning Authority upon submission of a planning application in that behalf.

CONSULTATIONS

WCC Highways - **No objection**
Environmental Health - **Objection**

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 24/2/05
Departure	No	
Neighbour notification	Yes	Expiry 17/02/05
Third Party responses	Yes	2 letters of Objection on grounds of portacabin being unsuitable for long term use, contrary to countryside policies, loss of amenity, other facilities in the village, fails health & safety standards, risk to mature tree. Portacabin no longer required for original temporary purpose, proximity to gardens and dwellings, negative visual impact on rural setting,

Parish Council response **No objection**

MAIN ISSUES

1. Principle
2. Neighbouring Amenities
3. Highway Issues

POLICY CONTEXT

Adopted SDLP Policies G2, R5, R1A

Principle

Policy R5 makes provision for seeks to protect existing areas of recreational open space from development which would lead to their loss. Policy R1A makes provision for new outdoor recreational facilities on the edge of existing settlements, provided they are accessible by a means of public transport, and subject to there being no adverse impact on the landscape. The principle for the siting of the portacabin in landscape impact terms has already been established, and the proposed retention of the portacabin is not considered to be contrary to the recreational policies of the SDLP.

Highway Safety

The Highways Authority has raised no objection to the proposal, given the proximity of available off street parking within the recreation ground.

Neighbouring Amenities

The approved temporary use of the portacabin was for storage and changing facilities for the cricket club. The EHO has raised an objection to the use of the portacabin for a youth club. It is considered that the building would not meet the necessary health and safety requirements for a youth club (eg toilet and hand washing facilities) and the proximity of the building to neighbouring properties is likely to give rise to disturbance to the occupiers. (The EHO has received a number of complaints in respect of the skateboard facility in the recreation ground). An alternative location within the recreation ground, away from neighbouring properties, may be more acceptable. The proposal in this location is therefore contrary to Policy G2.

RECOMMENDATION: **REFUSE** for the following reasons:

- I. The proposed retention of the portacabin for use as a youth club in the north east corner of the recreation ground, in close proximity to neighbouring residential properties, is likely to disturb the amenities of occupiers, contrary to Policy G2 of the Salisbury District Local Plan.

NOTES:

S/2004/2097	30/09/2004	25/11/2004	MR & MRS CONLON, MISS K THORNE, MR P AWBERY
REDL			MR A STOCKEN
Easting: 419580	Northing: 121063.5		

PROPOSAL:	FULL APPLICATION -ERECTION OF 6 HOUSES INCLUDING OFF STREET PARKING WITH VEHICULAR ACCESS
LOCATION:	ORCHARD ROAD AND DOWNTON HILL MORGANS VALE SALISBURY SP5 2JF

REASON FOR REPORT TO MEMBERS

This item was previously considered by SAC in November 2004. Members resolved to defer judgement of the application in order for an independent report to be commissioned regards the viability of the public house use.

The independent report has now been received, and a copy of the report is attached as an appendix.

SITE AND ITS SURROUNDINGS

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

THE PROPOSAL

This full application seeks to replace the fire damaged houses with two new 3 bedroom properties, with an additional 4 dwellings erected on the site of the former public house. A vehicular access is proposed off Downton Hill. The scheme would also incorporate a new footpath and a widening of Downton Hill at this location, and on site parking facilities for 16 cars.

PLANNING HISTORY

Various applications connected with the former public house, including S/04/303 for outline planning permission for 5 dwellings on the pub site. Refused by Members of SAC for the following reason:

The proposal would result in the loss of a site which has until recently been used as a public house which was considered central to the economic and social life of the settlement of Morgans Vale, and the Local Planning Authority remains to be convinced that the previous public house use or the re-establishment of that facility would no longer be viable. The proposal is therefore considered to be contrary to policy PS3 of the adopted Salisbury District Local Plan

This application was subject of an appeal in November 2004. The appeal was dismissed.

CONSULTATIONS

WCC Highways - I confirm that the amended plan, received by hand on 10/11/04, now meets my requirements for parking layout. I note that 16 spaces are being provided for 6 dwellings, providing at least 4 additional visitor spaces. I also confirm that widening to Downton Hill will improve safety at and near the junction with Appletree Road, by providing additional space for large vehicles to turn and any vehicle wishing to park near the junction would obstruct these manoeuvres and therefore be liable for prosecution – therefore it is very unlikely that any parking will occur at or near the junction, especially as additional visitor parking is being provided elsewhere.

Environmental Health - Restrictive condition re construction works times
Wessex Water Authority - Public sewer crossing the site
Environment Agency - Do not wish to comment

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 11/11/04
Departure	No
Neighbour notification	Yes. Expiry 3/11/04
Neighbour response	22 letters (4 since last SAC meeting) raising the following comments:

1. Detrimental highway impacts on already crowded highway system
2. Problems with services lorries manouvering
3. Impact on amenities – overlooking/loss of light/overbearing
4. Loss of community facility- rebuild pub
5. Danger to life due to more cars/people in area
6. The submitted accounts are misleading
7. Houses not in keeping with the area
8. Requesting details of the independent report and what details it should include
- 10.Highlighted difficulties that refuse lorry has turning in the area
- 11.Concerns regarding the recent Parish Council meeting which did not take on board residents concerns
- 12.Scheme would cause highway dangers
- 13.Reiteration of the recent Inspectors comments
- 14.Dispute financial figures submitted by agent
- 15.Agent hasn't proven that pub was not viable
- 16.Highway safety will be compromised
- 17.No cycling spaces provided
- 18.Parking spaces do not meet standard dimensions of 7m x2.4m
- 19.Turning space is totally inadequate
- 20.Cars will be encouraged to park on the street and narrow the road
- 21.Total rebuilding costs would be £277,466 rather than £700,000 plus
- 22.No reference in officers report of application S/04/1271 further along Appletree Road
- 23.Replacement houses are much larger than previous dwellings on site, and will therefore generate twice the traffic
- 24.Serious impact on amenities due to loss of privacy and overlooking
- 25.Development is out of character with area. Modern design and living standards to this density do not fit on this site – linear development is not appropriate
- 26.Most of the privacy and safety issues could be overcome by replacing the 2 cottages with similar sized dwellings, putting two dwellings on the pub site, all inward looking and all with adequate parking.
- 27.If the pub does not need to be rebuilt then the local community should be entitled to have some of their concerns on safety privacy and open space met.

Parish Council response Originally, supported the scheme subject to provision of a proportion of affordable housing and contribution to R2. However, as reported as part of the additional correspondence to the November meeting, the Parish Council highlighted the strong concern of locals to the scheme.

MAIN ISSUES

1. Principle and planning history
2. Impact on surrounding environs
3. Impact on highway safety
4. Affordable Housing/open space issues

POLICY CONTEXT

PPG3

G2 D2 PS3 R2

PLANNING CONSIDERATIONS

I. Principle and planning history – loss of a public house/community facility

This proposal raises difficult policy issues which Members discussed at length at the April 2004 SAC meeting. Members considered that based on the evidence before them at that time, the public house use was central to the economic and social life of the settlement and may have been viable. Members should therefore consider this new proposal in light of the previous reasons for refusal.

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, and the recent Planning Inspectors decision agreed with this stance. 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?

This matter has already been clarified previously. As part of previous application S/04/303, Members of SAC concluded that the public house had been central to the economic/social life of the settlement. The application was refused partly on this basis. The applicant has submitted no strong evidence to dispute this matter, and the appeal inspector agreed that in his opinion, the public house formed a central role in the community life of Morgans Vale.

Therefore, for the purposes of the determination of this application, the public house is considered to be central to the economic/social life of the settlement, and this application does not overcome this part of the previous refusal. However, the local facility has to be viable.

Viability of the public house use

As part of the previous application (subject of the dismissed appeal), the applicant submitted information regarding the viability of rebuilding the public house building and recommencing the public house use. This stated that (as previous officer report)

“...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”.

However, no independent assessment was sought at that time to confirm the comments of the applicant. Members therefore resolved that based on the information supplied at the time of the April 2004 SAC meeting, the public house use may still have been viable.

The appeal inspector seemed to agree, stating clearly in paragraph 6 of his decision notice that:

“The Apple Tree Inn was operating at a profit before the fire and the evident high degree of patronage demonstrates to me that there is likely to be demand for a public house, should any such facility be re-opened on the site”. In paragraph 7 he continues, “..I am therefore by no means satisfied that the previous public house use of the site is no longer viable.”

As part of this current application, the applicant has submitted two separate pieces of evidence in support of his proposal. Firstly, a letter is supplied from PSE Associates which indicates that an approximate figure for rebuilding a public house with a gross floor area of 250square metres is approximately £700, 000 to £800,000 (excluding VAT and external works).

Secondly, a report has been submitted by The Parker Partnership (accountants), giving unaudited financial statements for the period 10th July 2002 to 31st December 2003. The report appears to indicate that the public house made a profit for the financial period after taxation of £3501.

The two reports submitted by the applicant appear to indicate that the public house use made what appears to be only a small profit during the tested financial period. When this is compared to the apparent rebuilding costs estimated, it would appear to indicate that the rebuild costs for resurrecting the public house use would be far in excess of the money the use was making in its final year or so of trading.

As reported in the previous additional correspondence relating to the November 2004 meeting, the officer spoke at that time to the Council's Building Control officers regarding the disputed rebuilding figures. It appeared that a thatched public house building of similar dimensions on this site may well cost somewhere in the region of at least £ 500,000 upwards, when internal fitting out is included, plus adherence to modern fire and building standards. The Council's Building Control officers have therefore indicated that the agents stated rebuilding costs may therefore be closer to the mark than the much lower figure mentioned by the third party.

However, the independent consultants report commission by this Council disagrees with many of the financial figures submitted by the applicants agent, and concludes that:

“If the public house premises can be rebuilt, furnished and equipped for a budget in the region of £400,000 we are of the opinion, that such a public house including a flat of 3 bedrooms for the resident owners would have a value in excess of £400,000.”

In essence, the independent consultant appears to feel that the rebuilding of a new public house on the site may indeed be viable. He is of course relating to the reconstruction of a new pub building, which would not be thatched, and which whilst attractive, may not physically be the same as the original pub is internal or external appearance.

However, Members should note that having assessed the report, the applicants agent disagrees with several points and assumptions made, and continues to question the revised financial figures produced by the consultant.

2. 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, depending on whether members accept the advice of the independent consultant above with regards to the viability issues, Members may still need to considered the impact of this proposal on the surrounding environs.

3. Impact of proposed housing on surrounding environs

Impact on character of area

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.

Furthermore, the submitted plans indicate a built form and architectural vernacular which closely resembles that of other existing dwellings around and about the site. As the area has rather suffered from inappropriate infill development of no particular character in the last 40 years, the character of the area could be improved by this scheme.

The inspectors comments regarding the previous application agreed that linear development would be in keeping with the area. Therefore a refusal on this basis would be difficult to support on appeal.

Impact on amenities

The previous outline scheme was not refused on amenity grounds. However, as this full application now indicates the scale of the dwellings and position of windows etc, it is possible for Members to re-considered the impact of the proposed residential use.

The scheme results in 6 two storey dwellings with main aspects and many windows facing north and south. Members should assess carefully the impacts of the new dwellings on adjacent existing dwellings and garden areas, particularly given the previous building on the site had an essentially blank façade facing northwards.

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 would not be so significant as to warrant refusal on this basis alone.

With regards loss of privacy issues, the scheme will obviously change the relationships that adjacent residential properties have had with the public house, which appears to have caused very little loss of privacy to adjacent residents, as it faced mainly into the car park area. In particular, several dwellings directly opposite the site to the north will now have a number of windows facing towards them, with windows facing towards the garden area of "Corner House" and "Bramley". These dwellings are most affected by the scheme.

This proposal does indeed change the inter-relationships and will reduce the amenities enjoyed by adjacent dwellings when the public house was on the site by introducing far more overlooking from north facing windows. However this impact must be weighed against the advice given in PPG3, which highlights the need to redevelop previously developed brownfield land for housing development. In this regard, it is considered that it would be somewhat difficult to provide a suitable number of dwellings on the site which would be in keeping with the linear form of development without somehow affecting the aspects and outlooks of adjacent dwellings to the north. In short, any houses on this site facing the street scene would cause some reduction in the amenities of adjacent properties.

Members should note that with regards plot 2 one of the two first floor bedroom windows has been moved to the side elevation of that property to reduce the impacts on the Corner House.

Furthermore, whilst the façade of plot 1 faces directly over the garden of the Corner House, one of the two first floor windows is a bathroom window which could be obscure glazed. Whilst there would be some loss of privacy caused by the first floor bedroom window of plot 1, it is considered that the impact of this window would not be so significantly harmful as to warrant refusal.

With regards dwellings in Appletree Close, the site lies adjacent to two existing dwellings. However, because of the sloping nature of the land, both dwellings and garden areas are located several metres below the ground level of the site. The proposed dwellings would therefore have a rear aspect which

faced out over the roofscape of the dwellings in Appletree Close, and would therefore be unlikely to look down into the existing garden areas.

The issue of the structural stability of the land which comprises the site has been raised by third party representatives. Whilst this is primarily a building regulations issue, it is suggested that an informative been imposed highlighting such possible concerns to the developer.

There is also the issue of the structural stability/impact on the small dwelling directly abutting plot 6. Suitable conditions have been suggested below.

Impact on highway/parking

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

Members of the public have raised numerous concerns regarding the highway aspects of the proposal which are listed elsewhere in this report. Clearly, this is an area of much concern to local people.

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 a similar position as the existing access. Parking is provided on site with at least two parking spaces per dwelling being provided.

Members should also note that the previous application for 5 dwellings was not refused on highway grounds. Members should note that this application involves 4 new dwellings (and 2 replacement dwellings), and therefore one less dwelling is being proposed than the refused scheme.

WCC Highways originally indicated that in its view the number of parking spaces should be reduced to 12, which is still above the 1.5 spaces per dwelling average recommended by PPG3.

However, in this instance, given the local concern regarding the already crowded parking situation in the immediate vicinity, WCC has amended its stance as it is considered that the number of parking space on the site should be maximised to discourage the parking of vehicles on the narrow public highways. A revised parking layout has been submitted which shows 16 spaces on the site.

A number of residents have raised comments related to a previous outline planning application recently refused on Holmesdale, Orchard Road. With regards the application, the case officer has spoken again to WCC Highways. The County have indicated that the two sites and schemes are different, particularly because of the planned widening of the road proposed by the applicant. WCC Highways have no changed their stance of approval with regards this current application. (This was reported in additional correspondence previously).

Consequently, it is considered that the proposal would be unlikely to have an adverse impact on the surrounding highway system.

The previous inspectors comments indicated that there would be no highway danger and that 2 parking spaces per dwelling would be adequate. As WCC highways have no objections to the scheme, and the agent has provided more than 2 parking spaces per dwelling, a refusal on parking, turning and highway grounds would be difficult to support on appeal.

Affordable housing/open space issues

The PC have supported the application subject to the provision of an element of affordable housing on the site. However, only 4 of the dwellings are new dwellings, a size of development which does not attract the requirement for an affordable housing element.

With regards public open space, the applicants have signed the S106 Agreement. Subject to provision of the relevant monies, policy R2 is addressed.

CONCLUSION

The key issue for Members to consider is whether the revised application overcomes the objections of the Inspector to the previous scheme. If members concluded that it does, members then need to consider the merits and impacts of the proposed housing scheme. There are therefore two distinct parts to this proposal. Firstly, whether the loss of the public house use is acceptable, and secondly, whether the proposed housing development is acceptable.

Members and the Planning Inspector considered previously that the public house use had been central to the economic/social life of the settlement. The applicant has not disputed this claim.

With regards the viability of the public house use, it would appear that there is a significant difference of opinion between the views of the applicant, who claims that public house use was not viable and it would not be financially viable to rebuild as it was, and views of the independent consultant, who has claimed that as he believes many of the costs of rebuilding have been over-estimated, and that the pub appeared viable before the fire, it would be possible to rebuild a public house that would indeed be viable.

As a result, Members now have to consider the viewpoints of both parties carefully, and consider whether this application overcomes the policy objections in terms of Policy PS3. In officers opinion, if Members accept the views of the consultant, who is obviously independent of this Council and the application scheme, then the application should by implication be refused on the grounds that the public house use (its rebuilding and future operation) would appear to be viable based on the evidence provided.

Notwithstanding the loss of the local facility issues surrounding this application, it is considered that this application differs significantly from the previous application, in that 2 of the 6 dwellings are intended to be replacement dwellings, and consequently, the number of dwellings proposed on the actual former pub site has been reduced from 5 to 4. The access and parking has also been rearranged, and the overall design of the scheme has been clarified as part of the full application.

In principle, the erection of 6 dwellings in a linear built form with access off the main road would be in keeping with the general character of the area, and designed so that surrounding amenities would not be significantly harmed.

Whilst the number of vehicles using the highway system will increase, WCC Highways have no objections, and therefore a refusal on this basis seems difficult to support, particular 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 may even lead to some tangible improvement.

RECOMMENDATION: REFUSE, for the following reasons:

01 Based on the information provided by the applicant, and by the independent consultant commission by the Council, the proposal would result in the loss of a facility which was central to the economic and social life of the settlement of Morgans Vale, and which could be viable if rebuilt.

The Local Planning Authority therefore remains to be convinced that the previous public house use or the re-establishment of that facility would no longer be viable. On that basis, the proposal is therefore considered to be contrary to policy PS3 of the adopted Salisbury District Local Plan

NOTES:

Part 2

Applications recommended for Approval

4

Case Officer
Mrs J Wallace

Contact No
01722 434687

4

S/2004/1544	16/07/2004	10/09/2004	LORRAINE EMMA SMITH
PITT			
Easting: 421618.670487404	Northings: 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

This is being brought back to members because Committee resolved to defer the application to see the following additional matters resolved before the application was reconsidered

1) Applicant to have support from a Senior Gypsy figure

Local Gypsy Liaison officer Barry Jordan- Davies - not yet received

2)EHO and BC to comment on the drainage

EHO visited the above premises to look at the drainage arrangements and confirms as before
The premises are served by a 4400litre cesspit. The tank appears to have been properly designed and installed. There are no indications of overflow; the access covers being screwed into place and the yard being clean and tidy. The tank is maintained and emptied on a regular basis and i have spoken to the person who does this for the applicants. They raised no concerns with the design or operation of the tank.

I have no objections to make with regard to this application.

BC confirm that the drainage arrangements are adequate

3) Fire officer to check that vans need to be apart

Applicant has moved vans apart in line with Fire Officer's recommendation

4) English Nature no record of any protected species

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.

MAIN ISSUES

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

POLICY CONTEXT

GI, 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 GI (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:

- 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.
- 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
- 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

Further comments on Human Rights Implications

In light of recent case law on Human Rights issues this section of the report has been re-written. Please disregard the Human Rights section in the original report

There are two relevant human rights likely to be 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 seeking to protect. Case Law has made clear that in Gypsy cases, the weighing of these issues needs to be undertaken very carefully and in considerable detail.

For the purpose of planning, the gypsy status of applicants for planning permission is relevant to the question of whether they are entitled to a more relaxed regime of planning control than is generally applicable to others. National and Local policies accord a positive obligation towards the gypsy community in recognition of their special land requirements to facilitate a gypsy way of life.

The Salisbury District Local Plan accords this positive obligation towards the gypsy community by way of Policy H34, which gives specific criteria against which land required to facilitate a gypsy way of life, must be considered.

A gypsy is a person of 'nomadic habit of life'. A person can be a gypsy even if they are nomadic only seasonally or periodically. Courts have upheld that a gypsy may remain a gypsy even if for reasons beyond their control such as illness or the education of their children they are unable to travel. A permanent base does not automatically deprive a person of gypsy status. However, the courts have upheld the view that if a gypsy retires permanently from traveling for whatever reason - illness, ill health, age etc they no longer have a 'nomadic habit of life' and are no longer a gypsy.

The issue of gypsy status is therefore fundamental to consideration of this particular case.

Ms Smith who occupies the site with her school age children has stated that she is a Gipsy and comes from a traditional gypsy background and though currently she and her children do not have a nomadic lifestyle, she considers that it may be possible that she would resume a nomadic lifestyle once the children have completed their education and she would not wish to live in conventional housing to which she has a cultural aversion.

Whilst it is a matter of fact and degree as to whether Ms Smith and her children are gypsies; 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. It would appear clear from recent case law that ceasing to travel whilst the children are completing their education does not prevent a person from being legally a gypsy.

Policy H34 refers to 3 criteria, which must be considered when considering the planning arguments in making this determination. The site under consideration is not within one of the designated categories in criteria (i) and as the report above indicates, the officers' consider that the development is acceptable in landscape terms (criteria ii) and that the site is not remote from a settlement (criteria iii)

As in this particular case as the report above indicates there is in the officers' opinion little or no harm to the landscape by the development and the site is situated close to a settlement as specified in policy H34, if planning permission is granted, there would be no adverse public impact because the proposal would be in accordance with policy.

In the event of planning permission being refused, there would be an interference with the occupier's rights to a home (Article 8) and Article 1 (first protocol)

It is the officers' view that as a matter of fact and degree Ms Smith and her school age children have gypsy status for the reasons outlined above. The reason for settling on this site was to provide a settled place where the children could benefit from the local education facilities. Their schools have confirmed that it would be detrimental to the children's education if their schooling were to be disrupted by their having to move elsewhere.

If the Committee were minded to overturn the recommendation the effect on the occupiers' human rights would need to be weighed very carefully against any planning harm arising in connection with the criteria listed in H34 of this particular development. The public interest overall seeks protection of the countryside by preventing unnecessary development and development harmful to the landscape and H34 safeguards this protection whilst at the same time recognizing the Council's obligation towards the gypsy community. In this particular case, in the officers' opinion, it would be difficult to justify a refusal based upon harm to the countryside or to the local environment for the reasons outlined above.

Overall, it is the officers' view that the balance of the considerations in this particular case is that a temporary and personal consent, would by allowing the children to complete their education safeguard the Human Rights of the occupiers of the site in line with their gypsy status, would accept the Council's obligation towards the gypsy community as expressed in policy H34, whilst protecting the appearance of the Special Landscape Area in the long term.

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

8. 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.

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: 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/2005/142	27/01/2005	24/03/2005	MR AND MRS CHANT
WDEA			MICHAEL LETHBRIDGE
Easting: 424563.6	Northing: 126959.5		

PROPOSAL:	FULL APPLICATION -INTERNAL CONVERSION OF PART OF BARN TO 4 LOOSE BOXES ADDITION OF REST ROOM AND OFFICE TO BARN AND ERECTION OF OPEN FRONTED STORAGE BARN
LOCATION:	WINDRUSH FARM LONGFIELD DEAN ROAD WEST DEAN SALISBURY SP5 1HR

REASON FOR REPORT TO MEMBERS

Councillor Devine requests that this application be decided by Committee due to the controversial nature of the application

SITE AND ITS SURROUNDINGS

The site comprises approximately 13 acres and has an access off the West Dean Road. There is an existing barn on the site with permission to be used as stables. Access is via the existing vehicular access from the main road to the south of the site.

THE PROPOSAL

It is proposed to provide an additional 4 stables within the barn, add a single storey office and rest room to the side of the barn and erect a storage barn

The main difference between this proposal and the previous refusal (S/2003/4/842) is that the 'hay barn' has become an open fronted storage barn which more closely reflects its intended function and the office/rest room has been simplified and reduced in size from 10m x 8m to 8m x 6m and added as an extension to the existing barn

PLANNING HISTORY

2001/165 Erection of barn for storage of feed, hay and machinery AC

2003/1498 Change of use of land to paddock for equestrian/stud use and provide accommodation
Withdrawn

2003/2026 Change of use of land and conversion of barn for equestrian/stud use AC

2004/842 Rest room and four additional loose boxes R

The proposed development appears unsuitable and unnecessary for the intended proposed uses due to the large restroom and the overall design of the barn. Therefore, the expansion of a non-agricultural use in the open countryside where the siting and scale of the development would be inappropriate to the Special Landscape Area and unsympathetic to the retention of the high quality of the landscape would be contrary to policy C6 and C2 of the Salisbury District Local Plan and the guidance of PPG7.

2004/1922 Rest Room/office, 4 additional loose boxes and an open fronted storage barn. Withdrawn

CONSULTATIONS

Environmental Health Officer no observations

WCC Highways Recommend that no objection be raised on highway grounds provided before development commences visibility should be provided at the site access with nothing over 1.0 metre in height above the adjacent carriageway level being erected, planted, or maintained in front of a line measured 2.4m along the centre line of the access from the C323 carriageway edge extending westwards for a distance of 30 metres

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes expiry date 3/03/05
Departure	Yes
Neighbour notification	Yes expiry date 18/02/05
Third Party response	none.
Parish Council response	no objections. However, if permission is granted both the proposed and the existing development should be tied to the equestrian use of the land. Can future permitted development rights be taken away to ensure no application is made for residential development of land?

MAIN ISSUES

Principle
Impact on surrounding countryside
Impact on amenities

POLICY CONTEXT

G2, C2 and C6 of SDLP
PPS7

PLANNING CONSIDERATIONS

Principle and planning history

Government guidance in PPS7 is to have a positive approach towards planning applications for horse based development, which respects the rural environment, and Salisbury District Local Plan policies are similarly sympathetic to rural enterprises.

The proposed open fronted storage barn is approximately 16.5 metres by 10metres and has a steel frame clad with sheeting. The original application (S/04/842) stated that this building was to be used for the storage of hay and machinery and the Local Planning Authority were advised that the building would be unsuitable for the storage of hay and straw as it lacked adequate ventilation and the doors would have made access with a tractor and trailer awkward.

This application proposes an open fronted barn to be used solely for storage proposes and the revised design overcomes these previous objections, as the building now appears suitable for the use proposed.

The proposed office/rest room has been relocated to adjacent to the existing barn with which it will be integrated by the addition of an internal door. The proposed materials of sheet box cladding and a pitched slate roof are also more utilitarian than previously proposed and additionally the building has been reduced in size to 8metres by 6metres. The internal arrangements within the building have also been amended to provide a more limited level of facilities.

The proposed conversion of part of the internal area of the barn to provide an additional 4 loose boxes/stables would in the applicant's opinion enable the maximum permitted number of horses (20) to be adequately housed in stable accommodation.

This application could be considered to be clear evidence of an intention and ability to develop the enterprise and thus satisfy one of the criteria within PPS7 relating to the provision of accommodation, which is 'investment in new farm buildings'.

An independent assessment by an equestrian expert in connection with the earlier application S/2004/842 suggested that if the additional stables were permitted there would be a functional need to live on the site. However, it is not proposed to amend the permitted number of horses on the site, which is 20horses, and if there were such a functional need for accommodation then this would need to be justified in relation to the viability of this enterprise as part of a future application.

Design/impact on surrounding countryside

The existing barn building was approved in 2001 and has been sympathetically sited using materials/colours, which blend the building with its surroundings. The addition of a traditional style hay barn and a single-storey extension to the barn would have little impact on the visual character of the surrounding countryside.

It is considered that the overall design of the hay barn and simplification of the 'rest room' leads to a more appropriate scheme more commensurate with the intended use

Amenities

Whilst there are residential properties located to the south of the site opposite the vehicular access, it is considered that the alterations are unlikely to effect the level of traffic as overall the number of horses permitted on the site will remain at 20 and the equestrian business on the land remains personal to Mrs Chant. Consequently, it is considered that adjacent amenities would remain largely unaffected by the proposed use.

Highway Safety

Access to the site has a wide bellmouth but visibility to the west is restricted by a substantial hedge in the applicant's ownership. It is considered that if this was reduced in height in accordance with the Highway Authority's recommendations then this hazard to road safety would be removed. However, the reduction/removal of a substantial length of hedge would make the site and the buildings very visible in the landscape. This proposal supports the more efficient operation of the business and will not result in an increase in the number of horses kept on the site.

Therefore it is the officer's opinion, given that a wide bellmouth exists and that the level of traffic to the site is unlikely to significantly increase that on balance the visual harm created by the reduction in height of the hedge would outweigh any likely improvement to highway safety.

CONCLUSION

The previous concerns as regards the 'generous' staff/visitor facilities have been addressed by attaching the office/rest room to the existing barn, a reduction in its proposed size, a simplification of the internal design of the building and the use of more utilitarian materials.

Additionally the hay barn has been redesigned to be appropriate to its proposed use for the storage of hay. Whilst, the approval of the additional four stables in connection with the business may result in the business being in a position where it could meet some of the functional and financial requirements of PPS7, the overall level of use of the land as a stud and equestrian business is limited to 20 horses. It is considered that in the light of government guidance relating to the support of rural enterprises that on balance permission for the buildings and the extension should be granted.

RECOMMENDATION: **APPROVE** for the following reason

The previous concerns as regards the 'generous' staff/visitor facilities have been addressed by attaching the office/rest room to the existing barn, reducing its size, a simplification of the internal design of the building and the use of more utilitarian materials for its construction.

The previous concerns as regards the 'hay barn' have been addressed as it has been redesigned to be appropriate to its proposed use. The overall level of use of the land as a stud and equestrian business is limited to 20 horses and it is considered that in the light of government guidance relating to the support of rural enterprises that on balance as this amended scheme overcomes the previous reasons for refusal, the proposal is in accordance with Salisbury District Local Plan policies

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)

Reason To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. The equestrian and stud use shall enure for the benefit of the applicant only (Mrs A Chant).

Reason In order that the Local Planning Authority may retain planning control over the use of the premises in the interests of amenity

3 Other than those permitted by this consent, there shall be no other internal changes to the buildings and extensions hereby approved without the prior consent of the Local Planning Authority as part of a planning application in that behalf.

Reason In order to limit the need for future residential accommodation on the land.

4 The number of horses kept on site at any one time shall not exceed 20

Reason In order to limit the need for future residential accommodation on the land.

5 No part of the buildings and extensions to the buildings the subject of this application shall be used for any form of residential accommodation at any time.

Reason In order that the Local Planning Authority may retain planning control over the use of the premises in order to limit residential accommodation in the open countryside.

6 Prior to the commencement of the development hereby permitted, a scheme for the improvement of the visibility at the site access shall be submitted to and approved in writing by the Local Planning Authority in that nothing over 1.0metre in height above the adjacent carriageway level shall be erected, planted, or maintained in front of a line measured 2.4m along the centre line of the access from the C323 carriageway edge extending westwards for a distance of 30 metres. Development shall be in accordance with these approved details.

Reason 0052 In the interests of highway safety.

7 The buildings hereby approved, including the existing stable building which it is proposed to internally alter, shall not be sold or let separately from the land within the red line on the drawing, dated 18 Jan 2005, submitted with the application.

Reason To prevent the sub-division of the planning unit and the proliferation of buildings in the interests of the visual amenities of the area which is within a designated Special Landscape Area.

INFORMATIVE:
POLICY PURPOSE

G2 General Criteria for Development
C2 Development in the open countryside
C6 Special Landscape Area
of the Adopted Replacement Salisbury District Local Plan .
PPS7

NOTES:

S/2005/222	08/02/2005	05/04/2005	MR AND MRS J HENDERSON
REDL			
Easting: 419611.5	Northing: 119769.3		

PROPOSAL:	FULL APPLICATION -AMENDMENT TO BALCONY ON PREVIOUS APPLICATION S/2004/701 INVOLVING REPOSITIONING OF BALCONY AND CHANGES TO FENESTRATION.
LOCATION:	SEARCHLIGHTS LODGE DROVE WOODFALLS SALISBURY SP5 2NH

REASON FOR REPORT TO MEMBERS

Employee application

SITE AND ITS SURROUNDINGS

Search Lights, Lodge Drove, Woodfalls

The building is a large chalet bungalow situated within the Housing Policy Boundary of Redlynch. The dwelling has already been increased in size, with an added side extension and double garage with room over.

THE PROPOSAL

This is an application seeking an amendment to a previously approved scheme for a two storey rear extension (S/04/0701). The amendment relates to the repositioning of a balcony, from the south (rear) elevation of the extension to the west (side) elevation. Other amendments include alterations to the fenestration, enlarging the dormer window on the west (side elevation) to incorporate French windows onto the repositioned balcony, and replacing the first floor French windows in the south (rear) elevation with a more contemporary triangular design.

PLANNING HISTORY

88/1691 O/L Application for 2 new dwellings and access	AC	26/09/88
90/1238 Single dwelling with alterations to access	AC	03/09/90
93/1603 Double garage with hobbies room over	AC	16/02/94
98/1176 Single storey side extension	AC	21/08/98
04/0701 Two storey rear extension	AC	09/06/04

CONSULTATIONS

None

REPRESENTATIONS

Advertisement	No
Site Notice displayed	No
Departure	No
Neighbour notification	Yes Expiry 1/3
Neighbour response	No

Parish Council response Support

MAIN ISSUES

Visual Amenity
Affect on Neighbouring Amenity

POLICY CONTEXT

G2 - **General Criteria for Development**
D3 - **Design**

PLANNING CONSIDERATIONS

Visual Amenity

The size of the extension is unchanged from the previously approved scheme. It is considered that the alterations to the balcony and fenestration are not significant, relating to the rear side of the dwelling, and having no greater impact upon the street scene.

Affect on neighbour amenity

The repositioning of the balcony to the west (side) elevation has the potential to overlook the adjacent dwelling known as Fernbank. However, an existing double garage within the curtilage of the site blocks any views into the neighbouring dwelling, which is some 30 metres to the west of the balcony. Therefore adjacent amenities are preserved. The omission of the balcony and the changes to the fenestration on the South façade may actually improve amenities of the adjacent dwelling “Swinley Bottom”.

CONCLUSION

The proposal is considered to be in keeping with the existing dwelling and surrounding area, and is not detrimental to the amenity of neighbours.

RECOMMENDATION: **APPROVE:** for the following reasons

The proposal conforms with policies G2 and D3 of the adopted Salisbury District Local Plan

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.

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 hereby permitted shall match those used in the existing building.

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

3. There shall be no windows inserted in the east facing elevation of the building/extension hereby permitted.

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

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

Policy G2	General Development Guidance
Policy D3	Extensions

NOTES: