

**LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE**  
WESTERN AREA –17/06/04

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

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

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN-CILLORS	NOTES
1	<b>SV</b> S / 2004 / 780 Mr O Marigold	MR C SMART LAND ADJACENT TO SAND HOUSE SANDS LANE DONHEAD ST. ANDREW	REF	DONA		DONHEAD Councillor Mr Cole-Morgan	
2	<b>SV</b> S / 2004 / 539 Mr S Llewelyn	MR & MRS HART THE THREE HORSESHOES THE ALLEY BISHOPSTONE	APPC	BISH		CHALKE VALLEY Councillor Mr Draper	
3	<b>SV</b> S / 2004 / 540 Mr S Llewelyn	MR & MRS HART THE THREE HORSESHOES BISHOPSTONE	APPC	BISH		CHALKE VALLEY Councillor Mr Draper	
4	S / 2004 / 626 Mr S Llewelyn	PAUL JEUNE SEMLEY POST OFFICE AND STORES SEMLEY	A106	SEDG		KNOYLE Councillor Mr Couper	
5	S / 2004 / 1212 Mr D Prince	MR R WILLAN BRIDGES TEFFONT EVIAS	OBS	TEFF		FONTHILL & NADDER Councillor Mrs Willan	

END OF LIST

**Agenda Item 8**

# 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*

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



## CONSULTATIONS

Environmental Health – no objection

## REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	expires 13/05/04
Departure	No	
Neighbour notification	Yes	expires 04/03/04
Neighbour response	No	
Parish Council response	Yes	no comment

## MAIN ISSUES

Impact on character and appearance of countryside and AONB

## POLICY CONTEXT

G1, D3, C1, C2, C4, C5

## PLANNING CONSIDERATIONS

Members may recall a similar application being brought before them on 22<sup>nd</sup> December. This application is an improvement over that scheme, in that the extent of the incursion into the countryside is reduced and because this application does not include an access directly from the road (reducing views of the change in character).

Never-the-less, the application still proposes the extension of residential curtilage into the open countryside, and the erection of a large car port and stable building. Development in the open countryside should be strictly controlled. The conversion of land to domestic use would, in itself, be harmful to the character of the countryside, resulting in a domesticated appearance at odds with the natural, rural character of the land at present.

This harm would be compounded by the erection of a large building for domestic use (including stabling). The building has a substantial footprint, of similar size to the dwelling it serves, and would be excessive in size and scale. Although the applicants have indicated that strengthened screening would be provided, even if it screened the building and site entirely (which is unlikely, particularly in winter), the fact that a proposal is not prominently visible is not a good reason to allow the loss of countryside to domestic use – it would be an argument that can be repeated too often, to the cumulative harm of the countryside.

## CONCLUSION

Overall, the proposal would result in a domestic intrusion into the open countryside, harming its character and appearance, and failing to maintain the natural beauty of the AONB.

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

The proposed use of the land would result in a domestic intrusion into the open countryside, harming its character and appearance, and failing to maintain the natural beauty of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. In this respect it would be contrary to policies G1, C1, C2, C4 and C5 of the Replacement Salisbury District Local Plan.

The proposed building, by reason of its excessive size and scale, and its siting outside the residential curtilage of the adjoining dwelling, would harm the character and appearance of the open countryside and would fail to maintain the natural beauty of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. In this respect it would be contrary to policies D3, G1, C1, C2, C4 and C5 of the Replacement Salisbury District Local Plan.

INFORMATIVE: This decision relates to amended plan 03-186-5 rev C

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**NOTES:**



To the east of the site is a fairly large detached residential dwelling, known as “Bankside”, while to the south west are the residential properties of “Woodside”, “Riverside” and “Riverside West” that front onto Flamstone Street. To the north of the site is an agricultural field.

The site is located within the Bishopstone Housing Restraint Area, the Bishopstone Conservation Area, the Area of High Ecological Value and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

## **THE PROPOSAL**

This application seeks planning permission for a change of use of the property from part public house and part residential to a full residential use and for alterations to the existing building to form a 3-bed dwelling. In this respect, it is proposed that the existing kitchen on the ground floor would be retained in its current location, while ground floor public house element would be converted to a sitting room and dining room. The area of the existing toilet facilities used by the public house would be converted to form a lobby with a new staircase leading to three bedrooms and two bathrooms on the first floor level.

The proposal also seeks permission for alterations to the external appearance of the existing building that include the replacement of the existing thatch roof, the removal and insertion of new windows and doors, the removal of a chimney and the insertion of new conservation type rooflights and a dormer window.

## **PLANNING HISTORY**

771 870 Planning permission was granted in February 1978 to site a mobile home in the upper garden of the public house to be used in conjunction with the public house.

## **CONSULTATIONS**

WCC Highways: No objection.

## **REPRESENTATIONS**

Advertisement	Yes - expired 15/04/04
Site Notice displayed	Yes - expired 15/04/04
Departure	No
Neighbour notification	Yes - expired 05/04/04
Neighbour response	Yes

103 letters of representation have been received in objection to the proposed development. These letters raise concerns/objections to the proposal on the following grounds:

### *Viability of the public house*

The application states that the public house was “unviable”. This is categorically disputed. It must be proven that this public house is an unviable proposition in order to comply with Policy PS3. No evidence has been produced to justify the claim that the public house was not viable. It is merely an unjustifiable assumption.

A claim that the public house was unviable is meaningless and unsupportable in the abstract. The determination of viability depends critically upon the levels of income from the pub required by the publican, which will vary from one owner to another, and will also be dependent upon their opening hours, fare on offer and staffing.

The statement claiming unviability was presented before the applicant had obtained the statement from “Hadrian Security” which argues the case for unviability.

The claim of unviability is based on a hypothetical and irrelevant scenario ie. whether a large brewery or pub chain would be interested in purchasing the premises. The Three Horseshoes is an attractive proposition as a landlord owned premise.

There are other parties who are interested in the purchase of the premises as a public house, at least one of whom was satisfied that it could be run under good management as a viable proposition but was unsuccessful in purchasing the premises.

It is understood that there were no other publicans who assessed The Three Horseshoes and considered it as non-viable.

Any statements about potential viability issued by breweries are not really relevant in this instance as the economics of a publican owned pub are not at all the same as those of a brewery owned business which has to cover heavy overheads not carried by a privately owned pub.

The business was run at a profit at all times including the last period of trading.

Prior to the final trading period the business provided employment for one full-time and two part-time employees.

The public house was only closed due to the then owners' ill health and not for economic reasons.

The population of Bishopstone has increased by 20% since the 1980's providing an enlarged pool of potential local customers.

In March 2002, 74 local residents and patrons of the Three Horseshoes signed a petition expressing support for keeping the facility open under new management following the then owners' inability to continue running it for health reasons.

The Three Horseshoes and the White Hart have existed with both trading in the village for over 170 years.

#### Marketing of the public house

The property was not properly marketed. The pub was not offered for sale as a going concern on the open market nor advertised locally and therefore its non-viability has not been proven. It would be wrong in principle to allow a change of use unless and until a genuine attempt to market the premises and to operate it under its current registered use as a pub has proved to be unsuccessful.

#### Centrality to the life of the community

There is widespread community support for The Three Horseshoes to continue as a pub.

The loss of the public house and much needed amenity facility and meeting place for the village would detract from the character of Bishopstone as it was seen as the centre of village life when open and had a loyal and regular following not only within the village but also from a wider catchment.

The Three Horseshoes was the venue for regular gatherings by the farming community and village residents and was visited by numerous organisations including ramblers, cyclists, hunt groups etc.

Given that Bishopstone no longer has a village shop, the public house endeavoured to cater for the needs of the villagers by stocking sundry items.

The interpretation that a community facility is only central to the settlement if it is the only facility of its kind is refuted as a community is a complex entity which has many facets which are central to its overall social and economic life.

Although there is another public house within the village, the Three Horseshoes and the White Hart offered two quite different types of attraction. The White Hart is a chain owner bar/restaurant whereas the Three Horseshoes is a small, landlord owned traditional village pub. The Three Horseshoes is the only 'proper' public house in the Chalke Valley that does not have a strong reliance on food sales.

Although there is another public house within the village the retention of both pubs would create healthy competition that can only induce better service, choice and keener pricing for the benefit of the customer.

What happens if the White Hart goes out of business? If a change of use has already been granted for the Three Horseshoes the village would be left without a single pub.

The Three Horseshoes catered for all age groups within the community.

#### Other issues raised

If reopened the public house would provide employment for people in the rural area.

The applicant who purchased the public house never intended to run it as a going concern but always proposed to convert it to residential use.

A public right of way crosses the site (Footpath 11) but the application form states that there is no public footpath or bridleway over the land.

The Grade II listed structure and interior of this public house should be preserved as an integral part of the architectural fabric of the village.

The Three Horseshoes is acknowledged throughout the Chalke Valley to be an important part of the rural heritage.

The draft Community Plan for the Four Rivers Area 2004-2014 identifies the first issue in the Economy section as being "support village shops, post offices and pubs".



A petition containing a total of 96 signatures that was collated in March 2002 following the closure of the Three Horseshoes and expressing support for it to remain as a public house and to be reopened under new management has also been submitted.

In support of the application, 14 letters of representation have been received in response to the proposed development that raise the following comments and express support for the proposal for the following reasons:

There is no question at all that the Three Horseshoes was not remotely viable and only survived as the previous owner owned it outright and led a very simple and financially undemanding lifestyle. The harsh reality is that it is quite simply not viable as a pub, certainly not as the bygone age pub that the objectors want it to be – and not even as a food pub.

Substantial investment would have to be made to bring the public house up to the required standards to comply with current Environmental Health and Fire Regulations and in order to be granted a license. Similar investment would have to be made in the renovation and upgrading of the building, such as wiring, plumbing, drainage etc.

To accommodate the necessary numbers of customers to create the necessary turnover the building would have to be radically altered and extended such that it would lose its existing character.

To be viable, it would have to be heavily weighted towards food sales that many of the objectors to the proposal would not welcome or support and that would also result in the pub losing its existing character.

Breweries have looked at the Three Horseshoes and have deemed it not to be viable, while free house owners have also ruled out taking on the Three Horseshoes.

The pub has been closed from early 2002 and no one has been inconvenienced as there is another pub in close proximity within the village that is serving the needs of the community. There is no case, therefore, for lack of amenity.

The Three Horseshoes was supported by a very small, loyal and committed following but its clientele were of the older generation and it held no appeal for younger people.

A set of projected figures for the Three Horseshoes indicates that a turnover of approximately £7000 would be required just to break even. Pubs achieving this level of turnover are much bigger than the Three Horseshoes, with more covers, large car parks and beer gardens and function rooms and it is unlikely that the Three Horseshoes is capable of such a turnover. *(The projected figures on which these comments are based have not been validated by the Local Planning Authority in any way whatsoever).*

It was not unusual to find the pub empty or closed.

If the pub is reopened in order to prove its non-viability it may have an adverse impact on the White Hart in the process potentially leaving Bishopstone with no pub at all. Bishopstone will not support two public houses as it barely sustains one.

The idea of a village cooperative purchase was considered but it was concluded that the pub was not viable given the cost of repair works that would be required.

The proposal would not affect the neighbouring properties.

The proposal represents a sympathetic conversion of the building and means that it will be preserved and continue to add to the character of the village.

Two letters have also been received from [Hop Back Brewery PLC](#) and [Young & Co's Brewery PLC](#) that state that the acquisition of the Three Horseshoes was considered but that it did not meet the acquisition criteria in both cases, whilst its viability as a public house was also questioned particularly given its proximity to a more prominent pub (ie. the White Hart).

A letter has also been received from the [Salisbury and South Wiltshire Branch of The Campaign for Real Ale](#) that raises no objection to the proposed development and comments that the Three Horseshoes was not commercially viable and any attempt to make the pub viable would probably destroy its unique character and put the White Hart, or both, under threat.

Parish Council - Object to the proposal on the following grounds:

The Three Horseshoes has previously been owned by somebody who chose to run the business as a non-profit making exercise and therefore the economic viability could not have been truly tested over the past thirty years;

The recent sale of the property was by invited sealed bid and the marketing of the property was selective. At no time was the property advertised in the local or national press or that of the licensed trade;

It should be demonstrated that The Three Horseshoes was actively marketed for a suitable landlord/owner;  
The White Hart, despite its proximity, does offer the same nature of facility as its patronage is mainly that of a restaurant;  
The proposed increase in the number of windows to the west elevation gives some concern to possible intrusion with regards to the neighbouring dwellings known as "Riverside" and "The Woodshed"; and  
The public footpath that runs across the garden of The Three Horseshoes might impinge on the increased window area.

## **POLICY CONTEXT**

The following policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are relevant to the current proposal:-

G1, G2, D3, H19, CN3, CN4, CN5, CN8, C5, TR11, R2 and PS3.

## **MAIN ISSUES**

- Principle of Development
- Loss of Public House/Community Facility
- Principle of Residential Dwelling on the Site
- 2. Impact on Character of Conservation Area and Listed Building
- 3. Residential Amenities
- 4. Highway Issues
- 5. Policy R2 - Provision of Recreation Facilities

## **PLANNING CONSIDERATIONS**

### 1. Principle of Development

#### (a) Loss of Public House/Community Facility

This proposal raises a difficult policy issue.

Policy PS3 of the Adopted Replacement Salisbury District Local Plan (June 2003), which considers development proposals affecting community facilities, is the key consideration in determining whether the proposed change of use of the public house to residential use, in this instance, is acceptable. This policy 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".*

The supporting paragraphs to this policy acknowledge the difficulties for the traditional village facilities, such as the public house, post office or general store to maintain their viability but identifies the important role that such facilities, where they still exist, have towards the sustainability of these settlements by offering an alternative to making longer car journeys for basic goods/services as well as contributing to the social life of those living in such settlements. However, the supporting paragraphs to this policy also identify that the Local Planning Authority does not wish to enforce the retention of such facilities where they are unviable and unlikely to become viable in the foreseeable future.

The intent of Policy PS3 is therefore obviously to restrict the loss of community facilities, such as the public house, which are central to the economic and/or social life of the particular settlement in which they are located and which are viable. For the smaller settlements of the District, such as Bishopstone, an assessment is therefore needed as to whether the community facility in question is central to the economic and/or social wellbeing and sustainability of the area and, if it is, it must then be demonstrated that the facility is no longer viable and is unlikely to become viable in the future. Consequently, the key issues with regards to this proposal are

firstly, whether the Three Horseshoes public house performs a central role in the economic and social life of the settlement of Bishopstone, and secondly, if Members consider that the public house did perform this central role when open, and would still do so if reopened, whether the public house is viable.

***Is the Three Horseshoes public house central to the economic/social life of the settlement?***

From the numerous responses received from members of the public in response to the proposed development, it is evident that there is widespread support for the Three Horseshoes to continue as a public house. These letters of objection also suggest that the public house was supported by a loyal and regular customer base not only within the village but also from a wider catchment and was also the venue for regular gatherings by the farming community and village residents and was visited by numerous organisations including ramblers, cyclists, hunt groups etc. Evidence has been provided by the "Save The Three Horseshoes Action Group" of the centrality of the Three Horseshoes to the village of Bishopstone and of the clubs and groups that used the public house which is appended to this report.

However, there is another public house, "The White Hart", that is located within close proximity and comfortable walking distance from the application site and therefore serving the same catchment area. In theory, therefore, the community role of the public house can be carried on in another premise as it actually has done since the closure of the Three Horseshoes in January 2002. Furthermore, whilst the comments and objections of local people are noted and understood, given that Bishopstone is a relatively small settlement and is served by a second public house, in policy and planning terms it is considered that the Three Horseshoes public house could not be construed as being central to the economic and/or social life of the settlement. In fact, reopening of the Three Horseshoes may provide unhealthy competition for the existing pub, "The White Hart", which could potentially jeopardise the viability of both businesses that is a situation that Policy PS3 aims to avoid.

On the basis that the Three Horseshoes is not central to the economic and/or social life of the settlement of Bishopstone, it is considered that the proposed development does not contravene the provisions and objectives of Policy PS3 and that there is no policy requirement for the applicant to demonstrate that the public house is no longer viable and is unlikely to become viable in the foreseeable future.

***Is the Three Horseshoes public house viable?***

Whilst it has been assessed that the Three Horseshoes public house is not central to the economic and/or social life of Bishopstone in planning and policy terms, if Members reach a contrary conclusion on this issue, it will be necessary to consider whether the public house is viable or is likely to become viable in the future.

In response to the proposed development, the numerous letters of representation in objection to the proposal contest that the Three Horseshoes was and still remains a viable proposition. It is argued that the viability of the public house is evidenced by the fact that it was run at a profit at all times including the last period of trading and was only closed due to the then owners' ill health and not for economic reasons, by the fact that attempts have been made by other licensed publicans to purchase the freehold and the number of clubs and groups that previously used the public house and would be potential clientele if it were to be reopened. Evidence of these clubs and groups can be found at Appendix A to this report.

In support of the application, the applicant has submitted a report prepared by a licensed trade consultant (Hadrian Security) to demonstrate the non-viability of the public house. This report is Appendix B to this report.

The contents and conclusions of the submitted report are based upon the previous three years trading accounts for the public house and the projected figures for the applicant are also based on these figures. The report goes on to state that it is evident from the décor and structural condition of the property that there has been no capital expenditure accorded to it for a number of years and that this is an indication of the non-viability of the public house. The premises would

also need to be upgraded to comply with current standards relating to fire, hygiene, health and safety, disabled access, children's access and anti-smoking legislation.

The submitted report also identifies that competition means that country pubs need to be food orientated and that the cost of providing commercial kitchens at the Three Horseshoes would add further to the upgrading costs and that the Grade II listing of the premises would make this more difficult. It also highlights that the lack of on-site parking facilities is a major problem as it is not sufficient to accommodate the number of customers that would be needed to make the premises viable. The report also refers to the fact that the White Hart is located only a short distance from the Three Horseshoes which is a food orientated pub with a large car park that can already more than adequately cater for the needs of both the village residents and customers from further afield and reopening the Three Horseshoes would only dilute this trade and may potentially result in both public houses being unviable. It is also advised that if breweries have considered the possibility of taking on the premises and have concluded that it is not viable then the applicant should also bow to their experience in the licensed trade and also refrain from doing so. In conclusion, the report states that reopening the Three Horseshoes is not a viable proposition and does not make economic sense.

Members should however note that at this time, no independent assessment has been sought to confirm the contents and conclusions of this report.

**(b) *Principle of Residential Dwelling on the Site***

The application site lies within the Housing Restraint Area and therefore Policy H19 of the Adopted Replacement Salisbury District Local Plan (June 2003) is applicable to this proposal where the principle of a new residential development is considered to be acceptable subject to compliance with various criteria. However, in this instance, the property is already in partial residential use in any event and therefore the principle of residential use on this site has already established.

**2. *Impact on Character of Conservation Area and Listed Building***

The Three Horseshoes public house is a Grade II listed building that consists of the original building dating from the 18<sup>th</sup> century and later 19<sup>th</sup> century extensions and is located within the Bishopstone Conservation Area. The existing building, however, is in a poor state of repair and is in need of renovation and general maintenance to ensure that any further deterioration is alleviated. The current proposal, therefore, incorporates a number of external and internal alterations to the property associated with the proposed change of use to a full residential use but also to allow the building to be renovated and the existing structural problems resolved.

In support of the application, the applicant has submitted a structural survey report of the property and proposed remedial works which are principally concerned with repairs to the existing truss within the roof space, the provision of structural supports to the original chimney, repairs to the external render to prevent ingress of water and the installation of lateral ties to prevent any further movement of the external walls. The proposal has also been supported by a schedule of proposed external and internal remedial works as well as detailed elevation drawings showing the proposed new doors, windows and dormers and works to the existing inglenook fireplace. From an assessment of the information that has been submitted, it is considered that the proposed external and internal alterations would not adversely affect the historic fabric of the building and would preserve the character and integrity of this historic listed building. However, it is considered appropriate to condition that large-scale sections of the proposed windows and doors, a specification of the render for the repair works and details of the proposed material for the replacement of the existing thatched roof are submitted prior to the commencement of development.

Overall, it is therefore considered that the character and appearance and the historic integrity of the property would be preserved and that the proposed alterations would not adversely affect the contribution that this listed building makes to the conservation area.

**3. *Residential Amenities***

With regards to residential amenity, it is considered that the proposed change of use of that part of the premises formerly used as a public house to residential use and the associated proposed physical alterations to the building would not have an adverse affect upon the amenities of the neighbouring residents.

In relation to the neighbouring property to the east of the application site, known as "Bankside", the only alteration to the elevation of the existing property facing this dwelling would be the removal of the existing timber canopy to the southernmost of the entrance doors and the insertion of a new ground floor window in the existing single storey extension at the northern end of the building to serve the kitchen. However, given the screening provided by the existing boundary fence between the two properties it is not considered that any harm would occur.

With regards to the residential properties to the south west of the site, known as "Woodside", "Riverside" and "Riverside West", the proposal includes the insertion of French doors at ground floor to serve a dining room and two new dormer windows serving a bedroom and a bathroom (one is a replacement for an existing dormer and one is additional) in the western elevation. However, any views from the proposed dining room towards these neighbouring properties would be oblique and would also be partially obscured by the rear garden that would be at a higher ground level, while any potential overlooking from the proposed dormer windows would be no more harmful than that which currently exists from the existing dormer window and together with the nature of use of such rooms (not the principal habitable rooms of a dwelling) it is not considered that this would give rise to a material loss of privacy.

The proposed change of use of part of the property from a public house to residential use is also considered to be beneficial to the amenities of the neighbouring residents as the intensification of use of the premises is likely to be reduced and would result in the removal of noise and disturbance generated by the customers to the public house and from their associated vehicular movements.

#### **4. Highway Issues**

With regards to the highway issues relating to this proposal, the proposed use of the property as a residential dwelling would require the provision of two on-site parking spaces and turning facilities. Given that there is an existing vehicular access to the site off The Alley and driveway to the eastern side of the property that formerly provided parking to serve both the residential and public house use of the premises and that will be retained, it is considered that there is more than ample provision for on-site parking and turning to serve the proposed development. WCC Highways raise no objection to the proposal.

#### **5. Policy R2 - Provision of Recreation Facilities**

In accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003) the provision of recreation facilities must be considered for all proposals for new residential development. However, in this instance, the property is already in partial use as a residential dwelling and although the proposal, if approved, would result in the property having a full residential use it does not involve the creation of any additional bedrooms over and above those that already exist and therefore there is no requirement for a contribution towards the provision of recreational facilities.

### **CONCLUSION**

Whilst the loss of the public house use is regrettable and the objections from the members of the public are noted and understood, given the existence of another public house, the White Hart, in such close proximity to the application site, it is considered that the Three Horseshoes is not central to the economic and/or social life of Bishopstone and that the loss of the public house, in this instance, does not contravene the provisions and objectives of Policy PS3 of the Adopted Replacement Salisbury District local Plan (June 2003). There is therefore no policy requirement for the applicant to demonstrate that the public house is no longer viable and is unlikely to become viable in the foreseeable future. In officers' opinion, therefore, a refusal of planning permission on the basis of the loss of a community facility would be difficult to substantiate.

Notwithstanding the issues concerning the loss of a community facility, it is considered that the proposed change of use and alterations to the existing property would not adversely affect the Conservation Area, integrity and historic fabric of the listed building, or the amenities of the neighbouring amenities. The proposal would also provide more than adequate on-site parking to serve the proposed residential use and therefore there is no highway objection to the application.

**RECOMMENDATION**                      **APPROVE** for the following reason:

It is considered that the Three Horseshoes is not central to the economic and/or social life of the settlement of Bishopstone and as such there is no policy requirement for the applicant to demonstrate that the public house is no longer viable and is unlikely to become viable in the foreseeable future. Consequently, the proposal accords with the provisions and objectives of Policy PS3 of the Adopted Replacement Salisbury District Local Plan (June 2003). The proposed change of use and alterations to the existing property would also respect the integrity and historic fabric of this listed building in accordance with Policies CN3, CN4 and CN5 and would not adversely affect the impact of this building in the Conservation Area in compliance with Policy CN8. In respect of other issues, the proposal would not adversely affect the amenities of the neighbouring properties nor harm highway safety.

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) Prior to the commencement of development, details of all window and door types used with sectional details at a scale of at least 1:5 through all elements shall be submitted to, and approved in writing by, the Local Planning Authority, unless details can be assured by other means to be agreed with the Local Planning Authority. All windows and doors must be finished in timber and be inset into the brickwork by a minimum of 90mm in a traditional manner.

Reason: To ensure that the external appearance of the building is satisfactory and preserves the character and appearance of the listed building and the Bishopstone Conservation Area.

**INFORMATIVE NOTES:**

(1) This permission has been taken in accordance with the following policies of the Adopted Replacement Salisbury District Local Plan: G1, G2, D3, H19, CN3, CN4, CN5, CN8, C5, TR11, R2 and PS3.

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**NOTES:**

S/2004/540	10/03/2004	05/05/2004 15:09:36	MR & MRS HART
BISH		II	MICHAEL LYONS ARCHITECTURE
Easting: 406775.7		Northing: 125675.1	

PROPOSAL:	LISTED BLDG (WKS) -ALTERATION TO EXISTING BUILDING INCLUDING NEW WINDOWS AND DORMERS TOGETHER WITH REMOVAL OF CHIMNEY STACK AND ALTERATIONS TO EXISTING BUILDING AND CHANGE OF USE FROM PART RESIDENTIAL PART PUBLIC HOUSE TO TOTAL RESIDENTIAL
LOCATION:	THE THREE HORSESHOES BISHOPSTONE SALISBURY SP5 4DB

### REASON FOR REPORT TO MEMBERS

This application is brought before the Western Area Committee at the request of Councillor Draper due to local interest and as the recommendation is contrary to the Parish Council's recommendation.

### SITE AND ITS SURROUNDINGS

The Three Horseshoes is a Grade II listed building that is situated on the northern side of The Alley close to its junction with Flamstone Street and Bridge Road within the settlement of Bishopstone. The original section of the building is of 18<sup>th</sup> century origin and is of cob and stone construction with a thatched roof above, although it has been extended with a lean-to extension to the western elevation, a single storey pitched roof extension to the north and various additions to the southern elevation. These later extensions and additions are finished in a mixture of brickwork, flint and painted render with slate and concrete tiled roofs. There is also a car port and detached outbuilding to the northern side of the premises. To the eastern side of the building is a tarmac driveway that provides a parking area, while to the western side is a lawn garden that is set at a raised level in relation to the internal floor level of the building. A mobile caravan is located adjacent to the western boundary of the garden area.

The premises were previously used as a public house that occupied the ground floor of the original section of the building together with the lean-to extension to the western side and a storeroom in the single storey extension to the north, while the remainder of the property was in residential use. The public house, however, ceased trading in January 2002.

To the east of the site is a fairly large detached residential dwelling, known as "Bankside", while to the south west are the residential properties of "Woodside", "Riverside" and "Riverside West" that front onto Flamstone Street. To the north of the site is an agricultural field.

The site is located within the Bishopstone Housing Restraint Area, the Bishopstone Conservation Area, the Area of High Ecological Value and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

### THE PROPOSAL

This application seeks listed building consent planning permission for external and internal alterations to the existing building associated with the proposed change of use of the property from part public house and part residential to a full residential use, including the replacement of the existing thatch roof, the removal and insertion of new windows and doors, the removal of a chimney and the insertion of new conservation type rooflights and a dormer window.

### PLANNING HISTORY

None relevant.

## CONSULTATIONS

None

## REPRESENTATIONS

Advertisement	Yes - expired 15/04/04
Site Notice displayed	Yes - expired 15/04/04
Departure	No
Neighbour notification	No

## POLICY CONTEXT

The following policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are relevant to the current proposal:-

CN3, CN4, CN5 and CN8.

## MAIN ISSUES

1. Impact on Character of Conservation Area and Listed Building

## PLANNING CONSIDERATIONS

### **1. Impact on Character of Conservation Area and Listed Building**

The Three Horseshoes public house is a Grade II listed building that consists of the original building dating from the 18<sup>th</sup> century and later 19<sup>th</sup> century extensions and is located within the Bishopstone Conservation Area. The existing building, however, is in a poor state of repair and is in need of renovation and general maintenance to ensure that any further deterioration is alleviated. The current proposal, therefore, incorporates a number of external and internal alterations to the property associated with the proposed change of use to a full residential use but also to allow the building to be renovated and the existing structural problems resolved.

In support of the application, the applicant has submitted a structural survey report of the property and proposed remedial works which are principally concerned with repairs to the existing truss within the roof space, the provision of structural supports to the original chimney, repairs to the external render to prevent ingress of water and the installation of lateral ties to prevent any further movement of the external walls. The proposal has also been supported by a schedule of proposed external and internal remedial works as well as detailed elevation drawings showing the proposed new doors, windows and dormers and works to the existing inglenook fireplace. From an assessment of the information that has been submitted, it is considered that the proposed external and internal alterations would not adversely affect the historic fabric of the building and would preserve the character and integrity of this historic listed building. However, it is considered appropriate to condition that large-scale sections of the proposed windows and doors, a specification of the render for the repair works and details of the proposed material for the replacement of the existing thatched roof are submitted prior to the commencement of development.

Overall, it is therefore considered that the character and appearance and the historic integrity of the property would be preserved and that the proposed alterations would not adversely affect the contribution that this listed building makes to the conservation area.

## CONCLUSION

It is considered that the proposed change of use and alterations to the existing property would not adversely affect the Conservation Area and would preserve the integrity and historic fabric of the listed building.



**RECOMMENDATION**

**APPROVE** for the following reason:

It is considered that the proposed change of use and alterations to the existing property would not adversely affect the Conservation Area and would preserve the integrity and historic fabric of the listed building.

And subject to the following conditions:

(1) The development for which permission is hereby granted must be commenced not later than the expiration of 5 years beginning with the date of this permission. (Z01A)

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) Prior to the commencement of development, details of all window and door types used with sectional details at a scale of at least 1:5 through all elements shall be submitted to, and approved in writing by, the Local Planning Authority, unless details can be assured by other means to be agreed with the Local Planning Authority. All windows and doors must be finished in timber and be inset into the brickwork by a minimum of 90mm in a traditional manner.

Reason: To ensure that the external appearance of the building is satisfactory and preserves the character and appearance of the listed building and the Bishopstone Conservation Area.

(3) Details of the type of thatch to be used for the replacement of the existing thatch roof shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building is satisfactory and preserves the character and appearance of the listed building and the Bishopstone Conservation Area.

(4) Details of the proposed rendering shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of work. The information must include the render mix, the method of surface preparation, application and finish. A sample panel shall be prepared and approved in writing by the Local Planning Authority prior to undertaking the main work. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building is satisfactory and preserves the character and appearance of the listed building and the Bishopstone Conservation Area.

**Informative Notes:**

This permission has been taken in accordance with the following policies of the Adopted Replacement Salisbury District Local Plan: CN3, CN4, CN5 and CN8.

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**NOTES:**

S/2004/626	18/03/2004	13/05/2004 14:09:36	PAUL JEUNE
SEDG	SEM		
Easting: 389132.426765442	Northing: 126856.973583698		

PROPOSAL:	REMOVAL OF CONDITIONS 4 AND 5 OF S/98/1870 TO PERMIT USE OF ANNEXE AS SEPARATE DWELLING
LOCATION:	SEMLEY POST OFFICE AND STORES SEMLEY SHAFTESBURY SP7 9AU

### REASON FOR REPORT TO MEMBERS

This application is brought before the Planning Committee as it is contrary to the Parish Council's recommendation. (Received before 1-05-04)

### SITE AND ITS SURROUNDINGS

Semley Post Office and Stores is located in a prominent location opposite the church and school in the centre of the village of Semley and is located within the Semley Conservation Area, Housing Restraint Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The existing building is set back from the classified C62 road behind a roadside lay-by, grassed verge and area of hard standing that provides resident and customer parking to the front of the property. The building itself is a fairly large, detached, two-storey pitched roof building of twentieth century design and has been extended with a two-storey hipped roof annexe attached to the side. The building is finished in white painted render, with the exception of the annexe extension that is rendered but is not painted, and slate roofs. There is a detached pitched roof garage to the front of the annexe extension. A section of wooden panelled fencing and a pedestrian access gate links from the garage to the annexe and helps to enclose the private garden area to the northern side of the annexe. There is also an enclosed courtyard area at the southern end of the building.

### THE PROPOSAL

This application seeks planning permission for a relief of Condition Nos4 and 5 of planning permission S/1998/1870 to allow the annexe to be used as a separate dwelling.

Condition No4 of planning permission S/1998/1870 states:

*"The accommodation to be provided within the development hereby approved shall remain as permanent ancillary accommodation to the principle dwelling Semley Post Office and Stores and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit.*

*Reason -  
In the interests of highway safety".*

Condition No5 of this permission states:

*The extension hereby permitted shall be used solely as ancillary accommodation to the existing dwelling (known as Semley Post Office and Stores), and shall not be occupied, sold, leased, rented or otherwise disposed of as a separate dwelling unit.*

*Reason -  
In order that the Local Planning Authority may retain planning control over the use of the premises".*

## PLANNING HISTORY

S/1998/1870 Planning permission was granted in March 1999 for the erection of a two-storey side extension to form a granny annexe and the erection of a detached single garage.

*It is a relief of Condition Nos4 and 5 imposed on this planning permission for which consent is now sought.*

S/2000/0572 In May 2000, planning permission was refused for a relief of Condition No2 of planning permission S/1998/0572 that required the materials to be used in the construction of the extension to match those used in the existing building.

## CONSULTATIONS

WCC Highways: No objection as there is plentiful car parking space available on the private forecourt.

Environmental Health: No observations to make on the proposed development.

## REPRESENTATIONS

Advertisement Yes - expired 22/04/04

Site Notice displayed Yes - expired 22/04/04

Departure No

Neighbour notification Yes - expired 14/04/04

Neighbour response None received.

Parish Council Object to the proposed development on the grounds that it would be contrary to Policy H33.

## POLICY CONTEXT

The following policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are relevant to the current proposal:-

G2, H19, H33, CN8, C2, C5, TR11 and R2.

## MAIN ISSUES

1. Principle of Development
2. Highway Issues
3. Policy R2 - Provision of Recreational Facilities
4. Impact/ on Conservation Area
5. Residential Amenity

## PLANNING CONSIDERATIONS

### 1. Principle of Development

In determining the original planning application for the erection of a two-storey side extension to form a granny annexe, it was deemed to be reasonable to impose a condition (No4) requiring that the annexe remained as permanent ancillary accommodation to the principle dwelling and that it shall not be subdivided to form a separate residential planning unit in the interests of highway safety. An assessment of the merits of a relief of this condition is set out under "Highway Issues" below.

A second condition was also imposed on this approval of planning permission (Condition No5), restricting the use of the annexe to solely ancillary accommodation to the existing dwelling and prohibiting the annexe from being occupied, sold, leased, rented or otherwise disposed of as a separate dwelling unit in accordance with the provisions of Policy H33. The intent of the imposition of this condition was to enable the Local Planning Authority to retain planning control over the future use of the premises, principally in order to ensure that it could not be separated

from the existing dwelling to form an independent planning unit without making adequate provision for recreational facilities/open space.

The key question in assessing the acceptability of a relief of Condition Nos4 and 5 of planning permission S/1998/1870, therefore, is whether the principle of a separate dwelling on this site is acceptable. The application site lies within the Semley Housing Restraint Area and therefore Policy H19 of the Adopted Replacement Salisbury District Local Plan (June 2003) is applicable to this proposal where the principle of a new residential dwelling is considered to be acceptable subject to compliance with various criteria. However, in this instance, the physical building that would form the proposed dwelling already exists and has previously been determined by the approval of planning permission S/1998/1870 not to have an adverse affect on the character of the surrounding area. Given that the proposal does not involve any external alterations to the existing building and its proposed use as a separate dwelling would have no greater impact on the character of the area than its existing use as a granny annexe, it is considered that there is no justifiable reason to object to the principle of the proposed use of the building as a separate dwelling.

In the light of the above, the acceptability of the current proposal rests with the principal considerations as to whether the proposal is acceptable in highway terms and makes adequate provision for recreational facilities, as well as being acceptable in respect of all other material considerations as set out below.

## 2. Highway Issues

Condition No4 of planning permission S/1998/1870, which required that the annexe remained as permanent ancillary accommodation to the principle dwelling and that it shall not be subdivided to form a separate residential planning unit was imposed in the interests of highway safety. The key consideration regarding the proposed relief of this condition, therefore, is whether the proposal to allow the annexe to be used as a separate dwelling unit would give rise to any highway concerns, such as the level of on-site parking to serve the existing and proposed dwellings and the post office and stores.

In respect of this issue, following discussions with the applicant, an amended site layout plan indicating a proposed parking layout has been submitted. This layout plan indicates that the provision of two parking spaces for each of the existing and proposed dwellings and the post office/stores can be accommodated on the forecourt area to the front of the building, as well as a further two visitor parking spaces. Furthermore, the existing garage that is proposed to be within the ownership of the proposed dwelling could provide an additional parking space if required. On the basis of this proposed layout, it is considered that the proposal includes an adequate level of on-site parking provision in accordance with the Council's current parking guidelines. The proposal would also continue to utilise the existing vehicular access to the site and therefore no highway objection is raised to the proposed development. Consequently, there is no justifiable reason to refuse a relief of Condition No4 of planning permission S/1998/1870.

## 3. Policy R2- Provision of Recreational Facilities

Having established that the principle of a separate dwelling on this site is acceptable, a key consideration is whether the proposed development makes adequate arrangements for the provision of recreational facilities. In accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003) the provision of recreation facilities must be considered for all proposals for new residential development. In this instance, the current proposal would involve the creation of an additional 2-bed dwelling and therefore in accordance with Policy R2 of the Local Plan a recreational contribution of £1,071.00 has been calculated to be required. The applicant, however, has confirmed in writing a willingness to make this required contribution which can be secured via a Section 106 Agreement.

## 4. Impact on Character of the Conservation Area/Surrounding Area

The current proposal to use the existing annexe as a separate dwelling would not require any alterations to the external appearance of the existing building. In fact, the only works that would be required to subdivide the existing building would be the blocking up of two internal doors. Consequently, the proposal would not have any greater visual impact on the Semley

Conservation Area than that which has already been granted by the approval of planning permission to erect the extension to form the granny annexe.

With regards to the character of the area, it is considered that the resultant plot sizes of both the existing and proposed dwellings would be of an acceptable size that would respect the character of the surrounding area and that would provide separate private amenity areas to serve the respective properties. In this respect, the existing garden area to the north of the existing building would serve the proposed dwelling while the enclosed yard to the south of the building would serve the existing property.

#### 5. Residential Amenity

With regards to residential amenity, the proposal to use the existing annexe as a separate dwelling would not require any external alterations to the property or any alterations to the internal layout as it already comprises all of the independent facilities, such as a kitchen and bathroom, to function as a separate dwelling and is only linked to the parent property via two internal doors. As such, the proposed use of the annexe as a separate dwelling would have no greater impact upon the amenities of the residents of the neighbouring properties than at present.

### **CONCLUSION**

The principle of a separate residential dwelling on this site is considered to be acceptable in accordance with Policy H19 of the Adopted Replacement Salisbury District Local Plan (June 2003), particularly given that the visual impact of the dwelling has already been established by virtue of the fact that the physical building is already in existence and has previously been determined by the approval of planning permission S/1998/1870 to be acceptable. In light of this assessment, the key considerations are whether the proposal is acceptable in highway terms and makes provision for recreational facilities. In response to these issues, the applicant has demonstrated that adequate access and on-site parking provision can be accommodated within the site, whilst it has also been confirmed that they are willing to make the requisite financial contribution towards the provision of off-site recreational facilities in accordance with Policy R2. With regards to other material issues, it is considered that given that the proposal does not involve any alterations to the external appearance of the building or its internal floor layout, that it would have no greater impact upon the character and appearance of the conservation area or the amenities of the neighbouring properties than at present. Consequently, it is considered that there is no justifiable reason to refuse the proposal for a relief of Condition Nos4 and 5 of planning permission S/1998/1870 to allow the existing annexe to be used as a separate dwelling unit.

### **RECOMMENDATION:**

**GRANT SUBJECT TO A CONTRIBUTION FOR £1,071.00 TOWARDS THE PROVISION OF RECREATIONAL FACILITIES IN ACCORDANCE WITH POLICY R2 OF THE ADOPTED SALISBURY DISTRICT LOCAL PLAN (June 2003).**

(a) The applicant and any other relevant parties undertake, under Section 106 of the principal Act to pay a commuted sum under Policy R2 of the Replacement Salisbury District Local Plan within one month, then this authority is minded to grant planning permission to the above application subject to the following conditions.

### **REASONS FOR APPROVAL**

The proposal to separate the granny annexe from the existing dwelling to form a separate dwelling accords with the provisions of Policy H19 of the Adopted Replacement Salisbury District Local Plan (June 2003), while the proposal also provides an adequate level of on-site parking to serve both the existing and proposed dwellings and the post office/stores and makes provision for recreational facilities in accordance with Policies TR11 and R2 respectively. The proposed dwelling would not harm the character or appearance of the Semley Conservation Area in accordance with Policy CN8 and would not adversely affect the amenities of the neighbouring properties.

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 dwelling hereby approved shall not be occupied until the parking as indicated on the approved plan has been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason: In the interests of highway safety.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Classes A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of the character and appearance of the Semley Conservation Area and in the interests of neighbouring amenity due to the restricted size of the plots.

**Informative Note(s):**

1. This permission has been taken in accordance with the following policies of the Replacement Salisbury District Local Plan: G2, H19, H33, CN8, C2, C5, TR11 and R2.

**Policy Purpose**

G2	General Criteria for Development
H19	Housing Restraint Area
H33	Accommodation for Dependent Persons
CN8	Conservation Areas
C2	To protect the countryside
C5	To protect the landscape of the CC&WWD Area of Outstanding Natural Beauty
TR11	Provision of Off-Street Parking
R2	Provision of Recreational Facilities

(b) If the applicant does not comply with (a) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policy R2 of the Salisbury District Local Plan.

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**NOTES:**



Impact upon Conservation Area

**POLICY CONTEXT**

CN 8

**PLANNING CONSIDERATIONS**

The legislation does not allow conditions to be applied to any approval, only the approval whether in agreement with the works or not, or refusal when a TPO must be applied.

None of the trees is easily visible from any public vantage point, although some can be seen, and they have been judge not to warrant further protection by Tree Preservation Order [TPO].

**CONCLUSION**

The loss of these trees is unlikely to have any adverse effects on the nature of the surrounding countryside or the conservation area, particularly as the applicant is intending to replant with more appropriate species.

**RECOMMENDATION:** No objections be raised to the proposed works.

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**NOTES:**