

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
WESTERN AREA -07/10/04

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

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

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN-CILLORS	NOTES
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1	S / 2004 / 1646 Mr O Marigold	E WADDINGTON ESQ MANOR FARM TEFFONT MAGNA	REF	TEFF	2-5	FONTHILL & NADDER Councillor Mrs Willan	
2	S / 2004 / 259 Mr O Marigold	MR & MRS C J J MCQUEEN NUNSWELL HOUSE HIGHER COOMBE DONHEAD ST. MARY	A106	DONM	6-8	DONHEAD Councillor Mr Cole-Morgan	

AGENDA ITEM: LAND AT SUNNYHILLS PARK, OLD DINTON ROAD, TEFFONT

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 Ward/Parish	Date Received Cons.Area	Expiry Date Listed	Applicant's Name Agents Name
1	Case Officer Mr O Marigold	Contact No 01722 434293	1

S/2004/1646	29/07/2004	23/09/2004	E WADDINGTON ESQ
TEFF			A KERNON ESQ
Easting: 399578.875680268	Northing: 133368.900400579		

PROPOSAL:	O/L APPLICATION -ERECTION OF AN AGRICULTURAL WORKERS DWELLING AT MANOR FARM TEFFONT AND CHANGE OF USE OF EXISTING DWELLING AT 1 TEFFONT FIELD BUILDINGS TO PROVIDE BED AND BREAKFAST ACCOMMODATION
LOCATION:	MANOR FARM TEFFONT MAGNA SALISBURY SP3 5RD

REASON FOR REPORT TO MEMBERS

At Councillor Willan's request

SITE AND ITS SURROUNDINGS

The site consists of Manor farm, an arable enterprise extending over 626 hectares, with a large commercial shoot and a substantial game bird rearing enterprise. It consists of open countryside, with a number of agricultural buildings.

THE PROPOSAL

This application proposes the erection of a new dwelling in the open countryside, with the existing residential use of 1 Teffont Field Buildings being converted into bed and breakfast use. Although the applicant has argued that the new dwelling needs to be of a large size to accommodate his family, as it is an outline application, with all matters reserved, it is only the principle that can be considered here.

PLANNING HISTORY

There is no planning history for the specific site where the dwelling is proposed. However, the history of the holding is that the original manor Farm was split up and sold off around 1999, including Manor Farm House, which was the main dwelling for the holding. However, the holding retains 4 dwellings – numbers 3 and 4 Manor Farm Cottage in the village (both 4 bedroom dwellings) and numbers 1 and 2 Teffont Field Buildings.

An application was made in 1999 (reference S/1999/0243) to transfer the agricultural occupancy condition on 3 Manor Farm Cottage to the dwelling at 2 Teffont Field Buildings – the property next to the dwelling proposed to be converted into holiday accommodation. Number 4 Manor Farm Cottage retains its agricultural occupancy condition.

CONSULTATIONS

1. Wessex Water – lies outside sewered area
2. Environmental Health – no observations
3. Highway Authority – no highway objection
4. Environment Agency – must use public drainage facilities if available
5. English Nature – need for protected species to be considered
6. Independent Agricultural Assessment – report attached as appendix

REPRESENTATIONS

Advertisement	Yes – expired 16/09/04
Site Notice displayed	Yes – expired 09/09/04
Departure	Yes – if approved
Neighbour notification	No
Neighbour response	No
Parish Council response subsequent	Yes - No objection, subject to conditions relating to s106 preventing alienation of dwelling from farmland, appropriate materials, suitable size of dwelling and adequate sewerage for whole Teffont Field Buildings
CRPE	Accept that this is an inevitable consequence of Manor Farm House being sold off. Accept that applicant has demonstrated a need for his family but request s106 and screening

MAIN ISSUES

1. Policy implications
2. Impact on character and appearance of countryside and AONB
3. Impact on protected species

POLICY CONTEXT

G1, C1, C2, C4, C5, C12, C22, C12, E20, H23, H27, H30

PLANNING CONSIDERATIONS

It is proposed to ‘transfer’ residential accommodation from the existing property to the new dwelling, so that there would not be an increase in the number of dwellings. However, the dwelling building itself would be new and the practical effect on the ground would be the addition of a new, large building for residential use, together with the retention of the existing dwelling building, with all the resultant harm to the countryside from a new building. The site lies within the AONB where PPS7 requires that great weight be given to the need to maintain the natural beauty of the area.

To the extent that it can be considered a ‘replacement’ dwelling, the proposal would clearly fail criteria (i) and (iii) of policy H30 in that the new dwelling’s siting would not be closely related to that of the existing dwelling, and additional harm would result. Policy C22 makes clear that conversion schemes should not result in additional development – the proposal would conflict with this policy too.

The applicant has argued that the needs of his family justifies a larger dwelling, but PPS7 and PPG1 advice is clear that personal considerations (rather than functional requirements) should not generally over-ride planning policies and principles. Although the farm’s original main

dwelling has been sold off, the applicant would have known this situation when he purchased the holding.

the applicant and his growing family.

In any case, the only reason why the existing accommodation is deemed unsuitable by the applicant is because the current occupier's personal (or potential personal) circumstances, rather than because of the functional requirements of the enterprise. The Council's Policy H27 allows new dwellings for rural workers, provided that the need cannot be fulfilled by suitable, available accommodation. It has not been demonstrated that alternatives to a dwelling on a completely new site has been given sufficient consideration. For example, extending or replacing the existing dwelling, enlarging any of the three other dwellings on the holding (one of which has an agricultural occupancy condition) or converting existing buildings are all potential alternatives to this proposal.

Given that there is only a functional need for one dwelling on the holding, there may be scope for converting one of the pair of semi-detached properties into a single dwelling, although this would have implications for current occupiers. The applicant currently occupies the smallest of the four dwellings on the estate (the 2 bedroom property), with one 3 and two 4 bedroom properties remaining within the estate. It has not been demonstrated why these properties could not be used by independent agricultural adviser has made clear that there is no functional justification for an additional dwelling on the holding. He makes clear that '*the applicant's business proposals relate to areas not covered by functional need*' and that '*the functional need is unlikely to alter significantly*'.

The Council's adviser does say that in considering the size of such a dwelling, it would be wrong to exclude a person's family from the basis of functional need, and that size need not necessarily be limited to accommodation for a farm worker, where accommodation for a manager is needed. However, these comments relate primarily to a question of the size of the dwelling, rather than its siting. The adviser is, however, unable to conclude that even a replacement dwelling is justified in PPS7 terms, because of the lack of information submitted by the applicant in relation to the profitability of the farm. Additional information is being sought on this point.

Effectively, this application proposes a new building, for residential purposes (and one which would clearly be of a large size), on currently undeveloped open countryside, where there is no additional functional justification for such a dwelling. The fact that the previous dwelling was sold off from the farm does not mean that the Authority should be forced into allowing another dwelling, contrary to policy, to replace it, even with a s106 agreement tying the farm to the new dwelling, where there is already accommodation available, and where the only reason why this accommodation cannot be used is because of the personal circumstances of the applicant.

CONCLUSION

It is not considered that there are sufficient reasons for allowing the erection of a new building for residential purposes, on what is currently undeveloped land in the open countryside and AONB, where there is no agricultural justification to over-ride the resultant harm. The proposal would clearly be contrary to Local Plan policies and there are insufficient material considerations to justify departing from these policies. Finally, as it has not been demonstrated that protected species would not be harmed by the proposal, this must also form a reason for refusal.

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

1. The proposed development, which is for the erection of a new building for residential occupation, which is not justified by the needs of agriculture, would result in additional development in 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, contrary to policies G1, C1, C2, C4, C5, C22, E20, H23, H27 and H30 of the Replacement Salisbury District Local Plan.

2. It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed development would not harm the interests of protected species, contrary to policy C12 of the Replacement Salisbury District Local Plan

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

- G1 General development criteria
- C1 Development in the Countryside
- C2 Development in the countryside
- C4 Development in AONBs
- C5 Development in AONBs
- C12 Protected species
- C22 Change of use of the buildings in open countryside
- E20 Employment uses in the countryside
- H23 New dwellings in the countryside
- H27 Agricultural Workers dwellings
- H30 Replacement Dwellings in the countryside

NOTES:

Part 2

Applications recommended for Approval

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

2	Case Officer Mr O Marigold	Contact No 01722 434293	2
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S/2004/259	09/02/2004	05/04/2004 13:40:45	MR & MRS C J J MCQUEEN
DONM			FIONA O KNIGHT
Easting: 388860.219008952	Northing: 122700.614952087		

PROPOSAL:	CHANGE OF USE -FROM STABLE BLOCK TO PLAYROOM/GAMES ROOM FOR THE PRIVATE DOMESTIC USE OF THE OCCUPIERS OF NUNSWELL HOUSE ONLY AND CREATION OF BATHROOM WITHIN FOOTPRINT OF EXISTING STABLE - RETROSPECTIVE
LOCATION:	NUNSWELL HOUSE HIGHER COOMBE DONHEAD ST. MARY SHAFTESBURY SP7 9LR

REASON FOR REPORT TO MEMBERS

Contrary to Parish Council's recommendation (the application was submitted before the revised scheme of delegation)

SITE AND ITS SURROUNDINGS

The site consists of an existing former stable building in the open countryside and AONB. It is located outside the curtilage of Nunswell House.

THE PROPOSAL

The application is retrospective, and is for the conversion of the stable building into ancillary residential accommodation. The application also proposes an extension to the existing building.

PLANNING HISTORY

Change of use from stable block to games/leisure building, and extension to provide bathroom, Refused on 29th January 2003 (S/2002/1789)

CONSULTATIONS

Environmental Health – no objection provided use to ancillary to main dwelling and foul drainage meets Building Regulations requirements

Environment Agency – no comment

Biological records Centre – protected species needs to be considered

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	expired 11/03/04
Departure	No	
Neighbour notification	Yes	expired 03/03/04
Third Party responses	No	
Parish Council response	Yes	Objection based on application being for residential development

MAIN ISSUES

Impact on character and appearance of countryside and AONB

POLICY CONTEXT

C1, C2, C4, C5, C22

PLANNING CONSIDERATIONS

This retrospective application seeks to regularise the use of the building as accommodation ancillary to Nunswell House, and also proposes the erection of an extension to the existing building.

A similar application was submitted in 2002 where concerns were raised that the building would be capable of independent occupation, and that it effectively proposed a new dwelling in the open countryside. Consideration was given to policy H33 (dependant person's accommodation) but because the building was located away from the curtilage of the main house, it was concluded that it would not comply with this policy. The 2002 application was also refused on the grounds that the existing building would not be worthy of retention, due to its design and appearance, and on the grounds of a failure to pay an R2 contribution.

Since this decision, the 2003 Local Plan has been adopted, although the revised C22 policy makes residential accommodation unacceptable unless an employment or business generating use could not be provided. In this instance, it is considered that the use of the building as office or employment use is unlikely to be encouraged because of the poor quality of the local road network. In any case, the use that is taking place is not a separate dwelling use but an ancillary use, which can be tied by legal agreement. In fact, use as a separate dwelling could be acceptable under policy C22, but given the additional (people and traffic) movements that a separate dwelling would generate, such a use would have an urbanising effect, harming the character and appearance of the countryside, and would also be unsustainable.

With regard to the concerns about the appearance of the building in the landscape, the building has existed for 4 or more years and is therefore considered to be immune from enforcement action. The building itself is therefore likely to remain even if permission is refused. While the changes required for conversion to ancillary use require permission, these changes (including a relatively small extension) do not detract from the appearance of the building in the landscape. It is also considered that the subsequent weathering and growth of hedging has ameliorated the impact of the building.

On balance, notwithstanding the previous decision, it is recommended that permission is granted, subject to a s106 agreement tying the use of the building to ancillary accommodation to Nunswell House, and preventing its use as a separate dwelling.

With regard to protected species, given that the building has already been used for residential purposes, and any protected species present would have been disturbed, there is little merit in now requiring a survey to show whether any species were present.

CONCLUSION

The conversion of this building into accommodation ancillary to the existing dwelling at Nunswell House and the proposed extension, does not and would not harm the character and appearance of the open countryside of the natural beauty of the Cranborne Chase and West Wiltshire Downs AONB.

RECOMMENDATION:

Subject to the submission of a legal agreement under s106 of the Town and Country Planning Act 1990 tying the use of the building to ancillary accommodation to Nunswell House, and preventing its use as a separate dwelling:

APPROVE: for the following reasons

The conversion of this building into accommodation ancillary to the existing dwelling at Nunswell House and the proposed extension, does not and would not harm the character and appearance of the open countryside of the natural beauty of the Cranborne Chase and West Wiltshire Downs AONB. It would therefore comply with policies C1, C2, C4, C5 and C22 of the Replacement Salisbury District Local Plan

And subject to the following conditions

1. In respect of the proposed extension, 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. In respect of the proposed extension, before development of the extension is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roof of the proposed extension shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: In the interests of the character and appearance of the countryside and AONB.

3. The stable block hereby permitted to be converted to domestic accommodation shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Nunswell House.

Reason: In the interests of the character and appearance of the countryside

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

- C1 Development in the countryside
- C2 Development in the countryside
- C4 Development in AONBs
- C5 Development in AONBs
- C22 Conversion of buildings in the countryside

NOTES: