

# 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 under mentioned 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>

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE  
WESTERN AREA – 11/10/07

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
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1	S/2007/1734	CHILMARK
Pages 4 - 7	Mr O Marigold	APPROVED WITH CONDITIONS
	ROCK COTTAGE CHILMARK SALISBURY SP3 5BW  CHANGE OF USE OF AGRICULTURAL LAND TO THE RECREATIONAL KEEPING OF HORSES	FONTHILL & NADDER  Cllr Parker
2	S/2007/1735	CHILMARK
Pages 8 - 12	Mr O Marigold	APPROVED WITH CONDITIONS
	ROCK COTTAGE CHILMARK SALISBURY SP3 5BW  ERECTION OF 2 STABLES, HAY STORE, GARAGE AND CREATION OF NEW ACCESS	FONTHILL & NADDER  Cllr Parker
3	S/2007/1684	DINTON
Pages 13-15	Mr W Simmonds	APPROVED WITH CONDITIONS
SV 3.30PM	THE TRUSTEES OF DINTON RECREATION GROUND DINTON RECREATION GROUND ST. MARYS ROAD DINTON SALISBURY  RETROSPECTIVE ERECTION OF SLIDE IN NEW POSITION & CULVERTING DRAINAGE PITCH	FONTHILL & NADDER  Cllr Parker

**Enforcement Agenda Item (Item 9 on agenda): Breach of Breach of condition notice: Land at Westfield Park, Dinton, Wiltshire.**

**Agenda Item: Additional information for proposal : 'Develop land by erection of employment development of B1 and B2 uses with ancillary B8 use, all with associated infrastructure and landscaping including strategic landscaping to east and south. Formation of vehicular access from A30 (outline - application to determine access)' AT Land South of A30 and East of Shaftesbury.**

**Part 1**  
**Applications recommended for Refusal**

No Refusals

# Part 2

## Applications recommended for Approval

1

Application Number:	S/2007/1734		
Applicant/ Agent:	NIGEL LILLEY		
Location:	ROCK COTTAGE CHILMARK SALISBURY SP3 5BW		
Proposal:	CHANGE OF USE OF AGRICULTURAL LAND TO THE RECREATIONAL KEEPING OF HORSES		
Parish/ Ward	CHILMARK		
Conservation Area:	LB Grade:		
Date Valid:	28 August 2007	Expiry Date	23 October 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Parker has asked that the application be heard at Western Area Committee. This is because he considers that the resulting development is likely to be detrimental to the rural area and not in keeping with the Council's countryside policies.

### SITE AND ITS SURROUNDINGS

The site consists of agricultural land adjacent to Rock Cottage in Chilmark.

### THE PROPOSAL

The application proposes the change of use of the land from agricultural to equestrian for private (as opposed to commercial) reasons. This application only seeks change of use and not the erection of any building (a stable etc building is proposed as part of application S/2007/1735).

Applications have previously been made for stable buildings, but these have not previously included this land, although the intention of the applicant has previously been to use this land for equestrian use subject to gaining planning permission.

### PLANNING HISTORY

06/1144	New stabling and associated land at land adjacent Rock Cottage	R	11/07/06
06/1145	Construction of new access and driveway for Rock Cottage at land adjacent Rock Cottage	R	11/07/06
06/1146	Replacement dwelling and new vehicular and pedestrian access at Rock Cottage	R	11/07/06
06/1848	Replacement dwelling and new vehicular and pedestrian access at Rock Cottage	AC	27/10/06
06/1849	New building to provide 2 no stables, tractor store and hay store at Land adj Rock Cottage	R	30/10/06
06/2440	New building to provide 2 no stables, tractor store, hay store and garage and creation of new access at Land adj Rock Cottage.	R	27/02/07 Appeal Dismissed

07/1735	New building to provide 2 no stables, tractor store, hay store and garage and creation of new access at Land adj Rock Cottage	Awaiting determination at this meeting
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## CONSULTATIONS

**Highway Authority** – no objection subject to the provision of a satisfactory means of access to the site, prior to the implementation of the change of use.

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expires 27/09/07 (should any material planning considerations be raised during the remaining publicity period, the report will be updated to members at committee)
Departure	No
Neighbour notification	Yes – expired 19/09/07
Third Party responses	No
Parish Council response	Yes – Object pending a decision on the stables application (i.e. application S/2007/1735)

## MAIN ISSUES

Impact on the character and appearance of the countryside/AONB  
Impact on highway safety

Other factors

## POLICY CONTEXT

C1, C2	Development in the countryside
C4, C5	Development in the AONB
R1C	Outdoor recreational facilities

Planning Policy Statement Seven

## PLANNING CONSIDERATIONS

It may be helpful to clarify for members the difference between the ‘grazing’ of horses (which does not need planning permission) and the ‘keeping’ of horses (which does need planning permission). The distinction is one that has presented the planning system with difficulties over the years but it seems that if horses are ‘kept’ – i.e. they are fed wholly or primarily by more than just being grazed then this requires planning permission.

It follows that if buildings are required for the storage of hay (or to stable horses) then this also goes beyond being mere grazing. It can also be argued that riding horses on land is not ‘grazing’ but is a recreational use and so also requires permission.

### ***Impact on the character and appearance of the countryside/AONB***

The site currently consists of an agricultural field and has the appearance of open countryside. Equestrian use is often most apparent through its associated paraphernalia, for example in terms of buildings, jumps etc. The actual grazing and riding of horses on the land does not of itself significantly change its character, particularly when compared with the potential changes of appearance that can take place through normal agricultural use without needing permission.

The keeping of horses is essentially a rural, countryside use, and one that Government advice encourages. Indeed PPS7 says at paragraph 32 that:

*“Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of*

*the country, horse training and breeding businesses play an important economic role. Local planning authorities'...[policies] ...should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification."*

Provided that a condition is imposed preventing the siting or placing of structures or buildings on the land without a further application, it is considered that the change of use would not harm the character and appearance of the countryside or detract from the character of the AONB.

### **Impact on highway safety**

The application does not include an access as part of this application. However, the site is adjacent to Rock Cottage and its curtilage, and application S/2007/1735 proposes the erection of a stable building including access from the highway, at a point where a new access already has permission to serve a replacement dwelling through application S/2006/1848.

Even if permission were refused for the stable block proposed as part of application S/2007/1735, it would still be open to the applicant to create the access already approved, and then to access the field via this access, for agricultural use (which can include the 'grazing' of horses but not the 'keeping' of horses – see above). This is a material 'fallback' consideration.

Regard also has to be given to the recent appeal decision for the erection of a stable at Rock Cottage (S/2006/2440). Although this current application does not propose a stable building (this is considered under application S/2007/1735) the Inspector nevertheless considered the highway merits of an equestrian use as part of that appeal, and opined that "*...no planning reasons had been put forward as to why the approved new access to serve the dwelling could not be used to also serve the proposed stables and hay store*" [and therefore by implication an equestrian use]. A copy of the Inspector's decision notice is included at **appendix A**.

The Inspector's comment was true in relation to that appeal application, although the Highway Authority had previously recommended a condition (during application S/2006/1849) that the stable proposed then should only be accessed only via an alternative access and not via the replacement dwelling's access. It was for this reason that the applicants proposed a separate field access as part of application S/2006/2440, but the Inspector was clear in saying that this alternative access would be harmful in AONB terms, and that access via the replacement dwelling would be preferable.

The fact remains that the Highway Authority have not objected to this application subject to a condition requiring a satisfactory means of access. In practice this would be an access that accords with the Highway Authority's requirements (i.e. the access now proposed for the stable building)

As such to refuse the application on highway safety grounds would prove very difficult to defend at appeal and members are reminded of the cash implications of such an appeal.

### **Other factors**

The issue of protected species has been considered during other applications (which included the submission of a protected species survey). There is no evidence to suggest that the situation has changed and therefore this issue could not reasonably form a reason for refusal for this application.

Consideration has also been given to the impact on the living conditions of nearby properties (for example Portash and Common Gate). However, it is unlikely that the use for equestrian purposes would result in unacceptable harm to these properties' living conditions, particularly given the 'fallback' of agricultural use of the land, and the fact that any stable building, where most noise and odour etc would be expected, would be located away from neighbouring dwellings (i.e. where proposed as part of application S/2007/1735).

## CONCLUSION

The proposed change of use from agriculture to the recreational keeping of horses would not harm the character and appearance of the countryside or AONB, highway safety, the amenities of neighbouring properties or any other material consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan.

## RECOMMENDATION

APPROVE WITH CONDITIONS

### REASONS FOR APPROVAL

The proposed change of use from agriculture to the recreational keeping of horses would not harm the character and appearance of the countryside or AONB, highway safety, the amenities of neighbouring properties or any other material consideration. It would therefore comply with the relevant policies 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 three years from the date of this permission. (A07B)

Reason (1): To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51(1) of the Planning and Compulsory Purchase Act 2004

- (2) Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), there shall be no structures or buildings erected or placed on the land unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf

Reason (2): In the interests of the character and appearance of the countryside and AONB

- (3) The change of use shall not take place until details of the means of access to the site have been submitted to and approved, in writing, by the Local Planning Authority. The equestrian use shall be subsequently undertaken using only that access, unless otherwise agreed in writing by the Local Planning Authority.

Reason (3): in the interests of highway safety

## INFORMATIVES:

- 1 – Policy  
This decision has been taken with regards to the following policies of the Adopted Salisbury District Local Plan:

C1, C2	Development in the countryside
C4, C5	Development in the AONB
R1C	Outdoor recreational facilities

- 2- The applicant is advised that the means of access approved as part of planning permission S/2007/1735 would be an acceptable means of access in relation to condition 3. [if application S/2007/1734 is approved]



# Appeal Decision

Site visit made on 23 July 2007

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Date: 7 August 2007

## Appeal Ref: APP/T3915/A/07/2041311/NWF

Rock Cottage, Chilmark, Salisbury, SP3 5BW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Hewlett against the decision of Salisbury District Council.
- The application Ref S/2006/2440, dated 16 November 2006, was refused by notice dated 27 February 2007.
- The development proposed is described as erection of 2 No. stables, hay store and garage and creation of new access and field gate.

## Decision

1. I dismiss the appeal.

## Reasons

2. The proposed building would be sited within the cartilage of the existing property and would relate physically to both the existing and approved replacement dwelling. The proposed garage would serve the new dwelling and would be accessed from the approved new crossover and parking area to serve the dwelling. Bearing in mind it would provide the only garage to serve the property I consider that in principle and in terms of floor area it is both reasonably justified and appropriately located.
3. No details are provided relating to the Appellant's equestrian requirements, however having regard to the extent of the land concerned I consider that 2 stables and a hay store would be reasonable to meet the likely needs arising from the equestrian use of the land. At the same time I find the location of the stables and hay store close to the approved dwelling and adjacent to the pasture land to be entirely logical.
4. Whilst such buildings invariably have very shallow felt covered roofs, having regard to the sensitive nature of the surrounding landscape I consider that a slate covered roof with a slightly greater pitch would be visually more appropriate. In addition, the use of a hipped as opposed to a gable end roof would minimise the bulk of the roof and it would have the appearance of a low key equestrian building.
5. This together with careful attention to the slab level of the building, the existing boundary planting and the potential for additional planting would ensure that the building would not be unduly prominent from the lane on which it is situated.

Salisbury District Council  
Planning Department

REC. 09 AUG 2007

Acknowledged \_\_\_\_\_  
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Action \_\_\_\_\_



the wider landscape. As a result the natural beauty of the locality and the Cranborne Chase and Wiltshire Downs Area of Outstanding Natural Beauty (AONB) would be preserved.

6. Conversely I consider that the proposed new access, together with the required visibility splays would result in the loss of a section of hedgerow and would open up an enclosed section of the lane. This would materially detract from the character and appearance of the lane and would fail to preserve or conserve the landscape beauty of the AONB.
7. At the same time I am not convinced about the practicality of accessing the stable complex across steeply sloping pastureland. The access would form the only access to the stables and hay store, which are likely to be visited on a daily basis, particularly if the horses are stabled for lengthy periods during the winter months. Realistically the land would be highly likely to become poached, which would detract from its appearance and condition. It could also become unusable and lead to the need to provide a hard track, which similarly would be visually intrusive, having regard to the exposed and elevated position of the land. In addition, no planning reasons have been put forward as to why the approved new access to serve the dwelling could not be used to also serve the proposed stables and hay store.
8. For these reasons I conclude that the proposal would seriously and unacceptably harm the character and appearance of the lane and the AONB. As such it would conflict with policies C1, C2, C4, C5 and RIC of the Salisbury District Local Plan, which was adopted in 2003. Collectively and amongst other things these policies seek to limit the amount of new development in the countryside, protect, restore and improve the natural beauty of the District and to ensure that development does not harm the natural beauty of the landscape within the AONB.

*Elizabeth Lawrence*

INSPECTOR

Application Number:	S/2007/1735		
Applicant/ Agent:	NIGEL LILLEY		
Location:	ROCK COTTAGE CHILMARK SALISBURY SP3 5BW		
Proposal:	ERECTION OF 2 STABLES, HAY STORE, GARAGE, AND CREATION OF NEW ACCESS		
Parish/ Ward	CHILMARK		
Conservation Area:		LB Grade:	
Date Valid:	28 August 2007	Expiry Date	23 October 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Parker has asked that the application be heard at Western Area Committee. This is because he considers that the resulting development is likely to be detrimental to the rural area and not in keeping with the Council's countryside policies.

### SITE AND ITS SURROUNDINGS

The site consists of agricultural land adjacent to Rock Cottage in Chilmark. The site lies outside of, but adjacent to, Rock Cottage's residential curtilage. In planning policy terms, the site lies within the open countryside and in the Cranborne Chase and West Wiltshire Downs AONB.

### THE PROPOSAL

The application proposes the erection of a building to provide 2 stables, a hay store and domestic garage, together with the creation of a new access.

The building is virtually identical to that considered and refused by members at Western Area Committee in February 2007. However, unlike that proposal, this one does not propose a new access off the Chilmark to Tisbury Road but instead proposes using an access point already approved to serve the replacement dwelling.

The application that was refused by members was dismissed on appeal – but only on the grounds of the access. The Inspector's decision is included at **appendix A**.

### PLANNING HISTORY

06/1144	New stabling and associated land at land adjacent Rock Cottage	R	11/07/06
06/1145	Construction of new access and driveway for Rock Cottage at land adjacent Rock Cottage	R	11/07/06
06/1146	Replacement dwelling and new vehicular and pedestrian access at Rock Cottage	R	11/07/06
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06/2440	New building to provide 2 no stables, tractor store, hay store and garage and creation of new access at Land adj Rock Cottage.	R	27/02/07 Appeal Dismissed
07/1734	Change of use of agricultural land to the recreational keeping of horses		Awaiting determination at this committee

## CONSULTATIONS

**Highway Authority** – Have raised no objection to the application, subject to requirements in relation to visibility splays, rumble strip and provision of field gate at the end of the parking area [an amended plan to show this has been submitted by the applicants].

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expires 27/09/07 (should any material planning considerations be raised during the remaining publicity period, the report will be updated to members at committee)
Departure	No
Neighbour notification	Yes – expired 19/09/07
Third Party responses	Yes Wiltshire Fire & Rescue Service comment - Consideration is to be given to ensure that access to the site for the purpose of firefighting, is adequate for the size of the development and the nature of the proposed use. Adequate consultation is to be undertaken between the Fire Authority and the developer to ensure that the site is provided with adequate water supplies for use by the Fire Service in the event of an outbreak of fire.
Parish Council response	Yes – Object on the grounds that the development is outside of the curtilage of Rock Cottage.

The Parish also points out that the plans indicate that the access is in accord with Highways requirements. However, this is only in respect to domestic use and would need significant modification to meet Highways requirements for access involving horseboxes and agricultural vehicles.

## MAIN ISSUES

Impact on the character and appearance of the countryside/AONB  
Impact on highway safety  
Other factors

## POLICY CONTEXT

C1, C2	Development in the countryside
C4, C5	Development in the AONB
R1C	Outdoor recreational facilities

Planning Policy Statement Seven

## PLANNING CONSIDERATIONS

### ***Impact on the character and appearance of the countryside/AONB***

The proposed building would be positioned at right angles to the road and would be virtually identical to the building considered by the Inspector in the appeal against application S/2006/2440. Members had refused that application for the following reasons:

*The proposed stable building, by reason of its size, scale and design would harm the character and appearance of the countryside which lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, contrary to policies C1, C2, C4, C5 and R1C of the Adopted Salisbury District Local Plan*

(2) *The proposed field access, by reason of it being poorly located to serve the development proposed and an unnecessary visual intrusion into the roadside boundary, is*

*considered by the Local Planning Authority to be contrary to policy C2 of the Adopted Salisbury District Local Plan which seeks to restrict development in the countryside to that which benefits the local economy and maintains or enhances the environment.*

In her decision, the Inspector said that she found “...*the location of the stables and hay store close to the approved dwelling and adjacent to the pasture land to be entirely logical*” (paragraph 3). She also said that “...*the building would not be unduly prominent from the land or within the wider landscape*” (paragraph 5) providing that suitable landscaping was provided.

Therefore, although the Inspector dismissed the appeal because she felt the then-proposed access was unacceptable, she did not support refusal of the building itself. She found it acceptable in terms of its design, size and impact on the countryside/AONB. Therefore it would not be reasonable to refuse the application on these grounds.

The Inspector did make a mistake in her decision notice by saying that the site lies within the curtilage of the dwelling – when both the Authority and the applicant had made clear that it lies outside of Rock Cottage’s curtilage.

Realistically, however, despite the Parish Council’s objection to the proposal on this point this does not change the fact that the Inspector did not agree with the Authority’s reason for refusal in relation to the impact on the AONB. The building would be accessed from the same point as Rock Cottage and there is no reason to believe that it would not be used by the occupiers of Rock Cottage – a condition can be imposed to secure this.

### ***Impact on highway safety***

Concerns have been expressed about the impact on the access on highway safety. Planning permission has already been granted for an access to serve the replacement dwelling at this point. The Highway Authority have not objected to the proposed access, providing that it is altered to reflect the use by horseboxes etc. The applicants have submitted an amended plan that the Highway Authority has confirmed is acceptable.

It is worth pointing out that the Inspector considered that were are no planning reasons put forward that the access to serve the replacement dwelling should not also serve the stable etc building. This makes refusal of the proposed access even more difficult to defend at appeal.

It is considered that the proposed access would not harm highway safety.

### ***Other factors***

The issue of protected species has been considered during other applications (which included the submission of a protected species survey). There is no reason to believe that the situation has changed and this issue could not reasonably form a reason for refusal for this application.

Consideration has also been given to the impact on the living conditions of nearby properties (for example Portash and Common Gate). However, it seems unlikely that the use for equestrian purposes would result in unacceptable harm to these properties’ living conditions, particularly given the ‘fallback’ of agricultural use of the land, and the fact the proposed stable building would be located away from neighbouring dwellings.

## **CONCLUSION**

The proposed stable, hay store and garage building would not harm the character and appearance of the countryside or AONB, highway safety, the amenities of neighbouring properties, or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan.

## **RECOMMENDATIONS**

APPROVE WITH CONDITIONS

REASON FOR APPROVAL

The proposed stable, hay store and garage building would not harm the character and appearance of the countryside or AONB, highway safety, the amenities of neighbouring properties, or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan.

Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason (1) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51(1) of the Planning and Compulsory Purchase Act 2004

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

Reason (2) In the interests of the character and appearance of the open countryside and AONB

- (3) Prior to the commencement of development of the building hereby approved (including demolition) a recessed entrance having a minimum width of 4m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details that shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason (3) in the interests of highway safety

- (4) No development shall take place (including the commencement of the new vehicular access referred to in condition 3 above) until visibility has been provided at the access with nothing over 1m in height above the adjacent carriageway level being planted, erected or maintained in front of a line extending southwards from a point measured 2m back into the centre of the access from the carriageway edge, for a distance of 50 metres measured along the nearest carriageway edge, in accordance with the Wiltshire County Council plan (reference 01) attached to this decision notice. The area shall be maintained in this state in perpetuity.

Reason (4) in the interests of highway safety

- (5) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the local planning authority.

Reason (5) in the interests of highway safety.

- (6) The gradient of the accessway shall not at any point be steeper than 1 in 15 for a distance of 4.5m from its junction with the public highway.

Reason (6) in the interests of highway safety

- (7) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access

and circulation areas; hardsurfacing materials; other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason (7) in the interests of the character and appearance of the area.

- (8) Development shall be undertaken in full accordance with the protected species surveys submitted with replaement dwelling application S/2006/1848, dated 22nd September 2006 (by the Badger Consultancy) and January 2006 (by ID Wildlife). In particular demolition shall not take place between November and March and the removal of scrub and tree cover shall not take place between March and August.

Reason (8) in the interests of protected species

- (9) Prior to the commencement of development, details of the post and rail fencing and of the surfacing material of the parking and turning area shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason (9) In the interests of the character and appearance of the area

- (10) No development shall take place until the applicant has entered into an agreement with the relevant land owner of the land outside the applicant's ownership to ensure that the visibility requirements set out in conditions 4 and 5 can be secured in perpetuity.

Reason (10) : in the interests of highway safety.

- (11) Other than the garage hereby approved, the building shall be used only for equestrian purposes, in association with and ancillary to the dwelling known as Rock Cottage (either as currently built or as replaced), and shall not be used for domestic accommodation, nor for commercial equestrian purposes.

Reason (11): Planning permission has only been granted for the building in accordance with policy R1C of the Adopted Local Plan. Bearing in mind its countryside location, permission would not have been granted for either a domestic building of the size proposed or for a commercial equestrian building. It is also necessary to ensure that the equestrian use is in connection with Rock Cottage, in the interests of that dwelling's amenities.

#### **INFORMATIVE**

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

- C1, C2            Development in the countryside  
C4, C5            Development in the AONB  
R1C Outdoor Recreational Facilities in the countryside

Application Number:	S/2007/1684		
Applicant/ Agent:	THE TRUSTEES OF DINTON RECREATION GROUND		
Location:	DINTON RECREATION GROUND ST. MARYS ROAD DINTON SALISBURY SP3 5HH		
Proposal:	RETROSPECTIVE ERECTION OF SLIDE IN NEW POSITION & CULVERTING DRAINAGE DITCH		
Parish/ Ward	DINTON		
Conservation Area:	DINTON	LB Grade:	
Date Valid:	17 August 2007	Expiry Date	12 October 2007
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

### REASON FOR REPORT

Councillor Parker has requested that this item be determined by Committee due to the interest shown in the application

### SITE AND ITS SURROUNDINGS

Dinton Recreation Ground is situated alongside (to the north of) the B3089 in Dinton, and adjacent to (to the west of) St Mary's Road. The site forms part of the Dinton Conservation Area and is a part of the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

### THE PROPOSAL

The application is in two parts:

Proposed culverting of a drainage ditch to the west of the recreation ground

Retrospective consent for the positioning of a childrens' slide to the east of the site

### PLANNING HISTORY

80/0101	New cricket pavillion.	AC	20.03.80
81/0315	Proposed marley type storage building to house groundsmans equipment and storage for sports equipment.	AC	02.04.81
88/2174	O/I Erection of new village hall	AC	28.06.89
90/0620	Approval of matters reserved – details of proposed village hall.	AC	24.04.91
96/0751	Extension to cricket pavillion to provide additional changing facilities land fill and level hatched area suitable for 2 tennis courts and relocate childrens play area.	AC	03.10.96
01/1011	To renew full permission to extend Extension to cricket pavillion to provide additional changing facilities land fill and level hatched area suitable for 2 tennis courts and relocate childrens play area.	AC	25.07.01
03/1121	To prune the lower limbs of all the trees to a height of six feet from the ground.		
05/0848	Variation of condition 3 and relief of condition 5 to planning permission s/2001/1011	WD	21-06-05

05/1207	Retrospective application for filling and levelling of land without compliance with condition 3 to planning permission S/2001/1011	AC	10.08.05
06/414	Erection of equipment store	AC	15.05.06
06/1471	T1 - fell T2 and T4 pruning north side to remove obstruction of play equipment		
06/1558	Extend pavilion and create car park	R	5-09-06
06/1765	Retrospective equipment store	AC	03.10.06
06/2267	Fell T1 Beech on north side of pavilion	NOBJ	27/11/2006
06\2266	Extend Pavillion	AC	11/12/06

### CONSULTATIONS

SDC Environmental Health – As the proposed culverting has been consented by the Environment Agency I have no observations to make

Conservation officer – No comments

### REPRESENTATIONS

Advertisement	Yes	Expired 20/09/07
Site Notice displayed	Yes	Expired 20/09/07
Departure	No	
Neighbour notification	Yes	Expired 11/09/07

Third Party responses Yes – Three letters, objecting to the proposed culverting of the drainage ditch on the grounds that it may become blocked and cause flooding to nearby properties and objecting to the slide on the grounds that it should be located elsewhere within the recreation ground with other existing play equipment and that the slide results in the overlooking of the rooms of Clematis Cottage.

Parish Council response Yes – Object to the slide on grounds of representing a hazard to road safety/danger to children from traffic on St Mary's Road. No objection to the culverting of the ditch.

### MAIN ISSUES

Impact on the water environment  
Impact on residential amenity  
Impact on Conservation Area  
Impact on AONB

### POLICY CONTEXT

Policies G2 (General Criteria for Development), D3 (Design), G4 (The Water Environment), CN8 (Conservation Areas) & C5 (Landscape Conservation)

### PLANNING CONSIDERATIONS

The application is in two parts:  
Proposed culverting of a drainage ditch to the west of the recreation ground  
Retrospective consent for the positioning of a childrens' slide to the east of the site



In respect of the culverting of the existing open drainage ditch, it is considered that the culverting of an open ditch on a recreation ground would have significant safety benefits in respect of removing the hazard of having an open ditch within close vicinity of an area in which children regularly play.

The proposed operation has been granted consent by the Environment Agency and the Environmental Health drainage consultant has no observations to make. There is no evidence to suggest that the proposed culverting would result in the flooding of adjacent properties.

In respect of the retrospective positioning of the slide, a childrens' slide, by reason of its nature and the brief duration of its use by individual persons under normal circumstances, would not normally be considered to lead to the undue overlooking of neighbouring premises in the same way as (for example) a balcony or raised seating area. It is considered that under normal use the slide would not result in the undue or unreasonable overlooking of any adjacent properties.

The slide is located in an area where there are already unfenced (from the road) swings and a see-saw and, being no closer to the road than these long-term existing items of play equipment, is not considered that a significant danger to users of the slide would result, or that any significant risk from traffic on the adjacent road is evident.

### **RECOMMENDATION**

That the application be approved, subject to standard time limit Condition in respect of the culverting of the drainage ditch.

### **APPROVE WITH CONDITIONS**

#### **REASON FOR APPROVAL**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), G4 (The Water Environment), CN8 (Conservation Areas) & C5 (Landscape Conservation) of the adopted Salisbury District Local Plan.

And subject to the following Conditions:-

- (1) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED) – reason 0007

And in accordance with the following policies of the Adopted Salisbury District Local Plan.

G2 (General Criteria for Development), D3 (Design), G4 (The Water Environment), CN8 (Conservation Areas) & C5 (Landscape Conservation)