

# 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>

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE  
WESTERN AREA 16 OCTOBER 2008

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>Item Page</b>	<b>Application No</b>	<b>Parish/Ward Officer Recommendation Ward Councillors</b>
1	S/2008/1075	MERE
Pages 4 - 9	Charlie Bruce-White	APPROVED WITH CONDITIONS
SV 15:40	MR & MRS WILLIAM GRANT FORDS OAK CAUSEWAY FARM LIMPERS HILL MERE WARMINSTER  ERECT AGRICULTURAL STORAGE BARN AND ASSOCIATED HARD SURFACED YARD	CLLR JEANS CLLR MRS SPENCER
2	S/2008/1346	TEFFONT
Pages 10 - 16	Mr O Marigold	APPROVE SUBJECT TO S106
SV 14:30	MR MICHAEL LYONS KINGS ORCHARD, THE STREET TEFFONT SALISBURY  ERECTION OF NEW FOUR BED DWELLING, ERECTION OF GARAGE AND ASSOCIATED WORKS	CLLR PARKER
3	S/2008/1455	WEST TISBURY
Pages 17 - 21	Charlie Bruce-White	APPROVED WITH CONDITIONS
SV 15:05	MR & MRS ALLSOPP MANOR BARN EAST HATCH TISBURY SALISBURY  CONSTRUCTION OF SWIMMING POOL	CLLR BEATTIE CLLR MRS GREEN

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

No Refusals

# Part 2

## Applications recommended for Approval

1

Application Number:	S/2008/1075		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Location:	FORD OAK FARM LIMPERS HILL MERE WARMINSTER BA126BD		
Proposal:	ERECT AGRICULTURAL STORAGE BARN AND ASSOCIATED HARD SURFACED YARD		
Parish/ Ward	MERE		
Conservation Area:		LB Grade:	
Date Valid:	11 June 2008	Expiry Date	6 August 2008
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

### REASON FOR REPORT TO MEMBERS

Cllr Jeans has requested that the application be determined by the committee due to concerns expressed by Mere Parish Council.

### SITE AND ITS SURROUNDINGS

The site relates to a 7.15 hectare holding, including agriculturally tied farmhouse and fields of pasture, situated within the Limpers Hill area to the south-west of Mere. The site is within the Special Landscape Area.

### THE PROPOSAL

Consent is sought for the erection of a multi purpose agricultural barn and associated area of hardstanding.

A second barn, to be used as a machinery store, originally formed part of the application but has subsequently been withdrawn from the proposal by the applicant.

### PLANNING HISTORY

The following planning history includes details of the larger agricultural unit, before it was subdivided.

75/1070	O/L Erection of new farm house and double garage At Pt OS 460, Limpers Hill	AC	18/02/76
76/0319	Approval of matters reserved - O/L Erection of new farm house and double garage at Pt OS 460, Limpers Hill	AC	05/05/76
81/1118	Change of Use of garage to Farm produce shop at Fords Oak	R	23/11/81
89/0443	O/L Develop land by the erection of an agricultural dwelling	AC	16/05/89
88/1737	Extensions to existing house and erect garage at Fords Oak Farm	AC	19/10/88

90/1611	Approval of reserved matters - agricultural dwelling with garage at Fords Oak Farm	AC	07/12/90
95/0780	Erection of general purpose agricultural building at Fords Oak Farm	AC	13/07/95
98/0009	Erection of building over outside concrete feed area at Fords Oak Farm	AC	03/03/98
04/760	Relief from agricultural occupancy condition in regard to planning permission f/475/1070 granted 05/02/76 at Fords Oak, Causeway Farm	WD	23/06/04
04/1571	New farm access track 4m wide to serve existing farm buildings	WD	31/08/04
04/2414	New farm access track 4m wide to service existing	AC	17/12/04
07/0411	Creation of a Pond (Retrospective)	AC	19/04/07
PN/08/2	Application to determine whether prior approval of Certain details is required for the erection of two barns	R	05/03/08

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes

Third Party responses 1 letter of objection. Reasons include:

Proximity of proposals to neighbouring property and resulting impacts such as noise, smell, pollution, run-off, etc.

Precedent for further buildings and intensification of activities in this location, thus exacerbating impact upon amenities.

Alternative locations are available.

Buildings may be out of scale with the size of the holding

Parish Council response Object. Reasons include:

Too close to the neighbouring bungalow known as The Acorns and will have an adverse impact on their amenities with regard to noise, smell, drainage and pollution.

The land slopes down from the farmhouse at Ford Oak towards The Acorns and adequate drainage has not been shown. Dirty water, whether it be surface water, diesel, oil or slurry, would run towards the bungalow at The Acorns and cause significant pollution problems and environmental health problems.

It is considered that this is against Policy C19 of the adopted Salisbury District Local Plan as these buildings are not sited sensitively and adequate measures have not been taken to prevent pollution and other nuisances.

The Parish Council considers that a site to the west of the farmhouse at Ford Oak would be more appropriate for the siting of the proposed buildings as there are no neighbouring properties to the west.

***NB:*** The above comments relate to the original application details for two barns. The Parish Council and neighbours have since been re-notified by the Local Planning Authority of the amended details involving the omission of one barn. At the time of writing this report no comments have been received on the amended details. Members shall therefore be updated at the meeting if any such comments are subsequently received.

## CONSULTATIONS

- WCC Highways I note that the proposed development will sever the farm track. However, as Causeway Farm has an alternative access and the farm track has no public status, there is no adverse impact on highways safety.
- Environmental Health Given the proximity of the neighbouring residential use to the proposed site of the building I would have significant concerns should livestock be kept in these buildings, especially with regards to noise and odour. Consequently a planning condition is recommended to exclude livestock/animals.

## MAIN ISSUES

1. The acceptability of the proposal given the policies of the Local Plan;
2. Character of the locality and amenity of the street scene;
3. Amenities of the occupiers of adjoining and near by property;
4. Highways considerations.

## POLICY CONTEXT

Local Plan policies G1, G2, C2, C6, C20

PPS7: *Sustainable Development in Rural Areas*

## PLANNING CONSIDERATIONS

### ***Principle of development***

Provisions are made within the Local Plan for development which is essential to meet the needs of agriculture and which maintains environmental quality and countryside character (Policy C2 and C20).

### ***Justification and impact upon visual amenity, including Special Landscape Area***

The holding represents an area of approximately 7 hectares, and was recently bought as a one of four lots of a larger unit at auction by the current applicant. An application for prior approval (PN/08/2) was subsequently made to erect the same two barns as originally proposed within the current application, although it was considered that permitted development rights could not be exercised since no agricultural activities were taking place on the unit at that time and that the barns were not reasonably necessary for the purposes of agriculture.

It is accepted that there is a need for some form of building/s to successfully operate an agricultural enterprise on the land and that some form of agricultural building would seem essential for the long term sustainability of the agriculturally tied dwelling. The scale and extent of buildings proposed must be carefully considered, however, in order that the Local Planning Authority can ascertain whether the development is "essential to meet the needs of agriculture" (Policy C20). Given the importance attached within the Local Plan and Government guidance to protecting the character of the countryside, the Local Planning Authority have a responsibility to ensure that proposed agricultural buildings are suitable for their intended purposes, so as to avoid large buildings in the countryside that could remain unused or which could be re-utilised for less suitable purposes.

The agricultural holding and dwelling have now been tenanted and the current occupants intend to operate their own agricultural enterprise from the farm. It is stated that a herd of 20 to 30 cattle and a flock of 50 sheep would be kept. The applicants have explained why such an enterprise would generate demand for the scale of the building proposed, based upon requirements for the storage of feed for the proposed number of cattle. It is considered that this is a reasonable justification and, furthermore, it is recognised that the design of the barn would facilitate a flexible space which could potentially provide for a variety of agricultural uses on the holding, thereby reducing the likely need for further buildings in the future.

Although of a reasonably large footprint, measuring approximately 23m x 12m, its height would be relatively modest, at approximately 5 metres, and its siting would take advantage of existing landscape features, a hedgerow, to minimise its impact. Additional landscaping is also proposed to the south and east, effectively creating an enclosure around the barn and area of hardsurfacing. Its design would be typical of modern agricultural buildings, and its materials, comprising timber boarding and cement fibre sheeting roof, would provide an appropriate finish.

Consequently, given the agricultural justification and the proposed design and siting of the barn which would limit its landscape impact, it is considered that the barn would be essential for the purposes of agriculture and would not have a significant impact upon the character of the countryside.

### ***Impact upon neighbouring amenity***

It is noted that concern has been expressed by the occupants of the neighbouring dwelling at the Acorns, to the east of the site. Predominantly, this relates to the proximity of the development to their property, and the impact this would have in terms of noise, smell, pollution and run-off. It is noted that the curtilage of the neighbouring dwelling and the application site is separated by pasture land, of between 30 and 50 metres in length. It is considered that such a distance of separation is sufficient so that the bulk of the buildings do not have a significant impact upon this neighbour.

Concerns of the neighbour are more related, however, to the affects of associated activities, such as the movements of vehicles and noise/smell from animals. It is noted that the Council's Environmental Health Officer has raised concern over the use of the building for keeping livestock, with regards to noise and odour. However, given i) the relatively low key nature of the farm activities likely to be generated by the proposed building; ii) the distance of separation between the proposal and the neighbouring residential property; and iii) the fact that the neighbouring dwelling is a farmhouse, in a location where such agricultural activities and smells are to be expected, and even has its own substantial livestock buildings situated a similar distance away; it is not considered that the proposal would have an unreasonable impact upon the living environment of this neighbour.

Furthermore, it is noted that if the current tenants of Ford Oak Farm commenced an agricultural enterprise, they could take advantage of the prior notification procedure to erect the barn, whereby neighbour amenity consideration cannot be considered. Although the prior notification procedure contains a requirement for livestock buildings to be sited at least 400 metres from a "protected dwelling", it is relevant that the neighbouring dwelling at the Acorns is not "protected" due to its agricultural occupancy status.

Regarding concerns of run-off and pollution, the Environment Agency have raised no objection subject to further detail being provided through a planning condition on drainage. Notwithstanding this, there are also controls over pollution which are governed by other legislation outside of the planning system, and the Environment Agency provides further details within a suggested informative.

### ***Highways implications***

The Local Highways Authority have raised no objection on highway safety grounds.

## **CONCLUSION**

The proposed agricultural barn would be acceptable in principle, being essential for the purposes of agriculture and being sited and designed so as not to have a significant impact in landscape terms. There would be no significant adverse impact upon the amenity of neighbours, the water environment or highways safety. The development would therefore accord with the general aims and objectives of the Development Plan and Government guidance.

## **APPROVED WITH CONDITIONS**

### **Reasons for Approval:**

The proposed agricultural barn would be acceptable in principle, being essential for the purposes of agriculture and being sited and designed so as not to have a significant impact in landscape terms. There would be no significant adverse impact upon the amenity of neighbours, the water environment or highways safety. The development would therefore accord with the general aims and objectives of the Development Plan and Government guidance.

### **And subject to the following conditions:**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This development shall be in accordance with the submitted details deposited with the Local Planning Authority on 11/06/08, as amended by the plans received on 19/09/08 (omitting the machinery shed and reducing the extent of hardsurfacing), unless otherwise agreed in writing by the Local Planning Authority.

Materials to be used on the construction of the external surfaces of the barn hereby permitted shall be as specified within the submitted application documentation of 11/06/08, unless otherwise agreed in writing by the Local Planning Authority.

No development shall start on the site until details of the drainage of surface and foul water from the building are submitted to and approved by the Planning Authority. The development shall be implemented in accordance with these details prior to the first use of the barn.

Landscaping shall be carried out in accordance with the submitted planting scheme shown within drawing 08064-1B. All planting comprised in the details of landscaping shall be carried out in the first planting season following the occupation of the barn or the completion of the development, whichever is the sooner; and any trees or hedges which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

### **The reason for the above condition is listed below:**

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.

For the avoidance of doubt.

In the interests of visual amenity.

To protect the water environment.

In the interests of visual amenity.

### **And in accordance with the following policies of the adopted Salisbury District Local Plan:**

Policy G1	Sustainable Development
Policy G2	General Development Guidance
Policy C2	Countryside
Policy C6	Special Landscape Areas
Policy C20	Agricultural development

### **INFORMATIVE:**

The drainage arrangements should ensure that all clean roof and surface water is kept separate from dirty or foul water. Water efficiency measures e.g. rainwater recycling should be



incorporated into this scheme. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of the publication 'Conserving Water in Buildings' is available upon request from the Environment Agency.

The disposal of collected wastes should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water. The facility should also be designed and operated to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991.

Application Number:	S/2008/1346		
Applicant/ Agent:	MR MICHAEL LYONS		
Location:	KINGS ORCHARD THE STREET TEFFONT SALISBURY SP3 5QP		
Proposal:	ERECTION OF NEW FOUR BED DWELLING, ERECTION OF GARAGE AND ASSOCIATED WORKS		
Parish/ Ward	TEFFONT		
Conservation Area:	TEFFONT MAGNA &	LB Grade:	EVIAS
Date Valid:	31 July 2008	Expiry Date	25 September 2008
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Parker has asked that the application be heard at committee on the grounds of the spasmodic development in the village street on various sites

### SITE AND ITS SURROUNDINGS

The site consists of what appears to be existing garden serving a dwelling at Kings Orchard in Teffont. The site lies within the Teffont Conservation Area and the proposed dwelling itself is within Teffont's Housing Restraint Area. The whole of Teffont, including the application site, is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site is elevated above the valley road and is located behind and above Reads Close. The existing two storey dwelling at Kings Orchard has rendered walls and a clay tile roof, with an assortment of painted timber and metal windows.

### THE PROPOSAL

The application proposes the erection of a new, four bedroom dwelling, to the west of the existing property. The dwelling would be sited at a lower level to the existing dwelling, so that its ridge would be level with the eaves of the existing dwelling. This reflects existing ground levels where the site of the new dwelling is some three metres lower than the site of the existing property. When viewed from the front (ie the north), the new dwelling would be set back behind the current property.

Access would be achieved using the current access off the main village road. This access also serves Kings Orchard and, at its lower point, dwellings at Hillside Cottages.

This applicants have now confirmed that dwelling would be constructed of stone (rather than the flint and stone initially proposed), together with render and brickwork. The roof would be made of plain clay tiles while windows and doors would be painted timber.

### PLANNING HISTORY

There have been no planning applications on the site in recent years.

### CONSULTATIONS

Conservation                      The site is on the steeply-banked site above the road, and set between Reads Close and King's Orchard. It is well-screened from general views and within the conservation area.

I have no objection to the proposed new dwelling. If minded to approve I would suggest that conditions be applied to require:

- Samples of stone and tiles;
- A sample panel of the Chilmark stone walling to be constructed on site showing the method of construction, and the colour and type of joints;
- Details of the windows to at least 1:5 scale;
- Details of the eaves (I would suggest that the eaves should be flush with fascia rather than the open rafter eaves that appear to be shown, as this would be more in keeping with the character of the conservation area;
- Large scale details of the dormers;
- Details of the canopy over the front door.

Highway Authority      Confirm that their initial objection (in relation to inadequate visibility) has been withdrawn. The visibility splays required are within the highway and therefore the vegetation which encroaches on this splay is to be cleared routinely by the landowner to prevent obstruction of the footway.

The Highway Authority are happy that the area of shared private drive which will serve more than 5 dwellings is not sufficient to cause problems as a result of the proposed dwelling. They understand the driveway not included in the red line is to be subject to an agreement with those who currently have access over it allowing vehicular access to the application site.

Arboriculturalist      No objection to this application

Environmental Health    No observations to make in connection with this application

Fire and Rescue Authority      Make comments relevant to the Building Regulations

## REPRESENTATIONS

Advertisement	Yes – expired 04/09/08
Site Notice displayed	Yes – expired 04/09/08
Departure	No
Neighbour notification	Yes – expired 22/08/08
Third Party responses	Yes – 3 letters raising the following comments (summarised):

- The stone used in the proposed building should be local Chilmark stone;
- A dwelling on the piece of land, which is lower than Kings Orchard, would introduce another level of building up the hillside;
- When viewed in the context of the new buildings at Reads Close, the proposal there will be a zig-zag terraced effect up to and including Kings Orchard itself. The building line in Teffont is typically linear;
- At present the site is hidden by trees but for a major part of the year this will not be the case. The lack of trees along the roadside boundary will make it visible from the main street between the southern end of Reads Close and Corrindale;
- The application at Reads Close (S/2002/2430) included a third house just below the level of the proposed house at Kings Orchard and this was refused because the siting was considered to be *'rising up the hillside and too dominant in the street scene which is typified by dwellings and other buildings generally located at road level'*. It is therefore contrary to policies CN8, CN11 and would not preserve or enhance the character or appearance of the Conservation Area;
- Concern at the precedent effect of building on this part of the hillside at skyline – the fields both to the south of Kings Orchard and north of Hillside Cottages (at the same level) would be vulnerable;
- Concern at loss of trees. Loss of trees at Reads Close was greater than envisaged and it is regrettable that the village could lose another 9 mature deciduous trees, without apparent good reason, especially the Paulownia or 'Foxglove' tree;
- Stone and flint, though attractive, are not typical of Teffont's vernacular;

- The garage is to be timber board yet the use of black stained board on the Reads Close replacement building caused distress in the village. A black or ginger stain on the board would not sit comfortably in the landscape;
- Concern at use of gravel driveway on such high ground – it could wash down the main drive onto the highway in extreme weather conditions;
- There will be loss of privacy to Kings Orchard and vice versa;
- The roof tiles are indicated as ‘plain clay tiles’ and if allowed the roof will be clearly visible in the winter. Hand made clay tiles in muted tones should be specified giving immediate texture and character to a roof, making it less visually intrusive;
- Local residents subjected to further inconvenience, noise etc resulting from building works, particularly going up and down the narrow single track drive;
- The style of the house itself has little to commend it (although a ground source heat pump is proposed).

Teffont Parish Council Yes – No objections subject to conditions relating to surface water drainage to soakaways being sufficient and that all aspects regarding the shared access from the B3089 and neighbouring properties are taken into account.

## MAIN ISSUES

Principle and impact on the character and appearance of the Conservation Area, HRA, AONB  
 Impact on neighbouring properties  
 Impact on highway safety  
 Other factors

## POLICY CONTEXT

C4, C5	Development in the AONB
CN8, CN10	Development in Conservation Areas
H19	Development in Housing Restraint Areas
G1, G2	General Development Criteria

## PLANNING CONSIDERATIONS

### ***Principle and impact on the character and appearance of the Conservation Area, HRA, AONB***

The starting point for considering the proposal is the Adopted Local Plan’s saved policies. The site is subdivided by the Housing Restraint Area boundary. The dwelling (with the exception of part of the terrace) lies within the part of the land within the HRA boundary. Part of the terrace, and the garden, lies beyond the boundary and therefore in the open countryside.

However, the land outside of the HRA boundary is already used as domestic garden and, together with the available permitted development rights, the change to this area of land would be no worse than takes place at present or could take place without requiring planning permission. It is therefore considered that the proposal would not be unacceptable in principle, subject to compliance with the HRA policy.

The site of the proposed dwelling is within the Housing Restraint Area, and therefore policy H19 applies. This says that:

*“Within the Housing Restraint Areas defined on the Proposals Map [including Teffont], residential development, comprising the extension of an existing dwelling, the conversion of a single dwelling to form two or more units, or the erection of a new dwelling, will be acceptable only if the following criteria are met:*

*(i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area;*

*(ii) there is no loss of an important open space which contributes to the special character of the area;*

*(iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and*

*(iv) the development will be in keeping with the character of the neighbouring properties.*

The proposed dwelling should be judged against these criteria, and those of policies CN8 and CN10 in relation to the impact on the Conservation Area.

In assessing whether development would have an adverse impact on the character of the settlements, consideration has been given to whether the site constitutes an 'important open space' that policy CN10 or criteria (ii) of policy H19 seeks to protect.

The Housing Restraint Area policy seeks to retain the open parts of the village that give it a spacious appearance, that allow the countryside to 'enter into' the village and that help to give it a 'loose knit' feel. Deciding whether a site constitutes an important open space requires a judgment about the importance of a particular site in public views, the site's degree of openness, and its current use and appearance.

This site is not one where openness is obvious and apparent to the casual observer from the main road. The elevated position of the site, above the road, and its screening by mature trees, means that the importance of the site in terms of openness is not considered to be such that permission could be refused on grounds of conflict with H19 (ii) or CN10.

Furthermore, its current use appears to be residential curtilage (with 'permitted development' rights for certain development), rather than agricultural or as an orchard for example, and it is believed that at one time there was a tennis court on the site.

Comment has been made about other sites in the village, such as the 'paddock' site (to the north west of this site), which the Authority has consistently viewed as an important open space, and where it has successfully defended this view at appeal.

Conversely, the Authority considered that site at Reads Close not to be an important open space, and permitted residential development. Meanwhile at Holt View (further south) the Authority refused permission on the grounds (amongst others) of loss of an important open space but at appeal the Inspector considered that development of site would not adversely harm the character of the area and allowed the appeal. The decision about what constitutes an important space clearly depends on the characteristics of each individual site and each case should be dealt with on its own merits.

Consideration has also been given to the concern that development would result in a 'terracing' of development up the hillside despite the fact that Teffont is a village where development traditionally runs along the valley floor. However, the fact remains that there is already development higher up the slope than the proposed site, including at Kings Orchard (immediately to the east) and at Hillside Cottages.

These now form part of the established pattern of development and, while the concern about terracing is appreciated, in this case a refusal for that reason would be difficult to defend. A distinction can be drawn between this site and Reads Close below (where permission was refused because of development higher up the slope) in that the development proposed there would have been more visible because of its lower position.

In terms of criteria (iii) of policy H19, the trees proposed for removal are largely confined to smaller trees located at the rear of the site, rather than trees that would screen the development from the road. The Council's arboriculturalist has not objected to their removal and the loss of trees, hedges and walls has been kept to a minimum.

An assessment has also been made of the design of the dwelling, and whether this would be in keeping with neighbouring properties (criteria (iv) of H19). It is noted that the applicant now proposes materials (stone, clay tiles, timber windows and doors) that would reflect those used elsewhere in Teffont.

Kings Orchard is not typical of the general design of dwellings in the village. While the proposed new dwelling would be relatively large, it is considered that the proposal would both reflect traditional vernacular, while not appearing out of place when viewed with Kings Orchard.

The dwelling has been designed to have its narrowest end to the west, with the bulkier end closer to Kings Orchard, in order to minimise its landscape impact. It is considered that the design is acceptable, and it is noted that the Conservation Officer considers that proposal would not adversely affect the Conservation Area. The Conservation Officer has expressed some concern about the use of open-rafter eaves and the applicant is intending to show that this is a feature that reflects other properties in the area. This is a matter, however, that can be left to consideration through a planning condition.

Consideration has also been given to the design and position of the garage. The building would be relatively large, at 5.4m high, and includes a first floor. It would be constructed of timber boarding with roof tiles to match the dwelling, and it would be positioned at the north east corner of the site. The building would not appear out of place and has an acceptable design and appearance.

Overall, it is considered that the criteria of policy H19 and the other relevant policies have been met, and that the proposal would not adversely harm the character of the settlement, Conservation Area or AONB.

### ***Impact on neighbouring properties***

Consideration has been given to the potential impact on neighbouring properties, including King's Orchard itself.

The proposed dwelling would have its primary windows facing north and south. The nearest neighbouring dwellings are Hillside Cottages to the north east and Reads Close, Corindale and The Birches to the south and south/west. It is considered that the proposal would not result in any unacceptable overlooking of these properties, or result in undue dominance that would affect their available light or amenities. Although there would be some habitable room-serving windows facing west towards Reads Close, the distances involved, together with the difference in levels and intervening screening mean that there would be no harmful overlooking into this site.

In relation to King's Orchard, there would be three windows in the proposed dwelling facing towards the existing property, but all would serve bathroom/en-suite facilities and so could be obscure-glazed through a planning condition. It is also considered that a condition should be imposed preventing the subsequent insertion of windows on the elevation, to prevent unacceptable overlooking into King's Orchard.

Regard has been given to the concerns expressed about noise and disturbance to other properties during construction. However the Council's Environmental Health officers have not objected or recommended conditions and any unacceptable noise and disturbance is controllable through separate environmental health legislation.

Overall, it is considered that the proposal would not result in unacceptable harm to the living conditions of nearby properties.

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

The Highway Authority initially objected to the application because they considered that the visibility at the junction with the main road was insufficient and that, as a result, the additional traffic generated by a new dwelling would be prejudicial to highway safety.

However, subsequent discussions with the applicant have satisfied the Highway Authority that the vegetation that obstructs visibility is within highway land, and that it will be removed routinely by the landowner. Although the access is outside of the 'red line' of the application site, a Grampian condition can be imposed securing a scheme of vegetation removal and subsequent maintenance. The Highway Authority have withdrawn their objection and therefore to refuse permission on the grounds of highway safety would be difficult to defend at appeal.

### **Other factors**

In accordance with policy R2, the applicant will need to enter into a legal agreement in order to make provision for public recreational open space. This will need to be secured before the decision notice is issued. With regard to surface water drainage, the Council's Environmental Health officers have raised no objection to the proposed use of soakaways.

### **RECOMMENDATION**

It is recommended that planning permission is granted, subject to the applicant entering into a legal agreement under s106 of the Town and Country Planning Act 1990 to provide a financial contribution towards public recreational open space and subject to conditions.

### **HUMAN RIGHTS**

- 1. State the right(s)**  
Article 6 – The Right to a Fair Hearing  
Article 8 – The Right to Respect for private and family Life  
Article 1, Protocol 1 – Protection of Property
- 2. Give details of the victims and how their rights are affected – consider third parties as well as the person affected directly by the decision.**  
Applicants - the right to extend their property  
Neighbouring residents - the right not to be detrimentally affected  
General Public - the right not to be detrimentally affected
- 3. Give details of how the right is qualified and the interference is legitimate**  
Article 8 and Article 1, Protocol 1 is qualified.  
Article 6 is absolute.  
Interference is legitimate in that is necessary in the public interest for the protection of the rights and freedoms of others and/or for protection of the environment
- 4. Give details of the laws with which the decision is in accordance.**  
Town & Country Planning Act 1990
- 5. Details of the legitimate aim being pursued**  
Aim – To control development in accordance with the Development Plan and National Policies contained in the accompanying report.
- 6. Give details of how the decision is proportionate and the relevant and sufficient reasons for it.**  
The balance of the considerations is such that the applicants' property rights outweigh any interference which there may be with the rights of neighbours and the general public – for the reasons set out in the report.
- 7. Give the reasons why there is no discrimination.**  
If there is discrimination give details. It has been dealt with no differently from any other planning application and the decision is in accordance with the Development Plan and National Policy Guidance.

### **APPROVE SUBJECT TO S106**

Reason for Approval:

The proposed dwelling would be acceptable in principle and would not harm the character and appearance of the Conservation Area, Housing Restraint Area or Area of Outstanding Natural Beauty. It would not result in harm to highway safety, the living conditions of neighbouring properties or any other material planning consideration. It would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

Subject to the applicant entering into a legal agreement under s106 of the Town and Country Planning Act 1990 to provide a financial contribution towards public recreational open space.

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) Prior to the commencement of development, the following details shall be submitted to and approved, in writing, by the Local Planning Authority:

- (a) samples of the stone and tiles to be used in the development;
  - (b) details of the windows to at least 1:5 scale;
  - (c) details of the eaves;
  - (d) details (at a scale of 1:5 or 1:10) of the dormers;
  - (e) details of the canopy over the front door;
  - (f) the finish/staining of the weatherboarding
- Development shall be undertaken in accordance with the details thereby approved.

Reason (2): in the interests of the character and appearance of the Conservation Area

(3) Prior to the commencement of development, a sample panel of the Chilmark stone walling shall be constructed on site, showing the method of construction, and the colour and type of joints, for the written approval of the Local Planning Authority. Development shall be undertaken in accordance with the approved sample panel.

Reason (3): in the interests of the character and appearance of the Conservation Area

(4) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason (4): in the interests of the character and appearance of the Conservation Area and the Area of Outstanding Natural Beauty.

(5) Other than those windows hereby approved, no additional windows shall be inserted or created in the east elevation of the dwelling hereby approved without the prior written consent, through a planning application, of the Local Planning Authority. Those windows hereby approved shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason (5): in the interests of the amenities of Kings Orchard

(6) No development shall take place until a scheme for the removal of vegetation at the junction of the access with the highway (including subsequent maintenance) has been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme.

Reason (6): in the interests of highway safety

This decision has been taken in accordance with the following saved policies of the Adopted Salisbury District Local Plan:

C4, C5	Development in the AONB
CN8, CN10	Development in Conservation Areas
H19	Development in Housing Restraint Areas
G1, G2	General Development Criteria



Application Number:	S/2008/1455		
Applicant/ Agent:	CLASSIC ARCHITECTURE COMPANY		
Location:	MANOR BARN EAST HATCH TISBURY SALISBURY SP3 6PH		
Proposal:	CONSTRUCTION OF SWIMMING POOL		
Parish/ Ward	WEST TISBURY		
Conservation Area:	TISBURY	LB Grade:	II
Date Valid:	18 August 2008	Expiry Date	13 October 2008
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

### REASON FOR REPORT TO MEMBERS

Cllr Green has requested that the application be determined by the Western Area Committee, in order for members to consider concerns of the Parish Council over the impact of the development in landscape and listed building terms.

### SITE AND ITS SURROUNDINGS

The site relates to a former agricultural barn and its curtilage, recently converted to a residential dwelling, situated in East Hatch, a hamlet of a dozen or so dwellings, to the west of Tisbury. The barn is listed, by virtue of its curtilage association with a grade II listed farmhouse known as East Hatch Farmhouse. The site is within the countryside and AONB.

### THE PROPOSAL

It is proposed to create a swimming pool.

### PLANNING HISTORY

A selected summary of the most recent and relevant applications is recorded as follows:

03/1056	Conversion of an historic stone barn (curtilage listed building) to a single horse/workshop/office and access	A/C	12.11.03
06/0634	Proposed change Of use and conversion of barn to a live/work Unit. Development to include alterations and extension to the Barn, retrospective permission for demolition of adjacent farm Buildings and erection of new garage/office building	AC	21.07.06
08/0309	Pool house, swimming pool, tennis court, external works, Landscaping and retaining walls	W/D	04.04.08
08/0310	Pool house, swimming pool, tennis court, external works Landscaping and retaining walls	W/D	04.04.08
08/0853	Pool house, swimming pool, boundary and retaining walls and landscaping	W/D	14.07.08
08/0854	Pool house, swimming pool, boundary and retaining walls and landscaping	W/D	14.07.08

It is noted that the current proposal follows two previously withdrawn planning applications which also involved the creation of a swimming pool. The current application differs in that only a swimming pool is proposed (with no tennis court or pool house) and that the proposed location of the swimming pool has been re-sited from the side (north-west) to the rear (south-west) of the barn.

## REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes

Third Party responses

4 letters of objection/concern. Reasons include:

- Out of keeping with rural character;
- Impact on neighbours due to noise generated by the use of the swimming pool and associated pump house;
- Approval would set a precedent for other swimming pools in the area;
- Environmental implications of swimming pool;
- Would set an undesirable precedent for further swimming pools in the locality;
- Landscaping should be undertaken prior to any works commencing.

Parish Council response

Object. Reasons include:

- Out of keeping with rural character and AONB;
- Overdevelopment will lead to the incremental erosion of the barn's original character;
- Detrimental impact upon listed building;
- Impact of neighbours due to noises generated by the use of the swimming pool;
- Environmental implications of swimming pool;
- Should approval be granted, landscaping should be implemented in order to mitigate against visual impact and additional noise.

## CONSULTATIONS

Conservation Officer

The concerns I raised with the previous scheme (applications S/08/0853 and S/08/0854) have appear to have been addressed. The pool building has been omitted. The pool plant is to be submerged underground. The swimming pool is to be kept close to the building, and in line with the rear projecting wing. The pool will be relatively modest in scale and design. I have no objections subject to samples of materials.

## MAIN ISSUES

1. The acceptability of the proposal given national and local planning guidance;
2. Character of the locality and amenity of the street scene;
3. Impact upon listed building
4. Amenities of the occupiers of adjoining and near by property;

## POLICY CONTEXT

- PPS7: *Sustainable Development in Rural Areas*; PPG15: *Planning & the Historic Environment*
- Local Plan policies G1, G2, CN3, CN5, C4, C5, R1C

## **PLANNING CONSIDERATIONS**

### ***Principle of development***

*PPG15 and Local Plan policy CN5 state that Local Planning Authorities should have special regard to the desirability of preserving the setting and special interests of listed buildings.*

*PPS7 and Local Plan policies C4 and C5 state that Local Planning Authorities should have the highest regard to preserving the character and appearance of the AONB landscape.*

### ***Impact upon the character and setting of the listed building, and character and appearance of AONB***

One of the main special interests of the listed barn is considered to be its agricultural character, which obviously relates to the original function of the building and surrounding land. An important feature of the barn's setting is considered to be the open and minimal nature of the curtilage, reflecting the former yard, and the manner in which the surrounding countryside flows up to the curtilage with limited definition. It is therefore important to consider whether the siting and appearance of the swimming pool would significantly affect these special interests and features of the barn.

The swimming pool would be sited immediately to the rear (south west) of the original part of the barn. It is noted that this would be beneficial in terms of retaining the open nature of the remainder of the curtilage, although it would be very closely related to the rear elevation of the barn itself. However, it is considered that the pool has been designed in a sensitive manner in relation to the barn, and that the rear of the barn is less sensitive to alterations than other elevations, due to its more domestic appearance, particularly in relation to the extended wing. Paving around the pool would be minimised due to its proximity to the existing paved terrace, and would be natural stone to reflect the colour of the local stone of the barn. Materials to be used on the walls of the pool would have a slate colour finish, giving the pool a more dark, natural colour than the typical bright blue of many swimming pools, which is considered to be more appropriate to the barn's rural setting. The pool would be set into the slope of the site in a discrete manner, so that it would be more or less flush with the garden but slightly lower (by approximately 900mm) than the existing paved terrace. The Conservation Officer raises no objection to the proposal in listed building terms, subject to a condition regarding materials.

In terms of wider landscape views of the pool, due to its flush setting into the curtilage, it is only likely that public views would be available from the fork in the road that lies approximately 120 metres to the north-west of the site. However, it is considered that the pool's design and close proximity to the barn would not result in the creation of an incongruous feature within the AONB. Furthermore, it is noted that the plans indicate a native species hedge to be planted along the northern boundaries of the site, which could obscure views altogether from this vantage point.

Consequently, it is considered that the proposal would be acceptable in listed building and landscape terms, subject to planning conditions to: i) agree the precise colour and finish of materials; ii) secure the planting of the native species hedge to the northern boundaries of the site; and iii) prevent the swimming pool being lit at night.

### ***Impact upon neighbouring amenity***

The Parish Council and several residents have raised concerns over the potential disturbance that may result from the use and functioning of the swimming pool. However, given the distance that the pool is situated away from neighbours, the relatively low intensity use of a private swimming pool, the existing use of the land as domestic curtilage and indeed its historical use as working farmyard, it is not considered that disturbance generated by the pool would be significant enough to justify refusing the application.

### ***Other matters***

It is noted that there have been third party concerns over the precedent that could be set by approving this application. However, it is a principle of planning that each application is judged

on its own individual merits, bearing in mind the details and context of the proposal. It is also noted that many swimming pools do not require planning permission.

The issue of environmental impact has also been raised by the Parish Council and third parties. With regards to pollution and water use, it is noted that there are controls outside of the planning system which govern the operation of swimming pools.

### **Conclusion**

The proposal would be acceptable in listed building and landscape terms, subject to conditions, and would not have a significant impact upon the amenity of neighbouring dwellings. The development would therefore accord with the aims and objectives of the Development Plan.

### **REASONS FOR APPROVAL:**

The proposal would be acceptable in listed building and landscape terms, subject to conditions, and would not have a significant impact upon the amenity of neighbouring dwellings. The development would therefore accord with the aims and objectives of the Development 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.
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 terrace paving, coping stones and swimming pool walls shall be submitted to and approved in writing by the Local Planning Authority. The swimming pool shall be maintained in this condition thereafter unless otherwise agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. Any trees or planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall be implemented in the first planting season following the completion of the swimming pool.
4. There shall be no lighting of the swimming pool hereby permitted unless otherwise agreed with the Local Planning Authority through the submission of a planning application.

### **The reason for the above conditions are listed below:**

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. To secure a harmonious form of development.
3. In the interests of the character of the countryside and AONB.
4. In the interests of the character of the countryside and AONB.

### **And in accordance with the following saved policies of the adopted Salisbury District Local Plan:**

Policy G1	Sustainable development
Policy G2	General Development Guidance
Policy CN3	Listed buildings
Policy CN5	Setting of listed buildings
Policy C4	Area of Outstanding Natural Beauty

Policy C5      Area of Outstanding Natural Beauty  
Policy R1C     Recreational facilities in the countryside