

AGENDA SUPPLEMENT (3)

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 8 March 2018
Time: 3.00 pm

The Agenda for the above meeting was published on Tuesday 27 February 2018. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6 **Path No. 83 Diversion Order and Definitive Map and Statement Modification Order 2017 - Tisbury (Pages 3 - 6)**

8b **17/06709/FUL - Corrindale, The Street, Teffont Magna, SP3 5QP (Pages 7 - 18)**

DATE OF PUBLICATION: 7/3/18

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Ms Sally Madgwick
Rights of Way Officer
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

Date: 06 March 2018

Our ref: MW

Your ref: SM/TISB83

By email only

Dear Ms Madgwick

**Wiltshire Council Southern Area Planning Committee 8 March 2018
Highways Act 1980 Section 119
The Wiltshire Council Parish of Tisbury Path No 83 Diversion Order and Definitive Map
Modification Order 2017**

I have reviewed your published Committee Report with my clients ahead of the Committee Meeting on 8 March. As the Council's policy is not to provide a draft in advance of publication for comment and corrections to be made, the applicants have had no opportunity to ensure that matters are stated accurately before Members read the report. As you have moved from a position of support for the making of the Order to one of opposing the continuation of the process, this is of particular concern.

My clients believe that the report does not address the statutory tests fairly or equitably. Section 119 makes it clear that an Order may be made and ultimately confirmed if it is expedient in the interests of the occupier of land. The interests of the School as occupier are clearly of far greater weight than the interests of the owner of the School's land who owes no direct duty to the primary school pupils. The balance between this interest and any impact on public enjoyment is also a compelling reason for the ultimate confirmation of the Order. It is plainly expedient under both Section 119(1) and 119(6) Highways Act 1980. My clients will be taking further advice regarding a legal challenge if necessary, based upon your interpretation of the legislation and the appropriate weight to be afforded to the evidence as dealt with in your report which is at the heart of this.

As you know, the School has recently provided a letter confirming their support and identifying that they do have real safeguarding issues. Even without this letter, we cannot conceive of a situation of a public right of way passing through a school playground which

would not be of serious concern to a school, and this was evidenced by the letters and emails from parents, neighbours and governors.

It is almost beyond belief that the owners of the land would not wish to lend their support to ensuring the safety of the school children. It cannot be expedient in their interests as owners to permit the current position to continue when a solution has been offered by my clients. The School could not resolve the safeguarding issue at the time a diversion of the footpath was secured for the development of buildings (in agreement with the Chapel Trust) because as you are aware, diversions under the Town and Country Planning Act 1990 are to enable development to take place, and cannot address wider issues associated with the established planning use for the land. This is the first opportunity presented to the School to resolve the impact of a public right of way through their playground field and passing close by school classrooms.

For the record, the School advised my clients in May 2016 that the Chapel Trust had been advised of the intended application for a diversion and we had proceeded on the basis that they would share the interests of the School.

The section of the diversion through the School does not directly benefit my clients and taking the path out of the grounds of the School and onto their land is, to some extent, to my clients' disadvantage as it would affect their ability to manage their field in the future.

However, it did appear to my clients that the diversion out of the grounds of the School was the right thing to do in conjunction with a diversion of the path away from their house to a route which was less intrusive. The alignment of the diversion was accepted by the Council after the site meeting between Nick Cowen and Mike Walker. That followed the initial consultation with local people from which you were already aware of potential objections, yet you proceeded nonetheless.

Your reference to the footpath being fenced from the field at the time of a site visit is noted but it was only done so by the owners of St Anne's Cottage and Old Bridzor to whom my clients had loaned their field for grazing, as members of the public had repeatedly left the gate open allowing the livestock to escape. It is regrettable that before reaching a substantive view on the importance of this in the report, that my clients were not asked for their comments, or how they would intend managing the field after the diversion of the footpath.

My clients have become aware of a significant degree of local lobbying against the proposal and are sceptical about the motives of those involved. Although you have noted that it is not a relevant consideration, some of this lobbying has been promulgated on the basis that my clients, as recent arrivals into the village, should not be permitted to alter anything.

My clients wholly reject the implied criticism in the report of the supporting correspondence from parents who have responded in identical terms, especially as this support had been generated by the activity of a concerned parent rather than from canvassing by my clients. Ultimately there is not much a parent can add to the proposition that removing the path from the School would be beneficial to the safety of their child. Others have highlighted the

additional benefits for example by improving the accessibility of the path for mobility impaired children. This material has been dismissed and given little if any weight.

The School had doubtless assumed that since you had made the order there would be no need to mount a campaign to rival the 30 objections, as the natural process would follow based on the fairness of the case, rather than it favouring he who shouts loudest.

Whilst they would still wish to pursue this diversion, my clients feel it is probable that the Committee will act on your advice and accept your recommendation as you are providing them with professional advice even though they consider it to be entirely unbalanced, and therefore see no purpose in attending the Committee meeting or in being represented. Within a three-minute time slot it is simply impossible to convey in detail the relevant issues to rebut the matters in your report. However, they have asked me to point out that they reserve all their rights in this matter and expect the Committee to proceed properly, balancing all of the relevant issues.

We will be informing the representatives of the Governors of the School, and it will be a matter for them to determine whether they wish to take any further steps themselves to address the impact of the path.

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DIRECTOR

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Planning application 17/06709/FUL Construction of a new house and vehicular access

I believe that it is very important for the committee to understand the lack of support for this proposal.

Teffont is a beautiful small village within a Conservation area and part of the Cranborne Chase and West Wiltshire Downs area of outstanding natural beauty. The Teffont Village Design Statement was adopted by Salisbury City council in 2015.

- This is an overly tall building squeezed into one of the last remaining green gaps on the street.
- The Teffont Village Design Statement insists on sensitive scale and proportions to not overwhelm neighbouring dwellings; enclosure by natural boundaries and building heights limited to single or two storeys - the proposed building has four levels!
- It does not meet housing needs as referenced by the AONB and the conservation officer.
- Teffont Parish council have been elected to represent the views of the village and have objected twice to this proposal.
- A previous application was refused. This is just a piecemeal version of the same thing with fewer trees.
- Despite minor adjustments this proposal still sits forward of neighbouring houses obscuring Reads cottage from view in the street scene.
- Wiltshire Core Strategy (Core policy 2) states “Teffont is identified as a small village and is therefore considered to be open countryside where there is a general presumption against development.”
- Core Policy 2 also states that “at small villages such as Teffont, development will be limited to infill within the existing built area where it seeks to meet the housing needs provided that the development: 1) Respects the existing character and form of the settlement. 3) Does not consolidate an existing sporadic loose knit area of development related to the settlement.” This application fails to meet either of these criteria.
- The NPPF states that “Development should respond to local character and history... make a positive contribution to their setting.”

What greatly concerns me is that the VDS, AONB, Conservation officer, Parish Council and local residents have largely been disregarded. There is no support for this application within Teffont other than the applicant and her immediate family.

I do appreciate that there is an enormous pressure on planning officers to approve new housing applications. I am not insisting that there should be no development in Teffont but what is permitted should fit in harmoniously with the conservation area in terms of scale so that they do not overwhelm the old houses in the village. Overly Large houses are continuing to be built on smaller and smaller plots in Teffont as it has proven to be very lucrative in the second homes market. There are more and more houses that are occupied only part time. Right now, there are at least four houses stood completely empty even of furniture. I have counted at least 15 new builds since 2000 and there are always several on the market at any one time. If this particular trend continues there will be nothing left of the conservation area to conserve.

Comments from the AONB Partnership include:

- It should be recognised that ‘presumption in favour of sustainable development’ does not automatically apply within AONBs.
- Local government (including planning authorities), individual councillors and holders of public office have a statutory duty to have regard to purposes of AONB designation, namely conserving and enhancing natural beauty.
- This proposal appears to be a single property being squeezed in between existing properties. As you know, the AONB Management plan identifies affordable housing as a primary need within the AONB. There is no indication that the current proposal would fall into that category.
- It appears that the architect has not taken account of AONB guidance.

Relevant comments from the Conservation officer include:

- I expressed concerns at preapp about the scale and design of this proposed new dwelling. A previous refusal (S/2002/2436) is relevant, as of course is the VDS, and we should be mindful that the CA is not one of continuous built form, there are several green or treed gaps, of which this is one, that contribute to its rural character
- There is a level of concern at the loss of the undeveloped treed section from the street scene, and the coalescence of the eastern side of the village. This is certainly reasonable in CA terms and could be defended if necessary.
- Perhaps the strangest element of the design is the integral car port, as this pushes the ‘ground’ floor upward and creates internal level changes.
- The integral garage forces the building to be wider and taller than otherwise necessary.
- There would be no public benefit outweighing the harm (NPPF 134)

Planning history

A previous refused scheme (S/2002/2436) was for demolition of Reads Close (now Reads Cottage) and redevelopment with 3 dwellings on the site along with outbuildings. That application was refused for the following reason:

‘The proposed development by reason of its number, massing and scale of dwellings would adversely impact upon the character of the conservation area and housing restraint area.

Extract of street scene elevation of refused scheme positioned for a correct comparison with the new scheme below.



Note how if the new scheme were to go ahead it would fulfil the applicant's original intention of having three houses on the same piece of land. Only this time there would be fewer green open spaces and trees.

Despite this the planning officer has the view that:

"It is not considered that this automatically means the current scheme should be refused, as can be seen from the extract taken from the street scene elevation of the refused scheme; the issue was the overall number, massing and scale of dwellings proposed."

For further comparison: a view of the layout of both schemes



Another attempt was made to demolish Reads Close by the applicant (s/2003/0084). This too was refused as **Reads Close was "considered to represent a positive contribution to the appearance and character of the Teffont Conservation Area." And was an "important element of the Teffont street scene and Conservation Area"**

Reads Cottage (originally Reads Close) has stood on this site for about 200 years and was considered one of the historically important buildings in Teffont Magna. The house is the birth place, home and work place of the painter Harry Fidler and his brother Gideon, who were born here in the mid-19th century. Harry Fidler is now internationally renowned for his impressionistic paintings depicting village and farm life. Many of his paintings included local characters who lived in Teffont at the time. Both Harry and Gideon exhibited at many prestigious institutions including the Royal Academy. Their sisters Fanny and Lucy were also celebrated painters. Gideon and Lucy are buried in the garden of Reads Close (now part of Corrindale, the graves are expected to remain in the garden of the new building). They had no descendants and the house was left to the applicant's family.

In conclusion

The VDS, AONB, Conservation officer, Parish Council and local residents have largely been ignored.

I understand that there is an enormous pressure on planning officers to approve new housing applications and the NPPF promotes a presumption in favour of sustainable development. This presumption does not automatically apply within the AONB however and the greater emphasis must be to conserve and enhance the outstanding natural beauty.

The AONB identifies affordable housing as a primary need but this proposal does not fall into this category. (a 3 bed. architect designed house in Teffont would be in excess of £400,000). There are already many second homes in the village, at least four houses stood completely empty at the moment and four up for sale.

The report states that there are 13 letters of support for this application and 14 objecting. This gives a very misleading picture. All the support letters come from those living in the applicant's house or close family members & friends, none of whom live anywhere near the proposed house and most not even in the village. Those objecting have a genuine stake as residents of the village and most are immediate neighbours who will have to live with the results of this decision.

The house is proposed to be significantly forward of neighbouring houses obliterating Reads Cottage from view as one travels northwards up the street.

It is unfairly positioned closer to Reads Cottage than the applicants house blocking much of the sunlight to the southern side which is at its most critical during the winter months.

It has four levels: an under-croft; a living space, a bedroom level and an enormously tall attic space. This makes it significantly taller than Reads Cottage exacerbating the overshadowing.

This is the last opportunity to revisit the design of this proposal. If approved, it will change our historic street scene forever. If refused, the applicant could propose a shorter building that would sit better within its space, be less dominating of the street scene, be more considerate to neighbouring properties and still bring the desired profit that the applicant is aiming for when it is sold as a building plot along with Corrindale.

Thank you for your consideration,

Rowena Taylor

Reads Cottage, Teffont

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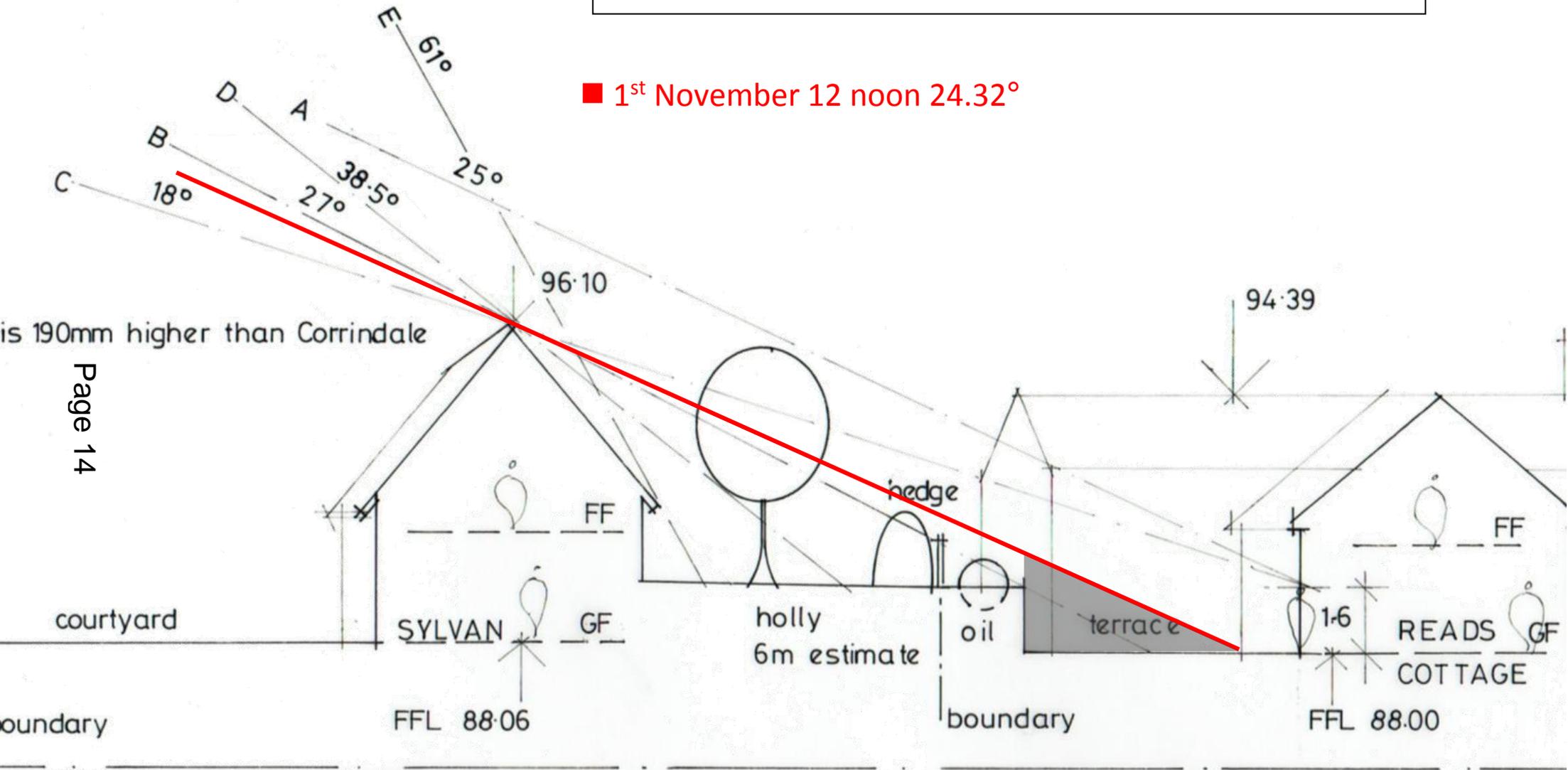
Teffont's Historic Street Scene and actual sunlight plots



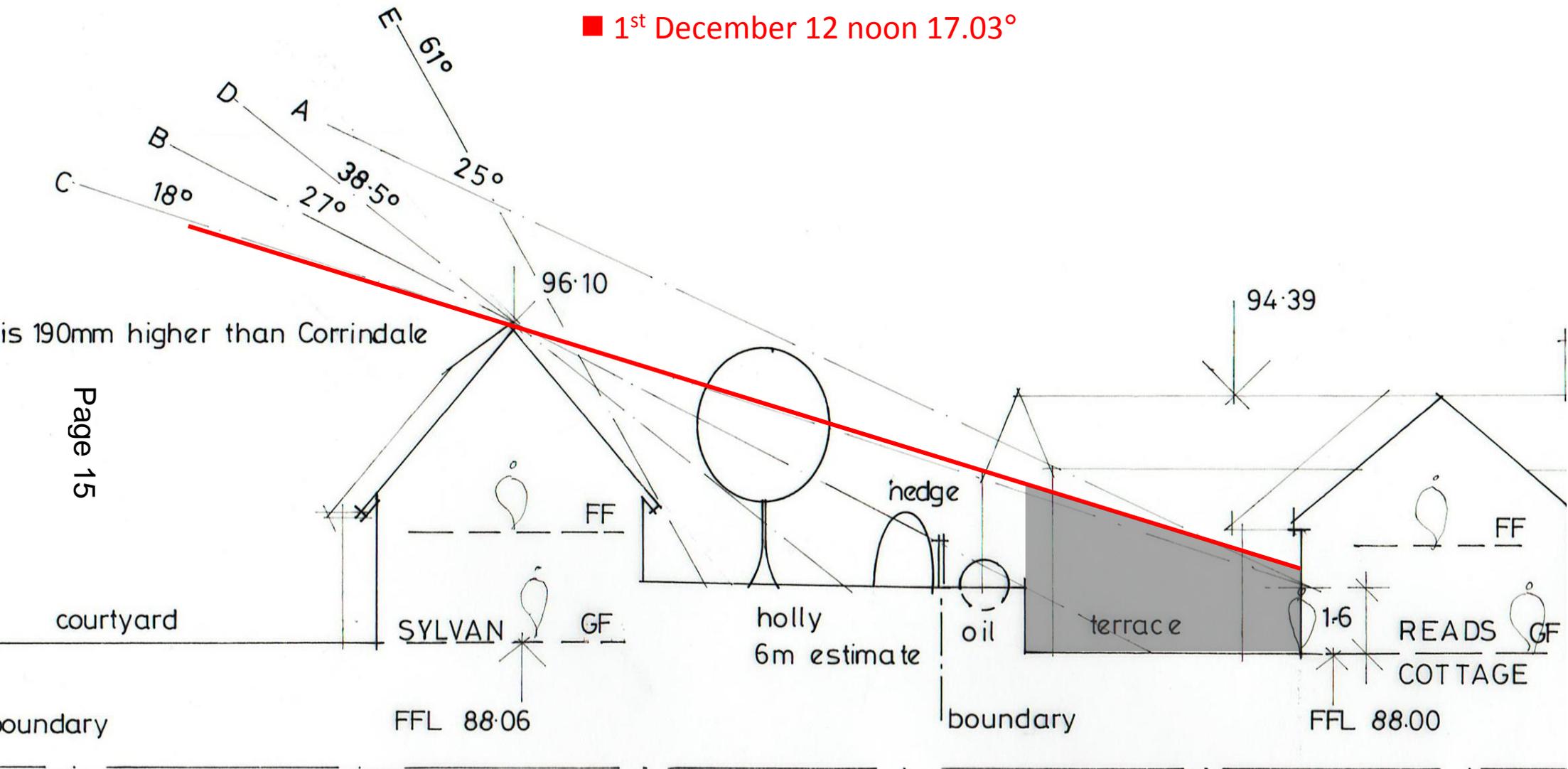
The historic Reads Cottage will be completely obscured by this new build which sits in front of and nearly 2 meters taller.

The effect the structure will have on the Winter Sunlight to the living room and outside living area of Reads Cottage

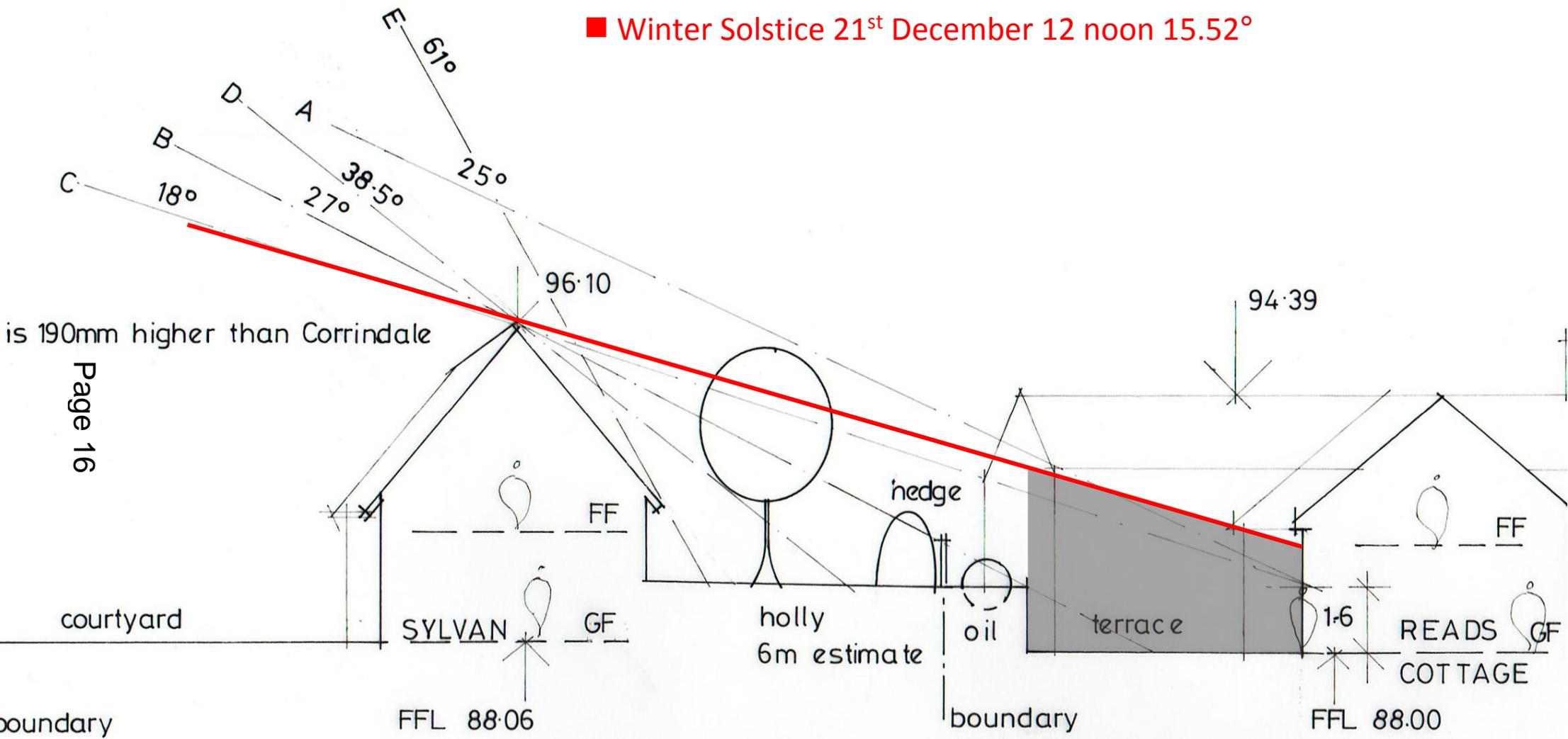
■ 1st November 12 noon 24.32°



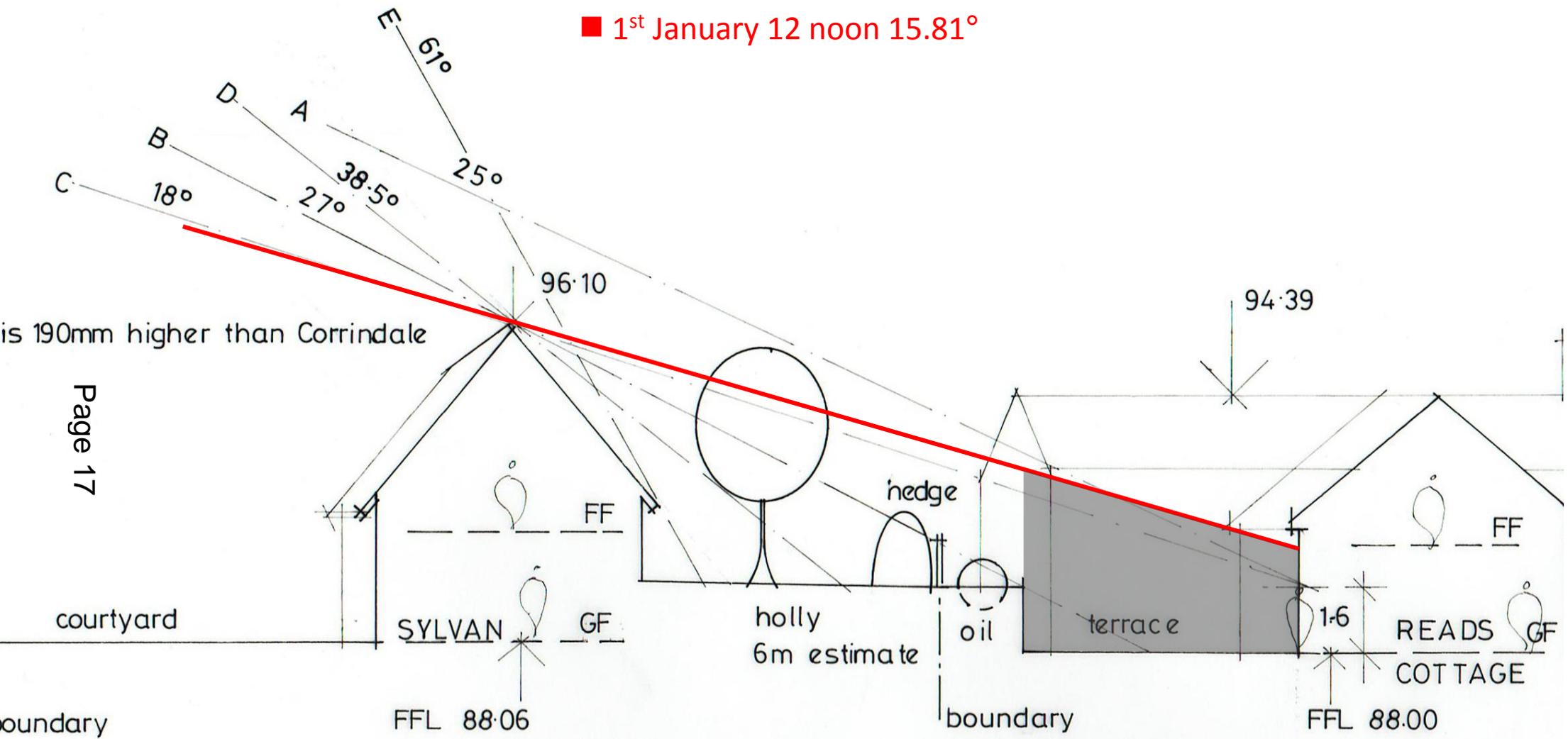
1st December 12 noon 17.03°



■ Winter Solstice 21st December 12 noon 15.52°



■ 1st January 12 noon 15.81°



1st February 12 noon 21.48°

