

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Salisbury  
**Date:** Thursday 16 September 2010  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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

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### Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland (Chairman)
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

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### Substitutes:

Cllr Ernie Clark	Cllr Leo Randall
Cllr Russell Hawker	Cllr Paul Sample
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	

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# AGENDA

## Part I

### Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 26 August 2010.

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ** (*Pages 13 - 24*)

To consider the attached report from the Principal Enforcement officer.

7. **Planning Appeals** (*Pages 25 - 26*)

To receive details of completed and pending appeals (copy herewith).

8. **Planning Applications** (Pages 27 - 28)

To consider and determine planning applications in the attached schedule.

Please note – additional maps to follow.

- 8a **S/2010/1058 - Stonehenge Caravan & Camping Site - Stonehenge Caravan & Camping Site, Berwick St. James, Salisbury, SP3 4TQ - Retrospective application to retain operational development associated with use of land as a caravan club site and tenting/rally area. (Pages 29 - 38)**
- 8b **S/2010/0797 - Stonehenge Caravan Campsite - Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ - Retrospective application for the display of 2 advertisements. (Pages 39 - 44)**
- 8c **S/2010/0310 - Land to rear of Vine Cottage, Fore Street, Wylve, Warminster, BA12 0RQ - Demolition of curtilage building and proposed erection of 3 no. Dwellings and associated access and drainage works (Pages 45 - 64)**
- 8d **S/2010/0311 - Land to rear of Vine Cottage, Fore Street, Wylve, Warminster, BA12 0RQ - Demolition of curtilage building (Pages 65 - 76)**
- 8e **S/2010/0997 - Land on Spiregate, Steep Hollow, Dinton, Salisbury, SP3 5HL - Carry out improvements to existing access, demolition of timber garage and erection of single detached dwelling (Pages 77 - 88)**
- 8f **S/2010/0798 - Mapperton Hill Farm, Gillingham Road, Mere, Warminster, BA12 6LH - Change of use of land to extension of residential curtilage, demolition of outbuilding and erection of building to provide additional accommodation (Pages 89 - 98)**
- 8g **S/2010/0615 Burton Farmhouse, Burton, Mere, Warminster, BA12 6BR - Change of use of Outbuilding to residential annexe ancillary to Burton Farmhouse (Pages 99 - 106)**

9. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None.

## **SOUTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 AUGUST 2010 AT ALAMEIN SUITE - CITY HALL, SALISBURY.**

#### **Present:**

Cllr Richard Britton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

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#### **80. Apologies for Absence**

Apologies were received from Councillors Brian Dalton and Graham Wright.

#### **81. Minutes**

The minutes of the meeting held on 5 August 2010 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### **82. Declarations of Interest**

Councillor Ian McLennan declared a personal interest in S/2010/0809 - Milford House Nursing Home, for the reason that until 2008 his mother-in-law had been resident at the home for ten years.

#### **83. Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

#### **84. Public Participation**

The committee noted the rules on public participation.

85. **Request from officers to secure retail use restrictions and travel plan through planning conditions rather than a Section 106 Legal Agreement - Application S/2008/1389, Proposed Discount Foodstore, Unit 2 Bourne Retail Park**

The committee discussed request from officers to secure retail use restrictions and travel plan through planning conditions rather than a Section 106 Legal Agreement for application S/2008/1389, Proposed Discount Foodstore, Unit 2 Bourne Retail Park.

**Resolved:**

That the request of Officers to secure the retail use restrictions and travel plan through planning conditions rather than a S106 legal agreement is accepted, with the reasons for approval updated to replace references to PPS6 with PPS4, and that the application be approved subject to the following conditions (new conditions highlighted in bold):

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

Reason: 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) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: In the interests of the character, appearance and amenities of the area.

Policy: G2

- 3) **Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), "Unit 2" (as shown edged red in the submitted plan ref: API/BRP/SLP-02) shall be used only for the following purposes:**

**(a) a non-food retailer whereby the range and type of goods to be sold will be restricted to the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores; or**

**(b) a food retailer with the following restrictions:**

- i) Not to sell more than 1500 product lines from the unit at any one time [product lines are stated to be each stock keeping unit such that products or items of the same type e.g. baked beans, but of a different brand, weight, size, or shape shall be treated as separate items];**
- ii) Not to use more than 20% of the net sales floor space for the sale of non-food comparison goods as defined in Annex A of PPS4;**
- iii) Not to operate any of the following services: butchers counter; fresh fish counter; delicatessen/cheese counter; hot food, banking facilities; dispensing pharmacy; dry cleaning services including the collection of garments or articles for cleaning off-site; post office services; lottery or scratch card sales; photographic shop or booth; café/restaurant; sales of cigarettes and/or tobacco.**

**The use of “Unit 1” (as shown within submitted plan ref: 08.33.04) shall remain in those non-food retail uses cited in (a) above, as originally stipulated within condition 3 to planning permission S/2008/0965.**

**Reason: To safeguard the vitality and viability of the city centre.  
Policy: G1, DP6, PPS4**

- 4) The owners / operators of Unit 2 shall maintain accurate and up to date records of the number and type of goods on sale at any one time and shall make this information available at all reasonable times to the Local Planning Authority.**

**Reason: In the interests of the enforceability of condition 3, to safeguard the vitality and viability of the city centre  
Policy: G1, DP6 PPS4**

- 5) There shall be no further internal subdivision of the building for the purposes of creating units of less than 935 square metres internal floor space.**

**Reason: In the interests of ensuring that units are still suitable for bulky goods and do not harmfully compete with the town centre.  
Policy: G1, DP6, PPS4**

- 6) No part of the development shall be occupied for a food retail use until a travel plan based on the Interim Travel Plan submitted with the application has been submitted to and approved in writing by the Local Planning Authority, and those parts identified within the approved travel plan as capable of being implemented prior to occupation have been duly implemented. Those parts of the approved travel plan that are identified as being capable of being implemented after occupation shall be implemented in accordance**

**with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied for a food retail use. The records of the implementation shall be made available to the Local Planning Authority if requested.**

Reason: In order to promote sustainable modes of travel to and from the site and to mitigate the impact of the development on the A36.

Policy: G1, G2

- 7) Before development commences to implement a food retail use details of the cycle storage and bin stores shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of amenities and sustainable travel.

Policy: G1, G2

- 8) Before development commences to implement a food retail use a scheme to restrict shopping trolleys leaving the curtilage of the site (edged blue on the submitted site plan) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building for food retail purposes and shall thereafter be retained in relation to that use hereby permitted.

Reason: In the interests of visual amenity.

Policy: G1, G2

## 86. **Planning Appeals**

The committee received details of the following appeal decisions:

S/2009/1893 61 The Borough, Downton – withdrawn – delegated

S/2009/1933 Land Adjacent Flamstone Street, Bishopstone – dismissed – delegated

And forthcoming appeals as follows:

S/2009/1903 The Corn Mill, Crouchston

S/2010/0279 Land Adjacent Manor Farm, 31 Church Road, Idmiston

S/2010/0282 Land Adjacent Manor Farm, 31 Church Road, Idmiston

**Resolved:**

**That the report be noted**

## 87. **Planning Applications**

### **87a S/2010/0869 - Site Adjacent to Rose & Crown 39 High Street Bulford**

Public participation:

Mr Patrick Oetiker spoke in support of the application



The Planning Officer presented the report which recommended approval and drew attention to the late list of additional information.

A debate ensued regarding the proposed design, amenity of the adjacent public house and potential overdevelopment of the site.

**Resolved:**

**That the application be refused for the following reasons:**

The proposed development by reason of its design, shape, and form would result in an incongruous and alien form of development at odds with the local vernacular such that it would fail to respect or enhance the character and appearance of the area, its architectural characteristics, the materials of adjoining buildings and would not promote or re-enforce local distinctiveness. As such the proposal would be contrary to saved policies D2 and G2 of the adopted Salisbury District Local Plan and advice in Planning Policy Statement 1: Delivering Sustainable Development.

**87b S/2010/1015 - Bowles Barn and Yard, The Portway, Winterbourne**

Public participation:

Mr Richard Bruce-White spoke in support of the application

Mrs Melanie Thomas spoke on behalf of the Winterbourne Parish Council in support of the application.

The Planning Officer presented the report which recommended refusal and drew attention to the late list of additional information.

A debate ensued regarding the access arrangements for the site, future use of the building, design and scale, impact on surrounding countryside and the principle of 'conversion'.

**Resolved:**

**That the application be refused for the following reasons:**

1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the special justification required by PPS7 to support

conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building could not be used for an alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.

2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.

3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.

Appendices: None

Background Documents Used in the Preparation of this Report:

Paul Tanner Associates Inspection of Structural Fabric, ref 1822b dated 18/11/08

Letter from Paul Tanner Associates dated 3 October 2009

Letter from The Lime Centre dated 31/03/09

Ecological Assessment, received on 6/07/2010

Construction and Demolition Method Statement received on 6/07/2010

Design and access statement received on 6/07/2010

Sustainability statement received on 6/07/2010

Letter from Geoff Crawford of Witcher Crawford setting out sequencing of work dated 15 June 2010, received on 6/07/2010

Site location plan received on 6/07/10

Figured dimensions of site, and proposed buildings received on 6/07/2010

Typical cross-section of access track received on 6/07/2010

Drawing ref.no. W1198 P01 received on 6/07/2010

Drawing ref.no. W1198 P02 received on 6/07/2010

Drawing ref.no. W1198 P03 received on 6/07/2010

Drawing ref.no. W1198 P04 Rev B received on 6/07/2010

Drawing ref.no. W1198 P05 Rev B received on 6/07/2010

Drawing ref.no. W1198 P06 Rev B received on 6/07/2010

**87c S/2010/0809 - Milford House Nursing Home**

With the Chairman's agreement, this application was considered together with the associated application for listed building consent referred to at minute number 87d below.

Public participation:

Mrs Virginia McLennan spoke on behalf of the Laverstock and Ford Parish Council in opposition to the application

The Planning Officer presented the report which recommended approval and drew attention to the late list of additional information.

A debate ensued regarding the necessity of the extension, transport and access to the site, overcrowding of the site and impact on amenity of the original building.

**Resolved:**

**That the application be approved for the following reasons:**

There is a need for dementia care and this proposal would link such a facility with the existing Nursing Home. The site is in a sustainable location within the established boundary of the existing Nursing Home and therefore the proposal is considered to be in accordance with the spirit of Local Plan policies C7, C23 and C24. As it is considered that the extension by virtue of its overall scale and massing would not be a visual intrusion into the open countryside, the proposal would have no impact upon the character and setting of the Listed Building and there would be no impact on a highway safety, the proposal is considered to be in accordance with Local Plan policies G2, C2, CN3, CN5 and D3. As such, it is considered that suitably conditioned to protect the trees and prevent the pollution of the ground water source protection area, the proposal complies with the prevailing policies of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS1 and PPS5

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.

REASON: 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. Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building is satisfactory.

POLICY. CN3, CN5, Listed buildings, D3 Design criteria, G2 General criteria for development

3. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

Environmental Noise Survey Report 16446/PPG24\_Rev A dated 24 May 2010

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010 Documents /plans

REASON: For the avoidance of doubt

4. Construction work shall not begin until a scheme for protecting the development against noise from road and rail traffic has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before the development is occupied.

REASON: In the interest of amenity for the future occupants of the development.

POLICY G2 General criteria for development

5. The development must not commence until an Arboricultural Method Statement, including all relevant details of tree protection, has been submitted to the Local Planning Authority and approved in writing. The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area to the north of the existing building. In particular, the

statement should confirm there will be minimal ground disturbance within the Root Protection Areas of the surrounding trees and an appropriate Cellular Confinement System will be used to prevent compaction.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

POLICY G2, General criteria for development

6. The lighting scheme submitted with the application hereby approved shall be installed and operated in accordance with these approved details.

REASON: To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and the level of illumination in order to conserve the high quality landscape and character of the Special Landscape Area and in the interests of residential amenity.

POLICY C2 and C7, development in the countryside, G2 General criteria for development

7. Notwithstanding the submitted plans, prior to the commencement of development, details of a secure and covered cycle parking facility shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be constructed in accordance with the agreed details and made available for use prior to the first occupation of the building hereby approved and shall thereafter be retained.

REASON: In order to secure the provisions of appropriate facilities for cyclists and to promote other modes of transport other than the car in the interests of sustainable development.

POLICY G1 Aims of development TR14 Cycle parking

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a dementia care facility in association with the adjacent Milford House Nursing Home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

REASON: To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of sustainable

development.

POLICY G1 and G2 General criteria for development.

**87d S/2010/0810- Milford House Nursing Home**

The Planning Officer presented the report which recommended approval and drew attention to the late list of additional information.

**Resolved:**

**That the application be approved for the following reasons:**

The proposed extension to provide dementia care would link with the existing Nursing Home and as the Conservation Officer considers that the proposal would have no impact upon the character and setting of the Listed Building, the proposal is considered to be in accordance with the saved policies CN3 and CN5 of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS5

And subject to the following conditions:

1. The works for which Listed Building consent is hereby granted shall be begun before the expiration of three years from the date of this permission

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building is satisfactory.

POLICY CN3, CN5 listed Buildings D3 Design criteria

3. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05

2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

Environmental Noise Survey Report 16446/PPG24\_Rev A dated 24 May 2010

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010Documents /plans

REASON: For the avoidance of doubt

88. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.45 pm)

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, of Democratic Services, direct line (01225) 718371, e-mail [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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## WILTSHIRE COUNCIL

### SOUTHERN AREA PLANNING COMMITTEE

16<sup>th</sup> September 2010

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**Subject: Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ**

#### **Purpose of Report**

1. To advise Members on the Council's interpretation of Part 4 of the General Permitted Development Order (GPDO), the implications this has in relation to further temporary camping activity at this site and seek Members' instructions regarding any further enforcement action considered necessary. Members should note that this report has been prepared with advice from Legal Services.

#### **Background**

2. Members will recall previous enforcement reports to Committee concerning this site at meetings including 3<sup>rd</sup> June, 24<sup>th</sup> June and 15<sup>th</sup> July 2010.
3. Members will recall that, at the meeting on 3<sup>rd</sup> June, the Committee was minded not to take enforcement action at that time against unauthorised development at the site provided, amongst other things, a retrospective planning application was promptly registered concerning retention of the altered access, track, earth bund and fencing, hardstanding, electrical hook ups, lighting and buildings. However Members did also add a proviso that relevant Enforcement Notices should be drafted, in the event that alternative action was not progressing as envisaged.
4. Application S/2010/1058 appears elsewhere on the agenda. This report focuses solely on the temporary camping activity at the site during 2010, the need for planning permission for such activity and whether in the event of a clear breach being established, enforcement action would be expedient.
5. Part 4 (temporary buildings and uses), Class B of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO), permits the temporary use of land for, amongst other things, the stationing and habitation of tents for not more than 28 days per calendar year. Certain 'noisy activities' (such as motor sports), are further limited to 14 days temporary use. Camping by members of certain recreational organisations including the Scouts and Guides, is also permitted by Part 27 of the GPDO for unlimited periods.

6. Members will also recall that in June, the owner gave a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (the Section 106) the effect of which was, amongst other things, to prohibit temporary uses including camping for more than 28 days in total in a calendar year on part of his land known as the rally field site and an adjoining paddock.
7. The Council has received third party representations to the effect that camping had taken place in excess of the permitted 28 days. After an initial investigation in June, which included viewing both the owner's records and a resident's diary of events, it became clear that what the site owner and the third party regarded as a 'day' of camping activity for the purposes of 'counting' the 28 days at variance with one another. This appeared to be largely because the owner records nights stayed (i.e. as a hotel or B&B establishment would); whilst the resident was recording days, which included, for example, the campers packing up on the morning after an overnight stay. At the time, it was not possible to conclude one way or another whether a breach had occurred.
8. Additionally Officers subsequently established that adjoining land within the same ownership (but outside of the area restricted by the Section 106) was now being used for camping, largely when the rally field area covered by the Section 106 was not in use. This appeared to Officers to be an attempt to circumvent the requirements of the Section 106 and the owner was immediately advised that this camping activity was unauthorised and proceeded at his own risk. He subsequently claimed that the site was two 'planning units' (see further below).

### **Interpretation of the GPDO**

9. Officers therefore consider it important firstly for the Council to establish for the purpose of certainty for all parties, as to exactly what amounts to a 'day' of activity for the purposes of the GPDO. Having researched the matter further with the assistance of Legal Services, Officers reached the view that no relevant case law precedent under planning legislation could be located in respect of whether the example of an overnight stay amounted to 'one' or 'two' days for the purposes of the GPDO. The only relevant case law focussed on the nature of the permission granted under the GPDO for temporary uses, the Courts clarifying that a fresh planning permission of a days' duration was granted for each of the available 28 days.
10. Furthermore, no Planning Inspectorate appeal decisions could be located which dealt directly with this issue. Officers researched appeal decisions concerning similar temporary uses and established as follows. (i) In an appeal decision from another authority, use of land for motor racing was argued not to have extended beyond 14 days as only associated activities and not racing itself was carried out. This was rejected by the Inspector

determining the appeal since it was clear that the related days were directly associated with racing and were necessary in order for it to take place. The primary purpose was for motor racing and ancillary activities were classed as part of that use. (ii) By contrast in another appeal decision, it had been alleged that land had been used for more than 14 days per calendar year for the holding of markets in breach of the limit in the GPDO. However the inspector rejected this argument and concluded that a market could not be established unless actual trading had occurred and therefore the parking of vehicles on the site could not be construed as the holding of a market.

11. In the absence of any precedent and having sought legal advice, Officers reached the view that on a strict interpretation, the generally accepted definition of a "day" as being from one midnight to the next midnight, should be applied. Therefore, any part of the day when the site is in use for camping (or any other temporary use) would count as one day for the purposes of counting the 28 -day entitlement for temporary uses under the GPDO.
12. Whilst the owner then apparently sought Counsel's advice on the interpretation of the GPDO as it applies to temporary camping, it appears from information given by him that the conclusion reached in this advice did not offer any different interpretation to that offered by the Council.
13. Officers do consider however that in any regulatory regime it is necessary to exercise a degree of common sense and reason in applying legislation. In particular, Officers consider it reasonable that there should be discretion in considering whether a particular day should reasonably be regarded as a continuation of the temporary use. The above is relevant in the case of, or example, the 'morning after' an event where all campers have left and the use has ceased promptly. The campsite is operated so that campers cannot arrive before 1200 noon and have to leave by that time on the day of departure, so in the case of a one night stay at the site, the campers would not be there for longer than 24 hours. It should also be borne in mind that camping is not one of the 'noisy activities' limited to 14 days under the GPDO. This however would effectively be the outcome of adhering to the literal interpretation referred to above.
14. Further, it is considered that Officers' views as outlined above seems to fit more closely with the case law on the nature of the temporary planning permission-i.e. for an event of one day's duration. Officers are also of the view that the above would be more likely to be the approach taken by a Planning Inspector in the event that the matter ever came to an appeal against an Enforcement Notice, as the Inspector will not be bound by any previous judgement. It is also a view shared by Officers of an adjacent authority.

## **The situation now**

15. A resident making continuing representations to the Council has alleged that up to 76 events had taken place on the site as a whole up from January to the end of August and provided a record of dates and times. It has been assumed that this record is as a result of personal observation. It is however also fair to point out that the resident in question lives at the other end of the village. Officers have also in parallel viewed the owner's records (as they are entitled to do by the Section 106). These records suggest that camping took place on the site as a whole a total of 52 times in the same period. After careful analysis of both records, Officers concluded for various reasons, if a literal interpretation of the law is taken, a total of 64 days of events in the last calendar year for the owner's land as a whole, was probably more accurate, if the resident's figures are accepted as a basis for assessing the overall level of use. Using the approach in paragraph 13 above however, the number of camping events held at the site overall, may be around the number suggested by the owner. The exact number of tents stationed on the land has not been regularly recorded, therefore there is no distinction between say, one tent on the land and thirty tents.
16. It is perhaps inevitable that there will be differences between the owner and resident's records, largely due to how the respective figures have been compiled and days counted, but also it should be noted that the resident has counted the two fields as the same unit. As noted above the owner however regards the site as having two distinct parts in planning law terms-the 'rally field' (i.e. the area of land subject to the Section 106) and 'campfire field'. This proposition is examined in more detail below.
17. The 'rally field' was closed at the beginning of July but re-opened for an event in mid -August and a rally over the August bank holiday. At the time of writing, the owner considers that there have been 25 events on this area, this calendar year. Again, applying a literal interpretation and having regard to the resident's records, it would appear that a total of 37 events is possibly more accurate. If this figure were accepted, the owner would also be in breach of his Section 106 Undertaking.
18. The owner has advised the Council that he has three more days of events planned on the land this year. In the event that Officers obtain evidence of further events on this land, either in between the date of writing this report and the date of the Committee or subsequently, Legal Services would be asked to investigate commencing proceedings to enforce the Section 106, provided they are satisfied with the evidence. In terms of enforcement of the Section 106, the outcome would largely depend on whether in the first instance, Legal Services were satisfied that there was robust and credible evidence to substantiate the Council's case and also whether the costs involved in pursuit of the case were commensurate with the benefits of

doing so. The effect of a successful enforcement of the Section 106 would be to render further camping outside the provisions of the GPDO an offence.

19. The 'campfire' field (outside of the Section 106 land) has been used for camping since early June, largely to replace camping on the Section 106 land. The owner considers that there has been 26 events on this land, this calendar year to date. Officers however suggest that a total figure of 36 events may be more accurate if a literal interpretation is used and again having regard to the resident's records (the reason that activities on both fields add up to more than 64, is that sometimes events have been taking place on both fields simultaneously).

### **Whether there are one or two planning units**

20. The 'planning unit' is a planning law concept developed, usually to assist in determining whether a material change of use has taken place. Relevant case law (*Burdle v Secretary of State for the Environment* [1972]) suggests three broad tests to determine the planning unit:

“First, that whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered ... But, secondly, it may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physically distinct areas of land.

Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.”

The Judge went on to point out that the assessment was a matter of fact and degree and as a useful working rule, that it should be assumed that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.

21. At first sight, Officers would regard all the owner's holding, including both rally field and campfire field, as part of the same 'planning unit'. For example, the parcels of land concerned are physically adjacent, appear to comprise the same farming unit/unit of occupation and are largely in the same ownership (but see 24 below). The principal activity on the land as a whole would appear to be low-key agriculture, with caravan and camping

activities run by the owner, who also lives on part of the site. The rally field is accessible from the rest of the land and whilst it can be accessed independently, it can also be serviced from adjoining land in the same ownership.

22. The camping and caravan activities would currently appear to be undertaken to aid farm diversification and in respect of the former, the land appears to revert to an agricultural use as part of the owner's holding when camping has ceased. Camping etc. has taken place across both areas of land and evidence such as the owner's website suggests that the camping activity all forms part of the same business. As such, these uses appear to be secondary and interdependent to the main use of the site as a whole for agriculture and the activities on both areas of land could be regarded functionally interrelated-i.e. grazing, caravanning and camping – with the activities at the rest of Summerfield Farm. Therefore the use of the site would appear to fall within the scenario described first by the Judge in the above case.
23. Other case law also confirms that a farming unit and planning unit can be contiguous, where the former can be identified as having a single ownership and with a single main purpose, to avoid the prospect of temporary activities being moved from field to field on a farm holding and thereby benefitting from further periods of temporary use under the GPDO. The above would tend to suggest that the 28 days available under the GPDO should therefore relate to the owner's land as a whole and not apply to both the rally field and Summerfield House. In this respect it is hard to see how the circumstances at this site can be distinguished significantly from any other farming unit who may seek to utilise their 28 days of temporary uses under Part 4 of the GPDO.
24. However, this issue is not as straightforward as it would initially appear. For instance until 2005, the 'rally field' etc. land was not in the same ownership and it is still largely physically separated by fencing from what was the former Wisma poultry farm site. Moreover land including the 'camp fire' field is in a separate ownership, nominally owned by two limited companies (albeit with links to the owner) and is normally accessed independently to the rally field land. Events on both areas of land have alternated, although there have also been overlapping days. The owner contends that issues of amongst others, separate ownership, separate accesses, physical boundary separation, separate planning history, historic planning uses, rating records and services, all point to the site comprising two planning units in planning law terms. He states that Summerfield House is his private home and used for horses and sheep whilst Stonehenge Campsite is for tourism use-caravans, tents and grazing.
25. The owner's analysis therefore is that the third scenario envisaged by the Judge in the above case is applicable to his land. The above does go some way towards countering any analysis which concluded that the land was physically and functionally interdependent and therefore part of the same planning unit. Officers disagree with the owner's analysis, however it is considered that to take enforcement action on the basis of a conclusion

that there is one planning unit would therefore carry some risks. Nevertheless it is felt that this part of the case, which is fundamental to the need for planning permission for temporary camping on land outside of the area of land covered by Section 106, is nevertheless arguable on a fact and degree basis. It will be for an appellant to prove that there are two planning units, not for the Council to disprove it.

26. Moreover, irrespective of whether in planning law terms there is one or two planning units, planning harm must still be being caused by unauthorised development in order to make enforcement action expedient (see 27 onwards below).

### **Planning merits**

27. In the event a breach of planning control is clearly established, it is then be necessary to consider the expediency of enforcement action. As Members are aware, enforcement action should not be taken solely to remedy the absence of planning permission and to do so would be regarded as unreasonable behaviour in the event of a subsequent appeal.
28. Officers have visited this site on several occasions including at weekends. Excepting when large scale events have taken place (i.e. camping over the Bank Holidays and the Summer Solstice, when around 25-50 tents would appear to have been present), the camping viewed by Officers has been relatively limited in terms of scale and magnitude, with around 5 -15 tents being present on the site as a whole, the lower number being more typical. At visits during the week, both fields have been unoccupied. The details supplied by the resident to date give no further details of the nature and scale of camping activity observed at the site to suggest that it differs from that viewed by Officers
29. It is considered that the camping is of temporary duration and from an overall perspective Officers consider that there is little evidence of adverse impacts in terms of landscape, neighbouring amenities or highway safety for example, which would merit enforcement action being taken in the public interest and which could be use to defend the issue of a Notice in a subsequent appeal.
30. In coming to the above conclusion, Officers are nevertheless aware that some events at the site have caused noise and disturbance to neighbours, notably through the playing of amplified music, and that camping activities have moved around the site, sometimes in close proximity and without due regard to, neighbouring property. Such activity could reasonably be controlled by imposing planning conditions in the event that a planning application being made for the use and would not in itself be a good reason for taking enforcement action, although of course it is of note that the owner has not applied for permission for these activities. Noise nuisance arising from such activity is also a matter for the Council's Environmental Protection Team.

31. In the event that the situation changed, i.e. more regular camping at a similar scale to the bank holidays taking place or more regular noise and disturbance, this conclusion could and would be reviewed. The part of the site including the 'campfire field' has permission for redevelopment to provide an office building, which also indicates that use of that part of the site will be discontinued at some stage in the near future. Given the seasonal nature of camping activity, it is now unlikely that there will be more than a handful of events on the land this year, which would be likely to take place before any notice took effect even if it were served promptly.
32. All the above leads to the balanced conclusion that it would not be expedient to enforce against the current level of camping activity at the site at this time, even if the Council could ultimately sustain its argument that there has been a breach of planning control.
33. Article 4 of the GPDO provides for the Council to make a direction removing 'permitted development' rights where they consider it expedient to do so. Such rights should only be withdrawn in exceptional circumstances and where the Council has identified a 'real and specific threat'. Such directions have been used in the past by other authorities to, for example, restrict agricultural 'permitted development' rights in parts of an Area of Outstanding Natural Beauty and National Park, restrict householder development in a Conservation Areas and; prevent the subdivision of agricultural land into small plots.
34. Article 4 Directions require confirmation by the Secretary of State and if confirmed, a direction may also require the Council to pay compensation to the owner in respect of abortive expenditure or other loss or damage attributable to the withdrawal of permitted development rights. The compensation provisions only appear to arise where permission has been refused or conditions have been imposed. A Direction need not only deal with permitted development under Part 4 of the GPDO but also Part 5 (caravan sites) and could be focused on part or all of the land owned. Seeking a Direction would be an unusual step given the context set out above, nevertheless it is open to Members to ask Officers to investigate this option further.

## **Conclusions**

35. The interpretation of the planning legislation in particular the '28 -day rule' under the GPDO and its application to the owner's holding is not straightforward. Officer's conclusions are that on a strict legal interpretation, there have been more events at the site than that permitted under the GPDO, even if it were accepted that there are two planning units. However Officers would also question whether to adopt a rigid approach to counting the 28 days is consistent with the discretionary nature of the planning regime. Officers disagree with the owner on the



'planning unit' point as on a fact and degree basis, as they consider that the site could more accurately be described in planning law terms as one planning unit.

36. Officers are well aware of the depth of feeling locally concerning the site and camping activity in particular. The representations received by and large focus in particular on the fact that development has taken place for which permission is required and has not been obtained, as opposed to identifiable planning harm caused by such development.
37. Ultimately however, planning harm has to be identified to make enforcement action expedient and attempting to do so has presented Officers with significant problems. As such, Officers are currently of the view that given what they consider is the limited planning harm which has arisen from any breach at present, it would not be expedient to take enforcement action in relation to camping at this time.
38. Members' attention is drawn to the principle that planning enforcement powers exist to remedy planning harm caused by a breach, not to punish individuals, whatever the opinions are on their conduct. Further and whilst it may seem unsatisfactory, the planning system expressly allows for the situation to arise where there is little planning harm for an unauthorised use to be allowed to continue to operate notwithstanding the absence of planning permission. The site will continue to be monitored for the foreseeable future and the above conclusion could be reviewed in the event that circumstances change.
39. In the event that having taken account of all the above advice, Members nevertheless consider it expedient that enforcement action should be taken, they should also bear in mind the significant risks that such a course of action may carry, both in terms of uncertain outcome, revenue and reputational considerations and the need for substantial robust and credible evidence of planning harm to support any reasons identified as to why it is expedient that enforcement action should be taken. In particular the Council would need to clearly demonstrate why action has not been taken solely to remedy the absence of planning permission, to defend against a claim of unreasonable behaviour at appeal.
40. Members should also be aware that even if enforcement action were taken and were successful, the owner would still have a 'fallback' position of 28 days temporary use on the holding in 2011, as enforcement action cannot take away "permitted development" rights. Such rights can only be removed or limited by an Article 4 Direction.
41. Application S/2010/1058 for retention of the altered access, track, earth bund and fencing, hardstanding, electrical hook ups, lighting and buildings, appears elsewhere on the agenda. Members' decision on that application is likely to have further enforcement implications, which will be the subject of a separate, brief update report from Officers at the meeting following determination of that application, having regard to the previous resolution of the Committee at its 3<sup>rd</sup> June meeting.

## **Recommendation**

**A: That Members note the contents of this report.**

**B: In the event that Members reject recommendation A above, that the Area Development Manager (South) be authorised to issue the following Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and serve it on the appropriate person(s) as follows:**

**Alleging the following breach of planning control:**

**Without planning permission, the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.**

**The Enforcement Notice to require the following steps to be taken:**

- 1. Remove any tents stationed on the Land; and**
- 2. Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.**

**Timescale for compliance with the Enforcement Notice:**

**Step 1: One month.**

**Step 2: One month.**

**Reasons for serving the Enforcement Notice:**

- 1. The Land is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area and is in close proximity to a Site of Special Scientific Interest/Special Area of Conservation. The Land is also in close proximity to a number of residential properties. The unlimited use of the Land as a camping site for the stationing and human habitation of tents in excess of the 28 days per calendar year permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995, has had a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm is outweighed by economic benefits or could be satisfactorily addressed through**

**new landscaping. The use has also seriously adversely affected neighbouring and nearby residential amenities, by reason of the undue noise and disturbance caused by activities on the Land, in particular late at night, anti-social behaviour and associated comings and goings to and from the Land. To permit the development to continue would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.**

**That the Area Development Manager (South) also asks the Litigation Team to investigate enforcement against any breach of the Section 106 Undertaking in respect of temporary camping in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.**

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Report Author:

Stephen Hawkins, Lead Principal Planning Enforcement Officer

Date of report 16<sup>th</sup> September 2010

### **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None.

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/1477	Land Between Pearl Cottage and the Bungalow Cholderton Salisbury	WR	DEL	DISMISSED		Costs awarded to WC
09/1538	Ware Farm Benn Lane Farley	WR	DEL	ALLOWED	YES	

### New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2010/0827	16 Bourne View Allington	HH	DEL			
S/2009/1936	Site at 66 Winterslow Road Porton	WR	DEL			
S/2010/1248	Land At Former Knightwood Kennels	H	N/A			
S/2010/1275	Land At Former Knightwood Kennels	H	N/A			

**WR** Written Representations  
**HH** Fastrack Householder Appeal  
**H** Hearing Local Inquiry

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# Agenda Item 8

## INDEX OF APPLICATIONS ON 16<sup>th</sup> SEPTEMBER 2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2010/1058	STONEHENGE CARAVAN AND CAMPING SITE, BERWICK ST. JAMES, SALISBURY, SP3 4TQ	RETROSPECTIVE APPLICATION TO RETAIN OPERATIONAL DEVELOPMENT ASSOCIATED WITH USE OF LAND AS A CARAVAN CLUB SITE AND TENTING/RALLY AREA	REFUSE	CLLR WEST
2	S/2010/0797	STONEHENGE CAMPSITE, BERWICK ROAD, BERWICK ST. JAMES, SALISBURY, SP3 4TQ	RETROSPECTIVE APPLICATION FOR THE DISPLAY OF 2 ADVERTISEMENTS	APPROVED	CLLR WEST
3	S/2010/0310  <i>Site Visit: 16.30</i>  <i>(Access to the site from A303 eastbound - 1st exit)</i>	LAND TO REAR OF VINE COTTAGE, FORE STREET, WYLYE, WARMINSTER, BA12 0RQ	DEMOLITION OF CURTILAGE BUILDING AND PROPOSED ERECTION OF 3 NO. DWELLINGS AND ASSOCIATED ACCESS AND DRAINAGE WORKS	APPROVE WITH CONDITIONS	CLLR WEST
4	S/2010/0311  <i>Site Visit: 16.30</i>  <i>(Access to the site from A303 eastbound - 1st exit)</i>	LAND TO REAR OF VINE COTTAGE, FORE STREET, WYLYE, WARMINSTER, BA12 0RQ	DEMOLITION OF CURTILAGE BUILDING	APPROVE WITH CONDITIONS	CLLR WEST
5	S/2010/0997	LAND ON SPIREGATE, STEEP HOLLOW, DINTON, SALISBURY, SP3 5HL	CARRY OUT IMPROVEMENTS TO EXISTING ACCESS, DEMOLITION OF TIMBER GARAGE AND ERECTION OF SINGLE DETACHED DWELLING	APPROVE WITH CONDITIONS	CLLR WAYMAN

6	S/2010/0798  <i>Site Visit: 15.50</i>  <i>(Go along the bypass and come off at the far exit rather than going through the town)</i>	MAPPERTON HILL FARM, GILLINGHAM ROAD, MERE, WARMINSTER, BA126LH	CHANGE OF USE OF LAND TO EXTENSION OF RESIDENTIAL CURTILAGE, DEMOLITION OF OUTBUILDING AND ERECTION OF BUILDING TO PROVIDE ADDITIONAL ACCOMMODATION	REFUSE	CLLR JEANS
7	S/2010/0615	BURTON FARMHOUSE, BURTON, MERE, WARMINSTER, BA12 6BR	CHANGE OF USE OF OUTBUILDING TO RESIDENTIAL ANNEXE ANCILLARY TO BURTON FARMHOUSE	APPROVE WITH CONDITIONS	CLLR JEANS



1

<b>Deadline</b>	<b>14<sup>th</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/1058</b>		
<b>Site Address:</b>	<b>STONEHENGE CARAVAN AND CAMPING SITE BERWICK ST. JAMES SALISBURY SP3 4TQ</b>		
<b>Proposal:</b>	<b>RETROSPECTIVE APPLICATION TO RETAIN OPERATIONAL DEVELOPMENT ASSOCIATED WITH USE OF LAND AS A CARAVAN CLUB SITE AND TENTING/RALLY AREA</b>		
<b>Applicant/ Agent:</b>	<b>MR TONY ALLEN</b>		
<b>Parish:</b>	<b>WINTERBOURNE STOKETILL/WYLYEVALLE</b>		
<b>Grid Reference:</b>	<b>407430.6 140420.5</b>		
<b>Type of Application:</b>	<b>Full</b>		
<b>Conservation Area:</b>	<b>WINTERBOURNE STOKE</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Charlie Bruce- White</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

The Southern Area Committee resolved that future applications at this site should be determined by the Committee due to the level of local interest.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED.

***Neighbourhood Responses***

22 letters of objection/concern were received.

***Parish/Town/City Council response***

Winterbourne Stoke Parish Council - Object

Berwick St. James Parish Council - Object

**2. Main Issues**

- Principle of development;
- Character & appearance of the area;
- Highways safety;

- Amenities of the occupiers of nearby property and other recreation users;
- Sewerage & waste water disposal;
- Nature Conservation;
- Archaeology.

### 3. Site Description

The site relates to 0.3ha of land situated adjacent to the former Wisma Poultry Farm buildings, off Berwick Road, to the south-west of Winterbourne Stoke. The site comprises the eastern end of a former larger field of agricultural pasture, as well as an access track running along the field's northern side. The field gently slopes down from the Berwick Road towards the River Till, and is currently divided into three distinct parts comprising an upper paddock and middle paddock, both of which are outside of the application site, and a levelled lower section closest to the river, part of which comprises the application site.

The application site is currently used as a Certified Location (CL) for Caravan Club members. CLs do not require planning permission and enable up to 5 caravans to be stationed on the land. In this location 5 hard surfaced standings have been formed, designed to be used as pitches for the CL, and various associated facilities have also been provided as detailed within Section 5 below. The hard standings and associated facilities, including access alterations, are currently unauthorised.

The lower part of the field formerly contained a variety of modest agricultural buildings, believed to have been used as pig houses, which have now been substantially demolished. There is direct access from the lower part of the field onto a public footpath which leads into the village of Winterbourne Stoke, some 200 metres to the east. The village includes a modest range of local services including a public house, petrol station and bus stop. The lower section is the closest part of the site to the river, although the land is raised above the flood plain and separated from the river by a 50 metre strip of grass and woodland. The River Till is designated as a Site of Special Scientific Interest and a Special Area of Conservation.

The upper paddocks are separated from the lower section by post and rail fencing and are mostly put to grazing for the applicant's horses. The upper paddock, which does not form part of the application site, is referred to by the applicant as the 'rally field' and can be lawfully used for temporary touring and camping events, subject to various limitations. These include, for instance, 5 day meetings held by 'exempted organisations' such as the Caravan Club or the use of land for not more than 28 days in a year for tented camping (as permitted under The Town and Country Planning (General Permitted Development) Order 1995 and the Caravan Sites & Control of Development Act 1960).

The site falls within the Special Landscape Area and is adjacent to the Winterbourne Stoke Conservation Area.

### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
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213	Re-building of shed & piggeries	AC	01.06.50
TP/59	Construction of new access to highway	AC	27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC	12.10.55
10/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points.	R	11.05.10

The most recent application was refused for the following reasons:

*The site is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area. The development of the site as a touring caravan and camping site would have a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm would be outweighed by economic benefits or could be satisfactorily addressed through new landscaping. The development would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.*

## 5. The Proposal

The applicant describes the proposal as follows:

“Retrospective application to retain operational development associated with use of land as a caravan club site and tenting/rally area”.

A more accurate description in Officers’ opinion would be:

“Retrospective application to retain operational development associated with use of land as a Caravan Club Certified Location and temporary tenting/rally area as permitted under the GPDO”.

In Officers’ opinion the operational development within the application site covers the following:

- Alterations to the field access and access track (including widening, resurfacing and landscaping);
- The formation of the earth bund and fencing to the left (north) of the access;
- 5 hard standings for use as caravan pitches;
- 3 electric hook-up points;

- WC/shower block and attached lean-to dish wash up area with associated hardstanding;
- Chemical toilet disposal area;
- Cess pit.

The application differs from the previous application in that no change of use is proposed to enable additional caravan/camping activities beyond that which can be carried out as permitted development. Therefore this application is only considering the affects of the physical works undertaken (i.e. the operation development), rather than the affects of caravans and tents which could be sited here in any instance (subject to the appropriate limitations).

## **6. Planning Policy**

The following development plan policies and national planning guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, G5, CN11, CN22, C2, C6, C18, C19, T9
- PPS1, PPS4, PPS5, PPS7, PPS9, PPG13

Other material guidance includes:

- Good Practice Guide on Planning for Tourism
- Planning Circular 03/99 (Non-Mains Sewerage in New Development)
- Salisbury District Landscape Character Assessment
- South Wiltshire Tourism Strategy

Emerging policy:

- South Wiltshire Core Strategy

## **7. Consultations**

### ***Highways Officer***

No objection in highway safety terms. Recommend that the first 5.0 metres of the access is surfaced in a consolidated surface and that the edge of the highway is defined by in-dropped kerbs or granite sets.

***Highways Agency***

No objection to affect upon the A303 trunk road.

***Wessex Water***

The site is not within a Wessex Water sewered area.

***Environment Agency***

Advise that guidance within Circular 03/99 is adhered to.

***Landscape Officer***

Comments that the bunds along the western boundary of the site remain as a negative feature in relation to the local landscape character. Recommend that they be reduced in height.

Agrees with the applicant's submitted landscape appraisal that the proposed planting plan will have a marked improvement on the visibility of the (CL) site in the medium to long term.

If approved, recommend conditions requiring the proposed landscaping mitigation to be fully implemented and that the land be reinstated to its original landscape condition should the site's CL status cease.

***Ecologist***

Has previously concluded that the proposal is unlikely to have a significant effect on the River Avon SAC, subject to controls on the number of pitches, the appropriate disposal of waste water and sewerage, and controls on external lighting.

***Archaeologist***

Note that site is close to the remains of the medieval settlement of Winterbourne Stoke. An archaeological watching brief should have been undertaken during those works which resulted in ground disturbance. Any further works must involve archaeological monitoring or investigation in line with an agreed written scheme of investigation.

***Conservation Officer***

The site borders the western edge of the Winterbourne Stoke Conservation Area, however the boundary is heavily wooded and the proposal would appear to have little impact on its character or setting, and I therefore raise no objection.

***Tourism Officer***

Has previously commented that there is a need for additional capacity for touring vans during the main summer season, and especially during the school holidays.

### ***Winterbourne Stoke Parish Council***

Object on the following grounds: proposed works are excessive for a Certified Location; the means of sewerage disposal presents problems; archaeological damage has occurred; harmful landscape impact.

### ***Berwick St. James Parish Council***

Object on the following grounds: impact upon SSSI and Conservation Area; pollution; traffic; harmful landscape impact; proposed works are excessive for a Certified Location.

## **8. Publicity**

The application was advertised by neighbour notification and site notice.

22 letters of objection/concern were received, raising the following:

- Does not address previous reasons for refusal;
- Harmful impact upon AONB landscape;
- Landscaping and bunding are inappropriate;
- Facilities are excessive for a CL;
- Potential impact upon nature conservation and river system;
- Use of site generates disturbance, light pollution and traffic;
- The retrospective works are unlawful;
- The applicant does not abide by the rules of CLs and temporary tenting/rallies;
- Approval of the application would be a precursor to further harmful expansion of the site.

## **9. Planning Considerations**

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

Policy T9 of the Local Plan deals with the establishment of new sites for touring caravans and tents which are outside of the Area of Outstanding Natural Beauty. The policy states that such sites will be permitted where they are located within, or adjacent to, settlements or adjacent to the main holiday routes (such as the A303), and subject to criteria concerning landscape impact, nature conservation, highways safety and affects upon neighbouring residents.

PPS4 is the Government's planning statement on economic development, and states that planning authorities should support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres, carefully weighing the objective of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites. The guidance goes on to state that planning authorities should ensure that new or expanded holiday and

touring caravan sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.

The Good Practice Guide for Planning Tourism recognises the contribution that touring and camping accommodation can make towards the economy, and echoes the advice contained within Local Plan policy T9 and PPS4 with regards to siting such facilities close to existing settlements and protecting landscapes and environmentally sensitive sites.

## **9.2 Character and appearance of the area**

Before considering the visual impacts of the development it is important to establish the 'fallback' position, i.e. what the applicant could undertake even if the application is refused and the site is required to be reinstated to its former condition. The site's CL status is not dependent upon the operational development proposed and therefore the applicant could still utilise the site for the stationing of up to five caravans subject the Caravan Club guidelines. In Officers' opinion it would therefore be unreasonable to consider the visual implications of the caravans themselves. Rather, the visual impacts should be focussed upon the operational development, i.e. the access alterations, bunding, hardstandings, buildings, etc. These are considered as follows:

### **9.2.1 Access alterations and adjacent bunding**

There is some conflict between the applicant and a number of local residents over the former state and appearance of the access prior to the new works being carried out. Evidence suggests, however, that there was a field access in the general position of the proposed one and that some form of track, albeit possibly unmade or with any underlying surface having been substantially overgrown with vegetation, lead down to the former agricultural buildings towards the lower section of the site.

The most significant and visible alteration made to the access comprises its formalisation through its widening and resurfacing with crushed stone, together with the creation of earth banks and new fencing along the road frontage. The widening and resurfacing of the access point has created a reasonably large expanse of hardstanding, although such accesses are not untypical of those serving agricultural fields in rural areas, and the proposed crushed stone finish is not considered to be obtrusive.

However, the Council Landscape Officer has commented that the adjacent earth bunds and fencing are not in keeping with the local landscape character, being out of scale and inappropriate on the flat valley bottom. This is acknowledged even within the applicant's own landscape appraisal. Unlike much of the other operational development proposed, the bunds are highly visible within the landscape, situated close to the road and being sizeable in scale. Little justification has been provided for the necessity of the bunds, or of their advantages in terms of screening the site over natural planting. It is therefore considered that the bunding and fencing would fail to comply with planning policies which seek to preserve the character of the countryside. For the purposes of considering this planning application, only the bunding to the left (north) of the access is included within the application site. However, even notwithstanding the section of bunding outside of the application site, it is considered that this smaller section of bunding included within the application is unacceptable in visual terms.

### **9.2.2 Access track and hard standings**

The access track also has a crushed stone finish and would run along the northern edge of the field to the lower section of the application site, where it turns at right angles providing direct access onto 5 separate pitches which are finished in contrasting limestone chippings. From outside of the application site, the topography of the land prevents any significant views of the track and hardstandings, which are therefore considered to have little impact upon the landscape.

### **9.2.3 WC/Shower block and attached dish wash up area**

This is situated at the lower section of the application site, and comprises a portable type structure, containing the shower and WC facilities, with attached timber clad lean-to containing the dish washing facility. The structure is visible or partially visible from the main public vantage points from outside of the site, although given its low height, dark green colour and timber finish, and siting adjacent to several tall conifer trees, its visual impact is not considered to be significant. The proposed planting plan would also further screen the building once established.

### **9.2.4 Other paraphernalia**

This includes 3 electric hook-up points and a chemical toilet disposal area. There is also a cesspit although its externally visible elements are limited to a man-hole cover and modest venting pipe. Overall these elements are of modest size and visual impact, and are not considered to have an adverse impact upon the character of the area.

### **9.3 Highways safety**

It is noted that concern has been expressed over the highways implications of the development, including the safety of using the access onto the Berwick Road, the safety of its junction with the A303, and the potential for increased traffic and congestion. However, the professional advice given by the Council Highways Officers and the Highways Agency is that the development would not have an adverse affect upon highways safety on either the Berwick Road or the A303. This is subject to the consolidation of the surface to the first 5 metres of the access, which could be secured by condition. Consequently it is not considered that this planning authority could substantiate a reasonable objection on highways safety grounds.

### **9.4 Amenities of the occupiers of nearby property and other recreation users**

Previous objections on residential amenity grounds have predominantly related to the implications of the proposed use of the site as a caravan and camping site. However, as already stated within this report, the caravan use does not require planning permission and it is only the operational development that can be considered. The neighbouring dwellings are considered to be a satisfactory distance from the proposals, with intervening landscaping, so as not to be significantly affected.

### **9.5 Sewerage & waste water disposal**



Wessex Water have confirmed that the site is not within a sewered area, and the applicant's assertion that connection to the mains is not practical is accepted by Officers. A cesspit has been provided on the site to collect sewerage and grey water from the WC/toilet block, attached dish wash up area, and chemical toilet disposal area into a sealed 7000 litre unit. Advice within Circular 03/99 is therefore applicable to the development, which provides guidance on the use of non-mains sewerage systems. On the use of cesspits, this guidance states:

*Whilst this Circular primarily deals with septic tank drainage systems, the attention of developers and local planning authorities is drawn to the implications of the use of cesspools. In principle, a properly constructed and maintained cesspool, being essentially a holding tank with no discharges, should not lead to environmental, amenity or public health problems. However, in practice, it is known that such problems occur as a result of frequent overflows due to poor maintenance, irregular emptying, lack of suitable vehicular access for emptying and even through inadequate capacity. These problems can be exacerbated by unsuitable conditions, such as some of those listed in paragraph 6 above. When considering a scheme proposing the use of cesspools, therefore, the local planning authority may wish to adopt the same process of considering the possibility of significant problems arising as described in paragraph 6 above, and whether these problems can be overcome by the attachment of suitable conditions to a planning permission.*

It is not considered that the site is subject to unsuitable conditions, such as flooding, which could result in problems from using such a system. However, the risks of overflow events is acknowledged, which could be particularly harmful given the topography and proximity of the site to the River Till. The applicant confirms that a contract has been entered into which will ensure the regular emptying of the cesspit. The proposed arrangements are considered acceptable, subject to the installation of an alarm to provide adequate warning against overflow.

### **9.6 Nature Conservation**

The site itself is of limited potential for wildlife habitat, being well kept grassland/pasture. The adjacent riverside habitat, outside of the application site, is of more significance, particularly the River Till SSSI and SAC. The proposed development would not encroach directly upon this, and suitable controls on the disposal of potential sewerage and grey water run-off can be appropriately secured, as detailed above.

At the scale of development proposed the Council's Ecologist is satisfied that there will be no significant affects upon the River Till SSSI or SAC, and appropriate consideration has been given to the Habitats Regulations. New planting undertaken and proposed by the applicant also has the opportunity to enhance wildlife habitat within the site. Lighting within the site could potentially be controlled through conditions to minimise harmful light spill in the interests of wildlife associated with the nearby riverside habitat.

### **9.7 Archaeology**

The site is outside of the World Heritage Site but within an area designated for its high archaeological potential. The Council Archaeologist notes that an archaeological

watching brief should have been undertaken for the retrospective operational development which resulted in ground disturbance. Since such investigation cannot be undertaken retrospectively, and no additional works are proposed within the application, there is little that the Council can do to rectify this matter. However, the applicant has been informed of the requirement for archaeological investigations for any future such works, and has provided a scheme of investigation that would be followed in such an event.

## **10. Conclusion**

The majority of the operational development proposed within the application is considered acceptable, with the exception of the earth bund and fencing atop to the left (north) of the access, which would not be in keeping with the local landscape character, being out of scale and inappropriate on the flat valley bottom. The proposal would therefore fail to accord with the aims and objectives of the development plan and other Government planning guidance which seeks to preserve the character of the countryside.

## **RECOMMENDATION**

**It is recommended that planning permission is REFUSED for the following reasons:**

The proposed earth bund and fencing to the north of the access, by virtue of their excessive height and prominent location, would harmfully contrast with the surrounding open landscape, to the detriment of the character and appearance of the area. The development would therefore fail to accord with the aims and objectives of the development plan and Government planning policy, having regard to policies G1, G2, C2, C6 and T9 of the Salisbury District Local Plan and guidance contained within PPS4 and PPS7.

**Appendices:**

None

**Background documents used in the preparation of this report:**

None

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<b>Deadline</b>	<b>28<sup>th</sup> July 2010</b>		
<b>Application Number:</b>	<b>S/2010/0797</b>		
<b>Site Address:</b>	<b>STONEHENGE CAMPSITE BERWICK ROAD BERWICK ST. JAMES SALISBURY SP3 4TQ</b>		
<b>Proposal:</b>	<b>RETROSPECTIVE APPLICATION FOR THE DISPLAY OF 2 ADVERTISEMENTS</b>		
<b>Applicant/ Agent:</b>	<b>MR TONY ALLEN</b>		
<b>Parish:</b>	<b>WINTERBOURNE STOKETILL/WYLYEVALLE</b>		
<b>Grid Reference:</b>	<b>407430.6 140420.5</b>		
<b>Type of Application:</b>	<b>ADV</b>		
<b>Conservation Area:</b>	<b>WINTERBOURNE STOKE</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Charlie Bruce- White</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

The Southern Area Committee resolved that future applications at this site should be determined by the Committee due to the level of local interest.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be APPROVED subject to conditions. .

***Neighbourhood Responses***

17 letters of objection/concern were received.

***Parish/Town/City Council response***

Winterbourne Stoke Parish Council - Support

Berwick St. James Parish Council - Object

**2. Main Issues**

- Amenity;
- Public safety.

### 3. Site Description

The site relates to the entrance of Stonehenge Campsite, situated on the Berwick Road, to the south-west of Winterbourne Stoke. This is a small scale campsite, only lawfully permitted to operated under permitted development rights, comprising use as a Certified Location (CL) for up to 5 caravans, and use for temporary touring and camping events, such as 5 day meetings held by 'exempted organisations', or the use of land for not more than 28 days in a year for tented camping. The site falls within the Special Landscape Area.

### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
213	Re-building of shed & piggeries	AC	01.06.50
TP/59	Construction of new access to highway	AC	27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC	12.10.55
10/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points.	R	11.05.10
10/1058	Retrospective application to retain operational development associated with use of land as a caravan club site and tenting/rally area	Undetermined	

### 5. The Proposal

Retrospective consent is sought for the retention of two freestanding signs, sited to either side of the site entrance, displaying "Stonehenge Campsite" and advertising "Caravan Rallies" and "Events Venue". The signs measure approximately 1200mm x 900mm, each being mounted on two wooden posts raising the signs off the ground by approximately 350mm. The signs have a dark brown background with white letting.

### 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, C2, C6
- PPG19: *Outdoor Advertisement Control*

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## **7. Consultations**

### ***Highways Officer***

No objection in highway safety terms

### ***Winterbourne Stoke Parish Council***

Support

### ***Berwick St. James Parish Council***

Object on the following grounds: excessive in size and not relevant to the permitted use.

## **8. Publicity**

The application was advertised by neighbour notification and site notice.

17 letters of objection/concern were received, raising the following:

- Signs are excessive in relation to the permitted activities;
- Harmful to the character of the area.

## **9. Planning Considerations**

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

PPG19 states that the display of outdoor advertisements can only be controlled in the interest of “amenity” and public safety”, and that it is accepted that anyone proposing to display an advertisements “needs” that advertisement in that particular location, whether for commercial or other reasons.

### ***9.2 Amenity***

Two signs are proposed, either side of the site access, designed to indicate the entrance to the Stonehenge Campsite for vehicles travelling in either direction on Berwick Road. The signs are set back from the road, into the splayed part of the access. The existing earth bunds to either side of the access, which are currently unauthorised, provide the backdrop to the signs, and help to reduce their visual impact. However, even taking into account a reduction to the height/extent of the bunding so that they fall within permitted development, it is not considered that the signs would have an unacceptable visual impact. Such reduced height boundary treatment would still provide an appropriate backdrop to the signs given their size and set back from, and angle to, the road. The dark brown background to the signs would be appropriate to the rural character of the area, and the white lettering and symbols are of a simple and modest style.

It is noted that concern has been raised by a number of third parties and Berwick St.

James Parish Council that the signs are excessive for the permitted campsite use and that they could be construed as misleading in terms of the authorized activities that can take place on the land. However, PPG19 states that the need for an advertisement or its displayed content are not material considerations. Rather the affect of the advertisement upon the visual amenity of the locality and public safety are the sole considerations.

### **9.3 Public safety**

The Highways Officer has raised no objection in highways safety terms and it is not considered that the signs pose any other danger to public safety. Guidance within PPG19 also states that local planning authorities should bear in mind that some advertisements can positively benefit public safety by safely directing drivers to their destination. In this instance, it is considered that this is particularly relevant given the type of vehicles accessing the site i.e. cars towing caravan, which would have particular difficulty attempting to manoeuvre on the B-class Berwick Road should the site access be missed.

## **10. Conclusion**

The proposed signs, by virtue of their siting, scale, colouring and design, would not have an unacceptable impact upon amenity or public safety.

## **RECOMMENDATION**

**It is recommended that planning permission is application be APPROVED for the following reasons:**

The proposed signs, by virtue of their siting, scale, colouring and design, would not have an unacceptable impact upon amenity or public safety. The proposal would therefore be in accordance with the aims and objectives of PPG19 and Local Plan policies G1, G2, C2 and C6.

**And subject to the following conditions:**

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2) No advertisement shall be sited or displayed so as to:

- a. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- c. Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

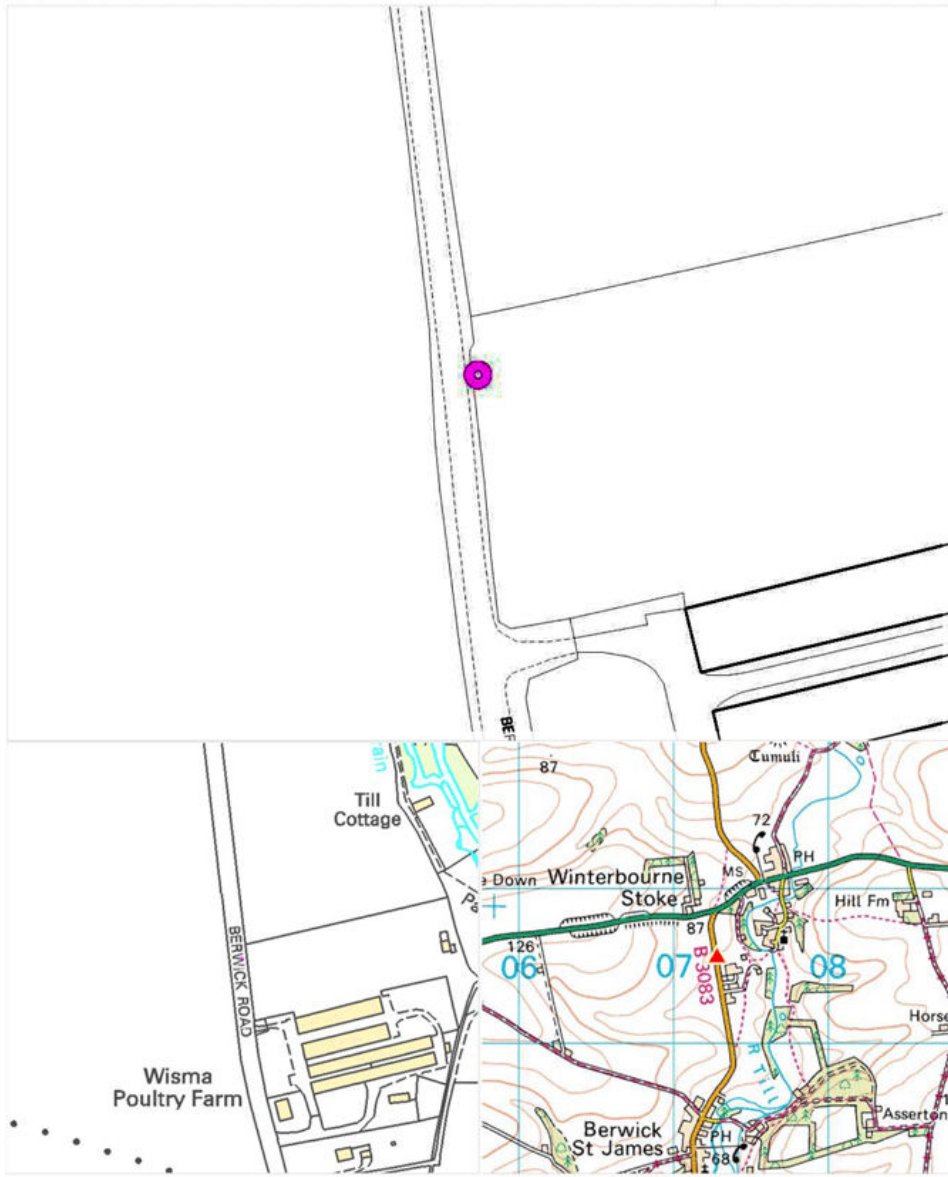
- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

<b>Appendices:</b>	None
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<b>Background documents used in the preparation of this report:</b>	None
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Site Visit:



**Wiltshire Council**  
Where everybody matters

**STONEHENGE CAMPSITE**

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3

<b>Deadline</b>	<b>30<sup>th</sup> April 2010</b>		
<b>Application Number:</b>	<b>S/2010/0310</b>		
<b>Site Address:</b>	<b>LAND TO REAR OF VINE COTTAGE FORE STREET WYLYE WARMINSTER BA12 0RQ</b>		
<b>Proposal:</b>	<b>DEMOLITION OF CURTILAGE BUILDING AND PROPOSED ERECTION OF 3 NO. DWELLINGS AND ASSOCIATED ACCESS AND DRAINAGE WORKS</b>		
<b>Applicant/ Agent:</b>	<b>PEGASUS PLANNING GROUP</b>		
<b>Parish:</b>	<b>WYLYETILL/WYLYEVALLE</b>		
<b>Grid Reference:</b>	<b>400860.1 137532.1</b>		
<b>Type of Application:</b>	<b>Full</b>		
<b>Conservation Area:</b>	<b>WYLYE</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Mr O Marigold</b>	<b>Contact Number:</b>	<b>01722 434293</b>

**Reason for the application being considered by Committee**

Councillor West has requested that the application be heard at committee if it were recommended for approval, on the grounds of visual impact on the surrounding area/Conservation Area, relationship to adjoining properties and environmental/highway impact.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission is APPROVED WITH CONDITIONS. This is despite the objection of the Parish Council and seven local residents, although five residents have supported the application. Further details are provided below.

***Neighbourhood Responses***

7 Letters of support were received  
5 Letters of concern were received

***Parish Council Response***

Object

**2. Main Issues**

The main issues to consider are:

1. The principle of development
2. The impact on the character and appearance of the Conservation Area, AONB and HRA;
3. The impact on the living conditions of nearby properties;
4. Noise and Disturbance
5. The impact on highway safety;
6. Archaeology;
7. Ground water source protection;
8. Protected Species;
9. Public Recreational Open Space;
10. Other Considerations (SSSI, SAC, flooding and drainage)

### **3. Site Description**

The site consists of Vine Cottage and its associated outbuildings and garden, in Fore Street, Wylde. Vine Cottage is a two-storey dwelling of painted brick and tile positioned close to the road, with an annex outbuilding (stone/brick and tile) immediately on the road frontage, on the opposite site of the entrance driveway off Fore Street.

To the rear of the existing dwelling is garden and strip of unused land divided from the garden by an existing wall. Beyond the wall is the Westbury to Salisbury (Great Western) railway line. To the west of the site is Wylde Terrace, a row of four terraced ex-Local Authority dwellings, while to the east is East Farm House and Miller's Close, a group of converted/new dwellings designed to appear as agricultural buildings fronting Dinton Road. Opposite the site (to the north) dwellings include the Grade II-listed Walnut Cottage.

The application site and its surroundings fall within Wylde's Conservation Area and (in common with the village) lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site is also within Wylde's Housing Policy Boundary, an Area of Archaeological Significance and a Ground Water Source Protection Area.

### **4. Planning History**

No relevant planning history. A concurrent application for Conservation Area Consent has been submitted (reference S/2010/0311).

### **5. The Proposal**

The application proposes the erection of three dwellings. These would be formed from the replacement of an existing 'annex' building to the front with a similar-sized dwelling (house 1), and the erection of two dwellings to the rear of the site, in Vine Cottage's existing garden curtilage using a strip of land beyond as garden (houses 2 and 3).

The two new dwellings (2 and 3) would be two storey buildings, designed to appear as

barns relating to Vine Cottage. To this end, they would be relatively tall (7.4m high for house 2; 6.6m for house 3) but utilising dormers within the roofs. House 1 would have three bedrooms while houses 2 and 3 would have four bedrooms.

House 1 essentially involves the re-construction of the existing annex outbuilding. The replacement building would have a similar height and width, but to the rear the existing car port is replaced by bedrooms. A second storey is incorporated within the building by lowering the floor level, having a sunken courtyard, and by lighting the first floor by rooflights. The materials would be light cream render and a reclaimed Welsh slate roof. The building would be re-sited slightly, so that the north west corner is set further back. This 'pivoting' of the building is necessary to ensure vehicle sightlines for cars leaving the entrance to the development as a whole.

House 2 has been designed so that its main form is parallel (but set well back from) Fore Street, with a smaller wing projecting southwards. It would be relatively large, with its main section having a width of just over 15m and a depth of 7.7m. The wing to the rear results in an overall depth for the whole building of 13.6m. It would have low eaves, with minimal domestication on the front elevation, in keeping with its 'barn' design. There would be a separate garage to the east of the house (6.3 x 6.6m x 4.8m height), but this would be attached by means of a glazed link. The dwelling would be timber framed, and the principal materials would be oak boarding with plain clay roof tiles on the main elevations, with stone used for the rear projection.

In contrast, house 3 has a wing projecting to the front (north) with a fully attached garage. This dwelling would have overall dimensions of 16.2m x 14m, with a height of 6.6m. Like house 2m, it would also use dormers to provide the first floor accommodation, though these break the higher eaves line on the main section of the building. The materials used here would be primarily brick and flint under a Welsh slate roof, though the garage 'extension' would use timber boarding under clay tiles, similar to house 2.

## **6. Planning Policy**

The following policies are considered relevant to this proposal:

### Adopted Salisbury District Local Plan (saved policies)

H19 – Development within Housing Policy Boundaries

D2 – Infill Development

C4, C5 – Development within Areas of Outstanding Natural Beauty

C12 – Protected Species

G1, G2 – General Development Criteria

G8 – Groundwater Source Protection

CN8 – Development within Conservation Areas

CN9 – Demolition of Buildings within Conservation Areas

CN10 – Loss of Gardens in Conservation Areas

CN21 – Areas of Special Archaeological Interest

R2 – Public Recreational Open Space

National Guidance

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPS5 – Planning for the Historic Environment

PPS7 – Sustainable Development in Rural Areas

PPS9 – Protected Species

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

Other Relevant Guidance

Wylve Conservation Area Appraisal

Circular 03/99 - Planning requirements in respect of the use of non-mains sewerage

## **7. Consultations**

### ***Parish Council***

Wylve Parish Council has considered this planning application and objects on two grounds:

1. We suggest the angle of the rebuild of the Annexe be reconsidered to give greater road view for the safety of exiting traffic.
2. We feel the development is taking place in the garden of a house recognised in the Village Conservation Assessment as one of considerable architectural interest. The loss of the garden in this way detracts from the rural nature of the other buildings constituting the Fore St streetscape, again as described in the Village Conservation Assessment and we believe would constitute undesirable "backland development" .

### ***Highways***

No objection subject to conditions relating to:

- Access surfacing;
- Access gradient;
- Prevention of visibility splay obstruction;
- Surface water drainage

### ***Archaeology***

The site has been subject to an archaeological evaluation which identified archaeological remains of mediaeval and post-mediaeval date, including two substantial pits. It would be appropriate; therefore, that the site has an archaeological watching brief during ground works. This can be secured by condition.

## ***Conservation***

### Initial comments (summarised)

Further to pre-application comments, no objection in principle to the demolition and rebuilding of the outbuilding. Would like to see an existing plan and elevation of the building in order to comment on the design of the proposed rebuild. This building should be retained as a simple outbuilding, and therefore, ornate features, like the curved dormer and glazed gable ends, would detract from its traditional character.

Concerns have previously been expressed regarding the width and treatment of the access onto Fore Street. Some form of enclosure is proposed to be created with the planting of low hedges adjacent to the entrance but, but it is questionable whether its retention can be controlled by condition

Concerns were raised at the pre-application stage regarding the design concept for the two dwellings at the rear of the site, which are felt to be somewhat contrived. The scheme has not been amended, so these concerns still remain. Concerns also remain about the scale of the proposed dwellings at the rear. House 3 and its associated parking and garden will result in a loss in garden space to Vine Cottage to an unacceptable degree.

The perception of House 2 from street level also raised concerns. While some trees are scheduled to be removed, some new tree planting is being proposed to screen the development. This new planting would need to be quite substantial in order to maintain the existing green backdrop, and to therefore preserve the character and appearance of the conservation area.

Overall, in its present form, an objection is raised to the scheme for the above reasons, which are not in accordance with Policies CN5, CN8 and CN10 of the Adopted Salisbury District Local Plan.

### Subsequent comments (summarised)

A computer 3D package was brought to the meeting in the office on 9 August, which showed the scheme from various vantage points. This allayed concerns about the potential impact of the new buildings from general views within the conservation area.

Amended plans received to show a simpler form of building to replace the annex and to simplify the roof form of House 2.

No objection is now raised, subject to conditions relating to windows, rooflight, flues, eaves, rainwater goods, external facing materials and the construction of a sample panel.

## ***Arboriculturalist***

No objection

### ***Environment Agency***

No objection

### ***Environmental Health***

Consider that a condition can be used to deal with potential contamination and noise impact from railway.

### ***Wessex Water***

Development is located within a foul sewer area

### ***Network Rail***

The following standard comments are deemed appropriate for a development of this nature

#### Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary.

#### Drainage

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details.

## **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification with an expiry date of 8<sup>th</sup> April 2010.

7 letters of support have been received, making the following comments:

- It would bring new people into the village helping local facilities;
- The garden will easily accommodate two additional dwellings
- The dwellings will be in keeping with the village;
- There have been no traffic jams or congestion recently;
- The development will not be seen from Fore Street;
- Adequate parking means that it should make little difference to on-road parking;

5 letters have been submitted raising the following concerns:

- The Local Plan makes a clear presumption against tandem or inappropriate development;
- Scale of the development is out-of-proportion to the neighbourhood and the barn-like structures are simply too big;
- The inappropriate suburban influences detract from the Conservation Area;
- Trying to disguise this by the agricultural form of the buildings is entirely contrived;
- The proposal results in a significant loss of amenity to nearby properties;
- There is already a parking problem in Fore Street with the road frequently obstructed by parked vehicles. The significant increase in vehicle movements would only make this worse, including for emergency vehicles;
- The adequacy of the visibility splays are questionable in light of the number of parked vehicles in the vicinity;
- Impact of additional hard-surfacing on flooding;
- The concerns expressed by planning officers (pre-application) about the size and scale of the buildings are justified;
- Impact on AONB and Conservation Area;
- The applicant's agents have a commercial relationship with Wiltshire Council resulting in a conflict of interest;
- Need for consultation regarding re-routing of electricity and telephone cables;
- Need for consultation of local road users;
- Impact from flooding bearing in mind springs and aquifers;
- Exacerbation of sewage problems

## **9. Planning Considerations**

### ***9.1 Principle of Development***

The vast majority of the application site is identified in the Local Plan as being within Wylve's Housing Policy Boundary (HPB). Local Plan policy H16 says that within such areas, infilling and small scale redevelopment will be permitted in principle, provided it does not consist of inappropriate backland or tandem development; does not result in the loss of an important open space; and is acceptable in design terms.

The rearmost extremity of the site is outside of the Housing Policy Boundary, where new residential development would not generally be considered acceptable. However, the proposed use of this land would be as domestic garden. Its current use is unclear but the land forms a narrow strip between the existing curtilage and the railway line. While it does not have the appearance of garden (more as 'scrub' land), it is considered that use of it as curtilage would not have an adverse effect on the area's character and appearance. No buildings are proposed on this relatively narrow strip of land. In officer's view, the fact that this land is outside of the HPB does not render the whole scheme unacceptable in principle.

It is recognised that the new Government has revised its guidance to make 'garden grabbing' more difficult. It has done this by revising PPS3's definition of previously developed land, to exclude residential curtilages, and removing the indicative density levels.

This means that the current garden to Vine Cottage, which would have been considered as previously developed land under the previous Government's definition, is now considered 'greenfield'. Meanwhile, it is debatable whether the rear part of the site (that outside the HPB and therefore not curtilage) is 'previously developed land' because although it once formed part of the railway station, it has now been largely assimilated so that its previous use is not obvious.

However, it must be stressed that even if none of the site is now 'previously developed land', the vast majority of it is still within the Housing Policy Boundary and therefore development is still acceptable in principle, despite the change to PPS3. The acceptability of development within HPBs remains as it did before the change to PPS3 came into force. Only until such time as the Core Strategy (and its associated Development Plan Documents) replace the current Local Plan's HPBs will the situation change.

Therefore, given the majority of the site's designation as an HPB, it is not considered that there is an objection in principle to development. This does not make development automatically acceptable, however. Policy H16 still contains criteria that have to be assessed, as do the other planning policies set out above.

In particular policy H16 does warn against *inappropriate* backland development. It is clear that the proposed development is backland (as defined in the Local Plan glossary), in that it is proposed new residential development without a road frontage, lying to the rear of other development.

However, the explanatory text to the policy makes clear that proposals for such development may be allowed where access and car parking is acceptable, there is adequate space between old and new buildings to avoid harm to the amenity of neighbouring houses and where it is ensured that new development is carefully assimilated into existing settlements.

Similarly Local Plan policy D2 supports infill development where it respects the character of the area in terms of building line, scale of the area, heights and massing of adjoining buildings, characteristic building plot width and architectural characteristics. These are all factors to consider in assessing the impact on the character and appearance of the area and the impact on nearby properties, below.

## ***9.2 The impact on the character and appearance of the Conservation Area, AONB and the area in general***

The impact on the character and appearance of the area, particularly on Wylie's Conservation Area, is an important consideration as identified by Local Plan policy CN8 (development in the Conservation Area).

The Wylie Conservation Area Appraisal (September 2008) describes Fore Street as being 'less coherent' than others and has a more semi-rural character with more space between and in front of buildings. The appraisal goes on to say that buildings are consistently two storey, with differing roof pitches varying the heights of buildings.

It says that the building line varies but is most commonly buildings set back (in some



cases well back) off the road, with gardens and parking in front. This is less evident travelling east where the combination of outbuildings, boundary walls and mature planting provides a much harder edge to the road frontage.

The Appraisal specifically says that the outbuildings and boundary wall of Vine Cottage form a key group in the street scene and help define enclosure of the road. Vine Cottage and its outbuildings are identified as 'Key Contributory Buildings', although none are actually listed.

Furthermore, although within the Housing Policy Boundary, The Conservation Officer expressed initial reservations at the size and scale of the proposed development at the rear and describing the design concept as being somewhat 'contrived'.

In response to the Conservation Officer's initial concerns, the applicants have argued, including through the use of 3D imaging, that the impact of the dwellings to the rear would not be significant. It is argued that this is because public views of the buildings would be largely screened by trees, landscaping, the landform and existing buildings. Furthermore, it is argued that the relatively lower position of Fore Street means that the scale of the rear dwellings would not be apparent to the casual observer, other than perhaps through the entrance driveway.

The applicants argue that, far from being contrived, the proposal has been designed carefully to reflect the local vernacular, and that it would not look out of place. They point to the nearby development at Miller's Close as an example of residential development in the village that reflects the historically agricultural character of the area.

It is accepted that the proposed buildings have been designed to a high standard, with careful reflection of building forms and materials. In relation to the proposed layout and siting of the development it is not considered that the erection of dwellings would necessarily be contrived in this location.

The two rear dwellings have the appearance of converted barns that might have been associated with Vine Cottage. Reference is made in the appellant's Design and Access Statement to the converted Miller's Close and buildings associated with Walnut Tree and East Farmhouse. The dwellings would have no domestic features (eg chimneys, fenestration) on their principle (northern) elevations and this, plus the large roof spans, high ridges and low eaves all give the appearance of agricultural buildings.

It has to be said that the erection of agricultural barns (ie barns that have been 'converted' to form these dwellings) is unlikely to have occurred historically where the dwellings are now proposed. Had barns really been built for the farm, they would either have been close to the main agricultural buildings at Miller's Close/East Farm, or been some way away as an independent grouping. It is for this reason that initial concerns about the 'contrived' nature of the development were raised by officers.

However, this does not mean that residential development should be ruled out on the position now proposed, nor that the design of dwellings should not have a rural feel or 'barn like' appearance. In reality the application site is unlikely to be read by the casual observer in the context of the proximity of other former agricultural buildings.

It is also recognised that the extent to which the development is visible is relatively limited, a fact which has been made clearer by further submissions from the applicant. In fact House 3 is likely to be entirely screened either by trees, vegetation or the existing dwelling at Vine Cottage. Only the roof of House 2 is likely to be visible, again being screened by trees, the landform and House 1. Landscaping should not be relied upon to 'mask' buildings, particularly in winter months. However, it is accepted that landscaping, landform and the existing/replacement buildings will help to minimise the prominence of the development.

Infill development is permitted (by policy D2) where it is acceptable in terms of building heights, massing, plot widths, architectural characteristics and the building line. The dwellings would have similar ridge heights to Miller's Close and Wylve Terrace though would be higher than Vine Cottage (by over 2m) and East Farm House.

In terms of the building line, these both vary considerably in the vicinity as the Conservation Area Appraisal makes clear. Wylve Terrace and East Farm House are much closer to the road, giving them greater prominence than would be the case with the proposed rear dwellings, both of which would be set back by some 49m from the road edge. This means that the proposal would not conflict with a clear building line and that the mass and height of the dwellings would not look out of place.

The applicants have also revised the design of House 2, removing a previously-proposed 'wagon porch' (a large stone entrance porch), resulting in simpler and less imposing building. Of the two 'backland' dwellings, House 2 would be the dwelling most visible when viewed from Fore Street. Although the height to ridge of House 2 would remain as originally proposed (at around 7.5m), it is considered that these design changes help to minimise the impact of the development on the Conservation Area.

Although the proposal would result in the loss of gardens within the Conservation Area, which on the face of it would appear to be contrary to Local Plan policy CN10, it is not considered that the gardens to the rear of Vine Cottage are sufficiently contributory to the Conservation Area's character to justify refusal. Similarly their loss would not have a meaningful impact on the AONB's natural beauty.

In relation to the demolition of the annex to form House 1, while this is a consideration for the Conservation Area Consent application, but should also be assessed as part of this application. The Conservation Area Appraisal identifies the outbuilding as having a positive contributory effect, and clearly loss of the building without a replacement would have a detrimental effect on the Conservation Area, reducing the extent of enclosure that is currently provided by the annex building.

The proposed development, however, seeks to re-build the annex building so that it is almost identical to the existing building when viewed from the front, with the exception that the front windows are lower and that the building would be repositioned, so that the north west corner is set back. The re-siting is proposed to achieve the sight lines necessary to ensure adequate visibility for the additional vehicles entering and leaving the site.

If it were considered that the re-siting (necessary only to enable development of the rest of the site) resulted in a loss of a sense of enclosure, then the proposal would be

considered contrary to Local Plan policy CN9. However, it is considered that the replacement of the annex would not significantly diminish the extent of enclosure provided by buildings on the site.

Furthermore, the application includes the provision of a new stone boundary wall (and grass verge) between the site access and Vine Cottage. This would replace an existing hedge and would therefore give a greater sense of enclosure. Setting the building back further, or pivoting the building further south, suggested by the Parish Council to provide greater sightlines, would risk a loss of enclosure and is not considered necessary by the Highways Department

The Conservation Officer did express concerns about other aspects of the design of house 1, in relation to ornate features (like the curved dormer and glazed gable ends) detracting from the current simplicity of design of the existing annex. In response the applicants have revised these elevations, removing the dormer (replacing it with three rooflights on the rear elevations) and 'Juliet' balcony. The revised elevations also remove the previous glazed sections on the west gables and elevation. This gives the building a much simpler and preferable appearance.

Overall, it is considered that initial concerns about the proposal's 'contrived' design, scale and appearance have been overcome. On balance, it is considered that the proposals would not harm the character and appearance of Wylde's Conservation Area. Similarly the natural beauty of this part of the AONB would not be harmed. It is therefore considered that the proposals would comply with Local Plan policies CN5, CN8, CN9 and CN10 and the advice in PPS5. It would not conflict with Local Plan policy H16 (in relation to design and development assimilating into the settlement) and it would comply with Local Plan policy D2.

### ***9.3 The impact on the living conditions of nearby properties***

Consideration has been given to the impact of the proposals on the living conditions of nearby properties, though loss of light, overshadowing or over-dominance. The nearest dwellings are Miller's Close and East Farmhouse (to the east), Wylde Terrace (to the west), and Walnut Cottage, Two Gates and 14 Orchard Cottages on the opposite side of Fore Street. Consideration also has to be given to the amenities of Vine Cottage itself.

In relation to overlooking, it is generally considered that a 20m separation distance between opposing habitable upper floor windows is necessary to ensure that a reasonable standard of privacy is maintained. Ground floor windows can normally be screened by boundary treatments. In this case adequate separation is available between the proposed dwelling's upper floor windows and windows in neighbouring dwellings.

Towards Wylde Terrace (to the west) there are no upper floor windows proposed on House 3's west elevation. Only ground floor kitchen and utility room windows would face this way, and the properties in Wylde Terrace itself are set some way forward of the proposed rear houses. The north elevation of House 3 would also have no first floor windows. It is considered that the properties in Wylde Terrace would not suffer undue overlooking.

On the eastern side (towards Miller's Close and East Farm House) Houses 1 and 2

would also have no first floor windows facing in this direction. House 2's living room would have small ground floor windows only which could adequately be screened. House 3 would have windows serving first floor habitable rooms facing east but at a distance of more than 30m. It is therefore considered that Miller's Close and East Farmhouse would also not suffer undue overlooking.

To the north, House 1 would have two ground floor windows facing the highway, serving the kitchen and dining room which couldn't be screened because of the position of the road. These would be less than 20m from the property opposite, but they would replace existing windows in the current annex, and the re-siting of House 1 further south would actually slightly improve the situation compared with that which currently exists.

In terms of intervisibility within the site, House 1 would be 20m from Vine Cottage and over 40m from House 2. Houses 2 and 3 would be more than 20m from the main parts of Vine Cottage. Between House 2 and House 3 there would be a separation of only 8.9m. However, while House 2 would have a bedroom window facing west, House 3 has no windows in its eastern end elevation. House 3 does have first floor windows in its northern projection, but this is far enough away from House 2 for that property's privacy to be adequate.

In terms of dominance and over-shadowing (loss of light), it is considered that the separation distances set out above mean that there would be more than adequate space between the proposed buildings and its neighbours. Any loss of light to be minimal and the proposed dwellings would not dominate or impose upon nearby dwellings.

Overall, it is considered that the development would not harm the living conditions of nearby properties, and would in that respect comply with Local Plan policy G2.

#### ***9.4 Noise and Disturbance***

The Salisbury to Westbury railway line runs to the south of the application site, around 30m from the nearest of the two rear dwellings and Network Rail have commented that the potential for noise and disturbance from the railway to the occupiers of the dwellings is a factor to be considered in the application.

Network Rail has not objected to the application but have said that conditions should be used were necessary. The Council's Environmental health department has been consulted and consider that a noise assessment needs to be undertaken in accordance with PPG24. However, they have confirmed that this can be dealt with by a planning condition, rather than being a requirement before a decision is issued.

Subject to the imposition of a suitable condition, including measures for mitigation if necessary, it is considered that the proposal would not result in unacceptable levels of noise and disturbance for occupiers of the development.

#### ***9.5 The impact on highway safety***

The application proposes access to the development using the current entrance, off Fore Street. Concerns have been expressed regarding traffic generation from the development and highway safety. The Highways Department were initially concerned

that inadequate visibility would be available for vehicles leaving the site because of the position of the existing annex building. However, this building is proposed for re-positioning to allow for adequate visibility.

The Highways Department has now raised no objection to the proposal, subject to standard conditions regarding access surfacing, gradient, prevention of visibility splay obstruction and surface water drainage.

Provided these conditions are imposed, there is no reason to believe that the development would have an adverse impact on road users, and therefore an appeal against refusal on these grounds would be difficult to defend. The proposal would therefore comply with Local Plan policy G2.

### **9.6 Archaeology**

Local Plan policy CN21 and PPS5 gives guidance regarding archaeology. Following pre-application advice, the applicants have undertaken an archaeological survey. The survey, involving the excavation of three trenches found some medieval pottery and two possible pits of post-medieval or modern times.

The Council's Archaeologist has considered the submitted survey, and considers that a watching brief should be carried out while development takes place, in case any further archaeological features are found. This could be secured by condition. Subject to this, it is considered that the proposal would not be unacceptable in terms of archaeology, and that the relevant planning policies will be satisfied.

### **9.7 Ground water source protection**

The application site is within an Area of Groundwater Source Protection, where Local Plan policy G8 requires that water sources are protected from pollution caused by construction.

The applicants have submitted a Construction Method Statement setting out measures to be taken during construction to ensure that development does not result in significant risk of polluting the ground water source.

The Environment Agency is the lead consultee of Groundwater. They have considered the applicants' Statement and have raised no objection. It is recommended that a condition is imposed ensuring compliance with the Method Statement. Subject to this condition, it is considered that the proposal would comply with policy G8.

### **9.8 Contamination**

Land at the rear of the application site was once part of Wylve's railway station, closed in the 1960s. This means that there is the potential for part of the site to be contaminated with railway-related substances.

It is accepted that the part of the site most likely to be contaminated is that closest to the railway line, which is not itself being physically developed, making any release of contaminants that much less likely. Never-the-less, contamination is an important issue,

as PPG23 makes clear.

In light of the advice from the Council's Environmental Health department, it is recommended that a condition is imposed requiring a scheme for contamination surveying, together with appropriate steps if contamination is found during development.

### **9.9 Protected Species**

Local Plan policy C12 and Government advice in PPS9 make clear the importance of protected species. The applicants have submitted a bat survey, undertaken by professional ecologists, to assess the potential for bats within the building to be demolished.

The survey found no evidence to suggest that it provides a habitat for bats. Although a number of precautionary recommendations have been made, it concludes that bats are not a material consideration in this application. Subject to the imposition of conditions to secure the recommendations of the ecologist, it is considered that the proposal would not conflict with Local Plan policy C12 and PPS9.

### **9.10 Public Recreational Open Space**

Local Plan policy R2 required that all new residential proposals provide for the increased pressure on public local recreational facilities generated by the development. For schemes of less than 10 dwellings, provision should normally be made by means of a financial contribution securable through a unilateral agreement under s106 of the Town and Country Planning Act.

The contribution is based on the number of units and the number of bedrooms per unit. Although the annex is currently in residential use, it only forms ancillary accommodation, so for the purposes of policy R2 the annex replacement (House 1) is treated as a new dwelling. There are 2 x 4 bedroom units and 1 x 3 bedroom units, which equates to a figure of £6283.20.

The applicants accept that a financial contribution is necessary, and that this can be secured prior to granting consent. Subject to that, the proposal would comply with Local Plan policy R2.

### **9.11 Other Considerations (SSSI, SAC, flooding and drainage)**

In accordance with the Conservation of Habitats and Species Regulations 2010, consideration has been given to the impact on the River Wylye, which is part of the River Avon river system and is designated a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

Given the distance between the site and the river (some 250m), the measures proposed to limit the impact from construction pollution and contamination, and the degree of intervening development, it is considered that the proposal would not adversely affect the River Avon system SSSI or SAC. No further assessment under the Habitat or Environmental Impact Assessment regulations is therefore required. The site is also outside of Environment Agency Flood Zones 2 and 3, meaning that development is not

considered to be at risk from flooding.

In relation to the disposal of sewerage, connection is proposed to the main public sewer in Wylie. This complies with the advice in circular 03/99, Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development.

## **10. Conclusion**

It is considered that the proposed development would not be unacceptable in principle. It would not consist of backland development that would be inappropriate, and would not harm the character or appearance of the Wylie Conservation Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, or the setting of adjacent listed buildings. The development would not result in harm to the living conditions of nearby properties, highway safety, archaeology, ground water source protection, protected species, the River Avon Site of Special Scientific Interest or Special Area of Conservation or public recreational open space facilities. It would not be at unacceptable risk from noise or disturbance.

The proposed development would therefore comply with saved policies H16 (Development within Housing Policy Boundaries), C4, C5 (Development within Areas of Outstanding Natural Beauty), D2 (Infill Development), C10 (Nature Conservation), C12 (Protected Species), G1, G2 (General Development Criteria), G8 (Groundwater Source Protection), CN8 (Development within Conservation Areas), CN9 (Demolition of Buildings within Conservation Areas), CN10 (Loss of Gardens in Conservation Areas), CN21 (Areas of Special Archaeological Interest) and R2 (Public Recreational Open Space) of the Adopted Salisbury District Local Plan (saved policies).

It would also comply with National Guidance in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Protected Species), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) and the advice the Wylie Conservation Area Appraisal and circular 03/99.

## **Recommendation**

Subject to the submission of a unilateral agreement under s106 of the Town and Country Planning Act for the provision of a financial contribution to secure public recreational open space facilities in accordance with Local Plan policy R2

**It is recommended that planning permission is GRANTED for the following reasons:**

It is considered that the proposed development would not be unacceptable in principle. It would not consist of backland development that would be inappropriate, and would not harm the character or appearance of the Wylie Conservation Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, or the setting of adjacent listed buildings. The development would not result in harm to the living

conditions of nearby properties, highway safety, archaeology, ground water source protection, protected species, the River Avon Site of Special Scientific Interest or Special Area of Conservation or public recreational open space facilities. It would not be at unacceptable risk from noise or disturbance.

The proposed development would therefore comply with saved policies H16 (Development within Housing Policy Boundaries), C4, C5 (Development within Areas of Outstanding Natural Beauty), D2 (Infill Development), C10 (Nature Conservation), C12 (Protected Species), G1, G2 (General Development Criteria), G8 (Groundwater Source Protection), CN8 (Development within Conservation Areas), CN9 (Demolition of Buildings within Conservation Areas), CN10 (Loss of Gardens in Conservation Areas), CN21 (Areas of Special Archaeological Interest) and R2 (Public Recreational Open Space) of the Adopted Salisbury District Local Plan (saved policies).

It would also comply with National Guidance in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Protected Species), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) and the advice the Wyllye Conservation Area Appraisal and circular 03/99.

**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.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby approved shall be undertaken in accordance with the following approved plans:

REASON: for the avoidance of doubt and in the interests of proper planning

(3) Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Large scale details of proposed eaves and verges (1:5 section);
- (vi) Details of rainwater goods (which shall be metal and finished in black);
- (vii) samples of the external facing materials (including roof materials)

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the



Conservation Area.

POLICY: CN8

(4) No part of the development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

POLICY: G2

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

REASON: In the interests of highway safety

POLICY: G2

(6) No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1 0m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: G2

(7) No development shall commence until details of the means of surface water drainage of the site (including surface water from the access/driveway), incorporating sustainable drainage details, have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the drainage details thereby approved. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains.

REASON: in the interests of highway and railway safety, and the amenities of nearby properties.

POLICY: G2

(8) Development shall be undertaken in accordance with the recommendations of the protected species survey dated November 2009 (set out at section 6) and the Arboricultural Appraisal dated 26<sup>th</sup> June 2008 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of protected species and the character and appearance of the area with regard to trees.

POLICY: C12, G2

(9) No groundworks shall commence on site until an archaeological watching brief has been arranged to be maintained during the course of the works affecting the historic fabric of the building. The watching brief shall be carried out in accordance with the written specification, by a professional archaeologist, which shall have been first agreed in writing by the Local Planning Authority.

REASON: To safeguard the identification and recording of features of archaeological interest.

POLICY- CN21

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no external alterations or development within Part 1, Classes A-H (including the insertion of further windows) shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the character and appearance of Conservation Area, to ensure that the integrity of the design is maintained, and to prevent the insertion of windows that could result in loss of privacy within the site and to adjoining neighbours.

POLICY: CN8, G2

(11) Construction work shall not begin until a scheme for protecting the proposed residential properties from noise and vibration from the nearby railway line has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the residential development is occupied.

REASON: to ensure a reasonable standard of accommodation

POLICY: PPG24

(12) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority:

The investigation must include:

- (a) A full desktop survey of historic land use data,
- (b) A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages).
- (c) A risk assessment of the actual and potential pollution linkages identified,
- (d) A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented, and the validation report shall be forwarded to the Local Planning Authority, prior to first occupation of the first of the dwellings hereby approved being occupied.

REASON: In the interests of public health and safety

POLICY: G2

(13) The development hereby approved shall be undertaken in accordance with the mitigation measures proposed in the Construction Method Statement dated February 2010 unless otherwise agreed in writing by the Local Planning Authority.

REASON: in the interests of preventing groundwater pollution

POLICY: G8

(14) Works to construct the development hereby approved shall only take place between the hours of 08:00 to 17:30 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. Works shall not take place on Sundays or Public Holidays.

REASON: in the interests of the amenities of nearby properties

POLICY: G2

(15) No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area.

POLICY- CN8

(16) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the

protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY- G2, CN8

<b>Appendices</b>	None
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<b>Background documents used in the preparation of this report</b>	<p>Construction Method Statement, February 2010</p> <p>Archaeological Evaluation, February 2010</p> <p>Chalkhill Protected Species Survey, November 2009</p> <p>Topographic Survey - LDS/8829-1/O, received 5<sup>th</sup> March 2010</p> <p>Location Plan - 1113/08 received 5<sup>th</sup> March 2010</p> <p>Proposed Site Plan - 113/09F, received 8<sup>th</sup> June 2010</p> <p>Existing and Proposed Street Scenes and Proposed Site Section - 113/10F, received 6<sup>th</sup> July 2010</p> <p>Proposed Plans and Elevations House 1 - 113/12E, received 6<sup>th</sup> July 2010</p> <p>Proposed Plans and Elevations House 2 - 113/13C, received 6<sup>th</sup> July 2010</p> <p>Proposed Plans and Elevations House 3 - 113/14B, received 17<sup>th</sup> August 2010</p> <p>Site Section C-C - 1113/15D, received 17<sup>th</sup> August 2010</p> <p>Proposed Plans and Elevations Garages to Vine Cottage and House 1 - 1113/16, received 5<sup>th</sup> March 2010</p> <p>Existing Plan and Elevations of annex building - 1113/18, received 8<sup>th</sup> June 2010</p> <p>View from North from 3D Model – 1113/20, received 6<sup>th</sup> July 2010</p> <p>Sectional View from 3D Model – 1113/19, received 6<sup>th</sup> July 2010</p>
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<b>Deadline</b>	<b>30<sup>th</sup> April 2010</b>		
<b>Application Number:</b>	<b>S/2010/0311</b>		
<b>Site Address:</b>	<b>LAND TO REAR OF VINE COTTAGE FORE STREET WYLYE WARMINSTER BA12 0RQ</b>		
<b>Proposal:</b>	<b>DEMOLITION OF CURTILAGE BUILDING</b>		
<b>Applicant/ Agent:</b>	<b>PEGASUS PLANNING GROUP</b>		
<b>Parish:</b>	<b>WYLYETILL/WYLYEVALLE</b>		
<b>Grid Reference:</b>	<b>400860.1 137532.1</b>		
<b>Type of Application:</b>	<b>CAC</b>		
<b>Conservation Area:</b>	<b>WYLYE</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Mr O Marigold</b>	<b>Contact Number:</b>	<b>01722 434293</b>

**Reason for the application being considered by Committee**

Councillor West has requested that the application be heard at committee if it were recommended for approval, on the grounds of visual impact on the surrounding area/Conservation Area, relationship to adjoining properties and environmental/highway impact.

**1. Purpose of Report**

To consider the above application and to recommend that Conservation Area Consent be APPROVED WITH CONDITIONS

***Neighbourhood Responses***

7 Letters of support were received

5 Letters raising concerns were received

***Parish Council Response***

Object

**2. Main Issues**

The main issues to consider is the impact on the character and appearance of the Conservation Area from demolition of the existing annex building.

**3. Site Description**

The site consists of Vine Cottage and its associated outbuildings and garden, in Fore Street Wylde. Vine Cottage is a two-storey dwelling of painted brick and tile positioned close to the road, with an annex outbuilding (stone/brick and tile) immediately on the road frontage, on the opposite site of the entrance driveway.

To the rear of the existing dwelling is garden land, and beyond is the Westbury to Salisbury railway line. To the west of the site is Wylde Terrace, a row of four terraced ex-Local Authority dwellings, while to the east is East Farm House and Miller's Close, a ground of converted/new dwellings designed to appear as agricultural buildings fronting Dinton Road.

Opposite the site dwellings include the Grade II-listed Walnut Cottage. The application site and its surroundings fall within Wylde's Conservation Area.

#### **4. Planning History**

No relevant planning history. A concurrent application for planning permission has been submitted (reference S/2010/0310).

#### **5. The Proposal**

The application proposes the demolition of an existing annex building to Vine Cottage, as part of a proposal for the erection of three dwellings (subject to the concurrent planning application). The new dwellings would be formed from the replacement of the existing 'annex' building to the front with a similar-sized dwelling (house 1), and the erection of two dwellings to the rear of the site, in Vine Cottage's existing garden curtilage and a strip of land beyond (houses 2 and 3).

House 1 essentially involves the re-construction of the existing annex outbuilding. The replacement building would have a similar height and width, but to the rear the existing car port is replaced by bedrooms.

A second storey is incorporated within the building by lowering the floor level, having a sunken courtyard, and by lighting the first floor by rooflights. The materials would be light cream render and a reclaimed Welsh slate roof. The building would be re-sited slightly, so that the north west corner is set further back. This 'pivoting' of the building is necessary to ensure vehicle sightlines for cars leaving the entrance to the development as a whole.

#### **6. Planning Policy**

The following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan (saved policies)

CN8 – Development within Conservation Areas

CN9 – Demolition of Buildings within Conservation Areas

National Guidance

PPS5 – Planning for the Historic Environment

Other Relevant Guidance

Wylve Conservation Area Appraisal

**7. Consultations**

***Parish Council***

Wylve Parish Council has considered the planning application and objects on two grounds:

1. We suggest the angle of the rebuild of the Annexe be reconsidered to give greater road view for the safety of exiting traffic.
2. We feel the development is taking place in the garden of a house recognised in the Village Conservation Assessment as one of considerable architectural interest. The loss of the garden in this way detracts from the rural nature of the other buildings constituting the Fore St streetscape, again as described in the Village Conservation Assessment and we believe would constitute undesirable "backland development" .

***Conservation***

No objection in principle to the demolition and rebuilding of the outbuilding. Confirm that the proposed replacement building, as amended to give it a much simpler appearance, is acceptable in terms of its impact on the Conservation Area.

Considers that a condition is necessary to ensure that the building is replaced. Loss of the building without replacement would result in a gap in the Conservation Area, reducing the sense of enclosure currently provided, to the detriment of the area's character and appearance.

***Arboriculturalist***

No objection

**8. Publicity**

The application was advertised by site notice, press notice and neighbour notification with an expiry date of 8<sup>th</sup> April 2010.

7 letters of support have been received (to the planning application, but repeated here for completeness), making the following comments:

- It would bring new people into the village helping local facilities;
- The garden will easily accommodate two additional dwellings
- The dwellings will be in keeping with the village;
- There have been no traffic jams or congestion recently;
- The development will not be seen from Fore Street;
- Adequate parking means that it should make little difference to on-road parking;

5 letters have been submitted (again to the planning application, but repeated here for completeness) raising the following concerns:

- The Local Plan makes a clear presumption against tandem or inappropriate development;
- Scale of the development is out-of-proportion to the neighbourhood and the barn-like structures are simply too big;
- The inappropriate suburban influences detract from the Conservation Area;
- Trying to disguise this by the agricultural form of the buildings is entirely contrived;
- The proposal results in a significant loss of amenity to nearby properties;
- There is already a parking problem in Fore Street with the road frequently obstructed by parked vehicles. The significant increase in vehicle movements would only make this worse, including for emergency vehicles;
- The adequacy of the visibility splays are questionable in light of the number of parked vehicles in the vicinity;
- Impact of additional hard-surfacing on flooding;
- The concerns expressed by planning officers (pre-application) about the size and scale of the buildings are justified;
- Impact on AONB and Conservation Area;
- The applicant's agents have a commercial relationship with Wiltshire Council resulting in a conflict of interest;
- Need for consultation regarding re-routing of electricity and telephone cables;
- Need for consultation of local road users;
- Impact from flooding bearing in mind springs and aquifers;
- Exacerbation of sewage problems

## 9. Planning Considerations

### ***The impact on the character and appearance of the Conservation Area***

The impact on the character and appearance of the area, particularly on Wylve's Conservation Area, is an important consideration.

The Conservation Area Appraisal identifies the outbuilding as having a positive contributory effect, and clearly loss of the building without a replacement would have a detrimental effect on the Conservation Area, reducing the extent of enclosure that is currently provided by the annex building.

The proposed development, however, seeks to re-build the annex building so that it is almost identical to the existing building when viewed from the front, with the exception



that the front windows are lower and that the building would be repositioned, so that the north west corner is set back. The re-siting is proposed to achieve the sight lines necessary to ensure adequate visibility for the additional vehicles entering and leaving the site.

If it were considered that the re-siting (necessary only to enable development of the rest of the site) resulted in a loss of a sense of enclosure, then the proposal would be considered contrary to Local Plan policy CN9.

However, it is considered that the replacement of the annex would not significantly diminish the extent of enclosure provided by buildings on the site. Indeed the application includes the provision of a new stone boundary wall (and grass verge) between the site access and Vine Cottage. This would replace an existing hedge and would therefore give a greater sense of enclosure.

Provided that the replacement of the annex building can be secured, so that there is no 'gap' left in the street scene, it is considered that the proposals would not harm the character and appearance of Wylde's Conservation Area and could comply with Local Plan policy CN9.

## **10. Conclusion**

The proposed demolition, provided that it is replaced by house 1 as proposed in planning application S/2010/0310, would maintain the character and appearance of the Conservation Area. It would therefore comply with policies CN8 and CN9 (development and demolition of buildings within Conservation Areas) of the Adopted Salisbury District Local Plan and the advice in PPS5 (Planning for the Historic Environment) and the Wylde Conservation Area Appraisal.

## **Recommendation**

**It is recommended that Conservation Area Consent is GRANTED for the following reasons:**

The proposed demolition, provided that it is replaced by house 1 as proposed in planning application S/2010/0310, would maintain the character and appearance of the Conservation Area. It would therefore comply with policies CN8 and CN9 (development and demolition of buildings within Conservation Areas) of the Adopted Salisbury District Local Plan and the advice in PPS5 (Planning for the Historic Environment) and the Wylde Conservation Area Appraisal.

**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.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby approved shall be undertaken in accordance with the following approved plans:

REASON: for the avoidance of doubt and in the interests of proper planning

(3) Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Large scale details of proposed eaves and verges (1:5 section);
- (vi) Details of rainwater goods (which shall be metal and finished in black);
- (vii) samples of the external facing materials (including roof materials)

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

POLICY: CN8

(4) No part of the development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

POLICY: G2

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

REASON: In the interests of highway safety

POLICY: G2

(6) No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1.0m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: G2

(7) No development shall commence until details of the means of surface water drainage of the site (including surface water from the access/driveway), incorporating sustainable drainage details, have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the drainage details thereby approved. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains.

REASON: in the interests of highway and railway safety, and the amenities of nearby properties.

POLICY: G2

(8) Development shall be undertaken in accordance with the recommendations of the protected species survey dated November 2009 (set out at section 6) and the Arboricultural Appraisal dated 26<sup>th</sup> June 2008 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of protected species and the character and appearance of the area with regard to trees.

POLICY: C12, G2

(9) No groundworks shall commence on site until an archaeological watching brief has been arranged to be maintained during the course of the works affecting the historic fabric of the building. The watching brief shall be carried out in accordance with the written specification, by a professional archaeologist, which shall have been first agreed in writing by the Local Planning Authority.

REASON: To safeguard the identification and recording of features of archaeological interest.

POLICY- CN21

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no external alterations or development within Part 1, Classes A-H (including the insertion of further windows) shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the character and appearance of Conservation Area, to ensure that the integrity of the design is maintained, and to prevent the insertion of windows that could result in loss of privacy within the site and to adjoining neighbours.

POLICY: CN8, G2

(11) Construction work shall not begin until a scheme for protecting the proposed

residential properties from noise and vibration from the nearby railway line has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the residential development is occupied.

REASON: to ensure a reasonable standard of accommodation

POLICY: PPG24

(12) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority:

The investigation must include:

- (a) A full desktop survey of historic land use data,
- (b) A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages).
- (c) A risk assessment of the actual and potential pollution linkages identified,
- (d) A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented, and the validation report shall be forwarded to the Local Planning Authority, prior to first occupation of the first of the dwellings hereby approved being occupied.

REASON: In the interests of public health and safety

POLICY: G2

(13) The development hereby approved shall be undertaken in accordance with the mitigation measures proposed in the Construction Method Statement dated February 2010 unless otherwise agreed in writing by the Local Planning Authority.

REASON: in the interests of preventing groundwater pollution

POLICY: G8

(14) Works to construct the development hereby approved shall only take place between the hours of 08:00 to 17:30 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. Works shall not take place on Sundays or Public Holidays.

REASON: in the interests of the amenities of nearby properties

POLICY: G2

(15) No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst

the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area.

POLICY- CN8

(16) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY- G2, CN8

<b>Appendices</b>	None
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<b>Background documents used in the preparation of this report</b>	Documents submitted with planning application S/2010/0310.
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<b>Deadline</b>	<b>01<sup>st</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/0997</b>		
<b>Site Address:</b>	<b>LAND ON SPIREGATE STEEP HOLLOW DINTON SALISBURY SP3 5HL</b>		
<b>Proposal:</b>	<b>CARRY OUT IMPROVEMENTS TO EXISTING ACCESS, DEMOLITION OF TIMBER GARAGE AND ERECTION OF SINGLE DETACHED DWELLING</b>		
<b>Applicant/ Agent:</b>	<b>BRIMBLE LEA &amp; PARTNERS</b>		
<b>Parish:</b>	<b>DINTONNADDER/EASTKNOY</b>		
<b>Grid Reference:</b>	<b>400978.702919394 131941.808675915</b>		
<b>Type of Application:</b>	<b>Full</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Charlie Bruce-White</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

Cllr Wayman (Nadder & East Knoyle) has called in the application due to issues of scale, visual impact, relationship to adjoining properties, design and environmental/highway impact.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be APPROVED subject to conditions.

***Neighbourhood Responses***

10 letters of objection/concern were received.

2 letters of support were received.

***Parish Council Response***

Support

**2. Main Issues**

- Principle of development;
- Character & appearance of the area;
- Amenities of the occupiers of nearby property;
- Highways safety;

- Provision towards recreational open space (R2).

### 3. Site Description

The site relates to part of the rear garden to Spiregate, a two storey dwelling situated on the northern edge of Dinton, off a lane known as Steep Hollow. The site also includes the existing vehicular access onto Steep Hollow which is shared by Spiregate and the neighbouring dwelling to the south known as Orchard Cottage. Both of these dwellings are of a relatively modern design although further to the south, where the Conservation Area starts, dwellings are generally of a more vernacular style. To the east of the site exists open fields of pasture, and to the west exists the wooded parkland of Philips House.

The site lies within a Housing Restraint Area and the AONB.

### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
86/1069	Dwelling & garage	REF	05.09.86
		Appeal Dismissed	02.03.87

### 5. The Proposal

It is proposed to erect a new dwelling and to carry out improvements to visibility at the existing access.

### 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, H19, C4, C5, TR11, TR14, R2
- PPS3

### 7. Consultations

#### **Highways Officer**

No objection subject to provision of visibility splays as shown on submitted drawing.

#### **Dinton Parish Council**

Support subject to conditions that construction traffic avoid Steep Hollow and parking on

the road.

## 8. Publicity

The application was advertised by neighbour notification and site notice.

10 letters of objection/concern were received, raising the following:

- Out of keeping with the character of the area due to dwelling's excessive size and non-vernacular design, including excessive use of glazing;
- Light pollution;
- Contrary to Dinton Parish Plan since the proposal is creating new infill in the Conservation and Housing Restraint Areas;
- Disturbance, overbearing and overlooking effects upon neighbouring dwelling;
- Increased traffic on the hazardous Steep Hollow Road;

2 letters of support were received, raising the following:

- Proposed dwelling design is appropriate to the character of the area, positively adding to the diverse stock of buildings within the village, and the use of local stone is welcome.

## 9. Planning Considerations

### 9.1 Principle of development

The site is within a Housing Restraint Area where policy H19 of the Local Plan states that 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 supporting text to the policy explains that:

*The character of a Housing Restraint Area is derived from its open, informal, irregular or loose knit pattern of development. Some Housing Restraint Areas are characterised by areas of buildings set in large gardens, possibly containing mature trees, which give the area a "green" appearance and where it is considered that the*

*intensification of development would be detrimental to the established character, for example, the Harnham Hill area in Salisbury. In other instances, there are large open areas between dwellings which allow the countryside to enter the settlement and which contribute significantly to the attractive rural character of the settlement. It is considered that additional development in these gaps would adversely change the character of the settlement.*

It is noted that an outline application to develop the same part of the garden of Spiregate was refused and dismissed at appeal in 1986/7. The planning policy context is now materially different from that time, and therefore little weight can be given to this previous decision. However, there are nevertheless some relevant comments within the Inspectors' decision on the character of the area and its sensitivity to change that are still true. The site was highlighted as being on the extreme edge of the built up area and in a prominent part of the landscape.

## **9.2 Character and appearance of the area**

Views from Steep Hollow into the part of the site where the new dwelling would be constructed are relatively limited by tree cover, topography and its distance back from the road (approximately 50 metres). It is likely that there would only be glimpsing views of the dwelling between tree cover from viewpoints on Steep Hollow. There are no proposals to fell the trees situated between the proposed dwelling and Steep Hollow, and therefore the existing "green" character to this part of the Housing Restraint Area would very much remain. The most significant alteration from Steep Hollow would be as a result of the access improvements. Here an 8 metres stretch of hedgerow would be removed and replanted moderately further back so as to improve visibility from the site access in a northerly direction. However, given the relatively small section of hedgerow involved and the fact that it would be replanted, it is not considered that this would result in significant harm to the character of the area.

The more significant view points of the proposed dwelling would be from the open countryside to the east, where tree cover and topography do not provide such a great screening effect. These are the view points which a number of residents have raised concern over, visible from distances of approximately 250 to 350 metres on footpaths to the east of the site. Here, the rear of a number of dwellings which line St. Mary's Road are visible from across the open fields of pasture, set against a densely wooded backdrop. The land rises from south to north, so that the ridge heights of dwellings are seen as rising up towards the application site. In this respect, the application site occupies a particularly sensitive location, being both on the extreme edge of the village and also on higher land.

The proposed dwelling would be sited on a similar building line to the two nearest dwellings to the south, and the development would be seen as a continuation of the built form. However, it would also be more prominent due to the higher ground it would occupy, resulting in a ridge height that would be approximately 2 metres more than the ridge of Orchard Cottage, the nearest dwelling to the south. A number of local residents have raised concerns over the affect of the dwelling upon the character of the area, commenting that it would be excessively large and of an inappropriate design that does not reflect the local vernacular. Whilst the ridge height of the dwelling would undoubtedly be higher than that of Orchard Cottage to the south, its proportions would relate to that of a single storey dwelling, albeit with a basement level formed at one end into a dipped part of the site. This

basement level would give the dwelling a bulkier appearance to left hand side gable end, but since part of the basement would be cut into the ground, much would be obscured from the views to the east. Furthermore, the applicant proposes to retain the trees to the front of this gable end, which would further soften its impact.

The design of the dwelling would not be traditional, but that is not to say it would be inappropriate. Of more importance is that the design would be relatively simple, with the use of appropriate materials that would sit comfortably within the village landscape. Natural Chilmark stone is proposed for the walls, which defines core parts of the village. The apexes of the gable ends would be clad in untreated timber boarding, which is also traditionally found within a number of more simple buildings within the village, such as outbuildings and barns. The roof of the dwelling would be the most prominent part of the building and therefore the choice of roof tiles would be particularly important. The applicant has suggested roof tiles to match Orchard Cottage, a dark plain tile, which is a traditional tile found within the village and would also have a muted tone that would be appropriate to its rural environs. Whilst there would be a relatively large area of glazing to the right hand gable, it is not considered that this would be excessive, and is a feature often seen with converted barns in similar such rural locations.

### ***9.3 Amenities of the occupiers of nearby property***

Concerns have been expressed by the occupants of the nearest dwelling to the south of the site, Orchard Cottage, with regards to the impacts of the new dwelling. This includes loss of privacy to the garden area as a result of a proposed balcony to the new dwelling. However, subject to the side of the balcony being screened, which can be secured through a condition, it is considered that views into the garden of Orchard Cottage from the balcony would severely limited due to the oblique angle and distances involved. The screening afforded by the existing beech hedge and apple tree, together with the sunken nature of the patio to Orchard Cottage, would further ensure that privacy to the main outdoor amenity spaces to this neighbour would be preserved.

Concern has also been expressed over the proximity of the patio area of the proposed dwelling to the boundary with Orchard Cottage, and the increased disturbance this could imply. Furthermore, concerns have been expressed that the thinning of the beech hedge during winter could reduce privacy. However, the proposed patio would be some 10 metres from the boundary, and already comprises part of the garden area to Spiregate which could be enjoyed in a similar manner in any instance. The provision of a close boarded fence, or similar, to the boundary of the new dwelling would also ensure privacy can be retained.

The overbearing nature of the facing south elevation of the proposed dwelling has also been raised by the occupants of Orchard Cottage. It is noted that this is the most bulky part of the dwelling and is also raised at a higher level than the neighbouring dwelling. Whilst this elevation of the proposed dwelling would be clearly visible from parts of the garden of Orchard Cottage, given its position with the plot, which shares a similar rear building line, and its distance from the boundary, which is 9 metres, it is not considered that the overbearing effect would be significant. Furthermore, its positioning to the north would prevent any loss of direct sunlight to this neighbour.

With regards to the affects of vehicular movements, it is noted that the existing access would be utilised and extended further back into the plot to access a integral garage within

the new dwelling. The extended access and new hammerhead would be close to the boundary with the neighbouring dwelling, although given the relatively low intensity of use associated with a single dwelling, together with the reasonably dense vegetation that exists on the site boundary, it is not considered that the disturbing affects of vehicular movements would be significant in this instance.

The other neighbouring property to consider is the 'host' dwelling, Spiregate. Its existing garden would be substantially reduced, although its remaining garden area would still be quite extensive. The separation distance between the two dwellings would be more than adequate at 28 metres, with appropriate new boundary treatment formed in between, comprising a 1.8 meter high close boarded with new beech hedge planted adjacent.

#### **9.4 Highways safety**

The Highways Officer has raised no objection to the proposed access arrangements, subject to the visibility site lines being created and maintained as shown within the submitted plans.

It is noted that concerns have been expressed by the Parish Council with regards to the traffic implications of construction traffic, in particular the use of Steep Hollow and parking on the highway. Whilst it is noted that Steep Hollow is not well suited to construction traffic, given the temporary nature of construction works, which are of a relatively small scale, it is not considered reasonable to impose a condition preventing construction traffic from using this road. Furthermore, it is unlikely that such a condition could be enforced. With regards to parking on the highway, this is unlikely to be a problem given the good accessibility to, and reasonably large size of, the development site.

#### **9.5 Provision towards recreational open space (R2)**

Planning permission will be subject to the applicant entering into a legal agreement and providing the relevant financial contribution towards off-site recreation open space within the area.

### **10. Conclusion**

Whilst it is accepted that the proposed dwelling would visually extend the built form of the village further into the surrounding countryside, the site is within the development boundary of a sustainable village, and would not have an obtrusive impact upon the character of the area or wider landscape by virtue of the proposed design, materials, and retention of existing trees. Subject to a condition to ensure the provision of screening to the side of a proposed balcony area, it is not considered that the amenity of neighbours would be significant affected. Subject to a condition to secure the repositioning of a small section of hedgerow, it is considered that the proposal would be acceptable in highway safety terms.

### **RECOMMENDATION**

Subject to the submission of a unilateral agreement under s106 of the Town and Country Planning Act for the provision of a financial contribution to secure public recreational open

space facilities in accordance with Local Plan policy R2

**It is recommended that planning permission is GRANTED for the following reasons:**

Whilst it is accepted that the proposed dwelling would visually extend the built form of the village further into the surrounding countryside, the site is within the development boundary of a sustainable village, and would not have an obtrusive impact upon the character of the area or wider landscape by virtue of the proposed design, materials, and retention of existing trees. Subject to a condition to ensure the provision of screening to the side of a proposed balcony area, it is not considered that the amenity of neighbours would be significantly affected. Subject to a condition to secure the repositioning of a small section of hedgerow, it is considered that the proposal would be acceptable in highway safety terms. The proposal would therefore accord with the aims and objectives of the development plan and Government guidance, having particular regard to Local Plan policies G1, G2, H19, C4, C5, TR11, TR14 and R2 and guidance contained within PPS3.

**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.

Reason: 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) This decision relates to documents/plans submitted with the application, listed below:

Plan Ref....10078-3/B....	Date Received....07.07.10....
Plan Ref....10078-4/B....	Date Received....07.07.10....

Reason: For the avoidance of doubt.

- 3) 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.

Reason: To secure a harmonious form of development.

Policy: H19, C5

- 4) Before development is commenced, details showing how the south side of the balcony will be blocked up and screened shall be submitted to and approved in writing by the Local Planning Authority. The south side of the balcony shall be blocked up and screened in accordance with the agreed details prior to the first occupation of the dwelling, and shall be permanently maintained as such thereafter.

Reason: In the interests of retaining privacy to the neighbouring dwelling.

Policy G2.

- 5) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

Policy: G2, H19, C5

- 6) No development shall commence on site until details of the design and external appearance of all fences, gates, walls, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

Reason: In the interests of the character and appearance of the area and the privacy of neighbours.

Policy: G2

- 7) Visibility shall be provided at the site access, with nothing over 1.0m in height above the adjacent carriageway level being planted, erected or maintained in front of the splay lines shown on the submitted proposed site layout plan numbered 10078 - 3 Revision B.

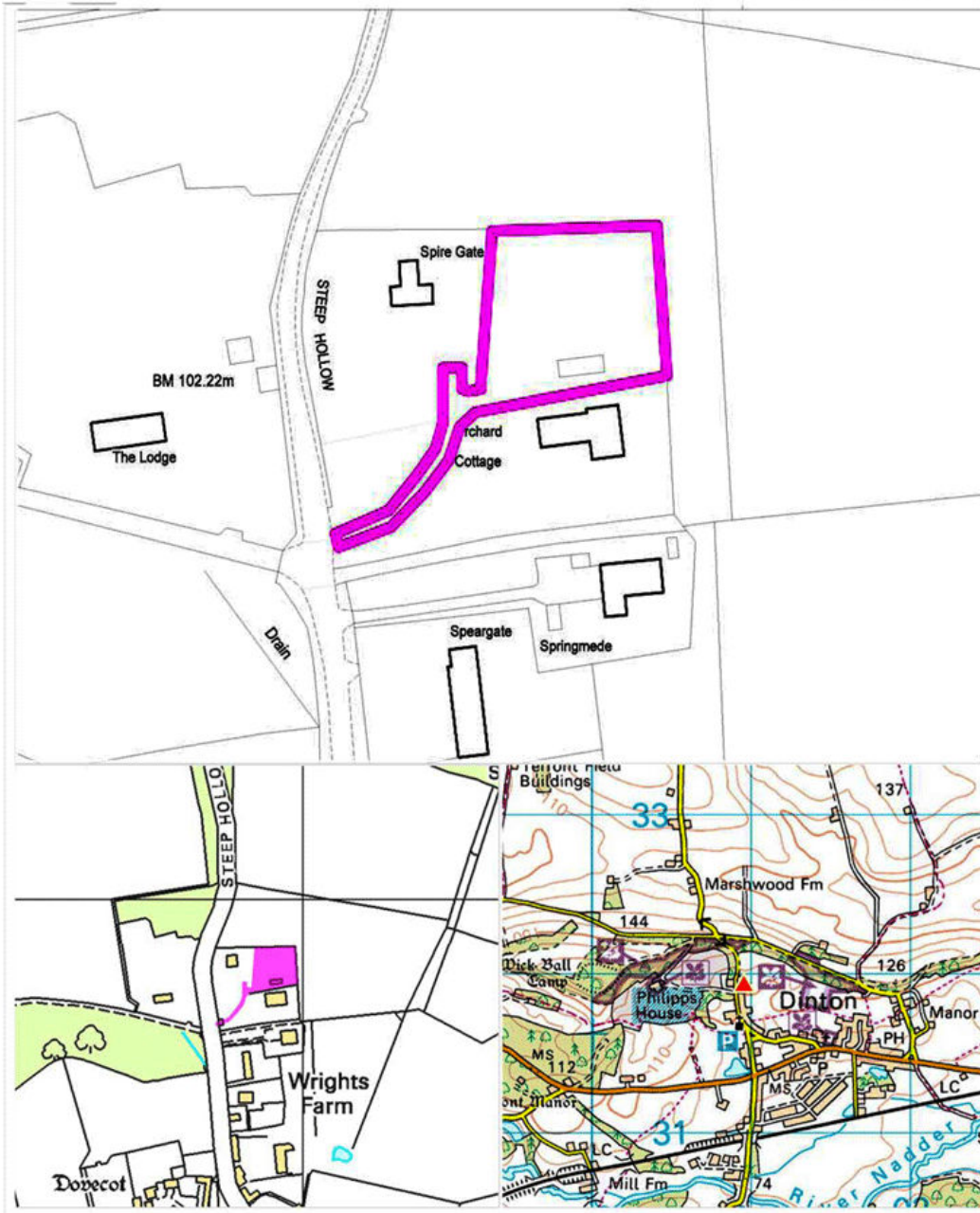


Reason: In the interests of highways safety.  
Policy: G2

<b>Appendices:</b>	None
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<b>Background documents Used in the preparation of this report:</b>	None
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S/2010/997





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<b>Deadline</b>	<b>28<sup>th</sup> July 2010</b>		
<b>Application Number:</b>	<b>S/2010/0798</b>		
<b>Site Address:</b>	<b>MAPPERTON HILL FARM GILLINGHAM ROAD MERE WARMINSTER BA126LH</b>		
<b>Proposal:</b>	<b>CHANGE OF USE OF LAND TO FORM EXTENSION OF RESIDENTIAL CURTILAGE, DEMOLITION OF OUTBUILDING AND ERECTION OF BUILDING TO PROVIDE ADDITIONAL ACCOMMODATION</b>		
<b>Applicant/ Agent:</b>	<b>BRIMBLE LEA &amp; PARTNERS</b>		
<b>Parish:</b>	<b>MERE</b>		
<b>Grid Reference:</b>	<b>380460.4 130726.5</b>		
<b>Type of Application:</b>	<b>Full</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Charlie Bruce-White</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

The Area Development Manager does not consider it prudent for the application to be determined under delegated powers due to the unusual circumstances of the application.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED.

***Neighbourhood Responses***

No letters of representation were received.

***Parish/Town/City Council response***

Support

**2. Main Issues**

- Acceptability in relation to development plan policies
- Other material considerations
- Highways safety
- Protected species
- Other matters

### 3. Site Description

The site relates to Mapperton Hill Farm, situated within a relatively isolated location on Gillingham Road to the south of Mere. This consists of an extended stone dwelling, generous sized residential curtilage and a large barn and stable building. The site is situated outside of any development boundary and is within the Special Landscape Area.

### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
08/1112	Removal of condition 2 (Agricultural occupancy condition) imposed on planning permissions 73/WO/263/215 for "alterations & additions to the existing farmhouse & construction of an agricultural access to serve the beef rearing unit"	AC	13/08/08
09/1163	Application for a certificate of lawful use (existing) to establish whether use of land as residential curtilage is lawful	AC	15/12/09

### 5. The Proposal

It is proposed to demolish the existing barn and to erect a replacement building which the applicants describe as additional accommodation. In effect this comprises a new dwelling in to which the applicants and their children would intend to relocate to from the existing stone dwelling at Mapperton Hill Farm. Also proposed is the extension of part of the residential curtilage into what was a former paddock.

### 6. Planning Policy

The following development plan policies and Government guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, H23, C2, C6, C12
- PPS1, PPS3, PPS7, PPG13

### 7. Consultations

#### *Highways Officer*

Object on the grounds that the additional accommodation would result in the increased use of a sub-standard access and an increase in unsustainable travel patterns.

**Wessex Water**

Confirm that site is not within a sewered area.

**Environment Agency**

Regard should be given to Circular 3/99 and note that an Environmental Permit may be required.

**Parish Council**

Support

**8. Publicity**

The application was advertised by neighbour notification and site notice.

No letters of representation were received.

Should members resolve to approve the application it should be noted that the application will require further publicity as a departure from the Local Plan

**9. Planning Considerations**

**9.1 Acceptability in relation to development plan policies**

Local Plan policy H23 states that:

*Undeveloped land outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area and not identified for development in this Local Plan will be considered to be countryside where the erection of new dwellings will be permitted only where provided for by policies H26 [Affordable Housing] or H27 [Housing for Rural Workers] of this Local Plan.*

The site relates to undeveloped land (in terms of the definition prescribed within PPS3), is outside of a development boundary and the development proposed does not comprise one of the normal exceptions to housing within the countryside. Consequently, the proposal would not accord with policy H23.

Government guidance PPS7 echoes the objectives of Local Plan policy H23, stating that local planning authorities should “strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans”. It goes on to say that “Isolated new houses in the countryside will require special justification for planning permission to be granted...”.

Local Plan policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment.

## **9.2 Other material considerations**

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

The applicants refer to two main material considerations in support of their application:

### **i) Personal circumstances**

Three of the applicants' six children have been diagnosed with Friedreich's Axtaxi, a progressive degenerative condition, and it is anticipated that all three children will become wheelchair users and require fully accessible accommodation in the years to come. This has been confirmed by Salisbury District Hospital, together with their required accommodation needs. These include providing three ground floor bedrooms, day rooms large enough to accommodate all the family, and various other general provisions which will help facilitate more independent lifestyles for the affected children. The applicants maintain that the existing dwelling is not capable of being adapted to provide the type of accommodation that will be necessary for the family to continue to operate as a single unit and to meet the needs of the children in the coming years. On the other hand the new accommodation proposed has been specifically designed to meet these needs and would allow the family to live together on the existing site. It is intended that the vacated existing four bed dwelling would then be occupied by the applicant's elderly parents or possibly a carer for the children at a later date.

Officers have had reasonably extensive pre-application discussions over proposals to adapt and extend the existing dwelling to provide appropriate accommodation to meet the applicants' needs. However, in order to provide fully accessible ground floor accommodation within the existing dwelling, the extent of extension required would need to be substantial, and likely to seriously erode the character of the existing dwelling.

### **ii) Benefits of the proposal in relation to the 'fallback' position**

The applicants contend that the barn could be adapted and converted without planning permission to provide additional ancillary accommodation to the existing house, such as is permitted under Section 55(2)(d) of the 1990 Act, and therefore that the barn could in theory provide the same accommodation as proposed within the planning application. Because of this claimed fallback position, it is contended that a replacement building of similar scale and footprint, but with substantially improved design, would be the most appropriate option.

Whilst Officers agree that the barn could potentially be used for accommodation incidental to the existing house without planning permission, it is not agreed that it could be lawfully used for the extent of accommodation proposed within the planning application. The proposal is for a substantial sized dwelling, more extensive than the existing dwelling, and is intended to be occupied in a manner which would effectively comprise the main household on the site. It is not considered that this accommodation can be reasonably described as "incidental to the enjoyment of the dwellinghouse" in terms of what can be



permitted by Section 55(2)(d) of the 1990 Act.

Rather, a lawful incidental use of the barn might comprise its use as additional accommodation, but still dependent upon the existing dwelling and incapable of being occupied as a self contained unit. A more realistic fallback in Officers' opinion would therefore be the conversion of part of the barn to relatively modest annexe accommodation, such as for dependent relatives or a carer, but with an extension to the existing dwelling still required to provide the appropriate accommodation for the applicants' immediate family.

The benefits of the development as proposed within the planning application is that no extension would be required to the existing dwelling and that the barn would be replaced by a building of a similar scale but much improved design. The replacement barn would actually have a smaller footprint than the existing building, by approximately 20 - 25 %, but with a greater overall bulk due to its increase height, albeit only 500mm greater than the highest part of the existing building. Its design would reflect the character of traditional agricultural timber buildings, with natural stone plinth, horizontal timber boarding and either a slate or clay tiled roof. There would be reasonably extensive amounts of glazing, but this would be concentrated on the less public facing elevation, with the roadside elevation being more restrained and 'agricultural' in character.

On the negative side, the proposal would result in the creation of an additional dwelling within a countryside location, with poor access to sustainable means of travel, the implications of which would remain long after the applicants have ceased occupying the site. The Government document *The Planning System: General Principles* states that:

*Unless otherwise specified, a planning permission runs with the land. Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application... Such arguments will seldom outweigh the more general planning considerations, however.*

The circumstances of the applicants are reasonably exceptional due to the nature of the accommodation requirements for this large family. The proposals would offer a long term solution for the family, without having to relocate, and there is no certainty that more suitable existing accommodation exists elsewhere within reasonable distance of the applicants' local business and other ties to the Mere area. However, the proposal to create what is in effect a new dwelling in this isolated location would constitute a significant departure from the aims and objectives of the Local Plan. Officers are of the view that there are more acceptable alternatives available to the applicants which would still allow for the necessary accommodation to be provided on site. For instance, this could include a replacement dwelling, as may be permitted through policy H30 of the Local Plan.

### **9.3 Highways safety**

The Highways Officer has raised concerns over the proposal on the grounds of sustainability and the increased use of the existing access which is considered to offer substandard visibility. The matter of sustainability has been discussed above. With regards to the site access it is noted that the visibility is below current standards for junctions onto roads subject to the national speed limit. Consequently, without improvements, the access

is considered inappropriate for the intensified use which would result in permitting the additional accommodation on the site. At the time of writing this report, no proposals to improve the access had been put forward, although the applicant had indicated that such improvements were viable and that amended plans may be forthcoming. The Committee shall be updated at the meeting on any plans subsequently received.

#### **9.4 Protected species**

The barn to be demolished has been surveyed by an appropriately qualified ecologist for bats and nesting birds. No bats or barn owls were found to be present, although there were signs that swallows and/or sparrows could potentially be. Consequently recommendations have been made regarding the timing of works and final checks before demolition.

#### **9.5 Other matters**

The application also includes a retrospective proposal to extend part of the residential curtilage into what was a former paddock. Although a relatively large area, the land subject to the change of use would neatly square off the authorised curtilage, which is 'L'-shaped, so that it would project no further into surrounding agricultural land than the extremities of the existing curtilage. As such it is considered that this would be an acceptable form of extension to the garden that would not have a significant impact upon the character and appearance of the countryside. If approved, it is considered appropriate to remove permitted development rights to erect outbuildings within the curtilage, so that the visual impact of any future such buildings can be considered at a later date within the planning application process.

### **10. Conclusion**

The development as proposed would represent a significant departure from Local Plan policy on new housing in the countryside. It is not considered that the personal circumstances of the applicants outweigh the normal presumption against new residential development in the countryside, having regard to the potential alternatives available and the highway safety concerns associated with the intensified use of the existing access.

### **RECOMMENDATION**

**It is recommended that planning permission is REFUSED for the following reasons:**

It is not considered that the personal circumstances of the applicants outweigh the normal presumption against new residential development in the countryside, having regard to the potential alternatives available and the highway safety concerns associated with the intensified use of the existing access. The proposal would therefore be contrary to the aims and objectives of PPS3, PPS7, PPG13 and policies G1, G2, C2 and H23 of the adopted Salisbury District Local Plan.

INFORMATIVE:

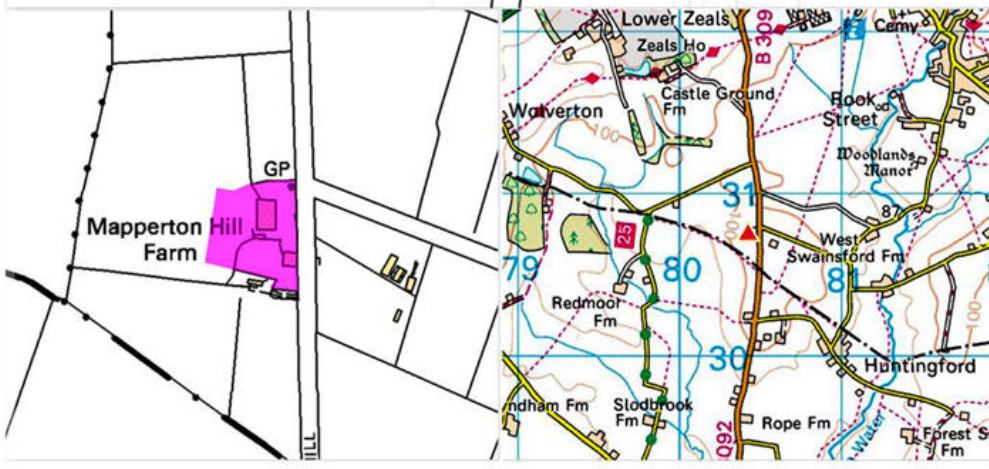
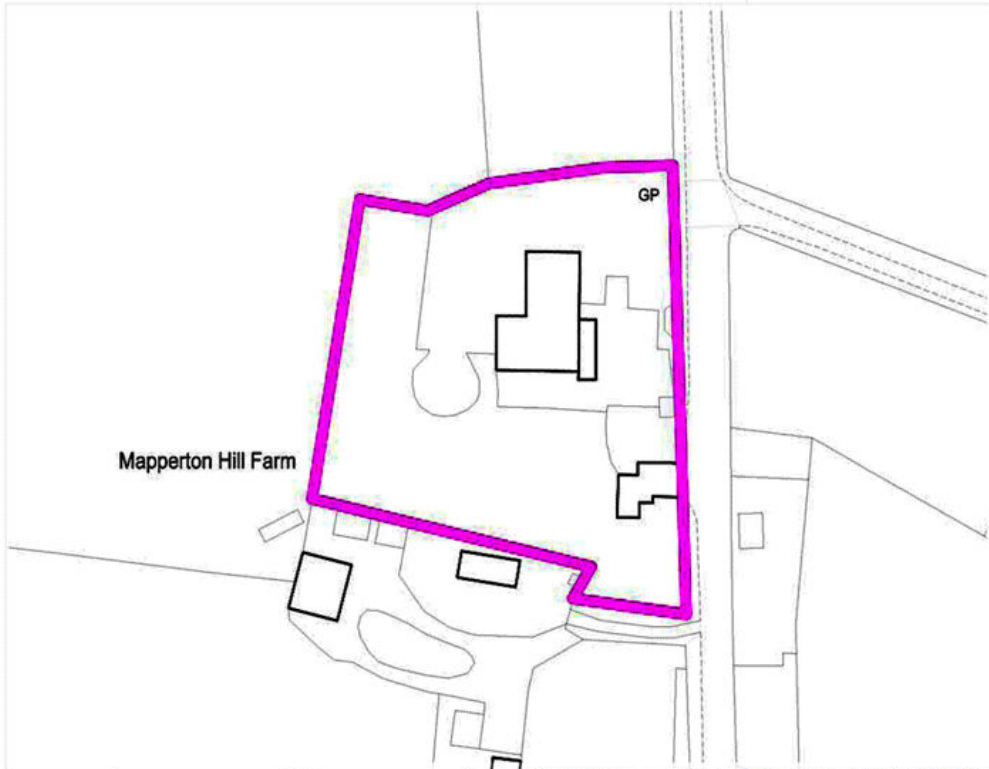
This decision relates to documents/plans submitted with the application, listed below:

Plan Ref....Drg. No. MP-001....	Date Received....28.05.10....
Plan Ref....Drg. No. MP-002....	Date Received....28.05.10....
Plan Ref....Drg. No. 05155-1 C....	Date Received....02.06.10....

<b>Appendices:</b>	None
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<b>Background documents used in the preparation of this report:</b>	None
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S/2010/798



**Wiltshire Council**  
Where everybody matters

### MAPPERTON HILL FARM

SCALE: NTS DATE: 02/09/2010 14:10:57  
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<b>Deadline</b>	<b>17<sup>th</sup> June 2010</b>		
<b>Application Number:</b>	<b>S/2010/0615</b>		
<b>Site Address:</b>	<b>BURTON FARMHOUSE BURTON MERE WARMINSTER BA12 6BR</b>		
<b>Proposal:</b>	<b>CHANGE OF USE OF OUTBUILDING TO RESIDENTIAL ANNEXE ANCILLARY TO BURTON FARMHOUSE</b>		
<b>Applicant/ Agent:</b>	<b>MR STEVEN NEAL</b>		
<b>Parish:</b>	<b>MERE</b>		
<b>Grid Reference:</b>	<b>382498.8 132419.7</b>		
<b>Type of Application:</b>	<b>CU</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Mr W Simmonds</b>	<b>Contact Number:</b>	<b>01722 434553</b>

**Reason for the application being considered by Committee:**

The proposal was previously considered by the Southern Area planning Committee on 3 June 2010, and the committee resolved to approve the proposal if, within three months, the applicant and any other relevant parties undertook a deed of variation to the existing legal agreement under section 106 of the principal act to agree to permit overnight sleeping in the annexe only so long as one or other (or both) of the named residents are also in residence (the named residents of the annexe are Mr John Harold Deeker and Mrs Pamela Iris Deeker). The other restrictions and provisos of the existing legal agreement shall remain unaltered.

The application is brought back to Committee to seek an extension of the time limit for undertaking a variation of the existing legal agreement as previously described. The process of undertaking the required deed of variation is well under way, however by reason of circumstances beyond the applicant's control, it may not be possible to comply with the three month time limit.

Members therefore have several options:

Option 1: Agree to the extension of time. Officers are hopeful that the agreement can be finalised and agreed within the next 3 months at the very latest, and hence this option will result in completion of the agreement and the issuing of planning consent.

Option 2: Do not agree the extension of time. The outcome will be that the S106 cannot be completed and as a result, the application will have to be refused. Officers strongly advise against this course of action, particularly as the applicants are willing to sign up the restriction within the legal agreement.

Recommendation: That Option 1 is followed. An extension of the three month time limit is therefore respectfully requested.

The original officer report for Committee (as put before Members on 03.06.10) remains unaltered and is set out below for clarity:

## 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

## 2. Main Issues

The main issues to consider are :

1. The principle of the proposed development
2. Impact on the surrounding Special Landscape Area
3. Highways considerations
4. Impact on nature conservation interests
5. Impact on neighbour amenity

## 3. Site Description

The application relates to a detached outbuilding on land that is immediately adjacent to Burton Farmhouse, being situated approximately 20 metres to the south of Burton Farmhouse. The outbuilding has been previously converted to an ancillary domestic outbuilding under planning approval S/06/2006, and subsequently occupied as a residential annexe to the main dwelling (Burton Farmhouse). The occupation of the converted outbuilding as a residential annexe is considered to exceed the consent granted under the 2006 approval, and is in contradiction to the section 106 legal agreement dated 24 November 2006 which precludes the use of the annexe for the purpose of sleeping.

## 4. Planning History

02/348	New porch to replace existing awning	AC	28.03.02
05/1097	Proposed replacement barn for hobbies studio	REF	02.08.05
06/2006	C/U of agricultural barn to domestic use ancillary to main house	AC	27.11.06
07/1728	Proposed grain store.	AC	18.10.07
10/0399	Deed of variation to section 106 agreement pursuant to planning permission S/2006/2006	WD	16.04.10

## 5. The Proposal

The application is retrospective and proposes the change of use of the outbuilding to allow its use as a residential annexe ancillary to Burton Farmhouse.



## 6. Planning Policy

- adopted (saved) local plan policy G2 (General Criteria for Development)
- adopted (saved) local plan policy H33 (Accommodation for Dependent Persons)
- adopted (saved) local plan policy C2 (Development in the Countryside)
- adopted (saved) local plan policy C6 (Landscape Conservation)

## 7. Consultations

### ***WCC Highways***

No response received at time of writing

### ***Environmental Health***

No response received at time of writing

### ***Mere Parish Council***

No response received at time of writing

## 8. Publicity

The application was advertised by site notice and neighbour notification letters  
Expiry date 27.05.10

No third party representations had been received at the time of writing

## 9. Planning Considerations

### ***9.1 The principle of the proposed development***

The application is retrospective and proposes the change of use of the outbuilding to allow its use as a residential annexe ancillary to Burton Farmhouse.

The application relates to a detached outbuilding on land that is immediately adjacent to Burton Farmhouse, being situated approximately 20 metres to the south of Burton Farmhouse. The outbuilding has been previously converted to an ancillary domestic 'hobby use' outbuilding under planning approval S/06/2006, but has subsequently become occupied as a residential annexe to the main dwelling (Burton Farmhouse). The occupation of the converted outbuilding as a residential annexe is considered to exceed the consent granted under the 2006 approval, and is in contradiction to the section 106 legal agreement dated 24 November 2006 which precludes the use of the annexe for the purpose of sleeping.

The annexe is understood to be occupied by the elderly parents of the occupants of the main dwellinghouse.

The main policy consideration in respect of the provision of accommodation for dependent persons is set out within policy H33 which states:

Proposals to create separate units of accommodation for dependent persons will be permitted provided that either:

(i) the accommodation is created wholly or partly within the existing dwelling or takes the form of an extension to that dwelling;

(ii) the design and internal arrangement of the proposed unit of accommodation would allow it to be re-absorbed into the main dwelling when it is no longer required to house a dependent person; and

(iii) where an extension is proposed, its siting and design is acceptable and the remaining external space around the building is adequate

or,

(iv) the accommodation is created as a result of a conversion of an existing building within the curtilage of the main dwelling; and

(v) is subject to a restrictive occupancy condition or, if outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area, is subject to the applicant entering into a legal agreement with the Local Planning Authority that the ancillary accommodation will not be let or sold separately from the main dwelling.

As the annexe is not within the residential curtilage of the main dwelling, the proposal is discordant with policy H33, however the application is retrospective and is in current occupation by dependent relatives of the occupants of the main dwelling. As such, consideration of the interests of the occupants of the annexe constitutes a material consideration.

No physical alterations or enlargements are proposed to the annexe building.

Whilst the use of the annexe for residential accommodation for dependent persons is considered contrary to policy H33, the 2006 planning approval would allow all other activities by dependent relatives that were ancillary to the occupation of the main dwelling, with the exception of sleeping.

The reason for the 'no sleeping' clause in the section 106 schedule is to guard against the use of the annexe as a separate unit of residential accommodation, and to prevent the establishment of a separate dwellinghouse in the countryside. However, by reason of the nature of the existing use, i.e. by dependent relatives of the occupants of the main dwelling, is not considered to constitute the creation of a separate planning unit (separate dwellinghouse) whilst it is occupied on this basis.

Therefore, taking into consideration the interests and circumstances of the existing occupiers of the annexe, the continued use of the annexe for residential purposes by dependent relatives of the main dwelling is considered acceptable on the basis of a personal permission, and to revert to ancillary 'hobby room' at such time as the use of the accommodation by the named dependent relative(s) is no longer required.

### **9.2 Impact on neighbour amenity**

By reason of the distance and relationship between the annexe and the main dwelling, and the distance to the nearest neighbouring residential properties to the north (Hillock, approximately 75 metres from the annexe) and west (Burton Grange, approximately 90 metres from the annexe), it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

### **9.3 Impact on the surrounding Special Landscape Area**

The application is retrospective and no physical alterations or enlargements are proposed.

On the basis of a personal permission, it is considered that the proposal would have no adverse impact on the landscape of the surrounding Special Landscape Area.

## **10. Conclusion**

Whilst the use of the annexe for residential accommodation for dependent persons is considered contrary to policy H33, the 2006 planning approval would allow all other activities by dependent relatives that were ancillary to the occupation of the main dwelling, with the exception of sleeping.

The reason for the 'no sleeping' clause in the section 106 schedule is to guard against the use of the annexe as a separate unit of residential accommodation, and to prevent the establishment of a separate dwellinghouse in the countryside. However, by reason of the nature of the existing use, i.e. by dependent relatives of the occupants of the main dwelling, is not considered to constitute the creation of a separate planning unit (separate dwellinghouse) whilst it is occupied on this basis.

Therefore, taking into consideration the interests and circumstances of the existing occupiers of the annexe, the continued use of the annexe for residential purposes by dependent relatives of the main dwelling is considered acceptable on the basis of a personal permission, and to revert to ancillary 'hobby room' at such time as the use of the accommodation by the named dependent relative(s) is no longer required.

The proposed development would not adversely affect the amenity of neighbours or visual amenity within the surrounding Special Landscape Area.

## **Recommendation**

### **Subject to:**

- (i) No additional consultation or third party responses being received that would raise material planning issues which would affect the planning decision, and
- (ii) The applicants entering into a Section 106 legal agreement to ensure that the annexe and Burton Farmhouse are not sold separately from the land or each other, not let separately from the land or each other, not leased separately from the land or each other,

not occupied other than in conjunction with the land and each other as ancillary accommodation to Burton Farmhouse or otherwise be dealt with separately from the land or each other, and that the annexe shall not have a separate curtilage formed around it,

**It is recommended that planning permission is GRANTED for the following reason:**

Whilst the use of the annexe for residential accommodation for dependent persons is considered contrary to policy H33, the 2006 planning approval would allow all other activities by dependent relatives that were ancillary to the occupation of the main dwelling, with the exception of sleeping.

The reason for the 'no sleeping' clause in the section 106 schedule is to guard against the use of the annexe as a separate unit of residential accommodation, and to prevent the establishment of a separate dwellinghouse in the countryside. However, by reason of the nature of the existing use, i.e. by dependent relatives of the occupants of the main dwelling, is not considered to constitute the creation of a separate planning unit (separate dwellinghouse) whilst it is occupied on this basis.

Therefore, taking into consideration the interests and circumstances of the existing occupiers of the annexe, the continued use of the annexe for residential purposes by dependent relatives of the main dwelling is considered acceptable on the basis of a personal permission, and to revert to ancillary 'hobby room' at such time as the use of the accommodation by the named dependent relative(s) is no longer required.

The proposed development would not adversely affect the amenity of neighbours or visual amenity within the surrounding Special Landscape Area.

**And subject to the following conditions:**

1. The residential occupation of the ancillary outbuilding/annexe hereby permitted shall only be by the following person(s): Mr John Harold Deeker & Mrs Pamela Iris Deeker

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY – H33 (Accommodation for Dependent Persons)

2. When the ancillary outbuilding/annexe ceases to be residentially occupied by those named in condition 1 above, the use hereby permitted shall revert to ancillary private and domestic purposes incidental to the enjoyment of the associated dwelling (known as Burton Farm House), and shall not be used for any trade, business or industrial purposes whatsoever.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY – G2 (General Criteria for Development) & C2 (Development in the Countryside)

**Appendices:**

None

**Background documents used in the preparation of this report:**

None

Site Visit:

