

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 28 January 2016

Time: 6.00 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

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

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Membership:

Cllr Charles Howard (Chairman)	Cllr Nick Fogg MBE
Cllr Mark Connolly (Vice Chairman)	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr Jerry Kunkler
Cllr Peter Evans	Cllr Paul Oatway

Substitutes:

Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Ernie Clark	Cllr James Sheppard
Cllr Anna Cuthbert	Cllr Philip Whitehead
Cllr Dennis Drewett	Cllr Christopher Williams

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Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 10 December 2015.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item 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 and up to 3 speakers on any other item on this agenda. 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.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 21 January 2016**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides

that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Applications**

To consider and determine the following planning applications.

- 6a **15/11169/FUL - Land to the South of Ramsbury Primary School, Back Lane, Ramsbury, Wiltshire, SN8 2QH - Erection of new pre-school building, with outdoor play areas and associated landscaping (Pages 15 - 28)**

A report by the Case Officer is attached.

- 6b **15/10410/FUL - Land at the junction of Kennet Road and Chestnut Avenue, Tidworth - Erection of a two storey dwelling (Pages 29 - 38)**

A report by the Case Officer is attached.

- 6c **15/11631/VAR - Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX - Removal of condition 2 of planning permission K/44735 to allow full time independent residential occupation of the holiday let (Pages 39 - 48)**

A report by the Case Officer is attached.

- 6d **15/11632/VAR - Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX - Removal of condition 2 of planning permission E/2012/0670/FUL to allow full time independent residential occupation of the holiday let (Pages 49 - 74)**

A report by the Case Officer is attached.

7 **Urgent items**

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

Part II

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

None

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EASTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING
HELD ON 10 DECEMBER 2015 IN THE WESSEX ROOM - THE CORN
EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Cllr Anna Cuthbert

86. Apologies for Absence

Apologies were received from:

Cllr Nick Fogg

87. Minutes of the Previous Meeting

Resolved

To approve and sign as a true and correct record the minutes of the meeting held on 08 October 2015.

88. Declarations of Interest

None.

89. Chairman's Announcements

It was announced that application 15/07022/FUL had been deferred at the request of the applicant and would be considered by the Council at a later date.

90. Public Participation and Councillors' Questions

None.

91. Planning Appeals

None.

92. **Planning Applications**

93. **15/09105/FUL - Land to the South of Silverlands Road, Rowde, Devizes, SN10 2BF**

Public Participation

None.

The Area Development Manager introduced the report which recommended that the application be approved subject to the Council signing a Unilateral Agreement to ensure the dwellings are delivered as affordable units and retained as such.

Key issues were noted as including principle of development; need for affordable housing; loss of agricultural land; design, layout and impact on residential amenity; visual Impact; and the impact on highway safety.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was asked if the dwellings would be built with ramps, wide doors, and other disability features. Specific comments could not be given on the dwelling's specifications, but it was noted that there were grants available to make the homes more accessible if required.

The divisional member, Cllr Anna Cuthbert, spoke in support of the application. Cllr Cuthbert explained that the majority of residents supported the application as an opportunity for Rowde to provide affordable housing for the elderly. It was noted that the development would free up homes for families. Concerns from residents related to potential parking issues with the local school. She was working with the Parish Council and the school to address these.

A debate followed concerning whether potential age limitations should be included in conditions if the application was approved. It was discussed whether this would exclude people outside of the age limits who could otherwise have a genuine need for the dwellings.

Resolved

To grant planning permission subject to the Council signing a Unilateral Agreement to ensure the dwellings are delivered as affordable units and retained as such.

Recommendations:

- 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 and the imposition of the following conditions:

- 2 The development hereby permitted shall be carried out in accordance with the following approved document and plans:**

- Application Form;
- Existing Site Plan, no.80-01;
- Proposed Context Site Plan, no.90-01;
- Proposed Site Plan, no.90-02;
- Proposed Floor Plans for House 1 and 2, no.20-;
- Proposed Floor Plans for Houses 3 and 4 and House 5 and 6, no.20-02;
- Proposed Typical Front and Side Elevation 1 for Houses 1 and 2, no.20-03;
- Proposed Typical Rear and Side Elevation 2 for House 1 and 2, no.20-04;
- Proposed Typical Front and Side Elevation 1 for Houses 3/4 and 5/6, no.20-05;
- Proposed Typical Rear and Side Elevation 2 for House 3/4 and 5/6, no.20-06;

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No above ground development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-**

- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * means of enclosure;
- * all hard and soft surfacing materials.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in**

accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6** No above ground development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

- 7** No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8** **INFORMATIVE TO APPLICANT:**
The applicant will be expected to enter into a S38 agreement under the Highways Act 1980 with the Local Highway Authority to enable the roads to be adopted and maintainable at public expense. This is necessary to ensure adequate access for refuse vehicles.

- 9** No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) the access route to the site of the vehicles of the site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) measures to control the emission of dust and dirt during construction;
 - f) measures for the protection of the natural environment.
 - g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety,

during the construction phase.

- 10** No development shall commence on site until full details of the surface water drainage scheme shown on drawing no.D-01 R4 'Indicative Drainage Layout' has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission. In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11** The mitigation measures detailed in section 9 of the approved Ecological Assessment by Ethos Environmental Planning (July 2015) shall be carried out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 12** The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: in order to ensure the development reduces its impact and contribution to climate change through improved design and construction methods.

- 13** No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - * adjoining land,
 - * groundwater and surface waters,
 - * ecological systems,
 - * archaeological sites and ancient monuments;

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the

approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: he matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the

15 **INFORMATIVE TO APPLICANT:**
The attention of the applicant is drawn to the contents of letter from the Wiltshire Fire & Rescue Service dated 18 September 2015 which can be viewed on the Council's website www.wiltshire.gov.uk

94. 15/07022/FUL - The Coach House, Winterbourne Monkton SN4 9NF

This item had been deferred for consideration by the Council at a later date.

95. Urgent items

None.

(Duration of meeting: 6.00 - 6.15 pm)

The Officer who has produced these minutes is Adam Brown, of Democratic Services, direct line 01225 718038, e-mail adam.brown@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	28 th January 2015
Application Number	15/11169/FUL
Site Address	Land to the South of Ramsbury Primary School Back Lane Ramsbury Wiltshire SN8 2QH
Proposal	Erection of new pre-school building, with outdoor play areas, and associated landscaping.
Applicant	Ramsbury Pre-School
Town/Parish Council	RAMSBURY
Electoral Division	ALDBOURNE AND RAMSBURY – Cllr Sheppard
Grid Ref	427494 171736
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

This application is brought to committee at the request of Divisional Member, Cllr Sheppard.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be granted planning permission.

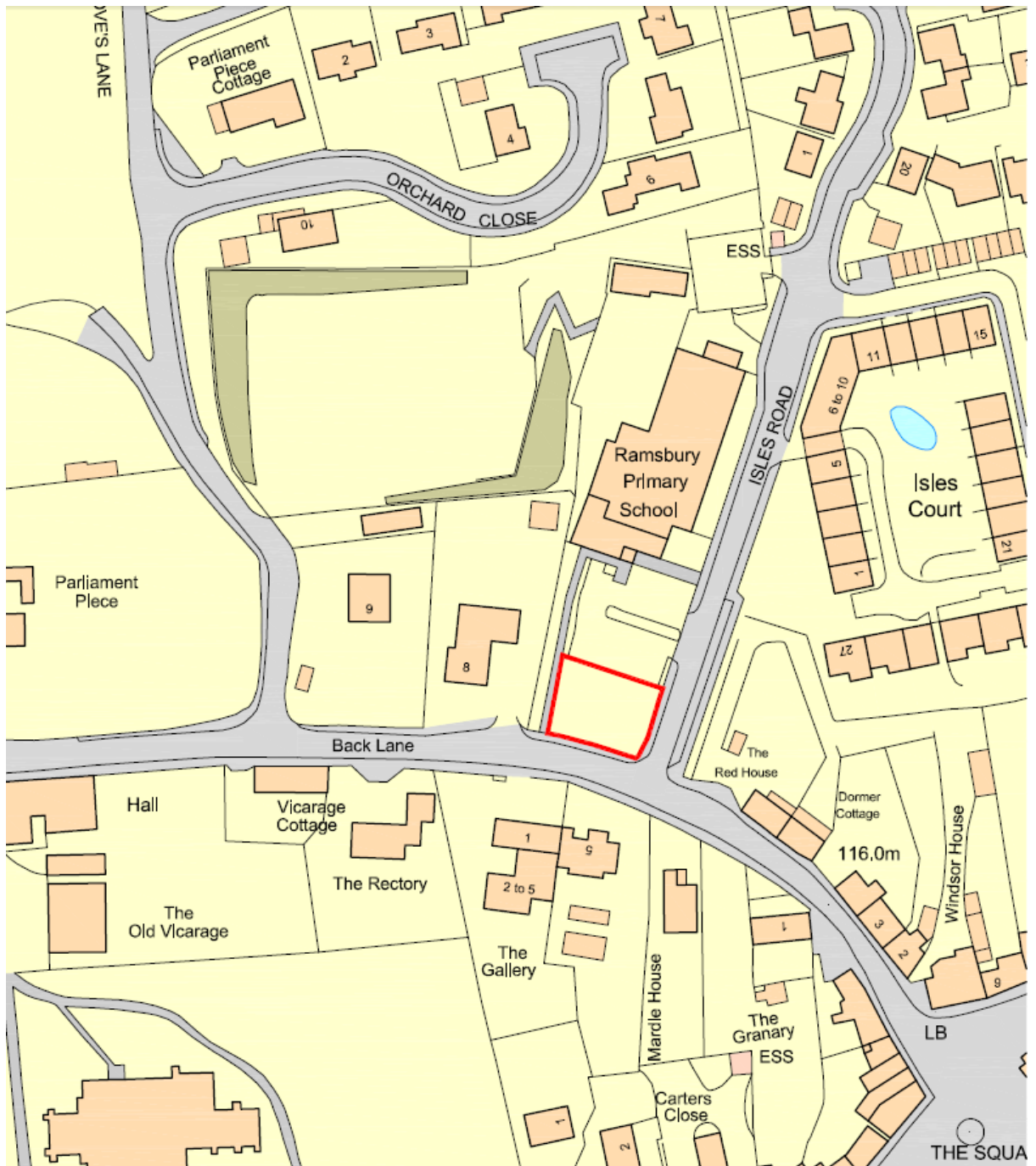
2. Report Summary

The key issues for consideration are the principle of development (whether it is sited in a location supported by national and local planning policy); the design of the building and its impact on the character and appearance of the area, notably, the Ramsbury Conservation Area; the impact upon parking and highway safety and that of neighbour amenity.

3. Site Description

The site is located within the grounds of Ramsbury Primary school located on the corner of Back Lane and Isles Road. The site is located within the Ramsbury Conservation Area. The settlement of Ramsbury is washed over by the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The area proposed for the new building is located forward of the existing school building on an area of grass with mature trees and a well-established hedge set behind a low wall fronting Back Lane.

Below is a map of the location of the site with some photographs.





THE SITE



ISLES ROAD



**EXISTING VEHICULAR ACCESS AND
PARKING AREA**



**VIEW FROM SOUTH EAST TOWARDS
SITE**

4. Planning History

K/84/0919/DP	Two mobile classrooms without toilets
K/86/1237	Erection of new primary school
K/86/1238	Erection of replacement school
E/2012/0289/TCA	The felling of an unspecified tree within the school grounds.
14/10272/PREAPP	Single storey building with associated external space, part covered, to provide a stand-alone pre-school facility.

5. The Proposal

The application proposes the erection of a new pre-school building with outdoor play areas and associated landscaping.

The building will measure approximately 20.5 metres in length, 13 metres in width and 6 metres in height and will be constructed out of timber boarding, facing brickwork and natural slate tiles for the roof.

Access will be via a pedestrian gate accessed off Isles Road.

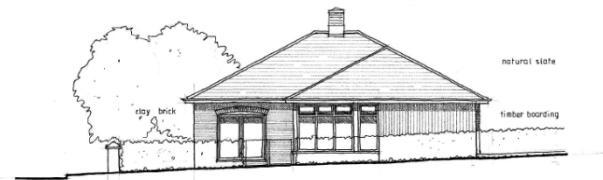
The proposed development will not be served by any designated off road parking spaces however, there is an existing car park serving the primary school which could potentially be utilised. 2 dedicated bicycle stands will serve the development.

The outdoor play space detailed on the ground floor plan will be surrounded by a 1800mm close boarded fence to be stepped down to 1050mm at the south eastern corner of the site.

Below are the elevation drawings and ground floor plan of the development proposal.



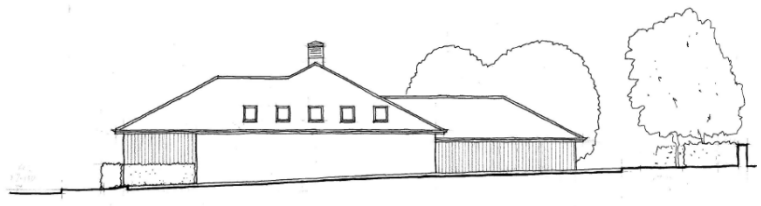
south elevation



east elevation



west elevation



north elevation

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under The Planning (Listed Buildings and Conservation Areas) Act 1990 to give **special regard** to the desirability of preserving the character and appearance of the conservation area (s.72).

7. Summary of consultation responses

Wiltshire Council Highways

No objections – Maximum parking standards are in place for new education facilities in schools and therefore, there is no requirement to provide off road parking spaces. This was agreed at pre-application stage subject to a robust travel plan being submitted. A robust travel plan has been submitted.

Wiltshire Council Arboricultural Officer

No objections subject to work being carried out in full accordance with arboricultural report.

Ramsbury Parish Council

This application is controversial mainly because of intractable parking problems. Some residents of Isles Road have expressed concern that the problems will be exacerbated by the addition of a pre-school on the site.

Notwithstanding these concerns, the Parish Council feels that this area, which was designated for a nursery school when the school was built in 1986, has benefits which outweigh these concerns. The site itself is small but in this position the pre-school can benefit from sharing outdoor facilities with the primary school and the children, most of whom will subsequently attend the primary school, will have a seamless transition.

We have recently negotiated a 20mph zone which includes Back Lane and Isles Road and the presence of a building will alert drivers in Back Lane to the proximity of a school-this is not immediately obvious at present -which was a concern expressed in the Parish Council Traffic Plan.

Traffic and parking are an almost universal problem around schools in term time when pupils arrive and leave but many of the children attending pre-school will be siblings of school children so there will be some duplication of transport. If this application is granted the pre-school and the school must address this and engage in parent education and strategies such as a walking bus and encouraging walking to school.

8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbours.

Approximately 28 letters of support have been received. A summary of the points are raised below.

- New building is of good design
- Green space is currently not used for anything / underutilised
- Will increase capacity of Pre-school
- Will allow shared resources between pre and primary school

- It will reduce traffic flows around the village as one destination for kid drop off etc.
- Current facility is too small and does not meet OFSTED requirements.
- It will prevent out commuting to access pre-school facilities

Approximately 6 letters of objection have been received. A summary of the points are raised below.

- Increase in an already traffic congested road
- Comings and goings at different times with the different lengths of day of pre and primary schools
- Parking and traffic issues have been ignored in this application
- Proposal would lead to a decrease in road safety / pedestrian safety
- Building has been 'squashed in' to the front of the school building

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the decisions be made in accordance with the development plan. Development that accords with the development plan should be approved without delay (unless material considerations indicate otherwise) – NPPF paragraph 14.

9.1 Principle of Development

The site is located within the Limits of Development of Ramsbury where under Core Policy 2 of the WCS there is a presumption in favour of sustainable development. As such, the principle of this development can be considered acceptable subject to conformity with other relevant policies in the development plan.

9.2 Design

The building is of contemporary design whilst reflective of the local vernacular (with brick and slate used and a limited amount of timber). It is a modestly sized building of single storey design thus making sure it will not dominate the streetscene, yet is of a size that allows it to function internally as a pre-school. Furthermore, its modest scale allows an appropriately sized outdoor recreation space to be achieved on the site and ensures that an appropriate level of the existing planting can be retained. The building is also designed so that it addresses both Isles Road and Back Lane – a positive feature that ensures blank elevations do not front the streets and public realm of the Ramsbury Conservation Area. Subject to a condition to control material samples prior to the commencement of development, the design of the scheme is considered to be in general accordance with Core Policy 57 of the WCS.

9.3 Impact upon the AONB

The application site is located within the AONB. However, it is well contained within the built up area of the village and as such, will not have a material impact upon the landscape character and scenic quality of the AONB.

9.4 Impact upon the Character and Appearance of the Conservation Area

S.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to give special regard to the desirability of preserving or enhancing the character and appearance of the conservation area.

The part of Back Lane where the application site is located forms a transition zone between the more urban character of the High Street and Oxford Street and the more rural character that is seen further to the west along Back Lane. The area where the pre-school is proposed is currently an open grassed space with several key trees and hedging that contribute to the verdant character of Back Lane and to the setting of the historic buildings that are in close proximity to the site. Buildings in general along Back Lane tend to be set back from the road behind brick walls or hedging save for some key municipal buildings such as the Church Hall which is located hard up to the road. An assessment needs to be undertaken to ensure that this character with the Ramsbury Conservation Area is either preserved or enhanced by the proposed development. In accordance with paragraphs 132-134 of the NPPF any identified harm to this character will need to be weighed against the public benefits of the scheme.

The proposed building inevitably results in the loss of this green space to the front of the primary school and will as a result change the character of the area to a degree. However, the design seeks to retain as much of the landscaping to the front of the site as possible (although does result in the loss of 2 trees). This retention helps to preserve some of the verdant character that this site so contributed to. A condition would be required to ensure this landscaping is retained as part of a submitted landscaping scheme to ensure it is not lost during the course of development or in the immediate future. Whilst the development sits in close proximity to the road, it is a non-residential building which, as noted above, would be in conformity with other non-residential buildings in close proximity to the site e.g. the Church Hall.

Whilst clay tiles are common in Ramsbury, the use of slate is not unusual and is often characteristic of school buildings where in historic times, slate would have been more commonly used given the age of construction and the introduction of slate as a building material. The development is reflective of this point and helps in the assessment of its impact upon the character of the area. The building has some benefit in that it helps to screen the car park to the front of the school which, arguably detracts from the appearance of the Conservation Area.

The building will inevitably change the appearance of this part of the Conservation Area through building on the current open space, although an educational building within the confines of an existing primary school is in character with the area.. The points identified above regarding how the scheme has been designed have helped lessen the impact of the development and reduce the impacts to a modest level. On balance, any harm to the visual appearance of the area is, at worst, less than substantial harm to the Ramsbury Conservation Area.

That said, the scheme would present considerable public benefit which in accordance with paragraph 134 of the NPPF must be weighed against this harm. The existing pre-school in Ramsbury is located within the Methodist Church and is having to relocate to meet current OFSTED requirements. Whilst other options have been explored for the

relocation they have not been considered viable and or practical propositions and so this site has been settled upon as the preferential/best location. Officers are inclined to agree with this assessment of alternative sites. If the pre-school was not permitted on this site then there is a good chance the facility would be lost within the village which would be to the detriment of the public who utilise this facility. Its location here, therefore, has public benefit in that it retains the pre-school for the village in a more convenient location where it can take advantage of the existing facilities on offer at the primary school. The benefits identified above are considered to outweigh any limited harm caused. Although not a public benefit of the scheme, in reaching the recommendation to approve the application, some consideration (albeit of limited weight) has been given to the considerable local support for the proposal.

9.5 Parking and Traffic

Education facilities have maximum parking standards and therefore, there is no requirement to provide any off road parking spaces. As such, and in accordance with Core Policy 64 of the WCS and Appendix C of the Local Transport Plan 2011-2016 there is no policy backing to insist upon the provision of any parking spaces. Furthermore, subject to a robust travel plan, the Council's Highways Officer accepts the provision of no off street parking spaces. A travel plan has been submitted that the Council's Highways Officer considers acceptable. This will need to be conditioned to form part of the approved documents to ensure implementation and adherence of it when the development is built and occupied. Therefore, despite the objections raised in relation to parking, a reason for refusal based upon lack of parking could not be justified and/or supported by any local planning policy.

It may well be the case that the pre-school increases to a limited extent the volume of traffic within the vicinity of the application site during school drop-off and collection times. However, it is not considered to be at a level that would give rise to severe harm (the test required by paragraph 32 of the NPPF) to the highways network in the area such that a reason for refusal could be substantiated.

9.6 Neighbour Amenity

The scheme is located a satisfactory distance from any neighbouring properties such that it will not cause any harm by reason of loss of light or privacy. It is noted that the new building will provide an outdoor area where currently there is no formalised play/outdoor amenity space. Although this space is within close proximity to residential properties it will not have any detrimental impacts by reason of noise or disturbance, namely because the site forms part of the existing primary school and in theory could be used at any point for outdoor activities associated with the school. Furthermore, no issues have been raised by third party consults pertaining to these points.

9.7 Impact to Trees

Subject to development being carried out in accordance with the Arboricultural report submitted with the application, there will be no adverse impact to trees (this can be conditioned accordingly). Consideration has been given to the loss of the two trees by the Arboricultural Officer and no objections have been raised.

10. CIL contributions

The development is not CIL liable.

11. Conclusion (The Planning Balance)

The scheme is considered to be of acceptable design having no impacts upon the reasonable living conditions of the adjoining residential properties. The public benefits of the scheme are considered to outweigh any less than substantial harm to the Ramsbury Conservation Area. No harmful impacts have been identified to the AONB and severe harm has not been identified through lack of parking or associated traffic impacts. The proposal is therefore in general accordance with the criteria of the policies of the WCS and central government guidance contained within the NPPF.

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF para 11). The proposal does accord with the development plan (the WCS) and no other material considerations have been identified. As such, the application is recommended for approval subject to any of the conditions detailed in this report.

RECOMMENDATION

Approve with 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 permitted shall be carried out in accordance with the following approved plans and documents:

Application Form received 9th November 2015

Location Plan - 150111-01 received 9th November 2015

Fence and Gate Detail - 150111-03 received 9th November 2015

Arboricultural Impact Assessment by SJ Stephens Associates received 9th November 2015

Design Scheme - 150111-02 Rev A received 7th January 2016

Ramsbury Pre-School Travel Plan received 7th January 2016

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the
 - a. course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes
- d) and planting densities;
- e) finished levels and contours;
- f) means of enclosure;
- g) car park layouts;
- h) other vehicle and pedestrian access and circulation areas;
- i) all hard and soft surfacing materials;
- j) minor artefacts and structures (e.g. furniture, play equipment, refuse and other
- k) storage units, signs, lighting etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

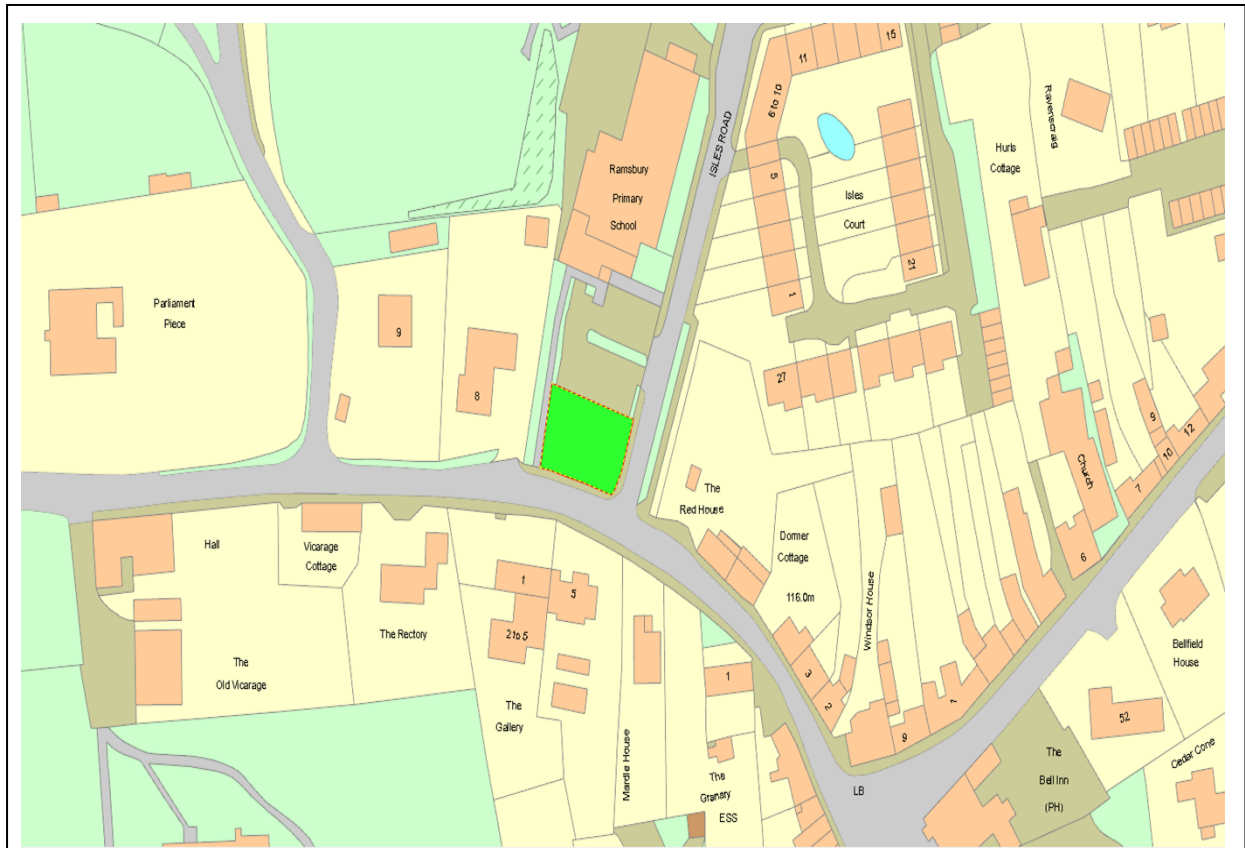
REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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REPORT TO THE AREA PLANNING COMMITTEE

Application Number	15/11169/FUL
Site Address	Land to the South of Ramsbury Primary School Back Lane Ramsbury Wiltshire SN8 2QH
Proposal	Erection of new pre-school building, with outdoor play areas, and associated landscaping.
Case Officer	Ruaridh O'Donoghue

Map



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	28 th January 2016
Application Number	15/10410/FUL
Site Address	Land at the junction of Kennet Road and Chestnut Avenue, Tidworth
Proposal	Erection of a two storey dwelling
Applicant	Aster Communities
Town/Parish Council	Tidworth
Grid Ref	423968 149280
Type of application	Full Planning
Case Officer	Tom Wippell

Reason for the application being considered by Committee

The application has been called to committee by Councillor Mark Connolly if minded to approve for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- The property is two storey when all properties in Chestnut Avenue and Hawthorn Road are bungalows. The property looks over 2 Hawthorn Road whereas if it was a bungalow there would be no issue. I also think the footpath from Kennet Road to the bottom of Hawthorn Road should be joined.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be granted planning permission.

2. Report Summary

The issues in this case are:

- Principle of development
- Scale/Design/Siting
- Amenity
- Other Issues

Publicity of the application has resulted in a letter of support from the Parish Council, one letter of objection and one letter of comment from Cllr Connolly.

3. Site Description

The application site lies at the junction of Kennet Road and Chestnut Avenue. It comprises a raised mown area of grass, with a small area of shrubs. The plot lies opposite two storey buildings believed to be arranged as flats, and there are bungalows situated along Hawthorn Road around the corner to the northeast/ east. Further upslope of the site are other bungalows in Chestnut Avenue which

are all set back from the roadside on raised land.

4. Planning History

Planning permission has been recently granted for a new bungalow (15/05391/FUL) on a similar grass banked corner plot, on the corner of Chestnut Avenue and Hawthorn Road (next road over).

5. The Proposal

Planning permission is sought to construct a 2-bed detached dwelling with 2 parking spaces towards the front of the site. The dwelling will be dug into the bank to compensate for the sloping-gradient of the land, and its internal arrangement will be 'upside down', so that the kitchen/diner/lounge will be on the top floor opening onto a garden at the rear. The entrance-door for the new dwelling will be located up a flight of external stairs to the side of the property.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 26: Spatial Strategy: Tidworth Wiltshire Community Area

Core Policy 41: Sustainable Construction and low carbon energy

Core Policy 43: Providing Affordable Homes

Core Policy 45: Meeting Wiltshire's Housing Needs

Core Policy 57: Ensuring high quality design and place shaping

Wiltshire Local Transport Plan – Car Parking Strategy: - Chapter 7: Parking Standards

NPPF

7. Consultations

Wiltshire Council Highways

No highway objection to the proposed dwelling and the parking level and layout is considered acceptable. It would be beneficial if the footway could continue across the site frontage and connect with Hawthorn Road. The applicant could consider providing this footway link in the interests of sustainability and pedestrian safety.

Tidworth Town Council

Tidworth Town Council has no objections to Planning Ref 15/10410/FUL. They would, however ask that the footpaths of Hawthorn Road and Kennet Road be joined as a result of this application.

8. Publicity

The application has been advertised by way of site notice, advertisement and letters to near neighbours.

The publicity has generated one letter of objection and one letter from Cllr Mark Connolly.

The letter of objection is as follows:

- We own the property at the end of Hawthorn Road (2 Hawthorn Road) which is right next to the proposed development. We are seriously concerned about the impact this will have on our privacy. We did not oppose to the bungalow being built opposite us on the corner of Chestnut and Hawthorn because we felt it was in keeping with the other properties on the estate and would not impact our privacy much. We feel the new house would be

intrusive to our privacy as up until now we were the end home with no neighbours to the rear of the bungalow. Also a 3 bedroom house is not in keeping with the rest of the bungalows in the area.

- It also means the loss of another green space in the area. It's been noted that it cannot be used for recreational purposes but it has been used for that over the last 30 years or more by children just like our own as somewhere safe and close by to play on.
- The garden of the new dwelling would be right next to our garden, which means we would have to look at new ways to ensure our privacy.
- According to the plans, the new house will have full view into our windows (our bedroom, living room and daughter's bedroom) and our entire garden meaning we will also have full view of house rather than the trees we can normally see. Also the plans to put a fence around the new property means the trees surrounding us will be ripped out and could mean blocking light onto the trees and bushes already in the garden which match the trees and bushes on the area you wish to develop on.
- We are concerned about over shadowing as we have solar panels and do not wish to lose any light that comes into our property or the roof.
- Parking is already bad in our area as many homes now have 2 to 3 vehicles each, we can see that off road parking would be included with the new build but this doesn't include visitors parking and the concern is they may park outside of the new house on the road which will cause problems. With the new property going up opposite us is already going to have an impact on parking, this will just cause more issues.
- We feel like our area is becoming boxed in when before we had space opposite and behind for our children and the children of Rowan Court to play on and now we feel that we are surrounded with no external greens for the children and wildlife. We get foxes, badgers and hedgehogs in the garden all the time, they won't be able to access the area any more once a new home is blocking their path.
- It is disappointing that nobody has discussed this with us before as we may have been able to help and offer some insight as our family has occupied this very house since it was built in 1962.
- Please take our views into consideration and know that we understand the need for new housing in the area but with hundreds of homes being built in Tidworth already is it really necessary to build one new home which will have such a huge impact on an area which is already so crowded.

Cllr Mark Connolly raises the following comments;

- The applicant had not entered into any communication with me as the local Wiltshire Councillor or the Town Council before submitting, this is very disappointing. Whilst I have no objection to the development, as long as the proceeds do go to affordable units in Tidworth, I would like to see the footpaths from Kennet Road and Hawthorn Road linked via this development. I would ask that the developer do this as part of the scheme and put this as a condition or informative. The only other concern I have is whether the property will be intrusive to the property at the bottom of Hawthorn Road, since the applicant has already got permission to build on the opposite side of the Hawthorn Avenue junction for a property. This means the last house in Hawthorn Road, which was previously not overlooked at all, will potentially have two properties overlooking it.

9.0 Planning Considerations

9.1 Principle of Development

Core Policy 1 sets out a settlement strategy identifying where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 1 identifies that Tidworth is a Market Town where there is the potential for significant development that will increase jobs and homes in order to help sustain and where necessary enhance their services and facilities and better promote levels of self-containment and viable sustainable communities.

Core Policy 2 states “within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principle Settlements, Market towns, Local Service Centres and Large Villages”.

The site of the proposal is within the defined limits of development. Therefore the principle of a new dwelling within these settlement boundaries of Tidworth is acceptable.

9.2 Scale/ Siting/ Design

It is considered that there is sufficient space within the plot to avoid a cramped form of development, with the proposed layout of the property making good use of the site.

Although the proposed new dwelling is arranged with an ‘upside down’ internal layout, to allow the living room to open onto the raised-level garden at the top of the slope, in visual terms it is considered that the scheme will be acceptable within the streetscene. The dwellings in the surrounding area consist of a mixture of styles and sizes, including two-storey buildings opposite and bungalows further up the hill, and in this regard, the scale of development (ie- a two storey dwelling) will be acceptable for this plot. Concerns raised about the scale/design have been fully noted, but Officers do not consider that a dwelling of this design will be out-of-keeping within the area.

Although the dwelling will be relatively prominent due to its elevated position at the top of a grass bank, the built-form will not encroach significantly into the open green space at the side, and the scheme will be ‘dug in’ to ensure that the proposed dwelling does not dominate views of the wider area. It is also noted that the rear garden of the dwelling will occupy a natural plateau at the top of the slope, so that minimal re-grading of the site will be required.

To ensure that views from the wider area are protected, additional planting along the site boundary should be requested by condition.

9.3 Residential Amenity

The new development is sited a sufficient distance away from the boundaries of the site to ensure that no harmful overshadowing or overdominance will occur to surrounding properties. The dwelling is ‘dug’ into the ground to reduce the overall ridge height, and its roof slopes away from the boundary to its highest point.

Towards the rear, the patio doors and bathroom window will not cause direct or harmful oblique overlooking to the neighbouring property, given their single storey level.

Towards the side, although the new entrance door/ external staircase/ stairwell window will be positioned close to the boundary, this arrangement is not considered to result in any significant overlooking, intensification of use, or loss of privacy to No. 2 Hawthorn Road, given the suitable levels of boundary screening and orientation of the properties roughly side-by-side.

A proposed 1.8 metre high close boarded fence will be erected along the boundary with No. 2 Hawthorn Road, which will further ensure that privacy levels are maintained.

Whilst it is accepted that the new garden and fencing will be more noticeable when viewed from the rear-gardens on No. 2 Hawthorn Road, it is considered that the intensification of use will not result in any harmful loss of privacy, and the fence will not cause any harmful overshadowing or over dominance.

Additional overlooking across the road is not considered to be an unacceptable or unusual form of development in this location.

9.4 Pavement Link and Other Issues

After requests from Cllr Connolly, Highways and the Town Council, the Agent has confirmed in writing that a pavement can be constructed between Hawthorn Road and Kennet Road. This will be on land in the ownership of the applicant.

Pedestrian movement between the two roads will be enhanced by linking up the two footpaths, and the scheme will provide a public benefit for nearby residents, whilst at the same time improving highway safety. A condition should be added to any approval, ensuring that details of the footpath are submitted to and agreed in writing, and that the works are carried out prior to the occupation of the new dwelling.

Two off-street parking spaces will be provided for the dwelling, and the Council Highway Officer raises no objections to the scheme.

The bank of screening to the north of the new dwelling (adjacent to Hawthorn Road) is to be partially retained. This should be conditioned as part of any approval, in the interests of visual and residential amenity.

The application red-line plan does not include all of the land between Kennet Road and the bottom of Hawthorn Road, and therefore Officers cannot insist that the pavement between the two roads is linked up, as this is not essential in highway safety terms. Although Officers accept that the linking of the footpaths may be desirable, this cannot form part of the current planning application.

10. Conclusion

The sloping gradient of the site, the relationship of the development with the neighbouring properties, the levels of screening around the site, the views/relationship of the site from the wider area, and the third party objections have all been taken into account when assessing the impact on visual and residential amenity.

Overall it is considered that the development is acceptable in principle, and would not result in any significant adverse impacts in terms of the character and appearance of the area, residential amenity, or highways safety.

As requested, the provision of the pedestrian link between Hawthorn Road and Kennet road is secured.

Recommendation: APPROVE, 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been 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.

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- Full details of any trees and landscaping to be retained, together with measures for their protection in the course of development;
- A detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- Finished levels and contours;
- Means of enclosure;

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping, including the erection of the boundary fence, shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

REASON: To ensure the provision of adequate landscaping, to assimilate the development into its local context, and to protect the amenity of the nearby dwelling.

5. No part of the development hereby approved shall be occupied until a scheme for a safe pedestrian pavement route between Hawthorn Road and Kennet Road has been submitted to and approved in writing by the Local Planning Authority. The pavement shall be provided in accordance with the approved details prior to the first occupation of the dwelling.

REASON: To secure the provision of safe pedestrian access.

6. The development hereby permitted shall not be first occupied until the parking spaces hereby approved have been consolidated and surfaced (not loose stone or gravel) and sustainable drainage has been installed to prevent surface-water runoff onto the highway. The parking spaces shall be kept free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

7. The development shall be constructed in accordance with the submitted drawings:
Location Plan 1537 Plan 1; P1 1537; P2 1537; BDS 10-03-15.

REASON: For the avoidance of doubt.

INFORMATIVE:

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.

INFORMATIVE:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

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REPORT TO THE AREA PLANNING COMMITTEE

Application Number	15/10410/FUL
Site Address	Land at the junction of Kennet Road and Chestnut Avenue, Tidworth
Proposal	Erection of a two storey dwelling
Case Officer	Tom Wippell

Map



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	28 th January 2016
Application Number	15/11631/VAR
Site Address	Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX
Proposal	Removal of condition 2 of planning permission K/44735 to allow full time independent residential occupation of the holiday let.
Applicant	Mr & Mrs M Rhodes
Parish Council	GREAT BEDWYN
Electoral Division	BURBAGE AND THE BEDWYNS – Councillor Stuart Wheeler
Grid Ref	426956 163104
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by the Committee

The application is one of two applications for the site that are being reported to the planning committee for consideration at the request of Councillor Wheeler, to consider the need for consistency, taking into account approval granted in 2015 for a similar proposal outside the Limits of Development of Burbage.

1. Purpose of Report

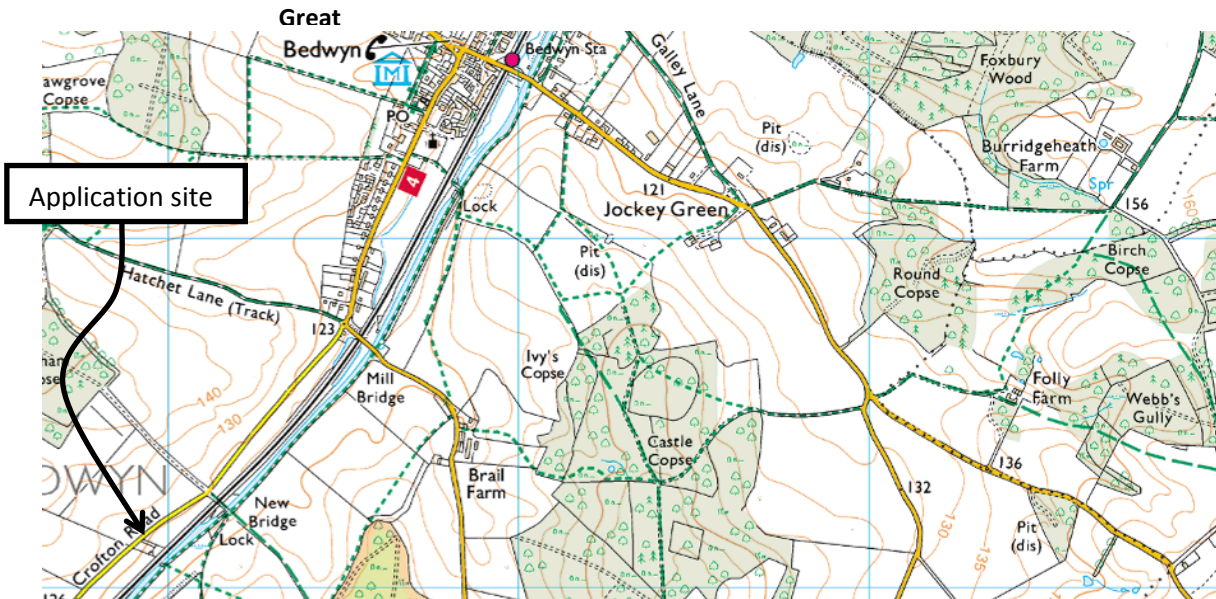
The purpose of the report is to allow the Committee to assess the merits of the proposal against the policies of the development plan and other material considerations, and the recommendation of officers that the application be refused.

2. Report Summary

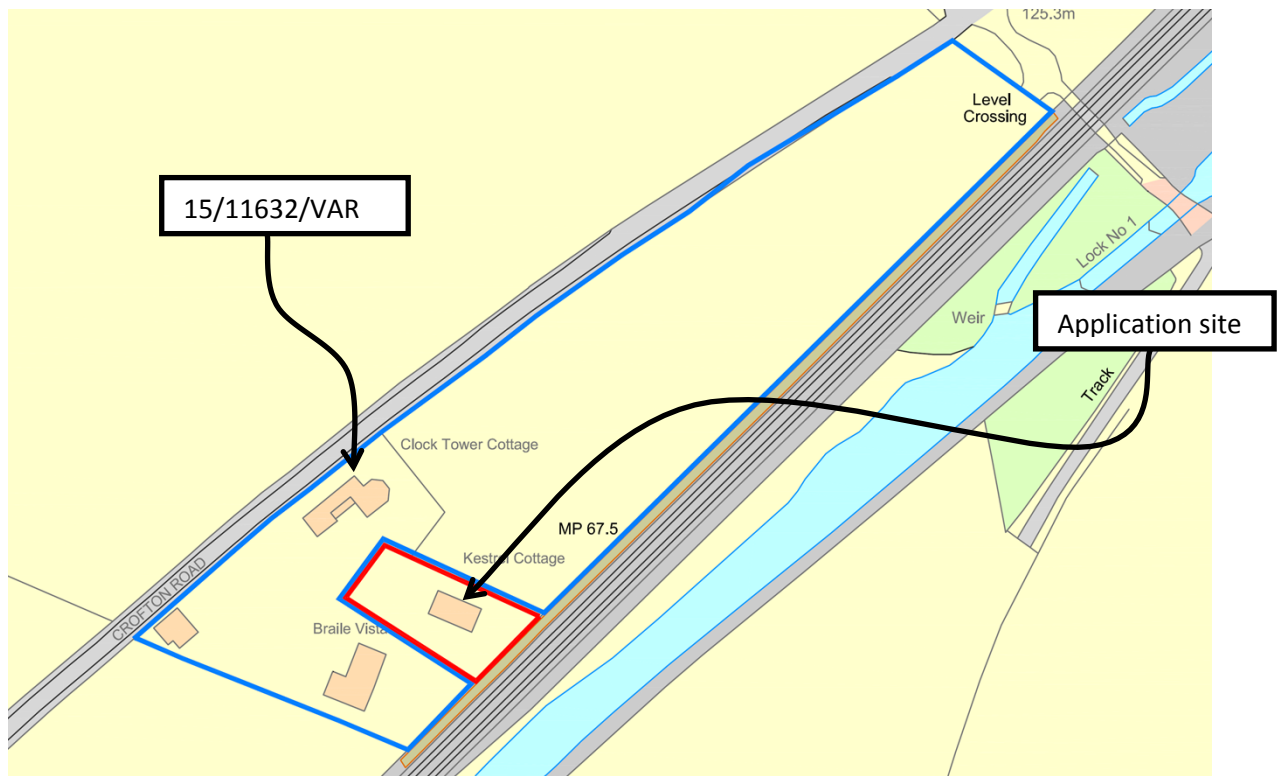
The main issue to be considered is the sustainability of allowing a new dwelling in the countryside and North Wessex Downs AONB when assessed against Wiltshire Council's Spatial Vision as set out in the adopted Core Strategy, and impacts in terms of the character of the area and the accessibility of local amenities and services for the occupants of the building.

3. Site Description

The building is located within the grounds of the property Brail Vista, 900 metres south west of the Great Bedwyn village limits on the unclassified road leading to Crofton.



The main line railway and Kennet & Avon canal lie to the south east. Open countryside lies to the south west, north west and north east.



The site is within the North Wessex Downs AONB.

The former garage is of 1½ storey brick and slate construction and has been converted to allow residential use as holiday accommodation.

Access is via a single driveway that also serves Brail Vista and the other holiday let on the site (subject to application 15/11632/VAR in the following report).

4. Planning History

K/81/0048	Extension to dwelling	Approved
K/32679	The erection of a double garage and log store with	Approved

	games room above. The erection of a porch and a conservatory.	22/08/1996
K/44735	Change of use of garage & store into Holiday accommodation	Approved 06/02/2003
K/59480/F	Two stables, tack room, hay barn and tractor store	Approved 28/10/2008
E/2012/0670/FUL	Conversion of stables to 2 No holiday let cottages	Approved 09/07/2012
15/11632/VAR	Removal of condition 2 of planning permission E/2012/0670/FUL to allow for full time rental occupation	Pending

5. The Proposal

The application concerns a former double garage within the grounds of Brail Vista (an extended detached house) that was originally approved in 1996, with subsequent approval in 2003 for conversion to holiday use.

The 2003 approval for holiday use is subject to a condition that no person is to occupy the accommodation for more than 8 weeks in any calendar year or for more than 4 continuous weeks.

The condition was imposed as “The site lies within an area where permanent accommodation without a special agricultural or other essential local need would not be approved”.

The current application seeks removal of this condition, effectively thereby creating a permanent independent 2-bedroom dwelling within the countryside and AONB.

6. Local Planning Policy

The development plan so far as is relevant comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

The following policies of the Wiltshire Core Strategy are of particular relevance to the proposal:

CP1	Settlement strategy
CP2	Delivery strategy
CP18	Pewsey Area Strategy
CP41	Sustainable construction and low carbon energy
CP48	Supporting rural life
CP51	Landscape
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP64	Demand management
CP67	Flood risk

7. Summary of consultation responses

Great Bedwyn Parish Council: Support subject to:

- 1) No additional access to Crofton Road in the future
- 2) No future extensions

8. Publicity

The application has been publicised by way of a site notice posted outside the site.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of development

The Spatial Vision of the Wiltshire Core Strategy as set out in Core Policy 1 and Core Policy 2 sets a general presumption against any residential development outside the recognised limits of development.

Core Policy 2 is clear that development will not be permitted outside the limits of development, unless supported by other policies within the Core Strategy. This is reiterated in Core Policy 48, the supporting text for which states that residential development will not normally be permitted in the countryside unless it meets the requirements of Core Policy 44 (affordable housing).

Core Policy 39 supports development of tourist accommodation, and it was similar provision in former policies of the Kennet Local Plan that supported the 2003 conversion of the building.

In terms of the conversion of existing buildings, Core Policy 48 provides that residential use should only be considered where there is *clear evidence* that the use for the purpose of holiday accommodation is no longer a practical proposition, or otherwise in line with national planning policy.

Consistency with approval 15/05858/FUL

The applicant and Councillor Wheeler highlight approval under delegated powers of application 15/05858/FUL. That application related to a 'barn' approved in 2008 (against the recommendation of officers) to provide a purpose built mixed use building of 2 holiday units and office space. The application retrospectively sought the use of the holiday units as independent dwellings and a change of use of part of the office space for A2 purposes (Financial and professional services). Approval was granted as the residential accommodation was specifically supported by Burbage Parish Council, which considered that the village had 'much need' for small rented accommodation such as the 1-bedroomed units in that instance.

The current proposal involves larger 2-bedroomed units, and whilst Great Bedwyn Parish Council offers qualified support for the current proposal, no need for the accommodation

being proposed has been identified. The application site in Burbage was also significantly closer to the settlement boundary (100m rather than c. 900m) and along a no-through-road that is more pedestrian-friendly than the through route of the Crofton Road that serves the current site. Furthermore, this application relates to an outbuilding that was originally permitted as a double garage and store, before being allowed to be used as holiday accommodation. It would set an undesirable precedent if new dwellings are allowed in the countryside via a back door route of erection of garages and subsequent conversion to new dwellings.

Perhaps similar to Burbage, the Council's Housing Register shows that in the Great Bedwyn area, the housing need is predominantly for 1-bedroom homes, with the need for 5 x 1 bedroom homes in Great Bedwyn, and 9 x 1 bedroom homes in Great Bedwyn and surrounding parishes being registered. There is also a need registered for 1 x 2-bedroom home of social housing, but there is nothing to suggest that the proposed housing would meet this need as it would instead be rented on the open market.

It is also the case that since the Burbage approval, the Council has published a revised Housing Land Supply statement that demonstrates a strong 8½ years supply of deliverable housing land within the East Wiltshire Housing Market Area.

The circumstances of the Burbage approval thus differ significantly in a number of respects from the applications at Brail Vista such that the 2015 decision does not set a precedent. As with all applications, the current proposals need to be considered on their own merits with regard to all the circumstances.

9.2 Continued use of the building as a holiday let

In addressing the practicality continued holiday use, the application suggests increasing difficulties in the owners being able to service the holiday units themselves, and a difficulty in employing staff, the cost of which, with advertising costs, also impacts on the viability of the holiday let business.

Whilst appreciating that the current owners may have difficulty servicing the holiday accommodation, this is essentially a short-term personal difficulty that need not apply to future management of the site. Equally it would not apply if the building were to be returned to its former use as a garage/ outbuilding to serve Brail Vista.

The application also reports diminishing holiday occupancy due to increased competition and suggests an undesirability of the accommodation due to the proximity of the railway line and the impacts of noise. (Although it should be noted that some owners of holiday accommodation in close proximity to railway lines advertise this fact in the specialist railway press).

It is said that there are 20 holiday cottages competing in the Marlborough/ Pewsey area.

No evidence has been provided in respect of the occupancy rate of the unit however.

Similarly no evidence has been provided in respect of financial viability. In 2015 alone however the Council received 32 enquiries/ applications in respect of proposals for 70+ holiday units within AONBs, suggesting a high demand for, and profitability in providing, holiday accommodation in the area.

No acoustic assessment has been submitted in support of the suggested undesirability of the application site for holiday purposes, although any such impact would of course impact also on permanent residential use of the building.

It is thus concluded that there is thus no *clear evidence* as required by Core Policy 48 before independent residential use of the building can be considered.

The application seeks support from approval 14/11062/FUL in which the council accepted the argument of viability. In that case however the applicant provided the required *clear evidence* in the form of a detailed viability assessment with details of occupancy rates and accounts in respect of the business. No such details have been provided in support of the current application.

It should be noted that the Council has had two appeal decisions since the adoption of the Core Strategy last year where applicants have sought permission to remove conditions restricting accommodation to holiday purposes. These were at Bradford on Avon (July 2015) and Chute Cadley (August 2015). Both of these were dismissed, with the Inspectors concluding that the requirements of Core Policy 48 that there should be 'clear evidence' that the holiday use was not a practical proposition before permanent residential use was allowed as an exception in the countryside were not met. The same lack of evidence applies in this case. Copies of the appeal decisions are attached as an appendix to this agenda.

9.3 Suitability of the location/ premises for independent residential use

Location

Core Policy 60 provides that the Council will use its planning powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people within Wiltshire. A key element of the policy is to ensure that development is located in accessible locations.

As noted above, the site is located 900m from the settlement boundary of Great Bedwyn. Services and amenities within the village are further, for example 1.6km to the closest village shop and 2.3km to the primary school. Crofton Road does not have any pedestrian provision or streetlighting, and as such it is likely that occupants of the building would be largely reliant on the use of private cars for all day-to-day transport needs. As such the establishment of an additional household on the site would be contrary to the principles and aims of sustainable development and Core Policy 60.

Impact on the character of the area

The holiday use of the building gives rise to limited need for the outdoor accoutrements such as a washing line, play equipment, garden outbuildings etc that is likely to be associated with a permanent residential use. Whilst the site is locally relatively well-screened from views, it is evident within the countryside and landscape of the AONB from public rights of way on rising ground south of the canal. It is also clearly visible by users of the railway.

The visual impact associated with independent residential use is a matter supported on appeal by the government's Planning Inspectorate – for example in a recent appeal decision dated 11/12/2015 concerning conversion of a residential outbuilding to a dwelling in Bromham. A copy of the decision is appended to the agenda (see paragraphs 17 & 18). The site was outside the AONB and was 'relatively well-screened in public views'. The Inspector

nonetheless held that ‘hard surfaces, parked vehicles and other domestic paraphernalia within the site’s curtilage would have a diminishing effect on the setting of the building to the detriment of the area’s character and appearance’ and the appeal was dismissed on this basis.

The same principle applies equally but more-so within the AONB and it can only be concluded that the unfettered residential use of the site, and resulting likelihood of outdoor paraphernalia would have a detrimental impact on the rural character and landscape of the AONB, contrary to Core Policies 51 & 57 which seek to protect the landscape quality and character of Wiltshire.

Amenities

In terms of the building itself, the application does not include floor plans, but internal inspection shows the property to provide a suitable level of internal accommodation for the 2-bedroom capacity. There is a small south-facing private garden area to the rear which would provide an adequate level of outdoor amenity space.

Access and parking

The access and parking arrangements are considered acceptable for the proposed use.

10. Conclusion (The Planning Balance)

Whilst the removal of the condition to allow permanent and independent residential occupation would contribute toward the availability of dwellings in the area, there is no evidence of need to support the proposal. The principle of the proposal outside the defined limits of development is contrary to the Vision of the Wiltshire Core Strategy and the Strategy for the Pewsey Community Area as set out in Core Policies 1, 2 & 18. Whilst the Core Strategy is accepting of the residential re-use of buildings in certain circumstances, the application does not provide the required ‘clear evidence’ of the impracticality of continued use as a holiday let that Inspectors have confirmed is required to demonstrate compliance with the recently adopted policies of the Core Strategy. Furthermore the occupants would have high levels of car dependence, thereby increasing unsustainable patterns of travel within Wiltshire contrary to Core Policy 60, and the visual impact arising from the needs for r outbuildings, garages, play equipment etc would be detrimental to the rural and landscape character of the area, contrary to Core Policies 51 & 57.

RECOMMENDATION

That the application be refused for the following reasons:

- 1) The site is located in open countryside outside of the limits of development defined for Great Bedwyn in the Wiltshire Core Strategy (adopted January 2015). The proposal would therefore conflict with Core Policies 1, 2 and 18 of the Wiltshire Core Strategy (adopted January 2015) which seeks to ensure that housing developments occupy sustainable locations throughout Wiltshire including the Pewsey Community Area.

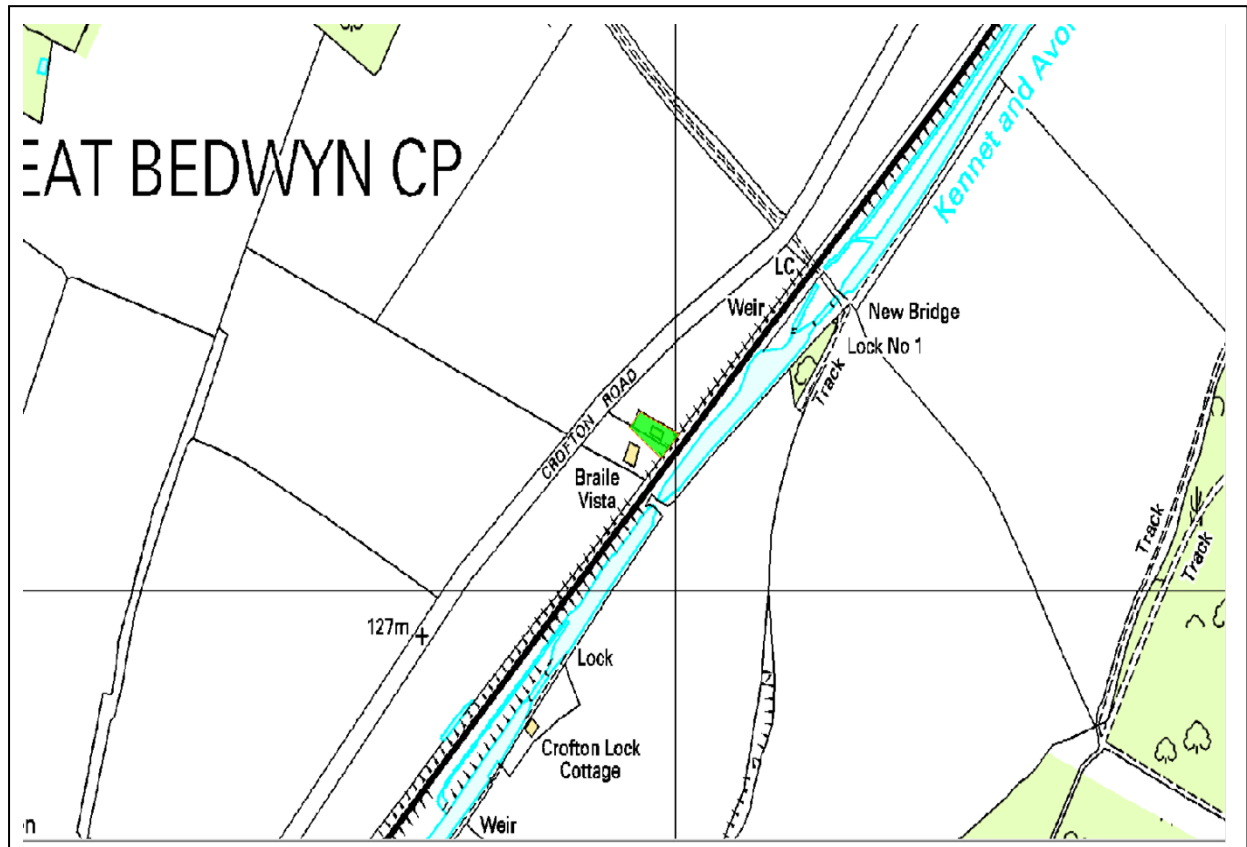
Furthermore, the proposal would conflict with the criteria set out in Core Policies 48, 51, 57 and 60 of the Wiltshire Core Strategy and with paragraph 55 and of the NPPF for the following reasons:

- the application does not include any 'clear evidence' of the impracticality of continued use as a holiday let,
- local services and facilities could not be easily accessed other than by use of unsustainable modes and patterns of travel,
- The permanent independent residential use would result in pressure for outbuildings, play equipment etc that would be detrimental to the rural and landscape character of the area.

REPORT TO THE AREA PLANNING COMMITTEE

Application Number	15/11631/VAR
Site Address	Braille Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX
Proposal	Removal of condition 2 of planning permission K/44735 to allow full time independent residential occupation of the holiday let.
Case Officer	Nick Clark

Map



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	28 th January 2016
Application Number	15/11632/VAR
Site Address	Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX
Proposal	Removal of condition 2 of planning permission E/2012/0670/FUL to allow full time independent residential occupation of the holiday let.
Applicant	Mr & Mrs M Rhodes
Parish Council	GREAT BEDWYN
Electoral Division	BURBAGE AND THE BEDWYNS – Councillor Stuart Wheeler
Grid Ref	426956 163104
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by the Committee

The application is one of two applications for the site that are being reported to the planning committee for consideration at the request of Councillor Wheeler, to consider the need for consistency, taking into account approval granted in 2015 for a similar proposal outside the Limits of Development of Burbage.

1. Purpose of Report

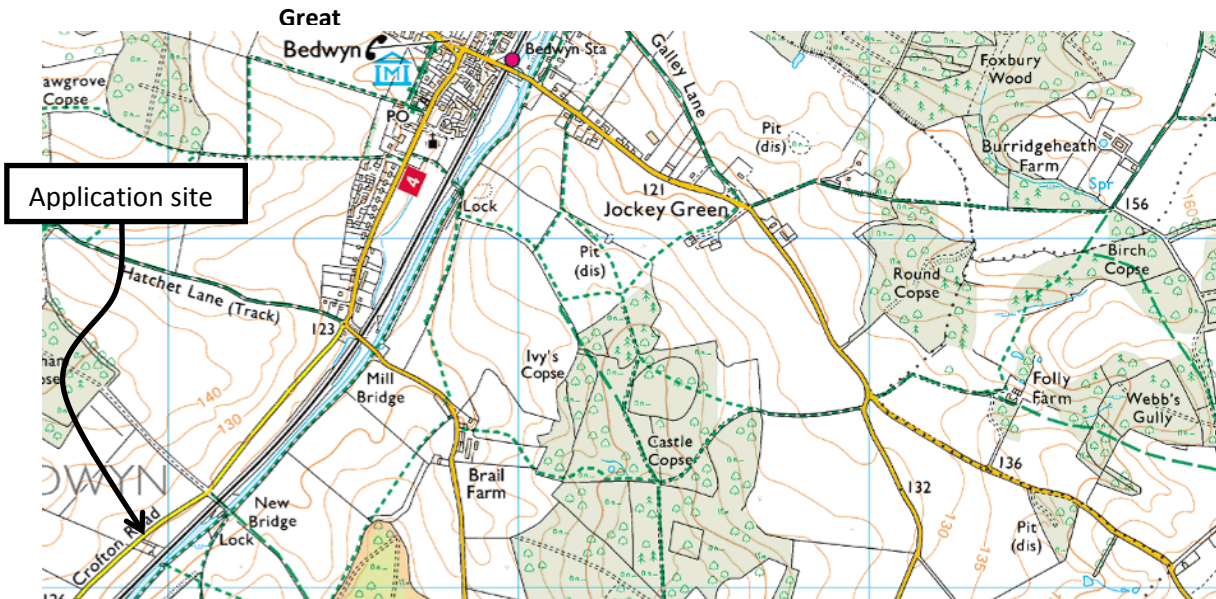
The purpose of the report is to allow the Committee to assess the merits of the proposal against the policies of the development plan and other material considerations, and the recommendation of officers that the application be refused.

2. Report Summary

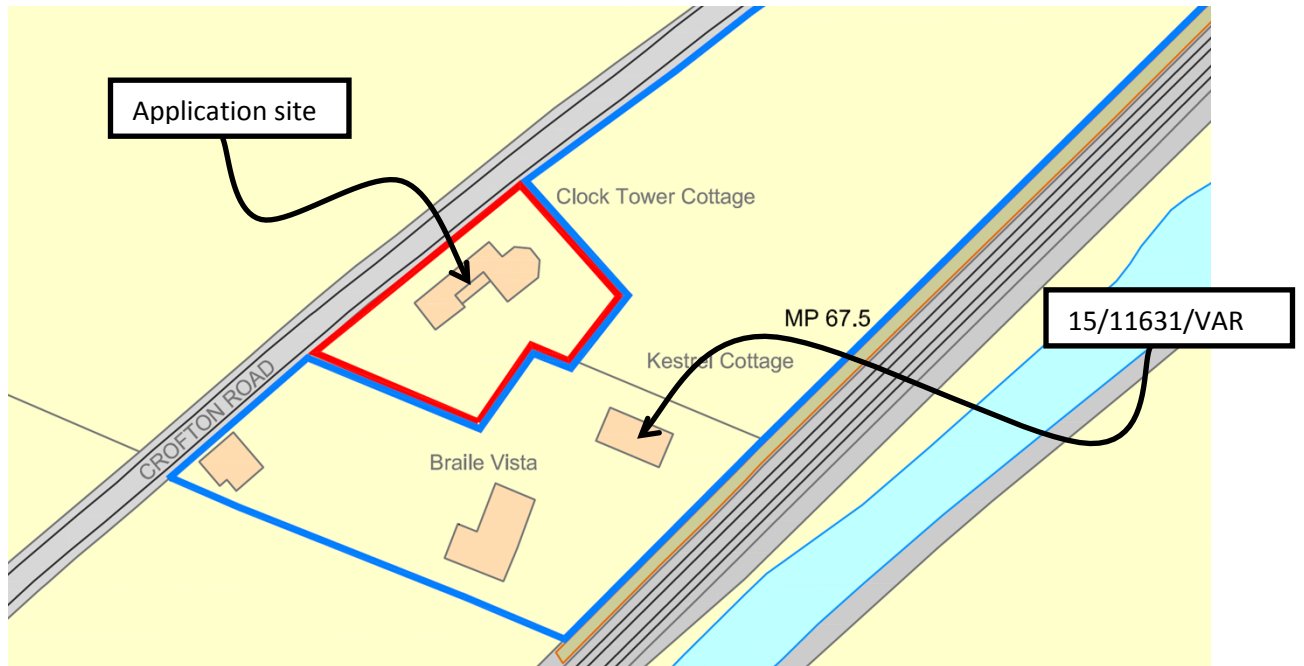
The main issue to be considered is the sustainability of allowing a new dwelling in the countryside and North Wessex Downs AONB when assessed against Wiltshire Council's Spatial Vision as set out in the adopted Core Strategy, and impacts in terms of the character of the area and the accessibility of local amenities and services for the occupants of the building.

3. Site Description

The building is located within the grounds of the property Brail Vista, 900 metres south west of the Great Bedwyn village limits on the unclassified road leading to Crofton.



The main line railway and Kennet & Avon canal lie to the south east. Open countryside lies to the south west, north west and north east.



The site is within the North Wessex Downs AONB.

The building was erected as an outbuilding for use as stables, hay barn and tractor store and has since been converted to allow residential use as holiday accommodation.

Access is via a single driveway that also serves Braille Vista and the other holiday let on the site (subject to application 15/11631/VAR in the previous report).

4. Planning History

K/81/0048	Extension to dwelling	Approved
K/32679	The erection of a double garage and log store with games room above. The erection of a porch and a conservatory.	Approved 22/08/1996
K/44735	Change of use of garage & store into Holiday	Approved

	accommodation	06/02/2003
K/59480/F	Two stables, tack room, hay barn and tractor store	Approved 28/10/2008
E/2012/0670/FUL	Conversion of stables to 2 No holiday let cottages	Approved 09/07/2012
15/11631/VAR	Removal of condition 2 of planning permission K/44735 to allow for full time rental occupation	Pending

5. The Proposal

The application concerns a building within the grounds of Brail Vista, approved in 2008 for use as stables/ storage and converted as recently as 2012 for use as a holiday let.

The 2012 approval for holiday use is subject to a condition that the building is only to be used as holiday accommodation and that no person is to occupy the accommodation for more than 8 weeks in any calendar year or for more than 4 continuous weeks.

The condition was imposed as “This site is in the open countryside where the Local Planning Authority, having regard to long standing local and national planning policies, would not permit permanent residential accommodation”.

The current application seeks removal of this condition, effectively thereby creating a further permanent independent 2-bedroom dwelling within the countryside and AONB.

6. Local Planning Policy

The development plan so far as is relevant comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

The following policies of the Wiltshire Core Strategy are of particular relevance to the proposal:

CP1	Settlement strategy
CP2	Delivery strategy
CP18	Pewsey Area Strategy
CP41	Sustainable construction and low carbon energy
CP48	Supporting rural life
CP51	Landscape
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP64	Demand management
CP67	Flood risk

7. Summary of consultation responses

Great Bedwyn Parish Council: Support subject to:

- 1) No additional access to Crofton Road in the future
- 2) No future extensions

8. Publicity

The application has been publicised by way of a site notice posted outside the site.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of development

The Spatial Vision of the Wiltshire Core Strategy as set out in Core Policy 1 and Core Policy 2 sets a general presumption against any residential development outside the recognised limits of development.

Core Policy 2 is clear that development will not be permitted outside the limits of development, unless supported by other policies within the Core Strategy. This is reiterated in Core Policy 48, the supporting text for which states that residential development will not normally be permitted in the countryside unless it meets the requirements of Core Policy 44 (affordable housing).

Core Policy 39 supports development of tourist accommodation, and it was similar provision in former policies of the Kennet Local Plan that supported the 2003 conversion of the building.

In terms of the conversion of existing buildings, Core Policy 48 provides that residential use should only be considered where there is *clear evidence* that the use for the purpose of holiday accommodation is no longer a practical proposition, or otherwise in line with national planning policy.

Consistency with approval 15/05858/FUL

The applicant and Councillor Wheeler highlight approval under delegated powers of application 15/05858/FUL. That application related to a 'barn' approved in 2008 (against the recommendation of officers) to provide a purpose built mixed use building of 2 holiday units and office space. The application retrospectively sought the use of the holiday units as independent dwellings and a change of use of part of the office space for A2 purposes (Financial and professional services). Approval was granted as the residential accommodation was specifically supported by Burbage Parish Council, which considered that the village had 'much need' for small rented accommodation such as the 1-bedroomed units in that instance.

The current proposal involves a larger 2-bedroomed unit, and whilst Great Bedwyn Parish Council offers qualified support for the current proposal, no need for the accommodation being proposed has been identified. The application site in Burbage was also significantly closer to the settlement boundary (100m rather than c. 900m) and along a no-through-road that is more pedestrian-friendly than the through route of the Crofton Road that serves the current site. Furthermore, this application relates to an outbuilding that was originally permitted as a double garage and store, before being allowed to be used as holiday

accommodation. It would set an undesirable precedent if new dwellings are allowed in the countryside via a back door route of erection of a stable block and subsequent conversion to new dwellings little more than 3 years after their conversion.

Perhaps similar to Burbage, the Council's Housing Register shows that in the Great Bedwyn area, the housing need is predominantly for 1-bedroom homes, with the need for 5 x 1 bedroom homes in Great Bedwyn, and 9 x 1 bedroom homes in Great Bedwyn and surrounding parishes being registered. There is also a need registered for 1 x 2-bedroom home of social housing, but there is nothing to suggest that the proposed housing would meet this need as it would instead be rented on the open market.

It is also the case that since the Burbage approval, the Council has published a revised Housing Land Supply statement that demonstrates a strong 8½ years supply of deliverable housing land within the East Wiltshire Housing Market Area.

The circumstances of the Burbage approval thus differ significantly in a number of respects from the applications at Brail Vista such that the 2015 decision does not set a precedent. As with all applications, the current proposals need to be considered on their own merits with regard to all the circumstances.

9.2 Continued use of the building as a holiday let

In addressing the practicality continued holiday use, the application suggests increasing difficulties in the owners being able to service the holiday units themselves, and a difficulty in employing staff, the cost of which, with advertising costs, also impacts on the viability of the holiday let business.

Whilst appreciating that the current owners may have difficulty servicing the holiday accommodation, this is essentially a short-term personal difficulty that need not apply to future management of the site. Equally it would not apply if the building were to be returned to its former use as an outbuilding to serve Brail Vista and the associated paddock.

The application also reports diminishing holiday occupancy due to increased competition and suggests an undesirability of the accommodation due to the proximity of the railway line and the impacts of noise. (Although it should be noted that some owners of holiday accommodation in close proximity to railway lines advertise this fact in the specialist railway press).

It is said that there are 20 holiday cottages competing in the Marlborough/ Pewsey area, but no evidence has been provided in respect of the occupancy of the unit.

Similarly no evidence has been provided in respect of financial viability. In 2015 alone however the Council received 32 enquiries/ applications in respect of proposals for 70+ holiday units within AONBs, suggesting a high demand for, and profitability in providing, holiday accommodation in the area.

No acoustic assessment has been submitted in support of the suggested undesirability of the application site for holiday purposes, although any such impact would of course impact also on permanent residential use of the building.

It is thus concluded that there is thus no *clear evidence* as required by Core Policy 48 before independent residential use of the building can be considered.

The application seeks support from approval 14/11062/FUL in which the council accepted the argument of viability. In that case however the applicant provided the required *clear evidence* in the form of a detailed viability assessment with details of occupancy rates and accounts in respect of the business. No such details have been provided in support of the current application.

It should be noted that the Council has had two appeal decisions since the adoption of the Core Strategy last year where applicants have sought permission to remove conditions restricting accommodation to holiday purposes. These were at Bradford on Avon (July 2015) and Chute Cadley (August 2015). Both of these were dismissed, with the Inspectors concluding that the requirements of Core Policy 48 that there should be 'clear evidence' that the holiday use was not a practical proposition before permanent residential use was allowed as an exception in the countryside were not met. The same lack of evidence applies in this case. Copies of the appeal decisions are attached as an appendix to this agenda.

9.3 Suitability of the location/ premises for independent residential use

Location

Core Policy 60 provides that the Council will use its planning powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people within Wiltshire. A key element of the policy is to ensure that development is located in accessible locations.

As noted above, the site is located 900m from the settlement boundary of Great Bedwyn. Services and amenities within the village are further, for example 1.6km to the closest village shop and 2.3km to the primary school. Crofton Road does not have any pedestrian provision or streetlighting, and as such it is likely that occupants of the building would be largely reliant on the use of private cars for all day-to-day transport needs. As such the establishment of an additional household on the site would be contrary to the principles and aims of sustainable development and Core Policy 60.

Impact on the character of the area

The holiday use of the building gives rise to limited need for the outdoor accoutrements such as a washing line, play equipment, garden outbuildings etc that is likely to be associated with a permanent residential use. Whilst the site is relatively well-screened from views, it is evident within the countryside and landscape of the AONB from public rights of way on rising ground south of the canal. It is also clearly visible by users of the railway and evident to an extent from the Crofton Road through and above the roadside hedge.

The visual impact associated with independent residential use is a matter supported on appeal by the government's Planning Inspectorate – for example in a recent appeal decision dated 11/12/2015 concerning conversion of a residential outbuilding to a dwelling in Bromham. A copy of the decision is appended to the agenda (see paragraphs 17 & 18). The site was outside the AONB and was 'relatively well-screened in public views'. The Inspector nonetheless held that 'hard surfaces, parked vehicles and other domestic paraphernalia within the site's curtilage would have a diminishing effect on the setting of the building to the detriment of the area's character and appearance' and the appeal was dismissed on this basis.

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In terms of the building itself, the application does not include floor plans, but internal inspection shows the property to provide a suitable level of internal accommodation for the 2-bedroom capacity. There is a small south-facing private garden area to the rear which would provide an adequate level of outdoor amenity space.

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The access and parking arrangements are considered acceptable for the proposed use.

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Whilst the removal of the condition to allow permanent and independent residential occupation would contribute toward the availability of dwellings in the area, there is no evidence of need to support the proposal. The principle of the proposal outside the defined limits of development is contrary to the Vision of the Wiltshire Core Strategy and the Strategy for the Pewsey Community Area as set out in Core Policies 1, 2 & 18. Whilst the Core Strategy is accepting of the residential re-use of buildings in certain circumstances, the application does not provide the required 'clear evidence' of the impracticality of continued use as a holiday let that Inspectors have confirmed is required to demonstrate compliance with the recently adopted policies of the Core Strategy. Furthermore the occupants would have high levels of car dependence, thereby increasing unsustainable patterns of travel within Wiltshire contrary to Core Policy 60, and the visual impact arising from pressure for outbuildings, garages, play equipment etc would be detrimental to the rural and landscape character of the area, contrary to Core Policies 51 & 57.

RECOMMENDATION

That the application be refused for the following reasons:

- 1) The site is located in open countryside outside of the limits of development defined for Great Bedwyn in the Wiltshire Core Strategy (adopted January 2015). The proposal would therefore conflict with Core Policies 1, 2 and 18 of the Wiltshire Core Strategy (adopted January 2015) which seeks to ensure that housing developments occupy sustainable locations throughout Wiltshire including the Pewsey Community Area.

Furthermore, the proposal would conflict with the criteria set out in Core Policies 48, 51, 57 and 60 of the Wiltshire Core Strategy and with paragraph 55 and of the NPPF for the following reasons:

- the application does not include any 'clear evidence' of the impracticality of continued use as a holiday let,
- local services and facilities could not be easily accessed other than by use of

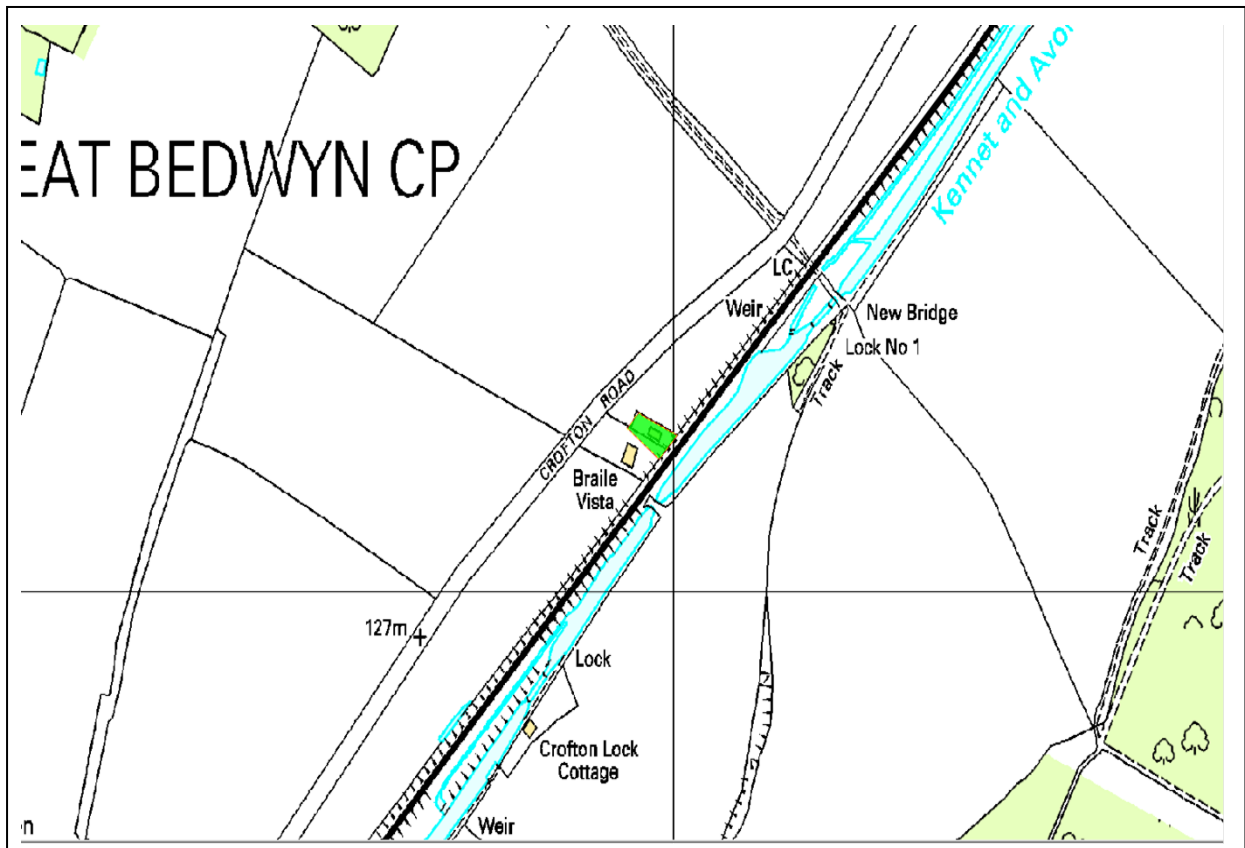
unsustainable modes and patterns of travel,

- The permanent independent residential use would result in pressure for outbuildings, play equipment etc that would be detrimental to the rural and landscape character of the area.

REPORT TO THE AREA PLANNING COMMITTEE

Application Number	15/11632/VAR
Site Address	Brail Vista, 163 Crofton Road, Great Bedwyn, Wiltshire, SN8 3LX
Proposal	Removal of condition 2 of planning permission E/2012/0670/FUL to allow full time independent residential occupation of the holiday let.
Case Officer	Nick Clark

Map



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Appeal Decision

Site visit made on 27 June 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

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

Decision date: 18 August 2015

Appeal Ref: APP/Y3940/W/15/3003155

The Carhouse, 6 New Buildings, Chute Cadley, SP11 9ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs S Falla against the decision of Wiltshire Council.
 - The application Ref 14/07878/VAR, dated 15 August 2014, was refused by notice dated 15 October 2014.
 - The application sought planning permission for conversion of carhouse to holiday accommodation without complying with a condition attached to planning permission Ref K/59494/F, dated 19 February 2009 as varied by planning permission granted under Ref E/10/0865/S73 dated 18 August 2010.
 - The condition in dispute is No 3 as varied which states that: Notwithstanding Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as primary place of residence. An up-to-date register of names and main home addresses of all occupiers shall be maintained by the owner and made available at all reasonable times to the Local Planning Authority.
 - The reason given for the condition is: In order to ensure that the accommodation is not occupied on a long term basis because the site is in an area where the Local Planning Authority would not normally permit new dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the planning application was determined by the Council, the Wiltshire Core Strategy¹ (WCS) has been adopted. Policies HC24, HC26, ED12 and ED13 of the Kennet District Local Plan² (KDLP) are referred to in the Council's decision notice. The emerging Core Strategy policies were also referred to in the decision notice. Whilst some policies of the KDLP are retained in the WCS, this does not apply to those related to this appeal and the KDLP policies are therefore superseded. The evidence of the Council and the appellants addresses the adopted WCS and therefore neither party is prejudiced by this change. I have determined the appeal having regard to the adopted WCS policies.

¹ Wiltshire Core Strategy Adopted January 2015

² Kennet District Local Plan adopted April 2004

Main Issues

3. The main issue is whether or not the appeal premises are suitable for use as permanent residential accommodation having regard to local and national policies.

Reasons

4. The proposal seeks the removal of the disputed condition so that The Carthouse can be used as a permanent residential dwelling. The Carthouse lies at the north eastern end of a short row of dwellings on the east side of a lane leading from Chute Cadley. The group of dwellings known as New Buildings are separated from other areas of Chute Cadley by an area of undeveloped land. Chute Cadley is in the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
5. The relevant development plan for the appeal site is the adopted Wiltshire Core Strategy. Core Policy 1 of the WCS sets out the settlement strategy for Wiltshire, identifying four tiers of settlements of which Large and Small Villages are the fourth tier. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of the settlement and to improve employment opportunities, services and facilities. Section 5 of the WCS, which sets out the strategies for various community areas, confirms the settlements which make up The Chutes to be a Small Village and from which any settlement boundary has been removed. Paragraph 4.16 of the WCS explains that some very modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities.
6. Core Policy 2 of the WCS states that development is to be delivered in the most sustainable manner with homes developed in sustainable locations and as set out in Community Area Strategies. Development will not be permitted outside the limits of development as defined on the policies map which may only be altered through subsequent Site Allocations DPDs and neighbourhood plans. At Small Villages, development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development i) respects the existing character and form of the settlement, ii) does not elongate the village or impose development in sensitive landscape areas, and iii) does not consolidate an existing sporadic loose knit area of development related to the settlement.
7. Core Policy 2 therefore allows infill development where it seeks to meet housing needs of the settlement. The first element of Core Policy 2, which limits development to infill within the built area, relates to what follows and therefore to development which meets the needs of the settlement. The appeal proposal is not designed to meet the housing needs of the settlement. Whilst some development may have been permitted in Chute Cadley against the background of earlier policies, Core Policy 2 is now the relevant policy.
8. The appeal proposal, as a dwelling with unrestricted occupancy, would not therefore comply with Core Policy 2. Nor can the proposal rely on Core Policy 26 which relates to the Tidworth Community Area as this confirms development is to be considered on the basis of Core Policy 1. Consequently, the appellants'

view that Chute Cadley is a sustainable location for new housing development is not borne out by the WCS.

9. The supporting text to Core Policy 2 at paragraph 4.25 points to the 'exception policies' in the core strategy which seek to respond to local circumstance and national policies. Those of relevance to the appeal proposal are Core Policies 39 (related to tourism) and 48 (supporting rural life).
10. Core Policy 39 sets out tourist development policy. Within Principal Settlements and Market Towns, proposals for tourist development of an appropriate scale, including attractions and tourist accommodation, will be supported. Tourist and visitor facilities are to be located in or close to (amongst other locations) Small Villages and where practicable be located in existing or replacement buildings. I consider that Core Policy 39 as a whole could be taken to support holiday accommodation, however, this does not amount to seeking its retention.
11. Core Policy 48 relates to supporting rural life. It provides for residential development to meet the needs of rural workers who need to live near their place of work. Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported subject to compliance with five criteria related to the condition of the building, effect on character and appearance and living conditions, adequacy of access, reasonable access to local services or securing the long term viability of a heritage asset. This policy would therefore support the use of the appeal building for holiday accommodation but not for unrestricted residential use. However, Core Policy 48 also states that where there is clear evidence that the supported uses for re-using rural buildings are not practical propositions, residential development may be appropriate where it meets the other listed criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.
12. Core Policy 48 is therefore a key development plan policy against which to assess the proposal. The supporting text at paragraph 6.61 of the WCS sets out that the policy is based on a number of objectives including supporting the sensitive reuse of built assets to help meet local needs. Paragraph 6.63 confirms that proposals to convert or re-use buildings for residential uses will need to fulfil the requirements of Core Policy 48. The appellant points to Core Policy 48 being more onerous in its requirements than those set out in paragraph 55 of the National Planning Policy Framework (Framework). The latter refers to the need to avoid isolated new homes in the countryside unless there are special circumstances, one example of which is the re-use of redundant or disused buildings and where development would lead to an enhancement to the immediate setting.
13. I am not in a position to comment on the building's condition or that of its setting prior to conversion. However, I do not dispute the quality of the extant, converted building. The WCS was adopted in January 2015 and is therefore up to date. The Framework reiterates the provisions of the 1990 Act that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.
14. WCS Core Policy 48 requires consideration of whether the tourism related use of holiday accommodation is a practical proposition. The property has been in

use for holiday letting since 2011. The evidence confirms that the appellants undertook the conversion works on this basis. The disputed condition requires an up-to-date register to be kept and made available to the local planning authority when requested. This register has not been put forward with the evidence to the appeal although some occupancy figures form part of the financial evidence. I have no reason to doubt the appellants' statement that the property has been marketed through a reputable and experienced holiday lettings web site and is accessible through Tripadvisor.

15. I have considered the financial evidence which has been provided. This indicates a financial loss for the year 2011/12 and a small loss for 2012/2013 with a modest profit predicted for the three following years however overall anticipated average profit for five years of trading is negligible. I am provided with only two years of figures. The business categories for the expenses and allowances are not directly comparable between the two years.
16. The appellants' statement indicates that the business is supported by a large mortgage and that variable and running costs are much higher than anticipated such that the predicated average profit for five years of trading is negligible. I note that the number of nights the property was occupied increased from 120 in 2011/12 to 157 in 2012/13 as well as the average nightly cost to guests.
17. I appreciate that securing holiday bookings is a competitive market and that guest expectations are high. However, the evidence before me is not sufficient to demonstrate that the holiday lettings have been pursued to the point where it has been shown that running the property for holiday lettings is not practical. In particular, I note that the appellants consider one of the drawbacks of the site is its distance from major tourist attractions. However, it is not clear that there have been attempts to market the accommodation through more than one agency, or through agencies which specialise in rural locations. Although the property has been advertised on the village website, it is not clear how that would be likely to significantly increase coverage to potential guests.
18. Paragraph 55 of the Framework seeks to avoid new isolated homes in the countryside. It is acknowledged that the Framework would allow for the provision of new homes in rural areas in special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the building's immediate setting. This would not be the case here as the building cannot be considered as redundant or disused. Core Policy 48 deals specifically with re-use of rural buildings and is consistent with national planning policy. Therefore, having given the proposals careful consideration, I conclude that the proposal to remove the condition would not comply with up to date development plan policy and the evidence is not sufficient to confirm that holiday accommodation is not practical.
19. Whilst Core Policy 40 is not directly applicable to the appeal proposal as the policy specifically refers to bed spaces provided in hotels, public houses or conference facilities, the aim of the policy is to retain bed spaces as tourist accommodation. However, I do not agree with Council's contention that the proposal would have the consequence of altering the character of the area given that The Carthouse is already a form of residential development.
20. The proposal would provide a single dwelling and the appellant suggests there may be doubt about the five year land supply. However, the contribution to housing land supply from one dwelling would be very limited. I have also

noted the comments regarding permitted development rights for the change of use of agricultural buildings but, as the appellants note, these are not relevant to this site in the AONB.

21. Accordingly, the appeal proposal does not comply with WCS Core Policy Strategies 1, 2, and 48 and, on the basis of the evidence, this is not outweighed by other considerations.

Conclusions

22. For the reasons given above and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Jennifer Tempest

INSPECTOR

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Appeal Decision

Site visit made on 2 July 2015

by **B J Sims BSc(Hons) CEng MICE MRTPI**

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

Decision date: 28 July 2015

Appeal Ref: APP/Y3940/W/15/3003800

190 Ashley Green, Little Ashley, Bradford-on-Avon, BS15 2PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr John Banks against the decision of Wiltshire Council.
 - The application Ref 14/09946/VAR, dated 21 October 2014, was refused by notice dated 15 December 2014.
 - The application sought planning permission for the conversion of existing garages into holiday let without complying with a condition attached to planning permission Ref 07/02817/FUL, dated 30 October 2007.
 - The condition in dispute is No 4 which states that: The dwelling shall only be used as holiday accommodation and not as permanent residential accommodation, and it shall not be occupied during the month of February.
 - The reason given for the condition is: The site is in an area where residential development would not normally be permitted.
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Decision

1. The appeal is dismissed.

Planning Issues

2. The main issue is whether the disputed condition is reasonable and necessary to prevent permanent residential occupation of the appeal building with reference to adopted local planning policy regarding the conversion and re-use of rural buildings.
3. It is also necessary to consider the degree to which permanent residential use of the building would amount to sustainable development with particular regard to road access, highway safety and the availability of local services, compared with its currently permitted use as a holiday let.

Reasons

4. The appeal building has been nicely converted into a modest, two-bedroom dwelling standing within its own garden area behind No 189 Ashley Green, with which it shares its vehicle access. No 189 is the home of the Appellant who has operated the building as a holiday let following the completion of its conversion in 2011.

5. The building is situated in the Bristol Green Belt where, in the strict terms of Green Belt policy, its conversion and re-use is not regarded as 'inappropriate'. Therefore, the Green Belt test of whether there are 'very special circumstances' to justify the permanent residential use now proposed does not have to be applied.
6. Be that as it may, the use of the building must still comply with relevant provisions of the statutory development plan unless material circumstances indicate otherwise. These include Core Policy 48 (CP48) of the adopted Wiltshire Core Strategy 2015 (WCS). This policy is essentially consistent with the National Planning Policy Framework (NPPF) in requiring clear evidence that the current holiday, or tourism, use is not a practical proposition, before permanent residential development may be regarded as appropriate. Even then, the development must not detract from the character or appearance of the landscape and must be served by adequate access and local services.
7. The Appellant asserts that most visitors prefer to stay in Bradford-on-Avon itself and that the "Saddle Stone Cottage" website and advertisement via the Bradford-on-Avon Information Centre have failed to attract a significant number of bookings in the years since the conversion was completed. The Appellant provides a schedule of comparable weekly rental charges for other holiday lets in the area as an indication that the asking price has been reasonable. However, the Appellant admits to rejecting a contract with a commercial letting company, claiming that the level of commission would render the holiday let unviable.
8. Without any other documented financial records or correspondence, the information available does not amount to the requisite clear evidence that the holiday let is not a practical proposition in terms of CP48. This objection alone warrants dismissal of the appeal, even though it is accepted that the development is low-key in nature and not commercially speculative.
9. Moreover, notwithstanding that the holiday let is an attractive dwelling, it lacks outbuildings of its own, such that permanent occupiers would be likely to require. The regular use of the garden and a potentially greater level of domestic activity and paraphernalia within the open countryside would detract from the character and appearance of the landscape. This consideration adds to the degree of conflict with CP48 and its criterion (ii) in particular.
10. The route along the rural lanes leading to the appeal property is of poor quality with a risk of conflict between vehicles and pedestrians contrary to the interests of road safety. Moreover, the relatively long distance from local shops and other community services would require regular reliance on the private car for access. In these two respects, the proposed permanent residential use of the appeal building would fail to accord with the principles of sustainability and be in some further conflict with CP48, criteria (iii-iv), as well with the principles of sustainable transport set down in CP60 of the WCS. However, it must be taken into account that, in its permitted holiday use, there is nothing to prevent the dwelling from becoming frequently occupied, other than during the month of February. This could also give rise a substantial number of car trips. As a result, neither the consideration of poor access nor the long distance from available community facilities are determining factors in this case.

11. This appeal is considered in the light of every matter raised in the representations, including reference to a previous permission for a holiday let at Haugh (Potticks Stable) not far from Little Ashley, cited by both District and Parish Councils as evidence of local demand for tourist accommodation; but each case is decided on individual merit and it is the lack of documentary evidence in the present appeal which is the main deciding issue. It is also noted that that the appeal dwelling could contribute a small permanent addition to the local housing supply. However, this socio-economic benefit is clearly outweighed by the potential environmental harm to the rural landscape and the conflict with adopted policy.
12. No other point raised is of sufficient importance to affect the overall conclusion that, for the reasons explained above, the appeal should fail.
13. For the reasons given, the appeal fails.

B J Sims

Inspector

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Appeal Decision

Site visit made on 19 October 2015

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 11 December 2015

Appeal Ref: APP/Y3940/W/15/3030962

Land and buildings to the rear of 101 Netherstreet, Bromham, Chippenham, Wiltshire SN15 2DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Diane Zeitsen against the decision of Wiltshire Council.
 - The application Ref 15/02088/FUL, dated 25 February 2015, was refused by notice dated 29 April 2015.
 - The development proposed is conversion of existing residential storage building to single dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant's statement of case gives an incorrect appeal reference in relation to this appeal. However, this is clearly a technical drafting error and does not prejudice either party in my consideration of the appeal.

Main Issues

3. The main issues in this appeal are:
 - whether the development proposed would represent sustainable development having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - the effects on the character and appearance of its surroundings; and
 - the effects on highway safety.

Reasons

Sustainability

4. The site lies to the rear of established development in Netherstreet, which is a small linear settlement situated some distance to the east of the main part of Bromham. The appeal proposes the conversion of an existing building to provide a live/work unit. Whilst the building appears to be of some age, it has no particular architectural merit and is not subject to any heritage designations.

5. Core Policy 1 of the adopted Wiltshire Core Strategy (2015) (CS) identifies the most sustainable locations for growth in the County to be based around principal settlements and market towns with more modest levels of development identified for settlements classed as Local Service Centres. Below this, development within large and small villages will be permitted only where it is necessary to meet local housing needs and to improve employment opportunities. Netherstreet does not fall within any of these categories as it is not identified as a settlement within Core Policy 12. The appeal site therefore lies within the open countryside, wherein CS Core Policy 2 sets out that development will not be permitted unless meeting the terms of other development plan policies.
6. CS Core Policy 48, as does the Framework, aims to support rural life and allows for residential development where this would result in accommodation for workers engaged in agriculture or forestry or other employment essential to the countryside. Whilst the proposal involves the creation of a live/work unit, no evidence has been put forward to demonstrate that it would meet this requirement. However, Core Policy 48 also allows for the re-use of rural buildings for employment, tourism or cultural and community purposes. Where such uses would not be practical, the policy sets out the circumstances against which residential development must be justified including the requirements of Framework paragraph 55.
7. Core Policy 48(i) requires that rural buildings should be structurally sound and capable of conversion without major rebuilding. The report prepared by JDL Consultants Limited (dated 20 April 2015) is clear in its assessment that whilst the building is structurally sound and capable of conversion without the need of demolition, it would be necessary to re-clad it (essentially replacing its external walls), address the sagging pitched roof and provide a new structural framework to support the necessary internal insulation. The proposals also include the replacement of the building's flat roofed element with a pitched roof. Notwithstanding the proposed introduction of additional window and door openings, in my view, the totality of these works amounts to major rebuilding and the proposal therefore conflicts with Core Policy 48(i).
8. It is proposed that the occupier would live and work on site thereby eliminating the need for a daily commute. However, it would not be possible to guarantee that this remained the case in perpetuity and there are no reasonable planning conditions that could address this matter. Notwithstanding this, the need to travel for access to services and facilities would remain. Whilst Bromham provides some of these, including public transport, they are nonetheless limited and its distance from the appeal site means that occupiers of the proposed dwelling would need to travel further afield to access services and facilities.
9. Given the isolated location of the site, its distance from the nearest bus stop and the infrequency of public transport, combined with the lack of footways along poorly lit surrounding roads, this could only practicably be achieved by the use of private motorised transport. Framework and Core Policies 60 and 61 that seek, amongst other things to ensure development is located and designed to reduce the need to travel by private car in favour of sustainable transport alternatives.
10. For the above reasons, a dwelling in the location proposed would not accord with the sustainability objectives of the development plan or national policy.

11. The appellant has provided a viability report (prepared by Kilpatrick and Co, dated March 2015) that assesses the potential of the building, once converted, to provide office accommodation or a holiday let. The figures within the report indicate that the costs of conversion for either use would be prohibitive when assessed against the likely returns. I have no reason to dispute this substantial evidence and therefore accept its findings. Whilst, alternatively, the building could be put to some form of community use, its limited size and external space count against its suitability in this regard. However, the lack of a viable alternative use does not outweigh the harm arising from a residential development in an unsustainable location.
12. Whilst I note that the Government sees self-building as part of the solution to the delivery of new homes, this does not outweigh the overall sustainability principles of the Framework when its policies are taken as a whole. Furthermore, the appeal scheme would not represent a self-build as it is clear from the evidence that it would be offered for sale on the open market.
13. I note the arguments put forward by the appellant relating to the various policies within the Framework. However, the Framework is clear that the starting point for decision making is the development plan. The CS has very recently been adopted and has therefore been examined and found sound. Accordingly, I have no reason to doubt that the sustainable development policies of the CS, including those related to rural areas are in alignment with the Government's objectives for sustainable economic growth.
14. Furthermore, no evidence has been put forward which leads me to conclude that the Council cannot demonstrate a 5 year supply of deliverable housing sites. Consequently, the housing policies in the CS are up-to-date for the purposes of Framework paragraph 49 and the development is not required to meet any identified housing shortfall. As a result, Framework paragraph 14 is not engaged.
15. In conclusion, the proposed development's isolated location would not be justified by meeting any other special circumstances. Because of this, the proposal would not represent sustainable development for the purposes of Core Policy 2 or the Framework.

Character and appearance

16. Framework paragraph 55 provides for new isolated homes in the countryside where this involves the re-use of redundant or disused buildings and enhances their immediate setting. At my site visit, I observed that the building is dilapidated and appears to be disused.
17. However, the simple, low-key design of the existing building and its immediate surroundings give the appeal site a rural appearance that relates more to the wider countryside than to the built up area of Netherstreet. Despite the proposed planting, the introduction of hard surfaces, parked vehicles and other domestic paraphernalia within the site's curtilage would have a diminishing effect on the setting of the building to the detriment of the area's character and appearance. Whilst I have given consideration to whether these matters could be overcome by the imposition of planning conditions, in the case of the latter, this would be extremely difficult to frame to cover all likely scenarios, notwithstanding that it would be unlikely to pass the test of reasonableness set out in the Framework and Planning Practice Guidance.

18. Notwithstanding that the proposed development would be relatively well-screened in public views, for the above reasons, it would nevertheless run counter to Framework paragraph 55 and with CS Core Policy 57 that, amongst other things, require development to relate positively to its immediate setting and its surroundings.
19. The proposal would result in a dwelling located to the rear of the established linear form of the built up area of Netherstreet and I note that there are examples of other such development nearby. However the appeal site's relationship to the development pattern does not outweigh the above identified harm to the character and appearance of the area.

Highway safety

20. In response to the Council's arguments relating to visibility splays, the appellant refers to Manual for Streets (MfS), which provides technical advice on stopping sight distances and visibility requirements. In 30mph zones such as Netherstreet, MfS suggests an appropriate stopping site distance would be 43m when adjusted for bonnet length. The stopping sight distance also determines the length of visibility splays in both directions, the 'Y distance', which in this case is 43m.
21. In most built up situations, the visibility splay should be measured 2.4m back from the carriageway, the 'X' distance. This represents a reasonable maximum distance between the front of the car and the driver's eye. The 'X' distance can be reduced to 2m in very lightly trafficked and low speed areas.
22. The road through Netherstreet is relatively narrow and there is a slight bend a short distance to the south which, in combination with front garden vegetation near to the bend, limits forward visibility on the approach to the appeal site from this direction. The distance of Netherstreet from local services and facilities places a clear reliance on the use of motor vehicles by residents and at my site visit, I observed a number of private and commercial vehicles pass along the road such that it cannot be considered 'very lightly trafficked'. Consequently, the combination of these factors leads me to the conclusion that a reduction in the 'X' distance would not be appropriate in this case.
23. The appellant has provided a visibility analysis drawing showing the 'X' distance to be 2.4m with 'Y' distances to the north and south of 87m and 43m respectively. However, the bend in the road and existing vegetation prevent the southern 'Y' distance from being achieved. Furthermore, the laurel hedge fronting the property next door (No 105) restricts visibility to the north. Notwithstanding this, even if technically possible, provision of the visibility splays could not be ensured in perpetuity due to the reliance on third party land in both directions. This could not be satisfactorily overcome by means of condition as it would not meet the tests set out in paragraph 206 of the National Planning Policy Framework (the Framework) and Planning Practice Guidance.
24. From my site visit, the access track appeared little used given the extent of grass and other plant growth and no evidence has been provided to show that the building is currently in use and that vehicle movements already take place to and from the appeal site. Therefore, the proposed development would lead to an increase in vehicle movements which adds to the need to provide for adequate visibility. Furthermore, the need for delivery vehicles to serve the

business could not be ruled out and given the restricted access width, would result in detrimental effects on the safety of the highway from parking and manoeuvring.

25. Cumulatively, the effects of the development on highway safety would be severe, bringing the appeal scheme into conflict with the Framework and CS Core Policies 48(iii) and 61 that require development to provide for adequate and safe access to the highway network.

Conclusions

26. For the reasons given above and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector

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