

Date of Meeting	30 May 2018
Application Number	18/01371/FUL
Site Address	Yew Tree House, Brokerswood, BA13 4EG
Proposal	Erection of detached dwelling.
Applicant	Mr & Mrs Cassidy
Town/Parish Council	NORTH BRADLEY
Electoral Division	SOUTHWICK – Horace Prickett
Grid Ref	383276 151938
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The application has been called into committee by Councillor Prickett if it is recommended for refusal as he considers that the site is a brownfield field site in urgent need of redevelopment and the proposal would improve the street scene.

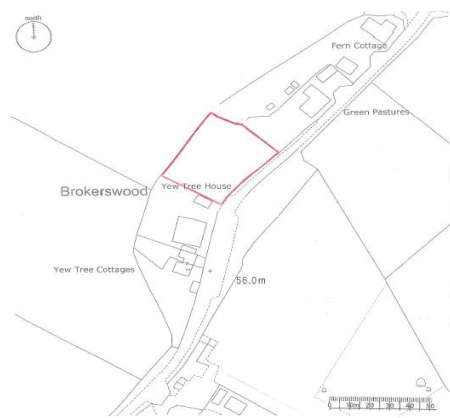
1. Purpose of Report

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 refused.

2. Report Summary

The main issue discussed into this report is the principle of development. Other issues such as impact on the character of the area, impact on residential amenity and highway safety and parking are also considered.

3. Site Description



Site Location Plan



Aerial Photograph

The application site comprises the car park of the former “Kicking Donkey” public house – which closed in November 2013 and extends to circa 1450sq.m, located in Brokerswood, some 800m west of Brokerswood Country Park. The site lies in the open countryside outside of any development limits and forms part of the curtilage of the converted public house which is now in residential use and known as Yew Tree House. No special landscape protections or

designations apply to the site or its immediate environs. The surrounding area is predominantly characterised by loose knit ribbon development with residential development either side of the application site as can be seen from the site location plan and aerial image.

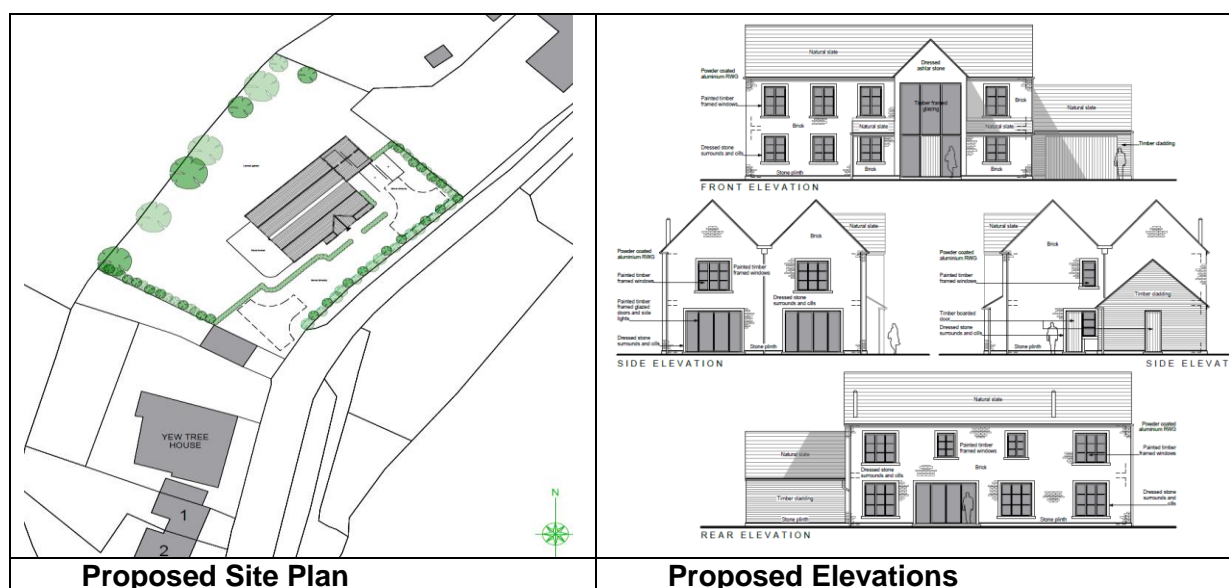
4. Planning History

W/74/00814/HIS	Sitting of residential caravan as temporary accommodation for staff	Approved 30/09/1974
W/84/01367/FUL	Proposed alterations and extensions to licensed premises and extension of car park onto existing agricultural land	Approved 18/12/1984
W/89/00991/FUL	New beer store and kitchen extension	Approved 25/07/1989
W/89/00992/FUL	Temporary beer store	Approved 27/06/1989
15/10329/FUL	Change of Use of Public House to residential dwelling house; first floor extensions at rear and side.	Approved 11/12/2015

Of particular relevance to this application is the 2015 planning application and permission cited above pursuant to the conversion of the pub to residential C3 use. The application site at that time included the car park which is now the subject of this application.

5. The Proposal

This application proposes the erection of a detached, two-storey, 4 bed dwellinghouse with attached garage, access and parking. The proposed siting, design and elevation treatment are illustrated in the plans below. The construction materials would be red brick walls under an artificial slated roof and painted timber frame windows.



A mature hedgerow is found along part of the southern boundary of the application site, running parallel with Brokerswood Road – which the applicant proposes to retain with additional hedgerow and soft landscaping planting.

The site would be accessed via the existing entrance to the former pub carpark which is long established and has good visibility in both directions. The application proposes 2 car parking spaces, in addition to the spaces provided for within the proposed double garage.

6. Planning Policy

The **Wiltshire Core Strategy** (WCS) was adopted on 20th January 2015. The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP29 (Trowbridge Community Area Strategy), CP41 (Sustainable Construction and Low Carbon Energy), CP57 (Ensuring High Quality Design and Place Shaping), CP58 (Ensuring Conservation of the Historic Environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network), CP64 (Demand Management), and CP67 (Flood Risk)

Wiltshire Waste Core Strategy WCS6 (Waste Audit)

When adopting the WCS, some policies continued in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP). Those which are relevant to this application include: U1a (Foul Drainage/sewerage treatment)

The National Planning Policy Framework (NPPF) and **Planning Practice Guidance** (PPG)

Other Material Considerations

- **Wiltshire Car Parking Strategy**
- **Wiltshire Housing Land Supply Statement (Baseline date of April 2017)**
- **The Emerging North Bradley Neighbourhood Plan**

7. Summary of consultation responses

Trowbridge Town Council – No objection

North Bradley Parish Council – No objection

Wiltshire Council Highways Officer – No objection

8. Publicity

A site notice was displayed near the site and individual letters were posted to neighbouring occupiers advising them of the proposal. Following this public notification exercise, two letters of representation were received raising concerns on the following summarised grounds:

- The scale of the proposal
- The height of the proposed house; and
- The level and impacts of external lighting

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. In this case, the 2015 adopted Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge Community Area where this site is located.

9.1 Principle of the Development

9.1.1 Core Policy 1 of the Core Strategy seeks to focus development at Principal Settlements, Market Towns, Local Service Centres and Large Villages and sets out a general presumption against unwarranted/unjustified development outside the defined settlement limits. This hierarchical settlement strategy is aimed at achieving sustainable development by locating housing growth at appropriate locations accessible to most services and facilities, whilst protecting the open countryside. Core Policy 1 also advises that development at large and small villages should be limited to dedicated scheme that meet the housing needs of settlements and to improve employment opportunities, services and facilities. However, it is essential that all such development should be carefully managed; and in the pursuit of delivering sustainable development, decision makers should be fully mindful of the objectives and direction set out by Core Policy 1 and other relevant policies in the Core Strategy.

9.1.2 In addition to development within the limits of development, Core Policy 2 supports infill development in small villages subject to satisfying certain requirements. Brokerswood is not identified as a small village by the Core Strategy. Core Policy 29 advises that new

residential development in the Trowbridge Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

9.1.3 The application site is located in the open countryside for the purposes of applying planning policy and in the absence of a robust justification, the proposed development which seeks to erect a dwellinghouse for the open market, is considered to be unacceptable in principle and contrary to the Settlement Strategy as set out in Core Policy 1, the Delivery Strategy as set out in Core Policy 2 and the Trowbridge Community Area Strategy as set out in Core Policy 29. Moreover, the proposed development does not satisfy any of the exception policy in the Core Strategy.

9.1.4 Core Policies 60 and 61 require new development to be located at accessible locations and be designed to reduce the need to travel particularly by private car. These policies should be read in parallel with Core Policies 1 and 2 which seek to promote new development at the most sustainable locations and following Plan led growth.

9.1.5 Given the site's location within an area of open countryside, it is considered that the proposal conflicts with the above mentioned policies and would be an unwarranted and unsustainable form of development.

9.1.6 The Council has recently published its Housing Land Supply Statement with a baseline date of April 2017 - which confirms that the authority can demonstrate a five year housing land supply (published as being 6.25 years supply). Therefore, it follows that in accordance with paragraph 49 of the National Planning Policy Framework, policies CP1, CP2, CP29, CP60 and CP61, which all, to varying degrees restrict housing land supply, merit full weight.

9.1.7 The applicant argues that the site should be considered as being brownfield land and the development should be accepted. However, the Core Strategy does not set out an exception for residential forms development on previously developed land in the open countryside beyond settlement limits. In such locations, the adopted WCS requires a planning justification for additional residential development.

For the avoidance of any doubt, the definition of what constitutes 'previously development land' is contained in the glossary to the NPPF, which reads as follows:

***“Previously developed land** - Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”*

9.1.8 It should be noted that the land that is the subject of this application, formed part of the application site for the conversion of the public house and was considered as part of the curtilage of this property under that application; and through the implementation of the 2015 application, the land would now be classed as residential curtilage / garden.

9.1.9 Officers report that the site was still occupied by building materials, waste rubble and equipment when the case officer visited the site on the 21 February 2018 which can be seen in the site photographs on the following page. The site is now considered to be residential curtilage following the conversion of the public house and it can be laid out as a garden. Following a query raised by the case officer, the applicant's agent confirmed that the clay was removed from around the property to put in land drainage and under the parking area to create a soakaway for surface water drainage which have been signed off by Building Control. Officers have been further advised that a local farmer will be taking the soil/clay and remaining rubble away from the site to level one of their fields, and to fill a track/driveway that needs repairing. Due to the poor weather during this past winter, it has not been practical to remove the rubble from the site or for the farmer to level their fields or to repair their track. However, the applicant has given an assurance that the material shall be removed within the next two months. Whilst the land is not tidy garden ground it is not significantly untidy; and even if it

was to be considered as such, untidy land cannot be used as justification to grant planning permission for an unrestricted dwellinghouse in an unsustainable location.



9.1.10 For the avoidance of any doubt, even if the site was to be considered to constitute as previously developed land, new residential development proposals must still be tested against the adopted Core Strategy and any decision should consider whether it is appropriate, justified and satisfies the Council's sustainable development policy requirements. In this particular case, officers are not satisfied there is a substantive planning justification and the application is not supported. The application does not propose affordable housing or an agricultural workers dwelling, and as a consequence, the principle of development is unacceptable.

9.2 Impact on the Character and Appearance of the Area

9.2.1 Core Policy 51 advises that development should, protect, conserve and where possible enhance landscape character. The supporting text to this policy advises that the principle means of protecting landscape character is the settlement framework. The development of this site would introduce a large two storey building within an existing gap in the street scene, which would result in a degree of urbanisation to this rural area, creating more of a hamlet than a loose knit form of development in the open countryside.

9.2.2 Core Policy 57 requires a high standard of design in all new developments. The proposed house would be of a mass and bulk that is larger than the majority of the existing neighbouring properties. However, it would sit comfortably within the plot and the eaves, ridge height and materials would all be in keeping with the neighbouring property at Yew Tree House and therefore no substantive design based objection is raised.

9.2.3 The proposed development would however represent an unacceptable encroachment into the open country side and would result in an unacceptable erosion of the open countryside consolidating an area of loose knit development which would have an adverse impact on the character and appearance of the area contrary to Core Policy 51 of the Wiltshire Core Strategy.

9.3 Impact on Neighbouring Residential Amenities

9.3.1 In terms of residential amenity, the proposed house would be sufficiently distant from the existing neighbouring properties and the layout, elevation and fenestration plans have been designed to avoid overlooking and loss of privacy. As such it is considered the proposed development would not result in harm to the amenity of neighbouring occupiers in accordance with Core Policy 57.

9.4 Highway Safety and Parking

9.4.1 The proposed development would utilise an existing vehicular access and provide parking in line with the Council's minimum standards. Therefore it is considered that suitable safe access could be secured in accordance with Core Policy 61 and 64, subject to conditions.

9.5 Other Matters

9.5.1 Core Policy 67 includes a requirement for Sustainable Urban Drainage which could be secured by condition, if the authority was minded to approve the application. Foul drainage details could also be secured by condition to comply with the requirements of saved policy U1a (Foul Drainage/sewerage treatment).

10. S106 / Developer Contributions

No S106 financial contributions / obligations are sought for this site and application as it falls below the threshold for seeking tariff style contributions as set out within the PPG and no site specific infrastructure requirements have been identified.

11. Conclusion (The Planning Balance)

The proposal for one dwelling in the open countryside would represent an unsustainable form of development that does not accord with the settlement strategy and delivery strategy as set out within Core Policies 1 and 2 of the adopted Wiltshire Core Strategy and the spatial strategy for Trowbridge as contained within Core Policy 29. The limited contribution that this one house would make to the Council's supply of housing does not outweigh the harm caused by the conflict with the above policies which are the mechanisms for delivering sustainable patterns of growth in the Trowbridge Community Area.

Furthermore it is considered that the adverse impacts on the character and appearance of the area as a result of development in the open countryside would be contrary to Core Policy 51.

RECOMMENDATION: - Refuse for the following reasons:

1. The proposed site is located in the open countryside outside any identified limits of development which has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), a Housing Site Allocations DPD or Neighbourhood Plan. The development fails to satisfy the policy based criteria which support the delivery of additional residential units in the open countryside, and in the absence of a robust planning justification, the proposal is not considered to be a sustainable form of development and is contrary to Core Policies 1, 2, 29, 60 & 61 of the Wiltshire Core Strategy.

2. The proposed development would constitute as unwarranted encroachment of the open countryside, without any justification. The proposal would lead to the loss of a spatial gap between existing buildings that would introduce an urbanising effect that would harm the rural character and appearance of the area, contrary to Core Policies 1 and 51 of the Wiltshire Core Strategy and Paragraph 17 of the National Planning Policy Framework which seek to preserve the intrinsic character of the countryside.