

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	31 st May 2018
Application Number	18/01046/OUT
Site Address	Land Adjacent to The Mill House Donhead St Mary SP7 9DS
Proposal	Erection of single dwelling and detached garage - outline application to determine access.
Applicant	Mr & Mrs Richard & Alison Perry & Cooper
Town/Parish Council	DONHEAD ST MARY
Electoral Division	TISBURY – Councillor Deane
Grid Ref	390653 123473
Type of application	Outline Planning
Case Officer	Christos Chrysanthou

Reason for the application being considered by Committee

The application has been called in to committee by Councillor Deane for the following reasons –

Principle of development

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 issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Impact on the character of the area and AONB
- Impact on amenity
- Highways/parking
- Flood risk/drainage

3. Site Description

The application site is a parcel of paddock land situated adjacent to The Mill House in the dispersed rural settlement of Donhead St Mary which in planning policy terms is considered to be open countryside. The site lies within the Cranborne Chase & West Wiltshire Downs AONB. The dwelling to the west (The Mill House) and the dwelling to the south/southwest (Horsehill Cottage) are Grade II listed buildings.



The site is characterised by grass terrain which slopes downwards from the road with established hedging and mature trees to the boundary fronting the road and thinner natural screening to the southwest boundary to The Mill House and to the northeast boundary to Lilles Green Cottage of which the side elevation of the neighbouring dwelling is visible from within the site. The prominent road side hedgerow which runs across the south eastern boundary of the application site is considered to contribute positively towards the existing rural landscape character of the village.

The site plan submitted indicates that the current use of the site is an existing garden area and that no change of use is required. Officers would contend that the site is paddock land and the site has been described as such in previous applications. There is no planning history that indicates this parcel of land forms an extended part of the residential curtilage of The Old House and the blue line shown on the site location plan which indicates the land in the applicant's ownership does not extend to include the neighbouring dwelling. The evidence therefore suggests that the parcel of land is not in residential use and therefore would require change of use from agricultural land.

4. Planning History

15/01817/FUL Erection of 2 detached 4 bed dwellings REF

16/01180/FUL Erection of single detached dwelling with new access WDN

5. The Proposal

Erection of single dwelling and detached garage - outline application to determine access.

6. Planning Policy

National Planning Policy Framework

Section 1 Achieving Sustainable Development

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 11 Conserving and enhancing the natural environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 27 Spatial Strategy for the Tisbury Community Area

Core Policy 50 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport and New Development

Core Policy 63 Transport Strategies

Core Policy 64 Demand Management

Wiltshire Local Transport Plan 2011-2026

Car Parking Strategy

Supplementary Planning Guidance

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

7. Summary of consultation responses

Parish Council	Support
WC Conservation	No objection in principle (further details/ appraisal required)
WC Drainage	Objection
WC Highways	No objection (subject to conditions)
Environment Agency	No objection

8. Publicity

The application was advertised by site notice and neighbour consultation letters.

Neighbour/third parties 4 Support/No objection

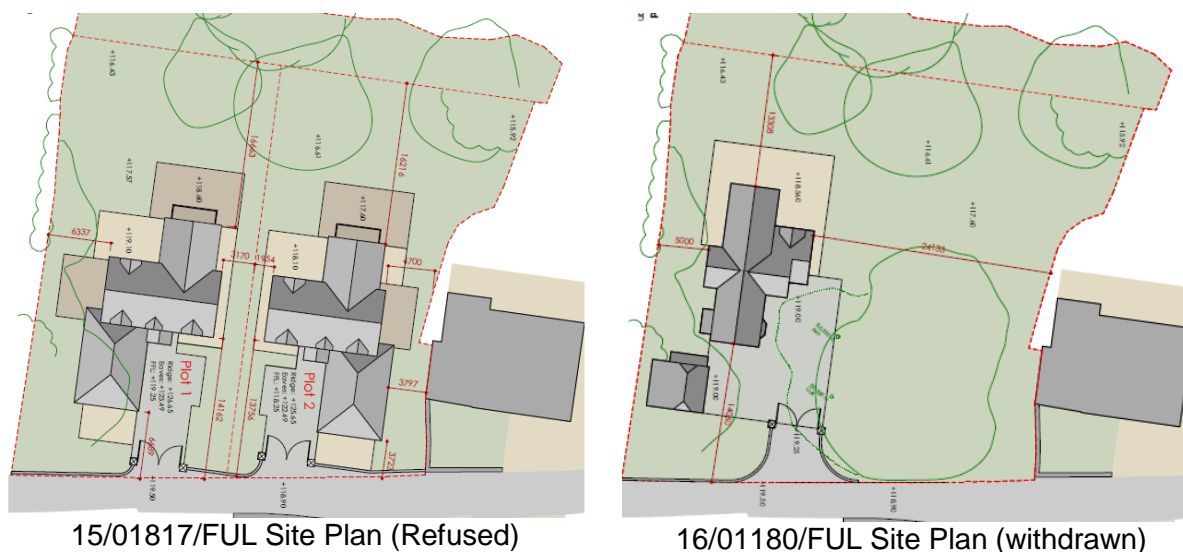
9. Planning Considerations

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.

Principle of development

This application is made in outline for the erection of a dwelling and detached garage seeking the LPA to consider the principle of development and the means of access. All other matters comprising scale, layout and the external appearance of the development and landscaping are all reserved for future consideration.

There have been two previous planning applications for new residential development at the site. The most recent being planning application ref: 16/01180/FUL which sought full planning consent for the erection of single detached dwelling with new access, which was withdrawn by the applicant after officers had advised that the principle of development was unacceptable and the application would be refused.



Prior to that application, planning permission for two dwellings under application ref: 15/01817/FUL was refused by the local planning authority, for the following reasons:

1 Within the Settlement Strategy Donhead St Mary is identified as being a Small Village where development is limited to infill within the existing built area, where it seeks to meet housing needs of the settlement or provide employment, services and facilities. It is considered that development of this site at the scale and in the form envisaged; namely, development of two dwellings on a relatively large piece of land unbound by development on three sides, does not constitute the filling of a small gap for generally only one dwelling; and secondly, by reason of its scale, form, layout and design, which are all at odds with established development in the immediate locality, it is not considered that the proposal respects the existing character and form of the settlement, and would consolidate an existing sporadic loose knit area of development to the detriment of its character and appearance. The proposal would therefore be contrary to Core Policies 1, 2, and 57 of the adopted Wiltshire Core Strategy.

2 This application proposes to remove a prominent road side hedge row which runs the south eastern boundary of the application site. The hedgerow is considered to contribute towards the existing rural landscape character of the village. This application has failed to demonstrate that the development has taken account of the objective, policies and actions set out in the AONB's Management Plan. The loss of the hedgerow is considered to neither protect conserve nor enhance the landscape character of the area. The loss of hedge and

the insertion of walls and gates is considered to unduly impact the rural landscape character of the village setting within the wider AONB, which is considered being contrary to the aims of Core Policy 51 & 57 of the adopted Wiltshire Core Strategy.

3 The proposed dwelling house (plot 2) would be located within close proximity to an existing property (known as Lilies Green), part of the flank wall of which directly abuts part of the boundary of the application site, and has existing fenestration. As a result of this relationship, it is likely that there would be a significant inter-relationship with the ground floor kitchen/breakfast room side windows of Plot 2, and part of its outdoor amenity space. It is therefore considered that Plot 2 would result in an uncharacteristic situation of overlooking and overbearing for this rural village setting, resulting in harm to the amenities enjoyed by occupiers of the neighbouring dwelling. This impact to neighbouring amenity is considered to be contrary to Core Policy 57 of the adopted Wiltshire Core Strategy.

4 The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the site in forward gear which is essential to highway safety. Adequate provision has not been made for the parking of vehicles in a satisfactory manner. Vehicles resulting from the proposed development leaving the site at point where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety contrary of the aims of Core Policy 61 of the adopted Wiltshire Core Strategy.

Whilst any full planning application or application for reserved matters would need to demonstrate sufficiently that the above reasons for refusal can be appropriately addressed, as this application is made in outline the main issues to consider are the principle of development and the proposed access.

Core policy CP1 of the Wiltshire Core Strategy sets out a settlement strategy for Wiltshire and guides where development may be acceptable. Donhead St Mary is not listed in this policy as a settlement appropriate for development.

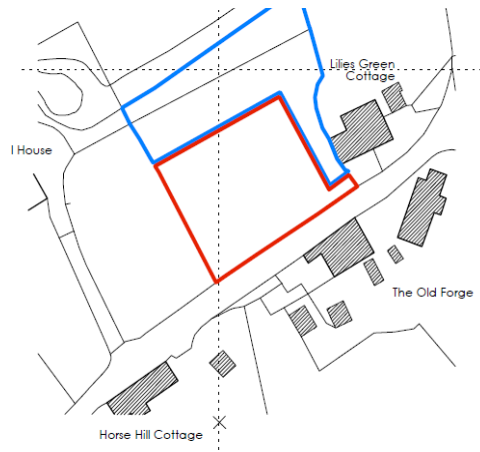
Supporting text to this policy is set out in paragraph 4.16. This makes clear that any existing settlement boundaries for small villages and other small settlements not identified in the settlement strategy will be removed. Donhead St Mary is therefore in the countryside in planning policy terms where there is a general presumption against development.

Core policy CP2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that at the Small Villages such as Donhead St Mary development will be limited to infill within the existing built area where it seeks to meet housing needs of the settlement or provide employment, services and facilities and 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 areas of development related to the settlement.

Infill is defined in the Core Strategy (relevant paragraph in the Core Strategy is 4.29) as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.

The site context shown in the site plan below (application site outlined in red), demonstrates that there is not only a large area of land to the side and in front of The Mill House, but also, the nearest building is some distance to the west, and it therefore in officers view the application site is not a “gap”, as the application site is not enclosed in a manner which would normally constitute an obvious infill plot.



In addition by virtue of the large size of the site it is clear that the site is not a ‘small gap’ and would in fact be large enough for more than a few dwellings which taken with the above leads officers to conclude that the site would not comply with the definition of infill as stated in para 4.29 of the Wiltshire Core Strategy and is therefore contrary to core policy CP2.

Officers note from the submitted Planning, Design and Access/Heritage Statement the reference to planning consent (LPA ref: 17/00696/FUL) for a new dwelling at Horse Hill Cottage (opposite side of the road to the application site – outlined in red in the site plan below).



Whilst the two sites are only separated by the road, there are notable differences in their individual site contexts when assessed against the definition of infill and the criteria of Core Policy 2. In officers view the definition of “infill” in terms of land use planning would normally be taken as referring to a small gap in a built up frontage. In determining the above planning application for the dwelling opposite the application site, officers referred to an Appeal

decision (Appeal ref: APP/Y3940/W/16/3157676, LPA ref: 16/04999/OUT) in which the Inspector was clear that a “gap” implies a break or space between something. As can be discerned from the above site plan, the approved dwelling is clearly sited in a small gap (and within an existing residential curtilage) between Horse Hill Cottage and The Old Forge and alongside those properties.

Officers also note a recently refused application for the erection of a new residential dwelling at Land South of Overway Lane, Donhead St Andrew which is most relevant to this proposal (LPA ref: 17/02284/FUL). The site plan below shows the site (also agricultural land) had residential properties on three sides and similarly formed a distinct gap within the existing built area of the village. Similarly the site which was notably rural in character was referred to by the inspector as a ‘green gap.’



The application dismissed at appeal as the inspector found that *The proposal would therefore place a dwelling on an area of open land that adjoins the road and which comprises one of the ‘green gaps’ of countryside that are characteristic of the settlement pattern. This would therefore not respect the character and form of the settlement. Furthermore, in providing a dwelling on one of these gaps the proposal would help to consolidate what, with the exception of the houses immediately to the east, is a fairly loose knit and sporadic pattern of development along this part of Overway Lane. In this regard the proposal would erode the rural character and appearance of a settlement that lies within the AONB. (Appeal ref: APP/Y3940/W/17/3187466 para 11)*

The above appeal decision demonstrates that whilst a site can be located in between dwellings it should not be automatically assumed that it would be suitable for infill development. The inspector attached great weight to the characteristics of the site in terms of its contribution to the wider rural landscape character and form of the settlement.

Having regard to recent appeal decisions, officers consider the site does not comply with definition of an ‘infill plot’ and the proposal is considered to be contrary to the aims of core policies CP1 and CP2 of the Wiltshire Core Strategy, therefore the principle of development is considered to be unacceptable.

Impact on the character of the area and AONB

Core policy CP51 states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core policy CP57 states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The submitted proposed site plan (drg. no. 17103-01/B) indicates 'railings and hedge reinstated 2m behind carriageway edge' which implies the complete loss of the hedging and trees to the site frontage and subsequent replanting. In officers view, the existing mature hedging and trees to the site frontage combined with the openness of the plot provides a visually separation to the sporadic loose knit area of development and the site forms a distinct part of the countryside setting.

Whilst landscaping matters are not being considered as part of this outline application the visual separation within the existing built up area and the contribution to the rural landscape character of the area provided by the site by virtue of its characteristics, existing mature hedging and trees would ordinarily be considered to be material. Indeed reason for refusal (2) of planning refusal ref: 15/01817/FUL was on landscaping grounds as it was considered that *the removal of the hedging and trees would unduly impact the rural landscape character of the village setting within the wider AONB, contrary to the aims of Core Policy 51 & 57 of the adopted Wiltshire Core Strategy.*

In officers view, the proposal for a new dwelling which would result in the loss of the existing mature hedging and trees would materially change the site characteristics thereby eroding the rural landscape character of the surrounding area. For these reasons the proposal would not respect the existing character and form of the settlement and the development of a dwelling on the site would inevitably lead to the consolidation of an existing sporadic loose knit area of development related to the settlement, contrary to the aims of Core policy CP2.

The LPA has previously refused a planning application for residential development at this site (the subsequent application was withdrawn prior to refusal) and officers are mindful of the large size of the plot on which more than a few dwellings could be accommodated if the principle of residential development were established. Officers also note the additional land to the rear of the site (outlined in blue on the location plan) which would only exacerbate the amount of inappropriate development in this unsustainable location.

Para 55 of the NPPF states that *local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*

- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

The proposal would result in the creation of 1 no new dwelling which according to the application submission would be occupied by the current owner of The Mill House, which is clearly unrelated to providing housing for a rural worker.

The illustrative design is not particularly exceptional or innovative and the proposal would not consist of any heritage benefits and would not utilise existing redundant/disused buildings.

Officers consider the resultant erosion of the rural landscape characteristics of the site would certainly not lead to an enhancement to the immediate setting and would not be sensitive to the defining characteristics of the local area.

There are no special circumstances to compel the LPA to support this proposal and therefore in light of the above it is considered that the proposal does not comply with the aims of para 55 of the NPPF.

For the above reasons, the principle of development is considered to be unacceptable in planning policy terms and the proposal is therefore contrary to aims of core policies CP1, CP2, CP51 and CP57 of the Wiltshire Core Strategy and the objectives of the NPPF.

Impact on amenity

Core policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

Whilst matters relating to design and impact on amenity are reserved, officers note that one of the reasons for refusal in determining the original application under ref: 15/01817/FUL was on amenity grounds and therefore any subsequent application for approval of reserved matters would need to demonstrate that the amenities of neighbouring properties would not be unduly impacted upon.

Highways/parking

Notwithstanding the overriding policy objection set out above, the consultation response from Wiltshire Council Highways indicates that subject to further details, the proposed development is considered acceptable in principle from a highway safety perspective.

Flood Risk/Drainage

The site is partly within a Flood Zone 2/3. Notwithstanding the overriding policy objection set out above, a flood risk assessment and subsequent addendum have been submitted to the Council for consideration. A Wiltshire Council Drainage officer has considered the details submitted and does not raise an objection subject to conditions.

Conclusion

Within the Settlement Strategy Donhead St Mary is identified as being a Small Village where development is limited to infill within the existing built area, where it seeks to meet housing needs of the settlement or provide employment, services and facilities.

The application site consists of a sizable plot of paddock land which is not considered to be a 'small gap' as it is large enough to accommodate more than a few dwellings. The site forms a 'green gap' within the existing built area of the village and contributes positively to the rural landscape character of the area.

The proposed siting of a new dwelling on the site and the removal of the existing mature hedging and trees to the site frontage would materially change the character of the site from rural to residential and would unduly impact the rural landscape character of the village setting within the wider AONB.

Consequently as a result of the loss of an important 'green gap' within the village, the proposal would not respect the existing character and form of the settlement and would consolidate an existing sporadic loose knit area of development related to the settlement, contrary to core policy CP2.

The proposal would not significantly enhance its immediate area and would not be sensitive to the defining characteristics of the local area, therefore as there are no special circumstances to justify a new dwelling in the countryside the proposal does not comply with the aims of para 55 of the NPPF.

Consequently the local planning authority considers the outline proposal to be contrary to the aims of core policies CP1, CP2, CP51 and CP57 of the Wiltshire Core Strategy and the objectives of the NPPF.

RECOMMENDATION:

Refuse