

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	4 th March 2020
Application Number	19/10769/FUL
Site Address	Ranch House Farm, Bath Road, Colerne, SN14 8AT
Proposal	Erection of open timber cart barn
Applicant	Mr T Mordaunt
Town/Parish Council	Colerne
Electoral Division	Councillor Brian Mathew
Type of application	Full Planning
Case Officer	Victoria Davis

Reason for the application being considered by Committee

Councillor Brian Mathew has requested the proposal be put before committee citing the following reasons -

- scheme is materially different to previously refused scheme
- seeks to balance the interests of visual impact with tree retention
- is an application that has generated no objection and the support of the Parish Council
- is a traditional building that will disguise parked cars within the Estate
- a further progressive scheme that part of the ongoing improvement to the Estate

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 planning permission be REFUSED.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Appropriateness of development in Green Belt and harm to the openness
- Impact on rural landscape and Area of Outstanding Natural Beauty (AONB)
- Residential Amenity
- Highways Safety

Colerne Parish Council support the proposed development.

No representations or objections have been received.

3. Site Description

The site lies within the open countryside and outside of a defined settlement boundary. The surrounding land is predominantly agricultural in nature and the Colerne Airfield is located to the north. The site is located within the Cotswolds Area of Outstanding Natural Beauty and the Western Wiltshire Green Belt. Planning Permission was granted in 2016 to convert redundant agricultural buildings to provide a dwelling, associated car parking for three cars and landscaping (16/02385/FUL). This development appears to be substantially complete. The new dwelling is referred to in the application documents as 'Lictum Springs'. The permission was subject to a number of conditions, one of which removed permitted development for domestic outbuildings, including garages. The application followed an earlier application which was withdrawn following concerns relating to the potential for conversion as well as the impact to the Green Belt and AONB (15/10902/FUL)

4. The Proposal

The current application is a resubmission of an earlier refused application for a 2 bay 'cart barn' within the curtilage of the new dwelling, Lictum Springs (19/05458/FUL). The previous application was refused for reasons relating to inappropriate and harmful development in the Green Belt as well as harm to the AONB. The current application seeks to address the previous reasons for refusal by moving the proposed cart barn approximately 5.6m closer to the main dwelling. The submitted Planning Statement suggests the the building is 7m closer, however this has since been confirmed by the applicant as an error. The scale and design of the proposed building remains the same as that proposed under previous application. The building occupies a footprint approximately 7.2m x 6m. It is enclosed on three sides with cedar clad elevations under a shallow pitched zinc sheet roof, approximately 3.4m high at the ridgeline.

5. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 51	Landscape
Core Policy 57	Ensuring High Quality Design and Place Shaping
Core Policy 61	Transport and Development
Core Policy 64	Demand Management

6. National Planning Policy

National Planning Policy Framework 2019 (NPPF)

Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 13	Protecting Green belt land

7. Summary of consultation responses

Colerne Parish Council: Support

Highway Officer: No objection subject to a condition ensuring the building is not converted to additional accommodation.

8. Publicity

The application was advertised by site notice and neighbour letter. No representations have been received.

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

The proposed building is within the residential curtilage of the new dwelling where domestic extensions and outbuildings would generally be supported. This dwelling was granted permission on the basis that it was a sensitive conversion of the existing rural buildings and permitted development rights were removed for any domestic outbuildings in order to preserve the open rural character of the site. It is important to note that weighing in the favour of the application to create a dwelling was the fact that the residential curtilage and hard standing parking area associated with the new dwelling had been kept to a minimum. The parking area had, very specifically, been limited to an existing area of hard-standing – reduced from a larger area proposed during the earlier withdrawn application. The case officer at the time identified this area to the west of the proposed dwelling as the most open and visible aspect of the site within the landscape and development in that part of the site would have the greatest impact upon the openness of the Green Belt.

Appropriateness of development in Green Belt and harm to the openness

The NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Section 13, paragraphs 145 & 146 of the NPPF list several forms of development that would not be considered inappropriate in the Green Belt, none of which apply in this instance. The NPPF establishes that new buildings are inappropriate unless they fall within the exceptions listed within paragraph 145. None of the exceptions specifically refer to curtilage buildings.

The submitted Planning Statement suggests that, as an ancillary domestic building, the cart barn should be considered as an extension to the main dwelling and that it cannot be considered as a standalone building.

It is acknowledged that some local authorities define outbuildings and garages in close proximity (generally within 5m) to the main dwelling as being part of the dwelling for the purposes of their Green Belt policies. Critically, however, the NPPF does not make this

distinction in para.145 relating to new buildings, although case law exists which does confirm that it is possible that a domestic outbuilding may, in some circumstances, be regarded as an extension to a dwelling provided that it forms a normal, domestic adjunct.

The applicant has provided a copy of an appeal decision from 2017 relating to an application for a detached garage in a Green Belt location near Slough (South Bucks District Council, appeal ref: APP/N0410/D/17/3183471). The appeal decision refers to the judgment in *Sevenoaks District Council v SSE and Dawes* [1997] which relates to an appeal decision for a proposed extension to an existing domestic garage in the Metropolitan Green Belt in Kent. In this case the court found that the existing detached garage was a normal domestic adjunct that could be regarded as part of the dwelling. In this judgement, the point is made that the mere fact of physical separation from the main house does not prevent the garage being considered as part of the dwelling.

What is ignored by the applicant, however, is that within the same paragraph of this very same judgement (para. 26), it is further explained: *“It is a matter of fact and degree in every case and, for example, if the garage had been at the bottom of the garden, the Inspector would doubtless have taken a different view.”* It is reasonable to take this as meaning that it is not simply the function of the proposed building, whether as a domestic adjunct, but also the level of separation that must be taken into consideration as part of the planning judgement.

In the South Bucks appeal case discussed above, the level of separation between the dwelling and garage is unknown. In making their decision the inspector only refers to it as being ‘reasonably close’ to the main dwelling. The planning documents were unavailable on the South Bucks District Council website for this to be checked. It is noted from the appeal decision that the appeal site was located within an established built up part of the settlement rather than an isolated rural location.

The proposed cart barn at Ranch House Farm would be some 17m distant from the dwelling it serves, a not inconsiderable distance and is demonstrably not reasonably close in the context of the residential curtilage. Measuring some 6m x 7.2m x 3.4m, neither is it an insignificantly scaled building. Whilst it is accepted that the building is intended as an ancillary domestic building, in spatial and visual terms, the outbuilding would appear physically and visually separate. As a consequence of the level of detachment, the cart barn is not regarded to be an extension to the house. Instead, it is considered to be a detached new building which is inappropriate and harmful development within the Green Belt.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of green belts are their openness and their permanence. In this case, the level of detachment from the main house in combination with the scale and mass of the proposed building as well as its prominence in the wider landscape would materially add to the intensity of development on the site. The proposed building is clearly isolated from the main house meaning it would be visible in wider views and would be seen to encroach into the open space around the dwelling. As a consequence, it would detract from the openness of this part of the Green Belt.

It is concluded that the proposal would cause harm due to its inappropriateness and its impact on the openness of the Green Belt. It would also directly conflict with one of the purposes of the Green Belt, to assist in safeguarding the countryside from encroachment, as well as the overall aim of Green Belt policy. Substantial additional weight needs to be given to this harm. The application does not demonstrate that there are any material considerations or very special circumstances that exist to outweigh this harm and overcome the presumption against such development. The development is therefore contrary to Section 13 of the NPPF.

Area of Outstanding Natural Beauty

The site falls within the Cotswold Area of Outstanding Natural Beauty where development should protect, conserve and where possible enhance landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Great weight should be afforded to conserving and enhancing landscapes and scenic beauty. In more general planning terms, development should also relate effectively to its immediate setting.

The garden occupies a gently sloping site to the north of the hillside with far reaching views across the landscape. This in turn means that the site itself is clearly visible in wider views from the south - there are some mature trees offering a degree of screening to the west. The proposed building comprises of a simple open fronted, timber framed car port. The appearance and height of the barn remains unchanged from the previous application. Chosen materials are timber clad elevations and a standing seam zinc roof to match the main dwelling. The design itself and use of materials to match the main dwelling would be appropriate, however, the position of the building – well detached from the main dwelling - means it will appear isolated and encroach into the open countryside. The potential impact of the domestication of the site and proliferation of paraphernalia in this exposed rural location was given careful consideration as part of the previous permission. Permission was granted on the basis that the parking area was kept to a minimum, the residential curtilage was limited and the permitted development for outbuildings and enclosures was removed in order to maintain the open rural appearance of the site. The proposal to construct a large domestic outbuilding in this isolated position, well detached from the dwelling is considered to result in an intrusive domestic feature within the wider landscape contrary to the expectation of Core Policies 51 & 57 of the Wiltshire Core Strategy as well as Section 15 of the NPPF.

Residential Amenity

There are no immediate neighbours to the site. The proposal does not give rise to any concerns in relation to residential amenity.

Highways

The Council's Highways Officer is satisfied that the proposal would not lead to any unacceptable highways impacts but recommended a condition to ensure the building was retained for parking and not converted into accommodation.

10. Conclusion

The proposed development constitutes a new building in the Green Belt which meets none of the exceptions set out in the paragraph 145 of the NPPF. The proposal therefore

constitutes inappropriate development in the Green Belt. Due to its scale, mass and siting distant from the dwelling it supposedly relates, the proposed development is also considered to cause harm to the openness of the Green Belt and materially add to the intensity of development at the site, thereby impacting upon the rural character of the landscape, a designated Area of Outstanding Natural Beauty.

In light of the above, the proposed development is considered to be contrary to Sections 12, 13 & 15 of the NPPF and Core Policies 51 & 57 of the Wiltshire Core Strategy.

RECOMMENDATION:

That Planning Permission is REFUSED for the following reasons;

1. The proposed building is considered to represent inappropriate development within the Green Belt which is, by definition, harmful. The proposal is contrary to Section 13, paragraphs 143, 144, 145 & 146 of the National Planning Policy Framework.
2. The proposal, by reason of its scale and location, would result in an intrusive element, encroaching into the countryside contrary to Core Strategy Policy 51 criteria ii, iii vi & ix that require the protection of important landscape character and Core Strategy Policy 57 criteria i, iii & vi which requires development to respond to landscape features and relate well to its surroundings. It is also contrary to Section 12, paragraph 127 and Section 15, paragraph 172, of the National Planning Policy Framework.