

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

<b>Date of Meeting</b>	1 <sup>st</sup> April 2021
<b>Application Number</b>	20/10665/FUL
<b>Site Address</b>	Chalkway House, Ebbesbourne Wake, Salisbury, Wiltshire, SP5 5JB
<b>Proposal</b>	Curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective)
<b>Applicant</b>	Mr Stead
<b>Town/Parish Council</b>	EBBESBOURNE WAKE
<b>Electoral Division</b>	Ebbesbourne Wake – Councillor Jose Green
<b>Grid Ref</b>	399725 124389
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Christos Chrysanthou

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

Councillor Green has called in the application citing concerns regarding the scale of development and design - bulk, height, general appearance and the visual impact upon the surrounding area.

**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 approved.

**1. Planning History**

\*20/05159/FUL Curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping, creation of native tree planting wildlife corridor and associated works (part retrospective). REF

\*20/01278/FUL Landscaping works including reconfiguring of existing levels within domestic curtilage. Erection of greenhouse. WDN

19/06978/CLP Certificate of lawfulness for proposed change of roof material on existing outbuildings from thatch to tile A

19/02727/FUL Single Story Rear Extension at Ground Floor Level, Single Story Extension at First Floor Level and Proposed Covering over Existing Swimming Pool. AC

S/2000/2230 Addition of a swimming pool 11.5m x 6m within garden curtilage AC

\*S/2000/1488 Change of use – from agricultural land to residential garden replacement barn and stables and new wall alterations to existing farm track and associated excavation work  
AC

S/2000/0765 Two additional dormer windows on the west elevation of the main house and an additional dormer window on the east elevation of the garage AC

## **2. The Proposal**

Planning permission is sought for curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective)

## **3. Planning Policy**

### National Planning Policy Framework

2. Achieving Sustainable Development

4. Decision-making

12. Achieving well-designed places

15. Conserving and enhancing the natural environment

### Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Cranborne Chase AONB Management Plan 2019 – 2024

## **4. Summary of consultation responses**

### Parish Council - Objection

Ebbesbourne Wake Parish Council (EWPC) understands that, as a matter of Planning, this application should be looked at in isolation; however, we are also mindful of the retrospective aspect of the application and the previous comments and submissions from Wiltshire Council, a range of professional bodies and parishioners, relating to preceding applications 20/01278/FUL (withdrawn) and 20/05159/FUL (refused)

EWPC have met to discuss the application via video calls, due to the current Covid 19 pandemic) and a socially distanced site visit has also been undertaken by two representatives of EWPC alongside the applicant. The Parish Council has received numerous parishioner comments regarding this latest application and recognises its duty to represent the opinion and mood of the community.

Our collective observations are as follows:

- The existing curtilage shown does not reflect the previously approved curtilage reference S/2000/1488, which does, in our opinion, impede the application. Therefore, as a pivotal aspect of the application, and as previously highlighted in the Case Officer's report for 20/05159/FUL, we request that this is once again reviewed by the LPA, to reaffirm the

curtilage for the purposes of this application and any future planning applications relating to the property. This will avoid any precedents that could be created to allow change of use from agricultural to residential and vice versa, and the effect this would have on the AONB landscape.

- EWPC recognises the efforts made by the applicant to reduce the scale of the terraced walls however, the scale of the remaining terracing will still have a significant and permanent impact on the chalk downland/AONB. Consequently, we request the LPA continues to give its full consideration to Core Policies 51 and 57 when making their decision, to ensure the unique character of the landscape is not compromised.

- The detailed Structural Landscaping Plan is noted by EWPC; the landscape statement is a welcome improvement to that previously presented. However, we are mindful this has, in part, been created to ameliorate and mitigate the visual impact of the unauthorised construction of the retaining walls and terraces that encroach on the AONB/agricultural land.

If you are minded to approve this application, we would request a thorough analysis by the LPA and their specialist advisers, to ensure any suggested species provide a positive contribution to the surrounding landscape with associated ecological benefits. Furthermore, it is essential that the plants will be sufficient in number/type to provide the desired screening throughout the year of a walled structure of this scale.

- Due to the retrospective aspect of this application and the impact of the previous groundworks on the adjacent water meadow, the Parish remains concerned about the environmental impact on the water meadow and its function as flood alleviation for the River Ebble and the surrounding area. Following the recent site visit by EWPC members, it is evident that some reparative works have already been carried out to the water meadow. We would, however, welcome further specialist consultation to ensure the water meadow's former functionality is fully reinstated and ecological balance restored, whatever the outcome of this application.

For the reasons above, Ebbesbourne Wake Parish Council objects to this application.

#### WC Drainage

Consultation - No comment

#### WC Ecology

The application Site lies within the Hampshire River Avon SAC Catchment and this triggers a Habitats Regulations Assessment (HRA) for potential significant effects on the SAC. As the Site lies more than 5km from the closest designated section of the SAC and the proposals will not result in an increase in foul water discharge impacts on the SAC are not predicted. In conclusion, I do not consider this development is likely to lead to significant effects on the Hampshire River Avon SAC and an Appropriate Assessment (AA) is not required.

I note that this is, in part, a retrospective application and the groundworks for the terracing have already been carried out. The site is immediately bounded to the south by a County

Wildlife Site (CWS), classified as calcareous grassland priority habitat, however works have not extended into the CWS and it is not affected by the current proposals.

Details of the previous use or ecological survey of the area that was transformed into terracing in August 2019 hasn't been provided. Aerial photography shows the works have resulted in the loss of grass however the biodiversity value of this grassland cannot now be determined.

The field between the Site and the River Ebbles, stated as being water meadow in a number of representations, is not classified as Priority Habitat on ecological mapping. Detailed botanical survey of the field reported in the Preliminary Ecological Appraisal (Davidson-Watts Ecology, 19th February) describes the grassland as grazed, semi-improved grassland of poor botanical diversity.

The submitted Preliminary Ecological Appraisal (Davidson-Watts Ecology, 19th February 2021) considers potential impacts on biodiversity associated with the proposals. It does not include a records request with WBRC, as would normally be expected, however given the scale and type of impacts associated with the proposals the level of information provided is considered acceptable. Habitats affected by the proposals are reported as of limited value to wildlife. Existing lines of mature trees with features suitable for nesting birds and roosting bats are to be retained. Adverse impacts on biodiversity as a result of the proposals are not reported and the proposed native tree and shrub planting would, once established, provide habitat for nesting birds, invertebrates and commuting and foraging bats.

Conditions:

The following, or similarly worded, conditions are recommended;

Prior to the commencement of planting of the woodland belt all trees/ shrubs must be checked by an ecologist experienced in tree identification to ensure only native species of local provenance have been sourced to be planted.

#### WC Landscaping – No objection

Following refusal of the previous scheme I was copied into correspondence between the applicant's landscape architect and the AONB. The draft plans that were discussed now form part of the new submission and have overcome my concerns highlighted in my email to you dated 14/09/2020. I therefore have no objections to the revised scheme.

Key issues:

#### 1. Mass and scale of the of the terraces

The bulky appearance of the terraces has been reduced by removing the upper terrace wall and replacing it with a flowing grass bank. The lower and middle terraces have small earth banks at the base which form the planting beds and will reduce the perceived height of the terrace.

The lower and middle terrace walls frame the more formal lawns associated with the house. The upper terrace is proposed to be informal species rich grassland that will support a

traditional orchard and provides a transition to the open countryside. The addition of the orchard and meadow is welcomed and will have huge biodiversity benefit if managed correctly.

## 2. Planting

There is a substantial amount of new planting proposed. I note from the submission that 'uncharacteristic' planting will be removed and replaced by native species appropriate to the local landscape character. The garden is to be enclosed by native hedgerows along the proposed curtilage and two copses to the west and east of the site. This planting will help to enclose the site physically and visually. There are also some additional successional parkland trees proposed within the wider landscape along the length of the floodplain. I am happy with the species selection and the note that the terrace planting beds will be shrubs with herbaceous plants.

## 3. Landscape and visual effects

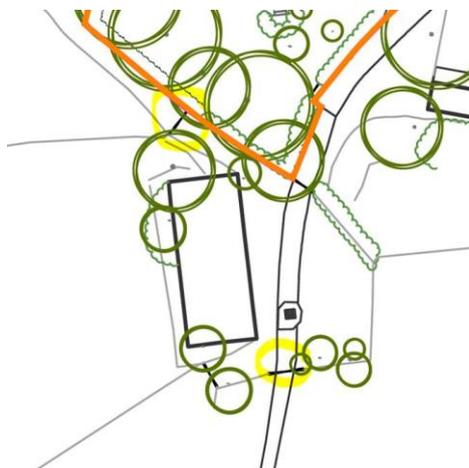
The change of use from agriculture to domestic, and remodelling of the topography to create the terraces has created a permanent change to the landscape which could be perceived as a negative effect. On balance, the effects on vegetation are positive through the removal of non-native species and planting of new native hedgerows and trees. This and other changes, such as relocating the fence, provides overall enhancement to the local landscape character. Overall any residual landscape effects are neither significant nor far reaching. In terms of visual effects there will be some limited localised views from the north and west which would become more filtered as the proposed planting matures.

### WC Rights of Way Comments received

I can see what looks like 2 gates on the plan which I have circled yellow below. Gates cannot be authorised on a restricted byway and are an obstruction. If these are new proposed gates these will need to be roved from the proposal. If they are existing they will be a matter for Rights of Way enforcement and you can use the informative below:

No gates, fences or stiles should be erected across the public right of way (Restricted Byway EWAK9).

Reason: Structures across a restricted byway are an obstruction.



## Cranborne Chase AONB – Comments received

(Excerpt)

18. The Landscape Statement sets out in some detail the history to the previous application to regularise the situation and the planning context, NPPF, NPPG, and Local Development Strategy within which the landscape appraisal and proposals have been prepared. Doubtless you will recall that the AONB was very concerned that the three terraces on the western side, and their supporting walls and steps, had been created with no obvious, or subtle, landscape design purpose. Those terraces and walls currently formalise the rural landscape without any design aesthetic or forming part of a larger, coherent, designed landscape. The basic issue seems to be whether or not the Planning Authority feels it can accept amelioration and mitigation of the impacts of the unauthorised earthworks and construction of retaining walls and steps, or whether these are sufficiently inappropriate to require complete removal.

19. The Landscape Statement focusses on amelioration and mitigation and, subject to my further comments, as a scheme of mitigation and amelioration it provides a much more appropriate outcome than currently exists.

### **5. Publicity**

The application was advertised by neighbour notification letters. 30 representations were received, mainly letters of objection and several comments of support. Comments received and matters raised can be summarised as follows:

- Retrospective/ terracing built without planning permission/ procedures not followed/ no regard to planning law/ principle of AONB at stake
- Approval would set precedent/ approval would reverse recent decision/ could result in further unsympathetic changes in the future/ creeping development
- Landscaping proposal hypothetical/ planting may be ineffective due to seasonality of screening
- Lack of justification for terracing and evidence for curtilage changes
- Inaccuracies regarding the curtilage/ existing curtilage not shown accurately
- Various plans and documents difficult to understand and divert attention, contradictory plans
- Prominence of the site and approach to the village within the Chalke Valley/ visual impact of the scheme on the landscape character of the AONB
- Blocking of views/ proposal does not conserve or enhance natural beauty of the landscape
- Terracing unsightly, should be removed, land restored and approved 2000 curtilage enforced
- Application does not address the previous refusal, the same issues remain
- Impact on ROW byway/footpath/ oppose changes to the byway
- Impact on the water meadow/ should be reinstated/ would like to see the water meadow remain as a beautiful historical unity and not imposed upon any further
- Amended documentation address some concerns/ the proposal slightly less intrusive
- Curtilage is now more coherent/ the terraces enhance the view from the road/ planting is more sympathetic

- Domestic garden alteration to improve disabled access, can be seen from the road but no near neighbours, no historic features

## 6. Planning Considerations

- Principle of development - curtilage changes
- Scale, siting, design and impact on the landscape character of the Area of Outstanding Natural Beauty
- Ecology
- Rights of Way

## 7. Assessment

### 7.1 Principle of development - curtilage changes

The application site is a detached dwellinghouse situated in the rural surrounds of Ebbesbourne Wake which lies in the Cranborne Chase AONB. Planning permission is sought for curtilage alterations involving change of use of land from agriculture to residential and from residential to agriculture, terracing, landscaping and associated works (part retrospective).

The application is part retrospective, the main element, the terracing has been erected without planning permission along with other works land regrading etc. The proposal includes change of use of various areas of the site. This is a resubmission application to the refusal of planning permission under LPA ref: 20/05159/FUL which was refused for the following reasons:

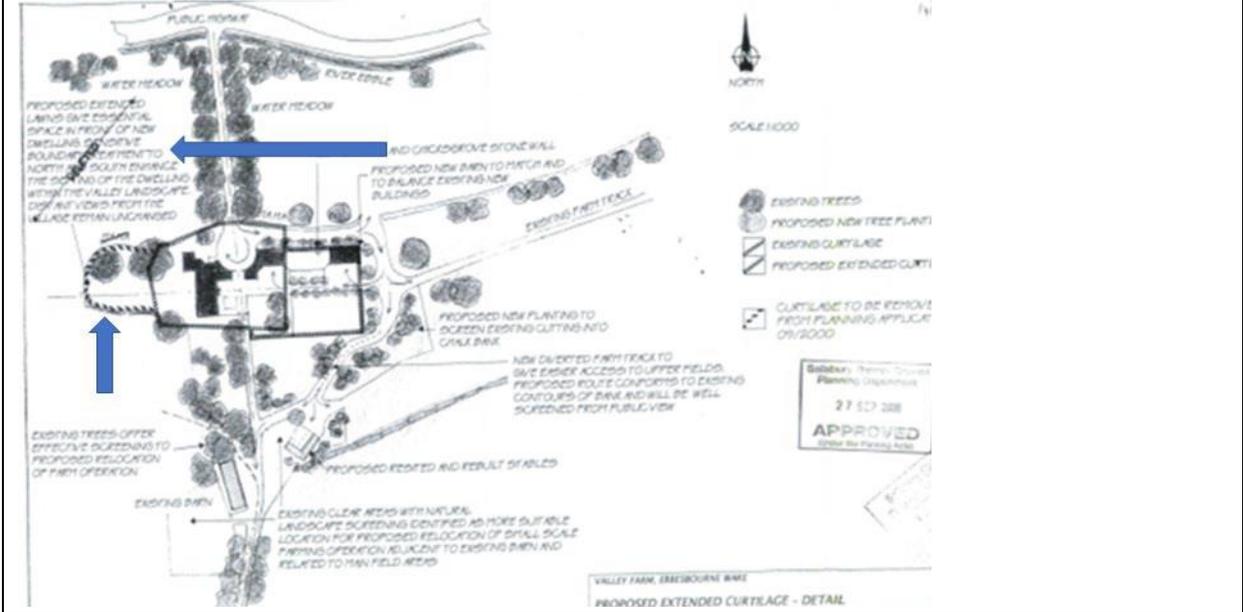
*The site has a distinct rural character and is located in a prominent location in the open countryside of Ebbesbourne Wake which lies within the Cranborne Chase Area of Outstanding Natural Beauty. The proposal would result in a significant enlargement of the residential curtilage into the landscape of the AONB compared to that shown on the plans associated with previous application reference S/2000/1488.*

*In particular, the proposed western enlargement of the curtilage and retrospective terracing is considered to be an urbanising feature which would erode the rural character of the area, as would the proposed expansion of the curtilage to the south east and south of the dwelling to encompass a rural track and barns.*

*Consequently, the proposal does not preserve the special character of the Area of Outstanding Natural Beauty, contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy and the aims of the National Planning Policy Framework, notably Paragraphs 127c and 172 of the NPPF, which gives great weight to conserving the landscape of Areas of Outstanding Natural Beauty.*

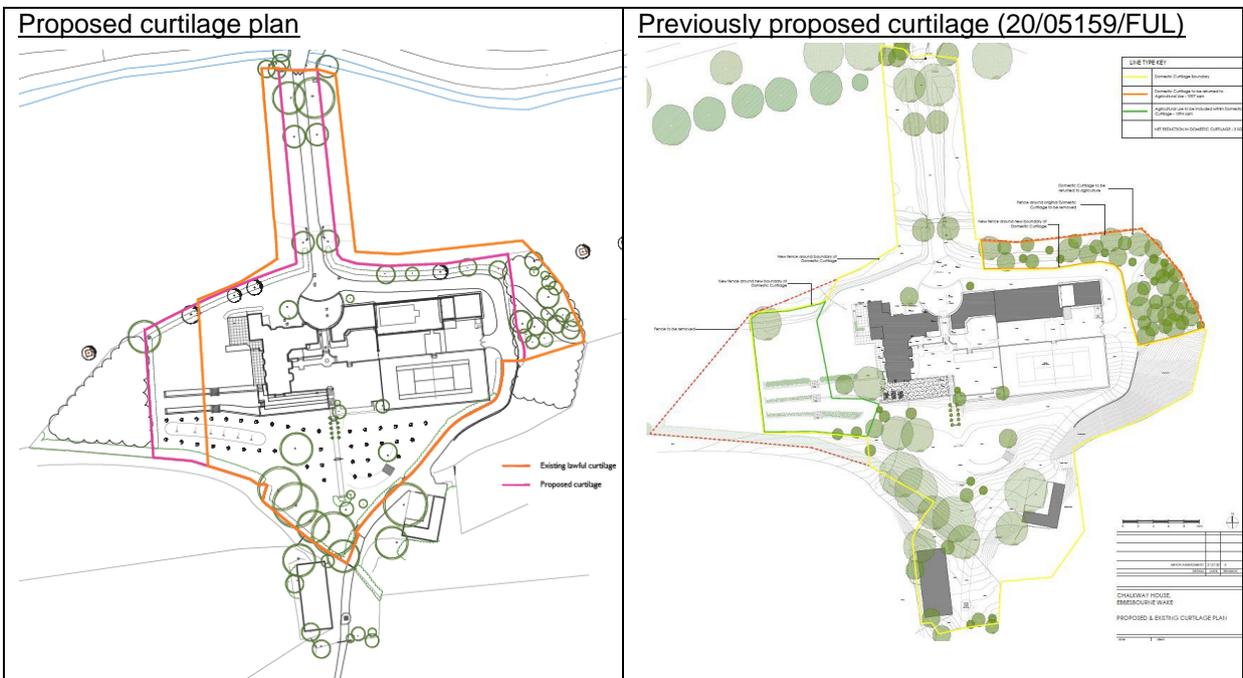
The only record in the planning history that pertains to any changes to the residential curtilage of the site is planning approval under LPA ref: S/2000/1488. As shown in the plan below the approved curtilage is a rectangular shape that is drawn compactly around the immediate garden/amenity area serving the main dwelling.

**Approved Site Plan - S/2000/1488**



It is also noted that an area west of the dwelling was omitted from the 2000 approval, an area of land that is terracing is now located in. This plan had represented in officers view the most recent accurate version of the residential curtilage for the site as no further planning applications were submitted for any other changes to the curtilage until recently.

The curtilage plans submitted with this application however do not particularly resemble the approved curtilage from the 2000 application, as shown in the plan below.



Officers had questioned the curtilage plan submitted in previous applications. The proposed curtilage has been adjusted for this application and as indicated by the pink line in the above

plan, the curtilage has been drawn more compactly around the area immediately around the dwelling and now excludes the barn and stables to the south.

The revised curtilage as proposed would better corroborate the aerial photos which show these areas appear to have been maintained as part of the domestic garden for a period of over 15 years. The local planning authority doesn't have any contrary evidence to suggest differently and in this instance the revised curtilage plan as presented appears acceptable in officers view.

## 7.2 Scale, siting, design and impact on the landscape character of the Area of Outstanding Natural Beauty

This section discusses the terraces in the context of the landscape character and visual amenity of the Area of Outstanding Natural Beauty.

This application seeks to address the reasons for refusal with this application which in addition to reducing the extent of the curtilage, proposes the following adjustments which have been summarised by the applicant:

- The proposed hedgerow along the Restricted Byway to the west of the site has been omitted.
- The woodland belt of planting along the floodplain has been omitted.
- Removal of the top terrace wall and replacement with a sloped embankment.
- Shrub and herbaceous planting faced in front of the remaining terrace walls.
- Provision of native hedgerows around the property, containing the house and providing a coherent residential curtilage.
- Moving the fences either side of the driveway inwards.
- Planting woodland species amongst the birch trees on the east side of the house to create a woodland copse, and planting of a second woodland copse to the west of the house.
- An orchard has been introduced into the southern garden area.
- Planting of specimen trees along the south side of the meadows to the east and west of the house to reinforce the existing tree line and provide long term replacements for the existing trees which are reaching the end of their life.

The terracing has been constructed using locally sourced stone and works were completed in August 2019. The previous application was refused primarily for reasons relating to the landscape impact of the proposal and the lack of information supporting the curtilage changes.

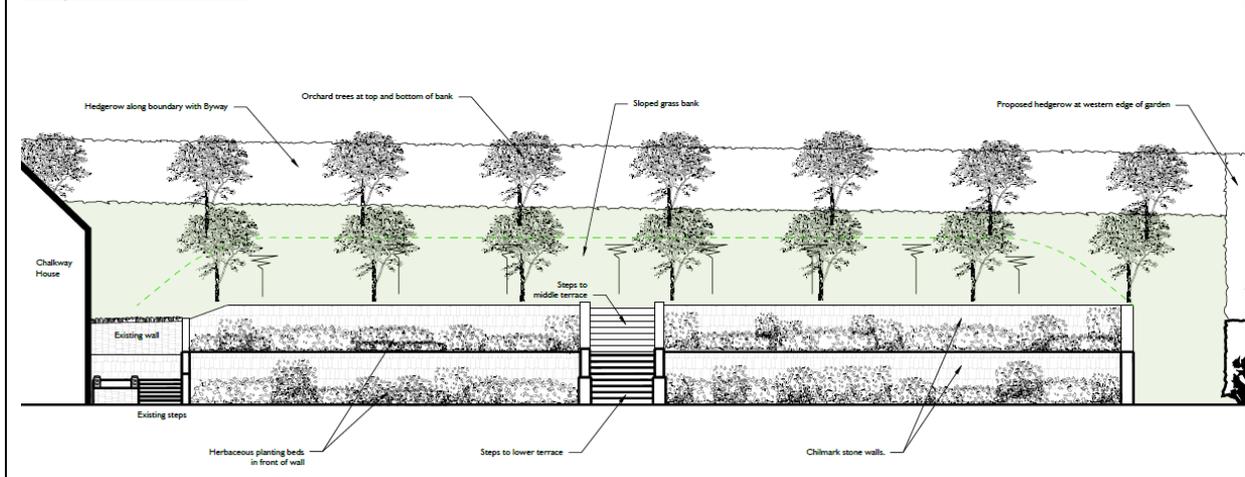
In refusing the previous application, officers had considered the full extent of the terracing which reached the eaves height of the main dwelling to be development of an unacceptable scale and harmful on the landscape character of the AONB setting.

Photograph - Existing situation (photograph from previous application)



In an effort to reduce the visual aspect of the proposal, it is now proposed to remove the top section of the terracing and grass over, thereby the terracing by a third in height. As demonstrated in the elevation drawing below, the overall scale of the terracing is significantly reduced.

Proposed elevation



Further to removing the top section of the terracing, an orchard planting scheme is proposed along with a rounded grassed area. In addition herbaceous planting is proposed in front of the two sections of the two retained terraced walls. The proposed landscaping scheme provides extensive planting of trees and hedges within the site including two woodland

copses directly adjacent to the proposed curtilage on the west and east sides which would help with enclosing the curtilage.

Overall the proposed reduction of the scale and bulk of the terracing taken with a comprehensive scheme of planting is considered to sufficiently mitigate the visual aspect of the terracing thereby preserving the landscape character of the area.

The scheme and the proposed trees and planting have been considered by WC ecology and WC landscaping and both consultees agree that these would be compatible and result in a net gain in biodiversity and a visual improvement.

Para 127 c) of the NPPF states - Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Para 172 of the NPPF states -Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

In this instance having assessed the resubmission, as discussed above, officers consider the development accords with the aims of Para 127c and Para 172 of the NPPF and the aims of core policies 51 and 57.

### 7.3 Ecology

Core policy CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The comments regarding the water meadow are noted. WC Ecology do not raise an objection subject to conditions regards the type of trees to be planted.

### 7.4 Rights of Way

Several parties have commented that the proposal may impact on use of the bridleway. The application form had originally indicated public rights of way would be adjusted, however the relevant section of the form was subsequently resent indicated no changes to public rights of way.

Notwithstanding there are gates shown on the plans which appear to obstruct the bridleway, the bridleway should be kept clear of obstruction and allow free passage of members of the public along the bridleway. WC Rights of Way have been notified and have suggested a suitable condition.

## **8. Conclusion (The Planning Balance)**

The comments made by the parish council and third parties are noted and the matters raised have been considered in full as part of the planning process. The terracing will be reduced in bulk to a more acceptable scale and taken with the proposed landscaping scheme the proposal would improve the landscape setting of the site. In the absence of any strong objections from WC Landscape and WC Ecology officers consider that a refusal on landscape or ecology impacts would be difficult to defend.

For the above reasons set out in the report, the development proposal is considered to accord with the objectives of core policies 51 and 57 of the Wiltshire Core Strategy and the aims of the landscape preservation policies contained in the NPPF. Therefore, the Local Planning Authority considers that planning permission should be approved.

### **RECOMMENDATION**

Approve subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg. no. 942-MP-01/A LANDSCAPE MASTERPLAN Date rec 30/11/2020

Drg. no. 942-MP-02/A WIDER LANDSCAPE MASTERPLAN Date rec 30/11/2020

Drg. no. 942-MP-03/A CURTILAGE PLAN Date rec 30/11/2020

Drg. no. 942-MP-04/A PROPOSED SITE LOCATION PLAN Date rec 30/11/2020

Drg. no. 942-MP-05/A ELEVATION - TERRACES (WITHOUT PLANTING) Date rec 30/11/2020

Drg. no. 942-MP-06/A ELEVATION - TERRACES (INDICATIVE PLANTING SHOWN) Date rec 30/11/2020

Drg. no. 942-SW-01/A DETAILED STRUCTURAL PLANTING PLAN - 1 of 2 Date rec 30/11/2020

Drg. no. 942-SW-02 B DETAILED STRUCTURAL PLANTING PLAN - 2 of 2 (Revised) Date rec 07/01/2021

Doc. Ref: 942-LS Revision B 2020-12-01 Landscape Statement, Indigo Landscape Architects (Revised) Date rec 07/01/2021

Preliminary Ecological Appraisal Report, David Watts Ecology, 19 February 2021 Date rec 19/02/2021

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

02 Within 3 calendar months of the date of this decision the top section of the terracing shall be removed and 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.

03 Prior to the commencement of planting of the woodland belt all trees/ shrubs must be checked by an ecologist experienced in tree identification to ensure only native species of local provenance have been sourced to be planted.

REASON: In the interests of biodiversity.

04 Notwithstanding the approved plans, no gates, fences or stiles should be erected across the public right of way (Restricted Byway EWAK9).

Reason: Structures across a restricted byway are an obstruction.