

REPORT FOR WESTERN AREA PLANNING COMMITTEE

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| Date of Meeting | 29 September 2021 |
| Application Number | PL/2021/03460 |
| Site Address | Yew Tree House, Brokerswood, BA13 4EG |
| Proposal | Erection of two holiday eco lodges |
| Applicant | Mr and Mrs Clow |
| Town/Parish Council | North Bradley Parish Council |
| Electoral Division | Southwick Division – Cllr Horace Prickett |
| Grid Ref | 383298-151937 |
| Type of application | Full planning permission |
| Case Officer | Verity Giles-Franklin |

Reason for the application being considered by Committee

This application has been called in for committee consideration by Cllr Horace Prickett should officers be minded to refuse the application for the proposed development, to allow the elected members of the committee to consider:

- the visual impacts on the surrounding area;
- the relationship with adjoining properties;
- the design of the development;
- the environmental and highway impacts and car parking.

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 key issues for consideration are:

- the principle of development and change of use of the land for tourism;
- visual impacts;
- ecology impacts;
- impacts to neighbouring amenity; and
- highway matters.

North Bradley Parish Council raise no objections to this application, but two third party representations have been received which are summarised within section 9 of this report.

3. Site Description:

The application site comprises land at a property known as Yew Tree House which was formerly the car park associated with the “The Kicking Donkey” public house before it was converted to residential use under consented application reference 15/10329/FUL.

The extract provided on the following page is taken from Google Street View ([Google Maps](#)) and illustrates how the site looked back in October 2011, when it was still in use as a car park serving the public house.



The surrounding area is predominantly characterised by a loose knit ribbon development with the two storey Yew Tree House to the south-west and a chalet style dwelling to the north-east of the site. The site has an existing access via Brokerswood Road and the proposed ecolodges would utilise this existing access.

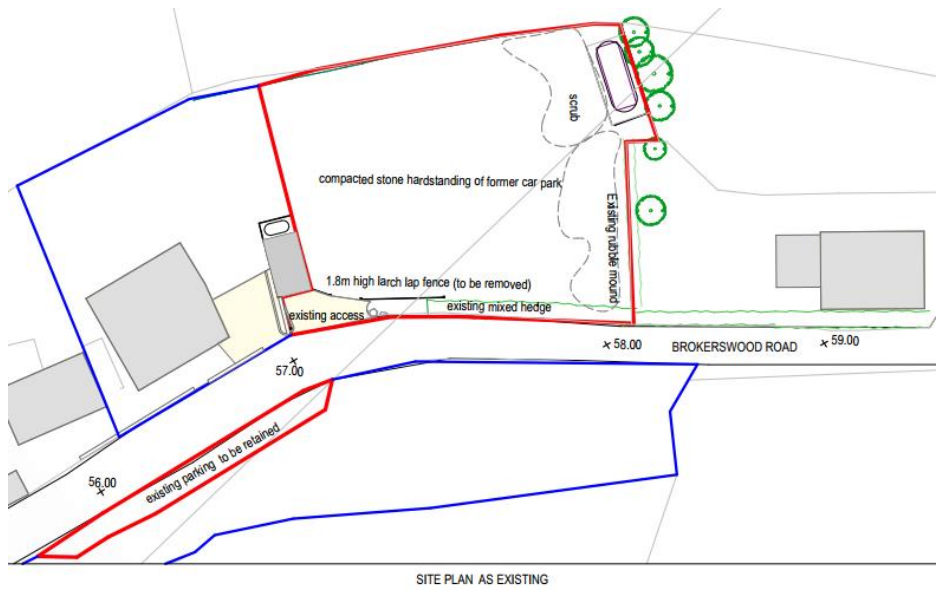
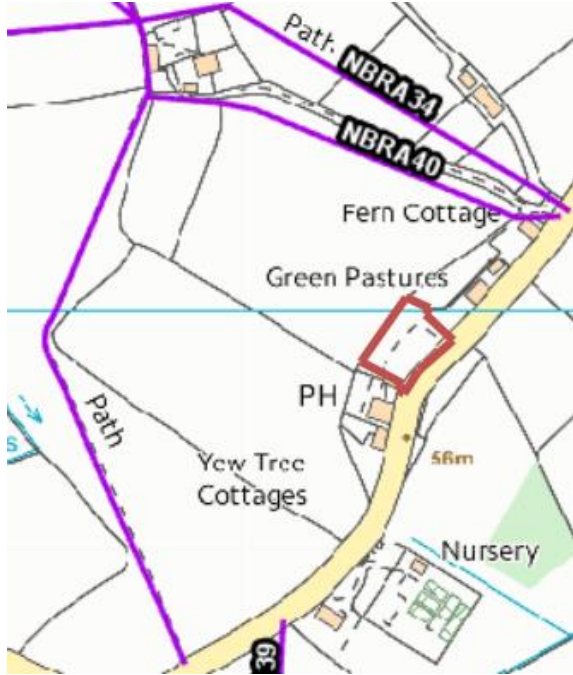
The photograph provided below, as taken from page 5 of the submitted Planning Statement produced by RCC Town Planning Consultancy dated March 2021, illustrates the current condition of the site, with Yew Tree House and its associated garage in the middle ground with Yew Tree House beyond. The site has the appearance of a disused car park, although the noted timber fencing along with a maturing hedgerow along part of the roadside boundary, does provide a degree of screening from the public domain.



The site is located in the open countryside outside any defined settlement boundary, but not within any special landscape protection area. The site is however located within the 'Yellow Zone' of the Council's adopted Trowbridge Bat Mitigation Strategy (TBMS) SPD, which identifies impacts could arise on individual sites and in-combination with other development, through the loss and/or degradation of

habitat for important bat species including Bechstein's, greater horseshoe and lesser horseshoe bats for foraging, commuting, and roosting. In such locations, and as set out within the TBMS, planning permission is only likely to be granted where development proposals within such locations are accompanied with appropriate bats surveys and suitable mitigation.

There are no Public Rights of Way (PRoW) directly crossing the application site, however to the south and north there are a number of footpaths nearby, as illustrated in the below extract (with the application site outlined in red). The following insert reveals the existing site layout and existing parking along the highway which would be retained.



4. Planning History

The following planning history is of relevance to this application.

74/00814/HIS - Sitting of residential caravan as temporary accommodation for staff - Approved.

15/10329/FUL - Change of Use of Public House to residential dwellinghouse; first floor extensions at rear and side - Approved with conditions

18/06574/VAR - Variation of condition 2 of planning permission 15/10329/FUL to allow for a change to the external materials - Approved with conditions

18/01371/FUL - Erection of a detached Dwelling - Refused at WAPC in May 2018 citing 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.

20/10346/FUL - Erection of two holiday ecolodges – Application Withdrawn

5. The Proposal

This application is a resubmission of the 20/10346/FUL withdrawn application which also sought planning permission for the construction of two holiday eco lodges on the same parcel of land.

The previous application was withdrawn by the applicant, when advised by officers that the development was not considered policy compliant with Core Policy 39 (CP39) of the adopted Wiltshire Core Strategy and through the lack of supporting ecology information to satisfy the requirements of the Trowbridge Bat Mitigation Strategy (TBMS) SPD and Habitats Regulations Appropriate Assessment (HRA AA) process. As such, there were substantive grounds on which to refuse the 2020 application and the applicant was duly advised and decided to withdraw that application to avoid such a refusal.

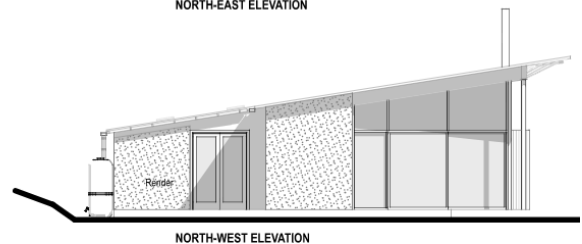
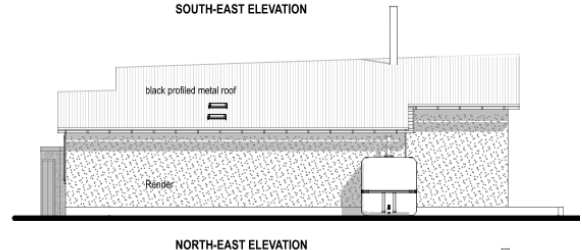
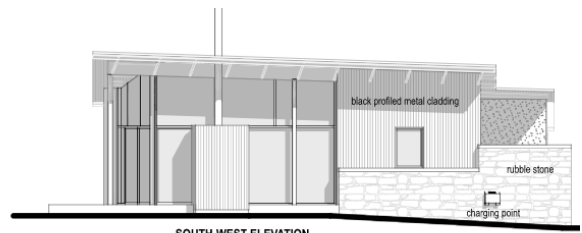
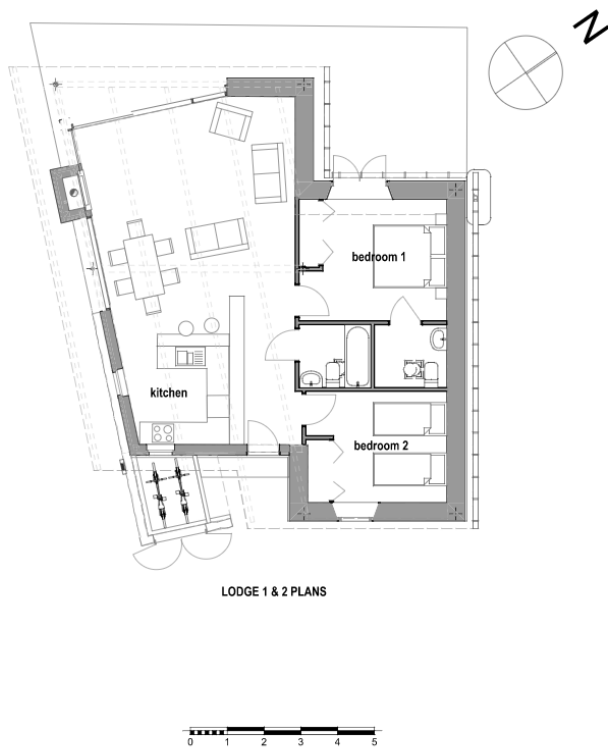


This application is seeking planning permission for the erection of two ecolodges and to change the use of land shown outlined in red above from its lawful use as residential curtilage associated with Yew Tree Cottage, to tourism use. The proposal also includes additional landscape planting as shown in the following insert, the provision of electric vehicles charging points, and secure cycle parking.



With reference to the submitted Planning Statement, this is an identical proposal to the withdrawn application (under reference 20/10346/FUL), but it does include the previously omitted ecological information (including an ecological appraisal and lighting assessment) and the application also seeks to bolster the application's compliance with CP39, which deals with Tourist Development.

The proposed two ecolodges would have a contemporary design and would be completed in a combination of black profiled metal cladding, rubble stone and render for the walls, under black profiled metal cladding for the roof, as illustrated by the extracts provided on the following page taken from the submitted elevation drawings.



6. Planning Policy

The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy, CP2 - Delivery Strategy, CP3 - Infrastructure Requirements, CP29 - Trowbridge Community Area Strategy, CP39 - Tourist Development, CP48 - Supporting Rural Life, CP50 - Biodiversity and Geodiversity, CP51 - Landscape, CP57 - Ensuring High Quality Design and Place Shaping, CP60 - Sustainable Transport, CP61 - Transport and New Development, CP62 - Development Impacts on the Transport Network, CP64 - Demand Management, CP67 - Flood Risk

Saved policy U1a (Foul Water Disposal) of the West Wiltshire District Plan 1st Alteration, Adopted June 2004

Saved policy CR1 (Footpaths and rights of way) of the West Wiltshire Leisure and Recreation DPD

Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) adopted February 2020

Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy

The 'made' North Bradley Neighbourhood Plan 2018-2026, with the following policies being particularly material to this application: Policy 2 - Housing; Policy 5 - Bat Conservation; and Policy 6 - Local Infrastructure Priorities

National Planning Policy Framework (NPPF) 2021 and Planning Practice Guidance

7. Summary of consultation responses

North Bradley Parish Council: Supportive and advised that it is believed "that the applicant has addressed the reasons for the previous refusal".

Wiltshire Council Highways: No objection subject to conditions

Wiltshire Council Public Protection Team: No objections

Wiltshire Council's Ecologist: No objection subject to conditions. An Appropriate Assessment (AA), which has assessed the effects of the proposed development on nationally protected site(s) has now been undertaken by Wiltshire Council as a 'competent authority' under the habitats regulations – which was subject to a consultation with Natural England, and it has been concluded that the proposed development would have *"no adverse effects on site integrity so the application can be positively determined subject to suitable mitigation measures being secured by condition and implemented"*.

8. Publicity

The application was publicised by individually posted notification letters sent to six neighbouring/properties within close proximity of the site. In response, two third party representations were received and are summarised as follows:

- The site is located in the open countryside
- There is existing holiday accommodation close to application site at Brokerswood
- There is no need for further tourism accommodation at this location
- There are no facilities in Brokerswood or any attractions
- The application does not comply with CP39 of the adopted Wiltshire Core Strategy
- Tourism development does not benefit the immediate local area or local residents
- Dilton Marsh – which is the nearest village has very limited amenities. Westbury is 5 miles away
- Failure to comply with CP60 and CP61 as there would be a reliance on private motor vehicles and the development would create additional traffic generation along narrow lanes and bends which are extremely dangerous
- The National cycle route through Brokerswood is mostly used by cycle clubs.
- The public rights of way in the area become very muddy and wet and are not very accessible
- The application proposal would create noise disturbance to local residents
- The sewerage plant is close to the site boundary
- The development would constitute an unwarranted encroachment of the open countryside infilling a spatial gap
- The eco lodge design would harm the rural character of the area and the surrounding properties
- Impact of lighting on local environment
- Precedent concerns if this application is approved

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 Principle of the Development

Paragraph 84 of the NPPF in the Government's drive to support a prosperous rural economy sets out that planning policies and decisions should *inter alia* enable:

"the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" in criterion a) and *"sustainable rural tourism and leisure developments which respect the character of the countryside"* in criterion c).

9.1.1 The NPPF recognises within paragraph 85 that for sites to meet local businesses and community needs in rural areas, these are not always located in defined and established settlements, and that:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.

9.1.2 Policy CP1 of the adopted WCS identifies the settlements where sustainable development should take place in Wiltshire and sets out a general presumption against development outside the defined limits of the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

9.1.3 Consistent with the NPPF, paragraph 4.17 within the supporting text to CP1 explains that the adopted Strategy does allow for *“carefully managed development outside of settlement boundaries in specific cases, such as new employment investment where there is an overriding strategic interest, or for other local circumstances such as providing affordable housing, allowing new tourist accommodation or supporting diversification of the rural economy”* (emphasis added by officers).

9.1.4 CP2 of the adopted WCS states that other than in circumstances as permitted by other policies within the Plan, as identified in paragraph 4.25 of the supporting text for CP2, development should not be permitted outside the limits of development. Paragraph 4.25 provides a list of the Council’s adopted ‘exception policies’ which includes development related to tourism and specifically identifies CP39 and CP40.

9.1.5 In appraising this particular case, CP39 is the leading policy as it relates to new tourist accommodation, whereas CP40 relates to proposals for the construction of new hotels, bed and breakfasts, guesthouses or conference facilities or upgrading and the intensification of existing tourism accommodation facilities. As such CP40 is not relevant to this proposal and the application must be assessed essentially against CP39 (along with CP2 and CP50, CP51 and CP57).

9.1.6 CP39 states that within Principal Settlements and Market Towns, proposals for tourist development *“of an appropriate scale”* may be supported subject to a sequential assessment and assessment against the policies of the adopted WCS. Outside of these settlements, to which this application applies, CP39 leads on to stress that:

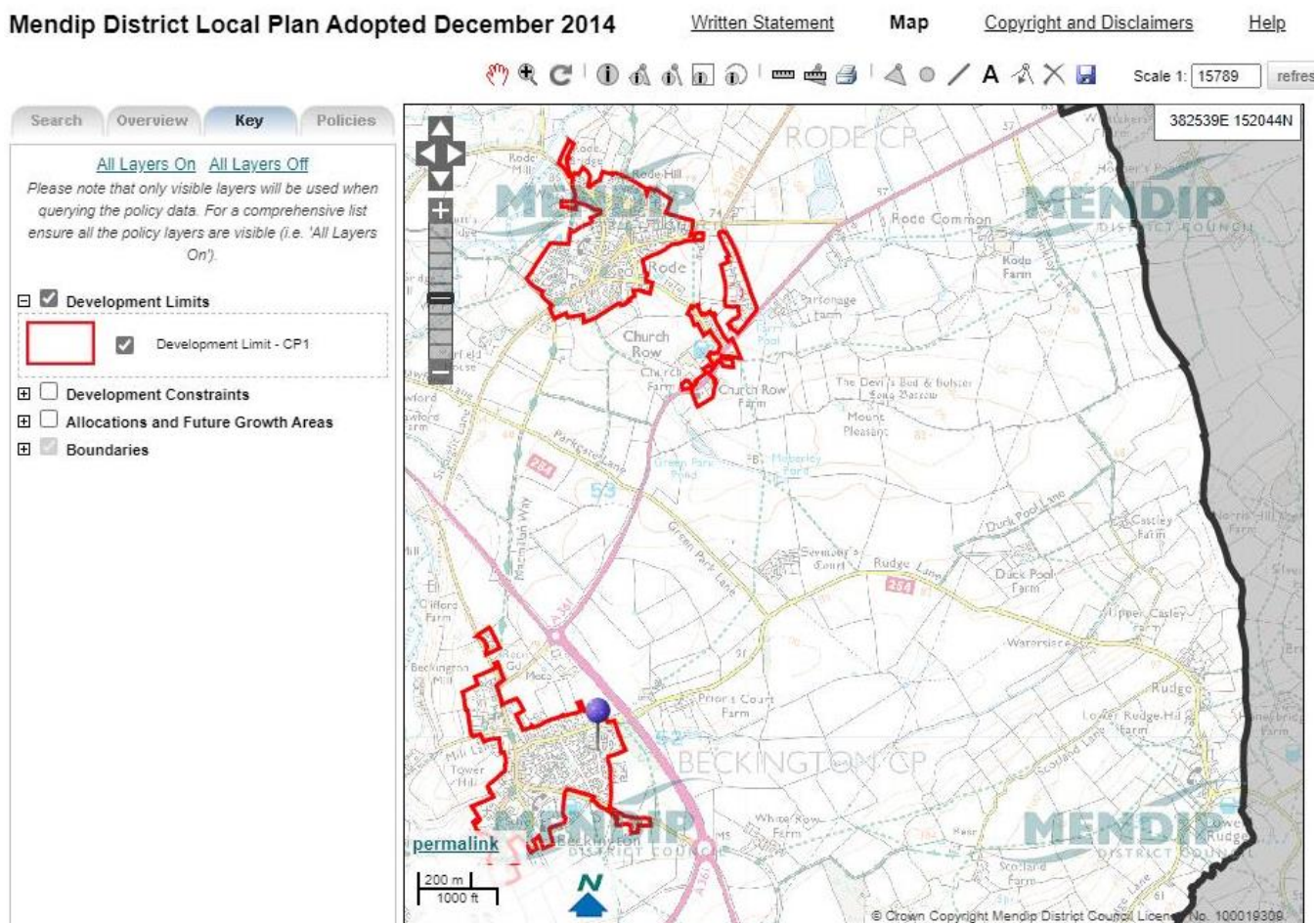
*Outside the Principal Settlements and Market Towns, **tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings.***

*Any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites **with the objective of providing adequate facilities, enhancing enjoyment, and improving the financial viability of the attraction.***

If new buildings are required in the countryside for tourist development, these should be directed towards the Local Service Centres and Large and Small Villages (emphasis added by officers)

9.1.7 Brokerswood is not identified in the adopted WCS as being a settlement. The application site does not form part of a settlement and is not considered “close to” a recognised ‘settlement’ as required by CP39. The nearest Wiltshire settlements to this application site are Westbury at some 2.2km to the east and Dilton Marsh 2km to the south-east (and it should be noted that the distances quoted reflect the measurement to the outer reaches of the referenced settlement boundaries – the distance to services,

shops and amenities would be far greater). Rudge and Lower Rudge (located to the west and within Mendip) is a loose knit group of properties about 0.5km distant but this is not listed by Mendip as either a 'Primary Village' or a 'Secondary Village' as shown by the below extract taken from [Mendip District Council - Local Plan Map](#) which identifies Mendip District Council's settlement limits:



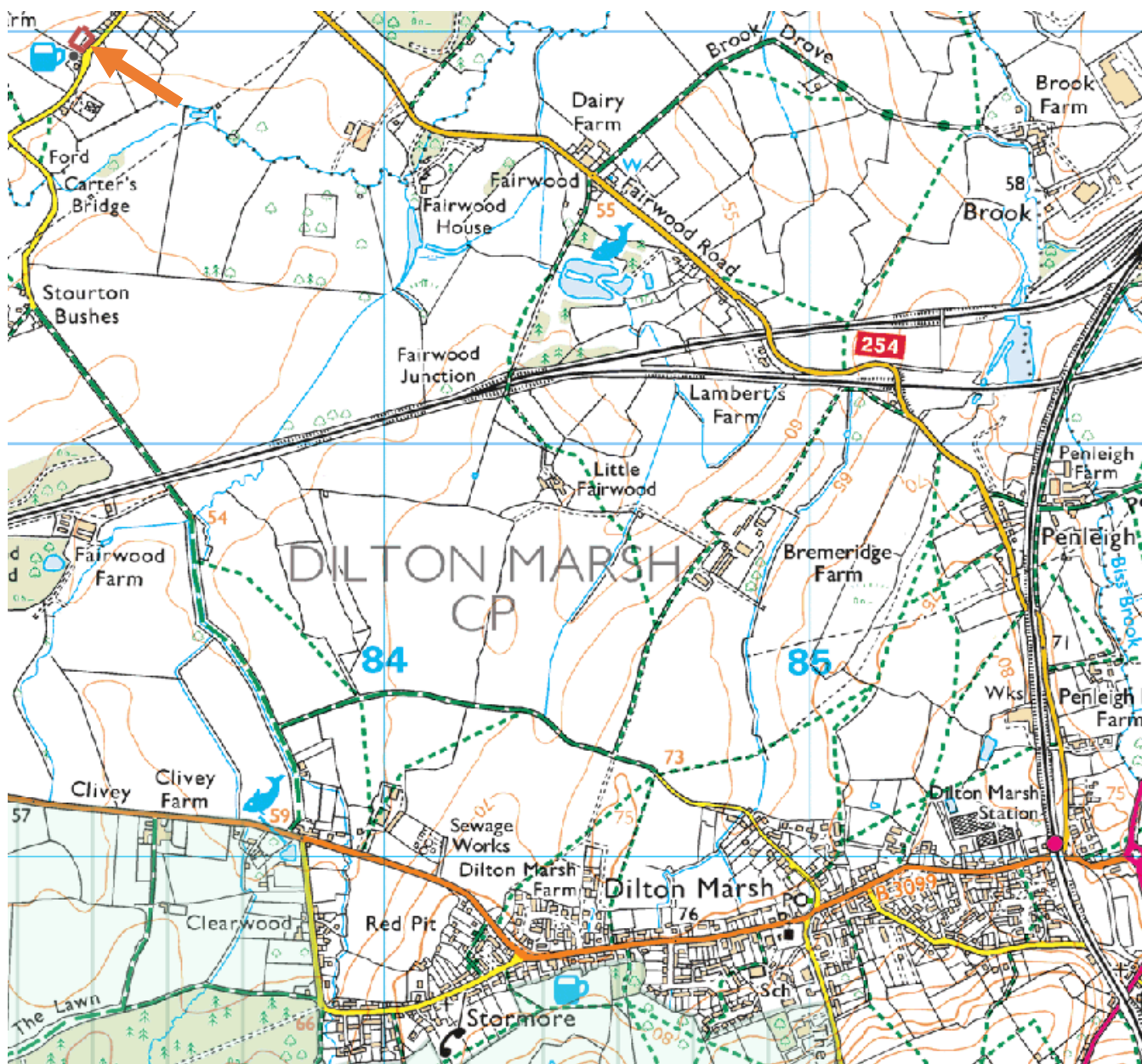
9.1.8 As stated above, CP39 requires proposals for tourism developments outside Principal Settlements and Market Towns to be located “in or close to” either local service centres or large or small villages. The applicant’s submitted Planning Statement argues within paragraphs 5.13-5.14 that the site subject to this application is “close to’ the large village of Dilton Marsh” and argues that the site is “*within an easy reach of this Large village and its facilities either by cycle (4-7 mins) or by walking*”.

9.1.9 The extract provided on the following page is taken from the Council’s mapping system and clearly illustrates the physical separation between the application site in Brokerswood and Dilton Marsh to the south and the western outskirts of Westbury in the far right of the map insert. The application site is depicted by the red outline and orange arrow. Officers do not agree with the applicant’s assertion that the Brokerswood site is a sustainable site for tourist development nor does the council agree that the site is close to Dilton Marsh.

9.1.10 Users of the two ecolodges would most likely use private motor vehicles for most trips for shopping, entertainment and visiting holiday attractions in Wiltshire and beyond, rather than walk or cycle.

9.1.11 Some tourists may well come for cycling and walking breaks, but officers submit that most of the tourists accessing these holiday lodges would likely travel by private motorised vehicles, and the quoted 2km distance from the site to Dilton Marsh via the DMAR42 Bridleway (shown on the following insert by

way of a green dashed line) would not be suitable for some tourists and would unlikely be used in the most part for most journeys made by tourists. The quoted timeframes for walkers and cyclists accessing Dilton Marsh from the Yew Tree house site are disputed by officers.

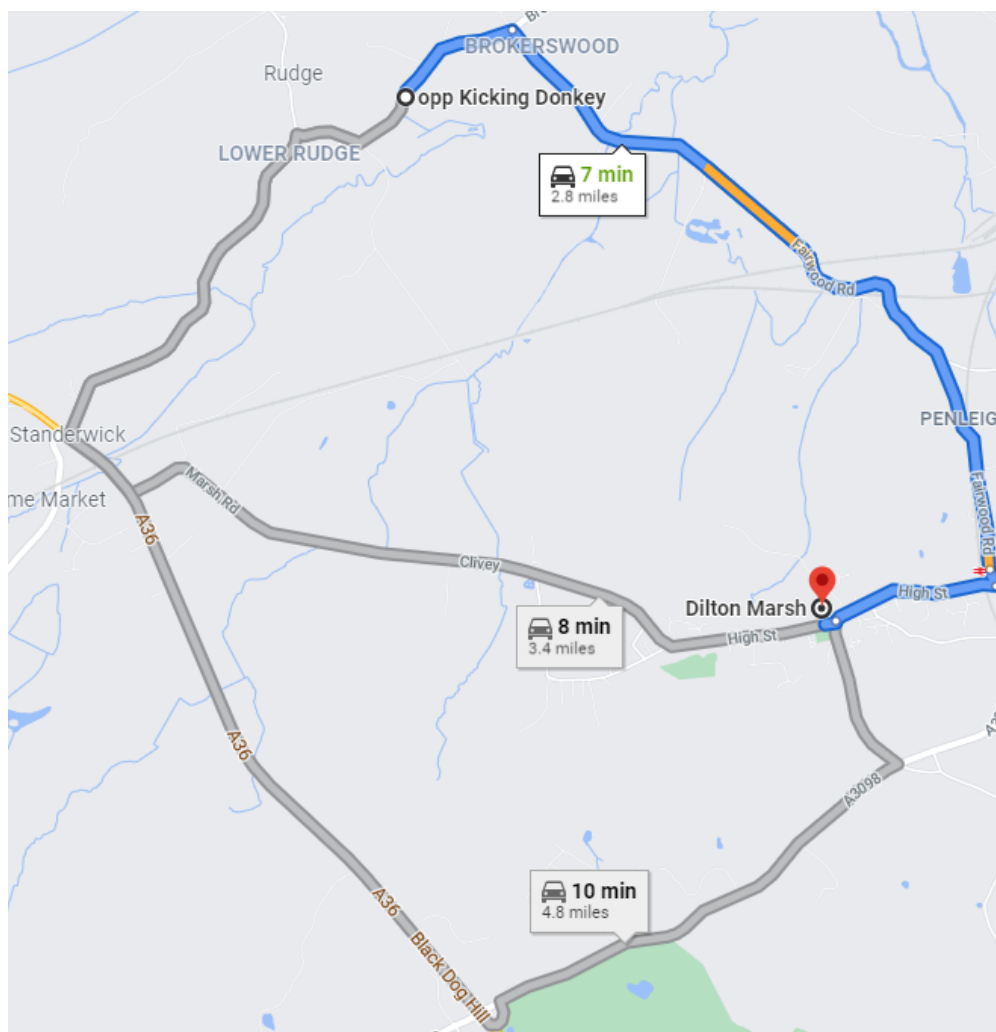


9.1.12 Officers dispute the applicant's claim that the site is 'close' to Dilton Marsh. Even with visitors utilising the private rights of ways to walk to Dilton Marsh, this would still involve people having to walk along sections of the unlit road (and PRow) with limited pavement/refuge and such a route would not provide a safe access especially in adverse weather conditions or during hours of darkness.

9.1.13 Whilst it is appreciated that the term 'close to' has not been defined by the Wiltshire Core Strategy, officers strongly refute the assertions made within the applicant's planning statement and conclude that this development does not comply with the very first requirement set by CP39 in that the site is not located within or close to a settlement.

9.1.14 The applicant's planning statement asserts that the site is 1.5 miles from Dilton Marsh when using the DMAR42 Bridleway (paragraph 3.6 refers). This statement is anomalous. Dilton Marsh is at least

2km from the site and for motorised trips, would be about 7-10 minute drive by car from the site as illustrated by the below extract from Google Maps (as taken from [Google Maps route by car](#)) and would be a good 55 minute walk away (with reference to [Google Maps](#)).



9.1.15 Officers also find policy conflict with CP39 in terms of acknowledging that the policy states that for ‘new buildings’ that are **required**, these should be directed towards the Local Services Centres and Large and Small Villages.

9.1.16 Officers accept that when the above tests are not satisfied, CP39 states that in:

“...exceptional cases development may be supported away from the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages” where all the following criteria can be fully met.

- i. *There is evidence that the facilities are in conjunction with a particular countryside attraction.*
- ii. *No suitable alternative existing buildings or sites exist which are available for reuse.*
- iii. *The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*
- iv. *The building is served by adequate access and infrastructure.*
- v. *The site has reasonable access to local services and a local employment base.*

9.1.17 The wording of CP39 is very clear that outside of the settlements and for sites that are not considered close to a settlement, only in “*exceptional cases*” where all the listed criteria are fully satisfied, should tourist development be supported.

9.1.18 Officers have assessed each of the above listed criteria set out within CP39 and have been mindful of the assertions made by the applicants within the planning statement, but officers have concluded the following:

9.1.19 With regards to **CP39 criterion I**, officers are not satisfied that the proposed ecolodges and holiday let facilities would be provided *in conjunction with a particular countryside attraction*. Whilst the applicant’s Planning Statement argues that there are “nearby attractions” and identifies Longleat Safari and Adventure Park, Cley Hill, Cheddar Gorge, Stourhead, Stonehenge, Shearwater, Westbury White Horse, and Bath as being key draws for tourists to this part of Wiltshire, these locations are all quite distant from the application site and there is no evidence to support the policy requirement that these proposed ecolodges would be provided in conjunction with the named attractions.

9.1.20 Section 3 of the applicant’s Planning Statement sets out the proximity of the application site to various public rights of way and argues that the site would be a good base for walking and cycling breaks, and argues that Dilton Marsh offers a wide range of facilities and services, including a railway station. The Planning Statement also highlights the “*popular Wiltshire Cycleway Route 254 (South Wiltshire Downs)*” being located close to the site and offers cycle routes to places such as Bradford on Avon, Westwood Manor, with this cycleway linking to the National Cycle Route 24 that leads to the Wylde Valley. In recognition of these linkages, the applicant proposes to include secure cycle storage for both proposed lodges. The Planning Statement also notes there is a fishing lake which has other on-site facilities at Fairwood Lakes Holiday Park which is located about a mile to the south-east of the application site. A few nearby public houses have also been identified in the submitted Planning Statement including The Full Moon in Rudge and The Bell at Standerwick. Officers acknowledge there are such attractions, but the proposed holiday accommodation would not be provided in conjunction with these attractions.

9.1.21 The submitted Planning Statement acknowledges the nearby Brokerswood Holiday Park and Fairwood Lakes Holiday Park, which both offer existing holiday accommodation. However, no compelling evidence has been submitted as part of this application to demonstrate that there is a demand for ecolodges at this particular location. Consistent with the Council’s strategic approach to encouraging and supporting sustainable forms of development, CP39 seeks to avoid new tourist related development in the open countryside, and in this case within a residential curtilage. The policy requires an exceptional case to be made supported by evidence, which has not been demonstrated for this case.

9.1.22 The application site is accessed via a public highway which is subject to a 60mph speed limit and is not served by a dedicated cycle path, pavement, or street lighting. Whilst the application site is located within close proximity to a number of PRoW and the noted cycleway linkages, it is not considered that this alone represents a sustainable location for additional holiday lets to be built at this site.

9.1.23 The application therefore fails to satisfy CP39 criterion i).

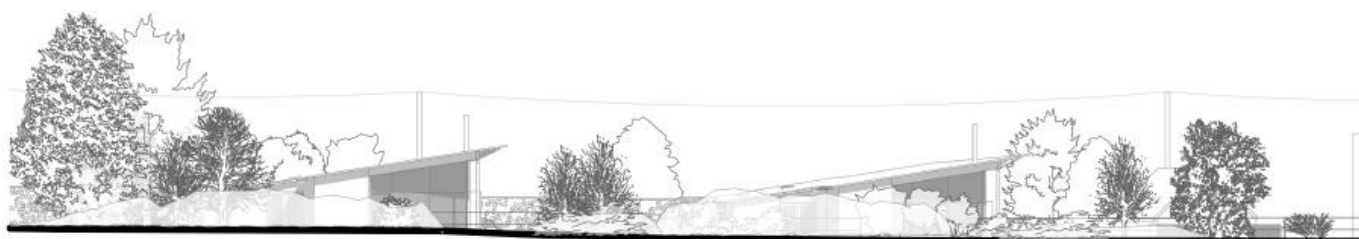
9.1.24 Turning to **CP39 criterion ii**, there are no suitable alternative existing buildings at the site for reuse as the site comprises an area of hardstanding that was a former car park associated with the former public house. The applicant however has not demonstrated whether the existing garage outbuilding associated with Yew Tree House, which is shown on the submitted drawings to be within the applicants’ ownership, would be suitable for conversion as a holiday let. Within paragraph 5.64 (quoted below) of the applicant’s statement, the following is argued which is considered inadequate when tested against the clear policy requirement set by CP39:

“It is noted that the garage building does not form part of the application site and no works whatsoever are proposed to this building as part of this application”.

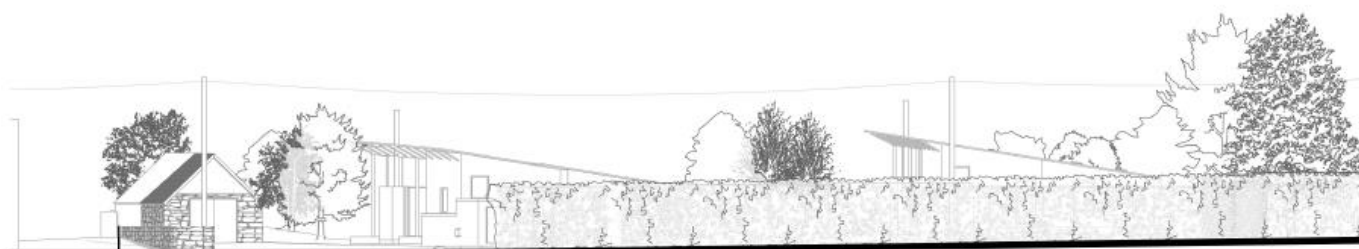
9.1.25 The applicant’s failure to fully appraise the conversion potential of the garage outbuilding is another conflict with CP39.

9.1.26 Furthermore, criterion ii) of CP39 also refers to “*or sites*” which requires an applicant to evidence that there are no other sites that could be developed for re-use and it has not been demonstrated within the submitted Planning Statement whether there are any other sites that would be more suitable for tourism accommodation, other than this particular site. The lack of supporting research and evaluation to demonstrate whether any other buildings or sites would be more suitable for holiday let use means that this criterion has not been satisfied.

9.1.27 **CP39 criterion iii** requires the scale, design and use of the proposal to be compatible with its wider landscape setting and not detract from the character or appearance of the landscape (or settlement) and create detriment to residential amenities. The proposed holiday lets would be of a contemporary design and would be single storey, with substantive landscaping both within the site and along the boundaries, as illustrated by the below extracts taken from the proposed site elevation drawings, which would provide significant degrees of screening.



NORTH-WEST ELEVATION FROM FIELD



SOUTH-EAST ELEVATION FROM ROAD

9.1.28 The proposed landscaping would comprise a mixture of native hedging to the north-west boundary, shrubby wildlife areas to the north-east, a flower bed to the south-west and an extension to the existing hedge on the roadside boundary which would limit the development’s visual impact on the wider rural landscape.

9.1.29 However, the proposed development would urbanise what is at present, an open area of hardstanding situated between two properties. The proposed buildings would be located within an existing gap in the street-scene and would result in the loss of a spatial gap between the existing dwellings which offers views to the open countryside. The proposal by virtue of it being unjustified, would harm the rural character of the open countryside.

9.1.30 Whilst officers appreciate that the proposed landscaping would result in some biodiversity net gain from the range of new landscaping proposals, the **development would constitute an unwarranted and unjustified encroachment of the open countryside, resulting in the loss of a spatial gap between existing buildings and introduce an urbanising effect that would harm the rural character and appearance of the area, and consequently, would conflict with CP39 criterion iii).**

9.1.31 With regard to **CP39 criterion iv**, the council's highway's engineer has raised no technical objections to the proposal and the existing vehicular access would be used. Development management officers however have identified concern about the lack of pavement and street lighting along Brokerswood Road and that the DMAR42 bridleway should not be recognised as a viable route for all holiday makers to walk or cycle to Dilton Marsh. **Officers therefore cite a conflict with CP39 criterion iv).**

9.1.32 Paragraphs 5.19 and 5.35 of the applicant's Planning Statement asserts that the site has potential mains water and electricity connections, with rainwater from the roofs to be collected and recycled for use within the proposed setting of the ecolodges. It is proposed that any excess surface water would run to soakaways within the proposed drainage mounds. The location of the proposed soakaways on the site have not been illustrated on the submitted site plan and as such, if members are minded to approve this application, against officer recommendation, a planning condition would need to be imposed relating to the method of surface water drainage.

9.1.33 Lastly, **CP39 criterion v** requires sites to have reasonable access to local services and an employment base. The submitted Planning Statement heavily focuses on the accessibility of the site from the PRow for walking and cycling. However, the application site does not offer an attractive prospect for utilising sustainable transport alternatives. The proposed ecolodges would be located in open countryside, adjacent to a public highway that is subject to a 60mph speed limit which lacks a dedicated cycle path, pavement, or street lighting. There was no bus stop close to the application site and the submitted Planning Statement fails to provide any evidence of available public transport options from the application site, which do not involve walking or cycling along the nearby PRow to neighbouring towns and villages. It is noted that paragraph 3.7 of the Planning Statement states that there is 'regular bus services' to Dilton Marsh, but no evidence of how regular this bus service is.

9.1.34 As discussed above, the use of these PRow during hours of darkness or in adverse weather conditions, would render such routes unviable for most users of the proposed holiday lodges. Officers are of the view that most holiday makers would most likely use private motor vehicles for most trips to access local services and amenities within the distant settlements.

9.1.35 As such, the proposal is not considered to represent a sustainable form of development, which is clearly sought by CP39 and the Wiltshire Core Strategy as a whole.

9.1.36 CP60 and CP61 of the adopted WCS requires development to be located in accessible locations to reduce the need to travel particularly by private motor car. Officers submit that these policies should be read in conjunction with CP1, CP2 and specific policies like CP39, which seek to direct new development to the most suitable locations, through a plan led approach.

9.1.37 This application site is located within the open countryside and distant from any defined settlement boundary, and it is not a proposal that officers can support when tested against CP1, CP2, CP29, CP39, CP57, CP60 and CP61. Similarly, the application proposal is considered to conflict with the sustainable development aspirations set out within the NPPF.

9.1.38 The applicant's assertion that the site is 'previously developed land' given its former car park use associated with the former public house does not provide substantive justification for this form of development. The identified land parcel does not contain any buildings and from officers' review of the

aerial photographs the council has access to, there is no documented evidence of there ever being any permanent buildings or structures on this site. Certainly not in the case of recent years.

9.1.39 Notwithstanding the above, the NPPF defines what is meant by 'previously developed land' as:

*“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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as **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”.*

9.2 Ecology Impacts

CP50 of the adopted WCS states that “proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale” and should incorporate “appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”. CP50 also requires developments to “seek opportunities to enhance biodiversity”.

9.2.1 The application was supported by Ecological Appraisal produced by JH Ecology Ltd, dated November 2020, a Lighting Assessment, produced by Southwest Environmental Limited reference S21-636/LA Rev 2, dated March 2021 and a Landscape Plan drawing no. 960.P.2 Rev C, which were reviewed by the Council’s Ecologist and found to be acceptable.

9.2.2 The Council’s ecologist confirmed that the application site is located within the Council’s ‘consultation zone’ for greater horseshoe (GHS) bats, associated with the Bath and Bradford-on-Avon Bat SAC, and that the site is located within the ‘yellow’ medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD; and as such, the application was screened into an appropriate assessment (AA). In addition, the site lies within the 6.4km buffer zone of the Salisbury Plain SPA and the application was screened for the habitat regulation appropriate assessment due to the potential impact of recreational pressure on stone curlew in-combination with other plans and projects.

9.2.3 The Council’s Ecologist has confirmed that, as the competent authority under the habitat regulations, an AA was completed in consultation with Natural England which acknowledged that the lighting assessment and mitigation would result in there being zero light spill to all the site boundaries and as such, ‘no adverse ecological effects’ were identified, subject to mitigation measures being secured by planning condition, should it be approved.

9.2.4 With regard to the impact on bat species, the main habitats of value would be the landscaped site boundaries. The council’s ecologist concluded that due to “the location of this application within the GHS consultation zone and within the TBMS ‘yellow’ medium risk zone, and in the absence of bat activity surveys, it is assumed that bats associated with the SAC are using the boundary features and all boundary features must be retained/created and enhanced and these must be maintained as dark (0 lux) areas”. The ecologist recommends if planning permission is granted, three planning conditions should be imposed relating to the compliance with the light assessment and landscape plans, and to restrict any additional lighting unless agreed in writing by the local planning authority to protect bats and other nocturnal animals.

9.2.5 On the basis of the above, officers are satisfied that if members wish to approve this application, planning conditions could be imposed to address ecological/biodiversity safeguarding and mitigation measures to comply with CP50 of the adopted WCS and the NPPF.

9.3 Impact on Neighbouring Amenity

CP57 of the adopted WCS requires proposals to have regard “to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g., light intrusion, noise, smoke, fumes, effluent, waste or litter)”.

9.3.1 In terms of residential amenity, the proposed ecolodges would be located a sufficient distant from the existing neighbouring properties, with a distance exceeding 21 metres from the north-easterly ecolodge to Green Pastures to the north-east. Whilst offices acknowledged that the proposed ecolodge would be located close to the boundary with Green Pastures, it is considered that the ecolodge would be located a sufficient distance away from this neighbouring property and would be of a design that would prevent any adverse impacts on the amenity of the neighbouring occupiers. The comments received in the submitted representations are duly noted and officers acknowledged that there may be increased levels of noise generated from the proposed holiday lets compared to the existing site circumstances. However, no objection has been raised by the council’s public protection team and officers are satisfied that in planning terms, the application would comply with CP57 in terms of the holiday lets being compatible with the immediate residential properties. Furthermore, the site boundary comprises mature vegetation and additional landscaping is proposed along this north-easterly boundary, which would mitigate some noise impacts. As such it is considered the proposed development would not result in harm to the amenity of neighbouring occupiers in accordance with CP57.

9.4 Highway Safety Impacts

The proposed development would utilise an existing established vehicular access and would provide on-site car parking provision. As the site was previously used as car parking associated with a former public house, it is considered that the two holiday lets would be appropriately accessed via the existing highway access.

9.5 Drainage Matters

CP67 of the adopted WCS includes a requirement for SuDS, with saved policy U1a stating that development would only be permitted where “adequate foul drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision”. The completed application form states that foul sewerage would be managed via mains sewers which would require the prior consent of the water undertaker. With regard to surface water the drainage strategy for excess roof water, if not re-used by the proposed eco lodges as grey recycling, the water would be diverted to the drainage mounds as shown below.



9.6 Other Matters

The applicant's Planning Statement makes accusations that the council has been inconsistent in its decision making when assessing applications for tourist accommodation and identified one particular case 18/01502/FUL for criticism. Officers' have reviewed the cited case which related to the conversion of a stable building. As such, CP48 was the most relevant policy for that case, as this supports the conversion and re-use of rural buildings for employment, **tourism**, cultural and community uses, where it can be demonstrated that the criteria listed in CP48 can be satisfied.

9.6.1 In this instance, the applicant seeks planning permission to construct new buildings for tourism accommodation in the open countryside, distant from any settlement and as argued above, officers are not satisfied the proposal accords with the exceptional policy requirements set within CP39.

9.6.2 It is also important to stress that every planning application must be assessed and judged on its own individual planning merits, and the case identified in the submitted Planning Statement offers little material comparison with the proposal subject to this current application.

10. Conclusion (The Planning Balance)

The proposal for the construction of two ecolodges for tourist accommodation on this site, which is located in the open countryside and outside and away from any defined settlement boundaries, would represent an unsustainable form of development, which fails to comply with CP39. CP39 encourages tourist accommodation outside of Principal Settlements and Market Towns, to be *"located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings"* and the site subject to this application is not considered to fall 'in or close to' any settlement.

In such circumstances, CP39 is clear that only in "exceptional cases" should development be considered *"away from the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages where it can be demonstrated that"* all of the criteria listed within criterion i-v can be met.

In this instance, the proposal does not represent a 'exceptional case' and the proposal fails to satisfy all the necessary criteria listed within CP39. The proposal therefore conflicts with CP1, CP2, CP39, CP51, CP57, CP60 and CP61 of the Wiltshire Core Strategy and the NPPF.

RECOMMENDATION: Refuse

- 1. The subject site is located in open countryside and is not located in or close to a Local Service Centre or Large and Small Village and does not seek to re-use or replace an existing building and on this basis, only in 'exceptional cases' would such tourism accommodation be considered, which this proposal fails to adequately demonstrate, as the proposal fails to satisfy all the necessary criteria contained in CP39; and in particular, the Council is not convinced by the applicants' submissions that the proposal is justified or is supported by substantive evidence for this proposal to be considered 'exceptional'. As such, the proposal is not considered to be a sustainable form of development and is considered contrary to Core Policies 1, 2, 39, 60 and 61 of the adopted Wiltshire Core Strategy.**
- 2. The proposed site is located in the open countryside and outside any identified limits of development whereby the proposed siting of two ecolodges to be used for holiday accommodation would constitute an unwarranted and unjustified encroachment of the open countryside, resulting in the loss of a spatial gap between existing buildings and introduce an urbanising effect that would harm the rural character and appearance of the**

area. As such, the proposal is considered to be contrary to Core Policies 51 and 57 of the adopted Wiltshire Core Strategy.