

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15.02.2012		
Application Number	W/11/03202/FUL		
Site Address	Little Ashley Farm 187 Ashley Green Little Ashley Bradford On Avon Wiltshire		
Proposal	Change of use of land to accommodate private tennis court (resubmission of W/11/02045/FUL)		
Applicant	Mr And Mrs R Buxton		
Town/Parish Council	Winsley		
Electoral Division	Winsley And Westwood	Unitary Member:	Linda Conley
Grid Ref	381460 162430		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 01225 770297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Conley has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance

1. Purpose of Report

To consider the above application and to recommend that the planning application be refused.

Neighbourhood Responses - No representations received to date of report

Parish/Town Council Response - No representations received to date of report

2. Report Summary

The main issues to consider are:

- Impact on Green Belt
- Impact on the open countryside
- Impact on Listed Building

3. Site Description

The application site is on agricultural land at the rear of a curtilage listed long barn. It is located within the Western Wiltshire Green Belt . The site proposed for the tennis court currently has no identifiable boundary features, other than the rear wall of the long barn, as it is simply part of a larger grassed area. The site is in clear view from the nearby public road that links Little Ashley with the Bradford-Bath road at Cumberwell.

4. Relevant Planning History

W/11/02045/FUL – Change of use of land to accommodate private domestic tennis court and demolition of 4.6m of garden stone walling – Refused 08.09.2011 for the following reasons:

1. The change of use of a substantial area of land from agricultural land to domestic residential curtilage would by reason of the scale of the proposed change of use represent an unacceptable intrusion of domestic use in to the Countryside and the Green Belt and would harm the rural character and appearance of the area contrary to Planning Policy Guidance 2 - Green Belts and Policy C1 of the West Wiltshire District Plan First Alteration 2004.
2. The tennis court is by definition is inappropriate development and as such harmful, furthermore by reason of its means of enclosure it would fail to maintain the openness of the green belt, a defining characteristic of the area, contrary to Planning Policy Guidance 2: Green Belts.

W/11/02046/LBC – Demolition of 4.6m of garden stone walling – Consent 08.09.2011

5. Proposal

The application is a resubmission of the earlier refused proposal that seeks permission for the change of use of land to domestic and the erection of a tennis court. The proposed tennis court would be of hard surface with a black chain link fence around of 2 metres in height which can be extended to 3 metres in height. New trees are proposed to the west of the site. the difference between the two proposals is that the last metre of the three metre high fence would be a hinged addition, to reduce its height when not in use.

6. Planning Policy

Government Guidance
PPG2 Green Belts

Wiltshire Structure Plan 2016
DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan First Alteration 2004
C1 Countryside Protection; C31A Design

7. Consultations

Winsley Parish Council

No representations received to date of report.

Conservation Officer

No objections

District Ecologist

Specific survey not required. Requests condition for a construction method statement, to ensure no damage to a protected species if the works do go ahead..

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 6 January 2012 - No representations received to date of report.

9. Planning Considerations

The proposal is acknowledged as having no adverse impacts on the setting of the nearby listed farmhouse, nor on the amenity of residents of nearby properties. The core issues are the relationship to national Green Belt policy and the related impact on the appearance of the countryside.

Green Belt

The most important attribute of Green Belts is their openness and the fundamental aim of national and local planning policy is to protect this openness. This proposal includes the erection of a fence that would, at various times, be between two and three metres in height and would enclose an area of land within which the tennis court would be erected. This enclosure and the inherent change in the character and appearance of the landscape from open unenclosed grass to a domestic extension including a hard surfaced tennis court would detract from the openness of the Green Belt and consequently with national policy in PPG 2. The site is clearly visible from the public highway and the change in the character and openness would be readily apparent.

Within the supporting documentation the claim is made that if this tennis court fencing were erected within the residential garden then planning permission would not be required. However as the residential garden is within the curtilage of a grade II listed building, planning permission would be required as there are no permitted development rights for the erection of fences within the curtilage of a listed building. Consequently, there is no merit in this argument.

Open Countryside

Policy C1 of the West Wiltshire District Plan First Alteration 2004 seeks to conserve and enhance the countryside through the control of development.. The proposed change of use of land from agricultural to a tennis court and the associated domestic curtilage would have a significant impact on the character and appearance of the area. It would extend the domestic curtilage beyond the well defined boundary of the Long Barn into the countryside and would look out of place in this rural location, harming the appearance of the area and conflicting with the aims of policy C1.

Conclusion

The proposal would have an adverse impact on the character and appearance of the landscape and the openness of the Green Belt. It conflicts with national and local planning policy and consequently should be refused.

Recommendation: Refusal

For the following reason(s):

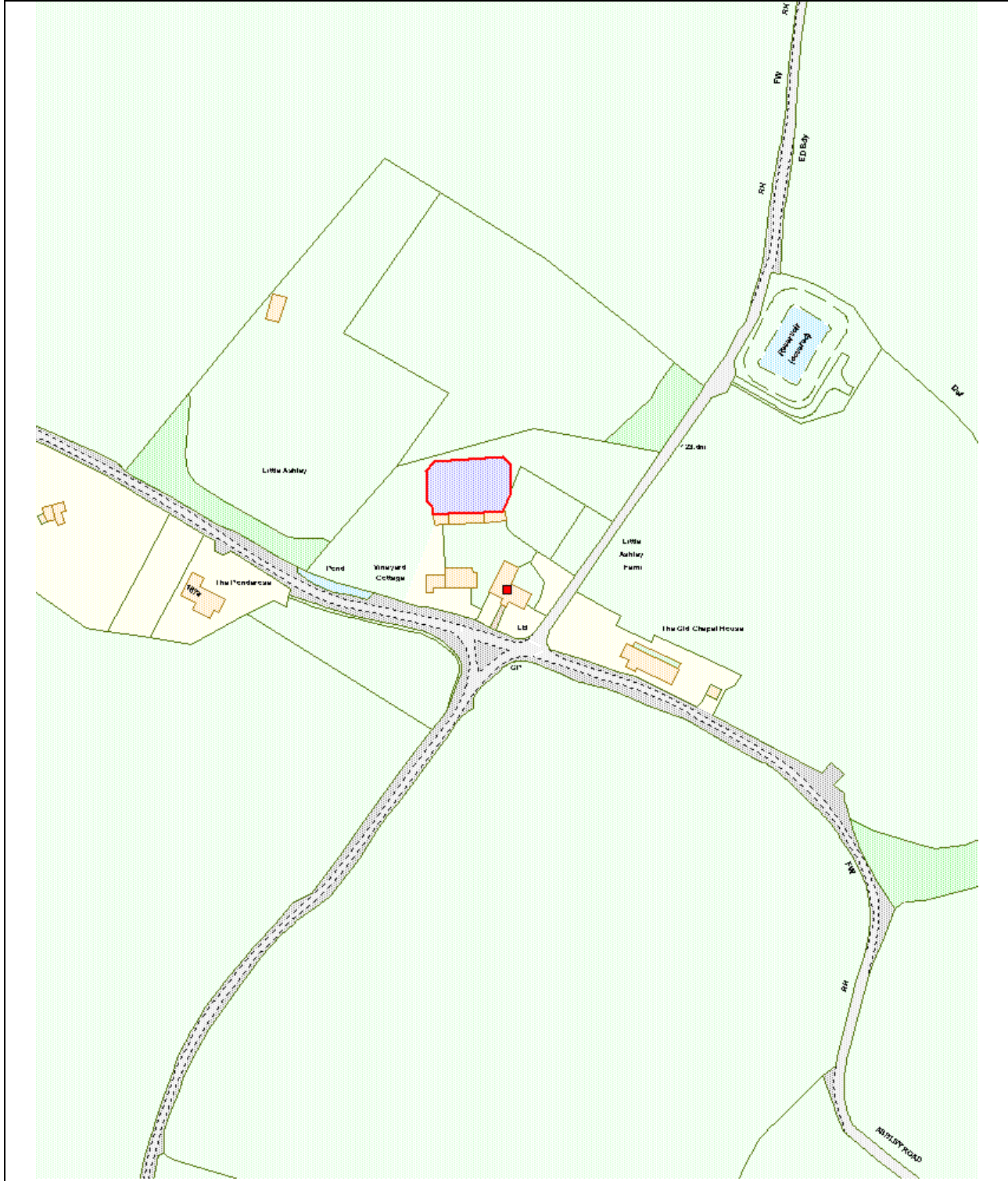
- 1 The change of use and construction of the tennis court, including the perimeter fencing , would have an unacceptable adverse impact on the character and appearance of the rural landscape in this location and on the openness of the Green Belt. Accordingly, the proposal conflicts with national guidance in PPG2 that seeks to protect the openness of the Green Belt, and with policy C1 of the West Wiltshire District Plan 1st alteration that seeks to conserve and enhance the rural landscape.

Informative(s):

- 1 The development hereby refused for the reasons stated above was determined based on the details shown on the submitted plans:

LPC/2717/1 received on 5 December 2011
LPC/2717/2A received on 5 December 2011

Appendices:	
Background Documents Used in the Preparation of this Report:	



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