

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>05.12.2012</b>		
<b>Application Number</b>	<b>W/12/01609/S73</b>		
<b>Site Address</b>	<b>Church Farm Brokerswood Brokerswood Westbury Wiltshire</b>		
<b>Proposal</b>	<b>Variation of condition 3 of planning permission W/11/02859/FUL to allow the annexe to be occupied by person(s) responsible for the upkeep of Church Farm</b>		
<b>Applicant</b>	<b>Miss Claire Thorne</b>		
<b>Town/Parish Council</b>	<b>Southwick</b>		
<b>Electoral Division</b>	<b>Southwick</b>	<b>Unitary Member:</b>	<b>Francis Morland</b>
<b>Grid Ref</b>	<b>383457 152247</b>		
<b>Type of application</b>	<b>Variation of Condition</b>		
<b>Case Officer</b>	<b>Miss Carla Rose</b>	01225 770344 Ext 01225 770283 carla.rose@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Morland has requested that this item be determined by Committee due to the visual impact upon the surrounding area and the environmental/highway impact

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to a section 106 agreement.

Southwick and North Bradley Parish Council - These responses are reported in section 7 below

#### 2. Report Summary

The main issue to consider is whether it is acceptable to vary the wording of condition 3 on planning application 11/02859/FUL.

#### 3. Site Description

Development in Brokerswood is quite sporadic. The site is located outside of village policy limits and in an area that is within the open countryside. The site is accessed by a long driveway from south of the site. A Public Right of Way is located to the south east of the site.

The annexe is located to the north of Church Farm. The building was once an old milking parlour and was granted planning permission for conversion to accommodate an elderly relative in 2004. Since then planning permission has been granted for a bedroom extension to the outbuilding, which has not yet been implemented. Conditions were imposed on both applications stating that the annexe shall be ancillary to the main dwelling.

#### 4. Relevant Planning History

03/01998/FUL - Erection of two storey side extension and conversion of outbuilding former milking parlour to accommodation unit for elderly relative - Permission subject to conditions 17.02.2004

## **5. Proposal**

This is an application to vary condition 3 on planning application 11/2859/FUL. Condition 3 states that:

'The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church Farm Brokerswood and shall not be let or sold as a separate unit of accommodation'

It is proposed to change the condition to:

The annexe hereby permitted to be extended shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church Farm, Brokerswood, or by person(s) responsible for the upkeep of the fabric of the dwelling and the surrounding farmland known as Church Farm, Brokerswood.

In addition, it is proposed to enter into a Section 106 legal agreement to prevent the annexe from being sold off separately from Church Farm. (This would meet the suggestion of Southwick Parish Council)

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004

C1 – Countryside Protection; H19 – Development in open countryside

National Planning Policy Framework

## **7. Consultations**

### Southwick Parish Council

'The Parish Council supports this proposed development subject to the retention of a condition that the annexe cannot be sold separately and that it remains integral to Church Farm.'

### North Bradley Parish Council

'At the meeting of the Parish Council the occupation of the annexe was discussed and if it had been in North Bradley there were no objections. However as only part of the land is in North Bradley then it was felt that this application was not for them to make comment.'

## **8. Publicity**

The application was advertised by site notice. Expiry date: 28th September 2012.

No response received

## **9. Planning Considerations**

The current situation is set out below.

Planning permission was granted in February 2004 and implemented under 03/01998/FUL for the erection of a two storey side extension to Church Farmhouse and the conversion of an outbuilding former milking parlour to accommodation unit for an elderly relative.

The annexe was originally occupied by Miss Thorne's father-in-law. Following the breakdown of the marriage, the Farm was put up for sale in July 2006 and marketing continued unsuccessfully until March 2009, by which time the divorce was finalised and Miss Thorne had arranged a buy to let mortgage on the Farmhouse.

A subsequent permission was granted in March this year, but not yet implemented, under W/11/02859/FUL for a bedroom extension to the 1 bedroomed annexe where Miss Thorne now lives with her three year old daughter. The Farmhouse has been rented out to provide a modest income for Miss Thorne and her dependent daughter after mortgage outgoings. Miss Thorne is responsible for the upkeep and maintenance of the fabric of the Farmhouse under the statutory repairing obligations in the Tenancy Agreement and she is also responsible for the upkeep of the fields in the surrounding landholding comprising Church Farm:

Permission was originally granted for the use of this building for purposes ancillary to the residential use of Church Farm. While the particular circumstances have now changed, the general principle of it being used for ancillary residential accommodation in accordance with the condition would remain. It is argued by the agent that there would still be an ancillary and functional link between Church Farm and the annexe because they are owned by the same person and because the applicant is responsible for the upkeep of the house and the farmland. Whilst an ancillary use has been held before to be capable of being met by occupation by a member of staff employed by the occupant of the main house, it is less clear if the current link would do so, and a variation is considered necessary to ensure that the Council's position is safeguarded. Furthermore, the completion of a legal agreement to prevent the annexe being sold separately from the dwelling would secure the matter on a stronger legal footing.

Accordingly, permission is recommended, and it is recommended that the Area Development Manager be authorised to grant planning permission on completion of a section 106 legal agreement to prevent the annexe being sold separately from Church Farm.

**Recommendation:        Permission**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site location plan received on 18.09.2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 2 The annexe hereby permitted to be extended shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church Farm, Brokerswood, or by person(s) responsible for the upkeep of the fabric of the dwelling and the surrounding farmland known as Church Farm, Brokerswood.

REASON: The additional accommodation is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, and the planning policies pertaining to the area, would not permit a wholly separate dwelling.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	