

<b>Date of Meeting</b>	23 July 2014
<b>Application Number</b>	14/03780/FUL
<b>Site Address</b>	Ashton Gifford Coach House , Ashton Gifford Lane, Station Road Codford St Peter BA12 0JX
<b>Proposal</b>	Subdivision of existing dwelling into two dwellings with associated refuse storage area, 2 no. parking spaces and fences (Resubmission of 13/02358/FUL)
<b>Applicant</b>	Gideon and Lucie Amos
<b>Town/Parish Council</b>	CODFORD
<b>Ward</b>	WARMINSTER COPHEAP AND WYLYE
<b>Grid Ref</b>	395911 139977
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	James Taylor

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

If officers are minded to refuse this application then it has been called-in to the planning committee by Cllr Newbury for the following reasons:

*In view of the support of the parish council, to consider whether there is any demonstrable harm in the application being permitted and whether it complies with development plan policy.*

### **1. Purpose of Report**

The purpose of this report is to consider the merits of the application and make a recommendation to members.

### **2. Report Summary**

The following report outlines the relevant material considerations, the results of the consultation process, a summarised commentary on the applicant's case and concludes by recommending that the application should be refused as the scheme represents an unsustainable form of development that is contrary to local planning policy (both extant and emerging) and national policy.

The application was originally submitted by Mrs Amos, who has unfortunately since died. The application is continuing in the names of her legal representatives.

### **3. Site Description**

The application site is known as Ashton Gifford Coach House and is a 7 bedroom dwelling with an associated annexe. It is an unlisted period building that would have formed part of the wider estate to Ashton Gifford House – a Grade II listed building circa 150 metres to the east. The host

building is assessed to be an undesignated heritage asset. It is understood to have historically been a coach house and stable block which was also used in the past as school classrooms. The applicant family have lived at the property for circa 30 years and have substantially renovated the building to make it fit for residential use.

The site already benefits from its own spacious curtilage, parking provision and bin storage.

Access to the site is from a private road (Ashton Gifford Lane) that serves a number of properties which form a loose knit cluster of dwellings on the south side of the A36 towards the former railway station of Codford. This connects to the public highway to the west of the site at Station Road – an unclassified highway.

The application site lies within a nationally important landscape designated as an Area of Outstanding Natural Beauty. The site lies remote of any settlement boundaries in open countryside.

#### **4. Planning History**

13/02358/FUL – Subdivision of existing dwelling into two dwellings and associated alterations – Withdrawn

#### **5. The Proposal**

The proposal is to subdivide the property to create 2 dwellings. This can be easily achieved without significant physical works. No physical works to the external appearance of the building are proposed. There would be ancillary works to create dedicated car parking provision and bin storage for the new property – to be known as Harness House.

All access arrangements remain as existing.

#### **6. Planning Policy**

West Wiltshire District Plan 1<sup>st</sup> Alteration (2004) – relevant policies are C1, C2, C38, and H19. Policy H19 states that '*New dwellings in the countryside and in settlements without village policy limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry*'.

Emerging Wiltshire Core Strategy (eWCS) – relevant policies are CP1, CP2, CP57, and CP60

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

#### **7. Consultations**

Codford Parish Council: No objection.

Cranborne Chase Area of Outstanding Natural Beauty Partnership: - Concerned by the additional traffic generated by an additional dwelling in a location served by narrow lanes that ultimately link to a main road. The creeping urbanisation of rural lanes by additional traffic and subsequent repairs to the carriageways could result in a loss of character.

Wiltshire Council Highways: - Objection. The site lies outside any Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty as set down in the Adopted West Wiltshire District plan. The proposed development is therefore

considered to be in an unsustainable location and would support a refusal of this application on the grounds that it is contrary to local and national sustainable transport policy guidance.

Wiltshire Fire & Rescue: No objection.

## **8. Publicity**

Public consultation consisted of neighbour letters and the erection of a site notice. 1 letter of support – whose support remains despite Mrs Amos' death:

- \* I write to support most strongly the application for Mrs Amos to create a smaller living space in Ashton Gifford Coach House for her to occupy.
- \* Mrs Amos is a courageous and stoic lady suffering from multiple sclerosis and needing considerable support from carers and others. She is confined to a wheelchair.
- \* I and others provide a roster of drivers to take Mrs Amos to the Wessex MS Centre each Monday morning for treatment. We therefore have experience of the difficulties not to mention costs of living in her current substantial house.
- \* She now seeks to create a smaller living space at the end of her current house with all the equipment such as lifts, hoists and slings that she needs to remain independent.
- \* This area is created in existing space and without extending the foot print of the house. There will be little if any effect outside the House.
- \* It is a sensible move and will allow her to remain independent and thus not a charge on the NHS.

## **9. Planning Considerations**

### **9.1 Principle of development.**

The application site is located within 'open countryside' as defined by the local plan. As such it is assessed to be an isolated development. Policy H19 is clear that new dwellings in such locations are not acceptable unless special justification is provided. The reason for this policy is in the interests of ensuring sustainable development patterns and to locate development in proximity to employment, shopping, leisure, education and other activities thus reducing the need to travel by private car. No such special justification has been made in this case. As such the proposal is contrary to the local plan policy H19.

It is also necessary to consider other material considerations which in this case includes the emerging Wiltshire Core Strategy and the National Planning Policy Framework.

The eWCS states at Core Policy 2 that new development outside of settlement boundaries will not be permitted except where special justification exists under other policies of the eWCS. No such justification is made. In addition the emerging Core Policy 60 is quite clear that the Council will use planning controls to reduce the need to travel particularly by private car and this will be achieved by locating development in accessible locations. Whilst this is not yet the development plan it may be afforded weight (NPPF paragraph 216) as the relevant policies are compliant with the thrust of the NPPF, have not been subject to significant objection and the strategy is advancing towards adoption. It provides the clear direction of travel for future planning policy on such matters.

Whilst the NPPF needs to be read in its entirety it is noted that the thrust of the document is to support sustainable development. As an isolated form of development this is not considered to be sustainable. The NPPF is clear that isolated new dwellings are not acceptable (paragraph 55), but gives some exceptions to this policy. Application of those exceptions has not been adequately justified in this case.

It has also been considered that this is an application for subdivision of an existing building to create two dwellings. It is not an entirely new build development. However, there are numerous examples throughout the county where isolated dwellings could be subdivided to create a greater number of units in an unsustainable location. As such, subdivision must be assessed the same way as new build in terms of principle.

The personal circumstances of the applicant in this case were presented as a material consideration. However they are no longer relevant as the applicant has sadly died.

It has been specified that the site is 800m from local shops. However there is no direct publically available route – it would be necessary to cross fields and private land outside of the application site, in addition to the A36 trunk road, to get to the south travelling bus stop or the limited facilities within Codford. The reasonably available route to any occupier would be along the private Ashton Gifford Lane to Station Road. Station Road has no pedestrian facilities but leads to the A36 – one of only two main trunk roads in Wiltshire. At this point there are bus stops and this is circa 800m from the application site on foot. There are no formal crossing facilities on the A36 at this point, so to use busses on a return trip will involve crossing a trunk road without pedestrian facilities. From this point there are routes to the local Budgens shop and petrol station. This route is circa 1.4km from the application site. The wider facilities of the village include a school and hall – both a considerable additional distance, although the route does have pedestrian facilities – some 2.2km from the application site.

The applicant's agent has stressed that walking neighbourhoods can be based around accessibility to services within 800m. Based on their own submission it is clear that the facilities – except for a bus stop located on a trunk road and without safe or convenient crossing facilities – are beyond a reasonable walking neighbourhood. Furthermore there are no pedestrian facilities along a significant proportion of the route. In addition there are only limited rural bus services which are very limited. It is considered inevitable that future occupiers will be reliant on the private car.

## **9.2 Impact on the rural scene and nationally important landscape (AONB).**

The proposal would result in the subdivision of the garden space, additional hard standing and parking for vehicles and bin storage. There would be an increase in domestic paraphernalia too. However, in this case, these impacts on their own are not considered to be grounds for refusal in this case though as there is already a domestic curtilage present.

The AONB team have been consulted and raised concerned over the additional traffic generated by an additional dwelling in a location served by narrow lanes that ultimately link to a main road. They went on to detail that the creeping urbanisation of rural lanes by additional traffic and subsequent repairs to the carriageways could result in a loss of character. Whilst not raising significant additional issues there is clearly support for the principle concerns identified above.

On balance the visual impact on the rural scene and area of outstanding natural beauty would not be significant given that this is an established domestic site.

## **9.3 Residential amenity.**

The proposals would not result in any significant overlooking or overshadowing, both properties would have reasonable private outdoor amenity space.

#### **9.4 Highway safety.**

Highway officers have raised objection to the proposals stating – “The site lies outside any Village Policy Limits and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty as set down in the Adopted West Wiltshire District plan. The proposed development is therefore considered to be in an unsustainable location and would support a refusal of this application on the grounds that it is contrary to local and national sustainable transport policy guidance.”

The highway officer’s conclusions clearly support the principle concerns identified in 9.1 above, however they do not detail any additional technical concerns over parking, turning and access.

#### **9.5 Other material considerations.**

Whilst the maxim that each case should be considered on its own merits is noted, on a case in Steeple Ashton for a new dwelling within a cluster of dwellings remote from the village an Inspector dismissed the appeal earlier this year, commenting; *“there is a very strong likelihood that the new occupants of the proposed dwelling, in the absence of frequent bus services and good, safe and quick pedestrian or cycle routes, would choose to use private transport for most journeys.”* In this case it is considered that the temptation would be to travel to Warminster or beyond, rather than Codford. To get to the services and facilities within Codford involves an inconvenient route and the crossing of the A36. The A36 at this point is a severe severance of mobility as traffic flows and speeds are significant on this trunk road and there are no crossing facilities.

The applicant has detailed a number of historic planning applications which have been noted. None of the cases referred to by applicant’s agent are identical in terms of the circumstances, many involve the conversion of rural buildings and change of use into residential dwellings. As such they are not considered to be relevant to the principles concerns detailed above. One case from 1994 allows for the conversion of an annexe to a dwelling, however that decision is over 20 years ago and long before current planning policies, emerging policy and current national policy. As such the referenced history should be afforded limited weight.

The applicant’s agent has had regard to policy H1 of the local plan – which is not relevant as this is not a site within town policy limits. They have also had regard to policy H16 regarding flat conversions. It is not considered that policy H16 is relevant either as this is not a conversion to flats rather the subdivision of the property into smaller houses. Furthermore the explanatory texts of H16 details that often in inner urban areas here will be properties that lend themselves to conversion to flats – this is not an inner urban area. The applicant’s agent point out that “flat” is not defined in the local plan. However it is clear that flat is taken from the general meaning of flat which is based on the horizontal and not the vertical. The clear intention of policy H16 is in regard to horizontal sub-division of buildings within urban environments – supported by the fact that H16 makes no reference to sustainability considerations. To interpret it otherwise would mean it is in conflict with the overarching aims of the wider housing and sustainability policies of the West Wiltshire District Plan 1<sup>st</sup> Alteration (2004). The applicant also sets out policy H21 is support of their proposals. It is clear however that the policy is for the conversion of rural buildings to a residential use and not the subdivision of houses in a rural location. Even if it were relevant – which it is not - then the application fails this policy as they have not made every reasonable attempt to find an economic use in preference to residential and have not provided a structural survey.

In regard to policy H19 the applicant’s agent details that there is no intention to build a new dwelling. The policy test in H19 is not about building as it states “New Dwellings in the countryside and in settlements without Village Policy Limits will not be permitted unless justified in connection

with the essential needs of agriculture or forestry.” The policy makes no reference to building a dwelling. They contend that this is not open countryside but it is in a settlement that goes back to the Domesday book. Open countryside in planning terms is well established as being locations outside of the settlements boundaries detailed in the local plan. The nearest settlement boundary is that of Codford to the north of the A36. The site is outside of the policy limits defined in the local plan and is therefore open countryside.

The applicant’s agent contends that the settlement boundaries in the local plan are 10 years old and that paragraph 55 of the NPPF is relevant. Whilst the settlement boundaries are being reviewed by the Council, due to the distance of the site from Codford and its severance by the A36, without prejudice to that process of review, it is considered extremely remote that this site would ever be incorporated into the Codford village policy limits. It is agreed that paragraph 55 of the NPPF is relevant; however your officers consider the scheme to be contrary to paragraph 55 which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. No such special circumstances have been demonstrated and this is an isolated site despite the applicant’s agent’s claims to the contrary. The previous conversion of this building in the past is not justification for its subdivision now.

A letter dated 5 March 2014 from Savills details that the property would be “much more saleable” if subdivided and that “any sale of the property as a whole by yourself in the current climate would not make the best use of the large amount of residential accommodation available”. Property value is not a material consideration and Savills do not rule out a possible sale merely indicate it would be more difficult and less profitable than if a subdivision were to occur.

The Parish Council raised no objection, but offered no detailed comments. The public consultation has resulted in one letter of support which has been noted and weighed up in the balance, although it does focus on personal circumstances which can now be afforded no weight.

## **10. Conclusion**

For the reasons outlined above this is a form of development that is unacceptable in principle, representing an unsustainable form of development that is clearly contrary to local planning policy (both extant and emerging) and national policy. The personal circumstances surrounding this development are unfortunate but they do not outweigh the identified harm.

## **RECOMMENDATION**

Refuse for the following reasons:

The proposal to create an additional dwelling in an open countryside and isolated location without any special justification would be a fundamentally unsustainable form of development contrary to policy H19 of the West Wiltshire District Plan 1st Alteration (2004), paragraph 55 of the National Planning Policy Framework and Core Policies 2 and 60 of the emerging Wiltshire Core Strategy.