

Date of Meeting	22 July 2015
Application Number	14/01659/FUL
Site Address	Haygrove Farm, 44 Lower Westwood, Bradford On Avon, BA15 2AR
Proposal	Demolition of existing Dutch barn, stable building and shed Erection of a new building to contain 2 units of holiday accommodation; access and associated parking
Applicant	Mr I Harding
Town/Parish Council	WESTWOOD
Ward	WINSLEY AND WESTWOOD
Grid Ref	380947 159102
Type of application	Full Planning
Case Officer	Kenny Green

Background - Elected members may well recall this case which was debated at area committee back in 30 April 2014. At that meeting, members resolved **to grant permission for the above development subject to planning conditions and to the prior completion of a Section 106 legal agreement to restrict the occupancy of the accommodation to holiday accommodation only.**

Since the above resolution was made, the applicant's solicitor has liaised with the Council's legal team to draft up a s106 as the planning committee required. However, the legal process has somewhat stalled. The reason the s106 remains incomplete is summarised below; and since officers have no delegated authority in this particular case, member are asked to duly consider the applicants request.

The applicant wishes the planning committee to consider varying the above resolution removing the s106 tie on the basis of the additional information:

Additional Information – In a letter dated 25 November 2014, the applicant's mortgage provider (Santander) informed the applicant that they would not agree to any such s106 tie on the property on the basis that such requests fail to satisfy their lending policies. Santander have also advised the applicant to seek *"a more specialist lender"*. [A copy of the Santander letter is included within an appendix at the end of this report].

Following receipt of the Santander's letter, the applicant approached alternative lenders and found only one willing to mortgage the property with a s106 tie. The lender however advised that the interest rate would be 4.68% (over the BoFE base rate), equating to 4.18% more than what the applicant currently pays. Within a separate letter, which is also included within the appendix, the applicant's financial advisor advises that this would not only *"seriously increase the monthly mortgage repayments, [it] would make this proposal significantly less viable commercially"*.

The applicant's planning agent also asks members to re-consider the legal "belt and braces" approach to controlling the occupancy of the holiday accommodation, as currently resolved, in recognition that two conditions which members previously approved (namely no's 4 & 5) would impose occupancy controls on the commercial property, should it be built.

The applicant is keen to stress as having no intention whatsoever using the accommodation other than for holiday rental purposes; and is agreeable to the cited conditions which are found towards the end of this report.

Prior to reaching a decision in April 2014, Members may recall having a debate about imposing a s106 restriction in addition to the conditions. Officers maintain that the imposition of occupancy planning conditions would be sufficiently robust to restrict the future use of the proposed holiday let units. Whilst each application should be considered on its own merits, your officer is aware of at least a dozen other detailed applications for holiday let accommodation which were permitted in 2014 across rural Wiltshire, some within the green belt (i.e. Woolley Park Farm, South Wraxall 14/04543/FUL), others in the AONB (i.e. 14/06051/FUL and 14/00330/FUL at Elcombe farm and West Farm Barns) and 14/03613/FUL which affected a Grade 1 listed building in the open countryside at Priory Farm, Edington; and, none were subject to a legal tie restricting future occupancy. They were all approved subject to planning conditions restricting occupancy. Since the beginning of 2015, the case officer is aware of eight approved applications across rural Wiltshire for holiday let accommodation without being tied by a s106. To assist members further, a list of all the approved holiday let applications in rural locations across Wiltshire are listed in the appendix. The case officer is aware of a 2014 holiday let proposal being refused in rural Corsham (ref 14/05991/FUL), but this was successfully appealed without any s106 restriction.

Members will however, need to be convinced that the above information and the appended documents justify a variation to the extant resolution. Should members decide that there is not sufficient planning justification to vary the previous resolution; the applicant's agent has advised the case officer that the s106 process would be completed to avoid the application being refused.

Members are also asked to note that the applicant has also been made aware that since Wiltshire Council is now a CiL charging authority and that this proposed development would be liable to CiL taxation, section 9 of the report has been amended to reflect CiL liabilities under the heading: Developer Contributions.

What follows next, is the case officer's report which was considered by Members in April 2014, subject to amendments within sections 6 and 9 in recognition that we now have an adopted Wiltshire Core Strategy and CiL.

For completeness sake, the original committee call-in request by Cllr Magnus MacDonald was exercised to enable Members to determine the impact of the development on the Green Belt and highway safety interests. These matters were debated previously before the resolution to grant permission was reached. Your officers respectfully recommend that Members limit their deliberations solely to the merits of the s106 tie given the extant nature of the resolution.

1. Purpose of Report

To consider the above application and to recommend that planning permission be approved, subject to the planning conditions.

Westwood Parish Council Response – Objects for the reasons cited in section 7.

Neighbourhood Responses – 20 letters of support received and 13 letters of opposition - which are summarised in section 8.

Note: There have been no additional representations made following the Committee's resolution to grant permission.

2. Report Summary

The main issues to consider are: The Principle of Development; The Impact on the Green Belt/ Open Countryside; The Impact on the Conservation Area; The Impact on Highway Safety and PROW

Interests; The Impact on Neighbours; The Impact on Ecology and Nature Conservation; The Impact on Archaeology; and Developer Contributions

3. Site Description

This application relates to a 0.9 acre irregular shaped parcel of land located outside of the defined Westwood village settlement, accessed off the south side of the Lower Westwood Road (which is a minor 'C' classified public carriageway) located behind two residential properties numbered 43 and 44 Westwood Road – the latter of which is within the control and ownership of the applicant. The character of the properties along the southern side of the road (within the sites' immediate environs) is rather mixed in terms of various house types and designs.

The site subject to this application, forms part of an agricultural holding and is considered brownfield land located on the outer periphery of the village which has been used in the past for agricultural/equestrian use(s). There are three existing structures on the site comprising a rather imposing 7 metre high open-sided tin clad Dutch Barn (measuring 9 metres long x 6.5 metres wide); as well as a 2.5 metre high timber shed and concrete block stable block of a similar height and nearly 15 metres in length. All three structures are used to varying degrees for storage purposes. The site is located within the Western Wiltshire Green Belt and Conservation Area, but it is not, as some representors allege, located within the AONB. A Public Right of Way (W0014) runs to the west and south of the application site, but it would not be compromised by this planning proposal. Today, the site is found in various stages of dereliction, although the established agricultural use of the land remains extant. The majority of the contiguous land adjoining the defined site is either residential (to the north and east) or used for agricultural / equestrian purposes (further to the east, south and west), beyond which, the rural landscape is characterised by agricultural field systems divided by well established blocks of hedgerow and trees.

4. Planning History

The application site (or a part thereof) has been subjected to several applications through the years. Although not exhaustive, the following record is considered to be the most relevant:

74/01200/HIS – Residential development – Refused 12.05.1975

77/00294/HIS – Outline application for 32 houses – Refused 08.07.1977

83/01224/OUT – Outline application for a single dwelling – Refused 03.01.1984

85/00228/OUT – Outline application for 9 dwellings – Refused 01.05.1985

91/01413/FUL – Demolition of farm buildings and erection of two dwellings – Refused 03.03.1992 and subsequent Appeal Dismissal 20.10.1992

98/01669/FUL – Change of use of land to residential and erection of a travel lodge – Withdrawn 07.01.1999

02/01908/FUL – Construction of 4 dwellings – Withdrawn 01.09.2003

13/02810/FUL – Demolition of existing Dutch barn, stable building and shed to be replaced by erection of new 3 holiday let accommodation units, access and associated parking – Withdrawn 01.10.2013

5. The Proposal

This application seeks permission to erect a contemporary designed timber clad single-storey structure to accommodate two 2-bed holiday lets comprising circa 490 m³ to replace three existing on-site structures (namely a Dutch barn which measures 330 m³, a timber shed measuring 17.7 m³ and a stable block amounting to about 160 m³) which cumulatively total approximately 507 m³.

The holiday let accommodation has been designed following negotiations held with Council officials and Visit Wiltshire. The concept of the design is based on officer advice to reflect an agricultural vernacular – with similar proportions to an agricultural byre or cart shed. The proposed holiday accommodation has been designed to follow the site contours, utilise the footprints of the three structures on the site; and introduce internal maximum flexibility to satisfy the demands of individuals, couples and families.

The development constitutes as redevelopment of previously developed agricultural land, introducing a new building with a lower profile compared to the rather imposing Dutch barn as part of a scheme which the applicant asserts would be *“far more subtle than the existing buildings ...and [promote] a design that allows it to assimilate into its setting”* (page 18 of the Design and Access Statement).

The new build structure is based on a simple rectangular plan form with an asymmetric roof. Vertical timber cladding would be used to support a agrarian styled built form which would be supplemented by louvered timber over the fenestration. The north facing roof plan would also be timber clad, giving the building a rustic but contemporary aesthetic. The timber would be left to weather and soften naturally. The southern elevation would be more ‘modern’ although there would still be timber slatting in front of bedroom windows. Dark non-reflective solar PV panels are planned for the south facing roof plane to maximise solar gain and utilise renewable energy potential. Two modest (600mm) stove flues would nominally project above the ridgeline.

The applicant proposes to utilise the existing shared access arrangements off Lower Westwood Road and has submitted a plan showing on-site parking for 4 motor vehicles for the 2 holiday let units. The applicant is however keen to have the premises available to people arriving by public transport (with a bus stop located close by), bicycle and foot, and emphasises the proposed level access to the front door to suit most visitors, some of whom may have mobility limitations. Public sewer and water connections are proposed with a dedicated on-site surface water drainage treatment (which would also deal with roof water).

To support the application, the applicant has produced a heritage assessment as part of the submitted Design and Access Statement as well as providing outlining a policy and contextual analysis. Moreover, appended to the D&A, four letters of support from Visit Wiltshire and a selection of local businesses have been submitted (separate to the public notification and advertisement process).

6. Planning Policy

The 2015 adopted Wiltshire Core Strategy (WCS). The following Strategic Objectives of the Council are relevant to this application:

Delivering a Thriving Economy; To Address Climate Change; Helping to Build Resilient Communities; Protecting and Enhancing the Natural, Historic and Built Environment; and Ensuring that Essential Infrastructure is in Place to Support our Communities.

The relevant Core Policies are – CP2 – Delivery Strategy; CP3 – Infrastructure Requirements CP7 – Bradford on Avon Community Area; CP34 – Additional Employment Land; CP39 – Tourist Development; CP40 – Hotels, Bed and Breakfasts, Guest Houses and Conference Facilities; CP41 – Sustainable Construction and Low-Carbon Energy; CP42 – Standalone Renewable Energy Installations; CP48 – Supporting Rural Life; CP49 – Protection of Services and Community Facilities; CP50 – Biodiversity and Geodiversity; CP51 – Landscape; CP52 – Green Infrastructure; CP57 – Ensuring High Quality Design and Place Shaping; CP58 – Ensuring Conservation of the Historic Environment; CP60 – Sustainable Transport; CP61 – Transport and Development; CP63 – Transport Strategies; CP64 – Demand Management; CP67 – Flood Risk.

In addition to these adopted policies, within Appendix D of the WCS, the following former West Wiltshire District Plan – 1st alteration policy remains saved: U1a – Foul Water Disposal. The Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy.

Following the Council’s adoption of CiL, the following documents are relevant to this case: Wiltshire Community Infrastructure Levy Charging Schedule; Wiltshire Community Infrastructure Levy Planning Obligations SPD; Wiltshire Community Infrastructure Levy Regulation 123 List; and Wiltshire Community Infrastructure Levy Instalments Policy (all dated May 2015)

Government Guidance:

The National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); and, the Noise Policy Statement for England (NPSE)

7. Consultations

Westwood Parish Council – Objected and recommended refusal on the following grounds:

1. The proposal represents 'de facto' residential development in the Green Belt, Conservation Area, and on the edge of the AONB and Cotswolds Conservation Area.
2. The proposal is contrary to Green Belt policy as detailed in the NPPF and the Emerging Wiltshire Core Strategy;
3. The proposal does not address the Government's objectives for providing social affordable housing;
4. The current agricultural land use would be significantly changed; and
5. The access onto the Lower Westwood Road (a minor C class highway) is not appropriate for further development/traffic generation. There is a significant road safety hazard in the form of a narrow blind bend in the carriageway; and the proposed access to the development will exacerbate that danger to an unacceptable level. Recent statistics provided by the Community Speed Watch team (dated Feb 2014) showed that the danger along this carriageway is increasing with over 2000 vehicles observed at the pinch point near the site during a 9-hour period whereas a decade ago, the count compromised 1700 vehicles during a full day.

The Parish Council further resolved that should the Planning Committee be minded to permit the development, there should be a condition preventing the proposed holiday accommodation from being changed into a separate permanent residence or used for unrestricted residential purposes.

The Highways Authority – No objections raised, subject to a condition. A detailed summary of the highway position is covered in section 9 of this report.

The Council's Conservation Officer – No objections raised. This is a site within the Conservation Area at a rural edge. As such, the site forms a transition from the village to the countryside. There is a degree of visibility through the site as the form and scale of the existing buildings allow this. It is further appreciated that the site is highly visible from all sides as there are footpaths to the south and this raises its importance as a village/rural transition site.

The scheme has been revised through negotiations held with conservation and planning officials which has led to a smaller replacement building being proposed compared with earlier schemes. The proposed developed now submitted, is more sympathetic to the compensatory scale of the existing buildings and crucially, it would retain the sense of visibility through the site from the village to the countryside and back again. The revised building has also been moved further into the site, away from the footpath – which is located to the west and south of the application site. The general form of the building and the design of the north, east and west elevations are agricultural in style; and this is welcomed. The south elevation has been amended through negotiations to reduce a central projecting wall and canopy, which is to the benefit of the scheme visually.

The use of solar panels, if suitable units are chosen for a non-reflective appearance, would be acceptable providing they are removed if they ever fall out of use or are otherwise no longer needed.

The Council's Ecologist – Recommended that an informative be added (upon any permission) to protect breeding birds from any risk of harm.

The Council's Archaeologist – The Wiltshire and Swindon Historic Environment Record indicated that there is a low potential for heritage assets with archaeological interest to be impacted by the proposed development. No conditions are therefore recommended.

Wessex Water – No objections raised subject to informatives covering water and waste water connections as well as surface water drainage.

Wiltshire Fire & Rescue Service – Back in early 2014, Wiltshire Fire & Rescue Service reported that it does not receive funding to mitigate the risk generated by new growth in Wiltshire, and the burden of related infrastructure costs should be passed onto the developers through a Section 106 Legal Agreement/CIL. In this particular case, a financial obligation was sought for the sum of £63.36 and the applicant/developer should be responsible for the cost of hydrants and water supplies for fire fighting. Furthermore, domestic/ residential sprinklers are recommended by way of a planning informative.

8. Publicity

The application was subject to individual neighbour notifications, a site notice (which was displayed opposite the site on 3 March) and a press advertisement.

20 letters of support were received citing the following:

Access / Highway safety

- The carriageway adjacent to the site is not problematic. There have been no known / recorded accidents along the Lower Westwood Road in over 20 years. The addition of two holiday lets replacing an agricultural use would not pose substantive harm to highway safety interests.
- Future holidaymakers would be aware of any highway constraint. This would be no different to normal driver awareness. Any risks are mitigated for by the traffic system and signage in place to alert all road users to be cautious.
- Any holiday let booking literature should include access details to forewarn any visitor.
- One supporter argues that visitors would be more inclined to respect the 20mph restriction than locals.

Policy Conflicts

- Supportive representations have been received from Visit Wiltshire, Wick Farm Farleigh Hungerford Conference/Wedding Centre, Little Court Avoncliff and Eastbrook Cottage B&B, Southwick as well as from the owner of Westwood's shop/post office. The proposal would enhance this derelict Green Belt site and would bring about significant improvements to both the site and surroundings. It is compliant with WWDP Policy and the NPPF.
- The self catering accommodation would be a great benefit to have in the village and would strengthen its economic vibrancy.
- Redeveloping the site from agricultural use would eliminate potential conflict with residential amenities.
- The objections from the Parish Council/third parties are contradictory. How can they argue against redeveloping this site, but say they want affordable housing? Any perceived lack of affordable housing provision is irrelevant to this case. The application is for a new business.
- This is an excellent proposal. Little regard has been given by the objectors to the fact that the site is brownfield previously developed land. Do we really want more bland suburban development?

Need for Holiday Lets/Viability

- It is misguided to say Westwood is not a holiday destination, without local attractions. Nearby we have, Bath, Bradford on Avon, the Cotswolds, Longleat, Stonehenge, the Kennet and Avon Canal and Iford Manor to name just a few.
- The business should be supported as it would generate local economic development and would support existing local businesses (e.g. the shop/post office, pub and Westwood Social Club).
- The letter of support from Visit Wiltshire is noted. Visit Wiltshire report that the UK tourism is predicted to grow at 5% to 2020 with local tourism revenue in the UK for 2012 reaching £134bn. Visit Wiltshire report that the site proposals 'fit well with current trends and with good marketing this development would help contribute to the continued growth of Wiltshire's visitor economy'.
- Surely this venture would benefit the village overall. One supporter asserts to be more persuaded by the views of the CEO of Visit Wiltshire based on facts associated to tourism and business owners – whose livelihoods depend on considered judgement, than personal opinions raised by the objectors passing doubt over the future popularity of this business venture.

Impact on Neighbours/Surroundings

- Contrary to what the objectors claim, the application has local resident support including some immediate neighbours. Contrary to what some objectors claim, a couple letters of support have been received from immediate neighbours' (including a resident since 1971 and another of over 20 years) and assert that the applicant has sympathetically restored his house and land, and this development appears of a similar high standard which would further enhance the surroundings.
- It is alarming that some objectors wish to deny some people their democratic right to voice their support just because they rent a property, live elsewhere in the village or even outside it. Surely everyone's views count?
- There would be no substantive noise complaints. BBQs form part of everyone's right to enjoy their private amenity garden ground. Why should this be objectionable?
- No animals are kept on the site. No pigs have ever been kept on the site. Is this what objectors want?

Precedence

- If approved, the development would likely be restricted in terms of its use; and thus any future proposal seeking to change its use or extend it would require to future planning permission. The same would apply to any proposed housing development on adjoining land. When such applications are submitted, that would be the time to object, not now.

Planning History

- The scheme has been negotiated with Council planning, highways and conservation officials for over a year. The scheme is one that should be supported.

Other Matters

- Some doubts have been cast about the Parish Council position representing the feelings of the village. One letter writer asks whether the chairman of the Parish Council declared an interest in any vote, since he lives close by.
- It is further alleged that a small number of people have tried to influence other residents to oppose this development by circulating petty objection letters including matters totally irrelevant to what is being proposed and against democratic planning principles.

13 letters of objection were received citing the following concerns:

Access / Highway safety

- The access to the site is dangerous with limited visibility located close to a pinch-point in the carriageway. An increase in traffic generation along such a narrow road would make matters worse.
- The applicant suggests that his target market shall be older people – who would be less likely to react quickly to traffic incidents.
- Holidaymakers would be unaware of the risks.
- A recent Community Speed Watch Survey recorded that 83% of over 2000 vehicles movements travelling through the village (over 9 hour periods during 4 days between 3-10 Feb 2014) were not Westwood residents.
- Concerns are raised over the impact upon the PRow. Any diversion/obstruction would be unacceptable.
- Will the Council/planners take full responsibility / accountability for any accident if this application is approved?

Policy Conflicts

- The disturbing proposal is contrary to local and emerging plan policy, the NPPF and the 2011 Localism Act.
- Opposition is recorded to converting the agricultural land to residential. This proposal is for 'defacto' residential use, and adds to Government concerns about second homes.
- The proposal does not satisfy the Government's objectives for providing affordable housing.
- The proposal is inappropriate development in the Green Belt and AONB.

- The modern design would not be in keeping with the village where there are no similar wooden properties; they are instead mainly made of stone.
- The solar PV installation on the southern roof plane would be inappropriate in such a protected rural landscape and would have an extraordinary visual impact on neighbouring properties, at odds with the conservation area.

Need for Holiday Lets/Viability

- Lower Westwood is not a holiday destination. There are no facilities or services for tourists in the village. The village does not need holiday homes. Holidaymakers would go to Bradford on Avon, Bath and Somerset. The support from Visit Wiltshire should be disregarded – they exist to promote holiday destinations.
- The failed holiday let business at Atworth (Fairfield Barn) should be cautionary example of what happens when holiday businesses are set up away from prime tourist locations.
- Concern is raised about what happens if this business fails. The property would be converted into unrestricted residential use and would gradually be further extended.
- When not in use, the vacant premises would realise no benefit to the village/community.
- There is no guarantee that the applicant would continue his proposed objective or be successful. What happens if the property is sold on?
- The applicant has never been interested in holiday lets before, it's not his business and he has no such experience.

Impact on Neighbours/Surroundings

- The 2 holiday lets could accommodate up to 10 adults and children within such a small area. Holidaymakers have no regard for permanent residential occupants and would disturb the tranquillity of the area and impinge upon the peace of neighbouring properties. Holiday use is inevitably linked to boisterous fun, noise and BBQs.
- Concern is raised over the relationship the holiday lets would have upon the nearby cemetery and the path used by funeral processions.

Impact on Ecology

- The immediate open fields to the south of the site are the hunting ground for barn owls. Extreme care must be taken to ensure that no protected species or habitat is affected/harmed by this proposal.

Loss of Agricultural Land/Buildings

- The derelict buildings and the site should be retained for agricultural purposes. If the proposal was to replace the existing structures with new working agricultural buildings, that would be a different matter.

Precedence

- Concerns are raised over a precedent being set should this application be approved. One local landowner is recorded as saying that she shall apply to build houses on nearby green belt land should this proposal succeed, as a financial legacy for her grandchildren.

Planning History

- The site has been subject to a series of applications through the years, including one proposal for 32 houses. There is some concern that the applicant is seeking to realise residential development on the site by stealth.

Other Concerns

- The site has been subject to heavy water logging in recent years.
- The applicant has failed to discuss his plans with all neighbours.
- The proposal constitutes a significant change of use from agricultural.
- An alleged breach of planning control has been raised with respect to a games room being used for residential purposes.
- The applicant has allegedly broadcast views around the village saying that the application shall be approved, despite minimal local support. It is further alleged that the applicant has said that if the application is not approved, he shall use the site for keeping horses. Horses are not agricultural animals and in any case, the stabling block on the site is too small, and may have been used as piggeries.

- Some objectors argue that some of the letters of support should be disregarded. A letter of support from a nearby tenant should be ignored. Other support comes from individuals and businesses outside the village and most of the support from Westwood residents don't live near or adjacent to the site, and would not be directly affected. The support received from the local public house proprietor should be ignored since he has a business interest in supporting this scheme and has no environmental impact interest.
- Should permission be granted, there should be conditions imposed preventing unrestricted residential occupation and further expansion.
- The application should be determined by the elected members to consider all the material considerations and hear both the objectors and supporters.

9. Planning Considerations

Key Issues: The Principle of Development; The Impact on the Green Belt/ Open Countryside; The Impact on the Conservation Area; The Impact on Highway Safety and PROW Interests; The Impact on Neighbours; The Impact on Ecology and Nature Conservation; The Impact on Archaeology; and Developer Contributions

The Principle of Development - Officers fully appreciate the site's planning constraints and the site's planning history which is documented above and has been referenced by some local objectors. Members will be aware that each application must be considered on its own merits, although, planning history can be a material consideration. In this particular case, officers stress that there are substantial differences between what was previously applied for and refused compared to what is presented under this application. It is also necessary to be mindful that national and local plan policy has evolved since 1974. This scheme seeks permission to erect holiday lets – which although captured under a 'C3' planning class use, a holiday let use is quite distinct from a standard dwelling. Holiday lets in rural locations and where planning authorities consider it appropriate, it often restricts occupancy to prevent it being used as permanent letting or a sole residence.

The Haygrove Farm site is brownfield land located within both the Green Belt and Conservation Area, but the site nevertheless has potential for redevelopment. It is important to be clear that the national and local policy does not prevent new development taking place in such sensitive locations, although it is crucial that any new development is appropriate. This transition site located on the outer edge of the village, sited immediately behind residential properties (which are also defined as being outside the parameters of Westwood's development limits) has been identified by the applicant for holiday let accommodation purposes following extensive discussions with Council officials.

The proposals accord with established policy. Members accepted this in April 2014, and since the resolution to grant permission was made, the previous emerging policies have become adopted development plan policy, enshrined within the Wiltshire Core Strategy. In summary form, Core Policy 48 seeks to support and strengthen our rural communities whilst Core Policy 51 directs new development to "*protect, conserve and where possible enhance landscape character*". Core Policy 57 seeks a high standard of design to create a strong sense of place, encouraging development that responds positively to landscape and conservation interests as well as maximising sustainable construction techniques and renewable energy sources. Tourism is important to Wiltshire's economy and is worth £779million a year; and the provision of holiday accommodation would very likely contribute to the local economy in terms of new business generated locally in pubs, local visitor attractions, shops and the like. It is also appropriate to recognise that Core Policy 39 imposes importance upon scale, design and use of a proposed facility and for it to be "*compatible with its wider landscape setting*".

Through the adoption of its Core Strategy, the Council replaced WWDP policies C1 (Countryside Protection) and T03 (Self Catering Accommodation) although it is necessary to reflect that elements of these policies are enshrined within CP50 (biodiversity and geodiversity), CP51 (landscape), CP52

(green infrastructure), CP2 (delivery strategy), CP34 (additional employment land), CP39 (tourist development) and CP48 (supporting rural life).

Officers find no substantive policy conflict with the development plan or its core planning objectives. The development would contribute towards delivering a thriving economy and help build a resilient community. Moreover, officers assert that whilst the site is located outside of the defined settlement limits of Westwood, the site cannot reasonably be described as 'isolated' and the proposal would not be an unsustainable form of development. The site is considered to be no less sustainable than anywhere inside the village, by virtue of it being serviced by the same road network and having good access to local amenities and infrastructure. The proposal would not demonstrably harm the open countryside by virtue of what exists on the site at present. Officers argue that the three existing buildings on the site have little or no architectural merit and the planned redevelopment has through negotiation, been planned sensitively to bring about a change of use and introduce some economic development to help support the village's vitality and widen the County's tourism accommodation offer.

Any doubt cast about the business succeeding is not a material planning consideration. Although, a degree of comfort can perhaps be gleaned from the views passed by the CEO of Visit Wiltshire – who asserted that *"there is significant consumer demand for high quality accommodation, offering flexibility for guest[s] in Wiltshire"*; and having reviewed the plans and visited the site in person, the official tourist board for Wiltshire is on record as stating that the *"proposed development fits well with current trends and providing [it] is marketed well will help contribute to the continued growth of Wiltshire's visitor economy"*.

At a national level, the NPPF places significant weight upon sustainable economic growth, to support proposals which contribute towards *"building a strong, responsive and competitive economy"* – which marries well with the Council's Core Strategy objectives; and, in paragraph 17 of the NPPF, a clear marker is laid through emphasising that the core planning principles should *"not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives"*. Within paragraph 19, the Framework records that *"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system"*[officer emphasis added].

For completeness sake, it is worth recording that this policy context set the principle backdrop for the discussions held with the applicant and his appointed agents, and through extensive negotiations, officers pressed not only for having a replacement building that was commensurate to the existing range of structures, a single-storey 'limit' was set for the new build having a much lower profile than the Dutch barn; and, it had to be sited overlapping the existing footings of the three structures to retain views and glimpses of the open countryside beyond the site and back towards the village from the PRow to the south and east of the site.

According to the Council's database, the agricultural land designation for the site is graded as land of moderate quality, which is not used for food/crop production although officers would submit that the agricultural potential for the area amounting to less than 1 acre is probably best left limited to storage purposes given the close proximity of several residential properties. Although, as was conceded during the public debate back in April 2014, the established and lawful use of the site is for agriculture, and it was recognised that alternative agricultural fallback uses could generate far greater nuisance and disruption than what exists at present in terms of smells, noise, traffic generation. The parcel of land is not considered to be prime versatile agricultural land with much of it formed as hard standing, consequently, officers argue that in this case, there is no reasoned or justified planning objection to the 'loss' of such agricultural land.

The mixed level of support and objection from the local community remains duly recorded, and it is submitted that the key planning issues requiring detailed analysis concern: the impact on the green

belt/ open countryside; the impact on the conservation area; the impact on highway safety and PRoW interests; and, the impact on neighbours. These are assessed in turn below.

The Impact on the Green Belt/ Open Countryside – Officers stress that the proposed redevelopment of the site would not have a materially greater impact than the present buildings on the openness of the Western Wiltshire Green Belt. The proposed replacement building would be smaller both volumetrically and in profile compared to the existing three structures and the visually dominant Dutch barn. Furthermore, officers maintain that the three structures do not positively contribute towards the landscape/ Green Belt setting or the transitional character of this edge of village site. Following extensive pre-application discussions and negotiations, the applicant proposes constructing a new building based on a simple rectangular form of a lower single-storey profile, set out encompassing the footings of the existing buildings to ensure that the essential character of the area is not harmed. The openness of the Green Belt – its most important element, would therefore not be compromised. Officers recognise that the site at present is rather unkempt with buildings in various stages of dereliction, but it is important to record that the site/ buildings are still used and benefit from an existing agricultural use with its own associated access and parking element – which could be intensified without requiring any Council approval. It is considered important to stress that the holiday let use and the type of vehicles using the shared access for such an enterprise would be more respectful to the immediate residential land use, than more intensive farming operations including tractor and other machinery use, silage storage or even animal housing which does merit some consideration as a potential fallback should this development not succeed.

Whilst the application site planning history is documented in section 4, which does include some historic refusal decisions, it is important to be clear that this application must be assessed on its own merits as a commercial venture and tested against up-to-date planning policy.

As referenced within the conservation officer's consultation commentary, officers welcome the applicant's revised proposal which follows much of the advice and guidance offered and crucially, it would allow for a sense of visibility through the site which satisfies the aims of the Green Belt in terms of preserving a sense of its openness as well as preserving important views into and out of the Conservation Area.

Having negotiated this scheme for over a year, planning and conservation officers find the design, scale, massing and use of materials to be acceptable; and if approved and implemented, would make a positive impact locally without harming the Green Belt or compromise the policies in place enshrined to protect it.

Impact on the Conservation Area - Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 stipulates that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and the character or appearance of the Conservation Area. Furthermore, the NPPF identifies the need to conserve heritage assets in a manner appropriate to their significance.

In this particular case, officers duly assert that the three structures on the application site do not contribute positively to the character and appearance of the Conservation Area. Moreover, officers submit that the type and condition of the present buildings upon it, to a certain degree, devalues the character and appearance of the heritage asset. The functional use of the old stabling has now lapsed and the appropriateness of the domestic scaled timber shed on the site appears incongruous. The size of the Dutch barn appears visually striking in the landscape and somewhat discordant within such close proximity to several residential properties; and there is certainly no architectural merit to any of the structures to justify their retention in heritage terms. Officers therefore report no objection to the proposed demolition of the stabling, the shed and Dutch barn.

As far as the proposed new building is concerned, it is considered important to stress that the development has evolved in terms of its design, scale, massing and detailed elements through pre-

application discussions which involved the Council's Conservation officer. Through negotiation, the holiday let building has been re-sited so that it relates to the footings of the three existing structures which would be removed. The size and number of the holiday lets have been reduced, which in combination with the re-siting element, would allow for a degree of public visibility across and through the site to the wider countryside to the south and up towards the village when viewed from the PRoW to the west, south and east of the site.

It is fully acknowledged that neighbouring properties are of a more traditional vernacular comprising natural materials with dressed or random stone walls under clay tiled roofs. However, in recognition of the mixed materials used on the three structures on the site at present and having due cognisance of the site's agricultural land use, officers adopted a positive approach (as encouraged by the NPPF) through discussing the principle and finer details of redeveloping this site with the applicant and his appointed agents which date back to 2012. Officers firstly emphasised the importance placed upon ensuring that any replacement building should be commensurate to the scale/volumetric size of the existing buildings; and secondly, it was considered appropriate to promote the concept of a single-storey agrarian styled timber structure which could integrate with its surroundings without causing harm or conflict. Following a series of discussions and modifications, officers are fully satisfied that from a heritage viewpoint, the proposed building would be compliant with the relevant conservation/heritage based policies and that it would make a welcome contribution to the conservation area.

Impact on Highway Safety and PROW Interests - Whilst some local residents have raised concerns about highway safety implications associated to this site and proposal, it is necessary to stress that the **NPPF expressly asserts in paragraph 32 that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”**. Officers duly assert that there would be no such “severe” highway impacts to justify a refusal in this particular case.

The highways team recognise that the site access is shared by No. 43 and No. 44 located within a 20mph speed limit and close to a narrowing in the road which aids the slowing of traffic speeds. The highway authority duly acknowledges the concerns raised by some local residents and the parish council, but it has to be recorded that there has been no recorded accidents at this point in the last 10 years. Furthermore, the submitted plans show 2.4m x 20m visibility to the centre line of the road at the narrowest point and 2.4m by 29m to the west. Given the nature of the road as reported above, no highway objection is raised.

All the highway based objections have been fully reviewed, including the referenced Community Speed Watch findings. Following a review of the submitted data, the highways team advise that the number of vehicles passing along the public carriageway within a 9 hour period (as referenced by the Parish Council), is not considered a large traffic flow and is certainly not a substantive highway safety constraint to justify a refusal in this case.

Impact on Neighbours - Officers acknowledge the fact that the three agricultural buildings on the site are located in close proximity to several residential properties, which could potentially led to some land use / amenity conflict if the site/ buildings were to be used more intensively for farming purposes away from storage. If approved and implemented, this application would result in the removal of the agricultural land use; and thus, erode any such future agricultural/residential conflict. As recorded above, the Council has received a mixed response from residents of Westwood with some registering full support and others raising concerns. For those opposing the application on amenity grounds, after visiting the site and carefully assessing the proposals, officers assert that the separation distances and relationships between the proposed new holiday let accommodation - with its main amenity space located to the rear; and the closest neighbouring residential properties, are acceptable and that it should not substantively disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

The two proposed self-contained holiday lets would each have 2 bedrooms, a kitchen/dining room and wc/bathroom as well as some dedicated outdoor space. Whilst the proposal would constitute a change the use of the land, it is considered that a holiday let use would be much more sympathetic to the prevailing residential use of all the adjoining neighbouring properties; and moreover, the level of visitor comings and goings should not have an undue negative impact on the amenities of neighbouring residential occupiers.

For the avoidance of any doubt, the use of the holiday lets can be controlled by planning conditions to restrict the occupation and impose a reasonable guest book management requirement so that the Council can properly monitor its future use. This is considered both necessary and entirely reasonable and consequently, planning conditions are so recommended.

The Impact on Ecology and Nature Conservation - As reported above, the Council's ecologist reports no objection to the development proposal on ecological/nature conservation grounds. Should permission be granted, an informative is recommended to advise the applicant/developer to ensure that when demolishing the three structures or disturbing any land, due consideration should be given to bats and breeding birds and to avoid the bird nesting season (March to August); and that even outside such a period, care should be taken.

The Impact on Archaeology - The Council's archaeologist reports no concerns and is on record advising that "*based on information in [the] Wiltshire Historic Environment Record...no concerns [are raised] regarding any archaeological impact by the proposed development*". This advice is also enshrined within page 19 of the submitted Design and Access Statement.

Developer Contributions – In April 2014, a financial request from the Wiltshire Fire & Rescue Service amounting to £63:36 was reported to the committee; and it was agreed at the time, that prior to the adoption of CiL, the associated legal costs of negotiating and entering a s106 (in addition to the officer time resource) for such a limited amount of money was not considered proportionate or proper use of Council resources. However, now that Wiltshire Council is a CiL charging authority, this type of development which is CiL liable, would be subject to development taxation prior to the commencement of work on site. Although the tax collection process is separate to the planning process, members may be interested in knowing that the proposed holiday let development falls within the Council's CiL Charging Zone 1 which levies a tax of £85 per sq.m on CiL liable development – and in this particular case, it generates a CiL liability of approximately £10183.

10. Conclusion

This development has been debated at committee level and obtained member support for the principle of development. The only aspect of the application which is reasonably open for re-evaluation refers to whether or not Members would be satisfied that permission could be granted without a s106. In the interests of consistency, the original case officer recommendation remains unchanged arguing that the holiday let occupancy can be controlled robustly by planning conditions, which as an approach is consistent with all the other detailed applications that were approved by the Council in 2014. It is nevertheless duly acknowledged that Members were not sufficiently convinced in April 2014. This report has been updated to reflect and report on material changes since April 2014 and Members are respectfully invited to consider this case on its merits.

As previously advised, this application has been subject to extensive pre-application discussions. Through these discussions, the applicant reduced the scale of the holiday let accommodation from 3 to 2 units and reduced the size of the building so that it is more commensurate with the existing range of buildings on a compensatory replacement basis. The applicant agreed to re-site the new building so that it would overlap the footprints of the existing three structures – which belittle the character and appearance of the Conservation Area. Following their proposed demolition, the applicant seeks to erect a building having a simple agrarian form with a smaller cumulative volume than the three structures with a single-storey profile which would not have a materially greater impact upon the openness of the Green Belt and Conservation Area; but would, through the loss of the agricultural buildings and

changing the planning land use of the site, delete the future potential risks of residential neighbouring conflicts with such immediate agricultural operations.

Officers maintain that this development fits with the Central Government's emphasis placed upon stimulating economic growth, creating and supporting rural businesses and diversity, and job growth – enshrined under the banner of promoting economic, social and environmental sustainability. Officers are satisfied that the application accords with the key elements of the NPPF; as well as the Council's Policies, and consequently, this application is recommended for permission subject to conditions.

RECOMMENDATION: To approve subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until samples/details of the materials to be used in the construction of all the external surfaces of the development hereby permitted (including the exact type and colour and manufacturer of the solar PV panels) have been made available to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its historic setting and protected surroundings.

- 3 No building works pursuant to the construction of the holiday let accommodation shall commence until all three existing structures identified for demolition on the site have been permanently demolished and all the debris has been removed from the site/landholding.

REASON: In order to define the terms of this permission and to ensure the site is redeveloped in an appropriate manner respectful to the protected surroundings and neighbours.

- 4 No person/s shall occupy the holiday accommodation for a continuous period of more than 1 month in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 5 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or any order which revokes and re-enacts that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. In addition, an up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 6 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 All demolition/construction operations on site shall be restricted to the following hours:

Monday-Friday 08:00-18:00, Saturdays 08:00-13:00 and not at all on Sundays and/or bank Holidays.

REASON: In the interests of safeguarding local and residential amenity.

- 8 Should the solar PV panels become obsolete, they shall be removed from the property within 3 months from the date they cease to be used or function for the purposes of providing renewable energy; and that the roof shall be clad in material to match the northern roof plan hereby approved.

REASON: In order to define the terms of this permission.

INFORMATIVES TO APPLICANT:

1. The applicant/developer is advised to duly note that bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for any development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Batline on 0845 1300 228

2. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

3. The applicant/developer is encouraged to contact Wessex Water to agree connections to the water supply and mains sewer infrastructure.

4. The applicant/developer is advised to contact the Wiltshire Fire & Rescue Service and to consider the installation / provision of residential sprinklers inside the new property. More information can be obtained from the Fire Authority through contacting them on tel. no: 01225 756500 or via email: planning@wiltsfire.gov.uk

5. The applicant is encouraged to arrange for appropriate literature to be provided to

all future visitors to the holiday let accommodation advising on the directions to the site and also to raise awareness of the localised highway constraints and limited visibility.

Appendix 3 – Record of Approved Applications for Holiday Lets in rural Wiltshire without a s106

2014 Holiday Lets Approved by the Council without s106

References	Address	Description	Site Constraint
14/00330/FUL	West Farm Barns, Fovant	Conversion of farm buildings to shooting lodge/holiday lets	AONB
14/06051/FUL	Elcombe Farm, Alvediston, Salisbury	Erection/siting of 6 temporary holiday let units	AONB
14/01332/FUL	Honeywood Stables, Easterton	Change of use to 2 holiday lets	Open Countryside
14/01335/FUL	Barford St Martin, Salisbury	Erection of a holiday let	AONB and affecting heritage assets
14/03613/FUL	Priory Farm, Edington	Change of use of land and buildings to holiday lets	affecting heritage asset
14/02189/FUL	Horsecroft Farm, Heywood	Change of use to form 3 holiday lets	Open Countryside
14/02659/FUL	Woolley Barn Farm, Woolley Green	Replacement Dwelling and Conversion to Holiday let	Green Belt
14/06549/FUL	Honeywood Stables, Easterton	Change of use to 2 holiday lets	Open Countryside
14/07993/FUL	Cart Shed Barn, Sutton Mandeville, Salisbury	Change of sue to holiday let	AONB
14/08318/FUL	Bays Farm, Pinkney Green, Farleigh Wick	Change of use to form 1 dwelling and holiday let	Green Belt and AONB
14/12006/FUL	Bankside, Bishopstone, Salisbury	Change of use to holiday let	AONB & Conservation Area
14/04543/FUL	Woolley Park Barn, Woolley Green	Change of sue of barn to holiday let	Green Belt

2015 Holiday Lets Approved by the Council (Jan-July 2015) without s106

15/00312/FUL	Church Farm, Upper South Wraxall	Change of use to 2-bed holiday let	Green Belt & Conservation Area
15/01191/FUL	Long Knoll Barns, Kilmington	Change of use to holiday lets	AONB
15/01220/FUL	Church Farm, Kington Langley	Change of use of cow byre to holiday let	Open Countryside & nearby heritage assets
15/01250/FUL	The Holdings, Ashton Common	Change of use to holiday let	Open Countryside
15/01595/FUL	West View, Yatton Keynell	Change of use of barn to holiday let	AONB & nearby heritage assets
15/04143/FUL	Factory Lane, Barford St Martin	Erection of a holiday let	AONB
15/04544/FUL	West Wick Farm, Pewsey	Conversion of agricultural building to holiday let	AONB
15/05049/FUL	Clay Street, Crockerton	Change of use of stable to holiday let	AONB