

Date of Meeting	27 th August 2015
Application Number	15/05475/FUL
Site Address	Lanes Cottage, 36 High Street, Winterbourne Bassett SN4 9QB
Proposal	New dwelling to replace demolished dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access
Applicant	Mr T Iles
Parish Council	WINTERBOURNE BASSETT
Division	WEST SELKLEY
Grid Ref	409627 175240
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Milton in the event of a recommendation for refusal, for the committee to consider the scale of development, its visual impact upon the surrounding area and its design, bulk, height and general appearance.

1. Purpose of Report

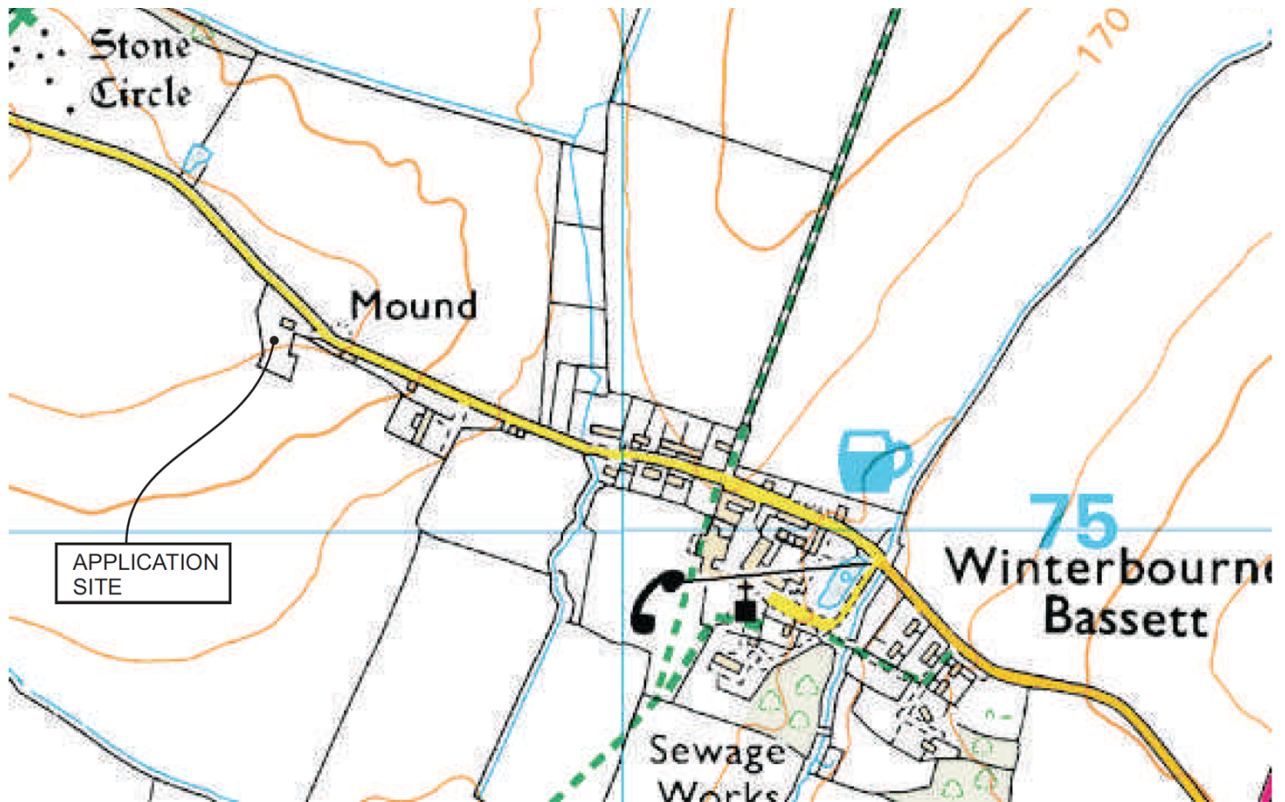
The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations, and the recommendation that the application be refused.

2. Report Summary

The main issues to be considered are the principle of a new dwelling of this size within the North Wessex Downs AONB where the previous dwelling has been demolished, and the size and impact of the dwelling proposed upon the rural character and landscape of the area.

3. Site Description

The c.1 hectare site comprises the c. 0.34 hectare garden and remains of the former Lanes Cottage, an extended 18th century 1½ storey thatched cottage, together with c. 0.66 hectares of additional surrounding former farmland. Lanes Cottage was substantially demolished by the applicant in April 2015 without the necessary permission of the local planning authority.



The site is located outside and to the north of the built up area of Winterbourne Bassett. Whilst there is a mature beech hedge screening the site from the road to the north, it is in an elevated position exposed to the rear to long views within the landscape from the south west, south and south east. The site is surrounded by open farmland to the south east, south and west and to the north on the opposite side of the road.

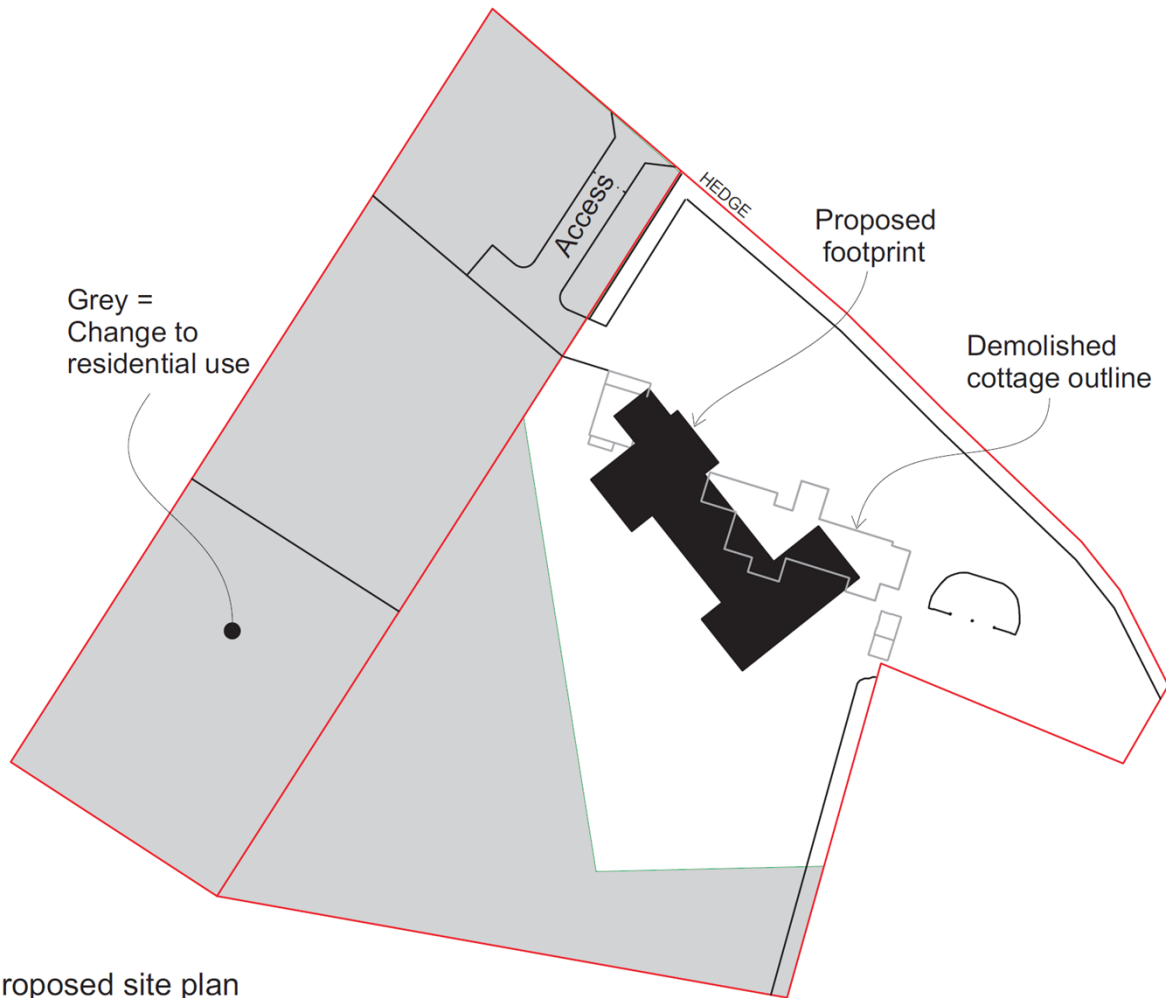
4. Planning History

K/81/0913	Extension and alterations to cottage	Approved
K/85/0357	Extension	Approved
K/15308	Single storey extension.	Approved
E/09/0661/FUL	Construction of detached garage	Approved
15/01427/FUL	New dwelling to replace existing dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access.	Withdrawn

The previous application (15/01427/FUL) proposed a replacement thatched cottage. Several amendments were made to the design during the course of the application, but the application was withdrawn prior to a decision being reached. It is understood that the application was withdrawn as the applicant was not satisfied with the size of the cottage as shown in the amended plans.

5. The Proposal

The current application departs from the materials of the original cottage and instead proposes a part red brick and part stone, with red tiles, 1½ storey dwelling. The application also proposes a change of use of c. 0.345 hectares of land from agriculture to residential for extended garden space for planting of orchard trees growing of vegetables and keeping of 'chickens, ducks and pigs etc'.



Proposed site plan

The 7.5m height of the dwelling would be the same as the previous thatched cottage, but the new dwelling would have a significantly increased footprint 2.13 times greater than the extended previous cottage. The large internal floor area of 556m² would be 2.85 times greater than that of the demolished cottage, and 4.5 times greater than the internal floor area of the original cottage (before it was extended).

Plans submitted also indicated a basement level of accommodation. Details of the basement were not provided however, and the stairs to the basement have since been omitted on revised plans received.

The application for a change of use of the land is to an extent retrospective, the additional land having reportedly been bought and segregated from the surrounding farmland by a previous owner of the site.

6. Local Planning Policy

The development plan in so far as is relevant to the proposal comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

It could be argued that as there is no longer a viable dwelling on the site, (the owner having demolished it without permission), Core Policy 48, relating to new dwellings required to meet the employment needs of rural areas should apply. However, given the fact that the part of the site where the dwelling was situated still has the character of a residential curtilage, and that there is a domestic garage remaining, it is considered more appropriate in this case to apply the replacement

dwelling policy. This is the 'saved' policy from the Kennet Local Plan – policy HC25. This permits replacement of an existing dwelling which has not been abandoned where the site is closely related to the footprint of the dwelling it replaces and the scale of the replacement dwelling is not significantly larger than the original structure. The impact of replacement dwellings is an issue of particular relevance within the sensitive landscape of the North Wessex Downs AONB where the government's policy in the NPPF requires that 'great weight' be given to conserving the landscape and scenic beauty.

7. Summary of consultation responses

Broad Hinton & Winterbourne Bassett Parish Council

The demolition and complete disregard for rules has not been well received here.

(comments in full)

We hear that this application may already have been 'called in' by Wilts but we feel that the following comments should be brought to the attention of the planning authorities.

Overall the proposed plans look well thought out and although this is a big property the plot is substantial. No neighbours objected to the plan.

The application states the property is on mains drainage but it is not.

The offer of repairing the roadway is generous but it is felt that this is better left to WC and should blend in with the original roadway.

The application is for a rebuild which is clearly not the case. The previous property has been almost completely demolished and so presumably the application should be a new build?

The comment about ensuring that archaeology care is maintained is incorrect since the garden has been dug up along with most of the house having been demolished.

The direct neighbours have not received letters from WC about this application

The application makes reference to the new property being the same height as the existing property. Can this be assessed when the existing property has been mostly demolished?

Should this application be deemed as acceptable by the authorities we strongly feel that the height of the development should be limited and that the landscaping must be a critical factor to include within the agreement of the application.

Wiltshire Highways Officer	Although the access is sub-standard in visibility, no objection is raised due to there being no likely material increase in traffic.
Historic England :	No objection
Wiltshire Council Ecologist:	Objection – lack of ecological assessment
Wiltshire Council Archaeologist:	No objection subject to conditions to secure archaeological investigation

8. Publicity

The application has been publicised by way of a site notice posted outside the site, with letters sent to neighbouring properties..

3 letters of objection received from nearby residents, raising in summary the following points:

- The dwelling is too large – significantly larger than the previous
- Inaccuracies on the application form:
- There is no mains drainage
- The site is visible from the road
- There would be an increase in floorspace
- No plans have been provided for the proposed cellar (*NB - since corrected by revised plans that omit reference to a cellar*)

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of development

Case law makes clear that where a building on which a use of land relies has been demolished, the use associated with the building is extinguished. Whilst some small parts of the previous cottage remain, the dwelling has been substantially and effectively demolished, and no longer forms a dwelling. It could therefore be argued that the application must be treated as a new dwelling within the countryside.

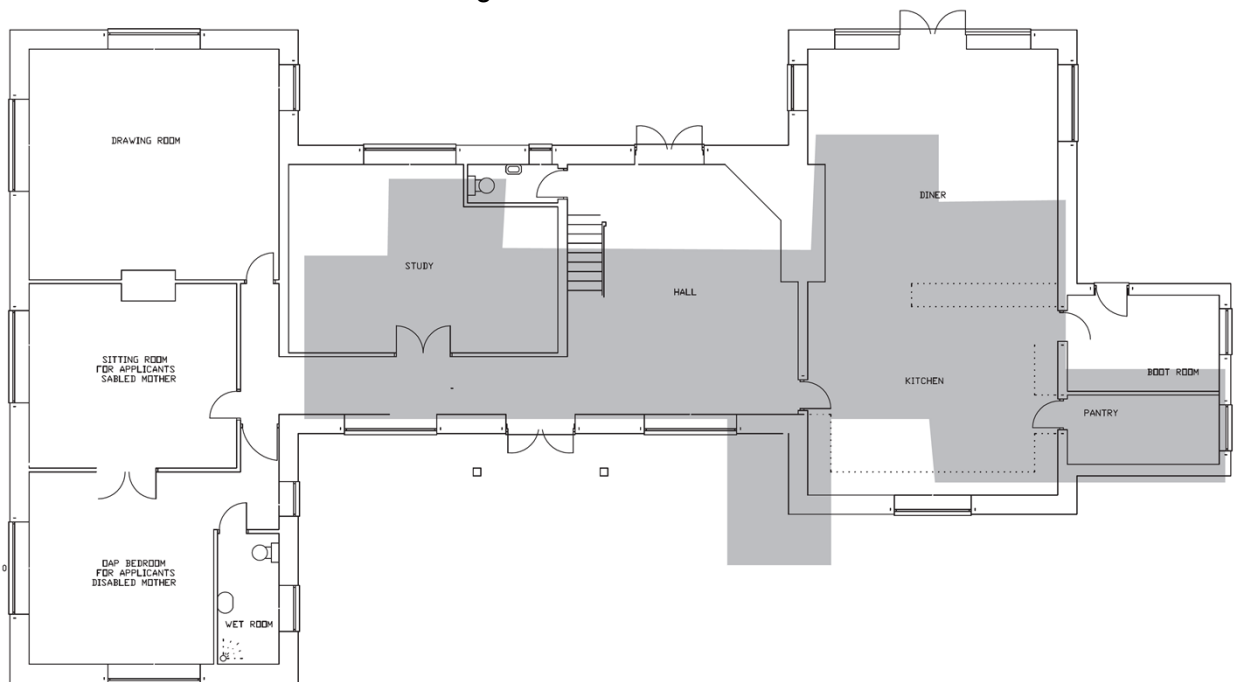
However, it is also a relevant material consideration that a cottage existed on the site until April 2015. In this respect, the character remains one of a residential curtilage, and on balance, it therefore seems appropriate to apply the replacement of existing dwellings policy of the development plan – policy HC25 of the Kennet Local Plan. This permits the replacement of an existing dwelling, but subject to the following criteria:

- a) the siting of the new dwelling is closely related to that which it replaces; and
- b) the scale of the replacement dwelling is not significantly larger than the original structure

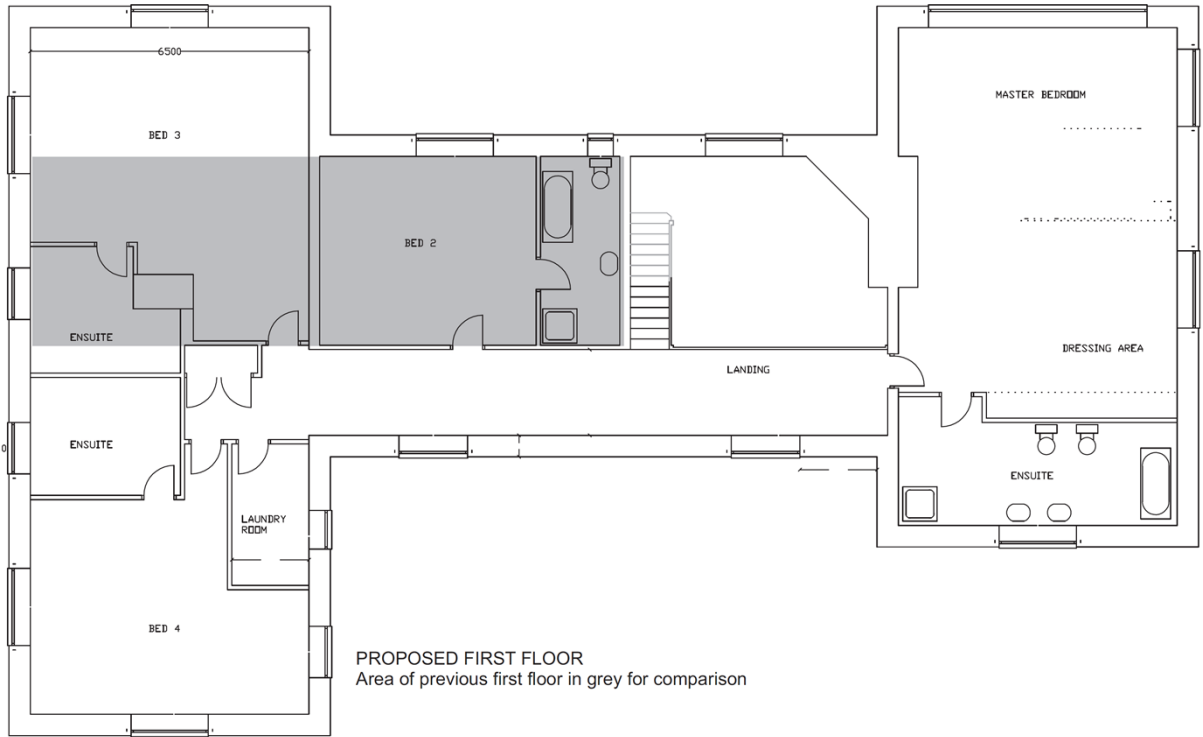
The table below compares the size of the proposed dwelling (column C) against that of the demolished cottage (column B). Whilst the dwelling would be of the same height, there would be a significant increase in breadth and depth, particularly at first floor and roof level, with a resulting increase in internal floor space of 185%. This is far beyond what would normally be considered to be 'not significantly larger'.

	A Previous cottage before extension	B Previous cottage as- extended (now demolished)	C Current proposal	% increase of C over B
Height	7.5m	7.5m	7.5m	0%
Breadth	14.8m	24.48m	32m	62%
Depth	5.4m	11.7m	17m	45%
Footprint	80m ²	158m ²	338m ²	114%
Internal floor space	121.4m ²	194.6m ²	556m ²	185%

The figures show a mathematically significant increase in the size of the dwelling proposed over that of the now-demolished cottage.



Proposed Ground floor with previous ground floor area in grey for comparison



9.2 Visual impact

Policy CP57 seeks amongst other things to ensure that development responds positively to its setting in terms of layout, built form, height, massing and scale and policy CP51 seeks the protection and where possible enhancement of the landscape. The setting within the North Wessex Downs AONB confirms the outstanding quality and national significance of the landscape.

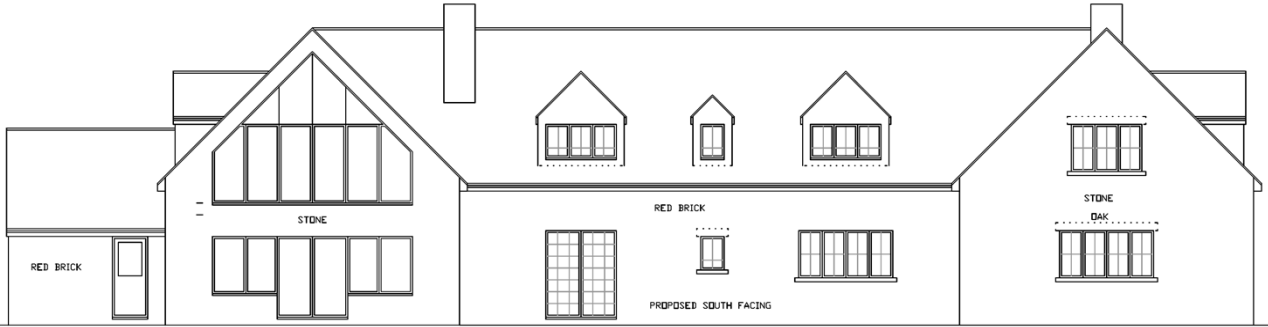
Whilst the site is currently well-screened from the adjoining public road by a mature beech hedge, it is open and visible from the surrounding countryside, including nearby public rights of way

The site is in an elevated position above the village of Winterbourne Bassett from where it is exposed to long views from the south, west and south-east. There is some relatively young planting around the site to the south, but again, there is nothing to secure its retention, and such planting is likely to be vulnerable to removal in order to preserve the 'breathtaking open views' from the site referred to in estate agent marketing literature. Whilst many of the public vantage points in these directions are relatively distant, the 32m length of the dwelling and the increased massing when compared to the previous dwelling would nonetheless be clearly noticeable and at odds with the scale of neighbouring dwellings to the east.



Proposed front elevation with the size of the previous cottage superimposed in grey for comparison

Matters of scale aside, the 1½ storey design does not readily lend itself to the scale of development proposed, with a resulting suburban design without any apparent basis in good examples of local architecture.



Rear elevation proposed

The application does not include a Landscape and Visual Impact Assessment and no additional landscape planting is proposed. Similarly no attempt is made by the applicant to justify the design approach that has been taken.

The Landscape Character Assessment for the area identifies the landscape as having ‘*an essentially rural, agricultural character within which only small-scale, sensitively-designed development, associated with existing built form*’ can be successfully accommodated without adverse landscape impacts. For the reasons above, the dwelling proposed is considered to be neither small-scale nor sensitively designed, and within the sensitive and exposed open rolling arable landscape setting, would be detrimental to the rural character and landscape of the area, contrary to Core Policy 51 and Core Policy 57, as well as Kennet Local Plan policy HC25 in as much as it can be considered material to the proposal.

Considering the change of use of land around the original garden area, subject to controls on further development of this land and controls over the nature of any boundary fencing or walls, it is considered that the change of use in itself would not materially impact on the landscape character of the area.

9.3 Ecology

The Council’s Ecologist raises objection to the proposal due to the absence of any ecological evaluation of the site. To an extent however this issue has been overtaken by the prior demolition of the previous cottage and the extensive working of the grounds by demolition plant and machinery. Given the extent of the site, it is likely that mitigation for any remaining ecological impacts (eg from demolition of the garage) could readily be accommodated within the site, and could thus be secured by way of a planning condition.

9.4 Access and parking

The dwelling proposes to make use of a relatively new access into the site. The Highways Officer notes that this provides sub-standard visibility, but that as vehicle movements would be comparable with potential movements from the previous dwelling, this would not warrant refusal.

The application suggests that the applicant is willing to ‘improve’ the adjoining roadway. Inspection suggests the road to be typical and adequate for a single track rural lane such that undefined proposals to change its condition are not considered to add any significant weight in favour of the

planning application, and indeed any works of 'improvement' could detract from the rural character of the area.

9.5 Archaeology

Whilst there has already been significant demolition disturbance at the site, Historic England is satisfied that the works would not harm the setting of the nearby Winterbourne Bassett Mound Scheduled Monument. The Council's Archaeologist is also satisfied that any remaining archaeological interest on the site itself could be adequately recorded and protected by way of planning conditions.

9.6 Loss of productive farmland

The NPPF advises that the council should take into account the benefits of the best and most versatile agricultural land. Given the relatively small area of land involved in the change of use, the loss of productive farmland would not support refusal of the application in this instance.

10. Conclusion (The Planning Balance)

The proposal is for a much larger house in terms of scale and size than previously existed before the unauthorised demolition of the thatched cottage. A replacement dwelling of this scale would conflict with the policy relating to replacement dwellings in the development plan. Furthermore, the significantly larger dwelling, located in an elevated position in the landscape exposed to long views, and with its suburban appearance, would be detrimental to the landscape character of the area and the AONB.

RECOMMENDATION

That the application be refused for the following reasons:

- 1) Whilst there was previously a cottage on the site, and the site retains a residential character, the dwelling would be significantly larger than the previous cottage and being in an elevated and relatively exposed position, would, due to its design and scale, be detrimental to the openness and rural character and landscape of the area, contrary to Wiltshire Core Strategy Core Policies 51 and 57, and due to its much larger size than the previous dwelling on the site, would conflict with the requirement of policy HC25 of the Kennet Local Plan, as saved by the Wiltshire Core Strategy. There are no material circumstances sufficient to justify approval of the application contrary to the development plan.