CASE OFFICER'S REPORT

Application Reference:	PL/2023/04870
Site address:	201 Lower Berrycourt Cottage, Donhead St Mary, Shaftesbury, SP7 9DT
Proposal:	Formation of improved access arrangements, erection of two storey extension and construct car port.
Date of Inspection	1/8/23
Date site notice posted	1/8/23 and Neighbour letters
Publicity Expiry	22/8/23

POLICIES:

National Planning Policy Framework (NPPF 2021) and the PPG

Wiltshire Core Strategy (WCS):
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 23: Spatial Strategy for South Wiltshire Community Area
Core Policy 51: Landscape
Core Policy 50: Biodiversity
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 60 and 61: Transport and development
Saved Policy H31 and C24 Extensions in the countryside (Saved in Annexe D of WCS)

Wiltshire Local Transport Plan – Car Parking Strategy: Chapter 7: Parking Standards

SITE HISTORY – None relevant

CONSTRAINTS

- AONB
- Lower Berry Court farmhouse is Grade II* listed
- River Avon catchment
- Lower Berrycourt lane is an adopted, unclassified highway
- The access track is public footpath DSTM25
- Flood Zone 1, low groundwater risk

MAIN PLANNING ISSUES

1. Principle of development
2. Siting, scale, design, materials, impact on the character of the AONB
3. Neighbouring amenity
4. The proposed changes to the track surface and access, highway safety and right of way

RELEVANT HISTORY: None

REPRESENTATIONS:

Highways: **No objection**
Rights of Way – No objection subject to Informatives
Parish Council: No objection
Third parties: None

PROPOSAL (FROM STATEMENT)

1.The addition of a two-storey extension on the south elevation
2. The erection of a carport/garage
3. The provision of improved access arrangements.

The proposed extension provides improved living accommodation - particularly in terms of the provision of a larger main en-suite bedroom with improved living accommodation on the ground floor.

The extension is set back from the face of the main building with a lower eaves and ridge height to ensure that it is deferential/subservient to the host dwelling. Use is made of the same facing materials (render and tiles). Careful attention is also being paid to the detailing to maintain the traditional characteristics of the building.

The proposed carport is to be constructed within the garden a short distance to the south. It is of modest scale and proportions and will be faced with timber boarding (left to weather silver grey) under a tiled roof to match the house.

At present, the property has no dedicated off-road parking which is impossible to provide to the front of the property due to the significant change in levels between the garden and the access road. As such it is proposed to utilise and improve an existing access track directly to the north of the cottages which runs into the field to the east. It is proposed to re-position the field gate a short distance further south and to create a short length of track running parallel to the rear boundary facilitating level access to the garage/car port and parking area.

Whilst a small section of hedge is to removed (this has no protection as it is a garden boundary), significantly more new hedge planting is to be provided as shown on drawing 22065-3 comprising a traditional native species mix.

The property will remain as a single residential dwelling.

Whilst a small section of (unprotected) garden hedge is to be taken out to facilitate access to the garage, a considerably greater extent of native species hedge will be planted adjacent to the access track.

2001



2005/2006



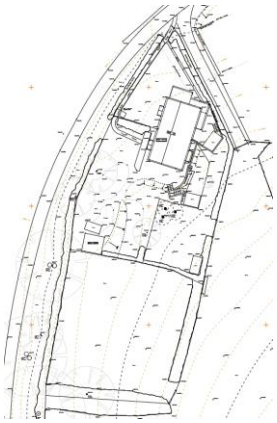
2014



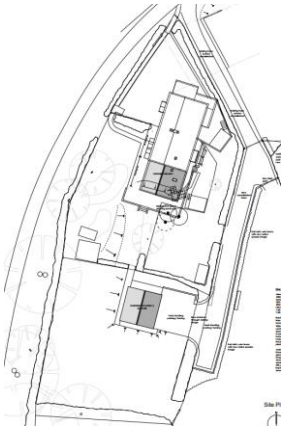
Present



Existing survey



Proposed Layout



Historic mapping indicating extent of curtilage



ASSESSMENT

The site lies in the countryside outside the settlement boundary to the south east of Donhead St Mary, within the AONB. Lower Berrycourt lane is an adopted, unclassified highway and leads to the Grade II* listed farmhouse and farm buildings. The access track to the application site is public footpath DSTM25.




The applicant is seeking to add a two-storey extension on the south elevation of the main dwelling, erect a carport/garage and improve the existing access arrangements via the track.

ASSESSMENT

Planning permission is required for the development. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

The NPPF confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay.

1. **Principle of development**

The site lies outside the settlement boundary in the countryside of the AONB. Core Policy 2 states:

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

However, the proposals for the extension affect an existing dwelling and are acceptable in principle. The proposed car port/garage would apparently affect an area of land which was historically separated from the main agricultural fields surrounding the site and enclosed as part of the residential curtilage, as shown on the historic mapping above. The aerial photos over time show that on occasions, outbuildings have been erected upon this land and it is likely that this was done under permitted development rights. The LPA does not therefore wish to assert that this part of the site might not be part of the existing residential curtilage and on this assumption, the development of a car port is acceptable in principle on this site.

The proposed changes to the grass track affect a right of way. Therefore, whilst this is acceptable in principle, the comments of the rights of way officer carry weight in the planning balance.



Right of Way

Saved Policy H31 and C24 make provision for extensions to dwellings in the countryside and state:

H31 In the countryside extensions to existing dwellings will be permitted provided that:

(i) the extension is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling;
(ii) the design of the extension is in keeping with that of the existing dwelling and uses complementary materials; and
(iii) the extension would not create, or be capable of creating, a separate dwelling.

C24 Extensions and additions to buildings in the countryside will only be permitted if they are sympathetic in scale and character with the existing building and surroundings, and fall within the existing curtilage.

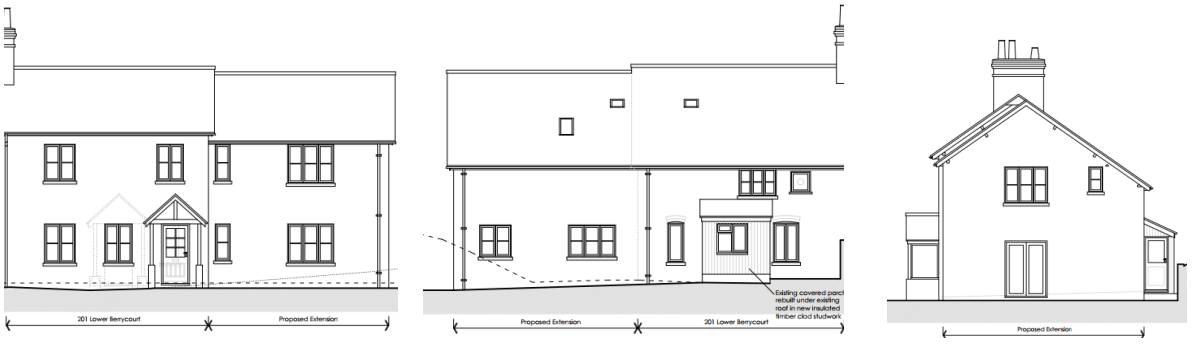
Therefore, provided the garage / car port remains ancillary by condition to the existing dwelling to be extended and is not sold or let separately as accommodation, the house extension and car port would be in accordance with saved Policy H31, C24 and CP2 and is acceptable in principle.

2. **Siting, scale, design, materials, impact on the character of the AONB**

The site is considered to be sufficiently visually and physically separated from the Grade II* listed farmhouse not to affect its setting.

CP57 considers the design of new buildings and CP51 considers the impact of development within the landscape. Great weight must be attached to landscape impact considerations within the AONB under NPPF para 176.

The proposed extensions would be subservient to the existing cottage and match its style and appearance. The proposed materials are matching tiles and render, which are acceptable.



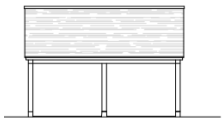
MATERIALS
Roof - New / extension -
Tiles to match existing.

Walls - Existing -
Existing brickwork rendered

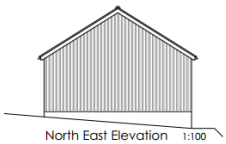
New / extension -
Render

Windows - New & replacement windows to be upvc (white) traditional styled flush / balanced casements

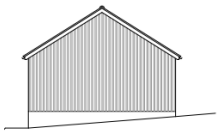
The proposed car port is shown to be open fronted with timber boarding and tiles to match the house. The proposal is acceptable in design, materials, scale and appearance.



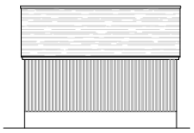
South East Elevation 1:100



North East Elevation 1:100



South West Elevation 1:100



North West Elevation 1:100

MATERIALS
Roof - Tiles to match adjacent house / extension
Walls - Timber boarding, left to weather silver grey
Joinery - Natural stained timber

The proposed design and materials for both proposals are considered to be acceptable. The proposed extension would be subservient to the main dwelling and suitable materials are proposed. Therefore, there would not be any harmful impact on the character and setting of the AONB and no objection is raised under CP57, CP51 and saved policies C24 and H31. The impact of the proposed track and access alterations are considered below.

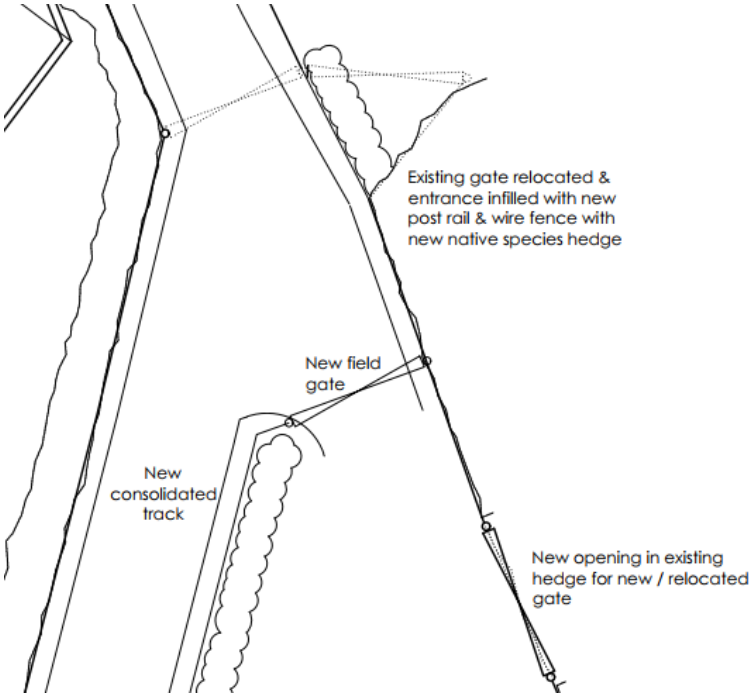
3. Neighbouring amenity

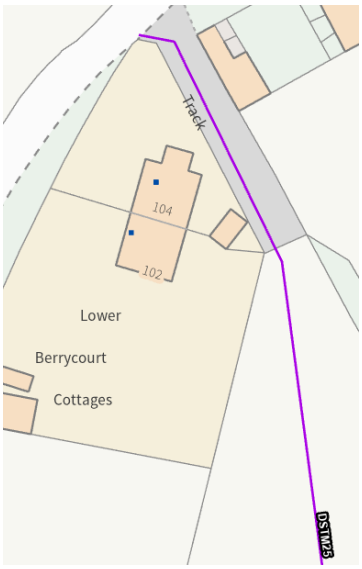
Core Policy 57 sets out the general principles for the design of development, including impacts on neighbours. It also states:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

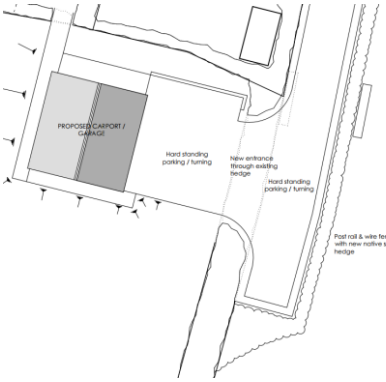
The extension and car port development is not considered to materially affect any neighbours including No 104. The proposed amendments to improve the trackway is likely to benefit both properties. It is considered that *appropriate levels of amenity are achievable within the development itself,* in accordance with CP57.

4. The proposed changes to the track surface and access, highway safety and right of way





The proposals include consolidation of the existing right of way surface and relocation of two existing gateways. This includes replacement native hedge planting. A new stretch of track would be formed, abutting the property boundary, in the field, and separated by a further new length of native hedge with post rail and wire fencing. A turning area would be formed within the new enclosure and a new entrance to the garden formed thought the existing hedge:





The proposals to the track and access provision are acceptable in visual and landscape impact terms, as the proposed new hedge planting would provide adequate screening for the new track surface, access and turning areas. The proposals require some modest take of agricultural land, but the land is shown to be within the applicant's ownership, is sited adjacent to the existing residential curtilage boundary and is appropriate in scale for its intended purpose. The hedge planting would also provide biodiversity enhancement for the scheme. The development is not considered, by virtue of its scale and siting, to have an adverse impact on the landscape character of the AONB or its wider setting. The proposals therefore comply with Saved Policy C6, CP51 and CP50.

CP57, CP60 and CP61 are relevant to the proposal. The highways officer commented:

I note the proposals seek a two storey extension to the existing dwelling, along with the provision of a new detached garage and associated access improvements. I understand that the dwelling currently does not benefit from off-street car parking provision and these proposals seek to facilitate

new parking provision via improvements to the adjacent access track, with a new access track leading towards the rear of the property. The existing field access track is actually a public right of way in the form of Footpath DTSM25 and as such, the applicant would need to ensure that they have a vehicular right of access along this footpath – you should consult the Council's Rights of Way Team directly on this proposal.

Notwithstanding the potential issues associated with achieving vehicular access over a public footpath, I do not have any highway safety concerns to raise in respect to these proposals and therefore, I recommend that no Highway objection is raised to these proposals.

The Rights of Way officer commented:

Public footpath DSTM25 runs along the existing track and into the field through an existing gate. I note the applicant intends to consolidate the existing track and extend it southwards, remove the existing gate and install a new gate for access to the field, further south of the existing gate. In order to drive a mechanically powered vehicle (MPV) over a public footpath the applicant must have a private vehicular right. In this case I believe that the track is registered in the ownership of the applicant and I am making these comments based on this assumption.

Any proposed improvements to the track must first be authorised by Wiltshire Council Rights of Way (rightsofway@wiltshire.gov.uk) and should include an agreement for the landowner to be responsible for future maintenance of the improved surface. It is an offence to disturb the surface of a public right of way without lawful authority. The path should be kept open at all times during construction. If a temporary closure of the path is required for public safety during construction this must be applied for 3 months before any work is carried out. An alternative route should be provided during any closure. The applicant should contact the Countryside Access Officer or email rightsofway@wiltshire.gov.uk. The applicant must also apply to Rights of Way for authorisation to install the proposed new gate. Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

I have no objection subject to the following informatives.

Therefore, subject to the Informatives being added to the decision, no objection is raised under CP57, CP60 and CP61 and there is no perceived harm to landscape character. highway safety or the integrity of the public right of way.

Recommendation: Approve subject to conditions

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.

The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule:

Site and Location Plans Proposed ref 22065 – 3 dated June 2023

Proposed Extension Plans, Elevations and Section as Proposed ref 22065 – 4 dated June 2023
Proposed Carport / Garage Plans, Elevations and Section as Proposed ref ref 22065 – 5 dated June 2023
Supporting Statement letter from Brimble Lea, dated 15th June 2023

REASON: For the avoidance of doubt and in the interests of proper planning

The materials to be used in the development hereby approved shall be in accordance with the schedule in the details submitted on the approved plans, namely render and tiles to match the existing dwelling for the extension, tiles to match the house and timber cladding for the walls of the garage/car port.

Reason: for the avoidance of doubt and in the interests of the landscape amenity of the AONB.

All the sections of new and replacement native hedge planting shown on the approved Site and Location Plans Proposed ref 22065 – 3 dated June 2023 shall be carried out in the first planting and seeding season following the first occupation of the extension/car port building or the completion of the development whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the enhancement of existing important landscape features and hedgerows within the AONB. To secure biodiversity enhancement for the development.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), the garage/car port hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety and the adjacent public right of way.

INFORMATIVES:

PRIVATE VEHICULAR RIGHTS
The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath.

IMPROVEMENT WORKS TO FOOTPATH
The applicant should note that no works should be undertaken on the public footpath without prior consultation with the Rights of way Countryside Access Officer (CAO). It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement

action as necessary.

OBSTRUCTION DURING CONSTRUCTION
The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way DSTM25 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

GATES AND STILES
The applicant should note that no gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

HEDGEROW REMOVAL
The applicant should note that where permission to remove a hedgerow is given, if the hedgerow is not removed within two years of the date the application was received by the Local Planning Authority a further notice must be submitted for its removal.

WILDLIFE AND COUNTRYSIDE ACT
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.