CASE OFFICER'S REPORT

Application Reference:	PL/2023/05077
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	30 August 2023
Case officer:	Olivia Tresise

Site Address:	Woodlands Barn, The Street, Oaksey, Malmesbury, Wilts, SN16 9TF
Proposal:	Change of use to garden and associated boundary wall revisions
Recommendation:	Approve with Conditions

INTRODUCTION

This application seeks planning permission for the change of use of a parcel of amenity land to residential curtilage of Woodlands Barn (formerly known as Plot 4), The Street, Oaksey and to extend the existing stone boundary wall along the east and south boundary and erect a post and rail fence along the west boundary of the site. The proposed boundary stone wall would be approximately 1.2 metres in height and gradually lowered to 0.7 metres. The proposed post and rail fence would be approximately 1.2 metres in height. The host dwelling is a two-storey property, which was recently built. The site is located within the Oaksey Conservation Area and is outside the defined framework boundary for Oaksey, as set out in the Wiltshire Core Strategy (WCS). The site is one of four dwellings arranged in a cul-de-sac with amenity area located to the front.

RELEVANT PLANNING HISTORY

20/11616/FUL Alterations to boundary construction, access road layout and other alterations to Plot 1 (All Saints House), Plot 2 (Manisty) and Plot 4 (Revision to 20/08658/FUL). Approved with conditions 25 June 2021

20/08658/FUL - Alterations to Boundary Construction, Access Road Layout and Other Alterations to Plot 1 (All Saints House), Plot 2 (Manisty) and Plot 4 – Refused and dismissed at appeal on 22 April 2021

19/05604/VAR - Alterations to plot 2 (application reference 16/04578/FUL) to include private turning area and water disposal. Approved with conditions 12 July 2019

19/02861/FUL - Erection of single storey garden room to east side of existing house – withdrawn

18/06865/FUL Alterations to Plot 2 (application reference 16/04578/FUL) to include private turning area and water disposal Permitted - this permitted changes to the access road surfacing to shingle and amended Plot 2. Approved with conditions 03 October 2018

18/05700/FUL Minor changes to plot 4, (application reference 17/05197/FUL) including additional roof lights, gabled dormers, new entrance door location, changes to window positions, changes to screens, new position of flue. Approved with conditions 21 January 2019.

18//04724/FUL Minor changes to plot 1 (application reference 16/04578) including additional roof lights, new entrance door location, change to window positions, move orangery, new position for chimney. Square off end of garage workshop and enlarged wood store. Approved with conditions 17 August 2018

17/05197/FUL Residential development for 4 houses, garages / outbuildings, improvements to pond, landscaping & access arrangements (revisions to 16/04578/FUL). Approved with conditions 23 August 2017

16/04578/FUL Residential development for 4 houses. Approved with conditions 05 August 2016

13/04812/FUL Residential development for 7 houses. Refused and Dismissed at Appeal on 13 April 2015

RELEVANT PLANNING POLICIES

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015), Wiltshire Housing Site Allocations Plan (WHSAP) adopted 25 February 2020; 'saved' policies of the North Wiltshire Local Plan 2011; and the Oaksey Neighbourhood Plan (2018-2026), Oaksey Neighbourhood Plan (First Review) 2018-2036 Drafted April 2023.

Wiltshire Core Strategy (Adopted January 2015)
CP1 - Settlement Strategy
CP2 - Delivery Strategy
CP3 - Infrastructure requirements
CP13 - Spatial Strategy for the Malmesbury Community Area
CP45 - Meeting Wiltshire's Housing Needs
CP51 - Landscape
CP57 - Ensuring High Quality Design and Place Shaping
CP58 - Ensuring the Conservation of the Historic Environment
CP60 - Sustainable Transport
CP61 - Transport and Development
CP62 - Development Impacts on the Transport Network

North Wiltshire Local Plan 2011 - Adopted June 2006 (Saved policies)
NE14 Trees and the control of new development

Oaksey Neighbourhood Plan 2018 -2026 (Made March 2019)
Policy 1 – Settlement Boundary
Policy 2 – Development in the Open Countryside
Policy 4 – Design of New Development and Local Distinctiveness
Policy 5 – Views and Vistas
Policy 6 – Boundary Treatment, Trees and Public Realm

Policy 7 – Trees
Policy 9 – Opportunities for Enhancement
Policy 10 – Highway Impact
Policy 11 - Heritage Assets
Policy 12 – Oaksey Conservation Area

The Wiltshire Housing Site Allocations Plan (WHSAP) was adopted 25 February 2020
Settlement Boundary Review & site allocations

National Planning Policy Framework September 2023
Paragraphs 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 38, 47, 55, 56, 130 and 134.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Practice Guidance

KEY ISSUES

The main issues in the consideration of this application are:

Principle of development
Design, Visual Amenity and Impact upon Conservation Area
Landscape character
Residential Amenity
Highway Safety and Transport

CONSULTATION RESPONSES

Oaksey Parish Council: No comment received.
Archaeology Officer: No comment.
Highway Officer: No comment.
Conservation Officer: No objection

Local residents / businesses: The application has been advertised by neighbour letter and site notice. No representation / comments were received.

ASSESSMENT

Principle of development
The application site comprises a parcel of land situating directly to the southern boundary of Woodlands Barn. The proposal seeks to extend the existing stone wall on the eastern boundary to enlarge the residential curtilage. The host dwelling is a two-storey detached dwelling, which is one of the four plots in this cul-de-sac. This small development was granted for residential development under 17/05197/FUL in 2017. Given that this parcel of amenity land is situated within the approved residential scheme, therefore the principle of alterations to existing where they respond well to their context is considered acceptable under the provisions of Core Policy 57.

Design, Visual Amenity and Impact upon Conservation Area

The site is situated within the Oaksey Conservation Area. The proposal is to change a small parcel of amenity land to residential curtilage of Woodlands Barn and to extend the existing stone wall along the west boundary further to the south, wrapping around the south-eastern corner of the site and it would continue along the southern boundary. The new stone wall would be 1.2 metres in height and gradually lowered to 0.7 metres toward the cul-de-sac entrance. It would be built with rubble stones with mortar capping to match the existing stone wall of plot 1, which lies to the other side of the cul-de-sac entrance. A 1.2 metres post and rail fence is proposed to the west side of the garden adjoining the pond. Given its appropriate design, modest height and matching material, it is considered that the proposal would have a neutral impact upon the character or appearance of the Conservation Area or the locality.

In this instance, it is considered that the proposal will preserve the character or appearance of the conservation, and the area in general. It will therefore accord with the development plan as well as the guidance in the NPPF and the Planning and Listed Building Act. The proposed boundary enclosures to Woodlands Barn will preserve the character and appearance and significance of the Oaksey Conservation Area and would be an acceptable development that would integrate in an acceptable manner to the character and appearance in general. It will accord with the requirements of Policies 57 and 58 of the Wiltshire Core Strategy (January 2015), and Policies 4, 5, 6, 11 and 12 of the Oaksey Neighbourhood Plan 2018-2026 (March 2019). These, in part, require proposals to protect and conserve heritage assets, take account of local distinctiveness, respond positively to the surrounding area in terms of height, scale and use of materials, and to preserve local views. The proposal will also accord with the provisions of the National Planning Policy Framework. Therefore there is no objection in this regard.

Landscape character

It is noted that some hedges are growing along the boundary of the site, and a new tree was also planted at the location to accord with approved landscaping scheme. Given that the tree is recently planted and it is one of key landscape features for this residential development. Given that the tree is part of the approved landscaping scheme, subject to a planning condition securing a replacement tree, which is similar to the condition of the original planning permission 17/05197/FUL, there is no landscape objection to the proposal.

Residential Amenity

The nearest neighbouring property to the proposed boundary wall would be All Saint House (formerly known plot 1) situating opposite side of the entrance. There are reasonable separation distance (of approximately 8 metres) between the new boundary wall and this neighbouring property. Given its separation distance and the height of the boundary wall, it is considered that the proposal would not result in an unreasonable adverse impact upon the amenity of the nearby residents. Therefore, there is no objection from the residential amenity perspective.

Highway Safety and Transport

The proposed boundary wall would set back from the edge of public highway, the Street, and the boundary wall would be 1.2 metres in height and lowered to 0.7 metres. The existing access and parking arrangement would remain unchanged, and they would not be adversely affected. Hence, no highway objection is raised.

CONCLUSION

The proposed change of use of this parcel of amenity land to residential curtilage and the proposed boundary stonewall would be acceptable in terms of design and visual amenity. There would be no detrimental impact on the living conditions of the occupiers of nearest residential neighbours. In addition, it would not be detrimental to the public highway safety. Accordingly, the proposal is considered to comply with the relevant provisions of CP57 of the WCS; and Oaksey Neighbourhood Plan.

RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

Conditions: (3)

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

Site location plan, wall and fence elevations received by the Council on 4 July 2023,
Revised Site layout plan received by the Council on 21 August 2023

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

3 The new birch tree growing to the proximity of the new boundary wall was recently planted in order to accord with the original approved soft landscaping scheme. Therefore, the tree which, within a period of five years, die, is 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.

REASON: To ensure a satisfactory landscaped setting for the development, the protection of existing important landscape features, and to accord with the original approved soft landscaping scheme.

Informatives: (4)

4 CIL. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website. www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

5 Building Regulations. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

6 Statutory Undertakers. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

7 Property Rights. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.