CASE OFFICER'S REPORT

Application Number: PL/2023/06768

Address: Land to the West of and adjoining Wisteria Cottage, Boons Cottage, Clearbury and Thatchings, Lower Road, Charlton All Saints, Salisbury, SP5 4HQ

Proposal: Change of use of land from agricultural to gardens for the four individual properties.

Date of Inspection:
N/A
Consultation Expiry:
18/09/23
Press Advert: N/A

POLICIES
National Planning Policy Framework and the NPPG

Wiltshire Core Strategy
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 24: Spatial Strategy: Southern Wiltshire Community Area
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment

Planning (Listed Building and Conservation Areas) Act 1990
Section 72

REPRESENTATIONS :

Downton Parish Council – No objection

Third Party Comments **–** 3 letters of support were received. A further letter raised no objection to the proposal, but seeks that the proposed fencing is constructed as per the submitted plans

Assessment

- Principle
- Scale, design and impact on the character and appearance of the area
- Impact upon the setting of Heritage Assets
- Impact on neighbouring amenity

Scale, design and impact on the character and appearance of the area and impact upon the setting of a Listed Building

Wiltshire Core Strategy Core Policy 57 states:

> *A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire….*
>
> *In addition, The Conservation policies of the local plan and the NPPF seek to ensure that the existing significance, character and setting of the Conservation Area and any listed buildings would be preserved or enhanced.*

The application site forms part of a large agricultural open field to the West of Lower Road, in Charlton All Saints and adjoining the properties known as Wisteria Cottage, Boons Cottage, Clearbury and Thatchings.

The proposal seeks permission to change the use of a section of the open field behind the properties listed to enlarge their rear gardens.

The proposed area increased is not considered to be excessive and relates well to the properties sizes. In addition, the extent of the proposed newly formed gardens would be a continuation of the existing rear garden line of properties to the South such as Belle Vue.

The garden extensions would not be visible from within the streetscene and is not considered to pose any visual harm which would warrant a refusal, especially when considering the garden enlargements would be in line with existing gardens along the road.

It is noted that Belle Vue, Boons Cottage and Thatchings are Listed properties. However, due to the nature of the proposal the increase in curtilage is not considered to harm the setting of these Heritage Assets. Boon Cottage and Thatchings will be gaining an increase in outdoor space and could be deemed as a positive addition to the overall setting.

The comments raised by a third party regarding the fencing, have been noted. The applicant is advised that if approval is gained a condition would be imposed ensuring all works are completed in accordance with the approved plans.

Therefore, the proposal is acceptable, subject to final details via conditions and is considered to accord with the NPPF and Core Policy 57 and 58.

Impact upon Residential Amenities

Policy CP57 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)

Due to the nature of the proposal, the increase in garden area for these properties are not considered to pose any harm on residential amenities, and will improve those of the occupants.

Conditions

It is noted that some years ago, two dwellings to the immediate south of this site were also subject of a consent to change the use of the rear land to garden area. The conditions imposed then were as below:

Reference No: S/2001/92

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

(2) Other than the post and rail fence already erected on the site, any additional fencing, walls, hedges or tree planting within the area marked in red shall be agreed in writing with the Local Planning Authority prior to any commencement of such works or planting.

(3) Notwithstanding the provisions of Class E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no the erection of any structures within the land outlined in red on the drawing received on 17/1/01 unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

(4) Within the first growing season following the first use hereby permitted, a hedge of indigenous species as described on the drawing received by the Local Planning Authority on 17.01.2001 shall be planted along the western and northern boundaries. The hedge shall thereafter be maintained and any part of it which within a period of five years from the completion of development dies or becomes seriously damaged or diseased shall be replaced in the next planting season using plants of a similar size and species Unless the Local Planning Authority gives written consent to any variation.

(5) The change of use hereby permitted, shall be for the use as a residential garden only for the occupants of Belle Vue and/or the proposed dwelling adjacent to Belle Vue unless otherwise agreed in writing with the Local Planning Authority.

Reasons for the above conditions are listed below:

Condition 02 & 03 effectively take off permitted rights for structures without the further submission of a planning application. It was quite common for such a condition to be routinely added to such consent at that point in time. However, in more recent times, central government advice has stipulated that permitted rights should not be withdrawn other than in exceptional circumstances. It is considered that in this case, there are no such exceptional circumstances, and thus it is not considered necessary or reasonable to impose such conditions again on the land subject of this application. Notwithstanding, any works in the gardens would have to conform with the Permitted development rights restrictions of the GPDO in any event, meaning that some works may need planning permission in any event.

With regards conditions 4 & 5, it is further considered that these conditions are typical of that period of time, but are now not considered necessary.

Conclusion:

On balance, the proposal, is considered to sit sympathetically within the wider locality and would not result in any harm upon the overall character and appearance of the area or upon the setting of any Heritage Assets. Therefore, the application is considered to to comply with Section 66, CP57, CP58 and Chapter 16 of the NPPF & Planning (Listed Building and Conservation Areas) Act 1990 Section 72.

RECOMMENDATION: Approve, with conditions.