CASE OFFICER'S REPORT

Application Reference:	PL/2023/07278
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	28 September 2023
Case officer:	Callan Powers

Site Address:	Agricultural Building, Tellings Farm, Ashton Road, Minety, Malmesbury, SN16 9QP
Proposal:	Change of use of land to residential and landscaping to form amenity space and parking in association with residential conversion of agricultural building previously granted Prior Approval under Application No. PL/2023/04177
Recommendation:	Approve with Conditions

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POLICIES
National Planning Policy Framework July 2021 Paras 2, 11, 38, 47, 126, 130 & 163.
Wiltshire Core Strategy Jan 2015 CP51 CP57
ISSUES
Principle of development
Impact on the character and appearance of the area and on the landscape
Highways
Flood risk
REPRESENTATIONS
Neighbour Representations – None received.
Minety Parish Council – None received.

Highways – No objection, subject to conditions.

SITE DESCRIPTION
The application site is situated to the north east of Minety, at the roadside amid a cluster of rural development between Minety and Ashton Keynes. The site includes an agricultural building Existing dwellings are located to the north and east of the site.

The site lies in Flood Zone 1 where fluvial flood risk is not high, however in this general vicinity heightened risk of flooding from other sources is widespread.

Relevant planning history
Whilst there is lengthy planning history associated with the site, the most recent application, ref PL/2023/04177, is also substantially the most relevant. Under that application, approved in July 2023, it was determined that prior approval would be required and was granted in respect of the conversion of the barn contained within the site to residential use, under Part 3, Class Q permitted development rights.

THE PROPOSAL
This application seeks to associate land with the agricultural building at the site that is due to be converted to residential use following prior approval for the change of use as detailed above. This includes landscaping of the site to provide amenity space and parking. The prior approval process allows for only a very limited extent to the land to be removed from agricultural use in support of the conversion, this application would extend residential use beyond that limited extent.

ASSESSMENT:
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, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); and the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020).

Principle of development
The principle of conversion of the building to form a dwelling has been established by virtue of the grant of prior approval under Class Q of the GPDO. The proposal does not therefore seek the creation of a new planning unit but an extended version of that previously approved. The extension of the residential plot goes beyond what is available under Class Q, but this does not equate to a presumption that such will be unacceptable, but rather that the extension is to be considered under the process set out for determining planning applications in law as detailed above. There being no development plan policy seeking to prevent the extension of residential plots, the principle of development is acceptable, subject to site specific matters.

Impact on the character and appearance of the area and on the landscape
The expansion of residential development has a landscape impact in the countryside, bringing with it various residential paraphernalia that are alien to a rural landscape. Core Policy 51 of the WCS is concerned with conserving landscape quality, whilst Core Policy 57 seeks to ensure a high quality of design in the built environment. It is therefore necessary to ensure that, mindful of the needs of future occupants of developments, the extension of residential plots takes account of site surroundings and does not represent an excessive incursion into the countryside.

The proposed development would retain a relatively self-contained character to the site overall, and it is considered, due to the scale of the development, would not result in a harmful impact on the landscape. The additional residential use of land is not considered to be excessive, and it responds appropriately to the context. The extended garden would also result a plot that is comparable to others in the area. Accordingly, the proposed development is not considered to result in harm to the landscape or the local character, and no conflict is therefore found with either Core Policies 51 or 57 of the WCS.

Highways
The proposal, divorced from its association with the approved new dwelling, does not create any additional traffic pressure as it does not involve any additional planning units or the intensification of the approved use. The proposal does not modify the approved access arrangements with

regards to highway visibility, and accordingly there are no objections from a highways perspective.

The Council's Highways Engineer has proposed that conditions are imposed requiring the provision of cycle storage, with details of this to be confirmed prior to development commencing, and requiring that the parking is provided prior to occupation of the dwelling. Whilst cycle parking is an aspiration with merit, this application relates only to the expansion of the residential plot and not to the provision of a dwelling; the local planning authority cannot reasonably seek to compel the provision of items not required under the extant prior approval. The proposed conditions would therefore not meet the relevant tests for planning conditions set out in the Framework and in particular would not be relevant to the specific development in question and would not be reasonable. Accordingly, these conditions cannot be recommended for inclusion in this case.

Conversely, suggested conditions relating specifically to the treatment of the access are consistent with those previously imposed on the prior approval, and whilst relevant and necessary in the interests of highway safety, do not place additional burden on the applicants. It is therefore concluded that conditions ensuring that the first five metres of the access are surfaced and that any gates to be installed open inwards are recommended for inclusion with any permission that may be forthcoming.

Flood risk
The application site is in an area of known heightened flood risk from ground water sources. Nevertheless, the barn benefits from prior approval in respect of its residential conversion, and the development at issue in this application is not of a higher vulnerability, nor would it increase the risk of flooding of either the barn or elsewhere. There are therefore no concerns in this respect.

Conclusion
The extension of residential use to serve the residential barn conversion is not considered to give rise to significant concerns either in principle or in terms of any site-specific impacts. The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION:
Permission subject to conditions

Conditions: (4)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawing No. 2084/03: Site Plan, dated January 2023 and received 25 August 2023;
Drawing No. KCC2827/07 10/23ac: Landscaping Plan, dated October 2023 and received 31 October 2023;
Supporting Statement, dated August 2023 and received 25 August 2023; and

Application Form, dated 25/08/2023 and received 25 August 2023.

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

2 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.

3 The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

4 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

Informatives: (5)

5 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 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 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.

8 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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

9 The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.