CASE OFFICER'S REPORT

Application Reference:	PL/2023/08017
Site Address:	Eden Grove, Zeals, Warminster, BA12 6PA
Date of Inspection:	N/A
Date site notice posted:	02/10/23
Consultation Expiry:	19/10/23

POLICIES

National Planning Policy Framework
Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed Places
Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy
Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 17 Mere Community Area
Core Policy 39 Tourist Development
Core Policy 40 Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 60 Sustainable Transport
Core Policy 61 Transport and New Development

Wiltshire Local Transport Plan 2015-2026:
Car Parking Strategy

RELEVANT PLANNING HISTORY

14/08116/FUL - Demolish single storey lean-to and construct new two storey extension to rear and single storey extension to front A.C 23.10.14

ISSUES

- Principle of development including use, design, scale and amenity impacts including the AONB;
- Parking/Highway Safety

REPRESENTATIONS

Zeals Parish Council – Support with comments stating:

Discussion took place regarding the planning application. The building that would be knocked down was an eyesore and this would be a better visual property that did not impact on any other property. It was RESOLVED to support this application.

WC Highways – No objection with comments stating:

I refer to the above planning application for the erection of an outbuilding to be used for office space and holiday accommodation and the installation of solar panels on the roof of the host dwelling. I do not have any concerns for the proposed outbuilding to be used as an office for the occupiers business or an occasional meeting place for business purposes. There are no local facilities within easy walking distance of the site and little opportunity to travel by means other than the private car and a residential use would normally attract an adverse highway recommendation on grounds of being in an unsustainable location. However on the basis that there are overriding planning policies which permit the construction of buildings for tourist accommodation, I would not wish to raise a highway objection to the proposal on these grounds. The site is located in an isolated location outside of any development boundary. The highway network local to the site is mainly single carriageway rural lanes with informal passing places, however the lanes are not subject to heavy traffic and I therefore raise no highway objection to the proposed use.

Somerset Council – Comments received stating the following:

In reference to the above application, Somerset Council has no comment to make regarding the proposal.

Dorset & Wiltshire Fire and Rescue – No objection with comments received summarised as:

In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

Third party representations – None received

Site Description:

The application site is the detached residential dwellinghouse known as Eden Grove located on the outskirts of Zeals close to the Wiltshire/Somerset border. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and is in Flood Zone 1.

Proposal:

The proposal seeks planning permission for the demolition of the existing outbuilding and the erection of a replacement outbuilding to be used for a mixed use of a short-term holiday let and ancillary use to the host dwellinghouse known as Eden Grove. Other works include the insertion of solar panels onto the southern roofslope of the host dwellinghouse.

ASSESSMENT

Principle of development including use, design, scale and amenity impacts including the AONB

The application site is the detached residential dwellinghouse known as Eden Grove set within approximately 0.4 hectares of land. On the western boundary of the site is an existing tin roofed outbuilding that is to be demolished and a replacement outbuilding erected on a similar footprint in its place. Other works include the insertion of solar panels onto the southern roofslope of the dwellinghouse.

The site is accessed from Portnells Lane via an existing entrance at the northern end of the site which leads down to the parking and turning areas for vehicles.

The site is situated on the outskirts of Zeals, as defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP17 (Mere Community Area). The site is not located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted WCS and as such is considered to be within the countryside for the purposes of the local plan.

Core Policy 39 of the Wiltshire Core Strategy (WCS) states:

Within Principal Settlements and Market Towns, proposals for tourist development of appropriate scale (including attractions and tourist accommodation) will be supported subject to a sequential assessment. Proposals for large-scale tourist development must be assessed against all the policies of this Core Strategy, including transport implications and how the proposal could assist rural regeneration and the well being of communities.

Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings. Any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites with the objective of providing adequate facilities, enhancing enjoyment and improving the financial viability of the attraction. If new buildings are required in the countryside for tourist development these should be directed towards the Local Service Centres and Large and Small Villages.

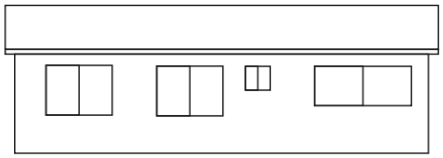
In exceptional cases development may be supported away from the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages where it can be demonstrated that all of the following criteria are met:

i. There is evidence that the facilities are in conjunction with a particular countryside attraction;
ii. No suitable alternative existing buildings or sites exist which are available for reuse;
iii. The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas;
iv. The building is served by adequate access and infrastructure; and
v. The site has reasonable access to local services and a local employment base.

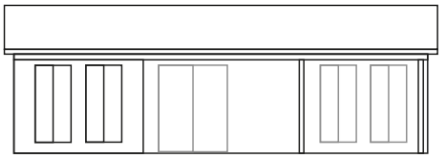
Extensions to existing facilities should be appropriate in scale to its location and help to ensure the future viability of the business, including farm diversification schemes. Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v above.

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires there to be 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.

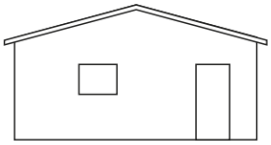
The outbuilding subject to this proposal would replace an existing tin roofed brick outbuilding on the western boundary of the application site and would be sited in a similar position to the outbuilding to be replaced. The dimensions of the outbuilding are approximately 10.7 metres in depth by 6.45 metres in width by 3.56 metres to ridge height and would be a timber construction outbuilding with a pitched roof sited on a concrete base. The proposed elevations are shown below:



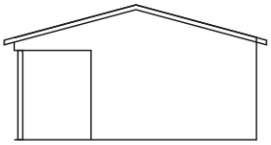
Rear elevation



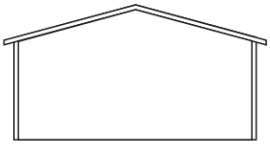
Front elevation



Side elevation



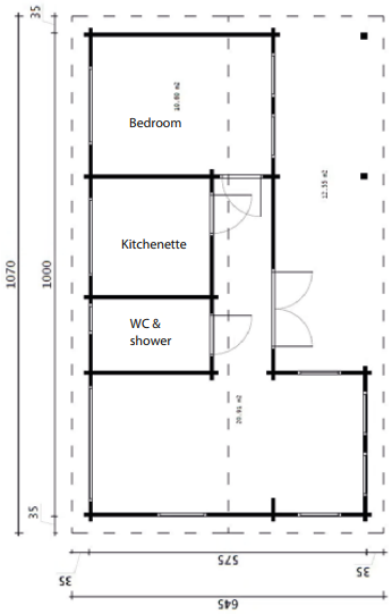
Side elevation



Section

The outbuilding would be used for a mixed use being an ancillary use associated with a business currently operating from the dwellinghouse known as Gardenforum Ltd, a leading source for the retail horticultural industry and a short term holiday let when not being used by the business, Gardenforum Ltd. The current business has two full time employees and one part time employee with the outbuilding required to provide a working space for the business and their clientele.

The proposed plan of the outbuilding is to contain a kitchenette, a main working area, a WC/Shower room, and bedroom as shown on the submitted floor plan below.



The function of the outbuilding is to provide a mixed use of ancillary accommodation to the host dwellinghouse, Eden Grove for business purposes and a short term holiday let when the business is not operating from the outbuilding. In terms of planning policy and specifically Core Policy CP39 of the WCS, the outbuilding is to be a replacement outbuilding and located on the outskirts of the village of Zeals, a small village as defined in Core Policy CP2 of the WCS. Officers note the wording of Core Policy CP39 which states, ‘tourist and visitor facilities should

be located in or ***close*** (emphasis added) to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or ***replacement buildings*** (emphasis added)***'***.

Given the outbuilding subject to this proposal is to replace an existing outbuilding and is close to the small village of Zeals and within a 1km of the A303, officers consider the proposal for a mixed use comprising of a short term holiday let and ancillary uses adheres to the requirements of Core Policy CP39 of the WCS.

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Eden Grove is set within a predominately rural location close to the Wiltshire/Somerset border where there are no nearby residential properties. Having regard for amenity impacts resulting from this proposal, officers note that the use of the outbuilding could change from ancillary to holiday let and vice versa. However, by allowing this flexibility around the use of the outbuilding, subject to the imposing of a suitably worded condition onto any consent, these use changes in the opinion of the case officer, would not result in significant increases in activities associated with the outbuilding that would justify the refusal of planning permission on these grounds. It should also be noted that no third party representations have been received during the consultation process for this planning application and that the Parish Council 'support' the proposal.

A condition worded below is considered to be acceptable to control the use of the outbuilding to which the agent has confirmed is acceptable.

Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the outbuilding shall only be used for purposes ancillary to the main dwelling known as Eden Grove, Zeals, BA12 6PD, or as an office space, or to provide holiday accommodation, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence.

No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period. An up-to-date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

Upon cessation of the holiday letting use, the accommodation shall revert to ancillary uses in connection with Eden Grove, Zeals, BA12 6PD.

REASON: This site is in a position where the Local Planning Authority, having regard to the planning policies pertaining to the area would not permit further permanent residential accommodation.

Subject to the imposing of this condition specifically worded as outlined above, officers are of the opinion that the use of the outbuilding is suitably controlled and any amenity impacts resulting from this use would be minimal. Therefore it considered that the proposed accords with the requirements of Core Policy CP57 of the WCS.

In terms of the external appearance of the outbuilding, this would be a single storey timber outbuilding sited on a concrete base within the rear garden of the host dwellinghouse, Eden Grove. Other works include the insertion of solar panels on the southern roofslope of the main dwellinghouse. The scale of the replacement outbuilding and works to the roofslope of the host dwellinghouse are considered acceptable and thus, accords with the requirements of Core Policy CP57 of the WCS.

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

This scheme would see the demolition of an existing tin roofed brick outbuilding and the replacement with a timber framed outbuilding within the same area on the western boundary of the application site. Given the established hedgerow and fencing that bounds the residential curtilage of the dwellinghouse, the replacement outbuilding would have minimal impact on the character and appearance of the wider AONB.

Parking/Highway Safety

The existing access/egress is not to be altered with parking and turning within the curtilage of the property for up to seven vehicles by way of the proposal. Officers note the requirements of Core Policies CP60/61 in regard to new development reducing the need to travel by private car and the encouragement of other sustainable transport alternatives.

The Council's Highways Officer has commented on this application and provided the following comments:

I refer to the above planning application for the erection of an outbuilding to be used for office space and holiday accommodation and the installation of solar panels on the roof of the host dwelling. I do not have any concerns for the proposed outbuilding to be used as an office for the occupiers business or an occasional meeting place for business purposes. There are no local facilities within easy walking distance of the site and little opportunity to travel by means other than the private car and a residential use would normally attract an adverse highway recommendation on grounds of being in an unsustainable location. However on the basis that there are overriding planning policies which permit the construction of buildings for tourist accommodation, I would not wish to raise a highway objection to the proposal on these grounds. The site is located in an isolated location outside of any development boundary. The highway network local to the site is mainly single carriageway rural lanes with informal passing places, however the lanes are not subject to heavy traffic and I therefore raise no highway objection to the proposed use.

Whilst there would be a reliance on a private car to be used given the location of the site, given the forementioned overriding planning policies with the previous section of this report that support proposals such as the use of replacement buildings for holiday accommodation and having regard for the comments of the Highways Officer to which no objection is raised, officers consider that on balance, any refusal of planning permission on highway grounds in respect of the reliance for users of the outbuilding to travel to and from the site by private car would not be justified.

CONCLUSION

Subject to the imposing of a condition around the use of the outbuilding and noting the comments of the Highways Officer, for the reasons as outlined within this report, officers are

of the opinion that the proposed development accords with the objectives of Core Policies CP39, 40, 51, 57, 60 and 61 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore planning permission should be granted for the development.

RECOMMENDATION

Approve with conditions

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:

Site Location Plan Date Received 20.09.23
DWG No: 2026-002 Rev A Proposed Site Layout Plan Date Received 26.10.23
DWG No: 2026-001 Rev A Proposed Outbuilding Elevations, Floor and Roof Plan (including Materials Schedule) Date Received 27.10.23

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

3 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the outbuilding shall only be used for purposes ancillary to the main dwelling known as Eden Grove, Zeals, BA12 6PD, or as an office space, or to provide holiday accommodation, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence.

No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period. An up-to-date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

Upon cessation of the holiday letting use, the outbuilding shall revert to ancillary uses in connection with Eden Grove, Zeals, BA12 6PD.

REASON: This site is in a position where the Local Planning Authority, having regard to the planning policies pertaining to the area would not permit further permanent residential accommodation.