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November 2nd 2023

Dear Hayley Clark,

RE: PL/2023/08214 Barn at Fifield, Enford, Wiltshire SN9 6DQ

1.1. Context Planning Ltd have been appointed to assist in the assessment of the above planning application. Our client Mr Gregory Shenkman is the closest neighbour to the application site and as such will be directly affected by this development.

1.2. Upon review of the current proposal, it is evident that the scheme raises a number of significant planning issues and concerns that would warrant a refusal of planning permission. The key reasons for objection are outlined within this submission and I would be grateful if the comments in this letter are given due consideration and weight when reaching your recommendation on this proposal.

PRINCIPLE OF DEVELOPMENT

1.3. Whilst Core Policy 48 (CP48) of Wiltshire Core Strategy (WCS) allows for the conversion and reuse of rural buildings for employment, tourism, cultural and

community uses, this is subject to strict criteria. It will be demonstrated below that the proposal does not meet the criteria required to ensure compliance with CP48.

1.4. Criterion i) requires that the building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.

1.5. The well-established case of '*Hibbitt v Secretary of State for Communities and Local Government* [2016]' is an important material consideration. Whilst this dealt with a conversion/rebuild under Class Q prior approval application, it is relevant to this application. This case law established that that there is a conceptual difference between a "rebuild" and a "conversion" and that the concept of "conversion" introduces a discrete threshold.

1.6. It is clear that the works proposed go beyond that which can be considered as a conversion. The Structural Survey submitted with the application confirms that the roof tiles would need to be replaced with a new covering of plain clay tiles. This would include new eaves and barge fascia boards with new guttering to new soakaways. The building is not watertight, and it is expected that the rafters would need to be replaced to support the new roof structure. Effectively, the whole roof is being replaced.

1.7. The Structural Survey confirms that the floor to the building is uneven in places where it has worn or been broken, and some replacement will be required. Works will be required to ensure there is reasonable level of thermal performance and moisture resistance. Whilst some details of the flooring have been provided, there is no indication as to the foundations of the building and whether the additional load can be supported.

1.8. New openings are proposed on the north and east elevation, removing the existing bricks. Additional openings with be created in the new building fabric including the roof structure and the extension. This further reduces the amount of the original building that will be retained.

1.9. It is clear that the tin element of the barn is not capable of conversion. The poor quality of this space can be seen in Figure 1 and 2 below which are extracted from the applicant's structural report. This space forms a critical part of the proposal and is required to provide enough space to enable the building to accommodate a bedroom and thus function as a holiday let. The Structural Survey confirms that as part of the proposals, it is intended to replace all the external sheeting and this is therefore rebuilding rather than converting this space.



Figure 1 – Extension viewed externally



Figure 2 – Extension viewed internally

1.10. It is therefore clear that the building is not structurally sound or capable of conversion without major rebuilding. The works proposed are akin to a new build rather than a conversion. They include rebuilding the metal extension which is a key part of the building, re-roofing the whole building, replacing elements of the floor, and removing significant elements of the original fabric to allow for new openings.

1.11. Notwithstanding the unacceptable level of works necessary to facilitate the new use, the rebuild works fail to preserve the character and appearance of the original

building. The inappropriate design, including the number of roof lights and fenestration details are unsympathetic to the original barn character, and the overly domestic features fail to preserve the character and appearance of the original building. The development overall fails to comply with criterion (i) of CP48.

1.12. Criterion (ii) requires that the use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas. The existing building sits comfortably within the landscape due to its small scale and agricultural appearance, form and use. The development would result in the domestication of the wider site through the rebuild, provision of rooflights, windows and doors, formalisation of access, parking area, outdoor space and associated paraphernalia. Whilst the timber doors are to be retained, the design incorporates glazing behind, and therefore, the retention of these doors should be given limited weight, as they will likely be largely open. Due to these changes, the building and site would become more prominent and at odds with its agricultural/rural setting.

1.13. The roof lights and other openings would result in an unacceptable material increase in light spill, which would impact upon the dark skies, and further harm the character and appearance of the rural landscape. Further, the increase in the use of the site, would harm the tranquillity of the landscape which forms an important element of its character. The development would therefore conflict with criterion (ii) of CP48.

1.14. Criterion (iii) requires the building can be served by adequate access and infrastructure. Whilst the site benefits from an existing access, the use of this will be intensified. The access road will not only be used by customers, but also those responsible for cleaning and maintenance, as well as commercial waste collection. The access road to the site is not suitable for an increase in traffic, and given its narrow width, would give rise to potential conflict with pedestrians and vehicles.

1.15. The application form confirms that the site will be served by a package treatment plant, but no further details of this have been provided. It is not clear that there is adequate room within the red line of the application site to accommodate this and the development may therefore require a larger area of land to facilitate this. This results in further encroachment into the countryside and increases the harm to the rural landscape identified above.

1.16. Criterion (iv) of CP48 explains that the site must have reasonable access to local services. The application site is considered to be remote from local services and facilities and the occupiers would be reliant on the private car. This is expanded upon under 'Unsustainable Location' below.

1.17. Overall, the development is considered to conflict with a number of the policy limbs of CP48 and the principle of development should therefore not be supported.

UNSUSTAINABLE LOCATION

1.18. Core Policy 61 explains that transport and new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

1.19. As highlighted in paragraph 1.16 above, criterion (iv) of CP48 also recognises that the site must have reasonable access to local services. The NPPF at paragraphs 84 requires decisions to 'enable **sustainable** growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings' and '**sustainable** rural tourism and leisure developments which respect the character of the countryside' [emphasis added]

1.20. It is recognised therefore that paragraph 84 of the framework provides support for rural tourism development that respects the character of the countryside. However, this development does not respect the character of the countryside. Furthermore, support for rural economic development is not unconditional and the wording of

this paragraph demonstrates that development that is sustainable in nature is a primary consideration of paragraph 84. The development is not sustainable due to its location remote from local facilities and limited public transport connections. Any future user would be reliant on the private car, as there are no facilities in this small hamlet.

1.21. There is also no evidence that there is a deficit of holiday lets in the area, or any other reason why this development needs to be in this remote location. Whilst it is recognised that a holiday let is an activity sometimes associated with a rural location, there is no justification as to why this use requires the degree of isolation offered by this development. As such the type of tourism accommodation proposed does not justify the inaccessible form of development.

1.22. Paragraph 85 of the NPPF recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, it advises that, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

1.23. However, the proposal has not been demonstrated to meet local business and community needs, it is also not physically well related to any existing settlements or suitably accessible by public transport and there is no ability to improve the site's sustainability credentials.

IMPACT UPON NEIGHBOURING OCCUPIERS AND NEIGHBOURING USES

1.24. CP57 of the adopted WCS requires in part, for development proposals to have *"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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)".

1.25. The development would have an unacceptable impact upon the residential amenity of the neighbouring occupiers. By virtue of the rural context, these neighbouring dwellings benefit from a high level of privacy, and low levels of disturbance. This would be significantly compromised by the proposed development. I would urge you to visit the neighbouring occupiers so you can fully understand their concerns.

1.26. The neighbouring occupiers would suffer a loss of privacy to habitable rooms and private amenity areas as a result of this development. Whilst screening may aid to a degree in mitigating this, this would only result in unsympathetic boundary treatments and increased harm to the character of the area.

1.27. The increase in use of this quiet lane, which runs directly adjacent to habitable windows of the neighbouring occupiers, would result in an unacceptable increase in noise and disturbance to the existing neighbouring occupiers.

1.28. As well as being an incompatible use with its residential neighbours, the holiday let use would be incompatible with the neighbouring agricultural use and could force the farmer who farms this land to change his practices. This is contrary to the '*agent of change principle*' set out at paragraph 187 of the Framework.

1.29. A herd of bullocks and cows, often 20-30, occupy the adjacent field which closely surrounds the tiny curtilage of the barn. The farmer, has to enter the field by passing through the small forecourt of the barn within its curtilage. This is the only access to the field, and creating a shared access between a holiday use its associated traffic and the herd of cattle would cause difficulties, the cattle occupy the whole forecourt when being moved into or out of the field.

1.30. These two uses are clearly incompatible and the future occupants would themselves experience odour nuisance and potentially be directly threatened by

the presence of bullocks passing the building on a daily basis. Vehicles parked within the site would also be potentially damaged by the cattle.

ECOLOGICAL IMPLICATIONS

1.31. CP50 of the WCS states that development proposals must demonstrate how they protect features of nature conservation and there is an expectation that such features shall be retained, buffered and managed favourably in order to maintain their ecological value

1.32. The application is accompanied by a Bat Survey which advises that the building is located in a rural setting with good bat foraging habitats in the nearby area in the form of a mosaic of grassland, hedgerows, mature trees and woodland with the River Avon a short distance east.

1.33. The report acknowledges that there will be a loss of areas of bat foraging habitat on site and the immediate surroundings through potential increase/changes in external lighting and light spill through increased levels of glazing and more frequent use of the building.

1.34. The mitigation suggested is a lighting design strategy to ensure impacts to foraging and commuting bats are minimised. It suggests that in general, measures should include the use of lighting only where absolutely necessary. It is not evident that this advice has been incorporated into the design as large areas of glazing are proposed, including five unnecessary roof lights. As such, the development is considered to have unacceptable ecological impacts upon the local bat population.

1.35. The site is also located within the Hampshire Avon River Catchment area and as the proposal is for overnight accommodation, phosphorus neutrality is required. The Council has placed a further moratorium on new development resulting in overnight accommodation given that the strategic measures already taken have failed to satisfactorily reduce phosphate levels within the catchment. This

development cannot on this basis be approved, even were the Council minded to do so.

1.36. In the absence of an appropriate phosphate mitigation scheme, it is not possible to demonstrate that the proposal would not result in an unacceptable increase in phosphate levels within the drainage discharged from the development affecting the current unfavourable status of the internationally protected Hampshire Avon River, as such, the proposal fails Regulation 63 of the Habitat Regulations 2017, including information on any necessary control mechanisms for delivery, monitoring, and maintenance.

FLOODING AND DRAINAGE

1.37. The site is in part within Flood Zone 2 (FZ2). Of importance, the access into and out of the site is fully within FZ2, meaning that in a significant flood event occupants could be trapped on site. The site has previously experienced significant flooding events. Approximately 10-15 years ago the barn was flooded alongside neighbouring buildings. Flood water levels on the lane, which is set down in levels, can be deep and it would be unsafe for occupants to walk through such flood waters. The NPPF defines a holiday let use as a 'more vulnerable' use and paragraph 167 notes that development should only be allowed where '*safe access and escape routes are included*'.

1.38. Core Policy 67 of the Wiltshire Core Strategy requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

1.39. No details have been provided in relation to the drainage strategy, with the application form simply advising that it will use a soakaway. No justification has been provided to demonstrate that soakaways would work, this is pertinent given high ground water levels exist in the area.

ARBORICULTURAL IMPLICATIONS

1.40. As can be seen in Figure 3 below, mature Beech trees lies adjacent to the proposed development. These have a high amenity value and contribute positively to the character of the immediate and wider area.

1.41. There is no evidence that these have been considered as part of the application proposals. There is likely to be future pressure for works to these trees due their proximity to the site. They are likely to result in leaf drop over the parking areas, and roof lights. Further, they are likely to result in shading issues. Any works to these trees would have significant impacts upon landscape character.



Figure 3 – trees adjacent to site

CONCLUSION

1.42. Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires proposals for development to be considered in accordance with the policy context of the adopted Development Plan unless material considerations indicate otherwise. As outlined above, the proposed development raises conflicts with a number of Development Plan policies.

1.43. In this case, there are no material considerations that would clearly indicate or justify a departure from the Development Plan or the NPPF. It is clear that the level of works required to facilitate the holiday let go beyond that of a conversion. Further the works proposed, are considered to result in significant harm to the character of the building and the wider landscape character.

1.44. Harm has also been identified due to the lack of proposed infrastructure and the poor access to the site as well as the unsustainable location of the site. The development is also considered to result in harm to the residential amenity of the neighbouring occupiers.

1.45. Insufficient information has been submitted to demonstrate that the development would be ecologically acceptable, and would not result in any flood risk issues.

1.46. For the above reasons, it is my view that this application should be refused.

Kind regards

Mark Reynolds

Director | Context Planning Ltd

RTPI Chartered Town Planner

On behalf of: Mr Gregory Shenkman, Fifield Farmhouse, Fifield