# CASE OFFICER'S REPORT

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| Application Reference | PL/2023/08216 |
| Site address | The Malthouse, Donhead St Mary, Shaftesbury, SP7 9DN |
| Consultation expiry | 09/11/2023 |

## POLICIES

National Planning Policy Framework (NPPF)
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
16. Heritage assets

Wiltshire Core Strategy (WCS)
Core Policy 57 Ensuring High Quality Design and Place Shaping
Core Policy 58 Ensuring the conservation of the historic environment

Planning (Listed Buildings and Conservation Areas) Act 1990

## RELEVANT HISTORY

None found

## REPRESENTATIONS

Donhead St Mary Council: no objection

WC Conservation Officer - I do not consider the proposals will adversely affect the CA or the setting of the listed chapel and are therefore in accordance with sections 66 and 72 of the PLBCA Act 1990.

Neighbour/third parties: Letter of objection concerned that the proposal will lead to the loss of more trees.

## ASSESSMENT

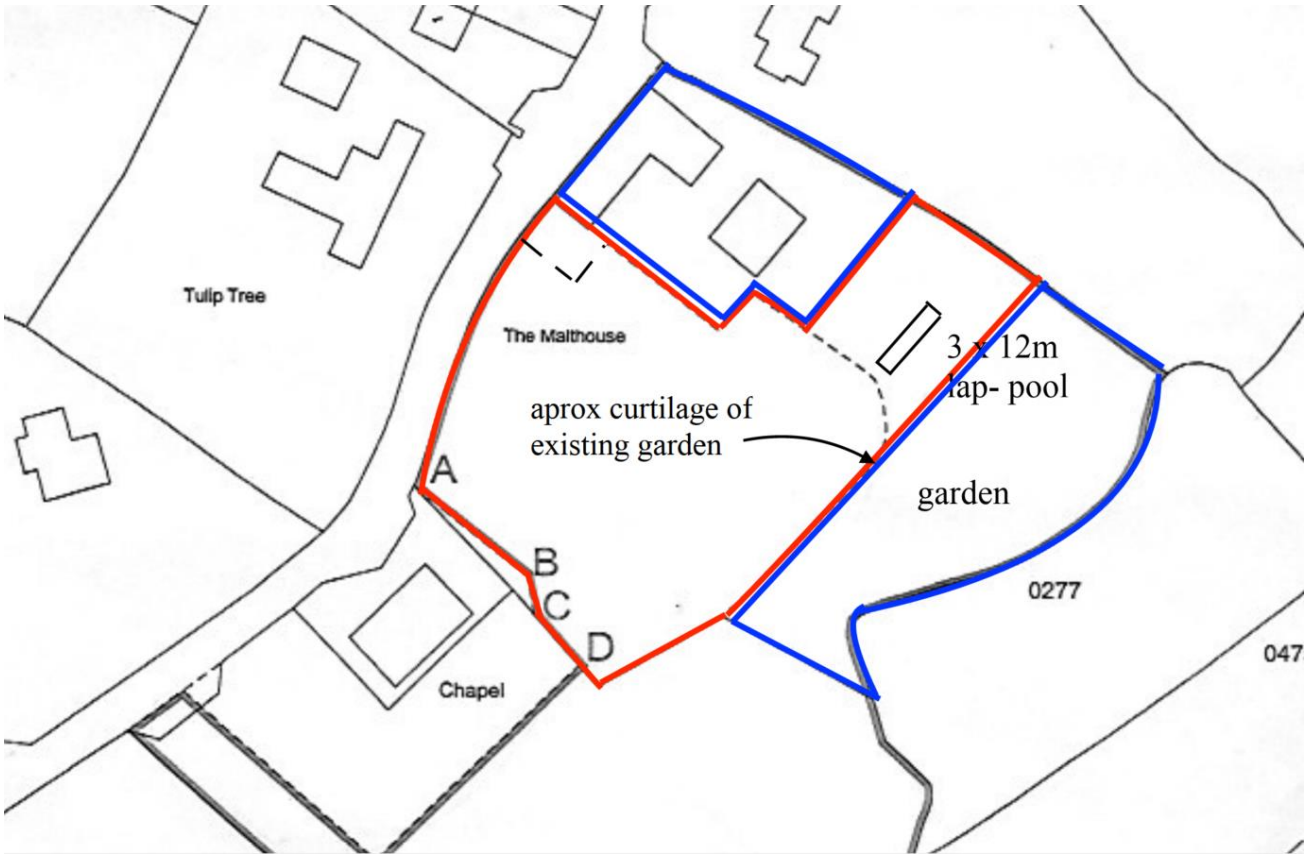
Site description, proposals, and principle of development

The application site is located within the village of Donhead St Mary, a settlement that is very linear in form with little or no development in depth.

The application site is a substantial former Malt House that was converted to a dwelling in the 1980's and sits in a substantial garden and surrounding area of land. It is not Listed, but lies within the village Conservation Area, within the AONB, and is adjacent to a Listed Building to the south known as Chapel, a converted Methodist Chapel building to a dwelling.

The proposal is to formally change the use of an area of orchard area adjacent to the dwelling to residential curtilage and to construct a small surface level swimming pool within the area, with a minimal levels change to accommodate the pool and the area immediately around it. The pool is proposed to be sited adjacent to the existing car parking area on the property, away from neighbouring dwellings.

The Plan below shows the extent of the land in the applicant's ownership and the area proposed as formal curtilage:-




The area in question is currently laid to lawn and is maintained effectively as garden and is not in agricultural use. It may have originally been an orchard area, but is now in the ownership of the converted Malt House building. The ground level is higher than the adjacent highway and there is a stone retaining wall along the edge of the highway with a beech hedge along the majority of its length, with one area open where the land can be glimpsed when passing along Church Hill, as can be seen in the photo below:-




The area of the proposed swimming pool will not be readily visible from this view point due to the existing hedge and trees within the site and the slope of the site.

The letter of concern from the neighbours has been addressed in correspondence from the agent who confirms that no tree loss is proposed as part of this development, and it should be noted that all tree felling works require the consent of the LPA within a Conservation Area, and that all necessary consents have been granted for tree works within the property in recent years.

Permission is not always granted for the change of use of land to residential curtilage, for example if land is coming out of agricultural use, or that the conversion will change the character of the area to an unacceptable level. However in this instance the area surrounding the property is characterised by dwellings sitting in substantial gardens, with the dwellings largely fronting the highway. There would be no discernible change in character of the area around this property by the formal change of use of the land, and as the site lies within a Conservation Area and AONB there are limitations on the permitted development rights on the site. The Conservation Officer does not raise objection to the proposal.

A photo of the site of the proposed pool (edged in red by the case officer) has been provided by the agent, which shows a recently planted hedge along the existing residential boundary and a mown area, the subject of this application, with no significant area of boundary from the parking area adjacent to the dwelling:-



It is also worth noting that planning permission was granted at appeal in mid 2009 for the change of use of agricultural land to garden at The Chapel to the south (ref.no. S/09/0338) on the grounds that it was not a significant impact on the AONB or character of the Conservation Area or setting of the Listed Building. The current application seeks to align the residential curtilage with that of the Chapel to the south to ensure a continuity of line in this part of the village. Part of the curtilage to the south east of the application site is already within the formal residential curtilage of the dwelling, as can be seen on the location plan identifying the red and blue land of the application, as set out above

The development is therefore considered to comply with the provisions of policy CP57 and 58 in that it will maintain the character of the area and will have no adverse impacts on the Conservation Area or the adjacent Listed Building.

**CONCLUSION**

The proposal will result in the formalisation of the status of the application site as formal garden, and therefore the proposals accord with the objectives of core policy 57 and 58 in the

WCS and the aims of the NPPF. It is therefore recommended that planning permission should be granted.

**RECOMMENDATION**

2023/03389 - 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:

Location and site Plan- at 1:1250 scale, received on 6th October 2023
Plan of section through swimming pool – Drawing no. 1505/03, received on 10th October 2023

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

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re- enacting or amending that Order with or without modification), there shall be no buildings etc incidental to the enjoyment of the dwelling house under Class E, Part 1 of Schedule 2 of the above Order constructed without the benefit of express planning permission.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for any structures within the curtilage of the dwelling.