CASE OFFICER'S REPORT

Application Reference:	PL/2023/06637
Application Type:	Full planning permission
Site Inspection:	06 November 2023
Consultation ends:	01 September 2023
Case officer:	Olivia Tresise

Site Address:	DOVE HOUSE, LITTLE SOMERFORD, CHIPPENHAM, SN15 5JW
Proposal:	Construction of a hard surfaced tennis court and surround fencing with associated change of land use.
Recommendation:	Refuse

THE PROPOSAL

This application seeks full planning permission for the construction of hard surfaced tennis court and surround fencing with associated change of use of the land to the south of Dove House, Little Somerford. The proposed tennis court would measure approximately 34 metres by 16.5 metres, and the hard surface would be finished with green coloured porous synthetic grass, and surrounded by black painted posts and open mesh chain link fencing. The proposed fencing would be 2 metres in height at both ends, and they would drop down to the lower height of 0.9 metres along the sides.

The application site is located to the south of Dove House, which is a non listed building setting back from the main road, the Street. Several listed buildings including Manor Farm are located in the immediate area. The site is situated within the Little Somerford Conservation Area, which extends to the north of railway line. The application site is located outside of any defined settlement boundary, in the open countryside.

The proposal is subject to a pre-application, ENQ/2023/00002, it is noted that there are some minor differences - the proposed court moved closer (by approximately 3 metres) to the host dwelling; the height of the surround fencing was reduced by 0.75 metres, and a full detailed landscaping scheme was submitted with the application. During the course of the application, a number of options were suggested to the applicant, including the relocation of the tennis court further closer to the existing buildings, reduction of the size of the court itself. These options were considered and subsequently discarded by the applicant due to site constraints, maintenance requirement as well as the applicant's aspiration.

RELEVANT PLANNING POLICIES

National Planning Policy Framework September 2023
Section 4 Decision making
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

National Planning Policy Guidance
Planning (Listed Building and Conservation Areas) Regulation 1990 (as amended)
National Planning Practice Guidance - Enhancing and Conserving the Historic Environment (Revised July 2019)

Wiltshire Core Strategy: (Adopted January 2015)
CP1 Settlement Strategy
CP2 Delivering Strategy
CP13 Spatial Strategy: Malmesbury Community Area
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP52 Green Infrastructure
CP57 Ensuring high quality design and place shaping
CP58 Ensuring the Conservation of the Historic Environment
CP61 Transport and development
CP64 Demand management

Supplementary Planning Guidance
Historic England's Good Practice Advice (GPA2) - Managing Significance in Decision-Taking in the Historic Environment)
Historic England Advice Notes 1 - Conservation Areas
Historic England Advice Notes 2 - Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC
Historic England Advice on Setting of Heritage Assets - Planning Note 3

RELEVANT PLANNING HISTORY
N/12/03426/FUL Alterations to outbuilding to provide holiday let. Approved 10/06/2013
N/12/03342/LBC Internal and external alterations in connection with conversion of outbuilding to holiday let. Approved 10/06/2013
15/11415/VAR removal of condition 4 from planning permission reference N12/03426/FUL to allow unrestricted occupation. Refused 18/01/2016
19/05971/FUL Alterations to existing holiday let to provide additional accommodation; use as holiday let and as ancillary to dwelling house (part-retrospective) Approved 09/09/2019
19/06119/LBC Alterations to existing holiday let to provide additional accommodation; use as holiday let and as ancillary to dwelling house (part-retrospective) Approved 09/09/2019

CONSULTATION RESPONSES
Little Somerford Parish Council - Support
Landscape Officer - No Objection subject to conditions
Archaeology Officer - No comment

Senior Conservation Officer - Objection - The pre-application advice was given on a similar scheme, there were concerns that the proposed tennis court and fences would be situated outside the residential curtilage of Dove House, in the open countryside. In addition, given its location and design, concerns were raised that the proposal would detract from the setting of the adjacent listed building and the character of the Conservation Area.

On the current proposal, the site appears to form part of a field beyond the residential established boundary. It is some distance from the listed buildings 50 m to the curtilage Dove House and 100m to rear of Manor Farmhouse. The Council Conservation Officer considered that there is no harm the setting of the listed buildings. However, there are objections due to the impact upon the Conservation Area, as the siting of a tennis court would form a very domestic incursion into swathe of otherwise open countryside character that provides the Conservation Area edge and backdrop for the historic village centre. This is harmful to the character and appearance of the Little Somerford Conservation Area and it could lead to additional paraphernalia and a precedent for similar development to neighbour.

REPRESENTATIONS
Local Residents - 2 letters of representations were received from neighbouring properties and the residents have no objection.

KEY ISSUES

- Principle of development
- Heritage assets
- Archaeology
- Landscape impact
- Highway safety
- Residential amenity

PRINCIPLE OF DEVELOPMENT

This application seeks full planning permission for the construction of a hard surfaced tennis court and surround fencing with associated change of use of the land from agricultural to residential use (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to the south of Dove House. In terms of land-use designations, the site is situated outside any defined settlement boundary, located in the open countryside and within the Little Somerford Conservation Area.

The Settlement Strategy (Core Policy 1) identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. The Delivery Strategy (Core Policy 2) states that new development in the countryside is generally resisted by local and national planning policies. The Delivery Strategy states that outside the defined limits of development, other than in circumstances as permitted by other policies within this Plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations

Core Policy 48 of the adopted Policy states that outside the defined limits of development of the Principal Settlements, Market Towns, Local Services and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interest of agriculture or forestry or other employment essential to the countryside. Given the nature of the proposal, the proposed development would not fall within one of these supported types of development.

The application site is located to the south of Dove House, in the open countryside and outside any defined settlement boundary. After reviewed historical maps and recent aerial photos, it is quite clear that hedges were recently planted to define new boundary of Dove House. The proposed tennis court and associated works (including surrounding fence) would sit outside the original residential curtilage of Dove House and encroach onto the open and rural part of the area. Although there are some other buildings adjacent to Dove House, the proposed tennis court would not be situated to the close proximity of these buildings. The applicant indicated that the proposed tennis court is of standard size for domestic use (including playing and maintenance purposes) and a number of tennis courts were built in the wider area. However, the proposed court is not small in size, due to its location, further away from the host dwelling and the adjacent buildings, the proposal would create additional built form on an existing open field and it would urbanise this part of rural area. As such, the proposal would fail to respond positively to the existing townscape of the area and it would be harmful to the rural character of the countryside. The proposal therefore would be contrary Core Policies CP1, CP2, CP48 and CP57 of the adopted Core Strategy. Therefore, the proposed development would not be acceptable in principle.

Heritage assets

The application site is within the Little Somerford Conservation Area, there are a number of listed buildings nearby, including Grade II listed Manor Farm, Grade II listed Somerford House, and Grade II listed Street Farm House and Barn. Manor Farmhouse grade II listed (1951) late 17th or early 18th century roughcast render with stone detailing and stone tile roof. It has a 7-bay front range, with 12 pane sashes and a central door with Doric porch. Dove House is a dwelling formed from part of the associated barns and considered to be curtilage listed. The Manor House and Dove House are located set back 40 metres from The Street that runs east, west through Little Somerford and within the Conservation Area.

The proposal is to construct a hard surfaced tennis court and surround fencing with associated change of use of the land. The main heritage issues of the proposal are: Impact on the setting of curtilage listed building, setting of listed building, impact on Conservation character and appearance. The applicant submitted a Design and Access Statement with the proposal and this statement has been viewed and assessed by the Officers.

From the perspective of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The National Planning Policy Framework (Section 16) places great emphasis on the conservation and enhancement of the historic environment, recognising that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be architectural, or historic as set out in the Town and Country

Planning (Listed Building and Conservation Areas) Act 1990 S 1. Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

Paragraph 205 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation……This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm".

Paragraph 207 states: Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to substantial public benefit that outweigh that harm. Paragraph 208 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In addition, WCS Core Policy 58 seeks development to protect, conserve, and where possible to enhance the historic environment and WCS Core Policy 57 expects a high standard of design in all new developments. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

In terms of the significance of the Conservation Area, the Little Somerford Village Design and Conservation Area Statement notes that its "character is defined by three main factors: the tranquil pasture-land setting, the attractive land forms and foliage which may be viewed through gaps in the settlement from many parts of the village, and the historic clusters of smaller buildings around larger ones". The significance of the Conservation Area is therefore considered to arise primarily from its aesthetic (fortuitous) and historical (illustrative) value and given its designation its value is significant in these terms.

The Manor House is a late 17th century farmhouse two storey, it has significance from its architectural and historic interest and its central position in the Conservation Area. Dove House is formed partly from a range of outbuilding /barns that formed a courtyard of agricultural buildings adjoining Manor House to its east side. The barns were converted post 1951 and are therefore curtilage listed. Their significance comes from their physical relationship forming part of the setting of Manor House and the historic barns that make up Dove House also have some significance preserving the historic siting and some fabric.

The Conservation Area designation includes a large swathe or buffer to the rear of dwellings on The Street and their curtilage's and gardens including Dove House and Manor House. It includes historic field plots evident on Tithe mapping (Plots 35,46, 47 48 & 49 all identified as pasture on the Tithe map apportionment) and continuing to 1st Edition OS mapping 1844 -1888 (Plots 120, 121,122,127,129 and 133) and 3rd Ed 1898 – 1939 with established hedgerow boundaries. The Conservation Area boundary runs down the railway embankment and established tree line to the embankment.

Toward Church Farm this buffer is reduced as the historic development encroaches further south after Manor Farm including the listed Somerford House and Church Farmhouse and their associated farm buildings. To the east of Manor House the field plots become deeper between the railway embankment and The rear of the properties on to The Street.

The green field buffer to the rear of the Street is a significant feature of the character and appearance of the Conservation Area.

Impact upon heritage assessment

Paragraph 200 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. Paragraph 201 also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

The proposal is to construct a hard surface tennis court on the land to the rear of Dove House outside the established garden area and into open countryside in a separate field defined by established hedgerow planting. The proposed tennis court site sits some 50 metres to the south of Dove House and about 100 metres to the south east of Manor farmhouse beyond which is a tree belt and the mainline railway embankment. It is located within the Conservation Area boundary which includes the field systems down to the railway embankment and similar swathes of agricultural fields around the core of the historic village providing an open agricultural character to the edge of the designated Conservation Area. The tennis court is proposed at 16.5 metres by 34 metres surround by black meshed fencing located within a grass area and will include some landscaping.

The site forms part of an established field (see Tithe and early OS Mapping) beyond the residential established boundary. It is some distance from the listed buildings 50 metres to the curtilage Dove House and 100 metres to rear of Manor Farmhouse, therefore it is considered the proposal would not harm the setting of the listed buildings.

However, in terms of the Conservation Area, the siting of a tennis court would form a very domestic incursion into swathe of otherwise open countryside character that provides the Conservation Area edge and backdrop for the historic village centre and this is harmful and does not preserve the character and appearance of the Little Somerford Conservation Area. The curtilage garden area of Dove House is sufficient size to accommodate the proposed Tennis Court and it has been suggested to the applicant that moving the siting up to the curtilage and garden area would remove this objection in relation to the Conservation Area character and appearance. However, this suggested options have been discarded.

The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The siting of a tennis court would form a very domestic incursion into swathe of otherwise open countryside character that provides the Conservation Area edge and backdrop for the historic village centre. It is considered that the proposal is harmful and does not preserve the character and appearance of the Little Somerford Conservation Area. NPPF states that where a proposed development would result in harm to the heritage assets, the proposal needs to demonstrate such harm would be outweighed by public benefits. In this instance, although the proposal would result in some economic and social benefits, in terms of the construction of the tennis court and the health and well being of individuals, such benefits would be modest in scale given that it would be domestic leisure facilities. Therefore, such modest benefits would not be adequate to outweigh the harm caused by the proposal. Therefore, the proposal should be refused.

Archaeology

The site appears to be subject to archaeology interests. Given the nature of the proposal, the Council's Archaeology Officer has no objection in this regard.

Landscape Impact

Policy CP51 of the adopted Wiltshire Core Strategy seeks to protect, conserve and where possible enhance landscape character and must not have a harmful upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. In this instance, the site is not located within a local or national landscape designation. The site would not be overlooked from any public vantage points and the proposal is unlikely to be visible to users of the local rural public rights of way network. In addition, a landscaping scheme is submitted with the proposal. As such, there is no landscape objection to the proposal.

Highway safety

Core Policy 61 of the adopted Wiltshire Core Strategy seeks to safeguard the highway safety and require the transport impact of new development to be considered. Given that the domestic nature of the proposal, and the scheme would not affect the existing parking and access arrangement, no highway objection is raised.

Residential Amenity

Core Policy C57 of the adopted Wiltshire Core Strategy requires new development 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).

In this instance, the nearest neighbouring dwellings would be Manor Farm, the proposed court would be approximately 23 metres to the neighbour's pool house. No lighting or flood lights are proposed. Given the reasonable separation distance from the neighbouring properties and the domestic nature of the scheme. it is unlikely that the proposal would have significant a adverse impact to be detrimental to the amenity of the neighbouring properties. Therefore there is no objection in this regard.

Drainage

The application site is not subject to any high risk of flooding, and the porous synthetic grass are proposed for the proposed tennis court. Therefore no objection is raised.

CONCLUSION

In accordance with Section 38(6) of the Planning and Compulsory Act 2004 and Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities are required to determine applications in accordance with the policies of the Development plan, unless material considerations indicate otherwise.

The recommendation to **REFUSE** planning permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant materials considerations set out in the report.

RECOMMENDATION

That planning permission be REFUSED for the reasons listed on the decision notice.

Refusal Reason(s): (2)

1 The proposed development, by reason of its incongruous domestication of agricultural land and failure to respond respond positively to existing townscape, would result in an unacceptable encroachment into the open countryside to the detriment of the rural character of the Little Somerford contrary to Core Policies CP1, CP2, CP48 and CP57 of the Core Strategy and the National Planning Policy Framework December 2023.

2 The proposed development, by its location further away from the host dwelling and other nearby buildings, and encroaching upon the open and rural part of the Little Somerford Conservation Area, would be harmful to the character and appearance of the Somerford Conservation Area. In addition, the proposal fails to demonstrate public benefits to outweigh such harm. The proposal therefore would be contrary to Core Policies CP57 and CP58 of the Core Strategy, Planning (Listed Building and Conservation Areas) Regulation 1990 (as amended) and Section 16 of the National Planning Policy Framework December 2023.