CASE OFFICER'S REPORT

Application Reference:	PL/2023/08088
Site Address:	Douglas Lodge, Formerly of "The Barns near Blaxwell Farm", Romsey Road, Whiteparish, SP5 2RR
Date site notice posted:	N/A
Consultation Expiry:	10/01/24

POLICIES

National Planning Policy Framework
Section 2 Achieving Sustainable Development
Section 6 Building a strong competitive economy
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 23 Southern Wiltshire Community Area
Core Policy 48 Supporting Rural Life
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 58 Ensuring the conservation of the historic environment
Core Policy 61 Transport and Development

Saved Salisbury District Local Plan
C6 Special Landscape Area

RELEVANT PLANNING HISTORY

S/2003/1440 – Conversion and alteration of existing barns to create one dwelling A.C 16.12.03

18/04085/FUL – Conversion and alteration of barn to create one dwelling (resubmission of S/2003/1440) A.C 22.08.18

20/04092/FUL - Proposed separate drive to approved barn conversion project (18/04085/FUL) A.C 06.08.20

PL/2021/10310 - Demolition of an existing farm barn and the construction of a new residential dwelling, built like-for-like and within the same footprint as the existing barn structure WTD on officer advice 15.12.21

PL/2022/02747 - Non Material Amendment for application18/04085/FUL - Update approved plans based on latest more accurate topographical survey (Conversion and alterations of barn to create one dwelling (resubmission of S/2003/1440) APP 24.05.22

PL/2022/06479 – Widening of an existing access and associated works (retrospective) A.C 14.10.22

PL/2022/07168 – Alterations to the approved barn conversion to a dwelling house (18/04085/FUL and PL/2022/02747) and retrospective widening of the approve access (20/04092/FUL) A.C 08.12.22

PL/2023/02200 - Non-Material Amendment to PL/2022/07168 - Change windows and doors from timber to black aluminium APP 24.03.23

ISSUES

- Principle of development including design and scale;
- Impact on neighbouring amenity

REPRESENTATIONS

The following comments indicate the total number of responses received during the consultation periods of this planning application which includes the additional re-consultation to all interested parties of a set of additional plans

Whiteparish Parish Council – No comment

Third Party Representations – 10 x letters of objection with comments summarised as:

- The works carried out are not in accordance with the approved plans;
- Overlooking

1 x letter of support with comments received stating:

I've visited this project several times during the build to date. On the specific of this single and relatively insignificant roof light, I can see no basis for objection. At around 2.4m above the finished internal floor height, there is no practical way to look out of the window and so no potential for any breach of privacy. It will simply admit light to internal space. Fully supported.

It should be noted that there are several representations received that are not referred to above as these representations are exchanges made by various parties that do not relate to the changes under consideration for this scheme.

Site Description

The application site is within the Blaxwell Farm complex accessed via a long private track from the classified road known as Romsey Road. The existing public footpath WHIT10 runs along the existing private track and public footpath WHIT8 runs from WHIT10 westwards, across the first section of the access road that has been altered. This application relates to the unlisted barn and associated agricultural buildings within the complex that are separated from Blaxwell Farm House and are currently being converted under permission PL/2022/07168. For the purposes of the local plan, the site is located within the open countryside.

Proposal

Planning permission is sought for the variation of condition 2 of planning consent PL/2022/07168 to allow an additional rooflight into the southern elevation of the dwellinghouse.

ASSESSMENT

Principle of development including design and scale

A Section 73 application allows for variation and/or removal of condition(s). Any new information received in relation to a previous condition can facilitate the removal of the condition requirements on any new decision notice issued as part of a Section 73 application.

Core Policies CP1 and CP2 form the settlement strategy for the Wiltshire Core Strategy (WCS). In line with NPPF, this directs development towards the more sustainable settlements and locations, including housing development. Whilst Whiteparish is a defined as a Large Village, the site subject of this application lies outside the settlement boundary of the Whiteparish, and thus in the open countryside of the Special Landscape Area.

Core Policy CP48 of the WCS allows for the change of use of existing buildings in the open countryside to other commercial and residential uses where there are no demonstrable impacts. This policy states:

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:

i. 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; and
ii. 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; and
iii. The building can be served by adequate access and infrastructure; and
iv. The site has reasonable access to local services or
v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.

The proposal should aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy (WCS) which aims to achieve a high standard of design 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.

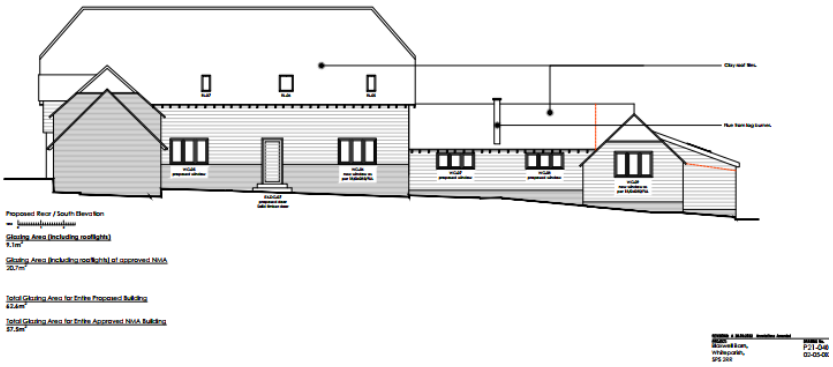
In terms of the planning history of the site, this is fully documented in the officer report associated with application PL/2022/07168. As a result, it is not considered necessary to refer to this planning history for the purposes of this planning application. The only scheme of relevance is planning consent PL/2022/07168 that granted consent for alterations to the design of the barn conversion previously approved under the 2018 and 2022 consents.

The approved elevations for consent PL/2022/07168 are shown below:

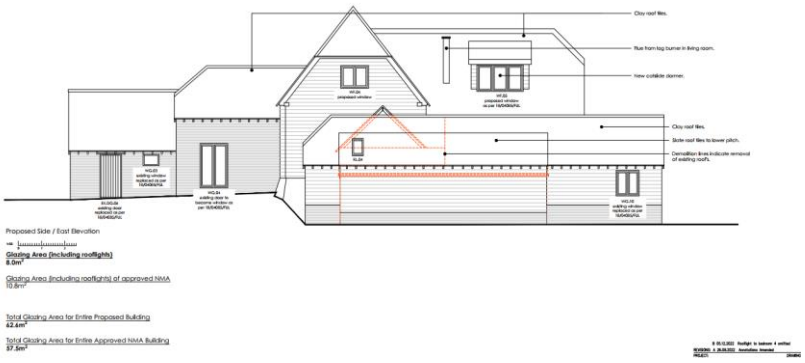
North (below):



South (below):



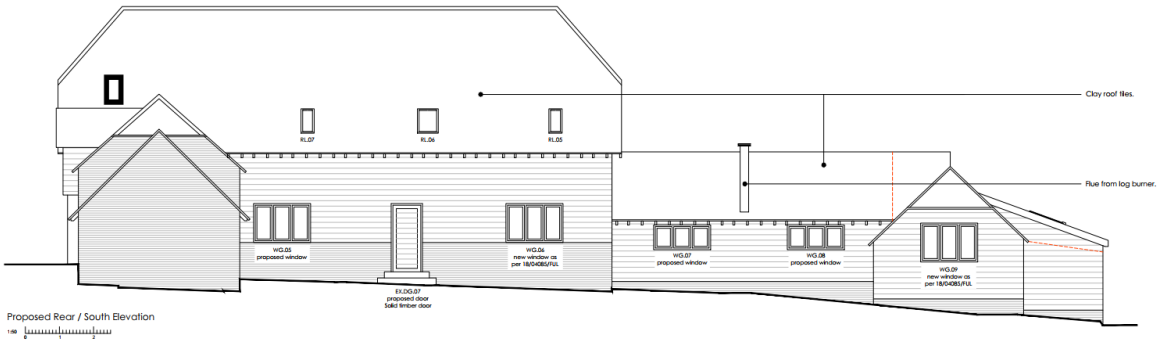
East (below):



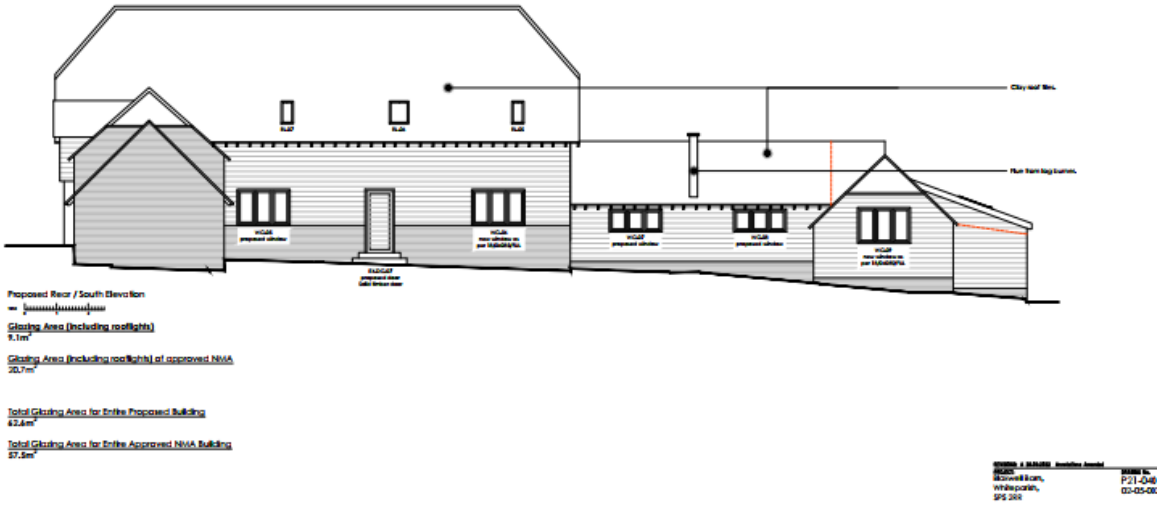
West (below):



The external changes proposed by way of this scheme are to the south/rear roofslope elevation of the building with the creation of an additional rooflight window to serve a en-suite bathroom following internal amendments to the first floor layout of the building. The change is shown below:



Proposed change (shown above)



Approved plan under consent PL/2022/07168 (shown above)

Other than internal changes to the layout of the first floor of the building, no other changes are proposed by way of the scheme. Officers are aware that the building works are at an advanced stage and that whilst a space within the roofslope has been made to facilitate this change, the current space has been tiled over.

The overall scale of the changes proposed are very minor in the opinion of the case officer and can normally be dealt with via the non-material amendment process. However, for transparency purposes, the case officer has decided that a S73 planning application would be the most appropriate format of addressing these changes in design. Notwithstanding this, the submission of this application therefore provides an opportunity to fully assess any amenity impacts by way of the proposed works subject to this scheme. This assessment is covered in more detail within the next section of this report.

Having regard for the level of works proposed, it is considered that the changes as outlined are acceptable in planning terms and as such, accord with the requirements of Core Policy CP57 of WCS.

Impact on the neighbouring amenity

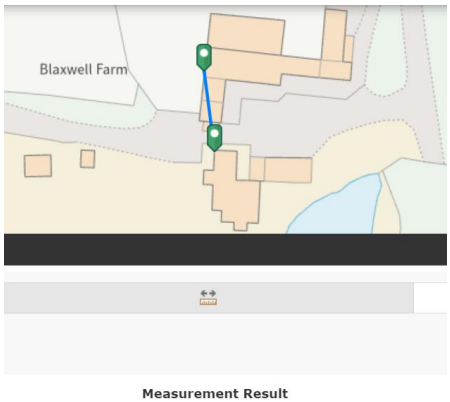
Core Policy 51 of the WCS states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

Core Policy 57 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 135f) 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.'

Officers note the objections received by way of this proposal from members of the public and from the neighbouring property, Blaxwell Farm House that largely reference design changes made that have been carried out in breach of planning consent PL/2022/07168. Whilst these matters are noted, the only matter for consideration of this planning application is the insertion of an additional rooflight to serve the en-suite bathroom following internal alterations to the first floor of the building.

Any other alterations to the design of the building previously approved are a matter for the Council's Planning Enforcement Team to assess and opine upon. Any course of action decided at the discretion of the planning enforcement officer and are not for consideration as part of this planning application.

The positioning of the rooflight within the southern roofslope elevation of the building would be adjacent to the neighbouring property known as Blaxwell Farm House. This property is approximately 16 metres from the location of the rooflight proposed and is shown on the plan below obtained from Council records.



The rooflight window is to be 2.4 metres above ground floor level thus any direct view of this neighbouring property from this rooflight would be minimal and is further reduced by the positioning of the dormer window serving bedroom 4 of the building that further limits any view

from this rooflight of the surrounding area. A condition requiring the obscure glazing of this rooflight window would be in the opinion of the case officer, not reasonable. As such, officers consider any amenity impacts in respect of overlooking on this neighbouring property by way of the proposal would be minimal and therefore, the refusal of planning permission based on this reasoning would be difficult to justify.

As per the conditions associated with the previous consent, PL/2022/07168, officers consider it necessary to restrict further alterations to the barn conversion to reduce any further amenity impacts, thus improving the amenity of the immediate area and therefore the imposing of a condition to remove permitted development rights for extensions and additional windows/rooflights particularly on the southern elevation of the converted barn would be reasonable in respect of the relationship between this building and the neighbouring property, Blaxwell Farm House. This would, therefore, reduce the impact of the proposal on the amenity of the surrounding area.

Subject to the imposing of a condition onto any consent as outlined, officers consider the proposal would not cause any significant detrimental impact to the amenity of the neighbouring property, Blaxwell Farm House, the wider landscape and the public footpaths known as WHIT 8 and 10.

CONCLUSION

Guidance in the Planning Policy Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also reinstate conditions imposed onto earlier permissions that continue to have effect. As such, it is considered appropriate to remove permitted development rights for extensions and additional windows/rooflights as per the previous consent, PL/2022/07168.

Officers note the comments received from the members of the public that both support and raise objections in respect of this application that are duly noted and have been carefully considered. In light of the received comments objecting to this scheme, officers have sought to address these concerns received through the submission of additional plans that in officer opinion, demonstrate what is proposed by way of this planning application.

It should also be noted that a large proportion of the comments received allege discrepancies with the building as currently built in comparison to that of the approved plans for consent PL/2022/07168. This is a matter for the Council's Planning Enforcement Team to investigate and opine upon and should not be aired through the consultation process of this planning application.

As such, for the reasons as outlined within this report, officers are of the opinion that the development that has taken place conforms to the objectives of Core Policies 48, 51 and 57 of the Wiltshire Core Strategy and the aims of the NPPF. Taking the above into account, the application is not considered contrary to these policies as it does not cause any significant material harm that would justify a refusal of planning permission. Therefore, planning permission should be granted for the changes to condition 2 (plans) as outlined within this report.

RECOMMENDATION

Approve with conditions

1 The development hereby permitted shall be begun before 8th December 2025.

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:

DWG No: P21-040 02-02-001 Site Location Plan Date Received 24.10.23
DWG No: P21-040 02-02-004 Rev B Proposed Block Plan Date Received 18.12.23
DWG No: P21-040 02-03-002 Rev A Proposed First Floor Plan Date Received 18.12.23
DWG No: P21-040 02-02-005 Rev Proposed Landscaping Plan Date Received 18.12.23
DWG No: P21-040 02-03-001 Proposed Ground Floor Plan Date Received 18.12.23
DWG No: P21-040 02-05-002 Rev A Proposed South Elevation Date Received
DWG No: P21-040 02-05-003 Rev B Proposed East Elevation Date Received 20.11.23
DWG No: P21-040 02-05-004 Rev A Proposed West Elevation Date Received 18.12.23
DWG No: P21-040 02-05-001 Rev A Proposed North Elevation Date Received 20.11.23
Planting and Management Schedule Date Received 20.11.23
DWG No: P21-040 02-02-04 Rev A Proposed Entrance Planting/Biodiversity Net Gain Plan Date Received 20.11.23

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

3 The development works hereby approved shall be carried out in strict accordance with the submitted Materials Schedule Rev A and Materials Palette date received 18.12.23 unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure the development is undertaken in an acceptable manner to ensure a satisfactory landscaped setting for the development.

4 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 extensions or alterations to the roofslopes or the insertion of windows or other forms of openings other than those shown on the approved plans to the development hereby approved other than as approved as part of a formal planning application by the Local Planning Authority.

REASON: In the interests of the amenity of the area.

5 Any external lighting that is installed across the site shall be designed and implemented to minimise sky glow, glare and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E0 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. Any external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.

REASON: To ensure appropriate levels of amenity are achieved and in the interests of conserving biodiversity.

6 Prior to the development first being brought into use, a scheme for the discharge of surface water from the development site including sustainable drainage details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details and shall be maintained in perpetuity.

REASON: The matter is required to be agreed by the Local Planning Authority in order to ensure that the development can be adequately drained.

7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

INFORMATIVE TO APPLICANT

1. 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

2. 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.

3. **SAFETY/REINSTATEMENT WORKS**
   The applicant should note that no works requiring the disturbance of footpath WHIT8 should be undertaken without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

4. **OBSTRUCTION DURING CONSTRUCTION**
   The applicant should note that it is a criminal offence to obstruct a public right of way under section 130 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way WHIT8 and 10 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire Council.

5. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.