CASE OFFICER'S REPORT

Application Reference:	PL/2023/10600
Application Type:	Removal/variation of conditions
Site Inspection:	
Consultation ends:	01 February 2024
Case officer:	Lucy Rutter-Dowd

Site Address:	Bungalow to rear of Glebelands Cottage East, Mildenhall, SN8 2LR
Proposal:	Removal of condition 2 on K/37749 relating to occupancy condition
Recommendation:	Approve

Site Description

The site comprises a single storey bungalow of 'L-shaped' footprint set to the rear of Glebelands Cottage. Access is gained from a driveway to the eastern side of the cottage. The bungalow is cut into rising land with a small immediate curtilage, much of it on an embankment to the rear. There is a separate area of garden to the south west, separated from the bungalow by the access drive which also serves paddocks to the rear and associated outbuildings to the west. The application site was subject of a certificate of lawfulness application in 2014 which established the property as an independent dwelling unit.

The site lies partially within the conservation area and is washed over by the North Wessex Downs National Landscape.

Policies

National Policy:

National Planning Policy Framework 2019 (NPPF)
Planning Practice Guidance (guidance on the policies contained within the NPPF)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Policy

The Wiltshire Core Strategy (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 48 – Supporting rural life
- Core Policy 51 – Landscape
- Core Policy 57 - Ensuring high quality design and place shaping
- Core Policy 58 - Ensuring the conservation of the historic environment
- Core Policy 60 - Sustainable transport

Key Issues

• Principle of development
• Design and visual impact, including impacts on the landscape setting of the AONB
• Heritage impacts
• Parking / Highways.

Relevant Planning History

K/35956 - Alterations to external elevations of existing garage and stable building to form granny annex - Refused - 26/11/1998
K/37749 - Alterations to external elevations of existing garage and stable building - Approved with conditions - 02/12/1999
K/52567/F - Change of use of the annex from an incidental residential use to a use as a separate independent dwelling - Refused - 24/08/2005
K/59700/F - Change of use of annex from uses incidental to main dwelling house, to occupation as a separate residential dwelling - Refused - 25/12/2008
14/10110/CLE - Use of 'The Bungalow' as an independent dwelling with associated residential curtilage - Approved - 17/12/2014

Consultation Responses

Highways - No objections.

Mildenhall Parish Council - No objections.

Representations

None received.

Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

Core Policy 2 of the WCS states that *"Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages… At the Small Villages development will be limited to infill within the existing built area."* Mildenhall is not afforded any status within the WCS; it is therefore considered that the application site lies within the open countryside and outside of any defined limits of development. As such the proposal to remove the restrictive condition would not normally be considered acceptable in principle. However the approved

certificate of lawfulness application (ref: 14/10110/CLE) provides a valid 'fall back' in this instance. In addition, a planning condition can only be imposed on an application if it satisfies the following 6 tests: Necessity, relevance to planning, relevance to the development to be permitted, enforceability, precision and reasonableness in all other respects. In light of the approved certificate of lawfulness, the condition in question is no longer serving a purpose as it is no longer relevant, enforceable nor reasonable.

In light of the above, the proposed removal of condition is considered acceptable in principle.

Design and visual impact, including impacts on the landscape setting of the National Landscape

CP51 of the WCS proposes 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.

Core Policy 57 of the Wiltshire Core Strategy states that *"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 complementary to the locality."* Proposals should seek to enhance local distinctiveness and have regard to existing townscapes, patterns of development and the historic environment and landscape setting.

The proposed removal of condition will not alter the physical layout of buildings, nor are any external changes proposed, as such the scale, design and materials of the building, impact on neighbour amenity and impact on the wider landscape setting will all remain unchanged when compared to how the site has been used for the past 10 plus years.

Heritage impacts

CP 58 of the WCS states that development should protect, conserve and where possible enhance the historic environment…Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The site has been in an unrestricted residential use for some time with no recorded impacts to the setting of the conservation area. The removal of condition would not exacerbate the current situation, and the setting and character of the conservation area would be preserved.

Parking / Highways.

An independent residential use is considered to intensify the original use of the site as generally there are more comings and goings associated with a permanent residential use. CP 60 of the WCS calls for development to be positioned in sustainable locations so as to avoid the need of private car use. Whilst the application would conflict with CP60 of the WCS, as mentioned above, the certificate of lawfulness is a material consideration in this instance, as such an objection on highways grounds would not be warranted in this instance. The highway officer has raised no objections.

Conclusion

In conclusion, the proposed removal of condition restricting the use of the building is considered acceptable. The approved certificate of lawfulness renders the condition unnecessary, as such the application should be approved. No conditions are proposed, as there are no remaining conditions that would be relevant to the original permission (K/37749).