CASE OFFICER'S REPORT

Application Reference:	PL/2023/10424
Application Type:	Householder planning permission
Consultation ends:	10th January 2024
Case officer:	Hilary Baldwin

Site Address:	Bluebells Barn, Bullocks Horn, Charlton, Malmesbury, SN16 9DZ
Proposal:	Permission for the erection of a gate as required by condition No 5 imposed on application 20/06747/FUL (retrospective).
Recommendation:	Approve with Conditions

Proposal and Site Description

Proposal

The application seeks planning permission for the installation of a vehicle and pedestrian entrance gate to the driveway of this detached property.

The two adjoining gates and side sections would be approximately 5.5m wide with a total height of 1.5m. With a typical open construction of a field gate, the pedestrian gate would be of a similar open construction. Three main support posts would provide the support for the gates with the height of the gates set below the height of the posts.

The gates would be set back approximately 12m from the vehicle access track which leads past Bluebells Barn and two adjacent sites.

In terms of materials, the gates would be treated softwood hung on treated timber posts with galvanised steel double strap hinges.

The gates have already been installed and therefore the development is retrospective in nature.

Site Description

The property is a single-storey dwelling, which has recently been completed and which is set back from the roadway known as Bullocks Horm Lane which leads north from the B4040. The site is within a small enclave of other buildings and farmsteads and located on Bullocks Horm Lane, but within a rural area characterised by agricultural land and associated buildings.

Set within a rural area and outside of any designated settlement boundary, the site is not within or near any heritage assets. The highway boundaries comprise native hedgerows and trees and the area is softly verdant.

Policies

National Context:

National Planning Policy Framework (NPPF) 2023

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 135 - Function and form of Development

Planning Practice Guidance (PPG)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
Wiltshire Core Strategy adopted 2015 (WCS)
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 60 - Sustainable Transport

Wiltshire Local Transport Plan 2011 - 2026
Car Parking Strategy

Key Issues
Principle of Development
Impact on the character and appearance of the settlement
Access, Parking and Highway Safety

Relevant Planning History
There is extensive planning history on the site, for the conversion of the former piggery to that of a residential dwelling which was granted subject to a condition to restrict the erection of outbuildings, other structures, walls, gates and means of enclosure. This allowed the LPA further consideration of such matters. There is planning history on the adjacent sites but in this instance, these are not considered to impact upon the determination of the current proposal.

18/03531/FUL – Conversion of a pigsty to a single storey dwelling.
Approved with Conditions

20/06747/FUL - Erection of garage and change use of land to residential.
Approved with Conditions

Consultation Responses
Charlton Parish Council – No Objections
Highways - No Objections

Representations
No letters of representation were received in relation to the proposed development.

Planning Considerations and 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:
The principle of providing and extending facilities in association with existing residential accommodation is considered acceptable in principle and in accordance with policies CP1, CP2 and CP57 of the adopted Wiltshire Core Strategy, subject to assessment of site specific impacts, related policy considerations and compliance with the other policies contained within the development plan and the guidance and provisions as contained within the National Planning Policy Framework.

Impact on the Character and Appearance of the Area
The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development.

In this case, the proposed development is considered broadly sympathetic to the host dwelling and the rural area. The gates are typical of field access gates and their timber construction and open structure in this location would not result in a visual barrier or enclose the open and softly verdant nature of the area.

It is noted that a previous permission restricted permitted development rights for the property in order to allow the LPA further consideration of such development. The gates have already been installed and are considered acceptable and providing a condition is appended to any grant of permission that the gates are retained in accordance with the submitted drawings and palette of materials there is not considered any harm to the character and appearance of the area.

It is noted that the Parish Council has no comments to make on the proposed works.

In this instance, due to the size and location of the development, and the use of appropriate material detailing, the proposal is considered in compliance with CP57 and the guidance and provision as contained within the NPPF.

Access, Parking and Highway Safety
The site benefits from an area of on-site parking within the front amenity space and within the front amenity space and sufficient space would be retained between the gates and the passing lane. This would allow vehicles to stand clear of the highway when accessing or egressing the site should be gates be closed.

There would be no loss of vehicle parking and the Council's Highway Engineers have not raised any concerns or made any comments on the proposal.

Conclusion
As such, the proposals would not conflict with the statutory requirements, as well as the national and local planning policies and can be supported. It is therefore recommended that the application

should be permitted subject to relevant conditions to ensure the works are retained in accordance with the submitted drawings and material specification.

Conditions: (2)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

COB/22/001/ - 001a Site Location Plan. Received on 16 January 2024
COB/22/001 – 102 Entrance Gate Details. Received on 30 November 2023

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

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, approved plans and supporting statement

REASON: In the interests of visual amenity and the character and appearance of the area.

Informatives: (4)

3 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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

4 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

5 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

6 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.