CASE OFFICER'S REPORT

Application Reference:	PL/2023/07340
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	04 October 2023
Case officer:	David Cox

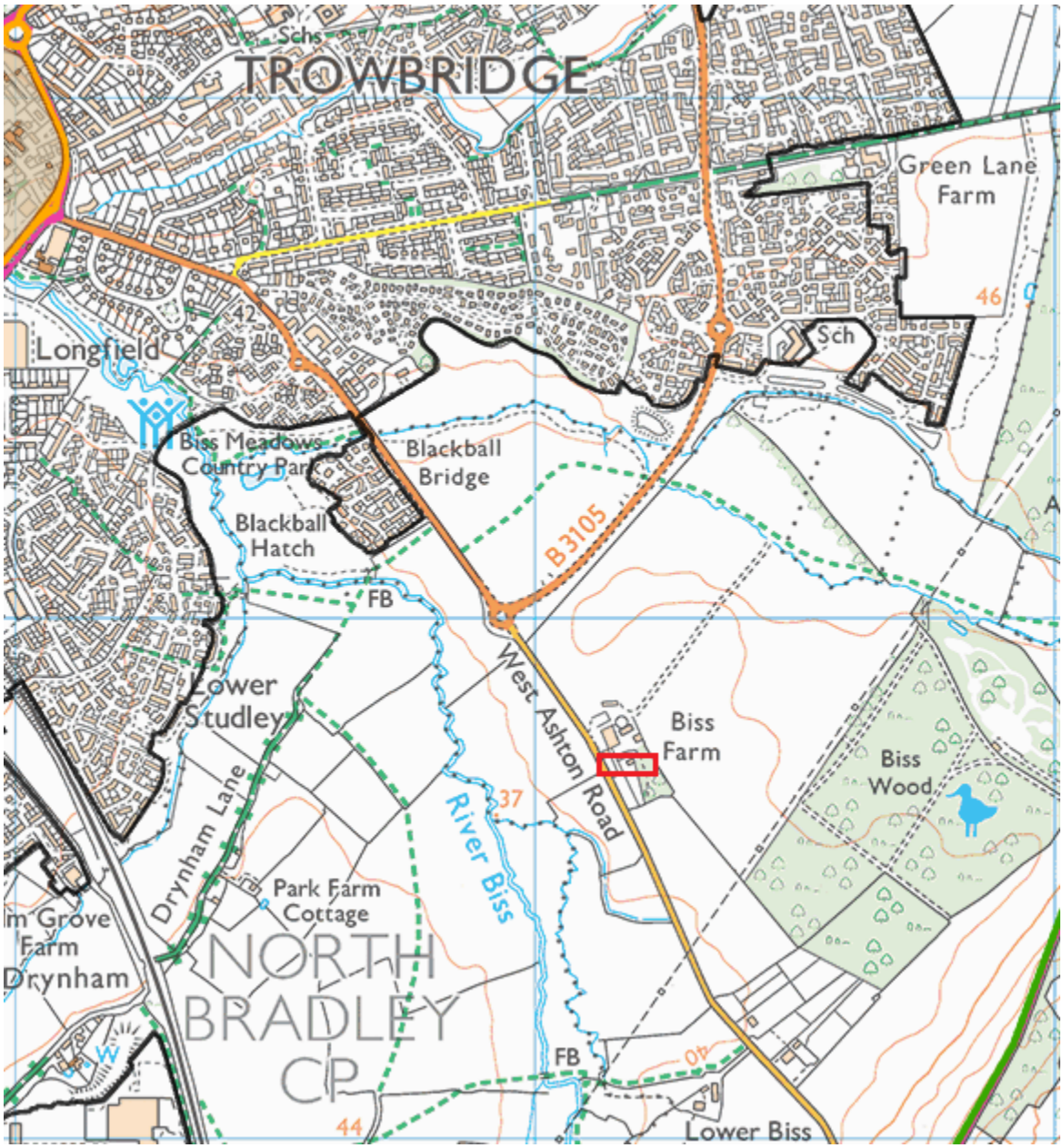
Site Address:	Stable Cottage, West Ashton Road, West Ashton, Trowbridge, BA14 6DQ
Proposal:	Change of Use from C3 Holiday Let to C3 Residential Dwelling (resubmission of PL/2021/07119)
Recommendation:	Approve with Conditions

Proposal and Site Description

This is a full planning application for the change of Use C3 Holiday Let to C3 Residential Dwelling (resubmission of PL/2021/07119) Stable Cottage, West Ashton Road, West Ashton, Trowbridge, BA14 6DQ. Stable Cottage is a small rectangular shaped red brick and red tiled building, albeit with an unusual protruding north elevation section with a single hipped roof that's higher than the main roof. It has its own fenced garden and shares the existing (wide) access onto West Ashton Road with Biss Barn House. No changes to the building are proposed.



Site Location Plan



(Approximate) red outline of site in relation to Trowbridge



Google Street View image of application site





Further Google Street View images of the application site

Policies

National Context:

National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG)

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015 - CP1, CP2, CP39, CP48, CP50, and CP57.

Trowbridge Bat Mitigation Strategy

Key Issues
Principle of Development
Highways Safety
Ecology

Relevant Planning History
W/04/01532/FUL - Change of use from redundant storage building to two units of holiday accommodation - Approved

W/17/00008/FUL - Proposed change of use from Holiday Let accommodation to C3 dwelling house - Refused

17/10312/FUL - Change of Use from C3 Holiday let to C3 Residential Dwelling - Refused

18/04450/FUL - Change of Use from C3 Holiday Let to C3 Residential Dwelling - Refused

PL/2021/07119 - Change of Use from C3 Holiday Let to C3 Residential Dwelling - Withdrawn

Consultation Responses
West Ashton Parish Council - No comments received

Wiltshire Council Ecology Officer - No objection subject to conditions

The application is supported by an Ecological Walkover Survey report by Zebra Ecology (15th August 2023).

Habitats Regulations Assessment (HRA)
The application site is located within a consultation zone for bats associated with the Bath & Bradford on Avon SAC, as well as being located within the red zone of the Trowbridge Bat Mitigation Strategy (TBMS), and therefore has potential to result in significant adverse impact on the special features of the SAC.

TBMS Red Zone
The application site is located within the red high-risk zone of the TBMS SPD (adopted February 2020). The red zone is located within 600 m of woodlands or trees known to support maternity roosts for Bechstein's bat. New development of greenfield or residential brownfield sites within this zone is likely to result in high and unacceptable risks to bat populations as a result of increased recreational pressure on key woodland sites and/or as a result of habitat loss. As such, development of new sites within this zone is highly unlikely to be permitted, and there should be no net increase in new residential curtilage or light levels within the zone.

HRA Outcome

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). The test of likely significance concluded that there is no mechanism for adverse effect for the following reasons:

• The proposals comprise a change of use only of an existing house used for holiday accommodation to a residential dwelling, therefore no additional construction or land take within the red zone of the TBMS is proposed.
• There will be no vegetation removal.
• No external alterations are proposed, and a lighting condition would be applied in the event planning permission is granted to ensure any future lighting proposals are appropriate and agreed with the LPA.
• No increase in recreational pressure is anticipated as there will be no increase in occupancy.
• The ecology report produced by Zebra Ecology (August 2023) concludes that there will be no impacts to bats associated with the SAC.

Additionally, for the reasons given above operational impacts of the development would be deminimis.

The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

Given the nature of the proposals no TBMS financial contributions will be required.

Wiltshire Council Highways Officer - No objection

The site is located between West Ashton and Trowbridge and the existing vehicle access is proposed to be used with no alterations, visibility is adequate. A previous planning application attracted a highway objection on sustainability grounds, however, due to the proposed development of the land surrounding the site, it would be difficult to uphold a sustainability objection.

Representations

No comments received

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:

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Trowbridge is defined as a Principal Settlement. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of

development. Beyond these limits is countryside. Because the application site lies beyond the limits of development, it is within the countryside.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Trowbridge – and further states that housing should not be permitted outside the limits except in the few circumstances explained in the policy, the exception policies which include CP48 - Supporting Rural Life.

This site has had an extensive planning history with three refusals all based on the location being outside the limits of development of Trowbridge.

However, application 15/04736/OUT, an outline application for the following development is material to this current application for a change of use;

"*Residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class E ('Business' only), B2, and B8); two local centres (Classes E, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.*"

The above application has member endorsement to approve and has a well advanced s106, and although it technically requires a return referral to SPC given the delayed progress of the s106, the development follows a planned allocation and once built, it would completely surround the application site (and the cluster of buildings), enveloping it within Trowbridge's expanded limits of development. For the record the s106 drafting has been with the Council for 6 years.

When application PL/2021/07119 was withdrawn back in 21 September 2021, it was due to officer advice stating that until the 15/04736/OUT application was formally approved, it would be premature to conclude that the site would eventually fall within the expanded limits of the settlement hierarchy and the application of CP1 and CP2 remained of material relevance.

In June 2023, an appeal in Holt (for application PL/2022/03315) concluded that the Council's 5 year housing land supply could no longer be described as a 'modest' shortfall (set within the 4.5-4.7 year supply range) because of the length of time that the shortfall had been in place. The Inspector considered that the shortfall was 'significant' and that was a significant factor in allowing the appeal.

The Council produced two briefing notes to promote a way forward to address the shortfall. In section 6 of the April 2022 note – *What can we do to restore a five-year housing land supply?* – the note stated that the Council would:

iii) Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.

Before this PL/2023/07340 application was submitted and before the December 2023 revisions to the NPPF, it was agreed with the applicants agent that due to the Council's housing land supply deficit and the Holt appeal outcome, that the weighting applied in previous applications would be different and that the application would have a better potential outcome.

The December 2023 revisions to the NPPF changed things again, not least by identifying Wiltshire Council as a para 77 and para 226 compliant LPA and as such, the previous 5 year HLS test become redundant and instead a 4 year housing land supply requirement was introduced for a 2 year transitional period or until such time that the Council adopts its emerging Local Plan.

This means that full weight returns to CP1 and CP2 and that under that basis the previous refused applications carries significant weight in the planning balance. Very limited weight applies to the previous briefing notes (as they are effectively defunct) and little weight should be applied to the Holt appeal as para 11 of the NPPF is no longer engaged as a couple of more recent appeals for housing in Warminster and Semington (after the Dec 2023 NPPF revisions) have confirmed.

However, adopted WCS Core Policy 2 lists a number of exception policies including CP48, supporting rural life, which states;

"*Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy {set] criteria*".

As any land outside the limits of development is considered to be in the open countryside, it is therefore reasonable to consider such buildings (such as the application site) as a 'rural building' in which for the policy to apply.

The five criteria are all met being a structurally sound holiday let that doesn't need any conversion to change it into a private dwelling. As such there would be no change to the character and appearance of the landscape and would have the same impact on existing residential neighbours. The site is already served by adequate access and is located very close to the Principal Settlement of Trowbridge for local services.

CP48 goes on to state that;

"*where there is evidence that the above uses (tourism, community, cultural, employment) are not practical propositions, residential development may be appropriate where it meets the above criteria (the structurally sound, impact on landscape, adequate access and reasonable access to local services)*."

There are circumstances when that even when these criteria are met, residential development '*may*' only be appropriate i.e. it doesn't simply allow residential development anywhere and seeks to prevent housing in remote or isolated places. This site is very close to Trowbridge and good public transport links. The site is located in the countryside but it is not remote. The existing/established use as a holiday let is residential in nature albeit with an occupancy restriction. Attempting to argue a house without occupancy restriction would be unsustainable but a holiday let would not be, would fall flat, and fail any reasonable challenge if appealed.

Given the Council previously consented the holiday let use and mindful of the advancing progression in approving the urban extension outline, officers are not minded to oppose this application in seeking to use the building (without alterations) for residential use and releasing the occupation restriction.

Therefore it is submitted that in this instance residential development is considered to be appropriate.

Officers are satisfied that the applicants have satisfactorily demonstrated in their supporting statement that the holiday let is no longer a viable prospect by arguing the following: -

"*The applicant has operated the building as a holiday let for just over 20 years (since 2003). The context for the site in its location, coupled with changes to holiday-makers expectations and requirements, has resulted in a steady (and increasingly significant) decline of people renting the property. This was made even worse during the COVID pandemic which resulted in no customers at all (for obvious reasons), and the applicant has experienced no 'bounce back' at all, because of the changing nature of tourists' requirements visiting the area.*

Subsequently, the applicant has confirmed that the balance between running costs and minimal, often non-existent, rental of the property is resulting in significant financial losses per month which they cannot sustain, for obvious reasons."

Furthermore;

"*With regard to potential cultural, community and employment use of the building, clearly its location/context and accessibility renders it unsuitable for such uses. Such uses would involve multiple groups of people travelling out to the site in private cars where there is inadequate parking space. The site is therefore not suitable in location and access terms, let alone it's size and configuration.*
With regard to potential other tourism uses, as explained above due to the changing nature of tourists' requirements, the site is not suitable or 'attractive' to the tourism market. The building is also not suitable for other potential tourism type uses e.g. hotel due to its size, configuration and surrounding buildings/context.

On the basis of the above, other potential uses are not suitable, practicable, and therefore the change of use to residential is acceptable in accordance with the requirements of Policy CP48."

Pursuant to the advancement of application 15/04736/OUT, there are provisions within the development parameters to provide employment space, schools and community hubs. Therefore the immediate surroundings will be well catered for, and seeking such uses for this subject building, given its on site limitations does not appear reasonable.

Highways Safety:
The Council's Highways Officer has raised no objection to the proposal and the site has good access onto the main road.

Ecology:
The Council's ecology officer has also raised no objection concluding "*The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required*."

Conclusion - Approve

Conditions: (3)

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 and documents:

Supporting Statement and Ecology Walkover Survey (ZEL_510) - received 29 August 2023;

Site Location Plan - received 6 September 2023; and

Statement Addendum - received 8 February 2024

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

3 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication GN01:21, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, to minimize unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy

Informatives: (1)

4 There is a low risk that bats may occur at the development site. Many species of bat depend on
buildings for roosting, with each having its own preferred type of roost. Most species roost in
crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not oftenseen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.