Friday, 09 February 2024

Appellant's Statement of Case

The Long Barn, Lower Stanton St Quintin, Chippenham, SN14 6DB

PL/2023/08462

Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.

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1. Introduction

1.1. This Statement of Case has been prepared by Nimble Planning and Development on behalf of Gil Schwenk ("the Appellant"). The appeal is made under section 78 of the Town and Country Planning Act 1990 against South Gloucestershire Council's refusal of a Full Planning Application (PL/2023/08462) for the subdivision of the existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking, and the erection of Car Port.The application for Planning Permission was submitted on 2nd October 2023 and validated on 9th October 2023 under reference PL/2023/08462. The decision to refuse the application was issued on 4th December 2023. Permission was refused for the following reasons:

1. Insufficient information has been provided to demonstrate that the impacts in terms of highway safety, and appropriate access and manoeuvring of servicing vehicles, can be satisfactorily addressed. As such the application conflicts with Core Policies 61 and 62 (WCS).

2. The conversion of the existing dwelling into 4no. separate dwellings will lead to an unacceptable level of intensification which would not be appropriate in terms of local context and the predominant character and form of development within the vicinity, and as such would conflict with Core Policy 57 (WCS).

3. The over-intensification of use of the building results in dwellings for which appropriate levels of amenity and internal living environments cannot be achieved and as such the application conflicts with Core Policy 57 (WCS) and Section 12 of the NPPF.

4. The conversion of the existing building would result in 3no. additional dwellings which would not meet the specific aims and objectives of Core Policy 41, Core Policy 57(v) (WCS) and Section 14 of the NPPF in terms of being suitably sustainable in their layout, orientation and energy generation and would not result in a form of design and development which is sustainable in terms of the declared climate emergency.

5. Insufficient information has been submitted with the application to demonstrate acceptability of the proposed additional openings to this non-designated heritage asset, as well as any impact arising to the settings of the designated and non-designated heritage assets through the sub-division of the building into separate dwellings and curtilages, resulting in conflict with Core Policy 58 (WCS) and Section 16 of the NPPF.

1.2. Some minor alterations have been made to the plans in response to the Council's comments; these alterations would have been made during the application process, were the concerns raised by the Council at that time. These alterations include:

- Proposed Site Plan
    - Car Port footprint reduced
- Car Port Elevations
    - Altered to show revised car port dimensions
- Existing Elevations
    - Rear elevations of Long Barn Included
    - Existing skylights shown on existing elevations
- Proposed Elevations
    - Door closed up on "The Kington" (east elevation) and existing raised deck removed
- Longbarn Existing Plans and Elevations (3267-01 Rev A)
    - Altered to show existing sky light locations.

- The Seagry Plans and Elevations (3267-02 Rev A)
    - Altered to show existing sky light locations.
- The Oaksey Plans and Elevations (3267-04 Rev A)
    - Altered to show existing sky light locations and 2no. new additional skylights.
- The Kington Plans and Elevations (3267-05 Rev A)
    - Altered to show existing sky light locations.
- Proposed Layout (3267-10 Rev D)
    - Revised carport footprint
- Car Port Plans and Elevations (3267-18 Rev A)
    - Altered to show revised size and to include solar panels above
- Proposed Plans and Elevations (3267-20 Rev A)
    - Altered to show existing sky light locations and 2no. new additional skylights.
- Long Barn Existing Rear Elevation (3267-21)
    - Now included within application
- Vehicle Tracking Plan (P18676_900)
    - Now included within application

1.3. It is not considered that these minor amendments would prejudice interested parties, and all interested parties would be able to comment on the alterations proposed; as such, it is considered that the proposal would comply with the Wheatcroft Principle (Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]).

1.4. This Statement of Case has been prepared in accordance with PINS guidance.

2. Appeal Site and Surrounding Area

2.1. The property is detached dwelling, within the small village of Lower Stanton St Quintin. It sits within a generously sized site with a substantial curtilage. Residential development is located to the north, south and west of the site, with agricultural fields to the east.

2.2. The dwelling is not Listed or locally listed, though a Grade II Listed Building (Glebe Farm House) sits to the south of the site. There are no scheduled ancient monuments on or adjacent to the site. Additionally, there are no trees with preservation orders on the site.

2.3. The site is not subject to any specific landscape or environmental constraints and is located in Flood Zone 1 at the highest level of the village. A stream is located around 150m down a steep hill. There is no history of flood risk of the site, and it is not considered to be subject to flooding.

3. The Appeal Scheme and Planning Policy Context

3.1. The appeal seeks planning permission for the subdivision of the dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking, and the erection of Car Port.

3.2. The relevant National and Local Policies are outlined below, followed by a discussion of the appeal scheme in relation to the reasons given for refusal.

National Policy

- National Planning Policy Framework (July 2022)
- National Planning Practice Guidance
- Town and Country Planning (Permission in Principle) Order 2017

Local Policy

Wiltshire Core Strategy ('WCS', Jan.2015)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Spatial Strategy for the Chippenham Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy
- Core Policy 45: Meeting Wiltshire's Housing Needs
- Core Policy 50: Biodiversity and Geodiversity
- 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
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management

Draft Neighbourhood Plan for Stanton St. Quintin

3.3. Though the officer's report outlines that the draft Neighbourhood Plan for Stanton St. Quintin has commenced Examination, this is incorrect; Wiltshire County Council rejected the draft neighbourhood plan. It has not gone to final public consultation and has not been

ratified. As such, any reference to the Neighbourhood Plan is not considered to be a material consideration.

4. Highway Safety

4.1. Refusal reason 1 states that:

> 1. *Insufficient information has been provided to demonstrate that the impacts in terms of highway safety, and appropriate access and manoeuvring of servicing vehicles, can be satisfactorily addressed. As such the application conflicts with Core Policies 61 and 62 (WCS).*

4.2. The highway officer commented on the application to raise these concerns; numerous attempts were made to contact the case officer to provide further details to show that the access and maneuvering of service vehicles was safe and appropriate, but no response was received.

4.3. Revised plans showing the swept path analysis for service vehicles and the locations of bin storage have been provided with this appeal. As there is no “formal” highway edge, a visibility splay has been taken from a “virtual” highway edge which connects the highway verges on the road. The use of the existing access would not be considered to lead to any impact on highway safety.

4.4. At present, service vehicles stop at the Seagry Road roadside. Bins are gathered at the edge of the driveway for collection. It is considered that the bin storage solutions proposed would be suitable to allow for suitable drag distances in line with local requirements. Roadside collection is same for both Forge Closes that are west of the property. All of the proposed dwellings in this planning application would have a comparable drag distance to that of The Forge Cul-De-Sacs.

4.5. The applicant is open to waste collection vehicles entering the property to collect waste; the provided tracking plan (ref. P 18676_900 02) minor alterations have been made to the size of the proposed carport, and the revised plans allow for sufficient space for a DB32 refuse vehicle to enter the site in forward gear, and to turn fully within the site to allow for exit in

forward gear. Sufficient visibility is also provided for vehicles to exit the site safely, and the proposal would not lead to any impacts on road safety.

4.6. The tracking plan also shows there would be sufficient space for a DB32 fire appliance, and an ambulance to enter the site in forward gear, and to turn within the site to allow for exit in forward gear.

4.7. As such, it is considered that this reason for refusal has been satisfactorily addressed, and that the proposal complies with Core Policies 61 and 62 of the WCS.

5. Local Context and Predominant Character/Form of Development

5.1. Refusal reason 2 states that:

> 2. *The conversion of the existing dwelling into 4no. separate dwellings will lead to an unacceptable level of intensification which would not be appropriate in terms of local context and the predominant character and form of development within the vicinity, and as such would conflict with Core Policy 57 (WCS).*

5.2. The appeal site is located within a residential area, within the "small village" of Lower Stanton St Quintin. The officer's report outlines that while there are some isolated terraces of residential form within the village, the predominant character is one of larger, detached properties, set within their own curtilages. This characterisation of the village is considered to be flawed; while it is a "small village", Lower Stanton St Quintin is host to a number of historic terraced and semi-detached dwellings, most of which sit within the village's core, and form the entrance experience to the village along Seagry Road. The historic terrace of houses which sit to the centre of the village, on Avil's Lane (pictured below) contribute to the character of Lower Stanton St Quintin greatly and represents a key feature in how the village is experienced.



5.3. Furthermore, the semi-detached pair shown below (Nos. 26 and 27 Seagry Road) is located within close proximity to the appeal site; no planning history could be located for these dwellings. The original building was clearly a 4-dwelling terrace that has been modified to two dwellings. It retains this look and feel, with regular window openings and an evenly spaced frontage. These dwellings contribute greatly to the character of Lower Stanton St Quintin and the appeal site itself, and as such, it is not considered that the character of the area would be harmed by the subdivision of the dwelling.



5.4. The proposal seeks to subdivide the existing dwelling into 4no. smaller dwellings. The existing dwelling is 5734 ft2 within an extremely large plot. This is over sized for a single family dwelling. The subdivision of the property would result in 2no. 4 bedroom homes with 1800 ft2 floorspace, 1no.3 bedroom home with 1228 ft2 floorspace and 1no.2 bedroom home with 886 ft2 floorspace. This will increase the village housing stock by 3 homes and will result in greater diversity of dwellings than the immediate area currently has. There are very limited 2 or 3 bedroom homes within a close vicinity, and the subdivision would aid in the overarching goal of meeting Wiltshire's needs by promoting the delivery of housing of the correct type, mix and size, as outlined within Core Policy 45.

5.5. Following the subdivision, each dwelling would enjoy substantial, usable, and adequate outdoor amenity space, and there would be very little external change to the building itself aside from the erection of fences between the plots, minor alterations to fenestration and the addition of rooflights, and the opening of some window spaces to doors. As such, it is not considered that there would be any unacceptable intensification of the site, and the proposal would not lead to any harm to the character or context of its locality.

5.6. Longbarn has extant permission for use both separate self-contained accommodation and as a training venue, as well as for the use as a residential dwelling; these uses both result in a significant amount of vehicles being parked on the parking area to the front of the dwelling (14+ vehicles in relation to the training venue use); consequently, the proposed number of vehicles which would be parked on site is a reduction on existing planning permission, and there would be a reduction in the intensity of use from a parking standpoint.

6. Local Context and Predominant Character/Form of Development

6.1. Refusal reason 3 states that:

3. The over-intensification of use of the building results in dwellings for which appropriate levels of amenity and internal living environments cannot be achieved and as such the application conflicts with Core Policy 57 (WCS) and Section 12 of the NPPF.

6.2. It is unclear what this refusal reason relates to; the officer's report outlines that rooms at first-floor level would not have access to natural light. This is not the case; the upper floor rooms located to the rear of the site are served by existing rooflights; revised plans have been provided which shows the location of these rooflights, which will provide adequate sunlight to these rooms, and as such, would provide high-quality internal living environments to future occupants.

7. Sustainability

7.1. Refusal reason 4 states that:

> 3. *The conversion of the existing building would result in 3no. additional dwellings which would not meet the specific aims and objectives of Core Policy 41, Core Policy 57(v) (WCS) and Section 14 of the NPPF in terms of being suitably sustainable in their layout, orientation and energy generation and would not result in a form of design and development which is sustainable in terms of the declared climate emergency.*

7.2. The officer's report outlines that the internal arrangement of the dwellings leads to a failure to take advantage of natural light and heat from the sun and orientated to gain maximum benefit from passive and sunlight and passive solar energy. As outlined above, and within the submitted revised plan, all habitable rooms would benefit from windows or roof lights to provide passive solar gain.

7.3. The Officer's report also outlines that the proposal does not include proposals for sustainable energy generation. It is not considered that the roof of Longbarn is structurally suitable for the installation of solar panels, and the south facing roof would overlook Glebe Farm house which is Grade II listed which would be likely to result in harm to the setting of this Heritage Asset.

7.4. Core Policy 41 states that "New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."

7.5. This policy is not restrictive and does not outline that applications will be refused where they do not incorporate renewable energy, simply that the inclusion of renewable energy measures are encouraged. The officer's report also references Paragraph 157 of the NPPF (now Paragraph 162 in the revised NPPF); however, this paragraph outlines that new

development should comply with Local Plan Requirements for decentralised energy supply; the Local Plan contains no requirements for a decentralised energy supply and has no specific requirements for sustainable measures to be incorporated into developments.

7.6. The existing dwelling is built to a high standard of sustainability, with high-quality insulation and suitable solar gain criteria. The proposed dwellings will be equipped with energy efficient windows, doors and efficient boilers and controllers to minimise energy use. 4no. electric vehicle charging stations are proposed within the car port.

7.7. It is considered that the proposal would be sufficiently sustainable in terms of solar gain, internal layout, and massing, and complies with relevant Local and National Planning Policy.

8. Heritage

8.1. Refusal reason 5 states that:

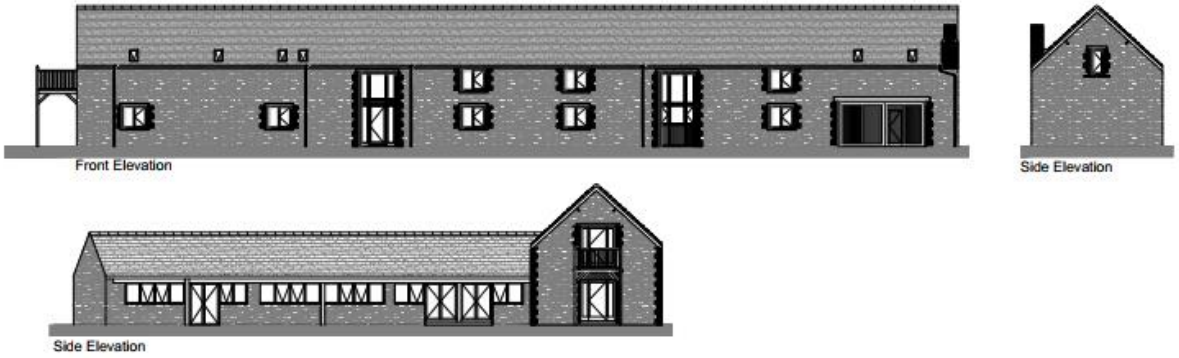
5. Insufficient information has been submitted with the application to demonstrate acceptability of the proposed additional openings to this non-designated heritage asset, as well as any impact arising to the settings of the designated and non-designated heritage assets through the sub-division of the building into separate dwellings and curtilages, resulting in conflict with Core Policy 58 (WCS) and Section 16 of the NPPF.

8.2. The officer's report outlines that the original permission for the conversion of the barn (N.96.0740.F) withdrew permitted development rights for the property due to the heritage status of the building under conditions 3, 4 and 5 to protect its the historic form, design, and appearance. However, the original decision notice (Appendix 1) outlines that these conditions were added "in order to safeguard the rural character and appearance of the area", with no mention of the need to safeguard the building's heritage. As such, it is considered that the alterations which could normally be completed under permitted development rights should only be considered in connection with the impact on the rural character and appearance of the area, rather than in relation to the "heritage status" of the building. As such, this should not be a material planning consideration.

8.3. It is considered that the minor alterations proposed, which relate to the fenestration, the addition of doors and rooflights, and fences to subdivide the properties, would not result in any harm to the heritage value of the building itself; the property has undergone significant historic alteration, including the creation of new windows and door openings and the provision of rooflights as part of its original conversion to a dwellinghouse, and has undergone extension. As such, the limited alterations to the building are not considered to result any harm to the heritage status of the building itself and would result in significant improvements to the building through the removal of low-quality materials and its

replacement with high quality, conservation standard fenestration. Images of the building prior to alteration, and following alteration are shown below:

Existing Elevations:



Proposed Elevations:



8.4. Furthermore, there is no intervisibility between Glebe Farmhouse and the front of Long Barn, and it is not considered that there would be any impact as a result of the proposal on the setting of the adjacent Grade II Listed Building.

8.5. The Council have raised no specific issues in relation to the alterations proposed, rather, have refused the application on the grounds that insufficient information has been submitted to demonstrate the acceptability of the openings. It is also noted that the Council's Conservation Officer has not formally commented on the application.

8.6. It is not considered that the proposal would lead to any harm to heritage assets and would represent an improvement to the current situation through the betterment of materials.

9. Conclusion

It should be noted that Core Policy 45 has the overarching goal of meeting Wiltshire's needs by promoting the delivery of housing of the correct type, mix and size. The subdivision of the existing large dwelling to provide 4no. smaller, more affordable, and family-sized homes would be considered to be a positive benefit, which should be taken into account in any decision made. The need for dwellings of the size of Long Barn is extremely limited, and the subdivision would represent a much more efficient and suitable use for a building of this size.

The proposal has been confirmed by the Council to be acceptable in principle. The Council are unable to demonstrate a 5-year housing land supply, and the proposal would result in the delivery of 3no. new dwellings, which would make a significant contribution to addressing the Local and National housing shortfall. It is considered that the proposal complies with all relevant Local and National Planning Policies, and as such, this appeal should be allowed.

10. Appendices:

Appendix 1 - Decision Notice relating to Original Conversion:

Included as separate document.