# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/07912 |
| **Application Type:** | Removal/variation of conditions |
| **Site Inspection:** | 31 October 2023 and 15 February 2024 |
| **Consultation ends:** | 24 October 2023 |
| **Case officer:** | Julie Mitchell |

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| **Site Address:** | Land South West Of Seymour Farmhouse<br>A303 Bottom Of Devills Back East To Chicklade Bottom<br>Chicklade<br>SP3 5SU |
| **Proposal:** | Proposed demolition of stable and sheds and erection of agricultural building - variation of conditions 2 and 3 to allow changes to the design and materials |
| **Recommendation:** | Approve with Conditions |

**Proposal and Site Description**

The application site forms part of a small holding of land to the south of the A303 at Chicklade. The site has historically permissions for development of stables and has been used for equestrian purposes. It appears that equestrian use has currently ceased, although it is proposed to retain the larger stable building. Permission was previously granted for the demolition of the smaller stable building and shed and erection of an agricultural building. The agricultural building has been constructed not in accordance with the approved plans and the current application seeks permission for the retention of the building as constructed. The building is substantially constructed but not fully complete. Two windows have been inserted in the north elevation and are shown on the proposed elevation plan to be retained. However, following negotiation with the applicant, it is proposed to fully clad the north elevation in dark green metal profile sheet cladding to match the remainder of the building, this would remove the windows from the north elevation. With this revision, the main change to the appearance of the building compared to the approved scheme is the roof pitch and height and the change in materials for the walls. The existing stable and shed currently remains on site but there is a requirement for these to be demolished following the agricultural building being brought into use. The larger stable building is shown to be retained.

The application site is outside of any defined settlement boundary and therefore within the open countryside. It is not allocated for any form of development. The site lies within the Cranborne Chase & West Wiltshire Downs National Landscape (AONB).

**Policies**

National Context:

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

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1 - Settlement Strategy
Core Policy 2 - Delivery Strategy
Core Policy 3 - Infrastructure Requirements
Core Policy 27 - Spatial Strategy: Tisbury Community Area
Core Policy 48 – Supporting Rural Life
Core Policy 51 - Landscape
Core Policy 57 - Ensuring high quality design and place shaping
Core Policy 60 - Sustainable Transport
Core Policy 61 - Transport and new development
Core Policy 62 - Development impacts on the transport network

Supplementary Planning Guidance;
Cranborne Chase AONB Management Plan

**Key Issues**

- Landscape/Visual impacts
- Residential Amenity

**Relevant Planning History**

Full planning permission was granted under **S/1988/0953** for the Erection of a Stable Block. The permission was subject to the following condition:

4. *The use of the buildings hereby permitted shall be restricted to the stabling of horses which are used for the purposes of private recreation by the owners of the land, and for the storage of equipment connected with that use and equipment connected with the upkeep of that land, and shall not be used as a riding school, livery stables or for any other business or commercial use.*

Full planning permission was then granted under **S/2000/1316** for the Erection of Two Loose Boxes. The permission is subject to the same condition:

3. *The use of the buildings hereby permitted shall be restricted to the stabling of horses which are used for the purposes of private recreation by the owners of the land, and for the storage of equipment connected with that use and equipment connected with the upkeep of that land, and shall not be used as a riding school, livery stables or for any other business or commercial use.*

An application for the variation of the condition was later approved under **17/10179/VAR**. This permission was subject to the following condition:

*The use of the buildings shall be restricted to the stabling of horses which are used for the purposes of private recreation by the owners or tenants of the land (outlined in red on the 1:1250 scale Location Plan, received by this office 17/10/2017), and for the storage of equipment*

*connected with that use and equipment connected with the upkeep of that land, and shall not be used as a riding school, livery stables or for any other business or commercial use.*

A full planning application under reference **19/10688/FUL** subsequently granted permission for the proposed demolition of stable and sheds and erection of agricultural building. This permission was subject to following condition:

*Within 1 month of the development hereby permitted being first brought into use the existing buildings shaded purple on the existing site plan 7584-03B shall be permanently demolished and all of the demolition materials and debris resulting there from removed from the site.*

The current application has been submitted as the development has not been carried out in accordance with the approved plans.

**Consultation Responses**

**Chicklade Parish Meeting**
I am objecting to the proposed retrospective planning permission on behalf of affected residents in Chicklade, in my capacity as the Chair of the Chicklade Parish Meeting - this is the body which represents the village in the absence of a Parish Council.

I am objecting on the grounds that the original application and the current retrospective attempt to regularise what has actually been constructed are not consistent with the stated intended use. The application is completely silent on why the building constructed is so different from the consented application and gives no reasons why the council should approve the application for a much larger and more visually dominant building.

My understanding is that the original application was put in following meetings between the applicant, the council planning officer and the affected villagers (it predates my arrival in the village so I was not party to these discussions). The agreement reached at that meeting as that the building would be wood clad, and that the only windows would be the roof skylights. What was built did not have the cladding and had two opening windows at a height of approximately 3m above the floor in a block wall. The consented application did contain a single, apparently non-opening window. However the application was in so many ways different from what was built (the height of the building proposed was much less, the pitch of the roof was shallower and thus the ridge height lower) that a proper justification should be provided for why the major variations should now be approved. In the consented application the walls are 2.4m high. In the new application the height is 3.2m. No justification has been provided for why the building constructed was so different. The height to the top of the ridge in the original application was 3.0m. The new application is for a building 4.3m tall. No justification has been provided for why the building constructed was so different.

The original application had substantial skylights to provide light. The new application - and therefore presumably the constructed building - has much smaller skylights. The application is silent on why the building is so different from the consent.

The original application had no transparent paneling in the south wall. The new application - and therefore presumably the building a constructed - does. No justification for this change from the consent is provided.

The new application does partially address the cladding, in that two sides now feature the cladding, including the north facing wall with the two opening windows. However, it leaves the windows in place.

These windows are at second floor level in a building with (apparently) no internal mezzanine, and are therefore currently unable to be opened from inside. The building also appears to have been constructed with the potential to add a mezzanine. The windows are not required for the use claimed in the application - storage of materials and winter stabling of horses. However, allowing them to remain would create a precedent in any future change of use application. Given that the affected wall will now be clad as originally agreed (and consented), the removal of the windows should not cause the applicant any difficulty. If the windows are genuinely required for the utility of the building, then the reasons for this should be articulated in a future application. The current application is silent on why these windows are now required, so the application should either be refused, or, if consented, it should be consented subject the the deletion and removal of these windows.

The timber cladding is now proposed on the north and east sides, but not on the western side, which is most visible from the affected houses in the village. We request that the cladding should also be applied to that side, as per the original agreement with villagers.

Chicklade villagers in no way want to prevent the land owner from making appropriate agricultural use of the site, but features of the current application which are not required for this use need to be removed. Any application for retrospective permission where there are so many variations needs to be honest about why such changes were necessary and should now be approved. This application makes no attempt to do this, no justification whatsoever for any changes are provided.

It would be quite wrong to retrospectively grant consent for a building without justification for the changes, simply because that’s what the developer built. To consent this without appropriate justification would send a message to other developers that you can build anything you want, regardless of what consent you have been given. We therefore respectfully request that this application be refused, or (at the very least) the applicant should be advised to withdraw and resubmit with appropriate justification for the major changes proposed.

**Representations**

Third party representations have been received in relation to this application.

- Application only resubmitted as residents complained about the residential type windows that could be clearly seen from their properties.
- The building is clearly visible from our property and does not have mature trees and hedges shielding it from our view.
- We can see the whole building clearly so to say that it can only be glimpsed is untrue.

- Please consider why livestock need to have white double glazed windows for their comfort.
- If this proposal is considered there should be some sort of restriction on any future change of use to a residential property.
- The original building plan was for an agricultural building without domestic windows to which we did not object.
- This building (which has not been used for a single day since construction) has domestic windows overlooking our garden therefore we have a loss of privacy and would have objected to this if it had been in the original plan.
- The building is partially covered by vegetation in the summer months (but this does not include the windows), for the rest of the year the entire building is in full sight.
- As this building has never been used I have no doubt that a change of use will be requested in the near future.
- Domestic double-glazed windows are not required for an agricultural building.
- If you do allow the retrospective changes then I would urge you to insert a caveat that there should be a prohibition on conversion to domestic use for 50 years otherwise your rules become a mockery.
- This building is in direct line of sight of every window on the south side of our property including patio
- It has dramatically put a negative impact on all properties in this area of outstanding natural beauty.
- The high level white pvc opening window are of particular concern, these can be seen from a great distance, this building is not hidden from view by any trees/shrubs.
- I am suspicious that this building is not what it appears to be.
- There are two white domestic windows already in place on the southern aspect of this building, contrary to the initial application and not in keeping with this agricultural building.
- They are unsightly and suggest that the building will be for domestic habitation in the future.
- This building is obviously masquerading as a farm or industrial shed instead of its true intent.
- The reality seems to be different.
- If one were to look inside the building one would see that the main space has been partitioned into 2 rooms with a small doorway between, and that blockwork has been left out to facilitate the insertion of joists to create a livable mezzanine space.
- The high level white UPVC North facing opening windows reaffirm and support this assertion that an alternate plan exists for future development.
- Additionally it seems that power, water, drainage and septic tanks have been inserted as a part of the build, which would be counter intuitive should this 'shed' be just a storage unit.
- So why have the openable domestic type windows so high in a single story building and why facilitate it with all the necessary water, power and sewerage provisons should an alternate and undisclosed plan not exist?
- Aside from this, the insertion of 2 x white PVC windows is extremely intrusive into an area of natural beauty and can be seen from over a mile away when to the north in Chicklade village and further up on great ridge.
- If the windows are to remain, then they should be sensitively coloured and blended into the landscape (Dark and Matt) and be lowered to create a much lower visual impact for those properties that are exposed to them in Chicklade and the surrounding environs.

- I must state that the intent of the whole project seems malevolent and not what it seems and encourage a site visit by the authorities to satisfy themselves or otherwise that the wool is not being pulled.

**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 application site is outside of any defined settlement boundary and therefore within the open countryside. It is not allocated for any form of development but has historically been used for equestrian purposes. The stable buildings currently remain on site but are currently not in use. There is a requirement for the smaller stable and shed to be demolished once the approved building is brought into use, although the larger stable is proposed to be retained. The approved agricultural building is currently substantially complete but not in use. The siting and floor area of the building appears to have been constructed in accordance with the approved plans, however the roof pitch and ridge height exceed the approved scheme and windows have been inserted in the north elevation.

The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability by focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating 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.

Core Policy 48 supports 'rural life' although it does not contain any policy requirements for agricultural development. Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. Core Policy 57 aims to achieve a high standard of design and development is expected. Of relevance is CP34 which states:

Outside the Principal Settlements, Market Towns and Local Service Centres, developments that:

*ii. Support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification;*
will be supported where they:
*v. Meet sustainable development objectives as set out in the polices of this Core Strategy; and*
*vi. Are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; and*
*ix. Are supported by adequate infrastructure.*

In this case the site is outside of a settlement boundary and is located within open countryside, designated as a National Landscape (AONB), where development is not normally permitted other than in exceptional circumstances. However, it has previously been accepted that the building was required for the purposes of agriculture to be undertaken on the small holding and therefore is, by necessity, located in the open countryside. The principle of development can be considered acceptable provided that the development is designed to meet the needs of an identified agricultural operation or activity having regard to the relevant parts of CP34 set out above.

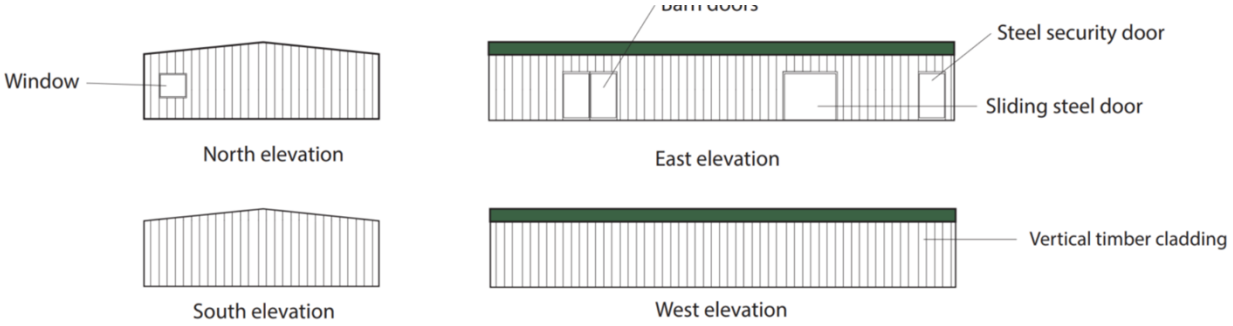
The current proposal relates to changes which have been made to an agricultural building which was granted permission in 2019. Permission is now sought retrospectively, although it has been agreed to revise the plans to include full cladding to the north elevations, such that the windows are shown to be omitted. The previous application was accompanied by a planning statement which set out that the building would provide secure storage for agricultural equipment, fencing, timber, animal feed and bedding and for the storage of hay bales associated with the applicant's intention to make use of the land for livestock. The land holding, including existing buildings, covers a total area of 1.43 hectares and as such does not benefit from permitted development rights for new agricultural buildings. It was also proposed to retain the stable block to the north of the yard and demolish the stable and other sheds in the southern part of the yard which would be cleared to provide a more usable open area for parking and turning and tending to horses.

It is submitted that the proposed building is required to support the agricultural use of the land, which includes grazing of livestock and active management of the land, maintaining fences, managing trees on the site, planting new trees and hedges and topping the grass as necessary and thereby would support the continued sustainable use of a small agricultural holding and ensure the character of the site is retained and improved in line with the guidance set out in the AONB Management Plan's chapter on Rural Land Management. On the basis of the information provided, the principle of a building remains to be considered appropriate for the proposed agricultural requirements of the small scale land holding, however aspects of the building appear not to have been designed for agricultural purposes, notably with the use of blockwork instead of vertical cladding and domestic style windows at 'first floor' level. Internal inspection of the building confirms that there is no first floor internally and that the windows are above eye level. However as the building has translucent panels in the roof, which allow natural light into the building, there is no agricultural justification to provide light or openable windows in the north elevation. The revised plans show cladding to all external surfaces to match the cladding applied to two sides of the building, and the omission of the windows. With these changes, the principle of development is capable of being supported. A condition restricting the use of the building to agricultural storage use only is considered appropriate in this case.

Landscape/Visual Impacts:

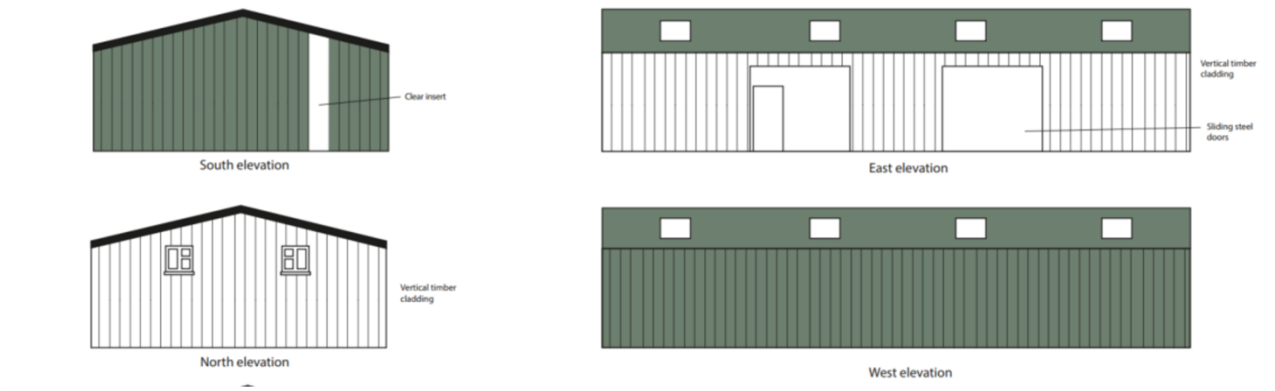
The site is within the countryside and designated as a National Landscape (AONB). Core Policy 51 states: Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Core Policy 57 requires: A high standard of design is required in all new developments. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

The subject building has been previously granted on the basis of plans which were considered acceptable in the context of the proposed use of the building and its landscape setting. The eaves height of the approved building scales at approximately 2.55 m and the proposed shallow pitched roof would extend to a maximum height of 3 m. With the height of the approved building limited to 3 metres and the use of timber cladding/green coloured sheeting and dark green profile roof sheets the visual impact on the surrounding designated landscape was previously considered to be minimal. It was also noted that it would be seen against the backdrop of trees and vegetation on the southern boundary. There is some screening provided by trees and vegetation along the field boundary to the north of the proposed building although this is evidently more sparse during the winter months when the previous site visit was undertaken. It is now possible to see the north elevation of the building from the A303 from where the untreated blockwork and white domestic style window frames appear alien within the landscape and for the approved use of the building. It was previously considered that the height of the proposed building and distance across which it would be visible would not form an unduly prominent feature. Additionally whilst it was not on the same footprint and was larger in footprint than existing stables/sheds, the visual impact of the building was to be offset to a limited degree by the removal of existing buildings and this was a condition of the approval. The approved plans are shown below:

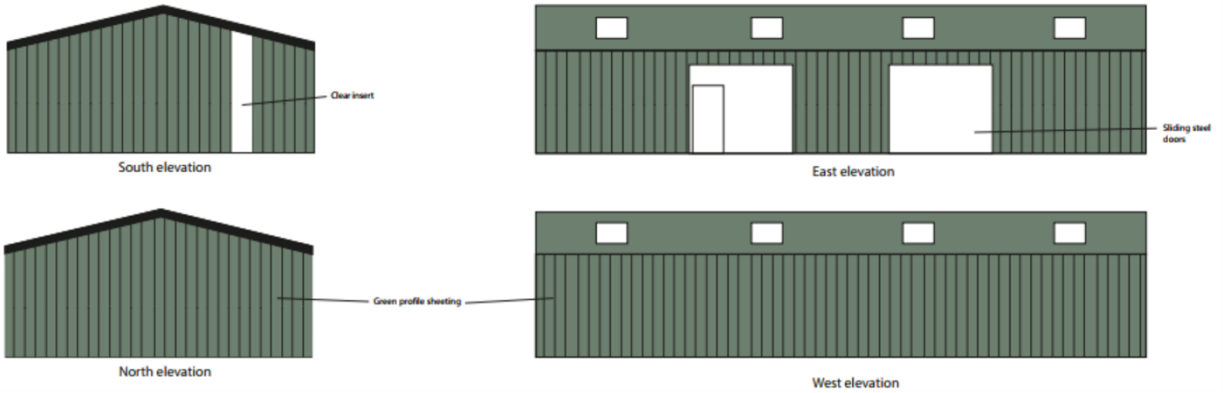



***Approved Elevations***

The application as submitted is for the retention of the building as constructed, with timber cladding to be applied to the untreated block work on the north and east elevations. A block plan has been submitted which indicates that the siting and floor area of the building is as previously approved. This showed the two domestic windows retained. Given that these are neither necessary for the purposes of agricultural use nor visually acceptable, a revised elevation plan has now been submitted which shows revisions to the building as constructed to overcome issues of concern with the design and its visual impact on the national landscape setting. The difference between the existing elevations of the building and the revised plans is shown below:




***Proposed Elevations (as existing other than the timber cladding)***




***Proposed elevations (revised)***

Based on the revised plans, the changes to the building include an increase in the height of the building to 4.5 metres to ridge and insertion of clear insert panel in south elevation, polycarbonate inserts in the roof and changes to the position of door openings on the east elevation, with one door omitted. There is also a change to the materials with walls being constructed in block work with metal profile sheet cladding rather than timber cladding as previously approved.

The visual impacts of the revised proposal would be localised with the most significant aspect of the changes being the height of the building. Nevertheless, the height of the building is not considered excessive for an agricultural storage building. With the omission of the domestic styled windows on the north elevation, it is considered that the scale, design and material would relate satisfactorily to the landscape setting. Conditions are necessary to ensure that the profile sheet cladding is applied to the north elevation so that the windows are omitted, no window openings are inserted in the building and existing buildings are demolished, as previously required.

Despite the National Landscape designation, in the context of the previously approved building, the proposed building as now shown on the revised drawings is not considered to introduce significant visual impacts to warrant refusal on landscape grounds.

<u>Residential amenity:</u>
Concerns have been raised by residents of properties in the settlement of Chicklade which lie to the north of the site and in respect of the windows in the end elevation of the building being visible from their properties, as well as indicating an intended use which is not agricultural. In the determination of the previous permission, the intervening distance from the boundaries of the

nearest dwellings and the building itself was not considered to generate any conflict between the agricultural use of the proposed building and residential use of the nearest dwellings. The proposal now includes two domestic windows on the end elevation facing the neighbouring properties. These windows are at a high level in relation to the ground floor and therefore overlooking would only be possible if a first floor is inserted within the building, this is not part of the proposal which is being considered. Whilst the building is within site of neighbouring properties, neighbouring amenities are not considered to be materially or detrimentally affected by the proposed windows due to the separation distance to the nearest residential properties to sustain a reason for refusal on amenity grounds, however the windows are required to be omitted for visual/landscape reasons. The concerns of residents that the intended use of the building is for residential purposes can only be considered if an application for this use is submitted for consideration or a breach of planning is notified to the LPA. A reason for refusal that the building might be utilised for residential use would not be warranted.

Highway Impact:
The site is served by an existing, gated access from Hindon Road. The proposal does not make any change to the means of access. which is considered adequate for the existing non-commercial equestrian activity and agricultural grazing which currently takes place. It was previously not considered that the provision of a modest agricultural building associated with the agricultural grazing and maintenance of the land would generate an increase in traffic movement and as such it was considered unlikely that there would be any demonstrable impact on highway safety. The changes to the building, as set out in this application, would not alter the access or traffic movements in respect of the previously approved proposal. The LPA can only consider the effects of other uses in the event of an application being made for change of use.

**Conclusion:**
The principle of a building for agricultural purposes was established with the previous permission. The siting and floor area remains as permitted. The changes to the height and materials now proposed can be considered acceptable subject to the omission of domestic style windows in the north elevation and the completion of the building in an appropriate cladding (metal profile sheets). Conditions are set out to ensure that the building is completed in accordance with the revised plans and a time limit for the addition of cladding is given due to the need to omit the windows on the north elevation to ensure that the building would relate satisfactorily to its surroundings and use.

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**Conditions:** (7)

1 The use of the building hereby permitted shall be used for the purposes of agriculture only and shall not be used for any other commercial use or activity.

REASON: To define the use of the building due its location in the open countryside and access which is unsuitable for other uses.

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

Location Plan
Site Plan Proposed 7584-02B
Floor Plan, Elevations and Cross Section 1488-005 Rev B

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

3 Within 6 months of the date of this permission, the north and east elevations of the building shall be fully clad, in accordance with the approved plans, in dark green metal profile sheeting to match the cladding which has already been applied to the south and west elevations of the building. The materials shall be retained as such thereafter.

REASON: To ensure the building is completed in an acceptable design, colour and finish in the interests of visual and landscape amenity and the character and appearance of the area.

4 The two windows which have been inserted in the north elevation are not permitted and shall be omitted from the building in accordance with condition 3 of this permission and the approved plans. No windows, doors or other form of openings, other than those shown on the approved plans, shall be inserted in the north, east or west elevations.

REASON: To ensure the building is completed in an acceptable design in the interests of visual and landscape amenity and the character and appearance of the area.

5 Within 1 month of the development hereby permitted being first brought into use all existing buildings other than the approved building and stable building shown to be retained on the approved site plan shall be permanently demolished and all of the demolition materials and debris resulting there from removed from the site.

REASON: In the interests of the character and appearance of the landscape.

6 All planting and soft landscaping shown on the approved site plan shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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 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 and enhanced natural screening for the development.

7 No external lighting shall be installed unless or until plans showing the type of light appliance,

the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", have been submitted to and approved in writing by the Local Planning Authority. Any approved lighting shall be installed and shall be 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 and to minimise unnecessary light spillage on the surrounding landscape.