CASE OFFICER'S REPORT

Application Reference:	PL/2023/10716
Application Type:	Removal/variation of conditions
Site Inspection:	
Consultation ends:	02 February 2024
Case officer:	Jane Sanger

Site Address:	At Last, 64 Hawkstreet, Bromham, Chippenham, Wilts, SN15 2HU
Proposal:	Variation of condition 2 of PL/2022/07296 - to allow alteration of gates from 5-bar gate to solid wooden gate
Recommendation:	Refuse

POLICIES

The National Planning Policy Framework (NPPF) 2023:

Chapter 4 – Decision Making
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – Making Effective Use of Land Chapter 12 – Achieving Well Designed Places
Chapter 15 – Conserving and Enhancing the Natural Environment
Chapter 16 – Conserving and Enhancing the Historic Environment

The Wiltshire Core Strategy, Adopted January 2015:

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 – Ensuring High Quality Design & Place Shaping
Core Policy 58 – Ensuring the Conservation of the Historic Environment
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development

Planning Practice Guidance (PPG).

The Wiltshire Local Transport Plan 2016 – 2026: Car Parking Strategy (March 2015).

CONSULTATION RESPONSES

Bromham Parish Council – object. Many complaints have been received from Bromham Parishioners.

Highways Officer – no highway objection, subject to the gate and access must meet the previous conditions in the extant approval (PL/2022/07296) in relation to the gates being set back 10m from the edge of the carriageway and open away from the highway. The access must be of a consolidated material and be positively drained. The photos do not show this surface material in place yet. Providing these conditions have been complied with, there is no highway objection to the gate being a wooden one rather than a metal bar fence.

Rights of Way Officer – no comments received.

REPRESENTATIONS

Three letters of objection have been received from the local residents at 1 and 2 Old Dairy; and 51 Hawkstreet. They have raised the following concerns:

I was not notified by the applicant of this new application to vary planning conditions, however my address appears on the list submitted by the applicant confirming my notification.

Planning application PL/2022/07296 was approved in May 2023 and the original, and amended, designs of the gate entry submitted within that application both show a single standard wooden five bar field gate design. Within six months, non-compliant double solid wood 2m high gates were installed. This is a very significant design variation necessitating this new application.

I wish to submit the following objections in relation to application PL/2023/10716 and the applicants comments in their supporting statement:

1. I object to the solid wooden 1.90m paired gates (as now installed) and they are too imposing, heavy and overbearing for this location in Hawkstreet. They are not necessary and their impact is severe, as they destroy “the residential amenity, the character and appearance of the area”. The stipulated planning approval condition is for ‘agricultural use only’ access. I contend that this solid double gate design is not appropriate for agricultural use only access to a field and is better suited to a highly secure, urban, gated residential location.

2. I object to the application on the basis that new field gate design as proposed/installed, is out of keeping with the extensive use of 5 bar gates throughout the rest of the applicants own property and used on all their adjacent fields - in which they safely keep their animals.

3. The gate design is incongruous and at odds with all the adjacent properties. All other properties in Hawkstreet, Durlett Road and New Road consistently use 5 bar gates as access to paddocks, fields and homes.

4. The installed 2m high solid wooden double gate do not improve ‘highway safety’ along this boundary as stated, as there is an existing five bar gate at the north corner of the occupied roadside horse paddock opening directly onto Hawkstreet.

5. 2m high solid wooden gates are not essential for ‘animal security’, as the applicants’ horses are all retained in separately fenced off paddocks from which they first need to escape before reaching this particular gate.

6. These 1.9m high, solid wooden gates can only be secured from the inside, and therefore pose a significantly greater risk of being left open by walkers exiting the ‘right of way’ through this high solid gate, rather than via a standard five-bar field gate with securing bolts within reach.

7. I object on the basis that these large solid wooden gates obscure and facilitate the misuse of the designated agricultural land and the current misuse, storing commercial quantities of demolition materials, is increasingly destroying “the residential amenity, the character and appearance of the area” in Hawkstreet.

8. The very large solid wooden gates design does not support the preservation and protection of the rural open ‘character and appearance of the area’, Hawkstreet being in close proximity to the Grade 1 listed open agricultural land of Bromham.

We were not consulted regarding changing the 5-bar metal gate to the solid wooden gates that are now in place, although as per the document states we were notified on the 5/1/2024, we were not.

All along Hawkstreet, into Durlett Road and beyond there are either 5 bar wooden or metal gates many of which have horses and livestock behind them. We have noticed that there is a five bar wooden gate to the entrance of 64 Hawkstreet which faces the road and has a horse in the paddock behind it, are these gates to be turned into solid wooden ones as well to protect that horse? These gates are totally out of keeping to the area and spoil the look of the surrounding area as well and this is why we are objecting.

We strongly object to the latest planning application for solid gates which have been installed opposite our property in lieu of the 5 bar gates approved in application PL/2022/07296.

We objected to the original planning application for the gateway fearing alternative use to that specified which is now becoming evident.

The installation of these solid gates hide illegal use of the land, classified as agricultural, for equestrian use plus storage and selling of recycled building materials clearly visible from the road.

This field already has a number of 5 bar gates for access and this has never been a problem for animal security. A large number of fields in Bromham contain horses with access via 5 bar gates so the applicant’s comments are unfounded.

Visually the 1.90 metre solid gates installed are totally out of character with the surrounding area. The applicants seem to have overlooked that the hedges either side of the gates have to be reduced to 600mm for a total length of 45 metres to allow for a safe exit on to Hawkstreet which is a Highways stipulation of the original planning application. Therefore, the need for a 1.9 metre gate is superfluous.

KEY ISSUES:

- Relevant planning history.
- Impact upon neighbour amenity.
- Impact upon highway safety.
- Impact upon areas of archaeological significance.
- Impact upon the character and appearance of the area and the open countryside.

ASSESSMENT

The application site relates to At Last, 64 Hawkstreet, Bromham. The part of the site which is the subject of this application is the unauthorised erected solid timber, double leaf gates, and posts, located in the western front boundary of the paddock located to the south side of the main dwelling and domestic curtilage. The access to the house is located to its northern side. The paddock is enclosed along its western, front boundary, with the road, with timber post and rail fencing, with a mature, dense hedgerow on the outside edge, fronting the road.

The application site is located outside the Development Boundary for Bromham and is therefore in the open countryside. Public Right of Way (PROW) BROM72 runs through the paddock (which the gates provide access to) to the east of the approved vehicular access.

Relevant planning history:

20/10979/FUL – Proposed steel portal frame building – Approved with conditions – 02.02.2021.

PL/2022/07296 - Engineering works to create an agricultural vehicular access to allow for haymaking, land maintenance with machinery to access our fields. Installation of gates and piers – Approved with conditions on 19.05.2023.

Impact upon the character and appearance of the area and the open countryside:

Core Policy 57 of the Wiltshire Core Strategy requires amongst other things that proposals should enhance local distinctiveness, represent a high standard of design and take into account the characteristics of the site and the local context to deliver an appropriate development that relates effectively to the immediate setting and wider character and appearance of the area. Paragraph 126 of the National Planning Policy Framework also states that good design is a key aspect of sustainable development and paragraph 130(b) states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

More specifically, the aims of Core Policy 57 of the Wiltshire Core Strategy (WCS) 2015 states that all new developments should:

i) Enhance local distinctiveness by responding positively to the landscape setting and the existing pattern of development;
ii) Respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, elevational design, materials, and streetscape to effectively integrate the building into its setting;
iii) Make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character and appearance of the area; and
iv) Meet the requirements of core policy 61 ‘Transport and New Development’.

Permission PL/2022/07296, approved on 19.05.23, granted planning permission for the construction of a traditional, timber 5 bar gate, amongst other elements.

Bromham is identified in the Wiltshire Core Strategy as a Large Village. The general topography of Bromham, in particular along Hawkstreet is relatively flat, therefore the land, with gated and open fronted accesses are visually prominent from the public highways comprising the village road, footpaths and byways. The character of the immediate and wider area is very rural, characterised by grass verges, adjacent to roads, enclosures to dwellings and fields comprising timber post and rail fencing, stock fencing, mature hedgerows, together with either ungated accesses or gated entrances which comprise timber or metal five bar gates.

The front garden of the main dwelling and the paddock to which the gates access, are enclosed with timber post and rail fencing, with mature hedging growing through them. The other gates providing access to the field at other points surrounding the paddock are all timber, five bar gates, some with stock fencing secured to the inside edge to safely retain the animals grazing in the fields.

There are no examples of solid, tall, 1.9m high gates, anywhere along Hawkstreet to fields or residential properties. Therefore, there is no established precedent for this form of development. Furthermore, the position of the gates set in from the edge of the carriageway with the public highway is not considered sufficient to offset the harm caused.

It is noted that the Parish Council and the local residents living in close proximity to the site also support the above assessment. The local residents who have commented on this application, describe the unauthorised gates as; too imposing; heavy and overbearing; their impact severely destroys the character and appearance of the area; the solid gate design is inappropriate; an urban feature, which is out of keeping with the rural area; an incongruous design; and is not essential for animal security.

In view of this, the unauthorised timber, double leaf gates by reason of their height, solid design; and visually prominent position, fronting the public highway; results in the introduction of an alien feature in the landscape and streetscene, which would fail to satisfy the above requirements. Their appearance is intrinsically suburban in an area that is devoid of such features with Hawkstreet in this location representing a fairly typical typology of a rural lane in Wiltshire. The resultant design will have a detrimental impact on the rural character and appearance of the immediate and wider area and will establish an undesirable precedent where none exists currently.

The proposals would therefore conflict with the requirements of the Wiltshire Core Strategy (WCS) 2015; Core Policy 57 ‘Ensuring High Quality Design’; and with Central Government policy contained within the National Planning Policy Framework (NPPF) 2023; in particular Chapter 12 ‘Achieving Well Designed Places’.

Impact upon neighbour amenity:

The unauthorised gates due to their isolated location, centrally located in the front, western boundary of the paddock, sufficiently separated from any residential properties, will therefore not cause any harm to neighbour amenity in terms of causing any overshadowing or loss of light.

Impact upon highway safety:

Core Policy 60 and 61 of the Wiltshire Core Strategy requires amongst other things that proposals should be capable of being served by safe access to the highway network; be fit for purpose and have safe loading/unloading facilities that can be provided where these are required as part of the normal functioning of the development; and encourage safe and efficient movement of people and goods within Wiltshire through assessing and, where necessary, mitigating the impact of development on transport users. Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

This development in its current position is unacceptable because the access is for agricultural use which often attracts vehicles of larger lengths than you would normally see coming and going from a domestic access. As such, in order to avoid obstruction of the highway, sufficient space needs to be provided in front of the gates to allow for said vehicles to sit completely off the highway before operating (opening or closing) the gates the field. The location of this access is on a well-used, narrow country lane where insufficient space has been provided to the front of the gates to allow for agricultural vehicles to sit completely off of the highway whilst opening gates. This means that there is likely to be overhanging of large vehicles on the highways in this location which will lead to obstruction of the highway to the detriment of the users of the highways. This will also result in unacceptable harm on highway safety.

Therefore, the proposals would conflict with the requirement of the Wiltshire Core Strategy 2015, Core Policies 60 ‘Sustainable Transport’ and 61 ‘Transport and Development’; and with Central Government Guidance policy contained within the National Policy Framework 2023; in particular Chapter 9 ‘Promoting Sustainable Transport’ as a safe and suitable access has not been demonstrated.

This application is concerned with the installation of solid, timber, double leaf gates. It is noted that the Council’s highways officer has referred to the recessed access not having been consolidated and the requirement for the site to be drained positively, under conditions 7 and 5. These conditions, together with condition 4 of extant approval PL/2022/07296, relate to the formation and layout, together with the visibility splays, of the access already approved and any breach of these conditions can be dealt with separately, by planning enforcement under the extant approval. Therefore, it is not considered necessary or relevant for these issues to be covered by reasons for refusal.

Impact upon area of archaeological significance:

The Council’s Archaeological department in the extant approval had confirmed that there are no areas of archaeological significance on the site of the proposals. Therefore, there is no further action required in this respect.

Conclusion:

The retrospective solid gates are considered to be unacceptable from a design and highway safety perspective and should be removed from site, and the approved timber, five bar gate installed, in accordance with Permission PL/2022/07296.

RECOMMENDATION: Refuse.

Refusal Reason(s): (2)

1 Core Policy 57 of the Wiltshire Core Strategy requires amongst other things that proposals should enhance local distinctiveness, represent a high standard of design and take into account the characteristics of the site and the local context to deliver an appropriate development that relates effectively to the immediate setting and wider character and appearance of the area. Paragraph 130 of the National Planning Policy Framework also states that good design is a key aspect of sustainable development and paragraph 135(b) states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The double-leaf timber gates by virtue of their height, solid design, and visually prominent position fronting the public highway, results in the introduction of a stark, alien intrusion into the landscape and streetscene in general, which would fail to satisfy the above policy requirements. The resultant design will have a detrimental impact on the rural character and appearance of the immediate and wider area and will establish an undesirable precedent where none currently exists.

The proposals would therefore conflict with the requirements of the Wiltshire Core Strategy (WCS) 2015; Core Policy 57 ‘Ensuring High Quality Design’; and with Central Government policy contained within the National Planning Policy Framework (NPPF) 2023; in particular Chapter 12 ‘Achieving Well Designed Places’.

2 Core Policy 60 and 61 of the Wiltshire Core Strategy requires amongst other things that proposals should be capable of being served by safe access to the highway network, that they are fit for purpose, that safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development, and encourage safe and efficient movement of people and goods within Wiltshire through assessing and, where necessary, mitigating the impact of development on transport users. Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

The location of this access is on a well-used, narrow country lane where insufficient space has been provided to the front of the proposed gates to allow for large agricultural vehicles to sit completely off of the highway whilst said gates are being operated (opened or closed). This means that stationary vehicles will be overhanging the highway in this location causing an obstruction which would be to the detriment of the users of the highway and would create an unacceptable impact on highway safety.

The proposals would therefore conflict with the requirement of the Wiltshire Core Strategy 2015, Core Policies 60 ‘Sustainable Transport’ and 61 ‘Transport and Development’; and with Central Government policy contained within the National Policy Framework 2023; in particular Chapter 9 ‘Promoting Sustainable Transport’.