CASE OFFICER'S REPORT

Application Reference:	PL/2024/00199
Application Type:	Full planning permission
Consultation ends:	15 February 2024
Target Date:	4th March 2024
Case officer:	James Repper

Site Address:	The Old Smithy, Church Road, Luckington, Chippenham, SN14 6PG
Proposal:	Change of use of Annexe (known as "The Forge") from Ancillary Accommodation to Short Term Holiday Let
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application site is a detached residential dwelling located within an area of established residential properties forming part of the small village of Luckington, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 13 (Spatial Strategy for the Malmesbury Community Area). The site is located within the Luckington Conservation Area and whilst not listed itself, the property immediately to the west (Pulens) is Grade II Listed, to the north of the site are the entrance and extended grounds of the Grade II* Luckington Court.

PROPOSAL:

This is a full planning application to allow a change of use of the permitted residential annexe to include the use as a short-term holiday let still associated with the residential dwelling.

RELEVANT PLANNING HISTORY:
N/03/02535/FUL - GARAGE CONVERSION (EXTENSION TO PROVIDE ANNEXE ACCOMMODATION) – Approved subject to conditions and S106 28th Jan 2004

15/07747/S106 - Removal of S106 Agreement in Relation to the Occupancy of Two Separate Dwellings in Respect of N/03/02535/FUL – Refused 21st September 2015

17/05331/CLE - Certificate of lawfulness application for use as self-contained accommodation – Refused 15th August 2017

17/04068/S106 - Removal of S106 Agreement of planning permission N/03/02535/FUL (garage conversion - extension to provide annexe accommodation). – Refused 15th August 2017

17/08948/CLE - Application for a Certificate of Lawfulness for a use as self-contained accommodation. – Refused 1st December 2017

POLICIES:
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019

North Wiltshire Local Plan policies (Saved by Wiltshire Core Strategy):
NE14 (Trees and the Control of New Development

Planning (Listed Building and Conservation Areas) Act 1990
S66 (Special Considerations Affecting Planning Functions)
S72 (General Duties of Planning Authorities)

Wiltshire Core Strategy:
CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP13 (Spatial Strategy for the Malmesbury Community Area)
CP39 (Tourist Facilities)
CP40 (Hotels, Bed & Breakfast, Guest Houses & Conference Facilities)
CP57 (Ensuring High Quality Design & Space Shaping)
CP58 (Ensuring the Conservation of the Historic Environment)

Supplementary Planning Documents:
Wiltshire Local Transport Plan – Car Parking Strategy

REPRESENTATIONS:

Highways – No Objection

Luckington and Alderton Parish Council – No Objection

Letters – One letter of objection has been received stating;
We object to this change of use to an air b&b as it will result in convenience parking on the front verge to Luckington Court, a Grade 2 listed house opposite. The area is very short of rental accommodation for workers. Air b&b dries up more accommodation. Excess household rubbish is already being dumped unrecycled into our bins. Holiday makers are not always the most conscientious, what extra provision has been made for their bins?

ISSUES:
The main considerations which are material to the determination of this application are listed below:
- Principle
- Character & Design
- Neighbouring Amenities

PLANNING ASSESSMENT:

Principle:
The application site is located within an established area of mixed-form residential properties in the small village of Luckington, part of the Malmesbury Community Area which is defined as a small village by WCS core strategies 1 and 2. The housing policy boundaries have been removed from small villages effectively categorizing them as the countryside.

Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings. Any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites with the objective of providing adequate facilities, enhancing enjoyment and improving the financial viability of the attraction.

Proposals for new hotels, bed and breakfasts, guesthouses or conference facilities, together with the sensitive extension, upgrading and intensification of existing tourism accommodation facilities will be supported within the:

i. Principal Settlements and Market Towns
ii. Local Service Centres, and Large and Small Villages where the proposals are of an appropriate scale and character within the context of the immediate surroundings and the settlement as a whole
iii. Outside the settlements above, proposals that involve the conservation of buildings that, for contextual, architectural or historic reasons should be retained and otherwise would not be.

In all cases it must be demonstrated that proposals will:
iv. not have a detrimental impact on the vitality of the town centre
v. avoid unacceptable traffic generation.

Furthermore, the site is already in use for residential purposes and the principle of extensions or additions to be used in association with the existing residential use of the site is accepted. This principle acceptability is however subject to the detail, such as its implications for the character of the area; and neighbouring amenities. These will therefore be addressed in more detail below.

Character & Design:
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires 'special regard' to be given to the desirability of preserving a listed building or its setting. In addition, Section 16 of the Act states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having 'special regard' (in relation to listed buildings) and/or in paying 'special attention' (in relation to conservation areas) the NPPF states that regard must be had as to whether the proposal causes 'substantial harm', 'less than substantial harm' or no harm to the asset.

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts. Core Policy 58 aims to ensure that Wiltshire's heritage assets such as the conservation area are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

In this instance, it is considered that the proposals include no alterations to the existing built form of the buildings on site and merely propose a change of use with a formal allocation of parking for the holiday accommodation. As such it is deemed that the proposals would have no effect on the street scene or the character of the surrounding area. Due to the location of the site within a conservation area and the nearest neighbour to the west being a listed building, both special attention and regard have been given to assessing the harms caused to the character and setting of the listed building and preserving the character of the conservation area. Due to the lack of external change and the building remaining within a C3 use, it is considered that the proposal causes no harm. Overall it is then considered that the proposals would have no effect on the character of the application site, the street scene or the character of the wider area.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The existing building is permitted to be a residential annexe capable of constant occupation related to the further residential use of the main house (The Old Smithy). Short-term holiday letting is considered to be the same usage as a residence being C3 and, as such, its use as a short-term holiday let would continue this residential use. Comments have been made in relation to parking and litter, however, these are not considered pertinent to the application within the context that they have been raised. The application includes specified parking provisions appropriate for the accommodation so it would be outside the remit of planning to presume people would park on the roadside as that would appear to be less convenient than the provided parking. The fact that the main dwelling remains the residence of the applicants in charge of the holiday accommodation would also lead to a considered level of control over the behaviour of the end users. Overall, it is considered that the change of use from permanent annexe to short-term holiday let would not cause significant harm to the enjoyment of neighbouring amenity spaces available to the occupiers of nearby properties.

CONCLUSION:
The proposal would be of an acceptable overall scale and would result in limited implications for the character of the existing property, conservation area, heritage assets or street scene. Similarly, due to its location and scale, it is considered that the proposal would be unlikely to have a significant impact on the amenities enjoyed by occupiers of adjacent dwellings.

The proposal would, therefore, accord with the aims and objectives of the Wiltshire Core Strategy and other Government guidance and is recommended that planning permission be granted for the proposal.

RECOMMENDATION:
Approve subject to the following conditions

Conditions: (4)

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:

Application Form & Certificate Received 8th January 2024

Plans Ref:
Location & Block Plan DWG: 1056-001 Received 8th January 2024
Site Plan DWG: 1056-P-01 Received 8th January 2024
Elevations DWG: 1056-P-03 Received 8th January 2024
Floor Plan DWG: 1056-P-02 Received 8th January 2024

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

3 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up-to-date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

4 The building known as “The Forge” hereby permitted for holiday accommodation, is located within the curtilage of the main dwelling, known as The Old Smithy and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.