DELEGATED REPORT

Application Reference:	PL/2023/07285
Application Type:	Householder Planning Permission
Site Address:	Southview Barn, Littleton Drew, Chippenham SN14 7NB
Proposal:	Proposal to create an entrance on the garden side of Southview Barn for additional off-road parking and enlargement of garden. Remove section of hedgerow and dry-stone wall, to be rebuilt as a wide curving dry stone wall entrance with a wooden 5 bar gate. The surface of the new entrance would be covered with a permeable surface to aid drainage.
Recommendation:	Planning Permission be GRANTED.

PROPOSAL

This proposal seeks planning permission for the creation of a new vehicle entrance to improve the parking provision at Southview Barn. The proposal includes removing a section of hedging and walling, to be replaced with a curved dry-stone wall and wooden entrance gates.

The “householder” application form has been completed and there is no suggestion that the proposed new vehicle entrance with associated alterations and extension of the residential curtilage would be for any other purpose than that associated with the occupation of Southview Barn as a domestic dwelling.

DESCRIPTION/CONTEXT

This application relates to Southview Barn, a detached residential dwelling located in Littleton Drew. The proposal seeks to improve the existing vehicle entrance and parking for the property by the creation of a new access along the western boundary.

This application is within the Littleton Drew Conservation Area, Cotswold National Landscape (formerly AONB) the application site is not covered by any ecological designations. It is noted that Grade II Listed Manor Farmhouse and Barn to West is located approximately 21m west of the dwelling and 35m to the south of the application site of the new access. Bridleway GRIT3 runs adjacent to the north and western boundary of the application site.

PLANNING HISTORY

19/11176/CLE - Certificate of Lawfulness for Change of Use of Land to Garden – Approve

N/12/00376/FUL - installation of Solar Panels on & Light on Roof & Removal of a Velux Window – Approve with Conditions

20/04453/FUL Change of Use of existing ancillary accommodation to independent dwelling – Approve with Conditions

POLICIES

- National Planning Policy Framework (NPPF)
- Wiltshire Core Strategy Policies (WCS): CP51, CP57, CP58, CP61
- Cotswolds National Landscape Management Plan 2023-2025: Policy CE1 - Landscape

ISSUES

- Principle of Development
- Design, Scale and Visual Amenity
- Residential Amenity
- Heritage
- Landscape
- Access, Parking and Right of Way
- Archaeology
- Arboriculture

CONSULTATION

Grittleton Parish Council: Support.

Subject To, the Rights of Way Officer having no objections, that the applicant has a legal right of access for residential use over GRIT3 and that Highways requirements can be met.

Wiltshire Council Highways Engineer: No Objection - Subject to Conditions.

'Refer to the above planning application dated 07/09/2023 seeking permission for the creation an entrance on the garden side of Southview Barn for additional off-road parking.

The site is located adjacent to the main road through the village, this is a C Classified Road subject to a speed limit of 30mph. The proposed access location is from a section of Brown Track, which is classed as minor highway with a public right of way, and also is the location of PROW Bridleway GRIT3. There is an existing access to a separate dwelling further to the north of the proposed access.

The applicant has stated that the existing access and parking arrangements cause issue with regard to vehicles parking within the access and limiting the manoeuvring space of other vehicles in this location, with particular reference to horses and horse boxes due to stable access at this point, it is apparent from ariel photography that existing access to the rear of the larger surrounding site can

be taken from two points, which would lead me to believe that larger vehicles can access from a better location to the stabling on site.

The application is for parking of two vehicles which has been demonstrated with turning provided to enable access and egress with the public highway in a forward gear. Visibility splays would also be required to be kept clear of obstructions over 600mm and have been demonstrated at the required level of 25m.

Access over the initial section of the PROW is deemed acceptable for the limited number of vehicle movements and given that further along the PROW there is existing access for vehicular traffic accessing another property, Meadow Edge, it would be difficult to refuse the principle of the proposals for access.

The proposals would not represent a significant or severe effect on the public highway and therefore I would not wish to raise an objection subject to the following conditions:

VISIBILITY SHOWN ON DRAWING
No part of the development shall be first brought into use/occupied, until the visibility splays shown on the approved plans of 2.4m x 25m have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.
Reason: In the interests of highway safety

SURFACING
The development hereby permitted shall not be first brought into use/occupied until the first 2m of the access, measured from the edge of the carriageway or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
REASON: In the interests of highway safety

ROW ACCESS
No construction / demolition vehicle access may be taken along [PROW name] without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.
Reason: To ensure the public right of way remains available and convenient for public use.

ROW STORAGE OF MATERIALS
No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.
Reason: To ensure the public right of way remains available and convenient for public use

INFORMATIVE
The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any

works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

Wiltshire Council County Archaeologist: No Objection.

'Thank you for consulting archaeology following submission of amended plans/additional information for this application. No further comment.'

Wiltshire Council Arboricultural Officer North: No comments received.

Wiltshire Council Rights of Way: The Rights of Way team have submitted their response within the Highways comments.

REPRESENTATIONS

Consultation has been carried out and five letters of representation have been received. Three letters of objection, one letter of support and one letter of no objection.

Main issues raised:

- '*The beginning of GRIT3, where the entrance is proposed, is on a serious bend in the village road and any further vehicle movements at that point could be dangerous for both traffic on the bend and horses etc entering and exiting the bridleway.'*
- *'Southview Barn is a large property with sufficient room for an entrance to its garden land at the side of the barn itself where there is already a vehicle width entrance gate and an internal drive made within its boundaries to facilitate parking other than at the front of the property. strongly believe that any NEW access from a bridleway for domestic vehicle use is inappropriate.'*
- *Primarily and key to objection is the location of this new entrance. Our public bridleways are open for walkers, horse-riders and cyclists. There is no public right of way for vehicles on a footpath or bridleway.'*
- *'There is already frequent and unlawful recreational use of motor vehicles on Littleton Drew's bridleways, namely; GRIT3 and GRIT7. Adding to this traffic should not happen and we must do everything possible to help protect our bridleways and keep them safe now and for the future.'*
- *'There is a lack of need for development of this sort. Any additional off-road parking needed could simply and safely be obtained by extending the current side parking space at South View Barn, i.e. by using South View Barn's land for a wider and safer additional entrance and parking. There is no justification to use land belonging to a bridleway when there is already an entrance in place.'*
- *'By trimming and substantially reducing and/or removing the hawthorn, ivy and brambles hedgerow along the adjacent wall to South View Barn, the said "blind corner" could be alleviated easily and effectively.'*

- *'Creating and using a separate, new entrance off GRIT3 would have a detrimental impact on neighbouring amenities by putting walkers, horse-riders and cyclists at unnecessary risk. With the many horse owners, riders, walkers and dog owners from Littleton Drew and the surrounding villages GRIT3 is in constant daily use.'*
- *'A new entrance on a beautiful bridle path would have an adverse effect on the development of the character and appearance of the Conservation area.'*
- *'The proposed new entrance is on a tight blind corner into the village. This would have possible highway safety concerns to passing traffic and indeed to the many villagers vehicles, delivery and service vehicles using the open triangular grassy point.'*
- *'Potential development creep – The addition of a new entrance located in the large garden midway between the two existing properties might lead to future "development creep". Should a future title-holder be less scrupulous than the existing owners, this would be an ideal location to build an additional dwelling.'*

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of Development

The creation of a new vehicle access and the rearranged garden areas to an existing residential dwelling is considered acceptable, providing those proposals are compliant with the requirements of relevant policies within the development plan.

The concern in relation to 'development creep' is noted however this matter cannot weigh in to consideration of this application. The proposal involves modest householder development on land which is in lawful residential use. Any future planning application relating to the land would be considered on its own merits and in line with the prevailing planning policy framework.

Design, Scale and Visual Amenity

Core Policy 57 of the WCS requires new development to respond positively to existing landscapes in terms of building layout, built form, height, mass, scale, building line and materials in order to effectively integrate the building into its setting.

The application seeks permission for the creation of a new vehicle access, associated hard standing and turning space to the north of the dwelling, accessed via the western boundary of the application site. The proposal seeks to alter the existing boundary wall by removing approximately 7m of mixed hedging and existing walling along the western boundary to accommodate the new access and associated boundary walling. The proposal seeks to reconstruct the walling with

Cotswold dry stone walling, which would curve at the mouth of the entrance, which would support a wooden 5 bar gate and associated timber gate posts. The proposal also seeks to create a hardstanding to accommodate the parked vehicles. The applicant has confirmed (correspondence received 15.03.2024) that the sub-base of the hardstanding would be constructed with MOT Type 3 Sub base aggregate/hardcore and that the area will be top dressed with Cotswolds Self Binding Gravel, in a sand/buff tone which is considered acceptable in this sensitive location.

The proposed development is relatively minor in scale and is appropriate within the context of this domestic setting. The proposal would integrate sufficiently. It is therefore considered that the proposals comply with Core Policy 57 of the WCS Development Plan and are considered acceptable.

Residential Amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

Due to the nature of the application for a proposed vehicle access to the western boundary of Southview Barn, it is considered that the proposal would be unlikely to have any unacceptable impact on the amenities enjoyed by neighbouring dwellings, in terms of loss of light, privacy or overshadowing. The location to the side the dwelling and domestic nature of the proposal for onsite parking, means the impact to neighbouring properties is considered low. From the plans submitted the parking area would be located at a sufficient distance from immediate neighbours to mitigate any direct or unacceptable impact to amenities enjoyed by neighbouring properties resulting from the vehicle disturbance. The proposal would have an amenity benefit to the current and future occupiers of Southview Barn.

In the context of the nature and layout of the development, there is considered to be no unacceptable impacts upon the amenities and living conditions of neighbouring properties, thereby complying with the relevant provision of CP57 of the WCS.

Heritage

Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and

conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

Impact to Significance of Nearby Listed Buildings

The dwelling is not listed but has a coherent rural period charm. It is noted that Grade II Listed Manor Farmhouse and Barn to West is located approximately 21m west of the dwelling and 35m to the south of the application site of the new access. The introduction of the new access opening and associated hardstanding for domestic parking is not considered to unduly impact on the setting of the listed buildings to the adjacent to the site, which also have a curved dry stone wall vehicular access.

Conservation Area

The proposal is wholly located within the northern portion of the Littleton Drew Conservation Area. During public consultation concerns were raised in relation to the character and appearance of the conservation area. In this location stone walling as a boundary features heavily. The proposal invovles natural dry-stone wall, with flat mortar top to match the existing boundary treatement along with a timber five bar gate. Th driveway surface is to be a Cotswold stone self-binding gravel to dress driveway.

The dwelling is set within a generous plot and the land is already lawfully in residential use.. Whilst the development would be clearly perceptible from within the conservation area, it would be experienced against the existing residential backdrop and would comprise of similar boundary treatments and surfacing found at neighbouring properties in this location. A timber five bar gate akin to an ordinary field entrance is entirely appropriate for this rural setting. As such, it is not considered that the change would result in harm to the existing character and appearance of this part of the conservation area.

Summary

Due to the nature of the proposal, established boundary walling and vehicle entrances in this location , there is considered to be no harm to the identified heritage assets and in this regard, the proposal complies with the requirements of policy CP57 and CP58 to the Wiltshire Core Strategy.

<u>Landscape – impact upon Cotswold National Landscape (CNL)</u>

Core Policy 51 and Chapter 11 of the NPPF is applicable as the application site is wholly located within the Cotswold National Landscape (CNL). In regard to impacts on the CNL, Core Policy 51 of the WCS and Policy CE1 of the Cotswolds National Landscape Management Plan 2023-2025 and position statement seek to ensure that the landscape character, scenic quality and geological features of the CNL are conserved, and where possible enhanced. The site is located within the Cotswolds Area of Outstanding Natural Beauty where the impact of development on the wider landscape is an important consideration.

Additionally, Core Policy 57 indicates that proposals should relate positively to its landscape setting by ensuring that important views into, within and out of the site are retained and enhanced. Core

Policy 51 requires that proposals affecting the AONB shall demonstrate they have taken account of the objectives, policies and actions set out in the Management Plans for these areas.

Due to the application proposing alterations to an existing residential boundary, to create a new vehicle access to the dwelling, there would be not any unacceptable impacts on the character and appearance of the area or CNL as a result. The dwelling is situated within the built form of this section of Littleton Drew, whilst acknowledged the positioning of the dwelling and associated boundary is on the periphery, the installation of a new access and parking area will be viewed in the context of the immediate built form. The proposals are seeking to erect a new access with remove a section of hedging and replacing with a natural Cotswolds dry stone wall with flat mortar top and wooden 5 bar gate and wooden gate posts, which is a typical boundary feature in this location. Due to the appropriate scale of the proposal and the use of natural materials, there is considered to be no harm to the openness of the CNL. It is considered that the proposal complies with CP51 and CP57 to the Wiltshire Core Strategy and Cotswolds National Landscape Management Plan 2023-2025.

Access, Parking and Right of Way

Wiltshire Core Strategy policy CP61 states that new development should be capable of being served by safe access to the highway network. Section 9 of the NPPF expects development to ensure safe and suitable access to the site can be achieved for all users and that development can be refused on highways grounds if there would be an unacceptable impact on highway safety.

The application proposes entering the new vehicle access via bridleway (GRIT7) where there is the potential for unauthorised vehicular movements and unacceptable impacts to user safety, a number of concerns have understandably been raised within the representation period to that effect.

The site is located adjacent to the main road through the village, this is a C Classified Road subject to a speed limit of 30mph. The proposed access location is from a section of Brown Track, which is classed as minor highway with a public right of way, and also is the location of PROW Bridleway GRIT3. There is an existing access to a separate dwelling further to the north of the proposed access. The Highways and Rights of Way Officers have been consulted and provide no objections. The application is for parking of two vehicles which has been demonstrated with turning provided to enable access and egress with the public highway in a forward gear. Visibility splays have been demonstrated. The highways engineer has concluded that the access over the initial section of the PROW is deemed acceptable for the limited number of vehicle movements. The conclusions highlight that further along the PROW there is existing access for vehicular traffic accessing another property, Meadow Edge and that the proposals would not represent a significant or severe effect on the public highway and raises no objection subject to conditions.

The site is accessed via a bridleway (GRIT3). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway.

The applicant should note that the planning process is altogether separate from matters relating to private or public rights of access. The planning application process does not affect any existing rights and responsibilities pertaining to this track/bridleway. Also, this permission does not grant nor imply permission for works within the vicinity of a public highway. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. An informative will be applied.

With no highway objections raised and subject to conditions, there is considered to be no implications for parking, highway safety or road network capacity as a result of development taking place, compliant with CP61 and CP64 of the WCS.

Archaeology

Planning records indicate that the site is in an archaeologically sensitive location. The Council's Archaeologist has been consulted on the proposal and has raised no objections or requirements for a site assessment and there is no reason to conclude otherwise.

Arboriculture

The proposal seeks to remove approximately 7m of mixed hedging and existing walling along the eastern boundary to accommodate the new access and associated boundary walling. The loss of this section of hedging is regrettable but appears to be unavoidable and the removal is not considered excessive. The applicant is encouraged to replace the hedging with other mature vegetation where possible within their property. The arboriculture officer has been consulted and no objections have been raised.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development is considered to be acceptable on its planning merits and the proposal is in accordance with Core Policies 51, 57, 58 and 61 of the Wiltshire Core Strategy and the NPPF. Having regard to all other matters raised, planning permission is granted subject to the conditions below.

RECOMMENDATION

That Planning Permission be GRANTED subject to the following conditions:

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:

Existing Elevation
Existing Site Block Plan
Proposed Floor Plan and Elevations
Proposed Site Block Plan
Highways Plan

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved drawings.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 **VISIBILITY SHOWN ON DRAWING**

No part of the development shall be first brought into use/occupied, until the visibility splays shown on the approved plans of 2.4m x 25m have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety

5 **SURFACING**

The development hereby permitted shall not be first brought into use until the first 2m of the access, measured from the edge of the carriageway or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The driveway shall be surfaced in golden coloured Cotswold self binding gravel or similar product, unless otherwise agreed in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety and the character and appearance of the conservation area.

6 **ROW ACCESS**

No construction / demolition vehicle access may be taken along GRIT3 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

REASON: To ensure the public right of way remains available and convenient for public use.

7 **ROW STORAGE OF MATERIALS**

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

INFORMATIVE

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

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