CASE OFFICER'S REPORT

Application Reference:	PL/2024/00131
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	01 March 2024
Case officer:	Jane Sanger

Site Address:	Church Mill House, Patney Weir, Patney Road, Chirton, Devizes, Wilts, SN10 3QX
Proposal:	Demolition of existing outbuilding and reconstruction to form Artists Studio and associated works. (Replacement for expired application E/11/0623/FUL)
Recommendation:	Approve with Conditions

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

The Wiltshire Core Strategy, Adopted January 2015:
Core Policy 51 – Landscape.
Core Policy 57 – Ensuring High Quality Design & Place Shaping
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).

Chirton and Conock Neighbourhood Plan MADE – August 2019

CONSULTATION RESPONSES

Chirton Parish Council – No objections. However, it is requested that building materials and a transport delivery management strategy is put in place to help mitigate potential road subsidence.

Highways Officer – No objections, subject to conditions.

Please see the electronic planning file for the full consultee comments.

REPRESENTATIONS

No third party representations have been received.

KEY ISSUES:

- Relevant planning history.
- Impact upon neighbour amenity.
- Ecology impact.
- Impact upon highway safety.
- Impact upon the open countryside and the National Landscape.
- Impact upon the character and appearance of the area; and
- Change in material circumstances since the original grant of planning permission.

ASSESSMENT

The application site relates a dilapidated barn, located to the south-west of the main dwellinghouse, known as Church Mill House, Patney Weir, Patney Road, Chirton and lies within its domestic curtilage. The site is outside of the built-up area of the two villages of Chirton and Patney and is therefore within the open countryside. The site is further identified as being within the National Landscape.

The proposals:

The application is a resubmission of the now lapsed planning approval E/11/0623/FUL for the extension of time limit for implementing permission K/58758/F for the demolition of the existing outbuilding and its reconstruction to form an artist's studio and associated works. The outbuilding will provide accommodation over two floors, predominantly accommodating a pottery and related studio gallery.

Relevant planning history:

E/11/0623/FUL - Extension of time limit for implementing planning permission K/58758/F for demolition of existing outbuilding and reconstruction to form artists studio and associated works – Approved with condition on 08.07.2011.

K/58758/F - Demolition of existing outbuilding and reconstruction to form artists studio and associated works – Approved with conditions - 30.06.2008.

Impact upon neighbour amenity:

The nearest neighbour is approximately 100m away from the proposed development and therefore unaffected.

Ecology impact:

A survey was undertaken in 2007 which evidenced no bat activity within the building. On 4 July 2011 to accompany the further application to renew the 2008 permission a letter was submitted by the same ecologist to reaffirm that the building was not evidenced by bat activity. It was noted that from 2007 to 2011 the building had undergone further decline and was open to the elements making it even less suitable as habitat for bats.

Whilst no survey has been provided with this application, the agent has confirmed that since 2011 the building has further declined and is now considerably more exposed and open. Photographs clearly show this. It is now even less likely that the building is inhabited by bats. As such, it has not been felt reasonable and or necessary to insist upon updated survey work. An informative drawing the applicant's attention to the what-if scenario if the presence of bats is encountered is considered to be sufficient.

Impact upon highway safety:

The replacement outbuilding will be positioned within a substantially sized garden, with a long driveway and ample parking to accommodate sufficient parking for a 4+ bedroom dwelling and additional parking for the studio proposed. Therefore, it will comply with The Wiltshire Local Transport Plan 2016-2026 Car Parking Strategy (March 2015).

The proposed development will be conditioned to ensure that it remains ancillary to the main dwelling to prevent it being used as separate dwelling.

The Council's highways officer concurs with the above assessment.

The Parish Council's comments are noted in relation to the need for a transport delivery management strategy to prevent subsidence, however, this has not been raised by the Council's highways officer as necessary and a condition relating to this has not formed part of the previous lapsed approvals, therefore it is not considered to be reasonable to apply it on this decision.

Impact upon the open countryside and the National Landscape:

The existing building is set against a bank that is covered in mature and densely growing vegetation and trees, therefore, the structure will not be visually prominent from outside of the application site. The same context will apply to the new barn and therefore, it is considered that no adverse harm will be caused to visual amenity. Furthermore, due to the position of the new barn, well contained to the large domestic curtilage of the property, it is not considered to cause any harm to the special qualities of the wider National Landscape.

Impact upon the character and appearance of the area:

The replacement outbuilding will occupy a similar footprint to the existing and will be a traditional style barn which will be built of appropriate materials and will blend in with its rural setting. As such the proposals will present an acceptable design which is not considered to cause and harm to the character and appearance of the immediate and wider area.

Change in material circumstance since the original grant of planning permission:

Whilst there have been material changes in planning policy since the application in 2011 was originally determined, e.g. the introduction of the NPPF and its various iterations, and the adoption of the WCS, these changes do not have a material impact on the decision to continue to support this application. As such, the proposal is still considered to be acceptable and the same conditions will be attached as per the original approval plus the informative outlined above.

RECOMMENDATION: Approve with 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 and documents:

Application Form
Design, Access and Planning Statement
2020 10 PL 01 - Site Location Plan 1:1250
2020 10 PL 02 – Existing Floor Layout (Survey)
2020 10 PL 03 – Existing Elevations Sheet 1
2020 10 PL 04 – Existing Elevations Sheet 2
2020 10 PL 05 – Proposed Ground Floor and First Floor Layouts, Roof Plan and Proposed Section
2020 10 PL 07 – Site Layout
2020 10 PL 08 – Site Survey of barn and garage Location
All received on 05.01.2024.

2020 10 PL 06 – Proposed Elevations
Received on 23.01.2024.

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

3 No development shall take place above ground floor slab level until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

4 The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose 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.

Informatives: (1)

5 There is a risk that bats may occur at the development site (albeit a small risk). The council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the nature of this development, the council considers that if bats were found, mitigation would probably not require further planning permission and a European Protected Species Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.