CASE OFFICER'S REPORT

Application Reference:	PL/2023/10460
Application Type:	Full planning permission
Site Inspection:	16 February 2024
Consultation ends:	14 March 2024
Case officer:	Meredith Baker

Site Address:	Lodge Cottage, Forest Hill, Marlborough, Wilts, SN8 3HN
Proposal:	Change of use from annex to residential (Resubmission of PL/2023/07857)
Recommendation:	Approve with Conditions

Planning Policy

National Planning Policy Framework 2023 (NPPF)

Section 2 (Achieving sustainable development)
Section 4 (Decision-making)
Section 5 (Delivering a sufficient supply of homes)
Section 7 (Ensuring healthy and safe communities)
Section 9 (Promoting sustainable transport)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)
National Design Guidance

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 14: Marlborough Community Area
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 48: Supporting Rural Life
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High-Quality Design and Place-Shaping
Core Policy 60: Sustainable Transport
Core Policy 62: Development Impacts on the Transport Network
Core Policy 64: Demand Management

Marlborough Area Neighbourhood Plan

Other Documents

Waste Storage and Collection: Guidance for Developers
Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)
Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)
North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024
Wiltshire Design Guide

Relevant Planning History:

- PL/2023/07857 - Install dormer windows and erect a two-storey side extension to enable the conversion of an existing outbuilding into an independent dwelling with separate curtilage and parking - Withdrawn

- 17/06043/FUL – Convert garage into granny annexe – Granted 07.09.2017

- E/11/0301/FUL – Erection of detached garage – Granted 20.04.2011

- E/09/1230/FUL – Erection of new dwelling – Refused 19.11.2009

This proposal was refused for the following reasons:

1. The site lies in the countryside, outside of the Limits of Development defined for Marlborough. Outside the Limits of Development new residential development will only be permitted to provide for the essential needs of agriculture, forestry or other employment essential to the countryside. No such justification exists for the erection of the proposed dwelling in this case. The proposal is, therefore, contrary as a matter of principle to policies HC26 and NR6 of the adopted Kennet Local Plan and Central Government planning policy contained in PPS7: 'Sustainable Development in Rural Areas.'

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Central Government planning policy contained in PPG13 which seeks to reduce growth in the length and number of motorised journeys.

3. The proposed dwelling would be situated just 12m away from The Lodge, resulting in an extremely cramped relationship between the two properties to the detriment of the character of this rural area and to the setting of the Savernake Hospital site. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan.

In this regard, it must be acknowledged at this stage that this previous application for a dwelling on the same application site was assessed under a different Development Plan. Policies have changed since this 2009 permission and the proposal is now being assessed against the Wiltshire Core Strategy and the Marlborough Area Neighbourhood Plan. In particular it should be acknowledged that this application will be assessed through Core Policy 48 which is an exception policy for dwellings in the countryside. As such this previous application is afforded very limited weight given the change of policy since the determination though will be mentioned within this report.

- K/43979 - Change of use of lodge to single dwelling, provision of new access to the lodge and erection of double garage – Granted 05.02.2003

Consultation Responses

Savernake Parish Council: “This is essentially the same as the previous application, except that they are now not proposing to extend the building – but still change it from an Annex to a separate dwelling. Savernake Parish Council object to this proposal as we did before.
The proposal is outside the Marlborough Town Boundary, and as such is therefore deemed to be open countryside and this is in breach of Wiltshire Council Planning Policy.
The proposed parking and turning area is impractical, and it will not be possible to easily turn round within the site, therefore cars will be reversing into or out of the site which presents as dangerous to users of Savernake Hospital.
The proposal will also further intensify the use of the Hospital Access Road, the junction of which onto the A4 is substandard with insufficient visibility.
The proposal is an over-development of the site, the use should, as at present, be restricted to that as a 'Granny Annex', and not made into a separate dwelling which will lead to intensification of the use of the existing access and parking area.”

Highway Officer: No objection subject to conditions.

Arboricultural Officer: No objection

Representations

None received.

Application Site and Proposal

The application site comprises the rear portion of the existing residential curtilage of ‘Lodge Cottage’ and the existing one and a half storey granny annexe building (as approved under planning reference 17/06043/FUL. The existing dwelling and annexe are served from an access point that adjoins the Savernake Hospital car parking area and access and uses the established access from the hospital site onto the public highway. The site is washed over by the North Wessex Downs National Landscape.

The proposal seeks planning permission to change the use of the building from the permitted annexe to a separate residential dwelling together with the associated subdivision of the plots and new parking arrangements for the site. The resultant dwelling would be one bedroomed in nature.

ASSESSMENT

Principle of Development

- Wiltshire Core Strategy (WCS)

Core Policy 1 ‘Settlement Strategy’ of the WCS outlines a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 2 ‘Delivery Strategy’ of the WCS outlines there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the limits of development other than in exceptional circumstances (in circumstances as permitted by other policies within this plan, identified in paragraph 4.25).

The site lies within a collection of dwellings which forms Forest Hill, which falls within the Marlborough Community Area, however the settlement is not identified for any type of growth by the settlement strategy (set by Core Policy 14). Therefore, for the purposes of accessing the planning merits of the proposal, the site falls within the 'open countryside'.

Core Policy 2 states that development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. Development proposals which do not accord to Core Policy 2 are deemed unsustainable and as such will only be permitted in exceptional circumstances under the exception policies of the WCS.

The principle of new residential development can therefore only be considered under the WCS exception policies. Core Policy 48 'Supporting Rural Life' is an exception policy and this application seeks to benefit from the policy which specifies:-

"Proposal to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:

i) The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and
ii) The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and
iii) The building can be served by adequate access and infrastructure; and
iv) The site has reasonable access to local services; or
v) The conversion or reuse of a heritage asset would lead to its viable long term safeguarding.

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy."

· Criterion i. 'Conversion' of the Agricultural Building

Core Policy 48 criterion i) is that the building must be structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.

The proposed development involves the change of use of an existing annexe within a rural area. As it is an existing annexe building in use, and the nature of the building in question (brick and tile construction), it is agreed that the building is structurally sound and capable for this change of use to a residential dwelling. There would not be any extension or modification to the building. As such the proposal accords with this part of the policy.

· Criterion ii. iii. iv. v

Parts ii to iv refer to the character/appearance of the landscape/settlement and amenities of residential areas, access and infrastructure and if the site has reasonable access to local services. These matters will be assessed within the relevant sections within the assessment below. Namely criterion ii would be within the 'Design and Visual Impacts' section. Criterion iii will be assessed within the 'Highway'.

Regarding criterion iv the site is located within an area which has limited access to local services. Savernake Hospital is immediately adjacent to the site and the Marlborough Cricket and Hockey Club lies to the west of the site (though walking to this facility would involve crossing the A4 twice by foot). It is however noted that a bus stop is located immediate adjacent to the vehicular access point onto London Road and would be a more reliable stop due to it serving Savernake Hospital. Marlborough itself is possible by foot (by reason of a pavement along London Road) and cycle (though given the A road nature this would likely deter all but the most experienced cyclists).

The Policy wording is however 'reasonable' access and as a relates to rural areas it is acknowledged that the access to local services will be less convenient than a built-up area. In this regard, the dwelling being applied for is an exception development for dwellings in countryside locations, and there is some means to travel to Marlborough and services/facilities in a sustainable manner. As such the distance and arrangement is not considered 'unreasonable' and there is a 'reasonable' access to local services.

Lastly regarding criterion v the building would not be a re-use of a heritage asset. The building is relatively modern and there are no other designated heritage assets in close proximity to the site.

· Potential use of the building

Core Policy 48 is clear that evidence that where employment, tourism, cultural and community uses are not practical propositions "residential development may be appropriate where it meets the above criteria."

In this regard, the submitted 'Core Policy 48 Statement' outlines that the proposal is clearly not practical propositions for other uses, because the building is already in a higher value residential use, albeit ancillary to the use of Lodge Cottage. This assessment is lacking in detail however attention will be afforded to the other uses.

Regarding community use, it is agreed that the rural location and tie to the existing dwelling would deter many uses in this location and following the development costs is deemed unviable. The nature of the building would also not lend itself satisfatorily to an employment or cultural use.

Then in relation to tourism use, no information has been submitted in this regard, however it is acknowledged that there could be potential that this building, which is already an ancillary annex building, could led itself to being a holiday let. Although this is acknowledged, there are numerous holiday let facilities within the wider area and noting the lack of services and access to tourist facilities, a tourism use is not considered to be overly a practical solution, in particular one that is considered a preferred use over a residential use in this instance.

· Conclusion on Core Policy 48 and the principle of development

It is therefore considered, on the basis of the submitted information the proposed development is considered to accord with the main aims of the above policy (although some further assessment will be made below regarding design and visual impacts and highways).

<u>Design and Visual Impacts</u>

Core Policy 57 requires a ‘high standard of design’ for all new developments and to draw on the local context and be complementary to the locality. Core Policy 51 requires that development should protect, conserve and where possible enhance the 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 48 criterion ii also states that the use should not detract from the character or appearance of the landscape or settlement.

The application site is located within a rural location and is situated within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), within which there is a duty to have regard to the purpose of conserving and enhancing natural beauty.

It is acknowledged that under planning reference E/09/1230/FUL a refusal reason was formed on the basis of the close relationship to the existing dwelling of ‘The Lodge’ and it was assessed that there would be an “extremely cramped relationship between the two properties to the detriment of the character of this rural area and to the setting of the Savernake Hospital site”. In this respect the positioning of the proposed dwellings is different, being that the building under this application is circa 16.5m from the main bulk of Lodge Cottage. This is further away that the previous proposed development of 12m. The scale of the dwelling is also different, whereby the previous refused application was for a larger chalet bungalow which was orientated to the west.

Although it is considered that the proposal is materially different to the previous refused scheme, it is still deemed that there would be a somewhat cramped appearance to the site. Noting in particular that the scale of the plots would not be in-keeping with the general pattern of development in the area, whereby dwellings are, in the main, set within large plots as part of the rural character to the south of Savernake Hospital. Although this is noted, to the north of Savernake Hospital is an estate (Maurice Way) which has a higher density, and the proposed development would not be so out of keeping with this area. As such it is considered on balance, that the subdivision of the land, whilst highly undesirable, does not give rise to such unacceptable harm to the character and appearance of the area as to justify refusal of planning permission.

Whilst the plot sizes itself is not considered harmful, as above, the arrangement within the site is also considered to give rise to some adverse impacts. There would be a large area of hardstanding to provide vehicular parking for four cars (three for Lodge Cottage and one for the new dwelling). The amenity area for the new dwelling is located to the side of the dwelling in an ‘L’ shape. This arrangement is highly unusual and not desirable. There is no opportunity for a rear amenity space due to the siting of the existing building and therefore the proposed space is acceptable on balance. The shape and size of the amenity area is not desirable however is functional for enjoyment of the occupants, noting in particular that this is a one bedroomed property as well. Therefore given the necessary parking and turning area and the amenity space is considered sufficient on balance, the site arrangement is not considered to give rise to such undue harm on design grounds that would warrant an objection.

In relation to the fencing, this is proposed to be 1800mm high close boarded fencing to form the new boundary. This boundary treatment is not considered harmful and is reflective of the existing boundaries around the existing property.

Finally in relation to the building itself, the change of use from an annexe to a separate residential dwelling does not involve any external works to the building. It is furthermore not considered there would be any adverse change of character of the building as the permitted and proposed uses are residential in nature. It is considered reasonable and necessary however to remove permitted

development rights to the property in the interests of visual amenity as additional built form may give rise to unacceptable adverse impacts to the character and appearance of the site, in an existing constrained site.

As such, the proposal is considered acceptable on balance, in terms of its design and visual impacts and would accord with ii) of Core Policy 48 as well as be in accordance with Core Policies 51 and 57. The proposal would also not give rise to harm towards the special rural characteristics of the North Wessex Downs National Landscape, in particular due to its siting in context to Savernake Hospital and the higher density estate to the north of the hospital.

Residential Amenity

Core Policy 57 criterion vii) outlines that there needs to have regard to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants. Core Policy 48 criterion ii also states that the use should not be detrimental to the amenities of residential areas.

- Amenity of future occupants

The proposed internal layout the proposed dwelling would allow adequate light to allow habitable rooms. As previous noted in the design section above, the amenity space provision is not standard in its arrangement however, is considered acceptable in this instance.

In relation to the amenities of Lodge Cottage, it is acknowledged that the garden would be reduced as a result of the development. In this regard there would be a circa 8m depth of garden, which is substandard against the Wiltshire Design Guide however it is acknowledged that the occupants can also use the side garden area for enjoyment. Due to the arrangement around the north and west, it is considered that there is sufficient space for the occupants to enjoy some outside space and no objection is raised in this instance.

- Residential Amenity

The proposed development is not considered to give rise to any unacceptable impacts upon neighbouring amenities. The residential use would be compatible with the adjacent neighbouring residential uses. There is no new openings or extensions to the existing building to give rise to any additional impacts to neighbours beyond the existing situation. The proposed new hardstanding and fencing is also considered by virtue of its design and siting not to give rise to any adverse impacts upon any neighbouring amenities. It is therefore considered there would not be any unacceptable impacts upon neighbouring amenities as a result of the development.

Highway

- Locational sustainability

Core Policy 60 and 61 aim to direct development to accessible locations where it is ‘located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives’.

In this regard it is considered that the application site is slightly unsustainable when considering the location to services and facilities. The use of the private car would be relied on for the new occupants. Although this is noted the proposal has been submitted as an ‘exception’ development as a new

dwelling in the countryside. In this regard due to the compliance with Core Policy 48, it is considered that the potential reliance of a private car, for this one dwelling, would not be so unacceptable as to justify refusing planning permission.

- Access and Parking

The access arrangement for the site would remain unchanged and the Highway Officer raised no objection in this regard. It is noted that the Parish Council have raised concerns over the intensifying of use of the hospital access road. In this respect, given this scheme is for one dwelling and would use an existing access, there would not be any significantly adverse impact upon the existing highway network.

In relation to parking under the Car Parking Strategy the one bedroomed property requires one vehicular parking space. The existing dwelling requires three parking spaces. In this respect the proposed plans demonstrate that three parking spaces would be formed for Lodge Cottage and one would occur for the new dwelling. Whilst it is questioned if all the spaces could adequately turn on site, the parking provision is considered acceptable. The Highway Officer also raised no objection in this regard. It is acknowledged that the Parish Council raised concerns that the turning area is impractical and cars could reserve in or out of the site. This this respect, in the instance that reversing does occur in or out the site, this is not considered to give rise to such unacceptable highway safety risks as to warrant an objection. As demonstrated on the site visit the 'access' to the site includes a driveway from the hospital access road. Vehicles would therefore be able to reverse onto this driveway area and have clear site if they could safely access car parking area. Whilst a car parking area, this is not a formal highway road such as Maurice Way or London Road and therefore this arrangement, if it was to occur, is not considered to result in such adverse highway safety concerns. As such the proposal is acceptable in terms of its impacts upon highways in accordance with the Development Plan policies, including iii) of Core Policy 48, though this would be subject to conditions including that the parking areas remain as parking at all times.

S106 contributions/CIL

The property will be CIL liable charged at the standard council rate, in the instance the application is allowed on any appeal.

Conclusion/Planning Balance

The site falls within the 'open countryside' and does not apply with Core Policies 1 and 2. The principle of new residential development can therefore only be considered under the WCS exception policies and in this instance, Core Policy 48 'Supporting Rural Life'. As identified in the assessment above, the proposal is considered it accord with this exception policy, whereby the development is considered a conversion.

The proposal would also not give rise to any unacceptable impacts upon the character of the area, amenity or highway safety and therefore the proposed development is considered to accord with the policies of the Development Plan and is recommended for approval.

RECOMMENDATION:

Approve with conditions

Conditions: (5)

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
Location Plan
Block Plan
Conversion from Annex to Residential Dwelling (Elevations, Floor, Roof, Existing and Proposed Site Plans) - Drawing Number: 23/088
Existing Cross Section - Drawing Number: 23/088(ii)

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

3 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

4 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, AA, B, D and E shall take place on the dwellinghouse hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Informatives: (1)

6 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.