LPA'S APPEAL STATEMENT

WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

APPEAL REFERENCE: APP/Y3940/W/24/3338548

LPA REFERENCE: PL/2023/08462

APPEAL PROPOSAL: Long Barn, Lower Stanton St Quintin, Chippenham, SN14 6DB

1. Introduction

1.1 This Statement of Case ('SoC') relates to an appeal made by Mr Gil Schwenk pursuant to Section 78 of the Town and County Planning Act 1990 (as amended). The appeal relates to an application for *'Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.'*

1.2 The Decision Notice for the refused application is attached at **Appendix 1** to this SoC. The Officer's Delegated Report prepared at the time of the determination of this planning application is attached at **Appendix 2**. The Officer's Report should be regarded as constituting the Council's statement in respect of this appeal, supplemented by the additional commentary set out in this SoC.

1.3 The application was refused under delegated powers on 04 December 2023 for the following five reasons:

"1. Insufficient information has been provided to demonstrate that the impacts in terms of highway safety, and appropriate access and manoeuvring of servicing vehicles, can be satisfactorily addressed. As such the application conflicts with Core Policies 61 and 62 (WCS).

2. The conversion of the existing dwelling into 4no. separate dwellings will lead to an unacceptable level of intensification which would not be appropriate in terms of local context and the predominant character and form of development within the vicinity, and as such would conflict with Core Policy 57 (WCS).

3. The over-intensification of use of the building results in dwellings for which appropriate levels of amenity and internal living environments cannot be achieved and as such the application conflicts with Core Policy 57 (WCS) and Section 12 of the NPPF.

4. The conversion of the existing building would result in 3no. additional dwellings which would not meet the specific aims and objectives of Core Policy 41, Core Policy 57(v) (WCS) and Section 14 of the NPPF in terms of being suitably sustainable in their layout, orientation and energy generation and would not result in a form of design and development which is sustainable in terms of the declared climate emergency.

5. Insufficient information has been submitted with the application to demonstrate

acceptability of the proposed additional openings to this non-designated heritage asset, as well as any impact arising to the settings of the designated and non-designated heritage assets through the sub-division of the building into separate dwellings and curtilages, resulting in conflict with Core Policy 58 (WCS) and Section 16 of the NPPF.

2. Material Changes in Planning Policy

Revised NPPF

2.1 Following determination of the application, but prior to the lodging of this subsequent appeal, in December 2023 the Government published an updated version of the NPPF. Whilst the Appellant's SoC asserts that the Council are unable to demonstrate a 5-year supply of housing (Section 9), it is in fact the case that the revised NPPF requires that LPAs demonstrate a minimum of 4 years housing supply in instances where a local plan has either been submitted for examination or has reached Regulation 18 or Regulation 19 stages including both a policies map and proposed allocations towards meeting housing need.

2.2 The revised NPPF, for the purposes of which Wiltshire Council is a 'paragraph 77 authority' (as it has an emerging plan that has reached an advanced stage), advises that the Council is now required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing, rather than five years. The Council's most recent Housing Land Supply Statement (published May 2023) sets out the number of years' supply against our local housing need – 4.60 years. It is likely that this figure is a little higher than 4.6 years because the NPPF has removed the need to apply a 'buffer' to authorities that 'deliver' housing sites. As these figures exceed the 4-year threshold, in the context of paragraph 11 of the NPPF the planning balance is now 'level' rather than 'tilted'. This position has been established through recent appeal decisions[1].

2.3 No other specific updates are considered relevant to this appeal proposal.

Wiltshire Design Guide

2.4 Since determination of the application, the Council has now adopted the Wiltshire Design Guide (March 2024)[2]. Whilst not forming part of the adopted development plan, as supplementary planning guidance it does provide some further support to some of the reasons for refusal of this application – this is referenced throughout this SoC where appropriate.

3. Points of Clarification

Revised Plans

3.1 The application was determined within the statutory timescale, based on the submitted information. It is noted that the appeal includes a number of amended plans which show (inter alia) existing and introduced skylights, a revised size and footprint for the car-port and a vehicle tracking plan.

[1] e.g. /3329064 (Pound Lane, Semington), /3321812 (Land at Notton, Lacock), /3324436 (Folly Lane, Warminster) and /3326636 (Land off Thompsons Hill, Sherston)
[2] Wiltshire Design Guide - Wiltshire Council

3.2 These relatively wide-ranging amendments and additional information demonstrate that the application as submitted represented a number of inadequacies and deficiencies. It is not the role of the appeal process to consider revised plans and it is noted that the Appellant has since submitted a revised application for the conversion of the building into 3no. dwellings, registered under application reference no. PL/2024/03549 and, at the time of writing, remains under consultation.

3.3 Whilst it is asserted that, *"… all interested parties would be able to comment on the alterations proposed,"* (paragraph 1.3) it is clear that the range of consultees will be unlikely to be able to comment on these, and the number of local objectors will only be able to respond through the appeal process without having had any prior sight of these revised plans and details.

3.4 Accordingly, the Inspector is respectfully requested to disregard these revised plans and details and determine the appeal based on the submitted details.

Draft Neighbourhood Plan

3.5 Reference paragraph 3.3 of the Appellant's SoC, the Examination of the draft Neighbourhood Plan for Stanton St Quintin did commence. However, the 'Note of Interim Findings from the Examiner to the Parish Council and WC' (dated 13/09/2022) concluded that the Basic Conditions Statement was deficient and the Plan would need some significant re-drafting.

3.6 In any case, no reliance or weight was placed on any draft Neighbourhood Plan policies during the consideration or determination of the application.

4. Case for the LPA

Reason for Refusal no.1

4.1 Whilst a vehicle tracking plan has been submitted pursuant to this appeal, it has not been possible to obtain the comments of the Highway Officer and Waste Team to confirm whether or not these provide adequate details to confirm acceptability in terms of tracking for service vehicles, visibility splays and any necessary indemnity for waste vehicles entering the site.

4.2 On the submitted drawings, the location of the Bin Storage area is not specified. On the recently submitted tracking drawing (should those updated drawings be accepted) it appears that for the property referred to as 'The Corston', bin storage is shown set behind the car-port / parking area. With waste vehicles not penetrating the site (or at least confirmation of acceptability of such not having been provided by the Highways Officer), it is not clear that this would be an acceptable solution.

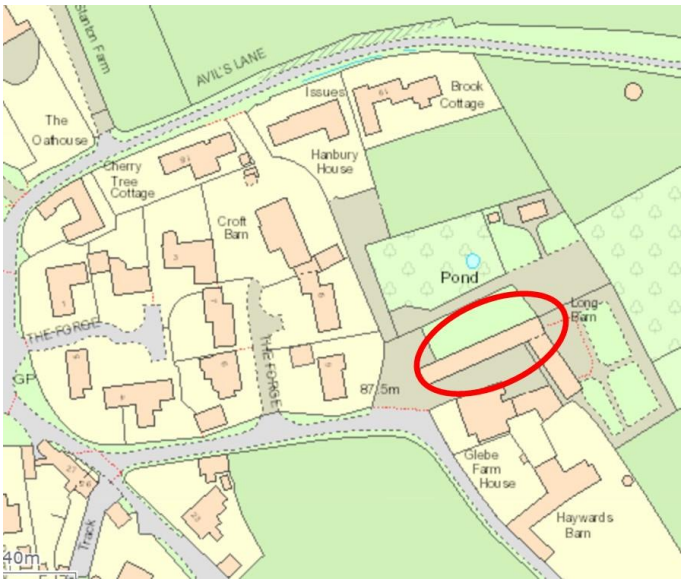
4.3 As such, and in the interests of highway safety, it remains the Council's position that this reason for refusal is justifiable and maintained.

Reason for Refusal no.2

4.4 Whilst it is accepted that there are some examples of terraced dwellings within the village, it is

notable that these are located centrally within the village with no inter-visibility with the appeal site.

4.5 Within the vicinity and immediate locality within which the appeal site will be read, the context is, as set out in the Officer's Report, one of larger detached dwellings set within their own plots. This is demonstrated on the plan extract shown below:



4.6 The terraced properties are located towards the core of the village and, albeit a small village, it is considered less appropriate in terms of design, layout and form for a 'terrace' of properties to be located at the village edge, particularly where the prevailing character in the immediate vicinity is one of much larger detached properties set in their own plots.

Reasons for Refusal nos.3 and 4

4.7 These reasons are taking together given their over-lapping nature.

4.8 As set out in the Officer's Report, with no ground floor windows for each of the proposed dwellings on the rear – south facing – elevation, there would be restricted natural light penetrating each of the dwellings at this level. Whilst it is accepted that the building currently functions with a residential use, Core Policy 41 (as well as criterion (v) of Core Policy 57) clearly incorporates 'building conversions and refurbishments' and requires buildings to include: *"… design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."*

4.9 Reflecting advice set out in the National Design Guide, the Wiltshire Design Guide states that: *"Homes and communal areas within buildings need to provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation and air quality as well as sound, intrusive artificial light and odour levels. The quality of internal space needs careful consideration in order to protect amenity"* (page 71).

4.10 It is maintained that, partly given the scale of intensification of use proposed, the dwellings will not meet the aims and objectives of this policy or national and local design guidance.

Reason for Refusal no.5

4.11 The Officer's Report sets out the sensitivity of the building in terms of heritage and confirms that permitted development rights have been removed for: all means of enclosure, garages, stables, sheds or other buildings or enclosures, and extension and external alteration, confirming this historic sensitivity.

4.12 Fundamentally, the new openings required to convert this former barn into a terrace of dwellings, along with associated separation of curtilages with introduced boundaries along the length of the former barn building is considered to be wholly inappropriate in terms of appropriately respecting the form and setting of this historic building.

4.13 Whilst the Conservation Officer had not formally commented on the application prior to determination, they have now commented on the revised application PL/2024/03549 which remains under consideration. Their full response is attached at **Appendix 3** to this SoC, but their objection – which remains equally applicable to this appeal proposal – can be summarized as follows:

> *"The proposed additional openings would suburbanise the elevations, whereas barns typically have few openings and are simple in their design. … Overall this proposal would be a detrimental step and would not be sympathetic with the traditional form and character of the NDHA…*
>
> *The proposals will result in harm to the building via the loss of historic fabric and character and via change to its layout and original external form. The proposals involve only part of the building and could therefore be considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF. Whilst paragraph 209 allows for a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset, in this case no objective justification has been provided for the works. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and I therefore recommend refusal."*

4.14 In summary, the appeal proposal raises 'less than substantial harm' to this non-designated heritage asset which weighs in the planning balance.

5. Conclusion

5.1 This SoC has set out the basis upon which the LPA made the decision to refuse the planning application and has fully justified those reasons for refusal.

5.2 This SoC has set out material considerations which have emerged since the determination of the planning application which would further support a dismissal of this appeal.

5.3 In particular, the application was determined when the 'presumption' set out at paragraph 11 was engaged and it was concluded at that point that the harm arising warranted refusal. With the LPA currently able to demonstrate an appropriate housing land supply of 4 years, paragraph 11 of the NPPF is not now engaged and determination rests on a 'flat' balance of the benefits against the harm arising.

5.4 The Council maintains that the harms arising do not outweigh the benefits and the appeal should be dismissed accordingly.

6. Appendices Enclosed

Appendix 1 Decision Notice PL/2023/08462
Appendix 2 Officer Delegated Report PL/2023/08462
Appendix 3 Conservation Officer objection to application PL/2024/03549
Appendix 4 Schedule of Conditions

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/08462

Decision Date: 04 December 2023

Applicant:	Mr Schwenk The Long Barn, Lower Stanton St Quintin, SN14 6DB
Particulars of Development:	Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.
At:	The Long Barn, Lower Stanton St Quintin, Chippenham, SN14 6DB

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (5)

1 Insufficient information has been provided to demonstrate that the impacts in terms of highway safety, and appropriate access and manoeuvring of servicing vehicles, can be satisfactorily addressed. As such the application conflicts with Core Policies 61 and 62 (WCS).

2 The conversion of the existing dwelling into 4no. separate dwellings will lead to an unacceptable level of intensification which would not be appropriate in terms of local context and the predominant character and form of development within the vicinity, and as such would conflict with Core Policy 57 (WCS).

3 The over-intensification of use of the building results in dwellings for which appropriate levels of amenity and internal living environments cannot be achieved and as such the application conflicts with Core Policy 57 (WCS) and Section 12 of the NPPF.

4 The conversion of the existing building would result in 3no. additional dwellings which would not meet the specific aims and objectives of Core Policy 41, Core Policy 57(v) (WCS) and Section 14 of the NPPF in terms of being suitably sustainable in their layout, orientation and energy generation and would not result in a form of design and development which is sustainable in terms of the declared climate emergency.

5 Insufficient information has been submitted with the application to demonstrate acceptability of the proposed additional openings to this non-designated heritage asset, as well as any impact arising to the settings of the designated and non-designated heritage assets through the sub-division of the building into separate dwellings and curtilages, resulting in conflict with Core Policy 58 (WCS) and Section 16 of the NPPF.

Parvis Khansari - Corporate Director, Place

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

DELEGATED REPORT

Application Reference:	PL/2023/08462
Application Type:	Planning Permission

Site Address:	The Long Barn, Lower Stanton St Quintin, Chippenham, Wilts, SN14 6DB
Proposal:	Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.
Recommendation:	Planning Permission be REFUSED

PROPOSAL

This application seeks planning permission for the conversion of the existing building into 4no. separate dwellings. The site is located at the eastern edge of Lower Stanton St. Quintin, which is identified as a 'Small Village' in the Wiltshire Core Strategy (Adopted January 2015).

The proposals involve the conversion of the existing dwelling into 4no. separate dwellings. The existing Long Barn is a mixed one and two-storey L-shaped building – the single-storey rear element being a much more recent addition to the historic Long Barn itself, which is of two-storey form. That projecting rear element, which has more recently been used for a mix of 'tourist accommodation and training facility', is proposed to be converted into one of the separate units (a 3-bed dwelling); the Long Barn itself is proposed to be converted into 3no. separate dwellings: 2no. 4-bedroom units and 1no. 2 bed dwelling.

Parking is proposed to be provided predominantly at the eastern end of the site, where 7no, dedicated spaces are proposed along with 1no. visitor space; 4no. of these spaces will be within a car-port which will provide EV charging. A further two designated spaces are proposed to the immediate eastern end of the Long Barn.

Relatively minor revisions to the plans were accepted during the course of determination to address a point raised by a third party representation regarding land ownership.

SITE DESCRIPTION

The site is located at the eastern edge of Lower Stanton St. Quintin, to the immediate north of the residential property of Glebe Farm House and is thus bound to the south by that property and its associated curtilage land. To the north the site is bound by an orchard of small fruit trees, beyond which is an open parcel of land, currently the subject of a Permission in Principle application for 2no. dwellings (PL/2023/08406); to the east is open agricultural land and to the west are the residential properties fronting the residential cul-de-sac of The Forge.

The Long Barn forms part of an historic farmstead which is based around the residential property of Glebe Farm House, a Grade II listed property which is located to the immediate south of The Long Barn. Access to Glebe Farm House is taken adjacent to the access for this application site.

It is noted that the site appears to be subject to a range of archaeological interest; this is considered in subsequent Sections of this report. The site is not subject to any specific landscape or environmental constraints, is located in flood zone 1 and is not crossed by, or adjacent to, any Public Rights of Way.

POLICIES

Wiltshire Core Strategy ('WCS', Jan.2015)

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 10: Spatial Strategy for the Chippenham Community Area
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and New Development
Core Policy 64: Demand Management

North Wiltshire Local Plan 2011 – Saved Policies (June 2006)
Policy H4: Residential Development in the Open Countryside

Although the draft Neighbourhood Plan for Stanton St. Quintin has commenced Examination following consultation carried out in June / July 2022, that Examination has not concluded and the plan has not been 'made' and thus carries only limited weight.

National Planning Policy Framework (NPPF) (September 2023)
Section 2: Achieving sustainable development
Section 4: Decision taking
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting 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
Section 16: Conserving and enhancing the historic environment

ISSUES

The issues arising for consideration from this application proposal are as follows:

- the principle of the development
- residential amenity
- form, layout, scale and design and intensification of use
- sustainability and energy efficiency
- highways impacts
- archaeology and heritage impacts

PLANNING HISTORY

The site has been subject to the following planning applications previously:

- 18/08160/FUL: Construction of timber cabin for mixed use as training/dayroom and tourist accommodation and change of use of land to camping/glamping site with formation of 3 x tent/yurt bases thereon (in association with existing training/tourist facilities). Retention of timber storage shed – Approved – 16/11/2018
- 15/07057/FUL: Change of Use of Part of Dwelling to Mixed Use Comprising Tourist Accommodation and Training Facility with Associated Works – Approved – 11/09/2015
- 15/03049/FUL: Erection of Horticultural Shed. Access Road and Parking for a Pick Your Own Apple and Vegetable Farm – Withdrawn – unspecified
- N/09/02100/FUL: Change of Use of Agricultural Land to Residential Curtilage – Approved – 13/01/2010
- N/09/00469/FUL: Insertion of 2 No Conservation Rooflights above the new garden room approved under 08/01256/FUL – Withdrawn – 09/06/2009
- N/08/01256/FUL: Single Storey Extension to Provide a Garden Room, Bedroom and Outside Stores – Approved – 14/08/2008
- N/96/00740/FUL: Change of Use of Barn to Residential Dwelling Including Change of Use of Agricultural Land to Domestic (Amendment to N/95/2221/F) Use Barn as Dwelling – Approved – 28/05/1996
- N/95/2221.F: Change of Use of Barn to Residential Dwelling Including Change of Use of Agricultural Land to Domestic Use Barn as Dwelling – Approved – Unknown

CONSULTATIONS

Stanton St Quintin Parish Council – Object, stating:

> *"The Stanton St Quintin Parish Council has strong objections to this application. This is outside of the development boundary, is overdevelopment of the site and contrary to the draft Neighbourhood Plan for Stanton St Quintin. There would be serious highways and environmental issues with increased traffic coming out on a blind bend and the Parish Council agrees with the comments made by Wiltshire Council Highways. The design is out of keeping*

with the environment. The Parish Council would query whether the existing sewerage system could cope with the additional development."

Highways Officer – Objection, stating:

"The subsequent raft of amended drawings for the application were uploaded one day after the initial highway comments. I assume that the applicant had not had time to compile these plans in response to the highway comments.

I note that the quantum of parking indicated is sufficient to provide a total of ten number spaces (3 each for plots 1 and 2 and 2 each for plots 3 and 4) with one space each allocated within the car port construction.

What is missing is information of waste bin storage or pick up, visibility splays at the access with the highway and tracking for service vehicles (waste vehicles entering the site must arrange indemnity with the waste management team).

There is a holding objection until more detail has ben provided to answer these highway concerns."

The Highway Officer initially stated:

The proposal fails to provide sufficient on-site parking to meet minimum parking standards. The two number 4-bed dwellings must demonstrate 3 parking spaces each. The alignment of the car port to provide a single EV charge point per dwelling is acceptable, but the quantum of parking is insufficient.

There should be details of how waste vehicles can service the development. A total carry distance of 75 m is too great and waste services should be consulted to provide information on what arrangement for waste collection would be considered appropriate. Visibility should be provided to ensure that the access can be entered and egressed to allay highway safety concerns

I welcome revised plans to address highway issues."

Archaeology Officer – No objection:

REPRESENTATIONS

8no. representations have been received, all in objection raising the following points:

- Highway safety and traffic impact
- Impact on the character of the village and landscape setting
- Over intensive conversion impacting on the character of the former agricultural building
- Unsustainable location and remote from local services
- Not sympathetic to the listed building and history

- Site is outside of the development boundary

Representations regarding land ownership and rights of access are not material to the determination of this planning application.

ASSESSMENT

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the Framework (para. 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application consists of the Wiltshire Core Strategy ('WCS', adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan 2011 ('NWLP', adopted June 2006).

Principle of development

The site lies within the built form of Lower Stanton St. Quintin, which is designated as a 'Small Village' within the Core Strategy, and as such does not have a defined settlement boundary. Some representations made with regard to the application have made reference to the settlement boundary included within the draft Stanton St. Quintin Neighbourhood Development Plan (NDP) – and in particular that this application site is outside of that designated boundary (Policy 1); however, as noted previously the Examination for that draft NDP has not concluded and as such it currently carries very little weight.

Core Policy 2 (WCS) sets out the circumstances under which development at Small Villages will be acceptable, stating that this:

> *"… will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*
> *(i) Respects the existing character and form of the settlement*
> *(ii) Does not elongate the village or impose development in sensitive landscape areas*
> *(iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

The site falls within the existing built area – albeit at the very eastern extent of the built area of the village, and, in that it involves the conversion of an existing building, would meet the three specific criteria set out at Core Policy 2. As such the principle of the proposed development is considered to be acceptable in terms of Core Policies 1 and 2 of the WCS. The acceptability of the proposed development thus turns on the specific impacts arising.

5-year supply of deliverable sites

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5 years' worth of housing

land supply. Currently the local planning authority (LPA) cannot demonstrate a 5-year supply of deliverable housing land. The NPPF makes it clear that where this cannot be demonstrated, relevant polices for the supply of housing (which in this case would include Core Policies 1, 2 and 10 of the WCS) are considered to be out-of-date, and the 'tilted balance' described at Paragraph 11 of the Framework should be applied, although this is in the context of the application proposal being acceptable in principle in any case. The following sections consider accordance with the development plan as well as the benefits and harm arising.

Residential amenity

The proposed conversion of the existing building will lead to 3no. additional dwellings on the site. The application submission does not include rear elevations for the proposed dwellings, but the floorplans confirm that there are no ground floor windows on the southern (rear) elevation(s) currently – with the only opening being the one rear door on the extension element of the building, and none are proposed.

At first floor level, there are 3no. rear window openings, all of which serve one of the proposed dwellings and 2no. of which open onto the landing/ hallway. The proposed Site Plan (3267-10) shows the introduction of 2no. sets of 2no. rooflights serving two separate proposed dwellings. However, this would still leave rooms at first floor level without access to natural light.

Criterion (vii.) of Core Policy 57 states that proposals should:

> *"vii. having 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, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)."*

Paragraph 130 of the NPPF requires that decisions should ensure that developments:

> *"…f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

It is noted that the submitted Planning Statement references that: *"The dwellings would exceed the requirements of the Nationally Described Space Standards and would benefit from ample private outdoor amenity space."* However, 'amenity' relates to the standard of accommodation and associated outdoor amenity space, not just the quantum. Whilst the majority of habitable rooms benefit from openings, this does not apply to all habitable rooms and that notwithstanding it remains the case that a large proportion of the internal environments of the proposed dwellings will not benefit from natural light.

Overall, the impression is one of an over-intensification of use of the building, which has resulted in dwellings for which appropriate levels of amenity and living conditions cannot be achieved and as such the proposal runs contrary to Core Policy 57 (WCS) and Section 12 of the NPPF.

Form, layout, scale and design and intensification of use

The site, which does not fall within any landscape designation, is immediately adjacent to the existing residential property of Glebe Farm House on its southern boundary, with open land to the north and east. Whilst it is accepted that there are some isolated terraces of residential form within the settlement, the predominant character is very much one of larger – usually detached – residential properties, set within their own curtilages. Certainly, this is the character of the localised parcel of land between Anvil's Lane and the rural road from which the site is accessed and from which the site is read.

Core Policy 57 states that:

> *"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality."*

And criterion (vi.) of Core Policy 57 requires that proposals:

> *"vi. making 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 of the area."*

The local context is considered important in terms of the intensity of use of the site. Thus, whilst the principle of the sub-division of an existing building at this location may be acceptable, this needs to be set against the impacts arising from the intensification of use of the site. In this instance, it is considered that the conversion of this existing dwelling into 4no. separate dwellings will lead to an unacceptable level of intensification which would not be appropriate in terms of the local context as described above. As such, the proposal conflicts with Core Policy 57 (WCS). Consideration of the appropriateness in terms of the impact on the design and appearance of the existing building is considered further in heritage terms below.

Sustainability and energy efficiency

Related to the above points and issues, Core Policy 41, which in referencing the need for climate change adaption in the context of the climate emergency, explicitly includes reference to 'building conversions' and requires that:

> *"New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."*

Core Policy 57 reinforces this objective, criterion (v.) stating:

"v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)."

Due to the arrangement of the building and relationship with the neighbouring property of Glebe Farm House, there are no openings on the southern facing elevation of the main two-storey form of the building, and only a single back-door opening on the southern facing element of the single-storey form of the building. As such, the internal arrangement and living conditions will not result in dwellings which are considered to be appropriately sustainable and suitable in terms of 'taking advantage of natural light and heat from the sun,' and 'orientated to gain maximum benefit from passive and sunlight and passive solar energy,' as specifically required by Cores Policy 41 and 57 respectively.

Moreover, no proposals for sustainable energy generation have been included within the submitted proposals. Section 14 of the NPPF refers to the need to meet the challenges of climate change, with paragraph 157 stating that:

"157. In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."

As proposed, the conversion of this existing building would result in 3no. additional dwellings which meet neither of these specific aims and would result in a proposal which is not appropriately sustainable in its layout, orientation and energy generation.

As such, and in the context of the declared climate emergency, the proposals are considered to conflict with the specific aims and objectives of Core Policy 41, Core Policy 57(v), as well as Section 14 of the NPPF.

<u>Highways impacts</u>

Both the Highway Officer's (HO) consultation response(s) and a number of local representations have raised cause for concern regarding highway safety and impact, with the HO requesting further information in terms of visibility splays and tracking details for service vehicles. In addition, the Highways Officer has also requested further information regarding bin store location and pick-up which was not included within the submitted application.

Core Policy 61 requires that applications demonstrate:

"…ii. That the proposal is capable of being served by safe access to the highway network.
iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.

Core Policy 62 requires that:

> *"Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages."*

At the point of determination, insufficient information has been provided to demonstrate the these impacts can be satisfactorily addressed, and as such warrant a reason for refusal in terms of Core Policies 61 and 62.

Archaeology and heritage impacts

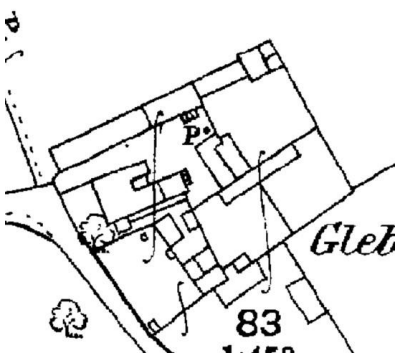
The site is within an area which has a degree of archaeological interest, as demonstrated by the Archaeology Monuments map extract below:



Source: Archaeology Monuments HER HBSMR

However, the Archaeology Officer has confirmed 'no objection' to the application, which given that the proposal is for the conversion of an existing building, is a reasonable position.

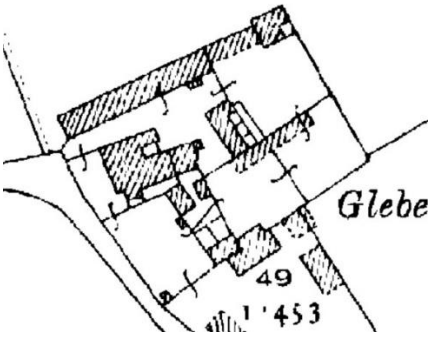
The map extract above also shows the proximity of the adjacent Grade II listed Glebe Farm House. The Long Barn itself was likely to have been closely related to Glebe Farm House through its early history (see historic plan extracts below), although more recent planning history suggests that the building is likely to be not curtilage listed.



1868-1899



1895-1911



1908-1933

However, based on its age and character the Long Barn clearly has a degree of historic interest and, although at this stage the Conservation Officer has not provided a formal consultation response, they have confirmed that the building is likely to be a 'non-designated heritage asset'. Moreover, the sensitivity of the building is demonstrated through the Conditions which were attached to the original planning permission for the conversion of the barn into residential use (N/96/00740/FUL, these being the removal of permitted development rights for:

- fences, gates, walls or other means of enclosure (Condition no.3)
- garages, stables, sheds or other buildings or enclosures (Condition no.4)
- extension, external alteration (Condition no.5)

Whilst these may in part be related to the amenity issues (with the adjacent Glebe Farm House, as considered above), it is likely that the historic form, design and appearance of the building was considered to be of importance.

Only passing consideration has been given the historic sensitivity of the building in the application submission, and in particular in terms of the additional openings proposed, necessitated through the introduction of 3no. additional dwellings into the building and in the context of permitted development rights for external alterations to the building having been removed. Also, the appropriateness of the sub-division of the building into separate units and curtilages, as well as the appropriateness of introducing a proposed car-port has not been considered or justified. Paragraph 203 of the NPPF states that:

> *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

In referring to non-designated heritage assets, Core Policy 58 states:

> *"Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced."*

As such, insufficient information has been submitted with the application to demonstrate acceptability of the proposed additional openings, in terms of impact on this non-designated heritage asset, as well as any impact arising to the setting of the adjacent listed building, thus resulting in conflict with Core Policy 58 and Section 16 of the NPPF.

CONCLUSION AND PLANNING BALANCE

The principle of the sub-division of an existing building, within the built form of a designated Small Village, is considered to be acceptable. Furthermore, the LPA can currently not demonstrate a 5-year housing land supply and as such the 'tilted balance', as set out at paragraph 11 of the NPPF, is triggered, albeit that the proposed development accords with the settlement strategy as set out in the development plan in any event.

There would be a benefit of the additional net dwellings on the site, which would result in a modest contribution to meeting the housing shortfall. However, this application proposal gives rise to a number of adverse impacts, as set out and considered above. These relate to, in summary:

- energy performance and sustainability of proposed new dwellings
- inappropriate levels of residential amenity for occupants of new dwellings
- highway safety and demonstrable acceptability of access and for service vehicles
- due consideration of heritage impact
- form, layout and design resulting from the proposed intensification of use

Overall, these adverse impacts are considered to outweigh the modest benefit arising from the net additional dwellings and this planning application is thus recommended for refusal.

RECOMMENDATION: That Planning Permission be REFUSED for the following reasons:

1. Insufficient information has been provided to demonstrate that the impacts in terms of highway safety, and appropriate access and manoeuvring of servicing vehicles, can be satisfactorily addressed. As such the application conflicts with Core Policies 61 and 62 (WCS).

2. The conversion of the existing dwelling into 4no. separate dwellings will lead to an unacceptable level of intensification which would not be appropriate in terms of local context and the predominant character and form of development within the vicinity, and as such would conflict with Core Policy 57 (WCS).

3. The over-intensification of use of the building results in dwellings for which appropriate levels of amenity and internal living environments cannot be achieved and as such the application conflicts with Core Policy 57 (WCS) and Section 12 of the NPPF.

4. The conversion of the existing building would result in 3no. additional dwellings which would not meet the specific aims and objectives of Core Policy 41, Core Policy 57(v) (WCS) and Section 14 of the NPPF in terms of being suitably sustainable in their layout, orientation and energy generation and would not result in a form of design and development which is

sustainable in terms of the declared climate emergency.

5. Insufficient information has been submitted with the application to demonstrate acceptability of the proposed additional openings to this non-designated heritage asset, as well as any impact arising to the settings of the designated and non-designated heritage assets through the sub-division of the building into separate dwellings and curtilages, results in conflict with Core Policy 58 (WCS) and Section 16 of the NPPF.

Wiltshire Council Planning Consultation Response

13 May 2024

Fiona Webb
Senior Conservation Officer (Consultant)
Wiltshire Council Conservation (Central)

Officer's Name: Peter Crozier
Officer's Title: Planning Officer

Application No: **PL/2024/03549**
Subdivision of existing dwelling to 3no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port (Resubmission of PL/2023/08462)
The Long Barn, Lower Stanton St Quintin, Chippenham, Wilts, SN14 6DB

Please find following comments in respect of the above application(s).

Recommendations:

	No comment
	Support in principle subject to amendments to the scheme (as set out below)
	Support subject to conditions (as set out below)
X	Object (for reasons set out below)
	No objections

Scope of comments: the following comments relate to the built historic environment.

Policy: From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that **special regard** be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 203 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance." It is also required that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. Proposals are required to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) "enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development" and "responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting."

Site and assets considered: The property is a Non Designated Heritage Asset (NDHA) and affects the setting of a Grade II listed Building.

Proposal: The proposal seeks the subdivision of the existing dwelling to 3no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port.

Relevant planning history:

- PL/2023/08462 - Subdivision of existing dwelling to 4no. separate dwellinghouses with associated works to provide associated curtilages and parking. Erection of Car Port. – Refused – 04/12/2023
- 18/08160/FUL: Construction of timber cabin for mixed use as training/dayroom and tourist accommodation and change of use of land to camping/glamping site with formation of 3 x tent/yurt bases thereon (in association with existing training/tourist facilities). Retention of timber storage shed – Approved – 16/11/2018
- 15/07057/FUL: Change of Use of Part of Dwelling to Mixed Use Comprising Tourist Accommodation and Training Facility with Associated Works – Approved – 11/09/2015
- 15/03049/FUL: Erection of Horticultural Shed. Access Road and Parking for a Pick Your Own Apple and Vegetable Farm – Withdrawn – unspecified
- N/09/02100/FUL: Change of Use of Agricultural Land to Residential Curtilage – Approved – 13/01/2010
- N/09/00469/FUL: Insertion of 2 No Conservation Rooflights above the new garden room approved under 08/01256/FUL – Withdrawn – 09/06/2009
- N/08/01256/FUL: Single Storey Extension to Provide a Garden Room, Bedroom and Outside Stores – Approved – 14/08/2008
- N/96/00740/FUL: Change of Use of Barn to Residential Dwelling Including Change of Use of Agricultural Land to Domestic (Amendment to N/95/2221/F) Use Barn as Dwelling – Approved – 28/05/1996
- N/95/2221.F: Change of Use of Barn to Residential Dwelling Including Change of Use of Agricultural Land to Domestic Use Barn as Dwelling – Approved – Unknown

Issues: impact on the significance of the NDHA, impact on the setting of neighbouring listed building.

Information considered/provided: Paragraph 200 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, whilst the application is accompanied by a "Planning Statement" the document provides limited information about the building and fails to provide any objective assessment of the fabric affected, its date or significance or of the impact of the proposals and, as a result, it fails to meet the requirements of the NPPF.

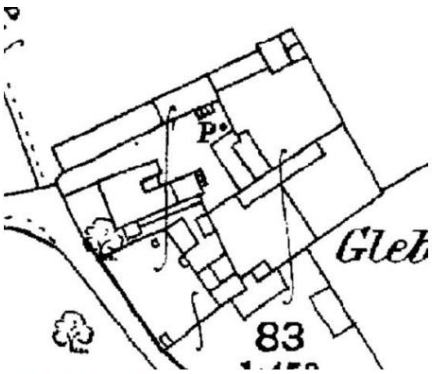
However, paragraph 201 also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Significance of assets and contribution of setting: The NPPF defines significance as the "value of a heritage asset to this and future generations because of its heritage interest. The interest may be **archaeological**, **architectural**, **artistic** or **historic**. Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and architectural expression/detailing and use of high-quality design materials which have significant aesthetic and architectural interest.

Assessment: The proposals involve the conversion of the existing dwelling into 3no. separate dwellings. The existing Long Barn is a mixed one and two-storey L-shaped building – the single-storey rear element being a much more recent addition to the historic Long Barn itself, which is of two-storey form. Parking is proposed to be provided predominantly at the eastern end of the site.

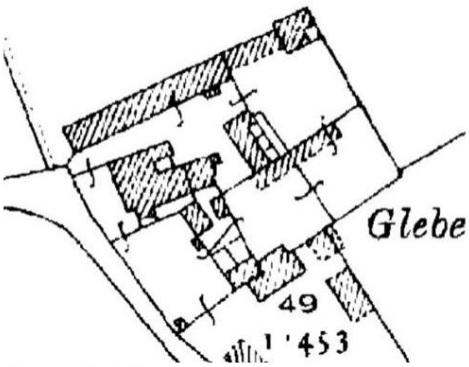
The site is located at the eastern edge of Lower Stanton St. Quintin, to the immediate north of the residential property of Glebe Farm House (Grade II listed building) and is thus bound to the south by that property and its associated curtilage land. The Long Barn forms part of an historic farmstead which is based around Glebe Farm House, which is located to the immediate south of The Long Barn. The site is within an area which has a degree of archaeological interest. The Long Barn itself was likely to have been closely related to Glebe Farm House, through its early history (see historic plan extracts below), although more recent planning history suggests that the building is likely to be not curtilage listed.



1868-1899



1895-1911



1908-1933

The application seeks to create a number of new openings in the elevations, particularly the front elevation which is sensitive as it faces the listed building. The proposal also seeks to introduce a new design of windows and doors as well as large opening rooflights to the front elevation.

Only passing consideration has been given the historic sensitivity of the building in the application submission, and in particular in terms of the additional openings proposed, and in the context of permitted development rights for external alterations to the building having been removed. Also, the appropriateness of the sub-division of the building into separate units and curtilages, as well as the appropriateness of introducing a proposed car-port has not been considered or justified.

The proposed additional openings would suburbanise the elevations, whereas barns typically have few openings and are simple in their design. Again, the proposed window and door design are fussy adding glazing bars and non traditional openings (many with top opening, rather than side opening casements).

Overall this proposal would be a detrimental step and would not be sympathetic with the traditional form and character of the NDHA.

Paragraph 209 of the NPPF states that:
"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In referring to non-designated heritage assets, Core Policy 58 states:
"Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced."

As such, insufficient information has been submitted with the application to demonstrate acceptability of the proposed additional openings, in terms of impact on this non-designated heritage asset, as well as any impact arising to the setting of the adjacent listed building, thus resulting in conflict with Core Policy 58 and Section 16 of the NPPF.

Summary & conclusion: The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals will result in harm to the building via the loss of historic fabric and character and via change to its layout and original external form. The proposals involve only part of the building and could therefore be considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF. Whilst paragraph 209 allows for a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset, in this case no objective justification has been provided for the works. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and I therefore recommend refusal.

Appendix 3: Schedule of Conditions

1. The works for which Planning Permission is hereby granted shall be begun before the expiration of three years from the date of this consent.

   REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, 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:
   T.B.C.

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

3. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors and rainwater goods, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No part of the development hereby permitted shall be occupied 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England)Order 2015 (or any Order revoking or re- enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouses 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.