CASE OFFICER'S REPORT

Application Reference:	PL/2023/10744
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	13 February 2024
Case officer:	Hilary Baldwin

Site Address:	8A Greenhill, Royal Wootton Bassett, Swindon, Wilts, SN4 8EH
Proposal:	Retrospective application for the laying of hardcore on an agricultural/ equestrian yard to the rear of 8A Greenhill (Resubmission of PL/2022/08676)
Recommendation:	Refuse

Proposal and Site Description

Proposal

The application seeks planning permission for the laying of hardstanding of an area of land to the rear laying of properties on the lane known as Greenhill for the benefit of parking vehicles and horseboxes and in association with equine facilities.

The area in question has access from the highway and lies directly to the rear boundary of No's 7 & 8 Greenhill and forms a parcel of land extending in total to approximately 280m2, plus the access track, with fencing to the field boundaries. The vehicle entrance into the site is between No 7 Greenhill and Cotswold Heights.

The submission has been supported by way of a planning statement which states that the intended use will enable full functionality of the existing mixed equestrian and agricultural use of the site.

The application is retrospective in nature as the hardstanding, hard surfacing of the access track and fencing has already been erected and the use undertaken. This submission is also a revised application for a preceding application which was refused by the LPA.

Site Description

The application site relates to an end of terrace, two-storey dwelling set in a sporadic ribbon of properties on the northern side of the highway. Other than the dwellings fronting the highway, the area is rural in nature and lies outside of any settlement boundary. Scattered along the highway are a wide range of types, sizes and styles of single and two storey dwellings as well as other uses such as commercial stabling and a commercial business site which lie to the east along Greenhill. Opposite the site is footpath LMIL21 which runs due south from the highway

Policies

National Context:

National Planning Policy Framework (NPPF) 2023

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 88, 89 Supporting a prosperous rural economy

Paragraph 123 - Effective use of Land
Paragraph 131, 135 Function and form of Development
Paragraph 180 - Conserving and Enhancing the Natural Environment

Planning Practice Guidance (PPG)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 19 - Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area
Core Policy 48 - Supporting Rural Life
Core Policy 51 - Landscape
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 60 - Sustainable Transport

Lydiard Millicent Neighbourhood Plan. Made May 2021
Objectives: To promote high quality design
LM1 – Managing Design in Lydiard
LM8 – Movement Routes

Wiltshire Local Transport Plan 2011 - 2026
Car Parking Strategy

Key Issues
Principle of Development
Impact on the character and appearance of the settlement
Impact on Neighbouring Amenity and Occupiers.
Access, Parking and Highway Safety

Relevant Planning History
There is planning history on the site for a similar yard area which was refused recently by the LPA. The current submission seeks to overcome those concerns. There is no planning history for the stable on the land but there is additional planning history on the adjacent sites which include enlarged domestic gardens, change of use to garden land and small residential extensions and outbuildings.

PL/2022/08676 - Change of use and retrospective permission for the laying of hardstanding on an area of land previously used for mixed agricultural and equestrian purposes. The applicant has dedicated an area, that was previously a grass yard used for the grazing of horses by the previous owners of the property, for parking his own vehicles and horse trailer.
Refused

PL/2022/04801 - Proposed wooden clad single storey building to serve as a farriers forge and workshop to provide space for the applicant's study and a place to provide further education to other farrier apprentices. Change of use of the yard area (that has been in existence as a yard,

but has recently been hard-cored as a parking area by the applicant) to a general purpose car parking area both for his private use and for visitors to the workshop building.
Application Withdrawn

N/09/00623 – Rear first floor extension
Approved with Conditions

N/02/00043/FUL – Rear Extension
Approved with Conditions

N/01/00067/FUL – Erection of Garden Shed
Approved with Conditions

N/00/01788/COU – Two storey rear extension and change of use of agricultural land to residential.
Approved with Conditions

Consultation Responses
Lydiard Millicent Parish Council – Object
Highways - No Objection
Public Protection - No Objection

Representations
18 Letters of Objection
Main reason for objection
• Persistent claims for development on the site
• Extent of hardcore and developed area
• Too many vehicles
• Large amount of development for grazing of a horse
• Waste, hardcore and vehicles not appropriate on this land
• Noise and disturbance
• Extensive parking for personal and commercial use
• Light pollution
• Extent of area out of proportion to dwelling and personal requirements
• Once again it is a retrospective application to obtain a business site
• Inconsistencies and conflicting statements across the applications
• No measurements of the plans to show where the reduction will be
• Change of use does not date back to 2012 as claimed
• Smokescreen to run commercial entity

1 Letter of Support, Main Reason for Support
• The owner is a well known farrier with business van, trailer and cars
• Owner has advised his plans to adjacent owners
• Owner’s choice to use the stable for what he wants
• Noise from family is not unusual in a family home

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:

At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); Wiltshire Housing Site Allocations Plan (Adopted February 2020); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Lydiard Millicent Neighbourhood Plan 2018-2036 (Made 2021).

Core Policies CP1 and CP2 form the settlement strategy for the Wiltshire Core Strategy (WCS) and Greenhill lies some way to the west of the Small Village of Lydiard Millicent.

CP2 states that "'Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map.'

It is evident that the area subject to this application lies outside of any settlement boundary and therefore the principle of the proposed change of use and development would be contrary to those policies. The proposal is not for any of the exceptions identified in paragraph 4.25 such as providing affordable housing, allowing new tourist accommodation or supporting diversification of the rural economy (a full list of exception polices is set out in paragraph 4.25)

The application would involve the regularisation of a change of use of agricultural land to that of an agricultural/equestrian yard, with additional parking to be utilized in association with the site and the associated residential property known as 8a Greenhill. It is stated that the land in question is approximately 280sqm with additional land forming an access taken from the highway to the south and between No 7 Greenhill and Cotswold Heights.

It is noted that there is no planning history on the site, other than the very recent application in 2022 for similar development and therefore the authorized use of the land would fall into that of open agricultural pastureland.

There is some planning history on the adjacent properties for residential extensions, change of use of a small area of land to garden land and outbuildings typical of residential use.

Accordingly, the proposal would be contrary to CP2. Furthermore, the acceptability of any change of use lies in the impact upon the surrounding landscape (Core Policy 51) and the impact upon the character and appearance of the surrounding area (Core Policy 57) and whether the proposal would lead to an urbanisation of the existing open countryside.

Impact on the Character and Appearance of the Area

The site is located outside of any settlement boundary and in planning terms it is therefore located in the open countryside. Core Policy 51 states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon

landscape character. Section ii states that regard should be had to the locally distinctive character of settlements and their landscape setting. Further to this, the NPPF at paragraph 180 and subsections a) and b) states decisions should contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

Core Policy 57 at paragraph i, states that development should enhance local distinctiveness by relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced. Paragraph iii states that proposals should respond positively to the existing townscape and landscape features in terms of, but not limited to, plot size.

In order to assess landscape impact, regard is had to any existing public views of the area of land subject to the change of use. It is noted that Footpath LMIL21 is located to the south of the site. Given the distance from that footpath, the topography of the land and location of hedgerows between the footpath and site, views form this footpath are very limited. However, due to the angle and depth of the access into the site, the hard surfacing and presence of numerous vehicles, as confirmed by site visits conducted on 21 January 2023 and again on 14 March 2024, there are clear views from the public highway.

Further to this, the extension of the curtilage at approximately 17m deep represents a significant intrusion into the open countryside. Whilst it is acknowledged that the dwelling to the east, known as Cotswold Heights, is set back from the highway and its site extends further still, the terrace of dwellings which front the highway have contiguous rear boundaries. Additionally, whilst post and rail fencing is not an unusual boundary treatment in rural areas, the loose clinker finish and its use for parking of machinery represents a visual and harsh intrusion, which would allow provision for the parking of several further vehicles and horse boxes. In contrast to a garden extension, where soft landscaping helps assimilate any development, there is no provision for such measures within this submission and any such additions are not considered to assist such integration into this part of an agricultural field.

It is acknowledged that the overall square meterage of the site has been reduced, but from the submitted plans, this would appear to only be a small strip of land on the western side of the site and such a reduction is not considered sufficient to overcome previous concerns over the extent and use of the site.

From enquiries made in 2022, it would appear that the small stable building on the land has been in existence since approximately 2010 and can be deemed permitted. Historic views of the site and aerial photography concurs with this stance. A small stable building within an agricultural field is not an unusual sight within rural areas, nor is the grazing of horses. However, clinker finish and level of parking results in a jarring and harsh visual intrusion over the former views of a grassed field and the longer views of the open countryside.

The submitted planning statement puts forward the rationale for the required hardstanding and change of use of the entire area and albeit this is noted, in this instance, the personal requirements of the applicant are not considered to overcome or justify the development or lead to a different recommendation than the preceding application.

In this respect, the development is considered to represent an awkward encroachment into the countryside, creating an irregular boundary, when compared to other gardens and land associated with the terrace of properties and harmful to the character and appearance of the area.

The Framework supports the development and diversification of agricultural and other land-based rural businesses, whilst recognising that sites may have to be found adjacent to or beyond existing settlements (paragraphs 88 and 89). It adds that in these circumstances, it is necessary to ensure that development is sensitive to its surroundings. As detailed in preceding paragraphs of this section of the report, the proposal is not considered to accord with these objectives.

The proposal is therefore considered contrary to CP51 i, ii and ii, CP57 I, ii, vi and vii, of the Wiltshire Core Strategy, which seek, amongst other things to ensure that developments respect the separate identity of settlement and the transition between man-made and natural landscapes. The development would also be at odds with paragraphs 135 a), b) and c) of the Framework which seeks to ensure that developments are visually attractive and sympathetic to local character.

Impact on Adjacent Neighbouring Occupiers

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of existing occupants and to make sure that appropriate levels of amenity are achievable within the development itself.

The numerous letters of representation and their array of concerns has been duly noted. Due to the proximity of the parking arrangement to common boundaries, the current retrospective arrangement is considered to result in additional detrimental impact to occupiers of adjacent properties above that which can normally be undertaken on open, agricultural land, which includes the keeping of horses. Whilst it is noted that there is no overall objection from the Council's Highway Engineers in terms of access, the level of parking provision or highway safety, the quantum and use of unrestricted parking and vehicle movements in such close proximity to the private rear garden boundaries of un-associated residential properties is considered to result in some noise impact and disturbance. It is also considered that there would be loss of privacy and a detrimental and unneighbourly impact upon the living conditions of adjacent occupiers, contrary to CP57 vii of the WCS.

Access, Parking and Highway Safety

The site would provide for parking provision for No 8a Greenhill to include the parking of horseboxes. Whilst it is acknowledged that there is limited parking for the terrace of properties which front onto Greenhill, there are informal parking bays along the highway sufficient to serve the needs of residents without resorting to the quantum of parking proposed within this application. However, it is noted that the Council's Highway Engineers have no objection in terms of access, parking and highway safety and a reason of refusal on highway grounds is not considered sustainable at appeal.

Conclusion:

As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. The revised proposal would result in harmful impacts to the residential character of the locality contrary to the relevant elements of Policies CP51 and CP57 of the WCS, which seek among other things, to ensure that development respect the separate identity of settlement and transition between existing patterns of development and their landscape settings. The development would also be contrary with paragraph 135 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character.

It is therefore recommended that the application should be refused subject to the following reasons.

Refusal Reason(s): (2)

1 By virtue of its locality, design, scale and materials, the development undertaken and proposed for the change of use of land is out of character with the immediate locality and the existing features and characteristics of the area. The development would not maintain, reflect and respond positively to the existing landscape character and is thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policies CP2, CP51 (i), (ii), (iii) and (vii) & Core Policy 57 (i), (ii), (iii), (vi) and (vii) and Paragraphs 123, 131, 135 and 180 of the National Planning Policy Framework, (2023)

2 By way of the quantum of development and proximity to the private garden boundaries with un-associated residential properties the development is considered to result in detrimental impact upon the amenity of adjacent neighbouring occupiers and is thereby in conflict with Wiltshire Core Strategy (Jan 2015) Core Policy CP57 (vii).