DELEGATED REPORT

Application reference: PL/2023/06654
Application type: full planning permission
Case officer: Jeffrey Penfold
Site address: 38 Stoke Common Lane, Purton Stoke, SN5 4JG
Proposal: Change of use of land for the stationing of 2 Shepherd Huts to provide holiday accommodation
Recommendation: Grant Planning Permission – subject to conditions and a s.111 financial contribution.

SITE AND PROPOSAL

The site comprises open land to the south of 38 Stoke Common Lane, beyond what would reasonably be considered the dwelling's residential curtilage. It contains paddocks with ponds, a menage and stables, bounded by established hedging and low fences. It is accessed via an established entrance that connects with Cricklade Road.

Purton Stoke is a Small Village according to the local plan settlement hierarchy and it does not benefit from a settlement boundary. The site is therefore washed over by the countryside for planning purposes.

The dwelling to the north of the application site at No.38 is grade II listed, as are Stoke Cottage and Manor Farm to the northwest. The site is not located within a conservation area.

The site lies within flood risk zone 1 as identified by the Environment Agency.

The application seeks consent for a change of use of land from agricultural use to a sui generis tourism use, to accommodate two shepherd-hut style structures. It is important to be clear that structures that meet the legal definition of a caravan in terms of construction, mobility and size, would not be considered to constitute operational development for which planning permission is required. Therefore, this application can only consider the impacts of the use of the land and associated operational development, i.e. the hard surfacing/parking and paving around the huts.

The submitted site plan shows an existing fire pit and two existing decking areas adjacent to the proposed location for the huts. I have not checked into whether these required planning permission and whether they are lawful in planning terms. Given that they have not been mentioned in the submitted application, I have not considered them any further. An informative note attached to a grant of planning permission could draw attention to this.

Since submission, the applicant has agreed to reduce the red-line boundary in order to limit the extent of the development which as submitted, was deemed excessive.

RELEVANT PLANNING HISTORY

- Ref: PL/2022/05840 for an identical scheme was withdrawn before determination. There is no other relevant planning history associated with this particular parcel of land.

POLICIES

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, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time, the relevant statutory development plan documents in

respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015); 'saved' policies of the North Wiltshire Local Plan 2011; and the Purton Neighbourhood Plan ('made' 2018).

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 39: Tourist Development
- 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 Development.

Saved policies of the North Wiltshire Local Plan:

- NE18: Noise and Pollution.

The Purton Neighbourhood Plan (PNP) (Made November 2018):

- Relevant policies – PP4 and PP5.

Material considerations

National Planning Policy Framework (2023):

- Paragraphs 2, 4, 6, 8, 9, 12 and 16.

ISSUES

The main issues in the consideration of this application are:

- Principle / Sustainable Development
- Design, Visual Impacts and the Historic Environment
- Neighbouring Amenity
- Highways Safety / Access
- Ecology / Biodiversity.

CONSULTATION

Purton Parish Council: No objection.

Council Highways Engineer: No objection, subject to a condition restricting the number of units of holiday accommodation. The updated plan showing an adequate visibility splay is acceptable in highways terms.

Council Public Protection Team: No objection, but recommends EV charging be installed on grounds of air quality. Also requests that a lighting scheme be submitted for '*any significant external lighting proposed*'.

Council Ecologist: Initial objection on grounds of a lack of information on the likely impacts to bats, nesting birds and the pond (and by association GCN) caused from the operational phase of the proposed works. Confirmation was also required in respect of whether any hedgerow would be removed to facilitate visibility splays, and the type of grassland at the site.

An objection on grounds of recreational impacts on the North Meadows SAC was raised, in the absence of a mitigation contribution.

No evidence to show no net loss of biodiversity had been submitted with the application.

Further to clarifications from the applicant, the Council's ecologist raises no objections to the proposal, subject to a condition requiring no further lighting; compliance with the submitted Biodiversity Mitigation and Enhancement Plan; and payment of the North Meadows SAC contribution.

Dorset and Wiltshire Fire and Rescue: No objection. Comments relate to Building Regulations stage.

REPRESENTATIONS:

Five letters of objection have been received following the public consultation exercise, raising the following concerns:

- Highway safety;
- Noise / impacts upon neighbouring amenity;
- Future plans to intensify the site further; and
- Security of neighbouring land.

ASSESSMENT:

Principle / Sustainable Development

WCS policy 39 allows for tourist and visitor facilities in or close to Small Villages. Purton Stoke is designated as a Small Village in the local plan and the application site is on the edge of the village. I therefore consider the principle of development to be acceptable.

As such, the works are deemed acceptable in respect of WCS policies CP 1, CP 2 and CP 39.

Design, Visual Impacts and the Historic Environment

Policy CP39 requires consideration of any proposals on the need to protect landscapes and environmentally sensitive sites. In this instance, the proposed location for siting the shepherd huts would be in the order of 100m from the listed building at No.38 and a similar distance from Stoke Cottage. Public views encapsulating the proposed huts and either of these designated heritage assets would be heavily filtered by established vegetation and experienced at a distance from the highway.

The huts would be sited away from existing built form and therefore somewhat exposed. However, this needs to be balanced against the setting of designated heritage assets, plus the need to safeguard residential amenity for neighbouring occupiers. I would further add that the submitted site plan shows that they would sit more or less parallel with the tennis court to the rear of Stoke Cottage, making them less of an incursion in this context. Therefore, on balance, the proposed siting is acceptable.

In terms of the detailed design, the huts are of a traditional design and character with a painted timber external finish and black metal roof. The top of the domed roof would sit 3.5m above ground level. The scale and design are therefore appropriate, and the huts and associated operational development would not unduly compete with designated heritage assets.

Although the huts would emanate a degree of light, this would be localised and unlikely to have a demonstrable impact on local character. No external lighting is proposed, and the Council's ecologist has requested a condition prohibiting it on ecological grounds. This condition would also safeguard the character of the countryside from intrusive light.

Having regard to hours of opening, none are set out on the submitted application form, indicating an intention for year-round use. I see no reason why times would need to be restricted on amenity grounds or for local character, plus national policy seeks to ensure flexible conditions for economic development. If amenity were to become a concern, for example through noise or other disturbances, this could be controlled through Environmental Health.

As such, subject to conditions, the proposal accords with WCS policies CP 51, CP 57 and CP 58 and PNP policy PP5.

Neighbouring Amenity

Neighbours to the site have raised the issue that a development of this nature may result in noise. However, the site is situated on the edge of a settlement, and it is reasonable to expect a degree of noise from neighbours when living in a village. The two huts would be positioned away from the nearest third-party curtilage and, at two bedspaces apiece, it would be difficult to conclude that a maximum of four patrons would produce a harmful level of disturbance.

As such, the works are deemed acceptable in respect of WCS policy CP 57.

Highways Safety / Access

The highway officer has raised no objections to the proposed development, finding that the proposed level of parking is appropriate and that it would not result in a severe impact on the highway network. This is subject to a condition to limit the number of units at accommodation at the site, which is reasonable.

The request from Public Protection for EV charging is noted. A charging point is shown on the submitted site plan.

As such, subject to conditions, the works are deemed acceptable in respect of highways safety / access and in accordance with WCS policies CP 60 and CP 61.

Ecology / Biodiversity

Further to the receipt of additional information in respect of habitats and protected species, the Council's ecologist raises no objections, subject to conditions and the payment of a North Meadows SAC recreation contribution.

The applicant has entered into a s.111 agreement under The Local Government Act 1972 and the North Meadows SAC recreation contribution has been paid by the applicant.

As such, subject to conditions, the works are deemed acceptable in respect of ecology / biodiversity and in accordance with WCS policy CP 50 and PNP policy PP4.

Other

I note the concerns from representors on grounds of the future intensification of the site. As every planning application is required to be assessed on its merits, it is inappropriate to speculate. Any future application would be assessed in light of the Development Plan and any relevant material considerations.

I also note a neighbouring landowner's concerns regarding security. Any trespassing over third-party land is not a material planning consideration.

CONCLUSION

The proposed development would be acceptable in terms of impacts on local character, including the setting of designated heritage assets. It would also be acceptable from a neighbour amenity perspective and in terms of highway safety. Accordingly, and subject to the applicant entering into an agreement under s111 to The Local Government Act 1972, the proposal complies with the relevant provisions of the Development Plan and material considerations, subject to conditions.

RECOMMENDATION: that subject to an agreement being entered into under s111 of The Local Government Act 1972, then planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Plans, Elevations and Site Plans Ref: 2022/1129/001 REV F.
- Visibility Splays Ref. 2022/1129/003 REV A (dated: 27/09/2023) and Ref: 2022/1129/004.

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

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

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

4. The site shall be used for Sui Generis holiday accommodation only and for no other purpose.

REASON: To define the use and allow the Local Planning Authority to consider any future proposal for a change of use having regard to the circumstances of the case.

5. No more than two shepherd huts must be present on the site at any one time.

REASON: To ensure that there is no future intensification of the tourist accommodation use on the site that could be detrimental to the amenity of neighbouring residents and traffic volumes.

6. The development will be carried out in strict accordance with the following documents:

   - Biodiversity Mitigation and Enhancement Plan, Document: CE-00170_V2, Version 2, Dated: December 2023 by Cotswold Environmental Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

7. The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

   - Biodiversity Mitigation and Enhancement Plan, Document: CE-00170_V2, Version 2, Dated: December 2023 by Cotswold Environmental Ltd.

   The installation of these features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be available for wildlife for the lifetime of the development.

REASON: To mitigate for impacts to biodiversity arising from the development.

8. No new external lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of conserving biodiversity and protecting the character of the local area from intrusive light.

INFORMATIVE TO APPLICANT:

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 landowner's 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.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The submitted site plan shows an existing decking and fire pit area within the application site. No details of either are provided and neither is referenced in the description of development on the submitted application form. This grant of planning permission should therefore not be interpreted as consent for any decking or a fire pit within the site.

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE TO APPLICANT – ARTIFCIAL LIGHTING:

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.