CASE OFFICER'S REPORT

Application Reference:	PL/2023/05464
Application Type:	Full planning permission
Consultation ends:	10 August 2023
Case officer:	Hilary Baldwin
Site Address:	RUBY COTTAGE, THE STREET, ALDERTON, CHIPPENHAM, SN14 6NL
Proposal:	Change of use of annexe to a self-contained dwelling. Erection of fence. (Retrospective)
Recommendation:	Refuse

Proposal and Site Description

Proposal

The proposal seeks planning permission for the change of use of an outbuilding within the garden of Ruby Cottage to that of a self-contained dwelling. The external shell of the building would remain as originally built and internally includes ground floor accommodation for living and kitchen area and two first floor rooms, which the plans denote as being for one bedroom and an office. A dividing 1.8m close boarded fence is proposed to run approximately 1m from the rear boundary of the whole site, run past the front (southern) elevation of the building and adjoin the rear of the host dwelling.

Site Description

The application site comprises a detached, two storey property set within the small hamlet of Aldbourne. The original dwelling is a traditional Cotswold stone cottage with later additions and which has recently benefiited from a two-storey projection to the rear and the erection of the workshop/garage subject of this current application. There is a large private garden which wraps around the dwelling and existing frontage vehicle access and parking.

Directly adjacent to the south of the site, and opposite are Grade II listed dwellings with further listed buildings within the immediate locale. Whilst not recognized within the Wiltshire Core Strategy as even a Small Village, there is a settlement wide Conservation Area which extends eastwards to include properties set behind the main road through the village. The whole area is also washed over by the Cotswold National Landscape (AONB).

Policies

National Context:

National Planning Policy Framework (NPPF) 2024 (as amended 2025)

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 135 - Function and form of Development

Para 202, 203 - Proposals affecting heritage assets

Para 207 to 216 – Considering potential impact upon heritage assets

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Cotswold National Landscape Management Plan

Technical housing standards – nationally described space standard

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 13 - Spatial Strategy: Malmesbury Community Area

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

Wiltshire Design Guide – Adopted 2024

Chapter 9 Homes and Buildings

Wiltshire Local Transport Plan 2011 - 2026

Car Parking Strategy

Key Issues

Principle of Development

Impact on the character and appearance of the settlement and heritage assets

Impact on adjacent neighbouring occupiers and future potential occupiers

Access, Parking and Highway Safety

Biodiversity Net Gain

Relevant Planning History

There is planning history on the site which is considered highly relevant to the determination of the current proposal. The wording of the conditions appended to both

these application is clear and unequivocal that the permitted outbuilding is only to be occupied ancillary to the residential use of the main host dwelling, known as Ruby Cottage.

18/04030/FUL – Second Floor Rear Extension, Infill Extension and Garage/Workshop

Approved with Conditions

18/08360/FUL - Resubmission of 18/04030/FUL (granted permission) with revision of scheme

(Second Floor Rear Extension, Infill Extension and Garage / Workshop)

Approved with Conditions

Consultation Responses

Luckington and Alderton Parish Council – No Objection

Highways – Objection

The proposal for a change of use from annex to self-contained dwelling does not provide enough detail to allow a positive highways response at this time.

The planning statement reports there is sufficient room for parking and turning on site. This is inaccurate as there is a serviceable drive to the rear of Ruby Cottage to allow for one number parking space for the new dwelling, but insufficient room to turn given a driveway width of 5m.

It is not required to demonstrate turning on-site, however I will require a plan that shows two number spaces for Ruby Cottage and one for the proposal site with a demonstration that the single car can manoeuvre through the dropped kerb while the cars for Ruby Cottage are on the driveway.

Representations

No Letters of Representation were received in relation to the proposed development.

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.

At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006)

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); the 'saved' policies of the North Wiltshire Local Plan (NWLP)2011 (adopted June 2006).

New residential development in the open countryside outside of any defined settlement boundaries is strictly controlled so as to restrict homes being built in unsustainable locations remote from local services, facilities and transport routes. CP1 "Settlement Strategy" of the Wiltshire Core Strategy sets out where sustainable development will take place across the plan period.

CP2 "Delivery Strategy" of the Wiltshire Core Strategy states that other than in circumstances permitted by other policies within the plan, development will not be permitted outside the limits of development. No justification has been put forward in support of any of the development plan "exception" policies which relate to proposals such as affordable housing sites or rural workers dwellings.

Saved Policy H4 of the Wiltshire Local Plan 2011 also considers new dwellings in the countryside where it would be in connection with the essential needs of agriculture, forestry or other rural based enterprise; or it would be a replacement for an existing dwelling subject to certain criteria.

However, the site comprises an existing outbuilding and therefore CP48 is also considered most relevant in this instance. This policy supports the conversion and re-use of rural buildings for employment, tourism, cultural and community uses when they satisfy the following criteria;

i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.

ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.257

iii. The building can be served by adequate access and infrastructure.

iv. The site has reasonable access to local services.

v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.

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

Given that the building is located outside of any settlement boundary, in the open countryside, it could be considered a rural building. The building is of modern construction and is structurally sound. The proposed works would retain the character and appearance of the area, and is served by an existing access to the highway, and is not isolated or in a remote location.

Also, given its siting next to an existing dwelling, it is not considered that it would be suitable for an employment, tourism, cultural or community use. As such, it is considered that the development meets the requirements of Core Policy 48, and as such, would be acceptable in principle.

It should also be noted that, at the time of writing, Wiltshire Council can evidence a 2.42 year housing land supply and the provision of 1no new, one bed dwelling should be given some weight in the decision-making process.

Whilst the principle of development may be acceptable and accord with CP48, this is subject to site specific assessment and compliance with other relevant policies as contained within the adopted local development plan.

<u>Impact on the Character and Appearance of the Site and Settlement</u>

The planning system promotes high quality development through good inclusive design and

layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development.

As previously reported, the Council granted planning permission for the outbuilding in the rear garden of Ruby Cottage and such a building is generally regarded as part of the main dwellinghouse even if separately occupied. The outbuilding subject of this report was considered acceptable and the Council sought to ensure that it was not occupied as a separate residential dwelling, hence Conditions 3 on both the permissions granted in 2018 stating the following;

The extension and workshop hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Ruby Cottage and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

It is acknowledged that the building currently exists in the rear garden and that no physical changes to the structure are proposed with the exception of a dividing fence, which could be erected by the occupiers at any time. However, the unrestricted occupation now proposed would result in a separate planning unit which is considered at odds with the prevailing pattern of development and loose grain of residential properties within this small hamlet.

The current proposal is considered to result in a cramped and uncharacteristic layout, materially different to the current permitted use. It would result in a very small plot, significantly smaller that the majority of properties which front on to the highway.

It is also noted that the site lies within the designated Alderton Conservation Area with many listed buildings in close proximity to the site. Whilst the overall structure would not change, CP57 seeks to ensure a high standard of design with development expected to create a strong sense of place and to respond to the historic environment. CP58 embraces and extends this approach by stating that development should protect, conserve and enhance the historic environment.

As the outbuilding is already constructed, it is not considered reasonable to judge the physical structure as being contrary to adopted policy in this respect. However, as a separate residential unit, within a cramped and constrained plot, the additional parking requirements for two separate properties and lack of private amenity space is considered to not accord with the aims of the these adopted policies.

Paragraphs 208-210 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that the local planning authority should take account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and:

c) The desirability of new development making a positive contribution to local character and distinctiveness.

The proposed development is therefore considered contrary to criterion c) due to the cramped and contrived nature of the proposal with its uncharacteristic pattern of development for use as a separate dwelling and the consolidation of residential uses. This harm to the significance of designated heritage assets also places the proposal in conflict with Policies CP57, i, iii, iv and vi of the WCS.

Impact on Adjacent Neighbouring Occupiers and Potential Future Occupiers

As ancillary accommodation it is accepted that there are shared services and facilities on the site and that any potential occupiers are cognisant of this situation. It is not unusual for annexe buildings to share garden space, parking and outdoor facilities and that there is a degree of inter-overlooking between the units.

However, as a separate, open market dwelling, occupiers can expect a standard of internal space, a degree of privacy to their private amenity spaces from neighbours and that their private amenity spaces and outdoor areas function independently.

CP57 is unequivocal in expecting high quality in terms of design and that development is expected to create a strong sense of place by drawing on local context and being

complementary to the locality. Criteria vii, expects a high regard to the compatibility of adjoining buildings and uses and the impact on the amenity of existing occupants by ensuring appropriate levels of amenity for existing and future occupants.

Furthermore, since the time of the preceding applications, it must be noted that the Wiltshire Council Design Guide has been adopted as a Supplementary Planning Document and therefore carries significant weight in the determination of this proposal.

In terms of privacy, potential future occupiers would be in a position to be able to freely pass and repass and/or park vehicles directly adjacent to the northern side elevation of the host dwelling where there is a low, ground floor window to a habitable room and the only window to a first-floor room. Additionally, the host dwelling has been recently extended to the rear and there are first floor windows within the gable end of that extension and the proposed dwelling is set topographically higher than the host property. It is judged that there is approximately 10m between windows to habitable rooms and as annexe or ancillary accommodation is considered acceptable, but as a separate, open market dwelling would add to the sense of overlooking and potential for loss of privacy on occupiers of both properties.

It is noted that the submitted plans indicate a 1.8m high, close boarded fence running along the southern side boundary of the site and which would pass in close proximity to the existing entrance door and ground floor openings. On the plans provided, this distance measures at approximately 1m and is considered to add to the constrained nature of the proposal and result in lack of appropriate levels of amenity to occupiers of the property. Albeit the door could be relocated to the northern side, where there is approximately 2m or on to the front elevation, these distances to site boundaries are not considered to accord with the overarching principles of good design.

Whilst a generic “front door” is not a prescribed approach, it is considered that this further demonstrates the constraints of the scale and layout of the site. Furthermore, this height of fence would add to the sense of enclosure and reduce light and outlook from openings on that elevation.

The Technical housing standards – nationally described space standard require a minimum gross internal floor area of 58sqm for a two storey dwelling. The gross internal floor area for the dwelling (excluding the garage) is approximately 48 sqm and therefore fails to meet these standards.

In relation to private amenity space, the proposed property would benefit from a small gravelled courtyard area to the rear (east) with views over open fields. However, the recently adopted Wiltshire Design Guide, which is considered to carry significant weight clearly and precisely sets out the guidelines for space around new dwellings. Section 9.2.2 states that minimum garden areas for all houses should be equivalent to the footprint of the dwelling or a minimum of 50sqm. The submitted plans measure the area to the rear (east) of the site as approximately 43sqm. However, measurements taken on site do not concur with the depth of that space, which barely measures 4m. Furthermore, the guidelines also state that in general, gardens facing south, east or west should be minimum of 10m deep. Whilst it is acknowledged that a typical private garden does not necessarily have to be to the rear of a property, the areas to the north and south elevation cannot be included in useable private amenity space and the front would be utilized for parking and turning, with no privacy from the adjacent highway.

Therefore the proposal is considered to result in inter-overlooking and loss of privacy for occupiers of both Ruby Cottage and the proposed dwelling and a significant lack of under provision of internal space and private amenity space for potential future occupiers contrary to CP57, Technical housing standards – nationally described space standard and the adopted Wiltshire Design Guide.

Access, Parking and Highway Safety

The proposal would result in one addition 1 bedroom property and loss of parking and turning for the host property and therefore, the Council's e Council's Highway Engineers were consulted. An objection was raised due to lack of information regarding adequate plans to demonstrate parking and turning for both properties on site. However, without that information it would appear possible to achieve adequate parking on site for both properties and that a dropped kerb vehicle crossing extends across the frontage. Therefore a reason for refusal on highway access and parking is not considered reasonable in this instance.

Biodiversity Net Gain

Biodiversity net gain is a mandatory requirement under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to a pre-commencement condition that the development delivers at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments

In line with NPPF and with CP50, applications that do not fall into the category where BNG is required, must still ensure that no net loss of functional habitat for the benefit of wildlife in the local area will occur as a result of the proposed development. In addition, it is expected that gains for biodiversity, relevant to local habitats and wildlife populations will form part of the proposed development.

In this instance, it is considered that due to the date of submission, prior to the adoption of the legislation, BNG is not applicable. Notwithstanding this information, it is considered appropriate that an Informative is appended to any positive Decision Notice to advise the applicants of their statutory duties.

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 proposal would result in harmful impacts to the residential character of the locality and to residential amenity and is considered to conflict with local and national policies.

It is therefore recommended that the application should be refused subject to the following reason(s).

Refusal Reason(s)

1 The proposed development, by reason of siting, close to the rear of the host property, creates an incongruous and unsympathetic planning unit at odds with the surrounding layout of dwellings and grain of development. It would result in a cramped and contrived dwelling materially different to the current permitted use of the building harmful to the prevailing pattern of development failing to accord with Core Policy 57 paragraphs i, iii, iv and vi, Core Policy 58 of the Wiltshire

Core Strategy and the guidance and provision of Paragraph 135 of the National Planning Policy Framework.

2 By virtue of the proximity to the host dwelling and existing window openings on both the host dwelling and existing outbuilding an unduly unacceptable overbearing impact would be incurred on the neighbouring dwelling, its site and its occupiers failing to accord with Core Policy 57, paragraph vii, of the Wiltshire Core Strategy.

3 As a result of the internal space within new dwelling and size of the private outdoor amenity space serving the proposed property the proposal is considered deleterious to the reasonable living conditions rightly expected by any future occupants. Accordingly, the proposal fails to meet the requirements of Core Policy 57 iii, vii, paragraph 135 of the National Planning Policy Framework, Technical housing standards – nationally described space standard and Section 9.2 of the adopted Wiltshire Design Guide.