

CASE OFFICER'S REPORT

Application Reference: 18/09517/FUL
Date of Inspection: 26/10/2018
Date site notice posted: 26/10/2018
Date of press notice:

POLICIES

Wiltshire Core Strategy (Jan 2015) 1, 2, 13, 48, 50, 51, 57, 60, 61

NPPF 2018

ISSUES

This is the resubmission of an application refused under application reference 18/04803/FUL (Proposed conversion of existing redundant farm building to form 1 No. dwelling), for the following reasons:

1. The site is located in open countryside outside of any limits of development as defined in the Wiltshire Core Strategy. The proposal documentation furthermore does not demonstrate that there clear evidence that the employment, tourism, cultural or community uses are not practical propositions and no other special circumstances have been presented. As such, the proposal conflicts with Core Policies 1, 2, and 48 of the Wiltshire Core Strategy 2015 which seeks to properly plan for sustainable development throughout Wiltshire, and to central government policy contained in the National Planning Policy Framework.
2. The proposed extensions and alterations would fundamentally alter the character of the building by introducing extensions and conversions that would significantly alter the roof-line of the building, create new openings that bear no relationship to the existing and demolish a lean-to to be replaced by an extension of wholly domestic appearance. The proposal is therefore contrary to criterion i) to Core Policy 48 of the Wiltshire Core Strategy.
3. Inadequate sight lines are available at the access of the site to ensure safe ingress and egress. The proposal is therefore contrary to criterion iii) to Core Policy 48 of the Wiltshire Core Strategy which requires that the building must be served by adequate access.

The key issue therefor is whether or not the reasons for refusal has been overcome

REPRESENTATIONS

Keovil Parish Council

The Parish again raises objections;

- There are road safety concerns with poor visibility when exiting the site. Vehicles travelling from the east typically accelerate from the bend to the straight road.
- The road is busy and a through bus route between Trowbridge and Devizes along with regular School buses.
- The road is also a designated bypass route when there are closures of the A361 which would increase traffic

Highways

The Officer refers back to her comments on the previous application and advises that the new submitted Site Plan illustrates the maximum achievable visibility being 2m x 120m in the western direction and 2m x 50m in the eastern direction.

In view of Paragraph 109 of the NPPF, which states that development should only be refused on highways grounds “if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” it would be difficult to substantiate a refusal reason due to insufficient visibility splay in the western direction, given the nature of the road, the potential for existing traffic being associated with the site and that an access is currently in a similar position to that proposed. The officer therefore raises no objections subject to a condition in relation to visibility splays.

Two letters of comment were received, one expressing full support and the other stating no in principle of objection but the foot print of the proposed building looks bigger than the existing foot print of the barn. Possible precedent for increased development on agricultural land. Also, there are other buildings in the village that have been granted planning permission as holiday homes, which are now clearly inhabited permanently. These other developments have not submitted a change of planning but the maximum occupation period condition has not been enforced: Possibly more sense to grant planning for full time occupancy rather than as a holiday let as the caveats will clearly not be enforced.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This statutory requirement is reflected in the NPPF 2018.

The site is located outside of any defined settlement boundary and therefore in planning terms it is located in the open countryside. WCS Core Policy 2 states that outside the defined limits of development, residential development will not be permitted other than in circumstances identified in paragraph 4.25 (additional employment land, military establishments, tourism development, rural exception sites, specialist accommodation provision and supporting rural life).

The proposal has been revised in order to convert the agricultural building in order to provide for a modest two-bedroom holiday rental. This is a change from the previously proposed change to a permanent dwelling.

CP 48 deals with the conversion of rural buildings and states that “...*proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:*

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

- ii. *The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and*
- iii. *The building can be served by adequate access and infrastructure; and*
- iv. *The site has reasonable access to local services or*
- v. *The conversion or 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 where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.”

In relation to proposals that involve the conversion and re-use of rural buildings, CP 48 gives precedence to employment, tourism, cultural and community uses.

In addition rural conversions must 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; and*
- II. *The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas*
- 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 safe guarding.*

Where the only reason (reason 1) for refusal previously cited related to the dwelling as permanent accommodation it is considered that the proposed tourist use (subject to appropriate conditions) would overcome this reason.

Reason 2 related to the design of the proposed conversion. Significant alterations were proposed which would have fundamentally changed the character of the building, including in relation to footprint and roof form. The revised design, although involving the demolition of two lean-to extensions, would retain the essential core of the existing building and largely preserve the external fabric and, where necessary replace tiles with salvaged materials. It is considered that these actions would overcome Reason 2.

In this instance, Core Policy 39 (Tourist Development) becomes also relevant. It states that *“Within Principal Settlements and Market Towns, proposals for tourist development of an appropriate scale (including attractions and tourist accommodation) will be supported subject to a sequential assessment. Proposals for largescale tourist development must be assessed against all the policies of this Core Strategy, including transport implications and how the proposal could assist rural regeneration and the wellbeing of communities.*

Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings.

Any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites with the objective of providing adequate facilities, enhancing enjoyment and improving the financial viability of the attraction.”

The site is on the immediate fringe of Keevil (small village) and would bring the old building back into functional use, providing to a small extent for the diversification of the local economy and a new tourist facility within easy reach of local facilities in Keevil. The accommodation would furthermore provide for visitor access to the appealing local countryside and Village itself.

With regard to the access and highway considerations and whilst noting the Parish objections, , the revised plans have satisfied the highway officer that, subject to a condition, she can withdraw her previous objection. This would overcome Reason 3.

In light of the above approval is recommended, subject to appropriate conditions. An informative in respect of protected species is also considered appropriate where the interior of the building would be altered.

It is the case that no ecological reasons were raised in the previous refusal, and it would therefore be unreasonable to introduce this as a new factor in this instance. An informative to the applicant would however be appropriate.

Conclusion

In view of the above permission is recommended, 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 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or any order which revokes and re-enacts that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is 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 permanent residential accommodation.

- 3 No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.

REASON: This site is 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 permanent residential accommodation.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 units of holiday letting accommodation 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.

- 5 The development hereby permitted shall not be first occupied before the parking area, turning areas and access have been constructed in accordance with the approved plans. The parking, turning areas and access shall be retained in perpetuity.

REASON: In the interests of highway safety.

- 5 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:
2017-62 01 Registered on 17/10/2018
2017-62 02 Registered on 17/10/2018
2017-62 03 Registered on 17/10/2018
2017-62 10 Registered on 17/10/2018
2017-62 11 Registered on 17/10/2018
2017-62 12 Registered on 17/10/2018
2017-62 13 Registered on 17/10/2018

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

INFORMATIVE: The Applicant is reminded that it is a criminal offence to disturb or harm protected species, or to damage or destroy their places of rest or shelter. In the event that they are discovered during the development work should halt immediately with advice to be sought from a qualified ecologist.