

# CASE OFFICER'S REPORT

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<b>Application Reference:</b>	PL/2023/00859
<b>Application Type:</b>	Full planning permission
<b>Site Inspection:</b>	24.03.2023
<b>Consultation ends:</b>	09 March 2023
<b>Case officer:</b>	Steven Vellance

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<b>Site Address:</b>	Elmleaze Farm, Keevil, Trowbridge, BA14 6NF
<b>Proposal:</b>	Change of use of a 2-bed holiday let to a dwelling (C3 use class)
<b>Recommendation:</b>	Refuse

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## POLICIES

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely:

CP 1 - Settlement Strategy.  
CP 2 - Delivery Strategy.  
CP48 – Supporting rural life.  
CP 57 - Ensuring High Quality Design and Place Shaping  
CP60 – Sustainable transport  
CP61 – Transport & new development

Wiltshire Local Transport Plan (LTP3) Car Parking Strategy 2011- 2026

National Context: National Planning Policy Framework (NPPF) 2019,  
Planning Practice Guidance PPG

## ISSUES

Principle of the development  
Policy considerations  
Highway Matters  
5 Year Housing Land Supply

## RELEVANT PLANNING HISTORY

17/12489/PNCOU Notification for prior approval under Class Q proposed change of use of agricultural building to dwelling and associated development. Refused  
18/04803/FUL Proposed conversion of existing redundant farm building to form 1 no. dwelling. Refused.  
18/09517/FUL Proposed conversion of existing redundant farm building to two bedroom holiday let. (Resubmission of 18/803/FUL). Approved.

## REPRESENTATIONS

Keevil Parish Council: No objections raised.  
Highways: Offers the following comments:  
*"I refer to the above planning application."*

*Before I offer a formal highway recommendation I would like the applicant to confirm the submission of the Block Plan with the intended visibility splay.*

*The accompanying Block Plan is 2017-62 No.12 (the visibility shown is incorrect and not acceptable), however, the Block Plan previously approved under application 18/09517 was 2017-62 No.13 showed the correct visibility splay as agreed.*

*I shall be glad to receive clarification”.*

Neighbours: One email received raising the following points:

- Applicant has said that the property is to house an elderly relative who is unwell.
- The elderly relative does not wish to go into a home and would like to live at the property.
- No additional or future works are proposed.

## **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. This statutory requirement is reflected in paras 2, 11 & 202 of the NPPF. 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 West Wiltshire District Plan, 1st Alteration, 2004. A number of the WWDP policies continue to be saved to sit alongside the policies of the Core Strategy.

Proposal: This application is seeking permission for the change of use of a two bedroom holiday let bungalow to that of a permanent Class C3 dwelling house. The site is outside of the nearby Conservation Area and consists of an established low level two bedroom brick constructed building which has planning permission for use as a holiday let, the following plan snippets serves to identify the building, as highlighted in yellow, with the surrounding green being open countryside:



Council plan of the site



Application site location plan



Council plan of the site showing the Conservation Area in dark green.



Proposed south west elevation



Proposed south east elevation

Principle of the proposed development: The site is located outside of any defined settlement boundary and therefore in planning terms it is located in the open countryside. WCS CP2 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 village of Keevil is designated as a “Small Village” within the WCS (CP1) and is defined as having “...a low level of services and facilities, and few employment opportunities”. CP1 states

*that “Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.”*

CP2 in turn states that *“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at such small villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development.”*

The Core Strategy defines infill development as proposals for development at Small Villages, which seek to meet the housing needs of settlements or provide employment, services and facilities, provided that the development meets the following three criteria:

- 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 proposal is located in an isolated location which is on the outer edge of the village development, with surrounding open countryside to its North, East and South as shown in the above plan snippet. Therefore, the proposal does not satisfy criteria ii. and iii. of the above requirements in that the proposal would serve to elongate the village and would also be a form of loose knit development. Likewise, the proposal has not been presented as serving to address any housing need for the village of Keevil.

As previously mentioned above, Core Policy CP2 at para. 4.25 lists exceptions as to where housing could be considered to be allowed, these being: additional employment land, military establishments, tourism development, rural exception sites, specialist accommodation provision and supporting rural life. The site already has permission for a tourist use and there has not been any consideration nor a case been made, for the other listed exceptions.

Core Policy CP48 stresses that proposals for residential development will only be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work, in the interests of agriculture or forestry or other employment essential to the countryside and which must be supported by functional and financial evidence. The supporting information to the application does not rely on such agricultural or forestry need and so in line with this policy, the proposed C3 dwelling use cannot be supported.

Similarly, whilst accepting the building has an established holiday let use, CP48 makes it clear that where such a use is not a practical proposition that only then may consideration for a Class C3 dwelling be considered:

*“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.”*

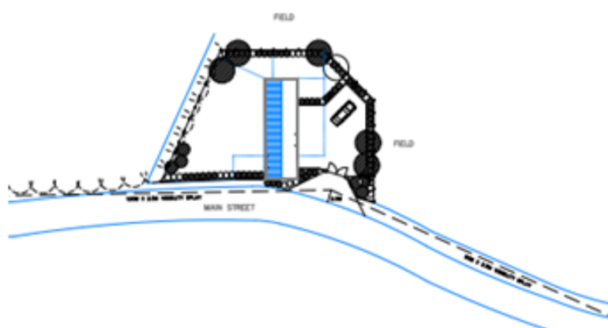
In this instance, the building is neither disused nor redundant and no supporting evidence or justification has been provided to demonstrate and support the application, such that there is no longer any viability for a tourism use of the site.

Likewise, in accordance with CP 48, no evidence has been supplied which considers the other uses as detailed in CP48, these being such uses in line with local employment, cultural or community uses, and which the applicant has not explored or considered, by way of a marketing exercise in relation to the property.

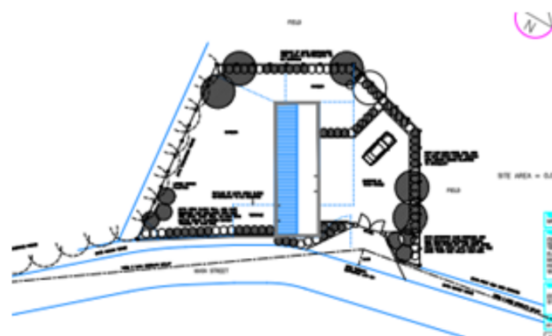
The design and access statement does not explain as to why there is no longer a requirement for the holiday let use of the building, other than saying that people are taking foreign holidays and likewise, to reiterate, no such “special circumstances” have been presented in the design and access statement.

Therefore, the proposal is contrary to policy, including CP48, as well as that Policy’s requirement that non-residential uses are prioritised before conversion to a dwelling can be supported.

Highway Matters. The Highways Officer has asked for a rectified block plan which accurately shows the correct visibility splays for the property, such a plan reference 2017-62-12 was submitted and approved within the previous application reference 18/09517/FUL. The current block plan’s sight lines are visibly different to that as allowed with the 2018 application, which are effectively shown in the two plan snippets below:



Visibility splays as submitted within current application.



Visibility splays within 18/09517/FUL

Whilst the matter could potentially be rectified by the resubmission of the earlier plan, the application as a whole cannot be supported for the reasons as discussed throughout and so therefore it is considered unreasonable to request additional information from the applicant. This point does nonetheless form the basis of a reason for refusal, because the application has to be assessed on the submitted information.

Other Matters. It is noted that application refers to a 2018 planning appeal decision in support of its proposal, which whilst noted, it is the case that every planning application has to be judged on its individual planning merits, as no two planning sites are the same. It is the case that the current application has not offered any justification as to why the Council should deviate from adopted policy nor identified a housing supply requirement for Keevil.

### 5 Year Housing Land Supply.

In line with the Council's 5 year housing land supply, it has been confirmed by the Housing Land Supply Statement (Base date: April 2021. Published: April 2022) that at the present time, Wiltshire cannot demonstrate a full 5-year housing land supply. The current data shows that Wiltshire has 4.72 years of deliverable supply. As a result, the spatial policies relevant to this application are deemed out of date in line with paragraph 11 of the NPPF and with regard to footnote 8, paragraph 73 of the NPPF becomes engaged.

Part d of paragraph 11 states that *"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i.) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii.) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*. Full weight cannot therefore be given to the strategic policies of the adopted WCS, and the presumption in favour of sustainable development applies, as directed by paragraph 11d of the NPPF.

However, paragraph 11d makes it clear that permission should not be automatically given in such circumstances where there would be adverse impacts on protected areas or assets of particular importance are posed; or where an application would have adverse impacts, that would significantly and demonstrably outweigh the 'benefits'. In this instance, the building is extant and in place with the proposed C3 dwelling use being contrary to policy, with paragraph 11d making it very clear that permission is not automatic.

Current figures put Wiltshire Council at providing 4.72 years of housing land supply. This is not far short of the 5 year requirement and it is considered that the addition of a single dwelling to the housing stock would not be of such a benefit so as to outweigh the harm caused by this site being contrary to so many local and national policies.

### Conclusion:

The planning history to the site clearly shows numerous attempts at establishing C3 residential use at this site. The current proposal has not presented any justification as to why the LPA should deviate from adopted policy. Notwithstanding this, the proposal is contrary to policies CP1, CP2 and CP48 of the Council's adopted Core Strategy, as well as CP48's requirement that non-residential uses are prioritised before conversion to a dwelling can be supported.

The scheme is considered to be inappropriate development of the site and the application is recommended for refusal for these discussed reasons.

**RECOMMENDATION:** Refuse for the following reasons.

### **Refusal Reason(s): (2)**

- 1 The site is located in the open countryside outside of any limits of development as defined in the Wiltshire Core Strategy. The proposal documentation does not demonstrate that there is clear evidence that the employment, tourism, cultural and

community uses are not practical propositions and no other special circumstances have been presented or justified in support of the application. As such, the proposal is in open conflict with Core Policies 1, 2, and 48 of the Wiltshire Core Strategy 2015 and the National Planning Policy Framework.

- 2 Inadequate sight line details have been provided within the application to ensure that safe ingress and access are available at the site. The proposal is therefore contrary to criterion ii) of Core Policy 61 of the Wiltshire Core Strategy 2015 which requires that the building must be served by safe access.