



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 14/17

Date to Members: 06/04/2017

Member's Deadline: 12/04/2017 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

Dates and Deadlines for Circulated Schedule
During Easter Bank Holiday 2017

Schedule Number	Date to Members 9am on	Members Deadline
14/17	9.00 am Thursday 06 April	5.00pm Wednesday 12 April
15/17	09.00am Wednesday 12 April	5.00 pm Thursday 20 April

Please see changed deadlines in **RED**.

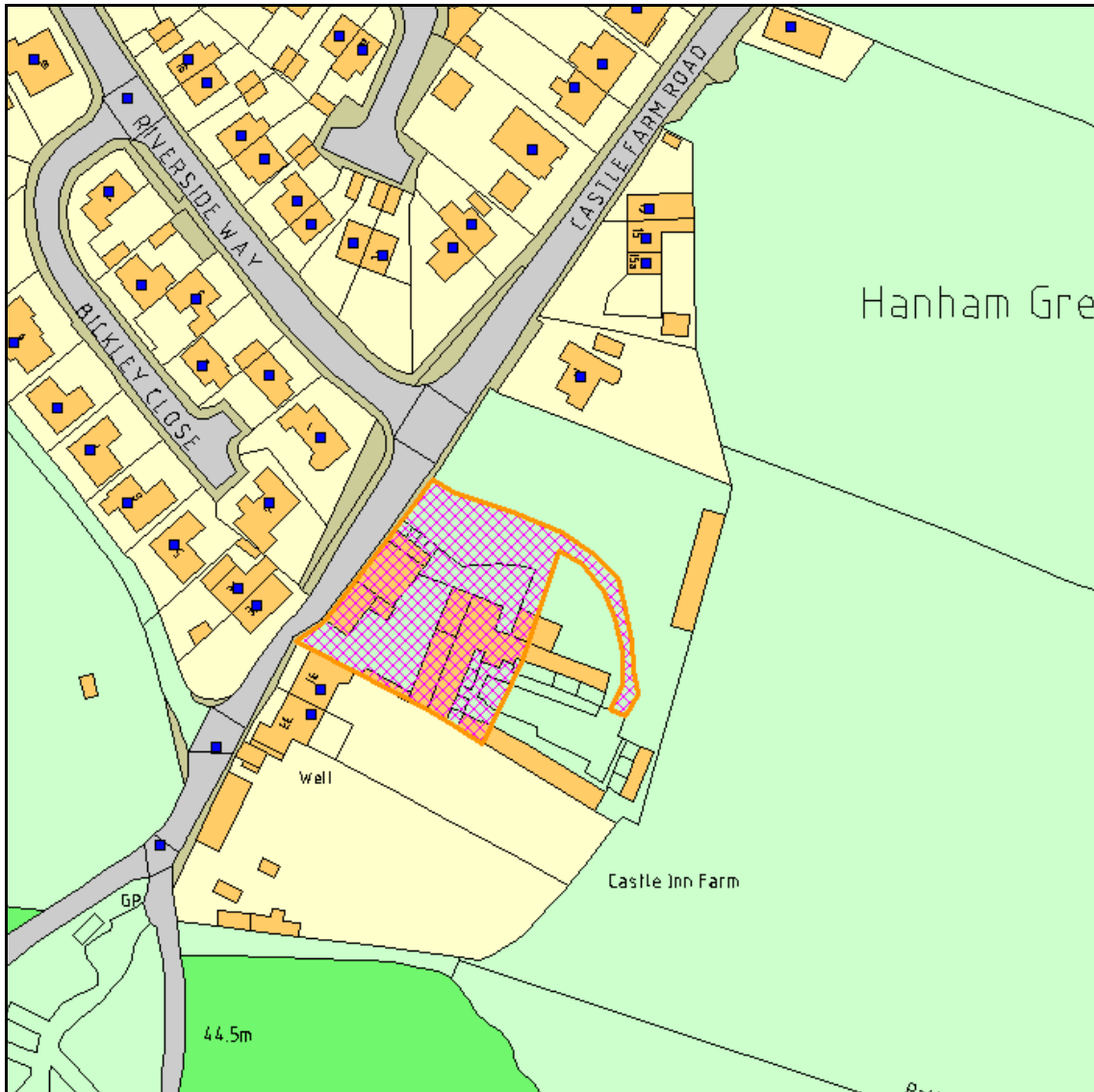
All other dates remain as usual until next Bank Holidays in May.

CIRCULATED SCHEDULE - 6 April 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/5028/F	Refusal	Castle Inn Farm 31 Castle Farm Road Hanham South Gloucestershire BS15 3NJ	Hanham	Hanham Abbots Parish Council
2	PK16/5029/LB	Refusal	Castle Inn Farm 31 Castle Farm Road Hanham South Gloucestershire BS15 3NJ	Hanham	Hanham Abbots Parish Council
3	PK16/6151/F	Approve with Conditions	Pennymead Cattybrook Road Mangotsfield South Gloucestershire BS16 9NJ	Boyd Valley	Pucklechurch Parish Council
4	PK16/6652/ADV	Approve	Land Adjacent To Lower Lapdown Farm Lapdown Lane Tormarton Badminton South Gloucestershire GL9 1JE	Cotswold Edge	Tormarton Parish Council
5	PK17/0541/F	Approve with Conditions	58A Naishcombe Hill Wick South Gloucestershire BS30 5QS	Boyd Valley	Wick And Abson Parish Council
6	PK17/0581/CLP	Approve with Conditions	15 Stanley Gardens Oldland Common South Gloucestershire BS30 9PZ	Oldland	Oldland Parish Council
7	PK17/0689/F	Approve with Conditions	Brockham House North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Bitton	Bitton Parish Council
8	PK17/0707/F	Approve with Conditions	9 Longden Road Downend South Gloucestershire BS16 5RL	Downend	Downend And Bromley Heath Parish Council
9	PK17/0748/ADV	Approve	Traffic Roundabout Jct Wickwar Rd / Drivers Way Wickwar Road Chipping Sodbury South Gloucestershire BS37 6BA	Chipping	Sodbury Town Council
10	PK17/0867/CLP	Approve with Conditions	43 Kelston Grove Hanham South Gloucestershire BS15 9NJ	Hanham	Hanham Parish Council
11	PT16/6356/CLE	Approve	Unit 1-2 Abbotts Way Gloucester Road Almondsbury South Gloucestershire BS32 4JB	Severn	Olveston Parish Council
12	PT16/6600/CLE	Approve	Laurel Farm Pilning Street Pilning South Gloucestershire BS35 4HN	Severn	Olveston Parish Council
13	PT17/0827/CLP	Approve with Conditions	21 Eastland Road Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
14	PT17/0859/CLE	Approve	2 Lower Chapel Lane Frampton Cotterell South Gloucestershire BS36 2RL	Frampton Cotterell	Frampton Cotterell Parish

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK16/5028/F	Applicant:	Mr And Mrs C Salter
Site:	Castle Inn Farm 31 Castle Farm Road Hanham Bristol South Gloucestershire BS15 3NJ	Date Reg:	20th September 2016
Proposal:	Conversion of 2no barns to form 4 no dwellings with associated works and access. Demolition of adjoining outbuildings.	Parish:	Hanham Abbots Parish Council
Map Ref:	364053 170761	Ward:	Hanham
Application Category:	Minor	Target Date:	2nd November 2016



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100023410, 2008. N.T.S. PK16/5028/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following letters of support from members of the public which are contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to convert 2 no. barns to form 4 no. dwellings with access and associated works at Castle Inn Farm, 31 Castle Farm Road, Hanham.
- 1.2 The buildings are curtilage listed in association with the grade II listed Castle Inn Farmhouse. The farmhouse is attached to another grade II listed property known as West Hanham House.
- 1.3 The site is located just outside the settlement boundary of the East Bristol fringe, within the open countryside and the Bristol/Bath Green Belt.
- 1.4 Amendments have been sought during the course of the application, including reducing the number of units proposed from 5 dwellings to 4 dwellings, changing the design and reconfiguring the access and parking arrangements. A period of re-consultation was carried out.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H3 Residential Development in the Countryside
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes
L1 Landscape Protection and Enhancement
L9 Protected Species
L13 Listed Buildings
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

Policies Sites and Places Development Plan Document (Submission Draft)
June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets
PSP19	Wider Biodiversity
PSP39	Residential Conversions
PSP40	Residential Development in the Countryside
PSP43	Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Development in the Green Belt SPD (Adopted) June 2007
South Gloucestershire Council Landscape Character Assessment

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5029/LB Pending Consideration
Conversion of 2no barns to form 4 no dwellings with associated works.
Demolition of adjoining outbuildings.

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

Objections. We reiterate our objections from the original application; we object to Green Belt land being lost for car parking and also the loss of ancient stone walls. We also have concerns over egress and access to the site and for ecological reasons concerning bats that may be nesting in the barns that are proposed to be demolished. In addition, we support the comments of Rebecca Anthony, Conservation Officer, who points out the barns are of historic and architectural significance and contribute positively to the setting and understanding of the farmhouse. It is important that they are found a use that facilitates their sympathetic repair, but achieved in a way that does not compromise their historic integrity or the setting of the listed farmhouses or rural setting. We would recommend a site inspection.

4.2 Other Consultees

Highway Structures
Informatives recommended.

Children and Young People
No comment.

Landscape

Use of paddock for access and parking is trying to achieve too much in a small space, has negative impact on openness. Loss of stone wall which should be protected in accordance with SGC Landscape Character Assessment. Existing cobble stone access drive should be retained. Landscaping scheme should be conditioned in the event application is approved.

Lead Local Flood Authority

No objection subject to SUDS condition.

Ecology

No objection subject to conditions and informatives.

Sustainable Transport

Object to revised plans as do not show adequate visibility.

Listed Building and Conservation

Objection due to overdevelopment and insufficient information regarding structural works required.

Environmental Protection

No objection subject to contamination condition.

Hanham District Green Belt Society

Object to Green Belt being used for car parking and demolition of part of the wall to make access.

Other Representations

4.3 Local Residents

Five letters of objection have been received stating the following:

- Window on northwest elevation of Barn A faces into garden and rooms of adjacent property
- Obscure glazing would resolve the issue
- Windows facing onto Castle Farm Road will look into conservatory opposite
- Object to development of Green Belt land – this is contrary to policy
- Application does indicate it but Green Belt land would be lost to provide parking and an access road
- Loss of large section of old stone wall, this would be detrimental to the character of this area and to the setting and curtilage of the listed building
- Insufficient parking would have an impact on parking on Castle Farm Road
- Proposed wire and post fence should be replaced with a stone wall
- Trust that this conversions do not set a precedent for development in the Green Belt

Two letters of support have been submitted stating the following:

- Sympathetic treatment of buildings

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. The Authority Monitoring Report 2016 found that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With reference to this proposal policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

5.2 Paragraph 90 of the NPPF supports the 're-use of buildings provided that the buildings are of permanent and substantial construction', provided the development preserves the openness of the Green Belt and does not conflict with the five purposes of the Green Belt. Paragraph 55 of the NPPF is supportive of the re-use of redundant or disused buildings in rural areas, where the development would lead to an enhancement to the immediate setting. In a similar tone policy CS34 of the Core Strategy states that proposals must protect, conserve and enhance rural areas' distinctive character, beauty and landscape; including conserving the valuable setting provided by rural areas. In terms of the Development Plan, saved policy H10, of the adopted Local Plan, concerns the conversion of rural buildings subject to a number of considerations. Saved policy H10 is largely consistent with the NPPF and the Core Strategy, however, less weight is attributed to the want to secure a business re-use in rural areas.

5.3 Policy L13 of the Local Plan and policy CS9 of the Core Strategy are also pertinent to consider, as the buildings are curtilage listed in association with Castle Inn farmhouse, which is a grade II designated heritage asset.

5.4 Green Belt and Landscaping

The existing outbuilding appears to be of a permanent and substantial construction satisfying a key criterion of paragraph 90 of the NPPF. The structural report submitted on 14th December 2016 notes that whilst the roof of units A and B would most likely require replacement, the masonry can be repaired and therefore it is considered that the buildings are capable of conversion without complete reconstruction. No extensions are proposed to the buildings, and amended plans have removed the parking from the paddock to the north and retained it within the courtyard and existing areas of hardstanding.

In the event that the application is granted, a condition on the decision notice could remove permitted development rights to ensure that the impact on the Green Belt is not increase by the erection of additional boundary treatments, particularly close boarded fencing which would have an impact on openness, as well as a harmful impact on the setting of the listed building.

5.5 A strip of the paddock to the north is to be utilised as a new access into the parking area, including the loss of a section of stone wall which was identified within the Landscape Character Assessment (LCA 16) as a common feature which should be protected. This weighs against the scheme as it is contrary to the aims of policy L1 of the Local Plan. A new access to the farm to the rear has also been shown, however a condition in the event the application is approved would ensure that this track is informal in nature with reinforced grass installed in between the tyre tracks.

5.6 Business Re-use

Policy H10 of the Local Plan requires that a business reuse should be sought for rural buildings as a priority over their conversion to a residential use. The applicant has submitted a marketing report to support the application, and this demonstrates that the property was advertised for a business use from December 2015 until at least March 2016. There were a number of enquiries, two viewings but no offers made within this time. Whilst it is usually considered that a year is an appropriate time to advertise to comply with policy H10, the viable re-use of the curtilage listed buildings takes priority and, furthermore, this clause of policy H10 is not wholly compliant with the NPPF.

5.7 Design and Impact on Listed Building

Castle Inn Farmhouse is the older of the pair of attached houses, dating from the eighteenth century. Both houses are built in a gentrified style of the local vernacular, distinguished from the agricultural barn and stable buildings by their rendered facades and polite detailing. Both are slightly set back from the road behind stone forecourt walls. The outbuildings are constructed of coursed random pennant stone, a material which defines the character of the local area. The main barn is built directly at the back edge of the road and the stable building to the east runs parallel and encloses the farm yard. To the north of the outbuildings and yard is a small field which is bounded from the road by a historic pennant stone wall. This open space and wall form an attractive open setting to the farm complex, and an important rural buffer to the modern housing beyond.

5.8 The outbuildings to be converted are in a very poor state of repair. A lack of maintenance has resulted in decay and failure to the timber roof structures, as well as internal floors. The stone walls are suffering from this lack of lateral restraint and proper re-pointing repairs and water ingress. This has led to structural instability in a number of areas. At some time in the past the northern end of the stable range (on the eastern side of the yard) has had its northern end removed and replaced with a modern block structure, leaving an internal timber and plaster wall exposed. Despite this, the barns are of historic and architectural significance, and contribute positively to the setting and understanding of the farmhouse. It is important that they are found a use that facilitates their sympathetic repair.

However it is important that this is achieved in a way which does not compromise their historic integrity or the setting of the listed farmhouses or rural setting. The yard also contains a number of important features such as pennant stone setts, paving flags and gate piers.

- 5.9 The NPPF is clear that all applications should be able to demonstrate the impact of planning proposals on the significance of heritage assets. In the case of change of use such as a barn conversion, it is necessary to understand how the fabric of the building will be altered to facilitate the new use. No structural engineers report or building survey originally accompanied the application, however this was submitted at the request of officers in December 2016. The structural report recommends the complete replacement of the roof of barn A, and all but the frames of the roof of barn B, with extensive repairs required to barns C & D. It is to be expected that all of the buildings will require a quite significant amount of repair works due to their poor condition, however in line with best conservation practice, repairs should always seek to preserve as much historic fabric as possible. Officers consider that the recommendation to replace the roof of barns A and B has been made from the perspective that it would be the easiest and cheaper option, rather than taking into account the significance of the building and considering other options. The level of works proposed is considered to have a harmful impact on the architectural and historic significance of the curtilage listed barns and insufficient information has been submitted to justify the level of works proposed. Once all the options have been fully explored, the findings of a more detailed structural survey should be used to inform a revised Statement of Significance, in accordance with the NPPF.
- 5.10 As well as reduction in the number of units from five to four, a number of changes to the detailing was also requested, and amendments received on 14th December 2016. This included a reduction in the number of roof lights on barn A, and a number of changes to the fenestration of the barns which is welcomed. Conversion of historic barns should be contained to the historic areas of the building, and officers requested that modern, unsightly extensions are removed and should not be incorporated into the new use. These changes have not been forthcoming, and indeed the modern addition to proposed unit D has now been shown as a car port, which appears incongruous within the site and jars with the historic use and character. Given the scale of repairs that are likely to be required following the submission of the revised structural assessment, a very sensitive conversion is necessary to prevent harm to the listed building. It is therefore considered that the scheme as proposed has a harmful impact on the historic character and integrity of the curtilage listed barns due to the extent of structural works proposed, and this is not outweighed by the removal of modern elements from the scheme.
- 5.11 The proposed access removes a section of stone walling which is also curtilage listed in association with the farmhouse. Its removal has a negative impact on the setting of the listed building, however officers consider that this is likely to be outweighed by the sensitive restoration of the barns into their optimum, viable use. As previously mentioned however, the retention of the modern additions as part of the conversion do not represent a sympathetic conversion and therefore the development is not considered to accord with policy CS9 of

the Core Strategy, policy L13 of the Local Plan and the National Planning Policy Framework

5.12 Transport

Whilst outside of the settlement boundary, the application site is directly adjacent to the East Bristol Fringe urban area and therefore is concluded to be a sustainable location. The existing cobbled access into the courtyard is to be retained. This entrance is single width and the visibility splays from the access onto the public highway is restricted. The applicant is proposing an additional access so that vehicular movements from the existing, sub-standard access are kept to a minimum, which is facilitated by the removal of a large section of stone walling. This allowed for the very lowest permissible visibility splays for this type of highway (2.4 metres by 20 metres). Following objections from the listed building officer and the landscape officer regarding the removal of the wall, amendments have been received showing a smaller access in its place, with more of the wall to be retained. This has reduced visibility further, and the Transport officer considers the revised plans to show an unsafe access, contrary to the standards set out in Manual for Streets and contrary to policy T12 of the Local Plan and policy CS8 of the Core Strategy.

- 5.13 In terms of parking, it is considered that adequate parking has been shown given the number of units proposed. Three of the units have a capacity of two bedrooms, and one of the units will have three bedrooms. This totals a requirement of 5.5 parking spaces to accord with the Residential Parking Standards SPD. Seven spaces have been shown and so this is acceptable. The three spaces shown within the existing courtyard are marginally too narrow, although given their location within the courtyard there is space to increase them if a condition were to be applied requiring alternative parking details to be agreed.

5.14 Residential Amenity

One of the bedrooms in unit B is only served by roof lights, however this can be used as a secondary bedroom because the unit also has a master bedroom which is served by a large window with a good outlook. All other principal rooms are served by at least one window of an adequate size or a number of narrow windows and a roof light to ensure suitable lighting. In terms of amenity space, units C and D will use existing small courtyards enclosed by stone walls as residential curtilage. Unit B has access to a small side garden and unit A will not have any enclosed amenity space, but will be able to utilise part of the courtyard for sitting out, drying clothes etc. None of the spaces proposed are private and all fall significantly short of the minimum amenity space standards detailed in emerging policy PSP43 of the Policies Sites and Places Development Plan Document. This policy has been through examination and carries moderate weight, and whilst it is not yet adopted, the lack of private amenity space will weigh against the proposal when considering the planning balance, although given the emerging status of the policy it is unlikely to form a refusal reason on its own.

- 5.15 Neighbours have raised objections regarding overlooking. The distance between the windows facing onto Castle Farm Road and the properties opposite is considered to be sufficient and will not cause loss of privacy to a level that is detrimental to residential amenity. There is a facing window on the north-west elevation of Castle Inn Farmhouse, however this is set back within the site so that the angle between the windows of Unit A will prevent inter-visibility. It is not considered that any neighbouring properties will be negatively affected.
- 5.16 Ecology
The application includes the results of a building inspection and two emergence surveys by TREcS, dated June 2016. The building inspection identified Barn A as having low bat roost potential and Barn B as having medium bat roost potential. Suitable roosting features included enclosed wall tops, deep cracks and crevices in the stonework. It is considered that the mitigating measures would allow the application to pass the three European Protected Species licensing tests and that consequently there are no ecological constraints to granting planning permission. This is subject to a condition ensuring the recommendations of the TREcS report are adhered to, and that prior to commencement of development details of artificial nesting sites for bats and swallows are submitted for approval, in order to secure ecological enhancement from the development.
- 5.17 Planning Balance
South Gloucestershire Council's 2016 Authority's Monitoring Report published the five year housing land supply figure for the district, concluding that the Council does not currently have a five year housing land supply and therefore paragraph 49 of the NPPF is currently engaged. Housing applications should be considered in the context of the presumption in favour of sustainable development, and that the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal will add 4 no. units of two or three bedrooms to the housing supply in a sustainable location adjacent to the urban area of South Gloucestershire, whilst bringing back into use two grade II curtilage listed buildings.
- 5.18 Weighing against the proposal is the level of works proposed, which are considered to have a harmful impact on the architectural and historic significance of the curtilage listed barns and insufficient information has been submitted to justify the level of works proposed. The retention of modern structures within the site only causes further harm, as does the partial removal of the curtilage listed wall. Officers consider that this represents less than substantial harm with regards to paragraph 134 of the NPPF, and therefore the harm should be weighed against the public benefits of the proposal. Whilst the re-use of the building for residential units would represent the optimum viable use, the public benefits are considered to be limited due to the small contribution to the housing supply that would be made, as well as the lack of private amenity space for the units, and the harm caused to the landscape by creating access through the paddock to the north.

Furthermore, the revised plans show the units to be accessed by 2 no. substandard accesses, one existing and one proposed, causing severe highway safety concerns consistent with the test in paragraph 32 of the NPPF.

- 5.19 Overall, the harm identified above is considered to represent significant and demonstrable harm as described by paragraph 14 of the NPPF, which outweighs the benefits of the scheme.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is **REFUSED** for the reasons on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

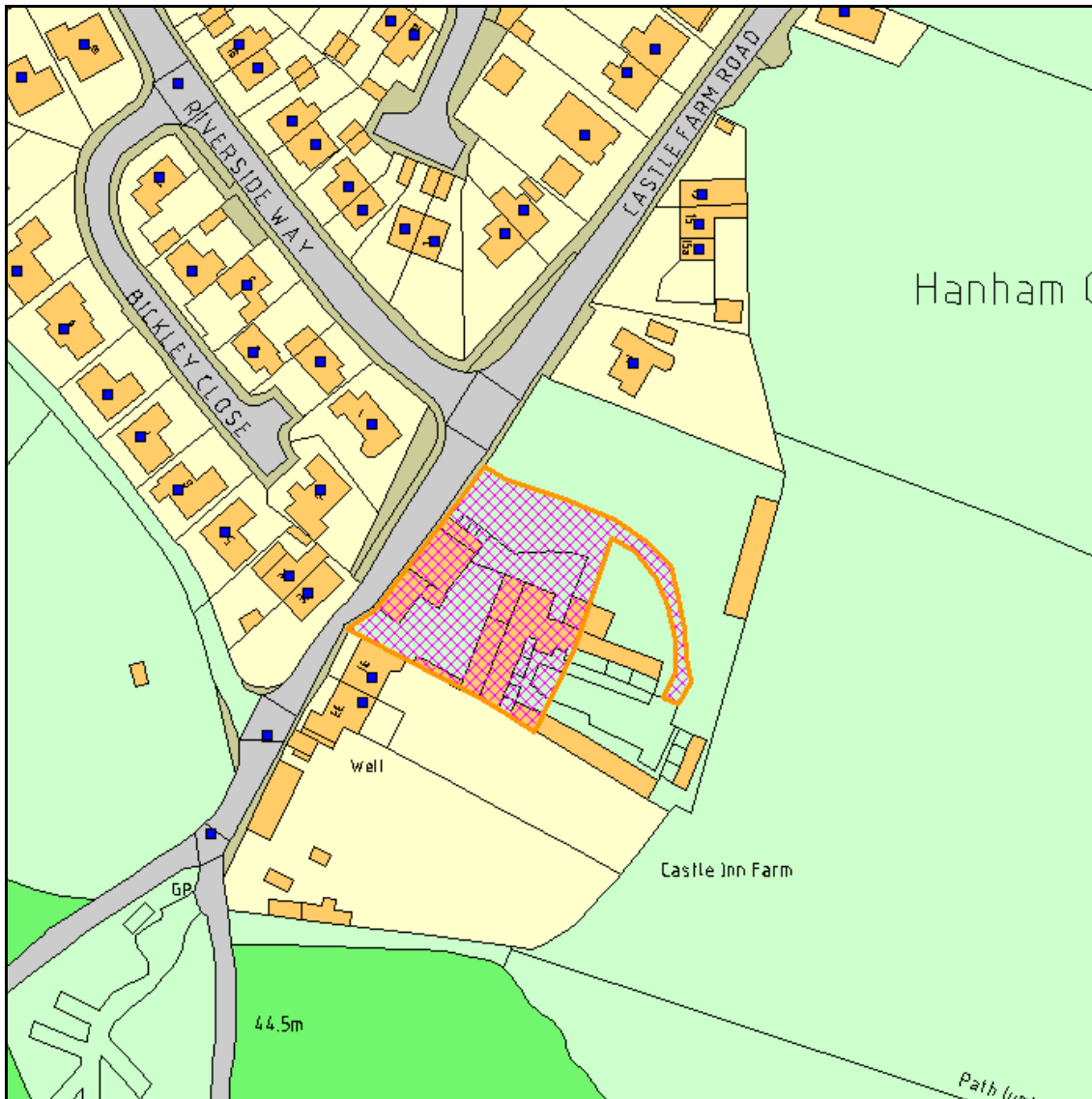
REFUSAL REASONS

1. The application relates to curtilage listed barns at Castle Inn Farmhouse, a grade II listed building. The development affects the setting of this listed building and adjacent grade II listed West Hanham House. The proposed development would harm the architectural and historic significance of the curtilage listed barns and the setting of the listed buildings, contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policy L13 of the Adopted Local Plan and CS9 of the Core Strategy.
2. The creation of the new access and the loss of the traditional pennant stone wall in the paddock would, if approved, remove an important landscape feature identified within the South Gloucestershire Landscape Character Assessment for LCA 16, remove a buffer between urban and rural areas and would have a negative impact on the openness of the Green Belt. This is contrary to policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006. policy CS5 and CS34 of the Core Strategy (Adopted) December 2013, the National Planning Policy Framework and the Development in the Green Belt SPD.

3. The proposed new access has limited visibility splays of 2 metres by 20 metres which does not confirm to the standards set out in the Manual for Streets. This is detrimental to highway safety and would be contrary to policy Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (December 2013) and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK16/5029/LB	Applicant:	Mr And Mrs C Salter
Site:	Castle Inn Farm 31 Castle Farm Road Hanham Bristol South Gloucestershire BS15 3NJ	Date Reg:	20th September 2016
Proposal:	Conversion of 2no barns to form 4 no dwellings with associated works and access. Demolition of adjoining outbuildings	Parish:	Hanham Abbots Parish Council
Map Ref:	364053 170761	Ward:	Hanham
Application Category:	Minor	Target Date:	2nd November 2016



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REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following letters of support which appear on the associated application for full planning permission (PK16/5028/F). This application for listed building consent has also been submitted to the Circulated Schedule in the interests of clarity.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent to convert 2 no. barns to form 4 no. dwellings with associated works at Castle Inn Farm, 31 Castle Farm Road, Hanham.
- 1.2 The buildings are curtilage listed in association with the grade II listed Castle Inn Farmhouse. The farmhouse is attached to another grade II listed property known as West Hanham House.
- 1.3 Amendments have been sought during the course of the application, including reducing the number of units proposed from 5 dwellings to 4 dwellings. A period of re-consultation was carried out.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plan

South Gloucestershire Local Plan (Adopted) January 2006
L13 Listed Buildings

South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5028/F Pending Consideration
Conversion of 2no barns to form 4 no dwellings with associated works and access. Demolition of adjoining outbuildings.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Object to Green Belt being used for car parking and demolition of part of the wall to make access. Concerns about access and egress from the site and bats may be nesting in the barns.

4.2 Other Consultees

Hanham District Green Belt Preservation Society

Object to Green Belt being used for car parking and demolition of part of the wall to make access.

Listed Building Officer

Objection due to overdevelopment and insufficient information regarding structural works required.

Council for British Archaeology

None received.

Georgian Group

None received.

Twentieth Century Society

None received.

Society for the Protection of Ancient Buildings

Objection due to intensification of subdivision.

Victorian Society

None received.

Ancient Monuments Society

None received.

Other Representations

4.3 Local Residents

Two letters of objection have been received from a local neighbour stating the following:

- The NW elevation of Barn A looks into almost every room of 4 Bickley Close, as well as the garden
- This issue could be resolved by fitting obscure glazing into this window

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

5.2 Consideration of Proposal

Castle Inn Farmhouse is the older of the pair of attached houses, dating from the eighteenth century. Both houses are built in a gentrified style of the local vernacular, distinguished from the agricultural barn and stable buildings by their rendered facades and polite detailing. Both are slightly set back from the road behind stone forecourt walls. The outbuildings are constructed of coursed random pennant stone, a material which defines the character of the local area.

The main barn is built directly at the back edge of the road and the stable building to the east runs parallel and encloses the farm yard. To the north of the outbuildings and yard is a small field which is bounded from the road by a historic pennant stone wall. This open space and wall form an attractive open setting to the farm complex, and an important rural buffer to the modern housing beyond.

- 5.3 The outbuildings to be converted are in a very poor state of repair. A lack of maintenance has resulted in decay and failure to the timber roof structures, as well as internal floors. The stone walls are suffering from this lack of lateral restraint and proper re-pointing repairs and water ingress. This has led to structural instability in a number of areas. At some time in the past the northern end of the stable range (on the eastern side of the yard) has had its northern end removed and replaced with a modern block structure, leaving an internal timber and plaster wall exposed. Despite this, the barns are of historic and architectural significance, and contribute positively to the setting and understanding of the farmhouse. It is important that they are found a use that facilitates their sympathetic repair. However it is important that this is achieved in a way which does not compromise their historic integrity or the setting of the listed farmhouses or rural setting. The yard also contains a number of important features such as pennant stone setts, paving flags and gate piers.
- 5.4 The NPPF is clear that all applications should be able to demonstrate the impact of planning proposals on the significance of heritage assets. In the case of change of use such as a barn conversion, it is necessary to understand how the fabric of the building will be altered to facilitate the new use. No structural engineers report or building survey originally accompanied the application, however this was submitted at the request of officers. The structural report recommends the complete replacement of the roof of barn A, and all but the frames of the roof of barn B, with extensive repairs required to barns C & D. It is to be expected that all of the buildings will require a quite significant amount of repair works due to their poor condition, however in line with best conservation practice, repairs should always seek to preserve as much historic fabric as possible. Officers consider that the recommendation to replace the roof of barns A and B has been made from the perspective that it would be the easiest and cheaper option, rather than taking into account the significance of the building and considering other options. The level of works proposed is considered to have a harmful impact on the architectural and historic significance of the curtilage listed barns and insufficient information has been submitted to justify the level of works proposed. Once all the options have been fully explored, the findings of a more detailed structural survey should be used to inform a revised Statement of Significance, in accordance with the NPPF.
- 5.5 As well as reduction in the number of units from five to four, a number of changes to the detailing was also requested, and amendments received on 14th December 2016. This included a reduction in the number of roof lights on barn A, and a number of changes to the fenestration of the barns which is welcomed. Conversion of historic barns should be contained to the historic areas of the building, and officers requested that modern, unsightly extensions are removed and should not be incorporated into the new use.

These changes have not been forthcoming, and indeed the modern addition to proposed unit D has now been shown as a car port, which appears incongruous within the site and jars with the historic use and character. Given the scale of repairs that are likely to be required following the submission of the revised structural assessment, a very sensitive conversion is necessary to prevent harm to the listed building. It is therefore considered that the scheme as proposed has a harmful impact on the historic character and integrity of the curtilage listed barns due to the extent of structural works proposed, and this is not outweighed by the removal of modern elements from the scheme. The development is therefore not considered to accord with sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS9 of the Core Strategy, policy L13 of the Local Plan and the National Planning Policy Framework.

5.6 Other Issues

Comments regarding residential amenity issues have been submitted by a neighbour however these will be addressed under the associated application for full planning permission.

6. CONCLUSION

6.1 The recommendation to refuse Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained within the National Planning Policy Framework.

7. RECOMMENDATION

7.1 That listed building consent is **REFUSED**.

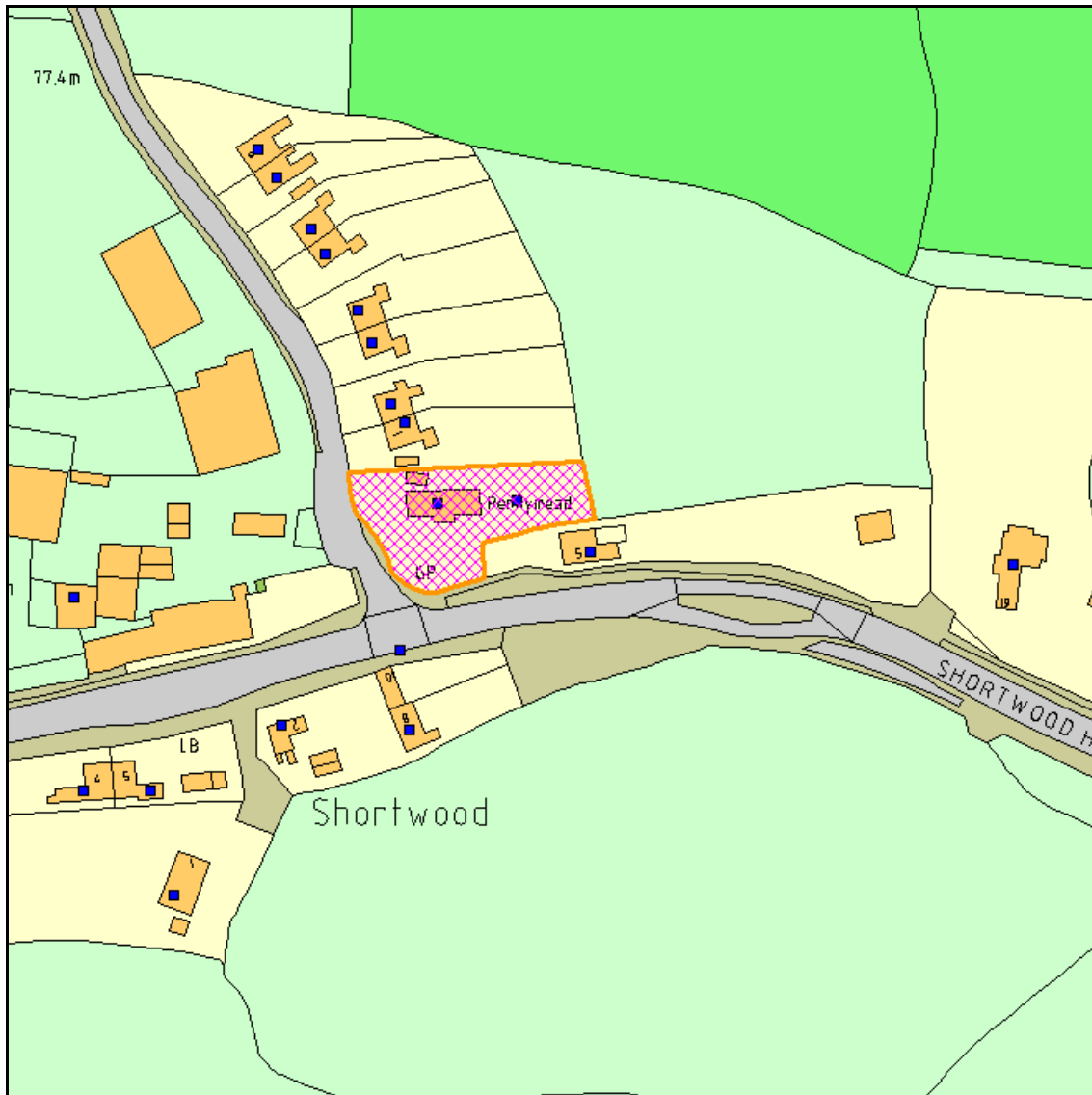
Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. The application relates to curtilage listed barns at Castle Inn Farmhouse, a grade II listed building. The proposed development would harm the architectural and historic significance of the curtilage listed barns, contrary to sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK16/6151/F	Applicant:	Mr M Drew
Site:	Pennymead Cattybrook Road Mangotsfield Bristol South Gloucestershire BS16 9NJ	Date Reg:	14th November 2016
Proposal:	Erection of mobile home for use as residential annexe. (Retrospective).	Parish:	Pucklechurch Parish Council
Map Ref:	367767 176097	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	6th January 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of an objection from the Parish Council and local resident, contrary to the Planning Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the erection of 1no. mobile home for use as a residential annexe. The application seeks retrospective planning permission for the retention of a mobile home sited in the rear garden of the residential property called Pennymeads. The mobile home was originally used for ancillary accommodation by the property owners during the construction of the new approved dwelling that is due to be completed in the summer. During the application process the applicant has clarified that the mobile home is to be used by the owner's elderly parents. Further to this more information has been submitted in the form of medical records and a statement from the owner's parents GP in support of the application.
- 1.2 The application site is located on Shortwood Hill. The site is outside any development boundary and is therefore in the open countryside. The site also lies within the Bristol and Bath Green Belt. Pennymead is a detached house set within large garden area and alongside 4 pairs of semi-detached dwellings within Cattybrook Road.
- 1.3 The site was previously a bungalow, which has since been demolished and redeveloped into a detached modern dwelling has been erected (Ref. PK11/1342/F). The site has been the subject of numerous planning applications since 2009 in relation to the demolition of the existing bungalow and replacement dwelling and subject to design changes.
- 1.4 The site has a long planning history, which is outlined in section 3.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages

T12 Transportation

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1959/F Erection of 1No. detached dwelling with associated works. Amendment to previous scheme. **Approved 15.07.2014**
- 3.2 PK14/0638/F Demolition of existing bungalow and erection of 1No. detached dwelling with associated works. Amendment to previously Approved scheme PK11/1342/F.
Withdrawn 15.04.14
- 3.3 PK12/1286/F Demolition of existing bungalow to facilitate the erection of 1no. detached dwelling with associated works.
Refused 29.05.12
- 3.4 PK11/2313/F Change of use of land from agricultural to land for the keeping of horses. Erection of stable and tack room. **Approved 30.09.11**
- 3.5 PK11/1342/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works. (Resubmission of PK10/2374/F).
Approved 17.06.11
- 3.6 PK10/2374/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works. (Resubmission of PK10/0959/F).
Withdrawn 26.10.10
- 3.7 PK10/0959/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works. (Resubmission of PK09/5942/F).
Withdrawn 26.06.10
- 3.8 PK09/5942/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.
Withdrawn 18.01.10

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council.

Object over development of site that has had its permitted development rights removed. Inappropriate development within the Green Belt and no Very Special Circumstances have been offered.

- 4.2 Transportation

No objection

Other Representations

4.3 Local Residents

One objection that this is development by stealth.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.2 Policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 states that in the open countryside, new development will be strictly limited. It further states that "other proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant local plan policies in the Core Strategy".

5.2 The National Planning Policy Framework (2012) establishes Green Belt policy, to which the government attaches great importance. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

5.3 The proposal seeks retrospective permission to site 1 mobile home within the Bristol/Bath Green Belt. The NPPF defines the protection of the Green Belt by reference to two closed lists identifying development considered appropriate (para.89 and 90); if development is not within those lists it is to be considered as inappropriate. The siting of a mobile home is not within the list and is therefore considered inappropriate development in the Green Belt.

5.4 The NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is to be given to any harm (inappropriateness or other) in the Green Belt and as such, any very special circumstances must clearly outweigh this harm before an application can be recommended for approval

5.5 The Government attaches great importance to Green Belts, National Planning Policy is established by the NPPF which seeks to prevent urban sprawl by keeping land permanently open and asserts that the essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes, one of which is to safeguard the countryside from encroachment.

5.6 The site is within the open countryside outside any settlement boundary although the property is sited amongst a number of other residential developments along Cattybrook Road. When permission was granted for the replacement dwelling the permitted development rights were withdrawn via condition to enable any future development to be monitored. The mobile home has been sited within the large rear garden area of the property known as Pennymead. Furthermore the mobile home has been sited to benefit from screening from the large wooden fence with mature trees and hedgerow that run along the boundary of the rear garden of the property to mitigate the impact

of the development on the openness of the Green Belt. These trees and hedgerow are also protected via condition to protect the character of the area and afford

- 5.7 The development is inappropriate development in the Green Belt and has an impact on the openness of the Green Belt, albeit to a limited weight, such that it is contrary to the NPPF and it will fall to the Council to consider whether there are very special circumstances to outweigh this harm to the Green Belt.

6 Design

- 6.1 The mobile home is constructed of good quality materials with a treated timber finish and tiled roof. It is well sited within the large rear garden of Pennymead and respects the character, distinctiveness and amenity of the site. The overall scale and design of the mobile home is considered acceptable and in accordance with Policy CS1 High Quality Design contained within South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

7 Residential Amenity

- 7.1 The mobile home is sited on the boundary with the adjacent property 5 Shortwood Hill. The mobile home is well screened by a large wooden fence and a mature hedgerow on the boundary and is considered not to impact on the amenity of the adjoining property. The rear garden of Pennymead is large and the retention of the mobile home would still provide adequate private amenity space for both the main dwelling and occupants of the mobile home. The development is considered to accord with Policy CS1 High Quality Design contained within South Gloucestershire Local Plan Core Strategy (adopted Dec 2013) and with saved Policy H4 Development within Existing Residential Curtilages of the South Gloucestershire Local Plan (adopted January 2006).

8 Transportation

- 8.1 No objections have been received on transportation grounds. The property has ample off street parking with parking spaces to both the front of the house and with a large side access giving more parking spaces to the rear of the property.

9 Very Special Circumstances

- 9.1 The applicant has submitted details that the mobile home is to be occupied by the elderly parents of the owner of Pennymeads. At present both parents are octogenarians and in poor health. Both parents have recently returned home from extended hospital stays and are at present receiving carer visits three times a day, although these visits are for care all general activities such as cooking and cleaning are carried out by family members. This has put a strain on the family due to pressure of work and other family commitments. The proposal is to use the existing mobile home on site for the permanent occupation of the owner's elderly parents and so care would be permanently and readily available.

- 9.2 Medical evidence has been submitted to the Council that substantiates the poor health of both parents. The applicant has provided the Council with a detailed GP reports containing both parents complex medical history and confirming there poor state of health.
- 9.3 For the above reasons I consider that that the retention of the mobile home for the use of the owners elderly parents amount to very special circumstances that would justify the proposal. The development although by definition inappropriate development causes limited impact on the openness of the Green Belt and the Very Special Circumstances put forward are considered sufficient to outweigh this harm. An appropriate condition that restricts the use of the mobile home to the owner's parents will be attached to the permission to ensure that when the mobile home ceases to be occupied by the parents it would be permanently removed from the site to protect the openness of the Green Belt.

10. CONCLUSION

- 10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 10.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

11. RECOMMENDATION

- 11.1 That planning permission is granted subject to conditions attached to the decision notice.

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CONDITIONS

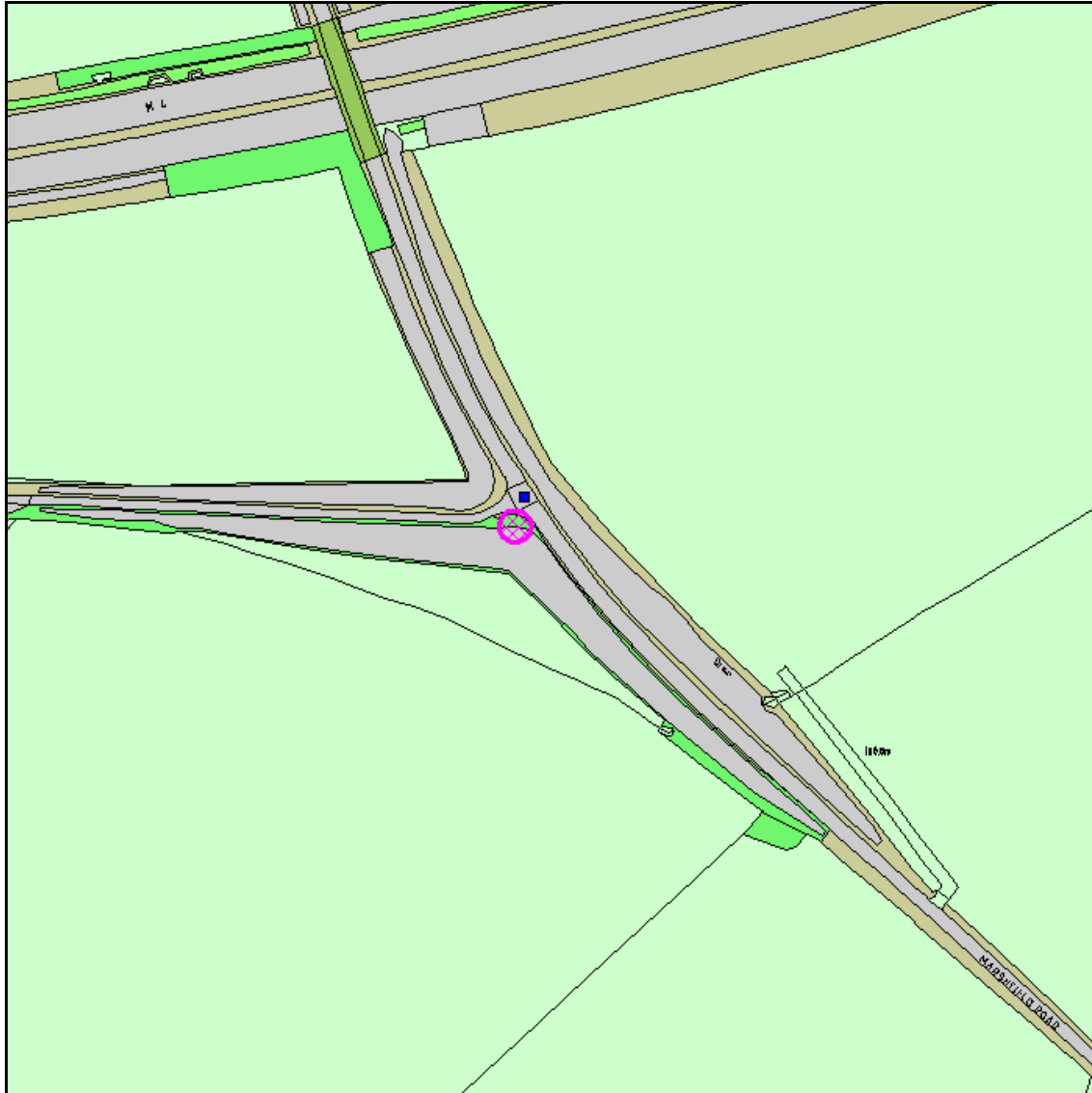
1. When the mobile home ceases to be occupied by Mr David Drew or Mrs Shirley Drew the mobile home approved by this permission shall be removed from the site and the land restored to its former condition.

Reason

The permission has been granted solely having regard to the very special circumstances of the case and use of the mobile home not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in regard to the NPPF ,Development Plan, Green Belt Policy and any other material considerations.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK16/6652/ADV	Applicant:	D2SN Steel Fabrication
Site:	Land Adjacent To Lower Lapdown Farm Lapdown Lane Tormarton Badminton South Gloucestershire GL9 1JE	Date Reg:	16th December 2016
Proposal:	Display of 1no. non-illuminated post mounted sign.	Parish:	Tormarton Parish Council
Map Ref:	376808 178013	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	7th February 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted onto the Circulated Schedule as a result of receiving an objection.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for 1No. non-illuminated post mounted sign.
- 1.2 The application site lies within Tormarton and is considered a part of an Area of Outstanding Natural Beauty. Its exact location is at the entrance of Lapdown Lane, off Marshfield Road.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
L2 Cotswolds Area of Outstanding Natural Beauty (AONB)
L19 Display of Advertisements

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/6651/F – Proposal for the change of use from B8 (Storage and Distribution) to B2 (Light Industrial) – Pending Consideration
- 3.2 PK05/1055/CLE – Certificate of Lawfulness for an existing use as storage buildings for equipment associated with events and organising - APPROVED

4. CONSULTATION RESPONSES

4.1 Tormarton Parish Council

This application was considered at an extraordinary meeting of the Parish Council held on 3rd January 2017. No objection in principle. The Parish Council feel that the proposed signage could be beneficial in ensuring that heavy traffic is kept away from Tormarton village. However, the signage should be of an appropriate design given its location on the Cotswold Way National Trail and within the Cotswold Area of Outstanding Natural Beauty.

4.2 Other Consultees

Sustainable Transport – Transportation DC
No objection.

Other Representations

4.3 Local Residents

Objections were received from neighbouring residents. Comments included:

- Considering the residential/agricultural character of the area, any signage of this nature would make the area look like an industrial estate and would be wholly inappropriate.
- The sign is not in-keeping with the area and would be seen by people using the Cotswold Way.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulation 2007 states that a local planning authority shall exercise its powers under these Regulations in the interest of amenity and public safety. Considering the National Planning Policy Framework (2012), it states that control over outdoor advertisements should be efficient, effective and simple in concept and operation. The guidance continues by re-iterating the points set out within the Regulations and maintains that advertisements should be controlled in the interests of amenity and public safety, whilst also taking account of any cumulative impacts. These directives are further amplified by the fact that the proposal site lies within an Area of Outstanding Natural Beauty.

5.2 Design and Amenity

Policy CS1 states that development will only be permitted where the highest possible standards of design and site planning are achieved. Development proposals are required to demonstrate that siting, form, scale, height and detailing amongst other things are informed by, respect and enhance the character and amenity of both the site and its context.

It's proposed that the sign be located at the entrance of Lapdown Lane, off Marshfield Road, indicating the location of the proposed steel fabrication business, D2SN (which is the subject of a separate application PK16/6651/F). The sign is simple in design with a modest colour scheme; white background with black Times New Roman font. I do not find the size or style of the lettering to be overbearing. The size of the sign itself is proposed to be 1000mm in length and 300mm in height and it's to be mounted onto metal posts approximately 200mm in height. Again, I believe this is adequate for its purpose and do not find its scale overbearing.

I therefore do not consider that the sign will have an adverse effect on the visual amenity of the area.

5.3 Safety

As evidenced by the consultation reply received from Transportation DC, there are no highway safety issues in relation to this proposal and no other public safety issues arise.

5.4 Other Matters – Consultee Objections / Comments

Comments were received stating that signage of this nature would ultimately result in the immediate area adopting the character of an industrial estate and that it would not be in-keeping with the locality. Considering the modest size of the signage I do not feel that this would be the case. This is a proposal for a single sign indicating the direction to the proposed steel fabrication business D2SN (PK16/6651/F). The Parish Council commented that the sign may be beneficial in ensuring heavy traffic is kept away from Tormarton village.

6. **CONCLUSION**

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

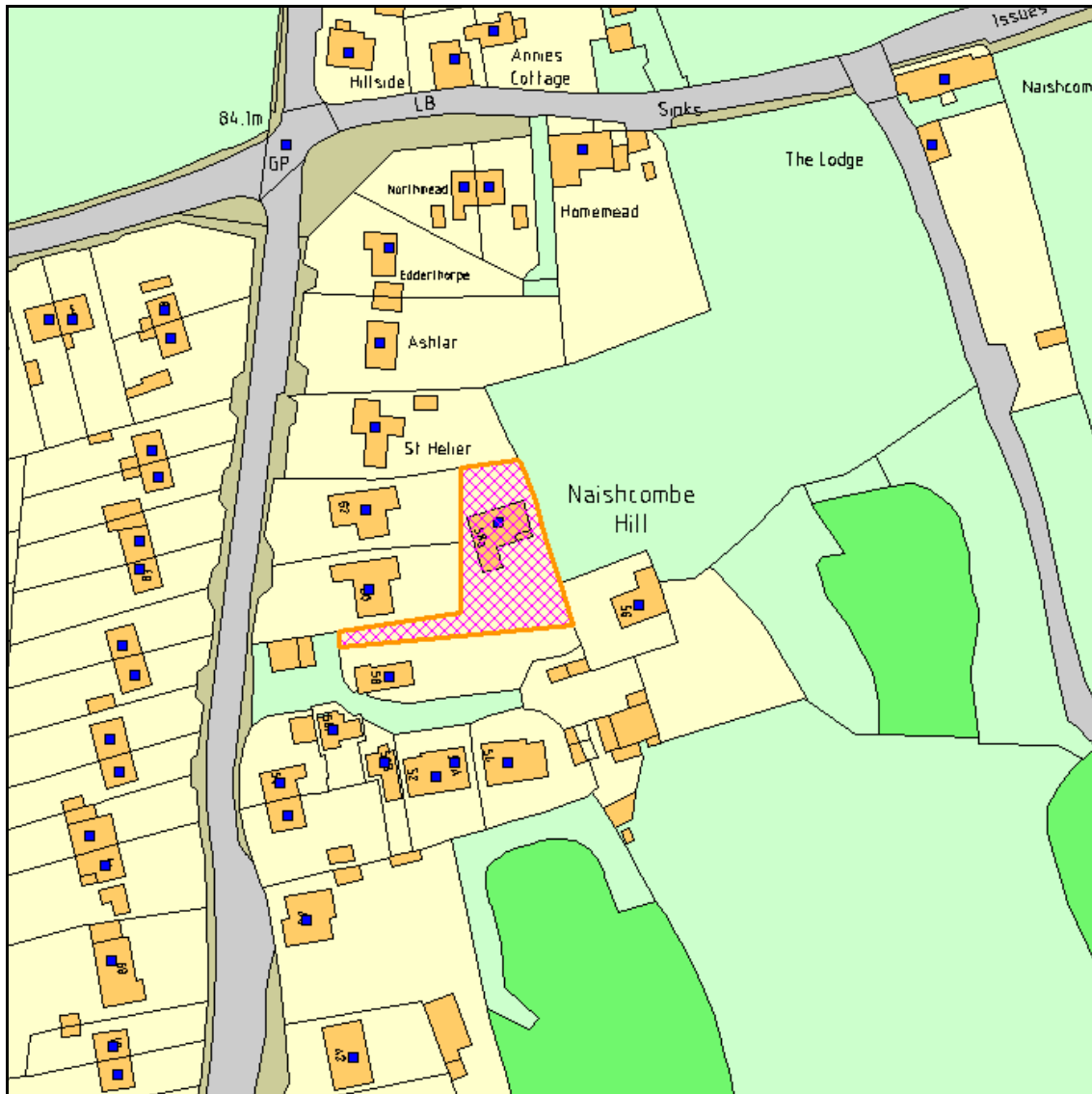
7. **RECOMMENDATION**

7.1 It is recommended that advertisement consent be **GRANTED**.

Contact Officer: Lisa Evans
Tel. No. 01454 863162

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK17/0541/F	Applicant:	Mr And Mrs Duggan
Site:	58A Naishcombe Hill Wick Bristol South Gloucestershire BS30 5QS	Date Reg:	13th February 2017
Proposal:	Erection of a single storey side and two storey rear extension to include roof terrace to form annexe.	Parish:	Wick And Abson Parish Council
Map Ref:	370354 173397	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	6th April 2017



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REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections from local residents which are contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side and two storey rear extension to include a roof terrace to be used as an annex ancillary to the main dwelling, known as 58A Naishcombe Hill, Wick.
- 1.2 The annex will be formed of 2 no. bedrooms, an open plan living, dining and kitchen area and a bathroom. The parking and garden areas will be shared with the main house.
- 1.3 The application site is within the settlement boundary of Wick, which is washed over by the Bristol/Bath Green Belt.
- 1.4 The applicant has submitted amendments during the course of the application to clarify that the car port will be removed. A period of re-consultation was not deemed necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages

South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Extensions within Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
- (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013
 - (c) Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2276 Approve with conditions 09/01/1991
Erection of detached bungalow. Alteration of access to highway (in accordance with submitted plans as revised by amended site plan received by the council on 22nd November 1990).

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No objection.

4.2 Other Consultees

Sustainable Transport
Turning area required.

Tree Officer
No comment received.

Other Representations

- 4.3 Local Residents
Two letters of objection have been received, and have been summarised as follows:
- There is a wall being built right up to the boundary of no. 60 – this will prevent us from maintaining the far side of our fence
 - Pebbledash finish proposed is not in keeping with the area
 - A second dwelling is being created
 - The existing bungalow is single storey, however the extension is two storey and larger. This will be dominating
 - Is there sufficient access for a fire appliance to reach the rear of the building in the event of a fire?
 - Will block daylight from kitchen of no. 62 and overshadow rear garden
 - Roof light will overlook no. 62
 - Amount of built form versus plot size represents overdevelopment.
 - Will have less garden following development
 - Inadequate vehicular access and parking for a new dwelling
 - Additional noise pollution

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 *Green Belt*

The NPPF allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volume on July 1st 1948). The South Gloucestershire 'Development within the Green Belt SPD' states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.3 The majority of the bungalow as existing is considered to be original, with the exception of the lean-to car port which did not form part of the original application. Officers have calculated that the extension will represent an increase of approximately 42% over and above the existing bungalow, and is therefore not considered to be disproportionate, subject to a careful assessment on the impact of openness. As the site is situated within the settlement boundary of Wick, within residential curtilage, the impact on the openness of the Green Belt will be minimal. The principle of development is therefore acceptable in Green Belt terms.

5.4 Design

A gable is proposed to extend at ridge height to the rear of the property, at a perpendicular angle to the existing gable. A large dormer style opening in the roof will provide a small roof terrace, and a single storey side extension with a flat roof and a roof lantern will provide a separate access to the annex. Objections have raised concerns that the proposal represents overdevelopment due to the lack of garden space that will remain, however the property benefits from a large private front garden which is accessible from the existing veranda. It is noted that the proposal is for a two storey extension to a single storey bungalow, however the second storey is facilitated by a dormer window and the ridge height proposed will not exceed the existing, and so it is not considered that the height or layout represents overdevelopment.

5.5 Another issue raised during the consultation process was the use of a render finish for the extension rather than bradstone. As the extension will not be particularly visible from the public realm, it is not considered that an objection could be maintained on this basis.

A condition on the decision notice will ensure that the roof tiles match the appearance of the existing tiles to ensure that there is a sense of cohesion. Subject to this, the development is acceptable in terms of policy CS1 of the Core Strategy.

5.6 Annex Test

By definition an annex must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it, and the consultation responses have raised concerns that the proposal is for a separate dwelling. In this case the proposed annex does contain elements associated with independent living accommodation i.e. bedrooms, kitchen, living room and bathroom. It is, however, acknowledged that the parking and amenity space would be shared, and there is an internal door proposed between the existing and proposed accommodation. It is therefore overall, considered to meet the criteria of an annex. However, it is usual for a condition to be attached to the decision notice stating that the use of the annex must be ancillary to the main dwelling and that it cannot be used independently of that dwelling. This will prevent the unit being subdivided without being re-assessed through a further planning application.

5.7 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. As the proposal is around 16 metres away from the closest dwelling to the west with an eaves height of only 2.7 metres, the proposal will not have a significant overbearing or overshadowing impact on any neighbouring properties. There may be some slight overshadowing to the rear garden of no. 62 in the morning, and the end of the garden to the property known as 'St Helier' to the north, however this will not be significantly different to the extant situation, and the overshadowing caused by the existing bungalow. The only second floor window faces across the open countryside to the east, and the rooflights proposed will not cause overlooking due to their height and angle. Overall, the development is unlikely to have a detrimental impact on the amenities of any neighbouring occupiers.

5.8 Turning to the amenities of the application site, a large section of rear garden is to be removed, leaving a terrace area of approximately 30 square metres. This property is unusual however as it has a large area of front garden accessed via the veranda, of which officers estimate in excess of 50 square metres of is private. Both the terrace and this area of front garden can be accessed by users of the annex and the main house. Therefore the development is considered to provide adequate amenity space and accords with emerging policy PSP43 of the Policies Sites and Places Development Plan Document (Submission Draft) June 2016.

5.9 Transport

During the course of the application, the Transport officer raised concerns that unless the existing car port was removed, there would be insufficient space to turn on site. The applicant has submitted amended plans to show that the car port is proposed for removal, allowing for 3 no. off-street parking spaces and a turning head.

This is in excess of the parking requirements for a four bedroom property and is therefore meets the Residential Parking Standards SPD. A condition on the decision notice will ensure that the removal of the car port and the implementation of the additional parking space takes place prior to occupation of the annex.

5.10 Other Issues

An objection comment has raised concerns that the close proximity of the built form proposed to the west boundary will prevent the neighbour from accessing the far side of the fence for maintenance. Certificate B has been served as part of the application as the land is under the ownership of the occupier of no. 58 to the south-west, but the serving of this notice does not relate to the western boundary, where there is no encroachment proposed. The applicant will be reminded that they need the consent of the land owner to carry out works on land outside of their ownership by means of an informative on the decision notice, however this is a civil issue and has been given limited weight in the determination of the application.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

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 requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The roof tiles to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 58A Naishcombe Hill.

Reason

To prevent subdivision of the plot, in accordance with policy CS1, CS8 of the Core Strategy, and policy H4 and T12 of the Local Plan, and the National Planning Policy Framework.

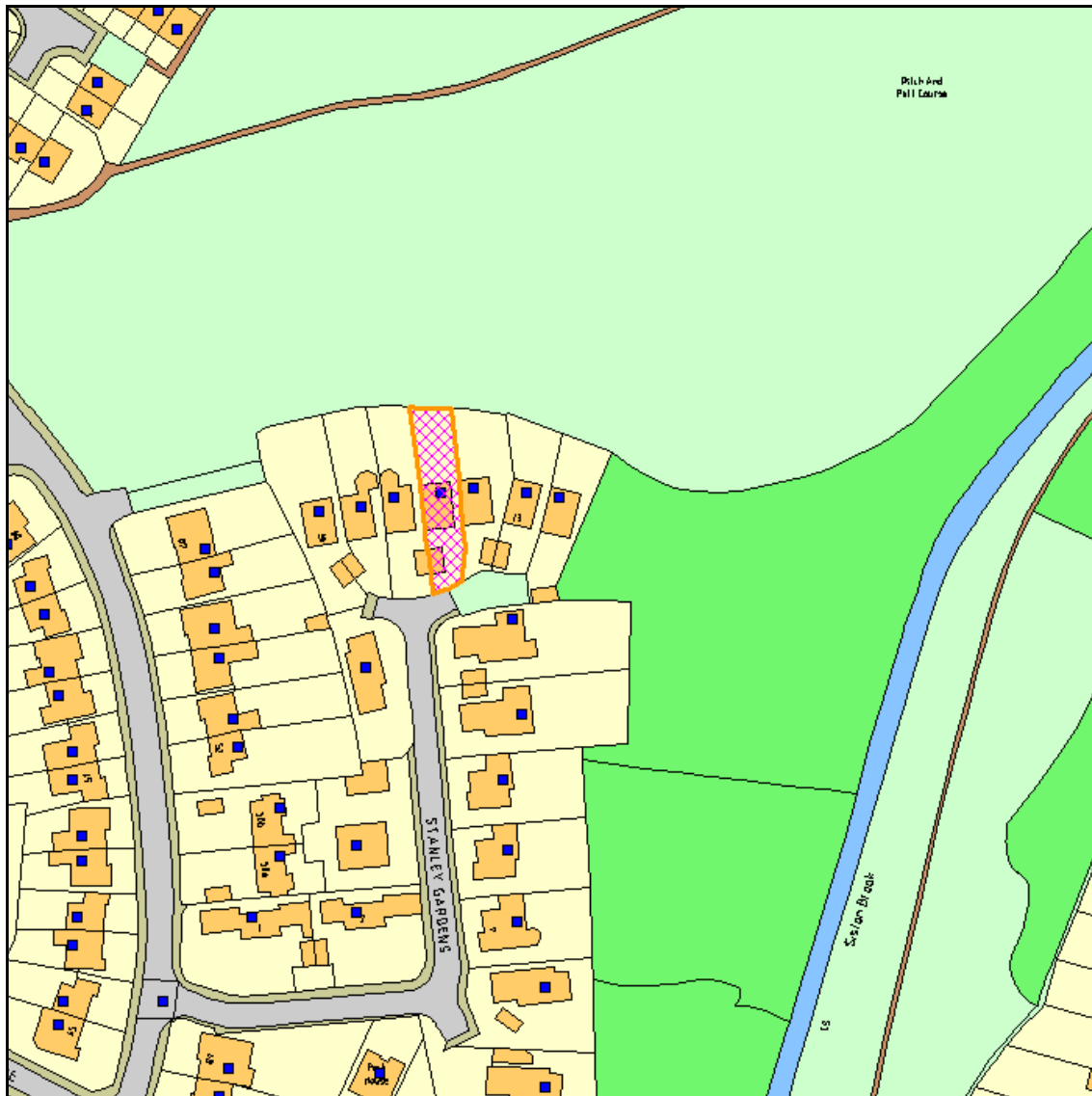
4. The off-street parking facilities and turning area shown on the plan hereby approved (676/17/01 Rev B) shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK17/0581/CLP	Applicant:	Mr Oliver Francis
Site:	15 Stanley Gardens Oldland Common Bristol South Gloucestershire BS30 9PZ	Date Reg:	14th February 2017
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension	Parish:	Oldland Parish Council
Map Ref:	366727 171801	Ward:	Oldland Common
Application Category:	Certificate of Lawfulness	Target Date:	7th April 2017



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 100023410, 2008. **N.T.S.** **PK17/0581/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 15 Stanley Gardens, Oldland Common would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 Site history indicates there is a restriction to the properties permitted development rights but this only relates to new forms of enclosure forward of the principal elevations of properties and abutting open green space. This restriction does not control the proposed extension.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the GPDO.

3. RELEVANT PLANNING HISTORY

- 3.1 K2303/3 – Refusal – 17/06/1981 – Erection of 15 dwellinghouses on approx. 1.8 metres (approx. 0.75 Ha)
- 3.2 K2303/4 – Approval – 07/12/1981 – Erection of 12 houses with associated garages, roads and footpaths
- 3.3 K2303/5 – Approval – 15/03/1982 – Erection of 9 dwellinghouses and 7 bungalows. Construction of associated garages, parking spaces, roads and footpaths on approx 1.75 acres (0.71 ha)
- 3.4 K2303/8 – Approval – 05/09/1985 – Residential Development of 7 units.
- 3.5 K5436 – Refusal – 22/05/1987 – Change of existing 3 ft fence to 6 ft fence panels.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No Objection

Bitton Parish Council
No Comments Received

4.2 Other Consultees
None Received

Other Representations

4.3 Local Residents
No Comments Received

This application is for a certificate of lawfulness is an evidential test to establish whether the proposed development is lawful according to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A and there is no consideration of planning merit. If the facts presented indicate the proposal accords with the aforementioned Class, the Local Planning Authority must grant a certificate confirming the proposed development is lawful.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

5.3 The proposed development consists of a single storey extension to the rear of the property. This development would fall within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse provided it meets the criteria detailed below:

A.1 Development is not permitted by Class A if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

(b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties curtilage.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the extension would not exceed the height of the existing dwellinghouse.

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the rear extension would not exceed the height of the eaves to the existing dwellinghouse.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which—

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not project beyond a wall which forms the principal elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

(f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The development does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres nor does it exceed 4 metres in height.

(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension proposed is a single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would be within 2 metres of the boundary, and the height of the eaves is below 3 metres.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;

The proposal does not extend beyond the side elevation of the dwellinghouse.

- (k) It would consist of or include—**
- (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed plans indicate that the proposal will be finished with brickwork and roof tiles to match existing. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and**
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not Applicable.

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not Applicable.

6. RECOMMENDATION

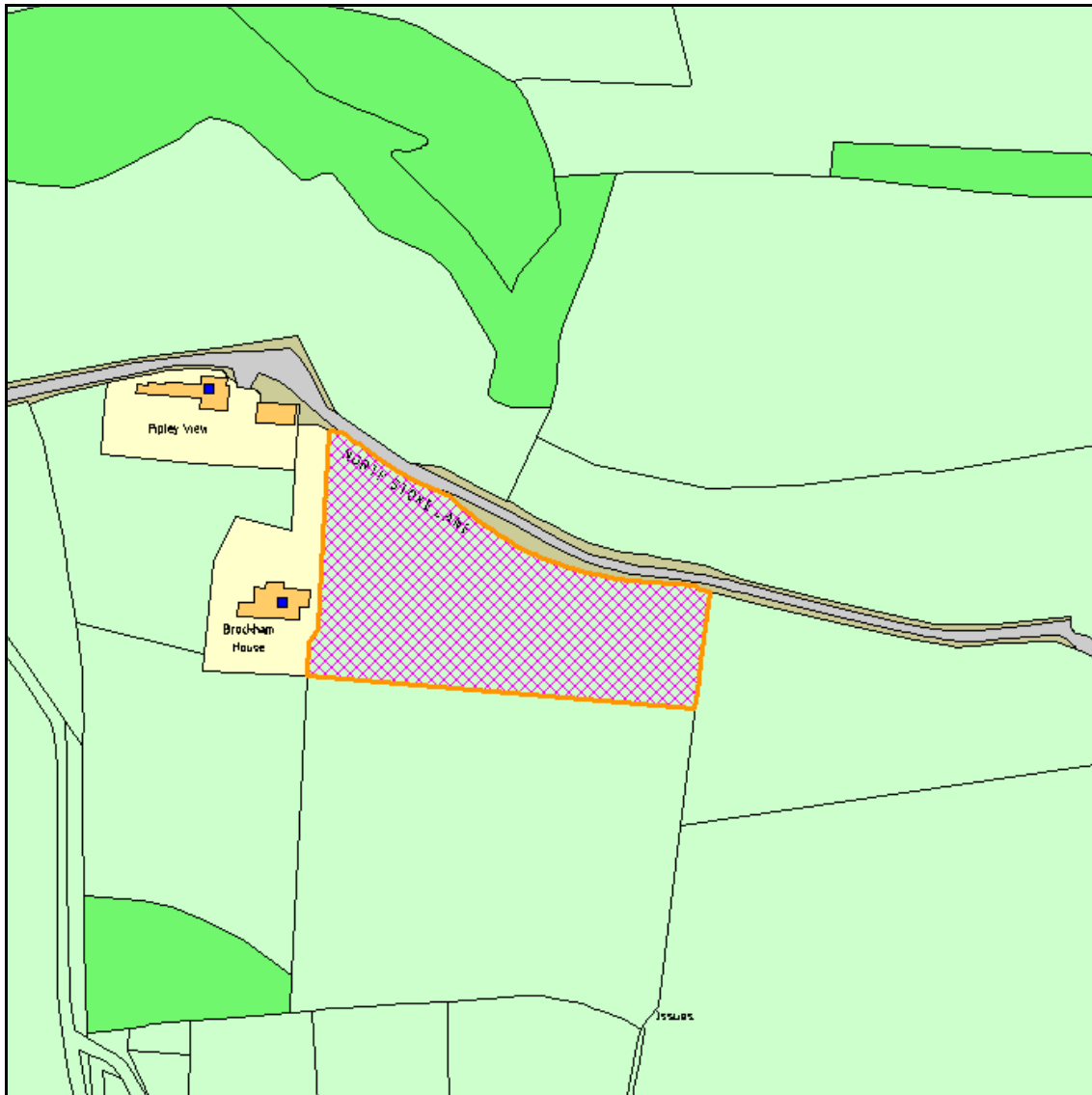
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would, on the balance of probabilities, fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK17/0689/F	Applicant:	Mr & Mrs Stephen And Daniella Fowler
Site:	Brockham House North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Date Reg:	21st February 2017
Proposal:	Erection of stable block and store (amendment to previously approved scheme PK15/2883/F)	Parish:	Bitton Parish Council
Map Ref:	369619 169682	Ward:	Bitton
Application Category:	Minor	Target Date:	17th April 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule as comments of objection have been received.

It should also be noted that the previous application on this site (PK15/2883/F), of which this is an amendment, was referred to the circulated schedule as it represented a departure from green belt policy. This is discussed in more detail in the main body of the report but is highlighted here for Members' attention.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a stable block and store on land to the east of Brockham House, North Stoke Lane, Upton Cheyney. This application is an amendment to a previously approved scheme (PK15/2883/F) to increase the number of stables by one. The stable block previously permitted has not be erected although from the site visit it is clear that preparatory ground works have been undertaken and therefore it is likely that the original permission has been implemented. This application does not therefore propose to reconsider the change of use of the land. Therefore whilst the original application represented a departure from green belt policy – due to the change of use of the land – this application has a slightly different assessment.
- 1.2 The application site is a field to the east of Brockham House. The field is located outside of any defined settlement in the open countryside. This part of the district falls within both the Bristol and Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 The proposed building consists of a timber single storey building separated into three stables and a feed/bedding store. A manure trailer would be positioned to the east of the building. This is a net increase of one stable over the previously approved scheme.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1	Landscape
L2	Cotswolds Area of Outstanding Natural Beauty
T12	Transportation
E10	Horse Related Development
LC5	Provision of Outdoor Sports Facilities in the Countryside

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Landscape Character Assessment SPD (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/2883/F Approve with Conditions 14/09/2015
Change of use of land to land for the keeping of horses. Erection of stable block and store.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Objection: site is within green belt and AONB; number of horses conditioned as part of PK15/82883/F; no reason for conditions to be amended; site is sensitive.

4.2 Highway Structures

Informatives suggested

4.3 Landscape Officer

No objection subject to the use of conditions attached to PK15/2883/F

4.4 Lead Local Flood Authority

No objection

4.5 Transportation DC

No objection; proposal is not expected to make a significant change to the transportation demands of the site. Condition should restrict business uses of the site.

Other Representations

4.6 Local Residents

One general comment has been received raising the following matters:

- no objection subject to the conditions listed on PK15/2883/F

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for a stable block on land near Upton Cheyney. It is a revision to a previously approved scheme.

5.2 Principle of Development

The principle of development is established from a number of sources. Taking first the development plan, policy E10 is the most relevant. Adopted in 2006 this policy is beginning to show its age. A replacement for this policy is proposed as part of the *Policies, Sites and Places Plan*. Policy PSP30 has undergone public consultation and examination in public. No main modifications are proposed to the wording of the policy and therefore the planning authority can reasonably assume that the Inspector is broadly content with the policy as proposed. As such it can be given moderate weight in decision taking.

5.3 Policy PSP30 is broadly supportive of development subject to an assessment of the location and siting of the buildings and the availability of alternative buildings, the safety and comfort of horses, access to bridleways, vehicular access, and impact on countryside. This is a similar assessment criteria to that within policy E10.

5.4 Further to the considerations of this policy (and policy E10 which remains the adopted relevant policy) the site is within the AONB and therefore the natural beauty of the landscape must be considered. The site is also in the green belt where development is strictly controlled.

5.5 Finally, given that planning permission has previously been granted for a similar albeit marginally smaller scheme, the local planning authority has found development of this nature to be acceptable.

5.6 This application should therefore be determined against the analysis set out below.

Green Belt

5.7 The site lies in the green belt; the government attaches great importance to the green belt with the purpose of preventing urban sprawl by keeping the land permanently open in nature. There is a general presumption against development in the green belt; development in the green belt is inappropriate. Types of development which are not inappropriate in the green belt are listed in paragraphs 89 and 90 of the NPPF. Paragraph 89 considers buildings and paragraph 90 'certain other forms of development'. Under PK15/2883/F, the change of use of the site from agricultural land to land for the keeping of horses was considered. As this is not a building, paragraph 90 applies and the change

of use of land would be inappropriate development and inappropriate in the green belt unless very special circumstances indicate that development should be permitted. This was considered in full under PK15/2883/F. This application seeks planning permission for an alternative stable building. As such, it can be assessed solely under paragraph 89 as the change of use of land has previously been addressed.

- 5.8 Paragraph 89 allows six forms of development which may not be inappropriate in the green belt. Of relevance to this application is the second category – provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it. A stable building would be an appropriate facility for outdoor sport and recreation and therefore could benefit from this exception category provided it preserves openness and does not conflict with the purposes of the green belt.
- 5.9 The enlarged stable block would measure 14.4 metres long by 4.5 metres (including overhang) or 3.5 metres (for the stable building) deep. The eaves height would stand at 2.2 metres and the ridge at 2.9 metres. Taking the dimension stated in the officer's report for PK15/2883/F, this would be an increase of 4 metres to the length of the building and the remainder of the dimensions would be more or less the same. The increase in the size of the building would equate to a volume increase of 37% over and above the volume of the originally permitted scheme. Whilst volume is of interest, it is not the main factor in considering the acceptability of the development. The exception category is the 'appropriate' facilities for outdoor sport and recreation. A stable block is an appropriate facility. The question is whether it adversely affects the openness of the green belt or conflicts with the purposes of the green belt.
- 5.10 As a small, single storey building with the appearance of a stable block, the building itself does not have a significant impact on openness. Furthermore, it is positioned as to be read as being in conjunction with the existing development to the west. Therefore the proposal is not considered to have an unacceptable impact on the openness of the green belt in this location. A stable block is also not considered to conflict with the purposes of the green belt.
- 5.11 The development therefore can be afforded an exemption from the general presumption against development in the green belt. As the development falls within an exception category, it is not a departure from the provisions of the development plan and therefore no requirement to advertise the application is generated.
- 5.12 Residential Amenity
The application site occupies a relatively isolated position, so much so that the nearest residential properties would not be adversely affected. Equestrian uses are only to be expected in such a rural location. No objection to the proposal is raised in regard to residential amenity.

5.13 Transportation

The site is accessed directly off North Stoke Lane which is a narrow no through road other than to a footpath. There is no change to the proposed access arrangement. On planning permission PK15/2883/F a condition was imposed which restricted the number of horses on the site to two in the interests of highway safety and that no commercial uses or business activities (such as riding school or liveryes) should take place on the site.

5.14 Planning permission is required for an alternative stable block to provide one additional stable. It is not considered that this would have a significant impact on the traffic generated by the proposal. As a result, the additional stable is not considered to represent a severe impact on highway safety and therefore no objection is raised on transportation grounds.

5.15 It remains the case that the commercial use of the site would be undesirable given the nature of North Stoke Lane. A condition should therefore be imposed to prevent commercial activity on this site in the interests of highway safety.

5.16 Environmental Issues

The disposal of foul waste should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls. A Manure Management Plan has been submitted which states that manure would be stored in a sealed, covered trailer, located to the side of the proposed stables. Manure would be collected and emptied regularly by a local contractor. The manure heap is located as to not cause nuisance to neighbours or people using the public rights of way.

5.17 Horse Welfare

Horse welfare is a policy consideration. Guidance in the *Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids* (Defra 2009) – which is based on the Animal Welfare Act 2006 – states that each horse would require between 0.5 and 1 hectare of grazing land where no supplementary feeding is provided. A smaller area of land is required when a horse is principally housed and grazing areas are mainly used for turn out. The previous officer's report identified the area of the land subject to the change of use of land to the keeping of horses would be 1.82 hectares which form part of a wider field network of 2.83 hectares of grazing land. The grazing of land by horses can fall within the definition of agriculture and therefore may not necessarily require the area of grazing land available in its entirety to be subject to a change of use in planning terms.

5.18 Given that the stable building provides for a feed store, it can be assumed that the animals would be subject to supplementary feeding. Therefore the lower figure of 0.5 hectares can be adopted. Based on the size of the land subject to the earlier change of use (at 1.82 hectares), 3 horses could be satisfactorily kept on the land without an adverse impact on their welfare due to access to grazing land. Therefore the previous condition limiting the number of horses to 2 can be relaxed and a replacement condition for 3 horses imposed.

- 5.19 There are no direct links from the site to bridleways, however, the site has plenty of grazing land and good access to the local lanes. It is noted that Lansdown Lane and Marshfield Lane are both identified in the Local Plan as recreational routes, and such rural routes can often be used by horse riders. On this basis, no objection to the development is raised.
- 5.20 The proposed stable building is required as there are no existing underused suitable buildings available at the site.
- 5.21 Area of Outstanding Natural Beauty
Areas of Outstanding Natural Beauty are subject to strict control to protect the landscape characteristics of the area. The previous planning consent included an agreed landscape plan. In order to ensure that this development is carried out in a sensitive manner, the previous conditions shall, for the purposes of clarity, also be applied to this permission.
- 5.22 Other Matters
The concerns raised by local residents and the parish council have been addressed in the body of this report.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

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 requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. At no time shall the land and stables the subject of this permission be used for general public livery, riding school or other business purposes whatsoever.

Reason

To protect the character and appearance of the Green Belt, Cotswolds Area of Outstanding Natural Beauty and the landscape in general, and to accord with policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework, and the Development in the Green Belt SPD (Adopted) June 2007.

Reason

In the interests of highway safety, and to accord with policy E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework.

3. The number of horses kept on the site edged in red on the plans hereby approved, shall not exceed 3.

Reason 1

To protect the amenities of the occupiers of the nearby dwellings, and to accord with policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

In the interests of the welfare of horses, and to accord with policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3

In the interests of highway safety, and to accord with policy E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework.

4. Other than those shown on the approved plans, no permanent jumps, fences (other than of a temporary nature for the purposes of land management), gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt, Cotswolds Area of Outstanding Natural Beauty and the landscape in general, and to accord with policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework, and the Development in the Green Belt SPD (Adopted) June 2007.

5. Any temporary jumps erected on the land shall be stored away to the side of the associated stable, immediately after use.

Reason

To protect the character and appearance of the Green Belt, Cotswolds Area of Outstanding Natural Beauty and the landscape in general, and to accord with policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework, and the Development in the Green Belt SPD (Adopted) June 2007.

6. Other than the Manure Trailer shown on the approved Block Plan, at no time shall horse boxes, trailers, caravans, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the Green Belt, Cotswolds Area of Outstanding Natural Beauty and the landscape in general, and to accord with policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework, and the Development in the Green Belt SPD (Adopted) June 2007.

7. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

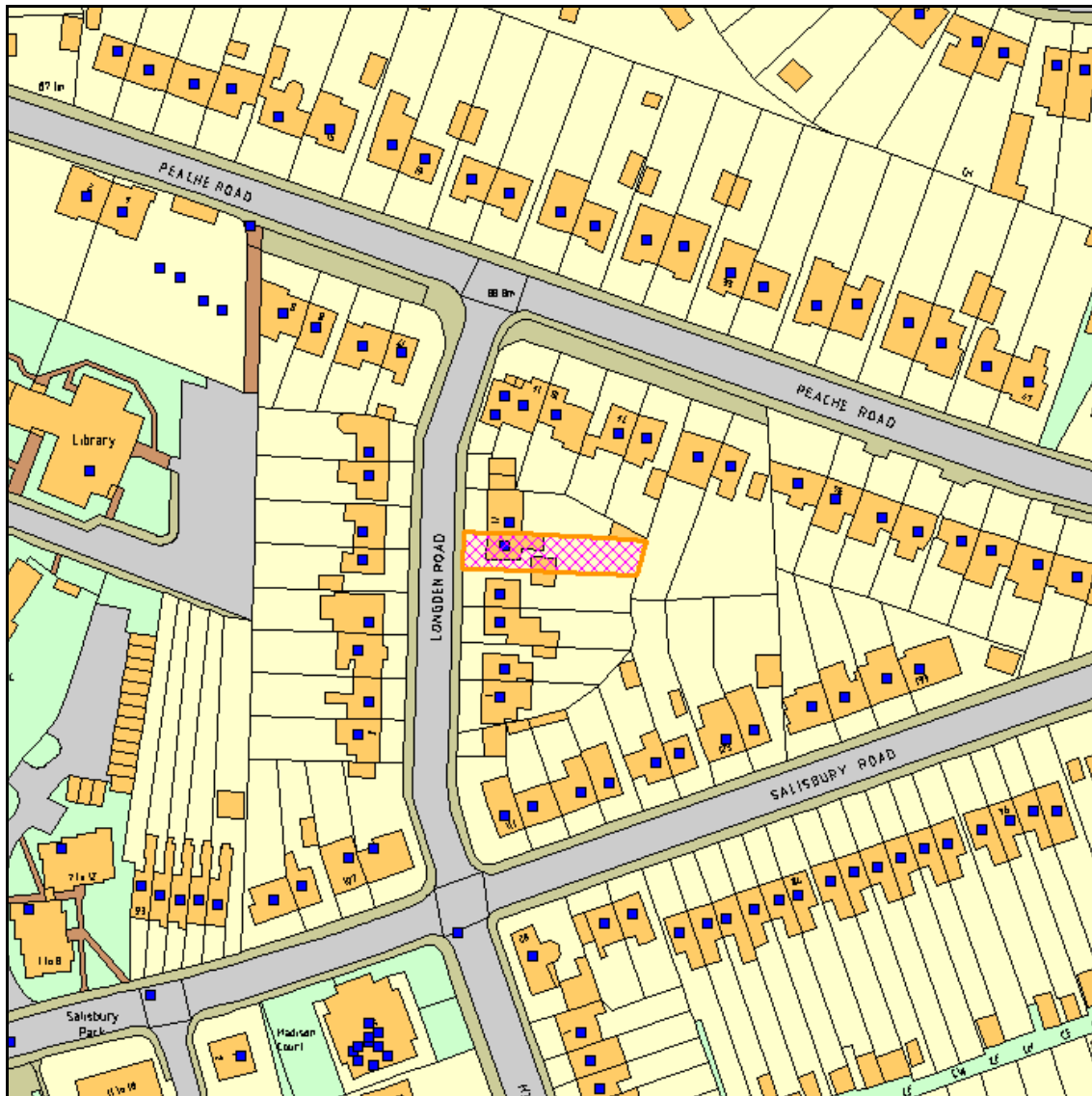
8. All planting shall be carried out in accordance with the approved details shown on the Landscape Plan Drawing No. P4 submitted to the local planning authority in connection with planning permission PK15/2338/F. The planting shall be carried out in the first available planting season after the occupation of any part of the development. Thereafter the planting shall be maintained in accordance with the submitted and approved 5 year management scheme as agreed under planning permission PK15/2338/F.

Reason

To protect the character and appearance of the Green Belt, Cotswolds Area of Outstanding Natural Beauty and the landscape in general, and to accord with policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework, and the Development in the Green Belt SPD (Adopted) June 2007.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK17/0707/F	Applicant:	Mr Lee Selway
Site:	9 Longden Road Downend Bristol South Gloucestershire BS16 5RL	Date Reg:	22nd February 2017
Proposal:	Demolition of existing extension and garage. Erection of a single storey side and rear extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365526 176696	Ward:	Downend
Application Category:	Householder	Target Date:	18th April 2017



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1. PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks full planning permission for demolition of an existing extension and garage, and the erection of a single storey side and rear extension to provide additional living accommodation at 9 Longden Road, Downend.
- 1.2 The application site relates to a semi-detached property in a built up residential area of Downend, which makes up part of the East Fringe of Bristol urban area. The properties elevations comprise of stippled render, accompanied by UPVC windows and a tiled roof. The surrounding area is characterised by semi-detached pairs of a similar design to the host.
- 1.3 During the course of the application, the agent submitted revised plans in order to rectify concerns as expressed by a neighbouring resident.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

2.3 Emerging Development Plan

South Gloucestershire Local Plan, Proposed Submission: Policies, Sites and Places (PSP) Plan, June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------|----------|------------|
| 3.1 | K3598 | Approval | 19.05.1981 |
|-----|-------|----------|------------|

ERECTION OF SINGLE STOREY REAR EXTENSION & FRONT PORCH
(Previous ID: K3598)

- 3.2 PK17/0258/PNH Refusal 16.02.2017
The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.58m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 2.75m.

Refusal Reason

The original dwelling is 5.7 metres wide, so its half width measurement is 2.85 metres. Although the extension would only extend from the side elevation of the property by 2.2 metres, the width of this entire 'wrap-around' extension is measured. This width is 7.9 metres, and as such is greater than half the width of the original dwellinghouse. On this basis, the proposal fails to meet the criteria set out under Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the GPDO (2015).

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

- 4.2 Sustainable Transport
"The development will remove an existing detached garage from the site to facilitate the erection of a single storey side extension to provide additional living accommodation. There will be no increase to the number of bedrooms to the first floor which will remain at three after development.

No detail has been submitted on the proposed parking arrangements for this dwelling after development. Before further comment can be made a revised to scale plan showing the proposed parking needs to be submitted."

Other Representations

- 4.3 Local Residents
1no. objection was received from a local resident. Comments as follows:
- *The proposed elevation of the dining area which borders out kitchen extension at 11 Longden Rd needs to be detached as it is at the moment in the existing plan and not attached as the proposed plan.*

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The

proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The property has an existing single storey flat roofed extension to the rear, as well as a detached garage to the side of the property. This application proposes that both structures would be demolished and replaced with a single storey side and rear extension which would 'wrap' around the existing property in an 'L-shaped' design. The extension would facilitate a small garage, utility room, shower room as well as an open plan dining room and playroom area.

5.3 To the side of the property the extension would have a lean-to design, and would have a maximum height of 3.7 metres to the ridge and 3 metres to the eaves. Plans show that it would be set back by 0.7 metres from the existing front building line and would have a maximum depth of 7.3 metres. To the side of the property, the extension would have a width of 2.2 metres. To the rear, the extension would have a lean-to, hipped roof design and would have a maximum height of 3.7 metres to the ridge and 2.4 metres to the eaves. It would have a maximum depth of 4.6 metres, and a width of 7.5 metres.

5.4 It is proposed that the development would introduce a garage door to the front elevation, a total of 4no rooflights, as well as a window and glazed bi-folding doors to the rear elevation. All materials would be complementary to those found on the existing property. As such, and overall, it is considered that the development would not be detrimental to the character of the property or its context. Accordingly, the proposal is acceptable in terms of design and visual amenity, and would comply with Policy CS1 of the Core Strategy.

5.5 Residential Amenity

The property adjoins No.11 Longden Road to the north, and together they form a semi-detached pair. This neighbouring property has a similar rear extension which was permitted through application ref. PK11/3549/F. Comments from these occupiers were noted with regard to the proposed extension being attached to their equivalent. Accordingly, the agent has submitted revised plans which now show that the extensions would be detached, and this is considered to overcome the concerns expressed by the neighbour. Given the neighbouring extension, it is not thought that the proposal would give rise to detrimental impacts to their residential amenity. Similarly, whilst it noted that the extension may be visible at points to neighbours to the south at No.7 Longden Road, it is not thought that it would result in harmful impacts to the residential amenity currently afforded to these occupiers.

5.6 Given the assessment above, it is considered the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.7 Highways

Plans show that the development would not introduce any further bedrooms to the property, however, it would involve the demolition of a garage. The garage proposed as part of the development would not meet the minimum size standards as set out in the Councils Residential Parking SPD. As such, the

transportation officer requested plans showing proposed parking. This was received by the Council 22nd March 2017. The property has 3 bedrooms, and the Councils Residential Parking SPD sets out that for a property with this number of bedrooms, 2 off street parking spaces should be provided on site. The proposed parking plan shows that sufficient parking would be provided at the site, and as such no objection is raised to highway matters.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions attached to the decision notice.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

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 requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

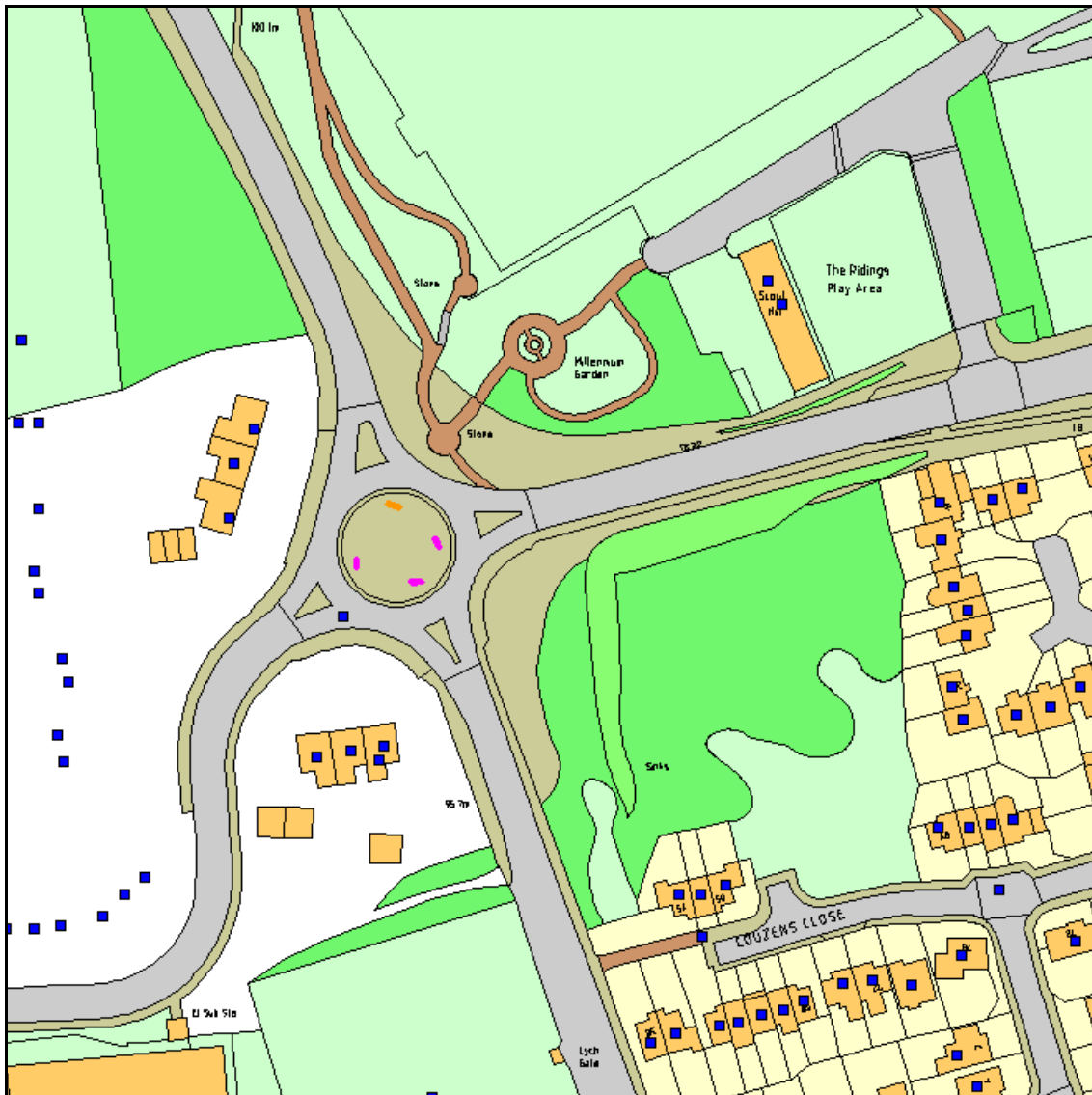
2. Prior to the first occupation of the development hereby approved, the construction of the vehicular parking must be completed in accordance with the submitted Proposed Site Plan (dwg no. 9L2.MAR17.LP.BP.1.A, as received by the Council 22nd March 2017) and retained as such. For the avoidance of doubt: the car parking area must be formed of a permeable and bound material.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK17/0748/ADV	Applicant:	Bommel UK Ltd
Site:	Traffic Roundabout Jct. Wickwar Rd / Drovers Way Wickwar Road Chipping Sodbury Bristol South Gloucestershire BS37 6BA	Date Reg:	23rd February 2017
Proposal:	Display of 4no. non-illuminated post mounted signs on roundabout.	Parish:	Sodbury Town Council
Map Ref:	372602 182241	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	18th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is placed on the circulated schedule in light of objections from Sodbury Town Council and 1no. local resident, contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks advertisement consent to display 4no. non-illuminated post mounted signs on a roundabout at a junction between Wickwar Road and Drivers Way in Chipping Sodbury.
- 1.2 The roundabout is grassed and is surrounded by new residential development, pavements and vegetation. It is just within the settlement boundary of Chipping Sodbury.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Shopfronts and Advertisements SPD (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

Due to an extensive planning history on the application site; the most relevant applications have been selected below.

- 3.1 PK10/1675/O Approve with Conditions 06.06.2011
Mixed use development comprising the construction of a new foodstore (A1) and approximately 170no. residential units, both outline with access to be determined: all other matters reserved. Creation of a development platform at the southern end of Barnhill Quarry, from the importation of approximately 350,000 cubic metres of non-polluting materials. Associated works include the creation of a new access off Wickwar Road; alterations to Wickwar Road and Barnhill Road; extension of existing car park; provision of a new footbridge across the River Frome; pedestrian thoroughfare at 31 High Street; provision of

public open space and landscaping; proposed rear extension to No. 31 High Street to create additional floorspace and use of buildings at No.31 for retail uses falling within Classes A1, A2 and A3.

- 3.2 PK12/1311/RM Approve with Conditions 18.07.2012
Construction of foodstore (A1) and associated car park; new pedestrian footbridge across River Frome; and associated landscaping and infrastructure works - implementation of phases 1, 2a and 2b of the approved Masterplan. (Approval of all reserved matters to be read in conjunction with planning permission PK10/1675/O).

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
Objection. Comments as follows:
- Signs would create visual clutter
- There is already too much signage in the area

- 4.2 Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents
1no. objection received from a local resident. Comments as follows:
- Unnecessary advertisement
- More than enough signs and other distractions on our roads.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety. The National Planning Policy Framework (NPPF) states that those advertisements which clearly have an appreciable impact on a building or their surroundings should be subject to a local planning authority's detailed assessment. Para. 67 of the NPPF sets out what should form such an assessment, consequently, this application will be considered with regard to amenity and public safety, as well as the advertisements cumulative impact.
- 5.2 Design and Visual Amenity
The signage would be part of the Councils roundabout sponsorship scheme and similar advertisements can be seen on a number of roundabouts in the region. The proposed advertisements would be located opposite the main entrance points to the roundabout in 4 separate locations. The signs are considered relatively modest, plans show that they would be elevated by 2no posts which would measure a height of 0.3 metres. The advertisement itself would have a height of 0.43 metres, a width of 1 metre and a depth of 0.03 metres.

- 5.3 Comments have been received by the town council and 1no local resident which raise concerns that the signs would result in visual clutter. The case officer understands these concerns and acknowledges that they would provide additional visible structures in the vicinity, however, given their scale and nature, it is not thought that they would cause an unacceptable visual impact.
- 5.4 Overall, the design, size and scale of the signs are considered appropriate in the streetscene.
- 5.5 Public Safety and Residential Amenity
The signage is not considered to have an impact on the safety of pedestrians using the associated pavement, and would not be considered detrimental to the safety of motorists using the adjacent highways surrounding the roundabout. The case officer also notes that transportation colleagues have no objection to the advertisements.
- 5.6 It was noted on a site visit he proposal is located relatively near to a number of residential dwellings. However, given their scale and that they would be non-illuminated it is not thought that they would give rise to residential amenity concerns.

6. CONCLUSION

- 6.1 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that the advertisement consent be **GRANTED** subject to the conditions attached to the decision notice.

Contact Officer: **Lucy Paffett**
Tel. No. **01454 863436**

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PK17/0867/CLP	Applicant:	Mr T Hartree
Site:	43 Kelston Grove Hanham Bristol South Gloucestershire BS15 9NJ	Date Reg:	2nd March 2017
Proposal:	Application for the Certificate of Lawfulness proposed erection of 1no side dormer and 1no rear dormer window to facilitate loft conversion.	Parish:	Hanham Parish Council
Map Ref:	365220 172635	Ward:	Hanham
Application Category:		Target Date:	25th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the following proposed development would be lawful at No. 43 Kelston Grove in Hanham

- Erection of 1no. side and rear dormer

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015, Schedule 2, Part 1, Class B.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposal is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council
No objections

Other Representations

4.2 Local Residents

No Comments Received

5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Site Location Plan, Existing Plan (DRG.No.01), Proposed Plan (DRG.No.02), Block Plan (SK.01) – all plans received on 28/02/2017.

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO (2015).

- 6.3 The proposed side and rear dormer will be considered under Class B.

B. **Additions etc to the roof of a dwellinghouse** (proposed rear and side dormer).

B.1 **Development is not permitted by Class B if –**

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed works do not exceed the maximum height of the existing roof.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres.

(e) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform, or

The proposed works would not involve the construction of a veranda, balcony or raised platform.

(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not include the includes the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

(f) The dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions

–

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

(b) The enlargement must be constructed so that –

i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and

The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.5 metres from the existing eaves.

- ii. **Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

- (c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

- (i) Obscure glazed; and**
- (ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

There windows proposed on the side elevation are obscure glazed and non-opening.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed dormer windows fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PT16/6356/CLE	Applicant:	Mrs D Walton
Site:	Unit 1-2 Abbots Way Gloucester Road Almondsbury South Gloucestershire BS32 4JB	Date Reg:	28th November 2016
Proposal:	Application for a certificate of lawfulness for existing use and occupation of Unit 1 - 2 at Abbots Way House as separate and independent dwellings in excess of four years.	Parish:	Olveston Parish Council
Map Ref:	361804 185789	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	20th January 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the existing use of Unit 1-2 Abbots Way, Gloucester Road as separate and independent residential dwellings. Units 1 and 2 are located within one building.
- 1.2 The certificate of lawfulness is sought on the basis that the use of Units 1 & 2 as independent dwellings is immune from enforcement action under section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) the use is lawful.
- 1.3 The application site is situated in the Green Belt, and in the open countryside.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: S171B and S191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3164/CLE Withdrawn 23/05/2006
Application for Certificate of Lawfulness for existing use of outbuildings as holiday accommodation.
Relates to application site and outbuilding immediately to the south-east.
- 3.2 PT02/0876/F Approve with conditions 05/06/2002
Conversion of existing redundant agricultural barn to form four units of holiday accommodation for disabled persons.
Relates to the barn to the north-west.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The applicant has submitted the following items in support of the application:
 - Site Location Plan (received 18/11/16)
 - Statutory Declaration of Mrs Deborah Walton, signed 8th November 2016
 - Statutory Declaration of Mr Terry Thake, signed 21st October 2016
 - Statutory Declaration of Mr George Crook, signed 6th October 2016

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The LPA does not have any contrary evidence.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Olveston Parish Council
No comment.

Other Representations

- 6.2 Local Residents
None received.

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) Unit 1&2 has been sub-divided and that the use as two independent dwellings is lawful.
- 7.2 The guidance contained within the National Planning Practice Guidance states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 In this instance, it must be proven by the applicant that the building in question (Unit 1 & 2 Abbotts Way) have been used for independent residential purposes for a period of 4 years or more prior to the date of this application, which is 25th November 2016. Therefore, the use must have commenced on or before 25th November 2012.
- 7.4 Assessment of Lawfulness
The Statutory Declaration by the applicant, Deborah Walton, indicates that she purchased the property in August 2007. Since before the applicant acquired the property, Mr Terry Thake occupied unit 1 (the south-western half of the building) and has continued to do so, paying rent of £150 per week, until the present day. Mr Thake has another address in Derby but is a sub-contractor for Rolls Royce and only occupies Unit 1 on a Sunday to Friday basis when he is working. Mr Thake's Statutory Declaration indicates that he pays the rent the full 52 weeks of the year, whether he is working or not, and the property is exclusively available to him and has not been let to others when he is absent. An officer site visit took place on 16th December 2016 and Unit 1 appeared to be occupied in the manner described within the Statutory Declarations by Deborah Walton and Terry Thake. It is therefore considered that, whilst Mr Thake has another address, it has been occupied as an independent dwelling consistently over the past twelve years, and there is no contrary evidence held by the Council or evidence submitted by other interested parties to indicate otherwise. It is noted from the letter from Mrs Walton's accountant that in the financial year 2013-2014, only £100 of income was generated for unit no. 1, however the accountant has confirmed that this is due to significant damage

caused by a fire causing Mr Thake to move out. The unit did not change to another use, and so the continuous use as a single dwelling is not considered to have lapsed during this time, and is therefore lawful.

7.5 Turning to unit 2, the Statutory Declaration from Mrs Walton indicates that Mr George Crook has occupied the unit for period of around six or seven months at a time when he is working in the area, and outside of these times unit 2 is made available for rent to others. Mr Crook has indicated that he has consistently paid £200 per week for the premises. The accountancy information submitted indicated that since 2012, the applicant has taken an average of £6830 for unit 2, which implies that it was occupied for approximately 34 weeks of the year, or approximately 8 months. Therefore, there have been approximately four months of the year on average over the last four years where the unit has not been occupied.

7.6 The ad-hoc nature of the occupation of unit 2 was raised with the agent during the course of the application, and it was suggested that unit 2 was removed from the application or the description altered to better reflect the use. The agent declined to make any changes to the application and so it falls to be determined as submitted. Case law indicates that self-contained units of holiday accommodation were “dwellinghouses” which benefitted from the four-year immunity rule (confirmed by *R v Tunbridge Wells BC ex parte Blue Boys Development et al 20/7/89* and *Moore v SoS 21/9/98*), and the case concluded that it did not matter whether the dwellings were managed as a whole for the purpose of a holiday let or other temporary lettings. The lack of continuous occupation discussed in paragraph 7.5 above is considered to be consistent with the holiday let use (C3), and does not represent a lapse in this use or a change to a different use.

7.7 It is therefore concluded that, on the balance of probability, and in the absence of any contrary evidence to dispute the three statutory declarations submitted, the units have been established as two separate dwellings over the last four years and is therefore considered to be lawful.

8. **CONCLUSION**

8.1 On the balance of probability, the use of unit 1 & 2 Abbots Way as two separate dwellings has been established for over four years and so the use is considered to be lawful.

9. **RECOMMENDATION**

9.1 That the Certificate of Lawfulness is **GRANTED**.

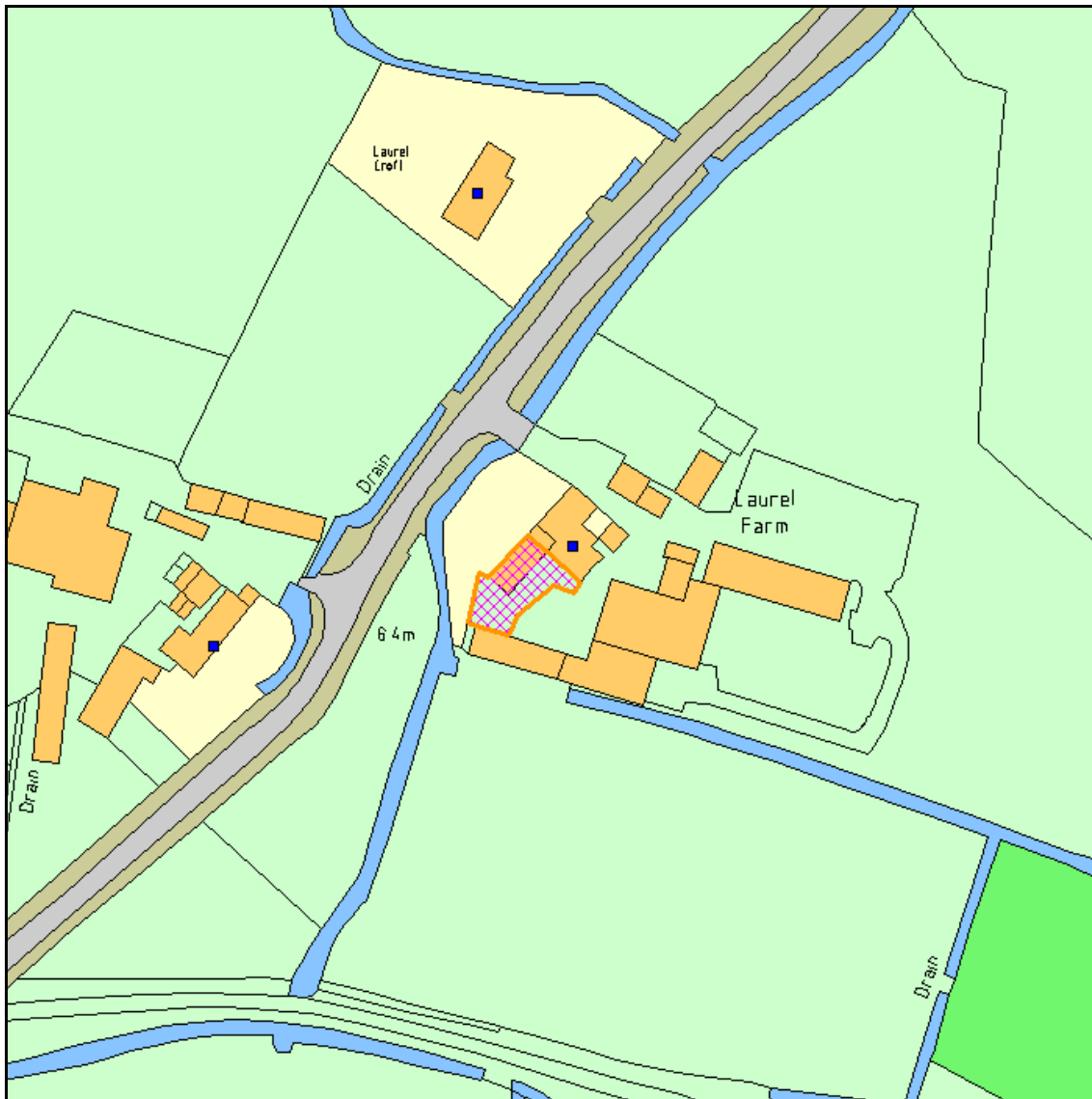
Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITION

1. Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the building known as Unit 1-2 Abbots Way within the red line boundary on the submitted Site Location Plan has been used continuously as two separate and independent residential dwellings (C3) for no less than four years.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PT16/6600/CLE	Applicant:	Mrs Withers
Site:	Laurel Farm Pilning Street Pilning South Gloucestershire BS35 4HN	Date Reg:	8th December 2016
Proposal:	Application for a certificate of lawfulness for the existing conversion of agricultural building to a self-contained annex and use of land as ancillary residential	Parish:	Olveston Parish Council
Map Ref:	357446 185375	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	30th January 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because it comprises a Certificate of Lawfulness, and as such, according to the Council's current scheme of delegation, is required to appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for Application for the existing conversion of agricultural building to a self-contained annex and use of land as ancillary residential. The application therefore seeks to demonstrate that the conversion of the cowshed and change of use of the land took place in excess of ten years prior to the date of this submission (i.e. 5th December 2016).
- 1.2 The application site relates to a large attractive, three storey farm house, with associated barns and outbuildings to the rear of the main house. The former cow sheds (the subject of this application) are attached to the south elevation of the main house and are single storey. There is a large double access directly to the north of the house, with a detached double garage to the north-east. The application site is located in Pilning, outside of the settlement boundary. There are two nearby neighbouring properties on the west side of Pilning Street.
- 1.3 Following a site meeting to view the self-contained annex, the Officer requested additional information in the form of a timeline from when the outbuilding was converted and land started being used as residential. Some additional brief information was received on 23rd January 2016 from the agent.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 P89/2408 Erection of two storey rear extension to form lobby, toilet and upstairs bathroom. Demolition of existing outbuildings and erection of single storey rear extension to form kitchen, dining room, utility room and office.
Approved 13.09.1989

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No comments received.

Other Representations

4.2 Local Residents

Two comments of support have been submitted by local residents. One local resident has submitted a supporting statement stating that they remember the building work being carried out during 2003-04 to convert the cowshed into living accommodation. The other local resident simply states they support the application, with no further details. The statement has been signed but it is not a statutory declaration as such.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The applicant has submitted the following evidence in support of the Application:
- 5.2 Supporting statement from agent detailing the application background and supporting evidence submitted.
- 5.3 Copies of four invoices from contractors to works to the cowshed:
- Invoice 1 from Vizard Bros. Building Contractors dated 28.08.03 detailing 'work to the cowshed at Laurel Farm', addressed to Mr D Withers – scaffolding, stripping tiles, etc; repairing/renewing rafters as required; supplying and fixing 100 x 50 collars; supplying and fixing new felt and batten, trays and bird stops; supplying and fixing rooflights; relaying D/Romans to front and new tiles to rear. Paid 01.09.2003
 - Invoice 2 from Vizard Bros. Building Contractors dated 28.01.04 for 'work to Laurel Farm', addressed to Mr D Withers – to work to dairy/parlour; to excavate foundations, supply and lay concrete, rebuild walls in blockwork, work to cowshed; to demolish defective walls, excavate foundations, supply and lay concrete and build new walls, etc; supporting roof; excavate floor, lay consolidated hardcore and lay concrete.
 - Invoice 3 to Mr D Withers from C.D. Watts Plumbing and Heating, dated 24.02.04. Description of work up to 20.01.04 – carcassing pipework around walls H & C & Heating; plus across floors; carcassing roof space plus lagging; new airing cupboard pipework; new fittings to boiler plus connections soil and waste pipes; plus supply 5 Feral Rads; plus C/P towel rail. Paid 27.02.04.
 - Invoice 4 from R&M Tiling to Mr Withers, dated 07.05.04. Description of work: ref. kit, hall and bath floor (metre rate); gold star floor tile adhesive and floor grout. Totalling £692.08.
- 5.4 Signed statement from neighbours Mr and Mrs Ashwin confirming when the works were undertaken.
- 5.5 Copies of seven photographs taken from 15.11.03 to 19.11.16 documenting the original cowshed, the works taking place, the completed converted building and patio area and then more recent photos for the submission of the application.

- 5.6 Plans submitted by agent – Combined Location & Block Plans (Dwg No: 000); Existing Floor Plan (Dwg No 001).
- 5.7 Timeline additional information submitted via email to the Officer on 23rd January 2017:
- Summer 2003 – Autumn 2004 – Building work to convert cowshed and installing plumbing and electric;
 - Summer 2005 – External paving completed;
 - August 2005 – December 2005 – Let out for Bed & Breakfast to a single occupant;
 - Summer 2006 – Unit advertised for Bed & Breakfast and self-catering with South Gloucestershire Tourist Officer and Farm Stay UK;
 - Summer 2006 – Sporadic Bed & Breakfast bookings;
 - Summer 2007 – Sporadic Bed & Breakfast and self-catering bookings;
 - November 2007 – July 2012 – Unit occupied by Mother of applicant, rent paid;
 - July 2012 – to present – unit unoccupied.
- 5.8 The Officer has checked the Council's own aerial photograph records. Photographs are available from 1991, 1999, 2006, 2008 and 2014. The 1991 and 1999 aerial photographs show the original cowshed, with no conversion works to the building or rear yard. The 2006 photograph clearly shows four rooflights and new roof tiles in the cowshed, the yard to the rear has changed and there is a boundary wall. The patio area to the rear of the cowshed is visible and so is a garden area. The 2008 and 2014 photographs show the garden area next to the cowshed as being grassed. There is a clear and visible change in the cowshed appearance, with the additions of rooflights, a newly tiled roof and boundary wall, patio area and grassed garden, which corroborate with some of the building works that were commissioned by the landowners (evident in the invoices provided also).

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 The Local Planning Authority has no contrary evidence to submit.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test and is not a planning application. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the onus is on the applicant to provide precise and unambiguous evidence to support the application. Accordingly there is no consideration of planning merit; the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the existing development is lawful.

7.2 In this instance, it must be proven that the conversion of the agricultural building to a self-contained annex and change of use of the land to ancillary residential has taken place in excess of ten years previous to the submission of the application (December 2016).

7.3 Assessment of Evidence

The agent's supporting statement details the background information on when the cowshed was converted. In 2003, the applicant's late husband converted the redundant cow shed into self-contained annex accommodation. The conversion was completed in 2005. The completed works resulted in a one bedroom self-contained unit, including a kitchen, and bathroom, its own access door on the rear elevation, garden space and patio area to the side. There is also an internal access door into the main farmhouse. Initially the unit was used for letting and then as accommodation for an elderly relative, until they were moved into a residential home. The unit has been unoccupied since July 2012.

7.4 The application is supported by evidence in the form of copies of four invoices from local contractors who carried out various building work, tiling and plumbing to enable the conversion of the cowshed into a self-contained annex. These invoices are dated between August 2003, January 2004, February 2004 and May 2004, indicating the works took place gradually over the course of nine months. The original cowshed building is single storey, with a tiled pitched roof and the south elevation open sided. A letter from Mr and Mrs Ashwin, occupants of nearby Orchard Farm, have also signed a letter stating they remember the building work being carried out during 2003-04 to convert the cowshed into a self-contained annex. This letter is not a statutory declaration, therefore it does not hold as much weight.

7.5 The Officer has checked the Council's own aerial photograph records which date from 1991, 1999, 2006, 2008 and 2014; these do not conflict with the information submitted by the applicant. The works to convert the cowshed commenced in 2003 and were completed in the Summer 2005. The converted cowshed is clearly visible in the 2006 photograph and are consistent with the works that had taken place to the roof and outside yard area. Thee aerial photographs do confirm that the physical works to the cowshed did take place before 2006.

7.6 Considering the above evidence provided the evidence held by the Council's own records, it is concluded that on the balance of probability, the converted cowshed and associated curtilage have been in situ for a period exceeding ten years or more, and as such, is lawful.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the converted agricultural building into a self-contained annex and use of the land as ancillary residential has taken place at Laurel Farm, Pilning, for a continuous period in excess of ten years.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved.

Contact Officer: Katie Warrington

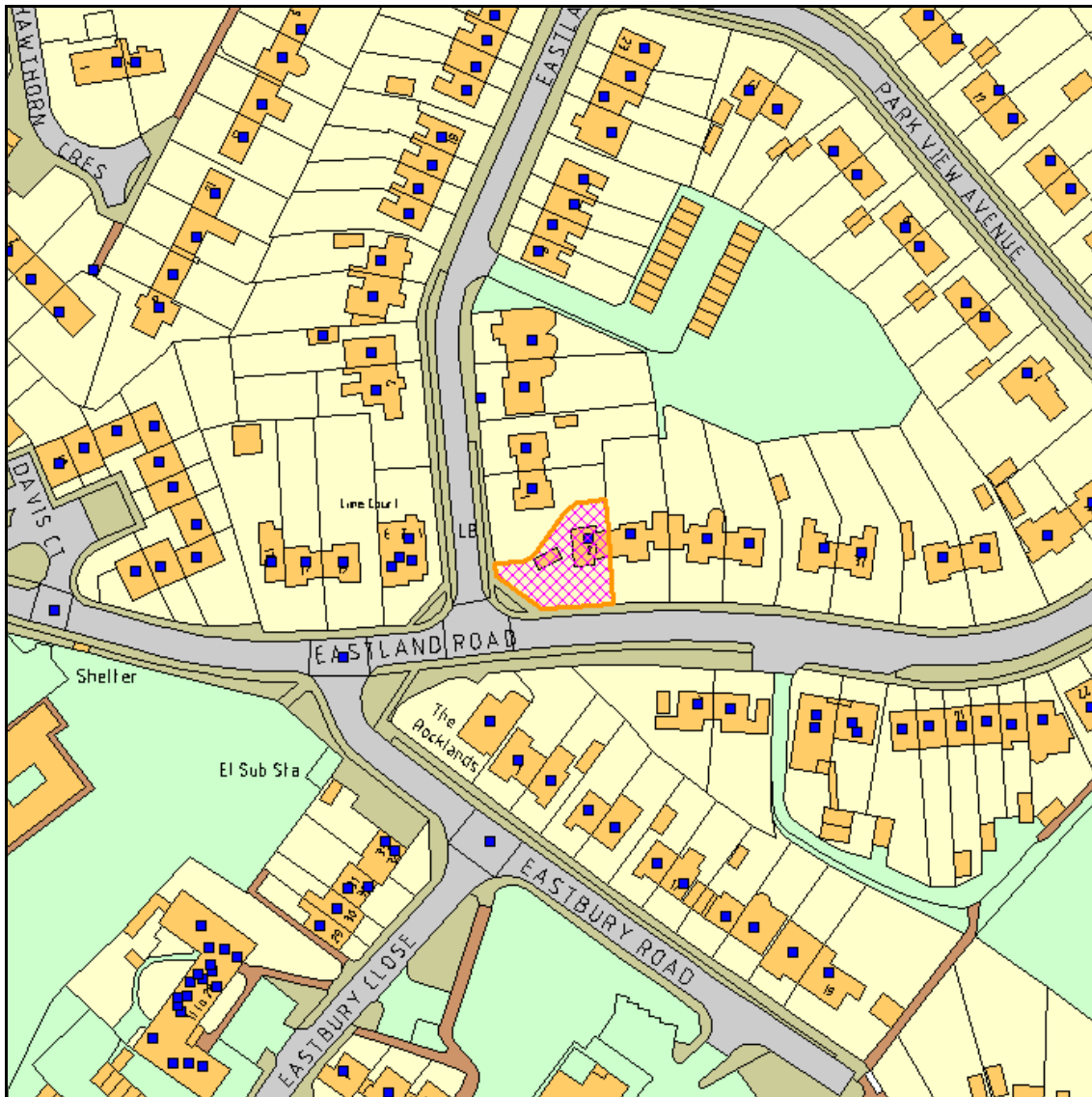
Tel. No. 01454 864712

REASON

1. Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the converted agricultural building into a self-contained annex and use of the land as ancillary residential has taken place at Laurel Farm, Pilning, for a continuous period in excess of ten years.

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PT17/0827/CLP	Applicant:	Mr And Mrs David And Sarah Wickett
Site:	21 Eastland Road Thornbury Bristol South Gloucestershire BS35 1DS	Date Reg:	6th March 2017
Proposal:	Application for Certificate of Lawfulness Proposed erection of single storey rear extension.	Parish:	Thornbury Town Council
Map Ref:	364360 190559	Ward:	Thornbury North
Application Category:	Certificate of Lawfulness	Target Date:	26th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at No. 21 Eastland Road would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Councillor
No comments received
- 4.2 Thornbury Town Council
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- | | | |
|-----|----------------------------|---------------|
| 5.1 | Site Location Plan | 543225-A-17-6 |
| | Existing Ground Floor Plan | 543225-A-17-1 |
| | Proposed Ground Floor Plan | 543225-A-17-2 |

Existing First Floor Plan	543225-A-17-3
Existing Elevations	543225-A-17-4
Proposed Elevations	543225-A-17-5

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of a single storey rear and side extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A.1 **Development is not permitted by Class A if –**

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P or Q of Part 3.

- (b) **As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse;**
 - or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The application relates to a semi-detached dwellinghouse. The proposed extension would extend 3 metres beyond the rear wall. The development does not exceed 4 metres in height. The development therefore meets this criteria.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable as the applicant is not applying for an extended householder extension through the prior approval procedure.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The rear extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The height of the eaves does not exceed 3 metres. The development therefore meets this criteria.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension would not extend beyond a side elevation. The development therefore meets this criteria.

- (k) It would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The development would not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

- (a) **the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

As per the Amended Proposed Elevations Plans (543225-A-17-5) submitted 15/03/2017, the materials used in the exterior work will match the existing.

- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
- (i) **obscure-glazed, and**
 - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

- (c) **where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

7. RECOMMENDATION

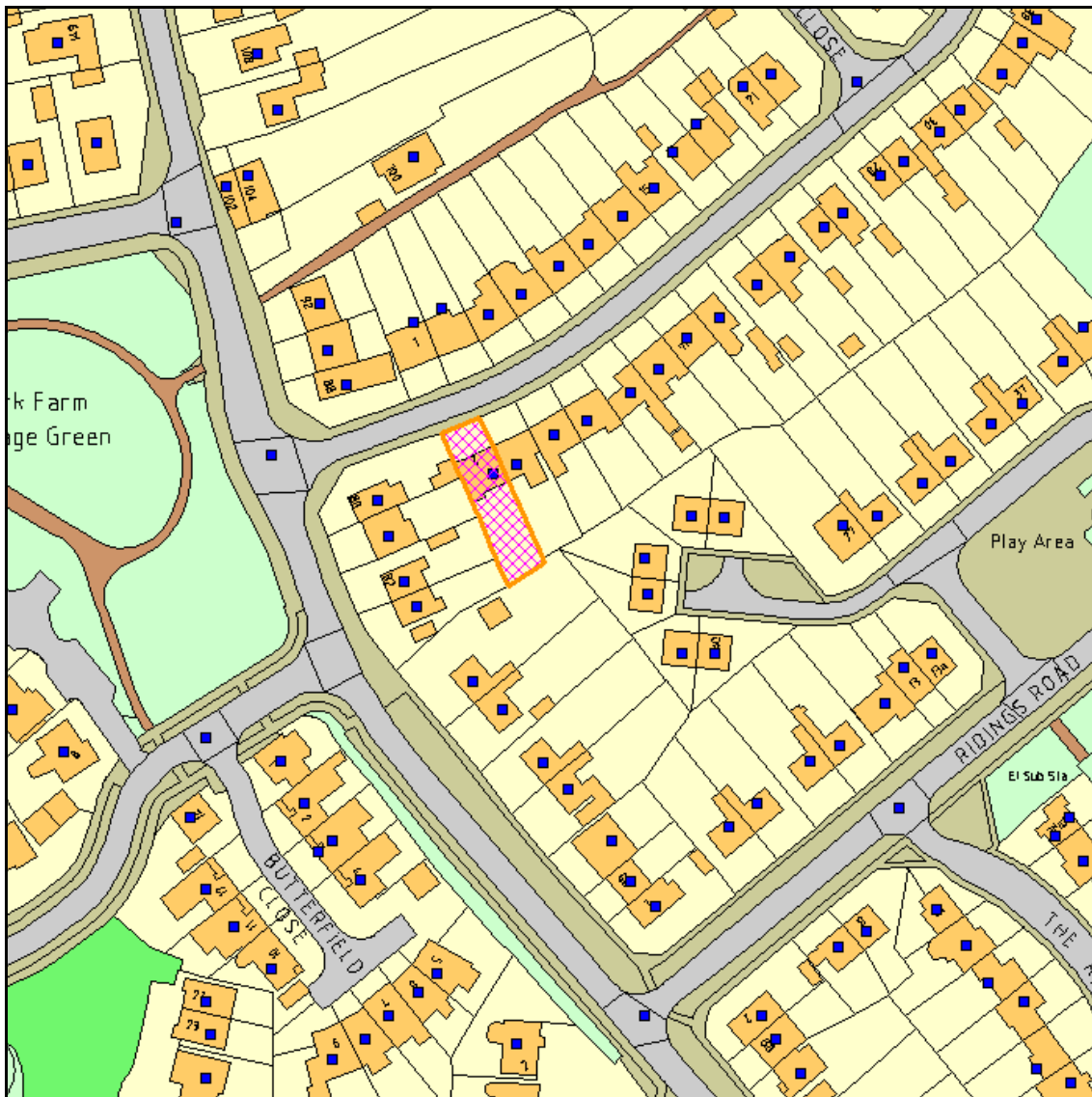
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extensions would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 14/17 – 6 APRIL 2017

App No.:	PT17/0859/CLE	Applicant:	Mr Raymond Parfitt
Site:	2 Lower Chapel Lane Frampton Cotterell Bristol South Gloucestershire BS36 2RL	Date Reg:	7th March 2017
Proposal:	Application for a certificate of lawfulness for the existing use of a two storey extension (Class C3)	Parish:	Frampton Cotterell Parish Council
Map Ref:	367027 180930	Ward:	Frampton Cotterell
Application Category:		Target Date:	27th April 2017



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, under the Council's current scheme of delegation, is to be determined under the Circulated Schedule procedure.

1. THE PROPOSAL

1.1 The application is for a Certificate of Lawfulness for the existing use of a two storey extension. The application therefore seeks to demonstrate that the two storey side extension has been in place for a period in excess of 4 years prior to the date of submission (i.e. 23rd February 2017).

1.2 The application site relates to a two storey semi-detached property situated in the settlement boundary of Frampton Cotterell. The two storey side extension has been erected on the west elevation and comprises a garage on the ground floor and two bedrooms in the first floor.

2. POLICY CONTEXT

2.1 National Guidance

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No comment received.

4.2 Archaeology
No comment.

Other Representations

4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 In support of the application:

- Copy of the Title Deeds dated 17th December 1984 (when the property was sold to the current landowner/applicant);
- Original Land Registry Map Search Snapshot (red edge plan);

- Copy of original estate agent property details from Hartnell Taylor Cook's from when the property was last for sale in December 1984. The photograph of the front elevation shows the two storey side extension in situ , details the property has five bedrooms, and the price is £32,500;
- Signed letter (not a statutory declaration) from the applicant giving background information to the application. The application moved into the property on the 17th December 1984, at which time the extension had been erected for some time before this. Though the applicant has no evidence of the date the extension was exactly constructed, it is believed to be sometime during the 1970s. The applicant is in the process of selling the property, hence the Certificate of Lawfulness application.
- The extension was built above the existing garage and beyond the garage at the rear of the property. At ground level, is the garage and a utility room and cloakroom to the rear. On the first floor, there are two bedrooms at either end.

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 The Local Planning Authority has no contrary evidence to submit.

7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance, it must be proven that the two storey side extension has been in existence for a period of 4 years (or more) prior to the date of this application.

7.3 Assessment of Evidence

The application is supported by evidence in the form of a copy of the Title Deeds when the property was sold to the applicant in December 1984 and a copy of the estate agents property details. The applicant purchased the property when the side extension had already been constructed, most likely several years previous. The photograph included in the estate agents property details shows the front elevation and the two storey side extension and also refers to the property having five bedrooms. This would only have been possible with the increase in size of the dwelling, as these semi-detached houses originally have 3-bedrooms.

7.4 Given the applicant purchased the property in 1984 with the side extension in situ, this appears to be corroborated by the submitted Title Deed and estate agent property details submitted.

7.5 In this instance, the Local Planning Authority has no evidence that the two storey extension has not been *in situ* as claimed since December 1984. On this basis, Officers consider that on the balance of probability, the two storey

extension has been in place for a period in excess of four years; and as such, is lawful.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the two storey extension the subject of this application has been in place at 2 Lower Chapel Lane, Frampton Cotterell, for a continuous period in excess of four years.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved.

Contact Officer: Katie Warrington
Tel. No. 01454 864712

REASON

1. Sufficient evidence has been submitted to prove that, on the balance of probability, the two storey side extension has been in place for a period of more than 4 years immediately prior to the submission of this application.