

This submission is made by the Trustees of the Salisbury Cathedral Close Preservation Society ("the Society"), registered charity 1015692. The Society's aims include the preservation, protection and improvement of the area around Salisbury Cathedral, particularly Salisbury Cathedral Close ("The Close"). The Society asks that this application 20/04875/PNCOU should be withdrawn and a full planning application for a change of use ("COU") submitted because:

1. The Society has concerns that the Property has had a varied history of usage but much of it clearly as an occasional summerhouse, fishing/boating lodge or place for quiet study fitting to its lease drafting, and that, if it has never had a formal COU to office use, its status as being within Class O is **not** proven.

A letter provided by the Applicant written by the previous owner addressed to Salisbury District Council says "We are author and artist respectively and as such find this an ideal retreat in which to pursue our work" i.e. the work of being an author or artist. There is no mention of office use, nor is it mentioned in the extracts from Mr Bryan Foster's book also provided by the Applicant, which describes at length his work as an artist.

The Applicant in his email of 08 July 2020 says, "The previous owners of the Fishing Lodge made no secret of their commercial use of the property." This may well be the case but such commercial use by Mr Foster was as a **commercial artist** and presumably by his wife as a peaceful place to write.. Indeed, one of his book covers provided by the Applicant is called "Illustration for profit – A Manual for Success in Commercial Art" and the book is written by Mr Foster. He was clearly holding himself out as qualified to write on this subject.

His wife was an author, so they would need computers to create their artistic works and photocopiers and so on. That does not make this an office. Computers, copiers, etc., were the tools of their trade.

When the Property was purchased by the Applicant it would appear to have contained some office equipment, but this does not of itself make this an office. The question may well be is the office use dominant or was any office use purely secondary to use as a studio. From the previous owner's own writings, their work was the creation of commercial art and writing. The Society suggests that the balance of uses is not proven.

The concern we have seems to be borne out by the legal advice obtained by the Board of the Sarum St. Michael Management Company Limited. This is therefore **not** a matter to be determined using the General Permitted Development Order.

A full planning application would allow wide public consultation at which matters such as the impact on the unique setting of The Close can be aired, as well as noise, refuse removal and especially flood risk.

2. Flood risk is a very important issue so close to the River Avon. The Society notes that the DEFRA Historic Flood Map for The Close clearly shows that The Fishing Lodge **is within the High Risk Area**.

The Society has seen the submission from Mr Lockington with a photograph showing flooding in January 2014 and he had already told the Society “The Fishing Lodge being at the lowest point did get flooded”. From his photograph it is clear the effect on the Fishing Lodge was substantial.

It is crucial to have a full planning application for this COU to collect evidence of historic flooding. It would seem wrong to grant residential use in the light of the severe flooding risk and potential repeat flooding at the Property. This is brought into sharp focus by the opposition to this application by the Environment Agency.

3. Given the sensitivity of the area in which the Fishing Lodge is located – i.e. The Close, which is within a conservation area and in the setting of many listed properties such as the Medieval Hall and Old Deanery, the King’s House (to which this building would appear to have been the summerhouse when it was a college) and the Cathedral itself, this is a sensitive location. The City of Salisbury Conservation Area Appraisal and Management Plan 2014 highlights the unique nature and character of The Close, focusing particularly on its **“quiet formality”** and **“tranquil character”**, the latter “due principally to the limited and restricted traffic flow and the absence of commercial enterprises within the walls.”

Historic England guidance on the settings of heritage assets notes that a conservation area is likely to include the setting of listed buildings and have its own setting. It can be argued that the Cathedral’s setting is the entirety of The Close, including Sarum St Michael.

The Historic England guidance also differentiates **setting** from **curtilage** saying, “Curtilage is a legal term describing an area around a building and, for listed structures, the extent of curtilage is defined by consideration of ownership, both past and present, functional association and layout”. Looking at these aspects, the Property was in the curtilage of The King’s House and, indeed, had a functional association with it, being variously its boat house/fishing lodge and a retreat for study by students there, when it was a college. The Society assumes that the freeholder of the King’s House and Sarum St Michael are both the same, so the King’s House and the Property are still in common ownership. Being in the curtilage of a listed building could have planning implications. This Application should not proceed but be replaced by a full planning application, enabling this point to be considered if thought appropriate. If the curtilage relationship is established, it should be noted that permitted development under Schedule 2, Part 3, Class O, cannot be done.

4. The tenure of the Fishing Lodge is leasehold. The Society has carried out a Land Registry search which reveals as follows:-

- A. It is held under a Sub-underlease granted by Sarum St. Michael Management Company Limited for a term of 125 years (less ten days) from 29<sup>th</sup> September 1979. It is described in the document as “all that parcel of land with the building thereon **being the summer house or boat house**” as shown on a plan.
- B. It contains a restrictive covenant which says, “**Not** without the consent of the Lessor (such consent not to be unreasonably withheld) **to use the demised premises for any purpose other than as a summer house or fishing lodge for use during the day or evening only**”.

It would seem therefore that there is a contractual restriction in changing to residential use which, again, militates against the use of the General Permitted Development Order (GPDO) to allow the change of use. A full planning application would allow this area also to be explored.

The applicant has provided some evidence of the use of the property in recent years as an artist’s and writer’s studio in daytime only. A letter was also supplied that confirmed that the then owners were aware of and content with the restricted hours of usage. This suggests that there is no evidence that the covenant in the lease against residential use was not respected or encouraged. The letter supplied indicates that a small extension to the property appears to

have had approval from the Sarum St. Michael Management Committee, but it does **not** say that **the use** of the property is approved, merely the “proposal” i.e. the “small extension”.

5. The Applicant’s application form says, **“There are no commercial premises in the immediate area”**. Subsequently, this has changed to listing a small number, of commercial properties, including the Medieval Hall. The Society does not know if this was to counter the comments of residents and locals that the area is tranquil, and a further development might affect that. It is tranquil and is not open to the public. The tranquillity of The Close is a feature highlighted in section 3 above, which the Society is established to protect.

The Cathedral offices work to office hours inside their building, as do the professional practices, so make almost no intrusion into the tranquillity.

The Medieval Hall may have a licence to hold events that could potentially affect properties around it but, in practice, they do not operate to anything like the hours the Applicant cites. The owners are very sensitive of the residential environment in which they operate. They provide something of a community service as a place of assembly as well as offering access to a remarkable heritage asset. They provide for local meetings such as coffee mornings for local associations and many events are during the daytime only. A full planning application would enable issues touched upon by the Applicant to be reviewed in detail.