DAVID JARVIS ASSOCIATES

MR AND MRS S DEPLA

LAND AND BUILDING ADJOINING AVONWEIR LANE, CHRISTIAN MALFORD, WILTSHIRE

PLANNING STATEMENT

September 2023

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RTPI Chartered Town Planners

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CLIENT Mr and Mrs S Depla

PROJECT Land and Building adjoining Avonweir Lane, Christian Malford

REPORT TITLE Planning Statement

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1. INTRODUCTION

1.1 David Jarvis Associates (DJA) has been instructed by Mr & Mrs Stephen Depla to prepare a Planning Statement in support of a full planning application for the change of use of a plot of land to garden associated with the adjoining residential property ("Avonweir"), along with the reconstruction and extension of a former potting shed building to provide ancillary residential space associated with Avonweir.

1.2 The building and associated land lie adjacent to Avonweir Lane on the edge of the village of Christian Malford. The main house of "Avonweir" lies just to the west further along the lane.

Background

1.3 DJA has been advised that the existing building was the original potting shed and office to a horticultural nursery business that was situated within the adjoining fields to the south. The nursery business ceased in the mid-1980s. From then until 2008, the building was used for general storage by a local business.

1.4 In 2008 Mr and Mrs Depla, the current owners of Avonweir, bought the associated land and building. Since they have owned the building, it has been largely disused apart from as occasional storage space. Mr and Mrs Depla and their family are now working increasingly from home and wish to use the building for home office space and other family-related activities. The building will not be used as a separate dwelling. The intention is for it to be used solely as ancillary domestic space associated with Avonweir.

1.5 Although the building and adjoining land are currently in the ownership of Mr and Mrs Depla, they do not lie within or form part of the historic curtilage of "Avonweir" itself, which is a Grade II Listed Building. This was confirmed in a letter from Wiltshire Council dated 8th March 2023 (see **Appendix 1**).

1.6 A planning application was submitted in May 2023 for the conversion and extension of the former potting shed to ancillary residential use (application ref: PL/2023/04107). However, the local planning authority (LPA) raised concerns with the application on the basis that, in planning terms, the building is significantly detached/isolated from the main dwelling of Avonweir and its existing garden. The LPA also raised concerns about the level of work required to the building, which was considered to go beyond "conversion". As such, the LPA advised that the proposal was unacceptable in its submitted form. As a result, the applicant agreed to withdraw the application.

1.7 Further discussion took place with the case officer regarding the incorporation of the additional plot of land adjoining the former potting shed building, which is in the applicants' ownership, within the application site and formally changing its use to garden land associated with Avonweir. An email from the case officer dated 24 July 2023 stated:

> *"In terms of land use – the LPA is likely to support the change of use of this area of land between the building and Avonweir – the land is distinct from open countryside/agricultural land being fairly enclosed."*

1.8 A further response from the case officer dated 16 August 2023 went on to state:

> *"We do however recognise that in the event that a change of use of the land to garden was approved/agreed, the building would fall within the residential garden where the LPA would look to consider the principle of development in line with general householder development for ancillary outbuildings. Whilst ordinarily such a large building, quite detached from the main house might be resisted, in this case, a building being in-situ does mitigate potential landscape/visual amenity impacts."*

1.9 On this basis, the applicant is pursuing the works to the former potting shed and additionally the change of use of the adjoining land as garden associated with Avonweir.

The Proposed Development

1.10 The existing building on the site is a single-storey barn-style structure constructed of brick walls, timber windows/doors and corrugated steel roof. The building is still in reasonable and useable condition, but is now showing signs of requiring repairs, especially the timber windows and single skin walls.

1.11 The proposed works aim to retain much of the existing structure and maintain its barn-like character, whilst upgrading it thermally and structurally. There will be some modern works that include a small single-storey extension on its eastern end as well as extending the height of the structure by approximately 0.5m and providing a new roof structure, clad with slate tiles and containing a number of small rooflights.

1.12 Much of the existing wall structures will be retained, with internal improvements through the use of plasterboard, studwork and insulation. The SW wall will be removed and replaced with a new mixed timber/composite board and brick wall with new window/door openings, with the new extension to match. The SW wall already contains a significant number of window and door openings so the proposals will be in keeping with the existing character in this regard.

1.13 Existing hard surfacing to the east and south of the building will be maintained with areas re-paved to maintain pedestrian access to the entrance doorways on the southern side of the building. The remaining plot will be maintained as open land laid to grass.

1.14 A Structural Survey of the existing building has been undertaken and is submitted with the application. It is noted that, in the LPA's view, the level of work proposed to the building takes it beyond "conversion". This is obviously a matter of interpretation but the description of development now refers to "reconstruction and extension", to cover this point.

2. PLANNING POLICY AND CONSIDERATIONS

2.1 Developments of this nature will be judged against guidance in the revised National Planning Policy Framework (NPPF) 2021. At District level, the adopted Development Plan covering the application site is the adopted Wiltshire Core Strategy 2015 and the Christian Malford Neighbourhood Plan 2018.

National Planning Policy Framework

2.2 The NPPF contains guidance on Rural Housing at paragraphs 78 – 80. Whilst this guidance relates more to the provision of new dwellings, as opposed to additional ancillary facilities associated with an existing dwelling, paragraph 80 advises certain circumstances where isolated homes in the countryside may be acceptable. One such circumstance is where *"…the development would re-use redundant or disused buildings and enhance its immediate setting."*

2.3 Section 11 of the NPPF relates to Making Effective Use of Land. Paragraph 120 provides a number of instances that should be encouraged in this regard. Criterion (d) advises that planning policies and decisions should "*promote and support the development of under-utilised land and buildings…"*.

2.4 Section 14 is concerned with climate change, flooding and coastal change. Paragraph 167 – 168 state:

> *When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
>
> *a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
>
> *b. the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
>
> *c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
>
> *d. any residual risk can be safely managed; and*
>
> *e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
>
> *Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.*

2.5 Section 15 is concerned with Conserving and Enhancing the Natural Environment. Paragraph 174 sets out criteria against which planning policies and decisions should be taken in this regard. Criterion (d) states that developments should seek to minimise *"…impacts on and providing net gains for biodiversity."*

Wiltshire Core Strategy

2.6 The Core Strategy is now over eight years old and the weight to be attached to the policies within it should be considered against the degree of consistency with the guidance contained within the NPPF.

2.7 The key Core Strategy policies of importance are CP41, CP48, CP50, CP57 and CP67.

2.8 Policy CP41 is concerned with sustainable construction and low-carbon energy. With regard to climate-change adaptation, it states:

> *New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer.*

2.9 The works to the building will involve the provision of internal insulation to all walls, retained and new, to ensure it is as energy efficient as possible. In addition new windows within existing door openings on the NE elevation, along with the provision of new rooflights within the SE roof slope, will maximise natural light. The heightened roof and incorporation of rooflights will allow an increase in natural air movement and ventilation within the building.

2.10 Policy CP48 relates to supporting rural life. This policy contains a section specifically relating to the conversion and re-use of rural buildings; this states:

> *Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria:*
>
> *i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*
>
> *ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*
>
> *iii. The building can be served by adequate access and infrastructure.*
>
> *iv. The site has reasonable access to local services.*
>
> *v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*
>
> *Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.*

2.11 Whilst it is recognised that the LPA consider that the proposed works to the building go beyond what could be described as "conversion", and the proposal will not involve any of the above uses specifically, the proposal is considered to be generally acceptable based on the NPPF guidance at paragraph 78 – 80. The proposal will provide a reconstructed building in the same location as the existing former potting shed and will therefore not detract from the character or appearance of the surrounding landscape. The case officer referred to this in discussions, advising that the presence of the existing building mitigates potential landscape/visual amenity impacts.

2.12 The reconstruction of the former potting shed does not involve the provision of a new dwelling, merely the provision of ancillary space associated with an existing dwelling. Therefore, it will not generate any additional vehicular movements and is therefore considered to be acceptable in planning policy terms.

2.13 Policy CP50 is concerned with biodiversity and geodiversity. This policy states that all development proposals *"…must demonstrate how they protect features of nature conservation…value as part of the design rationale."* It goes on to state that *"All development proposals shall incorporate appropriate measures to avid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development."*. Finally it advises that *"All development should seek opportunities to enhance biodiversity."*

2.14 The building has been the subject of a survey to assess its suitability for use by bats; the survey found no bats, droppings or further evidence of bat presence during the inspection of the building and it is considered to have **low roosting potential**.

2.15 A further nocturnal survey was recommended and this took place in late-May 2023. Results of this survey indicated that local bat populations of various species exploit surrounding habitats; however, at no point were any bats observed emerging from or re-entering the surveyed building. Additionally, no further evidence of bat roosting was discovered during an internal search immediately prior to the commencement of the nocturnal survey. Therefore, no further survey work was considered necessary and an EPS Licence is not required for the proposed works to proceed.

2.16 In order to enhance the biodiversity of the area, bat boxes will be incorporated in appropriate locations on the building façade.

2.17 Policy CP57 is concerned with ensuring high quality design in all new developments, including extensions, alterations and changes of use of existing buildings. It advises that development should create a strong sense of place through drawing on the local context and being complimentary to the locality. A series of criteria are included within the policy; those of most relevance to this project include:

- *Enhancing local distinctiveness by responding to the value of the natural and historic environment*
- *Responding positively to the existing townscape and landscape features in terms of layout, built form, height, mass, scale, elevational design, and materials*
- *Maximising opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are oriented to gain maximum benefit from sunlight and passive solar energy in accordance with Policy CP41*
- *The use of high standards of building materials, finishes and landscaping*

2.18 The proposed works to the building, in particular the use of traditional building materials and retention of large openings within the NE elevation, will maintain its barn-like appearance, which is considered appropriate in this rural setting.

2.19 As referred to in paragraph 2.9 above, the works to the building will incorporate new windows within existing door openings on the NE elevation, along with the provision of new rooflights within the SE roof slope, in order to maximise natural light levels within the building. The proposal is therefore considered to comply with policy CP57.

2.20 Policy CP67 relates to flood risk and advises:

> *Development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the sequential test in line with the requirements of national policy and established best practice.*

> *All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.*

2.21 The building lies within Flood Zone 2; however, the small-scale nature of the development and the fact it involves development of a previously-developed site means that it does not need to be subject to a sequential test or exceptions test. The internal floor level of the building will be raised by 160mm to match the external concrete slab.

2.22 A Flood Risk Assessment has been prepared in support of the application, which provides evidence that the re-use of the building for ancillary domestic purposes is acceptable in flood-risk terms. This has been revised following comments from the case officer on the previous application, and provides additional information on surface water management, access and evacuation and finished floor levels.

3. CONCLUSION

3.1 It is considered that the proposed reconstruction and extension of the former potting shed building and its use for ancillary domestic purposes is acceptable in planning policy terms. The additional element of the application, namely the formal change of use of the adjoining land to garden associated with Avonweir, means that the building will become formally linked to the existing dwelling and will provide appropriate ancillary accommodation to it.

3.2 The proposal is not to form a new dwelling; it is intended that the building is used for ancillary domestic space associated with Avonweir. The building will be properly insulated. The new roof and incorporation of rooflights, along with the provision of additional glazing elements to the SW elevation, will maximise the amount of natural light and ventilation within the building. The use of traditional building materials and retaining large openings to the main NE elevation will ensure that the reconstructed building maintains a barn-like appearance appropriate in this rural setting.

3.3 Whilst the alterations to the building are considered to amount to reconstruction the historic presence of a building in this location, much of which will be retained as part of the development, means that the proposal will not detract from the character or appearance of the landscape and will not be detrimental to any existing residential areas or amenities.

3.4 A net-gain in biodiversity will be provided through the incorporation of bat boxes within the façade of the building. Whilst the building lies within Flood Zone 2, the minor nature of the development means that it is appropriate in flood-risk terms and will not cause flooding issues elsewhere.

3.5 Given that the proposal is for *ancillary* domestic use associated with a nearby dwelling, rather than a stand-alone new dwelling, the proposed use is considered to be appropriate in this location.

Appendix 1 – Wiltshire Council letter

Wiltshire Council

Stuart Kendrick
Concept Drawing & Design Architects Ltd
30 Buzzard Road
Calne
Wiltshire
SN11 9RW

Development Services
Wiltshire Council
Tel: 0300 456 0114
Email:developmentmanagement@wiltshire.gov.uk

08 March 2023

Dear Sir/Madam,

Town and Country Planning Act 1990

Application No:	**ENQ/2023/00284**
Proposal:	**Conversion of outbuilding to ancillary facilities to the main house with extension and raising of roof by 0.5 metres**
Location:	**AVONWEIR, AVONWEIR LANE, CHRISTIAN MALFORD, CHIPPENHAM, SN15 4AY**

I am writing further to your enquiry in respect of the above proposal, received on 22 February 2023.

From the information you have supplied, it would appear the proposal is **NOT PERMITTED DEVELOPMENT** under the provisions of the Town & Country Planning (General Permitted Development) Order 2015, as amended.

As a general guide, extensions and alterations to outbuildings within the curtilage of a listed building would require planning permission, furthermore extensions and alterations to outbuildings that are located forward of the principal elevation of a dwelling house would also require planning permission (Schedule 2 Part 1 Class E , E.1 (g) (c). Therefore if the building was located within the curtilage of the main house then planning permission would be required for the proposed works.

However, following research into the site and from the information provided it appears that there has not been a change of use to the land in question and the building is in fact located on land outside of the residential curtilage of Avonweir. I am therefore of the view that planning permission would be required for the change of use of land and the building as well as the proposed alterations and extensions to the building.

I note that you have mentioned about the possibility of the proposed use and alterations / extensions being acceptable under Part 3 ,Class Q of the above order. From the information provided I am of the view that the works would consist of building operations outside those that are allowed under the above Class Q criteria. If you would like the proposal to be formally assessed as to whether is would comply you would need to submit a Class Q notification or alternatively submit a full application to cover the proposed change of use and works to seek permission for the proposal.

The full criteria for Class Q can be found on the following link

The Town and Country Planning (General Permitted Development) (England) Order 2015 (legislation.gov.uk)

Details of how to submit a planning application can be found on the following link

https://www.wiltshire.gov.uk/planning-submit-planning-application

BUILDING CONTROL
These works will require a building regulation application. The Building Regulation process is to ensure your home is safe, well built and energy efficient. We would like to provide this service to you and invite you to access our form and other information online at www.wiltshire.gov.uk/buildingcontrol. Alternatively, you can make your application by emailing buildingcontrol@wiltshire.gov.uk. You can find the relevant application form at
http://www.wiltshire.gov.uk/planninganddevelopment/newbuildingcontrol/buildingcontroldownloads.htm

Please note that this assessment is based solely on the information you have supplied which is assumed to be accurate. If the submitted information is not correct or the development is not carried out in accordance with the submitted details, this may result in a development which would be in breach of planning control and liable to enforcement action to remedy the breach

You should also note that this assessment is an informal officer opinion, it does not constitute a formal decision under Section 192 of the Town and Country Planning Act (as amended), and is not binding on the Council. If you wish to obtain a formal determination you may apply for a 'Certificate of Lawfulness' for which the relevant application forms and scale of fees are available from this office.

Yours sincerely

Lisa Davis
Planning Liaison Officer