CASE OFFICER'S REPORT

Application Reference:	PL/2023/04861
Application Type:	Full planning permission
Site Inspection:	N/A
Consultation expiry:	7/8/23

Site Address:	Gilboa Barn, Brokenborough, Malmesbury, SN16 0HX
Proposal:	Operational development, creation of curtilage and parking area to facilitate the change of use from agricultural building to flexible commercial office use (with reference to Class R notification under PL2023/02180)
Recommendation:	Approve with conditions

SITE DESCRIPTION/CONTEXT

The application site is part of a large private property located to the north of the B4014. The structures that are the subject of the application lie outside of the residential curtilage but withing the same ownership/landholding as Gilboa Barn. The barns subject to this application are further north of the main residential unit with a separation of over 130 metres. They are single storey, with stone and timber construction, with similar dual pitched corrugated roofs. Access to the site is via lanes leading from Five Lanes to the north and the B4014 from the south.

The general site area is located outside of the settlement boundary of Malmesbury and within the open countryside. The site is not in a conservation area however, to the immediate north of the barns to be converted and the west of the main residential unit there is evidentiary records of historic buildings and monument sites.

PROPOSAL

The application seeks full planning permission for operational development, creation of curtilage and parking area to facilitate the change of use from agricultural building to a flexible commercial office use (with reference to Class R notification under PL2023/02180). As part of the proposal, permission is also sought for the change of agricultural land to provide a curtilage and two parking spaces for the office use. A package treatment plant is also included on land within the applicant's ownership to serve the development.

RELEVANT PLANNING HISTORY

07/02233/FUL Conversion of Existing Garage to Family Room and Erection of New Detached Double Garage with Studio/Office Over (Revision of 07.01714.FUL) (Approved – 08 October 2007)

16/07601/PNCOU Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (C3) and for Associated Operational Development (Prior Approval not required – 23 September 2016)

PL/2022/02685 Change of use and conversion stone agricultural buildings to an annex for ancillary use to

the main dwelling & change of use of land from agricultural to residential amenity space Refused

PL/2023/02180 Notification Under Class R for a Change of Use of Barns Which Cumulatively Do Not Exceed 150sqm (112.8 sqm) to a Flexible Commercial Use (Class E Office) to Commence on the 1st September 2023. Acknowledged.

Whilst described as Gilboa Barn the site is separate and some distance (approx. 675m) from the current application site and related property known as Gilboa Barn.

POLICIES

National Planning Policy Framework (2021) and PPG

Wiltshire Core Strategy (2015):
Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 13 – Spatial Strategy for the Malmesbury Community Area
Core Policy 34 - Additional employment Land
Core Policy 48 – Supporting Rural Life
Core Policy 50 - Biodiversity
Core Policy 51 – Landscape
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 58 – Conserving the Historic Environment
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and New Development
Core Policy 67 – Flood Risk

Saved polices from the North Wiltshire Local Plan (2011) – none relevant

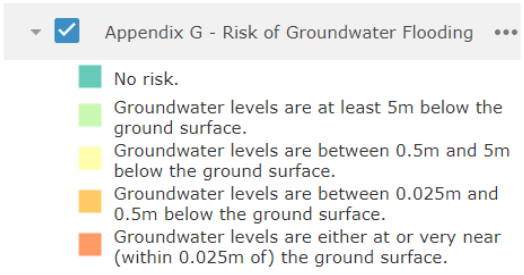
Brokenborough and Malmesbury (Reg 14 review)

Strategic Flood Risk Assessment Level 1

CONSTRAINTS

- Existing track access is within 20m buffer for watercourse and leads to adopted class C highway
- High groundwater flood risk for buildings and site access subject to surface water flood risk
- Grade 3 Agricultural land close to Cotswolds AONB.







CONSULTATION & REPRESENTATIONS

Highways – No objection
Archaeology – No objection

Parish Council – No objection

No third-party comments received.

MAIN PLANNING ISSUES

1. Principle of development and site history
2. Design and impact on landscape character, visual amenity and heritage assets
3. Impact upon residential amenity
4. Impact on highway safety and parking standards
5. Flood risk and non mains drainage
6. Ecology

ASSESSMENT:

1. Principle of Development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and Malmesbury Neighbourhood Plan.

The principle for office use of the buildings has been established by the prior notification procedure under PL/2023/02180 under Class R. It is noted that residential use was also established under a prior notification application 16/07601/PNCOU for Class Q.

The principle for office use of the buildings is therefore established and provides a fallback position for the application. This application seeks to provide a curtilage for the office use, to enable on site parking, and to provide a package treatment plant to serve the development. The application also clearly indicates the intended means of access to serve the development and link it to the public highway by utilizing the existing track serving the farm buildings.

The application site is in the Parish of Brokenborough, close to the market town of Malmesbury. The wider area is not identified by either Core Strategy Policy 13 or Appendix E of the Wiltshire Core Strategy as a settlement, small village or having formally had a settlement boundary therefore the site is located in the open countryside in planning terms.

WCS Core Policy 48 and the NPPF para 80 seek to secure the conversion and reuse of rural buildings for employment purposes subject to detailed criteria. CP34 considers additional employment land. The development is therefore considered to be acceptable in principle, subject to detailed site specific assessment and related policy consideration and compliance with other policies contained within the development plan.

2. Design and impact on landscape character, visual amenities and heritage assets

WCS Core Policy 57 states that a high standard of design is required in all new developments which must enhance local distinctiveness by relating positively to the existing pattern of development and townscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials and streetscape. Proposals must also take account of the characteristics of the site and local context to deliver appropriate development which relates effectively to the immediate setting and wider character of the area.

Paragraph 174(b) of the NPPF requires that development have regard to the intrinsic character and beauty of the countryside and this requirement is reflected in CP51 of the WCS. Core Policy 48 supports the appropriate reuse of buildings in the countryside for employment use, subject to detailed considerations including:

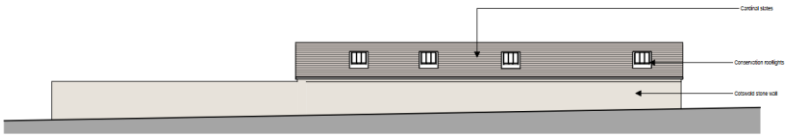
i.The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.
ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.
v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.

The single storey buildings are constructed from stone with simple corrugated roofs with timber framed construction and have been in existence for some one hundred & forty years, they are clearly shown on the 1881 Ordinance Survey map. The structural report sets out their features. The buildings are undesignated heritage assets and are of some interest in terms of their rural character and setting within the landscape.

The structural survey concludes:

It is our opinion that these building are structurally sound bearing in mind their age and usage, especially as they have withstood recent storms, of exceptional wind speeds.
It is our opinion that they will be able to be converted to a professional and dedicated office space.
Obviously significant works will be required to bring this building up to current Building Regulation standards for habitable use.

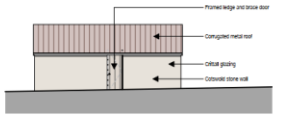
The principle for the use is accepted under Class R and therefore, issues around “conversion” versus fresh build are not assessed in any detail in this application. Moreover, the proposals seek to restore undesignated heritage assets into a viable use. The proposed amendments to them are modest, reflecting their existing character and seeking to provide essential development to secure the use. Cotswold stone for the walls, Cardinal slates/metal sheeting are proposed for the repairs to the roofs with new crittall glazing for the windows and new conservation rooflights. The proposal does not seek to extend the buildings.



North Elevation
1 : 100

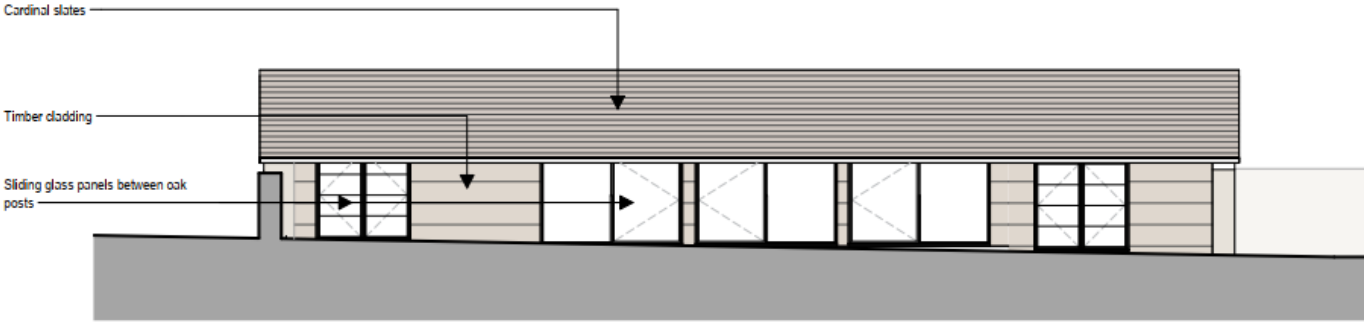


East Elevation
1 : 100



North Elevation
1 : 100





The site is sufficiently distant from the setting of the Cotswold AONB not to detrimentally affect its character, but new external artificial lighting should be controlled in this remote rural location.

In conclusion, the principle for change of use for flexible commercial use (offices) has been established by Class R, the application seeks operational development to implement the use. The proposed repairs and conversion are considered to be appropriate and would secure a viable use for a the non designated heritage assets. The visual improvement to the buildings in an isolated location (remote from any settlement) would in turn secure enhancement to the landscape setting for the site, in accordance with Para 80 of the NPPF, CP51 and CP48.

The site and locality are known for their archaeological interest and records but no assessment or information has been submitted in this respect. However, the Council's archaeologist has raised no objection under CP58.

3. Impact on Residential Amenity

Given the nature and location of the proposed development, it is not considered that it would give rise to any harm to the amenity of the neighbouring residential occupier as the site is in an isolated location. It is also noted that an adequate level of amenity could be achieved within the development itself. The proposal is therefore considered to be acceptable in this regard, subject to the use of the building being restricted to Class E (g) uses, which are considered acceptable uses within residential areas.

4. Impact on Highway safety and Parking standards

CP57, 60 and 61 is relevant to the application, which concerns two buildings in an isolated location, remote from any settlement. Two parking spaces are proposed within an enclosed courtyard separating the two buildings and enclosed by a timber fence. The Highways Authority commented:

The existing access is taken from a privately maintained road, which accesses Five Lanes to the north and the B4014 to the south.

There are no proposals to alter the existing connections with the public highway and the vehicle parking provision proposed within the curtilage is in accordance with the maximum standards. The proposals would not be located in a sustainable/accessible location and would rely heavily on the use of the private motor vehicle for the main mode of transport, however the resultant trips brought about by the proposals would not be a concern with regard to safety and capacity.

Therefore, I would not wish to raise an objection to the proposals in relation to highways.

The proposal would therefore comply with CP57, CP60, CP61

CP48 supports proposals where:

iv. The site has reasonable access to local services.

The site is not considered to have reasonable access to local services for the reasons stated and due to its remote location. This would normally be a reason for refusal for certain types of buildings. However, there is a fallback position provided for the office use by the Class R permitted development right under PL/2023/02180. The pd right does not consider remoteness or isolation. Furthermore, the proposal would secure an ongoing viable use for undesignated heritage assets (criterion v of CP48) and enhance their immediate setting, and this is considered to weigh in favour of the proposal in the planning balance.

5. Flood Risk and non mains drainage

The buildings are shown to be in an area at high risk of groundwater flooding and the access is subject to surface water flooding. The NPPF states:

167. *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* [55] *.*

*(55) A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3****. In Flood Zone 1, an assessment should accompany all proposals involving****: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or* ***land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.***

However, the proposed flexible business (office) use is classified as a LESS VULNERABLE use in Annex 3 of the NPPF. Therefore an FRA is not required, but the applicant would be made aware of the flood risk by an Informative.

A package treatment plant is proposed to serve the new flexible business (office) use and this method of foul drainage is acceptable under the PPG para 020. The site of the PTP is shown on the site plan, on land within the applicant's ownership. No objection is raised.

6. Ecology

Core Policy 50 is applicable to the development, which seeks to convert two rural buildings with open sides. A PRELIMINARY ECOLOGICAL APPRAISAL BAT RISK ASSESSMENT has been submitted to assess the potential for bats, badgers and other protected species. It concludes:

The target buildings on initial survey were both deemed to be of negligible potential for roosting bats due to amount of ambient light and overall construction - nothing has changed when the barns were re surveyed in June 2023, and as such no further surveys for bats will be required for the Gilboa Barn Site.

Proposed mitigation includes:

5.3: Ideally, any demolition/reconstruction activities should take place outside the nominal bird breeding season (March to August) If this is not achievable then the ecologist will provide advice and potentially a watching brief.
5.4: There is a strong recommendation for the use of a bitumen type felt as opposed to a breathable membrane within the roofs of the redeveloped buildings.
5.5: In the unlikely event, a bat is found during the redevelopment, work should cease on that section and the Ecologist at Bombus Ecology informed will provide a watching brief and method statement.
5.6: It is recommended that a wildlife -friendly, low-level lighting scheme should be adopted during and post-development to minimise disturbance to any nocturnal wildlife using the peripheries of site, such as bats foraging along the site boundaries. Further de tails can be obtained from the ecologist.

Proposed enhancements include:

• *Incorporation of bird or bat boxes across site providing extra potential roosting/nesting resource for a number of common species of bat/birds, thus improving biodiversity. In particular a Barn Owl box on the southeast gable end of the proposed building.*

• *Replanting of a range of ruderal type plants and scrub that will attract pollinators along the periphery.*

• *Landscape planting of trees that provide nectar, fruit or nuts i.e. rowan Sorbus acuperia, hornbeams Sorbus sp. blackthorn Prunus spinosa, hazel and crab apple Malus sylvestris.*

Any permission for the development should include conditions to secure the enhancement and mitigation shown on the plans.

CONCLUSION

The Council's development plan is the starting point when determining whether a proposal constitutes sustainable development. The proposal seeks to secure operational development associated with a recent Class R prior notification for a flexible business (office) use for the buildings.

Whilst the buildings are in an isolated location, the proposals seek to restore the character of two undesignated heritage assets and would enhance their setting. Ecological improvements and planting can be secured by condition to improve the biodiversity of the site.

The benefits of granting permission for the proposal would significantly and demonstrably outweigh any harm, and the proposal represents sustainable development in accordance with the Wiltshire Core Strategy and the NPPF.

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

The development shall be completed in accordance with the following drawings and plans:

Location and Site Location Plan ref 1057-TB-XX-XX-DR-A-1001 rev PL05 dated 3/7/23
Location and Site Block Plan ref 1057-TB-XX-XX-DR-A-1101 rev PL05 dated 31/8/23
Proposed Ground Floor ref 1057-TB-XX-GF-DR-A-2251 rev PL04 dated 22/5/23
Proposed Elevations ref 1057-TB-XX-XX- DR-A-3251 rev PL05 dated 31/8/23
Proposed Roof Plan ref 1057-TB-XX-RF-DR-A-2252 rev PL03 rev 1/2/23
Visual Inspection Letter dated 15th June 2023
Preliminary Ecological Appraisal and Bat Risk Assessment dated June 2023 by Bombus Ecology

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

The materials to be used for the walls and roof of the conversion development hereby approved shall be in accordance with the materials schedule in the approved plans namely:

Walls - natural Cotswold stone to match the existing stonework on the buildings. Oak posts. Horizontal timber

cladding.
Windows – Crittall glazing and sliding glass panels
Rooflights - conservation style
Roof – corrugated metal roof and Cardinal slates
Reason: To secure a harmonious form of development

Before the office accommodation is first occupied, foul water drainage shall be provided in accordance with the approved plans (package treatment plant).

Reason: To ensure that the development can be appropriately drained and to avoid any adverse effects upon the integrity of the nearby watercourse.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), the site and buildings shall be used solely for purposes within Schedule 2, Part A, Class E (g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or reenacting that Order with or without modification).

REASON: The proposed office use in this location is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

The development will be carried out in strict accordance with the Recommendations Section 5, Mitigation and Enhancement measures set out in the Preliminary Ecological Appraisal and Bat Risk Assessment dated June 2023 by Bombus Ecology.

The permanent bird and bat boxes shown on the approved elevation plans ref PL05 shall be installed before the office is first used and retained for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

Parking spaces shall be made available for the office use hereby permitted, for the lifetime of the development, in accordance with the approved site plan ref Site Block Plan ref 1057-TB-XX-XX-DR-A-1101 rev PL05 dated 31/8/23.

Reason: To ensure that off street parking is available for the office use in the interests of highway safety and visual amenity.

No new artificial lighting shall be installed on the site or buildings.

Reason: In the interests of the amenity of the landscape setting for the site and in the interests of biodiversity.

Informatives

Community Infrastructure Levy

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

BARN CONVERSIONS- EXTENT OF PERMISSION

The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site [other than that shown on the approved plans] will mean that the permission hereby granted would no longer be in effect and any further development would then be unauthorised and in breach of planning control.

FLOOD RISK
The applicant is advised that the buildings lie within an area identified to be at risk from groundwater flooding and the site access is identified as an area of surface water flood risk. The approved office use is a *less vulnerable* use identified in the NPPF 2021 Annex 3 and a site specific flood risk assessment is not required.