CASE OFFICER'S REPORT

Application Reference:	PL/2023/05693
Application Type:	Lawful development: Proposed use
Site Inspection:	
Consultation ends:	19 July 2023
Case officer:	Hilary Baldwin

Site Address:	Milbourne Water Treatment Centre (WTC), Monks Park, Milbourne, Malmesbury, Wiltshire, SN16 9JF
Proposal:	Certificate of Lawfulness for the installation of a kiosk to house a set of additional booster pumps to increase resilience at the site should the existing pumps fail.
Recommendation:	Approve

The Proposal

The proposal represents a claim for a lawful development certificate to consider if the evidence provided demonstrates that the proposed kiosk and integral set of additional booster pumps to increase resilience at the site should the existing pumps fail, complies with Part 13, Class A, Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether a Certificate of Lawfulness can be granted.

The kiosk would be constructed off-site using glass reinforced plastic at a Wessex Water supplier depot and fully fitted with the equipment off-site before being delivered to the water treatment plant. The kiosk will be delivered as a fully operational unit with equipment included as a self-contained piece of plant and equipment. The kiosk will have dimensions of 4m by 2.8m and height of 3.5m which includes a kiosk skid plate and will be mounted onto compacted Type 1 hardstanding.

Site Description

The application relates to an existing Wessex Water pumping station site which is located to the eastern side of an unadopted track leading south from Milbourne Lane East, and in the centre of Milbourne, which is designated as a Small Village in the WCS. There are buildings, equipment and hardstanding which is considered typical on such sites owned and operated by utility providers.

Located within a rural area, the site is surrounded by agricultural fields and only visible from users of the farm track.

Policy Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, specifically, Schedule 2, Part 13 of this Order.

Planning History

There is no planning history on the site or on nearby sites, which is considered to impact upon the determination of the current claim for a Certificate of Lawfulness.

Assessment

The application is seeking a certificate of lawfulness for the proposed installation of a control kiosk unit with integrated booster pumps for the benefit of back up facilities and fail-safe equipment. In order to establish whether the proposed works are lawful, the proposals need to be assessed against Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically, Part 13 Class A (g) - Water or hydraulic power undertakings.

Part 13 Class A, (g) any other development in, on or under operational land other than the provision of a building but including the extension or alteration of a building.

It is stated that Wessex Water has sought legal opinion for similar development at a Water Recycling Centre for a kiosk unit. The legal opinion commented on that scenario that the outer casing of the plant and machinery (the kiosk) is an integral part of the overall function of the unit rather than a functional “building”. Therefore, if the unit can be distinguished from a building, there are several tests that can be applied. The outer of the unit should;

1. allow access to the electrical plant maintenance only and not permit any other use;
2. provide essential enclosure for the plant inside and protect electrical panels from water ingress;
3. safeguard the electrical equipment to maintain a steady temperature; and
4. secure the unit from vandalism or theft

In this instance, it is concurred that the kiosk is effectively an enclosure and integrated unit for equipment located on operational land and is therefore excluded from the definition of a building. Consequently, the kiosk could benefit from permitted development under Part 13, (g).

Development is not permitted by Class A if:

(a)in the case of any Class A(a) development, it would include the construction of a reservoir;
Not applicable.

(b)in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;
Not applicable.

(c)in the case of any Class A(g) development, it would consist of or include the extension or alteration of a building so that—
(i)its design or external appearance would be materially affected;
(ii)the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
(iii)the floor space of the original building would be exceeded by more than 1,000 square metres; or
The works are for new 'buildings' and not extensions or alterations to existing.

(d)in the case of any Class A(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.
The kiosk would not exceed 15m in height.

Consultations
No consultation made due to the nature of the application

Representations
None received due to the nature of the application

Conclusion
The proposal complies with Schedule 2, Part 13, Class A (g) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and as such is found Lawful.

Informatives: (2)

1 The proposal complies with Schedule 2, Part 13, Class A (g) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and as such is found Lawful.

2 **PLANS LIST:**
This decision relates to the following information:

B18101/ENV/300/A Proposed Location Plan. Received on 19 July 2023
B18101/ENV/100/A Environmental Appraisal Plan. Received on 12 July 2023
B18101/ENV/100/A Environmental Appraisal Plan. Received on 19 July 2023
B18101/1002 Rev C Proposed Below Ground Service Layout. Received on 18 July 2023
B18101/2000 Rev C Proposed Booster Pumping Station General Arrangement. Received on 18 July 2023