.

REMOVAL OF CONDITION 3 OF PLANNING PERMISSION REF: 21/02324/FUL TO ENABLE PERMANENT CHANGE OF USE OF LAND TO BEER GARDEN ASSOCIATED WITH THE QUEEN'S HEAD INN

PLANNING STATEMENT

LAND BOUNDED BY HIGH ROAD AND THE CAUSEWAY
BROAD CHALKE
SALISBURY
SP5 5EN

ON BEHALF OF CHICKPEA (QH) LTD

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

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1. INTRODUCTION

1.1 This Planning Statement has been prepared in support of an application to remove condition 3 of planning permission ref: 21/02324/FUL relating to land to the south east of The Queen's Head public house, North Street, Broad Chalke (the application site). The application is submitted on behalf of Chickpea (QH) Ltd (the applicant).

1.2 On 27th May 2021, planning permission was granted for the "change of use of agricultural land to beer garden associated with the Queen's Head Inn, boundary treatment and associated works" (ref: 21/02324/FUL).

1.3 Condition 3 of the permission states:

"The use of the land and all tables, seats and parasols and other associated paraphernalia hereby permitted shall permanently cease/be removed on or before the 27th May 2024. Within one month of the permitted use ceasing upon the land, a scheme of works for the re-landscaping/restoration of the land shall be submitted and approved in writing by the Local Planning Authority. The reinstatement of the land shall be in accordance with the agreed scheme.

REASON: In order to allow the LPA to assess the impacts of the proposal in the interests of amenity, the character and appearance of the Conservation Area and wider AONB, and in order to secure the restoration of the land upon removal/extinguishment of a use."

1.4 The principle of the change of use was wholly acceptable at the time, with only a query over what the actual impact would be on the Conservation Area and the landscape. As such, the applicant agreed to condition 3 to allow ample time to consider the impact and subsequently seek to apply for the removal of the condition accordingly.

1.5 The change of use was implemented immediately and has continued to operate in accordance with the other conditions associated with the permission to date. The change of use has been a success with no complaints regarding noise, and it has resulted in a steady, well managed use that has provided welcome additional income to support the viability of the business.

1.6 The land subject to the planning permission was put forward by a local landowner, and the applicant is pleased to confirm that this opportunity has been offered as a permanent right. This can therefore enable the success of the beer garden to continue in perpetuity.

1.7 This Statement demonstrates that having regard to planning policy, the permanent use of the land as a beer garden would be an asset to the community, that would not result in any harm to the village or immediate environs including the Conservation Area.

2. THE SITE

2.1 The application site is situated centrally within the village of Broad Chalke, nine miles to the west of Salisbury, in the Chalke Valley. Broad Chalke is a thriving village, located within a picturesque Wiltshire valley, benefitting from a range of facilities including a church, primary school, doctor's surgery, village hall, shop, café, sports centre and cricket club.

2.2 Arguably at the centre of the village is The Queen's Head Inn, which fronts onto the High Road with a linear car park directly to the rear, which is accessed from Tank Lane (off North Street).

2.3 The site is located diagonally opposite the Inn, forming part of a wider area of agricultural land bordered by High Road to the north, and The Causeway to the west. The site area extends to 0.14ha.



Image 1: Extract from Location Plan with The Queen's Head Inn visible to the North-West

2.4 To the north of the site is a Chapel which has been converted into a convenience store (known locally as 'The Hub'), the Queen's Head Inn, and several dwellings. To the west of the site is The Causeway road and a small number of bungalows which are largely 'side-on' to the road. To the south of the site is the extension of the field, with the River Ebble and trees further south.

2.5 As set out in Section 1 of this Statement, the implementation of the planning permission took place immediately, with placement of the tables and chairs and boundary treatment. As set out in the original application, the tables and chairs are all wooden to give a rustic and soft appearance in the landscape. Photographs overleaf illustrate how they have gently nestled into the site.



Image 2: The site with the tables and chairs in situ.

2.6 The site, and wider parcel of land is bounded by a post and rail fence. A native hedgerow was planted on the highway side of the fence, which has grown since the permission was granted, creating an attractive natural screen from the highway.



Image 3: Native hedgerow (2021)



Image 4: Native hedgerow grown to create a screen (2023)

2.7 The view from the footpath adjacent to the site allows glimpses of the tops of the parasols, as the native hedgerow conceals views of the tables and patrons.



Image 5: View into the site from the adjacent footpath.

2.8 In terms of planning policy, the site is located within the Conservation Area, however there are no Listed Buildings near the application site. The site is located within the Cranborne Chase Area of Outstanding Natural Beauty.

3. THE PROPOSED DEVELOPMENT

3.1 In May 2021, planning permission (21/02324/FUL) was granted for

> **"Change of Use of Agricultural Land to Beer Garden associated with The Queen's Head public house, boundary treatment and associated works".**

3.1 The planning permission allowed the change of use of the land, and the installation of 16 tables (each with a parasol) to be used by the patrons from the Queens Head Inn Public House.

3.2 Condition 3 imposed on the permission limited the use of the land to a three year period which expires in May 2024. It is proposed to remove the condition to enable the use of the land to continue in perpetuity.

Description of the Approved Proposals

3.3 The site is accessed via a new gate (approved under the above referenced application) which is positioned on the north eastern corner of the site, off the existing pavement which bisects the site from the village green. The access route for patrons therefore involves walking out of the Inn, turning left and walking 40m along the pavement/inside of the highway to the existing pedestrian crossing outside of the 'Hub'/Chalke Valley Stores. The gate is found immediately on the patron's left hand side after crossing the road.



Image 6: Extant Access Plan

Hours of Opening and Times of Year

3.4 Condition 4 of the planning permission states that the use of the land shall only take place between 11am and 8pm in the months of April and September, and only between the hours of 11am and 9pm in the months of May, June, July and August. The use is not permitted at any time from the 1st October to the 31st March inclusive, and during this time the chairs, parasols and other associated paraphernalia must be removed from the site and stored elsewhere. Tables can stay. This condition has been adhered to since the permission was implemented, and no deviation to these controls are proposed.

Noise Management Plan

3.5 Conditions 5 of the permission required the sue of the land to be managed in strict accordance with the submitted Noise Management Plan. This has been the case since the permission was implemented, and there have been no noise complaints made. It is proposed that the wording of this condition remain as to ensure the proper noise management of the land continues.

3.6 Condition 6 of the permission stated that there should ne no sound amplifying equipment, loudspeaker or public address system to be installed/operated, or allow any music to be played. This condition has been strictly followed, and it is proposed to retain the wording of this condition accordingly.

External Lighting

3.7 Condition required that no external light fixtures/fittings or parasol heaters be installed. It is not proposed to install any of these and as such this wording can remain.

Summary

3.8 It is proposed to remove condition 3 of the original planning permission for the change of use of the land to a beer garden. The purpose of the condition's removal is to allow the continued change of use in perpetuity. All other conditions have been lawfully complied with, and it is not proposed to seek removal or variation of any of these conditions.

4. PLANNING POLICY FRAMEWORK

4.1 This section refers to relevant national planning policy and guidance as well as Development Plan policies that provide the planning policy framework within this planning application should normally be considered.

4.2 It deals with the following layers of policy and guidance:

- National Planning Policy Framework (NPPF2); and
- The Development Plan.

National Planning Policy Framework (NPPF)

4.3 The NPPF outlines national guidance and the Government's policies on the many different aspects of planning. A second version of the NPPF was published in July 2018. Local Authorities are required to take its content into account when preparing their Development Plans and it is a material consideration when making decisions on planning applications or appeals.

4.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It reiterates the role of the Development Plan noting at paragraph 2 that:-

> **"Planning law requires that applications for planning permission must be determined in accordance with the Development, unless material considerations indicate otherwise".**

Achieving Sustainable Development

4.5 Central to the NPPF is the principle of sustainable development. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

4.6 Paragraph 8 identifies three overarching objectives of sustainable development. These include economic, social and environmental objectives.

4.7 Paragraph 9 stresses that:-

> **These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area".**

The presumption in favour of sustainable development

4.8 Paragraph 11 sets out a presumption in favour of sustainable development that should be applied in Plans and decisions. For decision-taking this means:-

> **"(c) Approving development proposals that accord with an up-to-date development plan without delay."**

4.9 Paragraph 12 confirms that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making.

Building a strong, competitive economy

4.10 Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It states that:

> **"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."**

Supporting a prosperous rural economy

4.11 Paragraph 84 requires planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, and enabling sustainable rural tourism and leisure development which respects the character of the countryside.

4.12 Paragraph 84 goes onto support the retention and development of accessible local service and community facilities including public houses.

Promoting healthy and safe communities

4.13 Paragraph 92 requires planning decisions to promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, including active street frontages and high quality public space to encourage the active and continual use of public areas.

4.14 Paragraph 93 supports community's social, recreational and cultural facilities and services. Criterion (d) seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

The Development Plan

4.15 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Statutory Development Plan covering the application site comprises:-

The Wiltshire Core Strategy (2015)

4.16 **Core Policy 34 – Additional Employment Land**. This policy supports developments within Large and Small villages which are for new and existing total based businesses.

4.17 **Core Policy 49 – Protection of rural services and community facilities**. The policy seeks mainly to protect the loss of existing services and facilities. However, the supporting text to the policy explains the importance of pubs in Wiltshire villages, and supports their diversification. At paragraph 6.70 and 6.71, it states:

"Local facilities and services are a vital part of the smaller settlements of Wiltshire but despite this there has been a continued decline in many of these services….The threat to local services is exemplified in the national trend for closure of public houses which is reflected in Wiltshire. Public houses are important to the fabric of village life….There is a need to protect and encourage the development of rural services and facilities within Wiltshire to ensure that settlements, particularly those named in this Strategy [including Broad Chalke]." [our addition]

4.18 **Core Policy 51 – Landscape.** The Policy requires development to protect, conserve and where possible enhance landscape character and to not have a harmful impact upon landscape character with any negative impacts mitigated as far as possible through sensitive design and landscape measures.

4.19 **Core Policy 57 – Ensuring high quality design and place shaping**. The Policy sets out the Council's standards for ensuring high quality design and place shaping. The Policy seeks a high standard of design including the change of use of existing buildings. The Policy expects development to create a strong sense of place through drawing on local context and being complementary to the locality. The Policy sets out 14 criteria for each application to address and there is a theme of enhancing local distinctiveness running through them. Criteria which apply to the proposed development in particular are:

> **"vi. Making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.**

> **vii. Having regard to the compatibility of adjoining buildings and uses, the impact on amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).**
>
> **xii. The use of high standards of building materials, finishes and landscaping ….”**

4.20 **Core Policy 58 – Ensuring the conservation of the historic environment**. This policy states that development should protect, conserve and where possible enhance the historic environment.

4.21 **Core Policy 61 – Transport and new development.** The Policy requires new development to be located and designed to reduce the need to travel by private car and to encourage the use of sustainable transport alternatives.

Broad Chalke Neighbourhood Development Plan (2019-2026)

4.22 The Broad Chalke Neighbourhood Plan was supported in the referendum in July 2021, and is now been adopted by Wiltshire Council as part of the Local Plan to 2026.

4.23 Figure 4 (Broad Chalke Development Strategy) provides a plan indicating Important Green Spaces, but the application site falls within an area that falls outside of this draft designation. The ‘Village Green’ area which is located between the High Road and the path adjacent to the application site falls within the designation. As such, there is no proposed local protection of the application site.

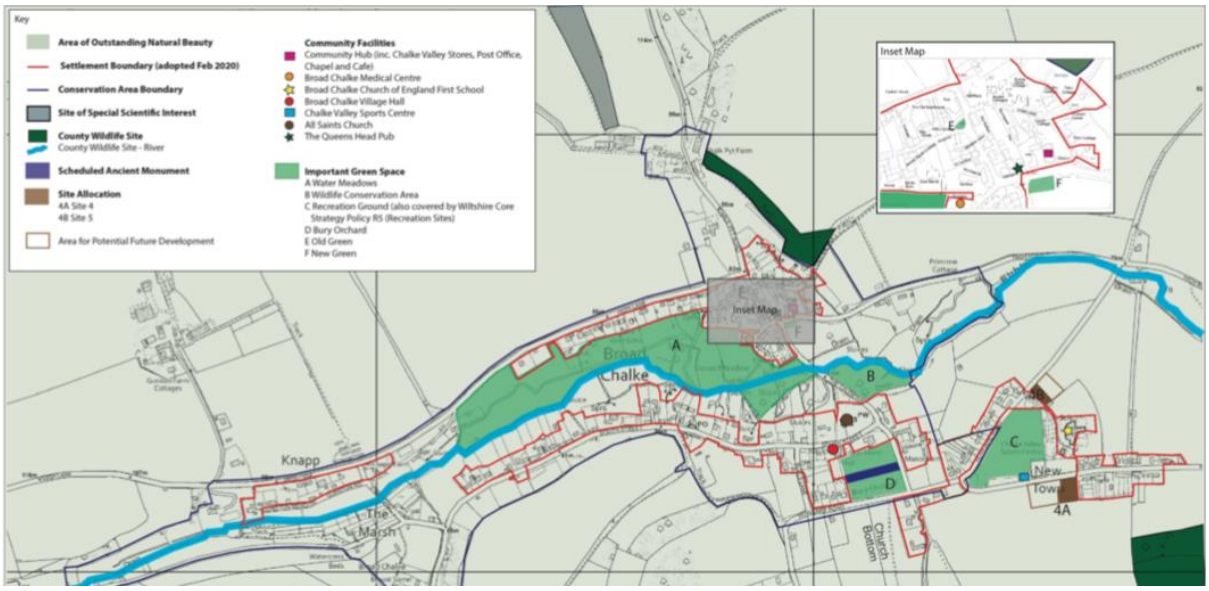


Image 7: Extract of Figure 4 from Broad Chalke Development Strategy

4.24 Whilst the site does not fall within an identified Important Green Space, policy 2A states that development that increases accessibility to green space in line with the Accessible Natural Green Space Standards will be supported.

4.25 Page 33 of the Neighbourhood Plan relates to the heritage of the village, and refers to the key characteristics of the Conservation Area which need to be protected or conserved. In terms of open space, it refers to the 'Green Valley landscape setting'.

4.26 Pages 90/91 of the plan relates to the village centre, of which the Queen's Head is a focal point along with the medical centre, community Hub and URC Chapel. This section explains how an area of green space was designed to create a village green. This has created a 'centre of gravity' for the village which historically was the traditional commercial centre for the village.

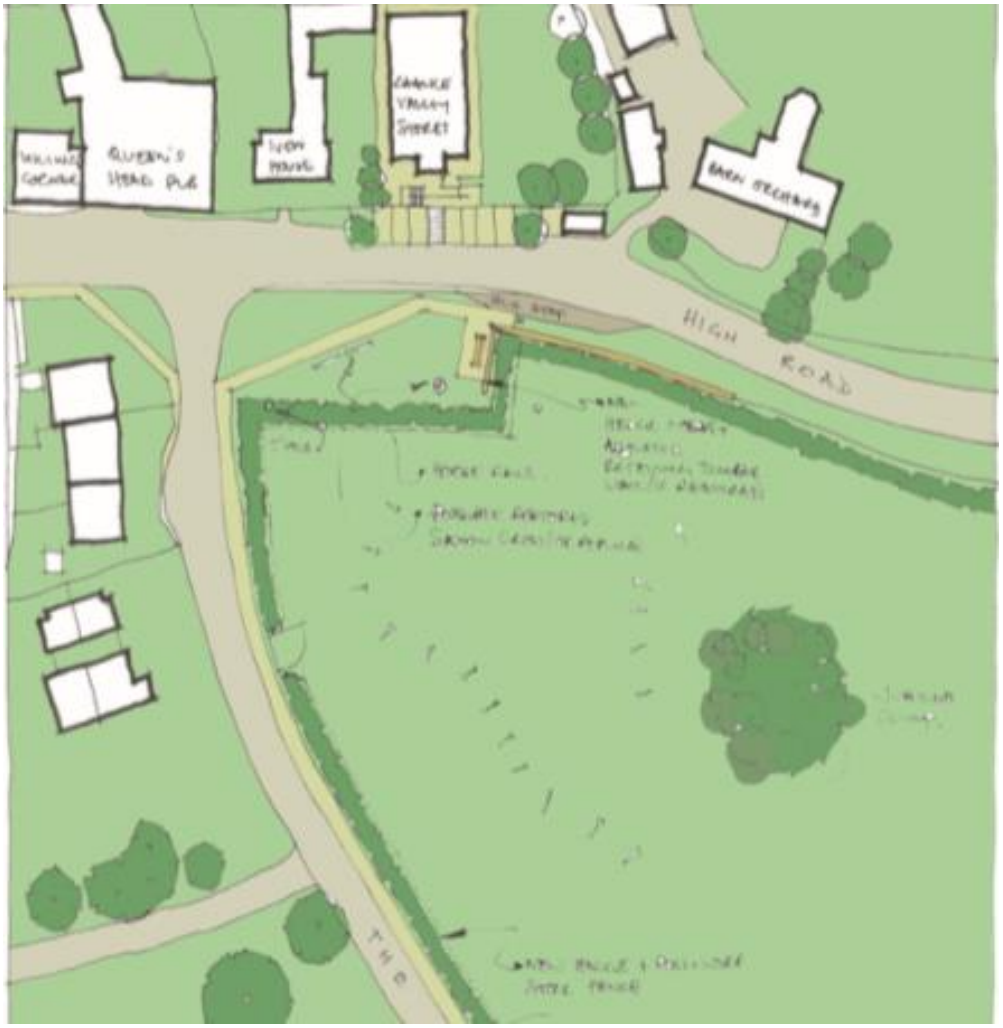


Image 8: Extract from Image 28 of Broad Chalke Neighbourhood Plan illustrating design of village green

4.27 The works to create the village green have now been completed, and the fence erected and boundary hedge planted.

5. PLANNING CONSIDERATIONS

5.1 The principle of the change of use is acceptable, by virtue of the granting of planning permission in May 2021. The Officer's report states that:

"the proposed use of the land as a beer garden in planning policy terms is acceptable and adheres to national planning policy guidance with the NPPF. Therefore, the proposed expansion of this employment and community facility is supported in principle by the supporting text (paragraph 6.66) to Core Policy 49 as well as national planning policy subject to the assessment of the proposal in terms of impact upon the character and appearance of the Conservation Area and AONB, impact on the amenity of any neighbouring properties and impact upon highway safety."

5.2 Officer's statutory consultation responses did not raise any objections to the proposed development at the time the decision was made. The reason to limit the use for a period of three years was to provide an opportunity for the subjective matters of impact on the Conservation Area and to the AONB to be assessed during that time. The Officer's report states, in the concluding paragraphs:

5.3 "The applicant has also agreed to a temporary consent being issued so that the impact of the use can be assessed. It should also be noted that this site is located in a modest part of the overall Conservation Area, which will remain unaffected, and also some distance from any listed buildings, which also remain unaffected in terms of their setting. Equally, whilst part of the AONB landscape, the application site is a modest scale, and seen very much in the context of the more urban character of the adjacent village. Land to the immediate north is confirmed in the Neighbourhood Plan as a village green space. Thus this site does not represent a significant intrusion into the rural landscape in officers opinion. The weight given to the harm is therefore modest."

5.4 The applicant has ensured that the rules of opening and closing have been adhered to, and there has only been one complaint regarding hours of operation which related to a single customer who left the beer garden six minutes after closing time.

5.5 Across the two full seasons of use, the beer garden has resulted in a small but steady number of customers which has resulted in a welcome additional turnover to support the business. The applicant advises that all who use the beer garden think highly of it. The beer garden has also attracted customers who might otherwise not use the pub as they prefer to sit outside.

5.6 Whilst there were some reservations amongst locals at the time the original application was submitted, there have been no adverse comments raised with the pub which demonstrates that the beer garden has brought with it benefits and no areas of concern.

Assessment of Impact on Conservation Area and Landscape

5.7 At the time the application was determined, the Conservation Officer concluded that it was difficult to assess the harm to the character of the Conservation Area, although it would be on the 'less than substantial' scale on the basis that it could affect the peaceful character of the field.

5.8 Due to the limitations of when the use can take place during the year, the peaceful character of the field is largely retained. The applicant is pleased to confirm that usage of the beer garden has been well managed and there have been no complaints received to date (between May 2021 to date, taking into account the beer garden is currently closed until 1st April 2024).

5.9 Core Policy 51 advises that development proposals should protect, conserve, and where possible, enhance landscape character, must not have a harmful impact; and development proposals must be sympathetic.

5.10 The site falls within the village centre and does not encroach into open countryside. It is seen against the backdrop of houses and community facilities.



Image 9: Panoramic View of the established beer garden with the hub visible in the background

5.11 As seen in Image 10 overleaf, on approaching the village from Salisbury, the site is screened by the existing topography.



5.12 The timber furniture, combined with the lack of paraphernalia, the post and rail fencing with native hedgerow concealing it, all result in minimal impact of the use of the land as a beer garden. Views from the High Road across the site to the green valley beyond are largely unchanged, and in terms of impact on the Conservation Area, the proposal does not look incongruous and retains the open nature of this part.

5.13 It is submitted that there is a negligible impact on the tranquillity of the Conservation Area, and on the landscape.

5.14 The established public benefits of the use of the land if officers consider there to be minimal harm was caused due to the proposed boundary fence, that this would be less than substantial and be outweighed by the public benefit of enhancing an existing community facility.

5.15 It is therefore submitted that the proposed beer garden would read as part of a wider village green, and help in creating a focal point for the community. The proposal would preserve the character and appearance of the Conservation Area.

6. CONCLUSIONS

6.1 Planning permission for use of the land as a beer garden was granted in May 2021. A condition was imposed which limited the time to use the land as a beer garden for three years. The reason for this was to enable time to assess the impact on the Conservation Area and on the landscape. All other matters relating to the principle of the change of use have been established as being agreeable by virtue of the original permission.

6.2 This application is to seek the removal of that condition (condition 3) to enable the continued use of the land as a beer garden without any time limitations. All other conditions pursuant to the original permission are agreeable to the applicant.

6.3 The evidence contained within this statement proves that the impact of the beer garden use on the landscape is negligible, and the impact on the 'tranquillity' of the Conservation Area is also negligible, with there being no complaints received across the two full summers of use.

6.4 There are clear rural economic benefits to the continued use of the land as a beer garden which are referenced in the Officer's report to the original planning application. The use enhances the village green, has created an attractive meeting place and supports the continued economy of the village facility who employ 15 members of staff (6 of whom live within the village).

6.5 Accordingly, Officers are respectfully requested to recommend approval of the removal of condition 3.