VISION
PLANNING

Former Garages at Little Court Lane, Edington, Wiltshire, BA13 4PW

Planning/Design and Access Statement

November 2023

Project Reference: 00179

VISION
PLANNING

Document Issue Record

Version:	1	2		
Description/ Status:	Draft to client	Final		
Date:	30/10/2023	8/11/2023		
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1 Introduction

1.1 Vision Planning is instructed by Ms J Dorsett to prepare and submit a planning application for the *"use of the building as a garage for the storage of motor vehicles and associated equipment, and associated works to reconstruct the garage."* This relates to an existing, but run down building on Little Court Lane, Edington.

1.2 This Planning/ Design and Access Statement is accompanied by the following drawings and reports:

- Drawings
    - Location Plan – reference TI-JD001-001
    - Existing Site Plan – reference TI-JD001-002
    - Proposed Site Plan – reference TI-JD001-003
    - Proposed Building Elevations – reference TI-JD001-004
    - Proposed Building Plans – reference TI-JD001-005
- Ecological Impact Assessment, Ethos Environmental Planning, November 2023
- Letter from applicant, October 2023 (CONFIDENTIAL)

2 Site Description and Context

2.1 The application site lies on the southern side of Little Court Lane in Edington, opposite a row of dwellings.

2.2 The site includes a derelict and overgrown timber building approximately 40m^2 in area. This is shown in **Image 1** below.

Image 1: The Former Garage Building



2.3 The building is currently used to store timber, as shown in Image 1, and land to its front and rear, i.e. approximately its north east and south west, are used for by nearby residents for car parking and additional garden space.

2.4 The applicant purchased the building at auction, intending to use it as a garage, and did so on the basis that the material provided for the auction described it as a garage. These include:

- Register of title describing the property as *"Garages at, Little Court Lane, Edington, Westbury"* (see **Appendix 1**);
- Auction details describing the property as *"Former Garage"*, *"A Freehold derelict Garage and Land"* and *"Freehold Garage and Land*

Vacant Possession" (see **Appendix 2**).

2.5 The applicant owns classic cars and uses them for charitable purposes. As she describes in her CONFIDENTIAL accompanying letter, she has a particular car that needs to be stored in a secure rural location near to Bristol, but part way to West Sussex.

2.6 She therefore had good reasons to purchase the building in this location expecting to be able to rebuild it and use it as a garage. When she purchased the building, she did not realise that planning permission would be required, at least in relation to the proposed works.

2.7 After the applicant had purchased the building, she realised that the building was located on a public highway, and contacted Wiltshire Highways asking if and how the highway status on which the building is situated could be altered.

2.8 A copy of the correspondence with Wiltshire Highways is at **Appendix 3**. along with the plan showing the extent of the public highway.

2.9 On that basis, if planning permission is granted, the applicant intends to apply for a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990. This is provided for information – it is not material to the determination of the planning application.

3 Development proposal (Design and Access)

3.1 The proposed garage is shown on the accompanying drawings.

3.2 Its scale, design and proposed materials are intended to reflect local agricultural buildings.

3.3 The applicant is aware that neighbours use the land to the north-east and south-west of the building to park their cars on the public highway. Both of these parking areas have been gravelled, and at the time of our visit, the area to the north-east included a table and chairs. The building has therefore been designed to enable access for motor vehicles from the carriageway to the north-west, as well as from these informal parking areas.

3.4 The building is designed to function "off-grid", with solar panels providing the building's electrical needs, and large capacity water storage butts providing the building's water needs as well as controlling surface water run-off.

4 Planning history

4.1 The site itself has no planning history according to Wiltshire Council's online records, and there is no directly relevant planning history on any adjacent sites.

4.2 Some of the dwellings to the north of the site are newer, having been permitted in the late 1980s and early 1990s, and the original and new dwellings have been the subject of a number of householder applications since.

4.3 An application for 9 new dwellings on the field to the south was submitted and withdrawn in 2015.

5 Relevant planning policy context

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

5.2 The current adopted development plan for the application site comprises the Wiltshire Core Strategy, adopted January 2015 and the Wiltshire Housing Site Allocations Plan, adopted February 2020, as well as saved policies of the Salisbury District Local Plan.

5.3 There is no made Neighbourhood Plan affecting Edington, and the emerging Wiltshire Local Plan has not yet been examined, so has little weight in planning decisions.

5.4 Other material considerations include the National Planning Policy Framework.

The Development Plan

5.5 Edington, along with Tinhead, is defined in the Wiltshire Core Strategy as a Small Village, so it has no settlement boundary and lies within the "open countryside" in a planning sense.

5.6 The site does not lie within the setting of any heritage assets, being approximately 120 metres as the crow flies from the nearest listed building – Shore Hall – and approximately the same distance to the Conservation Area.

5.7 Land to the south of Court Lane, 90 metres from the site, is designated as a Special Landscape Area by Policy S6 of the Salisbury District Local Plan.

5.8 Beyond that, the site is not affected by any other site-specific designations.

Wiltshire Core Strategy

5.9 Core Policy 2 sets out the Delivery Strategy. Other than the text related to "Strategically Important Sites", the policy is repeated below.

Core Policy 2

Delivery Strategy

In line with Core Policy 1, the delivery strategy seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178ha of new employment land and at least 42,000 homes distributed as follows:

	Minimum housing requirement (dwellings)
East Wiltshire HMA	5,940
North and West Wiltshire HMA	24,740
South Wiltshire HMA	10,420
West of Swindon[26]	900
Wiltshire	42,000

This will be delivered in a sustainable pattern in a way that prioritises the release of employment land and the re-use of previously developed land to deliver regeneration opportunities, and to limit the need for development on Greenfield sites, with approximately 35% of development taking place on previously developed land.

The 42,000 homes will be developed in sustainable locations in conformity with the distribution set out above, against which the land supply situation will be assessed. A more detailed distribution is set out in the Community Area Strategies. Development proposals should also be in general conformity with these.

Sites for development in line with the Area Strategies will be identified through subsequent Site Allocations DPDs and by supporting communities to identify sites through neighbourhood planning.

Within the defined limits of development

Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Outside the defined limits of development

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

i) Respects the existing character and form of the settlement

ii) Does not elongate the village or impose development in sensitive landscape areas

iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

5.10 As the site lies in open countryside, paragraph 4.25 of the Core Strategy is relevant, as noted in Core Policy 2. This reads as follows:

4.25 The Core Strategy also includes 'exception policies' which seek to respond to local circumstance and national policy. In doing so these represent additional sources of supply to those detailed at paragraphs 4.22 and 4.24. These policies are listed overleaf:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

5.11 Core policy 48 is the only policy of any relevance to this proposal. It supports the conversion and re-use of rural buildings for particular uses if a set of criteria are met.

Core Policy 48

Supporting rural life

Dwellings required to meet the employment needs of rural areas

Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.

Improving access to services and improving infrastructure

Proposals which will focus on improving accessibility between towns and villages, helping to reduce social exclusion, isolation and rural deprivation, such as transport and infrastructure improvements, will be supported where the development will not be to the detriment of the local environment or local residents.

Conversion and re-use of rural buildings

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.

Community ownership

Community ownership and/or management of local shops, pubs and other services will be supported where appropriate to retain a local facility through the following measures:

vi. Development proposals for the adaptation of a building, such as sub-division or change of use, will be supported where these are necessary to allow a viable continued use.

vii. Appropriately scaled enabling development will be considered, where this is environmentally acceptable and justified through a supporting viability study, and where it can help maintain and enhance the community uses provided.

viii. The facility may be protected from loss of its current use until such time as the community has had a realistic opportunity to take control of the asset.

New shops

New shops in villages will be supported where they are small in scale and would not threaten the viability of nearby centres. Farm shops will be supported where they utilise existing buildings, are small in scale and cause no unacceptable impact on nearby village shops or the character of the area.

5.12 Core Policy 57 seeks high quality design, and refers to impacts on neighbours' amenity.

Core Policy 57

Ensuring high quality design and place shaping

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must

be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced

ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting

iv. being sympathetic to and conserving historic buildings and historic landscapes

v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)

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 the 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)

viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors

located to assist in the informal surveillance of public and shared areas by occupants of the site

ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)

x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials

xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future

xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm

xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place

xiv. meeting the requirements of Core Policy 61 (Transport and New Development).

5.13 Core Policy 41 promotes developments that *"incorporate design measures to reduce energy demand"*.

Core Policy 41

Sustainable construction and low-carbon energy

Climate change adaptation

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.

Sustainable construction

New homes (excluding extensions and conversions) will be required to achieve at least Level 4 (in full) of the Code for Sustainable Homes[86].

Conversions of property to residential use will not be permitted unless BREEAM's Homes "Very Good" standards are achieved[86].

All non-residential development will be required to achieve the relevant BREEAM "Very Good" standards, rising to the relevant BREEAM "Excellent" standards from 2019[86].

Existing buildings

Retrofitting measures to improve the energy performance of existing buildings will be encouraged in accordance with the following hierarchy:

i. Reduce energy consumption through energy efficiency measures

ii. Use renewable or low-carbon energy from a local/district source

iii. Use building-integrated renewable or low-carbon technologies.

Opportunities should be sought to facilitate carbon reduction through retrofitting at whole street or neighbourhood scales to reduce individual costs, improve viability and support coordinated programmes for improvement.

Renewable and low-carbon energy

All proposals for major development[87] will be required to submit a Sustainable Energy Strategy alongside the planning application outlining the low-carbon strategy for the proposal.

In all cases, including those listed above, proposals relating to historic buildings, listed buildings and buildings within conservation areas and world heritage sites should ensure that appropriate sensitive approaches and materials are used. Safeguarding of the significance of heritage assets should be in accordance with appropriate national policy and established best practice[88].

In all cases the impact of these requirements on the viability of development will be taken into consideration.

5.14 Core Policy 68 explains that *"Non-residential development will be required to incorporate water efficiency measures…"*

Core Policy 68

Water resources

Development must not prejudice the delivery of the actions and targets of the relevant River Basin or Catchment Management Plan, and should contribute towards their delivery where possible.

Non-residential development will be required to incorporate water efficiency measures. Developers will be expected to submit details of how water efficiency has been taken into account during the design of proposals.

Development proposals within a Source Protection Zone, Safeguard Zone or Water Protection Zone must assess any risk to groundwater resources and groundwater quality and demonstrate that these would be protected throughout the construction and operational phases of development.

5.15 Core Policy 50 relates to Biodiversity and Geodiversity.

Core Policy 50

Biodiversity and geodiversity

Protection

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 above where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.

Biodiversity enhancement

All development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Such enhancement measures will contribute to the objectives and targets of the Biodiversity Action Plan (BAP) or River Basin/ Catchment Management Plan, particularly through landscape scale projects, and be relevant to the local landscape character.

Local sites

Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:

i. cannot reasonably be avoided

ii. are reduced as far as possible

iii. are outweighed by other planning considerations in the public interest

iv. where appropriate compensation measures can be secured through planning obligations or agreements.

Development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term.

5.16 Core Policy 61 promotes developments that *"reduce the need to travel particularly by car"*.

Core Policy 61

Transport and new development

New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

As part of a required transport assessment, the following must be demonstrated:

i. That consideration has been given to the needs of all transport users, where relevant, according to the following hierarchy:

   a. Visually impaired and other disabled people

   b. Pedestrians

   c. Cyclists

   d. Public transport

   e. Goods vehicles

   f. Powered two-wheelers

   g. Private cars.

ii. That the proposal is capable of being served by safe access to the highway network.

iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.

Where appropriate, contributions will be sought towards sustainable transport improvements, and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements.

Housing Site Allocations Plan

5.17 The Wiltshire Housing Site Allocations Plan does not include any sites or policies relevant to this application.

Material Considerations

5.18 The National Planning Policy Framework (NPPF) is a material consideration. The extracts below are from the latest draft, dated 2021.

5.19 Overarching national policy is contained in paragraph 11 of the NPPF, as follows.

> 11. Plans and decisions should apply a presumption in favour of sustainable development.
>
> For **plan-making** this means that:
>
> a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
>
> b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas[6], unless:
>
> i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area[7]; or
>
> ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
>
> For **decision-taking** this means:
>
> c) approving development proposals that accord with an up-to-date development plan without delay; or
>
> d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:
>
> i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed[7]; or
>
> ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.20 Paragraph 84 supports *"the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings."*

84. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

5.21 Paragraph 120 explains that planning decisions should *"promote and support the development of under-utilised … buildings"*, specifically referring to *"lock ups"* which is a description that could be used for this building.

120. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)[48]; and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

6 Planning Balance

6.1 We would accept at the outset that this is an unusual application.

6.2 The applicant was looking for a garage in this area, and purchased the building because it was described on the title deeds and on the auction particulars as a "garage".

6.3 On that basis she assumed that it could be rebuilt and used as such, without the need for any new permissions.

6.4 Only later did she realise that to rebuild it would require both planning permission and for the public highway to be stopped up.

Assessment against Development Plan Policies

6.5 The unusual nature of the application means that it is not easily interpreted against any development plan policy.

6.6 **Core Policy 48** is the most directly relevant, and this supports the conversion and re-use of rural buildings for a range of uses. We would argue that the proposed charitable use of the building means that it fulfils a *"cultural"* purpose.

6.7 A structural survey of the existing building has not been undertaken, and we would doubt that it is structurally sound, so it is proposed to rebuild it in any event.

6.8 Nevertheless, the remainder of the policy criteria would be met and, in particular, the replacement garage would enhance the character and appearance of the area. The replacement building would not be detrimental to the amenities of neighbours, because the building is already used for storage and the land on its north-east and south-west is used for car parking.

6.9 **Core Policy 57** requires *"a high standard of design … in all new developments."*

6.10 The drawings accompanying the application demonstrate that the building is designed to a high standard, and to reflect local context and local built form.

6.11 The materials, scale and form of the building are intended to reflect that of a small agricultural barn.

6.12 Core Policy 57 also supports *"making efficient use of land"* which, by replacing a derelict garage building with a new garage building, this proposal undoubtedly fulfils.

6.13 The proposals self-sufficient "off-grid" design in terms of electricity and water requirements means that it accords with **Core Policy 41**'s promotion of developments that *"incorporate design measures to reduce energy demand"* and with **Core Policy 68**'s promotion of developments that *"incorporate water efficiency measures…"*

6.14 The proposal demonstrates how it protects features of nature conservation value, as required by **Core Policy 50**. The accompanying Ecological Impact Assessment concludes that:

- the existing building is not used by roosting bats;
- potential impacts on the hedgerow and on any hedgehogs present or on nesting birds can be mitigated by condition.

6.15 On that basis, the proposal accords with Core Policy 50.

6.16 As the proposed garage is intended to store a vehicle that would generally be used for charitable purposes in the Bristol area, the locating the vehicle in Edington, rather than at the applicant's home in West Sussex, would *"reduce the need to travel particularly by car"* in accordance with **Core Policy 61**.

Assessment against Material Considerations

6.17 A significant material consideration in support of this proposal is the fact that, according to the title deeds, the building was, or even is, a garage.

6.18 In that regard, no change of use is planned. The applicant simply wishes to rebuild the garage so that it can be used as such.

6.19 The NPPF supports this, in the following ways.

6.20 **NPPF paragraph 84** supports *"the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings."*

6.21 As the building is proposed to be used for charitable purposes, it is a business use in the rural area, so a well-designed new building is supported by the NPPF in this context.

6.22 **NPPF paragraph 120** explains that planning decisions should *"promote and support the development of under-utilised … buildings"*.

6.23 This application proposes to develop under-utilised land by rebuilding a garage which is currently ramshackle and used only to store timber.

6.24 Instead, it will be used to store a car that needs to be located in this area and will be used for beneficial charitable purposes.

7 Conclusion

7.1 This application involves the replacement of a derelict building, described on the title deeds as a *"garage"*, and currently used to store timber, with a new garage.

7.2 The applicant intends to store a vehicle in the garage that is intended to be used for charitable purposes, mainly in the Bristol area.

7.3 As the car is currently stored in West Sussex, its storage nearer to Bristol would substantially reduce greenhouse gas emissions and help to play a small role in responding to the climate crisis.

7.4 As the proposal involves the efficient reuse of a site for a charitable purpose, it has some support from Core Policy 48, and is supported by the NPPF – in particular paragraphs 84 and 120.

7.5 The new building would improve the character and appearance of the site itself, without resulting in any harm to neighbours' amenity.

7.6 The building's design is intended to be self-sufficient in terms of its electricity and water use.

7.7 The accompanying Ecological Impact Assessment proposes mitigation to avoid potential harm to any protected species.

7.8 We therefore hope that you are able to support this application.

Appendices

Appendix 1: Register of title describing the property as "Garages at, Little Court Lane, Edington

HM Land Registry

Official copy of register of title

Title number WT118252 | Edition date 23.01.2019

This official copy shows the entries on the register of title on 28 Jan 2019 at 08:20:08.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 28 Jan 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry Weymouth Office.

A: Property Register

This register describes the land and estate comprised in the title.

WILTSHIRE

1 (20.11.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Garages at, Little Court Lane, Edington, Westbury.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (23.01.2019) PROPRIETOR: [redacted]

2 (23.01.2019) The price stated to have been paid on 18 January 2019 was £6,300.

3 (23.01.2019) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (20.11.1992) The land is subject to all rights relating to its status as public highway.

2 (20.11.1992) The land is subject to such restrictive covenants as may have been imposed thereon before 20 November 1992 and are still subsisting and capable of being enforced.

End of register

H.M. LAND REGISTRY

TITLE NUMBER

WT 118252

ORDNANCE SURVEY PLAN REFERENCE	ST9353	Scale 1/2500
COUNTY WILTSHIRE	DISTRICT WEST WILTSHIRE	©Crown Copyright



This official copy is incomplete without the preceding notes page.

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Appendix 2: Auction details describing the property as “Former Garage” etc

LOT
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Land Adjacent to 25 Clarke's Spring, Tring, Hertfordshire, HP23 5QL

Dacorum Borough Council

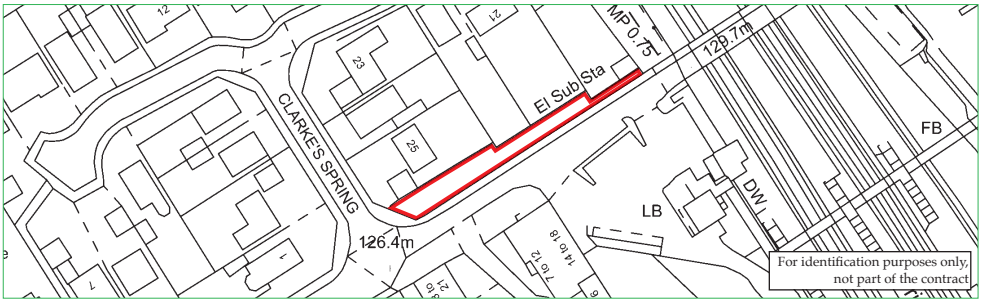
Situated with a frontage to Station Road, close to local shopping/travelling facilities including Tring Train Station.

A **Freehold Plot of Land of Approximately 3,000 sq ft** with further potential subject to the necessary consents being obtained.

Inspection: On Site

Freehold Land





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Former Garage Little Court Lane, Edington, Westbury, Wiltshire BA13 4PW

Wiltshire Council

Situated off Court Lane, close to local shops in Edington. Further amenities can be found in Westbury.

A **Freehold derelict Garage and Land.**

Vacant Possession

Inspection: On Site.

Freehold Garage and Land Vacant Possession





Appendix 3: Copy of correspondence with Wiltshire Highways

From: **Whyte, Pat** <pat.whyte@wiltshire.gov.uk>
Date: Fri, Aug 6, 2021 at 10:16 AM
Subject: RE: Change of highway status enquiry - Land at Little Court Lane, Edington
To: Julia Dorsett

Hi Julia

Thank you for your email.

In legal terms public highway is for members of the public to be able to pass and repass without hindrance. In practice this means that the full width of the public highway is protected by the Highways Act.

Any parking on a highway could ,therefore, be seen as removing the legal rights of highway users and considered an obstruction.

Parking a caravan or trailer on the highway would be considered an obstruction and you would be asked to remove it.

The erection of any fence post or barriers would also be considered obstructing public rights and would not be allowed.

Changing the surface of the highway would require a planning application and if agreed would require you to construct it to a Wiltshire Council specification as once finished and through its maintenance period would become the councils responsibility to maintain.

The area would ,however, be part of the constructed carriageway and would be available for other members of the public to use.

Hope this helps

Pat

From: Julia Dorsett
Sent: 25 July 2021 19:03
To: Whyte, Pat <pat.whyte@wiltshire.gov.uk>
Subject: Re: Change of highway status enquiry - Land at Little Court Lane, Edington

Hi Pat,

Thank you for taking the time to provide this outline, this makes it easy for me to better understand things.

Your explanation of the highway's thought process is very helpful. It's clear now what the reasoning was behind the decision to refuse the stopping up order, so I'm trying to work out the best way forward which will enable me to use the land without adding any permanent construction. Sadly I think this also includes an open carport, but please correct me if I'm wrong!

Whilst I'm not permitted to rebuild the garage on the land, can I ask if I would be allowed to park a mobile car trailer, or something like a caravan there instead?

I'd also like to mark the border with posts/chains that can be collapsed by anyone as needed, but would act as a separator that outlines where the privately owned land starts and stops. Is that permitted?

It would also be good to tidy up the uneven land as currently the old garage is erected/positioned on soil. Is there a restriction of the type of surface I could lay down? For example can it be fixed/solid or does it have to be removable?

Many thanks

Julia

On Mon, Jul 19, 2021 at 3:07 PM Whyte, Pat <pat.whyte@wiltshire.gov.uk> wrote:

Hi Julia

Thank you for your email.

Public highway is sometimes a difficult concept to grasp as the sub soil is generally owned by a private individual and not the Highway Authority. The best way to think about the road is to liken it to a public right of way across a farmers field, the field is owned by the farmer but the public have the legal right to use it without obstruction.

The same is basically true with a road except that the highway authority has improved part of the width to make it usable by the traffic it legally must accept.

Public utilities, gas, water, electricity plus many more like cable companies also have a legal right to install their equipment within the extent of the highway.

To remove the legal rights from a highway or part of a highway requires a costly legal process with both the Highway Authority and local Parish council agreeing for the area to be removed, it would also be publicly advertised so that members of the public can raise objections that would be considered by the magistrate dealing with the order.

In this particular case the Highway Authority has considered that the full width of the existing highway is still necessary for future highway needs, including public utilities , so do not support a stopping up order.

Unfortunately being highway restricts what can be done on it and the erection of a new garage or shed would not be possible.

I am sorry that I cannot be of more help to you on this occasion but hope I have been able to explain what public highway means in this case.

Regards

Pat

From: Julia Dorsett
Sent: 11 July 2021 21:17
To: Whyte, Pat <pat.whyte@wiltshire.gov.uk>
Subject: Re: Change of highway status enquiry - Land at Little Court Lane, Edington

Hi Pat,

Thank you for getting back to me on this.

Is it at all possible you could let me know what the reasoning was behind the highway authorities decision to not change the status?

I feel stupid but I'm struggling to understand why/how privately owned freehold land can be classed (or would want to be classed) as a public highway. I guess I'm viewing it in a different light i.e. it's a benefit to the public and the authorities if the status is changed... as by becoming private it will mean the land no longer requires authority funding for maintenance. I appreciate it may just be me having a lack of understanding on this type of thing though.

One of the main reasons for me purchasing the land was to build a secure garage for an important historic vehicle that I'd like to use to support children's hospital/hospice charities around the area. A classic car like this needs to be hidden and kept dry. If the land remains a public highway then I'm thinking this won't be possible as... which is pretty upsetting.

I appreciate you might be unable to help with this... I'm just trying to get my head around the best way to move forward with this as it'll be a real shame if I don't try and find a solution.

Best wishes,

Julia

On Tue, Jul 6, 2021 at 8:25 AM Whyte, Pat <pat.whyte@wiltshire.gov.uk> wrote:

Dear Julia

Thank you for your email regarding an area of highway on Little Court Lane Edington.

To change the status of highway requires what is known as a stopping up order which is a legal process done through a magistrates court.

For an order to proceed the highway authority must agree that the land is no longer necessary for highway purposes.

A similar question was considered a number of years ago and was refused as the highway authority did not agree it was no longer necessary.

Nothing really has changed and any application would be refused.

Sorry I cannot be of more help to you on this occasion.

Regards

Pat Whyte

From: westernhighways <westernhighways@wiltshire.gov.uk>
Sent: 16 June 2021 09:41
To: Whyte, Pat <pat.whyte@wiltshire.gov.uk>
Subject: FW: Change of highway status enquiry - Land at Little Court Lane, Edington

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From: Julia Dorsett
Sent: 15 June 2021 13:41
To: westernhighways <westernhighways@wiltshire.gov.uk>
Subject: Change of highway status enquiry - Land at Little Court Lane, Edington

Hi Western Highways,

I'm hoping you can help with my enquiries regarding the current highway status of the land I've recently purchased at Little Court Lane, Edington, Westbury, Wiltshire, BA13 4PW.

The attached report, page 3, Section 1a Roads, Footpaths and Verges, outlines the boundary of my land (which currently has a derelict double garage on it) as being a public highway, the same as the road and verges which are also highlighted in green.

I'd like to be able to change this status from being part of the public highway and instead be classed as privately owned land. Are you able to help with this?

The title deed is in my name, Julia Dorsett, so I'm hoping this helps to provide the reason for this request.

I'm sorry I don't know the process for this type of thing. All advice would be greatly appreciated.

Kind regards,

Julia

[redacted]

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Section 1a: Roads, Footpaths and Verges

The following section shows the extent of publicly maintainable roads, footpaths and verges in and about the site.



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Site Boundary

Public
Highway maintainable at public expense as defined under S36 of the Highways Act.

Private
Road has not been adopted as a highway maintainable at public expense.
Members of the public may still have the right to use the road in their vehicles or on foot but the responsibility for and cost of maintenance is held privately.

PMH/S38
Prospectively Maintainable Highway - Road is not currently adopted as a highway maintainable at public expense but the relevant authority has indicated through proposals, bonds, bond waivers or other means that they may adopt the road for maintenance at a future date.

Highways Agency
This road is managed and maintained by the Highways Agency.

Other Maintainable
Where identified please refer to the Notes box on the next page.

Roads investigated are shown coloured on the plan and listed by status in the table. Uncoloured roads have not been checked.