DELEGATED REPORT

Application Reference:	PL/2023/08183
Application Type:	Full Planning Permission
Site Address:	Great Ridgeway Farm, Main Road, Christian Malford, Chippenham, SN15 4DF
Proposal:	Operation works to enable Class E Use of part of building (use permitted development pursuant to application PL/2023/06527)
Recommendation:	That Full Planning Permission is GRANTED with Conditions

PROPOSAL

This application seeks Full Planning Permission for operational development to enable the use of part of an agricultural building for use class E (commercial, business and service). It follows a notification under Class R to Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), dated 2nd October 2023 under reference PL/2023/06527. The operational works (external changes) did not, and cannot, form part of the Class R prior notification, since it sought to advise the Council of a change of use only.

This application sets out the following components for which permission is sought:

- Infilling of two wall panels (west elevation) to match existing wall
- Enlarging the southern entry to include a double door and two size glazed panels
- The addition of two new window on the east elevation
- Internal works to the existing building to include the addition of partition walls.
- Existing pedestrian door (south elevation) to be glazed

The plans also show the insertion of internal subdivision so as to create a reception area, office and, as clarified in the applicant's email, dated 22/11/23, other ancillary floorspace in the southernmost 13.2m element of the building. The existing building is 32.0m in length and 12.1m in width, and 3.5m to the eaves and c. 5.1m to the ridge. No other external changes have been proposed and the building will not result in a change of dimension or structure as a result of this proposal.

No information has been provided under this or the previous notification as to the intended use of the building.

DESCRIPTION/CONTEXT

The proposal site is located east of Christian Malford situated along the north side of the B4069. The building sits within Great Ridgeway Farm and is surrounded by agricultural fields to the north and south and a residential dwelling to the east and west.

The dwelling is located within the Countryside Character Area of Avon Vale but is not covered by any archaeological or ecological designations.

PLANNING HISTORY

PL/2023/06527	Notification under Class R for Change of Use of Agricultural building to Class E (Commercial, business or service)	Class R Notification Acknowledgement
N/95/01994/FUL	Milking parlor	Approved

POLICIES

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made 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).

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Christian Malford Neighbourhood Plan:
Section 10.1: Design

Wiltshire Core Strategy Policies 2015 (WCS):
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Conserving the Historic Environment

National Planning Policy Framework 2023 (NPPF)

ISSUES

The main issues in the consideration of this application are:

- Principle
- Design, and appearance
- Heritage
- Amenity

CONSULTATION

Christian Malford Parish Town Council: No comment.

REPRESENTATIONS

Publicity has been undertaken and no representations have been received.

ASSESSMENT

Principle of Development

This application follows a notification under Class R to Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), dated 2nd October 2023 under application PL/2023/06527. Class R Para R.3(3) and (4) states:

> *R.3— (3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.*
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> *(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.*

In this case, the application seeks permission for operational development only and not for any change of use of the building. For that reason, and in the context of the accepted meaning of the above extracts from the GPDO, this report confines itself to the consideration of the development proposed and not the acceptability of the use subject to the earlier Class R notification.

Nevertheless, it must be noted that the earlier submission under Class R was a notification only, whereby the application asserts that the change of use would be permitted under that part of the GPDO. The LPA is not required to carry out any assessment as to the veracity of that claim and therefore it remains the sole responsibility of the applicant to satisfy themselves that the any use of the building undertaken is not a breach of planning control.

On the assumption the applicant would not be using the building which constitutes a material change of use requiring express planning permission, there is no reason to believe that the physical, operational development for which planning permission is now sought would not be reasonably necessary to use the building set out in that earlier Class R notification.

Design and appearance

Core Policy 57 of the WCS and Section 10.1 of the Christian Malford Neighbourhood Plan, amongst other things, requires that applications for development should respect the historic environment, and be sympathetic to and conserving historic buildings and historic landscapes.

Given the location of the proposal, views from the public realm will be limited to people driving down the B4069. There are no local footpaths nearby the site and land to the north and east pertain to the owner and relate to the farm within which it its in. Whilst the building can be seen from the B4069, the proposed external changes are minor and will not alter the form, scale, or height of the building. The site also benefits from natural screening along the southern boundary and is considered that the wider views will not be compromised. Further screening from a building situated forward of the proposed works will help reduce views into the site.

With regards to the design and appearance, it is considered that the external changes will be appropriate to the locality in which it sits. The external works adopt a relatively simple design approach, and the use of matching materials will allow it to integrate sufficiently within its current setting. The changes are considered to broadly reflect and respond to the character of the building and are largely sympathetic to the appearance of the existing building and wider area. There will be no change to the scale or mass of the existing building and would therefore not create an incongruous or unduly prominent feature in this location.

The proposal would not conflict with the requirements of Core Policy 57 of the WCS, Section 10.1 of the Christian Malford Neighbourhood Plan, as well as relevant sections of the NPPF.

Heritage

The site is located within the setting of a listed building (Grade II, Great Ridgeway Farmhouse), however, not located within a conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘special regard’ to be given to the desirability of preserving a listed building or its setting. In addition, Section 72 of the Act states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having ‘special regard’ (in relation to listed buildings) and/or in paying ‘special attention’ (in relation to conservation areas) the NPPF states that regard must be had as to whether the proposal will cause ‘substantial harm’, ‘less than substantial harm’ or no harm to the asset.

In terms of the impact to the setting of the Grade II, Great Ridgeway Farmhouse, situated some 16.0m west of the existing building and proposed works, it is considered that the external changes would reflect the current character of the existing building and a section of the east wall would be infilled in matching materials. For this reason, there is considered to be no harm caused to the setting of the listed building.

For the above reasons, there is considered to be no harm caused to the Conservation Area and the proposal is considered to be in accordance with Core Policy 57 and 58 of the WCS, advise in the NPPF and in compliance with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity

Core Policy 57 states that development should have 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. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

In respect of the residential amenity, the proposed works would not present an unacceptable impact upon the living conditions of the neighbouring properties through unacceptable overlooking or oppressiveness. The scale or mass of the existing building will not change, and it is considered that the impact on neighbour amenity will be low. Whilst the proposed east facing windows will face towards 2 Great Ridgeway Farm, the dwelling is situated approximately 23.0m from the proposal. It is considered that the distance is substantial and would not impact unacceptably upon the amenity of the neighbouring property. It has been noted that no windows or fenestrations are proposed on the west elevation, and it is not considered that there will be any impact upon the amenity of Great Ridgeway Farmhouse. Given the scale, mass, and position, the proposal would not result in unacceptable harm, significant loss of daylight or sunlight and would not be intrusive to neighbour amenity.

It is noted that during public consultation, there were no objections or concerns raised by neighbouring properties or third parties.

In the context of the nature and layout of the development, there is no impact upon the amenities and living conditions of the neighbouring properties, thereby complying with the relevant provision of CP57 of the WCS.

Other Matters

Planning permission is sought for the proposed external works upon the existing building and does not seek permission for, or require consideration of, the use of the building. The principle of the use of part of the building for Class E purposes has been the subject of prior notification under Class R to Part 3 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Accordingly, this report solely considers the acceptability of the operational development applied for and does not assess the use of the building. The prior notification was not subject to a judgement of the Council as to the lawfulness of the development being claimed as lawful, and therefore it remains the responsibility of the applicant to satisfy themselves that any use or activity undertaken within the building does not constitute a breach of planning control. No structural changes or changes of the dimensions of the existing building are being proposed besides the works stated at the beginning of this report.

CONCLUSION

The potential impacts of this development have been taken into consideration. In terms of the proposed external changes which include fenestrations on the side and front elevation, the infill of the side elevation wall, and the materials used, the proposal would not unacceptably impact on the

character of the building or the area or cause an unacceptable impact on the amenity or living conditions of surrounding residential occupiers. The proposal is in accordance with the aims of the NPPF, the objectives of the relevant Core Policies in the WCS; CP57, CP58 and Section 10.1 of the Christian Malford Neighbourhood Plan. It is therefore recommended that this application be approved with conditions.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

1 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.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan: DWG No. LPC 5675 EX 01; Received 2 October 2023
Proposed Floor Plan: DWG No. LPC 5675 PR 02; Received 25 September 2023
Existing Floor Plan: DWG No. LPC 5675 EX 03; Received 25 September 2023
Existing Elevations: DWG No. LPC 5675 EX 04; Received 25 September 2023
Proposed Elevations: DWG No. LPC 5675 PR 03; Received 25 September 2023
Covering Letter: Received 25 September 2023
Site Plan: DWG No. LPC 5675 EX 02; Received 25 September 2023

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form, cover letter and approved drawings.

REASON: In the interest of visual amenity and the character and appearance of the area.

INFORMATIVES:

4 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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to

the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

5 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

6 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

7 The applicant should note that this permission is for the physical works only and does not give or imply any permission for the use of the building. The onus rests solely with the applicant to satisfy themselves that any use of the building does not constitute a breach of planning control which may be the subject of enforcement action by the Council.