DELEGATED REPORT

Application Reference:	PL/2023/08171
Application Type:	Planning permission
Site Address:	Limetree Farm, Middle Common, Kington Langley, Chippenham, SN15 5NW
Proposal:	Retrospective permission for the erection of a shed to store essential machinery and tools for the ongoing maintenance of the private vineyard.
Recommendation:	Planning Permission be GRANTED

SITE DESCRIPTION/CONTEXT

The application relates to land to the south of Lime Tree Farm which is a grade II listed farmhouse located within the small village of Kington Langley. The property is set back from the road behind a coursed rubble wall. The land relating to the application sits just outside of the Conservation Area whilst the dwelling and its curtilage are located within it. The land to the south and west of the application site is in equestrian use and separate ownership. There is some history of equestrian use of the application site however the current lawful use of the land is understood to be for the purposes of agriculture. The applicant has planted a vineyard on the land and although they refer to the vineyard being a '*hobby'* and an *'extension of the garden'*, the LPA does not consider that a change of use has occurred and the lawful use of the land remains as agriculture.

The definition for agriculture is found at s336 TCPA 1990:

"includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;"

The closest right of way KLAN8 runs parallel to the site (north to south) approximately 70 to the east. The land to the south and west. The site is wholly within FZ1. Groundwater levels are indicated to be between 0.025m and 0.5m in this location. There are no known surface water flood risks. There are no landscape or ecological constraints affecting the site.

PROPOSAL

The application seeks retrospective planning permission for a storage building associated with the current use of the land as a private vineyard. The building is required to store equipment required for the maintenance of the vines, e.g. cutting equipment, ride on mower and wine making equipment when not in use, e.g. de-stemmer, wine press, small fermentation barrels. The proposed building is arranged in three bays measuring approximately 9.15 x 3.66m overall. The building is timber framed, built off a concrete slab and clad with a steel box profile roof. The application relates to erection of the storage shed only and does not include any hardstanding or vehicular access.

RELEVANT PLANNING HISTORY

PL/2022/03175 Alterations to existing outbuilding APPROVED WITH CONDITIONS

PL/2022/03249 Alterations to existing outbuilding (LBC) APPROVED WITH CONDITIONS

POLICIES

Wiltshire Core Strategy (WCS) 2015
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the conservation of the Historic Environment
Core Policy 61: Transport and Development

National Planning Policy Framework (NPPF) 2023

Planning (Listed Buildings and Conservation Areas) Act 1990

ISSUES

- Principle of Development
- Scale, Design & Visual Impacts
- Heritage Impacts
- Residential Amenity
- Access and Parking

CONSULTATION

Kington Langley Parish Council: Support

Wiltshire Council Conservation: No Objection

REPRESENTATIONS

The application was advertised by site notice and direct neighbour letter.

No responses have been received.

ASSESSMENT

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. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of Development

Decisions on planning applications are made in accordance with the policies contained in the Wiltshire Core Strategy and government guidance.

The site is located outside of any settlement boundary identified within the Wiltshire Core Strategy and as such it is located within the open countryside where development is strictly controlled. The application proposes a storage building for use in connection with an existing agricultural use of the land. Although the applicant resides at Limetree Farm immediately adjacent and describes the vineyard activity as a hobby (not a commercial endeavour), the LPA considers that simply using the land to grow grapes for the production of wine constitutes an agricultural use.

The application does not propose a change of use to domestic garden land and the red line location plan outlines the building footprint only with all other land within the applicant's ownership in blue.

On the basis that there is no change of use being proposed, and the building is required solely to store machinery and equipment associated with an ongoing agricultural use (growing grapes), the proposal is considered to be acceptable in principle. A condition will be included to ensure that the building is used for the storage of equipment and machinery only and not for the purposes of production, bottling or distribution of wine.

Scale, Design and Visual Impact

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. Sections 12 of the NPPF expects a good standard of design. Core Policy 51 states that development should protect, conserve and where possible, enhance the landscape character. Section 15 of the NPPF expects decisions to ensure the protection and enhancement of valued landscapes.

The storage building is single storey in scale with a low profile roof. The elevations are clad in timber. The site is well enclosed meaning the building would be largely screened by existing trees along the site boundaries and the vineyards itself. The modest building is typical of other equestrian buildings which can be seen in the immediate area. It is unlikely to appear prominent from any public viewpoints and is not visible from the road through the village. The low profile form and timber clad elevations will allow the building to integrate sufficiently in this location. Accordingly, the proposal is considered to comply with CP57 and Section 12 of the NPPF in this respect.

Heritage Impacts

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Section 16 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

As discussed above the site is well enclosed and screened by existing trees and vegetation. The building would not be prominent from within the Conservation Area or intrude in any significant views towards it. The existing character and appearance of the Conservation Area is considered to be unharmed as a result.

When viewed from the direction of Grade II listed Limetree Farmhouse, the building is positioned close to and behind an existing vegetated boundary which includes some large trees. As a result, it is largely hidden in views from the listed building and its curtilage. Whilst it would be visible in views from the vineyard area towards the listed building, due to its modest scale and design, it is not considered to detract from or intrude into significant views of the listed building. Accordingly, the setting of the listed building would not be harmed.

On consideration of the above, the proposal does not give rise to conflict with CP58 of the WCS or the guidance within the NPPF in this respect

Residential 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.

The building is set well away from any other residential properties. The closest neighbouring property is at Sedgebrook whose garden borders the site to the north. The rear elevation of this property is some 60m from the proposed building. Cranbrook though not bordering the site is approximately 50m from the site. The garden of Bridlands borders the site to one corner however the dwelling itself is some 40m from the proposed building. In this case, given the levels of separation and the proposed low intensity use for the storage of machinery and equipment associated with the existing vineyard, it is not considered that there would be any change in existing levels of activity that would be notable to any near neighbours.

The proposal would comply with the requirements of CP57 and Section 12 of the NPPF in this respect.

Access and Parking

Wiltshire Core Strategy policy CP61 states that new development should be capable of being served by safe access to the highway network. Section 9 of the NPPF expects that development provides safe and suitable access for all users and that opportunity is taken to promote sustainable transport options.

The application does not propose any change to the existing access arrangements to the site and there is no change of use proposed. The applicant confirms that no additional vehicular access is required and with

no change of use being proposed the development would not generate any additional vehicular movement from the highways associated. On this basis, there is no conflict with CP61 or the NPPF in this respect.

CONCLUSION

The proposal is considered to be acceptable in respect of size, scale and design. The development is not considered to unacceptably impact upon the character of the area, wider landscape, highways safety or on the living conditions of neighbours. The impact on the character and appearance of the nearby conservation area would be neutral. The proposal is therefore in accordance with Core Policies 51, 57, 58, 61 of the Wiltshire Core Strategy and relevant sections of the National Planning Policy Framework.

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

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

Location Plan
(received 25 September 2023)

Front Elevation
Right Elevation
Left Elevation
Rear Elevation
(received 7 November 2023)

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

2 The storage building hereby permitted shall be used in connection with the agricultural use of the surrounding land and for no other purpose.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

Informatives: (2)

3 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.

4 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.