CASE OFFICER'S REPORT

Application Reference:	PL/2023/10021
Site address:	Former Chapel, Land Adjacent to Summerfield, Church Street, Bowerchalke, SP5 5BE
Proposal:	Change of use of former chapel (F1(f)) to ancillary residential accommodation (C3) used in connection with the dwelling, Summerfield. Retrospective planning permission for installation of two flues.
Date of Inspection	N/A
Date site notice posted	6/12/23 and neighbour letters
Publicity Expiry	4/11/23

POLICIES:

National Planning Policy Framework (NPPF Dec 2023) and the PPG

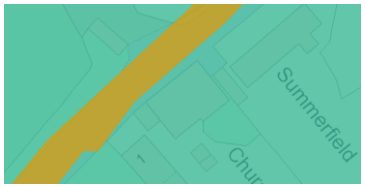
Wiltshire Core Strategy (WCS):
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 33: Spatial Strategy for Wilton Community Area
Core Policy 48: Supporting Rural Life
Core Policy 49: Protection of rural services and community facilities
Core Policy 50: Biodiversity and Geodiversity
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 60 and 61: Transport and development
Saved Policy H33: Accommodation for Dependent Persons (Saved in Annexe D of WCS)

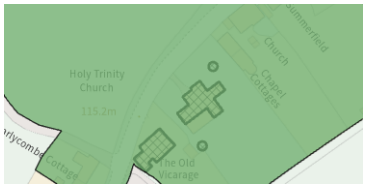
Other:

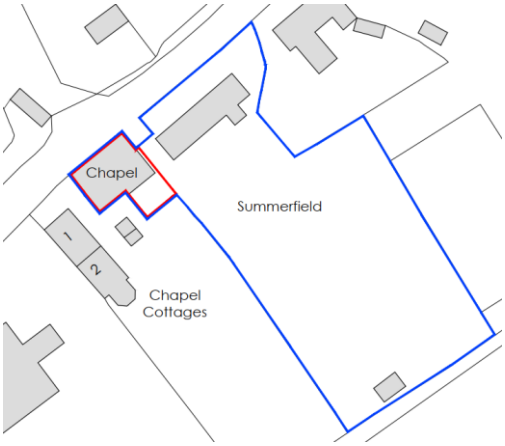
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Wiltshire Local Transport Plan – Car Parking Strategy: Chapter 7: Parking Standards
- Bowerchalke Neighbourhood Plan - Undesignated

CONSTRAINTS

- Cranborne Chase and West Wiltshire Downs AONB
- Conservation Area within small village without a settlement boundary
- Church of Holy Trinity is Grade II* listed, The Old Vicarage is Grade II listed
- River Avon catchment SAC
- Church Street is an adopted Class C highway
- Flood Zone 1. Church Street identified as being at risk from surface water flooding, no groundwater flood risk to site.









MAIN PLANNING ISSUES

1. Principle of development and conversion of heritage building to an annexe, loss of local facility
2. Siting, scale, design, materials, impact on the character of the AONB and settings of heritage assets
3. Neighbouring amenity
4. Impact on highway safety
5. River Avon SAC catchment
6. CIL

RELEVANT HISTORY:

PL/2021/04621 Formation of single storey extensions to the rear of the property to form new kitchen and dining areas, demolition of existing double garage and formation of new double garage with ancillary accommodation above and improvements of parking area, pedestrian access and general landscaping. AC

CONSULTEE RESPONSES

Highways – No objection subject to conditions
Conservation – No objection
Parish Council – none received
Third parties – 7 letters of support for the chapel to be re-used and renovated

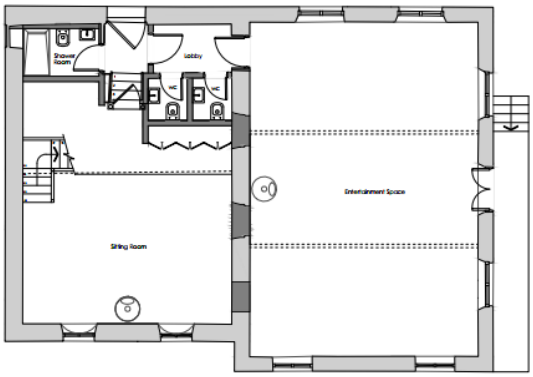
SITE DESCRIPTION AND PROPOSALS

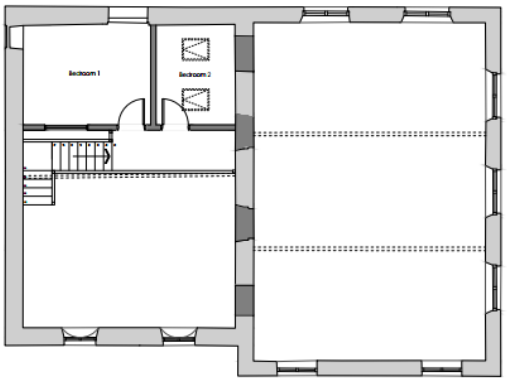






The application site comprises an unlisted former Baptist Chapel which is now vacant. The building presents two gable ends towards Church Street and is adjacent to Summerfield. The applicant is seeking to convert it to provide ancillary residential accommodation with one bedroom, a bathroom and entertainment space. They also seek retrospective planning consent for 2 flues. Off street parking (6 spaces including an approved garage under PL/2021/04621) would be provided.





ASSESSMENT

Planning permission is required for the development. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

The NPPF confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not automatically apply to this site if harm is identified to the Conservation Area, AONB and the River Avon catchment SAC, which are protected sites under NPPF para 11 footnote 7.

1. **Principle of development**

The site lies within the small village of Bowerchalke, which is identified under CP1 and CP2 as a small village without a settlement boundary. Core Policy 2 states:

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.

However, the proposal affects an existing chapel building which has been included within the ownership of Summerfield. The chapel is considered to be an attractive undesignated heritage asset within the Conservation Area and it is desirable to retain it as part of the character of the settlement within the AONB for its own heritage interest and the settings of the heritage assets.

Loss of community facility and proposed residential annexe

The applicant is seeking a to create ancillary residential accommodation for the main house at Summerfield, including a family entertainment space. There would be no commercial use and no kitchen is shown on the floorplans, ensuring that the accommodation remains ancillary to the house.

However, the chapel is an existing community facility in a rural settlement. The supporting text for CP49 explains that rural facilities and services are those that benefit the local community such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. There is a need to protect and encourage the development of rural services and facilities in Wiltshire to ensure that settlements, particularly those named in the Strategy, can still meet some of the day to day needs of the people who live in them.

The Policy states:

Protection of rural services and community facilities Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted. In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application.

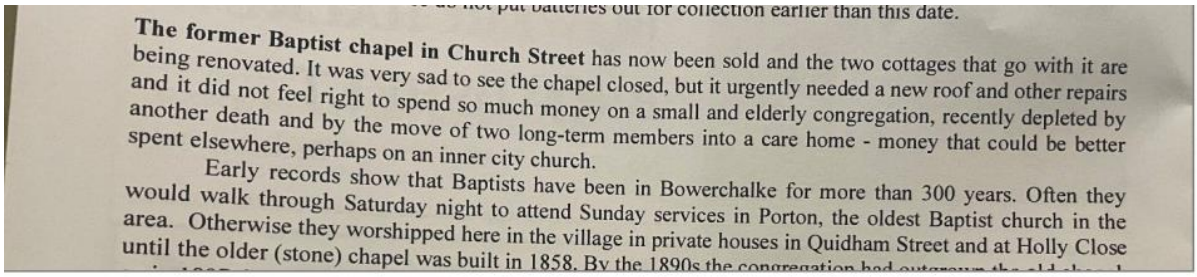
Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. This marketing plan will, at the very minimum:
i. be undertaken for at least six months
ii. be as open and as flexible as possible with respect to alternative community use
iii. establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site
iv. demonstrate the marketing has taken into account the hierarchy of preferred uses stated above
v. clearly record all the marketing undertaken and details of respondents, in a manner capable of verification
vi. provide details of any advertisements including date of publication and periods of advertisement
vii. offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility
viii. demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.

The applicant's Planning Statement addresses the policy requirements and states:

5.15 The application site was marketed by Savills between May and September 2022 and was marketed as a chapel, as seen, on a variety of platforms including Rightmove, Zoopla

and On the Market. There was a 'For Sale' board outside the site and the property featured on Savills' website (as confirmed by Savills, Appendix A).

5.16 The building was put up for sale because it was no longer needed by Baptist Union due to the, sadly, dwindling congregations and unviable cost of maintenance for them as an organisation. An extract from the village newsletter gives insight into the unviable nature of the chapel and why they choose to sell.



do not put batteries out for collection earlier than this date.

The former Baptist chapel in Church Street has now been sold and the two cottages that go with it are being renovated. It was very sad to see the chapel closed, but it urgently needed a new roof and other repairs and it did not feel right to spend so much money on a small and elderly congregation, recently depleted by another death and by the move of two long-term members into a care home - money that could be better spent elsewhere, perhaps on an inner city church.

Early records show that Baptists have been in Bowerchalke for more than 300 years. Often they would walk through Saturday night to attend Sunday services in Porton, the oldest Baptist church in the area. Otherwise they worshipped here in the village in private houses in Quidham Street and at Holly Close until the older (stone) chapel was built in 1858. By the 1890s the congregation had outgrown the old chapel

5.17 During their marketing exercise, Savills confirmed that they did not receive any formal interest from any institutional users or similar community group. They had express instructions to inform The Baptist Union should any such party express interest, particularly any with religious interests but none materialised (Appendix A).

5.18 Since the building is no longer economically viable for the Baptist Union, the building has been left empty and it is considered that a change of use is required to ensure its retention. However, Bowerchalke is only a small village with a population of approximately 379 people and apart from the chapel, there are already other community facilities which include the Holy Trinity Church and the Village Hall.

5.19 The village hall has been contacted by the applicant and have confirmed that it would suffer financially if there was another venue for community events within their small village. Currently, the village hall is only used about 6-8 times a year and therefore not only is there little demand for such a use currently, but another competing community facility would deter people from using the existing one (Appendix B).

5.20 Moreover, the Parish Council has not been made aware of any interest in the property on the part of Community Groups. Early in the sale process, there were some discussions about the possibility of the village hall taking it over but felt this to be unrealistic as the village hall could accommodate all its existing and foreseeable commitments, and the cost of refurbishment would have been prohibitive. There was also no interest on the part of Bowerchalke Church in acquiring the building before or after the property was put up for sale (Appendix B).

5.21 Given that there is no use for the building as a place of worship (thus giving reason for the Baptist Union to sell the building and there being a place of worship nearby), its current use is unviable. Moreover, due to the sheer size of the building, along with the cost of refurbishment, other rural services and community facilities would not be feasible or appropriate in this rural location. Indeed, significant footfall would be required in addition to investment and a large turn over for it to be used as a shop or public house and due to its surrounding residential uses, a sports venue would not be appropriate.

5.22 Since the building has been marketed in its current use and no community groups have sought to purchase the building, there is sufficient evidence to suggest that a change of use to residential is the most practical and viable.

On a technicality, CP49 requires the marketing to be undertaken for at least 6 months, and the exercise with Savills was for just 5 months and as a chapel, instead of for a variety of

non residential uses. In this respect, the marketing exercise may be considered to be inadequate. However, the general lack of interest expressed by Savills over the 5 months is a material consideration which indicates a lack of interest in the building, given the costs of refurbishment and ongoing maintenance.

In planning policy terms, the proposed development represents annexed residential accommodation within the built area of a small village, which would be compliant with Core Policy 2 for "infill" development. The accommodation could be tied by condition to the main dwelling to ensure that it is not sold or let separately from the main house and remains within the same planning unit.

Core Policy 48 of the WCS also seeks to support rural life. With reference to the conversion and reuse of rural buildings, it states:

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies 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; and

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; and

iii. The building can be served by adequate access and infrastructure; and

iv. The site has reasonable access to local services or

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.*

The site is within the Conservation Area and within the settings of listed buildings. The Conservation Officer has indicated that they have no objection to the scheme:

The former chapel is not listed but it is within the Bowerchalke CA and clearly is of some historic interest. It also makes a positive contribution to this part of the CA. A new use, with the associated investment of funds, is welcomed. I consider the proposals, which in respect of proposed external changes are modest, would preserve the character of the CA and as such, meet the requirements of S72 of the Planing LBCA Act 1990 and core policy 58.

This weighs in favour of the development, given the emphasis in Core Policy 58 and the NPPF to attach great weight to the conservation of heritage assets and their settings.

The chapel now forms part of the same ownership as Summerfield and therefore, the annexe proposal can be considered acceptable under H33 (iv). Saved Policy H33 for annexes would also lend some weight to the change of use and states:

H33 Proposals to create separate units of accommodation for dependent persons will be permitted provided that either:

(i) the accommodation is created wholly or partly within the existing dwelling or takes the form of an extension to that dwelling;

(ii) the design and internal arrangement of the proposed unit of accommodation would allow it to be re-absorbed into the main dwelling when it is no longer required to house a dependent person; and

(iii) where an extension is proposed, its siting and design is acceptable and the remaining external space around the building is adequate

or,

(iv) the accommodation is created as a result of a conversion of an existing building within the curtilage of the main dwelling; and

(v) is subject to a restrictive occupancy condition or, if outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area, is subject to the applicant entering into a legal agreement with the Local Planning Authority that the ancillary accommodation will not be let or sold separately from the main dwelling.

For the reasons that have been set out above, it would be difficult to support a reason for refusal for ancillary residential use on sustainability grounds. Whilst the proposal has not fully met the requirements of CP49, the chapel has been marketed unsuccessfully for 5 months. The proposed re-use as ancillary residential accommodation would secure the viability of a non designated heritage asset which forms part of the character of the Conservation Area and is within the settings of important listed buildings, in a small village within the AONB. Great weight is attached to the importance of heritage assets, their setting and landscape conservation within the AONB and the proposal could successfully secure these objectives.

Therefore, on balance, and given the apparent local support for the scheme, no objection is raised to the principle for the development under CP48, CP58, CP51 and the revised NPPF.

2. Siting, scale, design, materials, impact on the character of the AONB and settings of heritage assets

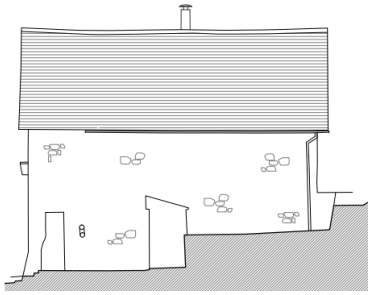
There is a duty placed on the local planning authority under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or it's setting to have special regard to the desirability of preserving the building and its setting. The NPPF states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

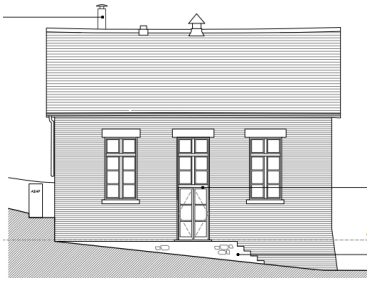
Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.









Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Core Policy 57 sets out the design criteria for new development and CP51 sets out the considerations for landscape conservation within the AONB and the NPPF places great weight on this consideration.

Only a few minor changes to the elevations are proposed, including the addition of two flues and some steps to a new entrance door formed from an existing window opening. The conservation officer has raised no objections to the proposals and the development is considered to retain the existing character of the building, to the benefit of the character and settings of the Conservation Area, settings of listed buildings and the AONB.

The proposal would therefore comply with saved Policy H33, Core Policy 57, 58, 51, the 1990 Act and the NPPF.

3. Neighbouring amenity

Core Policy 57 sets out the general principles for the design of development, including impacts on neighbours. It also states:

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 (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

The flues, steps and door are not considered to materially affect any neighbours given the separation of the site from other properties. The siting for an ASHP is shown on the plans but is not included within the application details. An informative would be added to remind the applicant of the constraints set out under the permitted development rights for an ASHP.

The change of use is unlikely to generate any greater levels of local disturbance given the fallback position of the unrestricted use of the building as a place of worship and local neighbours have written in support of the proposal. Permitted development right would be removed to ensure that the building is not enlarged or altered with additional window openings that could affect neighbouring amenity. In conclusion, *appropriate levels of amenity are achievable within the development itself,* in accordance with CP57.

4. Highway Safety

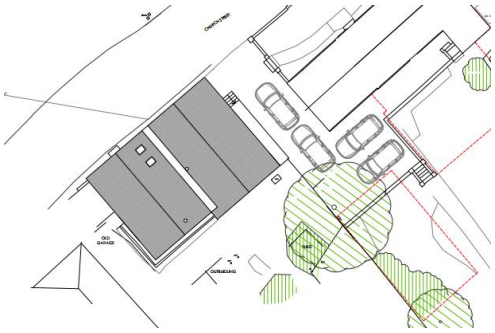
CP57, CP48, CP60 and CP61 are relevant to the proposal and the highways officer commented:

I am aware of planning application PL/2021/04621 which included the construction of a new double garage. Please can it be confirmed whether it is intended to implement this permission and construct the garage which will provide additional parking. The garage is not shown on the submitted plans. Please can the use of the Entertainment Space be confirmed. There is a provision of 2 toilets proposed and I am concerned of the intended use. Will it be used to provide a space for functions other than ancillary to the dwelling that could attract many people travelling in vehicles. To prevent a highway objection, please can I be provided with confirmation as requested above.

The applicant confirmed:

The clients have confirmed that they plan to build the garage and they have already created the driveway in between their house and the chapel, which has in turn generated more space to get cars off the road. The applicants have therefore made a material start on the application. The clients do not plan to use the chapel commercially, as outlined in the Planning Statement and description of development. It purely for their children and to entertain family. They have proposed two toilets purely because it would help when they have family functions since they only have one bathroom in their house. As set out within the Planning Statement also, there will be a significant reduction in the demand for parking as a result of this proposed change of use. A use as a chapel would generate the need for 47 spaces. However, there will be no more cars than the applicants currently have when they have friends or family over at the moment. There will therefore be an improvement upon the existing parking situation.

A parking plan has been requested and was submitted as part of the landscape plan and shows 6 spaces, including the approved garage:



The highways officer was content with the plan and the proposals and raised no objection subject to standard conditions.

Therefore, as the case has been demonstrated to support the conversion of this heritage asset for ancillary residential use tied by condition to the main house, and the overall demand for spaces would be reduced, no objection is raised under H33, CP48, CP57, CP60 and CP61.

5. River Avon SAC catchment

The application site lies within the River Avon SAC catchment. However, the proposal would create ancillary accommodation for an existing household, to be tied by condition, and would not result in any increase in households within the catchment. Therefore, the application can be screened out of Appropriate Assessment and it is possible to conclude that it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon catchment SAC.

6. Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. An informative would be placed on any permission.

Conclusion and planning balance

The application represents a sustainable form of development to provide ancillary residential accommodation within the built area of a small village in the AONB. Whilst the proposal does not entirely accord with CP49, the site has been marketed and the proposed residential use would secure a viable use and restoration of a non designated heritage asset in the Conservation Area, within the setting of listed buildings. Great weight is attached to this consideration and the importance of landscape conservation within the AONB. This is considered to outweigh the loss of a community facility within the small village, given the local support and the desire to see the chapel building retained in a viable use and maintained in good order. Suitable parking can be provided and overall, the use requires less parking provision than the former chapel use. Neighbouring amenities are unlikely to be harmed. No harm is identified to the River Avon protected site and the LPA considers that the application should be approved.

Recommendation: Approve subject to conditions

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.

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

Site Location Plan ref 23 / 810 / E001 Rev B dated Sept 2023
Proposed ground floor & mezzanine level plans ref 23 / 810 / P100 Rev A dated Sept 2023
Proposed south east and south west elevations ref 23 / 810 / P111 Rev A dated Sept 2023

Proposed north east and north west elevations ref 23 / 810 / P110 Rev A dated Sept 2023
Proposed Landscape Site Plan (and parking plan) ref 23 / 810 / P003 Rev B dated Sept 2023
Highways Statement received 20/12/23
Planning Statement dated November 2023

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

The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Summerfield, Church Street, Bowerchalke, SP5 5BE and it shall remain within the same planning unit as the main dwelling and shall not be sold or let separately.

REASON: In the interests of highway safety and the additional accommodation is sited in a position where the Local Planning Authority, having regard to the River Avon catchment, would not permit a wholly separate dwelling.

The ancillary accommodation hereby permitted shall not be occupied until it has been connected to an appropriate means of foul drainage (either the mains foul drainage, package treatment or septic tank).

Reason: To ensure that the development can be adequately drained.

The development hereby permitted shall not be first brought into use until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter for the lifetime of the development.

REASON: In the interests of highway safety.

Notwithstanding the submitted details, the proposed development shall not be first brought into use until means/works have been implemented to avoid private surface water from entering the highway.

REASON: To ensure that the highway is not inundated with private surface water.

The vehicle access and parking spaces shall remain ungated.

REASON: In the interests of highway safety.

No part of the development hereby permitted shall be first brought into use until the parking spaces (6 No) have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter for the lifetime of the development and maintained free from the storage of materials.

REASON: In the interests of highway safety.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations (including windows, dormers or rooflights) to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local

Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

INFORMATIVES

The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

CIL: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

Bats: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Air Source Heat Pump: This application does not provide consent for the ASHP and the applicant's attention is drawn to the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 14 Class G. The Town and Country Planning (General Permitted Development) (England) Order 2015 (legislation.gov.uk)

Please note that ASHP development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.