CASE OFFICER'S REPORT

Application Reference:	PL/2023/08390
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	01 November 2023
Case officer:	Callan Powers

Site Address:	Shed 1, Birdlands, Seagry Road, Great Somerford, Chippenham, SN15 5EN
Proposal:	Change of use of an existing agricultural building (former poultry shed, now used for agricultural storage purposes), to B8 storage use (for the storage of cars).
Recommendation:	Approve with Conditions

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POLICIES
National Planning Policy Framework December 2023 Paras 2, 11, 38, 47, 123, 128, 131, 157 & 158
Wiltshire Core Strategy Jan 2015 CP48 CP57
ISSUES
Principle of development
Conditions
REPRESENTATIONS
Neighbour Representations – None received.
Seagry Parish Council – Comments advising that there is no objection in principle, but suggesting that conditions may be advisable to take account of the impacts of unrestricted B8 use.

Highways – No objection.

Public Protection – No objection.

SITE DESCRIPTION
The application site refers to one of a pair of agricultural style buildings in the countryside south of Great Somerford. It forms part of a small cluster of development a kilometre south of the village. The barn to the north has previously been converted to use for car storage. The southern building, which is the subject of this application, is not heavily exposed to view from without the site, which is enclosed by dense line of trees along the boundary. Although Great Somerford is the village with which the site is most closely associated, the site nevertheless falls within the parish of Seagry, and is subject to the neighbourhood plan for that area.

Relevant planning history
17/03264/PNCOU: Prior Approval for a Proposed Change of Use of Agricultural Building to a flexible use Business, Storage or Distribution. Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class R. Approved 08 May 2017

17/11692/FUL: Change of use of part of a former poultry shed to storage of classic cars (B8 use). Approved 30 January 2018

The above Prior Approval concerned a barn adjacent to the building subject to this current application. The change of use of 450 square metres of floorspace was granted prior approval. The subsequent application for full planning permission then concerned the remainder of the building, with the original area omitted from the second application.

PL/2023/05258: Conversion of an existing agricultural building (former poultry shed, now used for agricultural storage purposes), to B8 use (general storage and distribution) for the storage of cars. Withdrawn 31 August 2023

The above application was another made for prior approval under Class R of the Order, and referred to the subject building of the current application. It was withdrawn after it was pointed out that the extent of previous conversion carried out under Class R rendered the proposal ineligible for consideration under the same Class of the Order.

THE PROPOSAL
This application seeks full planning permission for the conversion of the barn to a B8 storage use, in order to store classic cars. This is understood to be in association with the established car storage business being run from the adjacent barn.

ASSESSMENT:
Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined 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); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020) and the Seagry Parish Neighbourhood Plan (Made May 2021).

Principle of development
Although the proposal is not development permitted by the Order, which necessitated the applicants' previous withdrawal of an application for prior approval, this is not prejudicial to the outcome of the application, which is to be assessed on its impacts and against the policies of the development plan.

The site lies in the countryside wherein development will not normally be permitted other than in accordance with exception policies set out within the Wiltshire Core Strategy. One such policy is Core Policy 48, which is aimed at supporting rural life, which lends policy support to the re-use of rural buildings to employment uses, 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.

The site does not contain heritage assets and as such the last of these is not relevant to this application.

There are no concerns over the capability of converting the subject building, nor are any external modifications or extensions proposed as part of this application. Whilst there are potential impacts arising from B8 use of the barn, particularly in relation to noise, it should be noted that this is the smaller of the two main barns at this complex, with the larger of these, which is also closer to residential development, having already undergone conversion to the same use. The Council's Public Protection team have not objected to the application and accordingly there are no concerns in respect of amenity arising from the development.

Given that this is a countryside exceptions policy, a degree of pragmatism is required in terms of what constitutes reasonable access to local services, and particularly in light of the existing adjacent use it is not considered that objection on these grounds would be reasonable. The access to the site is established and adequate for the purpose.

The proposal is therefore considered to be supported by Core Policy 48 of the WCS and is therefore acceptable and justified development in the countryside, subject to site specific matters.

Conditions
Planning permission has been granted for the same use at the adjacent barn, subject to a condition limiting the building to use for the stated purpose – for the storage of vehicles – and for no other purpose. This is considered reasonable given the potential impacts involved in general purpose B8 use, which may involve impacts that have not been considered in this application, such as noise from forklifts and access for HGVs. It is therefore recommended that this condition be imposed in respect of this application, so that such impacts can be considered should there be a future wish to use the site for general purpose B8 use.

Other matters
It should be noted that additional information was received late in the course of this application, clarifying the boundaries of ownership at the site. The amendments to the plans involved are technical and not material, and as such do not materially alter the consideration of the application. They have therefore not been subject to full public consultation.

Conclusions
The proposed development is supported by the policies of the development plan. The impacts involved with the stated use of the building for car storage are not considered to give rise to significant concerns in respect of the compatibility of adjoining land uses; the risk of unrestricted B8 storage and distribution having a greater can be adequately minimised through the deployment of an appropriately worded condition in the same manner as that attached to the car storage use of the adjacent barn. As such the proposed development is considered acceptable, and it is recommended that planning permission be granted, subject to conditions.

RECOMMENDATION:
Permission subject to conditions.

Conditions: (3)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
237_C 03: Proposed Site Plan, dated Feb 5 2024 and received 05 February 2024;
237_B 04: Proposed Parking Plan, dated 13/09/2023 and received 28 September 2023;
Design and Access Statement, dated 27/09/2023 and received 28 September 2023; and
Application Form, dated 27/09/2023 and received 28 September 2023.

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

2 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.

3 The building shall be used for the storage of vehicles and for no other purpose, including any other purpose falling within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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: (4)

4 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.

5 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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 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.