CASE OFFICER'S REPORT

Application Reference:	PL/2023/09603
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	13 December 2023
Case officer:	Callan Powers

Site Address:	West Hayleaze Farm, Rommel Lane, Crudwell, Malmesbury, SN16 9EY
Proposal:	Change of use of part of agricultural building to storage use (Class B8) for a temporary period of 3 years.
Recommendation:	Approve with Conditions

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POLICIES
National Planning Policy Framework December 2023 Paras 2, 11, 38, 47, 123, 128, 131, 157, 180
Wiltshire Core Strategy Jan 2015 CP1 CP2 CP48 CP57
Crudwell Neighbourhood Plan May 2021
ISSUES
Principle of development
Compatibility with adjoining land uses
Landscape impact
Highways
REPRESENTATIONS
Neighbour Representations – None received.
Crudwell Parish Council – None received.
Highways – No objection.

SITE DESCRIPTION
The application site comprises land in the corner of a field, forming part of a relatively flat agricultural landscape extending for some kilometres to the north, west and south, and interrupted to the east by the village of Crudwell, the core of which is located around 1 kilometre away. The nearest buildings are agricultural in nature and are located around 250 metres to the north west, while some more agricultural buildings are located 700 metres to the east. To the west, although it cannot easily be seen from the site due to the low-lying nature of the land, is a sizeable solar farm installation. A public right of way, Footpath CRUD17, approaches within a little over 200 metres to the south east of the site, and leads into Crudwell from the general direction of Brokenborough away to the south.

Relevant planning history
PL/2022/03406: General Purpose agricultural store and access. (Revised proposal). Prior approval granted 25 May 2022.

Under the above application, it was determined that the Council's prior approval would be required and would be granted in respect of an agricultural building to be situated within the site.

This building has been built and is understood to be in use for agricultural storage. Although no notification was previously received that the building had been substantially completed prior to the submission of the current application as required as a condition of prior approval, the application does include a statement that the building in question has been erected and is in use. The relevant date for substantial completion can therefore be taken as seven days prior to the receipt of this application: the 30th of October 2023.

THE PROPOSAL
This application seeks a temporary permission for use of the agricultural building at the site for B8 storage purposes. The use is to be time limited to three years, while the applicants benefit from an agreement with neighbouring farmers for the use of their land which will require a less intensive use of the agricultural building than originally intended over this period.

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 Crudwell Neighbourhood Plan (Made May 2021).

Principle of development
The existing building originates from a prior approval granted under Schedule 2, Part 6, Class A of the GPDO. Development under this Class, when no longer required for the purposes of agriculture, is subject to a condition that the building will be demolished and removed from the land if no longer needed for the purposes of agriculture within 10 years.

According to the information provided in support of this application, the building remains necessary for the purposes of agriculture in the long term. In the short term, however, circumstances have arisen that reduce the need for the amount of agricultural floorspace provided within this building. Storage use would offer a short term diversification opportunity to the applicants and would not become the sole use of the building. Indeed, as a part of this proposal, much of the building is to remain in agricultural use, and following the temporary period of three years, the building is to return in full to agricultural use.

The application site lies in the countryside, wherein development will not normally be permitted other than in accordance with exception policies set out within the development plan. One such policy is Core Policy 48 of the WCS, which allows for the conversion of rural buildings to certain uses subject to criteria. This includes employment uses such as B8 storage. Whilst this is intended to be used for permanent buildings, it is considered reasonable on a temporary basis to consider that it is appropriate to allow for the temporary alternative use of the building as a diversification scheme. The building can therefore, subject to conditions ensuring that the change is temporary, benefit from the policy provisions set out in Core Policy 48.

Under this policy, proposals for conversion to employment use 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.

The building is of a nature that readily lends itself to storage use without significant alteration, and this use would not appreciably alter the visual impact of the development. On the basis that the site is in the countryside access to local services is considered to be reasonable, and the site access, available via tracks, is adequate to the use class for the scale of storage use proposed. The proposal would not affect heritage assets. As such the development meets the criteria of Core Policy 48 and can be supported on a temporary basis, subject to site specific considerations.

Compatibility with adjoining land uses
The site is distant from any residential development, although it should be noted that access will involve the use of a track that passes close to homes off Rommel Lane in the east. Whilst large and noisy vehicles may therefore be using this track, this is not considered likely to result in a significant increase in noise over and above the agricultural machinery that is already likely to use the infrastructure of the immediate surroundings.

There are no other concerns in respect of this use class that would cause tension with adjoining land uses and the development is not considered to conflict with Core Policy 57 of the WCS.

Landscape impact
The storage use in itself, with items to be stored within the building, is not considered likely to cause significant landscape impact above the presence of the building itself, which is a pre-existing circumstance and is in any event justified on the basis of its reasonable necessity for the purposes of agriculture.

External storage, where not appropriately managed, does have the potential to have a landscape impact that would fail to adequately conserve landscape quality. Nevertheless, a condition can be imposed on development prohibiting outdoor storage, following which the landscape impacts of the development would be deemed acceptable. As a result, landscape impact would not in this instance be a reason to refuse planning permission.

Highways
The proposal is served by adequate access for storage of the nature described in the application. The Council's Highways Engineer has clarified that the impact on the road network would not be severe, and that there are no concerns over road safety arising from the development. Accordingly there are no objections from this standpoint.

Conclusions

The proposed development would be an appropriate use of a building intended for agricultural purposes, for the period specified, while the entirety of the building is not needed for its original use. Subject to a condition time-limiting that use, and ensuring that further conditions of the Order remain in place following the temporary period and the cessation of the storage use, the development is acceptable in principle. There are no site-specific matters indicating that permission should be refused, and it is therefore recommended that this application be approved, and planning permission granted subject to conditions.

RECOMMENDATION:
Permission subject to conditions

Conditions: (5)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing No. VV-JH-04/B: Elevations and floorplan of proposed barn, dated April 2022 and received 06 November 2023;
Covering Letter, dated 31st October 2023 and received 06 November 2023; and
Application Form, dated 06/11/2023 and received 06 November 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 storage use hereby permitted shall be discontinued and the subject building restored to solely agricultural use on or before 01 March 2027.

REASON: As the justification for the proposed use is on a temporary basis where the existing building is only permitted development as a building reasonably necessary for the purposes of agriculture. The site is in a location where development would not otherwise normally be permitted in accordance with Core Policies 1 and 2 of the Wiltshire Core Strategy.

4 Following 01 March 2027, should the use of the building for the purposes of agriculture permanently cease before 30 October 2033 (being the date 10 years less 7 days from the date of notification of the substantial completion of the building), the building shall be removed from the land and the land restored to its condition before the development took place.

REASON: As the building was originally granted under a prior approval process subject to this condition, which remains necessary as the building is located in an area where development would not normally be permitted in line with Core Policies 1 and 2 of the Wiltshire Core Strategy.

5 The storage use is to restricted only to the interior of the building as marked on the Floor Plan, Drawing No. VV-JH-04/B, and there shall be no outdoor storage at any time or for any reason other than during the process of loading, unloading or re-arranging internally stored items.

REASON: To ensure that the landscape is not subject to adverse impacts in line with Core Policy 51 of the Wiltshire Core Strategy.

Informatives: (4)

6 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.

7 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.

8 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.

9 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.