LPA'S APPEAL STATEMENT

WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

APPEAL REFERENCE:	APP/Y3940/W/23/3334589
LPA REFERENCE:	PL/2023/05206
APPEAL PROPOSAL:	Ridgefield Farm, Green Road, The Ridge, Corsham, Wiltshire, SN13 9PW

1. Introduction

Relevant Context and Procedural Matters

Planning use of wider site

1.1 For contextual information, the dwelling on the wider site is a tied dwelling. That dwelling was approved through application ref. no. N/96/1850/OL; a subsequent application for the removal of agricultural occupancy condition (N/08/02265/S73A) was refused.

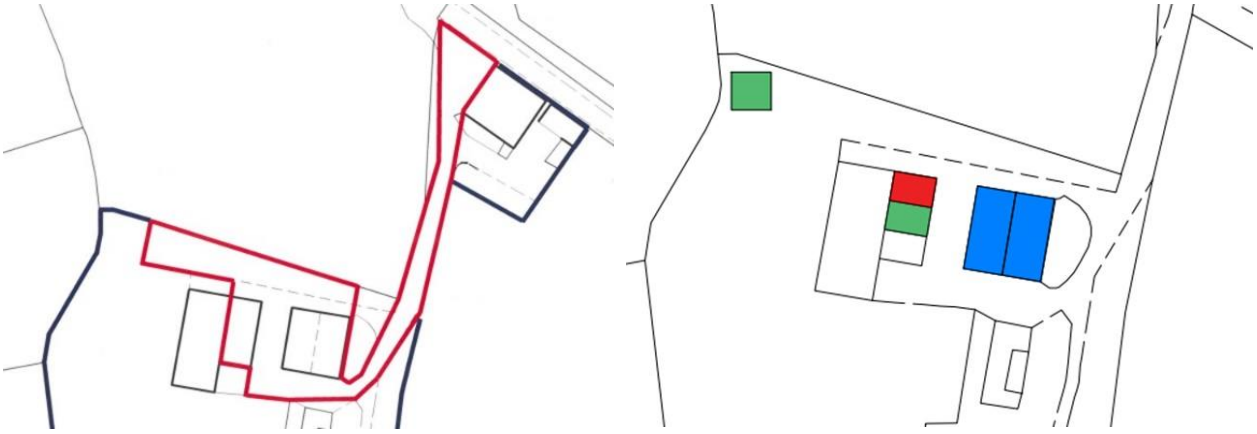
1.2 Since determination of the application the subject of this appeal it has been confirmed by the Council's Enforcement Officer [by email dated 31/01/2024, enclosed at Appendix 1] that the wider land holding adjacent to this appeal site (as outlined blue in the revised Site Location Plan) is being used for its lawful agricultural purpose: the growing and sale of Christmas trees.

1.3 As such, there is now no question that the wider site forms part of an agricultural holding. At this point in time the lawful use of the appeal site is considered to be similarly agricultural, although it is noted that Section I (part two)(a) of the appeal form states that the site is not part of an agricultural holding.

1.4 However, in the event that this appeal were to be allowed the Council would not be supportive of the introduction / erection of any further agricultural buildings across the wider site within the Appellant's ownership to effectively compensate for the loss of these buildings from agricultural use.

Revised Drawings

1.5 The submitted application details included an area shown for 'Forestry' which was outside of the red line boundary of the application, as shown as snapshot below:



Extracts from: Submitted Site Location Plan / Coloured Site Plan

1.6 The revised Site Location Plan does not amend the red line in any respects and that 'Forestry' area remains outside the red-line boundary, set in the context of the wider agricultural use as explained above.

1.7 However, the plan included at paragraph 2.3 of the Appellant's SoC seeks to informally expand the extent of the B2 use and operations which is being considered. This is not a formal planning drawing and the Inspector is invited to disregard this accordingly (the submitted 'Coloured Site Plan', drawing no. LPC 5462 EX 102 remaining the formal planning drawing); matters relating to the external storage are considered further below.

1.8 Indeed, the alignment of the red-line, and the fact that it includes a relatively large extent of land outside of the building footprints themselves, does itself give cause for concern – this is explained further in Section 2 below.

Approach to Determination of the Planning Application

1.9 The Appellant's Statement of Case (the Appellant's SoC) in the Introduction Section references an email exchange relating to the consideration of the application, and in particular whether Conditions could be attached to any permission which may have been granted such as to restrict the commercial use of the site to the particular occupants.

1.10 Contrary to the assertion in the Appellant's SoC that that exchange demonstrates acceptability of the appeal proposal, it in fact merely demonstrates that the consideration of the application proposal was undertaken in a positive manner, in accordance with general advice set out in the National Planning Policy Framework ('NPPF') – as accepted at paragraph 3.7 of the Appellant's SoC. As also accepted in that SoC (paragraph 1.4), that email exchange was undertaken on a 'without prejudice' basis and contrary to the claim made in paragraph 1.5 that there was 'a change of mind', at no point up until determination had a decision been reached – the application remained under consideration.

1.11 As has been made patently clear by the Appellant, the use of appropriate conditions was given full and detailed consideration but, on balance – and as fully set out and explained in the Officer's Report ('Assessment' section) – it was decided that this would not be an appropriate way to proceed in the context of national guidance and given the nature of the impacts arising.

1.12 To re-iterate here, the use of specific conditions was not considered acceptable on the basis of

the advice set out at Paragraph: 015 [Reference ID: 21a-015-20140306] of the Planning Practice Guidance ('PPG'), which states that: *"Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. … A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company."*

The Appeal Proposal

1.13 This Statement of Case (SoC) relates to an appeal made by Mr R Tunbridge (Sovereign dpc) pursuant to Section 78 of the Town and County Planning Act 1990 (as amended). The appeal relates to an application for *'Commercial use of former agricultural buildings (Retrospective)'.*

1.14 The application was refused under delegated powers on 24 October 2023 (Decision Notice is attached at **Appendix 2**) for the following two reasons:

1. *The principle of introducing a B2 use on this site, which is not within, adjacent to, or particularly well related to any settlement within the designated hierarchy, and is not considered to be essential to the wider strategic interest of the economic development of Wiltshire, runs contrary to Core Policy 34 of the Wiltshire Core Strategy.*

2. *The application proposal results in a change to the character, appearance and use of the site which is not consistent with the wider character of the site and its setting in this rural location. This change to the landscape characteristics, as well as the impacts on the amenities and in terms of visual effects of the development, results in a proposal which does not accord with the aims, objectives and detail of Core Policies 48 and 51 of the Wiltshire Core Strategy and Policy CNP E3 of the Corsham Neighbourhood Plan.*

1.15 The Officer's Delegated Report for the application is attached at **Appendix 3** to this SoC. This SoC should be read alongside that Delegated Report.

Material Changes in Planning Policy

<u>Revised National Planning Policy Framework</u>

1.16 Since the determination of the planning application and the lodge of the appeal, in December 2023 the Government published an updated version of the National Planning Policy Framework ('NPPF'). The changes made to the NPPF are not considered to be of any direct relevance to this appeal proposal; updated references have been included where necessary.

<u>Draft Local Plan</u>

1.17 Since determination of the planning application, the LPA has prepared a draft Regulation 19 Local Plan which was consulted on from 27 September 2023 to 22 November 2023. In planning policy terms, this draft Local Plan carries only limited weight at this stage and in any case is not considered to raise any issues directly material to the consideration of this appeal proposal.

2. Case for the LPA

The Principle of Development

2.1 The first Reason for Refusal (RfR) deals with the acceptability of the principle of the development and the Officer's Report substantiates this RfR.

2.2 The appeal proposal essentially breaks down into two distinct elements: (i) the use of the buildings to the east of the site for B8 use (as shown marked blue on the 'Coloured Site Plan' drawing submitted with the application); and (ii) the use of the buildings located towards the west of the site for B2 use (as shown marked red and green on the 'Coloured Site Plan'.)

2.3 To clarify, the Council's concerns relate to the latter of these elements – there appears less uncertainty regarding the lawfulness of the former and it is in general terms acknowledged and accepted that there are certain permitted development rights for a change of use of an agricultural building to a B8 use (Under Class R of Schedule 2, Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).

2.4 Paragraphs 2.5 and 2.6 of the Appellant's SoC consider the lawfulness of the building proposed for the B2 uses. The former asserts that it is: *"… reasonable to assume the Council accept that the apparently altered structure had been substantially completed for in excess of 4 years and is therefore immune from enforcement action and thus lawful."*

2.5 However, as demonstrated by the aerial photographs included within the Officer's Report, the lawfulness of this building, within which the stonemason and woodcutter are located, remains questionable.

2.6 The Appellant's SoC claims that this building was merely 're-roofed' sometime after 2017 (paragraph 2.5). However, a more detailed aerial photograph, dated 04 October 2017 and included below, shows the building at that time to be set away from the barn to the far west, with the rounded roof-form. By 30 October 2019 that building appears to have been replaced rather than just re-roofed as that replacement building is on a different footprint, and with different dimensions (based on the retained polytunnel structure to the east), to the building on site on 2017. This is demonstrated on the photographs below:



Aerial images from: 04/10/2017 and 30/10/2019




Views from the PRoW CORM27

2.7 For these reasons and given the questionable lawfulness of this building (and in the absence of any Certificate of Lawfulness to consider / establish this), the Council continues to maintain that the more appropriate assessment of acceptability of these uses is against Core Policy 34 rather than Core Policy 48.

2.8 The principle of the appeal proposal thus remains unacceptable and the justification set out in the Officer's Report for the unacceptability in principle for the proposed B2 uses at this location, in terms of Core Policy 34, remains robust.

2.9 However, that notwithstanding, for the reasons set out below, in the event that the building proves to be lawful, it is a requirement of Core Policy 48 that the conversion of rural buildings would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas (criterion ii).

Character, Appearance and Amenity

2.10 The second reason for refusal (RfR) relates to the impact of the proposal on the character of the land in terms of the impacts arising.

2.11 Firstly, it is of note that – contrary to the implicit statement at paragraph 4.7 of the Appellant's SoC – permitted development rights[1] for the conversion of rural buildings do not extend to uses and activities within Use Class B2, which is in part proposed here. In a context of relatively wide-ranging permitted development rights, this omission of a lawful change to a B2 use from the regulations is of particular relevance.

2.12 As with the question of the lawfulness of the building, no Certificate of Lawfulness has been submitted to establish or confirm the lawfulness of any such change, presumably as that it would be concluded that it does not fall within the scope of permitted development.

2.13 It is not correct to conclude as the Appellant's SoC, that: *"The two Class B2 units have a combined floor area of only 123.5m2 and are equally low impact by reason for the modest sized operations that can be accommodated*" (paragraph 4.1). The impacts arising from the proposed development in terms of amenity, noise, air quality and movements along the highway, as well as the overall change in character of the land, have clearly been felt locally; indeed, it was these impacts which

[1] As set out at Schedule 2, Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended) – Class R is relevant

triggered the involvement of the Council's enforcement team with respect to the site in the first instance. These amenity impacts are set in the context of the relatively loosely drawn extent of the red-line area and (as is understood) that activities relating to the on-going B2 uses have been taking place on the curtilage land outside of buildings, with the associated impacts of the B2 activities as a consequence not being confined to the application site.

2.14 This recent history and experience locally would seem to be entirely at odds with Paragraph 4.7 of the Appellant's SoC, which maintains that: *"… I would strongly maintain that the evidentially low impact of the use of the buildings, and ancillary external storage in this case, akin to many farmyards nationally, and thus not inconsistent with the rural scene generally, is very low and contained within the buildings."* Furthermore, this statement itself is directly at odds with earlier information set out in the Appellant's SoC (at paragraph 2.3) which explains how the on-going uses are not contained within the buildings and spill out onto the surrounding land.

2.15 Presumably, if the former is true, the Appellant would have no grounds for complaint to any suggestion condition restricting any outside storage at the site, as attached at Appendix 4 to this SoC. Related, given that different users falling within Use Class B2 could potentially give rise to significantly different impacts, a Condition which restricts the occupancy to a specific user(s) is considered to be reasonable, appropriate and necessary. Whilst the Appellant might maintain that the 'available space' is a limiting factor in terms of the impacts and externalities arising, as demonstrated in their SoC, this cannot be taken as read, with a high probability of the uses not being contained within the building(s).

2.16 It is clear from this fundamental contradiction in the Appellant's SoC that the Council's objection is justified and substantiated.

2.17 Based on the nature of the proposal and the impacts arising, the appeal proposal is considered to be contrary to criterion vii of Core Policy 51 (WCS) and CNP E3 (CNP). The former of these stresses the need to protect the landscape against light pollution, noise and motion. The latter seeks to ensure that the distinctive characteristics of the Corsham Rolling Lowlands – within which the appeal site is located – are protected.

3. Conclusion

3.1 This SoC has set out the basis upon which the LPA made the decision to refuse the planning application and has fully justified and substantiated those reasons for refusal.

3.2 In the event that the appeal proposal is considered acceptable, a Schedule of Conditions is included at Appendix 4 to this SoC which the LPA would invite the Inspector to attach to any such decision.

4. Appendices

Appendix 1: email confirming lawful agricultural use of adjacent land in Appellant's ownership
Appendix 2: Decision Notice
Appendix 3: Officer's Delegated Report
Appendix 4: Schedule of Planning Conditions

APPENDIX 1: email exchange confirming lawful agricultural use of land outlined blue

From: XXX@wiltshire.gov.uk>
Sent: Wednesday, January 31, 2024 3:13 PM
To: XXX@lpctrull.com>
Cc:
Subject: Our ref: ENF/2022/00436 - RIDGEFIELD FARM GREEN ROAD THE RIDGE CORSHAM SN13 9PW

Dear Simon,

Thank you for your email and please accept my apologies for the delay in confirming in writing my findings, which I set out at the end of our site meeting on 12th January 2024. The delay has been purely due to a high workload at present.

I can confirm that your client's occupation of the lawful dwelling on the land is no longer in breach of the agricultural occupancy condition that binds it, based on the facts set out in this email. I have inspected and photographically documented the significant Christmas tree plantation in the field adjacent to the dwelling.

A company was set up in September 2023, trading as Wiltshire Christmas Trees and under the control and ownership of your client, for the growing of Christmas trees for sale. The company website is: https://www.wiltshirechristmastrees.co.uk/

Your client has invested £60,000 into the start-up of the business. This has been spent on the planting of 9,000 Nordman Fir trees and the preparation of the land for doing so; the purchase of 100 Nordman Fir trees to rent; the purchase of 12,000 Nordman Fir trees for wholesale to start the business (which were sold for last Christmas); and advertising for the business.

The use of the land for the plantation is agriculture (an agricultural crop) and not forestry. The only remaining breach of planning control on the land that needs addressing is the unlawful commercial units/use of land subject to the refused application for a CLD (ref: PL/2023/05206), for which an appeal has been submitted, but there has been a long delay with PINS validating the appeal.

If any of the above is not correct, not accurate or is incompetent then I would request that either you or your client (copied-in) advise me of such in writing.

Finally, please do not hesitate in contacting me if I may be of any assistance on these matters.

Regards,

XXX
Planning Enforcement Officer
Development Management
Wiltshire Council

Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/05206

Decision Date: 24 October 2023

Applicant:	Mr Ross Tunbridge Ridgefield Farm , Green Road, The Ridge, Neston, Wiltshire, SN13 9PW
Particulars of Development:	Commercial use of former agricultural buildings (Retrospective)
At:	Ridgefield Farm, Green Road, The Ridge, Corsham, Wilts, SN13 9PW

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (2)

1 The principle of introducing a B2 use on this site, which is not within, adjacent to, or particularly well related to any settlement within the designated hierarchy, and is not considered to be essential to the wider strategic interest of the economic development of Wiltshire, runs contrary to Core Policy 34 of the Wiltshire Core Strategy.

2 The application proposal results in a change to the character, appearance and use of the site which is not consistent with the wider character of the site and its setting in this rural location. This change to the landscape characteristics, as well as the impacts on the amenities and in terms of visual effects of the development, results in a proposal which does not accord with the aims, objectives and detail of Core Policies 48 and 51 of the Wiltshire Core Strategy and Policy CNP E3 of the Corsham Neighbourhood Plan.

Parvis Khansari - **Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

DELEGATED REPORT

Application Reference:	PL/2023/05206
Application Type:	Planning Permission

Site Address:	Ridgefield Farm, Green Road, The Ridge, Neston, Wiltshire, SN13 9PW
Proposal:	Commercial use of former agricultural buildings (Retrospective)
Recommendation:	Planning Permission be REFUSED

PROPOSAL

The proposal is retrospective in nature and relates to the change of use of one single building and part of a separate building from agricultural use to commercial. The uses of the buildings, as specified on the submitted drawings, are as follows:

- 'Lighting storage' (Use Class B8)
- 'Stone mason' (Use Class B2)
- 'Forestry' (Use Class B2)

A separate area shown as being for 'forestry' use on the submitted Site Plan falls outside of the red edge area of the submitted Location Plan and therefore does not form part of the consideration of this application.

SITE DESCRIPTION

Green Road is a rural road which runs due south from the junction of Monks Lane / Brockleaze for some 200m before reaching the site entrance. At this point Green Road itself becomes gated and runs on to the south-east to serve as an access to a warehouse facility some 0.5km further before reaching Goodes Hill after approximately 1km. A separate gate at this point serves as an access to both a barn, as well as running on due south for some 60m as the driveway to serve the collection of land and buildings of Ridgefield Farm.

The site is situated outside of any settlement boundary, is not within any designated area and there are no listed buildings within close proximity of the site; the site is not at risk of flooding. Public Right of Way (PRoW) CORM27 runs north-south through the site, leaving the public highway at the site entrance to run adjacent to the driveway, past the immediate east of the collection of buildings on the wider site and through to cross the agricultural land to the south of the site. The site itself has a very open aspect and relationship with this PRoW, with no particular screening at the interface, and the buildings on the site all being clearly visible from the PRoW.

The barns to which this application relate are part of a wider site / planning unit which is within a mixed use including residential and agricultural uses. This application has been made following

involvement from the Council's enforcement officer regarding a number of planning irregularities at the site; separate planning applications have been submitted alongside this relating to the regularisation of a caravan at the site (PL/2023/06355) and the change of use of a parcel of land from agricultural to residential use (PL/2023/06354), those being the subject of separate decisions.

POLICIES

Corsham Neighbourhood Plan (made Nov.2019)
Policy CNP ED1 – Ecology and Design
Policy CNP E1 – Conserve and Enhance Biodiversity
Policy CNP E2 – Achieving Sustainable Development
Policy CNP E3 – Landscape
Policy CNP HW1 – Green Infrastructure Network
Policy CNP HE1 – Design Quality

Wiltshire Core Strategy (2015)
Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 11 – Spatial Strategy for the Corsham Community Area
Core Policy 34 – Additional Employment Land
Core Policy 48 – Supporting Rural Life
Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 – Ensuring high quality design and place shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development

National Planning Policy Framework ('NPPF', September 2023)
Section 6 – Building a strong, competitive economy
Section 9 – Promoting sustainable transport
Section 12 – Achieving well designed places
Section 15 – Conserving and enhancing the natural environment

ISSUES

The issues arising for consideration from this application proposal are as follows:

- the principle of the development
- residential amenity
- highways and parking
- landscape impacts

PLANNING HISTORY

The site, along with the wider site and associated land, has been subject to the following applications previously:

- 17/04190/FUL: Retrospective application for the erection of two agricultural buildings – Approved with Conditions – 21/06/2017
- 16/05796/FUL: Two storey side extension to existing dwelling – Withdrawn – 17/11/2016
- N/11/03489/FUL: Erection of One 2 Bedroom Holiday Cabin (Resubmission of 11/02343/FUL) – Refused – 26/04/2012
- N/11/02343/FUL: Erection of One 2 Bedroom Holiday Cabin – Withdrawn – 28/09/2011
- N/08/02265/S73A: Removal of Agricultural Occupancy Condition – Refused – 13/11/2008
- N/96/1850/OL: Erection of Agricultural Dwelling – Approved with Conditions – 04/11/1996
- N/93/01393/FUL: Erection of 2 No mushroom growing rooms – Approved with Conditions – 14/10/1993
- N/93/00729/FUL: Erection of 2 No mushroom growing rooms – Approved with Conditions – 07/07/1993
- N/89/02919/FUL: Proposed Erection of 3 No Polytunnels for Mushroom Farming – Approved with Conditions – 11/12/1989

CONSULTATIONS

Corsham Town Council – Object, stating:

> *Resolved: to recommend refusal of the application on the grounds that:*
> *i. The proposal is in an unsuitable location being serviced by narrow lanes which are unadopted, an increase in traffic caused by the proposal would exacerbate existing flooding problems by Monks Lane Pond and concern that the site is becoming a mini-industrial estate;*
> *ii. the application is contrary to Core Policy 48 of the Wiltshire Core Strategy which supports the conversion and re-use of rural buildings where it satisfies a number of criteria. This intensification of use would be contrary to criteria 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' due to its access being via an unadopted road and vehicles having to travel down a lane which often floods therefore making it an unsuitable location.*
>
> *The Town Council is also aware of other enforcement issues within the blue line of the application site such as the non-agricultural occupancy of the dwelling house which are not addressed by this application.*

Highways Officer – No objection (following receipt of additional information and clarification), stating:

> *"The proposal site is the subject of three current planning applications and although the total vehicle attraction to the site access can be inferred, each application must be assessed on an individual basis.*

In an email dated 10/8/2023 the applicant re-stated the use of the commercial aspect of the site and confirmed that the number of vehicle movements over a weekly period will be in the range of 10 to 16, where a single visit will produce 2 vehicle movements.

The applicant also confirmed that no HGVs are in operation at the commercial premises. Therefore, it is concluded from this information that the total number of vehicular movements and the type of vehicles used does not rise to the level of highway safety concern sufficient to warrant a highway refusal."

Archaeology Officer – No objection

REPRESENTATIONS

4no. neighbour comments have been received, all in objection raising the following points:

- highway network is unsuitable for additional heavy traffic; in particular in terms of the Green Road / Monks Lane junction, and also the deteriorating condition of the highways;
- increase traffic could lead to road user conflicts;
- flooding and drainage issues, largely relating to highway drainage;
- concerns regarding 'creeping commercialisation', both on this site and the wider locality;
- uncertainty regarding the intention of the 'log storage'.

Comments were also made regarding the agricultural tie which relates to the dwelling. The Council's enforcement officer is aware of that issue, although that is not part of the consideration of this application proposal. Simliarly, concerns regarding the lack of access along the footpath are noted, but do not form part of the consideration of this application.

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 Framework (para. 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. 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 2011 ('NWLP', adopted June 2006) and the Corsham Neighbourhood Plan ('CNP' made November 2019).

A review of the planning history and aerial photography (and as set out in the support Planning Statement), there have been barns on the site for many years, used in association with the mushroom farming activity at the site. Snapshot aerial images are shown below as an aid and context to the subsequent planning assessment:



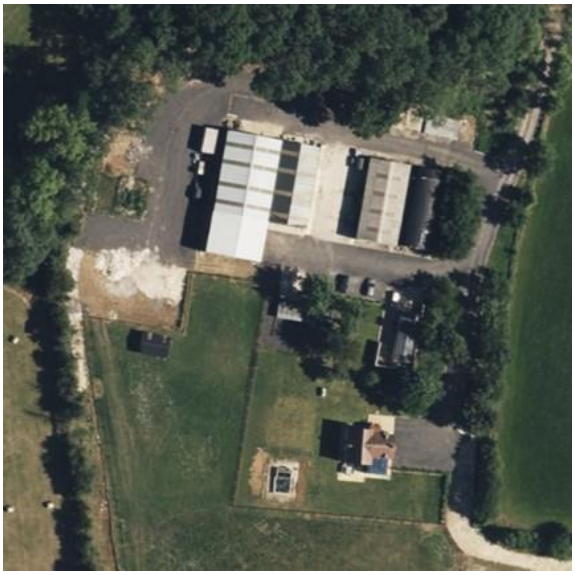
2001



2014



2017



Latest

Principle of development

The principle of converting existing and lawful agricultural buildings to alternative uses is generally established through national policy and legislation, which provides for certain 'permitted development rights' for changes to certain specified uses (under Class R of Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015 as amended); 'Class R' rights allows for change of use to: (a) Class B8 (storage or distribution), Class C1 (hotels), or Class E (commercial, business or service) – notably there is no right to any Class B2 use. For context, considerations relevant to such proposals are: transport and highways impacts, noise impacts, contamination risks and flooding risk.

In terms of the acceptability of the principle of the application proposal it is appropriate to consider the separate elements of the application proposal – the numerals shown on the annotated latest aerial photograph below provide a reference key:



In the above, numeral 1 is the building within which the B2 uses are proposed; numeral 2 is the building(s) within which the B8 use is proposed; although outside of the red-line boundary for this application site, numeral 3 is also shown – this being a building and associated hard-standing for which there is no relevant planning history.

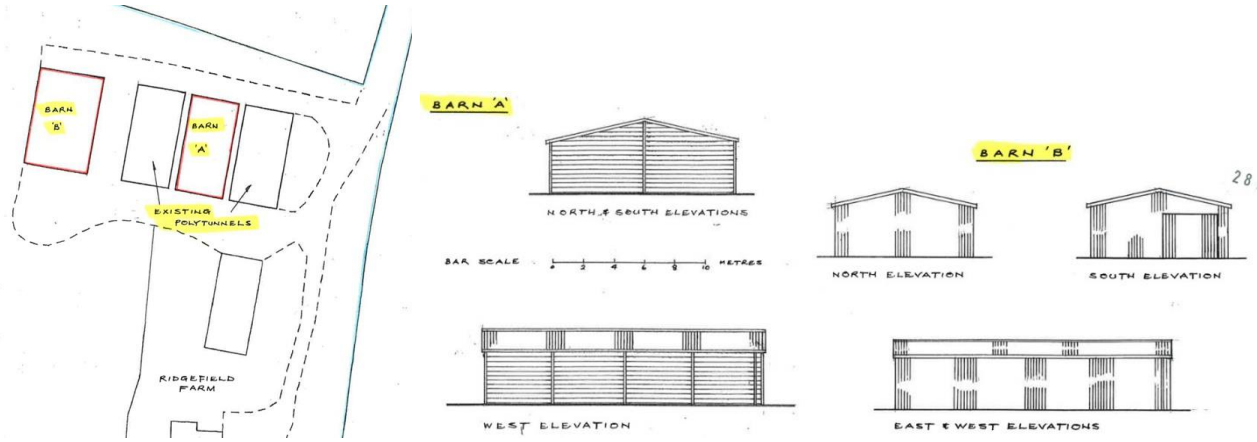
In terms of numeral 1, this building appears from aerial photography to have been erected sometime between 2017 and the present day. Whilst the submitted planning statement makes reference to the likelihood of this being lawful, no evidence of such has been provided; whilst there is a possibility of the building operation itself being lawful, it is far from certain with no evidence being provided and the building itself appearing very recent. However, any change of use of the land and use of the building would only be immune from enforcement after a period of 10 years, a period of time which there is more certainty about not elapsing. On this basis, Core Policy 34 is relevant to this element of the application proposal, this policy being somewhat more restrictive with regarding to 'additional employment land' in rural locations. CP34 sets out four specific criteria which such proposals are required to meet, as follows:

i. the site is not 'adjacent to' a Principal Settlement, Market Town or Local Service Centre
ii. the proposal is not for sustainable farming or food production;
iii. is not related to a new or existing rural based businesses within or adjacent to a Large or Small Village;
iv. is not considered essential to the wider strategic interest of the economic development of Wiltshire.

As such, this element of the application is not considered to be acceptable in principle, and the permitted development rights for this element carry very limited, if any, weight given the proposed Class B2 use.

Turning to numeral 2, aerial photography and relevant planning history confirm that this building proposed for the B8 use is lawful, as being regularised through retrospective planning permission

17/04190/FUL, as shown on the extract of approved drawings: 4/17/4/3: Site Plan , 4/17/4/1: Barn B, and 4/17/4/2: Barn A below:



Extracts from approved drawings: 4/17/4/3, 4/17/4/1, and 4/17/4/2. (n.b. it appears that 'Barn A' and 'Barn B' are incorrectly labelled)

As such, Core Policy 48 is applicable, this being generally supportive of proposals for conversion of agricultural buildings to employment, tourism and cultural and community uses, provided that they meet five specific criteria. From a visual inspection, and based on the on-going use, the buildings would appear to be structurally sound (criterion (i)). Criterion (ii) requires that: *"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."* Criteria (iii) and (iv) relate to access to adequate access, infrastructure and access to local services; and criteria (v) relates specifically to heritage assets and is not relevant.

The applicant has provided opinion over the use of planning conditions to render any permission specific to the businesses currently operating at the site. This has been given serious consideration, partly in light of the existing businesses operating from the site. However, whilst this could offer a degree of future assurance regarding further expansion of the activities at the site, it would not address the fundamental issue of the proposals constituting an inappropriate industrial complex in the countryside. Indeed, the applicant continues to seek the ability to switch specific businesses in the same use class which would in any event undermine the purpose of such a personalized condition. Of course, the NPPG explicitly warns against the use of such conditions[1] and in the light of the above, the approach is not considered to be appropriate or to render the development acceptable in planning terms.

In terms of the acceptability of the principle of development then, overall this is in the balance as there are elements of the proposal which are considered to be acceptable in principle, and elements which are not.

[1] Paragraph: 015 Reference ID: 21a-015-20140306, which states that: *"Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. … A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company."*

Residential amenity

Issues of residential amenity relate primarily to noise, odour, dust and lighting and in general terms any intensification of a commercial use of the site could potentially lead to an increase in the scale of such impacts; issues relating to highways are considered separately below.

The specific amenity impacts arising – other than relating to highways (as below) – for any particular neighbour are likely to be limited given the distances to the neighbouring properties: Pond Close Farm is located some 130m to the west of the site, and to the north the properties fronting Green Road and Monks Park Gardens are over some 160m distant, with landscaping screening on the intervening land. The noise, odour and dust impacts arising are likely to be not sufficiently significant to warrant refusal and the application does not give rise to any conflict with Core Policy 57 in these regards. In terms of lighting, given the nature and character of the site, a Condition which restricts external lighting is considered to be warranted.

Highways and parking

The Council's Highways Officer initially requested further detail regarding the scale and nature of transport movements to and from the site and local representations have raised concern regarding the number and type of vehicles accessing the site. The applicant provided clarification regarding the number of vehicle movements to and from the site, these being as follows (and do not involve any HGV movements):

- *"Lighting company: visits to the premises 2-3 times a week using only one vehicle, which is in fact often just an employee's car.*
- *Stone Mason: 2-3 times a week, 1 staff car and occasional work vans and flat beds to deliver stone and finished products.*
- *Tree surgeon: 1-2 times a week in a sign written tipper vehicle."*

Based on this further detail, and in the context of paragraph 111 of the NPPF which states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe,"* the Highways Officer has confirmed no objection to the application. However, to effectively control the number of movements to and from the site to that upon which this application has been assessed, it is considered necessary and appropriate to attach a Condition which restricts use of the site to those occupiers as stated; a Condition to ensure no direct sales are undertaken from the site are also considered warranted. Any Condition relating to a restriction on the hours of movements is considered of less value than controlling the number of movements, particularly given the previous agricultural use would have presumably had movements spread across the length of day.

There are no particular parking issues arising given the nature of the site and the land available. In terms of highway impact then, the proposal is considered to be acceptable and comply with the relevant policies of the Core Strategy, namely CP60 and CP61.

Landscape and character impacts

As demonstrated by the aerial photographs included above, the predominant extent of the buildings has been present on the site for many years. However, it is also clear from these that the character of the site has changed to a marked degree over recent years.

Whilst the site does not fall within any landscape designation, contrary to the assertion in the submitted Planning Statement that: *"the site is visually very well contained,"* it is in fact very visible from the PRoW in a rural and countryside setting, as shown in the photographs below. In that context, any change of use and / or potential intensification of commercial use of the site could lead to an impact on the character of the land.



Views from the PRoW looking west into the site: (1) towards the northern end of the range of buildings; and (2) towards the southern end of the range of buildings

Core Policy 51: 'Landscape' of the WCS requires that:
"… proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures: [inter alia]*…*
ii. The locally distinctive character of settlements and their landscape settings; …
vi. Important views and visual amenity.
vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.
viii. Landscape functions including places to live, work, relax and recreate."

The 'Key Objective' underpinning Policy CNP EN3 (CNP) is EK05, which confirms that this is:
"To conserve and enhance the distinctive landscape characteristics of the natural environment in and around settlements." The policy itself requires that:
"Development proposals should protect, conserve and where possible enhance the special qualities of the Cotswold AONB and the distinctive characteristics of the Landscape Setting of the Corsham Rolling Lowlands. Development should:
a) Maintain existing woodland cover and hedge trees wherever possible; …
c) Demonstrate how the proposal relates to Corsham in terms of landscape, setting and visual effects;
d) Create new woodland cover where necessary to mitigate the landscape or visual impact of new development; and

e) Protect existing Public Rights of Way and link in new routes to offer local people recreational opportunities in terms of countryside access routes and cycleways.

Whilst the context of any such change is set within the 'permitted development rights' for the change of use of agricultural buildings (as considered above), it is clear that this change of uses has led to a marked change to the character of the site (and as explored above, these 'permitted development rights' only extend to a B8 use of the site / buildings). Indeed, this change has been to such an extent as the site now displays a character more akin to a commercial facility than one of converted agricultural buildings – with the permission now being sought to use the buildings for commercial purposes intrinsically seeking to rely upon what amounts to industrial infrastructure and hardstanding, none of which appears to be lawful. Such an appearance and character is not consistent with the wider character of the site and its setting in this rural location and as such, the application proposal does not accord with the aims, objectives and detail of Core Policy 51 (WCS) and CNP E3 (CNP) in particular in terms of visual amenity and visual effects.

Coupled with these planning policy considerations, the objections raised by the Parish Council and local residents do provide confirmation as to the concerns regarding the changing nature, use and character of the site, as well as consequential impacts.

Finally, and as a related aside, in the context of the consideration as to the acceptability of this application proposal, it is noted that – based on the aerial photography above – the immediate site now also accommodates an additional building (numeral 3 on the annotated aerial image above) which does not benefit from planning permission. Whilst not forming part of the consideration of this application, the uncertainty regarding the status and use of that building is hereby recorded, particularly if it were the case that the need for that building has arisen through the unlawful uses the subject of this application.

Other matters

As noted above, matters of drainage beyond the site boundary and on third party land are not directly within the scope of consideration for this application proposal. Matters relating to the agricultural tie on the main dwelling are not part of the scope of this planning application. However, assertions regarding the policy support for the proposal based on the rationale of 'farm diversification' are set within the context and queries relating to the on-going agricultural use of the wider site. It is also to be noted that the hard-surfacing around the buildings the subject of this application would constitute 'development' and planning permission has not at this stage been sought for these works, nor the building referenced as numeral 3 on the above annotated aerial image.

CONCLUSION

Whilst the principle of converting one of the buildings (that which is considered to be lawful) into a B8 use may be acceptable of itself, based on the policy context and provisions within Class R of Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended), other elements of the application proposal are not acceptable in principle and run contrary to Core Policy 34 of the Wiltshire Core Strategy.

Whilst Section 6 of the NPPF and Core Policy 34 both encourage and support economic development, this support is not unconditional and impacts arising from such development weigh in the balance in terms of assessing acceptability.

Specifically, the relevant policies of CP48, CP51 (WCS) and CNP 03 (CNP) each refer to the importance of protecting the landscape characteristics, the character and appearance of the landscape and the amenities and visual effects of development. The change to the character of the site has been to such an extent as the site now displays a character more akin to a commercial facility than one of converted agricultural buildings. Such an appearance and character is not consistent with the wider character of the site and its setting in this rural location and as such, the application proposal does not accord with the aims, objectives and detail of Core Policy 51 (WCS) and CNP E3 (CNP).

In this instance, these impacts are considered to outweigh the benefits of supporting the continued economic use of the site in the form proposed, and as such a refusal of the application is, on balance, considered to be warranted.

RECOMMENDATION: That Planning Permission be REFUSED for the following reasons:

1 The principle of introducing a B2 use on this site, which is not within, adjacent to, or particularly well related to any settlement within the designated hierarchy, and is not considered to be essential to the wider strategic interest of the economic development of Wiltshire, runs contrary to Core Policy 34 of the Wiltshire Core Strategy.

2 The application proposal results in a change to the character, appearance and use of the site which is not consistent with the wider character of the site and its setting in this rural location. This change to the landscape characteristics, as well as the impacts on the amenities and in terms of visual effects of the development, results in a proposal which does not accord with the aims, objectives and detail of Core Policies 48 and 51 of the Wiltshire Core Strategy and Policy CNP E3 of the Corsham Neighbourhood Plan.

APPENDIX 4: SCHEDULE OF CONDITIONS

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

   LPC 5462 EX 101: Location Plan
   LPC 5462 EX 102: Coloured Site Plan

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re- enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

   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, or the installation of any outdoor plant/machinery.

3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

   REASON: In the interests of the appearance of the site and the amenities of the area.

4. No industrial processes, plant or machinery shall be carried out/installed outside any building on the site.

   REASON: In the interests of the appearance of the site and the amenities of the area.

5. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.

   REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

6. No industrial processes shall be carried out, or plant/machinery/power tools used within the building(s) or within the curtilage of the site before 08:00 in the morning on Mondays to Fridays and 09:00 in the morning on Saturdays, nor after 18:00 in the evening on Mondays to Fridays and 17:00 in the evening on Saturdays, nor at any time on Sundays and Bank or Public Holidays.

   REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

   REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

8. The uses hereby permitted shall be carried on only by the current occupiers (Lloyd & Smith Tree Surgeons, M J C Stone Masonry, Felix Lighting) as indicated on the approved Coloured Site Plan. No alternative users shall occupy the buildings unless otherwise agreed in writing by the Local Planning Authority.

   REASON: To ensure that inappropriate uses do not take place in this locality in order to maintain the character of the area and safeguard the amenities of the occupants of the nearby residential properties.

9. The uses hereby permitted shall not include use of the premises as a showroom and there shall be no direct sales from the site.

   REASON: To ensure the use is restricted to minimise the impact upon the highway network and ensure the intensity of use is conducive to the residential uses close to the site