The Planning Inspectorate

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Heidy Wilson
Wiltshire Council
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Your Ref: PL/2023/05206
Our Ref: APP/Y3940/W/23/3334589

20 June 2024

Dear Heidy Wilson,

Town and Country Planning Act 1990
Appeal by Sovereign dpc
Site Address: Ridgefield Farm , Green Road, The Ridge, CORSHAM, Wiltshire, SN13 9PW

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Nadia Hussain
Nadia Hussain

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The Planning Inspectorate

Appeal Decision

Site visit made on 29 May 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/Y3940/W/23/3334589
Ridgefield Farm, Green Road, The Ridge, Wiltshire SN13 9PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Ross Tunbridge on behalf of Sovereign dpc against the decision of Wiltshire Council.
- The application Ref is PL/2023/05206.
- The development is the commercial use of former agricultural buildings.

Decision

1. The appeal is allowed and planning permission is granted for the commercial use of former agricultural buildings at Ridgefield Farm, Green Road, The Ridge, Wiltshire SN13 9PW in accordance with the terms of the application, Ref PL/2023/05206, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. As the change of use has already taken place, the application is therefore retrospective in nature. However, I cannot be certain the development that has been carried out reflects the submitted plans. In these circumstances, I have determined the appeal based on the submitted drawings.

3. I have taken the description of development in the banner heading from the planning application form; however, I have removed the word retrospective as it does not describe an act of development.

4. An amended location plan[1] was submitted as part of the appeal which clarifies that the buildings adjacent to the entrance of the site are not within the appellant's ownership, as set out in the appellant's Supporting Statement dated 28 June 2023, submitted as part of the planning application. As this would not change the extent of the appeal site, I am content that no injustice would occur should I determine the appeal on the basis of the amended plan.

Main Issues

5. The main issues for consideration are:

   - the effect of the proposed development on the character and appearance of the area; and
   - whether the proposed development would be in a suitable location having regard to development plan policies.

[1] Drawing number LPC 5462 EX 102: Location Plan

Reasons

Character and appearance

6. The appeal site is located in an area of open countryside, set within agricultural fields and woodland. The buildings to which the appeal relates form part of a small agricultural farmstead which includes a group of modern agricultural buildings, mobile home, and farmhouse, which is characteristic of its rural setting. The site is reached by Green Road, a narrow rural lane which serves a small number of properties.

7. The appeal proposal seeks the conversion of the former farm buildings to commercial uses. The uses include the storage of lighting supplies and equipment in the polytunnel and steel-clad building (B8 use) and a stone mason and log cutting business (B2 use) in part of an adjacent steel framed building. The appellant indicates that the external storage of bagged logs and a trailer, as well as stone in association with the stone mason business, would take place within the site, as shown indicatively hatched black on the site plan submitted as part of the appellant's Statement of Case. The precise details of the location and extent of areas to be used for external storage could be controlled by a planning condition.

8. The coloured site plan[2] shows a square area beyond the buildings to be used for 'forestry', that may be beyond the extent of the site boundary as denoted on the location plan. However, the granting of this planning permission and any planning conditions attached to it would only allow uses on land within the appeal site.

9. At my site visit I observed that work was taking place within the appeal site, including the formation of an extended area of hardstanding. However, the appellant's submissions indicate that the proposal relates to solely to the use of the buildings and land and does not include any operational development. Furthermore, the new uses are proposed without any changes to the buildings.

10. The site boundary encompasses the land which forms the access from the highway, the buildings themselves, and the land between and around them, which I understand is to be used for the parking and manoeuvring of delivery vehicles. The land to the flank elevations of the buildings within the site is largely contained by mature woodland to the north and the residential property and its garden to the south.

11. There are no neighbouring properties in the immediate vicinity of the site, which does not occupy a visually conspicuous position in the wider rural landscape by virtue of its position within the group of buildings and the presence of the surrounding mature trees and hedges. Nevertheless, the buildings are visible from the public right of way that runs along the access drive and continues along the front of the site.

12. While the B8 use would be contained within the existing buildings closest to the footpath, it is not subject to any external changes. The building within which the B2 uses would be accommodated, which would also be unaltered, is located between the existing buildings, and therefore set back from the footpath. Moreover, given the scale and nature of the proposed commercial use of the buildings, including any associated parking and external storage areas, the

[2] LPC 5462 EX 102: Site Plan (coloured)

change of use would not have a significant effect on the overall appearance of the site or diminish its rural character and appearance. Furthermore, there is no clear evidence that the proposal would give rise to any harm to the landscape character of the area in terms of noise, air quality or vehicular movements.

13. I note the Council's concern regarding the overall appearance of the site as a consequence of the cumulative effect of development, including what it describes as industrial infrastructure and hardstanding. However, my assessment is confined to the effect of the appeal proposal, specifically development within the appeal site, which is the conversion of the land and buildings.

14. For the foregoing reasons, I find that the proposal would not harm the character and appearance of the area. In that regard it would not conflict with Core Policy 48 of the Wiltshire Core Strategy, adopted January 2015 (WCS) which supports proposals for the conversion and re-use of rural buildings for employment uses where, among other things, they do not detract from the character or appearance of the landscape, and Policy 51 of the WCS which requires new development to protect landscape character and protect against intrusion from light pollution, noise, and motion. Nor would it conflict with Policy CNP E3 of the Corsham Neighbourhood Plan 2016 – 2026, which requires development proposals to protect and conserve the distinctive characteristics of the landscape setting of the Corsham Rolling Lowlands.

Location

15. The Council's concern in relation to the suitability of the location of the development relates to the B2 element of the scheme, given the uncertainty regarding the lawfulness of the building. It suggests that the building to which this use relates may have been recently constructed as a replacement building, and as such the proposal would constitute new employment development. In these circumstances, the Council contend that, by virtue of its countryside location, the proposal would conflict with Core Policy 34 of the WCS, which supports proposals for new employment within the Principal Settlements, Market Towns and Local Service Centres, and on sites allocated for employment use within the Core Strategy.

16. Nonetheless, based on the information before me, there is no substantive evidence to demonstrate that the original building was replaced and not repaired as indicated by the appellant. Moreover, at my site visit I observed that it is clearly an existing building, and in the absence of any compelling reason to suggest otherwise, the proposal would therefore relate to its change of use. Consequently, the proposed change of use of the building to B2 use, like the other buildings within the appeal site, falls to be considered against Core Policy 48 of the WCS.

17. Core Policy 48 supports the conversion and re-use of rural buildings for employment uses where specific criteria are met. There is nothing before me to suggest that the building, which appears to be in good condition, is not structurally sound. For the reasons set out in relation to the first main issue, I have found that the change of use of the buildings would not give rise to harm to the character and appearance of the area, including its landscape setting. While the Parish Council allege conflict with the other parts of Core Policy 48, the Council suggest that harm would only arise in respect of part ii) in relation

to the proposed conversion of the adjacent buildings. Even if there was a technical conflict, any harm in that regard has not been demonstrated.

18. Therefore, while Core Policy 34 of the WCS does not lend support to the proposal, for the reasons set out above I have found that it would relate to the conversion of a rural building, and as such is supported by Core Policy 48 of the WCS.

Other Matters

19. I have had regard to concern expressed by interested parties regarding increased traffic using the rural lanes in the surrounding area and the effect of this on both highway safety. However, the Highway Authority has raised no objection to the proposal based on the number and type of vehicular movements associated with the scale and nature of the commercial uses proposed, and I have no reason to reach a different conclusion.

20. Moreover, there is no substantive evidence that traffic generated by the development would exacerbate problems caused by existing flooding on the nearby roads, including harm to residential properties, wildlife or the carriageway itself, or that it would harm the living conditions of those occupiers of dwellings located close to the road.

21. I note concern that the granting of permission for the appeal scheme would set a precedent for future similar development. However, no directly comparable sites to which this might apply were put forward. In any case, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

22. The conditions set out in the accompanying schedule are based on those suggested by the Council in its submissions should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance (PPG). I have imposed the standard condition controlling the timescale within which the development must commence, as I have determined the appeal based on the proposed plans. A condition is required to specify the relevant plans, in the interests of certainty.

23. A condition to remove permitted development rights for extensions to the buildings is necessary in the interests of the character and appearance of the area. Details of specific areas, including height of any outdoor storage or uses, including plant, machinery and materials should also be agreed for the same reason, a condition is imposed accordingly.

24. Due to the rural location of the site, a condition to agree details of any external lighting is necessary in the interests of the character and appearance of the area. To ensure there is no adverse effect on highway safety, a condition to prevent the use of the buildings as a showroom or any direct sales from the site is necessary to control the volume of traffic generated by the development.

25. I have not imposed the Council's suggested condition to restrict the use of the buildings by specific businesses. The PPG advises that planning permission usually runs with the land, and it is rarely appropriate to provide otherwise. Moreover, there is nothing substantive before me to suggest that the carrying

out of the uses proposed by different individuals or businesses would give rise to any materially different effects in terms of the character of the area, living conditions, or highway safety to demonstrate that such a condition would be necessary.

26. Given the relatively remote setting of the site and small scale of the units, any minor intensification that could occur within the building envelope would be modest. Consequently, and in the absence of any convincing justification as to why extra control is needed regarding the number of units within the buildings or the hours of operation, conditions in that regard are not necessary.

Conclusion

27. While employment development in the form of the construction of a new building may conflict with Core Policy 34 of the WCS, the proposal would accord with Core Policy 48 of the WCS, which supports the conversion of rural buildings in this location. I have also found that the proposed development would not harm the character and appearance of the area. It would therefore accord with the development plan taken as a whole.

28. For the foregoing reasons the appeal is allowed.

E Worley

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawing numbers: LPC 5462 EX 102: Location Plan and LPC 5462 EX 102: Site Plan (coloured).

3) 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), no additions, extensions or enlargements shall be carried out to any building forming part of the development hereby permitted.

4) Prior to the use of any external areas for the storage or use of plant, machinery or materials, in association with the use of the buildings hereby permitted, full details of the proposed storage areas and types of uses proposed, including location and height shall be submitted and approved in writing by the Local Planning Authority. No areas other than those approved shall be used for such purposes.

5) Prior to the installation of external lighting on the site, details of the design, location, and the intensity of illumination of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

********end of conditions********