The Planning Inspectorate

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Planning Appeals
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Your Ref: PL/2023/10440
Our Ref: APP/Y3940/W/24/3344690

27 November 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Brendan Smith
Site Address: Greenhill Farm, Green Lane, Codford, Warminster, BA12 0NR

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.

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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.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

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

Yours sincerely,

*Jasmine Rogers*
Jasmine Rogers

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*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is -* https://www.gov.uk/appeal-planning-inspectorate

Planning Inspectorate

# Appeal Decision

Site visit made on 29 October 2024

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 November 2024**

**Appeal Ref: APP/Y3940/W/24/3344690**
**Greenhill Farm, Green Lane, Codford, Warminster BA12 0NR**

- 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 Brendan Smith against the decision of Wiltshire Council.
- The application Ref is PL/2023/10440.
- The development proposed is 22no storage containers.

## Decision

1. The appeal is allowed and planning permission is granted for 22no. storage containers at Greenhill Farm, Green Lane, Codford, Warminster, BA12 0NR in accordance with the terms of the application, Ref PL/2023/10440, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with drawing nos:

    | | |
    |---|---|
    | AK_162_01 | Site + Location Plan |
    | AK_162_02 | Container Detail |

## Preliminary Matters

2. The application form confirms that the development was completed before submission. The Council have assessed the scheme retrospectively. During my site visit I observed that the storage containers were positioned on the appeal site. Therefore, I have determined the appeal scheme retrospectively.

3. I have removed the details that are not development from the description in the banner head and decision above.

4. It has been indicated that a temporary permission would be acceptable to the appellant. However, this is not the basis upon which the Council determined the planning application and no information has been provided regarding the length of time sought for a temporary permission. Consequently, I have considered the development as permanent and determined the appeal accordingly.

## Main Issues

5. The main issues are the effect of the development on:

    - the character and appearance of the area, with particular regard to the Cranborne Chase National Landscape (CCNL); and

- the living conditions of existing occupiers of 8 and 10 Church Acre (No.8 and No.10) in respect to outlook and all properties in Church Acre with respect to noise and light pollution.

## Reasons

*Character and appearance*

6. The appeal site is located within the CCNL, a nationally important area designated due to its high scenic quality. As a result, I have had regard to the National Planning Policy Framework's (the Framework) requirement that great weight should be given to conserving and enhancing the natural beauty of the area, reflecting its statutory purpose. Policy 51 of the Wiltshire Core Strategy (WCS) is consistent with this approach, by stipulating that great weight will be afforded to conserving and enhancing landscape and scenic beauty.

7. The significance of the CCNL, as set out in the Cranborne Chase Partnership Management Plan 2019-2024, relates to the dominant chalk downland that transitions sharply to escarpments and terraces, or more gently to valleys and clay vales. The appeal site is located within the Wylve Chalk River Valley landscape type in Codford, a settlement located close to the base of the valley, where the land, including the site, is relatively flat.

8. The containers are positioned within a larger, triangular shaped site which is currently used for coach parking and an associated wash down area, plus various business units. Existing development adjoins two sides of the larger site, including residential development off Church Acre and dwellings on the opposite side of New Road. The eastern boundary is defined by Green Lane, with open, relatively level, pastures beyond. Therefore, although located in the open countryside for the purposes of the Local Plan, the relationship of the appeal site to other built form and the historical commercial use of the wider site has a significant influence on its character. Further away from the site, the valley slopes more steeply to a wooded hilltop beyond Chitterne Road.

9. The containers have been sited in a u-shape comprising four rows, each with a differing number of containers. They are no taller than the existing structures on the wider site and, in the case of the pitched roofed barn which accommodates the business units, lower than its eaves. When viewed from the public highways in the surrounding area, the containers are experienced as part of the wider site. Given their size, dark green colour which matches the existing structures on the site and flat roofs, they are not intrusive features in close views.

10. Additionally, when viewed from longer distances, including the open countryside away from Codford, the containers are not readily identifiable, either being screened by existing boundary features and development, or against the backdrop of other built form. This backdrop includes the numerous coaches parked on the wider site of various sizes and colours which, as features not commonplace in rural areas, draw the eye. As such, the size, siting and appearance of the containers protect and conserve the CCNL.

11. I conclude that the development would not harm the character and appearance of the area, with particular regard to the CCNL, in accordance with Policy 51 of the WCS which requires development to protect, conserve and where possible enhance landscape character.

*Living conditions*

12. A row of nine containers is positioned along the boundary with the gardens of No.8 and No.10. As the garden depth of No.8 is modest, part of this row is sited close to the rear elevation of the dwelling. Nonetheless, although the containers form part of the outlook from the ground floor window and door, and the two first floor windows, views are not obstructed or unacceptably restricted.

13. Given No.10 is orientated towards Green Lane, its side elevation faces the containers. With a single, medium sized window serving a second-floor room in the gable end, the outlook experienced by existing occupants of No.10 is not restricted by the containers, despite their proximity.

14. Their dark green colour, linear alignment and vertical lines created by the corrugated effect of the back panels, provide a degree of uniformity to the industrial character of the containers. Their appearance is not dissimilar to a close boarded fence typically found within a residential environment. Therefore, whilst taller than the existing boundary fencing, they would not have an overbearing effect on the existing occupants of No.8 and No.10 when using their gardens. Consequently, I see no reason to conclude planting along this boundary is necessary.

15. The Council and interested parties have raised concerns regarding the noise and light pollution that results from the use of the containers for storage. Noise would be generated by vehicles being driven, doors open and closed, people talking, vehicle alarms, opening and closing the container doors and loading or unloading items to store. Such noise would be unlikely to be distinguishable from coaches being manoeuvred or cleaned with power washing equipment during the working hours of the wider active commercial site. Even if customers were to access their container outside working hours, any noise is likely to be short lived.

16. Notwithstanding this, no substantive evidence has been provided to demonstrate noise levels will exceed those associated with usual comings and goings of a typical residential environment. In addition, given the nature of a self-storage business is to provide a facility to store items primarily on a temporary basis, customers would, in all probability, access their rented container infrequently.

17. Any light pollution resulting from customers accessing their containers would be similarly short lived and limited to vehicle headlights and the use of torches during hours of darkness. Approval for lighting is not sought as part of the planning application and, at the time of my site visit, no lighting was installed on or near the containers. Moreover, I observed existing lighting on the wider site to be limited to security lights on the business unit building. As a result, I have no compelling reason before me to conclude that any light pollution as a result of the development would be detrimental to those living in Church Acre.

18. I conclude that the development does not harm the living conditions of occupants of No.8 and No.10, with particular regard to outlook, or the occupants of all properties in Church Acre with respect to noise and light pollution. It therefore accords with Policy 57 of the WCS which requires development to achieve a high quality of design through having regard to the

compatibility of adjoining uses, including the impact on the amenities (living conditions) of existing occupants, amongst other provisions.

**Other Matters**

19. The evidence before me indicates that there has been a commercial/industrial use of the wider site for several decades. The wider site also benefits from planning permissions[1] for a new vehicle repair workshop, coach maintenance and parking area, and business units. At the time of my site visit this development had commenced but was not complete nor were any of the buildings occupied.

20. My attention has been drawn to the Landscaping Plan/Scheme[2] approved as part of the above development. This scheme includes a paddock and additional planting on land which is currently occupied by the containers.

21. I am mindful that, in allowing this appeal, more than one planning permission would exist on the same plot of land. However, there is nothing that prevents this approach and it would be for the appellant to decide which permission to implement. Conflict between these overlapping permissions would only exist where one development prevents the implementation of the other. Whether the appellant implements all the elements of the approved scheme, including the business units building, is not a matter for this decision.

22. In this case, the implementation of the soft landscaping is, as required by condition 11 of the varied permission, is to be carried out in the first planting and seeding season following the first occupation of the approved buildings or the completion of the development, whichever is sooner. Neither of these points in time have been reached. Notwithstanding this, whether this, or any other condition imposed on the approved permissions have been breached is not a matter for this decision.

23. Whether or not the wider site area has been neglected or mismanaged, is not a matter for this decision. Given the number of containers in the scheme, I have no reason to conclude that vehicle movements would result in a significant increase in traffic, nor that it would have a detrimental impact on the safety of users of Green Lane.

**Conditions**

24. As the containers are already in place, there is no need for me to impose the standard time limit condition. A condition which lists the approved plans has been imposed for the avoidance of doubt and in the interests of clarity, character and appearance, and the living conditions of neighbouring occupiers.

25. As the colour and size of the containers is shown on the Container Detail plan, it is no necessary for me to impose separate conditions regarding these details.

26. As I have concluded that the development would not harm the character and appearance of the area or the living conditions of existing nearby occupiers, it is not necessary for me to consider whether a condition requiring the containers to be removed after a specific timescale would be appropriate. Similarly, given my conclusions on the noise and light from customers coming

[1] Ref: 15/09456/FUL and subsequent variation Ref: 18/11919/VAR
[2] Drawing Ref: 18/11919/VAR

and going, it has not been demonstrated that a condition limiting the hours containers can be accessed is necessary.

**Conclusion**

27. For the reasons given above the appeal should be allowed.

*Juliet Rogers*

INSPECTOR