

18th February 2025

Our Ref: SWLC.LPC678

Development Services – North
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Dear Sir/Madam

Town and Country Planning Act 1990
Authorisation of commercial uses at Manor Farm, Purton, SN5 4EG

As your records will show, a Certificate of Lawfulness (LPA Reference PL/2022/08052) was recently issued in December 2024, having been made, in agreement with your Council's enforcement team, more than two years beforehand, in October 2022. The Certificate confirm the mixed storage and office/workshop use of the main part of the principal building at the above site. The extent of the site established is shown in red below.



As originally agreed, (and more recently reconfirmed with Ms Karen Fryer) it is the purpose of the enclosed application to authorise the commercial use of the rest of the former agricultural site.

In light of the very extended period of time it took your Council to determine the above referenced Certificate of Lawfulness the rest of the main building, previously excluded from the Certificate application (Unit 6 shown as the excluded northern end of the building in red above), has become lawful for use as a Class B8 Store. Consequently, it is not proposed to include the whole of the main building as part of the enclosed application, and of course as it is the effluxion of time that renders Unit 6 immune from enforcement action, like the rest of the building, it is not proposed to repeat the protracted Section 191 application process and I trust that this unit's use can be taken as read.

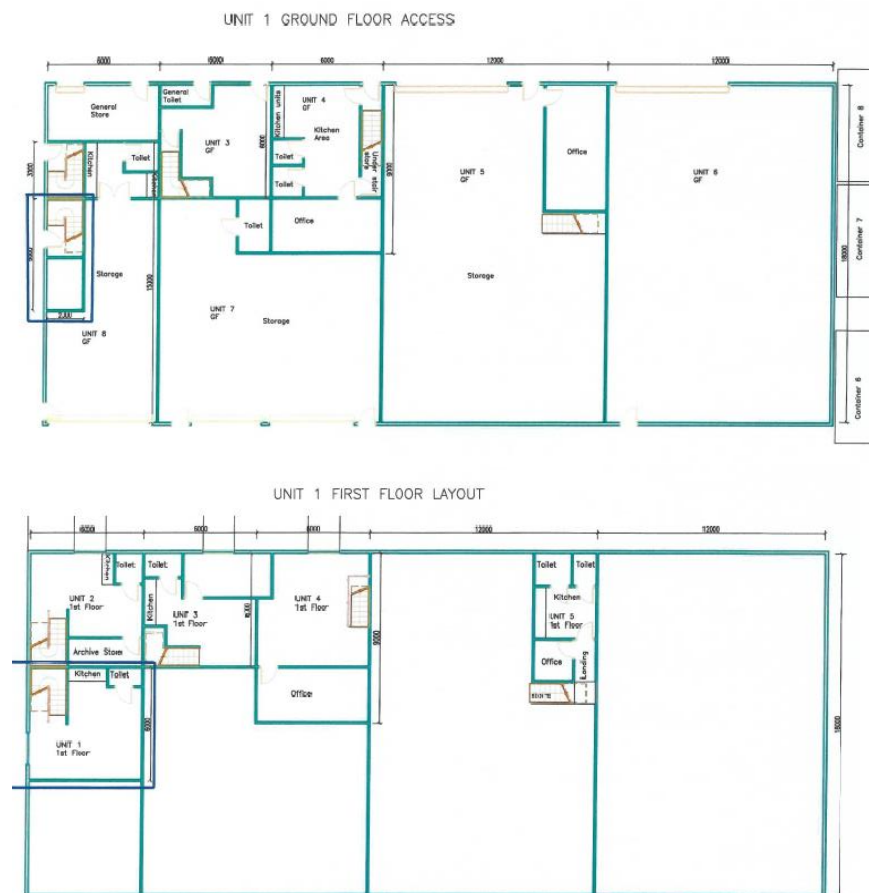
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Without prejudice though the summary of uses of this space is inserted below, merely for the avoidance of doubt and to assist the planning balance associated with the use of the rest of the application site.

Unit 6

- Mr Steve Fitchett-Painter and decorator (storage) 2010-2014
- Railston Design-Warehouse 2014-2018
- Slimline Retail-Warehouse 2018 to present

The plan extracts inserted below shows the mixed use spaces (Classes E and B8) accommodated in the main building on site.



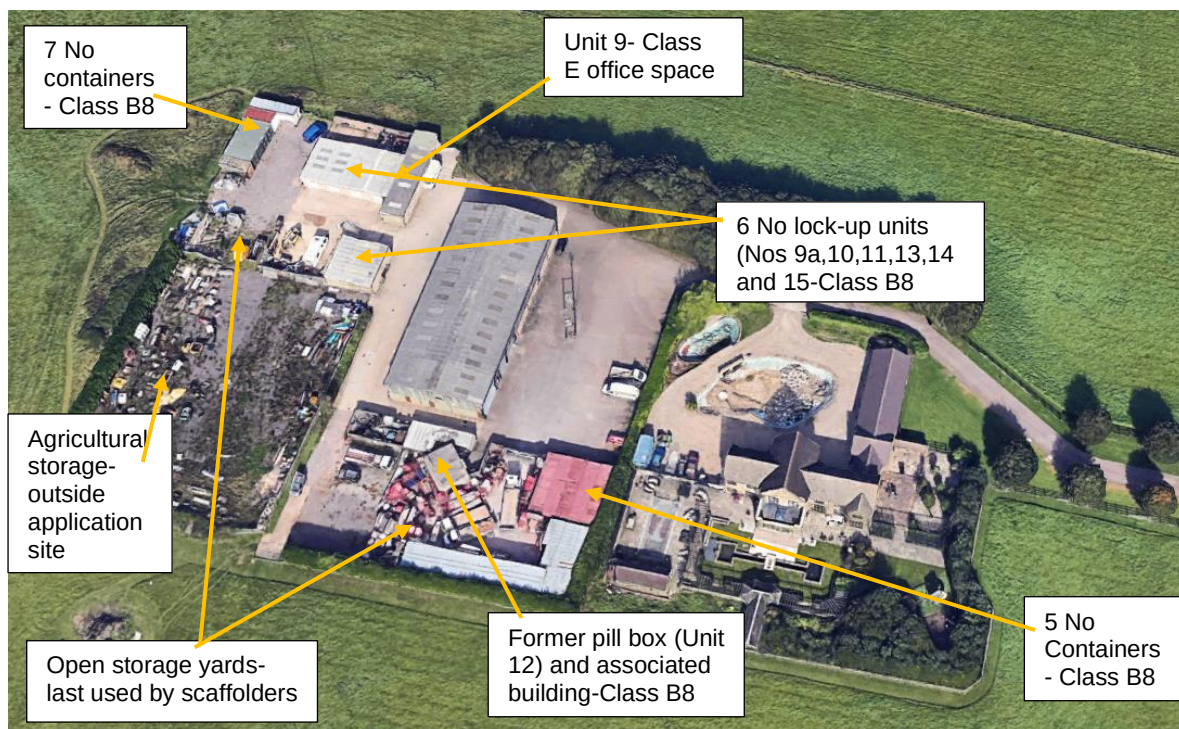
The officer's delegated report in respect of application PL/2022/08052 helpfully inserted dated aerial photographs which demonstrated that the hardstanding area to the east of the building has been used for parking vehicles. The use of this area is, as a car park, and is intended to continue to serve the site as a whole.



The site's history highlights that on July 2008 (LPA Ref: N/08/01673/S73A) permission was sought, and granted to use this area for parking of vehicles and the stationing of a portacabin office in connection with the operation of a vehicle hire business, reinforcing the established commercial use of the site generally, but more specifically that car parking is an agreed use of the main eastern hardstanding.

Using the aerial photograph inserted on the following page I have annotated those area of my client's site for which planning permission is sought. It should be stressed that alongside those now lawful uses established at this site those matters, the subject of this application, have themselves been in operation for many years in tandem and without demonstrable harm. Indeed, the site's core commercial usage

goes back to 2005, as described in support of application 21/02256/FUL. That application was determined though as if starting afresh and the Certificate application was intended to demonstrate that was not the case-which it has.



The application development relates to the areas identified above. Unit 9 is currently vacant and was last occupied by offices associated with an electric motorcycle supplier. The following units are in active storage use.

Unit 9a Ideal Grounds Maintenance Ltd
Unit 10 Cotswold Leadwork Ltd
Unit 12 Ellwood Electrical
Unit 13 Eclipse Windows & Doors Ltd
Unit 14 Scott Jeynes
Unit 15 IJT Landscaping Ltd

Unit 11 is vacant but has been used for storage purposes. The two separate yards are also currently vacant and both last accommodated two different scaffold operators. They are proposed for general outside storage use with a conditional limit proposed on the height of materials to be stored there (3.5m). Finally, the containers are currently all used by my client who has the remnants of his previous business and household items stored. They provide a storage function, and their stationing is therefore part of the application development which concerns the use of the application site generally.



Lock up units associated with Unit12



Access gates to main southern storage yard with Unit 12 visible.



Unit 12 with ramped access



Unit 12 set within the vacant yard, bar the containers beyond.



Unit 12 with attached open storage area accessed from the adjacent field or pedestrian door.



Units 15,14,13 and 9a



units 10 and 11



Storage/parking behind Units 15,14,13 and 9a



Open yard west of Units 10 and 11

As you will be aware Section 38(6) to the Planning and Compulsory Purchase Act 2004 requires that all planning decisions are made in accordance with the Development Plan unless other material considerations indicate otherwise.

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration and as far as supporting a prosperous rural economy the following paragraphs outline the positive approach required.

85.

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...

88.

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

89.

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously

developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

As has now been established the application proposal is of course based on an established and evolved business use for the site which has raised no local objections and thus sits full square within a) to paragraph 88 above. Originally, the evolved use was a typical form of agricultural diversification too, in accordance with b).

The NPPF notes further in the following paragraph that sites to meet local business needs in rural area may be sited beyond existing settlements, 'in locations that are not well served by public transport'. Indeed, the advice at paragraph 110 notes too that sustainable transport solutions will vary between urban and rural areas, and decisions should take this into account.

The relevant Development Plan policy framework is provided by the Wiltshire Core Strategy, further to which the following policies are believed to be most relevant.

Core Policy 34; Additional employment land
Core Policy 48; Supporting rural life
Core Policy 51; Landscape
Core Policy 57; Ensuring high quality design and place shaping
Core Policy 61; Transport and new development

To all intents and purpose the former farmyard area as a whole is no longer in use or needed for agricultural purposes and while the enclosed application focuses on the total use of the building present, as in 2008 when the eastern hard surfaced area was approved for the storing of vehicles when not hired out etc, the buildings' uses relate to the associated external storage and parking areas as typically ancillary space, including a range of smaller rural buildings.

The changes made have effectively substituted open farm storage, including various items of plant and machinery, and are therefore visually similar. The former manage is in fact still used for the storage of the retained farm machinery used to maintain the associated land. It is of course anticipated though that the application enclosed provides the opportunity to condition the height of any ancillary storage and retain the existing and established screen planting related to the application developments.

A core of commercial activities is lawfully established at Manor Hill Farm and the application therefore involves not only the acceptable policy use of the existing built resources, and the associated land, in accordance with Core Policy 48 (which sequentially preferences such), but also is a satisfactorily sited area for modest growth according with Core Policy 34. The historic use and activities have not resulted in any discernible or harmful externalities. The application buildings are rural by definition and are self-evidently of permanent and substantial construction. Indeed, their actual use has demonstrated the suitable commercial reuse of the existing built resources, supported both nationally and by CP48. The site's dominant use is commercial so the change of uses proposed will be satisfactorily

accommodated without detracting from the area's amenities or the reasonable operation of the storage uses proposed.

There are, as indicated, two policies within the Core Strategy that support this hybrid application as whilst it is strongly maintained CP48 fully endorses the reuse for commercial purposes of the remaining buildings, their use and the associated land sit favourably with CP34 too. Its policy wording is inserted below showing the tenet of support for the expansion of the existing employment activities at this established site.

Core Policy 34 Additional employment land

Proposals for employment development (use classes B1, B2 or B8) will be 220 supported within the Principal Settlements, Market Towns and Local Service Centres, in addition to the employment land allocated in the Core Strategy. These opportunities will need to be in the right location and support the strategy, role and function of the town, as identified in Core Policy 1 (Settlement Strategy) and in any future community-led plans, including neighbourhood plans, where applicable.

Proposals for office development outside town centres, in excess of 2,500sq metres, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrate that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available. Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:

- i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.*

Where they:

- a. meet sustainable development objectives as set out in the policies of this Core Strategy and*
- b. are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and*
- c. are supported by evidence that they are required to benefit the local economic and social needs and*
- d. would not undermine the delivery of strategic employment allocations and*
- e. are supported by adequate infrastructure*

There are plenty of examples of employment development being supported as sufficiently close to a village that it does not need to be immediately adjacent to the built up limits to be supported. The application site is of course now an established

employment site and is within clear sight of the village of Purton and only about 540m from Lydiard Millicent. Both are within practical cycling distances. The large new premises approved for Corston Architectural Ltd between Hullavington and Corston is a strong precedent for the logical and positive application of the policy's spatial test in this case too, and does not involve a greenfield development.

The various lock up/storage units have a combined floor area of approximately 405.5m². In addition to the B8 use of these buildings, Unit 9 is proposed for an on-going Class E use (office) and has a built footprint of approximately 87m². The two open yard areas have a combined area for open storage of approximately 2425m².

If the entire Class B8 uses are combined and based on your Council's adopted parking requirements at 1 space per 200m² that equates to just over 14 parking spaces. Combined with the Class E parking requirement of just less than 3 spaces it can be seen that even at this maximum requirement the intensity of use anticipated is not significant and even if all potential users (equating to a parking requirement of 17) arrived at peak times there is plenty of capacity to service the overall site, and as a modest increase of the lawful core which uses significant first floor accommodation too.

Manor Farm has ample parking which is not formally allocated but use of the hardsurfaced areas around the application buildings is clearly sufficient (as it has proved over the years) to accommodate staff and visitors present on site. There is a wide and well surfaced access shared with my client's property too, ensuring the free flow of all comings and goings. The drive allows vehicles to reasonably pass one another. The drive also benefits from a wide bell-mouthed access, onto a straight section of public highway with reasonable inter-visibility. The core of the site is not conditionally controlled and sits outside this application, which primarily relates to lower impact/non-intensive storage related uses. The whole site has been in active use previously and there is no evidence to suggest that the access capacity was exceeded. The highway network locally is not heavily trafficked and as said there has been no reported incidents of safety or convenience problems recorded. The application of the advice at paragraph 116 to the NPPF is helpful in this instance as the severity test for danger and inconvenience is a high bar to demonstrate if a highway objection were to be pursued.

The access arrangement historically served the site's farming activities in an unrestricted manner and the evolved chapter of use has simply replaced the farm movements which included HGVs transporting livestock etc without discernible local impacts. This benchmark is still applicable as the repurposed buildings and spaces involve an agricultural diversification for the rest of the site, the subject of this application. There is no nil use to make an assessment from and a large core of now lawful commercial activities.

The site is an entirely sealed one and consequently the application does not trigger a Biodiversity Net Gain requirement. The hardsurfaced nature of the site will be unchanged but there is scope to enhance the site's boundary planting (being retained) if considered necessary. Policy 4 of the Neighbourhood Plan states that development should seek to identify and implement ecological enhancements in order to work towards a net gain for biodiversity. Added peripheral planting that

could be conditionally controlled would satisfy this policy requirement. Furthermore, although the site has good screening any improvements would assist to maintain the area's visual amenity. The buildings and associated activities are of course part of the rural scene and their use is largely contained and akin to the default farming use so in any event does not change the long established rural scene.

Conclusions

Manor Hill Farm has developed a critical employment mass which utilises the main former farm building for mixed employment activities in association with the former farm 'yard' spaces and smaller built structures around the main barn. These uses have, on the whole, evolved over many years and have evidently been satisfactorily assimilated supplanting the site's agricultural use. The evolved use without widespread advertising demonstrates that the site serves a local need and is of a scale that reflects the extent of the former farm to protect the area's reasonable amenity.

Based on the scale of lawful activities present the site's entire commercial usage as proposed, peripheral to the core represents the logical conclusion to the farm's economic diversification, using the overall built resources in a sustainable rural fringe location. The building's uses are of course self-evident that the buildings are fit for purpose and the location is supported by the tenet of the relevant Development Plan policy framework and it is material that no demonstrable harm has been caused over many years of use. I trust that given the reduced nature of this application scheme and extent and the change in circumstances since application 21/02256/FUL was considered, that matters can now be favourably reconsidered regarding the use of the incidental parts of the site. As always though I would be delighted to discuss any matters arising during the assessment period to assist your positive determination.

Yours faithfully

Simon Chambers
Director

Enc.

Cc Mr B Andrews