

Wiltshire Council Planning Consultation Response

20 November 2025

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Officer's Title: Planning Officer

Application No: PL/2025/08809 PL/2025/08512
Works to facilitate change of use from Class E (retail) to Sui Generis (hot food takeaway) to include associated internal works and external works, including installation of an extraction/ventilation system.
33 The Market Place, Devizes, SN10 1JG

Please find following comments in respect of the above application(s).

Recommendations:

☐	No comment
☐	Support in principle subject to amendments to the scheme (as set out below)
☐	Support subject to conditions (as set out below)
☒	Object (for reasons set out below)
☐	No objections

Scope of comments: the following comments relate to the built historic environment.

Policy: From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 16 requires that **special regard** be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 214-216 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Site and assets considered: The property is a Grade II listed building in Devizes Conservation Area and affects the setting of numerous other listed buildings in the immediate locality.

Proposal: The proposal seeks works to facilitate the change of use from Class E (retail) to Sui Generis (hot food takeaway) to include associated internal works and external works, including the installation of an extraction/ventilation system.

Relevant planning history: None

Issues: impact on the significance of the listed building, impact on the setting of neighbouring listed buildings, impact on the character and appearance of the conservation area.

Information considered/provided: Paragraph 207 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, whilst the applications are accompanied by a "Heritage Statement" the document provides limited information about the building and fails to provide any objective assessment of the fabric affected, its date or significance or of the impact of the proposals and, as a result, it fails to meet the requirements of the NPPF.

However, paragraph 208 of the NPPF also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Significance of assets and contribution of setting: The NPPF defines significance as the "value of a heritage asset to this and future generations because of its heritage interest. The interest may be **archaeological, architectural, artistic** or **historic**. Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

In this case the significance of the building lies largely with its historic fabric and architecture - its form, layout and architectural expression/detailing and use of high-quality design materials which have significant aesthetic and architectural interest and which contribute to the character of the conservation area.

Assessment: The property is an attractive Grade II listed building located within Devizes Conservation Area and affects the setting of a number of other listed buildings in the near locality.

The proposed works include: the installation of a commercial kitchen at ground floor level; fitting of a stainless steel canopy, internal ducting, and ventilation system; and the addition of a rear/roof-level extraction discharge point (jet cowl).

The Heritage Statement which has been submitted to support this application fails to provide any objective assessment of the fabric affected, its date or significance or of the impact of the proposals.

The works would involve the removal of two internal walls at the ground floor and no clear justification has been given as to why this is necessary and an assessment of this fabric and its significance.

In addition, internally the proposed flue system would run the full length of the building. This would cut through internal walls and would need to be attached to the existing ceiling and it is likely that the weight of this proposed system would put a significant increase on the ceiling and would require strapping to the first-floor structure. This has the potential for needing reinforcing of the first-floor structure and the need for reinforcing. As such, this also has the potential to cause harm to the physical structure of the listed building. It also has the potential for noise and vibration on the upper floors above the shop unit therefore requiring insulation.

Externally the flue would appear as a metal extract running up the rear wall of the two storey wing and would be at least one meter taller than the ridge of the building with a bulbous metal cowl. on. This would be an alien structure and would have an impact on views of the listed building from neighbouring properties and the rear public car park. This would be visually intrusive and would harm the setting of the listed building, neighbouring listed buildings and the character and appearance of conservation area. I am also concerned regarding the potential for noise and fumes.

Para 212 of the NPPF confirms that great weight should be given to the asset's conservation and Para 213 requires that any harm to the significance of a designated heritage asset (from its alteration or development within its setting) should require clear and convincing justification. The application does not provide compelling evidence that this proposal is necessary to facilitate the ongoing viability of the listed building.

In heritage terms this proposal would be highly intrusive to this listed building and would have a detrimental impact on the character and appearance of the conservation area.

Summary & conclusion: The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals will result in harm to the building via the loss of historic fabric and character and via change to its layout and original external form. The proposals involve only part of the building and could therefore be considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF, but they involve the loss of important structural historic fabric and should

not be seen as being of lesser consequence. Indeed, the wording of the NPPF and the 'special regard' by Sections 16 and 66 of the Act requires that any level harm caused should be taken seriously.

Whilst paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, in this case no objective justification has been provided for the works and the proposals are articulated as being primarily for the convenience of the occupants i.e. a private benefit. As a result, the proposals fail to meet with the requirements of current conservation legislation, policy or guidance and I therefore recommend refusal.