



The Town and Country Planning Act 1990
Refusal of Full Planning Permission
Application Reference Number: PL/2025/08512
Decision Date: 05/03/2026

Applicant:	Mr Mustafa Suna 33 The Market Place, Devizes, Wiltshire, SN10 1JG
Particulars of Development:	Change of use from Class E (retail) to Sui Generis (hot food takeaway) together with associated internal works and external works, including installation of an extraction/ventilation system.
At:	33 The Market Place, Devizes, SN10 1JG

In accordance with paragraph 39 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

- 1** The proposed internal and external works, including the removal of historic internal walls, installation of extensive internal ducting, and the erection of a prominent external extraction flue extending above the ridge line, would result in harm to the special architectural and historic interest of the Grade II listed building. The works would lead to the loss and alteration of significant historic fabric, disrupt the building's historic plan form, introduce intrusive modern services into sensitive areas of the structure, and adversely affect the building's external appearance. The external flue would be visually intrusive within views from neighbouring properties and the rear public car park, thereby harming the setting of nearby listed buildings and failing to preserve or enhance the character and appearance of the Devizes Conservation Area.

The submitted Heritage Statement fails to adequately describe the significance of the heritage asset or assess the impact of the proposed works, contrary to paragraph 207 of the National Planning Policy Framework. The development would result in 'less than substantial harm' to the significance of designated heritage assets for the purposes of the NPPF; however, no clear and convincing justification or public benefits have been demonstrated to outweigh this harm, as required by paragraphs 212–216 of the NPPF. The proposal therefore conflicts with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policies 57 and 58 of the Wiltshire Core Strategy, and Section 16 of the National Planning Policy Framework.

Refusal Reason

- 2** The application fails to provide sufficient information to demonstrate that the proposed hot food takeaway, including its associated extraction and ventilation equipment, would not result in unacceptable harm to the residential amenity of nearby occupiers. In particular, the submitted Noise Impact Assessment does not assess the potential for noise or vibration transmission to the residential flat immediately above the premises, nor does it evaluate noise impacts during the proposed late operating hours on Saturdays, which extend into recognised night-time periods. Furthermore, the application is not supported by the required odour and noise risk assessment in accordance with the EMAQ guidance “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” (Gibson, 2018), preventing the Local Planning Authority from assessing the adequacy of odour mitigation and extraction system performance.

In the absence of this essential information, the Local Planning Authority is unable to conclude that the development would protect neighbouring residential amenity or operate without causing significant adverse odour or noise effects. The proposal therefore fails to comply with Core Policy 57 of the Wiltshire Core Strategy and the relevant provisions of the National Planning Policy Framework, including paragraphs 130 and 185, which require development to safeguard the living conditions of surrounding occupiers.

Nic Thomas - Director of Planning, Economy and Regeneration

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 \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-a-planning-decision-overview)).