



Planning Services,
Wiltshire Council,
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

Chapman Lily Planning Ltd
Unit 5 Designer House
Sandford Lane
Wareham
BH20 4DY

Date: 19th March 2026
Our reference: 2960-BS

T: 01929 553818
E: [REDACTED]
W: www.clplanning.co.uk

Dear Sir / Madam

APPLICATION TO VARY CONDITION 14 OF PLANNING PERMISSION PL/2021/10196 AT UPPER KINGSTEAD BARN, FONTHILL BISHOP, SP3 5SG.

On behalf of the applicant, The Wiltshire Distilling Company Limited, I herein submit an application for the variation of condition 14 of planning permission ref. PL/2021/10196 under S73 of the Act.

Planning permission ref. PL/2021/10196 for the 'Conversion of barns to distillery with ancillary shop, offices, tasting room and associated plant' was granted on 11th February 2022.

The applicant wishes to alter condition 14 of planning permission ref. PL/2021/10196 which restricts the hours of use on site 0600-2200 Mondays to Saturdays and 0800-1700 on Sundays. Alongside the operation of the distillery being restricted to 0730-2000.

This application to vary the operation hours is submitted concurrently with a full application for the '*Installation of two freestanding fermenting vessels and two silos within the Lower Courtyard, together with alterations to the existing modern lean-to roof to accommodate the vertical projection of the Mash Vessel funnel*'.

About the applicant

The applicant, The Wiltshire Distilling Company Limited, are a certified B Corp and the highest scoring distillery in England. The company operates a distillery in a Grade II Listed building which produces the Vodka, Gin and Whisky to be sold on the premises, wholesale, the on trade, off trade and online. They offer tours of the distillery and tasting sessions and, in their visitor centre, also operate a small café.

The applicant seeks to be as sustainable as possible from sourcing local barley from Fonthill Farm and sending spent grains, botanicals, pot ale and lees to a local anaerobic digester to generating solar energy from panels on the warehouse roof and applying state-of-the-art heat recovery in the production process.

The application site and surrounds:

The application site measures circa 0.32ha and is located within the built-up area of Fonthill Bishop (which is designated as a Small Village within the Wiltshire Core Strategy), falling within the village's conservation area. It comprises of two former agricultural buildings, one of which is Grade II Listed, which are used as a distillery and Shop, Offices, Tasting room and associated plant respectively. The distillery forms part of a complex of barns which previously formed a wider farmstead for Kingstead Farm.



Figure 1: Right: Upper Kingstead Barn containing the cafe, tasting room and shop, Central: Listed Kingstead Barn (containing the distillery)

The site is flanked on three sides by built form, with a wall and significant vegetation on the south boundary which substantially mitigates any potential views to the Grade I Listed Church of All Saints (and the Grade II unidentified monument within its grounds). The trees here would have protected status owing to being within the Fonthill Bishop Conservation Area.



Figure 2: View from the steps outside Upper Kingstead Barn towards the Grade I Listed Church

The site is covered by the Cranborne Chase and West Wiltshire Downs National Landscape. Public Rights of Way ref. FBIS4 and FBIS5 run to the north and south of the site, with the bridleway FBIS4 running through the site itself.

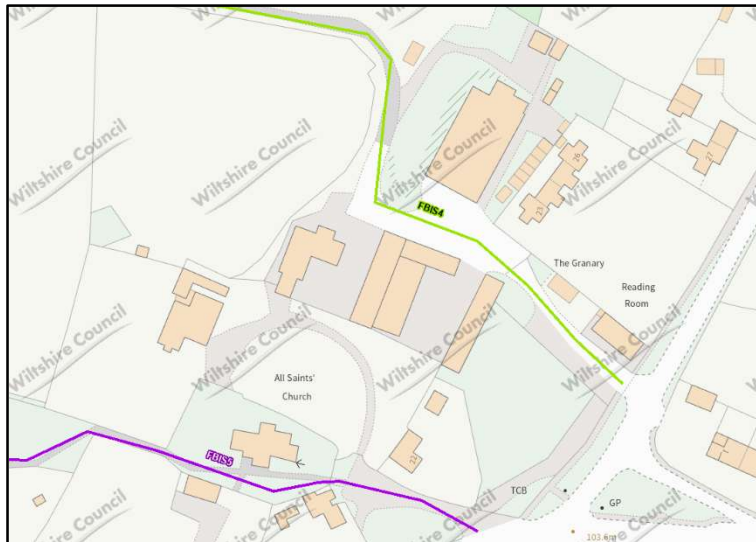


Figure 3: Public Rights of Way map, courtesy of Wiltshire Council Maps

Relevant Planning History:

The site has a detailed planning history however many of the application are irrelevant to this proposal. The relevant permissions are given below.

The established lawful use of the site and premises is as a distillery with shop, offices, tasting room and associated plant.

Planning permission ref. PL/2021/10196 for the '*Conversion of barns to distillery with ancillary shop, offices, tasting room and associated plant*' at Upper Kingstead Barn, Fonthill Bishop, SP3 5SF was granted on 11th February 2022.

Planning permission ref. PL/2021/10629 was the Listed Building Consent applied for alongside permission ref. PL/2021/10196 (as above) and was granted on the same day – 11th February 2022.

While not exactly the same site, the following permission relates to works associated with the Distillery. Planning permission ref. PL/2023/03932 for the '*Change of use of barn storage building to cask storage and ancillary distilling equipment and associated plant together with the formation of an external pad and gas tanks and the installation of roof-top mounted solar PV panels*' at Upper Kingstead Barn, Fonthill Bishop, Salisbury, Wilts was granted on 10th November 2023. For clarity, the following red line plan was submitted alongside this application:



Figure 4: Red line site plan submitted under planning permission ref. PL/2023/03932

Condition 14 of planning permission ref. PL/2021/10196 currently states:

'The use hereby permitted shall only take place at the site between the hours of 0600 and 2200 Mondays to Saturday; and between 0800 and 1700 on Sundays. No activity in the distillery building will occur outside of the hours of 0730 to 2000.'

REASON: In the interests of neighbouring residential amenities.'

Proposed amended condition 14:

'The use hereby permitted shall only take place at the site between the hours of 0600 and 0000 Mondays to Saturdays; and between 0800 and 1700 on Sundays. No activity in the distillery building will occur outside of the hours of 0600 to 0000.'

REASON: In the interests of neighbouring residential amenities.'

Planning Considerations

The above proposed amended condition would allow for the daily processing capacity of the distillery to approximately double as the necessary machinery could be run twice in a day. Below is the current, and thereafter proposed, sequence of operations including approximate run times of various processes.

Current sequence of operations (with approximate run times):

1. Start Boiler
2. 0700 Charge Stills [40mins] – internal to building
3. 0730 Charge Mash tun – Internal to building
4. 0800 Start distillation cycle
5. 0800 Forklift Truck (FLT) 2 x 500kg bags of malt from store to building external
6. 0815 Mill 1 ton malt to internal grain silo – internal
7. 1100 FLT spent grains to trailer – external

8. 1130 Trailer return drip to dump gains to farm 6 mile return trip to Hindon
9. 1200 Charge Mash Tun – Internal to building
10. 1300 FLT 2 x 500kg bags of malt from store to building external
11. 1315 Mill 1 ton malt to internal grain silo – internal
12. 1600 FLT spent grains to trailer – external
13. 1630 Trailer return to drip to dump gains to farm 6 mile return trip to Hindon
14. 1900 Complete Distillation cycle and discharge stills – boiler off
15. 2000 Leave site

Proposed sequence of operations (with approximate run times):

(Please note that the proposed sequence of operations given here combines the extension of hours with the full application for the installation of two fermenting vessels and two silos in the Lower Courtyard submitted concurrently with this application)

1. Start Boiler
2. 0600 Start Distillation Cycle internal
3. 0730 charge mash tun internal
4. 0800 transfer 2 ton of malt via mill to internal grain silo
5. 1100 discharge gain to trailer (automatic, no FLT)
6. 1200 charge mash tun internal
7. 1300 transfer 2 ton of malt via mill to internal gain silo
8. 1600 discharge gain to trailer (automatic, no FLT)
9. 2300 complete distillation cycle, boiler off discharge stills
10. 2400 all staff off site

As such, the applicant seeks to extend the operational hours of the distillery in order to meet the projected increase in product demand. As mentioned, this Section 73 application is submitted concurrently with a full application for the *'Installation of two freestanding fermenting vessels and two silos within the Lower Courtyard, together with alterations to the existing modern lean-to roof to accommodate the vertical projection of the Mash Vessel funnel'*, through both these applications this would allow for the doubling of capacity. The delivery hours restriction imposed under Condition 13 will continue to be complied with and no change to these hours is proposed within this application (for clarity, Condition 13 reads: *'No deliveries shall be made to or collections made from the site hereby approved except between the hours of 0730 and 2000 Monday to Friday and 0800 to 1700 Saturdays, Sundays and Public Holidays. REASON: In the interests of neighbouring residential amenities'*). Extending the operating hours would enable production to double. There would be no additional impact on the amenity of neighbouring residents, aside from the longer operating hours.

The increase in hours has been carefully considered with regards neighbouring residents and it was determined that a later finish (given the current hours of operation) would be preferable to an earlier start as this would be less likely to disrupt neighbours (a 4am start would be required if this were the case).

The increased operational hours of the distillery would also necessitate a slight increase in the number of staff to safely operate the machinery however this would be in shifts with the changeover

happening part way through the day – therefore a similar number of staff would arrive on site at the same time as existing, change part way through the day during the current operational hours and only then leave by the proposed altered time of 2400 (midnight). Due to the extension of hours, it is proposed that an additional 2 members of staff would be required for operating the distillery – this would result in employment opportunities which would further support the local economy.

With regards potential complaints due to noise, it should be noted that several neighbouring residents including those who regularly directly pass the site on the Rights of Way, were not aware that normal operation of the site was underway as they had not noticed any operating noise. In addition, the initial background acoustic survey for Condition 11 was completed in December 2023 with the ‘in-use’ survey taking place in June and July of 2024. The information collected from these two survey visits was then run through a computer model, analysed and thereafter submitted to the Council for discharging in July/August 2024. The model gave a required noise attenuation solution that has since been completed and The Wiltshire Distilling Company are awaiting a further survey with the attenuation in place to ensure its efficacy.

Planning Policy Context

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, defined as encompassing economic, social and environmental dimensions:

- An **economic** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A **social** objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- An **environmental** objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 explains that for decision-taking this means:

- *‘approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- *the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole'.*

Paragraph 9 confirms that *'decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.*

Paragraph 39 requires councils to *'approach decisions on proposed development in a positive and creative way... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.*

Paragraph 85 is clear that decisions *'should help create 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future'*

Paragraph 89 continues, outlining that planning 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).'*

Paragraph 189 of the NPPF specifically mentions the National Landscapes (formerly AONB) and National Parks, requiring *'great weight'* be given to preserving landscape and scenic beauty in such areas.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this instance, the Development Plan comprises:

- Wiltshire Core Strategy (adopted January 2015)

Policy CP1 (Settlement Strategy) states in relation to Large and Small Villages, that *'development ... will be limited to that needed to meet the housing needs of settlement and to improve employment opportunities, services and facilities'*. This application to extend the operating hours of the business, in a controlled manner, is therefore supporting by Policy CP1 and with the additional employees which would be required for the longer operating hours, this would facilitate in improving employment opportunities.

Policy CP2 (Delivery Strategy) emphasises that development should be delivered in a sustainable way and gives a priority to the release of employment land and the re-use of previously developed land. It also goes on to state that, for small villages, development will be limited to infill and proposals *‘will be supported where they seek to ... provide employment, services and facilities provided that the development: i) respects the existing character and form of the settlement; ii) does not elongate the village or impose development in sensitive landscape areas; iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement’*. While the proposed does not constitute development in the traditional sense, Policy CP2 is relevant in that the extended hours would necessitate additional staff members and given that points i-iii are complied with, the proposed represents an acceptable evolution of an approved development.

Policy CP34 (Additional employment land) seeks to protect and enhance existing employment sites and states that *‘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 ... iii) are for new and existing rural based businesses within or adjacent to Large and Small Villages ... 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’*. As laid out above, the proposed is in line with the sustainable development objectives within the Core Strategy, no physical changes are proposed as part of this application and the existing infrastructure is sufficient to support the change of hours.

Policy CP39 (Tourist development) states that *‘extension to existing facilities should be appropriate in scale to their location and help to ensure the future viability of the business’*. The distillery as mentioned above, does partially function within the tourism sector as they run tours of the distillery process alongside an on-site shop and café. While tourism is not the primary function of the business, the fact they operate these experiences is an attraction to tourists which does help support other rural businesses and therefore benefits the local economy. As the awareness of the whisky, gin and vodka produced by the distillery grows, so will the demand for the product, therefore the additional working hours will enable the business to continue growing and attracting more people to the area.

Policy CP57 (Ensuring high quality design and place shaping) predominantly focuses on new development though does make specific mention in point vii for proposals to make a positive contribution towards the character of Wiltshire through *‘having regard to the compatibility of adjoining buildings and uses, the impact on amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter’*. As this application is proposing an amended wording to an existing condition and is not seeking its removal, the applicant seeks to assure the Council as to their continued regard for the amenity of nearby residents and would additionally like to assure the Council as to their continued compliance with Condition 11 relating to noise levels of the plant.

Conclusion

In the request for alteration to condition 14, the applicant seeks to assure the Council, as mentioned above, of their continued compliance with Condition 11 relating to noise levels of the plant. The extension of hours of operation would not increase the noise levels of the existing plant machinery on site. Therefore, the revised condition continues to adequately safeguard neighbouring residential amenity and therefore remains compliant with the Core Policies found with Wiltshire's Core strategy. In addition, the revised condition would allow the business to expand its operation with no physical change to the existing development.

I trust the requested alteration of condition can be supported. Please do not hesitate to get in contact should you require any further information.

Yours Sincerely,

Emily Watt, BSc

Planning Consultant