

CASE OFFICER'S DELEGATED REPORT

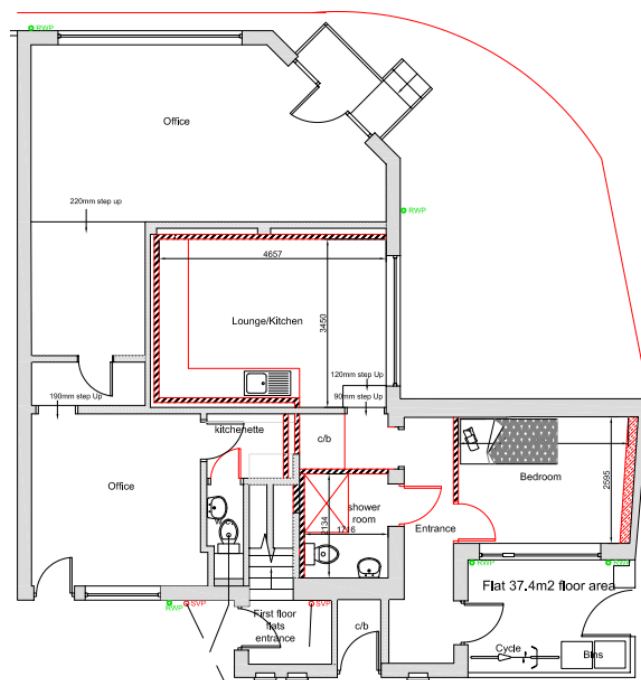
APPLICATION REFERENCE:	PL/2026/00933
APPLICATION TYPE:	Prior Approval Part 3, Class MA: Commercial, business and service use to dwellinghouses
SITE ADDRESS:	78 EAST STREET, WARMINSTER, BA12 9BW
DEVELOPMENT DESCRIPTION:	Prior Approval under Part 3, Class MA for the conversion of commercial to one bedroom dwelling.
RECOMMENDATION:	Prior Approval Not Required

PROPOSAL

This prior notification application is submitted pursuant to Class MA of Schedule 2, Part 3, of The Town and Country Planning (General Permitted Development etc.) (England) Order 2015 (as amended) in respect of a part conversion of the ground floor, of a premises in use as Class E Commercial use, to one residential flat.

The site comprises the ground floor of a two-storey building at 78 East Street Warminster, there is an existing residential unit at first floor. The site lies just within the Warminster Conservation Area which covers the historic core of the town and to the west of the Boreham Road (Warminster) Conservation Area. The application site falls within the recreational impact zone of the Salisbury Plain Special Protection Area for birds and is located within the Hampshire catchment area of the River Avon SAC.

The ground floor of the building was last in use as a commercial office falling within Class E of the use class order. The submitted planning statement indicates that the ground floor of the building is currently vacant. The remaining part of the ground floor that will not be converted will remain as commercial use.



Proposed ground floor plan

No external alterations are proposed to facilitate the conversion of the flat, the ground floor area of the proposed flat benefits from a number of windows and doors which would readily aid the conversion from commercial use to residential use.



Front (northeast) elevation and side (southeast) elevation

PLANNING HISTORY

W/74/00475/HIS Extension to first floor flat for residential purposes – Approve with conditions

W/94/01418/FUL Change of use of part of ground floor from A1 business use to A2 office use – Approved with conditions

W/96/00224/FUL Replace screen wall with facing brick wall and iron railings – Approved with conditions

POLICIES AND LEGISLATION:

The primary consideration in the determination of this application is whether the proposed development conforms to the requirements and limitations of Schedule 2, Part 3, Class MA of the GPDO.

Subject to satisfying a number of conditions and restrictions, Class MA of the GPDO permits the change of use of buildings used for commercial, business and service uses to dwellinghouses where the proposed development consists of "a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order".

Class MA of the GPDO continues, setting out a series of restrictions listed in MA.1 1(a)-(g) and 2(a)- (b) and conditions in MA.2 (1)-(6).

The 'Procedure for applications for prior approval under Part 3' section of the GPDO (Part 3 W) states in W.10b that when determining an application for prior approval, regard must be given to the National Planning Policy Framework (the NPPF) "*so far as relevant to the subject matter of the prior approval, as if the application were a planning application*".

Regard should also be given to the relevant paragraphs of the Planning Practice Guidance (PPG).

CONSULTATION RESPONSES

Warminster Town Council: No objection
Wiltshire Council Highways: No objection
Wiltshire Council Public Protection: No objection
Wiltshire Council Conservation team: No objection

REPRESENTATIONS

No third party comments were received.

ASSESSMENT PLANNING CONSIDERATIONS AND ASSESSMENT

The proposals set out in the submitted plans have been assessed against the requirements of Class MA of the GPDO below, including revisions to the GPDO dated 27/01/2026.

Assessment against the Requirements and Limitations of MA.1:

In considering Part 3, Class MA of the GPDO (as amended) the Local Planning Authority (LPA) must assess the proposal against the necessary criteria and limitations.

Development is not permitted by Class MA unless the following relevant criteria and limitations can be met:

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Subparagraph (2) referred to in MA.1b specifies the following classes:

(a) the following classes of the Schedule as it had effect before 1st September 2020

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule

The completed application form confirms that the use of the building fell within one of the above uses for a number of years prior to the application. There is no evidence to suggest that this was not the case

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;*

- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area*

The subject site is not located within or covered by any land listed under MA.1(d) subparagraph i) to v) as listed above.

(e) if the building is within—

- (i) an area of outstanding natural beauty;*
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981*
- (iii) the Broads;*
- (iv) a National Park; or*
- (v) a World Heritage Site;*

The subject building is not sited within any of the above listed designations.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy.

(g) before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3*

The application was submitted after this date and no direction restricting permitted development rights have been issued in this particular area.

Assessment against the Conditions listed in MA.2:

The proposal has been assessed against the conditions listed in MA.2 of Class MA. MA.2. (1) permits development under Class MA subject to satisfying the conditions specified in (2)-(6), which have been assessed in turn below. MA.2. (2) is clear that before the development under Class MA can begin, a developer must apply to the local planning authority for it be determined whether prior approval would be required and this application therefore seeks determination as to whether the prior approval is required in respect of the following matters:

- (a) transport impacts of the development, particularly to ensure safe site access;*
- (b) contamination risks in relation to the building;*
- (c) flooding risks in relation to the building;*

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

the impact on the local provision of the type of services lost

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

MA.2. (2)(a) - The site is located in the centre of Warminster close to public transport links, amenities and employment opportunities that the occupiers may require. There is existing parking provision to the front elevation of the host building that could easily accommodate two off road parking spaces.

The application form states that this off road parking area would be utilised for parking for the proposed flat and for any parking required as part of the ongoing use of the part of the ground floor as commercial.

The Highways Officer was consulted on the scheme and commented as follows

‘The Design and Access Statement advises that the site currently has a single off-street parking space to the side of the site, although this can be seen on the Streetview as accommodating two vehicles.

It is also advised that the site can accommodate space for 1 cycle to be stored. This would be within a gated area where bins are stored, and whilst it could be secured by the gate, it would not provide a covered parking area.

Given that part of the ground floor would be retained as commercial use, it is not clear what car parking is available, or to be retained for the commercial use.

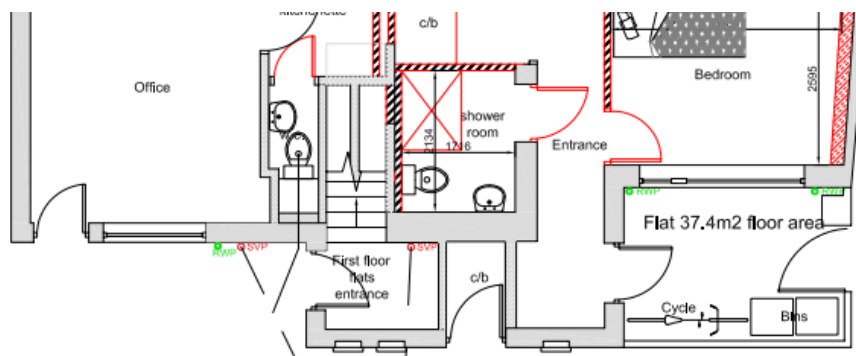
Summary and Recommendations

The granting of Prior Approval for the part conversion of the ground floor use would provide a one-bedroom dwelling with potential access to a single parking space, and provision for cycle storage.

Having regard to the town centre location of the site, where any residents would have access to local facilities and public transport, and where the traffic generated by a single dwelling would not result in any unacceptable impact on the highway network, there would be no highway objections.

It should, however, be advised that secure cycle parking should be provided'

The agent has confirmed that the gated courtyard area to the south elevation of the ground floor flat would be utilised as a bin storage area and would also serve as a cycle storage area, as illustrated in the plan insert below.



MA.2. (2)(b) - The subject site is located within an established residential area, and the Public Protection Officer has raised no objection or concerns in relation to contamination. As such, there are not considered to be any contamination risks associated with the building and is satisfied.

MA.2. (2)(c) - The site is located in Flood Zone 1, and the site is not indicated to be at risk of surface water flooding..

MA.2. (2)(d) - This proposal is seeking to convert the commercial premises into residential use and whilst the proximity to the filling station to the southeast is noted given that the site is located within an area characterised by residential use, there are unlikely to be any significant noise impacts.

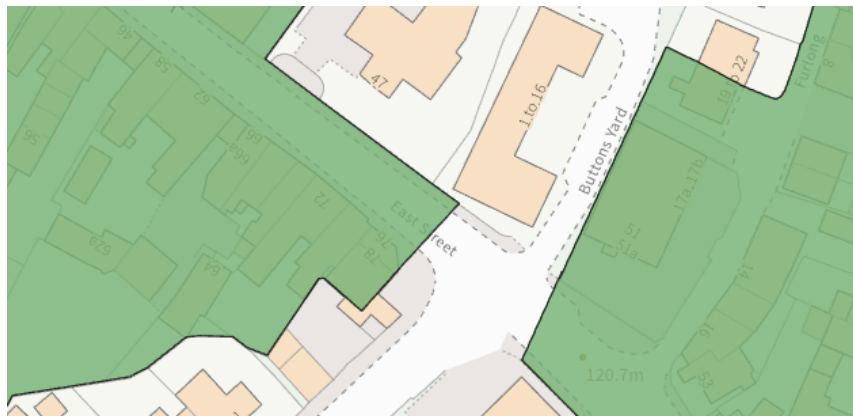


Proximity of the petrol station located to the southeast of the building

The Council's Public Protection Officer was consulted on the proposal and raised no objection to the conversion of the commercial unit to part residential use.

The proposed new residential unit will meet the required gross internal floor areas, of at least 37m², required by the Nationally Described Space Standard.

MA.2. (2)(e)(i)-(ii) - The subject building is located just within the defined conservation area boundary of the Warminster Conservation Area and to the west of the Warminster (Boreham Road) Conservation Area, as illustrated by the green shading the map insert below.



The proposal seeks to convert part of the existing ground floor office into one residential flat, the proposed conversion of the ground floor to residential use will ensure an active use of the ground floor.

The area immediately surrounding the property is characterised by other residential uses, with the first-floor area of the building already operating as a residential unit. No changes to the external appearance of the building are proposed. The Local Authority Conservation officer was consulted on the proposal and offered the following comments

'The building is just within the Warminster CA. It is not an attractive building (nor its setting) as such, I consider its makes, at best, a neutral contribution to the character of the CA. Given the proposals are for modest changes to elements of the existing fenestration, the proposals would preserve the character of this part of the CA in accordance with Section 72 of the Planning LBCA Act 1990 and as such, I raise no objections'

MA.2. (2)(f) - The submitted plans indicate the provision of adequate natural light into all habitable rooms of the proposed flat within the retention of the existing openings on the southeast and southwest elevations.

MA.2. (2)(g) - The area is not considered to be important for general or heavy industry, waste management, storage and distribution or a mix of such uses, so is unlikely to impact the future occupiers of the dwelling.

MA.2. (2)(h)(i)-(ii) - The proposal would not result in the loss of a registered nursery or health centre, so would not result in an impact on the local provision of such serves.

MA.2.(2)(i) and the fire risk conditions specified in MA.3 - This proposal would result in the creation of one residential property but would satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning

(Development Management Procedure) (England) Order 2015, as the proposal would not exceed 18m in height and would not contain more than 7 storeys. It would comply with the requirements of technical housing standards for 1 bed, 1 person accommodation.

MA.2(3) and MA.2(4) are not applicable to this proposal.

MA.2(5)-(6) must be complied with following the issuing of any decision.

RECOMMENDATION:

The Prior Notification process permits only specific elements to be considered. As detailed above it is considered that all relevant points have been appropriately addressed.

Based on the submitted information, it is considered that the proposal would comply with the permitted development rights for the change of use to residential specified in Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that Prior Approval is not required, subject to the standard GPDO conditions.

Conditions

1. Development under Class MA is permitted development subject to the condition MA.2(5) that development under Class MA must be completed within a period of 3 years starting with the prior approval date.

REASON: To comply with the full limitations, requirements and conditions of Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. Development under Class MA is permitted development subject to the condition MA.2(6) that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

REASON: To comply with the full limitations, requirements and conditions of Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Existing & Proposed Plan and Location Plan DWG No AH2026/09 Sheet 1 of 2

Existing & Proposed Floor Plans DWG No AH2026/09 Sheet 2 of 2

All Plans Received 10.02.2026

REASON: For the avoidance of doubt and in the interests of proper planning.