

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/00610
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	82 Westwood Road, Bemerton Heath, Salisbury, SP2 9HR
DEVELOPMENT DESCRIPTION:	Change of use of existing garage from C3 (residential) to Sui Generis (motor vehicle repair garage)
RECOMMENDATION:	Refuse

SITE DESCRIPTION/CONTEXT

The application site is land to the rear of the terrace dwellinghouses 78-84 on the north west side of Westwood Road in the residential settlement of Bemerton Heath. The land is within the residential curtilage of no.82 and is positioned adjacent to the rear gardens of no.78-84, accessed from the road leading to Sarum Academy and Penning Road. The application site is comprised of domestic outbuildings with shared access from the gated entrance. The existing building subject to the change of use application is a detached garage with ancillary use associated with to no.82. The applicant ownership extends to the north and south west, with the change of use application relating to the garage and land to the east, adjacent the rear garden boundaries of no. 78-84. The access to the site is from the highway leading to Sarum Academy.



PROPOSAL

The application and supporting statement suggest that the application proposed the change of use of the existing garage to a home garage workspace/workplace, to be used by the occupant of the dwelling, incidental to the main residential use. The application proposal states that the application is for a formal change of use of existing garage from C3 (residential) to Sui Generis (motor vehicle repair garage).

PLANNING HISTORY

Proposal / Summary
20/07585/FUL - Full planning permission Decision - Refused Date: 25/11/2020 – Retrospective application for a detached garage

PL/2021/05954 - Approval of details reserved by a condition Decision - Approve Date: 16/9/2021 – Discharge of condition 3 of 20/07585/FUL
PL/2022/06872 - Householder planning permission Decision - Approve with Conditions Date: 2/11/2022 – Proposed extension to existing garage at land to rear of 82 Westwood Road

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 20 Spatial Strategy: Salisbury Community Area;
- Core Policy 34 Additional Employment Land;
- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network.

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- Salisbury Neighbourhood Development Plan 2020 to 2038

ISSUES

The main issues that need to be addressed in this case include:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether there will be any land contamination / air quality issues (CP 55)

CONSULTATION RESPONSES

WC Highways: Objection, stated below:

'I note the proposals seek to change the use of the existing garage unit and associated yard area from C3 residential use to a sui generis motor vehicle repair workshop.

Whilst I note the supporting information submitted, which states that the use proposed use would be low-key in nature and that the applicant would be happy to agree to a number of conditions restricting the use, I have a number of concerns about such a use in this location.

The site is accessed via a dropped kerb vehicle crossover from the Sarum Academy access road. As this road provides the primary access to the school, there is a large amount of footfall, cycle traffic and vehicular traffic using this road. The access crosses a shared use foot/cycle path, however, there is zero vehicle to pedestrian/cycle intervisibility to the East, due to the third party owned fence. It is unclear whether visibility to the West is sufficient, but the fence does appear to provide a view, albeit partially obstructed. There is however no restriction on the type of fence used here and any replacement could result in a worsening of visibility to the West also. This means that pedestrians and cyclists may not be visible to any vehicle emerging from this access point. Whilst I appreciate that this is an existing access, the proposed change of use could, in planning terms, generate a significant amount of additional traffic than that of the extant use.

The suggested conditions to restrict the scale of the use on this site do not appear to be sufficient to ensure that a significant increase in vehicular traffic is not generated by the development, leading to serious highway safety concerns due to the restricted vehicle to pedestrian visibility at the access.

For example;

Condition 1 - whilst I shall be guided by the Planning Officer on this matter, I fail to understand how a commercial use can be considered to be 'ancillary' to the residential host dwelling.

Condition 3 - whilst I shall be guided by the Planning Officer on this matter also, I do not believe that this condition is realistically enforceable. Wiltshire Highways would not have the resource to monitor the number of visitors to a single commercial premises to ensure compliance with such a condition.

Furthermore, no reference is made to staffing. Whilst I assume no staff other than the applicant are proposed, should the business be successful and demand increases, there would be no planning restrictions to prevent the applicant from employing additional members of staff and thus taking on additional work on the site, which again increases the highway safety risks at the access point.

Given the nature of the proposals, the proximity of the school and the site access being substandard in terms of vehicle to pedestrian/cycle visibility, I recommend that this application is refused on Highway grounds for the following reason;

1. The proposal will result in an increased use of an access by virtue of its poor vehicle to pedestrian/cycle inter-visibility is considered sub-standard, which will lead to the detriment of the safety of users of the highway.'

WC Public Protection: Comment stated below:

'I write regarding the above application for change of use of existing garage from C3 (residential) to Sui Generis (motor vehicle repair garage). The planning statement provides some detail regarding the proposal and states that 'no machinery, deliveries, or out-of-hours working is proposed'. However, our experience is that this type of business can be very noisy and adversely impact on residential amenity of nearby residents as the result of activities such as: manual hand tools, vehicle engines revving, impact noises (wheel removal, exhaust work, jacks, etc.), customers arriving/leaving, opening/closing of garage doors and occasional

pneumatic or electric tools. It is, therefore, not acceptable that proposed condition 5 on the planning statement to be applied to any approval without any formal assessment of the impact of noise.

This department would therefore expect a BS4142 Noise Assessment to be carried out to demonstrate that activities associated with the proposed development would not adversely impact on residential amenity of neighbouring residents. I also urge the applicant/ agent/ acoustic consultant to review our planning guidance notes which are available on our webpages here: Environmental advice for developers and planning agents - Wiltshire Council. Once the noise report is available, please feel free to reconsult this department for our formal comments on this application. Without this report, we recommend refusal of this application.'

WC Drainage: No Comment

Salisbury City Council: Objection stated below:

'SCC strongly objects, noting concerns for pedestrian safety and school security and noting that no precedence has been set here.'

REPRESENTATIONS

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

4 objections were received, 3 responses of support, and one comment. The key themes are summarised below:

Support:

- Road is busy at peak times regardless - all immediate residents actively avoid accessing their property during these times.
- Applicant would not be using the access to and from the building during these times and therefore no additional road safety risk.
- Proposal is for a small workshop, governed by the relevant health and safety/planning constraints for working times, noise etc - no, or very little, impact to the surrounding residents.
- Asset to the community of Bemerton Health
- Owner is cautious about school children, and other members of public - chooses to have vehicles come after school start and finish times to lessen dangers of moving the vehicles in and out of the gates.
- I support this small independent business.

Objections:

- Proximity to a school – heightened risk (Core Policies 57 & 61)
- Increased traffic movements in an already high-density traffic area, detrimental to the neighbourhood
- Negative impact on residential amenity and character of neighbourhood (Core Policy 57)
- Introduces industrial-level noise including power tools, air compressors, and engine testing, into a quiet residential area.
- Proximity of the proposed garage to residential boundary - noise and fumes will be unavoidable.

- Significant loss of amenity
- Introducing a commercial use in a residential area, out of character with the locality
- Sets a damaging precedent
- Fails to provide a professional acoustic survey or demonstrate how noise will be contained to prevent a statutory nuisance.
- Nothing within plans that shows site is suitable for its planned use and extra requirements that should entail
- Visibility of pedestrians not considering after school activities that use these facilities through the evenings
- Described as a 'home workspace', nature of vehicle repair is a commercial Sui Generis use
- The planning statement relies heavily on assumptions
 - No noise will be audible beyond the boundary
 - No meaningful increase in traffic will occur
 - Activity will remain low intensity
- Small-scale vehicle repair activity involves engine running and testing, use of tools and equipment, regular vehicle movements
- Increased pressure on on-street parking and vehicle movements
- Suggested conditions would not adequately mitigate harm

Comments:

- If the fencing next to the green gates was in the correct boundary then the green gates would be much more visible, pedestrians would be seen and owners would have a better view. Owners of the fencing should rectify this to help support a small business. *(This is not a material consideration for this planning application).*

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

Core Policy 1 Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in Principal Settlements (Salisbury, Chippenham, Trowbridge), as the main focus for strategic growth.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises sustainable patterns of growth, reducing the need to travel and supporting local services, development should be plan-led, aligning with

the settlement strategy and supported by infrastructure, windfall development (not allocated in plans) must still comply with the principles of sustainable development.

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities. The application site is within the settlement boundary for Salisbury City, identified as a Principal Settlement in the WCS, where development is generally permitted for strategic growth.

Core Policy 34 Additional Employment Land, states:

Proposals for employment development (use classes B1, B2 or B8) will be 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. Although CP34 supports the delivery of opportunities for the provision of employment land that may come forward in the Principal Settlements, paragraph 6.9 states that these opportunities will need to be in the right location and support the strategy, role and function of the town, as identified in CP1 and in any community-led plans, including neighbourhood plans.

Salisbury Neighbourhood Development Plan, for Commercial and Industrial development paragraph 153 states:

Conversion of existing buildings to employment generating use will be supported where it can be demonstrated by the applicant that the new use is compatible with neighbouring uses, that the conversion can be satisfactorily accommodated within the type of building chosen and that the local infrastructure can support the use.

The application site is set within the dense residential area of Bemerton Heath, immediately adjacent to Sarum Academy. The application site is bordered by residential dwellings, the highway, and school, and is not therefore within a commercial or industrial area. The site is not considered an appropriate location for the proposed commercial use, due to the residential setting. The Principal Settlement is of significant scale, with commercial and industrial areas providing more suitable locations for a motor vehicle repair garage.

The application seeks a change of use from C3 residential to Sui Generis; however it is considered that a more accurate use class for the intended purpose would be B2 General Industrial. The information provided is conflicting, as the Planning Statement describes the proposal as a home garage workspace/workplace to be used by the occupant of the dwelling, remaining incidental to the main residential use. Should the applicant wish to use the garage for repairs to personal vehicles, this can be done without planning permission. For commercial purposes, operating as a vehicle garage/mechanic garage rather than a residential garage, for purposes ancillary to the main dwelling, consent is required for the change of use, as has been applied for.

The principal of development is not considered acceptable in this context, with the site located in a dense residential setting, where the operations of a motor vehicle garage would not be appropriate. Policy supports additional employment provisions in the right locations. Although

the site is within the Principal Settlement, the location within a residential area, adjacent to a school, is not considered appropriate.

Within the planning statement, suggested planning conditions were provided. These have been included below and are referenced in the relevant sections when assessing the proposal.

1. Ancillary Use Restriction

The workspace shall be used solely for purposes ancillary to the residential use of the dwelling at 82 Westwood Road and shall not operate as an independent commercial unit.

2. No External Alterations

No external alterations, signage, or advertisements shall be installed without prior written approval from the Local Planning Authority.

3. Limit on Visitors

No more than one visitor/client shall attend the site at any one time, and no more than two visits per day shall take place.

4. Hours of Use

The workspace shall only be used between the hours of 08:00 and 18:00 Monday to Friday, and 09:00 to 13:00 on Saturdays, with no use on Sundays or Bank Holidays.

5. Noise and Disturbance

No audible noise associated with the workspace shall be discernible beyond the site boundary.

Design and Impact on the Character and Appearance of the Area

Core Policy 57 of the WCS requires high-quality design that enhances local character, responds to the natural, historic, and built environment, retains important features (e.g., trees, hedges), supports sustainable construction and compatibility with surrounding uses, and creates safe, legible, and accessible spaces.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

As the application is for a change of use, there are limited design and visual impact considerations. The proposal does not include any alterations to the existing building, with the fenestrations and external materials to remain the same as existing. The garage is not considered of visual harm within the area, noting the residential setting, and adjacent outbuildings associated with the dwellings to the east.

The proposed use as a motor vehicle garage, under Sui Generis use class, is not, however considered appropriate within the residential area. The site is adjacent to residential dwellings, and a school, with access provided from the lane shared with the school. Operating a commercial business requiring vehicles to travel to and from the site regularly, with mechanical processes undertaken, is considered of detrimental impact on the character of the area.

The proposed plans show no external alterations to the garage as a result of the change of use; however it is unclear whether signage would be implemented, and further advert consent could be required. The suggested conditions from the planning statement includes for no external alterations, however this is not considered appropriate mitigation given the level of harm the proposal would have on the immediate area. Although the garage is to remain as

existing and would not therefore be of visual impact on the area, the proposed use is considered of harm to the character of the area, which is predominantly residential, with a school to the rear. CP57 requires development enhances local character, responds to the built environment, and supports compatibility with surrounding uses. The proposed change of use is not considered in compliance with CP57, as it would be of detrimental impact on the character of the area.

Amenity

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

The Public Protection officer has provided comment on the application, noting that although the application states that no machinery, deliveries, or out-of-hours working is proposed, typically this type of business can be very noisy and adversely impact on residential amenity of nearby residents, and as such the suggested condition (5) of the planning statement could not be applied without any formal assessment of the impact of noise. A BS4142 Noise Assessment is required, however this has not been provided. It is not therefore possible to ascertain that activities associated with the proposed development would not adversely impact on residential amenity of neighbouring residents. Without this report, the Public Protection consultee recommended refusal of the application.

Suggested conditions, submitted as part of the application files, include for an ancillary use restriction, hours of use, and noise and disturbance. Although the operating hours could be conditioned, it is not possible to restrict a building to ancillary use when it is intended to be used for commercial purposes, serving clients/customers and providing a service. The noise and disturbance condition is also not suitable or enforceable, nor does it meet the tests as without a noise assessment it is not possible to ensure no audible noise associated with the garage would be discernible beyond the site boundary.

The proposed use of the garage, under Sui Generis, could be one of a significant range of uses. Although this could be restricted with conditions, it is considered that the intended use would be of harm to residential amenity. Objections were received during the consultation process, citing concerns regarding the proximity to the school, noise generated on an industrial level, in a quiet residential area, close proximity to residential boundary and impact from noise and fumes.

The location of the site, adjacent to the rear boundary of residential dwellings, is not considered an appropriate position for a business which requires power tools, machinery, engines, and will emit fumes and smoke at regular times throughout the day. The proposal is in conflict with the information provided, which suggests the operation is ancillary to the residential dwelling at no.82. The operating of a business for motor vehicle repairs is not of ancillary residential use, and would therefore result in the operating of a commercial business within a residential garage.

The change of use would introduce an inappropriate use to the garage, within a residential area, where the impacts on residential amenity would be significant, and unacceptable, contrary to CP57 of the WCS which requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

Highways Impacts and Parking

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Where necessary, Transport Assessments or Statements should be submitted to evaluate impacts and identify mitigation. Planning conditions or legal agreements may be used to secure off-site improvements, travel plans, or contributions to sustainable transport infrastructure.

The highways consultee has responded in objection to the application. They have noted that, although the supporting information states that the proposed use would be low-key in nature, and the applicant would agree a number of conditions restricting the use, there are significant concerns regarding the proposed use in this location.

The site is accessed via a dropped kerb vehicle crossover from the Sarum Academy access road. As this road provides the primary access to the school, there is a large amount of footfall, cycle traffic and vehicular traffic using this road. The access crosses a shared use foot/cycle path, however, there is zero vehicle to pedestrian/cycle intervisibility to the East, due to the third party owned fence. It is unclear whether visibility to the West is sufficient, but the fence does appear to provide a view, albeit partially obstructed. There is however no restriction on the type of fence used here and any replacement could result in a worsening of visibility to the West also. This means that pedestrians and cyclists may not be visible to any vehicle emerging from this access point. Although the highways consultee noted that this is an existing access, the proposed change of use could, in planning terms, generate a significant amount of additional traffic than that of the extant use.

The suggested conditions to restrict the scale of the use on this site do not appear to be sufficient to ensure that a significant increase in vehicular traffic is not generated by the development, leading to serious highway safety concerns due to the restricted vehicle to pedestrian visibility at the access.

The highways consultee queried conditions 1 and 3, with regard to how a commercial use can be considered to be 'ancillary' to the residential host dwelling, and it not being possible to monitor or control the number of visitors to a single commercial premises to ensure compliance with this sort of condition.

Highways concern was also raised regarding potential additional staffing, and the increased highway safety risk at the access point as a result. Given the nature of the proposals, the proximity of the school and the site access being substandard in terms of vehicle to pedestrian/cycle visibility, the highways consultee recommended the application be refused on highways grounds and provided a reason for refusal which has been included on this decision.

Third party representations raised concerns regarding highways safety for both pedestrians and vehicles, and the impact on highways safety due to the site access from the Sarum Academy access road.

Other Issues

The application site is a residential garage, associated with no.82 Westwood Road. The application proposal is for the change of use from C3 (Residential) to Sui Generis (motor vehicle repair garage), however in the application files, the proposal is described as a home garage workspace, incidental to the main residential use. Reference is also made to Working from Home Guidance, and a suggested condition provided to restrict the garage to purposes ancillary to the residential use of the host dwelling, and not to operate as an independent commercial unit. These provide for conflicting information, as it is not possible to operate a commercial business as ancillary to a residential dwelling. At present, the domestic use of the garage would comprise ancillary use, in association with the residential dwelling. To operate a vehicle motor repair garage from the building is considered commercial, and as such would require a change of use to B2 light industrial. Sui Generis use comprises a significant number of uses, which would allow for a broad scope of operations to occur at the garage site. It is not considered appropriate for the garage to operate for commercial purposes, under any use class.

Third party comments reference existing commercial operations at the site, noting that when customers visit, they drive carefully to access the garage. The applicant should note that without consent, the garage should not be used for any purposes other than domestic/residential in association with the host dwelling no.82. Planning Enforcement may become involved if unauthorised uses or businesses are operating from the site.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

the relevant policies of the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

The application would be of significant harm to residential amenity, and highways safety. Allowing the change of use would increase vehicles entering and exiting the site, creating pedestrian safety concerns for the access from the highway, shared with Sarum Academy school, which has poor visibility. The impact on residential amenity is considered significant, as the proposed use would result in significant noise, odour and fumes to be emitted, which are in close proximity to the rear boundaries of no.78-84 Westwood Road.

The proposed change of use is in conflict with the relevant policy, and therefore planning permission is refused.

RECOMMENDATION:

That Planning Permission be REFUSED

1. The site is located in an existing residential area, and is accessed via a dropped kerb vehicle crossover from the Sarum Academy access road. As this road provides the primary access to the school, there is a large amount of footfall, cycle traffic and vehicular traffic using this road. It is understood, from third party commentators, that the proposal is retrospective in nature, and that the building is already operating as a commercial vehicle repair garage which is resulting in traffic and parking issues.

The proposed change of use is likely to generate a significant amount of additional traffic and result in an increased use of an access which, by virtue of its poor vehicle to pedestrian/cycle inter-visibility, is considered sub-standard, which will lead to the detriment of the safety of users of the highway. Further, the proposals do not demonstrate that a safe and suitable access for all users can be provided, including pedestrians, cyclists, and those with mobility impairments. The proposals are therefore contrary to the aims of Core Policies 60 - 62 of the Wiltshire Core Strategy.

2. The proposal seeks to change the use of an existing residential parking and garage area immediately adjacent to residential dwellings, to a motor vehicle garage. It is understood, from third party commentators, that the proposal is retrospective in nature, as the building is already operating as a commercial vehicle repair garage which is resulting in amenity issues.

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents. The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

No noise assessment has been submitted to support the application, and given the close proximity of the site to the existing residential receptors, it is considered that the proposal would be likely to have an adverse impact on residential amenity of neighbouring residents as

a result of general noise and disturbance. The application is therefore considered contrary to CP57 of the WCS and paragraph 135 of the NPPF.