

PLANNING STATEMENT



**June
2026**

The Lodge

Henford's Marsh, Warminster, Wiltshire, BA12 9PA

Application for prior approval for the proposed change of use of a commercial building (Class E) to a single dwellinghouse (Class C3) under Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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1. INTRODUCTION

- 1.1. Context Planning Ltd has been instructed by Mr Nick Clift (“the applicant”) to prepare this Planning Statement in support of an application for prior approval for the change of use of a commercial (Class E) building to a single dwellinghouse (Class C3) under Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”) at The Lodge, Henford's Marsh, Warminster, Wiltshire, BA12 9PA.
- 1.2. The building was, until recently, in use as a restaurant (a use falling within Class E(b) of the Schedule to the Use Classes Order), with associated accommodation at first floor. The occupiers of the residential accommodation relied on the kitchen of the Lodge and therefore could not be occupied independently of the restaurant. The proposal is to convert the whole of the building into a single four bedroom dwellinghouse, with only minor and largely internal alterations. Class MA applies only to the Change of Use and therefore any development that relates to external alterations will require a separate planning application. However, any external alterations are not necessarily to facilitate the change of use.
- 1.3. Pre-application advice was sought from Wiltshire Council and was provided by the Council under reference ENQ/2025/01764. The principal reason the officer was unable to support the proposal at that stage was a conclusion that the building, or land within its curtilage, fell within the River Avon System Site of Special Scientific Interest (“SSSI”), thereby removing the Class MA permitted development right by reason of MA.1(1)(d)(i). As set out in this report, that conclusion was based on digital boundary mapping which Natural England has since confirmed is affected by a mapping inaccuracy at this location. The Council has accepted that a mapping anomaly exists and is not asserting that the building or the curtilage lies within the SSSI. This Statement is submitted on that corrected basis.
- 1.4. This Statement should be read alongside the application form and the following

drawings: Site Survey and Location Plan (drawing no. 1349-S01 / 1349-P01); Existing Floor Plans and Elevations (drawing no. 1349-S02); and Proposed Plans and Elevations (drawing no. 1349-P02).

2. THE SITE AND PROPOSAL

- 2.1. The application site is located at Henford's Marsh, on the south-western edge of Warminster, approximately 170 metres outside the defined settlement boundary. The site comprises detached building set within a wider complex of grounds that historically formed part of a fishing and leisure operation, together with associated hardstanding, parking, lakes and ponds. The River Wylfe corridor lies to the east of the building.
- 2.2. The ground floor of the building was last in use as a restaurant, with a bar, kitchen, lounge/dining areas, office and customer facilities; the first floor comprises residential accommodation associated with the business. The building is not listed and is not within a conservation area. The site is, however, subject to a number of environmental designations and constraints which were identified in the pre-application advice and which are addressed in this Statement, namely: the Salisbury Plain Special Protection Area ("SPA") 6.4km buffer; the Hampshire Avon / River Avon Special Area of Conservation ("SAC") catchment and 20m buffer and Flood Zones 2 and 3. The building itself is however outside of the Flood Zone.



Figure 1 – Site Survey and Location Plan (extract, drawing 1349-S01).

- 2.3. The proposal is for the change of use of the building from its former Class E (restaurant) use to use as a single dwellinghouse (Class C3). The whole of the building would be converted to form one generously proportioned family dwelling.

3. PLANNING HISTORY AND PRE-APPLICATION ADVICE

- 3.1. The site has an extensive planning history associated with its former use for fishing, holiday and leisure accommodation, including approvals for self-catering lodges, fishing chalets, hostel/holiday accommodation, and the change of use of first-floor storage to staff accommodation (W/90/01481/FUL). The first-floor accommodation is therefore long established as ancillary to the operational business at the site.
- 3.2. Pre-application advice (ref. ENQ/2025/01764) was issued by the Council's case officer in respect of the Class MA proposal. The officer's summary view was that the proposal was "unacceptable in principle", for three principal reasons: (i) that the development did not appear to be permitted development due to an overlap with the SSSI; (ii) that the site was considered isolated and contrary to Core Policy 48 of the Wiltshire Core Strategy; and (iii) that outstanding details would be required in respect of drainage and ecology.

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- 3.3. For the reasons set out in this Statement, the first reason has fallen away following Natural England's confirmation of a mapping inaccuracy in the SSSI boundary; the second reason is not a matter that may lawfully be taken into account in the determination of a Class MA prior approval application; and the third comprises matters that are addressed further below. It is notable that, in respect of the substantive prior approval matters, the pre-application advice was broadly positive, the officer raised no objection on design, residential amenity, highways or flood-risk grounds.

4. RELEVANT POLICY AND LEGISLATION

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- 4.1. Class MA of Part 3 of Schedule 2 to the GPDO grants permitted development rights for development consisting 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 the Use Classes Order to a use falling within Class C3 (dwellinghouses).
- 4.2. The right is subject to the limitations at paragraph MA.1 (which determine whether the right exists at all) and to the conditions at paragraph MA.2 (which require an application to the local planning authority for a determination as to whether its prior approval is required in respect of a defined list of matters). Each of these is addressed in turn below.
- 4.3. It is noted that, for applications submitted on or after 5 March 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 removed both the previous 1,500 sqm floorspace cap and the requirement that the building be vacant for a continuous period of at least three months. Those limitations therefore have no application to this proposal.

The development plan and the limits of a prior approval determination

- 4.4. The determination of an application for prior approval is not a decision to which section 38(6) of the Planning and Compulsory Purchase Act 2004 applies. The principle of the change of use is established by the permitted development right itself. The local planning authority may only refuse prior approval where one of the MA.1 limitations is engaged (such that no right exists), or where one of the specified MA.2 prior approval matters is found to be unacceptable and cannot be made acceptable by condition.
- 4.5. Accordingly, the broad spatial and settlement-strategy policies of the development plan – including Core Policies 1, 2 and 48 of the Wiltshire Core Strategy, and the question of whether the site is “isolated” are not matters that may lawfully determine a Class MA prior approval application.

National Planning Policy Framework and Planning Practice Guidance

- 4.6. Under the prior approval procedure in paragraph W of Part 3, the authority is required, when determining the application, to have regard to the National Planning Policy Framework (“NPPF”) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The relevant national guidance is referred to in the assessment of the individual prior approval matters below.

The Conservation of Habitats and Species Regulations 2017

- 4.7. Article 3(1) of the GPDO grants the Class MA right subject to the relevant provisions of the Conservation of Habitats and Species Regulations 2017. The Council, as competent authority, must therefore be satisfied that the development would not have a likely significant effect on a European site, either alone or in combination, before the right may be exercised.

5. CLASS MA – QUALIFYING CRITERIA (MA.1)

MA.1(1)(a) – Change of use within scope of the right

- 5.1. The development comprises a change of use of the building, and land within its curtilage, from a use falling within Class E to use falling within Class C3. It is therefore development of the description permitted by Class MA.
- 5.2. The first-floor accommodation is, and has historically been, ancillary to the operational business at the site (consistent with the planning history at W/90/01481/FUL). It does not comprise a separate planning unit and does not affect the building's qualifying Class E use.

MA.1(1)(b) – Two-year qualifying use

- 5.3. The right requires that the use of the building fell within Class E (or one of the predecessor uses specified in MA.1(2)) for a continuous period of at least two years prior to the date of the application for prior approval. The building was in use as a restaurant a use falling within Class E(b) for at least 20 years and therefore was in that use for the requisite continuous two-year period prior to the date of this application.

MA.1(1)(d)(i) – Site of Special Scientific Interest: the mapping anomaly

- 5.4. MA.1(1)(d)(i) provides that development is not permitted where land covered by, or within the curtilage of, the building is or forms part of a Site of Special Scientific Interest.
- 5.5. The pre-application advice concluded, on the basis of the Council's digital mapping, that the curtilage of the building overlapped with the River Avon System SSSI (NE reference s2000183). On behalf of the applicant, Context Planning identified a clear anomaly in the mapped boundary at this location. The River Avon System SSSI and the River Avon SAC were originally notified by reference to paper maps. The digital boundaries now shown on the MAGIC website (magic.defra.gov.uk), from which the Council's mapping is transposed, are the product of digitising those paper originals, a

process well known to introduce positional inaccuracies, particularly for linear, water-based features and adjacent riparian land.

- 5.6. The anomaly is plainly visible on the published mapping. As shown below, the designated polygon does not encompass the full width of the river channel at this location, part of the watercourse itself sits outside the mapped boundary, and a smaller watercourse leaving the main channel to the east is not correctly overlaid. That is not consistent with a designation intended to protect a river system and its riparian corridor, which would be expected to include, as a minimum, the full water channel. The building and its associated curtilage (including the pond to the west) lie to the western side of the river corridor, away from the designated watercourse.

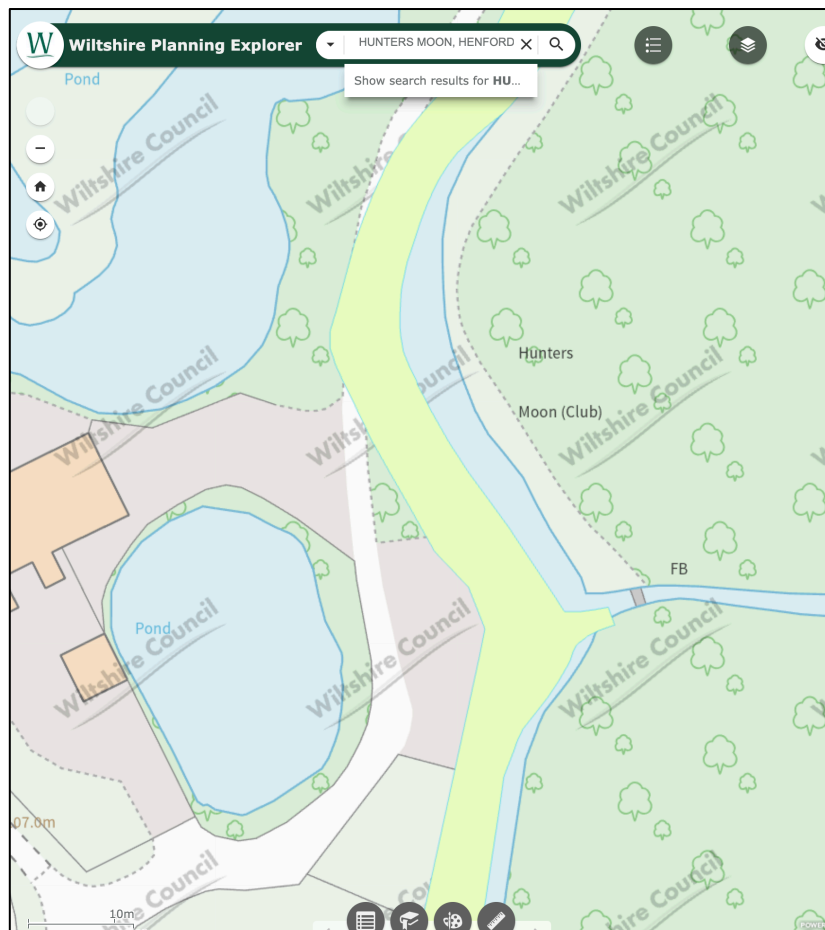


Figure 2 – Extract from the Council's mapping system showing the designated river corridor relative to the building (The Lodge)

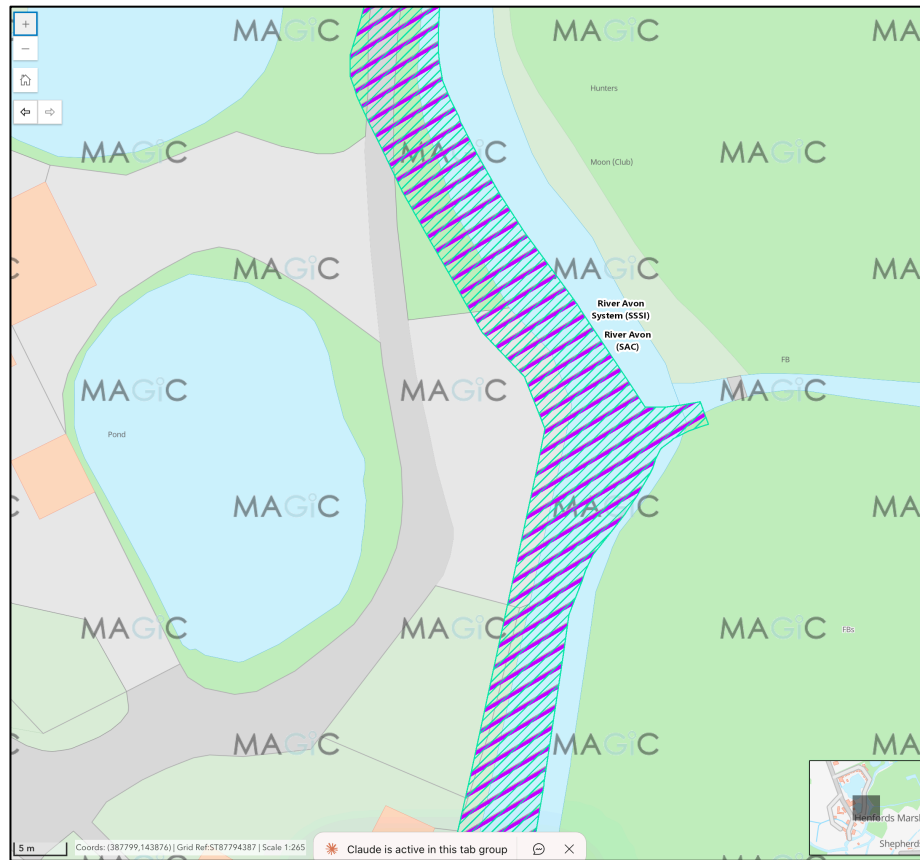


Figure 3 – MAGIC extract of the River Avon System SSSI / SAC designation, showing the mapped polygon failing to encompass the full river channel and the misaligned eastern watercourse.

- 5.7. Following representations made by Context Planning, the Council referred the matter to Natural England. Natural England has confirmed that the digital polygon on MAGIC is affected by a mapping inaccuracy at this location, and the Council's Planning Manager has accepted that a mapping anomaly exists and must be taken into account. The Council has confirmed in writing (correspondence from the case officer dated 1 April 2026) that the designation clearly covers the river system and that the Natural England email confirming the boundary error has been placed on the pre-application case file so that it is visible to anyone who receives a subsequent application. That correspondence is appended to / cross-referenced in this application.
- 5.8. It follows that the digital mapping relied upon in the pre-application advice is not a reliable basis on which to conclude that MA.1(1)(d)(i) is engaged. Properly understood,

the River Avon System SSSI follows the watercourse, and neither the building nor its curtilage forms part of the SSSI. The limitation at MA.1(1)(d)(i) is therefore not engaged and the Class MA right is available.

MA.1(1)(d)(ii)–(v), (e), (f) and (g) – Other excluded locations

- 5.9. None of the remaining MA.1 limitations is engaged. The building is not, and does not form part of, a listed building or a scheduled monument or land within their curtilage; the site is not within a safety hazard area or a military explosives storage area; and it is not within an Area of Outstanding Natural Beauty, an area specified under section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site. The site is not occupied under an agricultural tenancy. The qualifying criteria of Class MA are therefore satisfied.

6. CLASS MA – PRIOR APPROVAL MATTERS (MA.2)

- 6.1. This application seeks the Council's determination as to whether its prior approval is required in respect of the matters specified at MA.2(2). Each is addressed below.

MA.2(2)(a) – Transport and highways impacts

- 6.2. The proposed dwelling would not give rise to any adverse transport or highway impacts and is served by safe and suitable existing access. This was accepted in the pre-application advice, where the Council's Highways officer noted that *“the extant use would be likely to generate more traffic than a 5-bedroom dwelling, and the site already has a significant number of parking spaces to accommodate that extant use”*, concluding that there were “no concerns with regard to the development concerning parking and access”. This application relates to a 4 bedroom dwelling and no change to the access or parking arrangements is proposed. Prior approval on this matter is not required.

MA.2(2)(b) – Contamination risks

- 6.3. The former restaurant use is not a use associated with ground contamination, and there is no known history of contaminative use at the building. No ground works are proposed as part of the development.

MA.2(2)(c) – Flooding risks

- 6.4. The wider site lies within Flood Zones 2 and 3 and is identified in the Wiltshire Strategic Flood Risk Assessment as being at risk of surface water and groundwater flooding. The building itself however does not lie within a Flood Zone. It is an existing two-storey building, and the proposal is for a change of use only, there is no new building, no increase in footprint, and no engineering or culverting works that would alter flows.

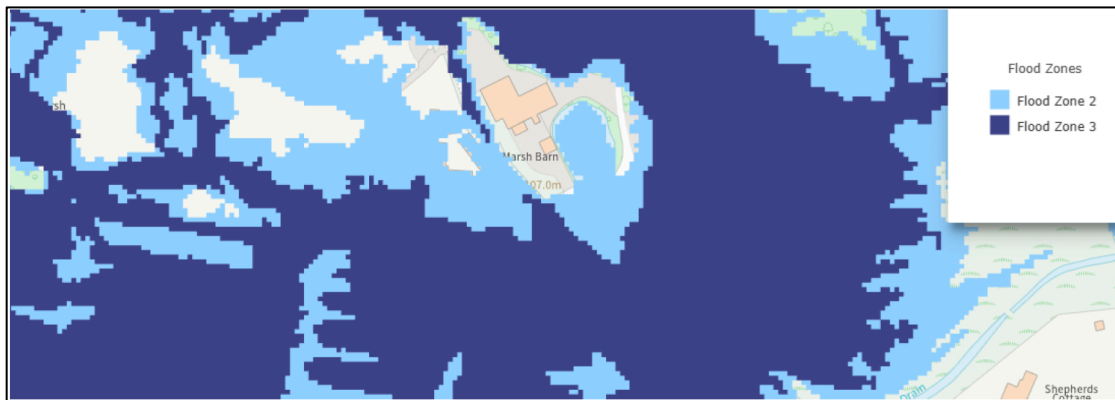


Figure 4 – Flood Risk Maps (EA) which show the building at a low flood risk

- 6.5. The relevant question is therefore whether the existing building can be used safely as a single dwelling. Paragraph MA.2(2)(c) requires the developer to apply for a determination as to whether prior approval is required as to: “flooding risks in relation to the building”. The assessment is directed at the building, that is, whether the building itself can be safely occupied as a dwelling and not at the wider site or the principle of locating development in this location.
- 6.6. The determination of an application for prior approval is not a decision to which section 38(6) of the Planning and Compulsory Purchase Act 2004 applies, and the principle of

the residential use is established by the permitted development right itself. Notwithstanding this, the sequential test does not apply to a change of use so even if the matter were approached as if it were a full planning application, the sequential test would not be engaged.

- 6.7. The building is of robust, solid-wall construction with a solid ground-floor and has internal stair access to the first floor. No changes are proposed to the building footprint or site drainage. Residual flood scenarios have been considered. The building has inherent resilience, including high-level electrical sockets and solid-wall construction and the use of flood-resistant materials on the floors and walls at ground level.
- 6.8. The dwelling would be safe through its lifetime, it would have an upper floor refuge in times of flood which ensures safety until floodwaters recede or emergency assistance arrives. The first-floor refuge is above the design flood level and accessible from all ground-floor areas via internal stairs.
- 6.9. These measures ensure that if shallow inundation did occur, it would do so without structural damage and that the building could return to use quickly post-event. The building structure and refuge are safe for the duration of such events. It is material to note that there has never been flooding of the building or anywhere near the building.

MA.2(2)(d) – Impacts of noise from commercial premises

- 6.10. This matter concerns the impact of noise from commercial premises on the intended occupiers of the proposed dwelling. The building is in an isolated location, away from any operational commercial premises. Indeed, the principal former source of activity and noise at the site was the restaurant use itself, which would cease. There would be no adverse noise impact on the future occupiers. Prior approval on this matter is not required.

MA.2(2)(e) – Conservation area impact

- 6.11. This matter applies only where the building is located in a conservation area. The site is not within a conservation area and so this matter does not arise.

MA.2(2)(f) – Adequate natural light in habitable rooms

- 6.12. Each of the habitable rooms in the proposed dwelling would be served by at least one window providing adequate natural light, as shown on the proposed plans and elevations (drawing 1349-P02). The requirement for adequate natural light in all habitable rooms is met.

MA.2(2)(g) – Introduction of residential use in an industrial area

- 6.13. The site is not within an area that the authority considers important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. This matter does not arise.

MA.2(2)(h) – Loss of registered nursery or health centre

- 6.14. The development does not involve the loss of services provided by a registered nursery or a health centre. This matter does not arise.

MA.2(2)(i) – Fire safety

- 6.15. The fire risk condition applies only where the development relates to a building that will contain two or more dwellinghouses and which meets the height condition (18 metres or more, or seven or more storeys). The proposal is for a single dwellinghouse in a two-storey building and so the fire risk condition is not met. This matter does not arise.

7. HABITATS REGULATIONS

- 7.1. Although ecology is not itself one of the MA.2 prior approval matters, the Class MA right is granted by Article 3(1) of the GPDO subject to the Conservation of Habitats and Species Regulations 2017, and the Council must be satisfied as competent authority before the right may be exercised.
- 7.2. A Preliminary Ecological Appraisal (“PEA”) of the site has been prepared by Seasons Ecology (report ref. SEB3211_01 v2, April 2026) and accompanies this application. This comprised a habitat survey, a suitability assessment for protected species and a Habitat Suitability Index (“HSI”) assessment of two ponds, supported by a web-based desk study. The field survey was undertaken on 23 April 2026.
- 7.3. The PEA demonstrates that as a change of use confined to the existing building with no external alterations and no loss of habitat, the proposal would not result in any adverse effect on the River Avon SAC, the River Avon System SSSI, the Salisbury Plain SPA or any protected species. The recommended protection measures, sensitive lighting and biodiversity enhancements can be secured by condition or by an informative.
- 7.4. As set out in this report, neither the building nor its curtilage forms part of the SSSI once the mapping anomaly is corrected. In any event, the works are confined to the existing building and its established hardstanding curtilage, and would not result in any loss or degradation of the habitats for which the SSSI is designated. Construction-phase safeguards would be secured through the Construction Environmental Management Plan.

Salisbury Plain SPA

- 7.5. The site lies within the 6.4km recreational buffer of the Salisbury Plain SPA, within which residential development is screened for potential recreational impacts on stone

curlew. As the proposal does not result in any net increase in residential units (the building already contains established residential accommodation), and the proposal results in a single dwelling, no additional recreational pressure would arise. The pre-application advice accepted that the proposal “would likely be screened out of Appropriate Assessment” on this basis.

River Avon SAC – phosphates and nutrient neutrality

- 7.6. The site lies within the River Avon SAC catchment, which the Secretary of State designated as a nutrient-sensitive catchment for phosphorus. Development resulting in a net increase in overnight accommodation within the catchment must demonstrate nutrient (phosphorus) neutrality, by means of a completed nutrient budget calculation using Natural England's River Avon nutrient calculator together with any necessary mitigation.
- 7.7. In this case, the building already contained overnight accommodation in connection with the former restaurant use, and the proposal does not increase the number of dwellings. The pre-application advice itself recognised that “no increase in overnight accommodation is proposed, reducing the risk of additional phosphorus discharge”. Notwithstanding the application demonstrates that the development is nutrient neutral. A completed nutrient neutrality calculation and confirmation of secured mitigation accompany this application.
- 7.8. In relation to construction-phase effects on the SAC and the watercourse, if necessary a Construction Environmental Management Plan would control pollution, run-off and disturbance, and can be secured by an appropriately worded condition. However, it is important to note that the proposal relates to the change of use and therefore the majority of construction works are internal, limiting any risk of pollution/run off. There would be no adverse effect on the integrity of the SAC.

8. CONCLUSION

- 8.1. This Statement demonstrates that the proposed change of use of the building at The Lodge, Henford's Marsh, from its former Class E (restaurant) use to use as a single dwellinghouse (Class C3) is permitted development under Class MA of Part 3 of Schedule 2 to the GPDO.
- 8.2. The single matter that led the Council to be unable to support the proposal at pre-application stage but the suggested overlap with the River Avon System SSSI has been shown to be incorrect. Natural England has confirmed that the digital SSSI boundary at this location is affected by a mapping inaccuracy, the Council has accepted that a mapping anomaly exists, and the Council is not asserting that the site lies within the SSSI. The limitation at MA.1(1)(d)(i) is therefore not engaged, and none of the other MA.1 limitations applies.
- 8.3. Each of the prior approval matters specified at MA.2 has been addressed and is acceptable, a position consistent with the broadly positive pre-application advice on transport, amenity, design and flood risk. The habitats matters, including phosphates / nutrient neutrality, are satisfied. The development-plan and settlement-strategy considerations raised in the pre-application advice are not matters that may lawfully determine a Class MA prior approval application.
- 8.4. The Council is therefore respectfully requested to confirm that prior approval is granted in respect of all relevant matters within the prescribed 56-day period