22nd May 2025

Our Ref: SWLC.LPC4589

Development Services – Central
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 0RD

Dear Sir/Madam

Town and Country Planning Act 1990
Relaxation of holiday let use at
Church Farm, The Street, Broughton Gifford, Wiltshire, SN12 8PR

LPC (Trull) Ltd are instructed by Mr and Mrs Hooper of Church Farm, The Street, Broughton Gifford, Wiltshire, SN12 8PR to present their case to allow the existing holiday let properties at Church Farm to be used as unrestricted self-contained Class C3 units (3No in total).

Planning Background

The existing holiday let properties were approved by separate applications.

By application reference 15/03753/FUL planning permission was described as

'Proposed conversion of existing substantial holiday let to form 2No holiday lets'

This permission related to the two properties now known as Walnut Tree Cottage and Oak Tree Cottage. As the description of development explains though it was previously in use as a single holiday let unit. It was originally converted by application W/08/00930/FUL approved 13th May 2008.

The 2015 proposal saw a pitched roof installed over an existing single storey barn which had already then been converted in a holiday let. The internal changes authorised the two units as shown on the following page, comprising 1No two bed and 1No three bed unit.

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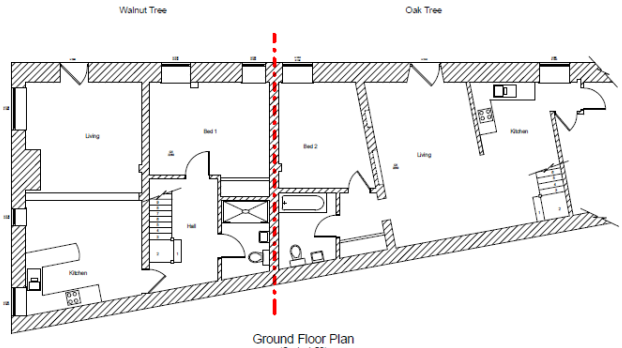
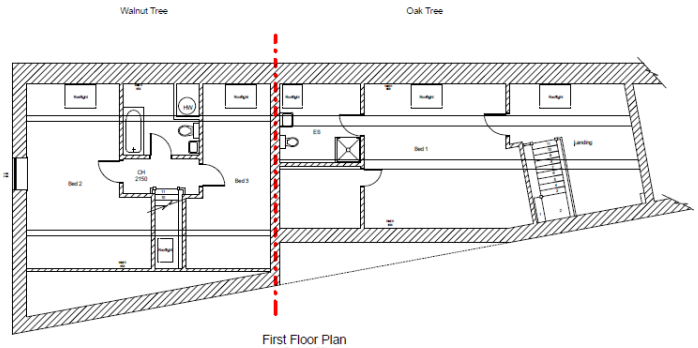
REGISTERED IN ENGLAND AND WALES No. 03259960, REGISTERED OFFICE: TRULL, TETBURY, GLOS, GL8 8SQ.



Ground Floor Plan
(Scale 1:50)



First Floor Plan
(Scale 1:50)

The above application was approved on 17th June 2015 and was subject to the following relevant conditions, restricting the residential unit's occupation.

<u>Condition 3</u>

No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than [time period] (sic) in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

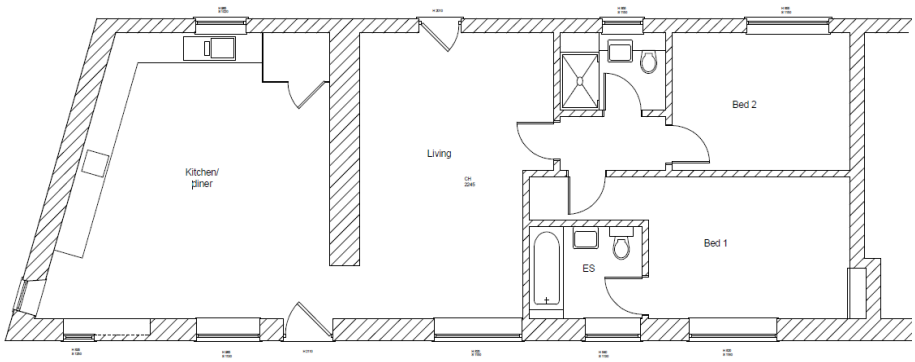
Condition 4

The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make such information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

Prior to the above approval, permission had been granted to convert the disused agricultural buildings, now known as The Dairy by application W/00/02118/FUL as 2No holiday let units.

The enclosed application relates to one unit known as The Dairy only, whose layout and location is shown on the plan extract inserted on the following page, alongside the other two units referred to above and the subject of the application overall conjoined application proposals.



Planning permission was granted in respect of the above on 6th August 2001 and was subject to the following condition, also restricting its occupation.

Condition 1

Because the creation of separate dwelling units in the manner proposed would be contrary to planning policy for the area, and therefore to enable the Local Planning Authority to ensure that the accommodation hereby permitted is not created, used or sold as separate units of accommodation, the two holiday units, the subject of this application, shall be used for holiday letter ancillary to Church Farm, and for no other purposes. The holiday accommodation shall not be used during the month of November and shall not be sold, or otherwise disposed of separately from Church Farm.

The Proposal

There are effectively two separate applications proposed to remove those conditions listed above, although the attached property to the north of The Dairy is not intended to be assessed as part of the enclosed application, as its independent use has evolved already.

Specifically therefore, the first application seeks,

- Removal of condition Nos 3 and 4 imposed on application 15/03753/FUL regarding Walnut Tree Cottage and Oak Tree Cottage, allowing their unrestricted residential use.

The second application is described as

- Removal of condition No 1 imposed on application W/00/02118/FUL regarding The Dairy, allowing its unrestricted residential use.

It is the purpose of this overarching planning statement therefore to be read in the round, explaining the case to support the three properties' independent residential use. To complete the application assessment there is a third aspect of both submissions, and which can be conditionally controlled, and which seeks to authorise the changes to the site's layout to provide adequate amenity space to serve each independent new dwelling. This of course requires a third application regarding the change of use to create new residential amenity space. The proposed change of use will remove the existing large portal framed barn in its entirely and provide defined sitting out space for my client's existing property to the north, as well as those to the south of that, as part of the overall group too, substantially improving the overall residential environment. The new layout plan and existing aerial view inserted below show the nature of the changes proposed, defining private amenity space in the courtyard created by removing the steel framed agricultural barn that sits at the heart of the group.

The purpose of the proposed applications is to create 3No new dwelling (2No two bedroomed units and 1No three bedroomed unit) within a suitable and enhanced residential environment overall. The removal of the central building can therefore be conditionally controlled, relating to both submissions, ensuring reasonable residential amenity space standards are achieved, thus directly mitigation the reasons given for the conditioned holiday let uses. The same applies to the allocation of parking spaces which are distinct form the commercial units to the east and will utilise the former swimming pool retained area (shown below). Health and safety has effectively meant the provision of a swimming pool is no longer deliverable and that highlights the rather dated nature of the holiday let offer and the reasoning behind the enclosed applications as competition has undermined its viability.

The Development Plan

Section 38 (6) to the Planning and Compulsory Purchase Act 2004 requires that all planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. The main planning policy framework relevant to this proposal is the Wiltshire Core Strategy 2015 (WCS).

The National Planning Policy Framework (NPPF) provides the Government's planning policies for England and explains how they should be applied. It is a material planning consideration along with the online Planning Practice Guidance.

The site is part of the Village Conservation Area and consequently the staturory considerations arising at section 72 to the Planning (Listed Buildings and Conservation Areas Act 1990 apply as the decision maker needs to ensure that the area's character and appearance is preserved or enhanced.

The following policies from the WCS are believed to be relevant to the application proposals are inserted below.

Wiltshire Core Strategy
Core Policy 1 Settlement Strategy;
Core Policy 2 Delivery Strategy;
Core Policy 15 Spatial Strategy: Melksham Community Area;
Core Policy 48 Supporting Rural Life;
Core Policy 50 Biodiversity and Geodiversity;
Core Policy 57 Ensuring High Quality Design and Place Shaping;
Core Policy 60 Sustainable Transport,
Core Policy 61 Transport & Development,
Core Policy 62 Development Impacts on the Transport Network

The main issue is whether the site is an appropriate location for permanent residential dwellings having regard to the WCS and the NPPF. With this in mind, the key planning issues for the determination of the two proposals are;

- The principle of development;
- Highway safety;
- Design and wider landscape impact (Including Heritage Considerations); and
- Residential amenity issues

Principle of Development

In considering the principle of the proposed development, policies CP1, CP2, CP15 and CP48 of the WCS are the key considerations, together with the policies of the NPPF. I will of course review all other material considerations too.

Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the WCS outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages and development should be restricted to within the Limits of Development other than in

exceptional circumstances as set out within the relevant core policies contained within the plan, i.e. the 'exception policies'.

In the Melksham Community Area, where the site is located, the most sustainable location to which most growth is directed is the 'Market Town' of Melksham and Bowerhill village, with the small villages, which includes Broughton Gifford, being able to accommodate some limited growth.

In relation to small villages Core Policy CP2 states:
At Small Villages development will be limited to infill within the existing built area. Proposals for development at Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provides 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 area, and
iii. Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

The supporting text at Paragraph 4.34 clarifies that 'infill' is defined as the filing of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood process or DPDs.'

The above aerial views show how the village has a linear configuration and identifies the application site contextually, as part of the built up limits where new housing would be acceptable in theory as an acceptable addition to the village. Appeal decisions have indicated that proposals up to 4 units accord with the scale of infill development small villages can accommodate. The buildings in question are of course already there, but as the site is not rurally located, particularly considering the Braintree case and the definition of isolated rural development thereat, they would not fall within the scope of policy CP48, which concerns the reuse of rural

buildings. Rather than clear the site as a redevelopment opportunity though the reuse of the previously developed resources is clearly the most logical way forward.

Policy CP48 of the WCS explains the approach that w be taken to support rural communities outside of the existing settlement limits/built areas. As said, this is not believed to be applicable to the enclosed applications.

All three properties have been assessed in the past as acceptable for residential use, reusing the existing buildings, albeit as holiday lets, given the restrictions of the siting assessed at the time, but that was believed to be based on a farm diversification basis and pre-dated the scope of CP48. Indeed application 15/03753/FUL concerned the extension of an existing building and did not therefore consider the use from first principles. The site is part of the village and therefore the provision of new housing is acceptable in principle. Indeed, there is an extant permission that has been commenced (but yet to be progressed) for a new house very near this site (north of Bishop's Seat) granted by application 19/03988/FUL and which therefore confirms the location's acceptability for housing in principle. That presumption is reinforced by the application of the 'tilted balance'.

The NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed to support the Government's objective of significantly boosting the supply of homes" (paragraph 61). The level of need identified within the development plan should not be seen as an upper limit, and new development that is otherwise sustainable should not automatically be refused, in particular in the context of the Council's housing land supply position.

The Council's most up to date Housing Land Supply Statement (HLSS) (Base rate: April 2023-Published June 2024) details that it has 4.2 years of deliverable housing land supply. The Wiltshire Local Plan (WLP) will identify future levels of need for new homes and employment land over the period 2020-2038, and it has reached the Examination 19 stage. However, the evidence that underpins the draft WLP was prepared in accordance with the now superseded December 2023 version of the NPPF.

The Council has therefore published a Briefing Note (No.24-20) which set out the implications of the new NPPF and revisions to the standard methodology on its housing land supply position. It explains that due to the change to the standard methodology, which is used to calculate local housing need, the number of homes the Council must plan for on an annual basis has increased from 1,917 to 3,525 (the annual Local Housing Need figure), an increase of 84%. This is clearly a material change in circumstances.

The Briefing Note explains that "the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately". When the revised Local Housing Need figure is considered against the Council's Housing Land Supply figures which can be delivered within five years, it results in a 2.03 years supply.

Your Council therefore confirms that the tilted balance should be applied to housing application and highlights that "the magnitude of the shortfall in supply is now substantial and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply". This changes the weight to be given to applications for positive additions to the housing supply generally. The Council also advises within the Briefing Note that the application of the presumption in favour of sustainable development should be considered within the national aim of radically boosting the supply of housing.

In terms of the implications for plan-making, it is also confirmed that because the housing requirement in the emerging Local Plan will meet less than 80% of the revised Local Housing Need, the Council will be expected to begin work on a new Local Plan promptly (when the revised plan-making system comes into force in 2025). However, when the new Local Plan is adopted, the five-year Housing Land Supply position will be determined based on the previous Local Housing Need calculation, albeit the updated NPPF requires a 20% buffer to be added, which in essence will require a **six-year** Housing Land Supply position to be demonstrated.

The Director of Planning clearly advises within the above Briefing Note that, "To meet this increased buffer, the council will need to continue to approve planning applications to ensure a sufficient housing land supply can continue to be met at, and beyond, this date". This is obviously not an encouragement to support those that satisfy the Development Plan but to take a more positive approach to growth involving previously developed land and closely related to existing settlements for instance.

In these circumstances, NPPF paragraph 11d advises that policies which are most important for determining the application (which in this case would include Core Policies 1, 2 and 15) should not be considered up to date. As a result, the presumption in favour of sustainable development as set out at Paragraph 11d of the Framework is engaged, so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

It is considered that there would be no adverse impacts associated with the approval of the applications that would significantly and demonstrably outweigh the benefits. In terms of the benefits, the proposed development would result in the provision of new dwellings that would contribute towards the substantial deficit in the Council's five-year housing land supply, which is a significant benefit. The development would also produce short term economic benefits to the construction industry as the properties are updated and the development would also generate ongoing revenue for the Council from Council Tax etc.. There will also be further benefits that would result from the additional support to the vitality of the local community from the future occupiers of the development reflecting the support for rural housing at paragraph 83 to the NPPF. As an effectively brownfield site the development also reduces pressures on greenfield land and will also increase the site's permeability generally.

The NPPF recognises that “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly.” (paragraph 73). The proposal is deliverable within a very short timeframe in light of the established use which will ensure it quickly contributes to the substantial shortfall in the Council’s housing land supply.

In terms of the harms, the development is considered to comply with the spirt of WCS as it is accessible and not isolated as part of the recognised settlement, and prioritises a largely previously developed site, and is therefore in accordance with the NPPF’s encouragement for such development. However, should the Council disagree and identify conflict with the plan-led approach only very limited weight should be attributed to this factor within the overall planning balance because Core Policies 1, 2 and 15 are not only out of date but the scale of the housing deficit is very substantial. The site is well contained, and it has been demonstrated as a result of the removal of the existing utilitarian barn that the development would not result in any site specific harms, and enhances the overall residential amenities of the site, creating an acceptable residential environment and amenity for the wider grouping. The lose of the barn will enhance the wider setting too.

The principle of the new chapter of uses proposed is further supported by the driving force for my client to have to consider ceasing the current letting business.

J Hooper & Son seek a change of use of their holiday cottages to residential lettings against a long term and continuing downturn in available business and an increasingly difficult trading environment. Alongside the financial and economic issues, consideration is also made for succession planning. It would indeed be difficult to imagine anyone else operating the business in the middle of the family farm.

After successfully running the holiday cottages since 2001, it has become very apparent in the past 5 years that the accommodation rental market has become saturated, and a simple online search reveals the vast scale of the increasing competition. This is in part due to the growth in on-line travel agents, such as Airbnb, Booking.com & Vrbo, leading to a huge market of domestic hosts who are able to offer their spare rooms, converted garages and spaces at far more competitive rates than a professional host. A knock-on effect of this is competitive pricing, more choice for guests and a dilution in available business.

The Church Farm operation has also been disadvantaged by the fact that the application properties are larger than generally sought for short stays and also the management of multiple units means my clients cannot accommodate guests for less than 3 nights. The basic costs of laundry, cleaning, repairs and any damages, alongside, taxes, VAT, insurances, commission rates and utilities costs make it financially unviable. The cottages can therefore have long periods of standing empty.

As indicated above it is no longer possible to safely offer the use of the swimming pool, quite apart from the increasing upkeeping costs. This has undermined the family market, who could have been attracted to the larger units. Additionally, both of Broughton Gifford's public houses have been through many changes of ownership resulting in unreliability and inconsistencies in service provision and opening times. Indeed, it is understood that neither pub regularly serve meals, an important factor for booking guests.

The cottage business is simply not in a position employ staff, so in an attempt to maintain standards and keep costs to a minimum, all the laundry, changeovers, and associated jobs are the responsibility of the owners, both of whom are approaching retirement. The Hooper's daughters, both have their own career paths to follow and do not wish to take on the holiday cottages business. Selling the business is not a sound or viable option due to the close proximity of the cottages to the farm and general desirability financially.

On this basis the properties will be rented and by reference to the social aspect of sustainable development at paragraph 8 to the NPPF this is a materially positive consideration. My clients have enquired locally for short term or longer term lets and see there is real pressure in the residential rental market place. Accordingly, the cottages are perfectly placed to make truly affordable rented homes and give local people or re-locators an opportunity to live in a beautiful environment. One of the properties is suitable for the less able too.

The properties are all connected to services etc already and the replacement of the swimming pool area creates a secure parking area, satisfying your Council's adopted parking standards. My client as also have a large covered utility shelter for the provision of cycle storage, bins and recycling boxes.

The dilemma experienced by my clients is not new for the more established holiday let sector and the example of the Apple Cart Barn near Thornhill is noteworthy. Application 20/06214/VAR removed the previous holiday let limitation on the basis it was not viable. The officer's decision report quotes the Local Councillor, who had extensive and unbiased local knowledge, as I've reproduced below.

> *'I acknowledge that there is a shortage of suitable tourist accommodation within Wiltshire as a whole and that tourism is an essential part of our economy and vital to our economic recovery.*
> *That said, Clyffe Pypard is a small community which already has a number of holiday lets. The pub is closed and access to any tourist attractions from here would generally be by car.*
> *A residential dwelling has been permitted under Class Q very close to this property.*
> *In my view, the community would be better served by regularising the permanent residential use of this dwelling. There is currently no local facility which would gain economically from having this remain [sic] as tourist accommodation, as the local pub is closed with no immediate prospect of reopening.*
> *On the other hand, the church and village hall, which are the community facilities within the parish, would benefit from having permanent residents.'*

Highway Safety

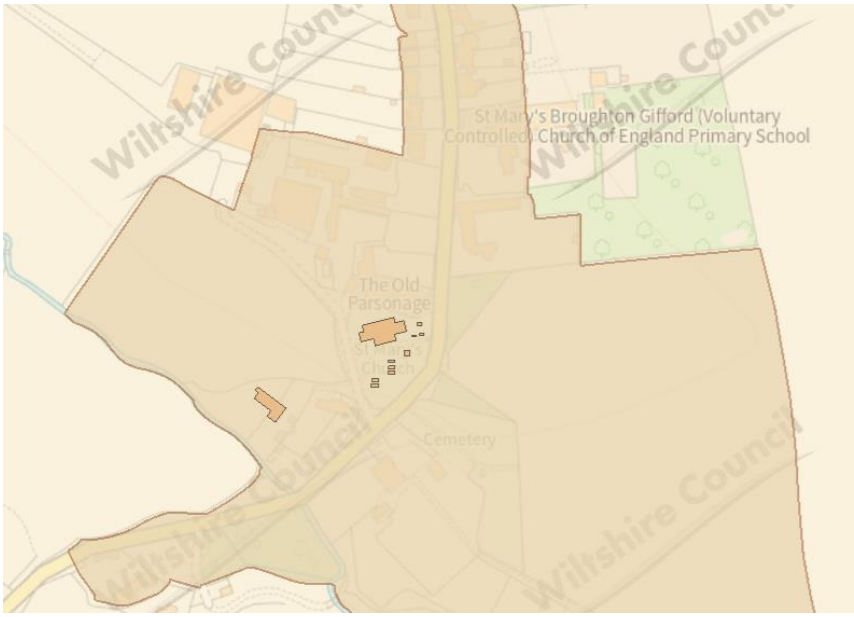
No objections have been substantiated to date indicating that the existing access arrangements are unacceptable and of course the buildings in question already attract regular vehicle moments, both by the visitors but also those servicing the units. There is a wider mix of uses that rely on the access too, without any complaints. It is worth stressing in this regard that many visitors will have travelled long distances to visit the area as part of a driving tour and will be car dependant whilst making whatever day trips are involved. It would not be tenable to suggest that a more permanent residential use will be any more intensive and indeed could reduce the potential movement of vehicles.

There is ample space to park and manoeuvre on site and indicated. Paragraph 115 to the NPPF states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. No such harm exists in this instance, evidenced by the sanctioned and long term usage.

Design and Landscape Impact, (Including Heritage Considerations)

Not only are the application properties already there but the increased provision of available amenity spaces and car parking areas etc means the change in use will not give rise to any externalities not already established, and acceptable to the character and appearance of the area. Indeed, it will enhance the wider setting.

The application site lies in the wider Conservation Area which is shown on the extract from your Council's online policy mapping below, along with the nearest Listed Buildings.



The significance of the designated heritage environment is believed to derive from the historic relationship between the Church and the farm. The application buildings

are part of a group of former agricultural stone built farm buildings that have all been repurposed. In and of themselves they do not present as of high significance, and of course have been much altered. The Planning Practice Guide (PPG), which accompanies the National Planning Policy Framework (NPPF), was amended in February 2024 to remind local authorities that the identification of Non-designated Heritage Assets (NDHA) is a rarity rather than a common occurrence and, if a building is highlighted as such, it should have sufficient justification and plausibility. In other words, just because a building is old, or holds a record on a local Historic Environment Record (HER), it does not mean it should automatically be treated as an NDHA. In fact, the PPG states that "a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets." It is therefore essential that a list of heritage assets of local importance is not de-valued by the inclusion of those which do not meet the criteria.

The built grouping provides historic context in the main, and little else as part of the public realm and as far as the prevailing character and appearance of the area the uses are not materially changed but the area's appearance and historic configuration will be substantially enhanced by the removal of the large, corrugated metal sheeted barn, which makes no positive contribution itself. This enhancement is wide scale too where the village transitions to the countryside, particularly to the south.

Residential Amenity

As above, the spacing and physical impacts of the grouping are unchanged by the relaxed residential usage of the three properties, amongst the overall built grouping, and that existing arrangement of units will maintain the site's acceptable character of use. However of course the reasoning for the imposition of the conditions in question concerns the acceptability of the environment for an unrestricted use. The changes proposed to introduce a substantial increase in the sense of space and thus overall residential amenity mitigate the previously identified short comings and ensure that the proposed new chapter of use will be satisfactorily accommodated. Having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, there is no evidence that the use of three units should not be permitted as permanent residential accommodation juxtapose one another. Parking and access as well as suitable amenity space are all provided, sufficient for a permanent residential use.

Conclusions

It is clear that in terms of the primary issue in this case it has been shown that the proposed change of use of the site is acceptable in principle and accords with both national and local planning policies. However, if there is any doubt then the planning balance can be shown to fully support the sustainable addition to the sanctioned housing mix in this area of the village.

The existing holiday units are an anomaly as part of the wider village and as the market has substantially changed, and they are not financially viable in the long run.

There has been a material change in circumstances since the holiday let units were created as a form of agricultural diversification. Indeed, the site is not an obvious holiday stay destination as more and more short stays are aimed at achieving an escape from settlements and the reasons for the conditional limitations are eminently not now true as the amenity and normal household needs can be fully addressed as a sustainable change of use.

Accordingly, not only is this a suitable site for housing in principle, but the titled housing balance, by reference to paragraph 11 to the NPPF, read in conjunction with your Council's own briefing notes, intended to mitigate the long term undersupply of housing, means boosting the supply of deliverable housing should be supported. That balance is further supported by the visual enhancement to the appearance of the Conservation Area to be achieve by removing the utilitarian barn that sits cheek by jowl with the concentrated residential part of the site.

For the reasons given I trust you have sufficient information to support the enclosed applications, however if you have any queries to ensure your support please do not hesitate to contact me direct.

Yours faithfully

[redacted]

Simon Chambers
Director

Enc.

Cc Mr and Mrs Hooper

DELEGATED REPORT

APPLICATION REFERENCE:	**PL/2025/04687, PL/2025/04688, PL/2025/04689**
APPLICATION TYPE:	**Full planning**

SITE ADDRESSES:	**PL/2025/04687 = The Dairy, Church Farm, The Street, Broughton Gifford SN12 8PR** **PL/2025/04688 = Walnut Tree Cottage & Oak Tree Cottage, Church Farm, The Street, Broughton Gifford SN12 8PR** **PL/2025/04689 = Church Farm, The Street, Broughton Gifford SN12 8PR**
PROPOSALS:	**PL/2025/04687 = Proposed use of the existing holiday accommodation as unrestricted self-contained Class C3 unit (1 dwelling).** **PL/2025/04688 = Proposed use of the existing holiday accommodation as unrestricted self-contained Class C3 units (2 dwellings).** **PL/2025/04689 = Removal of steel framed barn to facilitate the change of use of land for use as residential gardens/amenity space, together with the provision of new parking spaces.**
RECOMMENDATION:	**Approve subject to conditions**

PROPOSAL

Procedural note:

Initially applications PL/2025/04687 and PL/2025/04688 were submitted as variation applications to the original planning permissions that sought approval for holiday let accommodation. However, based on the *Finney* case after discussion with the applicant these have been amended to full planning applications. The intention here (whilst acknowledging that the use class of holiday lets and open market accommodation are both C3, just that the former is controlled by condition) is to avoid granting approval for a variation of condition that alters the operational element of the original permissions.

The applications:

These are 3 separate planning applications that cumulatively seek to gain planning approval for 3 holiday lets (The Dairy, Walnut Tree Cottage and Oak Tree Cottage) to be used as 3 open market C3 dwellinghouses with ancillary outside amenity space and dedicated car parking. This will be achieved through the demolition of a steel frame agricultural building, change of use of land and ancillary works to create gardens and parking. This also creates garden and parking to Church Farm.

The original permissions as set out in the planning history including conditions restricting the existing occupation of the holiday lets so that they cannot be occupied as permanent / principle residence.

SITE DESCRIPTION/CONTEXT
The application site varies across the 3 planning applications based on the original submissions being s73 variation cases which necessarily had the same red lines as the original planning approvals.

However, in short the context here is an established agricultural yard with converted farm buildings being occupied as C3 dwellings (4 in total, but 3 with conditions restricting the occupation to holiday lets). The buildings are of a traditional nature and form an enclosure around a yard. The yard is occupied by a modern steel frame structure.

The site is within the designated Broughton Gifford Conservation area with the Grade I listed St Mary's Church to the south east. To the north west are larger, modern agricultural buildings with open countryside beyond. To the south of the Church Farm complex is a bridleway (BGIF20).The site is located outside of any source of flood risk.

Figure 1 – Image of farm yard and covering barn taken from the south with rooflights of Walnut Tree Cottage and Oak Tree Cottage to the right.

Figure 2 – Image of barn and relationship to building to Church Farm

Figure 3 – Image of barn and relationship to building to The Diary

PLANNING HISTORY (extract of the most relevant history)

W/00/02118/FUL (original application to PL/2025/04687, The Dairy)
Conversion of agricultural buildings to provide 2 units of holiday accommodation – Permission subject to conditions on 6 August 2001

- *Condition 1 states: Because the creation of separate dwelling units in the manner proposed would be contrary to planning policy for the area, and therefore to enable the Local Planning Authority to ensure that the accommodation hereby permitted is not created, used, or sold as separate units of accommodation, the two holiday units the subject of this application shall be used for holiday letting ancillary to Church Farm, and for no other purposes. The holiday accommodation shall not be used during the month of November and shall not be sold or otherwise disposed of separately from Church Farm*

W/08/00930/FUL (Church Farm)
Change of use and conversion of existing barn to holiday let unit – Permission subject to conditions on 13 May 2008

- *Condition 3 states: The dwelling shall be used as holiday accommodation and not as permanent residential accommodation, and it shall not be occupied during the month of February. REASON: This site is in an area where residential development would not normally be permitted.*
- *Condition 5 states: The accommodation hereby permitted shall be used for holiday letting ancillary to Church Farm and shall not be used or sold as separate units of accommodation. REASON: The creation of a separate dwelling unit would be contrary to planning policy for the area.*

15/03753/FUL (original application to PL/2025/04688, Walnut Tree Cottage and Oak Tree Cottage)
Proposed conversion of existing substantial holiday let to form 2 No holiday lets - Permission subject to conditions on 17 June 2015

- *Condition 3 states: No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than [time period] in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period. REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.*
- *Condition 4 states: The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make such information available at all reasonable times to the Local Planning Authority. REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of*

residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Development Plan:

Wiltshire Core Strategy (WCS)
CP1: Settlement Strategy
CP2: Delivery Strategy
CP15: Spatial Strategy: Melksham Community Area
CP41: Sustainable Construction and Low Carbon Energy
CP48: Supporting Rural Life
CP50: Biodiversity and Geodiversity
CP51: Landscape
CP57: Ensuring High Quality Design and Place Shaping
CP58: Ensuring the Conservation of the Historic Environment
CP60: Sustainable Transport
CP61: Transport and Development
CP62: Development Impacts on the Transport Network
CP64: Demand Management
CP67: Flood Risk
CP68: Water Resources

Any other material considerations:
National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Wiltshire Design Guide (WDG)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special attention to the desirability of preserving or enhancing the character and appearance of any buildings or other land in a conservation area.

ISSUES

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on heritage assets;
- Impact on the living conditions of existing and future occupiers of surrounding homes and the development itself;
- Highway safety;
- Flood risk and Drainage;
- Ecology and biodiversity; and
- Any other material considerations.

CONSULTATION

Broughton Gifford Parish Council: No objection on all 3 cases.

Wiltshire Council highways officer: No objection on all 3 cases.

REPRESENTATIONS

The applications have been subject to statutory consultation including letters to neighbouring properties. No comments have been received on any of the 3 cases.

ASSESSMENT

Principle of development:

Broughton Gifford is designated as a small village within CP15 of the development plan. CP2 sets out that *"at small villages development will be limited to infill within the existing built area. Proposals for development at the small villages will be supported where they seek to meet housing needs of settlements…."* (subject to additional criteria). The proposed development would provide 3 open market dwellings (1x1-bed and 2x 2-bed).

However, given that this is proposal is about reuse of rural buildings they do not neatly fit the requirements of infill, which is more about new build development. Furthermore, the applicant has not advanced evidence that this will meet a local housing need – although it is known that there is a shortfall in housing land supply across Wiltshire. There is a paucity of information in relation to the housing needs of Broughton Gifford for open market accommodation. As such, it is concluded that the proposals have some conflict with CP2 of the development plan in principle based on the information provided.

Nonetheless the detailed criteria have been given consideration in order to understand if there is any detailed conflict with the policy:

i. Respects the existing character and form of the settlement. This will be given detailed assessment below, but in short it is considered that the 3 applications will respect the existing character and form of the settlement.
ii. Elongate the village or impose development in sensitive landscape areas. The proposals would not elongate the village given the siting within the farm complex, in existing buildings which are within one of the clusters around the southern part of Broughton Gifford.
iii. Consolidate existing sporadic loose knit areas of development. Broughton Gifford is itself a rather loose knit settlement. However given that the proposal is for reuse of existing residential accommodation and part of a cluster of development around St Mary's Church and the village school, then this criteria does not pose any significant issues in this specific case.

The proposed occupation of The Dairy, Walnut Tree Cottage and Oak Tree Cottage has historically been restricted to holiday accommodation. This is in part because it is what was being applied for at the time, and that was based on policies and circumstances from 2001 and 2015. The applications that gained consent for residential uses were conversion of existing buildings. There remains a hierarchical approach to conversion and reuse of rural buildings under CP48 of the development plan. This includes tourist use at the top of the hierarchy. It goes on to establish lower down the hierarchy that *"where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria".*

It is relevant to consider that the buildings have already been converted. However arguably the proposal is a form of 'reuse' making CP48 relevant. This policy is considered to be a relevant material consideration providing a context for how reuse of rural buildings ought to be considered as an exemption to the settlement and delivery strategy for new housing under CP1 and CP2, where as set out above there is conflict.

The application has been submitted with a commentary that sets out that the holiday lets are proving to be unviable. However, this can be afforded only very limited weight given the lack of supporting information to

evidence that assertion. As such, it is not considered that the *"clear evidence"* test has been satisfied such as to conclude that the proposals would be acceptable, in principle, under CP48. There is at least some principle conflict here.

Nonetheless the detailed criteria have been given consideration in order to understand if there is any detailed conflict with the policy as well:

i) Structurally sound. The buildings are in residential use as holiday lets and no conversion work is proposed or necessary. As such the proposal would not impact the character of the 3 units.
ii) Character and appearance of the landscape / amenities of residential areas. This will be given detailed assessment below, but in short it is considered that the 3 applications will result in an enhancement when considered as a whole.
iii) Access and infrastructure. The conversion has already taken place and as such the units have adequate access and infrastructure such as power, foul drainage, water supplies and access to the highway.
iv) Access to local services. Whilst located within a small village which is elongated and rather disparate there are some local facilities such as a church and school within safe and convenient walking distance. Further services and facilities can be access by the limited public transport and by private vehicle at nearby market towns (Melksham and Bradford on Avon) and principal settlement (Trowbridge). This is given further consideration below.
v) Conversion and reuse of a heritage asset. Whilst the 3 units are not designated heritage assets they are located within the Broughton Gifford Conservation Area. This will be given detailed assessment below, but in short it is considered that the 3 applications taken as a whole will result in an enhancement to the Conservation Area and should avoid the buildings falling into disrepair by finding a viable long term use to the buildings and enhancing the appearance of a traditional farmstead.

In summary it is considered that this is a form of development that does not neatly fit within the development plan policy considerations. As set out above, there is some principal conflict with CP1, CP2, CP15 and CP48 of the development plan in relation to the provision of 3 new open market homes reusing rural buildings that are currently holiday lets. However, the detailed criteria within CP2 and CP48 have been given some consideration and in these terms, there is little if any demonstrable harm.

Indeed through the demolition, change of use of land and ancillary works to create gardens and parking some potential to enhance planning interests can occur through granting planning permission to the 3 cases. This will be further assessed below before moving onto other material considerations such as housing land supply and the consultation responses.

<u>Impact on the character and appearance of the area:</u>
The proposed works to demolish the existing modern agricultural barn from the centre of the courtyard would be a positive alteration to the site allowing the more traditional buildings to be better expressed. The associated change of use of the land and provision of curtilages to the existing holiday lets would likewise be a modest improvement to the character and appearance of the area.

Allowing The Dairy, Walnut Tree Cottage and Oak Tree Cottage to be occupied without restriction would be likely to ensure that the buildings would be better maintained through securing a viable use. This is likely to be a neutral impact in the short term, but longer term have some modest benefit.

<u>Impact on heritage assets:</u>
The proposal would be within the Broughton Gifford Conservation Area (CA) and the setting of the Grade I listed St Mary's Church.

The significance of the CA at this point is derived from the rural setting around St Mary's Church including Church Farm and its agricultural association. Over time the farming practices have and will continue to

evolve. In more recent times this has resulted in large steel framed buildings being erected. The proposal to remove the barn would have a positive impact on the CA because it would allow the traditional farmyard to be better expressed and facilitate a return towards the more historic arrangement at Church Farm. Allowing the use of the building for unrestricted occupation will have a neutral impact in heritage terms. As such the proposals would be an enhancement to the conservation area's character and appearance. The proposal would accord with CP58, the NPPF and the statutory duty under s72.

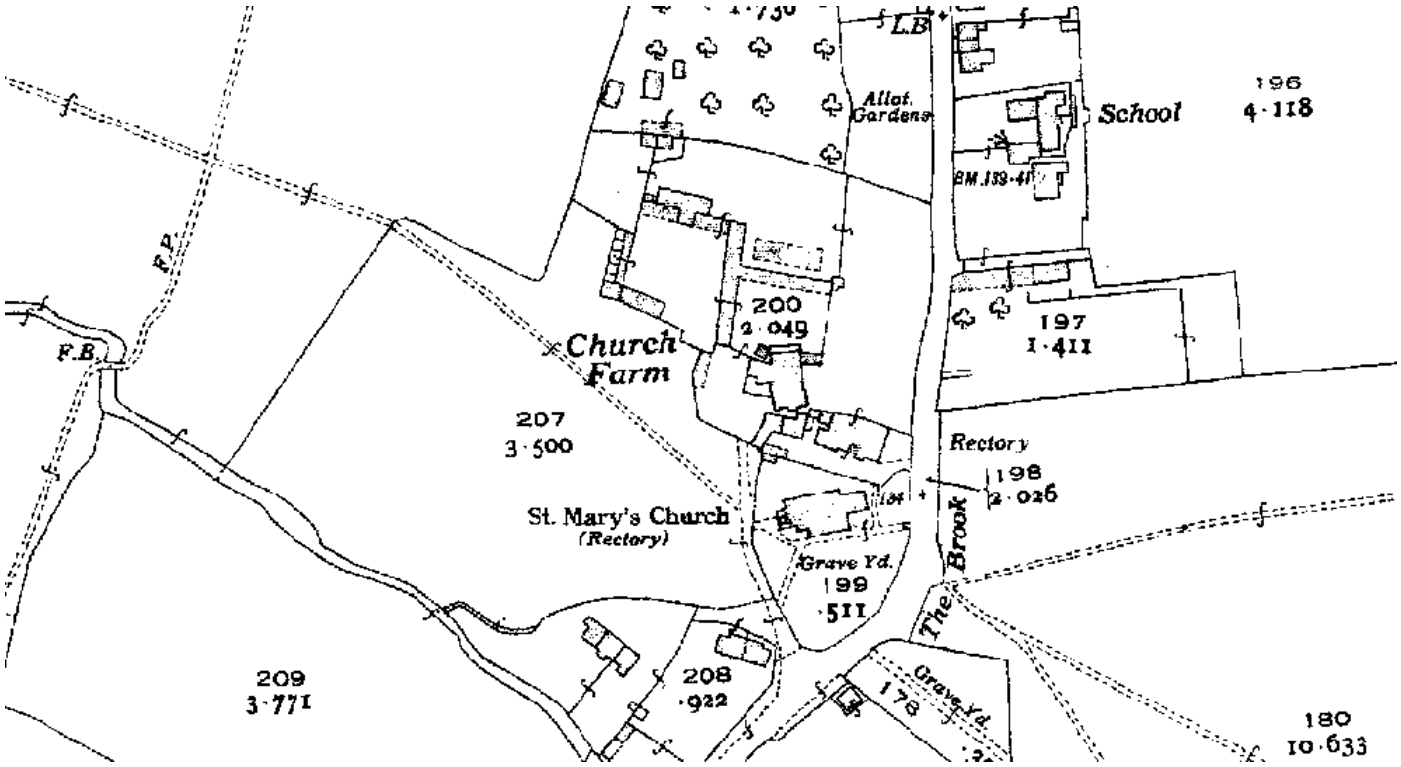


Figure 4: Location circa 1924-1952 with no barn within the courtyard.

For the same reasons the proposal would enhance the setting of the Grade I listed St Mary's Church. However, due to the intervening separation distances and built form the enhancement would be more modest. Nonetheless, the proposal accords with CP58, the NPPF and the statutory duty under s66.

There would be no impact on other heritage impacts including the various listed structures within the churchyard and to the south west at Brook Cottages (all Grade II listed).

<u>Impact on the living conditions of existing and future occupiers of surrounding homes and the development itself:</u>
The proposals to remove the steel framed building, change the use of the land to provide amenity spaces and allow the unrestricted occupation of the units would not have a demonstrable impact to existing neighbours. Impacts from noise and activity in the area might change but largely depend on the behaviour of future residents. In planning it is necessary to consider usual behaviour.

Through the demolition of the steel framed structure and creation of the amenity spaces for the dwellings then future occupiers would have the benefit of reasonable outside space, outlook and privacy.

In summary, the proposals would accord with CP57 of the development plan.

<u>Highway safety:</u>
The proposals would make use of an existing private access that runs to the C-classified road through the village. Off the private track BGIF20 runs through the field to the south of the site.

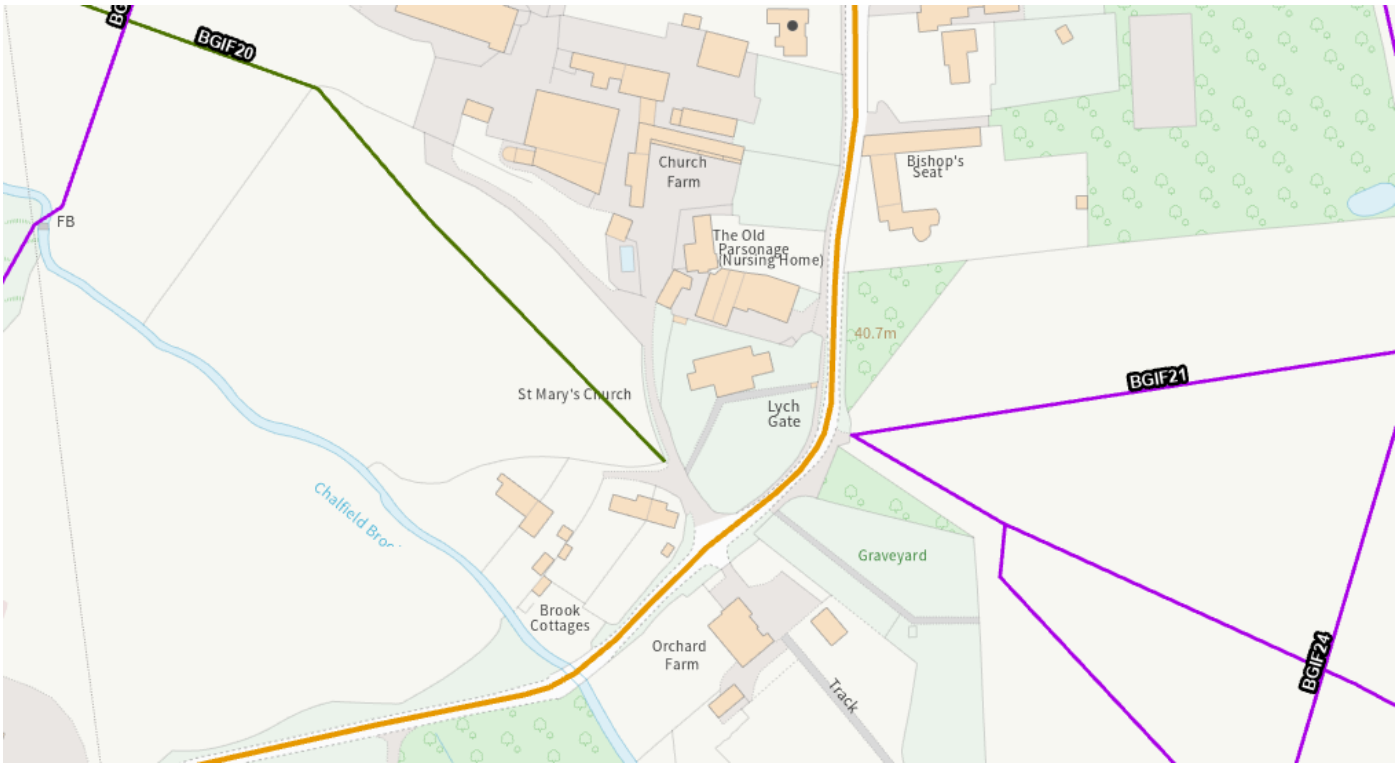


Figure 5 – Plans showing the private track (unmarked), the C-classified highway (orange and BGIF20 bridleway (green).

The proposal would provide dedicated parking to meet minimum residential standards. There may be some modest increase in movements but this would not result in any harm including to the right of way (BGIF20) or existing junction of the private track to the public highway. Highway officers raise no technical objections on safety grounds.

The proposals would allow unrestricted occupation of three dwellings. There are a significant lack of local services and facilities within Broughton Gifford reflective of its status as a small village and the general decline in rural facilities. There are bus services running past the church that will serve for some limited journeys. There will likely be a reliance on private car use for the majority of trips associated with the 3 dwellings, much like the holiday lets. Permanent occupation is likely to result in more trips than holiday lets given the expectation that the homes will be occupied more frequently than the holidays lets.

The likely additional trips associated with unrestricted occupation weighs slightly against the proposals in light of the principle conflict with CP1, CP2, CP15 and CP48. As such, it is concluded that the proposals to allow unrestricted occupation of The Dairy, Walnut Tree Cottage and Oak Tree Cottage would have some conflict with CP60 and CP61 of the development plan that aim to reduce the reliance on the private car through well planned development.

<u>Flood risk and Drainage:</u>
The proposals would be located within flood zone 1, the lowest possibility of fluvial flood risk. Furthermore, EA mapping does not identify any elevated surface water flood risk. In terms of ground water flood risk the Strategic Flood Risk Assessment sets this out as a location with negligible risk. As such, this is not considered to be a site at risk from any sources of flooding.

The proposals offer the opportunity through the removal of the steel framed barn and change of use of the land to improve drainage through the provision of permeable surfaces. This is of some negligible benefit and the proposals comply with CP67 and the NPPF/PPG.

Ecology and biodiversity:
Similarly, the proposals offer the potential for some modest enhancement in terms of ecology interests through soft landscaping associated with the provision of outside amenity spaces. Arguably this is counterbalanced by the loss of the steel framed building that will have offered opportunity for nesting birds. An informative is considered proportionate to the risk here to remind the developer of their responsibilities to avoid disturbance to protected species and nesting birds. It is assessed that the proposal would have a broadly neutral impact on biodiversity.

In terms of Biodiversity Net Gain the applicant has set out that the proposals would be exempt and I have no reason to reach an alternative conclusion in this instance.

Any other material considerations:
5 year housing land supply:
It is important to note that the proposals would provide 3 dwellingshouses with unrestricted occupation. This would be positive in terms of meeting the clearly established need for more housing within Wiltshire. There is currently a housing land supply of 2.42 years. This is less than the required 5 years and this means that the development policies are out of date with regard to paragraph 11d of the NPPF. Whilst the site is within a designated heritage asset (CA) and the setting of a Grade I listed building I have identified that no harm to these assets would occur. Indeed some minor enhancement would be achieved. Given this and that no other strong reason for refusing the development has been found having regard to “protected areas or assets of particular importance” then the tilted balance of paragraph 11d is engaged.

Planning benefits:
The proposals would result in a number of planning benefits including:

- the provision of unrestricted housing within a county that has an identified need;
- the proposals would provide a range of accommodation including 1- and 2-bedroom housing;
- provision of additional occupation in the village that can help to support local rural services and facilities;
- provision of income from taxes including items such as Council Tax receipts;
- enhancements to the character and appearance of the CA;
- modest enhancements to the setting of a Grade I listed building;
- provision of additional employment through the construction period;
- modest enhancements to on-site drainage;
- making an effective use of the land; and
- supporting an established agricultural activity which has invested in a holiday let diversification project and finds it is no longer commercially beneficial.

Consultation response:
The lack of any objections to any of the 3 applications is material to the application.

PLANNING BALANCE AND CONCLUSION
Many of these benefits would be proportionate to the limited scale of development (3 homes) and this means that they attract only modest weight in favour of granting planning approval.

The harms that have been identified are a technical principle conflict with the development plan at CP1, CP2, CP15, CP48, CP60 and CP61 in relation to the creation of new dwellings in a small village or open countryside location where there will be a reliance on the private car for most journeys. However, the harm and weight that is afforded to this is diminished because the dwellings are existing albeit with restricted occupation.

Therefore, in conclusion it is assessed that there are no protected areas or assets of particular importance that provide a strong reason for refusing the proposed development. Furthermore, there are various

benefits that weigh in favour of granting consent based on the specific circumstances of this particular set of 3 planning applications. The harms that have been identified against the development plan do not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions:

PL/2025/04689:

1.
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

LPC 4589 EX 200 – Location Plan – received on 27 May 2025
LPC 4589 EX 202 – Site Plan Existing – received on 27 May 2025
SWLC.LPC4589 – Covering Letter dated 22nd May 2025 – received on 27 May 2025
LPC 4589 PR 201B – Site Plan Proposed – received on 21 July 2025

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

3.
No landscaping works detailed on drawing LPC 4589 PR 201B shall be carried out until the building has been demolished and all the demolition materials and debris resulting there from has been removed from the site.

REASON: To ensure a satisfactory context has been provided that protects the living conditions of future occupiers, and protects the character and appearance of designated heritage assets.

INFORMATIVE:
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

PL/2025/04687

1.
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

LPC 4589 EX 600 – Location Plan – received on 11 June 2025
SWLC.LPC4589 – Covering Letter dated 22nd May 2025 – received on 27 May 2025

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

3.
The development hereby approved shall not be first occupied as permanent residential accommodation until the adjacent barn has been demolished and landscaping, drainage and parking has been provided in accordance with the approved details of planning permission PL/2025/04689 (so far as relates to 'The Dairy').

REASON: To ensure a satisfactory context has been provided that protects the living conditions of future occupiers, and provides adequate levels of private vehicle parking to meet the needs of the development.

PL/2025/04688
1.
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

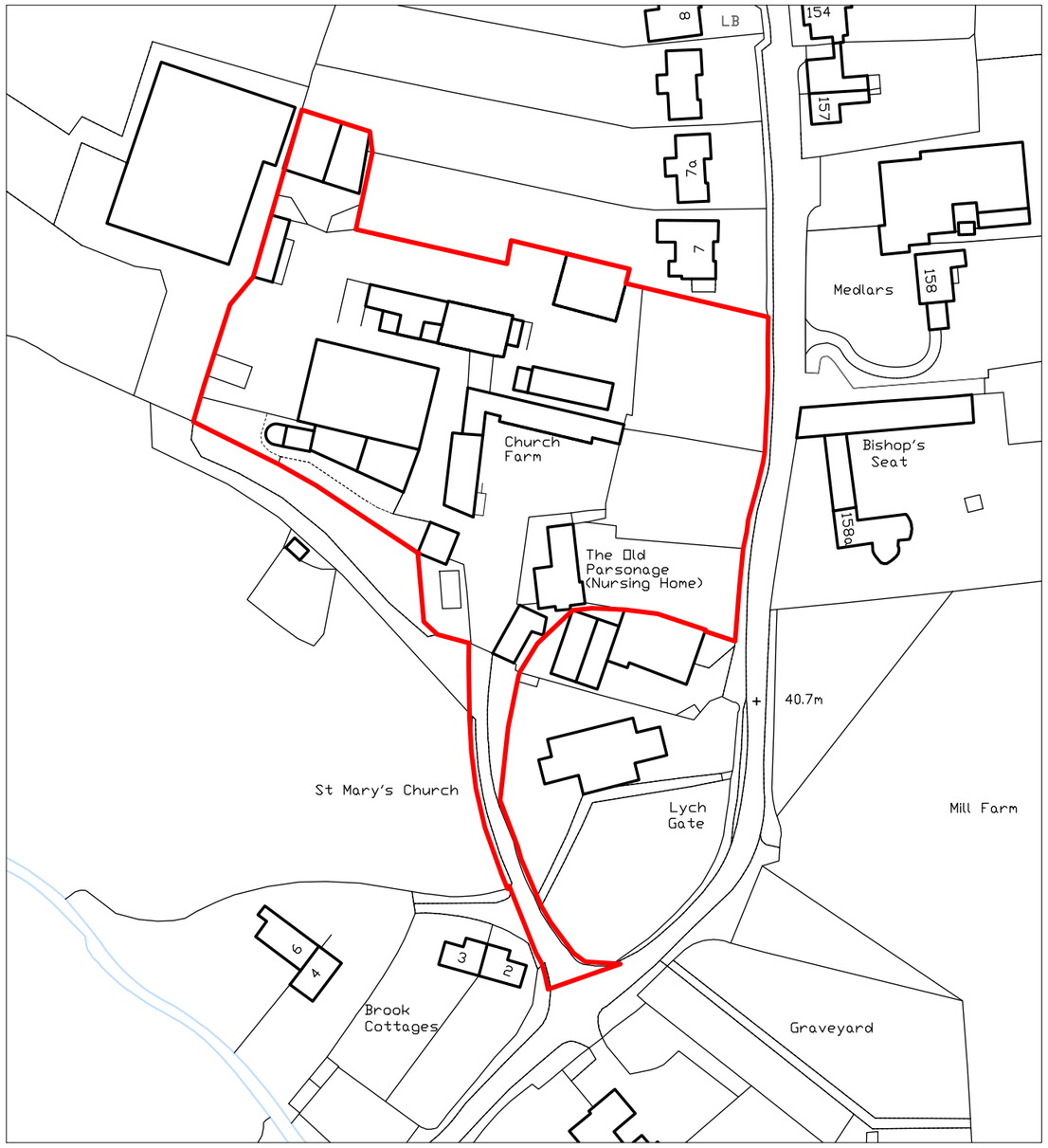
2.
The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

LPC 4589 EX 500 – Location Plan – received on 5 June 2025
SWLC.LPC4589 – Covering Letter dated 22nd May 2025 – received on 27 May 2025

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

3.
The development hereby approved shall not be first occupied as permanent residential accommodation until the adjacent barn has been demolished and landscaping, drainage and parking has been provided in accordance with the approved details of planning permission PL/2025/04689 (so far as relates to 'Walnut Tree Cottage' and 'Oak Tree Cottage').

REASON: To ensure a satisfactory context has been provided that protects the living conditions of future occupiers, and provides adequate levels of private vehicle parking to meet the needs of the development.



LOCATION PLAN 1:1250

Ordnance Survey Licence No: 100037384

0 20 40
Metres

Rev Date Notes

TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

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Client
Mr & Mrs Hooper

Project
Church Farm, Broughton Gifford, Melksham SN12 8PR

Drawing
LOCATION PLAN

Date: June 2025 Scale: 1:1250 @ A3

Drawing Number
LPC 4589 EX 600