

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/08198
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	ORCHARD LODGE, THE PIPPIN, CALNE
DEVELOPMENT DESCRIPTION:	Change of Use of Commercial Unit 3 (Use Class E) to Residential Accommodation (Use Class C3)
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The site consists of an existing ground floor unit set within a mixed-use building now known as 'Orchard Lodge' which originally comprised a total of 4no. retail units at ground floor level and 39no. apartments for older people along with associated facilities at first and second floor levels. Commercial Unit 4, has since been converted into an additional apartment for older people.

This specific site (unit) sits in the south-east corner of Orchard Lodge, forming an integral part of that building, and fronts The Pippin highway to the east and an access road to the south, beyond which is a public car park. The site lies within the Calne Conservation Area and there are number of listed buildings surrounding Orchard Lodge, including Zion Chapel to the north beyond a service lane (Grade II), and a number of buildings to the west which front High Street (Grade II).

PROPOSAL

The application seeks permission for the change of use of 1no. of the remaining 3. approved retail units to residential use. The living accommodation will comprise a 2-bed unit with associated living spaces. To facilitate this proposed change of use some minor external alterations are proposed with the external retail entrance door being replaced with a bedroom window and the unit will thus be accessed from an internal corridor within Orchard Lodge.

Running concurrently with this application, PL/2025/08197 seeks permission for the change of use of Unit 1 (another commercial unit within the development) to residential use.

PLANNING HISTORY

The site has an extensive history including numerous discharge of conditions and earlier refusals however applications most pertinent to the proposal are set out below.

Proposal / Summary
19/03435/FUL - Full planning permission Decision - Refused Date: 31/1/2020 – 39 Apartments for older people (sixty years of age and/or partner over fifty-five years of age), Guest Apartment, Communal Facilities, Access, Car Parking, Landscaping and 4 Retail Units. APPEAL ALLOWED

PL/2023/09367 - Full planning permission Decision - Refuse Date: 26/1/2024 – Change of Use of Commercial Unit 4 (Use Class E) to Residential Accommodation (Use Class C3) ALLOWED AT APPEAL

PL/2025/08197 - Full planning permission – Change of Use of Commercial Unit 1 (Use Class E) to Residential Accommodation (Use Class C3) UNDER CONSIDERATION

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 development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

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

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 8 Spatial Strategy for the Calne Community Area.
- Core Policy 38 Retail and Leisure
- 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;

North Wiltshire Local Plan 2011, Saved Policies (2006)

Policy R2 – Town centre secondary frontage areas

Calne Community Neighbourhood Plan (2023-2038)

Policy WS1 – Protecting and Promoting Sustainable, Low Carbon Local Employment

Policy WS4 – Calne Town Centre

Policy H4 – Housing to meet the needs of Older People and those Living with Disabilities

Policy BE2 – Heritage Assets

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
- Wiltshire Council's Waste Core Strategy, adopted July 2009
- Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017
- Air Quality SPD (July 2023)

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 scheme would preserve or enhance the historic environment (CP 58)
- 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)

CONSULTATION RESPONSES

The views of consultees are material considerations in the determination of the application. However, the decision-maker must exercise their own planning judgement. Where consultees raise concerns or recommend conditions, these have been considered and are addressed within the assessment section of this report.

WC Highways: No objection

'The conversion of 2 number units from commercial to dwellings would add to the total number of residential units within the Churchill property at The Pippin.

It would be difficult for a highway objection to be raised as the parking provision and means of access remain as originally permitted. The additional dwellings provided there is not a rise in parking demand would raise no highway objection, provided the additional units do not cause a significant rise in parking demand I would not wish to raise a highway objection. There has been a suggestion that the extra units will be restricted to more dependant occupants less likely to own cars.

I would not wish to raise a highway objection.'

Calne Town Council: Object

'The proposed change of use from commercial to residential for Unit 1, Orchard Lodge, is contrary to the Calne Community Neighbourhood Plan 2, which explicitly seeks to protect and enhance commercial provision within the town centre. The Planning Inspector's earlier decision required the provision of commercial space in this location, and the subsequent marketing of the units on non-viable terms does not demonstrate that the loss of such space can be justified.

- *Neighbourhood Plan Policy Context* The Calne Community Neighbourhood Plan 2 (2023–2038) sets out clear objectives to maintain and strengthen the vitality of Calne’s town centre. It emphasises the importance of retaining commercial and employment uses in designated town centre areas to support economic sustainability and community vibrancy.
- *Inspector’s Requirement* When permission was originally granted for Orchard Lodge, the Planning Inspector required the provision of commercial space as part of the town centre development. This condition was imposed to ensure compliance with both local and neighbourhood planning policy, safeguarding the balance between residential and commercial uses.
- *Marketing Evidence* The units have not been advertised on viable commercial terms, therefore not fulfilling the requirement to test market demand. The absence of uptake does not override the policy requirement, as the Neighbourhood Plan prioritises the long-term retention of commercial opportunities over short-term market fluctuations.
- *Policy Conflict* Allowing the change of use to residential would result in the loss of designated commercial space in the town centre, directly undermining the Neighbourhood Plan’s objectives. This would weaken the economic role of the town centre, reduce opportunities for local businesses, and conflict with the Inspector’s original decision.
- *Conclusion* The proposal is therefore contrary to Calne Community Neighbourhood Plan 2 (2023-2038), which requires the protection of commercial space in town centre locations. The Inspector’s condition, combined with the lack of viable marketing, reinforces that the loss of these units to residential use is unacceptable in planning policy terms.’

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site;

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

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.

No comments were received

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.

The assessment below considers each of the main issues identified above. Each topic is assessed in turn with reference to the relevant policy context, the evidence submitted, consultee responses, and all other material considerations, before a conclusion is reached.

Principle of Development

Policy Context

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 (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

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.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

The driving force of Section 7 of the NPPF is to ensure the vitality of town centres is supported by: "... taking a positive approach to their growth, management and adaptation" (paragraph 90). It continues on to advise that planning policies should: "... *define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such*

locations, as part of a positive strategy for the future of each centre.” and “retain and enhance existing markets and, where appropriate, re-introduce or create new ones.” In line with this national guidance, areas within the central area of Calne have been designated as ‘Town centre primary frontage area’ and ‘Town centre secondary frontage area’ – this application site falls within the latter.

Within this area, Core Policy 38 (WCS) and Saved Policy R2 (NWLP) are relevant. The former sets out the sequential approach to retail and / or leisure uses, aiming to ensure that such development is: “... *on the most central site available.*” The supporting text to this policy introduces the Council’s aim that: “*The Core Strategy seeks to enhance the vitality and viability of the town centres in Wiltshire through policies promoting the regeneration of central areas and delivery of new growth at settlements to support the vitality of centres*” (para.6.24). It continues on to state that: “*In line with government policy town centres, as well as primary and secondary retail frontages, should be identified on the policies map, with policies making clear which uses will be permitted in such locations*” (para.6.25).

Similarly, Saved Policy R2 seeks to support the vitality and viability of town centres. At paragraph 11.5, the supporting text notes the importance that retail, offices and community and leisure uses can bring to supporting the vitality and viability of town centres; that paragraph also confirms the aim of ensuring that: “... *retailing remains the primary function of town centres.*”

Policy WS4 Calne Town Centre CCNP2 is supportive of main town centre uses within the Town Centre Boundary and within the Primacy Shopping Area. Objectives of the plan are to support growth of retail operations in the town centre and provide an accessible vibrant centre which supports an active community.

Assessment

As set out above and as per comments from Calne Town Council, policies seek to maintain the vitality and viability of town centres. Conditions on the original permission for the development also required that 4No units remain as retail for these purposes. There is no requirement within Policy R2 to demonstrate that the use as retail is before other uses can be considered. In this instance however the unit has been marketed, and the full marketing statement submitted.

The permitted use of the unit, falling within Class E, makes it available for a number of different occupants although subject to certain use restrictions due to its relationship with housing for older people.

The three remaining commercial units on the ground floor of the Orchard Lodge development are currently being marketed Units 1 and 3 are vacant with Unit 2 being used as the sales office for the wider development of residential retirement apartments.

The marketing report sets out how units 1 and 3 have been marketed since 2023 and were offered as ‘shell units’ without any internal fixtures or fittings. Following a lack of interest in the units both were fitted out at a cost of approximately £50,000 combined including a toilet,

kitchenette, dropped ceiling, lighting, electrical sockets and carpeting. The units were then remarketed at the same amounts despite the amount of capital investment.

Following the fitout there was renewed interest however no offers were made. The marketing report sets out in full individual reasons for this, however key reasons were as follows;

- Lack of public footfall, unit 1 fronts a service yard and unit 3 is elevated and set back from the road
- Lack of parking / dedicated parking spaces
- Market uncertainty leading to lack of lease commitment

Comments received from the Town Council suggest that the units have not been marketed at a reasonable rate however it is notable that numerous enquiries were made in full knowledge of these figures before it was determined that the units were unsuitable for a variety of reasons. In addition to the capital expenditure, it is further noted that the Inspector on the previous application for unit 4 was satisfied with the original marketing of the property.

The neighbourhood plan is permissive of Town Centre uses and proposals which support the growth of retail operations. Policy WS4 is not a restrictive policy. The units have not been in active commercial use and as such do not currently contribute to the vitality or viability of the town centre. As acknowledged by the Planning Inspector for PL/2023/09367, residential uses are not incompatible with a town centre with specialist housing for different groups including older people, such as proposed here, being recognised as playing an important role in ensuring the vitality of town centres, as explained in the Planning Practice Guidance. The applicant has agreed to a planning condition which restricts occupation to older people as per the conditions on the previous application on the adjacent unit.

The applicant has undertaken a reasonable marketing exercise which has not yielded any viable firm offers. It is not considered that the proposal would undermine the objective of local or national policy which seeks to support the vitality of town centres, recognising that residential development can contribute to this.

5 Year Housing Land Supply

The Wiltshire Housing Land Supply Statement (June 2025) provides the latest position on the Council's ability to demonstrate a five-year supply of deliverable housing land, which is a material consideration in the determination of planning applications.

The National Planning Policy Framework was revised in December 2024. This has reintroduced the requirement to meet five years' worth of deliverable sites and a buffer to be applied to the five-year housing requirement in all circumstances, and has revised the Local Housing Need calculation to establish the five-year housing requirement. These factors have resulted in a substantial increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The resulting position shows that the Council can currently demonstrate a 2.8 years housing land supply of housing at a unitary authority level. This is considered to be a substantial shortfall.

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the National Planning Policy Framework (NPPF), for applications involving the provision of housing, where there is a shortfall in the supply of deliverable housing sites, the most important policies for determining the application should be considered out of date. The current housing land supply shortfall is a factor that must be considered in the planning balance and in this case, as a five-year housing land supply cannot be demonstrated, the weight that can be applied to the most important policies for determining this application should be assessed and altered in the light of the shortage in housing land supply. The proposal must be assessed against the national policy context of the need to boost housing supply and the benefits of delivering new homes whilst having particular regard to the key policies set out in paragraph 11(d)(ii) and Footnote 9 of the NPPF

Design and Impact on the Character and Appearance of the Area including Heritage

Policy Context

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development

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

In assessing this aspect of the proposal, regard has been had to the site context, the details of the proposed development, the relevant development plan policies, and all other material considerations. The key considerations are set out below.

The site falls within the designated conservation area. In this instance the Councils Conservation Officer has not been consulted given the minimal external changes and lack of objection to the proposal approved on the adjacent unit which the Planning Inspector under PL/2023/09367 has concurred with.

Given the very minimal external changes required, the impact on this designated heritage asset, as well as the setting of nearby listed buildings, is considered to be neutral and there is no conflict with Core Policies 57, 58 or Section 16 of the NPPF arising.

Amenity

Policy Context

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.

These policies guide the assessment of amenity impacts. Each of the below matters has been assessed having regard to the specific site context and layout of the proposal.

The use of the unit for residential rather than retail purposes is not considered to give rise to any particular amenity issues or impacts. There is not considered to be any conflict arising with Core Policy 57 or Section 12 of the NPPF which would warrant refusal of the application for any specific amenity reasons.

Highways Impacts and Parking

Policy Context

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.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Assessment

In assessing this aspect of the proposal, regard has been had to the site context, the details of the proposed development, the relevant development plan policies, and all other material considerations.

No objection has been raised from the Councils Highway Officer and taking into account the recent findings of the Inspector on an adjacent unit where a condition restricting occupancy to older people which would likely result in lower car ownership was considered acceptable.

The increase of 1 Retirement Living Unit is not considered to have a material impact upon the level of parking provision. The parking provision as per the consented scheme (and the written reps appeal of the additional RL unit) is above the average parking demand of 0.28 spaces per unit and in excess of the average parking provision of 0.42 spaces per unit.

Having regard to the above, it is considered that the proposal accords with 60-64 of the WCS and WLTP.

Ecology and Biodiversity

Policy Context

The ecological impact of development is a key planning consideration, especially for larger schemes. Proposals must assess and address potential effects on:

- Protected species
- Priority habitats
- Ecological networks
- Green and blue infrastructure

Core Policy 50 of the Wiltshire Core Strategy requires development to:

- Avoid harm to ecological assets.
- Deliver measurable Biodiversity Net Gain (BNG), in line with the Environment Act 2021.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

The Green & Blue Infrastructure Strategy (2022–2030) promotes nature recovery, ecosystem services, and habitat connectivity through development.

Unless exempt, National policy requires a minimum of 10% Biodiversity Net Gain (BNG) for major developments, demonstrated via:

- Biodiversity Metric calculations
- Ecological assessments (e.g. PEAs, Phase 1 surveys, protected species surveys)

In this instance the proposed development is subject to the di-minimis exemption of development below the threshold as it does not affect onsite habitat, being wholly contained within an existing building.

PLANNING BALANCE AND CONCLUSION

In reaching a decision, all identified harms and benefits must be weighed in the overall planning balance, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the National Planning Policy Framework.

The principle of development is considered broadly acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the emerging Local Plan taking into account the end user and the level of marketing undertaken.

The proposal is broadly compliant with relevant local and national planning policies in respect of design, scale, residential amenity, heritage, highway safety and ecology and biodiversity, subject to the recommended conditions.

The development would deliver clear benefits, including the provision of 1 No residential unit for older people which weigh positively in the overall planning balance.

No material considerations have been identified that would significantly and demonstrably outweigh these benefits or indicate that permission should be refused, having regard to the assessment above and the representations received.

Accordingly, the proposal is considered acceptable in planning terms and in accordance with the Wiltshire Core Strategy, the National Planning Policy Framework, and all other relevant material considerations.

The proposed development is considered acceptable in planning terms. The benefits of the scheme, including housing delivery and the filling of empty units, are judged to outweigh any identified harms, which can be appropriately mitigated through planning conditions or other controls. The proposal is in accordance with the Wiltshire Core Strategy, the National Planning Policy Framework, and all other relevant material considerations.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions

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:

10100CN LOCATION PLAN PA400

10100CN PA407 ELEVATIONS 1

10100CN RETAIL CONVERSION Unit 3 to flat 15b GFP PA403

Received 13.10.26

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

- 3) The dwelling hereby permitted shall be occupied only by:
- i) a person aged 60 years or older
 - ii) persons aged 55 or older living as part of a single household with the above person in (i)
 - iii) persons aged 55 or older who were living as part of a single household with the person identified in (i) who has since died.

REASON: To ensure the nature of occupation and levels of car ownership remain commensurate with the provision of parking on the site.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.