

Planning Statement

TOWN AND COUNTRY PLANNING ACT 1990

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APPLICATION FOR MATERIAL CHANGE OF USE OF EXISTING BUILDING FROM:
TACKLE/BAIT SHOP AND CAFÉ, TO: A FLEXIBLE USE WITHIN USE CLASS B8/CLASS
E (CLASS E TO INCLUDE E(b), E(d), E(f) AND E(g) ONLY) AND/OR TO CONTINUED
USE FOR RETAIL PURPOSES ASSOCIATED WITH THE USE OF THE ADJOINING
LAKES AND FARM – AT TACKLE/BAIT SHOP, WITHERINGTON FARM,
WITHERINGTON LANE, DOWNTON, SALISBURY SP5 3QX



APPLICANTS: Brown Rice Farms Ltd

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1.0 Introduction & Background

1.1 This statement accompanies a planning application that seeks a material change of use of an existing building from a retail tackle/bait shop and café to a flexible use within either the E (as stated) or B8 use classes, or to continue the use of the building for retail purposes only associated with the use of the adjoining lakes and farm (i.e. not as a general shop unconnected with the existing agricultural holding).

1.2 The building in question is of single storey form and is arranged in two parts. It is, in essence, comprised of part of an older building together with a more contemporary element. It is arranged in an 'L' shape, with the 'front' (newer) part being laid out primarily as the cafeteria and the rear (older) as the tackle shop.

1.3 The use as a tackle shop and canteen already existed in the front part of the building but planning permission was granted for this to be extended into the adjacent barn in 2004 under reference S/2004/213 for *change of use of redundant agricultural buildings to retail outlet and recreational facilities specific to fishing lake*. This permission was subject to a number of planning conditions, two of which specifically related to the use of the building being permitted. These were:

Condition 2 - When the barn ceases to be occupied or at the end of ten years from the date of this permission, whichever shall first occur, the use hereby permitted shall cease [and the inner shell shall be removed and all materials and stock brought on to the premises in connection with the use shall be removed].

Condition 3 - The premises shall only be used as an ancillary facility in association with the fishing ponds. Should the fishing use cease the use of the barn for ancillary purposes hereby approved should also cease.

1.4 The building has been used for the purposes permitted by this permission and is still so used today. However, the current tenant has given notice to quit and will vacate the building in October 2026. This has been largely motivated by the rise in internet shopping for tackle and associated fishing equipment (usually with next day delivery), which has gradually but fundamentally made trading conditions difficult. This is, of course, a pattern that is not unique to fishing tackle shops but one that applies to many other forms of retail outlet.

1.5 The likelihood of another tenant taking over the building for the same use and running it in the same way is considered, realistically, to be limited. However, were that to occur then this application would not prevent such a use from taking place. Rather, the application is intended to allow as broad a range of potential occupiers as possible. Such use would remain within the defined confines of use classes E (as specified) and B8, and/or for continued retail use associated with the adjoining lakes and farm.

1.6 It should be noted that condition 2 purported to have the effect of making the permission itself a 'temporary', 10 year one, requiring the permitted use to cease not later than 10 years after the date of the permission. The permission itself, however, is undated (and unsigned), making it unclear of the date from which the 10-year period is supposed to run, although it is noted that the LPA's website records that the decision notice was sent on the 31st March 2004.

- 1.7 In any event, if the permission is dated to 2004 then the 10 year period would have expired in 2014, some 12 years ago, and the breach of condition 2 would have become lawful in 2024 through the passage of time and by virtue of section 171B of the 1990 Act. The condition is repeated on the accompanying listed building consent (which is also unsigned and undated) and whilst there is technically no immunity period on that breach there would be a legitimate expectation of considering the expediency of taking action after such a lengthy period. Moreover, the inner shell was clearly considered to be an acceptable intervention at the time and removing it is likely, if anything, to cause more harm than leaving it in situ so there would appear to be nothing sensible to gain in that regard.
- 1.8 Consideration has also been given to whether a section 73 application to remove condition 3 (which limits the use of the building to being ancillary to the wider use of the fishing lakes) would be an appropriate route forward, however that would not enable the B8 element of the use now being sought nor would it necessarily or clearly enable the wider class E use, given the use of the word ‘ancillary’ in the description of the development for planning permission S/2004/213
- 1.9 It is considered that the most appropriate and ‘cleanest’ way forward, then, given the wording of the original permission and the conditions attached to it, is to make a fresh application for the flexible use being proposed. The above nonetheless represents the context in which the current application should be considered.

2.0 The Proposals

- 2.1 Given the changes to both local and, particularly, national planning policy since the original planning permission was granted in 2004 (see below) it is considered that a wide range of potential re-uses of the building should be considered to be acceptable in principle.
- 2.2 To be clear, no physical works are proposed to the building, either internally or externally – the application is simply for the change of use of the building as it presently stands. As a result, no listed building application is required or is being submitted. Indeed, the building itself is not listed and so the reason why listed building consent was sought and granted in 2004 (S/2004/214) is unclear. It can only have been on the basis that the building was considered curtilage listed in some way, although concluding that this building is within the curtilage of another would require some robust justification in the circumstances.
- 2.3 Class E was introduced in September 2020 as part of some wider amendments to the Use Classes Order. It comprises a range of uses that were previously separate into several different classes. The Explanatory memorandum (SI 2020 No.757) explains why the changes were brought in. It summarises these at paragraphs 7.1 to 7.8. These can be summarised as:
- The need to provide greater flexibility for businesses to change between similar commercial uses without needing planning permission.

- The need to support High Streets and Town Centres, allowing premises to adapt more quickly to changing consumer demand.
- To reduce planning barriers and speed up changes of use.
- To assist economic recovery, particularly in the context of the COVID-19 pandemic, by making it easier for businesses to respond to changing market conditions.
- To simplify the Use Classes Order, replacing numerous separate classes with the broader Class E and introducing new sui generis categories for uses the Government considered warranted greater planning control (such as pubs, drinking establishments and live music venues).

2.4 Class E is comprised of the following:

Use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

2.5 The B8 use class provides for the use of buildings or land for storage or as a distribution centre.

- 2.6 The application building is relatively modest in size, occupying as it does some 240 sqm of floorspace, currently arranged roughly half each between the shop and the café. As such there are practical limitations as to the purposes to which it can be put. In terms of B8, it does not lend itself to storage of large items that would require a larger opening into the building to facilitate access, but that should such an occupier be found then an application can be made for any reasonable changes that are required (and which would likely relate only to the more contemporary ‘front’ section of the building). The building is suitable as it stands for the storage of a wide range of smaller items that do not require large access doors.
- 2.7 Whilst the building currently has a retail use, albeit one that is linked to the fishing lakes, it is not going to be suitable as a daily convenience store or any kind of retail operation that requires passing footfall – there is simply no realistic prospect of such an operation being attracted to this location. Indeed, it is realistically difficult to foresee any kind of retail outlet being viable here that is not directly related to the use of the adjoining lakes or farm. The applicants wish to allow for the possibility of the existing tackle/bait shop use continuing, even if under a new occupier, but also wish to maximise the opportunity to attract another type of specialist operation, associated with the adjoining land, that is perhaps difficult to envisage at this stage.
- 2.8 It is not therefore proposed to include E(a) within the application as a general use, but rather to exclude it and limit any retail use to one that is connected to the adjoining land. Although a case could be made for including E(a) it is considered so unlikely that a general retail operation would be attracted to this location that its inclusion would be of little practical value.
- 2.9 E(b) covers use for the sale of hot food for consumption on the premises. The existing café use would likely be classified as an ancillary use to the adjoining land and would not necessarily fall into E(b) in its own right, but it is conceivable that the building could be used for ‘pop-up’ restaurant purposes or for catering events and there is no obvious reason why this should not be provided for as an option that can be included in the marketing of the building.
- 2.10 E(c) covers use for financial and professional services (formerly class A2), such as estate agents and banks. Again there is no realistic prospect of such uses being found for this site and so this is being omitted from the application.
- 2.11 E(d) covers indoor sport, recreation or fitness, not involving motorised vehicles or firearms. This would include activities such as a gym, pilates/yoga studio or other similar purposes. Such facilities have become popular and the building lends itself to such a use. Indeed, such uses are now often found on both employment sites and in former agricultural buildings and is again a use that could realistically be found for this building subject to successful marketing.
- 2.12 E(e) is for the provision of health services. It is highly unlikely that such an occupier would be attracted to this location and this is again omitted from the application.
- 2.13 Likewise, E(f) would cover use as a creche but the relative remoteness of the site to existing centres of population realistically prevents any such occupier from being attracted to the building – it is not *en route* to/from any centre of population that would generate a significant enough demand for such a facility. This type of facility also typically

requires an enclosed outdoor space as part of the business model and this is not available in this case as the site remains a working farm yard albeit with associated lakes activity. On this basis, E(f) can reasonably be excluded from the application.

- 2.14 E(g) deals with offices, research and development and light industrial activity. This perhaps represents the most likely re-use of the building, particularly the light industrial element. An office use is considered unlikely here as it would require a significant investment in the building in order to bring it up to lettable office standards and the demand for such space is more likely to be met in more accessible locations, however its inclusion is considered reasonable as an option nonetheless. A light industrial use may well be viable because the building is internally arranged into two relatively 'open' spaces that would suit the introduction of such uses. Any such activity is by definition governed by the requirement to emit no noise etc and thus would be compatible with the immediate environment of the building.
- 2.15 Consideration was given to the inclusion of class B2 within the application however this is not considered to be an appropriate environment for a general industrial use. Whilst an acceptable use that fell into that category might be found, it is more likely that such a use would involve noise or other impacts at a level that would be unsuitable for this location which includes not only the applicants' own dwelling but several other dwellings. Such a use would also likely be incompatible with the use of the adjoining land for fishing. B2 is not included in the application.
- 2.16 Finally, none of the F use class uses are considered appropriate or viable for this location – these are all essentially uses that are found in built up areas or other settlements (galleries, public halls, museums etc). There is a range of *sui generis* uses that is now specified in the 2020 amendment to the Use Classes Order that have also been considered, but again none of these are considered suitable or viable for this location (laundrette, taxi business, casino, nightclub etc). If a prospective occupier is found that falls into another, unspecified *sui generis* category then the applicants will consider making a bespoke application for such a use, provided of course it is considered suitable for this location. However that is considered to be unlikely at this stage and would in any event be outside of the scope of the current application.
- 2.17 Overall, then, the applicants have only put forward, as part of this application, the range and extent of uses that are considered acceptable in planning terms – both in terms of planning policy and site assessment – and that are realistically viable or suitable for this location. Uses that may be acceptable in planning terms but which would plainly not be viable or suitable here have been omitted. It is considered that this is the correct approach and it enables the LPA to assess the proposals objectively without having to consider an unlikely, worst-case scenario (such as a convenience store or other disassociated retail use) as part of that process.

3.0 Planning Policy

- 3.1 The Development Plan for the area effectively comprises the Wiltshire Core Strategy adopted 2015. The former Salisbury District local Plan 2011 contains 'saved' policies that

form part of the overall development plan but only policy C6 (special landscape area) is relevant to the current proposals (see below).

- 3.2 The Wiltshire Local Plan Review had reached examination stage but, following concerns expressed by the Inspectors, the remaining Hearings have been postponed pending further work to be completed. To this end, the Council has now issued, in June 2026, a *Notice of Intention to Commence Local Plan preparation*, with the 30-month plan process expected to begin on Friday 30 October 2026. The Review therefore carries no material weight at the present time.
- 3.3 There are no physical works proposed to the building and, because it is already in active use as a tackle/bait shop and café associated with the use of the adjoining land it is not considered that policies dealing with issues of design and visual appearance are particularly relevant to the assessment of the application. The site lies within the countryside but is not within a National landscape or a Conservation Area. There are nearby listed buildings but none of these are either directly or indirectly affected by the current proposal. There are a number of policies that have some bearing on the application and these are examined below.
- 3.4 The site lies within an area covered by policy C6 (special landscape area). This states: *Within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality on the landscape are acceptable, they will be subject to the following criteria; (i) the siting and scale of development to be sympathetic with the landscape; and (ii) high standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area.*
- 3.5 Policy CP51 also seeks to preserve the landscape more generally, and aims to...*protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.*
- 3.6 As explained above and in light of the fact that the building already exists and is used for commercial purposes, is not being altered and is in any event screened from view from the public realm, it is not considered that there would be any impact upon the qualities or character of the special landscape area or the wider landscape more generally.
- 3.7 Neither are any of the potential uses proposed within the application likely to materially affect the character or appearance of the area through overall traffic movements or activity associated with the site itself or the wider land. As explained above, Witherington Farm is already an established, diversified agricultural enterprise. The use of part of the land for recreational fishing generates an entirely manageable level of activity and is contained to a part of the site that is visually contained by adjoining and surrounding buildings.
- 3.8 Clearly there are comings and goings associated with the fishing use, with the existing use of the application building and with the wider farm itself. However none of this activity has caused, or indeed is likely to cause, visual or landscape harm due to the well screened location of this modestly sized building.

- 3.9 There is only one public right of way in the vicinity of the site and this runs alongside Witherington Lane, to the east of the site. The road itself has a strong, albeit deciduous hedgerow boundary and views towards Witherington farm are strongly filtered by this. From the footpath itself, partial views across to the lakes and the farmyard are possible, but the application building itself is essentially screened by the large agricultural shed that lies at the edge of the yard. But even if the application building could be seen from this vantage point, it is considered that its use for any of the purposes sought in this application would be indistinguishable from its current use.
- 3.10 Policy CP57 deals with design and other development management issues. It states, at subsection vi, that one of its aims is...*making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area...*and continues...*vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution...*
- 3.11 The existing use of the building has caused no material disturbance or other impact upon any nearby dwellings. As described above, the limited size of the building taken with its siting within an already active part of the overall farmyard, means that any of the proposed uses would also have a similarly limited and entirely manageable impact on nearby occupants. Moreover, it is considered fair to say that this would be the case even if the applicants did not themselves live close to the application building, but the fact that they do provides another practical means of ensuring that activity remains proportionate and appropriate to this setting.
- 3.12 Policy CP58 deals with the historic environment and is generally consistent with the NPPF in this regard. It requires that developments should protect, conserve and where possible enhance the historic environment. As already explained, the building in question does not appear to be listed in its own right but the matter is considered to be largely academic because no physical changes to the building are proposed. There can be no adverse impact arising to the historic environment as a result of the development that is proposed.
- 3.13 The key policy of the Core Strategy that has the most bearing on the proposal is considered to be policy CP48. This states: *Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria: i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building. ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas. iii. The building can be served by adequate access and infrastructure. iv. The site has reasonable access to local services. v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.

- 3.14 This policy is plainly supportive of the re-use of existing rural buildings in certain circumstances. To this extent it remains consistent with national planning policy as contained in the NPPF, although the latter goes further in its support and encouragement for alternative uses (see below).
- 3.15 In terms of criterion (i), the building is still in active use and is structurally sound and capable of an alternative use without any rebuilding or extension. With regard to criterion (ii), a use for the purposes being applied for would not, it is submitted, be detrimental to the character and appearance of the area or the amenities of nearby residents (for the reasons explained above). The existing shop/café use associated with the adjoining land already involves a level of activity that is unlikely to be materially exceeded by any of the uses that are the subject of this application. The key factors governing this are the limited size of the building and its 'L'-shape, which creates two smaller inter-connected areas rather than a single larger internal space; the location of the building within a group of farm buildings that remain in active agricultural use; and the fact that the existing use of the building has caused no harm either the character of the area or the amenities of other nearby occupants.
- 3.16 Criterion (iii) requires adequate access and infrastructure to serve the development. Both of these are more than adequate, with the access in particular being onto a lightly-trafficked lane with good visibility in both directions. Criterion (iv) requires the site to have reasonable access to local services. This requires a judgment in the context of where the site, being set within a working and diversified farm, is inevitably located. The nearest settlements are Alderbury (3km to the north-east) and Downton (5km to the south). It is also only some 5.1km from the south-eastern edge of Salisbury, with the range of services contained therein. The site is, then, reasonably accessible to local services in this context.
- 3.17 Criterion (v) deals with the long-term use of a heritage asset, where applicable. As explained above, the building itself is not listed although it may have been treated as being curtilage listed in the past. Despite this, the older part of the building at the rear is clearly of some age and character and is capable of being considered as a non-designated heritage asset. The whole purpose of the current application is to ensure that the building as a whole can continue to be used productively, ensuring its long-term care and ongoing maintenance in the process. The development would therefore further this aim of policy CP48 as well.
- 3.18 Overall, it is submitted that the development as proposed would further the aims and objectives of policy CP48 and would adhere to its stated requirements.
- 3.19 As mentioned above, the NPPF goes further in its support and encouragement of the re-use of existing rural buildings. Paragraph 85 sets out that...*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...*
- 3.20 Paragraph 88 deals specifically with rural areas. It states: *Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; b) the development and diversification of agricultural and other land-based rural businesses;*

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 3.21 The proposal is for a re-use of an existing building that is already in commercial use. Even if it were not currently used for these purposes its use as such would be in line with paragraph 88. Furthermore, the existing commercial use is part of an existing, diversified agricultural enterprise. The primary activity at Witherington farm is agriculture but it was diversified in the 1990's to include recreational fishing on the associated lakes. The development would thus directly comply with this element of paragraph 88 as well.
- 3.22 Paragraph 89 continues: *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- 3.23 This is a recognition that rural sites are often located away from towns and other settlements and that their use will inevitably rely on private modes of transport such as the private car. Such sites are nonetheless supported for commercial use provided that the site itself is considered suitable for such use. This site is considered to be suitable and/or practicable for the range of uses set out above and as such would be consistent with paragraph 89 of the NPPF.
- 3.24 Overall, it is considered that the development would comply with the aims and objectives of both local and national planning policy.

4.0 Other Matters

- 4.1 The proposed change of use of the building would have no conceivable impact upon any nature conservation interests, again because no works are proposed to alter the building in any way. There are no CIL matters arising from the development that require consideration. The development does not trigger the Biodiversity Net Gain condition as it involves no loss of natural habitat and thus benefits from the current 25sqm *de minimis* exemption.
- 4.2 The site lies within an area at risk of flooding as defined on the EA's flood map for planning and a Flood Risk Assessment that is proportionate to the scale and nature of the development accompanies the application. There would be no change to the vulnerability classification of the building as a result of the development and the building already incorporates reasonable flood resilience measures.

5.0 Conclusion and Planning Balance

- 5.1 The applicants are understandably keen to find a new occupier for the building, ideally before the current tenant vacates in October of this year. It may be that another occupier takes over on precisely the same basis as the current tenant, but that is inevitably a very narrow market. There is a clear need to expand the market for potential occupiers, always on the basis that any such occupier is both suitable and viable in this location.
- 5.2 The range of uses provided for is therefore considered to be reasonable and to be the full extent of commercial uses that could practicably and sensibly be accommodated in this building. Both local and national planning policy recognise the importance of diversifying the rural economy and helping to sustain agricultural production. The continued use of this building for a range of commercial purposes would directly assist in that regard and would fulfil stated policy objectives without causing any material or demonstrable harm to either the character and appearance of the area or to the living conditions of nearby residents.
- 5.3 In the circumstances it is submitted that planning permission can reasonably be granted in the terms sought.