

TOWN AND COUNTY PLANNING ACT 1990 – SECTION 78 APPEAL

09th September 2026

The Planning Inspectorate
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APPEAL REF:	6014027
LPA REF:	PL/2026/00385
SITE ADDRESS:	Carpetright, Bath Road, Chippenham, SN14 0AT
APPELLANT:	Tim Lovegrove, Nestware Property Ltd
DEVELOPMENT DESCRIPTION:	Change of Use from Class E (formerly A1 Retail) to Use Class B8 to create a self-storage facility; insertion of mezzanine for self-storage use (Use Class B8).
PREPARED BY:	Peter Crozier

Dear Sir/Madam,

1.0 Background and Context

- 1.1 This appeal proposal formed one of two closely related planning applications, submitted and considered concurrently by the Local Planning Authority. The related application, dealt with under PL/2026/00386, sought the following: 'Removal of Condition 5 of N/05/03094/FUL to allow creation of a mezzanine.'
- 1.2 With the agreement of the Applicant, that application was withdrawn prior to determination on the basis that it could have potentially resulted in significant uplift in A1 floorspace at an out-of-town location. Without any associated and necessary information regarding likely retail impact arising from such a removal of this Condition (i.e. were the building to remain within Class A1 use), it was agreed that the application be withdrawn, and effectively merged with the appeal proposal (application) through a change to the Description of Development of this appeal proposal, in order that the uplift in floorspace could be tied to the change of use occurring.

2.0 Appeal Details

- 2.1 The Decision Notice (attached at Appendix 1 to this Statement of Case 'SoC') included a total of 7no. Conditions; this appeal relates to Condition No.6, which reads as follows:

“The gross internal floorspace of the retail warehouse hereby permitted shall not exceed 1103 square metres and there shall be at no time any additional floorspace created.

REASON: To protect the viability and vitality of the Town Centre and to ensure appropriate levels of traffic and vehicle movements relating to the site.”

3.0 Council’s Rationale for, and Justification of, Condition no.6

3.1 The Officer’s Report for the application (attached at Appendix 2) sets out the basis, rationale and reasons for this Condition. In particular, it cross-references the Planning Statement submitted in support of related application PL/2025/00386 (attached at Appendix 3), which confirms that the extent of additional floorspace is 500sqm.; this would be in addition to the existing 603sqm at ground floor level. The Officer Report explains that this appeal proposal, along with the related application PL/2026/00386 have been validated and consulted upon on this basis.

3.2 Were the proposal to result in an additional mezzanine level, conceivably this would then raise the proposed additional floorspace to 1000sqm. The appellant’s submissions support this at paragraph 5.2 of their Appeal Statement. This would thus result in the application being a ‘major’ application, with different validation and consultation requirements and policy considerations.

3.3 For example, it is noted that the Highway Officer comments for the appeal proposal requested provision for S106 monies towards off-site cycle infrastructure, stating:

“I raise no highway objection to the proposal for change of use of a former retail warehouse unit to self-storage. I am satisfied that the development will not produce a significant flow of highway traffic and therefore there is no requirement for a transport statement in association with this application.

I am aware that a similar change of use to self-storage, all be it a larger facility, on the other side of the A4 delivered S106 contribution of £10,000 towards off-site cycle infrastructure and to that end I suggest a proportional S106 contribution of £6285 based on the area of 1875 sq m.”

3.4 Whilst this was not considered to meet the S106 tests in this instance, were the application to be of ‘major’ scale it would trigger, for example, formal consideration against policies T1 (Provision and Enhancement of Cycle Paths) and T2 (Access to the Bus Network) of the

Chippenham Neighbourhood Plan 2023 to 2038 (Made: May 2024) ('CNP'), and the need for, and justification of, S106 contributions would be set within a different policy context. In this case, a proportional financial contribution towards off-site cycle infrastructure would align with the neighbourhood plan objectives as well as the vision-led approach now advocated within the NPPF in terms of supporting modal shift in our built environment. No such obligation has been advanced in this appeal and no assessment included within the additional information e.g. Transport Statement.

- 3.5 During determination of the application to which this appeal relates, this procedural and policy point was communicated to the Appellant (via their Agent) (attached at Appendix 4), and by email dated 14th April 2026, it was confirmed in response that:

"The application does not ask for a specific amount of floorspace, only to lift the prohibition on mezzanine space. Given the nature of the use I do not see why a condition on floorspace is necessary but if that is what you have to do we can accept it."

- 3.6 The application thus moved forward to determination on that agreed basis.

4.0 Response to Appellant's Case

- 4.1 It is noted that this appeal proposal has been supplemented with additional technical detail regarding trip generation and a parking assessment (Technical Note 001 – DRAFT). This is implicit acknowledgement that further technical information would be required were the proposal to be for unquantified additional floorspace above the 500sqm applied for. It is unfortunate that the application was not submitted on this basis, as it could have been appropriately validated and consulted upon based on this widened scope. The findings of the Transport Assessment have been shared with the Council's highway officers and they state that: *"On balance I think it unlikely that all the parking will be utilised at the same time – the nature of how self-storage operates would seem to lack a peak usage where parking would be at capacity."*

- 4.2.1 Critically however, the Transport Assessment is limited to consideration of vehicular trips and vehicular parking. There is no discussion of a vision-led context as now advocated by the NPPF and most specifically no details of the implications of the development for cycle and bus infrastructure. A key issue under Policies T1 and T2 of the CNP is whether a major development would add to demands for cycle and public transport infrastructure.

4.2 Finally, the appellant's comments at paragraph 3.1 in relation to the use of the word 'retail' are noted. The Council would have no issue with the proposed minor alteration to remove the word 'retail'.

5.0 Conclusion

5.1 As it stands, it would be inappropriate to allow this appeal, which would allow for an unrestricted increase in floorspace of the building, and based on the submitted appeal details and documents, this would be by some 1150sqm GIA.

Yours faithfully,

A black rectangular box used to redact the signature of the Senior/Planning Officer.

Senior/Planning Officer