



Ref: SHA/AMM/3881

3 October 2023

Via email only to: [REDACTED]

FAO: Nic Thomas
Director of Planning
Wiltshire Council

Dear Sir

Application PL/2023/05818

Boomerang Stables, Crooked Soley, Chilton Foliat, RG17 0TL

Re-use of former equestrian barn to create two dwellings, driveways, landscaping and related infrastructure. Erect a stable block within one of the gardens comprising 10 stables, a tack room, store and hay room. Erect a barn and garage within the same curtilage. Erect a garage within the other curtilage (resubmission of PL/2022/08607)

We act for the Applicant, [REDACTED]

This letter refers to the above application but more particularly the Officer's Report – Agenda Item 7.

Matters for Correction

1. The first point we must make is that the building is redundant. This is a matter of fact.
2. The second point is that the Report incorrectly states in section 4 that the Applicant was the owner of the application sites affected by applications on 'the adjacent land'. None of the applications referred to in that list had anything to do with the Applicant. Members must therefore ignore that table.
3. References are made frequently to the size of the dwellings which would be created within the envelope of the subject building. The Report even suggests to the members that a sixth bedroom could be created when one is not proposed. It is no part of national or development plan policies to prefer dwelling sizes within

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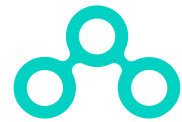


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re-use schemes. At no point has this aspect been raised with the Applicant or us and what planning grounds would there be for raising the point in the Report? This matter should also be ignored by the members in determining the application as it is not a material consideration.

4. The application is not for affordable dwellings or for rural workers. All the passages set out in the Report on those matters are misleading. Members should not be under the impression that the only justification for a grant of permission rests on either subject. For the purposes of the application, they are not material considerations. References to 'open market' dwellings are emotive and irrelevant.
5. The description of the location is misleading in that Crooked Soley is a settlement albeit not one large enough to be named in the Wiltshire wide adopted Local Plan. The Report refers to Crooked Soley only comprising a few dwellings. In fact, it comprises the following permanent dwellings:
 - a. Thatched Cottage (1)
 - b. Crooked Cottage (1)
 - c. West Soley Farm (1)
 - d. Soley Farm Stud (1)
 - e. Upper Valley Stud (1)
 - f. Soley House (1)
 - g. Soley House staff flats (2)
 - h. Soley House gate house (extant PP) (1)
 - i. Soley House annexe (extant and commenced PP) (1)
 - j. West Soley Farm Cottages (3)
 - k. Boomerang Stables dwelling (1)

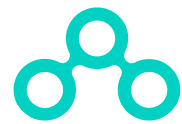


- l. In addition, there are several mobile homes serving that and two on the application site.
 - m. The total number of dwellings is 17. Plus, additional dwellings at Carisbrook Stud which have not been included in these calculations.
 - n. The permanent dwellings alone are by dictionary definition more than a 'few'.
6. It is acknowledged by your Council and a planning inspector that the site is not isolated in terms of national planning policy for dwellings in the countryside. Despite this, the Report relies on the assertion that it is remote and impractical for day-to-day needs. This is a fallacy as the site is no more remote than Chilton Foliat with regard to most day-to-day needs. It is a relatively short drive away from Ramsbury, the Primary School, or pub in Chilton Foliat. It is easy to travel to those places in an EV or electric bike. Members should not be misled into believing that the site is in a remote location in terms of how it weighs up an application to re-use a building.
7. It is no part of Government policy to resist the re-use of buildings in rural areas because they are outside settlements. We have been involved in many such applications nationally and without the need for an appeal. This includes within AONBs.
8. It is inappropriate and frankly odd to assert that the absence of footways and overhead lights is a criterion for the grant of re-use proposals in rural areas. As it is the narrowness of lanes which are common in rural areas and slow traffic speeds down. Cyclists, riders and walkers prefer such routes as a result as is the case in the local vicinity. We invite members to disregard that point as immaterial too.
9. The application is identical to the previous one but is not just justified by a clarification within the DAS but in a revision of our Planning Statement to address the assertion that the location is unsustainable for travel other than by the private car.





10. The option to use EVs or E bikes is a material consideration and must be considered. Many prospective occupiers of the dwellings could use EVs from home. Bear in mind that even since the previous appeal decision there has been a phenomenal increase in the ownership of EVs and E bikes.
11. Many policies are cited as being material considerations for this minor proposal to re-use a barn. All of them are strategic policies within a very dated Core Strategy Local Plan. We invite the members to weigh them accordingly as they are not about this type of proposal which has no strategic implications and is supported wholly by the more recent NPPF. We refer to the unnecessary references to the following policies:
 - a. 1 – Settlement Strategy
 - b. 2 – Delivery Strategy
 - c. 14 – Spatial Strategy for the Marlborough Community Area
 - d. 44 – Rural exception sites
 - e. 48 – Supporting Rural Life
 - f. 60 – Sustainable Transport
 - g. 61 – Transport and Development
 - h. 64 – Demand Management
12. Under 7 there is a rogue sentence in italics which has nothing to do with the application. This is not a proposal for an agricultural worker.
13. There is no objection to this application on highways grounds. The author offers an opinion about the alleged remoteness of the site for sustainable modes which happens to concur with your officer's opinion. Members are not bound by it.
14. The dismissed appeal related to the erection of a new build dwelling. The current proposals are for the re-use of a building. There is a material difference between



the two in planning policy terms. It must be looked at afresh and the appeal decision is not binding on the Council in any way.

15. The insinuation that the loss of a quasi-employment use is also misleading as the existing or previous use are immaterial.
16. The previous appeal Inspector's conclusions on the use of combustion fuelled private cars and the possible alternatives were incorrect and have become even more out of date. It is no policy of the Government to prevent the use of cars anywhere and policy has always acknowledged that people who live in rural areas must use them sometimes. This does not preclude their freedom to drive EVs or cycle (particularly using E bikes) which are used increasingly many of us.

Other Matters

17. The positive views of the Parish Council are noted. The Applicant is happy to confirm that he has no objection to the conditions proposed by it, which are sensible.
18. The drainage objection has been addressed but in any event as the officers do fairly state is not a matter which can't be resolved by a condition if necessary.
19. It is a significant material consideration that there are no objections to the application based on any impact on the AONB.
20. We accept that the possible changes about re-use permitted development rights are not a leading material consideration. However, we question whether no weight is the case as the Government's position reflects a direction of travel bearing in mind the very extensive permitted development rights already available and the absence of any criteria about the distance to facilities and services under them. Nor are floor area restrictions imposed for individual dwellings.
21. The very long passage about light from the proposed roof lights being a material consideration is astonishing. This has not been raised by the Case Officer at any point. The AONB Unit have not raised any objections. The roof lights cannot be





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seen from outside the site. In any event, conditions can be imposed requiring them to have blinds or light wells if members really believe that light from them would materially affect dark skies in this setting. There are much larger equestrian buildings immediately north of the site which have very extensive roof lights.

Conclusion

1. The crux of this matter is paragraph 80 in the NPPF which is crystal clear and post dates your Local Plan. It states that that even for isolated sites (which your report states this is not) permission should be granted where the development would re-use a redundant or disused building and enhance its immediate setting.
2. Self-evidently the building is redundant as the Applicant has no need for it and nobody is questioning that the proposals would not enhance the appearance of the site.
3. Finally, we would urge the members to be careful in making a decision on this application as many points raised by the proposed refusal have costs implications' as they canny be substantiated as material considerations.

This letter has been circulated to the Case Officer and all members of the East Area Planning Committee plus Councillor Sheppard who kindly called the application in for a committee decision. We hope the comments above are helpful.

Yours faithfully

[Redacted signature]

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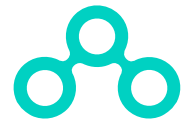
Partner

E: [Redacted email address]

M: [Redacted mobile number]

Cc. David Millinship (Case Officer)
All East Area Planning Committee members and substitutes
Councillor J Sheppard
Chairman of Chilton Foliat Parish Council





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