

AGENDA

Meeting: Southern Area Planning Committee

Place: The Pump Room - The Old Fire Station Enterprise Centre, 2 Salt Lane, Salisbury, SP1 1DU

Date: Thursday 14 March 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Alexander of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

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Membership:

Cllr Andrew Oliver (Chairman)
Cllr Sven Hocking (Vice-Chairman)
Cllr Richard Budden
Cllr Sam Charleston
Cllr Brian Dalton
Cllr George Jeans

Cllr Charles McGrath
Cllr Ian McLennan
Cllr Nabil Najjar
Cllr Bridget Wayman
Cllr Rich Rogers

Substitutes:

Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Kevin Daley

Cllr Ricky Rogers
Cllr Graham Wright
Cllr Robert Yuill

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 11 January 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 7 March 2024, in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on Monday 11 March 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 11 - 12*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **Application Number: PL/2023/05387 - Land at Littledown, Shaftesbury, Wiltshire, SP7 9HD** (*Pages 13 - 38*)

Conversion and Re-use of a Redundant Rural Building for Economic Development B2/B8 use.

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JANUARY 2024 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman),
Cllr Richard Budden, Cllr Sam Charleston, Cllr Brian Dalton, Cllr George Jeans,
Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar and Cllr Bridget Wayman

1 **Apologies**

Apologies were received from:

Cllr Rich Rogers

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 14 December 2023 were presented.

Resolved:

To approve as a correct record and sign the minutes.

3 **Declarations of Interest**

There were no declarations.

4 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

5 **Public Participation**

The committee noted the rules on public participation.

6 **RIGHTS OF WAY - Winterslow Path No. 94 RoW Modification Order 2023**

Public Participation

There were no registered speakers.

The Definitive Map & Highways Records Manager, Sally Madgwick presented the report on the Rights of Way Modification Order, relating to Winterslow path no. 94 (WSLO94) Back Drove.

The Order had been made to record a width in the definitive map and statement for WSLO94 (Back Drove), byway open to all traffic.

WSLO94, Back Drove, was previously recorded in the Salisbury and Wilton Definitive Map and Statement dated 1952 as a bridleway with a recorded width of 10 feet. It was reclassified as a byway open to all traffic (BOAT) at the Second and Special Review in 1972.

Despite supporting a greater width at the inquiry in 1982, Wiltshire Council had not specifically proposed a definitive statement change to the width at the Second and Special Review and the Inspector found against the Council and other objectors on this point. The recording of the status of the route as a BOAT had not been objected to at that time and has not been objected to with this Order.

Recording of WSLO94 Back Drove had been unchanged for the definitive map and statement date 1972 and since 1929 for the highway record.

It was explained that the Inland Revenue's Finance Act 1909/1910 records were considered as new evidence along with additional evidence relating to Sales Particulars from the early 20th century.

The case officer's report considered both new evidence and previously considered evidence for the purpose of deciding whether, on the balance of probability, a public right existed over a width greater than 10 feet.

The Order had generated three objections. It was explained that as the objections had not been withdrawn, the Order must come to the Committee for consideration, before sending to the Secretary of State for Environment, Food and Rural Affairs (DEFRA) through its offices of The Planning Inspectorate (PINS) for determination.

In making the Order plan, officers were entitled by law to use a scale up to 1:25000 but the more detailed scale of 1:2500 was used to reflect the plan used by the Inland Revenue for their Finance Act 1909/1910 process.

It was proposed that The Wiltshire Council Winterslow Path No. 94 Rights of Way Modification Order 2023 was submitted to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

Members then had the opportunity to ask technical questions of the Officer. It was noted that the objections were not legally substantive and had arisen due

to residents' anxieties around a possible increase in traffic should the council decide to make road improvements at a later date. One of the objectors represented a number of properties which had encroached on to the road with fencing and planting etc. The Officer noted that the council did not plan to carry out any enforcements along the highway at this time, however the benefit of having the Order made would be to control future encroachment or unauthorised development.

There were 2 titles of ownership in the drove, one based on a statutory declaration.

It was clarified that the Order has been brought to Committee to allow any new legal challenges, of which no new evidence had been produced. The Committee was asked to support the Order as Made.

The width of the back drove was variable, with the southern end narrower than the wider northern end, as shown on the Plan, detailed in Appendix A, coloured in brown.

There were no public speakers.

The Divisional Member, Cllr Rich Rogers who was not present at the meeting, had provided a written statement which was read by the Chairman.

Cllr Rogers statement noted the statutory requirements and set out several observations, including that in the Salisbury & Wilton Definitive Map and Statement dated 1952 defined WSL094 as a bridleway with a recorded width of 10 feet, supported by the reclassification of WSL094 as a Byway Open to All Traffic (BOAT) which took place in 1972.

The new evidence presented did not appear to provide a 'definitive' statement of highway width and one of the objector's statements noted that OS Mapping from 1901 was available, from which the IR Map was derived, therefore it cast some doubt as to whether the IR could legitimately be considered new evidence.

During the 1972 re-classification, WCC supported the view that the route being recorded as wider than 10 feet at the inquiry, but this was dismissed by the Inspector who did not amend the definitive statement, which maintained the recorded width at 10 feet.

Further evidence described the width of WSL094 as varying across its length, which would seem to be an accurate assessment based on evidence. However, the Act makes it clear the need to maintain a definitive statement.

The earlier mapping evidence did not appear to be accompanied by any definitive statement of width, and therefore could only be 'assumed' to be wider.

Further confusion is created by developments on WSL094; in particular relation to land ownership, and the current buildings at Back Drove.

In summary, the report underscores Wiltshire Council's statutory obligation to review the definitive map and statement. While new evidence, in the form of Inland Revenue records, has been presented, concerns arise regarding if it can truly be considered new evidence. The first definitive statement relates to the 1952 which was upheld by the inspector when challenged by WCC during reclassification in 1972. Whilst from earlier records, it may be reasonable to assume the width is greater than 10ft, can these assumptions be admissible as a 'definitive' record, particularly given the precedent set by the Inspector in 1972.

The Officer responded to points raised by the local member, noting that the Finance Act evidence was a new consideration and carried evidential weight. The Inquiry arising out of the Second and the reconsideration of the case was supported by case law – R v Secretary of State for the Environment ex parte Riley 1989.

The 1901 Ordnance Survey map used by the Inland Revenue acted only as a basemap, the value of the document was within the process being followed by the Inland Revenue in using it and the information they had added to it. The process was pursuant to the 1909/1910 Finance Act and required a survey and valuation of all land and property in England. The process involved landowners returning forms which detailed what they did and didn't own and there were criminal sanctions for submitting incorrect information. The local valuer would then inspect the land and properties and create a 'working copy' map showing who owned what, identifying land and property by hereditament numbers. Land that was held by a rating authority was to be left uncoloured and the whole width of Back Drove was left uncoloured in the same way as the local road network.

This was consistent with 1902 Sales Particulars for the Estate (also new evidence) and the highway record of 1929. A record copy was made and kept by the Inland Revenue for taxation purposes. The record copy had also been viewed and not only was Back Drove uncoloured (as per the working copy) it was emphasised by broken red braces being drawn on making it clear the land had not been valued with adjacent hereditaments.

Although the council supported the greater width at the inquiry the Inspector was unable to take that view into account as in not altering the statement width in the original review (1972) meant that it was their intention to retain 10 feet despite their stance at the inquiry some 13 years later.

The council was entitled to alter the definitive map to show a variable width and to demonstrate it by reliance on a historic map. Maps clearly show a route wider than 10 feet.

Cllr Sven Hocking then moved the motion to support the Order in line with officer recommendation.

This was seconded by Cllr Ian McLennan

The Committee discussed the Order, with the agreement that the new evidence did support an Order to record the greater width.

At the conclusion of debate, the Committee voted on the motion to support the Order in line with the Officer proposal.

It was;

Resolved:

That the Wiltshire Council Winterslow Path No. 94 Rights of Way Modification Order 2023 would be submitted to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

7 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 3.40 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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Wiltshire Council
Southern Area Planning Committee
14th March 2024

There are no Planning Appeals Received between 26/01/2024 and 01/03/2024

Planning Appeals Decided between 26/01/2024 and 01/03/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00991/ENF	Nursery Farm, Stock Lane, Landford, Salisbury, Wiltshire, SP5 2ER	Landford	Alleged unauthorised use of land	DEL	Written Reps	-	Enforcement Notice Upheld	23/02/2024	None
ENF/2022/00799	Rear of 53 London Road, Amesbury, Salisbury, SP4 7EE	Amesbury	Unauthorised scrap yard at rear	DEL	Written Reps	-	Enforcement Notice Varied & Upheld	23/02/2024	None
PL/2022/06380	Treoaks, Butts Lane, Kilmington, Warminster, BA12 6RB	Kilmington	Conversion of agricultural workshop/storage building to form a 2-bed dwelling with associated alterations, parking and amenity space, utilising a new vehicular access already granted planning permission under reference PL/2021/10977.	DEL	Written Reps	Refuse	Dismissed	30/01/2024	Appellant applied for Costs - REFUSED

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	March 2024
Application Number	PL/2023/05387
Site Address	Land at Littledown, Shaftesbury, Wiltshire, SP7 9HD
Proposal	Conversion and Re-use of a Redundant Rural Building for Economic Development B2/B8 use
Applicant	West Melbury Farm Ltd
Town/Parish Council	Tisbury
Electoral Division	Tisbury – (Richard Budden)
Grid Ref	SG 24793 87070
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in by Cllr Budden if officers are minded to approve.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved for the reason(s) set out below.

2. Report Summary

The issues in this case are:

- Principle of development including planning history, design and scale;
- Amenity impacts including the AONB and PROW;
- Ecological Impact;
- Parking/Highway Safety;
- Other matters

3. Site Description

The application site relates to an existing building on agricultural land approximately 6.90 hectares in size with an existing access implemented via extant planning permission S/2009/1901/FUL. The site fronts Wincombe Lane and is on the outskirts of Shaftesbury with the respective business parks known as Littledown Business Park and Wincombe Business Park in relatively close proximity. To the north west of the building is the Wessex Water Reservoir Site. The land where the building is sited upon is situated within the countryside for the purposes of the local plan and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). On land to the south, the Shaftesbury Solar Farm has been developed. The public footpath DSTM2 runs along the entirety of the eastern boundary of the application site.



In 2010, planning consent was granted for the erection of an agricultural barn that was partially implemented (the access) and has gained approval (PL/2021/05261) to change the materials to be used within the construction of this barn. The building has now been erected.

The site is not located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

4. Planning History

S/2009/1901/FUL – Erection of an agricultural building with possible use for livestock together with alterations to access and construction of access track A.C 12.02.10

PL/2021/05018 – Change of use of agricultural land to use for an electric motorbike, electric quad bike and electric bicycle riding park (retrospective) REF 11.08.21

PL/2021/05261 – Variation of planning permission reference S/2009/1901 to adjust the materials of the approved agricultural building A.C 06.08.21

5. The Proposal

The proposal seeks planning permission for the conversion of the existing building to a B2/B8 use class. Permission is also sought retrospectively for changes to the design of the building as approved under planning consent PL/2021/05261.

6. Local and National Planning Policy

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 6 Building a strong competitive economy

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 34 Additional Employment Land
Core Policy 48 Supporting Rural Life
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 60 Sustainable Transport
Core Policy 61 Transport and New Development

Wiltshire Local Transport Plan 2015-2026:

Car Parking Strategy

AONB Management Plan 2019 - 2024

Emerging Local Plan

7. Summary of consultation responses

Donhead St Mary Parish Council – Objection with comments stating:

• This is the field where the applicant retrospectively applied to put an electric motor bike rally ground a couple of years ago and was denied planning permission and had to flatten the fields again. One of the main objections was the access is very near the junction with the A350 (where there was recently an accident) and there is too much traffic backing up the lane onto the main road already. The applicant has since erected a large barn there and the land has recently been ploughed up and sown with maize. The agricultural building is NOT redundant - it has only been built within the last couple of years.

• We echo the Wiltshire Council's Highways Dep comments: "I note the proposals seek the conversion and change of use of the existing agricultural barn to two, B2 light industrial units. Firstly, the site is located outside of the existing development policy boundary and I therefore have concerns with regards to the sustainability of the site for commercial development due to the likely reliance upon the private car for staff, customers and visitors. This proposal therefore appears to be contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 57, 60 and 61) and the National Planning Policy Framework 2021 Section 9, paras 104, 105, 110-112, which aims to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives".

• We note Wiltshire Council's Highways Dep comments: "If you are minded to refuse this application on policy grounds, I would also be able to provide additional highway refusal reasons related to the matters discussed above, upon request"- if the highways department knows of further grounds that this application can be refused on then these should be made public as part of the application process.

Sedgemoor and Semley Parish Council – Objection with comments summarised as:

Contrary to Local and National Planning Policies;
Encroachment of development into the AONB;
Access and concerns proposal will lead to increase in vehicular activity;
Light Pollution;
Amenity/Noise impacts

Shaftesbury Town Council – No objection with comments stating:

No objection, as there is no change of the footprint for the site.

WC Highways – Concerns raised with the following comments received:

I note the proposals seek the conversion and change of use of the existing agricultural barn to two, B2 light industrial units. Firstly, the site is located outside of the existing development policy boundary and I therefore have concerns with regards to the sustainability of the site for commercial development due to the likely reliance upon the private car for staff, customers and visitors. This proposal therefore appears to be contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 57, 60 and 61) and the National Planning Policy Framework 2021 Section 9, paras 104, 105, 110-112, which aims to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, should you feel that sufficient policies exist for the conversion of rural buildings to make the principle of the proposals acceptable in this instance, I would require the following additional information/ revisions prior to offering a formal Highway recommendation; The submitted transport statement has shown that visibility splays of 2.4m x 63m are available at the existing site access and that these are sufficient for 40mph speeds. Such speeds are however only assumed and not supported by any speed survey data. Wincombe Lane is subject to a derestricted speed limit of 60mph and as there is no frontage development in the vicinity of the site, I am not content that Manual for Streets standards are suitable in this instance without supporting speed survey data. In addition, the easterly splay has been taken to a point 2.2m out in to the carriageway, which is not considered acceptable, as being a relatively straight section of road, with no centreline marking, the splay should be taken to the nearside carriageway edge or 1m out as a maximum. Whilst it is noted that this access was approved under application S/2009/1901, this was for a low key agricultural use, which is unlikely to generate traffic at the level of the proposed B2 use. As such, these proposals are considered to represent an intensification of use of this access. The transport statement incorrectly calculates the level of car parking required for a B2 use on this scale, with Wiltshire's Car Parking Standards requiring car parking to be provided based upon a ratio of 1 space per 30m² of internal floor space. Accordingly, this would require at least 10 car parking spaces to be provided within the site. Whilst the statement suggests there is clearly enough space for the associated parking within the site, these spaces have not been shown on plan and the swept path analysis included shows the requirement to keep a large proportion of the hardstanding free for turning purposes. As such, it will also be necessary for a car parking plan to be provided showing a minimum of 10 car parking spaces, ensuring that turning for an 8m long box van is not affected. If you are minded to refuse this application on policy grounds, I would also be able to provide additional highway refusal reasons related to the matters discussed above, upon request.

UPDATE:

I visited the site yesterday afternoon. During my visit I assessed the speed of traffic through observation and by driving the route multiple times myself. I am therefore satisfied that the assumed 40mph speeds are reasonable. The access, including the shown visibility splays are thus considered acceptable for this location. It should however be noted that the hedgerows would need to be cut back significantly to provide these splays. The width of Winscombe Lane varies and is generally substandard. That said, opportunities are available for vehicles to pass in various locations, although this would be more difficult for larger vehicles. The junction of Winscombe Lane and the A350 is substandard in terms of visibility in both directions for a 50mph limit and I have thus checked the accident record at this junction. Two accidents involving injury have been reported in the past 5 year period, with one of these involving a

vehicle pulling out of Winscombe Lane and colliding with vehicles on the A350. It is unclear what caused this accident and whilst it may have been as a result of the restricted visibility, this being a single incident makes it difficult to argue that there is a clear safety issue here, although my view is that the junction is substandard. I do however disagree with the Agent's statement that the proposed B2 use is unlikely to generate more than what the extant agricultural use could. My 'low key agricultural use' comment is not in relation to a restricted use on the site, but relate to the reality of what a single, relatively small barn would be likely and able to be used for in agricultural terms. For example, the existing facility would not be suitable for significant poultry or cattle production and therefore, the associated traffic movements for the existing infrastructure on this site would be limited. Notwithstanding this, the size of the unit is relatively small and the proposal for two small B2 units would naturally limit the activities that could be undertaken within this use class. As mentioned above, I am now satisfied that the site access is adequate for the proposed use. Whilst I retain concern about the width of Winscombe Lane and the substandard junction of Winscombe Lane/ A350, the scale of the proposed change of use is relatively small and would not be likely to attract articulated vehicles. Whilst my view of the fallback position in respect to traffic movements differs with the Agent's, I do acknowledge that there would be traffic movements, likely by large agricultural vehicles, associated to the extant use. I therefore feel it is difficult to argue, for the scale of these proposals as submitted, that there would be an unacceptable impact to highway safety as a result of the development. Notwithstanding this, I do still highlight the transport sustainability issue raised previously, which I shall be guided by you on. In addition, I will still require a car parking plan for the site, demonstrating that the site can accommodate at least 10 car parking spaces, without obstructing the turning area for an 8m long vehicle.

UPDATE:

No objection subject to conditions:

I note the revised/additional details submitted, including the requested car parking plan and turning swept paths for an 8m long delivery vehicle. I am satisfied with the car parking layout and turning area shown. Therefore, I recommend that no Highway objection is raised to these proposals, subject to the following conditions being attached to any permission granted;

WC Landscape – Comments received stating:

The proposal is to repurpose an existing barn in a field from agriculture to B2 commercial use. It is proposed to use the existing gated access with a new crushed stone track to access the barn and create a yard area. The proposals include modifications to the building, wild flower seed mix and some hedgerow planting that wraps around the western and northern boundaries. Where the hedgerow returns around the building it is very close raising concerns about access for future building maintenance and management of the hedgerow. The development is fairly low key given the fact the barn is already in situ. However the site is located within Cranborne Chase AONB and this requires careful consideration. The application was accompanied by a Landscape and Visual Appraisal (LHC Design June 2022), it is appropriate and proportionate to the scale of the development and prepared to best practice & published guidance. The LVA has also referred to the AONB Partnership Plan (2019-2024), various national and local policies and the suite of Landscape Character Assessments that cover the area. LVA Figure 3 – Planning Policies Landscape illustrates how

the AONB wraps around the north and east of Shaftesbury. The Zone of Theoretical Visual Influence of the existing barn plotted on the plan demonstrates that the visual effects are very localised affecting the field and its immediate boundaries. Receptors include users of A350 (west), Donhead St Mary Road (south) and PROW DSTM2 (east). The plan also shows that there is potential visibility to the south east of the site but not within the AONB. The LVA notes that 'Views from the wider landscape are limited by existing topography and landscape features notably woodland on Little Hill, part of a wooded escarpment which forms the edge to the Vale of Wardour, to the north, and to the west by the reservoir, steeply falling topography and mature hedgerows and woodland on the opposite side of the A350'. Expected changes in views will largely relate to the appearance of the building and activity on site where currently there is none. The planning documents do not thoroughly explain how the external spaces are going to be used e.g. parking, storage. These are the elements that will be perceived as urban influences over an agricultural setting, albeit with limited influence. Also there is little information about the number of vehicle movements to and from the site which has the potential to affect the tranquillity in this small part of the AONB. Mitigation in the form of a new hedgerow will provide landscape enhancement as well as screening low level activity e.g. parked vehicles. The LVA also notes that 'Cranborne Chase was designated as an International Dark Sky Reserve in 2019' and 'A number of specific objectives and policies are set out in the Partnership plan'. At LVA paragraph 6.6 there is reference to a lighting strategy however I can find no further detail within the application documents. Full details of the lighting specification should be submitted for approval (could be conditioned) to ensure compliance with the AONB Good Practice Notes 7, 7a & 7b <https://cranbornechase.org.uk/publications/landscapes-and-planning-publications/>

UPDATE:

I have reviewed the amended plans and have no further comments. I am happy for the specification of the lighting to be conditioned; it should aim to achieve the standards of environmental lighting zone E1. Further advice can be found online at the Institution of Lighting Professionals.

WC Ecology – No objections subject to conditions

WC PROW – No objection with comments received stating:

Public footpath DSTM2 runs through the site, adjacent to the existing track. Without knowing the exact use of the site it is not possible to assess the impact on the use and enjoyment of the public using the footpath. I note that the applicant is proposing a new stile north of the barn. In accordance with our policy of least restrictive access a stile is not a suitable structure. Either a gap should be left for access or alternatively, the applicant must apply to Rights of Way (rightsofway@wiltshire.gov.uk) for authorisation to install a gate here. Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980. The existing stile adjacent to the road should be replaced with a gap or a gate if authorisation is granted.

I have no objection subject to the following informative:

The applicant should note that no gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an

obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

WC Public Protection – No objection subject to conditions

8. Publicity

The application has been advertised by way of letters to near neighbours of the site.

The publicity has generated thirty three letters of objection in total with comments received summarised as the following:

- Proposed is contrary to local and national planning policies;
- Encroachment into the open countryside/AONB;
- No detail of the proposed business activity;
- Increase in vehicular activity to and from the site;
- Access concerns and highway safety concerns;
- No agricultural activities occurring on the land and the existing building is not redundant as recently erected;
- Proposal would set a precedent for future development of this type;
- Impact to wildlife;
- Impact to users of the public footpath

The publicity has generated one letter of support with comments received stating:

We are looking to become the long term tenants at this site and would like to add our support to the plan. If anyone would care to discuss our eco credentials, eco system of brands and business ethos we would be happy to talk to you directly.

9. Planning Considerations

9.1 Principle of development

Principle of development including planning history, design and scale

The application site is an existing modern agricultural barn/outbuilding located within an area of agricultural land approximately 6.68 hectares in size with an existing access implemented via the extant planning permission S/2009/1901/FUL for which this agricultural barn relates to. The agricultural barn is located within a predominately rural location within the open countryside for the purposes of the local plan. The site is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

The Settlement and Delivery Strategies of the Wiltshire Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability by focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service

Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development.

Core Policy 2 of the Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Also of relevance to this application are Core Policies CP34 (Additional Employment Land) and CP48 (Supporting Rural Life) of the WCS that are referred to in more detail below.

Paragraph 6.12 of the WCS refers to Core Policy CP34 and states the following:

Core Policy 34 aims to support the rural way of life through the promotion of modern agricultural practices, appropriate diversification of the rural economy, and provision of broadband. The policy includes criteria to be met for proposals relating to the retention or expansion of existing businesses within or adjacent to the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages.

CP34 of the WCS states the following:

Proposals for employment development (use classes B1, B2 or B8) will be supported within the Principal Settlements, Market Towns and Local Service Centres, in addition to the employment land allocated in the Core Strategy. These opportunities will need to be in the right location and support the strategy, role and function of the town, as identified in Core Policy 1 (settlement strategy) and in any future community-led plans, including neighbourhood plans, where applicable.

Proposals for office development outside town centres, in excess of 2,500sq metres, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrate that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available.

Outside the Principal Settlements, Market Towns and Local Service Centres, developments that:

i. Are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or

ii. Support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or

iii. Are for new and existing rural based businesses within or adjacent to Large and Small Villages; or

iv. Are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council

will be supported where they:

v. Meet sustainable development objectives as set out in the policies of this Core Strategy; and

vi. Are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; and

vii. Are supported by evidence that they are required to benefit the local economic and social needs; and

viii. Would not undermine the delivery of strategic employment allocations; and

ix. Are supported by adequate infrastructure.

Core Policy 34 refers to employment uses being B1, B2, B8 uses. The policy predates the change to the use classes order in 2020 when B1 Business was revoked and is effectively replaced with the new Class E(g):

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes E(g)(iii) Industrial processes.

Use Classes B2 and B8 remained valid:

B2 General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

B8 Storage or distribution - This class includes open air storage.

The crux of this application is the consideration of the sustainability of the site subject to this proposal against the location within the AONB/open countryside. It is noted that planning policies for Wiltshire and guidance within the NPPF protect/limit against development within the open countryside/AONB. However, Officers also note paragraphs 85, 88 and 89 of the NPPF that support the expansion of all types of businesses, either urban or rural in rural areas. Of specific relevance is paragraph 89 that states:

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.

In respect of Core Policy CP34 of the WCS, the intention of this policy is not only directed at the strategic allocation of employment land. This policy is also directed at supporting rural life and businesses and is of relevance to this proposal. Paragraph 6.12 of the WCS states:

Core Policy 34 aims to support the rural way of life through the promotion of modern agricultural practices, appropriate diversification of the rural economy, and provision of broadband.

The use of the building for a B2/B8 use is considered to be within close proximity to other commercial sites known as Littledown Business Park and Wincombe Business Park and thus could offer an opportunity for an existing business to relocate or expand from either of these areas to the site subject to this application. These forementioned business parks are located within close proximity to the A350 public highway as is the application site. Members are therefore asked to consider whether the use of this site subject to this planning application is in a sustainable location in respect of Core Policy CP34 of the WCS. In the absence of a highways objection or landscape objection, which are both covered in more detail within the forthcoming sections of this report, officers consider that the location of this site for a B2/B8 use is sustainable in policy terms given its proximity to other nearby business parks and the connectivity of the application site in relation to the A350 public highway.

Whilst it can be argued that this scheme may not be strictly in accordance with all requirements/criterion of Core Policy CP34 of the WCS, paragraph 89 of the NPPF affords pragmatism in policy and decision making in so that sites such as this proposal '*may have to be found adjacent to or beyond existing settlements, and in locations that are not well served*

by public transport' subject to impacts on landscape setting and infrastructure. These matters around landscape setting and infrastructure to which no consultee objection are raised to are discussed in subsequent sections of this report.

Also of relevance is Core Policy CP48 of the WCS that refers to the conversion and re-use of rural buildings. This policy states:

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies 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; and*
- 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; and*
- iii. The building can be served by an adequate access and infrastructure; and*
- iv. The site has reasonable access to local services or*
- 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 policies.

This proposal is for a use falling within B2/B8 of the Town and Country (Use Classes) Order 1987 (as amended) and as such, is required to adhere to criteria (i) to (v) of Core Policy CP48 which is assessed in turn below.

CP48 requires that:

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; and

Whilst planning permission for the erection of the building subject to this proposal was granted in 2010, the existing barn appears to be of a modern construction and erected within the last two/three years. As such, the existing building would appear to be structurally sound with minimal works required to facilitate the conversion.

CP48 continues:

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; and

This matter is referred to in greater detail in the *Amenity Impacts including the AONB* section of this report and is supported by a Landscape Assessment and Noise Assessment which have received favourable responses from the relevant statutory consultees.

iii. The building can be served by adequate access and infrastructure; and

The Highways Officer has assessed the proposal and has raised several concerns in respect of the location of the site being unsustainable in regard to Core Policies 60 and 61 of the WCS and the resultant increase in vehicular movements to and from the site by way of the proposed use having a detrimental impact to highway safety. The agent has provided additional information to the raised concerns that have addressed these issues. However, it is considered by the Highways Officer that the access to and from this site and surrounding infrastructure is acceptable and no objection is raised on this matter. These matters are covered in greater detail within the Parking/Highway Safety section of this report.

iv. The site has reasonable access to local services or

The site is located within the open countryside for the purposes of the local plan. Within Wiltshire, the nearest settlement defined as a large village is Ludwell, approximately 2.7 miles away. The nearest small village as defined by the Wiltshire Core Strategy is Donhead St Mary, approximately 2 miles away. The site however is located within close proximity to the Littledown Business Park and Wincombe Lane Business Park with interconnectivity via the nearby A350 public highway. Whilst there is no definition in planning terms of 'reasonable' access to local services, officers consider that the site offers reasonable access opportunities in line with this policy.

v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding

Not applicable.

In light of the points raised around the considered sustainability of the site in regard to its location within acceptable connectivity/infrastructure in close proximity and noting the requirements of paragraph 89 of the NPPF, officers consider the location of the site is sustainable in planning policies terms, and as such, accords with the requirements of Core Policies CP34 and CP48 of the WCS. This opinion is enhanced by way of a lack of a highways and landscape objection to this scheme.

Therefore, the proposed development at the site is considered acceptable in principle, provided the development is appropriate in terms of its scale, siting and design to its context, and provided other interests including landscape, residential amenity, highways and ecology are addressed. These matters are discussed in subsequent sections.

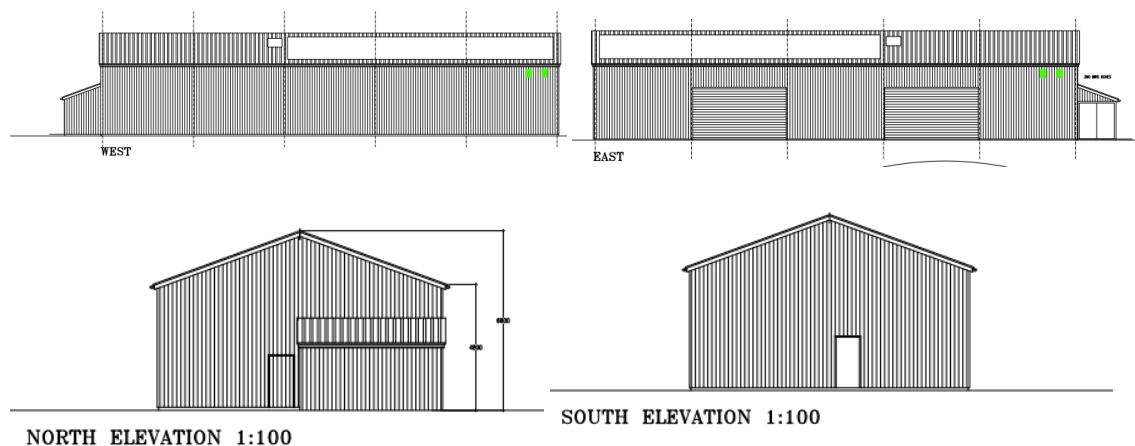
9.2 Design and Scale

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The design of the existing building has evolved through the planning history of the site that within 2009 saw consent granted for the erection of the building and access. The access was constructed but the approved building was not erected. In 2021, officers granted consent for changes in the materials to be used in the construction of the building. However, it is apparent following a site visit undertaken by the case officer that the permitted building was not erected in accordance with the approved plans. This application seeks to retrospectively address these minor changes to the design of the building. The ridge height of the building is 5.8 metres by 11 metres in depth by 30 metres in width. The overall footprint and scale of the building have remained as per the previous approval. The submitted plans provided with this scheme reflect

the existing building now with the exception of a modest mono-pitched extension on the northern elevation proposed to be constructed to house a generator associated with the electricity for the building. Currently, a shipping container is sited on the land with the generator housed within. A condition can be imposed onto any consent requiring the removal of the shipping container and construction of the mono-pitched extension within a certain time period.

The existing building is constructed with green trapezoidal steel sheeting and has two large roller doors on the eastern elevation. The elevations and floor plan are shown below:



The solar panels shown on the eastern and western roof slopes of the building are not yet in situ nor is the mono-pitched extension on the northern gable end elevation to house the generator as outlined. However, given that the principle of the building subject to this proposal has already been established through the planning history associated with the site and that this has largely remained the same in scale and footprint, subject to the condition around the construction of the mono-pitched extension, officers consider that this proposal accords with the requirements of Core Policy CP57 of the WCS.

9.3 Impact to the amenity of the area including the AONB and PROW

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The site is located within the open countryside for the purposes of the local plan and there are no residential dwellings in close proximity. The application is accompanied by a Noise Impact Assessment report undertaken by Acoustic Consultants Ltd and this report has been assessed by the Council's Public Protection Team. Comments to this state the following:

I have read the Noise Impact Assessment submitted with the application, and note at Table 7 (page 18) the author has determined the target cumulative rating level for any future proposed plant, but has not taken into account the design criteria set by Wiltshire Council i.e. any new plant should be sited and designed to achieve a rating level of at least 5dB below background sound level at the time any plant/ machinery it is intended to operate. In addition, noise modelling of possible plant or vehicle movements etc. to assess the predicted impact of noise from the proposed application site, has not been carried out or reported upon. It is also noted the end user of the site and proposed plant/ processes to be carried out on site is currently

unknown. To protect the amenity of nearby residents, I recommend the following conditions are applied to any approval of this application:

- *Prior to commencement an assessment of the acoustic impact arising from the operation of all proposed machinery and plant shall be undertaken in accordance with BS 4142: +A1:2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be 5dB below background and is protective of local amenity.*

Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- *The rating level (LArTR) of the noise emitted from the proposed development shall not exceed the existing background noise level (LA90T). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the local planning authority. Measurements shall be made in accordance with BS4142:2014 +A1:2019. Where the background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00 - 23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00 – 07:00] at the boundary of the nearest residential noise-sensitive receptors.*

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The modal value for the background sound level has been used to form the basis of the target rating level for the day time period 0700hrs to 2300hrs and night time period 2300hrs to 0700hrs i.e. the most common result over the assessed time period has been selected as the representative background sound level, rather than the mean or median value. Without sight of the full details of results (which have not been provided as part of the Noise Impact Assessment report), I am unable to assess whether the modal background sound level is representative or not. From the graphs provided in the report, it appears the background sound level drops from around 1800hrs/1900hrs, and increases again around 0700hrs/ 0800hrs. Therefore the evening background sound levels between 1800hrs and 2300hrs are likely to be significantly less than the target cumulative rating level as detailed at Table 7, and noise from plant or processes carried out at the development site may adversely impact on amenity of nearby residents during that time period. In addition, the night-time background sound levels are very low, therefore it may not be possible to achieve a rating level of 5dB below background sound level for the night time period. In order to maintain amenity levels at the nearest residential properties, I further recommend the following conditions are applied to restrict the hours of use and deliveries/ collections to the site as follows:

- *The use hereby permitted shall only take place between the hours of 0800hrs – 1800hrs Monday to Friday, 0800hrs – 1700hrs Saturday, with no use on Sundays or bank/ public holidays.*

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Subject to the imposing of the suggested conditions or similarly worded conditions as outlined by the Council's Public Protection Team, officers are of the opinion that the proposal accords with the requirements of Core Policy CP57 of the WCS.

Core Policy CP51 of the WCS states: *Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.*

Paragraph 182 of the NPPF states *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited'*

Officers note the concerns received from the members of the public, the AONB Group and respective Parish Councils in relation to this proposal in terms of the setting within the AONB and to the PROW known as DSTM2 that runs along the eastern boundary parallel to the site. The application was accompanied by a Landscape and Visual Appraisal undertaken by LHC Design which has been assessed by the Council's Landscape Team that is considered to be appropriate and proportionate to the scheme. The full comments are detailed within the consultee response section of this report.

Comments from the Landscape Team and the AONB Group make reference to the lack of detail provided around lighting and the proposed being contrary to the AONB Management Plan 2019-2024. As a result of these comments additional plans and details have been provided proposing solar panelling on the roofslopes of the building and; detail around biodiversity mitigation with the latter being considered in more detail within the next section of this report.

The Council's Landscape Team are satisfied with the additional information and recommend a condition around the specification of lighting having regard for the advice with the Institution of Lighting Professionals that can be adhered to. To clarify, a table of the advice for the environmental zones is shown below where a condition can be imposed onto consent to preserve this. In terms of the AONB/Dark Skies Initiative, this being a protected environment, any lighting would need to adhere to the E0 specification as shown.

Table 2: Environmental zones

Zone	Surrounding	Lighting environment	Examples
E0	Protected	Dark (SQM 20.5+)	Astronomical Observable dark skies, UNESCO starlight reserves, IDA dark sky places
E1	Natural	Dark (SQM 20 to 20.5)	Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc.
E2	Rural	Low district brightness (SQM ~15 to 20)	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations
E4	Urban	High district brightness	Town / City centres with high levels of night-time activity

In terms of any harm to the setting of the AONB and wider area including the public footpath DSTM2 to the east of the site, the comments received during the consultation process for this planning application are duly noted and have been carefully considered. The comments of the Public Rights of Way Team not do not object to this scheme are also noted.

Officers note paragraph 182 of the NPPF that affords great weight to the conserving and enhancing the special appearance of the AONB in which this application site is located within. However, officers also note paragraph 89 of the NPPF that states:

*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 (emphasis added).***

This is an existing building permitted for an agricultural use that is, for the reasoning as alluded already within this report, is considered to be within a sustainable location. The site in terms of landscape impact and being viewed within the landscape are limited noting the comments of the Council’s Landscape Officer given the topography of the land and; noting the scheme is accompanied by a proposal for new hedgerow planting that will in time, help to mitigate the proposal when viewed from the various receptors/vantage points.

Furthermore, a condition can be imposed onto any consent restricting the use of the building to be solely used for Class B2 and/or Class B8 use only with all commercial materials and items associated with either use being stored within the building with no outside storage of any commercial materials/items at all. This condition would therefore provide further mitigation/protection in respect of the appearance of the building within the wider landscape setting of the AONB,

It is noted that there will inevitably be some impact on the character and appearance of the AONB by way of the proposed. However, officers consider that given there are not consultee

objections in respect of landscape and amenity impacts and subject to the suggested conditions, the proposal accords with the requirements of Core Policy CP51 of WCS.

9.4 Ecological Impact

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The application is accompanied by an Ecological Impact Assessment (EIA) undertaken by Darwin Ecology which has been reviewed by the Council's Ecologist. Comments received from the Ecologist following an assessment of this proposal have no objection to this scheme subject to the proposed works being carried out in accordance with this document and the Mitigation, Compensation and Enhancement Plan that shows appropriate ecological mitigation by way of the proposed and a condition around no external lighting. Comments received state the following:

We welcome the Ecological Impact Assessment submitted in support of the application and note that the agricultural building was assessed as having negligible potential to support roosting bats and nesting birds and limited potential to support reptiles. We note that records of dormice were identified within close proximity.

The Landscape strategy proposes a new species rich hedgerow along the western boundary and the ecological impact assessment recommends birds and bat boxes on the building, all of which would contribute to a biodiversity net gain on site.

The site exists within the Cranborne Chase and West Wiltshire Downs AONB which has been designated a dark sky reserve. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in the publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Conditions:

1. The development will be carried out in strict accordance with the following documents:

Landscape Strategy 23011 LHC-00-XX-DR-L-94.101 dated 09.06.23 by LHC Design.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

Informatives:

Bats

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Reptiles

There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in (Extended Phase 1 Survey by Stark Ecology dated September 2022). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

Breeding Birds

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Subject to the imposing of the suggested conditions as outlined or similarly worded conditions as per the recommendations of the Council's Ecologist, officers consider that the works proposed will not cause any significant adverse ecological impact in respect of Core Policy CP50 of the WCS.

9.5 Parking/Highway Safety

The existing access/egress as approved by the 2009 consent is proposed to be used for the purposes of this planning application. No other access/egress is proposed. The existing access/egress serves Wincombe Lane with access to the A350 approximately 230 yards away. Officers note the large amount of concerns received during the consultation process around highway safety by way of the proposal of which are duly noted.

The application is accompanied by a Transport Statement undertaken by Bellamy Roberts that has been assessed by the Council's Highways Officer. Full comments of the responses received from the Highways Officer are detailed within the consultee response section of this report. The site has also been visited by the Highways Officer to observe vehicular movement and speed in respect of 40mph speeds and visibility splay as set out in the submitted transport statement from the existing access/egress. The data provided within the transport statement has been questioned by the Highways Officer in that the proposed visibility splays are not

acceptable and that there is likely to be an intensification of use of the access/egress by way of additional vehicular movements in comparison to the extant agricultural use. Also concern is raised around the junction of Winscombe Lane and the A350 public highway in terms of the junction being substandard. Furthermore the Highways Officer has referred to a lack of a parking plan showing sufficient space for the provision of 10 parking spaces based on the internal floor space and manoeuvrability for certain sized vehicles.

In terms of the substandard nature of the junction of Wincombe Lane and the A350 public highway, the Highways Officer has confirmed that two accidents have occurred at this junction within the last five years. Whilst the use of this junction may be increased by way of this proposal, to state that this junction is substandard based on traffic accidents within the last five years would be difficult to justify. Furthermore, this junction does not form any part of this planning application.

Clarification has been provided on the points raised that has been further assessed by the Highways Officer. Whilst there are disagreements between the Highways Officer and agent in terms of traffic movements/fallback position, the Highways Officer is satisfied that from a highway safety perspective, this proposal would not result in any significant adverse impact to highway safety subject to the imposing of the suggested conditions onto any consent granted.

Officers note the requirements of Core Policies CP60 and CP61 of the WCS state the following:

Core Policy CP60 states: *The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.*

Core Policy CP61 states: *New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.*

Officers also note the wording of paragraph 109 of the NPPF that states:

*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. **However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making (emphasis added).***

Whilst the scheme as presented may not be strictly in accordance with Core Policies CP60 and CP61 of the WCS, having regard for the submitted documentation that has been provided and assessed by the Highways Officer and; noting that there is large emphasis within the NPPF apportioned with significant weight given to economic development that supports a prosperous rural economy and; the sustainable growth of all types of businesses in rural areas, the proposal by way its relatively small overall footprint and there being no adverse impact to highway safety as identified by the Council's Highway Officer is considered to be acceptable.

Furthermore, by imposing a restrictive condition on the application site to control and retain the use of the building to be within either a B2 use class or B8 use class with no outside storage of commercial items and materials thus keeping all parking spaces, turning areas and access/egress points clear at all times, Officers consider that the proposed works will not cause any significant detrimental impact to highway safety or highway users to justify the refusal of planning permission for this proposal.

9.6 Other matters

Written concerns have been received from members of the public regarding the overall intention of the applicant for the use and redevelopment of the building and; that the building has recently been erected and the surrounding land have never been used for agricultural purposes. Whilst these concerns are noted, each application received by the Local Planning Authority is judged on its own merits and against local and national planning policies. The planning history associated with this site granted permission for the erection of an agricultural building. Whether it was the intention of the applicant to use the building for agricultural purposes, is not a material consideration of this planning application.

Written concerns have been raised by the fact that no potential user of the site has been identified within this planning application. Provided, any user of the site falls within either the B2 or B8 use class, the Local Planning Authority have limited control of who may occupy the site. However, as previously outlined, a condition is to be imposed onto any consent that would restrict the use of the site and the outside areas surrounding the building with other conditions regarding additional information around noise impacts as set out within this report would provide mitigation against potential impacts by way of the proposal.

10. Conclusion and Planning Balance

This proposal seeks planning permission for the conversion of the existing building for a B2/B8 use. Retrospective planning permission is also sought for the design changes of the erected building following the granting of consent PL/202105267.

The significant number of written concerns received from members of the public and the respective Parish Councils during the consultation process for this planning application are duly noted and have been carefully considered.

The crux of this application is the consideration of the sustainability of the site against the location within the AONB/open countryside. Officers consider the location of the site to be sustainable given its proximity to infrastructure by way of the nearby A350 public highway and respective business parks known as Littledown and Wincombe Lane. Whilst Core Policy CP51 (Landscaping) of the Wiltshire Core Strategy affords significant weight to the protection of the open countryside involving new development, national planning policies put great emphasis on supporting the rural economy and that a degree of pragmatism should be shown. The Wiltshire Core Strategy in respect of Core Policies CP34 and CP48 aims to support the diversification of the rural economy with proposals of this nature. Officers also note paragraph 89 of the NPPF affords pragmatism in policy and decision making in so that sites such as this proposal *'may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport'* subject to impacts on landscape setting and infrastructure. These matters around landscape setting and infrastructure in respect of the road network serving the site have been discussed in detail within this report. Officers note the responses received from the statutory consultees that have no objection to this proposal subject to the imposing of several conditions onto any consent.

Therefore, the sustainable location of the site in the absence of any landscape setting or infrastructure consultee objection affords significant weight in the determination of this

application. A condition imposed onto any consent as outlined within this report can restrict the use of the building to be within a B2 use class or B8 use class only with limitations to the storage of associated materials with either use proposed.

As such, for the reasons as outlined within this report, officers consider the proposal for the conversion of the existing building to either a B2/B8 use class conforms to the objectives of Core Policies 1, 2, 34, 48, 50, 51, 57, 60 and 61 of the Wiltshire Core Strategy and the requirements of the NPPF. Taking the above into account, the application is not considered contrary to these policies as it does not cause any significant material harm that would justify a refusal of planning permission. Therefore, planning permission should be granted for the development proposal and the retrospective changes sought by the design changes to the building.

11. RECOMMENDATION:

Approve with conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG No: 2259/3E Proposed Site Layout Plan, Elevations with Ecological Mitigation and Floor Plan Date Received 25.01.24

DWG No: 23011 LHC-00-00-DR-A P2 Site Location Plan Date Received 10.07.23

DWG No: 23011 LHC-00-XX-DR-L P6 Proposed Landscape Strategy Plan Date Received 10.01.24

DWG No: 5870/001 Rev B Proposed Visibility Splays Plan Date Received 20.10.23

DWG No: 5870/201 Rev B Proposed Swept Path Analysis Plan Date Received 20.10.23

DWG No: 5870/202 Rev C Proposed Internal Track Delivery Vehicle Plan Date Received 20.10.23

Noise Impact Assessment (Ref No: 10061/AW) by Acoustic Consultants Ltd date received 04.07.23

REASON: For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

- 2 Within three months of the date of this decision, the mono-pitched extension on the northern elevation of the building for the housing of the generator/plant equipment as shown on approved drawing DWG No: 2259/3E shall be erected in its entirety and the existing shipping container housing the generator/plant equipment shall be removed from the land.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features within the AONB

- 3 No part of the development shall be first brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

- 4 Notwithstanding the Town and Country Planning (Use Classes) Order 2020 as amended (or any Order revoking and re-enacting this Order), the conversion of the building hereby approved shall be used solely for Class B2 and/or Class B8 use only. All commercial materials and items associated with this Class B2 and/or B8 use shall be stored at all times within the converted building with all other areas for turning, access and 10 parking spaces as shown on approved plan DWG No: 2259/3E remaining free from any storage associated with the use of the development hereby permitted. There shall be no external storage outside the converted building.

REASON: The existing building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of amenity, access/highway safety and planning policies pertaining to the area including the AONB, would not permit a different use outside of this use class.

- 5 Notwithstanding the submitted lighting detail, any external lighting that is installed across the site shall be designed and implemented to minimise sky glow, glare and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E0 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2021. Any external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.

REASON: To ensure appropriate levels of amenity are achieved with the AONB.

- 6 Prior to commencement of the approved Class B2 or Class B8 use of the site, an assessment of the acoustic impact arising from the operation of all proposed machinery and plant shall be undertaken in accordance with BS 4142: +A1:2019. The assessment/report shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be 5dB below background and is protective of local amenity. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: In the interests of amenity.

- 7 Within three months of approved the Class B2 or Class B8 use first being brought into use, a report shall be submitted to and approved in writing confirming the rating level (LArTR) of the noise emitted from the proposed development shall not exceed the existing background noise level (LA90T). The rating level that shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the local planning authority. Measurements

shall be made in accordance with BS4142:2014 +A1:2019. Where the background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00 - 23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00 – 07:00] at the boundary of the nearest residential noise-sensitive receptors.

REASON: In the interests of amenity.

- 8 The use hereby permitted including deliveries being made to or collections being made from the development hereby approved shall only take place between the hours of 0800hrs – 1800hrs Monday to Friday, 0800hrs – 1700hrs Saturday, with no use, deliveries or collections on Sundays or bank/ public holidays.

REASON: In the interests of amenity.

- 9 All soft landscaping comprised in the approved details of the landscaping scheme shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and any other planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features within the AONB.

INFORMATIVE TO APPLICANT(S):

1.GATES AND STILES

The applicant should note that no gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

2.BATS

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an

independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

3.REPTILES

There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in (Extended Phase 1 Survey by Stark Ecology dated September 2022). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

4.BREEDING BIRDS

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

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Wiltshire Council

PL/2023/05387

Land at Littledown, Shaftesbury, SP7
9HD (Easting 38700, Northing 124850)



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