

# AGENDA SUPPLEMENT (1)

**Meeting:** Eastern Area Planning Committee

**Place:** Assembly Room - Devizes Town Hall, Devizes, SN10 1BN

**Date:** Thursday 5 October 2023

**Time:** 3.00 pm

---

The Agenda for the above meeting was published on Wednesday 27 September 2023. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

7 **PL/2023/05818: Boomerang Stables, Crooked Soley, Chilton Foliat, RG17 0TL (Pages 3 - 34)**

DATE OF PUBLICATION: 4 October 2023
-------------------------------------

This page is intentionally left blank

# Eastern Area Planning Committee

5<sup>th</sup> October 2023

# Late Material

5<sup>th</sup> October 2023

## 7a) 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)

**Recommendation: Refuse**



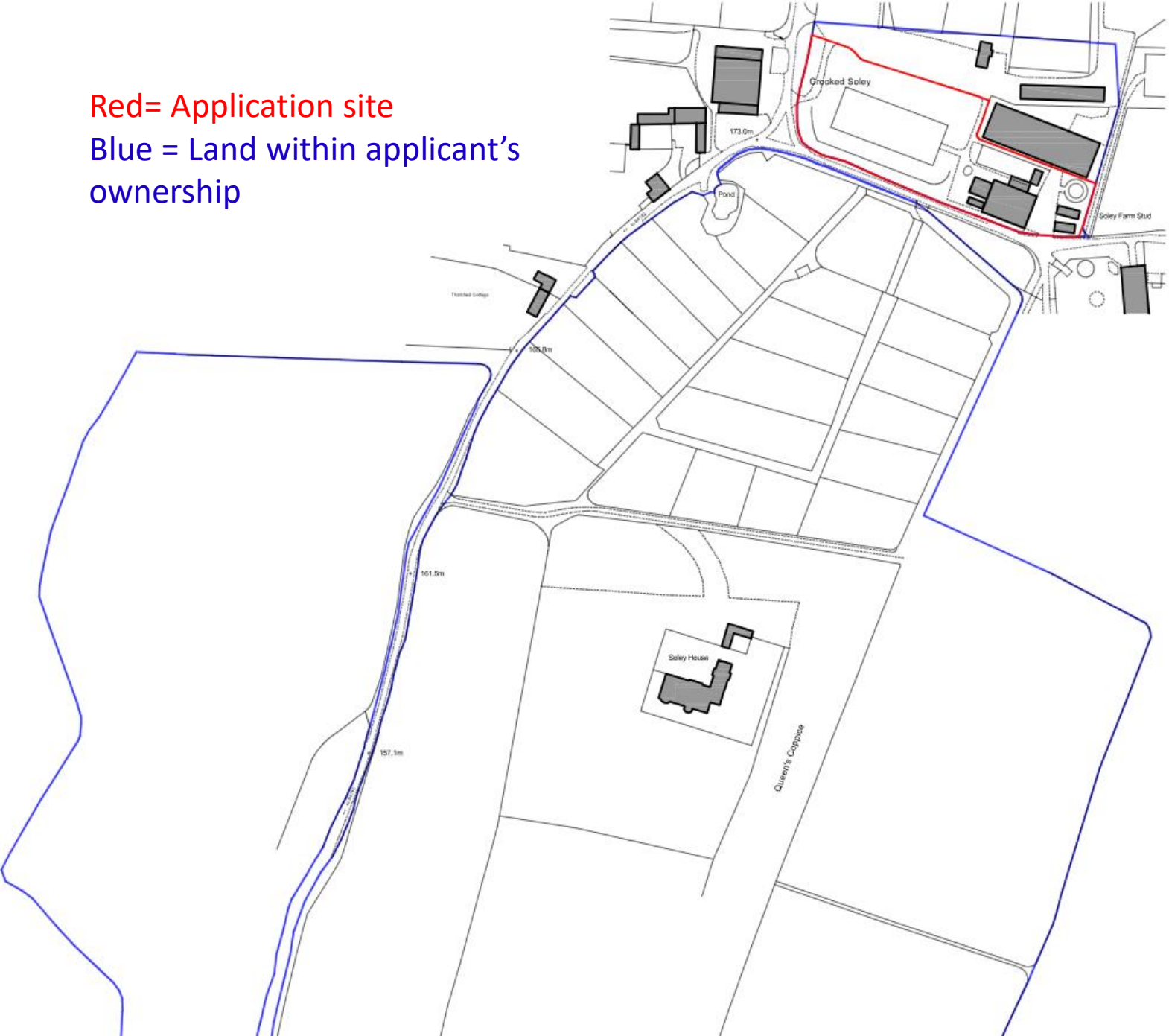
Site Location Plan

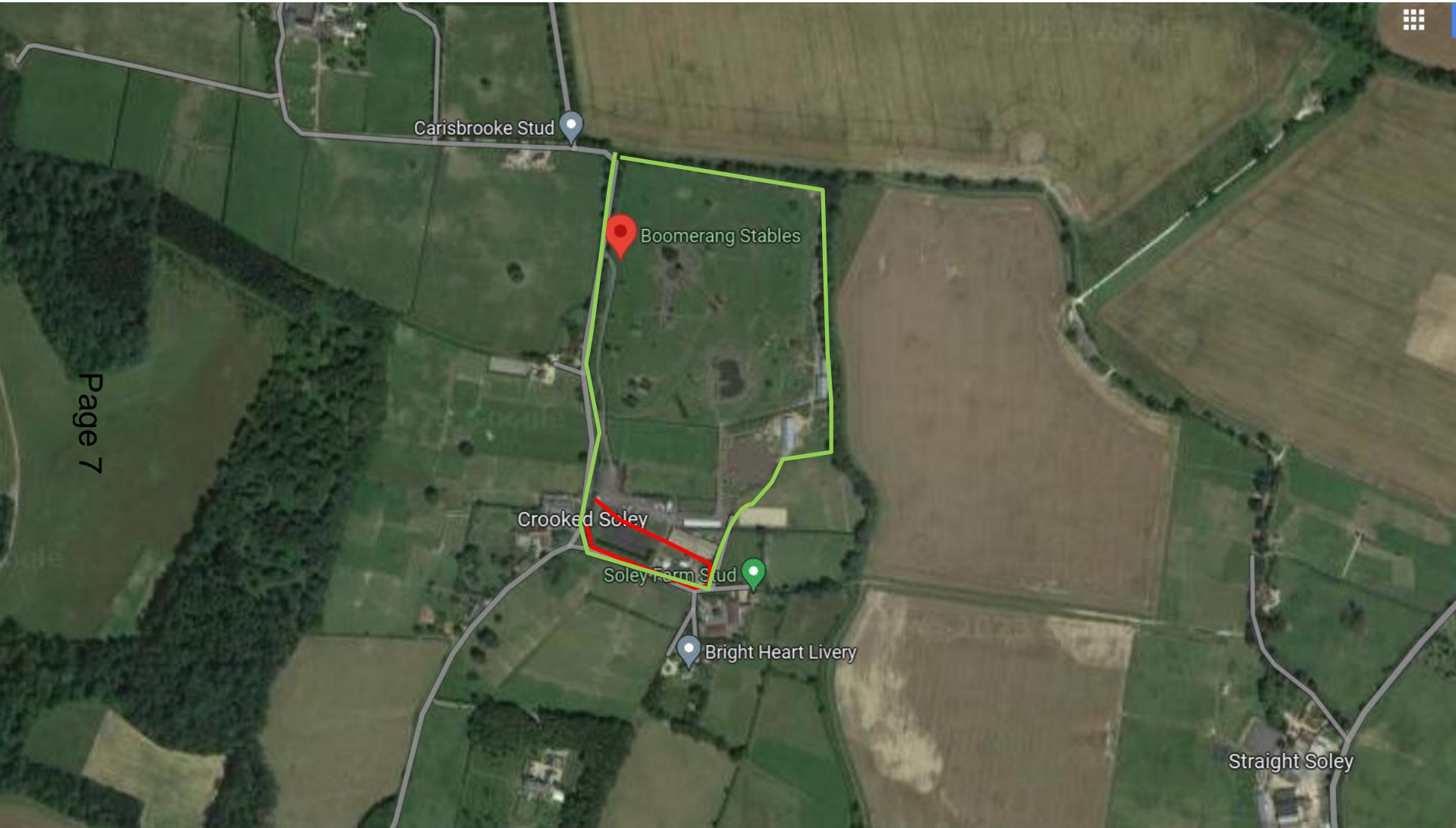


Aerial Photography



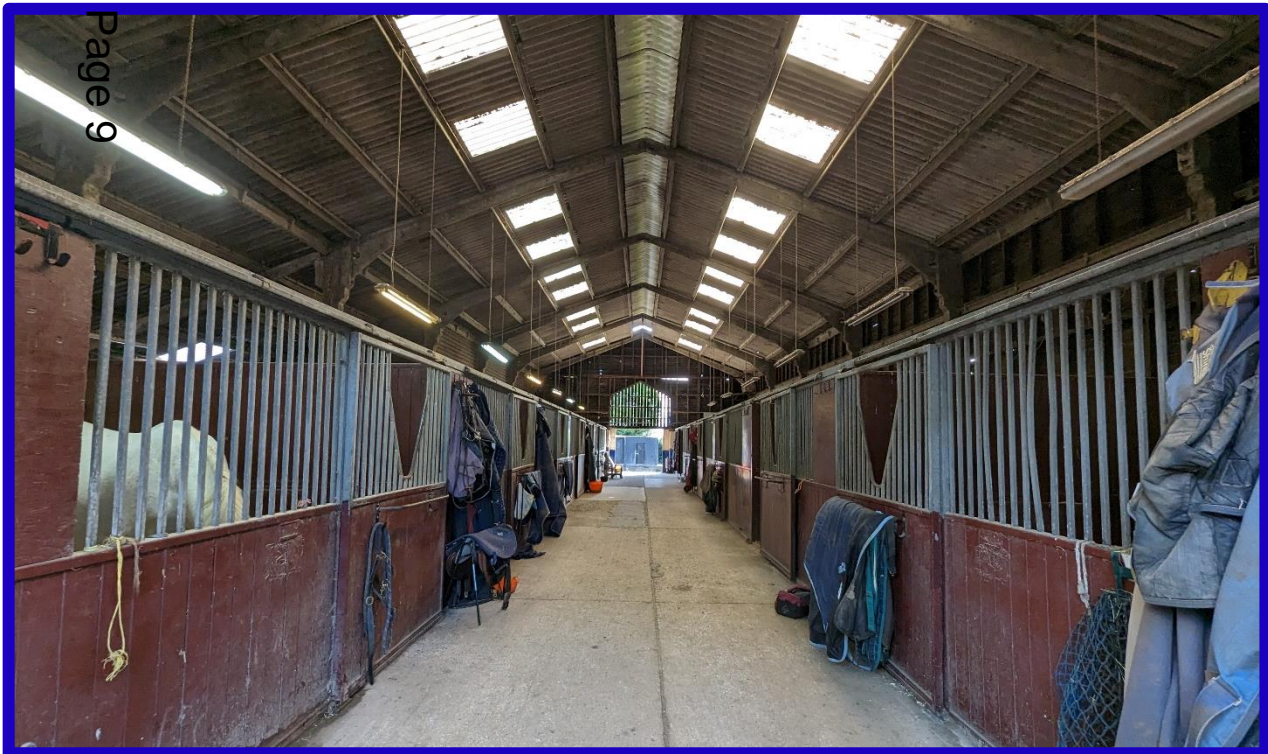
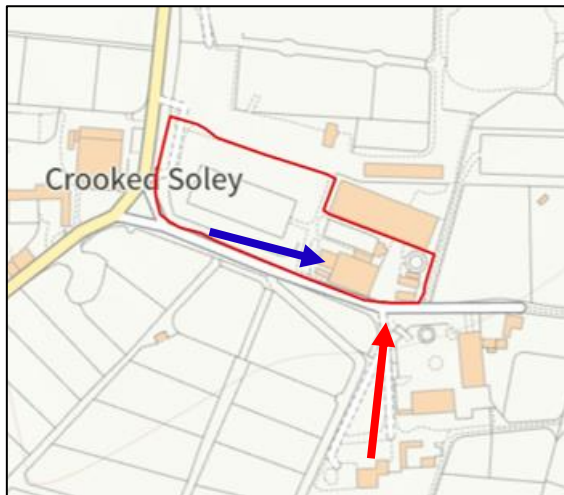
Red= Application site  
Blue = Land within applicant's ownership

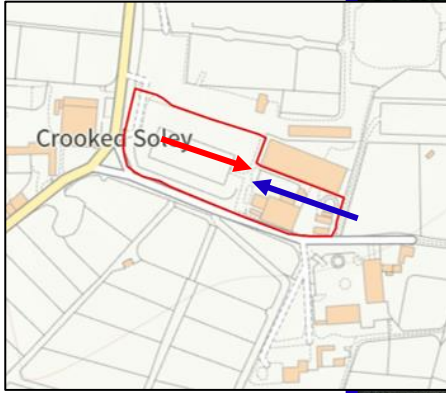


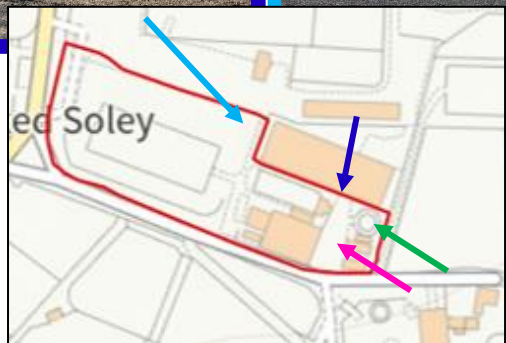
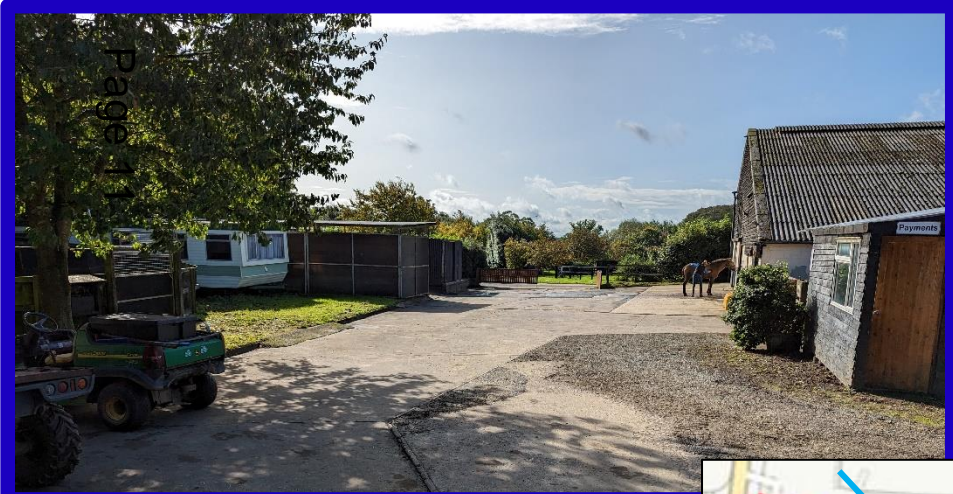








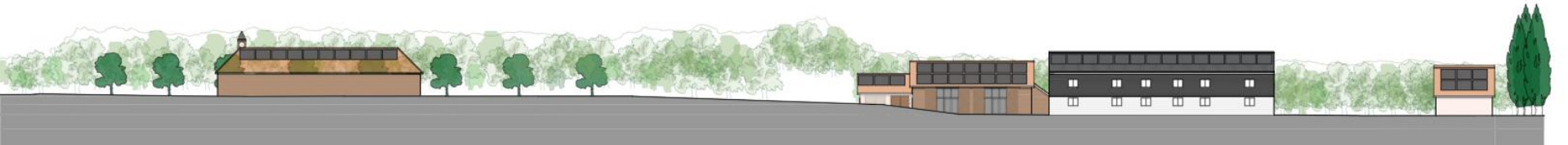


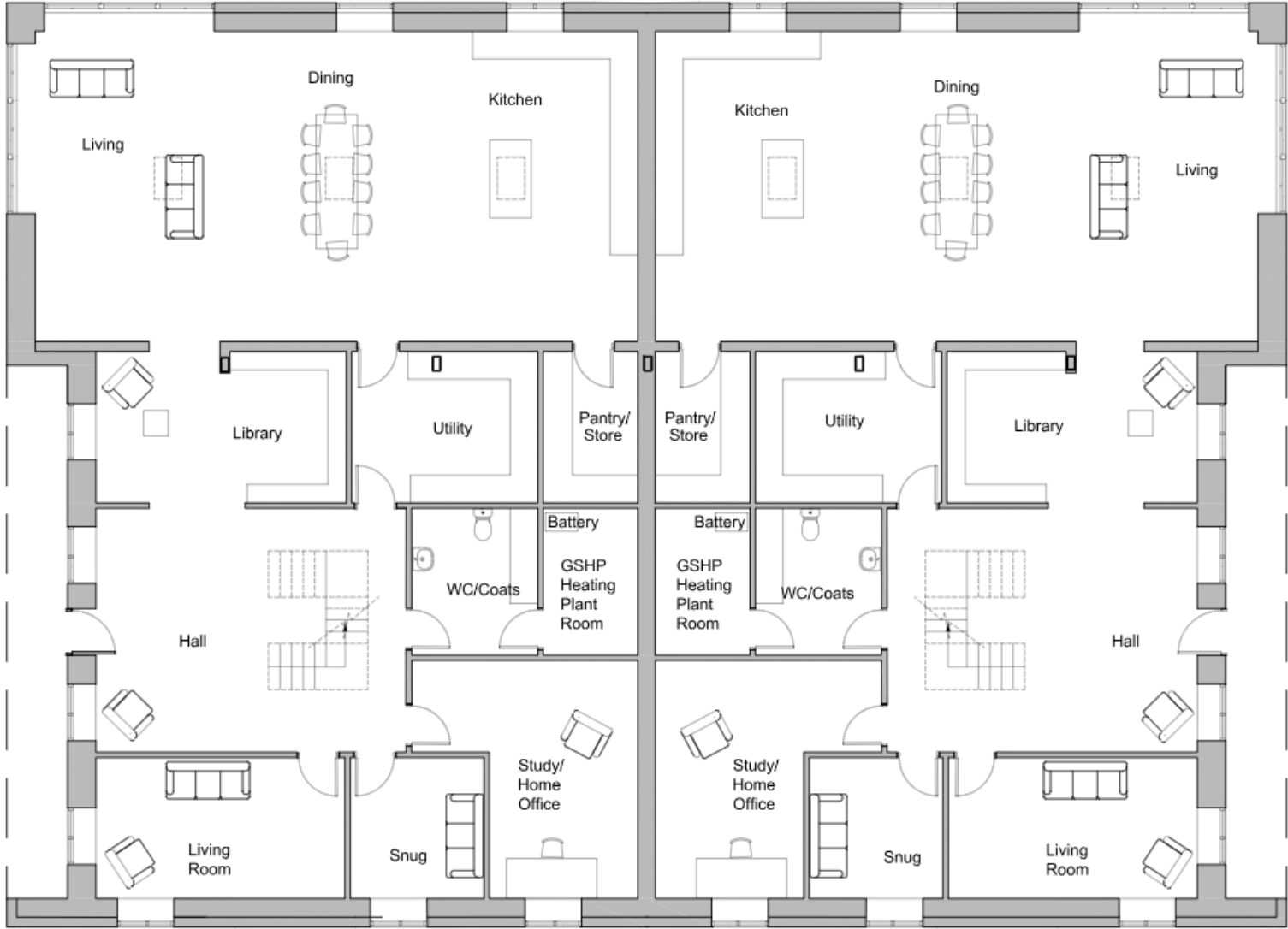






Page 13

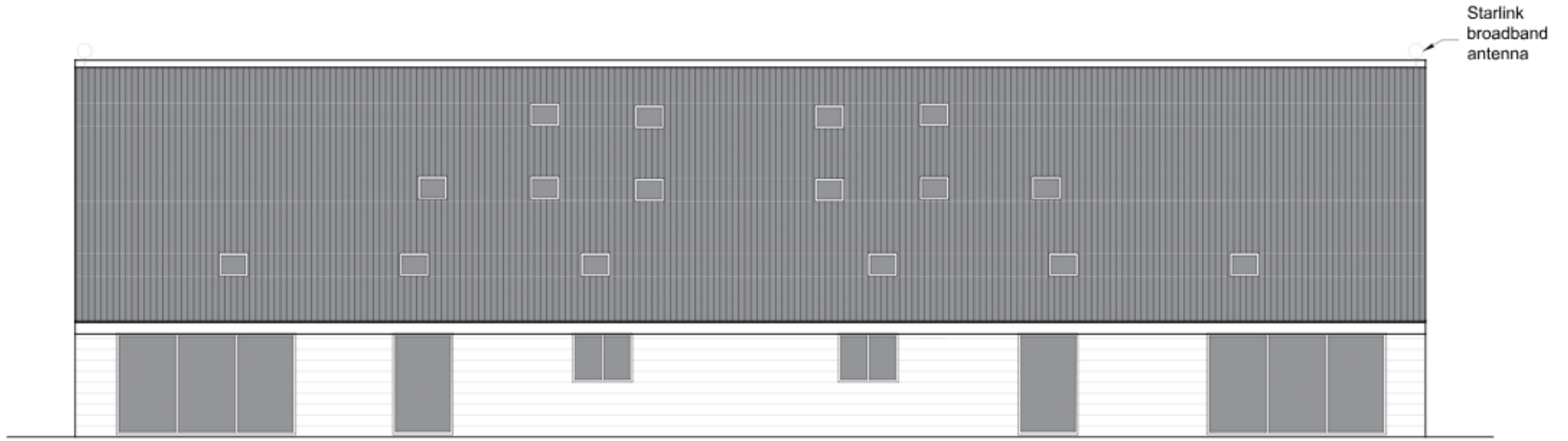




Ground Floor Plan



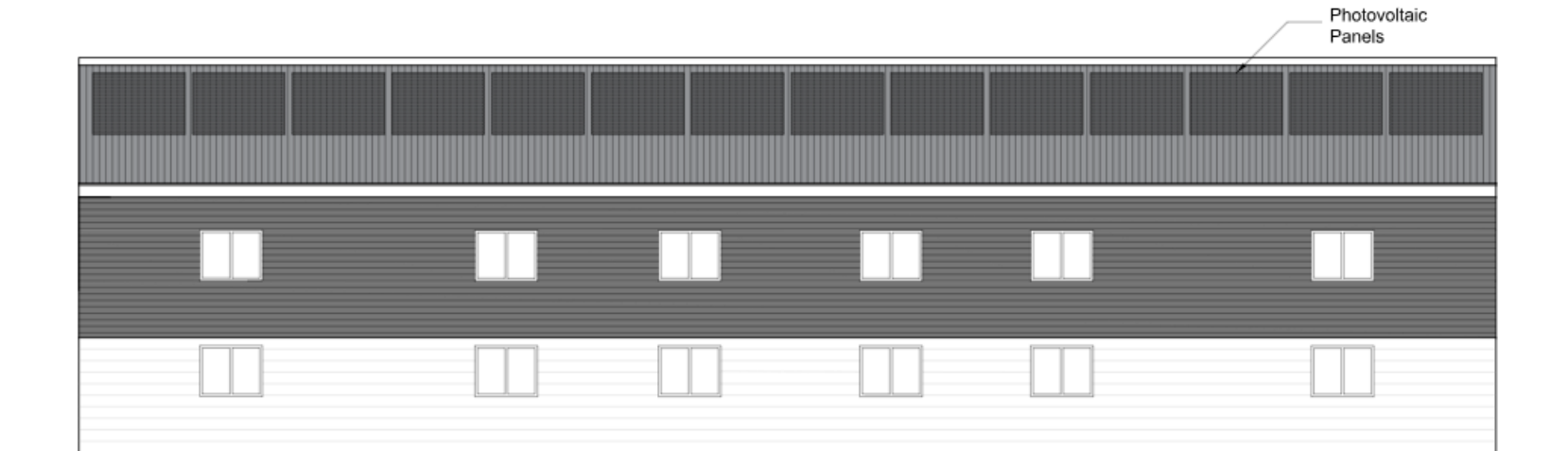
First Floor Plan



Starlink  
broadband  
antenna

North East Side Elevation

Page 16



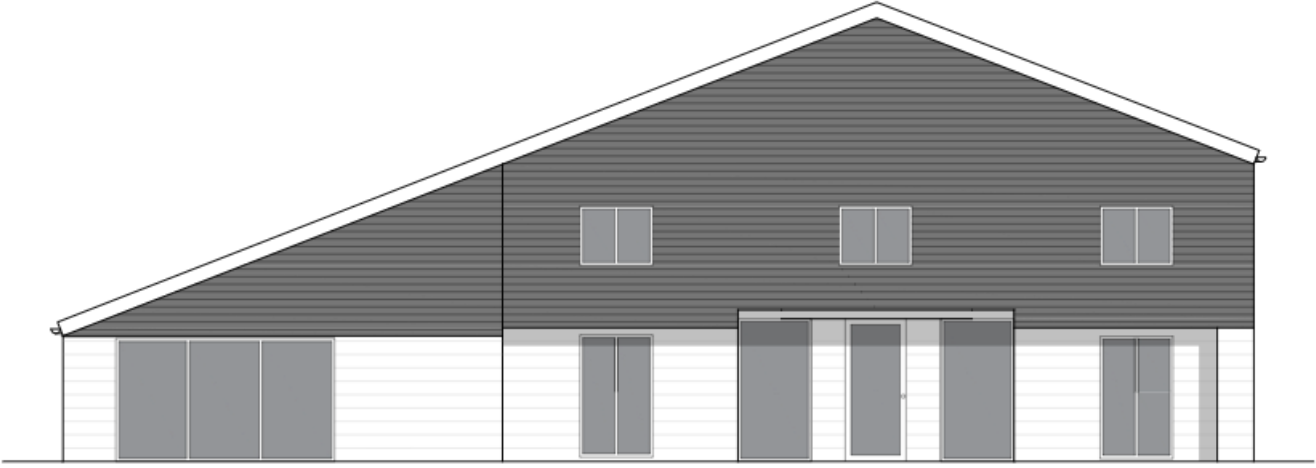
Photovoltaic  
Panels

South West Side Elevation





South East Front Elevation



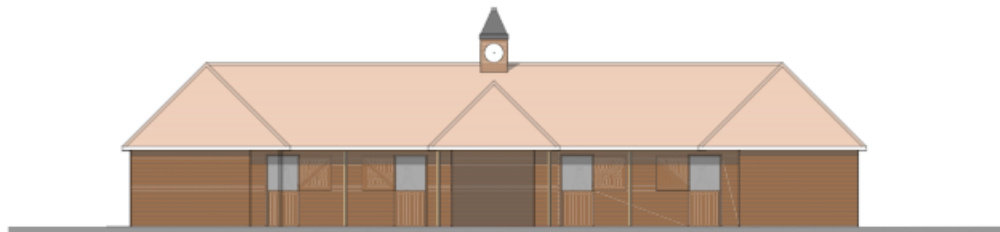
North West Rear Elevation

STABLES AS PROPOSED

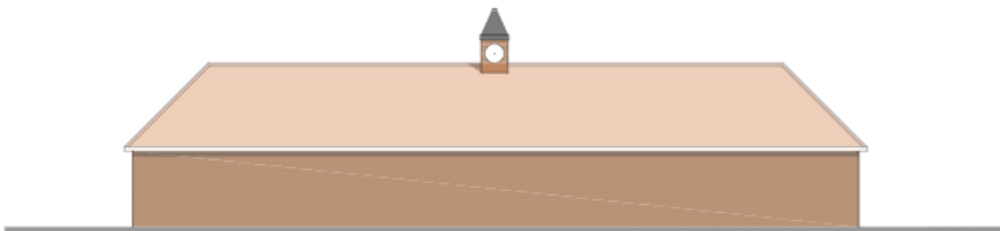
PLAN



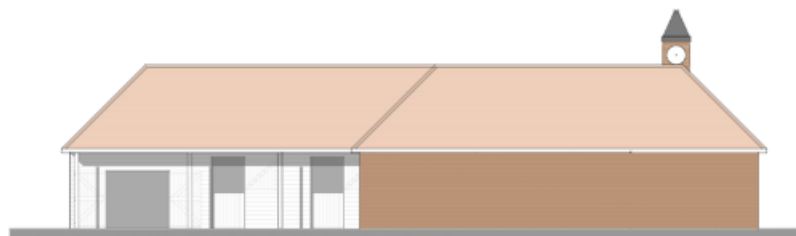
Page 18



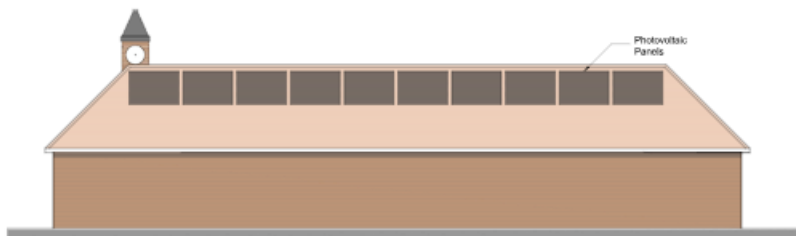
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

Suggested moist condition species (all native): Ragged robin (*Lychnis vis-cavuli*), Common rush (*Juncus effusus*), Lesser Reed Mace (*Typha angustifolia*), Yellow Flag Iris (*Iris Pseudacorus*), Marsh marigold (*Caltha Palustris*), Lesser Pond Sedge (*Carex Acutiformis*), Greater Pond Sedge (*Carex Riparia*), Purple loosestrife (*Lythrum salicaria*), Meadow Sweet (*Filipendula ulmaria*).



Grass Seed  
BS Slow Grow

Meadow planting  
BS1M 80/20

Existing bund retained

Entrance  
Driveway

Page 19

Shrubs  
Vl x 5  
Sn x 5  
Ps x 3  
Em x 5  
Co x 10  
Peren  
Ger 24

Boundary hedges retained

Meadow planting  
BS1M 80/20

Turf or Grass Seed  
BS Slow Grow

Shrubs  
Pt x 19  
Peren  
Heuc x 15  
X4

Turf or Grass Seed  
BS Slow Grow

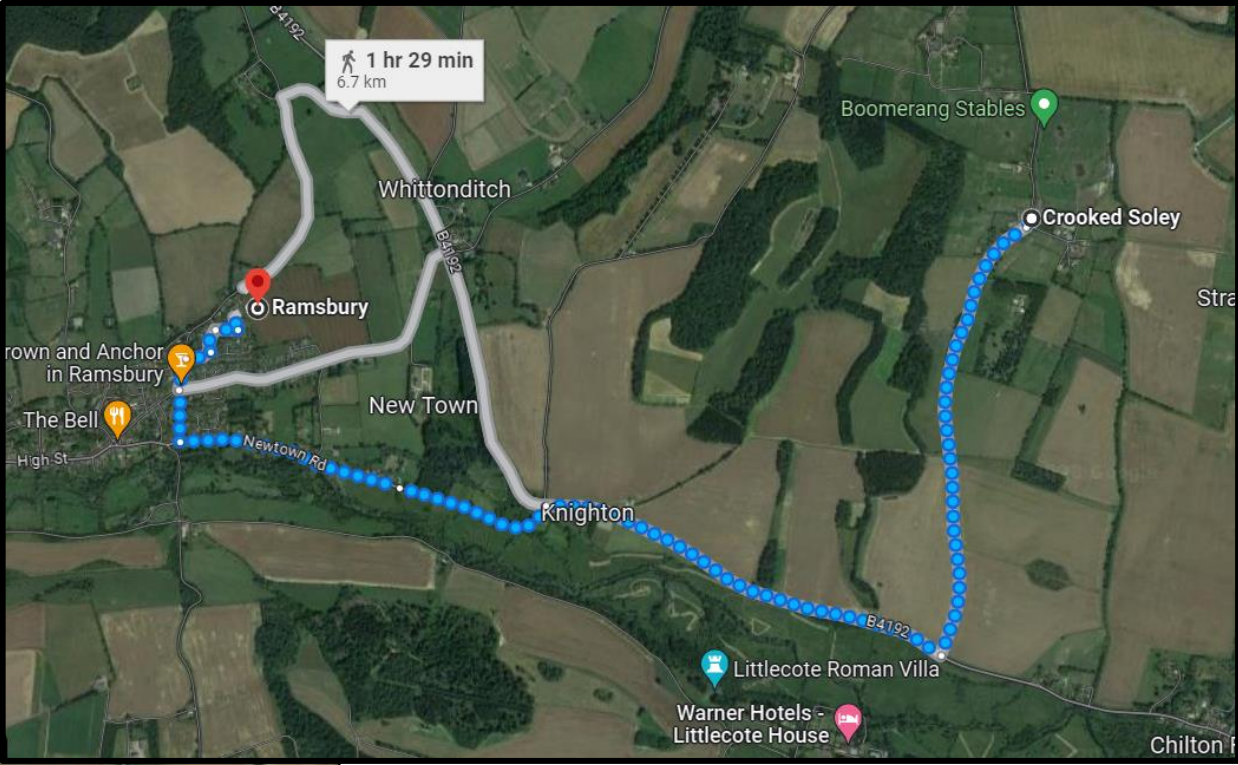
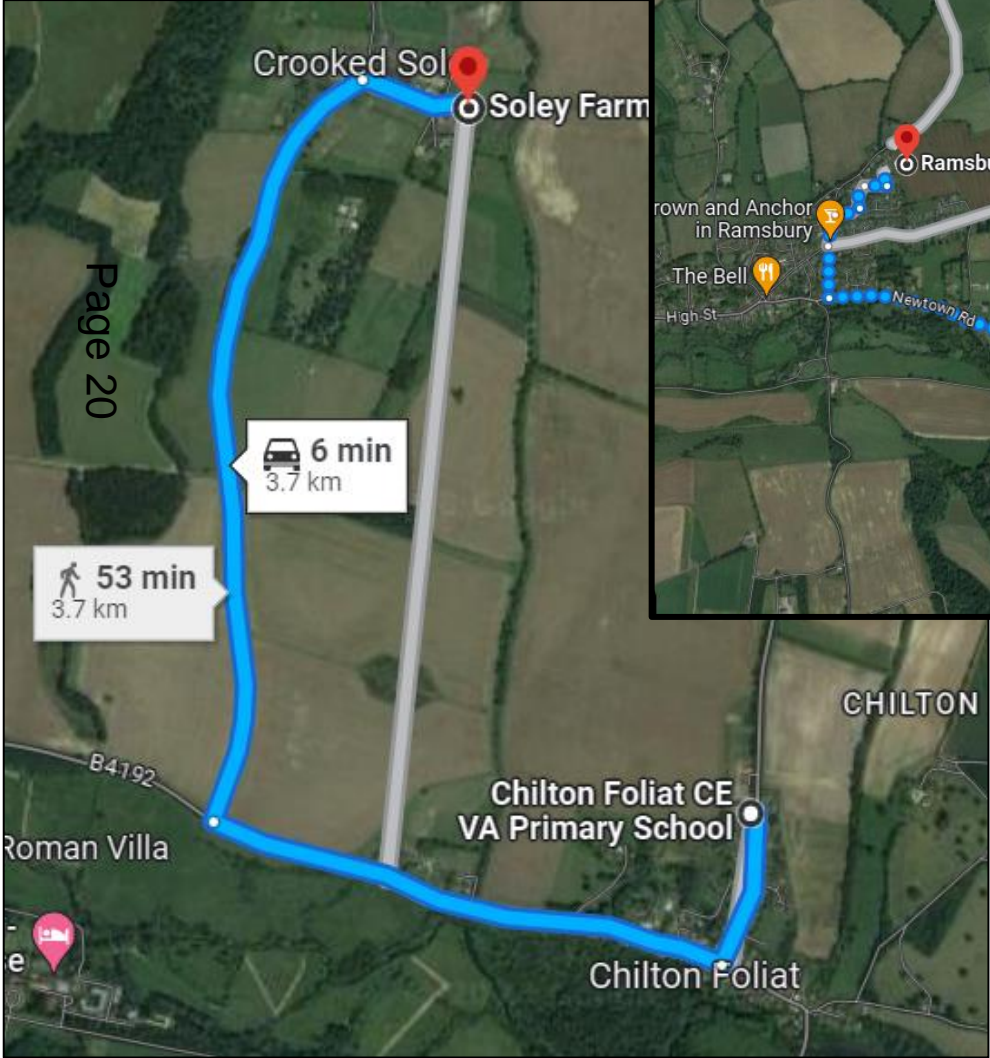
Smaller tree / shrub planting bare root guards and planting

Tubex 1.2m tree guard

Entrance  
Driveway

0 trees

# Walking Routes to nearby villages



Hungerford – 7km via B4192  
Marlborough – 16km (shortest route)



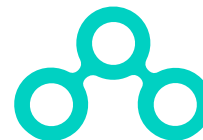


Officer Recommendation:  
Planning Permission is  
Refused

# Eastern Area Planning Committee

5<sup>th</sup> October 2023





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

**Partners**

**Steven H Abbott**  
BSc (Hons) MRTPI

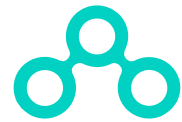
**Alastair J Skelton**  
BSc (Hons) DipTP MRTPI



Balmoral House, Ackhurst Business Park, Foxhole Road, Chorley, Lancashire, PR7 1NY **T 01257 251 177**

130 Highgate, Kendal, Cumbria, LA9 4HE **T 01539 724 766**

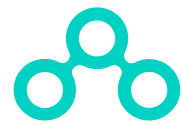
Penstraw Business Centre, Penstraze, Truro, Cornwall, TR4 8PN **T 01872 562 061**



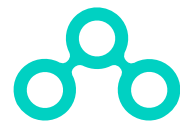
re-use schemes. At no point has this aspect been raised with the Applicant or us and what planning grounds would there be for raising the point in the Report? This matter should also be ignored by the members in determining the application as it is not a material consideration.

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)





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





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]

**Steven H Abbott, BSc (Hons) MRTPI**

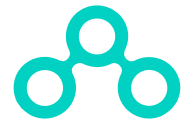
**Partner**

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





Steven Abbott Associates LLP

3 October 2023

Ref: SHA/AMM/3881

[www.abbott-associates.co.uk](http://www.abbott-associates.co.uk)



This page is intentionally left blank



## Wiltshire Council Planning Consultation Response

25<sup>th</sup> September 2023

Wiltshire Council Drainage Engineer  
Technical Services Drainage Engineer  
Wiltshire Council

Officer's Name: David Millinship

**Application No:** **PL 2023 05818**  
**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).**  
**Boomerang Stables, Crooked Soley, Chilton Foliat, RG17 0TL**

Please note the particulars in connection with the above planning application are available to view on the planning website <http://www.wiltshire.gov.uk/planninganddevelopment.htm>

### Recommendations:

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	Support subject to conditions (please set out below)
<input checked="" type="checkbox"/>	Object (for reasons set out below)
<input type="checkbox"/>	No objections

### Matters Considered:

Documents Reviewed:

- Application Form Redacted
- Planning Statement
- Location Plan
- Existing Site Plan, Topographical Survey
- Flood Risk Assessment

The application has been supported with a Site Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

### Objections:

The drainage team in their capacity as Lead Local Flood Authority have the below objections to the application; these must be overcome before a drainage objection can be removed:

### **General Flood Risk Strategy**

The applicant has proposed a surface water drainage network that ultimately discharges into an existing pond (off site but already in ownership of the applicant). No information has been supplied regarding any points of discharge/overflows for the pond itself, but it is assumed that there is no potential for effective discharge via infiltration

given the site's geology. In order to demonstrate that the proposal does not increase flood risk off site, the applicant must supply evidence that demonstrates the pond is able to contain its existing volume **and** flows from the development.

National planning policy requires SuDS to provide multifunctional benefits, where possible. There are four main categories of benefits that can be achieved by SuDS: water quantity, water quality, amenity and biodiversity. These are referred to as the four pillars of SuDS design. The current proposal only provides one of the four main categories – water quantity. The applicant must also consider water quality, amenity and biodiversity benefits, in line with Core Policies 52: Green Infrastructure and Core Policy 67: Flood Risk. The comments from the Council's Drainage team address only water quantity and quality benefits. The Council's Landscape and Design team must be consulted to comment on amenity and biodiversity benefits, to ensure high quality SuDS that provide multifunctional benefits.

### **Drainage Calculations**

The applicant must provide calculations that demonstrate the following:

- No flooding on the site in the 1 in 30 year rainfall event.
- No flooding with respect to a building, basement or utility plant in the 1 in 100 year + climate change rainfall event.

No development shall commence on site until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment.

### **Drainage Strategy Drawings**

The applicant must provide drawings that show the following details:

- Finished floor levels (it is noted that the applicant intends to set FFL's 300mm above ground level).
- Pipe/manhole/node numbers corresponding to the MicroDrainage calculations.
- Cross section drawings through any attenuation features showing inlets, outlets, levels, and freeboard.

### **Conditions:**

Following the removal of the drainage objection, the drainage team have the following conditions which need to be addressed by the applicant:

### **Management and Construction**

No development shall commence on site until clear arrangements are in place for ownership and ongoing maintenance of SuDS over the lifetime of the development.

No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

### **Informatives:**

*Within the calculations, the MADD factor must be set to zero and the margin for "flood risk" warning in hydraulic models been set to  $\geq 300\text{mm}$ . If a value other than  $0\text{m}^3/\text{ha}$  is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate.*

*(Atkins working on behalf of Wiltshire Council Drainage).*