

<b>Date of Meeting</b>	25 <sup>th</sup> February 2015
<b>Application Number</b>	14/11880/FUL
<b>Site Address</b>	Whaddon Grove Farm, Whaddon Lane, Hilperton, Trowbridge Wiltshire, BA14 6NR
<b>Proposal</b>	Retrospective change of use of domestic outbuilding to class B2 use comprising processing of aircraft materials to create furniture
<b>Applicant</b>	Mr Benjamin & Harry Tucker
<b>Town/Parish Council</b>	HILPERTON
<b>Ward</b>	HILPERTON
<b>Grid Ref</b>	388430 161362
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Alison Hall

### Reason for the application being considered by Committee

This application has been called in by Councillor Ernie Clark in relation to the impact on neighbouring amenity and impact on the environment/highway.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission is granted subject to conditions.

#### 2. Report Summary

This is a retrospective application for the change of use of a domestic outbuilding to B2 use.

#### 3. Site Description

The building is located to the north of Whaddon Grove Farm and is single storey stone built with bi-folding timber framed doors along the northern elevation of the building. Attached to the southern elevation of the building is a double garage used by Whaddon Grove Farm. An area of hardstanding has been installed to the north of the building. The site is accessed via a separate access from Whaddon lane which is located to the east of the site. The nearest residential dwellings are Shire Hall Barn

which is located approximately 32m to the east of the building on the opposite side of Whaddon Lane. Home Farm Cottage is located approximately 92m to the north and Whaddon Grove Farm House to which this building is located within the curtilage of is located approximately 14m to the south.

#### **4. Planning History**

W/93/00989/FUL Extension and conversion to form an additional dwelling

#### **5. The Proposal**

The domestic outbuilding was converted in March 2014 with minimal alterations and has been operating as a B2 use since. The building has an existing access and parking for 2 vehicles. The building has been converted to provide a workshop, office, store and toilet. The business converts old aeroplane parts into bespoke furniture and is operated by the grandsons of the occupier of the residential dwelling to which the building is located within the curtilage of.

#### **6. Local Planning Policy**

Wiltshire Core Strategy (WCS) Adopted 20<sup>th</sup> January 2015  
CP2 Delivery Strategy  
CP57 Ensuring High Quality Design and Place Shaping  
CP48 Supporting Rural Life

National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2014 (PPG)

#### **7. Summary of consultation responses**

HILPERTON PARISH COUNCIL – Objects on the impact on the highway and neighbouring amenity.

WILTSHIRE COUNCIL HIGHWAYS – No objection subject to a condition limited the proposal to a temporary or personal condition.

WILTSHIRE COUNCIL ENVIRONMENTAL HEALTH – No objection subject to conditions

WILTSHIRE FIRE AND RESCUE – No objection but suggest an informative relating to sprinklers

#### **8. Publicity**

One letter of objection has been received from a neighbouring resident (Shire Hall Barn) which raises concerns relating to the working hours, noise levels, dust and use of outdoor areas for storage of materials.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### **9.1 Principle of development**

Core Policy 48 sets out the approach to be taken to support rural communities outside of the settlement limits. The approach to development within small settlements is set out in Core Policy 2. Proposals to convert existing buildings to employment use must satisfy the criteria set out in CP48. This includes that the building is structurally sound and requires minimal works to convert the building, the use would not detract from the character of the landscape or settlement, it would not adversely impact on the neighbouring amenity and that the building is served by suitable access and infrastructure.

The domestic outbuilding was converted in March 2014 with minimal alterations and has been operating as a B2 use since. The building has an existing access and parking for 2 vehicles. The building has been converted to provide a workshop, office, store and toilet. The business converts old aeroplane parts into bespoke furniture and is operated by the grandsons of the occupier of the residential dwelling to which the building is located within the curtilage of. It is considered that subject to the other criteria of CP48 which are discussed further below that the principle of the conversion of the rural building to a business use is in line with the principles of CP48.

The building is located to the north of Whaddon Grove Farm and is single storey stone built with bi-folding timber framed doors along the northern elevation of the building. Attached to the southern elevation of the building is a double garage used by Whaddon Grove Farm. An area of hardstanding has been installed to the north of the building.

It is acknowledged that this application is retrospective and there have been items associated with the business stored outside of the building. However one of the conditions suggested by the applicants and Environmental Health Officer is that there shall be no storage of materials outside of the building. This would allow control over this issue and ensure that the character of the area is not affected by the use of the building. The minimal changes to the original building are in keeping with the character of the building and the rural location. Officers consider that subject to a condition requiring no storage of materials outside of the building, the building would be viewed as ancillary to the main dwelling house and therefore would not detract from the character of the landscape or settlement in accordance with CP48 of the WCS.

The impact on the highway and access and neighbouring amenity are discussed in further detail below.

Site specific considerations

## **9.2**    Impact on the highway

The application site is accessed off Whaddon Lane. Whaddon Lane is a narrow road with passing places. The building subject to this application is served by a separate access to that of Whaddon Grove Farm and provides parking for 2 vehicles. The Highways Officer has been consulted on the proposals and considers that due to the nature of the specific business using the building the vehicle movements associated with it would not result in an adverse impact on the highway. It is therefore considered reasonable that a personal condition be imposed to ensure that should the business cease use of the building then it would revert back to being an ancillary domestic building. Officers therefore consider that the proposal subject to conditions is in accordance with CP48.

## **9.3**    Impact on neighbouring amenity

It is acknowledged that the nature of the use may give rise to potential adverse impact on neighbouring amenity in relation to noise and dust.

The nearest residential dwellings are Shire Hall Barn which is located approximately 32m to the east of the building on the opposite side of Whaddon Lane. Home Farm Cottage is located approximately 92m to the north and Whaddon Grove Farm House to which this building is located within the curtilage of is located approximately 14m to the south.

The Environmental Health Officer visited the site while the business was operating to assess the impacts of the proposal. They commented that the applicant demonstrated to them the worst case scenario noise-wise of the equipment they would use. The Environmental Health Officer raised no objections to the proposal subject to conditions relating to the hours of working, the use is only carried out within the building, that external windows and doors remain closed other than for access and egress, noise levels and a personal use condition. The Environmental Health Officer considered that dust would not result in an adverse impact on neighbouring amenity however suggests an informative to ensure that the provision of suitable dust extraction is installed to ensure the health and safety of employees. It is therefore considered that the proposal subject to conditions is in accordance with CP48.

## **10.    S106 contributions**

No S106 contributions are sought.

## **11.    Conclusion (The Planning Balance)**

It is considered that the proposed development would not result in an adverse impact on neighbouring amenity, the highway or the character of the area in accordance with CP48 of the Wiltshire Core Strategy.

**RECOMMENDATION:** Approval subject to conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LDC.1873\_002, LDC.1873\_001, LDC.1873\_003 and LDC.1873\_004 received the 16<sup>th</sup> December 2014.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions/external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

4. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

5. No industrial processes, plant or machinery shall be carried out/installed outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The use hereby permitted shall only take place between the hours of 08:00 and 18:00 from Mondays to Fridays and shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. All external windows and doors as detailed on Drawing Number LDC.1873\_004 shall be kept closed at all times apart from when allowing access and egress.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

8. All building services and machinery shall be so sited, designed and maintained so that the noise does not exceed 5dB below the existing background level as measured at the nearest noise-sensitive dwelling and assessed in accordance with BS4142 2014

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

9. No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the premises hereby approved or its curtilage.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10. The occupation of the site hereby permitted shall only be by the following persons Benjamin Tucker and Harry Tucker in association with the business known as Fallen Furniture. When the site ceases to be occupied by Benjamin Tucker or Harry Tucker for the use of the building in association with the business known as Fallen Furniture, the use hereby permitted shall cease [and all materials and equipment brought on to the premises in connection with the use shall be removed and the land/building restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

## INFORMATIVE

The applicant is advised to seek professional advice with regard to the provision of suitable dust extraction equipment in order to further protect the health and safety of employees.