



Appeal Decisions

Site visit made on 22 October 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal A Ref: APP/Y3940/W/25/3366213

Home Farm, Burton Hill, Malmesbury, Wiltshire SN16 0EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr S Baker against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10192.
 - The development proposed is conversion of agricultural buildings to a flexible commercial use shop and café (Class E).
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Appeal B Ref: APP/Y3940/W/25/3366207

Home Farm, Burton Hill, Malmesbury, Wiltshire SN16 0EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Baker against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10219.
 - The development proposed is external alterations to agricultural building, formation of car parking area, surface water drainage works and landscaping in connection with the concurrent Class R application for prior approval.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for costs

3. An application for costs was made by Mr S Baker against Wiltshire Council. This is the subject of a separate decision.

Preliminary Matters

4. There are two appeals relating to the site, one against the refusal of prior approval and the other against the refusal of planning permission. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.

Main Issues

Appeal A

5. The main issues in Appeal A are:
 - whether the proposed change of use would be permitted development under Schedule 2, Part 3, Class R of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and if so;

- the transport and highway impacts of the development.

Appeal B

6. The main issues in Appeal B are:

- whether the proposed works are justified in this countryside location having regard to the policies of the development plan; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Appeal A

Whether permitted development

7. Schedule 2, Part 3, Class R of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within one of Class B8 (storage or distribution), Class C1 (hotels) or Class E (commercial, business or service).
8. Class R does not confer any rights in respect of operational development. The appellant included the plans indicating changes to the building and development on the adjacent land in the application for prior approval. Subsequently the Council refused prior approval on the basis that the operational development would not be permitted development under Class R.
9. However, the application form refers simply to the conversion of the building and does not make reference to operational development. Furthermore, the covering letter accompanying the application makes it clear that the application under Class R relates solely to the use of the building. I will therefore consider the appeal on the basis that it relates to the change of use only. If I were allowing the appeal, a condition could be imposed to clarify that the works shown on the plans are not subject to the prior approval application.
10. The description of development refers to the proposed use of the building as a shop and café. Notwithstanding the description given, Paragraph R.2. (b) of the GPDO makes clear that after a site has changed use under Class R the site is to be treated as having a *sui generis* use. Nevertheless, I am satisfied that the proposed use of the building falls within the scope of Class R.
11. In respect of the previous use of the building, floor space and proximity to military explosives storage area, safety hazard areas or listed buildings and scheduled monuments the Council concluded that the application would not fall foul of the conditions, limitations or restrictions specified in the Order. I have no reason to disagree with the Council on these matters.
12. For the forgoing reasons I conclude that the proposed change of use would be permitted development under Schedule 2, Part 3, Class R of the GPDO.

Transport and highways impacts

13. Para R.3. (b) requires that an application be made to the local planning authority for a determination as to whether the prior approval of the authority will be required as to several potential impacts and risks.
14. The Council refused prior approval on the basis of the transport and highways impacts of the development. In respect of the other matters listed at Para R.3 (b) the Council considered that prior approval would either not be required or would not be refused on these grounds.
15. Class R permits the change of use of a building and any land within its curtilage to a flexible use. In this instance the boundary for the appeal site is drawn tightly around the building and does not include any additional land within the curtilage of the building. Furthermore, the description of development does not refer to the change of use of any land. Consequently, I can give no consideration to the potential provision of access, parking and turning outside of the building, as this area is excluded from the appeal site.
16. The appeal site is located outside of Malmesbury. Although there is a pavement along the frontage of the site, given the distance from residential areas, it is unlikely that the majority of customers would walk to the site and are more likely to drive. In the absence of an off street area which could be used for parking, visitors and delivery vehicles would have nowhere to park other than on the roadside.
17. The appeal building is located adjacent to the A429 which is the main road leading into Malmesbury from the south. The road has a 40 mph speed limit adjacent to the appeal site and changes to national speed limit a short way beyond the site. As such vehicle speeds are relatively high in the vicinity. Consequently, parked cars would be unexpected in this location potentially resulting in collisions. Furthermore, the road is one lane wide in either direction and as such traffic would often have to wait to pass parked cars, interfering with the free flow of traffic in the area. There would also be danger for motorists and any passengers as they exit their cars, into the path of oncoming vehicles travelling at high speeds. Overall, the proposal would result in a harmful effect on highway safety and inconvenience to road users.
18. Consequently, I conclude that the proposal would result in unacceptable highways and transport impacts.

Appeal B

Justified in countryside location?

19. The appeal site is outside of the defined limits of any settlement and for the purposes of the development plan is in the open countryside.
20. Appeal B relates solely to the operational development proposed, including alterations to the main agricultural building at the site and the provision of car parking, drainage and landscaping. It does not include the change of use of the building.
21. Core Policies 1 and 2 of the Wiltshire Core Strategy (Adopted January 2015) (WCS) set out the settlement and delivery strategies for the area. Together they seek to direct development towards larger settlements, limiting development outside of the settlement boundaries to that allowed by 'exception policies'. These

include policies which relate to proposals for farm diversification, new rural businesses within or adjacent to large and small villages, tourist and visitor facilities and the conversion and reuse of rural buildings.

22. However, in the context of my conclusions in respect of Appeal A and the fact that the change of use of the building and site has not been established, I do not find that the proposed works fall within the scope of these exception policies.
23. Consequently, the proposed operational development would not be justified in this countryside location and would conflict with Core Policies 1 and 2 of the WCS.

Character and appearance

24. The appeal site comprises agricultural buildings and land in a rural setting. The buildings are part of a small cluster of development, however the surroundings primarily comprise of open fields which contribute to the attractive countryside character of the area.
25. The appeal site is relatively prominent in views across the open fields and from the A429 particularly on approach from the south. However, the existing buildings and yard areas are not incongruous in this rural location given their agricultural appearance.
26. The proposal includes alterations to the existing barn to the west of the appeal site including the provision of glazing and new blockwork areas and minor alterations to the roof. Although the alterations to the building, in particular the proposed glazing, would not reflect the agricultural use of the building, they would be relatively minor and would not have a significant impact upon the character and appearance of the area.
27. The proposed car park would comprise 16 parking spaces to the south and east of the main barn building. Although some hard standing is already in existence, this would be enlarged as a result of the proposals. This along with the formalisation and laying out of the parking spaces would result in a harsh, urban appearance to the site which would be incongruous in the context of the surrounding agricultural surroundings and would result in harm to the character and appearance of the area.
28. This harm would be partially off-set by additional landscaping along the southern boundary of the appeal site, however this would take several years to mature and would not fully mitigate the harm I have identified as the car park would still be visible in closer views of the site. Although the car park would be slightly lower than the road, the change in levels would not be so significant that it would not be visible from the road.
29. Overall, I conclude that the proposal would result in moderate harm to the character and appearance of the area. It would therefore conflict with Core Policies 51 and 57 of the WCS which seek to ensure that developments conserve landscape character and local distinctiveness by responding to landscape setting.

Other Matters

30. I recognise that it was the intention of the appellant to address parking and access issues arising from the proposed use of the building through the concurrent application for planning permission for operational works. However, it is not

possible to put the prior approval matters to one side in the consideration of Appeal A, or for them to be left to, or inferred from, Appeal B. It is the change of use of the building which would generate the demand for parking, not the operational development. For the reasons given, it would not be possible to address that parking demand within the confines of the appeal site for Appeal A.

Conclusion

Appeal A

31. The proposal would represent permitted development as defined under Class R. However, for the reasons given, the proposal would result in unacceptable highways and transport impacts and as such I conclude that the appeal should be dismissed.

Appeal B

32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

E Pickernell

INSPECTOR