



**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE  
ACT 2004**

**PLANNING, DESIGN AND ACCESS STATEMENT**

**RE: ERECTION AND EXTENSION OF A (CLASS B2)  
LIGHT INDUSTRIAL BUILDING AND USE AS FURNITURE  
MANUFACTURERS (PART RETROSPECTIVE)**

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**On behalf of:  
Keyser Ltd**

Date: October 2023  
Ref: AP/P/K-014

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## 1. INTRODUCTION

- 1.1 This statement has been prepared by **Plan-A Planning and Development Ltd.** in support of a part-retrospective planning application for the erection and extension of a Class B2 light industrial building and its use in the manufacture of furniture. Operational development associated with the existing building was completed well over 4 years ago so has achieved immunity from enforcement. Therefore, the application proposals now seek to regularise the existing building together with retrospective consent for its ongoing use as a furniture manufacturers. Planning permission is also sought for extension of the existing building to meet the needs of the growing business.
- 1.2 The statement assesses and evaluates the background, context and character of the site and surrounding area and considers the proposals against both national and local planning policy requirements, referring as appropriate to the following drawings and documents:-
- Drawing No. PP05 – Site Location Plan
  - Drawing No. 2301PP01 – Existing Site Plan
  - Drawing No. 2301PP02 – Proposed Site Plan
  - Drawing No. 2301PP04revB – Proposed Plans and Elevations
- 1.3 Based on our assessment and having taken all relevant material planning considerations into account, the statement concludes our case that the application proposals meet all relevant policy requirements, and that planning permission should therefore be granted accordingly.

## 2. SITE LOCATION AND DESCRIPTION

2.1 The application site is located at the eastern edge of an existing cluster of agricultural buildings and farmhouse associated with Lady Lamb Farm, which lies approximately 1 mile to the south-west of Fairford and approximately 1.5 miles to the east of Meysey Hampton. It comprises an existing steel portal frame building and adjoining yard together with the existing access track from the A417, which lies approximately 200 metres to the north.



Approx. site location (Google Earth accessed July 2023)

2.2 The existing building is virtually identical to the adjacent agricultural building and is finished in coloured profile metal sheeting under a profiled sheet roof. The site is relatively flat and falls within Flood Zone 1 and outside of the Cotswolds AONB. Apart from the cluster of other buildings associated with the farm, the application site is surrounded by agricultural land.

### 3. SITE HISTORY AND BACKGROUND

- 3.1 As confirmed within the Statutory Declaration and associated documents attached at **Appendix 1**, Keyser Ltd was formed by Edward Keyser in September 2011 and operated from a double garage with him as the only employee. It has since grown into a successful business enterprise which now employs 9 full-time and 1 part-time employees.
- 3.2 As larger premises were required in order to accommodate the growth of the business, the applicant erected a steel portal frame building on land at Lady Lamb Farm which is owned by the Lady Lamb Farm Partnership (in which Edward Keyser is a joint partner). Work commenced on the building in October 2016 and, once complete, it has been continuously occupied by Keyser Ltd since 30<sup>th</sup> March 2017.
- 3.3 Although virtually identical in appearance to the adjoining agricultural unit, the building has been exclusively and continuously used for the manufacturing of furniture since its completion. Furthermore, although it was built without the benefit of planning permission, it has never been subject to any enforcement action and, since the operational development was completed more than 4 years ago, the building is now immune from enforcement action.
- 3.4 Further rapid growth over the past two years has meant that the furniture business is now in urgent need of additional accommodation. This is already causing several issues, from having to turn down work as it could not be undertaken without more room for additional workbenches and employees so as to avoid congesting the workshop and creating potential health and safety issues. There is also a lack of space to store finished items before delivery or installation which makes it virtually impossible to start new work in order to ensure that the finished pieces are not damaged. The lack of additional space is therefore clearly limiting the capacity of the business to grow and reach its potential.

#### 4. THE PROPOSALS

- 4.1 This application seeks to regularise the erection of the existing building and achieve retrospective permission for its use as a light industrial (Class B2) unit for the manufacture of furniture. Permission is also sought for the erection of the new-build extension to the unit which is urgently required in order to accommodate the needs of the growing business.
- 4.2 As referred to in paragraph 3.2 above, work started on construction of the existing building in October 2016. Invoices for both the building and associated construction work together with before and after photos of the site are provided as supporting evidence with the Statutory Declaration (**Appendix 1**). The Google Earth extracts from 2014 to 2019 at **Appendix 2** also clearly show that the building has been in place since 2017. The existing building has therefore clearly achieved immunity from enforcement as it has been on the site for well over the threshold of four years.
- 4.3 Although the existing building has now been in light industrial (Class B2) use for over 6 years, the use is entirely contained within a building which is virtually identical to the adjoining agricultural building. It thereby forms a coherent part of the existing cluster of buildings associated with Lady Lamb Farm. Existing hours of operation are 08:30-17:00hrs, Monday to Friday and no changes are proposed to this as part of this current application. Similarly, no changes are proposed to the existing delivery arrangements, which are limited to an average of one timber delivery per month and one paint delivery per week, together with one other general ad-hoc delivery per week. Most deliveries are by van, although the timber delivery usually arrives by small artic. Machinery and equipment is serviced on-site once a year by a service engineer, who also arrives by van. The site is accessed directly from the A417 and does not significantly add to the existing volume of farm traffic which uses the same access.
- 4.4 The proposed extension is to be sited within what is currently an open yard to the east of the existing building and largely adopts the same design and materials in order to maintain the existing agricultural character of the site and its surroundings. As is clear from the proposal drawings, it is to be clad in coloured profile metal sheeting under a monopitch roof with a shallow pitched gable dormer at the northern end of the building to allow provision of a 3.5m high roller shutter door. Internally, the extension provides a store for goods in/out, an extended joinery/machine shop and adjoining finishing shop.

## 5. PLANNING POLICY FRAMEWORK

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that, where determination is to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Cotswold District Local Plan 2011-2031 although the NPPF also represents a material consideration in its own right.

### Cotswold District Local Plan to 2031

#### Policy EC1 – Employment Development

5.2 This policy supports employment development where it maintains and enhances the vitality of the rural economy and supports the creation of high-quality employment opportunities in professional, technical and knowledge-based sectors.

#### Policy EC3 – Proposals for All Types of Employment Generating Uses

5.3 This policy confirms that, outside of development boundaries and established employment sites, proposals for small-scale employment development appropriate to the rural area will be permitted where:-

- It is justified by a business case, which demonstrates that it is viable; or
- It facilitates the retention or growth of a local employment opportunity.

#### Policy EN1 – Built, Natural and Historic Environment

5.4 This policy seeks to ensure that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment. The policy's criteria include a requirement to ensure that design standards complement the character of the area and the sustainable use of the development.

#### Policy EN2 – Design of the Built and Natural Environment

5.5 This policy states that the proposals should be of design quality that respects the character and distinctive appearance of the locality, with particular reference to updated *Cotswold Design Code*.

#### Policy EN4 – The Wider Natural and Historic Landscape

5.6 This policy supports developments that do not have a significant detrimental impact on the natural and historic landscape and those that enhance and better manage these landscapes.

Policy EN8 – Biodiversity and Geodiversity: Features, Habitats and Species

- 5.7 This policy confirms that development which conserves and enhances biodiversity and geodiversity will be permitted, particularly where it also provides net gains; reverses habitat fragmentation; or promotes the creation or restoration of ecological habitats and features. However, any proposal that would result in significant habitat fragmentation, the loss of ecological connectivity, or the deterioration of irreplaceable habitats and resources will not.

Policy INF4 – Highway Safety

- 5.8 This policy outlines that development will be permitted so long as it provides safe and suitable access that is well integrated with the existing transport network.

Policy INF5 – Parking Provision

- 5.9 This policy seeks to ensure that proposals for new development comply with the corresponding parking standards and associated guidance.

**National Planning Policy Framework (NPPF)**

- 5.10 The NPPF sets out the Government’s planning policies for England, together with guidance on how they are expected to be applied. It is a material consideration in its own right in the determination of planning applications (paragraph 2 of the revised Framework).
- 5.11 The NPPF reconfirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which encompasses the three overarching and interdependent economic, social and environmental objectives. It confirms that planning policies and decisions should play an active role in guiding development towards sustainable solutions. In doing so, Local Planning Authorities are instructed to take local circumstances into account to reflect the character, needs and opportunities of each area (paragraph 9 of the Framework refers).
- 5.12 At the heart of the NPPF is a clear presumption in favour of sustainable development (see paragraphs 10 and 11). For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless: policies in the Framework provide a clear reason for refusing the proposals; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (NPPF para. 11 refers).



- 5.13 The Framework instructs LPAs to approach decision-making in a positive and creative way, and to *“work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area”*. The Framework stipulates that decision-makers at every level should *“seek to approve applications for sustainable development where possible”* (para 38 refers).
- 5.14 Para 81 confirms that significant weight should be placed upon the need to support economic growth and productivity, taking account of local business needs and wider opportunities for development. Furthermore, planning decisions should help create the conditions in which businesses can invest, expand and adapt.
- 5.15 In terms of the rural economy, para 84 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business and enterprise in rural areas, including through the development of well-designed new buildings. However, they should also enable the development and diversification of agricultural and other land-based rural businesses together with sustainable rural tourism and leisure developments which respect the character of the countryside.
- 5.16 Para 110 outlines that planning decisions should take account of whether safe and suitable access to the site can be achieved for all users. However, para 111 goes on to confirm that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 5.17 The NPPF attaches great importance to achieving well-designed places and making effective use of land in meeting the need for homes and other uses (paragraph 119 refers). Paragraph 120 supports the development of under-utilised land and buildings, especially where this would help to meet identified needs for houses where land supply is constrained. Paragraph 124 affirms that planning decisions should support development that makes efficient use of land whilst also taking into account the desirability of maintaining an area’s prevailing character and setting and the importance of securing well-designed, attractive and healthy places.
- 5.18 Para 126 highlights that good design is a key aspect of sustainable development and helps create better places to live and work. Accordingly, para 130 confirms that planning decisions should aim to ensure that developments:-

- a) *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and*
- f) *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, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.”*

#### **Town and Country Planning Act 1990**

5.19 Section 191 of the Town and Country Planning Act 1990 (referred to hereafter as The Act), makes provision for an applicant to ascertain the lawfulness of any existing use of buildings or other land, or any operations which have been carried out in, on, over, or under land. Any person may therefore apply for a Certificate of Lawfulness of Existing Use or Development (CLEUD). Irrespective of whether planning permission was sought for the original use or development, Section 191 of the Act stipulates that for the purposes of determining such applications to establish lawfulness, any such development or use of land is deemed lawful if no enforcement action may be taken in respect of that use, because the time for any such enforcement action has expired.

5.20 Section 171 of the Act sets out the time limits within which enforcement action must be taken. Where there has been a breach in planning control consisting of the carrying out without planning permission of building, engineering mining or other operation, no enforcement action may be taken after the expiration of a period of four years after any such operations where substantially completed. In the case of any other breach, such as an unauthorised change of use, the time limit for enforcement action is 10 years from the beginning of that use or breach (or four years in the specific case of the use of a building as a single dwelling house).

## 6. PLANNING AND DESIGN CONSIDERATIONS

- 6.1 It is clear from para 4.2 above that the existing building was completed more than 4 years ago. Under the provisions of the 1990 Act, it is therefore immune from enforcement action and can be regularised accordingly as part of this application.
- 6.2 As to its use, the building has now been operational as a light industrial (Class B2) unit for well over 6 years and has enabled the successful growth and development of what is now a well-established local business which makes a meaningful contribution to the vitality of the rural economy. The ongoing growth and expansion of the business is therefore consistent with the objectives of Local Plan Policy EC1 in that it will further enhance the vitality of the rural economy whilst enabling the creation of additional employment opportunities for skilled craftsmen.
- 6.3 As a Class B2 manufacturing facility, the business is well suited to its rural location, avoiding any potential conflict with residential amenity and benefitting from direct access to one of the District's principal 'A' roads. In this context, the fact that the proposals will facilitate the retention and growth of a local employment opportunity means that they are in full accordance with the requirements of Local Plan Policy EC3. Furthermore, it is also important to recognise the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth. In particular, the NPPF confirms that planning should support economic growth in rural areas and take a positive approach to the sustainable growth and expansion of all types of business and enterprise in rural areas, including through the development of well-designed new buildings.
- 6.4 As to the siting and design of the proposed extension, this has been carefully considered to ensure that it meets the requirements of Local Plan Policies EN1, EN2 and EN4. In particular, the extension is set entirely within the existing yard and, through use of the same palette of materials, will simply appear as part of the existing cluster of buildings located with the farmyard. Furthermore, as the farmyard is set well back from publicly accessible viewpoints, it will not be intrusive within the wider landscape.
- 6.5 In relation to access and highway considerations, adequate sight lines are available in both directions at the junction of the existing access and A417 and, particularly when taking account of the low traffic volumes associated with the manufacturing business, the

proposals are in full accordance with Local Plan Policy INF4. There is also sufficient parking available on-site to ensure compliance with Local Plan Policy INF5.

## **7. CONCLUSION**

- 7.1 It has been demonstrated that, as the existing building was erected more than four years ago, it is now immune from enforcement action and can be regularised accordingly as part of this application. Its use as a Class B2 manufacturing facility has also been ongoing for well in excess of 6 years and this has enabled the successful growth and development of what is now a well-established local business. The application proposals will facilitate the ongoing growth and expansion of the business, further enhancing the vitality of the rural economy whilst enabling the creation of additional employment opportunities for skilled craftsmen.
- 7.2 The proposed extension of the existing building has also been carefully designed to ensure that it is compatible with and fully complements the existing character and appearance of the site.
- 7.3 Overall, it has been demonstrated that the proposals are in full accordance with all current local and national planning policy requirements and that planning permission can safely be granted.