Mr Simon Smith
Team leader
Development Management – North
Wiltshire Council
Monkton Park
Wiltshire
SN15 1ER

LAND & PROPERTY PLANNING
CHARTERED PLANNING CONSULTANTS

21 July 2023

Dear Mr Smith

**DESCRIPTION OF DEVELOPMENT: APPLICATION FOR DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED TO CHANGE THE USE AND CONVERSION OF TWO AGRICULTURAL BUILDINGS TO CREATE 2 'LARGE' DWELLINGHOUSES (USE CLASS C3) UNDER CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 1990 (AS AMENDED).**
**PP: PP-12331632**

**AT: NEW HOUSE FARM, PINK LANE, CHARLTON, WILTSHIRE, SN16 9DS**

I am instructed on behalf of the applicants, Mr and Mrs N. Hull to prepare and submit the enclosed Prior Approval Application via the planning portal for the above development. Prior approval is being sought for the conversion of 2 agricultural buildings into 2 separate 'larger' dwellinghouses falling under Use Class C3. Building 1 has a footprint of 186 sqm and Building 2 a footprint of 178 sqm. The development also comprises building operations reasonably necessary to convert the buildings. This application therefore seeks to exercise permitted development rights under both Class Q(a) and (b) of Schedule 2 Part 3 of the GPDO.

Context

By means of background, the applicant's family have farmed at New House Farm, a circa 50 acre grassland farm raising cattle and sheep since 1966. Mr Hull is the third generation of his family to be the steward of New House Farm, behind his grandfather and father and uncle as tenant farmers before him. Alongside his wife, Mr Hull is now the owner of the farm.

The two agricultural buildings subject of this application have been used as cattle and sheep sheds and hay barns as long as the applicant can remember, the applicant has photographs in his possession of the buildings in such use dating from the 1970's.

As farming practices have changed over the years, the buildings in question are not suited to modern farm operations; they are too small to accommodate the larger machinery used and do not meet current Environmental Standards. As a result, the buildings are now redundant. One of the buildings is being used for temporary short term hay storage for convenience, whilst other works are underway on the holding. It is the applicant's intention to develop the barns into 2 residential dwellings for their children, thereby encouraging the continued family presence on the land or alternatively to rent privately to local people, given as there is a shortage of homes in the Malmesbury area.

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New House Farm occupies a countryside location, approximately 3.5miles east of the larger town of Malmesbury and approximately 1 mile east of the small settlement of Garston. The buildings subject of this application sit within the old yard complex and are set well back from Pink Lane, from which they are accessed via a farm track.

Building 1 is a rectangular steel framed structure consisting of two elements, one with a higher pitched roof adjoined by a sizeable lean-to element. The building has profile cement roof sheeting and is timber clad to all save the south elevation, which is open fronted, as is the north easterly bay of the lean-to.

Building 2 is an L shaped single storey building with a pitched roof. It has a steel frame, with walls formed mostly by vertical timber cladding aside a section of stone walling to the north elevation. The exterior roof surfacing consists of corrugated profile metal sheeting.

Assessment

This letter will now address each of the Class Q criterion in turn, covering both buildings. Firstly, compliance with permitted development criteria at Q1 will be demonstrated, before moving on to providing justification for the conversions against each consideration at Q2.

Class Q, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 1995

Permitted Development Criteria Q1

Q1

(a)(i) The two buildings were in established agricultural use on and before the 20th March 2013 on an established agricultural unit.

(b)(i) (aa) The number of separate 'larger dwellinghouses' proposed under Class Q is two, which does not cumulatively exceed the threshold of 3 set out within the legislation.

(b)(i)(bb) The cumulative floor space of buildings changing use under Class Q to 'larger dwellings' does not exceed the maximum permitted allowance of 465 sq m.

(ba) The floorspace of any C3 dwellinghouse developed under Class Q does not exceed 465 sqm.

(c) Not applicable as no 'smaller dwellinghouses' proposed or developed on the agricultural unit under Class Q.

(d) (i) The scheme would not result in any larger dwellinghouse(s) on the established agricultural unit developed under Class Q and having more than 465 square metres of floorspace falling within Class C3 of the Schedule to the Use Classes Order.

(d)(ii) Cumulatively there is not more than 5 separate dwellinghouses established under Class Q on the agricultural unit ( 2 units being proposed under this application).

(e) The site is not occupied under an agricultural tenancy.

(f) No agricultural tenancies have been terminated on the site in the last year.

(g) (i) and (ii) No development under Class A(a) or B(b) of Part 6 (agriculture and forestry) of Schedule 2 of this schedule has been carried out on the unit since 20th March 2013 and there is no intention to exercise any Part 6 permitted development rights under Class A(a) or B(b) on the unit in the future.

(f) The proposed development will not result in the external dimensions of the building extending beyond the dimensions of the existing buildings at any given point. N.B. rooflights and new fenestration will be flush fitting.

(i)(i) Building operations under Class Q(b) would be confined to:
(aa) Replacement of windows, doors, roofs or exterior walls, or
(bb) water, drainage, gas, electricity or other services only to the extent *reasonably necessary* for the two buildings to each function as dwellinghouse, and;
(ii) partial demolition to the extent reasonably necessary to the extent to carry out building operations allowed by paragraph Q.1 (i)(i).

Structural appraisals and schedule of works for each of the two buildings have been prepared by Acorus and accompany this application. The reports confirm that both buildings are structurally sound, in generally good condition and are capable for conversion without significant rebuilding or any new structural alterations, with the existing steel structural frames capable of taking the additional loading for conversion to residential use.

Upgrading to ensure compliance with current Building Regulations is required, as is typical for any agricultural to residential building conversion. Such works focus on additional of insulation to provide air and weather tightness and will comprise non load bearing insulated panels being incorporated internally between the retained structural frames. Existing wall and roof cladding will almost entirely be retained. As such it can be concluded that the two buildings are capable of conversion with building operations proposed falling under those permissible as outlined at part i) above and only to the extent reasonably necessary for the buildings to each function as a dwellinghouse.

(j) The site is not on Article 2(3) land.

(k) The site is not, and does not form part of –
(i) An SSSI
(ii) A safety hazard area
(iii) A military explosives storage area.

(l) The site is not and does not contain a scheduled monument.

(m) The buildings subject of this application, are not listed.

On the basis of the above assessment, against the Q1 criterion, it can be concluded that the works amount to permitted development. It therefore falls for an application to be made under

Q2 to the local planning authority in order to ascertain whether their prior approval is required for the development with regards to the following specific criteria, alongside the provisions of paragraph W, as detailed below:

Q2

(a) The transport and highway impacts of the development

The two buildings subject to this application are part of an established agricultural unit at New House Farm. The buildings benefit from an existing established driveway and access onto Pink Lane, to the south. The access point adjoining Pink Lane at a straight section of carriageway with good visibility in either direction. The buildings therefore benefit from safe and convenient access to the local road network.

In considering the potential transport and highway implications of the proposed development, weight must be given to the lawful fallback position whereby the access to the site could reasonably be used by large agricultural vehicles at any time of the day or night. Such activity and agricultural vehicle movements would need to be offset against those likely to be generated from the conversion of the two buildings to form two residential units, with associated trip generation likely to be via private car. As such the conversion of the buildings could be considered to have a positive impact on highway safety relative to the lawful agricultural use of the buildings.

The site occupies a countryside location, however the NPPG confirms that the sustainability of the location is not a factor for consideration under this type of application.

As illustrated on the plans accompanying this application, sufficient off road parking spaces can be provided for each unit at levels to meet the Council's adopted residential parking standards (3 spaces for Building 1, a four bed unit and 2 spaces for Building 2, a two bed unit).

(b) Noise impacts of the development

No undue noise would be generated by the development. The buildings subject to this application are part of an existing agricultural unit, with the nearest surrounding residential property being New House Farm, located in excess of 130 metres to the south of the application site and which is under the ownership of the applicants. This substantial separation distance is sufficient to prevent any loss of amenity to the occupiers of New House Farm by virtue of noise or disturbance resulting from the proposed residential conversion.

(c) Contamination risks on the site

The site is not contaminated. The buildings have only ever been used for livestock and storage of hay and as such have no likely contamination risks.

(d) Flooding risks on the site

The buildings and surrounding land forming part of this application fall within Flood Zone 1, the lowest category of flood risk and therefore not at risk of flooding.

(e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within C3 (dwellinghouses) of the schedule to the Use Classes Order.

The buildings are cited within the old yard complex serving New House Farm. There is no continued intensive farming use operating from the yard and separation distances between each building and the existing surrounding residential uses located circa 130 metres to the south are sufficient to ensure appropriate levels of residential amenity are created/retained.

The NPPG confirms at paragraph 108 ref ID 13-108-20150305 that for this type of application, issues regarding the sustainability of the site are not for consideration.

There is no other reason why the conversion of the buildings to residential use is impractical or undesirable.

(f) The design or external appearance of the building

The submitted plans illustrate that a restrained approach has been taken to the proposed conversions, with the retention of the majority of existing exterior materials, save localised areas of refurbishment and areas where new openings are to be inserted or existing openings infilled. All new materials are proposed in a like for like manner or where new materials are to be used i.e. for windows and doors, those proposed are of high quality materials such as aluminium and timber with such openings following a simple unadorned profile, befitting of the existing agrarian character of the buildings and their surroundings.

Furthermore, it is noted that the buildings do not occupy a prominent location, being set back from the carriageway by in excess of 130 metres and seen against a backdrop of other built form. There are no nearby rights of way from which the buildings would be apparent. As such we would contend that the conversions will have minimal impact when viewed from outside the site.

(g) The provision of adequate light in all habitable rooms of the dwellinghouses

The submitted drawings indicate that all habitable rooms are served by openings and would receive good amounts of natural light.

Paragraph X requires that the curtilage of the building is either the piece of land immediately beside or around the agricultural building whether enclosed or unenclosed, closely associated with and serving the purposes of the agricultural building or, an area of land immediately beside or surrounding the agricultural building to be no larger than the area of land occupied by the agricultural building, whichever is the lesser.

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Confirmation is provided that the curtilage serving each dwellinghouse is immediately beside the building and is no larger than the footprint of the building to which it will serve, as indicated and annotated on the submitted plans.

Finally, we have undertaken an ecological assessment which made recommendations in relation to adding bat and barn owl boxes. The recommendations have been taken into account, and we have shown mitigation on the elevation drawings.

If you require any further information in order to register or determine the application, please call me on the number below.

Yours sincerely,

*Charlotte L. Watkins*

Charlotte Watkins BA Hons BTP MRTPI
Director
[redacted]

CC Mr N Hull