29th August 2023

Our Ref: SWLC.LPC5439

Development Services – North
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Dear Sir/Madam

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Part 3, Class Q.
Conversion of barn to create 1No new dwelling at The Holding, Flisteridge Road, Upper Minety, Wiltshire, SN16 9PS

Please find enclosed a duly completed Prior Approval application in respect of the above development. The building in question is a general purpose agricultural workshop building. It has a timber framed construction with blockwork and partial sheet cladding on a concrete floor. There is one principal opening on the western side. The building is not attached to the structure to south but as part of the conversion this will be removed to provide ample amenity space with the conversion.

The proposed conversion retains the existing openings but seeks to orientate the one bedroomed property to the south and its new defined curtilage area, with new patio doors as reasonably necessary to serve the new residential chapter of use, once the adjacent building is removed.

The roof coverings will be replaced with an insulated light weight seamed metal sheet covering. The weather screening provided by the existing sheeting to the walls will be extended over the concrete blockwork providing a sealing to the existing material, ensuring its weatherproof capabilities, and upgrading the aesthetic finish.

The application building's conversion has been fully informed by the structural appraisal provided by BTA Structural Design, which also provides a comprehensive description of the existing building, together with relevant photographs.

The application seeks to convert the subject building to provide a 1No bedroomed new dwelling. The floorspace in question amounts to 40.9m^2 and is thus a 'small' dwelling within the definition of the above Order. This has determined the matching size of the defined new residential curtilage. There is also ample space to accommodate parking space for 2No vehicles and the parking area is shown on the site plan extract inserted below. The Site Plan submitted demarcates the dwelling and curtilage which is of course distinct from the red lined location plan

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that includes the parking areas and the access from the public highway for identification purposes.

Together with the supporting document referred to above and the duly completed Prior Approval forms the enclosed application includes the following plan details. The necessary application fee has been paid separately.

- LPC 5439 EX 01 – Location Plan
- LPC 5439 EX 02 – Existing Site Plan
- LPC 5439 EX 03 – Existing Plan and Elevations
- LPC 5439 PR 01 – Proposed Site Plan
- LPC 5439 PR 02 – Proposed Plan and Elevations

There are of course various limitations that must be satisfied, arising from paragraph Q.1 to Class Q before the proposed development can be seen to be considered as permitted development, involving the change of use of the building and land within its defined curtilage from a use as an agricultural building to a use as a dwellinghouse, and including those building operations reasonably necessary to support the new chapter of use.

Addressing those provisions separately therefore, at Q.1 (a) it requires that the building was used solely for agricultural purposes and as part of an established unit on 20th March 2013. Given the building's form and location within the established yard its function is self-evidently agricultural. The associated land had permission by application 17/04315/FUL for new general purpose agricultural store and by association in this case the building in question clearly appears to have been used as part of the overall grouping by the same applicant for no other purposes than for agriculture and satisfies the limitation at Q.1 (a), as part of the recognised farm buildings group. The recent appeal decision at 16 Broad Town Road (LPA Ref: PL/2022/05413 (APP/Y3940/W/22/3311577)) confirmed that the intensity of use doesn't have to be great to justify this test.

Moving on, I would also wish to confirm that the new dwelling proposed satisfies those relevant limitations at Q.1 (b), (c) and (d). There have been no other such conversions carried out on this site pursuant to Class Q so that the cumulative number of dwellings is within the limits too.

I can also confirm that the application building is not and has not been occupied under an agricultural tenancy, and consequently both Q.1 (e) and (f) are satisfied.

No new agricultural development as cited at Q.1 (g) has been executed within the stated time frame.

By reference to Q.1 (h) it is clear that the enclosed application particulars do not result in the external dimensions of the building extending beyond the external dimensions of the existing at any given point.

Item Q.1 (i) defines the building operations permitted by Class Q and in that regard, I trust the enclosed structural report confirms that the proposed development constitutes the building's conversion and does not exceed the

scope of works permitted by Q.1 (i). The building is confirmed by the structural analysis to have a permanent and substantial construction that it is capable of taking the loadings necessary to facilitate the new use.

To support the report I have provided a brief breakdown of the conversion works proposed as an indicative conversion methodology and to explain the nature of the works and, further to which, I believe such are typical of many comparable conversion schemes approved elsewhere, and more specifically do not go beyond what is reasonably necessary for the building to function as a dwelling.

By laying a new screed top finish on the existing concrete floor, before installing a new full damp proof membrane this will provide a level and dry surface to insulate. The current set level of the floor, including for insulation and new floor topping within the building, gives sufficient head height to accommodate the habitable space proposed. The resulting floors will be covered with an impermeable membrane lapped at least 200mm up the internal walls and held in place with treated battens, sealed with silicon. A 500 gauge DPM is suggested under the insulation materials with 22mm moisture resistant T&G flooring above.

The walling is considered suitable in all regards for retention. The existing concrete block walls can be upgraded with an insulated backed plasterboard with integral vapour control layer. A timber frame system can be utilised, installed on top of the existing blockwork structure and as part of the overall steel framed sections in 100x50mm timbers with a 9mm OSB or plywood face and breather paper with integral insulation, to create an insulation/service void zone. The insulated plasterboard referred to above can be carried up the face of the timber frame to help increase air tightness at the top of the frame detailed against the roof, and to ensure good connectivity of the insulating elements.

This method is likely to be the most economical way of utilising the existing structure to carry any additional loadings due to their minimal additional load and will ensure the largest amount of usable floor space, whilst maintaining a good standard of insulation. As said new internal wall linings will be installed to introduce a suitable insulation. Internally the wall will be lined with insulated PIR plasterboard. A vapour control layer will be installed below the plasterboard layer. All such changes are of course internal and do not constitute development and thus also fall outside those changes listed at Q.1 (i) and the scope of this application in any event.

The existing roof structures comprise profiled sheeting. These can be seen from the photographs included with the Structural Assessment report. The roof coverings are in good condition and could remain to have insulation underdrawn although it is proposed that they will be stripped off to allow the relaying of the entire roof as a single operational matter, utilising a standing seamed metal sheeted (matt finish) new roof covering. Such a change is of course expressly permitted at Q.1 (i) and is thus functionally reasonable and aesthetically beneficial.

The scope of those works permitted by Q.1 (i) was addressed at appeal in your Council (LPA Reference: 17/06412/PNCOU and PINS Reference:

APP/Y3940/W/18/3146249), sometime ago but it is still interesting to note that at paragraphs 6 and 7 the Inspector made the following comments, which I believe support the acceptability of those works anticipated in this case for the building to function as a dwelling.

6. It is clear, therefore, on the evidence before me, that the three existing perimeter walls of Barn B can be retained. A new front wall would be required but Class Q allows for the installation of exterior walls. The installation of one exterior wall out of four would not, in my opinion, amount to a rebuild of the barn, but instead works reasonably necessary to facilitate the change of use of the building to a dwellinghouse which is permitted under Class Q.

7. The roof of Barn B was originally finished in slate tiles but this is now in a poor state of repair and has been covered with corrugated sheeting. The report on the visual structural inspection of the building notes that extensive repair works to replace and repair purlins rafters, battens and wall plates are required and also it would appear new slates would be needed in places. However, again, Class Q allows for the replacement of roofs. There is a roof in place, and its replacement, in my opinion, would amount to works reasonably necessary to facilitate the permitted change of use.

The language used is straightforward and applies the Hibbitt Judgement to consider whether or not the collective works went beyond a conversion. The same is true for this case, which of course involves a relatively utilitarian building which is though clearly structurally sound and where the walling and roof frame will be retained.

The internal works including the floor, upgraded wall linings and first floor are therefore clearly acceptable in principle. It is of course understood that the Hibbitt case has clarified the difference between a conversion of an agricultural building which does not require planning permission and the rebuilding of one which does, which is a matter of planning judgement. The Hibbitt case though of course hasn't changed the relevant principles, works that amount to substantial demolition and reconstruction or the excessive replacement of existing fabric continue to go beyond what is permitted, and more specifically don't apply in this case.

The Government's online PPG advice also makes it clear in these regards that the agricultural building must be capable of functioning as a dwelling. There is obviously no requirement to demonstrate for instance though compliance with the relevant Building Regulations, involving the provision of habitable accommodation as it stands, but rather, by reference to the Hibbitt case, where it has walls etc. that the building is therefore capable of providing the necessary shelter anticipated as the first functional step for a future residential use, from which it can thus be converted/adapted to actively function as a dwelling. More specifically it states;

> *'It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading*

which comes from the external works to provide for residential use that the building would be considered to have the permitted right'.

The Structural Assessment provided with the application confirms this to be the case. Indeed, no new structural works are expressly required to accommodate the new use. Those works proposed sit full-square with the scope of works listed at Q.1 (i), and are reasonably necessary in all regards externally, and where they do not constitute development as internal changes could be undertaken anytime.

The application building is therefore clearly capable of functioning as a dwelling, both in architectural terms and by structural analysis. The permitted rights allow building operations which are reasonably necessary to convert a building, which may include those works which would affect the external appearance of the building such as adding windows etc, as indicated at Q.1 (i). Consequently, the application satisfies and does not exceed the terms of the works permitted, and as listed thereat.

The site does not lie on Article 2 (3) land, as referred to at Q.1 (j) and neither does it form part of any of those locations identified at items Q.1 (k), (l) and (m).

Having demonstrated that the proposed development is therefore permitted in accordance with the limitations at Q.1 it is of course acknowledged that it must also be shown that your Council's Prior Approval is not required with regard to those conditional considerations at Q.2 (a) to (g).

For ease I have therefore used the conditional wording at (a) to (g) below as sub-headings, together with a brief commentary to explain why your Council's Prior Approval is not required.

(a) Transport and Highway Impacts of the Development

Access to the application property is by a hard surfaced track as an established arrangement. To all intents and purposes therefore the new chapter of use will simply replace the building's potential agricultural use and given the scale of the farm operations as a whole will not lead to the material intensification of the potential use of the existing access. Flisteridge Road is of course a lightly trafficked area in any regards. The application will also see the reduction of buildings on the site too.

Separately there is ample space to park and turn on the hard-surfacing associated with the access. It is not a requirement within the GDPO that the parking should be within the red lined curtilage, but it is adjacent in this instance.

(b) Noise Impacts of the Development

The application is not a noisy development, and neither is this a noisy environment. The barn is sufficiently separated from any active agricultural use areas to be retained, albeit in the applicant's control, who is looking to retire to this new dwelling. The new development will be satisfactorily subsumed as part of the quiet rural location in which it is sited, and where there are no peculiarities

which would prevent its reasonable residential use. There are indeed other houses already in close proximity whose reasonable amenity is an established fact. If there is any doubt it would be possible to condition that the dwelling is only to be occupied by the same person retaining, and using the other buildings present.

(c) Contamination Risks on the Site

The application building has only been used for general agricultural purposes so that any contamination risks would therefore clearly be very low. The building by reason of its general design and built form does not appear to have offered any secure storage for chemicals or fuel etc, and there are no reasons to believe that those modest permitted grounds works necessary to achieve the conversion will therefore disturb contaminated ground. The concrete floor has of course also provided a 'sealed' environment.

(d) Flooding Risks on the Site

The site does not lie within an area 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 an agricultural use to a use falling within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order

Returning to the PPG advice referred to above it helpfully explains what is meant by 'impractical' or undesirable' for the change to residential use so that a local planning authority should apply a reasonably ordinary dictionary meaning in making any judgement. In practice it reflects the location and siting where it would not be sensible or realistic to allow residential use and where the notion of undesirability indicates that it would be 'harmful or objectionable' to allow the use.

> *'When considering whether it is appropriate for the change of use to take place in a particular location, the local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.'*

In this instance there are no reasons to consider the application site so remote or un-accessible that its servicing is impractical. There are nearby residential properties already and as suggested the dwelling's occupation can be conditionally tied to the retention of the retained buildings. Moreover, there are no locational or neighbouring land uses (as indicated with regard to (b) above) which make the use undesirable either.

(f) The design and external appearance of the building

The application building sits within a secluded rural location which is unchanged by the proposed new chapter of use. Its established visual characteristics will not

be materially changed although the subtle enhanced external finishes will improve its prevailing character as will the enhanced spacing. The metal seamed sheeted roof proposed over the dark profiled sheet walling will present a low impact and contemporary finish upgrading the existing functional barn. In all regards the building's simple form is unchanged. The building's siting also ensures its minimal zone of visual influence will be unchanged. Domestic activities are largely screened by the building and others on the site as a whole, in the context of the modest garden land.

Where the new glazing is added it is set in depth behind the external facings to introduce a shadow line, reflecting the simple built form.

The opportunity has therefore been taken to retain the building's simple form and maximise the site's privacy and views although upgrading the building's aesthetic finishes overall with a new black sprayed finish helping to ensure its visual assimilation is not harmed.

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

It is considered self-evident from the scaled plans provided that all habitable rooms will have adequate lighting from the windows proposed as part of the reasonable operational changes proposed. Indeed, the accommodation will be both light and airy throughout, providing a high quality new dwelling, satisfying my client's desire to retire on this land.

Overall, I trust that the above comments and enclosed information are sufficient to confirm that your Council's Prior Approval is not required and that a conditionally approved decision, if considered necessary, can be made. However, if there are any aspects of the proposal you would like to discuss in more detail to ensure your support, please do not hesitate to contact me.

Yours faithfully

[redacted]

Simon Chambers
Director

Enc.

Cc: Mr R Goodings