Planning Statement 08/09/23 v.1
Proposed Removal of Condition 2
White Hill Farm. White Hill, Pitton SP5 1DY
Class Q approval: PL/2022/06928

1. The Class Q approval was granted on 1st November 2022 (full copy including approved plans at Appendix 1).

2. We are submitting this application today to ask Wiltshire Council to remove Condition 2 that states:

> "The conversion of the agricultural barn to a dwellinghouse hereby approved shall be used in conjunction with the approved commercial and agricultural uses of the site as shown in the blue line of the approved site location plan (DWG No: BEN Q2010 Rev A Site Location Plan) and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
>
> REASON: To have regard for the mixed use of the site and in the interests of amenity and future occupier(s) of the dwellinghouse approved."

3. Class Q is a permitted development right based on whether a barn was in agricultural use 10 years ago and so long as all the relevant criteria are met (which it did / and does still to this day) then the owners have prior approval to convert the barn to a C3 house, subject to prior approval. **The occupation in conjunction with neighbouring uses is beyond the scope of Class Q; this is not a planning application. Accordingly, Condition 2 is unreasonable, unnecessary and serves no clear planning purposes as it involves land uses beyond the tightly drawn red application boundary (the planning unit). The Class Q approval can only apply to land uses within the red line (not the blue line wider ownership area).**

4. **It is also an unusual condition, possibly a unique condition.** As far as it is reasonable to research (the last 16 months or so) – Wiltshire Council has never attached any such bizarre condition to any of their other Class Q approvals. The Table at Appendix 2 sets out the full background. However, in summary:

    - Wiltshire Council approved 11 out of 18 Class Q applications, including this Class Q at Pitton; and,

- 10 out of those 11 Class Q approvals did not include any condition seeking to connect the approval with "approved commercial or agricultural uses" at all. None.

5. In the light of advice at paragraph 56 of The NPPF (July 2021) – we request this condition be removed:

> "56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects …"

Richard Greenwood BA (Hons) BPI MRTPI
Director

1

Appendix

Wiltshire Council

The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

PRIOR APPROVAL GRANTED

Application Reference Number: PL/2022/06928

Decision Date: 01 November 2022

Applicant:	Blandford Family White Hill Farm, White Hill Farm, Wiltshire, Pitton, SP5 1DY
Particulars of Development:	Notification for Prior Approval under Class Q for the proposed conversion and change of use of agricultural barn into one dwelling house (C3 use class)
At:	WHITE HILL BARN, WHITE HILL, PITTON, SALISBURY, SP5 1DY

With reference to the above, the Council has determined that its prior approval is required and is hereby GRANTED for the above development, subject to the conditions stipulated in the GPDO 2015 as amended, and the conditions below:

Conditions: (3)

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG No: BEN Q0001 Rev A Site Location Plan Date Received 01.09.22
DWG No: BEN Q0012 Proposed Site Layout/Parking Plan Date Received 01.09.22
DWG No: BEN Q0015 Rev C Proposed Floor and Elevation Plans Date Received 31.10.22
DWG No: BEN Q2010 Rev A Site Location Plan Date Received 31.10.22

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

2 The conversion of the agricultural barn to a dwellinghouse hereby approved shall be used in conjunction with the approved commercial and agricultural uses of the site as shown in the blue line of the approved site location plan (DWG No: BEN Q2010 Rev A Site Location Plan) and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To have regard for the mixed use of the site and in the interests of amenity and future occupier(s) of the dwellinghouse approved.

3 In the event that any land contamination is encountered at any time when carrying out the

development hereby permitted, details of the steps taken to remedy this matter undertaken by an appropriately qualified contractor must be submitted to the Local Planning Authority and approved in writing and thereafter in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works to deal with any land contamination the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives: (3)

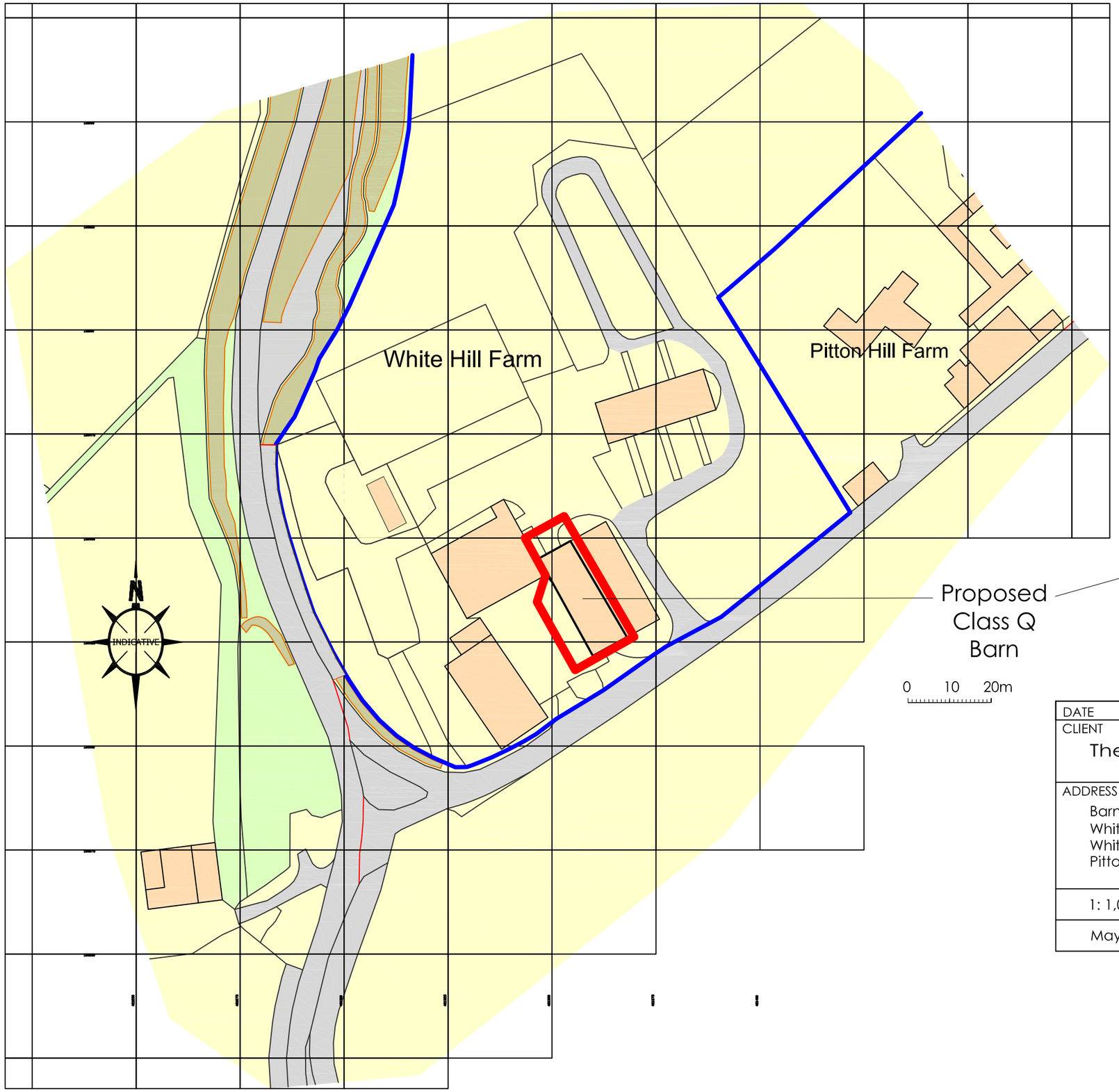
1 Without prejudice to Natural England's and Wiltshire Council Ecologist's consideration of an application made under Regulation 77 of the Conservation and Habitats Regulations 2017 as amended, the applicant is advised that initial feedback from the Wiltshire Council Ecologist is that the significant cumulative effects of new developments within the river catchment may be addressed through the roll-out of strategic level nitrogen and/or phosphate off-setting projects. Such projects require funding, and accordingly the expectation is that all applications made under Regulation 77 of the Conservation and Habitats Regulations 2017 as amended should include with them a planning obligation – that is, a legal unilateral undertaking – requiring the applicant/developer to make a proportionate financial contribution. Without such an undertaking it is unlikely that Wiltshire Council could conclude favourably on an application made under Regulation 77, and specifically on the 'appropriate assessment' required as part of its consideration. The applicant is again reminded that Regulation 75 of the Conservation and Habitats Regulations 2017 as amended states that it is a condition of any planning permission granted by the Town and Country Planning (General Permitted Development) Order that development which is likely to have a significant effect must not begin until the developer has received written notification of the approval of the local planning authority under Regulation 77. Failure to comply with this condition would amount to a serious breach of planning control. Further advice in respect of the form and content of a unilateral undertaking can be obtained from the Wiltshire Council Ecologist via the following email address nutrientscheme@wiltshire.gov.uk

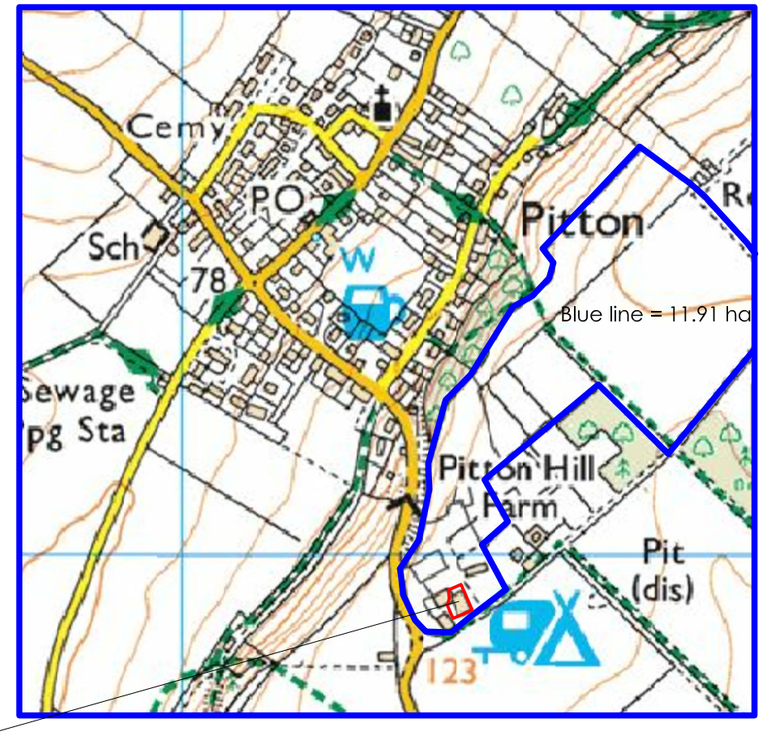
2 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL

forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

3 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) as amended it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Parvis Khansari **- Corporate Director, Place**





Proposed Class Q Barn

0 10 20m

DATE	31/08/22
CLIENT	The Blandford Family
ADDRESS	Barn White Hill Farm White Hill Pitton SP5 1DY
	1: 1,000 @ A3
May 2022	RG / PT

TITLE: General location plans

Benchmark
Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

DRAWING No: BEN Q0001 REV: A

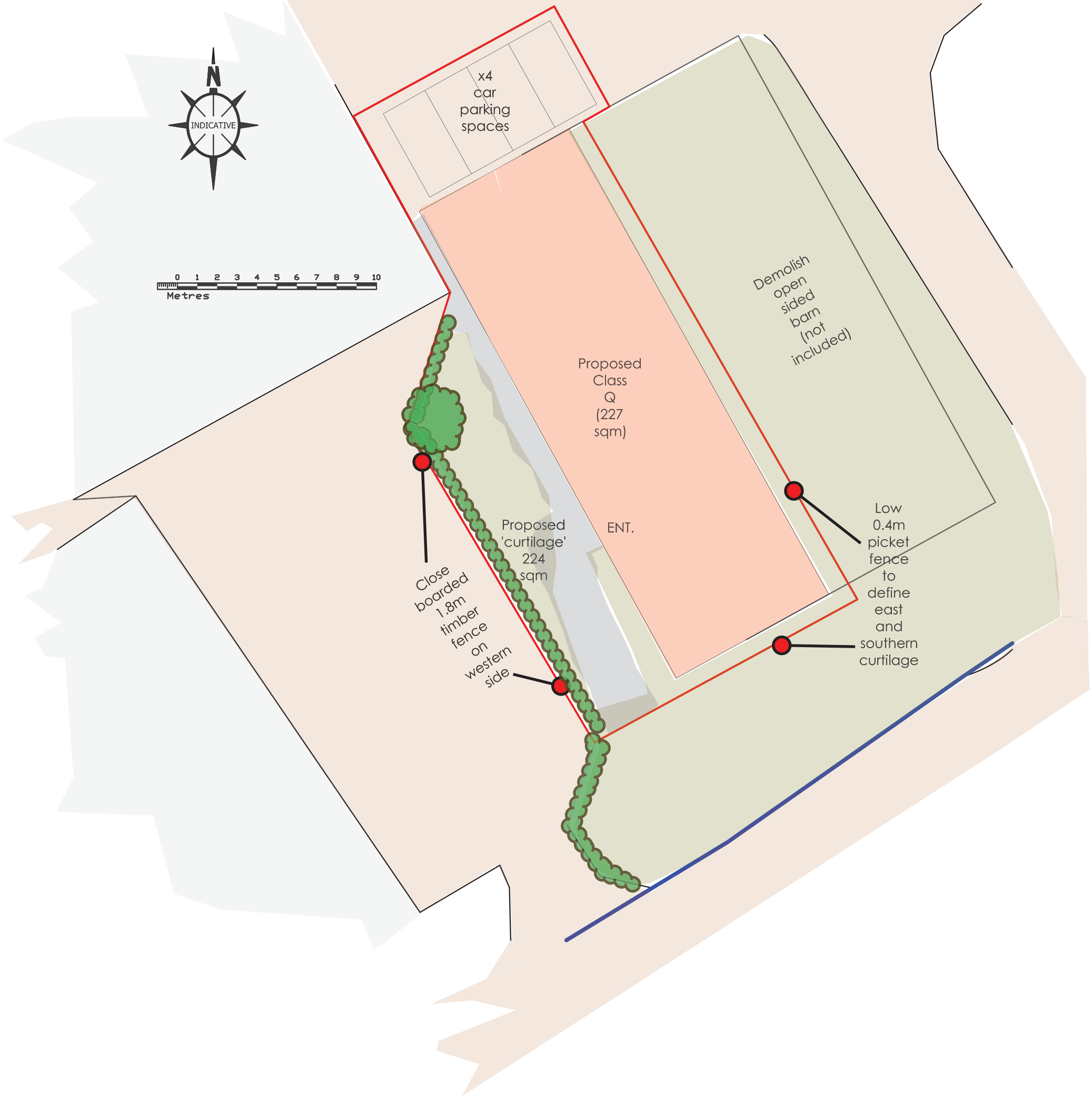
Ordnance Survey, (c) Crown Copyright 2022. All rights reserved. Licence number 100022432

DATE	26/05/22
CLIENT	The Blandford Family
ADDRESS	Barn White Hill Farm White Hill Pitton
1: 200 @ A3	
May 2022	RG / PT

TITLE
Proposed Master Plan

Benchmark
Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

DRAWING No	REV
BEN Q0012	-



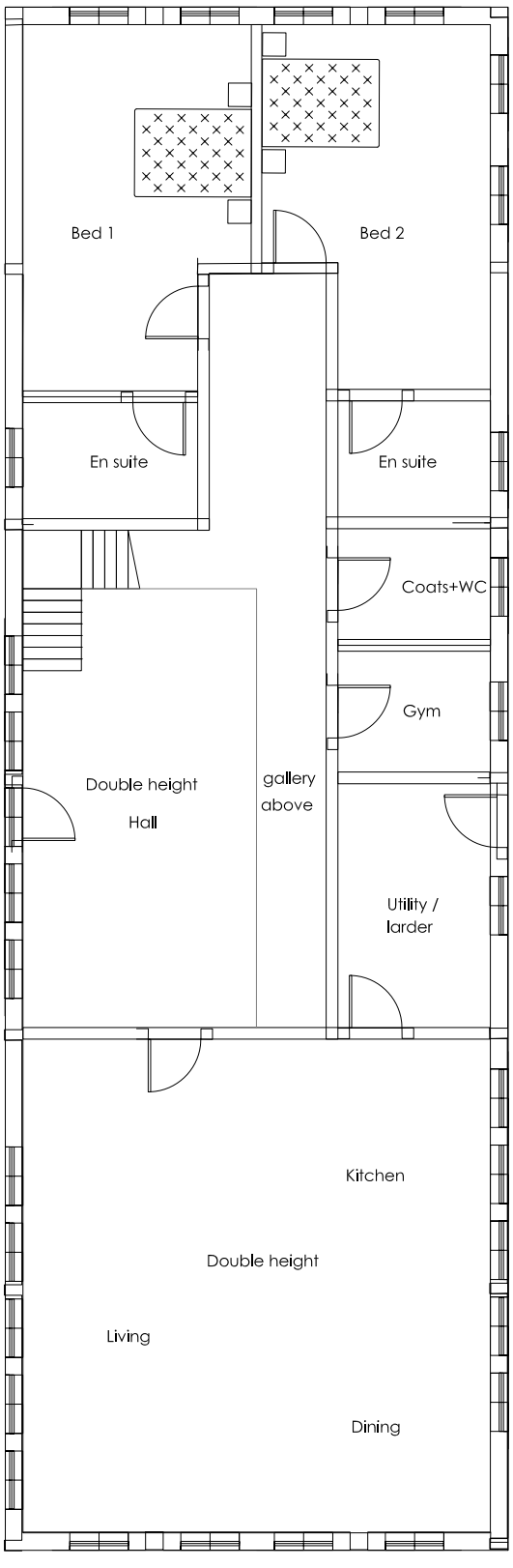
DATE	31/10/22
CLIENT	The Blandford Family
ADDRESS	Class Q Barn White Hill Farm White Hill Pitton
	1: 125 @ A3
May 2022	RG / PT

TITLE
Proposed conversion plans and elevations

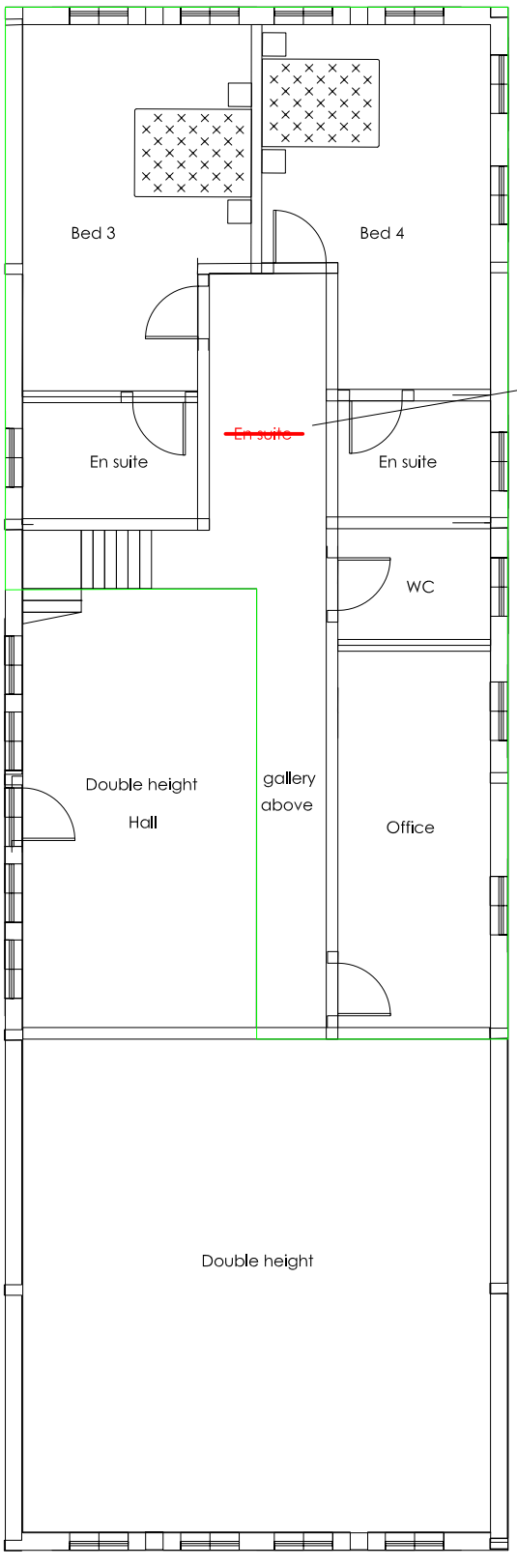
Benchmark
Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

DRAWING No BEN Q0015 REV C

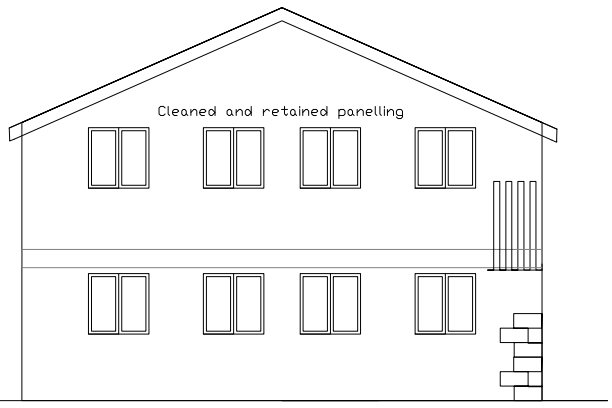
Rev C entails only deleting "en suite".



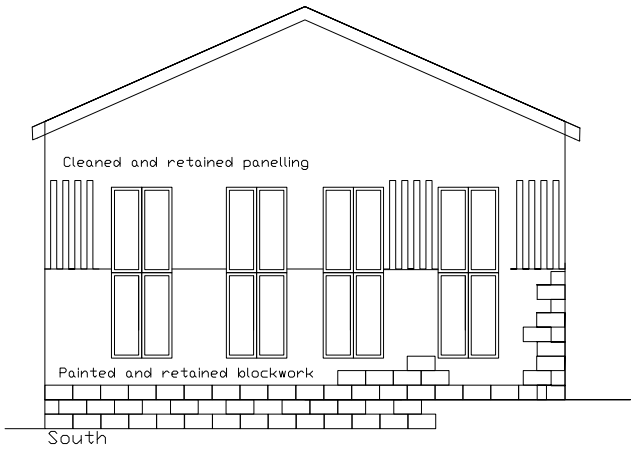
Ground floor



Mezzanine floor

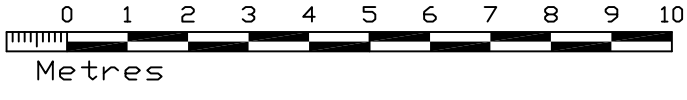


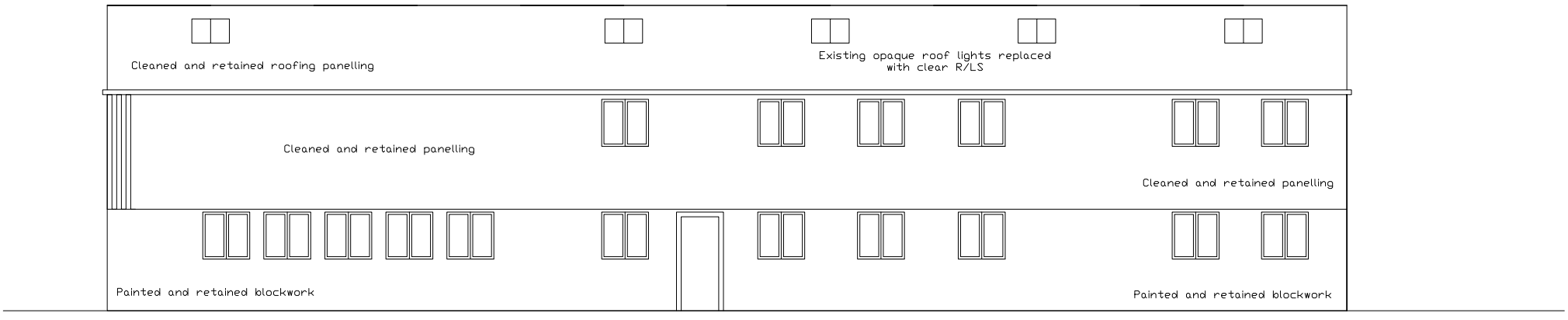
North



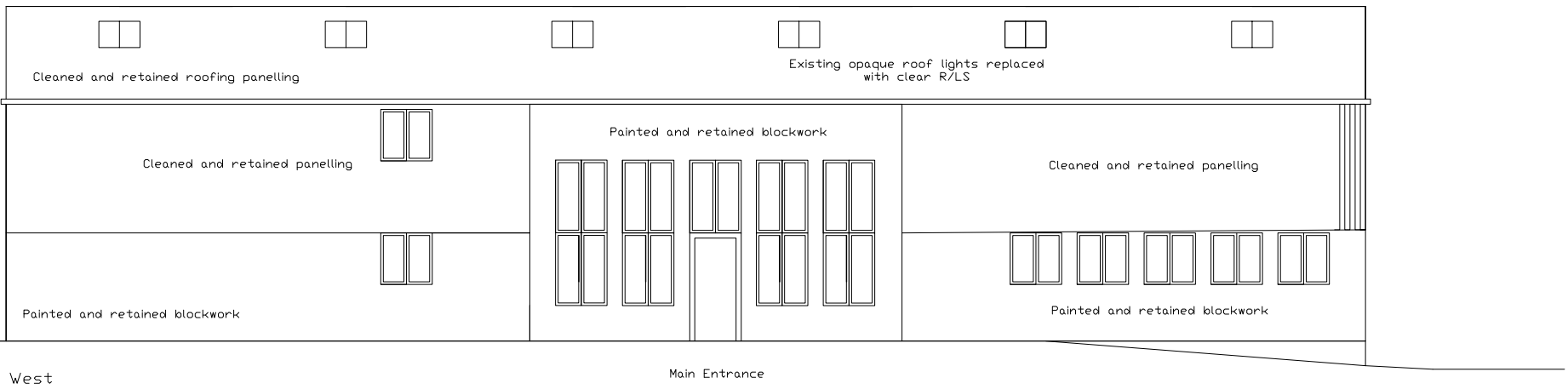
South

All external surface areas to be retained and kept in the existing rural character of the barn and its palette of gentle pastel colours, but internally it is proposed to add non-structural insulation and lightweight insulated stud partitioning to meet current Building Regulations, as with all Class-Q conversions.

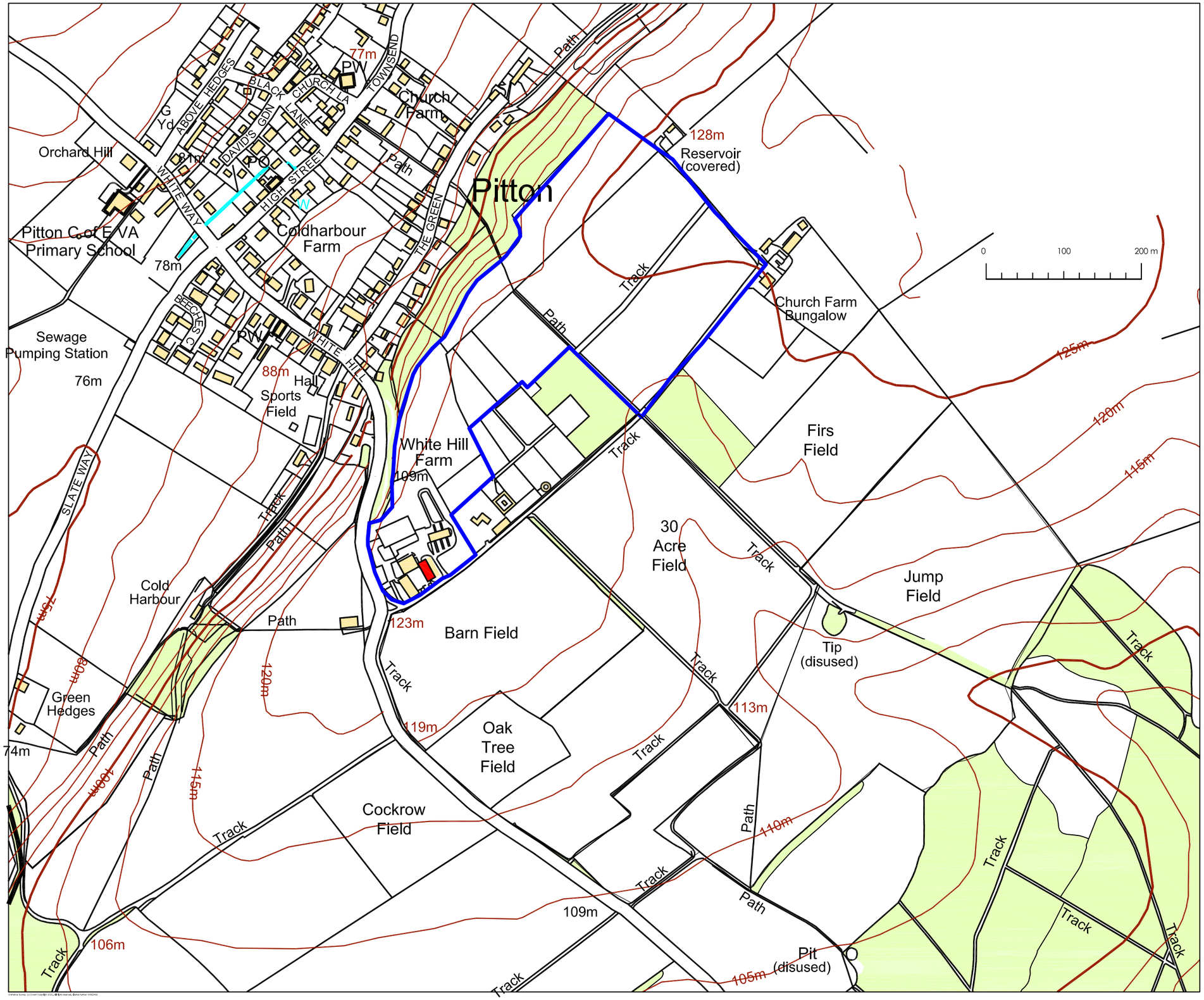




East



West



Class Q Barn

Land owned and farmed by The Blandford Family

OS copyright licence no; 100022432

DATE	26/08/22
CLIENT	The Owners
ADDRESS	White Hill Pitton SP5 1DY
1 : 5,000 @ A3	
August 2022	RG/PT

TITLE: Class Q and Land ownership

Benchmark
Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

DRAWING No: BEN Q2010 REV: A

2

appendix

Appendix: Research on Class Q decisions from 17/03/22 to 24/08/23 (last 17 months)

	SortName	SortAddress	SortDecision Notice Sent Date	SortStatus	Land ownership conditions?		
1	PL/2023/05198	Former Piggery Buildings At Cotswold Farm, West Dean Road, West Tytherley, SP5 1QA	24/08/2023	Closed	no	1	
2	PL/2023/00892	Hornbeam Grange, Chelworth Lower Green Road, Cricklade, Wiltshire, SN6 6HZ	18/07/2023	Closed	no	2	
3	PL/2023/03548	Former Piggery Buildings At Cotswold Farm, West Dean Road, West Tytherley, SP5 1QA	21/06/2023	Closed	no	3	
4	PL/2022/09825	North of Church Road , Heywood, Westbury , BA13 4LP	01/03/2023	Closed	Refused		1
5	PL/2022/09602	Chapel Mead Barn, Foxham, Chippenham, Wiltshire, SN15 4NH	01/03/2023	Closed	Refused		2
6	PL/2022/07278	Bremeridge Farm, Fairwood Road, Dilton Marsh, BA13 4ED	15/11/2022	Closed	no	4	
7	PL/2022/07177	WICK BRIDGE FARM, WICK HILL, BREMHILL, CALNE, SN11 9LQ	09/11/2022	Closed	no	5	
8	PL/2022/06928	WHITE HILL BARN, WHITE HILL, PITTON, SALISBURY, SP5 1DY	01/11/2022	Closed	Yes		
9	PL/2022/06251	Moors Wood Farm, 33 Durlett Road, Bromham, SN15 2HY	28/09/2022	Closed	No	6	
10	PL/2022/04217	White Hill Barn, White Hill, Pitton, Salisbury, SP5 1DY	08/08/2022	Closed	Refused		3
11	PL/2022/04006	BLAKEHILL FIELDS, MALMESBURY ROAD, LEIGH, WILTSHIRE, SN6 6RA	21/07/2022	Closed	No	7	
12	PL/2022/02037	Hornbeam Grange, Chelworth Lower Green Road , Cricklade, SN6 6HZ	28/06/2022	Closed	Refused		4
13	PL/2022/03161	Stobberts Agricultural Buildings, Stobberts Road, Devizes, SN10 4AZ	16/06/2022	Closed	Refused		5
14	PL/2021/08442	GREENHILL NURSERIES, GREENHILL, ROYAL WOOTTON BASSETT, SWINDON, SN4 8EH	23/05/2022	Closed	No	8	
15	PL/2022/01439	BUILDING C, WOOLLEY GREEN FARM, WOOLLEY GREEN, BRADFORD ON AVON, BA15 1TY	05/05/2022	Closed	Refused		6
16	PL/2022/01578	Barns 1 and 2 Bremhill House Farm, Bremhill, Calne, SN11 9HN	03/05/2022	Closed	No	9	
17	PL/2022/00549	MARSH FARM, SEEND ROAD, WORTON, DEVIZES, SN10 1SG	23/03/2022	Closed	No	10	
18	PL/2021/11751	Land to the West of the Great Durnford Estate, Amesbury Down, Great Durnford, SP4 6AZ	17/03/2022	Closed	Refused		7