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Wiltshire Council
Development Management (West)
County Hall
Bythesea Road
Trowbridge
BA14 8JD

Dear Sirs,

APPLICATION FOR: DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED TO CHANGE THE USE OF AN AGRICULTURAL BUILDING TO CLASS C3 (DWELLINGHOUSES) UNDER CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED).

AT: AGRICULTURAL BUILDING (FORMER CALVING UNIT) AT NEW HURST FARM, KEEVIL, BA14 6NH.

Proposal and Background Information

This letter is submitted to accompany the application relating to the above matter and is submitted on behalf of the current owners, Mr & Mrs Shaw, who live at New Hurst Farm. The Council have twice previously determined that prior approval is not required in relation to the above permitted development proposal to change the use of the building from agricultural to residential to form a single detached dwelling. The first determination was in 2018 under application reference 18/06474/PNCOU. More recently a determination was issued on the on 6th April 2021 under application reference 21/02054/PNCOU and remains extant until 6th April 2024.

The applicants have not yet been able to implement the change of use and consequently, are applying essentially to renew the decision by submitting this application for a further prior notification. The proposed development remains the same as the 2021 submission (which included a small update in the permitted development requirements resulting from the 2020 amendments) as do all other factors. This letter, like the previous letters, addresses the legislative requirements as follows.

In the first instance, the proposal complies with the permitted development criteria and as a consequence, there are a restricted number of considerations against which such applications must be considered. This letter shall firstly demonstrate compliance with the permitted development criteria set out in Q1. and secondly, shall justify the proposal in relation to the set considerations under Q.2.

Introduction

The applicants live at New Hurst Farm, Keevil, Trowbridge, BA14 6NH. The site in question is a single detached building located to the south and slightly west of their dwelling. The building

was once part of a much larger complex of buildings, which were previously utilised as a dairy / beef and pig unit and included numerous cattle sheds and pig sties as can be seen from the historic photograph below taken from the old sales particulars. The building is believed to have been built in the 1960's and aerial photographs taken in 1945 confirm that the building was not present at this time. The applicants purchased the building as part of New Hurst Farm in September 2007. The building was not in active agricultural use at this time and it is understood that the farm closed some years prior to being purchased by the applicants. Since the applicants purchased the property, it has not been utilised for any other purpose.

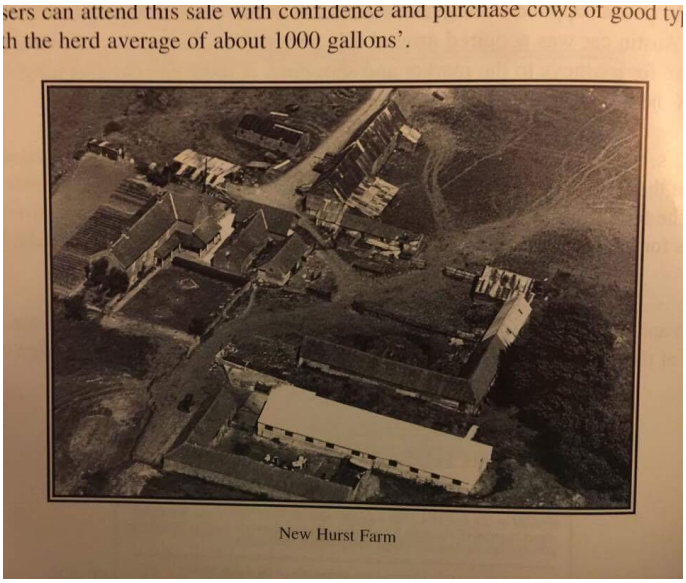

Figure 1 showing former farm complex with the building in question being the paler building to bottom of photograph

The site is no longer a working farm, and many of the buildings have since gone. The building the subject of this application remains, however, in a good state of repair. It was last used as a calving unit, and remains fitted out for these purposes, as can be seen from the internal photograph below. It is no longer needed for the purposes of agriculture nor would it be particularly suited to its previous use having regard to modern farming requirements.



Figure 2: Internal photograph

Assessment against permitted development criteria

Q.1

(a)(ii) The building in question was constructed circa 1960 for cows and their calves as part of the former farming unit. Since it was last used solely for cows as part of the farm holding, the building has remained unused since then.

(b)(i) The proposal relates to a 'larger dwellinghouse' and

aa) the cumulative number of dwellinghouses developed under Class Q is 1 and would not exceed the permitted allowance, and

bb) The cumulative floor space of the existing building or buildings changing use amounts to 340 square metres which does not exceed the 465 square metres permitted allowance for a 'larger dwellinghouse or dwellinghouses'.

(c) Does not apply as the proposal relates to a single larger dwellinghouse only.

(d)The single proposed 'larger dwellinghouse' would not exceed the 465 square metre allowance of C3 floorspace.

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

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

(g) No permitted development rights have been exercised under Class A (a) or Class B(a) under Part 6 of this Schedule (agricultural buildings and operations) since 20th March 2013.

(h) The proposed development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

(i) Building operations under Class Q(b) would be confined to; the installation or replacement of windows, doors, internally insulating the building and the installation of water, drainage, electricity, gas and other services, to the extent reasonably necessary for the building to function as a dwellinghouse. This can be seen from the accompanying plans which show the existing building retained, the roof sheeting will be replaced with similar lightweight sheeting and internal walls will be built off the existing slab and will take the load of the internal ceiling. These internal works are not 'development'.

The NPPG confirms at paragraph 105, Reference ID: 13-105-20180615, Revision date: 15 06 2018 that '*for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.*' This is reinforced by the accompanying structural report which confirms the suitability of the current structure for the proposed conversion and confirms that the proposals as detailed represent a feasible conversion of the building. There have been no material changes to the building since the previous application.

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

(k) The site is not and does not form part of a SSSI, a safety hazard area or a military explosives storage area.

(l) The site is not, nor contains, a scheduled monument.

(m) The building is not a listed building.

It is therefore concluded that the proposal amounts to permitted development, and as such, Q.2 requires that an application is made to the local planning authority to establish whether prior approval is required with regard to five criteria in addition to the provisions of Paragraph W and additional conditions.

Q.2

(1) This letter accompanies the formal application for a determination as to whether this proposal requires prior approval of the authority in respect of;

a) Transport and highways impacts of the development
b) Noise impacts of the development
c) Contamination risks on the site
d) Flooding risks on the site, or
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)
f) The design or external appearance of the building, and
g) The provision of adequate natural light in all habitable rooms of the dwellinghouse.

And is also subject to the provisions of Paragraph W of this Part.

It seeks to assist the local planning authority by providing supplementary information against which to assess the above criteria, as below;

(a) Transport and highways impacts of the development

The site is located towards the end of a no through road with passing places, and is serviced by an established private driveway to the west of this road which provides access to New Hurst Farm and continues to the application site. The access road continues in a southerly direction but only to provide access to one further farm along the road. As such, existing travel movements along this road are minimal and traffic tends to proceed slowly due to the bends and width. At the crossroads further north which is the junction with Main Street, there is sufficient width for two cars to pass, and good visibility in both directions. Three parking spaces are provided within the red line which meets the Council's normal parking requirements. In any case, the use of the building as a single dwelling would result in far less vehicular movements than the regular trip by small and larger vehicles which could be associated with the existing permitted agricultural use of the site. The proposed use as a single dwelling would not detrimentally affect highway safety over and above the existing situation or the fallback of an intensive agricultural use of the building.

As a consequence, it is not considered that a rejection of the proposal could be substantiated on the basis of transportation or highway impacts.

(b) Noise impacts of the development

The building the subject of this application is set within a rural location. It is sufficiently distant from the nearest neighbouring working farms to the north and south and there is adequate separation between this building and New Hurst Farm for there to be any particular noise concerns.

(c) Contamination risks on the site

There are no apparent risks or concerns on the site. The existing building was previously utilised for cows and their calves.

(d) Flooding risks on the site

The site lies within Flood Risk Zone 1 (Low Risk) where a site specific FRA is not a requirement. There are no known flooding issues affecting this building and the proposals would not increase run off.

(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)

The NPPG at Paragraph: 108 Reference ID: 13-108-20150305 makes it clear that the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs.

The proposals detail that this building would be treated minimally, so as to embrace its agricultural form, where it will sit comfortably within the context of agricultural land interspersed with rural farmsteads. Field boundaries generally consist of well-established hedges, and the site occupies a discrete position, set back from the bridleway which lies to the east of the site, along the private road in this relatively flat area. As such, the dwelling would not be visually prominent. The site benefits from a good access with the local road network, from where nearby towns and villages and their services can be readily accessed and is also close to other dwellings and farms. These include the local primary school, village hall and church in Keevil village, public house in Bulkington. In considering the last submission, the officer's report notes that the site was adjacent to a field with a cow barn but concluded that this would not be an intensive use as the cow barn is not immediately adjacent to the site and the cows are not constantly in the field immediately adjacent. As a result, it was determined that the location and siting of the building are considered to be acceptable.

(f) The design or external appearance of the building.

Full plans which detail both the internal and external changes have been submitted in support of the current application. The existing building is of a rather utilitarian appearance. It is partially visible from the public bridleway which runs along the private road to the west of the site. It is

however, set back from this frontage where it would be seen within the context of existing buildings. The dilapidated appearance of the building would be improved by replacing the roofing materials with a similar lightweight corrugated sheeting and the walls would be retained and painted, with new glazing inserted in the existing and extended openings.



Figure 3: Application building in background to left; former pig buildings and other agricultural buildings in foreground.

These plans demonstrate that the external appearance of the building would not change significantly, save to enhance its outward condition and the insertion of openings to allow the building to function as a dwellinghouse. As such, we submit that the refusal of this application on the grounds of the design and external appearance of the building is not warranted.

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

The 2020 amendments introduced the requirement for all habitable rooms to be provided with adequate natural daylight. This is further expanded in Paragraph X of the GPDO which states that "'*habitable rooms*" *means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms*".

As the submitted plans show, all bedrooms and living/dining areas are served by a window and adequate levels of natural daylight. This, as previously noted, has necessitated some minor alterations to the external appearance of the building to enable the insertion of new or alteration of existing windows to serve the necessary rooms. The prior approval of the local authority should not therefore be required because of natural daylight matters.

(X) Paragraph X

This also requires that the 'curtilage' of the building is either the piece of land immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building or, the area of land immediately beside or surrounding the agricultural building (whether enclosed or not enclosed), to be no larger than the area of land occupied by the agricultural building, whichever is the lesser.

We can confirm that the proposed curtilage for the building measures 315 square metres and lies immediately adjacent and does not exceed the area of land occupied by the agricultural building (340 square metres).

On the basis of the above information, it is considered that the building represents a suitable conversion prospect in order to provide a single 'large dwellinghouse' unit of accommodation. It would result in a net increase in the number of dwellings at the unit to 1, and there have been no previous dwellinghouses permitted at this site under these provisions.

This supporting statement, together with the plans and supporting structural report have evidenced why none of the considerations give rise to any particular cause for concern and justify why the application should be approved. In turn, the conversion scheme would find a new use for this building which is no longer required for farming purposes, in order to provide a much needed additional home. It would also result in an enhanced appearance of the building and the site.

I trust this is sufficient information for you to consider this scheme but please do not hesitate to contact me if you require any further information.

Yours faithfully,

[redacted]

Richard Cosker Bsc (Hons) DipTP MRTPI
RCC Town Planning Consultancy