Benchmark
Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

Planning Statement 03/10/23 v.4
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 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.

5. **Update 03/10/23:**

The Case Officer has asked Benchmark to address four questions:

i. Does the condition serve a planning purpose?

ii. What uses if any, are occurring on the surrounding land given the land is now under new ownership?

iii. It is noted that the caravan and camping club is seasonal, is it the intention of your applicant(s) to continue with this?

iv. What has changed (if at all) to consider removing the condition?

6. **i) Does the condition serve a planning purpose?**

The planning purpose for the condition being attached in November 2022 was:

> 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."

7. In terms of amenity generally and more specifically the residential amenity future occupiers, Class Q (2) (1) (a) introduces the need for the LPA to consider transport and highway impacts, (b) "noise impacts", (c) "contamination risks", (d) flood risks, (e) the location or siting make it impractical or undesirable; and (f) the design and external appearance are acceptable.

8. **(a) Is there a possible transport or highway impact issue to support the reason for COND2?**

The Officer's report indicates that there are no known highway issues:

> **REPRESENTATIONS**
>
> **Pitton and Farley Parish Council** – No comments received
>
> **WC Public Protection** - No objection subject to conditions regarding potential contamination and use of the building to be converted in respect of mixed use of the site.
>
> **WC Highways** – No objection
>
> **Third Party Representations** – None received
>
> (Extract from Report – set out in full at Appendix 1)

9. **(b) Is there a possible noise impact issue?**

The Officer's report and the consultation response from WC Public Protection Officer (WCPPO) does not identify any specific noise concern (but read on below about the WCPPO's comment on contamination).

10. **(c) Is there a possible contamination issue?**

It is reported that WCPPO did have a small concern regarding potential contamination (see above) that could be dealt with by condition.

11. Accordingly, COND 3 deals comprehensively with contamination by way of Wiltshire Council's standard pro forma condition that is very frequently attached to Class Q approvals.

12. **(d) Is there a flood risk issue?**

No – the barn is high and dry on top of a chalk hill.

13. **(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 Class C3 (dwellinghouses) of the Schedule to the Use Classes Order**

14. **The location and siting of the barn**

The NPPG provides guidance on what is meant by the words impractical and undersirable: " … *local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is* ***impractical****. Additionally, the location of the building whose use would change may be* ***undesirable*** *if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals."*

But none of these examples apply with this Class Q barn.

15. The Officer's report states that: "…*The site, approximately 30 acres in size has a mixed use of activities occurring from it that include agriculture, equestrian and caravan and camping uses. The agricultural barn to be converted is located within the farmyard complex and would be in close proximity to these on-going uses. By way of mitigation on this matter, officers consider it appropriate to condition the use of the converted barn to be occupied in conjunction with the commercial and agricultural activities as previously mentioned."*

16. Rightly or wrongly, in our opinion *agriculture, equestrian and caravan and camping uses* are good neighbours compared to farmers' factory poultry sheds, silage 'clamps' (slurry pits), or grain dryers, agri-chemical stores etc. In other words, the location and siting of the Class Q barn is neither impractical or undesirable. The existing uses will not cause harm to amenity. If they change, by fact and degree, and then need planning permission, the

Authority will then take fully into account the amenity of the occupants of the Class Q barn, at that time.

17. **(f) the design and external appearance are acceptable**

Briefly, we agree with Officers that the proposal will enhance the character and appearance of the immediate area.

18. **(i) Conclusion on planning purpose**

It is therefore unlikely the proposed planning purpose – the protection of the amenity of future occupants against disturbance from traffic, noise, contamination or flood - was a weighty planning purpose. Therefore, in December 2022 it was arguable that COND 2 served no material planning purpose – in terms of protecting amenity.

19. **(ii) What uses if any, are occurring on the surrounding land given the land is now under new ownership?**

The uses immediately surrounding the Class Q barn are exactly the same as before.

20. **(iii) It is noted that the caravan and camping club is seasonal, is it the intention of your applicant(s) to continue with this?**

Yes – the uses are the same as before.

21. **(iii) What has changed (if at all) to consider removing the condition?**

We consider the condition – back in December 2022 was unreasonable and unnecessary, unenforceable and did not serve a planning purpose and it should not have been attached.

22. We could not object at that time because the property was being sold and the vendors and purchasers did not decide who should deal with it. And as it was an onerous condition (but also being unenforceable) nothing was done at that time.

23. However, the new owners do not need the condition to remain because it refers to uses within the blue land being kept in perpetuity and this is wholly unreasonable, as it unfairly restricts their business to "the approved commercial and agricultural uses of the site" as existing in 2022, under the previous owners. Of course, the new owners can diversify and add further land, or change the farm, all without the need of planning permission. This condition therefore needs to be now removed, to allow the new owners to run their business and remain financially viable – see also July 2023 consultation on greater PDR for farm diversification – to reinforce that farmers need flexibility and support, to remain viable.

24. In the light of advice at paragraph 56 of The NPPF (September 2023) – 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) BPl MRTPI
Director

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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**

CASE OFFICER'S REPORT

Application Reference:	PL/2022/06928
Site Address:	White Hill Barn, White Hill, Pitton, SP5 1DY
Date of Inspection:	27/09/22
Date site notice posted:	15/09/22

RELEVANT POLICIES

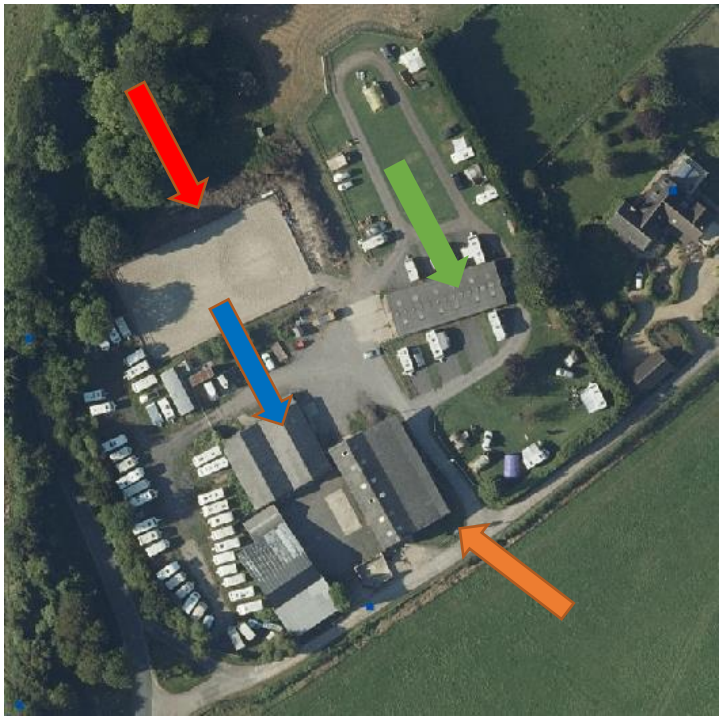
The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3, Schedule 2 (changes of use), Class Q;

Adopted Wiltshire Core Strategy (January 2015);

The Conservation of Habitats and Species Regulations 2017

SITE DESCRIPTION

The building subject to this application is an existing barn with a lean-to on the existing eastern elevation of the building (denoted by an orange arrow). The application site is known as White Hill Barn set within White Hill Farm to the south of the village of Pitton.



The site has an extensive planning history and is made up of a number of buildings. These buildings include a converted toilet and shower block for the use of part of the site as a caravan and camping site (denoted by a blue arrow); a menage area to the rear of the site (denoted by a red arrow) and a stable building to the northeast (denoted by a green arrow). The caravan and camping site that allowed for a maximum of 20 touring caravans and 10 tents on the site at any one time was approved in 2007 via appeal (APP/T3915/A/07/2034714) following the

refusal of planning permission (S/2006/2077) and is located to the north and south of the stable block to the northeast of the barn subject to this application.

PROPOSAL

The application is notification for Prior Approval under Class Q of the General Permitted Development Order for the Change of Use of the existing agricultural building to form one dwellinghouse and for Associated Operational Development.

ISSUES

Whether the proposal constitutes Permitted Development under Class Q;
Whether the Prior Approval of the Local Planning Authority is required;
River Test Catchment Area/ The Conservation of Habitats and Species Regulations 2017

RELEVANT POLICY

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations. In some cases the permitted development right will require the local planning authority to approve certain matters (a process generally referred to as “prior approval”).

The Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) amends the Town and Country (General Permitted Development) Order 1995 (“the General Permitted Development Order”) to allow new permitted development rights for change of use.

Class Q of Part 3 of Schedule 2 to the General Permitted Development Order is added to permit agricultural buildings changing to residential use and includes building operations reasonably necessary (including partial demolition) to convert the building to residential use.
In accordance with Class Q, for change of use proposals including building operations, before beginning the development, the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

• Transport and highways impacts of the development,
• Noise impacts of the development,
• Contamination risk on the site,
• Flooding risks on the site,
• 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 Class C3 (dwelling houses) of the Schedule to the Use Classes Order, and
• The design or external appearance of the building.

And the Council may also request and consider the following information if deemed necessary:

• Assessment of impact or risks
• Statements setting out how impacts or risks are to be mitigated
• Details of proposed operation development

The provisions of paragraph Q.2 of Part 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 sets out the procedure for applying for approval and this includes that the Local Planning Authority must have regard to the National Planning

Policy Framework so far as relevant to the subject matter of the prior approval, although there is no requirement to have regard to the development plan.

RELEVANT PLANNING HISTORY

S/2005/1818 – CLD for use of the land and buildings for breeding of horses and livery for foaling mares, breaking horses and hacking horses REF 21.11.05

S/2006/0731 – Use of the land for equine breeding business for the horse racing industry A.C 27.07.06

S/2006/2077 – Retrospective application for the retention of a touring caravan and caravan and tents site REF 19.12.06 Allow on APPEAL 25.06.07

S/2008/0561 – Change of use of and alterations to agricultural building to form toilet and shower block and also a new roadway and footway A.C 01.05.08

13/06304/FUL – Erection of six floodlights each a maximum of 6m high above ground to an existing menage A.C 20.01.14

PL/2022/04217 - 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) REF 03.08.22

REPRESENTATIONS

Pitton and Farley Parish Council – No comments received

WC Public Protection - No objection subject to conditions regarding potential contamination and use of the building to be converted in respect of mixed use of the site.

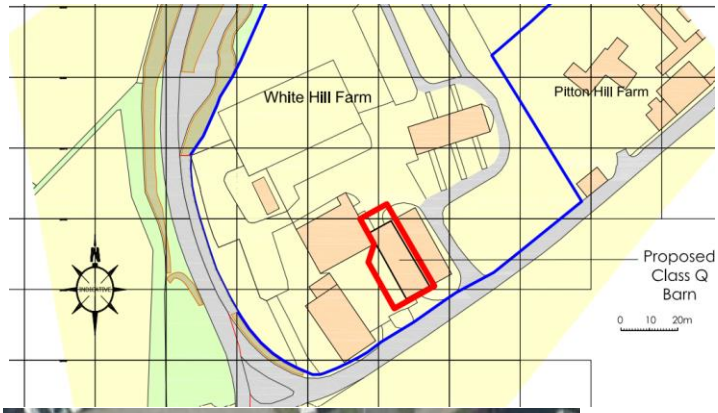
WC Highways – No objection

Third Party Representations – None received

ASSESSMENT OF THE PROPOSAL

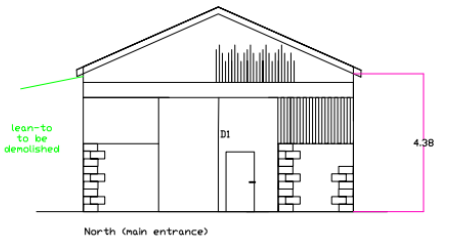
The application site is an existing barn located on the outskirts of the village of Pitton. The site is located outside of the settlement boundary, therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

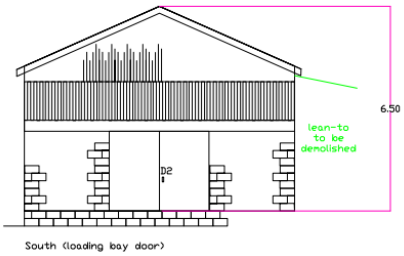
The proposal involves the change of use of the existing building to create one dwellinghouse as shown below by the submitted plan and aerial photograph held on Council records.

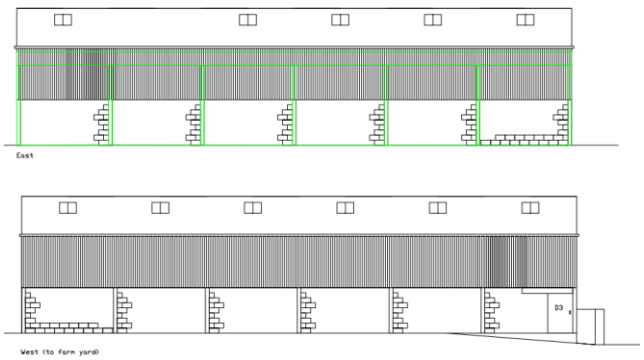




The existing and proposed works to the barn are shown below:









Class Q contains two principal provisions – Q(a) and Q(b), as follows:

Q. Development consisting of—
(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

It is noted that the recent application PL/2022/04217 was refused by the Local Planning Authority (LPA) for the following reason:

The site subject to this application is associated with multiple uses that include equestrian and caravan and camping activities. Based on the level of the information submitted within this application and having regard for the planning history of the site, it is considered that the use of the barn to be converted has not been used solely for an agricultural use as part of an established agricultural unit as detailed in the requirements of paragraph Q.1. (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consequently, the proposal is considered to be contrary to Schedule 2, Part 3, Paragraph Q.1.(a) and the provisions of paragraph W (prior approval) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In considering Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 the Local Planning Authority (LPA) will have to be convinced that the former agricultural building was used solely for agriculture, as part of an established agricultural unit on 20th March 2013 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use. Paragraph Q.1. (a) of the legislation states

Development is not permitted by Class Q if

(a) The site was not used solely for an agricultural use as part of an established agricultural unit –

(i) On the 20th March 2013, or
(ii) In the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii) In the case of a site which was brought into use after the 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

In order to address the refusal reason for the application PL/2022/04217, the agent has provided additional information in the form of statutory declarations from the applicant and family members who all confirm that the agricultural barn has been solely used for an agricultural use since on or before the 20th March 2013. Other evidence submitted includes a list of machinery that was stored within the agricultural barn and photographs of cheque stubs that document agricultural activities/machinery/equipment associated with the use of the building. The case officer has undertaken a site visit to look inside of the agricultural barn subject to this proposal. At the time of the visit, the agricultural barn was empty but on the basis of the submitted information and having no other evidence to the contrary to suggest otherwise, officers are satisfied that the use of the barn has been solely used for an agricultural use since on or before this date, the 20th March 2013 in accordance with paragraph Q.1 (a) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.

It is important to note that para Q(b) makes provision for building operations reasonably necessary to CONVERT the building.

Paragraph Q.1.(b) of Class Q in relation to a larger dwelling house, development would not be permitted if the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres. The floor space of the existing building (227sqm) does not exceed this limit.

Paragraph Q.1. (c) relates to smaller dwellinghouses – This is not applicable.

Paragraph Q1.d states that development is not permitted if a larger dwellinghouse has more than 465 square meters of floor space. The applicant has confirmed that the proposal does not exceed this floor space as the proposal is for 227sqm.

Paragraph Q.1 (e) states that the site must not be occupied under an agricultural tenancy – this is not applicable as the site is not occupied under an agricultural tenancy.

Paragraph Q.1. (f) states that development is not permitted if less than 1 year before the date development begins, an agricultural tenancy has been terminated – an agricultural tenancy has not been terminated within the last year so this is not applicable.

Paragraph Q.1. (g) states that development is not permitted if development under Class A or Class B of Part 6 of this schedule has been carried out on the established agricultural unit since 20th March 2013. No such applications have been received by the Local Planning Authority.

Paragraph Q.1. (h) requires the external dimensions of the building to not extend the external dimensions of the existing building at any given point – the proposed plan indicates that the proposed residential use of the converted building would wholly be within the existing building and would involve the removal of an existing lean-to along the eastern façade to facilitate these works.

Paragraph Q.1.(i) of Class Q states development would not be permitted if it would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or
(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The existing barn comprises of a concrete slab and concrete frame approximately 8.6 metres wide and 26.4 meters in depth and 6.5 metres to ridge height with an existing open lean-to extension along the entirety of the eastern façade of the building which is to be removed. Whilst no structural survey has been submitted as part of this proposal, it is considered that the proposed works that include internal operations to include a new mezzanine floor with the utilising of all existing windows and doors do not go beyond what is considered reasonably necessary to convert the building in respect of the Hibbitt case law findings.

Paragraph Q.1.(j) – development is not permitted if it is on article 2(3) land – the site is not on article 2(3) land

Paragraph Q.1.(k) – development is not permitted if the site is or forms part of a site of special scientific interest (SSI), a safety hazard area or a military explosives area – the site is not in any of these areas.

Paragraph Q.1.(l) – development is not permitted if the site is or contains a schedule monument – the site is not and does not contain a schedule monument.

Paragraph Q.1.(m) – development is not permitted if the building is a listed building – the building is not listed.

Paragraph Q.2 of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 states that the conversion of an agricultural building to residential, is considered permitted development subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(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 Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
f) the design and external appearance.

<u>Transport and Highways</u>

The PPG has clarified that the sustainability of a building's location is not a test that applies to this permitted development right. The site is accessed via a track known as footpath/bridleway PIFA13 via the classified White Hill Road.

The site has an existing access/egress that is proposed to be retained and re-used for this proposal. The submitted plans also demonstrate that there is adequate space around the building for the parking and turning of vehicles.

The Council's Highways Officer has assessed the proposal and considers the scheme proposed to be acceptable and has provided the following comments:

The site is located outside of the built up area of the village of Pitton, remote from the community services that occupiers of the dwellings would need. The site is served by a rural road, the C321, it is within the national speed limit and unlit. There is no safe pedestrian access to the village amenities. The proposal would therefore usually attract an adverse highway recommendation on sustainability grounds. I am aware that this proposal is to be determined under the 'Prior Notification' procedure and I am not certain whether sustainability is a valid reason for refusal, I shall be guided by you on this matter. Adequate off street parking is shown for the development. I have no particular concerns with the use of the existing access to serve the proposed development. Therefore should you be minded to support the development, I wish to raise no highway objection.

As such, officers consider that the proposed would not have any significant detrimental impact to highway safety.

Noise Impacts

The building is located in close proximity to any other buildings and activities that would appear to be in active use with the site. The site also benefits consent that allows up to 20 touring caravans and 10 tents on the site at any one time although this activity is considered to be seasonable. Comments received from the Council's Public Protection Team state the following:

This department commented on the previous application for this site (PL/2022/04217) and recommended that the use of the property is in conjunction with the adjacent agricultural and commercial business uses. This is to prevent any environmental factors from the operations and activities carried out at those businesses adversely impacting future occupants of the property not associated with the commercial uses and prevent dis-amenity.

We would also recommend the following condition is attached to any approval in the event that contamination is identified;

1. *In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.*

It is clearly evident that this site, which is approximately 30 acres in size has a mixture of uses operating from within that include the caravan and camping activities, mobile home storage, equestrian uses and agricultural uses. The location of the barn to be converted into a residential use is within the farmyard complex and therefore, officers consider it necessary to condition that the use of the converted barn is in conjunction with the agricultural and commercial activities currently occurring within the site. The agent has agreed to a condition imposed onto any consent to this extent and has provided an additional plan showing the extent of the land within the ownership of the applicant shown by a blue line. The purpose of this condition is in regard of the existing agricultural and commercial operations on site and the amenity impacts to any future occupier(s) of the site. Subject to the imposing of a condition

as outlined, any noise implications/amenity issues as highlighted by the Council's Public Protection Team from the associated uses occurring from the site would be suitably mitigated.

It is also considered that the building is located at a sufficient distance from other residential properties to avoid causing any significant detrimental impacts upon the amenities enjoyed by the occupiers.

Contamination Risks

The Council's Public Protection Team has assessed this element of the proposal and raise no objection to this proposal subject to a condition imposed to any consent outlined within the previous section of this report around need to address any contamination issues that may arise in order to render the development suitable for a residential use.

Flooding Risks

The proposal would raise no concerns in terms of flooding.

Whether the location or siting of the building makes it otherwise impractical or undesirable

The PPG states the following:

"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. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house".

It continues to say *"There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals."*

The site is an agricultural barn located within White Hill Farm on the edge of the village of Pitton accessed via the public right of way known as PIFA3. The site, approximately 30 acres in size has a mixed use of activities occurring from it that include agriculture, equestrian and caravan and camping uses. The agricultural barn to be converted is located within the farmyard complex and would be in close proximity to these on-going uses. By way of mitigation on this matter, officers consider it appropriate to condition the use of the converted barn to be occupied in conjunction with the commercial and agricultural activities as previously mentioned.

The agent has agreed to a condition to this extent and has provided an additional plan showing the extent of the land within the ownership of the applicant shown by a blue line. The purpose of this condition is in regard of the existing agricultural and commercial operations on site and the amenity impacts to any future occupier(s) of the site

Subject to the imposing of this condition, officers consider that the siting/location of the converted building to a dwellinghouse would not be otherwise impractical or undesirable as stated in Q2 1(e) of the legislation.

The design or external appearance of the building

Criterion Q2 1(f) of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015, relates to the external appearance of the building.

The proposal for the design and appearance of the dwelling are shown on the submitted plans within this report. The nature and appearance of the building will not be inappropriate in the setting, and would retain the original agricultural character. The design of the conversion has been carefully considered to enhance the visual appearance of the building by removing the existing lean-to on the eastern facade, maximise the use of the space available and ensure the practicality and usefulness of the living space. Materials used will be of a high quality and works will be carried out to the highest standard, to ensure that the building is well constructed and energy efficient. Existing openings are utilised and new openings are limited.

Officers consider the conversion of the building as outlined to be in accordance with Class Q legislation and will enhance the character and appearance of the immediate area.

River Test Catchment Area/ Conservation of Habitats and Species Regulations 2017 (as amended)

The development site is located within the River Test catchment which drains into the Solent European sites. These designated sites are sensitive to nitrogen burdens from wastewater and land use change.

Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations. The Solent water environment is one of the most important for wildlife in the United Kingdom and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas.

This application is for prior approval and therefore, there is no requirement within the Class Q legislation for this application to be considered by the Council's Ecology Team.

Notwithstanding this and any favourable decision made by the Local Planning Authority, Article 3 of the General Permitted Development Order (as amended) requires the scheme to adhere with section 75 to 78 of the Conservation of Habitats and Species Regulations 2017 in order to be permitted development.

The applicant is advised 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 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. As such, the applicant is required to make a separate application under regulation 77 of this legislation entering into a planning obligation by way of a legal unilateral undertaking and advice on how this can be complied with can be added by way of an informative onto any decision for this proposal.

CONCLUSION

For the reasons as outlined within this report and having consideration for the additional evidence that has been provided in respect of the refusal reasons associated with the previous application PL/2022/04217, officers are of the opinion that the proposed development is considered to comply with all of the criteria set out in Class Q, paragraphs 1 and 2 of the GPDO thereby making it development that benefits from permitted development rights.

RECOMMENDATION:

Prior approval is required and granted subject to conditions

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

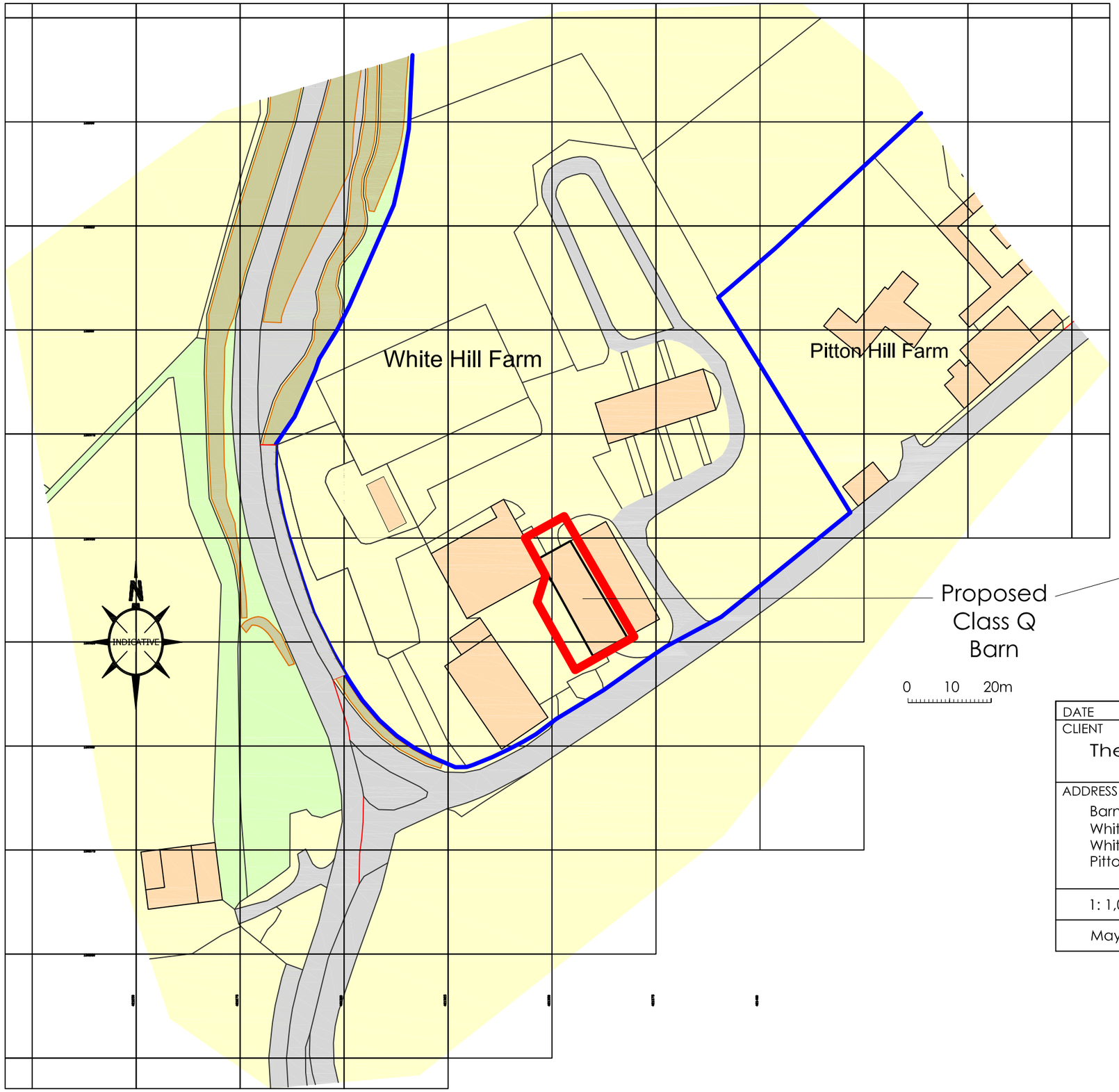
out safely without unacceptable risks to workers, neighbours and other offsite receptors.

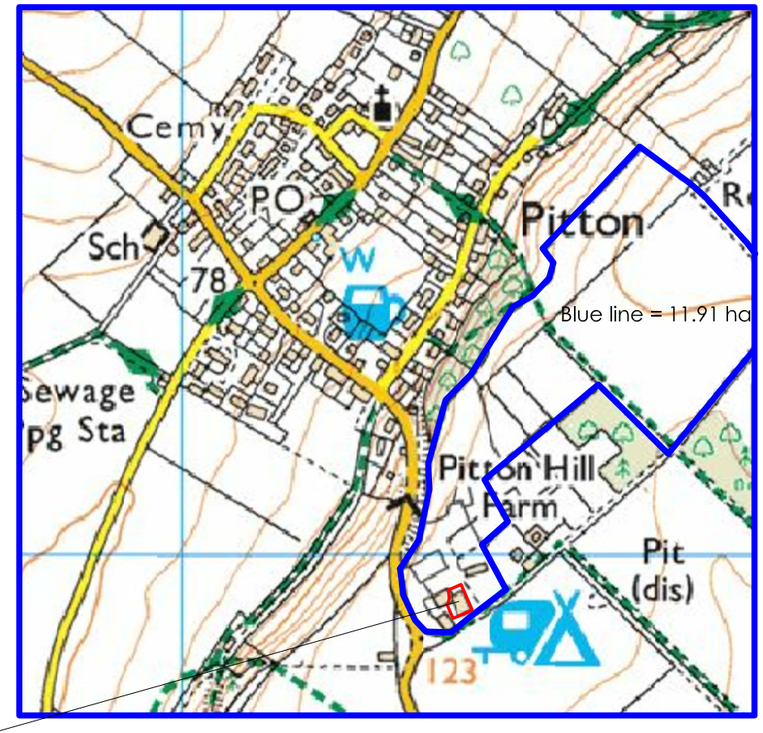
INFORMATIVE TO APPLICANT:

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.





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

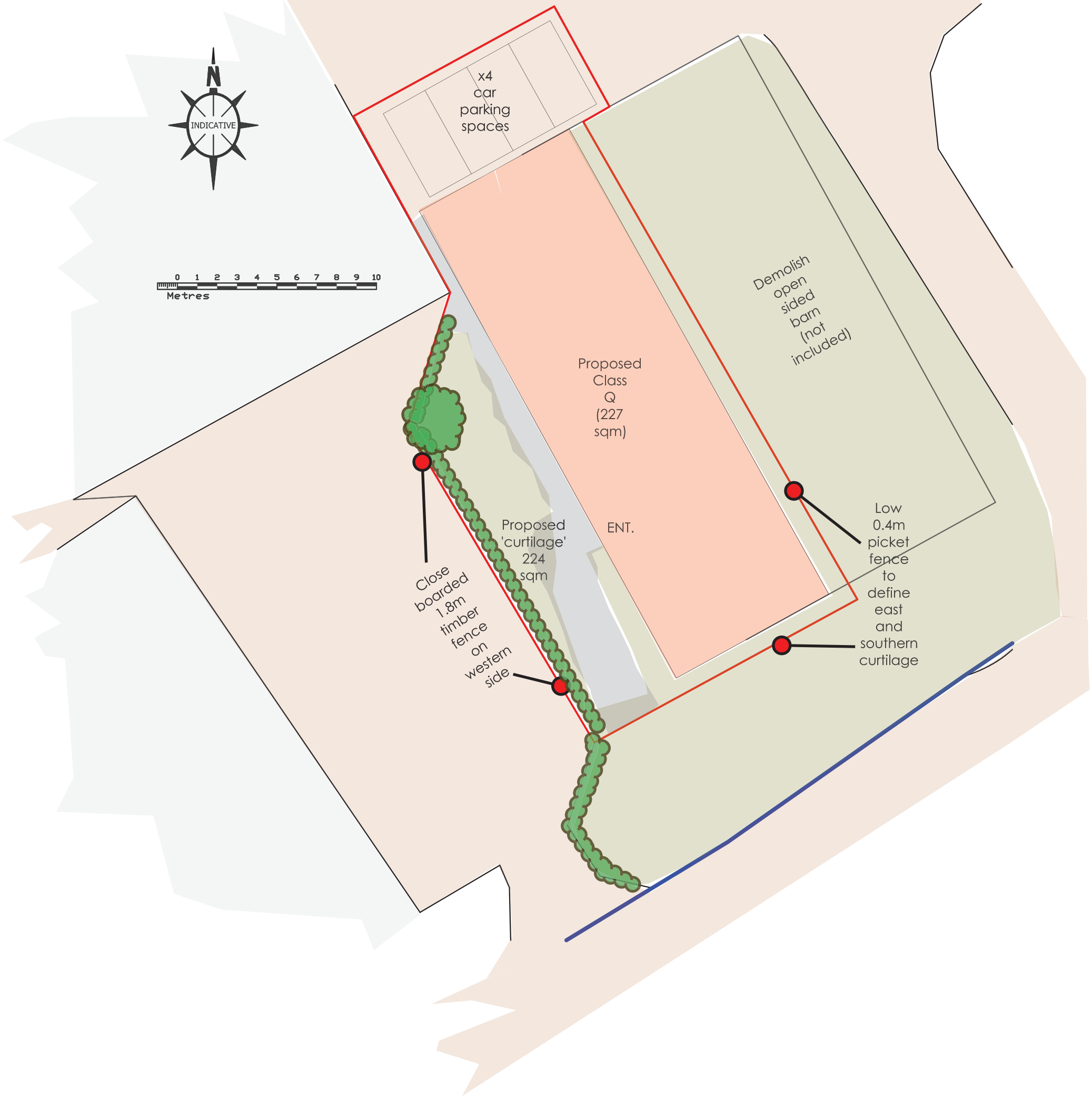
Ordnance Survey, (c) Crown Copyright 2022. All rights reserved. Licence number 100022432

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	-



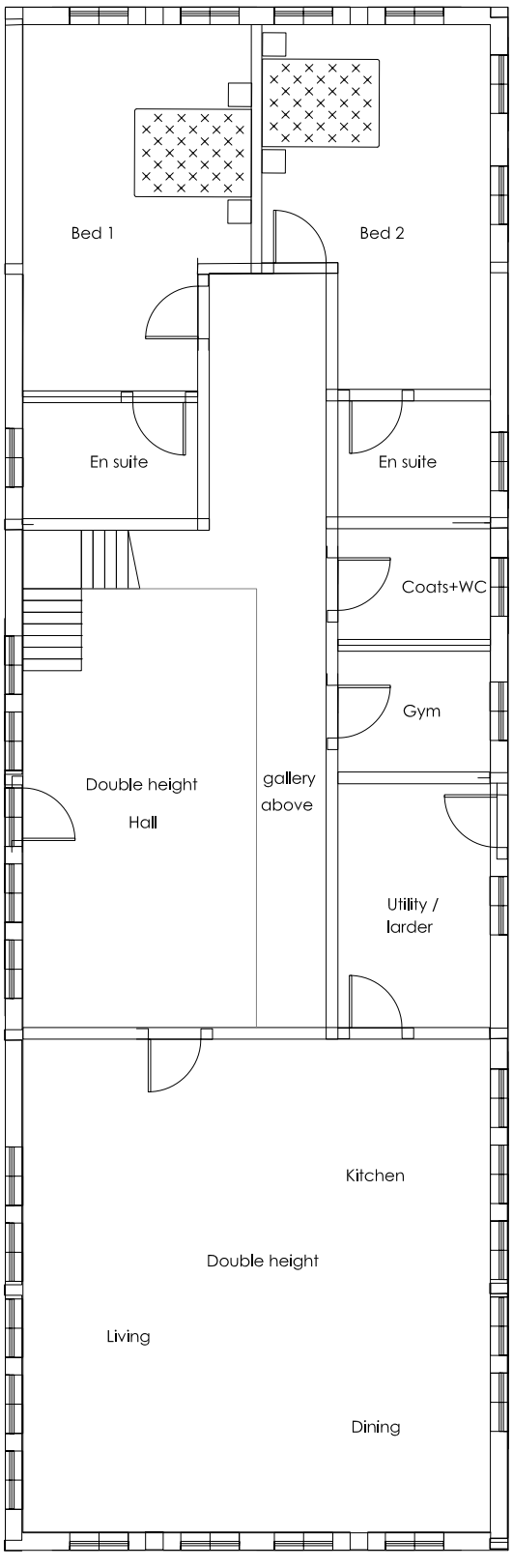
DATE	31/10/22
CLIENT	The Blandford Family
ADDRESS	Class Q Barn White Hill Farm White Hill Pitton
	1: 125 @ A3
May 2022	RG / PT

TITLE
Proposed conversion plans and elevations

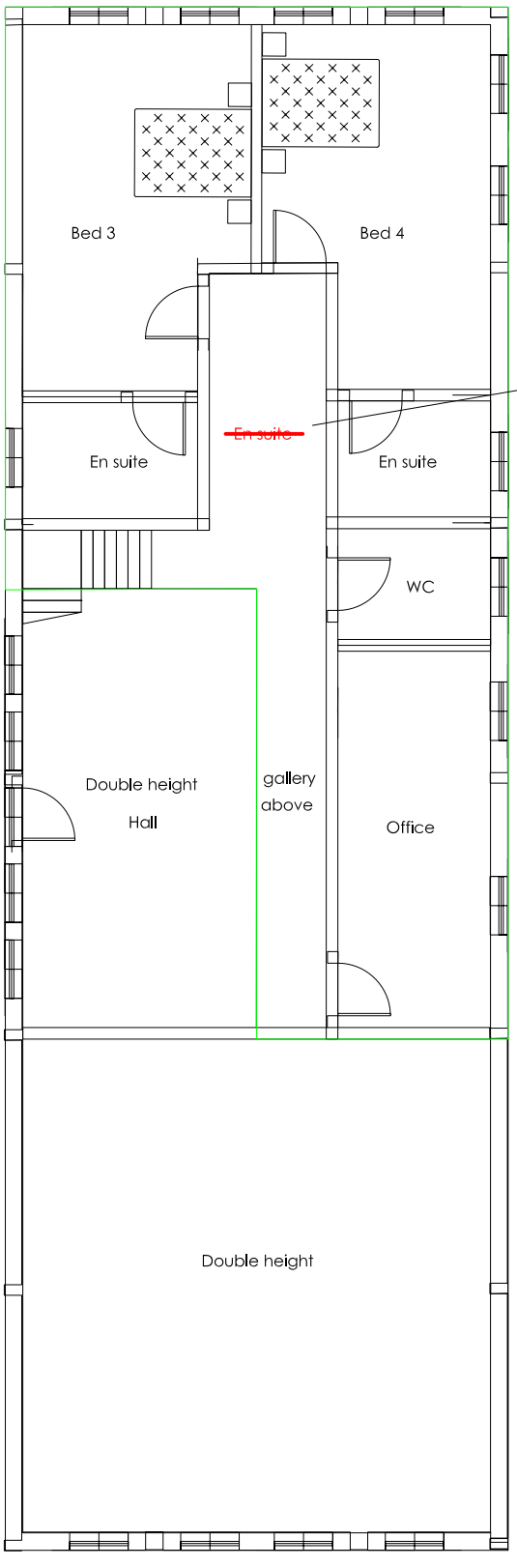
Benchmark
Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

DRAWING No BEN Q0015 REV C

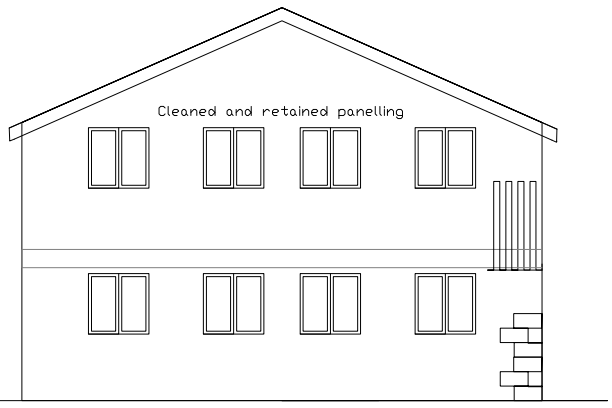
Rev C entails only deleting "en suite".



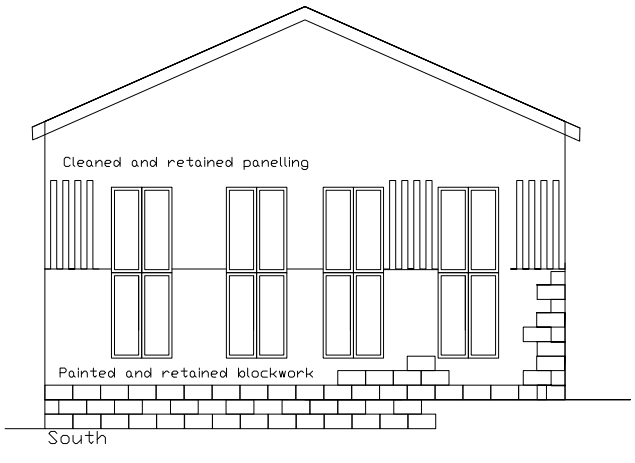
Ground floor



Mezzanine floor

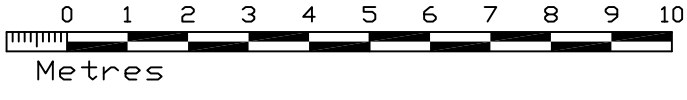


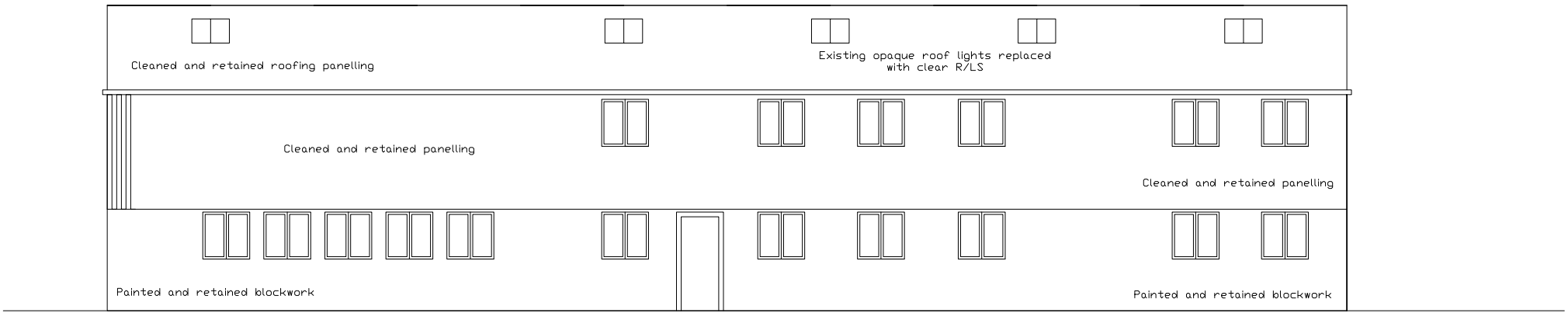
North



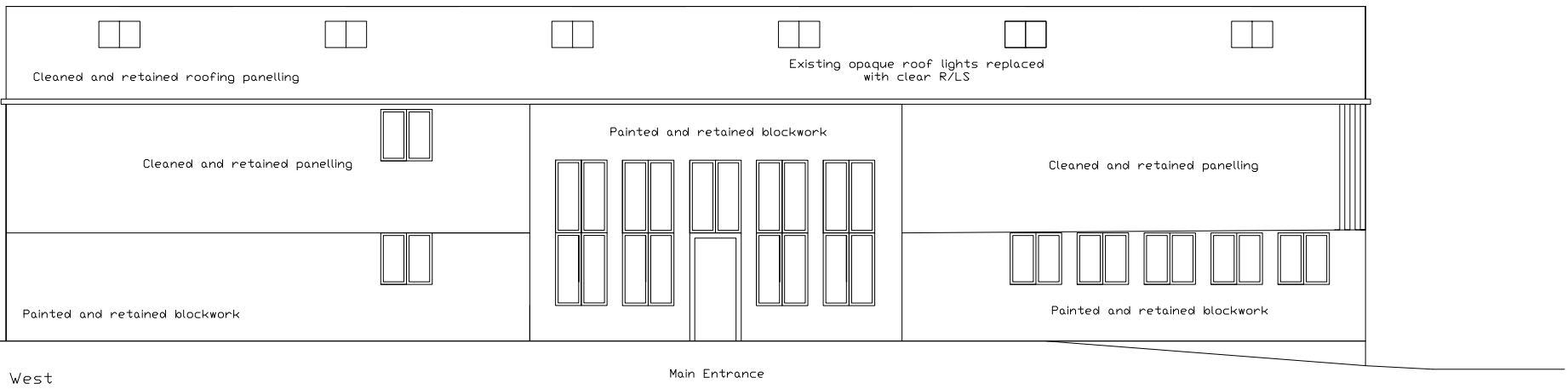
South

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.

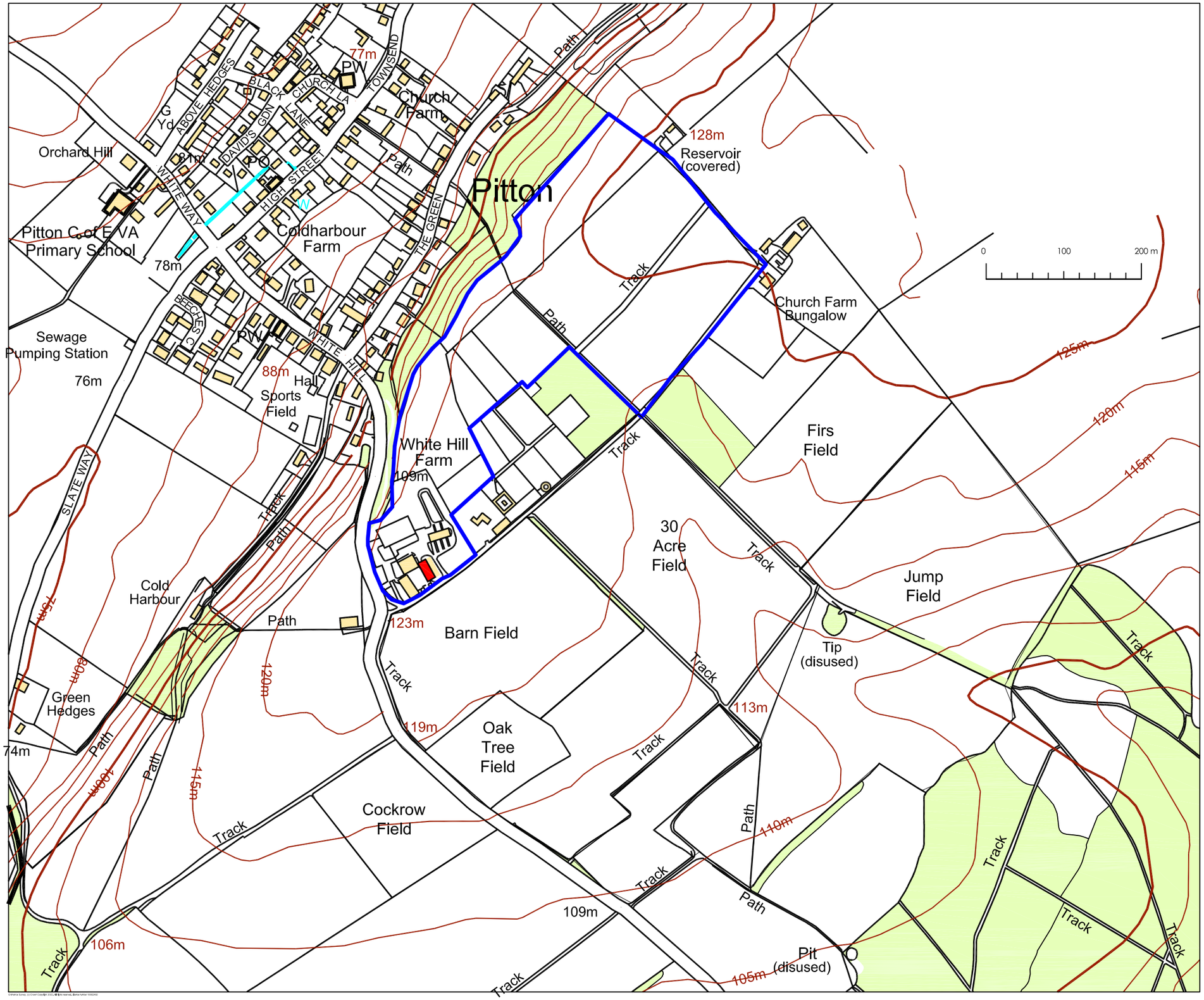




East



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