CASE OFFICER'S REPORT

Application Reference: PL/2023/05424

PROPOSAL

The application is for the conversion of a barn to form two dwellings, the change of use of land to residential and demolition of dutch barn at Wick Bridge Farm, Wick Hill, Bremhill.

SITE DESCRIPTION/CONTEXT

The application site is located within the open countryside, in the area known as Bremhill Wick. The barn has two separate parts to it. The southern part has a pre-cast concrete portal frame structure with concrete blocks to three quarters of the wall height, and Yorkshire boarding above. The building is set beneath cement roofing sheets. The floor is concrete slab. The northern part of the building comprises a steel portal framed structure. The walls are concrete block, set beneath a cement roofing sheets. The floor is part concrete slab and part compacted soil.

PLANNING HISTORY

- PL/2022/07177 - Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building into Two Dwellinghouses (Use Class C3) and for Associated Building Operations (revision to 21/00415/PNCOU) – Prior Approval Granted
- 21/00415/PNCOU - Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building into Two Dwellinghouses (Use Class C3) and for Associated Building Operations (Revision to 18/07765/PNCOU) – Prior Approval Granted
- 18/07765/PNCOU - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3 no. Dwellinghouses and for Associated Operational Development. – Prior Approval Granted
- 16/06919/PNCOU - Prior Approval of Proposed Change of use of Agricultural Building to 3 Dwellings (C3) and for Associated Operational Development – Prior Approval Granted
- 15/00343/PNCOU - Prior Notification Under Class MB - Conversion of Agricultural Building to Provide 3 Dwellings. – Prior Approval Refused
- N/10/04544/S73A - Change of Use of Modern Farm Buildings from Agricultural to Landscape Gardener's Depot and Stores (Retrospective) – Approved with Conditions

POLICIES

Wiltshire Core Strategy 2015 (WCS)
CP 1 Settlement Strategy
CP 2 Delivery Strategy
CP8 Spatial Strategy: Calne Community Area
CP48 Supporting Rural Life
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP57 Ensuring High Quality Design and Place Shaping
CP58 Ensuring the Conservation of the Historic Environment
CP60 Sustainable Transport
CP61 Transport and New Development
CP64 Demand Management

Bremhill Neighbourhood Plan (Feb 2018)

NP 1 General Development Policy 1
NP4 Biodiversity Policy 4

North Wiltshire Local Plan 2011
No relevant policies

National Planning Policy Framework 2023 (NPPF)

ISSUES

The principal considerations in the determination of this application are:

- The principle of the change of use;
- Impact on the character and appearance of the area;
- Impact on heritage assets;
- Neighbour amenity;
- Highway Safety and Parking; and
- Ecology.

CONSULTATION

Bremhill Parish Council: Objection:

> *"Ward Councillors have reviewed this application. It combines Class Q regulations by reference and then proceeds to go beyond the regulations and the 'spirit' of Class by shifting further aspects of development beyond the scope of Class Q into Full Planning. As a Full Planning application standing on its own merit it would require supporting assessments, including an impact assessment of the character of the two buildings on the surrounding area as they are situated beside the ancient Maud Heaths Causeway and would be viewed when the barn was demolished. Consequently, whilst Bremhill Parish Council supported the initial development within the rules of Class Q it would not support the PL/2023/05424 proposal."*

Council Highways Engineer: No objections:

> *"This is an amendment to a previously approved scheme through Class Q (ref: PL/2022/07177), the amendments would not materially alter the approved scheme with regard to access and parking for the proposals. Therefore, I would not wish to raise an objection with regard to highways subject to the following conditions and informative:*

Council Ecologist: Initial objection requesting an Ecological Impact Assessment and details of biodiversity net gain. The applicant subsequently submitted a Protected Species Report dated October 2023. Updated comments are as follows:

> *"Additional ecological information has been submitted in support of the application to include a 'Protected Species Report' dated October 2023 by Pure Ecology together with an amended drawing 'Proposed Plans and Elevations 9LQ-20 Rev B' by Dolmans Architectural Designers.*
>
> *We note the negligible potential of the buildings to support protected species namely bats and that the buildings sit within an area of largely hard standing. A number of bird nests were identified within buildings 1 and 2, likely to be pigeon and/or barn swallow.*

Section 5 of the ecology report details proposals to include bat and bird boxes within the development to compensate for the loss of roosting opportunities and proposes safe working methods that should be followed to reduce impacts upon biodiversity.

Although a biodiversity metric has not been submitted as requested, a number of enhancement measures have been proposed within the ecology report which will ensure no net loss of biodiversity on site"

Conditions and informatives are recommended.

Council Public Protection team: No objection subject to condition in respect of hours of construction

Council Conservation Officer: No comment received.

Council Building Control Officer: The Council's Building Control Officers have reviewed the plans, and consider the proposals to be a conversion.

REPRESENTATIONS

None received.

ASSESSMENT

Principle and other considerations covered by CP48

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy (WCS), Bremhill Neighbourhood Plan and saved policies of the North Wiltshire Local Plan, form the relevant development plan. The NPPF is a relevant material consideration.

Development plan policies guide development to sustainable locations. CP1 "Settlement Strategy" of the Wiltshire Core Strategy sets out where sustainable development will take place across the plan period. CP2 "Delivery Strategy" of the Wiltshire Core Strategy states that other than circumstances as permitted by other policies within the plan, development will not be permitted outside the limits of development. CP8 "Spatial Strategy: Calne Community Area" sets out the hierarchy of settlements within the area to which some development is anticipated. The application site is situated outside of any development framework boundary, within the open countryside. This is a location where development is strictly controlled unless other policies within the development plan provide justification or material considerations apply.

In consideration of the development plan policies, Core Policy 48 "Supporting Rural Life" of the WCS supports the conversion and re-use of rural buildings subject to a number of criteria.

In the first instance, it is important to establish whether this building is considered to be a rural building for the purposes of Core Policy 48. This is set out in the Glossary and common acronyms section, on page 324 of the Core Strategy 2015. This defines Redundant Buildings (for CP48) as 'Rural buildings that are unused because they are no longer needed or suitable for the use they were originally intended or were last used for and not viable for alternative commercial use.' It appears that the barn no longer forms part of any active operations at the site, and as such the building is now redundant. The application building is therefore considered to be a rural building and Core Policy 48 applies.

Core Policy 48 states that proposals to convert and re-use rural buildings for employment, tourism cultural and community uses will be supported where they satisfy the five criteria set out below:

(*i) The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*
(ii) The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.
(iii) The building can be served by adequate access and infrastructure.
(iv) The site has reasonable access to local services OR
(v) The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.

In considering the above criteria, (i) requires the building to be structurally sound and capable of conversion without major rebuilding, and with only necessary extension which preserves the character of the original building. The previous Class Q applications were supported by a Structural Survey dated 2015. Photographs of the building show the building remains in this condition. The application has been accompanied by a Building Survey Report and Construction Method Statement dated September 2023. This confirms that the building is in acceptable condition suitable for conversion. The Council's Building Control Officer's have reviewed the report and consider the works to be a conversion rather than a rebuild. The applicant has submitted sections to demonstrate that it is a conversion, and the majority of the building is retained, with some additions. This shows existing rafters, purlins, portal frame, concrete block walls, with the addition of roof coverings, timber cladding, insulation, extension to concrete wall and a brick plinth. The applicant has confirmed there are no proposed ground works. The existing elevations show some varying levels but this is understood to have shown surrounding vegetation.

The proposal would only be acceptable under this criterion and policy if it is a conversion and does not require major rebuilding. Consequently, an informative will be added to state that any significant demolition or rebuilding of the existing structures on the site (other than that shown on the approved plans) will mean that the permission could not be implemented. A new planning

application would be required if this is the case as it would require a consideration of different policies.

There are no extensions to the building, but there are works to the building associated with the conversion such as the demolition of the middle section of the building, cladding and inverted dormers. The proposal is considered to comply with this criterion subject to the extent of the works being as stated, which is caveated in the informative.

The second criterion requires the building to not detract from the character or appearance of the landscape. The proposal would introduce two new dwellings into a rural area. The change of use of the land around it would change the immediate character of the site. There is existing hedgerow and stock fencing around the existing farmstead which would offer some screening. The size of garden/residential curtilage proposed is reasonably sized and has been reduced during the application process to the existing natural boundary. The Parish Council have raised some concerns in respect of landscape impact on Mauds Heath Causeway. However, given the proximity to this being in excess of 50m, intervening foliage and the farm house, topography and there being relatively plain elevations with limited fenestration on the southern elevation, there would not be harm to this monument, nor is there considered to be a harm to the wider landscape. It is considered appropriate to remove some permitted development rights given the rural location and proximity to a listed building to enable consideration of additions, new buildings and boundary treatments.

This criterion also states that the use should not be detrimental to the amenities of residential areas, which it would not. The closest residential dwelling is the farmhouse to the south. Residential use in this location be a less disruptive use compared to the existing agricultural use.

The third criterion requires the building to be served be adequate access and infrastructure which it can be. There are existing accesses to the site. The Council's Highways Engineer has no objection to the proposal in terms of access and parking subject to condition in relation to the delivery of the access.

The first three criterion must be complied with, and then either criterion 4 or 5 must be satisfied for the proposal to be supported in principle.

For the fourth criterion to be met, the site would need to have reasonable access to local services. This site is within the open countryside, with limited services in the immediate area. The site is approximately 3.5 miles to the edge of Chippenham, which is defined in the WCS as a Principal Settlement which has a significant level of services. The market town of Calne is 2.6 miles distant. Given the proximity to Chippenham and Calne, it is considered this criterion is met. As such, the conversion of the building is supported in principle.

The fifth criterion is not required to be met for the proposal to be found acceptable as criterion 4 is complied with. However, for completeness the fifth criterion relates to the conversion of a heritage asset which would lead to its viable long-term safeguarding. The building is not a heritage asset so this criterion is not applicable.

Acceptable uses under CP48:

This policy sets out a hierarchy of uses for the re-use of rural buildings for employment, tourism, cultural and community uses as a priority above residential development and states “where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria.” The applicant has provided some justification in respect of each of these uses not being practical propositions, and therefore why residential is acceptable.

In respect of employment uses, it is stated the location is not suited to offices would not be viable with increased working from home and there being a low population in the surrounding area, consequently there would be a lack of demand. Warehouse/storage/distribution uses would not be suitable due to the road network not being suitable for HGVs and associated traffic movements, and the building would be too low.

With regard to tourism, the applicant assets that the location is remote from tourist attractions and the local area is not set up for tourists. The building size is stated to be too large for tourist accommodation and there may be an impact on neighbour amenity to neighbouring dwellings through more traffic movements and noise. The applicant states there would not be a market for tourist accommodation of this size.

Considering cultural uses, the applicant does not consider there to be a market for cultural buildings. There are other local churches and cultural buildings in nearby villages and towns. Regarding community uses, there is no funding and the village are in the process of building a village hall. There is no requirement for community uses in the area.

The applicant states that the only practical use of the building is for residential, which has been established with the Class Q history on the site.

The applicant’s justification is relatively limited. However, it is considered that due to the location, building size, suitability of the building and lack of demand, the above uses would not be practical propositions. There is unlikely to be office or other employment demand of this size in this location. This need is likely to be met within nearby towns of Chippenham and Calne. There are no tourist attractions within close proximity to the site which would justify a need for tourist

accommodation. It is not a suitable location for community or cultural buildings as it is remote from many other buildings, and no local alternative need for any of the uses has been identified through the consultation process. It is considered this part of the policy is satisfied.

The original submission was based on the Class Q being a fallback position being the main justification. However, it is not considered this is a significant material consideration. The starting point for a planning application is the development plan and Class Q permissions are only permitted subject to the specific restrictions set out in the General Permitted Development Rights Order, which this proposal goes beyond. However, considering the proposal against the above development plan policies, and on the basis that the building is a conversion, the principle is considered acceptable.

Demolition of dutch barn

The application additionally proposes the demolition of the dutch barn within the site. The barn is in relatively close proximity to the listed building: Wick Bridge Farmhouse which is Grade II listed. The dutch barn is of modern construction and shares no heritage association with the listed building. Consequently, it is not considered that the removal of the dutch barn would be harmful in heritage terms. There would be no harm to the character and appearance of the area as a result. Furthermore, the Council has previously approved the relocation of this building under application reference: PL/2022/02800.

Highways/Parking

The Council's Highways Engineer has been consulted on the application and concludes no objection in respect of the proposed parking or access. A condition is recommended to require the access being consolidated and surfaced prior to the site being brought into use in the interests of highway safety. Given there are two accesses associated with the proposed dwellings, this wording has been amended.

Ecology

The application is support by a Protected Species Report. A negligible potential for bats and protected species within the building has been identified. The proposed report and plans detail how to include bat and bird boxes within the development to compensate for the loss of roosting opportunities and proposes safe working methods that should be followed. A number of ecological enhancement measures have been proposed on site which will ensure no net loss of biodiversity on site. The Council's Ecologist has no objection subject to conditions and informatives.

Other matters

In terms of a fallback position, it is considered the Class Q history of the site has limited weight. The proposals go beyond the scope of Class Q and as such a planning application is required, which requires the consideration of planning policies as the starting point. The proposals have been found to be acceptable as a conversion under these policies in this case.

Amenity has largely been addressed within the assessment of the proposals against CP48. However, the Public Protection Officer recommended an hours of construction condition to give regard to adjoining neighbours which is considered appropriate in this context.

CONCLUSION

The proposed conversion of the building to create two dwellings, change of use and demolition of dutch barn is considered acceptable in principle; there would be no harm to the character and appearance of the area or heritage assets; and the proposals would be acceptable in terms of neighbour amenity, parking/highway safety and ecology, subject to conditions. With no material considerations indicating otherwise, the application is recommended for approval in accordance with the Wiltshire Core Strategy (Jan 2015) policies CP1, CP2, CP78, CP48, CP50, CP51, CP57, CP60, CP61 and CP64; Bremhill Neighbourhood Plan (Feb 2018) policies NP 1 and NP4, and the NPPF (2023).

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

   Plans as received by the LPA 04/07/23:
   Existing Elevations 1286/3
   Dutch Barn & Lean-to Elevations 9LQ-21
   Existing Floor Plan 1286/2

   Document as received by the LPA 12/09/23:

Building Survey Report and Construction Method Statement September 2023

Document as received by the LPA 03/10/23:
Protected Species Report, October 2023 by Pure Ecology

Plan as received by the LPA 04/10/23:
Proposed Plans & Elevations 9LQ-20B

Plan as received by the LPA 13/11/23:
Existing and Proposed Sections

Plan as received by the LPA 14/11/23:
Location Plan 9LQ-22A

REASON: For the avoidance of doubt and in the interests of proper planning, and in the interests of conserving biodiversity

3. The dwellings hereby permitted shall not be occupied respectively, until the first five metres of the associated access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.

   REASON: In the interests of highway safety.

4. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.
   REASON: In the interests of conserving biodiversity.

5. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

   REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re- enacting or amending

that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the visual amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re- enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

   REASON: To safeguard the character and appearance of the area

8. INFORMATIVE
   There is a low risk that bats may be encountered at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

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10. INFORMATIVE

    All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

11. INFORMATIVE

    The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

12. INFORMATIVE

    The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352

13. INFORMATIVE

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

14. INFORMATIVE

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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

15. INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

16. INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question

17. INFORMATIVE

It is noted the red line on the proposed site plan shows a slightly larger red line boundary than the Location Plan. This includes slightly more of the accesses to the highway. For the avoidance of doubt, the Location Plan shows the formal red line plan.

18. INFORMATIVE

The applicant should note that this permission is for the conversion of the existing barn in accordance with the permission granted and the approved drawings. Any significant demolition or rebuilding of the existing structures on the site (other than that shown on the approved plans) will mean that the permission hereby granted would no longer be in effect and any further development would then be unauthorised and in breach of planning control.