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PLANNING STATEMENT

SHREWTON LODGE FARM, SHREWTON, SALISBURY SP3 4DP

DECEMBER 2023

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INTRODUCTION

This application is a resubmission of application PL/2023/08618 which sought prior approval to convert an agricultural building into 1 dwelling under Schedule 2, Part 3, Class Q (b) of the General Permitted Development Order 2015 (as amended).

Application PL/2023/08618 was refused purely because the access shown for the proposed dwelling was considered to require planning permission by Officers and therefore, the development was rendered unsuitable since it was believed there was no access.

This application seeks to clarify that there is an existing access and so the application is not reliant on that previously proposed. Therefore, the development fully accords with Schedule 2, Part 3, Class Q (b) of the General Permitted Development Order 2015 (as amended).

SITE DESCRIPTION

The application site relates to an agricultural building that forms part of Shrewton Lodge Stud, which is located within the parish of Shrewton. The building is a traditional timber framed building constructed in brick and flint.

The building was built for agricultural purposes and has been used by the applicant for agricultural purposes since they moved to the site in 1987. The previous owners, Wort and Way Ltd, used all the agricultural buildings for cattle, sheep, pigs and arable machinery. Wort and Way ran an Arabian stud, hence the name of the site being called Shrewton Lodge Stud.

The barn is still used for, in addition to sheep, the storage of agricultural machinery; the John Deere Gator; and for feed, fencing and other agricultural materials.



Figure 1: Aerial Image of the agricultural building

RELEVANT PLANNING HISTORY

APPLICATION PL/2023/08618

In October 2023, an application was made to change the use of the building to 1 dwelling under Schedule 2, Part 3, Class Q (b) of the General Permitted Development Order 2015 (as amended).

The building was considered to accord with all provisions under Class Q of the GDPO. However, the application was refused on grounds that *"the access and associated track will need planning permission (both in terms of the operational development to create the access track and change of use of land on the basis that the access is not for agricultural purposes but is on agricultural land) and in the absence of this being in place, there is no access to the proposed site."*

THE PROPOSAL

It is proposed for the agricultural building to be converted into 1 dwelling under Schedule 2, Part 3, Class Q (b) of the General Permitted Development Order 2015 (as amended). The proposal is to be a 2-bedrooms dwelling.

This application seeks to determine if prior approval from the Council is required in respect to potential impacts of the proposed development on:

- Transport and highways;
- Noise;
- Flooding;
- The practicality and desirability of the change of use;
- Design and external appearance;
- The provision of adequate natural light to habitable rooms.

Class Q.1 of the GPDO outlines circumstances where development is not permitted:

Development Not Permitted by Class Q.1 if:	**Analysis**
(a) The site was not used solely for an agricultural use as part of an established agricultural unit – (i) On 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	The application site comprises an agricultural building and its curtilage, which has been used solely for agricultural purposes.

(iii) In the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins	The building was in use on 20th March 2013 and is still in use. The building is used for sheep, and the storage of agricultural machinery and associated materials.
(b) In the case of- (i) A larger dwellinghouse, within an established agricultural unit- (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;	The cumulative number of separate larger dwellinghouses does not exceed 3. The application proposes 1 larger dwellinghouse.
(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;	The dwellinghouse does not have a floor space greater than 465 square metres.
(c) In the case of- (i) A smaller dwellinghouse within an established agricultural unit- (aa) the cumulative number of separate dwelling houses developed under Class Q exceeds 5; or (bb) the floor space of any separate smaller dwellinghouse having a use falling within Class Q (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;	The cumulative number of smaller dwellings does not exceed 5. The application does not propose any smaller dwellings.

(d) The development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following- (i) A larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order (ii) The cumulative number of separate dwellinghouses having a use falling within C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;	The cumulative number of separate dwellinghouses does not exceed 5.
(e) The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained	No agricultural tenancies exist on site.
(f) Less than one year before the date development begins – (i) An agricultural tenancy over the site has been terminated, and (ii) The termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;	No agricultural tenancy over the site have been terminated within the year prior to submission of this proposal.
(g) Development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit – (i) Since 20th March 2013; or (ii) Where development under Class Q begins after 20th March 2023, during the period	No such development has taken place on the agricultural unit since 20th March 2013.

which is 10 years before the date development under Class Q begins;	
(h) The development would result in the external dimensions of the building extending beyond the external dimensions of the building at any given point.	The external dimensions of the building have not been altered to extend beyond the external dimensions of these buildings as part of this proposal.
(i) The development under Class Q(b) 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 building is of sound construction, being built in brick and flint with a solid timber frame. Only building operations contained within provisions (aa) and (bb) have been proposed.
(j) The site is on article 2(3) land	The site is not on article 2(3) land.
(k) The site is, or forms part of – (i) A site of special scientific interest; (ii) A safety hazard area; (iii) A military explosives storage area	The site is not and does not form part of any of the identified designations.
(l) The site is, or contains, a scheduled monument	The site is not and does not contain a scheduled monument.
(m) The building is a listed building	The building which is proposed for conversion is not listed.

These tests were passed under application PL/2023/08618. The development was considered to be permitted, subject to the Council considering that prior approval is not required for the matters outlined below.

PLANNING CONSIDERATIONS

TRANSPORT AND HIGHWAYS

The proposal would be served by the existing access to the building at Shrewton Lodge Stud. Previously, application PL/2023/08618 was served by a proposed new vehicular access to the site, which the applicant considered to be allowed under Permitted Development (Part 2, Class B). However, Officers considered that the new access was not permitted development and therefore, required planning permission. On this ground, the application was refused.

However, the barn does have an existing access. Indeed, it is a working barn. Since the proposed dwelling will utilise the existing access to the barn, there is no requirement for planning permission to gain access to the dwelling. Therefore, the sole reason for refusal has been overcome.

The access is not included within the curtilage of the building, as the access is not a requirement within Class X of Part 3, which defines 'curtilage'. The appeal decision at Appendix A relates to a conversion of an agricultural barn into a dwelling through Part 3 Class Q of the GPDO. In this appeal, the Inspector confirms that the access does not need to be included within the curtilage submitted as part of Class Q prior approval applications.

The appeal decision states:

> "*the wording of Class X does not, however, include any requirement that the curtilage of the proposed dwellings should include vehicular access points. There is also no other part of the GPDO or related legislation which sets such a requirement*".

The Inspector concluded:

> "*I do not consider that the GPDO sets any requirement for the proposed access to be included within the defined curtilage of the dwellings*".

The proposed 2-bed dwelling will have 2 parking spaces for the occupiers. This accords with the Car Parking Strategy of Wiltshire Local Transport Plan 2011-2026. Adequate turning areas are also provided so vehicles can enter and egress the site in a forward gear.

NOISE IMPACTS

The proposed change of use is unlikely to have any adverse noise implications. The new dwelling would not be situated in an area where industrial or commercial noise pollution would occur, and therefore noise disturbance to future occupiers would be minimal.

Since the proposal is positioned at a sufficient distance from the neighbouring dwelling, there will be no noise impacts to either the proposed or existing dwelling.

FLOODING

The application site not located on any flood zone and therefore is not in an area at risk of flooding.

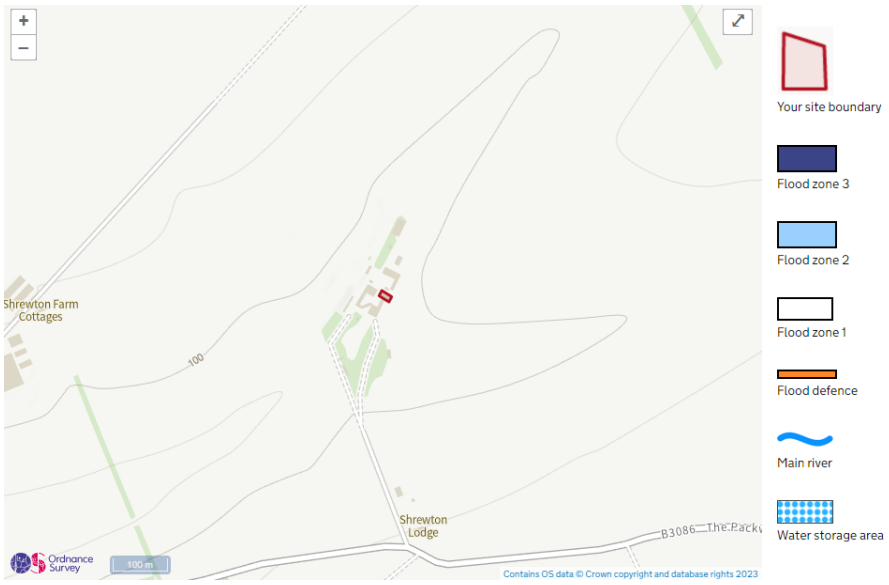


Figure 2: Flood Risk Mapping of the site

PRACTICALITY & DESIREABILITY OF THE CHANGE OF USE

PRACTICALITY & DESIRABILITY

There are no obvious barriers to the proposed change of use of the agricultural buildings. The application site is positioned 1 mile north of Shrewton, which is identified by Policy CP4 a Large Village. Large Villages are defined as settlements with a limited range of employment, services and facilities. Future occupiers of the proposed dwelling would have good access to jobs and services, making it a desirable place to live. The proposal will introduce a new dwelling to the area, providing more choice for house buyers and helping to

achieve housing targets in Wiltshire. There would also be economic and social benefits deriving from the provision of a new dwelling, with future occupiers utilising nearby services.

In the short term, the conversion of the building will provide employment benefits for the construction industry, which is a clear economic benefit of the scheme. Another longer-term economic benefit of the proposed change of use is the boost to the local economy which will come from new residents utilising local services.

The farm building is also a very attractive traditional brick and flint-built farm building, which is currently surplus to requirement. It is arguably the type of building which the Government intended Class Q of the GDPO to be used for. It would make for an attractive residential building, with little impact on the environment.

DESIGN & EXTERNAL APPEARANCE

Since the building is constructed in brick and flint with a timber frame, limited changes have been proposed externally. However, the design has been well considered and is sympathetic to the history and form of the farmstead and the surrounding area.

Given the limited changes, the proposal will have a minimal impact on the character and appearance of the surrounding area and is acceptable in this regard.

PROVISION OF NATURAL LIGHT TO HABITABLE ROOMS

All habitable rooms within the proposed dwellings would be served by windows, which will be of a sufficient size and placement to provide natural light to all habitable spaces. Therefore, there would not be any impact to the provision of natural light in this regard.

ECOLOGY

A Preliminary Ecology Appraisal has been undertaken to ensure that no harm arises from the development.

CONCLUSION

The proposal is for the change of use of an agricultural building to 1 x C3 dwellinghouses under Class Q of the General Permitted Development Order 2015. The proposal ensures that:

- ✓ All relevant criteria of Class Q are met;
- ✓ It will not have a detrimental impact on highways in the surrounding area;
- ✓ It will not increase the risk of flooding in the locality;
- ✓ Issues concerning noise on amenity are not anticipated to occur;
- ✓ The conversion is both practical and desirable;
- ✓ The design and external appearance of the dwellings is suitable;
- ✓ It will provide adequate natural light to all habitable rooms;
- ✓ It will not adversely impact protected species.

Whilst PL/2023/08618 for the same proposal was refused, this was only refused because the Officer believed that the access and associated track would require planning permission. However, as outlined within this Statement, the barn will utilise the existing access. Therefore, this objection has been overcome.

For these reasons, we commend the proposals to you.



The Planning Inspectorate

Appeal Decision

Site visit made on 9 February 2016

by J C Clarke BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2016

Appeal Ref: APP/K3415/W/15/3134959
Wigginton Fields Farm, Wigginton, Tamworth, Staffs B79 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Mr and Mrs R Calcott against the decision of Lichfield District Council.
- The application Ref 15/00813/PND, dated 15 June 2015, was refused by notice dated 14 August 2015.
- The development proposed is change of use of an agricultural building into two dwellings (Use Class C3) and associated operational development necessary to convert the building.

Decision

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building into two dwellings (Use Class C3) and associated operational development necessary to convert the building at land at Wigginton Fields Farm, Wigginton, Tamworth, Staffs B79 9LH in accordance with the terms of the application Ref 15/00813/PND, dated 15 June 2015, and the plans submitted with it.

Procedural Matters

2. My decision uses a corrected spelling of "Wigginton" based on information in the appeal form and on the post office website. The description of development in this decision is based on paragraph 1.1 of the planning statement submitted with the application. At the site visit, representatives of the parties confirmed that drawing number 14.3082.03B had been replaced by the date that the Council determined the application by drawing number 14.3082.03C. I have determined the appeal on this basis.

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the "GPDO") identifies types of development which, subject to certain criteria, are Permitted Development and which therefore do not require a specific planning permission. The application subject to appeal was for prior approval under Class Q of Part 3, Schedule 2 of the GPDO. My remit in determining the appeal is solely limited to matters relating to Class Q development set out in the GPDO.

4. The Council considers that the proposal would exceed the limitations relating to Permitted Development under Class Q. Any proposal which is not Permitted

Development can not be subject to the prior approval process as it would need a full planning permission. I therefore deal with this matter first in my reasons. The second issue, relating to the merits of the prior approval application, is only relevant if I conclude that the proposal is Permitted Development.

Main Issues

5. The main issues are:
   (a) Whether the proposed dwellings would exceed the limitations relating to Permitted Development by virtue of the extent of their curtilage; and
   (b) Whether the continued use of adjacent land for agriculture would cause unacceptable living conditions for occupiers of the proposed dwellings.

Reasons

Curtilage

6. Class Q of Part 3, Schedule 2 of the GPDO grants Permitted Development rights for the change of use of a building and *"….any land within its curtilage…."* from agricultural to dwellinghouse use.

7. Class X of Part 3 defines "curtilage" for this purpose as being whichever is the lesser of two areas defined by sub-paragraphs (a) and (b). As the area of land occupied by the appeal building is less than that of relevant other associated land, the crucial part of the definition in Class X is sub-paragraph (b). This in effect requires that the area of the curtilage of the proposed dwellings should not exceed that of "…. *an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building*".

8. The proposed curtilage defined by the red edge on drawing number "DGADL Job Ref: 14.3082" includes the proposed gardens and parking spaces for the dwellings but does not include the proposed vehicular access to the parking spaces. The parties are agreed that the area covered by the garden and parking spaces would not in itself exceed that occupied by the footprint of the appeal building. However, the Council has argued that the area of the proposed vehicular access should also be included, which would result in the "curtilage" area which is allowed as Permitted Development being exceeded.

9. The wording of Class X does not, however, include any requirement that the curtilage of the proposed dwellings should include vehicular access points. There is also no other part of the GPDO or related legislation which sets such a requirement. As the proposed access could serve the residual land around the proposed dwellings, which is proposed to remain in agricultural use, plus the dwellings themselves it is not inevitable that it would form part of the curtilage of the dwellings.

10. The fact that the creation of the access may involve some operational development does not alter this situation. Although the boundaries of the proposed curtilage area for the dwellings would not follow existing physical features on the ground, there is no requirement in the GPDO for them to do so.

11. For these reasons, I do not consider that the GPDO sets any requirement for the proposed access to be included within the defined curtilage of the

dwellings. The proposal satisfies the limitations relating to Permitted Development in this respect.

Living environment

12. The appeal building is currently used for storage and forms part of the 130 acre agricultural unit of Wigginton Fields Farm. The main operational buildings serving the Farm are located about 60 metres to the north east. An existing dwelling at Wren Cottage is located closer to the main farm building complex. The vehicular access to the main farm buildings is separate from the new access which would serve the appeal building.

13. With the exception of their small gardens and parking area, the proposed dwellings would be surrounded by land remaining in agricultural use. Whilst the largest windows to the living rooms and dining areas would outlook towards the gardens, a number of other windows, mainly in the eastern elevation, would outlook directly over agricultural land likely to be outside the control of the dwelling occupiers.

14. At my site visit I noted that there is some external storage connected with farming activities on the area between the building and the main road and evidence of vehicle movements around the building. Whilst it is possible that these or other farming activities such as keeping of livestock may continue or be introduced on this land, the appellants have stated that once the current storage use of the appeal building has ceased there would be no reason for them to use these areas intensively. I have no reason to doubt this.

15. Furthermore, the main focus of vehicle movements associated with the farm would be likely to be around the main farm complex to the north east of the site and between this and Main Road. Movements of livestock are also likely to be focussed in and around the main farm complex, within which the main accommodation facilities and associated plant are located. Occupiers of the proposed dwellings would not be likely to be seriously affected by these activities in this location.

16. I am aware of no other substantial existing sources of noise or disturbance in the area of the appeal building. The appeal proposal would leave a small and unusually shaped area of residual agricultural land around the proposed dwellings. However, there is no substantive evidence to suggest that the use of this land or the access points to it would be sufficiently frequent or intensive as to cause an unacceptable loss of privacy, nuisance or health and safety problems for future residents.

17. The Council has raised the potential for the residual land to be subject to fly tipping, vermin or other problems if it is left vacant or under-used. It would be the responsibility of the owner, as it is now, to manage any such problems and I have no reason to believe that any such problems would be made materially worse by the appeal proposal.

18. For the above reasons, it has not been demonstrated that the continued use of adjacent land for agriculture would cause unacceptable living conditions for occupiers of the proposed dwellings. Whilst the Council officer report refers to a number of Local Plan policies, these do not lead me to a different conclusion. There is therefore insufficient justification to in effect remove the Permitted Development right that would otherwise exist for the proposal.

Conditions

19. In granting approval the appellants should note that the GPDO requires at paragraph Q.2(3) that the appeal proposal must be completed within a period of 3 years starting with the date of this approval. Paragraph W(12) of the GPDO requires that the development must be carried out in accordance with the approved details, which in this case include the submitted plans referenced "DGADL Job Ref:14.3082" and "14.3082.03C".

Conclusion

20. I have concluded that the appeal proposal constitutes Permitted Development as defined in the GPDO. I have also found that there is insufficient justification related to the future living conditions of occupiers of the proposed dwellings to withhold prior approval. I accordingly allow the appeal and grant prior approval.

Jonathan Clarke

INSPECTOR