DELEGATED REPORT

Application Reference:	PL/2023/09735
Application Type:	Prior Approval Part 3 Class Q: Agricultural buildings to dwellinghouses

Site Address:	Barn at Piccadilly, Folly Lane, Lacock, Chippenham, SN15 2LP
Proposal:	Prior Notification of proposed change of use of 1. No agricultural building to 1. No residential under Class Q
Recommendation:	Prior Approval is REQUIRED and REFUSED

SITE DESCRIPTION

This application is a Prior Notification under Class Q to determine if Prior Approval is required for a proposed change of use of an agricultural building to a dwellinghouse.

The building the subject of this application is located between the residential curtilage land of Beechfield (a detached dwelling) to the east, and the Piccadilly Caravan Park to the west. To the immediate south are some glasshouses (parts of which fall within this application site area) and to the south-west more generally is land and buildings associated with the caravan park.

Beechfield is accessed via a private access directly onto Folly Lane, and a separate access, some 25m to the west of that residential access, serves both the Piccadilly Caravan Park and the application site itself. The site is immediately adjacent to the rear curtilage boundary of Beechfield (separated by 1m – 2m), with the dwelling itself being some 15m to the north-east of the application building; the boundary between these being formed of mature tall hedgerow interspersed with some trees.

The building measures some 21.7m by 9.2m externally, with a height to the eaves of 2.6m, and to the ridge of 4.7m.; it is of timber clad elevation with a corrugated roof.

PROPOSAL

Based on the submitted drawings, the internal floorspace of the building proposed to change use totals 180sq.m. The existing elevation and roofing structures are to remain in situ, with new render and cladding on the former, and new zinc roof cladding introduced. Existing openings on the northern and eastern elevations are to be removed to ‘remove overlooking,’ with new rooflights on each of the eastern and western elevations. Access to the site will be taken via the existing access which serves the Piccadilly Caravan Park. The proposal is entirely within the footprint and built envelope of the existing building.

POLICIES & LEGISLATION

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

Wiltshire Core Strategy 2015 ('WCS')

National Planning Policy Framework (NPPF) & Planning Practice Guide

CONSULTATION

Lacock Parish Council – No response at point of determination

Highways Officer – No objection, stating:

> *"Whilst the location of the site is such that it would generally attract a highway sustainability objection, it falls within an existing site which includes both residential and commercial uses.*
>
> *The site access serving the proposed dwelling is considered appropriate and the level of use associated with a single dwelling would be low, and considerably less than the historical use on the site. The proposal would not have an adverse impact on the use of the highway.*
>
> *I therefore recommend that no highway objection is raised, in this instance."*

Public Protection – No response at point of determination

REPRESENTATIONS

None received.

PLANNING HISTORY

The site has been subject to the following application previously:

- PL/2021/06548: Application for the change of use from Agricultural to B8 storage and distribution and for the demolition of the existing redundant glass houses and erect a replacement building for caravan storage – Approved subject to conditions – 25/10/2021.
- N/07/00899/FUL: Erection of General Purpose Agricultural Building – Approved subject to conditions – 14/06/2007
- N/06/02581/OUT: Demolition Of Glass Houses And Change Of Use Of Land To Storage Of Caravans – Approved subject to conditions – 29/11/2006
- N/05/02533/COU: Change of Use of Horticultural Land to Use for Stationing of Tents and Caravans – Approved subject to conditions – 07/11/2005

- N/03/03177/COU: Change of Use of Former Nursery Building to B8 Storage with Associated Office Space – Approved subject to conditions – 14/01/2004
- N/03/02318/COU: Change of Use of Former Nursery Building to B8 Storage with Associated Office Space – Withdrawn
- 99/02485/COU: Change of Use of Horticultural to Form Extension to Existing Caravan Park (Touring) – Approved subject to conditions – 08/12/1999

N/07/00899/FUL relates to the building which is located to the immediate south of the proposed barn to be converted, and which falls within the application site boundary for this application. Similarly, application ref. nos. 99/02485/COU, N/06/02581/OUT and PL/2021/06548 relate to the land and buildings to the south of the application building, falling partly within the curtilage area of this application site building. Issues raised by the previous approval for the Change of Use of the building under N/03/03177/COU are considered further below.

ASSESSMENT

This is a prior approval application and as such the development is first required to be considered whether it is permitted development for the purposes of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GDPO'). This should be assessed before it is considered whether prior approval is required.

Class Q allows for the change of use of agricultural buildings together with building operations reasonably necessary to convert the building to residential accommodation.

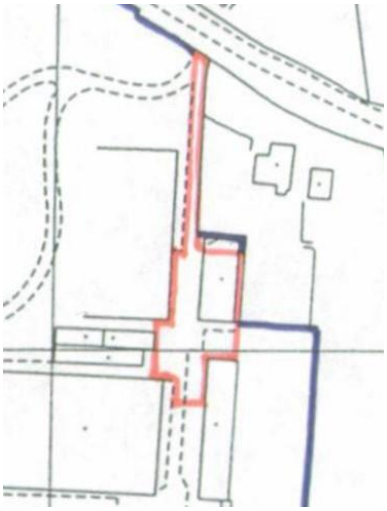
Lawful use of the building

As required by paragraph Q.1 (a) the Local Planning Authority (LPA) will need to be convinced that the former agricultural building was used solely for agriculture, as part of an established agricultural unit on 20th March 2013. Included within the procedure notes for prior approvals under Part 3 is the definition of an agricultural building. Such a definition sets out that an agricultural building means a building used for agriculture purposes and which excludes any dwellinghouse.

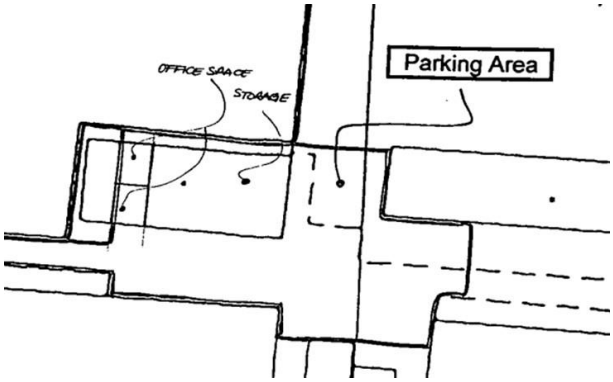
In considering the planning history of the site and building, the accompanying information provided by the applicant in the Design & Access Statement refers to planning application N/03/03177/COU noted above, and states that:

> *"An application was submitted in December 2003 for the change of use of former nursery building to B8 storage with associated office space, however, the permission was never implemented, and the building has remained agricultural."*

Whether that permission was, or was not, implemented remains somewhat unclear and is in fact a moot point. Extracts from the approved Site Location Plan and Block Plan drawings from that application are shown below:



Approved dwgs (extracts):
LDC.915.002: Site Plan



LDC.915.001A: Block Plan

These confirm that that planning permission does not relate to the entirety of the building, with the red-line for that application site area (and extending onto the Block Plan) excluding a northern element of the barn. Correspondence relating to this application (letter from agent: Land Development & Planning Consultants, to the LPA, dated 02/12/2003) states in part that:

> *"It will be noted that within the scheme of development there is a proposal to retain part of the building in its present use, namely, storage associated with the established caravan site. The section of the building, which is the subject of this application, includes an existing office that is proposed to be used in connection with the storage use. There is no intention that this office should form any independent use within the building"* (authors emphasis).

As such, it would appear that prior to the approval under N/03/03177/COU, the building was, certainly at least in part, in use associated with the established caravan site rather than in agricultural use. With no subsequent planning applications / permissions showing otherwise, that use appears to remain the lawful use to the present time.

By way of context aside from these considerations of lawfulness, the location of the building, falling within the immediate setting of the caravan park, the building certainly appears closely related to that use, rather than 'agricultural'. No information regarding the extent of any agricultural holding has been submitted with the application.

As the lawful use of (at least part of) the building is not agricultural, the building does not benefit from the provisions set out within Part 3, Class Q of the GDPO 2015 (as amended).

Notwithstanding this conclusion regarding the lawfulness of the building, the following section considers the application proposal against the subsequent requirements of the relevant legislation.

Further (non-relevant) considerations

The order at paragraphs (b) and (c) relate to the floor areas for both larger and smaller dwellings. The proposal is for a single residential dwelling and there have been no other Class Q

developments on the site. The building would have a floor area of 180sq.m. (internal). Therefore, the building is well within the permitted cumulative maximum floor space of 465 square metres.

Paragraph Q.1 (d) seeks to restrict cumulative development under Class Q taking into consideration buildings previously granted prior approval. There are no other buildings subject to Class Q conversions on the 'agricultural unit'. The current proposal would be within the allowed limits.

The site is not farmed by a tenant nor has a tenancy been terminated in the last year so there is no conflict with paragraph (e) or (f) of the amended Class Q. There is no record of any development under Class 6 of the Order so paragraph (g) is not relevant. Paragraph Q.1 (h) states that the development would not be permitted development should the development result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposals do not extend beyond the existing building.

Paragraph Q.1 (i) states that development consisting of building operations reasonably necessary for the building to function as a dwellinghouse are acceptable as listed in the regulations. In considering what works are reasonably necessary, it has been established in case law, namely in the Hibbit Case that there are three important considerations. These are:

1. The building must be capable of functioning as a dwelling;
2. The proposed development should not include new structural elements
3. The existing building should be significantly strong to bear the loading from external works

The proposal involves the retention of the existing structure, with the elevations and roof materials to be re-clad, set around the existing frame. New roof openings would be introduced and existing openings on the north and east elevations would be removed. A Condition Report submitted with the application concludes that the building is in a 'good' state of repair generally and 'suitable for conversion' under the provisions of Class Q.

However, the application proposal does involve the demolition of structures within the red-line boundary in order to provide appropriate curtilage space – these being part of the glass-house buildings to the immediate south of the building. It is questionable as to whether these constitute '… building operations reasonably necessary for the building to function as a dwellinghouse,' as they do not relate to the building itself. However, for the site to function as 'dwellinghouse' such works would conceivably be 'reasonably necessary' to ensure that the dwelling had an appropriate curtilage area. Thus, had the application proposal been acceptable in other regards this alone would be unlikely to warrant refusal of the application.

The site is not on article 2(3) land (Conservation Area, AONB, The Broads, a National Park, or a World Heritage Site) (j), does not form part of a site of special scientific interest / safety hazard area / military explosives storage area (k); and is neither a scheduled monument (l) or a listed building (m).

In terms of paragraph X of Part 3 of the GPDO, the submitted proposed floor plan confirms a GIA of 180sq.m., and a GEA of 199sq.m. Based on the submitted Site Location Plan, the associated curtilage area exceeds this floorspace and on this basis the proposal does not comply with

paragraph X of Part 3 of the GPDO. It is however, acknowledged that this could likely reasonably be addressed had the application been acceptable in all other regards.

Prior approval matters:

Paragraph Q.2 sets out a requirement for the consideration of prior approval matters. As detailed at paragraph Q.2, the developer 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:-

(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,
(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.
(f) design or external appearance of the building, and
(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses. and the provisions of paragraph W (prior approval) of this part apply.

These are assessed in detail below:

(a) transport and highways impacts of the development:

In that the existing access from the public highway also serves the existing caravan park, it is already clearly suitable for vehicle traffic, and the increase in movements caused by the addition of a single dwelling are in that context limited. The Highways Officer has confirmed they raise no objection to the application, on the basis that the impacts on the development on transport and highways is acceptable, but this being with the caveat of a Condition requiring details of cycle parking to be provided prior to commencement.

(b) noise impacts of the development:

The building is located within very close proximity of the rear garden of the neighbouring residential dwelling of Beechfield, with the application building being just 2m from the boundary of that garden on its north and east elevations and being 15m from the property of Beechfield itself. Coupled with this, the building is within very close proximity of the caravan park – just some 8m from that boundary, with the associated activity and movement related to that use. This close arrangement and proximity with adjacent uses gives rise to concern regarding noise and amenity impacts (as considered further in the 'location and siting' section (e) below).

Core Policy 57 requires that proposals have regard to appropriate levels of noise (and amenity) and achievable within the development itself. Given the proximity of these neighbouring uses, it is not considered that appropriate noise (and amenity) levels will be achievable from the change of use of the building to a dwelling.

(c) contamination risks on the site:

The Council is not aware of any specific contamination risks relating to the site / building and there is no indication of any contamination risks arising. Any such risks could be suitably covered by way of appropriate Condition, as necessary.

(d) flooding risks on the site:

The site is located within Flood Zone 1 and is not recorded as being at risk of groundwater flooding in the latest Strategic Flood Risk Assessment ('SFRA', 2019); as such there are no apparent flood risks at the site.

(e) the location or siting of the building

As noted previously, the building is sited between the existing residential curtilage of Beechfield to the east and the Piccadilly Caravan Park to the west; the siting of the building is within very close proximity of both of these adjacent uses and activities. The boundary to the former is between 1m and 2m on both its northern and eastern sides and the dwelling itself some 15m distant; the boundary to the latter is some 8m from the building.

With regard to location and siting considerations, the PPG states[1]:

> *"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".*

The close proximity of the building to the northern and eastern boundaries, coupled with the spatial relationship with the caravan park such that it falls within the immediate setting of the caravan park, result in a location which, it is considered, is undesirable to change the use of the building to a dwelling.

(f) design and appearance

Core Policy 57 of the Wiltshire Core Strategy requires that development proposals – including changes of use of existing buildings – have 'a high standard of design'. The design and appearance of the building, with timber clad elevation and zinc roof, is considered to be of appropriate quality such that a refusal against the requirements of Core Policy 57 is not considered to be justifiable.

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

The existing building has a range of window openings on its northern and eastern elevations. However, due to the proximity of the boundary and the relationship with neighbouring Beechfield,

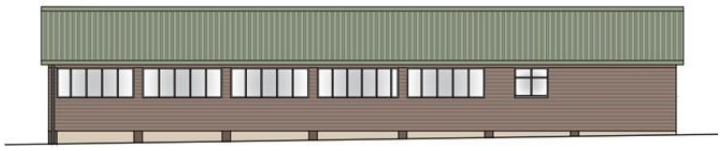
[1] Paragraph: 105 Reference ID: 13-105-20180615

these are proposed to be completely clad to 'remove overlooking' – as acknowledged on the proposal drawings. A visual comparison of the existing and proposed north and east elevations demonstrates the extent of loss of openings:

Existing



N

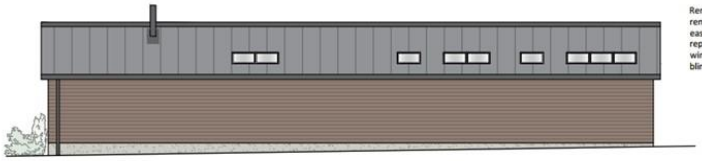


E - Rear

Proposed



N



E - Rear

Whilst a number of rooflights (9no.) are proposed to allow natural light into these rooms along the eastern side of the building – there are none currently, it is considered that this will not lead to an appropriate living environment. Limb (vii) of Core Policy 57 requires that proposals have:

> *"… regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter."*

With the proposed lack of any window openings on the north and east elevations, and Bedrooms 2 and 4 thus having only rooflight openings, the levels of amenity for future occupants is not considered to be of suitable standard such that the application conflicts with Core Policy 57.

Added to this, Core Policy 41 refers to climate adaptation and requires that:

> *"New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."*

With no openings on the north and east elevations, the proposal does not 'take advantage of natural light' and as such conflicts with this Core Policy also.

CONCLUSION

The planning history demonstrates that at least a part of the building is used in association with the adjacent caravan park and as such, the lawful use of the building is not 'agricultural.'

The siting of the building is within very close proximity of both an existing dwelling, and a caravan touring park. The boundary to the former is between 1m and 2m on both its northern and eastern sides and the dwelling itself some 15m distant; the boundary to the latter is some 8m from the building. As such, it is considered that the siting of the building – with the consequent amenity, and to a lesser extent noise, issues relating to such close proximity – is inappropriate and undesirable to change the use to a dwelling, in line with the aims of Core Policy 57.

Due to the very close proximity of the northern and eastern elevations to the boundary of the neighbouring dwelling, it is not possible or realistic for openings on those elevations to be retained and to obtain natural light into the rooms along the rear of building, a number of rooflights (9no.) are proposed. However, with the proposed lack of any window openings on these elevations, and Bedrooms 2 and 4 thus having only rooflight openings, the levels of amenity for future occupants is not considered to be of suitable standard such that the application conflicts with Core Policy 57.

Furthermore, with no openings on these elevations, the proposal does not 'take advantage of natural light' and as such conflicts with the aims of Core Policy 41 in terms of meeting climate adaptation.

It is noted that the Parish Council has not yet provided a consultation response to this application. However, given the planning issues identified, any such response would not change the assessment regarding the lawful status of the land, and also the identified amenity impacts arising.

RECOMMENDATION: That Prior Approval is required and is REFUSED for the following reasons:

1. The lawful use of the building, in its entirety, was not in agricultural use, as part of an established agricultural unit, on 20th March 2013, and it was not last in use solely for an agricultural use, as part of an established agricultural unit. For the purposes of Part 3, Class Q, 'agricultural use' means a building used for agriculture and which is so used for the purpose of a trade or business, and 'agricultural use' refers to such uses. Insufficient information has been provided to conclude that the building forms part of an established agricultural unit which is so used for the purposes of a trade or business.

2. The siting and location of the building, and proximity of the neighbouring residential and caravan park uses, is such that the change of use of the building to a dwelling is inappropriate and undesirable in terms of the activity, noise and amenity impacts, thus being contrary to the aims of Core Policy 57.

3. The lack of any window openings on the northern and eastern elevations of the building as proposed means that there will be a lack of natural light penetration into the dwelling, particularly the rooms along the eastern side, and as such the levels of amenity for future occupants is not considered to be of suitable standard resulting in the application conflicting with Core Policy 57. It also gives rise to conflict with Core Policy 41 in terms of meeting climate adaptation aims and objectives.