CASE OFFICER'S REPORT

Application Reference:	PL/2023/09751
Application Type:	Class Q Notification
Site Inspection:	
Consultation ends:	27 December 2023
Case officer:	Jemma Foster

Site Address:	BLUERIDGE FARM, 34 HAWKERIDGE, WESTBURY, BA13 4LA
Proposal:	Class Q - Change of use and conversion of barn to a dwellinghouse
Recommendation:	Approve with Conditions

POLICIES
GPDO (Class Q)

ISSUES
The only consideration in the determination of this application is whether the proposed development conforms to the requirements and limitations of Class Q of the Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015.

REPRESENTATIONS:
Heywood Parish Council – No objection

Wiltshire Council Highways - The site is served by a no through unclassified road, which has a 30mph speed limit and is unlit in this location. There is no footway on this part of the road and the proposal would usually attract an adverse highway recommendation on sustainability grounds. I am aware that this proposal is to determine if prior approval is required and I am not certain whether sustainability is a valid reason for refusal, I shall be guided by you on this matter.

The drawings submitted with the application show adequate off street parking for the proposal to meet Wiltshire's current parking standards. I have no particular concerns with the use of the existing access to serve the proposed development, or the use of the no through road to the site, however I am aware that access to the site would cross public footpath HEYW1

Wiltshire Council Rights of Way Officer – No objection subject to a condition

Wiltshire Council Public Protection – No objection subject to conditions regarding contamination

Fire Safety Officer – Should comply with building regulations

2 letters of objection has been received which makes the following comments:

- Outside village boundaries this was known when barn was built not many years ago. If this goes ahead more applications will be submitted for further expansion and would be never ending.
- This was all know when these person's purchased property and purchased as a small holding not a housing development.

- Extra traffic for a small village would be overwhelming.
- Lorries already churn up grass verges delivering to this address already.
- You would be changing the use of this village to a larger village overnight with extra traffic and more.
- Sewage system and overflow rain water is only just coping now.
- Our property gets flooded at the back now so with more buildings would have to cope with more and is not acceptable
- The foot path will be crossed by a driveway which will raise safety measures for our children who regularly use this path
- The site should remain as an arable farm

ASSESSMENT:
The proposal: The application seeks confirmation that one existing agricultural barn can be changed to 1 larger dwellinghouse under Class Q of the GPDO.

Class Q permits 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; and 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.

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. 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 and which is so used for the purpose of a trade or business, and excludes any dwelling house”.

The application form has confirmed the agricultural use.

Paragraph Q.1.(b) of Class Q states development would not be permitted if the cumulative number of larger dwellinghouses development under Class Q exceeds 3 - This application does not exceed 3 dwellinghouses as it is for 1 larger dwellinghouse

Q.1.(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwelling house or dwellinghouses under Class Q exceeds 465sqm. The application form confirms that the larger dwelling would not exceed 465sq

Q.1. (ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 exceeds 465sqm. The application form confirms that the larger dwelling would not exceed 465sqm (253sqm)

Paragraph Q.1. (c) requires the cumulative number of smaller dwellinghouses not to exceed 5 or the floorspace of any one separate smaller dwelling house exceeds 100sqm. The proposal does not include any smaller dwellinghouses

Paragraph Q.1 (d) states that the development under Class Q (together with any previous Class Q development) within the established agricultural unit would result in either or both of the following:
1. A larger dwellinghouse having more than 465sqm or
2. The cumulative number of dwellinghouses having a C3 use exceeds 5.
The proposal is for 1 dwellings in total not exceeding 465sqm and there has been no other Class Q on the established agricultural unit.

Paragraph Q.1. (e) does not allow development if the site is occupied under an agricultural tenancy, unless express consent of both the landlord and the tenant has been obtained – the site is not occupied by a tenant.

Paragraph Q.1. (f) does not allow development if less than 1 year before the date development begins:
1. An agricultural tenancy over the site has been terminated and 2. The termination was for the purpose of carrying out development under Class Q unless both the landlord and tenant have agreed in writing that the site is no longer required for agricultural use .
The site has no tenancies.

Paragraph Q.1. (g) does not allow development if development under Class A or B of Part 6 has been carried out on the established unit:
1. Since March 2013 or
2. Where development under Class Q begins after 20 March 2023 during the period which is 10 years before the date development under Class Q begins.
The submitted design and access statement confirms that no development under Class A or B of Part 6 has taken place on the holding since 20 March 2013.

Paragraph Q.1. (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point – the application submission confirms that the proposal does not extend beyond existing extents.

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);

A structural survey has been submitted with the application which demonstrates that the barn is satisfactory for structural adequacy and are capable of withstanding the proposed conversion to residential.

The proposal sees the roof covering and steel structure retained although the existing rooflights will be replaced with match fibre cement, the concrete floor is to be retained although will be covered with a damp proof membrane insulation and screed. The North West and South East walls will be 96% retained and the South West and North East walls will be 76% retained. The internal structure will be formed using a free standing non structural timber stud wall and will have adequate insulation to walls and ceilings. The proposal is to have an air source heat pump and solar panels. There will also be the insertion of windows and doors, exterior which are permitted. The proposal is therefore considered to meet the tests of Q.1(i).

Paragraph Q.1. (j)(k)(l)(m) states that development is not permitted if the site forms part of

1. is located on article 2(3) land
2. a site of special scientific interest
3. a safety hazard area
4. a military explosives storage area
5. the site is or contains a scheduled monument
6. the building is listed

The site does not fall within any of these categories.

Paragraph Q2 of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 states that the conversion of a 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.
g) the provision of adequate natural light in all habitable rooms of the dwelling house
Transport and Highways

Transport and Highway Impacts
The PPG has clarified that the sustainability of a building's location is not a test that applies to this permitted development right. The submitted information confirms that the site is accessed via an existing access to Blueridge Farm but would need to cross over a public right of way known as HEYW1 which exists at this present moment in time. The submitted plans demonstrate that there is adequate space around the building for parking and turning of vehicles. The Councils Highway officer has made no objections to the proposed scheme and the Councils Public Rights of Way Officer has made no objection subject to a condition.

Noise Impacts
The proposal would raise no concerns in terms of noise to or from nearby uses.

Contamination Risks

No information has been submitted regarding what has and is being stored in the large containers around the building and as such a condition should be attached to any permission regarding contamination. The applicant has agreed to this condition.

Flooding Risks
The proposal would raise no concerns in terms of flooding as the building is located in Flood Zone 1. It is noted that some of the wider land owned by Blueridge Farm is in Flood zone 2 and 3 but not on the site in question.

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 location and siting of these building which are just outside the built up area of Hawkeridge to the North East and the Hawkeridge Business Park to the South and as such is considered to be acceptable

Design and External Appearance
The existing barn is of no historic interest. The proposed elevations appear to demonstrate that the building would retain its existing external appearance. Although it is located adjacent to an existing public right of way (HEYW1), the site is not in a prominent location and as such it is considered that the design and appearance of the building would be acceptable in prior approval terms and there are no design or external issues to restrict development on this site under Class Q.
The provision of adequate natural light in all habitable rooms of the dwelling house

The submitted plans demonstrate adequate light to all habitable rooms through the insertion of windows. A study is proposed on the mezzanine floor but is not considered to be a habitable room but could be served by the existing rooflights which are to be replaced although the plans do not indicate this level of detail.

Other
The neighbour objections are noted, however under Class Q prior notifications the issues raised are not able to be taken into consideration when assessing this type of application.

RECOMMENDATION: Prior approval is granted

Conditions: (3)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Received by the Local Planning Authority on 8th November 2023:
Survey as Existing
Site and Location Plans
Sections Proposed Conversion

Proposed Conversion Revision A received by the Local Planning Authority on 15th November 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

2 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.

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.

3 The existing field gates located across the access to the site, either side of the public footpath known as HEYW1 should remain in place for the lifetime of the development hereby approved. The gates should remained closed at all times except when vehicles are crossing the footpath

REASON: In the interest of pedestrian safety when walking along the public right of way

Informatives: (2)

4 Please note that the applicant will be responsible for ensuring the section of footpath crossed by the access track is maintained to the current standard. Any proposed changes to the surface of the path should be approved by the Countryside Access Officer (rightsofway@wiltshire.gov.uk). It is the responsibility of the applicant to

maintain the hedges alongside the footpath where it runs through their land to ensure the path is accessible and to improve visibility.

5 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.