DELEGATED REPORT

Application reference: PL/2023/09156
Application type: full planning permission
Site address: Barn 1, Bremhill House Farm, Bremhill, Calne, SN11 9HN
Proposal: Conversion of Barn No 1 as 1No new dwelling in variation of the approved conversion pursuant to Application Ref: PL/2022/01578.
Recommendation: approve

SITE AND PROPOSAL

The site comprises a detached agricultural barn situated in the open countryside to the north of Bremhill House Farm. It is accessed via a lane to the west, which is also a Public Right of Way (PRoW) ref. BREM8. A further PRoW ref. BREM12 is a footpath that passes just to the north of the site. The site is therefore perceptible in public views.

The site benefits from a Class Q prior approval ref. PL/2022/01578 to convert the barn (known as 'barn 1') at the application site into a dwelling. As there is no scope to vary Class Q consents to allow for anything beyond the tolerances set by the Permitted Development regs, this is a full planning application to allow for the continued conversion of the barn, but with a flue, an enlarged curtilage and a stone-style slate roof finish, as opposed to the approved reclaimed clay tiles.

RELEVANT PLANNING HISTORY

The barn is one of a pair sited in close proximity. There are no historic planning records on file showing when this particular barn was constructed, but it appears the neighbouring barn to the south was erected in the mid-1970s under ref. 74/425.

In 2019, a Class Q prior approval application ref. 19/11746/PNCOU was approved to convert the barn into a dwelling. This was accompanied by a sister application ref. 19/11777/PNCOU relating to the neighbouring barn.

In May 2022, a further single Class Q application ref. PL/2022/01578 encompassed both barns, effectively renewing the previous consents.

This application is accompanied by a sister application ref. PL/2023/09152 relating to the neighbouring barn, known as barn 2. That scheme proposes a comprehensive demolition of the barn and a dwelling of a different design to be erected in its place, along with an enlarged curtilage.

POLICIES

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time, the relevant statutory Development Plan Documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015); saved policies of the North Wiltshire Local Plan (adopted 2006); and the Bremhill Neighbourhood Plan ('made' 2018).

Though the Development Plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below.

Development Plan

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 8: Spatial Strategy: Calne Community Area
- Core Policy 48: Supporting Rural Life
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management

Saved policies of the North Wiltshire Local Plan:

- NE18: Noise and Pollution
- H4: Residential Development in the Open Countryside.

Bremhill Neighbourhood Plan:

- Policy 1.

Material considerations

National Planning Policy Framework (2023):

- Paragraphs 8, 135, 139, 140, 157 and 189.

ISSUES

The main issues in the consideration of this application are:

- Principle of development;
- Impacts on the character of the locality;
- Contaminated land; and
- Highways.

CONSULTATION

Bremhill Parish Council: support.

Council Highway Engineer: no objection.

Council Drainage Engineer: no comment.

Council Rights of Way Officer: no objection, subject to informatives. Notes that:

'*Access to the site is via an existing track recorded as a bridleway (BREM8). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. The applicant is advised to take private legal advice to ensure they have a right of access*'.

Archaeology: no comment.

REPRESENTATIONS

None.

ASSESSMENT

Principle of development

The application continues to propose the conversion of the existing building, albeit with an enlarged curtilage, a new flue and a change to the roofing materials. Given the limitations of Class Q, it is reasonable to amend these aspects through an application for full planning permission. The principle of development is therefore accepted.

Impacts on the character of the locality

The enlarged curtilage would include additional courtyard land to the south, as well as an area of hard surfacing to the east, which would function as shared parking with the neighbouring development. Neither area would convey as an intrusion into the countryside.

The flue would appear as a minor addition, but no details of its spec or colour are supplied. Similarly, details on the roof finish are vague, with a reference on the application form to stone-style slate and no details of the specification. In order to ensure the quality of both, details can be reasonably secured by a planning condition.

Contaminated land

The previous Class Q approval was accompanied by a contaminated land statement, which was conditioned to the consent, along with a condition pertaining to the appropriate steps to take should contamination be encountered. There is considered to be no reason why it would not be appropriate to continue this approach. A 'contamination commentary' statement has been supplied by the agent, and this could reasonably be conditioned to a consent, along with an 'unexpected contamination' condition.

Highways

The proposed enlarged curtilage would not adversely affect the site access or reduce the quantum of parking. The Highway Authority raises no objections to the proposals.

Other matters

This application is accompanied by a sister application ref. PL/2023/09152 relating to the neighbouring barn 2. If refused, it is important for the applicant to recognise that the resulting outcome would not give them a full planning permission for barn 1 and a Class Q fallback for barns 1 and 2 to pick and choose from. This is because under paragraph W(12) of the PD regs, a developer is dutybound to build in full accordance with a Class Q approval. In this case, that Class Q encapsulates both buildings as one site. Therefore, any implementation of a full planning permission on barn 1 would make it impossible to complete the development permitted under Class Q on barn 2 because the developer would not be building in accordance with the Class Q approved plans. This would place it contrary to paragraph W(12) and open to enforcement action. An informative note attached to the decision notice can draw this to the applicant's attention.

CONCLUSION

The proposed development would be appropriate for the site and surroundings. Accordingly, it complies with the provisions of the Development Plan and relevant material considerations**.**

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 details:

- Location plan ref. PL001.
- Existing site plan ref. PL002.
- Existing floor plan ref. PL003.
- Existing elevations ref. PL004.
- Proposed site plan ref. PL007.
- Proposed floor plan ref. PL008.
- Proposed elevations ref. PL009.
- Barn 1 Structural Report by Structural Solutions ref. 7802BRE.
- Contamination commentary received 06/02/2024.

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

3. Before their installation, details of the following shall be submitted to the Local Planning Authority for written approval:

- Materials and external finish of the flue.
- External roofing materials.

The development shall thereafter be undertaken in accordance with the approved details.

REASON: in the interests of visual amenity.

4. In the event that contamination is encountered at any time when carrying out the approved development, development shall cease and shall not resume until the Local Planning Authority has agreed in writing a programme to deal with contamination, to include a written remedial statement setting out the steps to be taken by an appropriate contractor. The development shall proceed in accordance with the agreed programme. In this event, the dwelling shall not then be occupied until a written verification report that confirms what works have been undertaken to render the development suitable for use has been agreed in writing by the Local Planning Authority.

REASON: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE TO APPLICANT

The applicant should note that no construction/demolition vehicle access may be taken along BREM8 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

INFORMATIVE TO APPLICANT

The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way BREM8 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire Council.

INFORMATIVE TO APPLICANT

This application is accompanied by a sister application ref. PL/2023/09152 relating to the neighbouring barn 2. If refused, it is important for the applicant to recognise that the resulting outcome would not give them a full planning permission for barn 1 and a Class Q fallback for barns 1 and 2 to pick and choose from. This is because under paragraph W(12) of the PD regs, a developer is dutybound to build in full accordance with a Class Q approval. In this case, that Class Q encapsulates both buildings as one site. Therefore, any implementation of a full planning permission on barn 1 would make it impossible to complete the development permitted under Class Q on barn 2 because the developer would not be building in accordance with the Class Q approved plans. This would place it contrary to paragraph W(12) and open to enforcement action.

INFORMATIVE TO APPLICANT:

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 landowner's consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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.