

THE DESIGN, ACCESS, **AND PLANNING STATEMENT**

FOR NEW DWELLING TO REPLACE BARN WITH PLANNING CONSENT
FOR CHANGE OF USE TO HOUSE AT HOLLOW LANE, NEAR BRATTON
BA13 4RH



Photo of the south elevation of the barn



Photo of north elevation of the barn



Photo of West elevation of the barn



Photo of East elevation of the barn



Photo of the inside of the barn

1.0 INTRODUCTION

- 1.1 This is planning application for a new chalet bungalow to replace the existing barn which has the benefit of a Prior Approval consent for the change of use to a dwelling. The site address is Greenacre Barn, Hollow Lane, Bratton BA13 4RH.

2.0 SITE ANALYSIS

Use

- 2.1 The site is located off a small quiet country lane and is bounded by a metal to the front with hedging to the sides and open country views to the rear. The site contains a barn is of modern construction which has no architectural or historical merit. It is not a listed structure and is not sited in a designated area. It is constructed as a steel portal framed structure with timber purlins and rails to support roof sheeting and cladding panels. There are some mid height outer block walls and a solid concrete floor slab. There is a small office in one corner with a storage floor over. This is typical to the many modern barn structures in the area some of which have been converted into a residential use.
- 2.2 The site is relatively level and has an existing vehicular access onto the Lane at the front of the site.
- 2.3 The site affords the required number of car spaces for the new dwelling, which sufficient area to enter and exit the site in forward gear.
- 2.4 There is one residential property some 24.4m away from the existing Barn, and Flowers Farm is a field away. The scheme is considered to have little impact on the environment with its position down a country lane off the main Westbury to Bratton road, and so readily assessable by cars and refuse lorries.
- 2.4 This application benefits from a Bat survey which was carried out earlier this year. This provides the local planning authority with the knowledge that no protected species inhabit or use the barn currently.
- 2.5 There is no contamination report with this application since the building or site has never been used for any commercial or industrial activities and only for storage.

3.0 Site Constraints and considerations

The proposal has been designed having regard to the following:

- The need to protect privacy of the adjoining dwelling to the east.
- The need to provide the necessary parking for the new dwelling.
- The position of the existing legal boundary, hedges, fences and the adjacent road.
- The footprint size and height of the existing barn to be replaced.

2. IDENTIFYING THE DESIGN PRINCIPLES

Generally

The site offers the chance to provide a detached 6 bed chalet barn style dwelling on two levels.

It is sited on the same orientation as the existing barn, along a NW/SE axis. The main view to the North West overlooks open countryside.

The dwelling avoids major overlooking problems from and onto the site.

Vehicle access to the site already exists off the adjacent lane.

The Brief

The brief from the client was to prepare a scheme for the erection of a detached dwelling to replace the existing barn, with an area at the front for parking cars and a rear garden.

The Design Principles

To have low profile 'barn like' vernacular building built of materials which are sympathetic to the area.

The scheme incorporates a rear private garden space with a secure front access.

To have adequate distances between the new dwelling and adjacent dwelling to avoid overlooking and protect amenity spaces.

3. CREATING THE DESIGN SOLUTION

Amount & Scale

The proposal is to construct one detached dwelling with an internal floor space on the ground floor of 142.13m² and 80.29m² on the first floor.

Appearance

To provide a new building appearance which is an improvement on the converted barn approved under consent PL/2025/04270.

The new building would be of traditional cavity construction. The elevations are to be stretcher bond brick with areas of timber cladding to the first floor gables and below window openings. The roof is to have an approximate roof pitch of 35 degrees, so as not to have an overly high ridge height, and covered with concrete profiled tiles. Windows, external doors and rainwater goods to be powder coated aluminium.

Roof to be covered in profiled concrete roof tiles.

Parking and Access

Vehicular access to the new house will be directly off Hollow Lane . Cars would enter the site in forward gear, manoeuvre to park and exit the site in forward gear. With the lane serving so very few properties, danger to highway users would be minimal.

There is sufficient space on the site for 6 car to park. This is indicated on the Site Plan that accompanies this application.

Refuse Collection

Currently collected along Hollow Lane.

Drainage

A small treatment plant is proposed to deal with foul waste at the rear of the site and within the red line boundary, as was the case under consent PL/2025/04270

Surface water will be taken to on-site soakaways. and trial holes will be dug to confirm that the ground is suitable for this. Currently rainwater is shed from the roof directly onto the surrounding ground.

Landscaping

No public soft landscaping is currently proposed, for but we would accept a condition for a planting scheme on any forthcoming approval.

4.0 Material consideration for a fallback position

The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 has recently clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. The court also re-examined the correct interpretation of Class Q general permitted development rights (i.e. agricultural building to residential dwelling).

The case concerned an appeal of the first instance decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge and Malling Borough Council. The development being the demolition of a barn and bungalow and the construction of four detached dwellings.

Class Q in the Town and Country Planning (General Permitted Development) Order 2015 ("GPDO") authorised the barn to be converted into up to three residential units subject to a combined floorspace of up to 450sqm. The resultant effect being there could be four residential dwellings (ie. the converted barn into three dwellings and existing bungalow) on the site pursuant to this GPDO planning route. Such four dwellings being the same number of units for the proposed re-development of the site.

This alternative GPDO development was considered a 'fallback' position and given material planning consideration by the Council in granting the permission. Specifically, the planning officer advised the council's planning committee that:

“a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms...the current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights”.

The Decision

The Court of Appeal dismissed the appeal and thereby did not quash the council’s grant of planning permission. Three issues arose on appeal. The first two concerned the interpretation of Class Q GPDO rights and the materiality of the fallback position. These are discussed further below. The Court also considered whether the council incorrectly applied the tilted balance towards sustainable development in paragraph 14 of the National Planning Policy Framework. The local plan being up to date. It was found that the Council correctly hadn’t applied the tilted balance on proper reading of the planning officer’s report, and the ground failed.

Class Q Interpretation

The first challenge by the appellant concerned the correct interpretation of Class Q GPDO rights. Specifically, whether the exclusion of such rights in paragraph Q.1(b)&(h) to agricultural buildings exceeding 450sqm in cumulative floorspace applied:

- (i) only to the extent of that part of the building changing use to a residential dwelling(s) (i.e. where a building exceeds 450sqm in floorspace then only such part upto 450sqm is permitted to change use under class Q. In this case the barn measured 600sqm); or
- (ii) to the whole building meaning no building over 450sqm qualified for the Class Q GPDO rights.

The council had applied interpretation (i) above in determining the fallback position. Lindblom LJ agreed with the council, and the first instance judge, that interpretation (i) above was the correct approach. He stated:

“This restriction is stated to be a restriction on the change of use, not on the size of the building or buildings in which the change of use occurs. Sub-paragraph Q.1(b) relates to a single act of development in which the building in question, or part of it, is “changing use”. The floor space limit set by it relates not to the total floor space of the building or buildings concerned. It relates, as one would expect, to the permitted development rights themselves, which apply to the “cumulative” amount of floor space actually ‘changing use under Class Q”.

Fallback Position

The second challenge by the appellant concerned whether there was a ‘real prospect’ of development under the Class Q GPDO rights on the lack of contemporaneous evidence that the landowner had contemplated such development.

Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were:

the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely: a possibility will suffice; there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development

in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

He then concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position in this case. Therefore, the Council made no error in law in giving material weight to such fallback position. importantly for landowners, Class Q GPDO rights were confirmed to enable residential conversion of agricultural buildings exceeding in total 450sqm in floorspace albeit that only such part of the building within this limit can be converted. It was also confirmed that the fallback position can be a material planning consideration provided it is a clear possibility.

2.0 Justification – Planning and Design Assessment

- 2.1 The barn is considered suitable for conversion into a residential dwelling not only from the above justification, but also can be converted in accordance with Building Regulation guidance without major alterations to the form or shape of the building.
- 2.2 The barn was last used as part of a family farm in 2006 by a then Farmer Mr Miller. Prior to that it had been a farm for some time, where livestock was reared and potatoes were grown. The current owner and applicant has owned the barn since 2006.
- 2.3 The barn is noted as 'Greenacre Barn' on the official Wiltshire Planning website. By definition the word barn is stated in the Oxford English dictionary as 'A large farm building for the storing of grain or keeping animals in'. There are no planning applications or consents given for this building, as we understand it was built under permitted development for agricultural use.
- 2.4 The barn is currently used for storage.
- 2.5 The change of use will result in one dwelling which has a floor space of approximately 163.43m².
- 2.6 It is proposed that the existing roof sheeting, cladding and mid-block walls will be removed. The existing floor slab can remain and be used as a sub structure for build-up of a new insulated floor on top.
- 2.7 The new outer walls will consist of timber cladding fixed to 'SIPS' panels held in position onto the existing portal frame with timber rails built in between the steel stanchions. These timber rails will form part of an internal timber frame which in turn will be filled with insulation. The roof will be formed with corrugated insulated roof panels with 4 no. rooflights for natural light. The rooflights will be electronically operated where it is impractical to open them manually. Each habitable room on the ground floor will have opening windows, whilst the Lounge and Dining Rooms will have large sliding glass patio doors, leading directly onto a rear garden area.
- 2.8 There is one residential property some 24.4m away from the Barn and Flowers Farm is a field away. The conversion is considered little impact on the environment with its position down a country lane off the main Westbury to Bratton road, and so readily assessable by cars and refuse lorries.
- 2.9 There is sufficient area in front and to the east of the barn to park at least 6 cars, and leaving an area for turning to allow cars to enter and exit the site in forward gear.
- 3.0 Foul drainage will be dealt with by building into the scheme a small treatment plant, in the position shown on the Site Plan.
- 3.1 Surface water will be run to soakaway and trial holes will be dug to confirm that the ground is suitable for this. Currently rainwater is shed from the roof directly onto the surrounding ground.

3.0 Conclusion

- 3.1 The proposal entails the change of use of the building to a single dwelling comprising of four bedrooms, en-suites and bathroom; along with kitchen, dining room and lounge also a Utility

Room all at ground floor, all as shown on the proposed layout plans. The proposed conversion of the agricultural building to a single dwelling will not derive any adverse impacts and there are no surrounding uses that would likely give rise to harm to future occupants of the building.

- 3.2 The site is agricultural in nature and is not considered to have been subject to any previous uses that may have resulted in concerns about contamination. Furthermore there are no uses in the immediate vicinity of the site which may give rise to pollutants. The Environmental Agency's website reveals that no part of the site falls within any flood risk zone maps, and indeed the area is described as very low risk from flooding – see Environment Agency description included in this application. There is also no risk of potential flooding from surface waters or watercourses. Therefore the proposal for the conversion of the agricultural barn into a residential dwelling is in our opinion considered to be acceptable.