

15th December 2025

Development Services – North
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Dear Sir/Madam

Application to determine if Prior Approval is required for the proposed Change of Use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) – Converting the existing buildings at Church Farm, Shaw, Melksham, SN12 8EF from Class E to 6No dwellings under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The enclosed and duly completed application seeks Prior Approval to convert the existing buildings at the above site, bar the 'extension', which will be described in due course, to create 6No new dwelling units. The extent of the site in question, the subject of the enclosed application is shown on the plan extract inserted below.



Background

Based on the site's evolved commercial uses planning permission was granted by application W/10/2320/FUL for a replacement garage workshop and associated works. That permission was then revised by application W/13/00253/FUL.

As your records will conform, by 2020, as explained in the supporting statement to application 20/04949/FUL ('Erection of extension to commercial premises'), the whole of the site had at that point been significantly upgraded along with the erection of additional accommodation, pursuant to Part 7, Class H of the above reference Order.

Indeed, the permitted development tolerance also supported an extension. However, as that would have had to be set back from the north eastern site boundary planning permission was sought for an alternative addition.

That permission, referred to above, has been built and is the subject of a condition limiting its use. As the officer's delegated report notes. 'The building is proposed to be B1 use, which would accord with the use of the adjacent units'.

Condition No 5 is reproduced in full below.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

The consequence of the above condition is that the extension is excluded from the enclosed submission as it is restricted solely for Class B1 use. This is of course now captured within the broader Class E Use Class. By definition though such a use is acceptable within a residential area and therefore retaining part of the overall light industrial estate for office use alongside the intended conversions is not unacceptable in principle.

Permitted Development

Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permits development for the following:

“Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwelling houses) of Schedule 1 to that Order.”

Development is permitted under Class MA subject to the submission of an application to the Local Planning Authority to determine whether prior approval is required in relation to the following matters:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor,the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwelling houses;

It is important to highlight that Central Government amended some of the ‘conditions’ associated with Class MA for any applications submitted on or after 5 March 2024 as follows:

- Applications are no longer subject to the previous 1,500sqm floorspace threshold limit; and
- The building (or part of the building) subject to the application no longer must be vacant for 3 months prior to the application being submitted.

With the above in mind, the enclosed submission is considered to demonstrate that the proposals to convert the buildings into six residential apartments is acceptable. As such, each element of the proposed development is evaluated in turn below against the provisions of Class MA. For the avoidance of doubt the National Minimum Space Standards have been applied to all the proposed conversions, thus also supporting the following permitted development assessment.

PD Requirement	Comment
MA.1 development is not permitted by Class MA if:	
(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	No longer applicable for applications submitted on or after 5 March 2024.
(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	The buildings are in mixed office uses and related activities within the scope of the estate's previously recognised class B1 use (now Class E) for a continuous period of significantly longer than 2 years prior to the date of this application. Units 7-10 are now vacant as the previous dog groomers has left but the established Class E use since the building was completed exceeds 2 years.
(c) the cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;	No longer applicable for applications submitted on or after 5 March 2024. The total area of each unit proposed is shown on the floor plans submitted.
(d) if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;	N/A
(e) if the building is within— (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	N/A
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	N/A
(g) before 1 August 2022, if— (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions	The application was submitted after 1 August 2022, and the existing use of the buildings on the estate subject to this application were offices and workshops etc falling within Class B1, now Class E.

of Schedule 3. (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order— (a) the following classes of the Schedule as it had effect before 1st September 2020— (i) Class A1 (shops); (ii) Class A2 (financial and professional services); (iii) Class A3 (food and drink); (iv) Class B1 (business); (v) Class D1(a) (non-residential institutions – medical or health services); (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre); (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink; (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.	
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The application is also subject to the following Conditions in accordance with Class MA of the GPDO

Conditions MA.2 (1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must 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 impacts of the development, particularly to secure safe site access;	The site's location and established use demonstrates that the site is sustainable and accessible. There is a bus stop immediately outside the site. However, the new chapter of use will simply replace the existing and by reference to paragraph 116 to the NPPF there is no evidence that suggests the site's accessibility and capacity will be exceeded by residential movements in the stead of the established and unrestricted commercial comings and goings. The existing car parking has sufficient space to serve the new dwellings and there is also space for secure bicycle storage and refuse collection. There would be no adverse transport impacts or access issues generally arising from the development, and certainly no safety concerns.
(b) contamination risks in relation to the building,	The site's long established commercial uses, compatible with the wider area, confirms it is not a pollution generator and therefore there is no reason to believe there is a contamination risk

	associated with the new chapter of use within the buildings.
(c) flooding risks in relation to the building,	The site is not subject to any high risk of flooding and is under 1 hectare in site. The number of units proposed also falls below the level that would be deemed major development. Given the built up location and the nature of the proposal, it is not considered that the proposals would result in any implications for fluvial/river flooding. The site lies in Flood zone 1 and previous applications have not triggered and flooding concerns.
(d) impacts of noise from commercial premises on the intended occupiers of the development;	There are no 'bad neighbour' commercial uses within the site's vicinity. Sufficient sound insulation will be provided between new the neighbours. Furthermore, and given that this matter is subject to Building Regulations it is considered no issues will arise with regard to noise. The retained 'extension' space is an acceptable user in a residential area.
(e)where— (i)the building is located in a conservation area, and (ii)the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area	N/A
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,	All habitable rooms benefit from natural light through existing windows. No external alterations are proposed to the buildings, and the existing buildings are already well served by windows. The proposed floor plans indicate that all habitable rooms would benefit from the original windows. Overall, it is considered that the proposed development is served by adequate natural light. Therefore, no concern is raised in this regard.
(g)the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;	N/A - The area is not important for the provision of these uses.
(h)where the development involves the loss of services provided by— (i)a registered nursery, or (ii)a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and	N/A – The proposal does not result in the loss of any of these services.
(i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building;	A fire statement is not required as the proposal does not meet the condition, where fire safety measures are required under sub-paragraph 6A which applies to buildings over 18m in height.

I trust the enclosed submission is sufficient for this application to be validated and determined positively without delay. Should you have any questions though please do not hesitate to contact me.