

# **PRIOR APPROVAL APPLICATION**

**IN RELATION TO**

**A CLASS R CHANGE OF USE**

**FOR THE CHANGE OF USE OF TWO AGRICULTURAL BUILDINGS  
TO CLASS E COMMERCIAL USE**

**AT:**

**FARMYARD AT WESTBROOK ROAD, BROMHAM, CHIPPENHAM,  
SN15 2ED**

**APPLICANT: NONSUCH FARM LIMITED**

**PREPARED BY:**

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## 1. INTRODUCTION

1.1. This planning statement describes the information necessary to comply with the General Permitted Development Order 2015, as amended, Schedule 2, Part 3, Class R. The Grid Reference for the site is ST 9636 6618.

1.2. This Statement sets out:

- the Class R provisions in section 2;
- a description of the proposals in section 3;
- why Class R principles apply in section 4;
- how we meet the consultation considerations in section 5;
- concluding information in section 6.

1.3. The agricultural buildings are located within an existing farmyard and lie approximately less than a mile north from the village of Bromham and 3.5 miles west of Melksham town centre. As identified on the Site Plan, Wiltshire Council have acknowledged that from 1<sup>st</sup> December 2025, building labelled 'Building A' which lies to the south of the farmyard, has changed use from Agriculture to Class E Commercial Use. This can be identified under planning application reference number PL/2025/09470.

1.4. Under this permitted development right it is proposed to convert the following agricultural buildings at the farmyard at Westbrook Road to a commercial use, falling within Class E (commercial, business or service). The proposed buildings are shown outlined in red below in Figure 1 and labelled 'Building B' and 'Building C'.



**Figure 1: Site Plan**

## 2. CLASS R PERMITTED DEVELOPMENT RIGHTS

2.1. In April 2015 the Government allowed for the change of use of an agricultural building and land within its curtilage to a flexible commercial use as a permitted development right, falling within permitted development rights under Class R from part of the General Permitted Development Order (2015) and defined under Schedule 2, Part 3, Class R as amended.

2.2. We understand that since May 2024, the Use Classes have now been updated and the definition under Schedule 2, Part 3, Class R of the GPDO now reads; *Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use:*

*(a) falling within one of the following provisions of the Use Classes Order—*

*(i) Class B2 (general industrial) of Schedule 1.*

*(ii) Class B8 (storage or distribution) of Schedule 1.*

*(iii) Class C1 (hotels) of Schedule 1.*

*(iv) Class E (commercial, business or service) of Schedule 2; or*

*(v) Class F.2(c) (outdoor sport or recreation) of Schedule 2.*

2.3. For reference, the definition of ‘Agriculture’ under the Town and Country Planning Act 1990 includes *“horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds”*.

2.4. There are limitations to the rights, set out in R.1. This states that development is not permitted where:

- The site was not used solely for an agricultural use as part of an established agricultural unit on 3<sup>rd</sup> July 2012 or, in the case of a building which was brought into use after this date, for a period of at least 10 years before the date development under Class R begins.
- The cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000m<sup>2</sup>.
- The site is, or forms part of, a military explosive storage area.
- The site is, or forms part of, a safety hazard area; or

- The building is a listed building or a scheduled monument.
- 2.5. The permitted development rights are subject to the condition that the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority is required for one or more of the following four considerations:
- Transport and highway impacts;
  - Noise impacts;
  - Contamination risks on the site;
  - Flooding risks on the site.
- 2.6. Provisions of Paragraph W (prior approval) also applies. This requires that the application is accompanied by a written description, plans, contact address and a fee.

### **3. THE PROPOSAL**

- 3.1. It is proposed to convert the two agricultural buildings shown in Figure 1 above into commercial units under Use Class E.
- 3.2. The two buildings are single storey, partly enclosed and of steel portal frame construction with a hardcore floor. The elevations and roof are mainly plastic/glass, and the buildings are open plan internally. The agricultural buildings are part of an established agricultural unit and were previously used for horticulture and nursery grounds, which meets the definition of 'Agriculture' under the Town and Country Planning Act 1990. Agricultural use was clearly demonstrated as at or before 3<sup>rd</sup> July 2012.
- 3.3. Building B measures 274.43m<sup>2</sup> and Building C measures 631.95m<sup>2</sup>. Both have openings along their elevations, allowing flexible vehicular and pedestrian access.
- 3.4. The proposed commercial units will be single storey, utilising the full dimensions of the current agricultural buildings, extending to 274.43m<sup>2</sup> for Building B and 631.95m<sup>2</sup> for Building C. The steel portal frame, elevations and roof are sound and will remain in-situ and continue to provide the main loadbearing elements. There will be no external works to the agricultural building.

- 3.5. The curtilage of Building B will extend to 273.43m<sup>2</sup> being a hardcore yard area adjoining the building to the north and west. It is proposed that the curtilage of Building C will extend to 630.28m<sup>2</sup> and is a hardcore/earth area adjoining the building on all elevations. The curtilages are shaded green on the Site Plan and will be used in conjunction with the proposed commercial units to provide parking and unloading areas.
- 3.6. The proposal will create two commercial units in an easily accessible location, with excellent transport links being in close proximity to the towns of Melksham and Devizes.
- 3.7. As shown on the Site Plan, Building A located to the south of the farmyard has already changed use from Agriculture to Class E Commercial Use as of 1<sup>st</sup> December 2025. This change was recently acknowledged by Wiltshire Council, under planning application reference number PL/2025/09470. Therefore, it is considered appropriate to apply the same change of use from Agriculture to Commercial to these two additional farm buildings.
- 3.8. The proposed change of use for Building A extends to 89.27m<sup>2</sup>, therefore 910.73m<sup>2</sup> is still available under Class R permitted development rights.
- 3.9. Although the exact future use of the building is currently unknown, the applicants would like the buildings to consist of retail units catering for the local residents and those using the nearby footpaths. This would fall under Use Class E (Commercial, Business & Service). As Class R permits a “flexible” use, the exact final use does not need to be determined at this stage.

#### **4. WHY CLASS R PRINCIPLES APPLY**

- 4.1. As previously noted, the proposal is permitted development so long as it meets with the limitations and conditions as laid out in Class R of the GPDO (2015). As assessed below, the proposal meets the following conditions:
  - The proposed are agricultural buildings, used for agricultural purposes as at 3<sup>rd</sup> July 2012.
  - The cumulative floor space of the buildings proposed for conversion under Class R is 906.38m<sup>2</sup> and the curtilage will extend to 903.71m<sup>2</sup>. This falls within the 1,000m<sup>2</sup> limit.
  - The site is not within a military explosive storage area.
  - The site is not within a safety hazard area
  - The buildings are not listed building or on a scheduled monument.

## 5. CONSULTATION CONSIDERATIONS

### 5.1. Highway Consideration

There is existing safe vehicular access onto Westbrook Road (A3102), which will continue to be used for the proposed commercial units. Vehicles are able to enter and exit in a safe manner in a forward gear, with sufficient space for turning and parking. The vehicular access is located on a straight stretch of road, with good visibility in both directions as shown in Figures 2 & 3 below.



*Figure 2: Visibility Splay – view east along Westbrook Road*



*Figure 3: Visibility Splay – view west along Westbrook Road*



**Figure 4: Existing access from the main road**

A separate access is also available to the east of the farmyard and could be used for vehicle access if required. This entrance links onto a quieter minor road named “*Chittoe Heath, Bromham*” and can be used for vehicle access.

While the exact final use for the unit is unknown, it is estimated that the proposed commercial unit would generate small daily traffic movements. This is unlikely to materially increase or change the character of traffic in the vicinity and so will not have a significantly adverse impact on the highway network.

The site has good access to Bromham, being just off the A3102 and less than 600m from the A342 Devizes Road. This will ensure that the site is well suited to a commercial use.

## 5.2. Noise Impacts

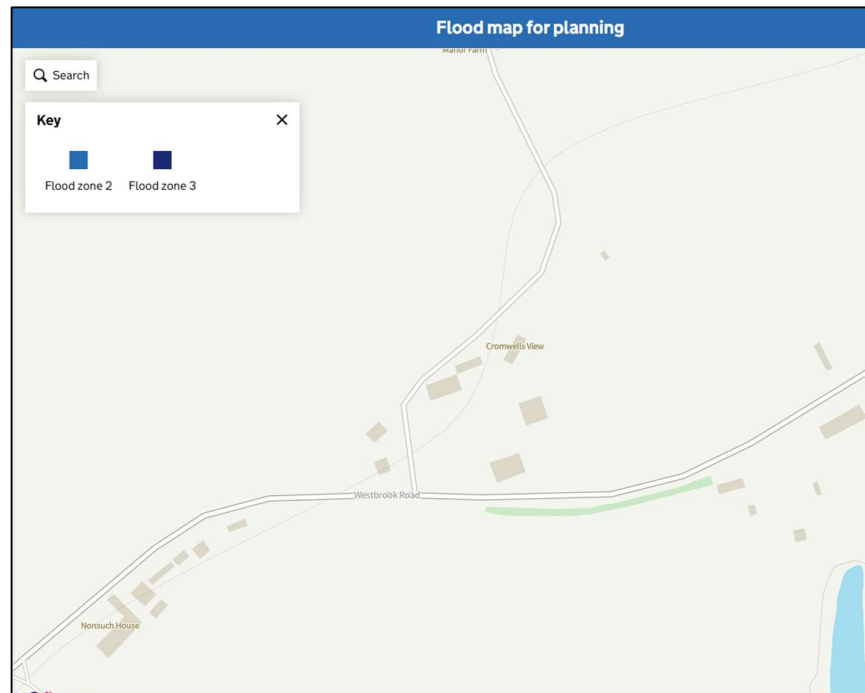
The proposed use is considered low key, and it is recognised that this will not create any nuisance to the residents in the locality. There are no residential properties in the immediate surrounding area, and as such the development will bring minimal impact on third-party property owners. Overall, the application is not considered to result in unacceptable noise impacts on the surrounding area.

### 5.3. Contamination Risks

The building is not, or known to have been, used for agro-chemical storage. There are no other contamination risks on the site, therefore there is no known contamination risk affecting the proposals.

### 5.4. Flood Risks

There is no flood risk on the site, as shown below in Figure 4 from the Environment Agency Flood Risk Map. There is no known history of flooding within the locality.



**Figure 5: Flood Risk Map**

## 6. CONCLUSION

- 6.1. In April 2015 Class R was consolidated into the GPDO, allowing for the change of use of an agricultural building to a flexible commercial use as a permitted development right, subject to certain limitations.
- 6.2. The proposal does not breach any of the limitations. Building A is already acknowledged as having commercial use by Wiltshire Council on the same farmyard.
- 6.3. The agricultural buildings are of sound construction, suitable for a commercial use and are served by existing access points which will remain unchanged under the proposal.

- 6.4. Finally, the Council must consider noise impacts, contamination risks, flood risks and highways and transport considerations. As discussed in the report, none of these considerations relating to the proposed development should give the Council cause for concern.
- 6.5. Being an agricultural yard, slower moving machinery and equipment have entered in and out of the site without any problems concerning the access. Under the proposed change of use, vehicle movements will mainly consist of cars which will bring a limited, if any, increase in “potential noise” or impact to the highway.