

DELEGATED REPORT

Application Reference: PL/2025/09388

Application Type: Prior Notification Under Class Q of the GPDO

Site Address: LAND AT BURTON, MERE, WARMINSTER, WILTSHIRE, BA12 6BR

Proposal: Application for prior approval under Class Q of the GPDO 2015 (as amended), for change of use of agricultural building into 3 no. dwellinghouses (Class C3) with associated operational development.

Recommendation: **Prior Approval Required and Granted subject to Conditions**

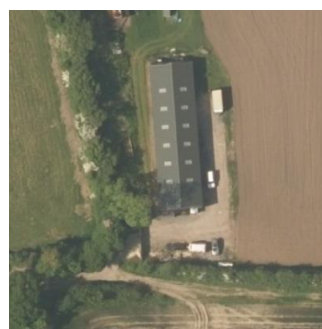
RELEVANT POLICIES

- National Planning Policy Framework (Part W (10) of GPDO refers to 2021 version)
- **The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 Amendment to Schedule 2 (changes of use), Class Q of Part 3**
- Adopted Wiltshire Core Strategy (January 2015)
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Level 1 Strategic Flood Risk Assessment

The Government has recently amended permitted development rights for the change of use of agricultural buildings to residential use and commercial uses (Class Q). The changes came into effect from 21st May 2024 and any application submitted on or after this date is assessed against the amendments to Class Q of Part 3 of Schedule 2 of the updated legislation. However the applicants have the option at present to have their proposal considered under the pre-existing provisions of Class Q, which allows for a wider range of dwelling sizes. The applicants have exercised their rights to submit the scheme under the post- May 2024 provisions.

The legislation is broken into two parts; Class Q (a) which grants permission for the change of use, and Class Q (b) which grants permission for building operations reasonably necessary to convert the building to dwellinghouses. This application seeks permission under both Class Q (a) and (b).

SITE DESCRIPTION



The barn, which is situated to the south of Burton, was granted full planning permission in June 2019 under 19/03927/FUL, subject to conditions.

The council's database relating to its strategic flood risk assessment (SFRA) suggests the site could be at high risk of groundwater flooding. The application is accompanied by a Flood Risk Assessment undertaken by consulting engineers – Calibro Consulting. Recognising the application is to convert an existing building (rather than build new dwellings) it demonstrates the proposed houses will not be at risk of flooding.

In terms of all other matters for consideration (and whether any further prior approval is needed), issues of transport and highways, noise, contamination, design and provision of adequate natural light in all habitable rooms are addressed within the Planning Statement.

Constraints:

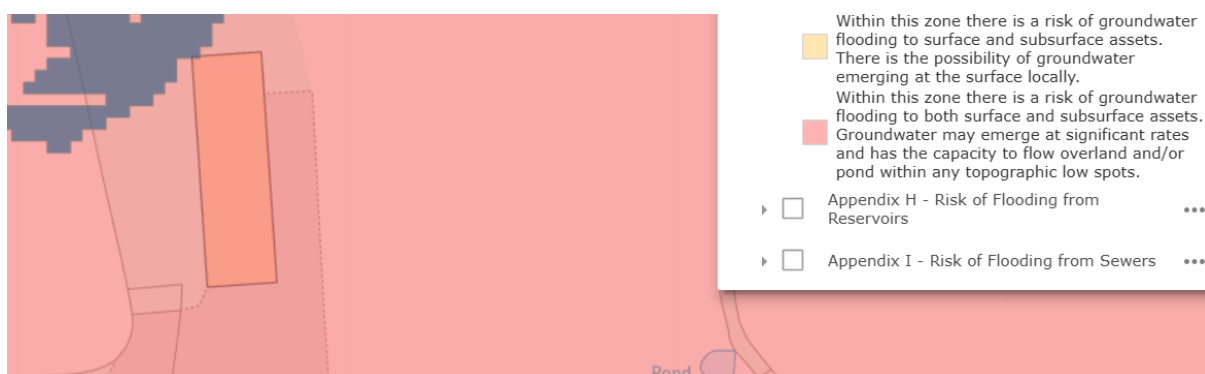
- Mere Neighbourhood Plan – designated
- Special Landscape Area
- River Stour catchment
- Class 4* (known as unclassified) adopted highway and MERE 24 public footpath

[*Guidance on road classification and the primary route network - GOV.UK](#)

Official Road types section states: “*Unclassified road – fourth and lowest class of classified road in the classification system.*”



- High groundwater flood risk



PROPOSALS

The application proposes the change of use of the existing agricultural building of 413 m2 to create three residential dwellings, along with the necessary building operations to facilitate their conversion. Each of the proposed dwellings will have a floor area of no more than 150sqm, ensuring that the size of the individual units does not exceed the limitations specified. Furthermore, the total cumulative floor area for all eight dwellings will not exceed the 1,000sqm

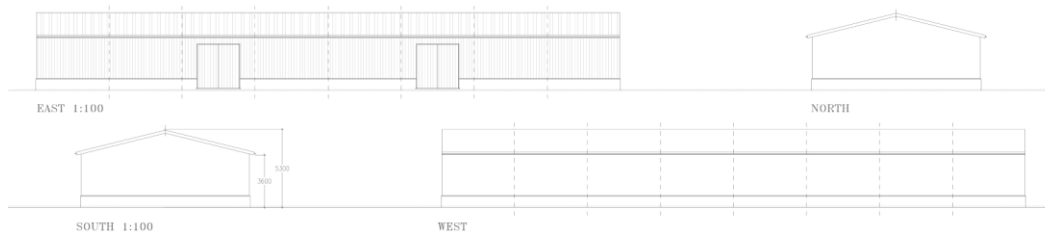
threshold, and the development does not exceed the maximum of 10 units allowed under Class Q.

It is not proposed to extend the building, and each dwelling will be provided with a curtilage, subject to part X of the GPDO. Each of the dwellings is provided with its own curtilage to provide sufficient parking for two or three cars to the front (east) side and a garden area either to the rear or side (west and north sides).

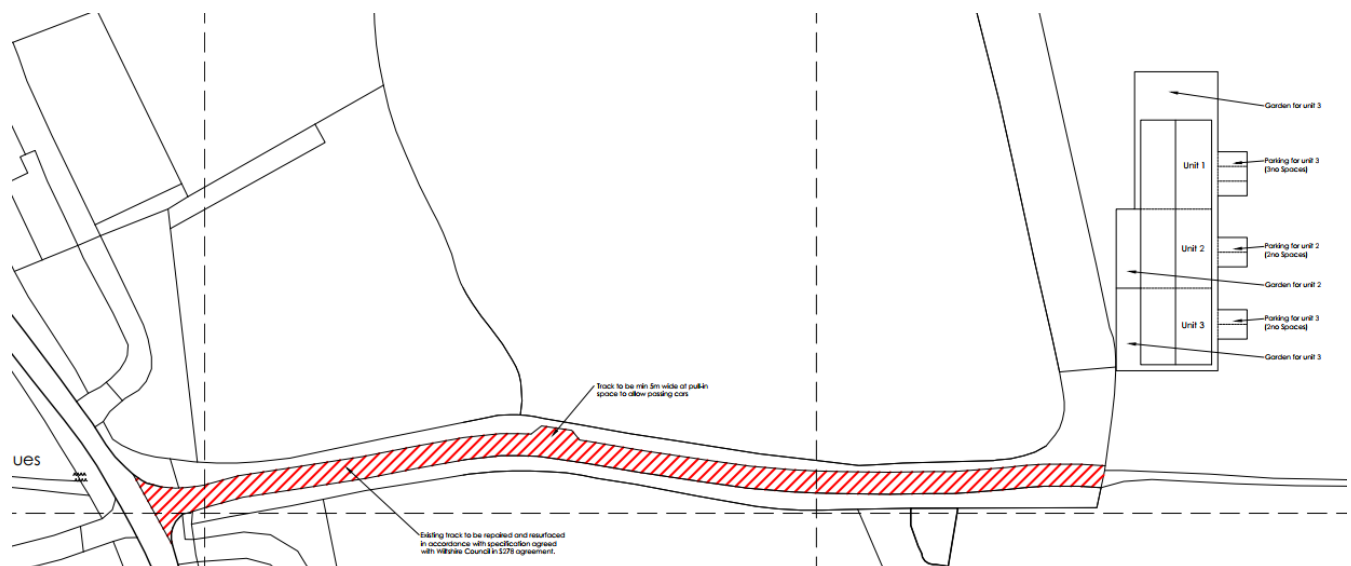
The building is intended for single storey accommodation. It is proposed to introduce some additional door and window openings, but these are limited to what is necessary such that the overall appearance of the building remains agricultural. The site is accessed via an unmade track which is part of the adopted highway network and is connected to an existing public footpath running east from the site.

The red line also includes the access track (adopted highway) which is to be repaired with the applicants entering into a S.278 Agreement with the Highway Authority.

Existing:



Proposed:



SITE HISTORY

19/03927/FUL Erect agricultural building for the storage of machinery, equipment, materials and fodder AC including:

3. The agricultural barn building hereby approved shall be used for agricultural storage purposes. It shall be constructed in accordance with the materials in the Planning Statement hereby approved (block plinth wall, timber cladding, timber doors and dark green coloured sheeting for the roof).

Reason: For the avoidance of doubt and in the interests of landscape, visual and neighbouring amenities.

PL/2025/06806 Application for prior approval under Class Q of the GPDO 2015 (as amended), for change of use of agricultural building into 3 no. dwellinghouses (Class C3) with associated operational development. Refused

The proposed change of use of the building from agricultural storage use to provide 3 dwellings would result in a more intensive use of the existing unmade, unlit, single track lane. This would increase the risk of conflict between users of the highway and the proposed development would harm highway safety. It would result in unacceptable transport and highways impacts which is identified as an issue for determination in paragraph Q.2(1)(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, which relates to the transport and highways impacts of the development. The proposal would conflict with paragraphs 115 and 116 of the Framework, having regard to this requirement under Part W (10)(b) of the GPDO 2015.

Other Case References:

Appeal Ref: APP/D0121/W/23/3328409

Unit A, Estune Business Park, Wild Country Lane, Long Ashton BS41 9FH

PL/2022/07357 and APP/Y3940/W/23/3323141 Class Q - conversion of agricultural building to 5 x dwellings. NURSERY FARM, STOCK LANE, LANDFORD, SALISBURY, SP5 2ER Refused. Appeal Dismissed including NPPF para 115 and 116 highway safety grounds

PL/2025/04566 Class Q - conversion of agricultural building to 5 x dwellings. NURSERY FARM, STOCK LANE, LANDFORD, SALISBURY, SP5 2ER – Refused:

The traffic generated from this proposal would use roads and public rights of way which, by virtue of their inadequate width, alignment and junctions, are considered unsuitable to accommodate the increase in traffic from this development, which will result in a significant detriment to the users of the highway. Consequently, it is not considered that the proposal satisfies criterion Q2 (1) (a) of Class Q Part 3 of Schedule 2 of the Town and Country Planning (general Permitted Development)(England) Order 2015, which relate to the transport and highways impacts of the development. This proposal is also contrary to NPPF Section 9 paras 109, 115, 116 and 117.

Dunnett Investments Ltd v Secretary of State for Communities and Local Government [2017] EWCA Civ 192

MAIN PLANNING ISSUES

- Permitted development rights and Condition 3 of 19/03927/FUL
- Permitted Development Rights and Class Q
- Whether the proposal constitutes Permitted Development under Class Q
- Whether the Prior Approval of the Local Planning Authority is required.

RELEVANT POLICY

Under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), development is permitted for the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.

The Council may refuse the application where it considers that the proposed development would not comply with, or that the developer has provided insufficient information to the Council to establish whether the proposed development would comply with, the requirements set out in paragraphs Q.1 and Q.2. The condition at paragraph Q.2(1) states that the provisions of paragraph W apply.

1. Permitted development rights and Condition 3 of 19/03927/FUL

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations. In some cases the permitted development right will require the local planning authority to approve certain matters (a process generally referred to as “prior approval”).

The Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) amends the Town and Country (General Permitted Development) Order 1995 (“the General Permitted Development Order”) to allow new permitted development rights for change of use.

The building in question was granted planning permission on the basis of an established agricultural need in 2019. Accordingly, Condition 3 was imposed to ensure that the building was used for agricultural storage for the avoidance of doubt:

3. The agricultural barn building hereby approved shall be used for agricultural storage purposes. It shall be constructed in accordance with the materials in the Planning Statement hereby approved (block plinth wall, timber cladding, timber doors and dark green coloured sheeting for the roof).

Reason: For the avoidance of doubt and in the interests of landscape, visual and neighbouring amenities.

The GPDO 2015 specifically cites in Article 3(4) that nothing in the Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 (Control of Development) (or Part 13 – Crown Development) of the 1990 Planning Act. The GPDO is therefore not a grant of planning permission.

However, the wording of Condition 3 does not define the time period for compliance. For example, this might be for the lifetime of the development. It might also be worded to include the provisions of the GPDO which would inhibit new uses other than agriculture taking place

in the building. The applicant states that the building has been used for agricultural purposes and therefore, it can be concluded that the condition as worded was complied with and there is no specified time limit for compliance. Officers therefore consider that Condition 3 of the 2019 consent is not an impediment to the exercise of permitted development rights for a change of use under the GPDO 2015.

2. Permitted development rights and Class Q

Class Q of Part 3 of Schedule 2 to the General Permitted Development Order is added to permit agricultural buildings changing to residential use and includes building operations reasonably necessary (including partial demolition) to convert the building to residential use. In accordance with Class Q, for change of use proposals including building operations, before beginning the development, the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- Transport and highways impacts of the development,
- Noise impacts of the development,
- Contamination risk on the site,
- Flooding risks on the site,
- 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 (dwelling houses) of the Schedule to the Use Classes Order,
- The design or external appearance of the building and,
- The provision of adequate natural light in all habitable rooms of the dwellinghouse(s)

And the Council may also request and consider the following information if deemed necessary:

- Assessment of impact or risks
- Statements setting out how impacts or risks are to be mitigated
- Details of proposed operation development

The provisions of paragraph Q.2 of Part 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 sets out the procedure for applying for approval and this includes that the Local Planning Authority must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, although there is no requirement to have regard to the development plan. The 2024 iteration of the document has provision to allow the applicants to choose whether to have their proposals considered under the previous requirements of the GPDO or the current one, up to May 2025. The applicants have chosen to submit the scheme under the new rules, which allows for smaller dwellings up to 150sqm, provided the total number of dwellings on site does not exceed 10 or the development exceeds 1,000sqm in floorspace.

CONSULTATIONS

Public Protection – No objection subject to conditions

Highways – No Objection subject to condition

Drainage – no objection subject to surface water strategy condition, site not at risk of groundwater flooding

Mere Town Council – Object

Members reiterated concerns previously raised, particularly that the access lane is unsuitable to accommodate the additional traffic generated by three dwellings and that the proposal would significantly alter the rural character and safe use of the Monarch's Way.

Decision: Resolved: To object to the application on the same grounds as previously submitted, namely:

1. Unsuitable Access and Highway Safety

- The proposed development would result in additional vehicle movements generated by three dwellings using an access lane that is narrow and not designed for residential traffic, increasing risk to all road users.
- This lane is also part of the Monarch's Way public footpath, and the proposal fails to clearly ensure safe pedestrian access alongside vehicles.

2. Impact on Rural Character and Visual Amenity

- The conversion of agricultural buildings into residential dwellings would result in a noticeable intensification of use in a predominantly rural landscape.
- This change of use, without significant redesign, could alter the character of its surroundings and is not in keeping with the local rural settlement pattern.

3. Insufficient Information on Sewage, Utilities, and Waste Storage

- The application does not provide **clear, demonstrable plans** to handle sewage treatment within acceptable environmental limits for three residential dwellings.
- There is no adequate provision shown to store or access bin collection facilities that will meet operational requirements without negative impact (e.g., bins on highway or blocking path).

Third party – two letters of comment/objection

Before granting permission for 3 houses at the above address, please can you take into account that this sight is right on the historic Monarchs Way and is right next to a very beautiful piece of land that looks right up at the Mere Downs (I can send you pictures if you would like). The current building which I believe is being used to house cars (not for agricultural use as stipulated) is quite low and blends into the surrounding countryside and is nowhere near as bad as what would be the start of a property development there. Also I believe to access the site, the builders would have to use part of the Monarchs Way public footpath which would almost certainly churn it up (it easily floods and isn't in the best of condition as it is) and make it become inaccessible for walkers. There is also several residences just off of Burton Road that are separated by a small field from this potential development, one of which is owned by an elderly gentleman that I have met on several occasions, and he is very upset at the thought of this potential development. I know that the government are trying very hard to hit housing targets, but I truly believe areas as beautiful as this one should be protected and left alone.

I wish to raise a concern regarding the Development of a 'pull in' on the track. The location identified for the 'pull in' is the access to one of my fields. I have raised a concern to the Wiltshire highways department who have referenced a map dated circa 1928, they have claimed this map shows the distance between the two hedges from the highway. This is incorrect, this map shows an approximate boundary between my land and the owner of the land the which the track sits on. This land belongs to the dutchy of Cornwall and forms part of deed title WT287528. As the land the track is on, is privately owned by the Dutchy, I believe permission has to be granted by the dutchy of the highway to be widened. There is a ditch running down the entire length of this track not shown on any maps, inline with the hedge and ditch rule, which is a presumption in law that when a hedge and ditch separate two properties, the boundary line is the far edge of the ditch, meaning the hedge owner also owns the ditch, as they dug it within their land, throwing soil to form a bank for the hedge. I have raised a query with the Dutchy of Cornwall for them to clarify the boundary between the two properties, due to Christmas and new year, I am still waiting a response, The individual who is looking into the matter is not back until 19/01/26. If I am correct and the edge

of the ditch is the recognised boundary, the development of the pull in will cross the boundary onto my property.

There is an on going problem with dog walkers parking there cars at the entrance to this tack, I believe once the track is developed cars will start parking further up this track. I have raised this issue with the council previously and there was little interest. I do not have an issue with my field entrance in its current state (compacted hardcore which has been in place over 20 years with tractors driving over it) being used as the 'pull in', I request that until the boundary is confirmed with between the dutchy and myself, this field entrance is not developed as part of the highway as once the highway is laid it cannot be removed and if I am correct and I own the land up to the edge of the ditch, it is essential I am able to prevent vehicles from parking in my entrance.

It is also worth noting there is a mains water pipe somewhere under or next to this track which supplies the fields on both sides of the track.

Officer note – land ownership is a private legal matter between the parties and whilst this could ultimately affect the implementation of the scheme and works to the highway, it is not a constraint to the application being determined.

ASSESSMENT OF THE PROPOSAL

Prior to the consideration of the Class Q application, as to whether prior approval is required, it is incumbent on the Local Planning Authority to firstly consider whether the proposal falls within Class Q and Class W of Part 3, Schedule 2 of the GDPO (as set out above). This situation was clarified in R. (Smolas) v Herefordshire Council [2021] EWHC 1663 (Admin) where the judge agreed with the judgement of Hickinbottom LJ in the *New World Payphones* case where he held that:—

"On an application to an authority for a determination as to whether its "prior approval" is required, then the authority is bound to consider and determine whether the development otherwise falls within the definitional scope of the particular class of permitted development."

The construction, design, and layout of the site clearly demonstrate that the building was originally intended for agricultural purposes. The 2019 statement provided:

The proposed building will enable the storage of machinery, equipment, materials and fodder in a modern building that is fit for purpose and will avoid unnecessary transport of materials etc along the local highway network from and to the main farm complex at Hinckes Mill Farm.

Notwithstanding the section above regarding Article 3(4) of the GPDO 2015, in this case it is otherwise accepted that the applicant can rely on the provisions of the General Permitted Development Order.

Class Q contains three principal provisions – Q(a), Q(b) and Q(c), as follows:

Permitted development

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b)development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c)development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

No extension is proposed or has taken place in the last 10 years and so Q (a) (i) and (c) are applicable to the determination of the proposal.

The application must then be assessed under the criteria set out under Q.1 of Part 3 as follows:

Development not permitted

Q1. Development is not permitted by Class Q if—

(a)in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i)on 24th July 2023, or

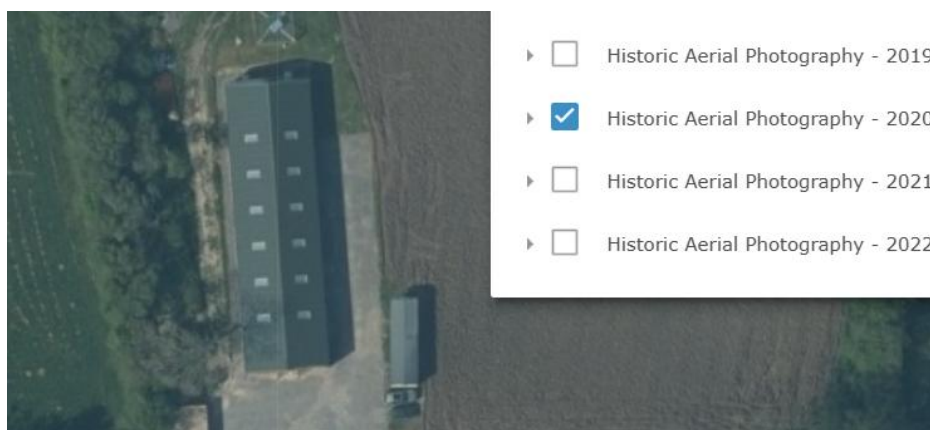
(ii)where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

The applicant states:

The proposed change of use and associated building operations are permitted by Class Q(b) and (c) of the GPDO 2015 (as amended). It complies with the limitations set out in Q.1, as follows:

(a) The site was part of an established agricultural unit on 24 July 2023. Drawing 25038-4 shows the full extent of the agricultural holding. Whilst there has been some change to the parcels farmed, the agricultural holding relating to Hinckes Mill Farm remains. 97 hectares (240 acres) are farmed comprising a mixed agricultural enterprise including beef, sheep grazing and arable.

The building apparently predates 24th July 2023 and aerial photos show that it was in place in 2020 as part of the agricultural unit:



There is no evidence to the contrary to suggest the building was not in use for such purpose on 24th July 2023, on the balance of probability, it is considered that the building was in use solely for agriculture as part of an established agricultural unit on the 24th July 2023. It is therefore considered that the building adheres to criterion (a) and part (b) is not applicable.

(b)in the case of a site that was (but is no longer) part of an established agricultural unit—

- (i)the site was part of an established agricultural unit on 24th July 2023,**
- (ii)where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or**
- (iii)since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,**

The applicant has stated that this is not applicable

(c)the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

As confirmed by the accompanying application form and Planning Statement, the total floorspace of any dwelling developed under Class Q will not exceed 150 square metres, and the total proposed GIA will not exceed 1,000 square metres. The total floor area is 413sqm. This criterion is satisfied.

(d)the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

- (i)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or**
- (ii)the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,**

The proposal includes the creation of 3 dwellinghouses, with a total combined floorspace of 413sqm. To date, no development under Class Q has occurred within the boundaries of the established agricultural unit. As such, the cumulative total for the proposed development remains within the permissible limits, with the total number of dwellinghouses not exceeding 10, and the total floorspace not surpassing 1,000 square metres. This criterion is satisfied.

(e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

The site is not occupied under an agricultural tenancy. This criterion is satisfied.

(f)less than 1 year before the date development begins—

- (i)an agricultural tenancy over the site has been terminated, and**
- (ii)the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,**

An agricultural tenancy has not been terminated within the last year. This criterion is satisfied.

(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

From Council mapping records, the applicant has not exercised any permitted development rights under Class A (a) or Class B (a) of Schedule 2, Part 6 of the GPDO within the last 10-years. This criterion is satisfied.

**(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, other than—
(i)extension of the building allowed by paragraph Q.1(i);
(ii)protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),**

The proposed development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. This criterion is satisfied.

**(i)the development under Class Q(b) would result in an extension that—
(i)has more than one storey,
(ii)is sited anywhere other than to the rear of the existing building,
(iii)extends beyond the rear wall of the existing building by more than 4 metres,
(iv)has eaves the height of which exceed the height of the eaves of the existing building,
(v)is higher than whichever is the lower of—
(aa)the highest part of the roof of the existing building, or
(bb)a height of 4 metres above the ground,
(vi)extends beyond a wall that forms a side or principal elevation of the existing building, or
(vii)would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
(aa)the hard surface was not provided on the land on or before 24th July 2023, or
(bb)where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,**

N/A - No extensions to the existing building forms part of this proposal. This criterion is satisfied.

**(j)the development under Class Q(c) 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(j)(i),**

No structural report is submitted. However, the building is less than 6 years old and the LPA has no reasons to question the buildings' stability and suitability for conversion. The applicant states:

Building operations are limited to the installation or replacement of windows, doors, roofs or exterior walls or the provision of water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse. No partial demolition is required.

The building operations proposed for the conversion of these structures into dwellinghouses are both necessary and appropriate to ensure that the buildings can function as residential properties. These operations are fully in line with the requirements set out in the legislation,

as well as the Planning Practice Guidance (PPG), updated in June 2018. The works proposed include the installation or replacement of windows, doors, roofs, and exterior walls, as well as the necessary provisions for water, drainage, electricity, gas, and other essential services. It is considered that the building operations proposed meet the above requirements.

The LPA in determining this Prior Notification application is required to undertake an assessment as to whether the proposed building operations are reasonably necessary to allow the building to be converted. This is discussed in greater detail below.

(k)the site is on article 2(3) land,

The site is not within a National Landscape, a National Park, a World Heritage Site, The Broads or a Conservation Area (Article 2(3) land). This criterion is satisfied.

(l)the site is, or forms part of—

(i)a site of special scientific interest;

(ii)a safety hazard area;

(iii)a military explosives storage area,

The site is not, and does not form part of: a site of special scientific interest; a safety hazard area; or a military explosives storage area. This criterion is satisfied.

(m)the site is, or contains, a scheduled monument,

The site is not, and does not contain, a scheduled monument. This criterion is satisfied.

(n)the building is a listed building,

The buildings are not listed, nor is it within the curtilage of a listed building. This criterion is satisfied.

(o)the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

The 3 proposed dwellings have been designed to fully comply with the Nationally Described Space Standards (NDSS), ensuring that each unit provides a high-quality living environment that meets the minimum space requirements set out by the Government. These standards are aimed at ensuring that homes are adequately sized to provide a comfortable living space for residents. It will be seen from the submitted floor plans that every habitable room is served by natural light, and each dwelling will be capable of complying with the Nationally Described Space Standards This criterion is satisfied.

(p)the building does not have suitable existing access to a public highway.

The application building benefits from an existing vehicular access onto a Class 4 unmade lane. The highways officer has raised no objection to the revised scheme, subject to a condition being imposed on any consent to improve the lane. This issue is considered below.

Can the buildings be “converted” – criterion Q.1.(j)

Building operations are permitted under Class Q including the replacement or installation of exterior walls, roofs, doors and windows, but recent appeal decisions states that it is not the

intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is only where the existing building is already suitable for conversion that it would be considered to have the permitted development right.

The Planning Practice Guidance provides some further explanation as to what the Government perceives as permitted building works able to be carried out as part of this permitted development route. The NPPG comments the *"The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling"* Proposed elevation drawings have been submitted and proposed floor plans have been included within the application.

The applicants consider that the building is structurally sound and capable of conversion, and states:

2.14 There is no need for the external dimensions of the building to be changed and with the building being of relatively new (2019/2020) construction, it is substantially built and capable of conversion with minimal change.

Visually, the building appears to be sound, watertight, and appears to be capable of conversion.

Para Q(c) makes provision for building operations reasonably necessary to CONVERT the building and states:

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

In respect of the parameters of para Q(c) as to whether the building operations proposed in the conversion of the building are classed as *reasonably necessary*, it must be considered whether that the impact of the changes to the building in their totality go beyond the parameters of what is classed as reasonably necessary to convert the agricultural building to a dwelling house.

In coming to the above conclusion, regard has been given to the High Court decision before MR JUSTICE GREEN between Hibbit and Another and Secretary of State for Communities and Local Government and Rushcliffe Borough Council (hearing date 25th October 2016) URL: <http://www.bailii.org/ew/cases/EWHC/Admin/2016/2853.html>

In that judgement the Court considered that a conversion is conceptually different to a rebuild or fresh build, and the judgement contained substantial analysis of this point, noting:

"There will be numerous instances where the starting point (the "agricultural building") might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion." (para 27)

It is noted that Part Q permits building operations which are reasonably necessary to convert a building and the NPPG advises that such may include *"those which would affect the external appearance of the building and would otherwise require planning permission."* Such works include as set out in PPG the installation or replacement of windows, doors, roofs, exterior

walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It can also be stated that internal works are not generally classed as development and the PPG identifies that for a building to function as a dwelling it may be appropriate to undertake internal structural works.

It is therefore considered that the proposal accords with the requirements of para Q.1(j) of the GPDO.

Paragraph Q.2 Prior Approval criteria:

Once it has been established that the proposals satisfy the criteria set out in Paragraph Q.1, Paragraph Q.2 of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 as amended by the 2024 Order states that the conversion of an agricultural building to residential, is considered permitted development 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 and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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 Schedule 1 to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) Transport and Highways

The proposed dwellings would be accessed from Southbrook via a poorly maintained rural track which leads east from Southbrook. Further east, the track, which is a Class 4 highway becomes a public footpath.



There are no proper passing places, no pavements, it is unlit and single track with an unmade surface. It also has a deep drainage ditch along one side and partly on the other side too, which makes passing on any section potentially hazardous.



The PPG has clarified that the sustainability of a building's location is not a test that applies to this permitted development right.

However, Paragraph W (10) (b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if the application were a planning application.

Paragraph 115 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 seeks to ensure that development creates places which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

The highways officer undertook a site visit and commented:

I note the Prior Notification application submitted under Part 3 of Class Q for the conversion of the existing agricultural building into three residential dwelling units. I also note a similar application under reference PL/2025/06805, which was subsequently refused. This Highway Authority objected to the previous application due to the poor standard and width of the existing access track serving the site.

This latest submission seeks to address the previous highway concerns and have included a commitment from the applicant to improve the surface of the track through its length, from the junction with Southbrook, up to the entrance into the site. The proposed surface treatment/improvements is considered suitable for the context and will provide an adequate surface to facilitate access by domestic vehicles, as well as continued use by agricultural vehicles. The surface improvement will also include the improvement of the field access apron, which is all within the designated public highway and would be suitable and well located to act as a passing place on the narrowest part of the track.

As a result of the improvements offered, I no longer believe that a Highway refusal on access grounds can be substantiated. The works will provide a suitable track surface for all vehicles likely to require access and concerns over conflict on the track will be mitigated by

the improvement of the passing place and general surface improvements. Therefore, I recommend that no Highway objection is raised, subject to the following Condition and Informative being attached to any consent granted;

CONDITION:

No dwelling on the development shall be occupied until the works to the access track, including at the junction with Southbrook and the formalised passing place on the track, have been completed in accordance with the details submitted.

REASON: *In the interests of highway safety.*

INFORMATIVE: *The applicant is made aware that the proposed access track works will require the applicant to enter into a Mini S.278 Highways Work Permit.*

It is considered that the prior approval of the LPA is required in respect of the transport and highways impacts of the development, and that this prior approval may be granted subject to the condition and informative.

It is noted that ownership issues of the lane, its verges or any adjoining land are private legal matters for the applicant and any third parties.

(b) Noise Impacts of the development

The Public Protection officer has no objection subject to conditions:

As requested, I have considered whether this application is likely to result in adverse noise impacts and/or contamination risks.

Noise:

On review of the information submitted, I have noted that the proposed development is located in a rural area of South West Wiltshire, around 105m from the nearest noise sensitive premises. Given that the background noise levels in this area are generally likely to be 35dB or lower, I recommend that if you are minded to approve this application, the following condition is attached:

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: *Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.*

It is also worth noting that if this application is approved, future occupants may be subject to occasional noise from the agricultural activities in the nearby fields. Although these issues are unlikely to be so significant so as to justify the refusal of the application, all parties should be aware of the potential for residual impact on residential amenity.

It is considered that the prior approval of the LPA is required regarding the potential noise impacts of the development and that this approval could be granted subject to conditions.

(c) Contamination Risks

The public protection officer continued:

Contaminated land:

I understand that the agricultural building subject to this application has previously been

used for the storage of equipment, machinery, materials, and fodder. While the risk of contamination within the building itself is considered low, it is possible that the surrounding land may be contaminated due to historic agricultural use. In light of this, I recommend that the following condition is also attached:

In the event that contamination is found at any time when carrying out the approved development, the Local Planning Authority shall be notified immediately. Development shall cease in the affected area and a written method statement detailing the nature of the contamination and the proposed remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out in accordance with the approved details. Following completion of the remediation, a verification report confirming that the site is suitable for its permitted use shall be submitted to and approved in writing by the Local Planning Authority before development recommences in the affected area.

Reason: To ensure compliance with Core Policy 56 and to reduce the risks associated with land contamination.

It is considered that the prior approval of the LPA is required regarding the potential contamination risks of the development and that this approval could be granted subject to conditions.

(d) Flooding Risks

The site is located in Flood Zone 1 and is identified as being at high risk from groundwater flooding in the Level 1 SFRA. The LLFA response consolidates the findings of the site-specific Flood Risk Assessment, supporting planning documents, and a SuDS compliance statement aligned with the National Standards for Sustainable Drainage Systems issued in June 2025. The assessment confirms that the site, while located within an area identified by the Wiltshire SFRA as having potential groundwater flood risk, has been reviewed in detail using GeoSmart mapping and local geological data. The findings demonstrate that the site is at **negligible risk of groundwater flooding** and that the proposed drainage strategy is appropriate and policy-compliant. The LLFA considered the submitted flood risk assessment and stated:

The FRA confirms the site is located within Flood Zone 1, indicating low fluvial and tidal flood risk. Surface water flood risk is assessed as very low, with minor extents confined to roadside ditches. Groundwater flood risk, initially flagged by Wiltshire Council's Strategic Flood Risk Assessment (SFRA) due to the presence of River Terrace Deposits, has been refined through GeoSmart mapping, which identifies the site as being at negligible risk. No flood risk is identified from sewers or artificial sources. The development does not increase the impermeable footprint and includes SuDS planters to manage roof runoff, providing drainage betterment in line with CIRIA guidance.

The covering letter and planning statement reinforce the FRA's findings. They confirm the proposal is for conversion only, with no extension or increase in impermeable area. While the SFRA mapping is acknowledged, a site-specific FRA was commissioned to refine the risk assessment. The documents emphasize the low-risk nature of the development, given its conversion status and existing infrastructure.

The proposed drainage strategy for the Class Q conversion has been assessed against the National Standards for Sustainable Drainage Systems (SuDS) issued in June 2025. The SuDS planters discharge to existing drainage, likely a surface water ditch. While infiltration is not proposed due to unproductive clay bedrock, the discharge route aligns with the national runoff destination hierarchy and is justified by site-specific conditions. The planters are designed to capture roof runoff, including the first 5mm of rainfall, meeting the requirement for interception of everyday rainfall. In exceedance events, overflow from the planters would percolate into

surrounding landscaped areas, mimicking natural drainage and satisfying safe exceedance management criteria.

Bioretention planters provide sufficient treatment for residential roof runoff, which is classified as very low pollution hazard. This aligns with CIRIA C753 indices and meets water quality requirements. The planters contribute to site amenity through integration into landscaped areas, and further enhancement could be achieved through planting and layout design. They also offer potential for biodiversity gain if planted with native or pollinator-friendly species, supporting ecological connectivity and biodiversity objectives. The FRA includes a maintenance schedule for the planters, aligned with CIRIA guidance. Responsibility lies with the site owner, satisfying lifecycle design requirements.

The proposed drainage strategy for the Burton, Mere Class Q conversion meets or aligns with all seven National SuDS Standards issued in June 2025. The use of bioretention planters, safe exceedance routing, water quality treatment, and a defined maintenance plan demonstrate full compliance with national expectations for sustainable drainage design.

*An environmental permit is required for any works within 8m of a main river. The Environment Agency issues environmental permits, however, as Wiltshire Council is the Lead Local Flood Authority that has the lead responsibility for surface water management, **the discharge rate from the site must be agreed with Wiltshire Council** as part of agreeing the surface water drainage strategy for the site.*

The detailed drainage strategy for the site must comply with the National Standards for SuDS, and must demonstrate the following. (Where the Wiltshire Council local requirements are more stringent than the National SuDS Standards, the Wiltshire Council requirements will take precedent).

In conclusion, the drainage team stated:

“The site is located within Flood Zone 1. With respect to surface water run-off/flooding, whilst a small area to the west of the site is identified as being at possible risk in an extreme event, this is outside the application site, beyond the dwellings and garden areas. The FRA (Calibro Consulting) demonstrates the building is not at risk of groundwater flooding and appropriate mitigation can be incorporated

Prior approval is required. The applicant is required to submit a surface water strategy. To aid in the development of compliant drainage strategies, the following are recommended without prejudice. These are based on the National Standards for SuDS. We would recommend also utilising the best practice guidance within The SuDS Manual, and Getting SuDS Right from the Start.”

It is considered that the prior approval of the LPA is required regarding the potential flood risks of the development and that this approval could be granted subject to a condition requiring submission of a foul and surface water drainage strategy.

(e) Whether the location or siting of the building makes it otherwise impractical or undesirable

The site is situated in the countryside but as previously outlined, on a working farm. With regard to location and siting considerations, the PPG states:

“The permitted development right does not apply a test in relation to sustainability of a location. This is deliberate in 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 a building would make it impractical or undesirable to change use to a house”.

‘Impractical or undesirable’ are not specifically defined and are a matter of planning judgement.

Subsection iv of Core Policy CP57 of the WCS states that applications will have:

“... regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)...”

In this case, impractical or undesirable relates to the proximity of existing agricultural building to the farm and the public protection team noted:

It is also worth noting that if this application is approved, future occupants may be subject to occasional noise from the agricultural activities in the nearby fields. Although these issues are unlikely to be so significant so as to justify the refusal of the application, all parties should be aware of the potential for residual impact on residential amenity.

No objection is raised on this ground subject to an Informative

(f) The design or external appearance of the building

Criterion Q2,1(f) of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended, relates to the external appearance of the building.

Notwithstanding the works required to convert the buildings as previously outlined, the appearance of the building would be largely unchanged. Additional doors and glazed feature windows are to be added to the building. The site is not in a prominent location and is set back from the public highway and as such it is considered that the design and appearance of the buildings would be acceptable in prior approval terms.

No objection is raised on this ground.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouse(s)

The submitted floor plans for the building to be converted with this proposal demonstrate that all habitable rooms have access to adequate natural light with the inclusion of the necessary window and door openings. To comply with the building operation limitations set out under Class Q, the number of new openings has been kept to a minimum. Nevertheless, the design ensures that all habitable rooms are well-served by windows and rooflights, providing each room with sufficient natural daylight to create bright and comfortable living spaces.

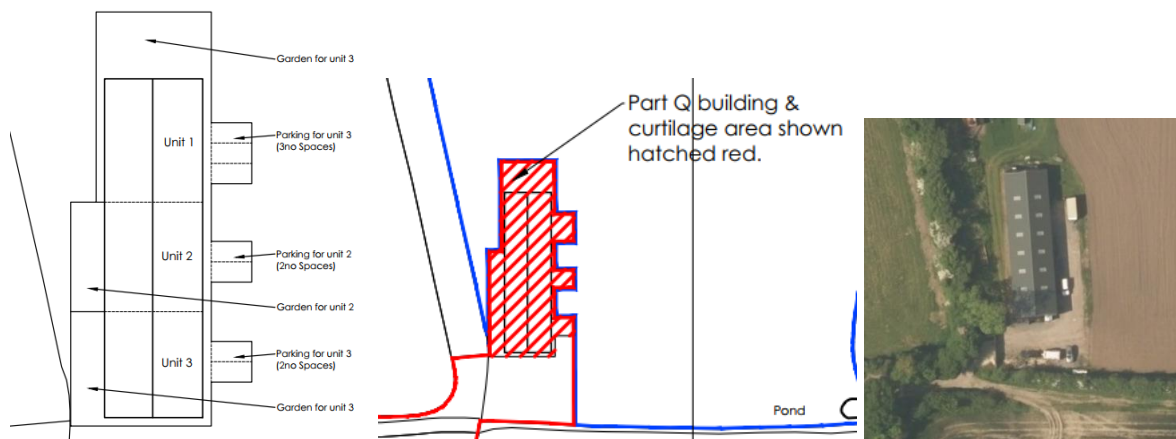
It is considered the proposal adheres to the above criterion requirement.

Core Policy CP50 Biodiversity and Geodiversity

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. The site is located within the River Stour catchment. No mitigation is required.

Curtilage – Part X

From the plans, the total curtilage (amenity spaces enclosed within the red line including car parking) does not apparently exceed the total footprint of the building.



The applicant has shown the curtilages as being immediately adjacent to the building and mainly within their courtyard areas. The curtilages are no larger than the floor area of the building as shown above. Given the hardstanding on the existing site, this is the lesser of the two available options in accordance with the legislation requirements.

Part Q3 (1) (b) is satisfied.

CONCLUSION

With regard to the provisions of Class Q of the GPDO 2015, it is considered that the prior approval of the LPA is required in respect of the transport and highways impacts of the development, the noise impacts of the development, contamination and flooding risks on the site, and that this prior approval may be granted subject to conditions.

RECOMMENDATION: PRIOR APPROVAL IS GRANTED

Subject to the following conditions:

No conversion works shall commence on site until a Foul and Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the strategy before the dwellings hereby approved are occupied.

Reason: To ensure that the residential development can be adequately drained and is safe from flood risk for its lifetime.

No dwelling on the development shall be occupied until the proposed works to the access track, including at the junction with Southbrook and the formalised passing place on the track, have been completed in accordance with the details submitted in the "Specification for

resurfacing total track with tarmac in connection with conversion of barn at Burton (Extent of works shown on Brimble Lea drawing 25038-2A)" hereby approved.

The works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

No construction, conversion or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

In the event that contamination is found at any time when carrying out the approved development, the Local Planning Authority shall be notified immediately. Development shall cease in the affected area and a written method statement detailing the nature of the contamination and the proposed remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out in accordance with the approved details. Following completion of the remediation, a verification report confirming that the site is suitable for its permitted use shall be submitted to and approved in writing by the Local Planning Authority before development recommences in the affected area.

Reason: To ensure compliance with Core Policy 56 and to reduce the risks associated with land contamination.

INFORMATIVES:

HIGHWAYS

The applicant should be aware that the proposed access track works will require the applicant to enter into a Mini S.278 Highways Work Permit.

AGRICULTURAL ACTIVITIES

Future occupants may be subject to occasional noise from the agricultural activities in the nearby fields. All parties should be aware of the potential for residual impact on residential amenity.

RIGHTS OF WAY

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 MERE24 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

PROTECTED SPECIES

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a

suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

PERMISSION NOT AUTHORISING WORK ON LAND OUTSIDE THE APPLICANT'S CONTROL

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 landowners 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.