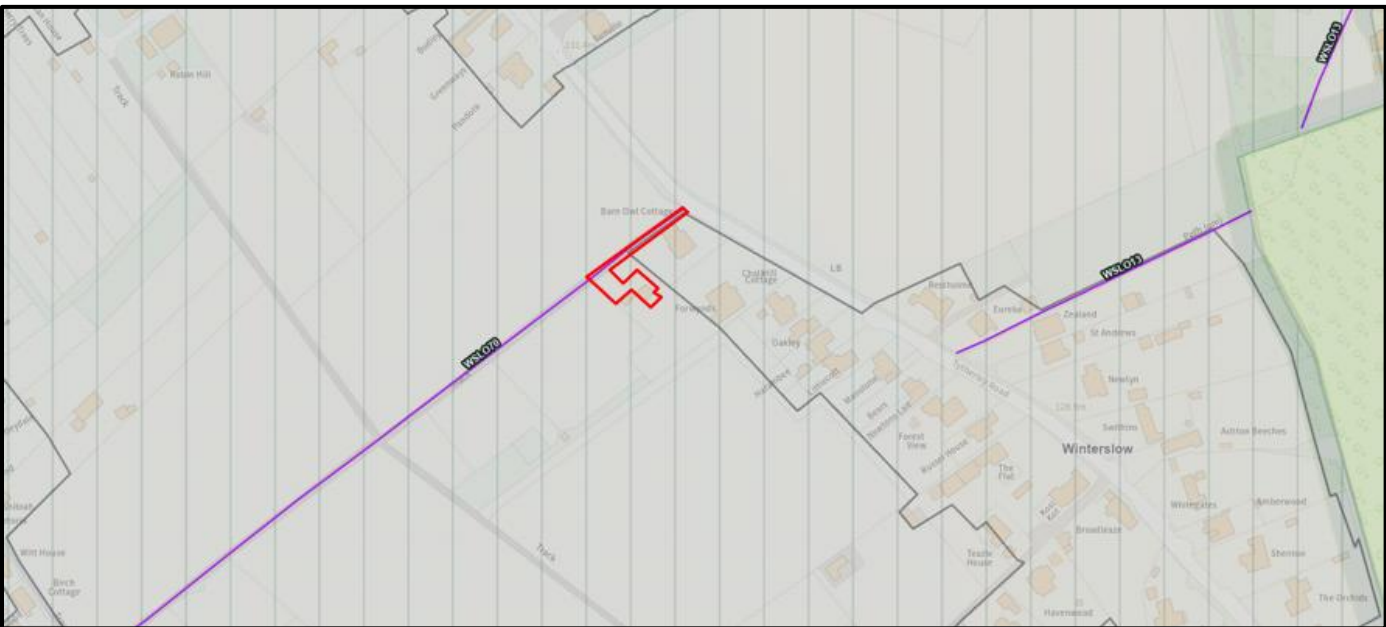


DELEGATED REPORT

Application Reference:	PL/2025/08124
Application Type:	Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses
Site Address:	Barn At Forwynds, Tytherley Road, Winterslow, SP5 1PZ
Proposal:	It is proposed that the agricultural building is converted to a single Use Class C3 dwellinghouse under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended)
Recommendation:	Prior Approval be GRANTED

SITE DESCRIPTION/CONTEXT

The site is situated in designated countryside to the immediate southwest of one of the defined settlement boundaries of the Large Villages, collectively known as The Winterslows, as determined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP23 (Southern Wiltshire Community Area) (and identified by thick grey lines on PLAN A below). To the northeast, residential properties and their associated parking/amenity provision back onto the site whilst fronting onto Tytherley Road. The garden of 'Forwynds' also extends along the southeastern boundary of the site, which is demarked on the ground by a post and rail fence with supplementary hedge. The site is otherwise surrounded by fields/paddocks. Access to the site is gained off an agricultural track leading from Tytherley Road into the northwestern corner of the site and serviced by an existing field gate. This track is also a public footpath (Ref: WSLO70) (identified with a thick purple line on PLAN A below), which links up Tytherley Road to Witt Road, to the southwest of the site.



PLAN A – Site Location & Constraints Plan

The site is situated in a Special Landscape Area, as defined by saved Salisbury District Local Plan (SDLP) policy C6 (and as shown by vertical hatching on PLAN A above). Whilst it is in Flood Zone 1; and is not within the immediate vicinity of any rivers, the site is located within the catchment of the River Test and thus feeds into the Solent Maritime Special Area of Conservation (SAC); Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site; Portsmouth Harbour SPA and Ramsar site; and the Solent and Southampton Water SPA and Ramsar site, as well as the nationally designated SSSI. It is also within the 13.8 kilometre recreational buffer zone of the New Forest SPA, SAC and RAMSAR site; and is within the 7.5 kilometre zone of influence for the Mottisfont Bat SAC designation.



PHOTO 1 – Site Photos

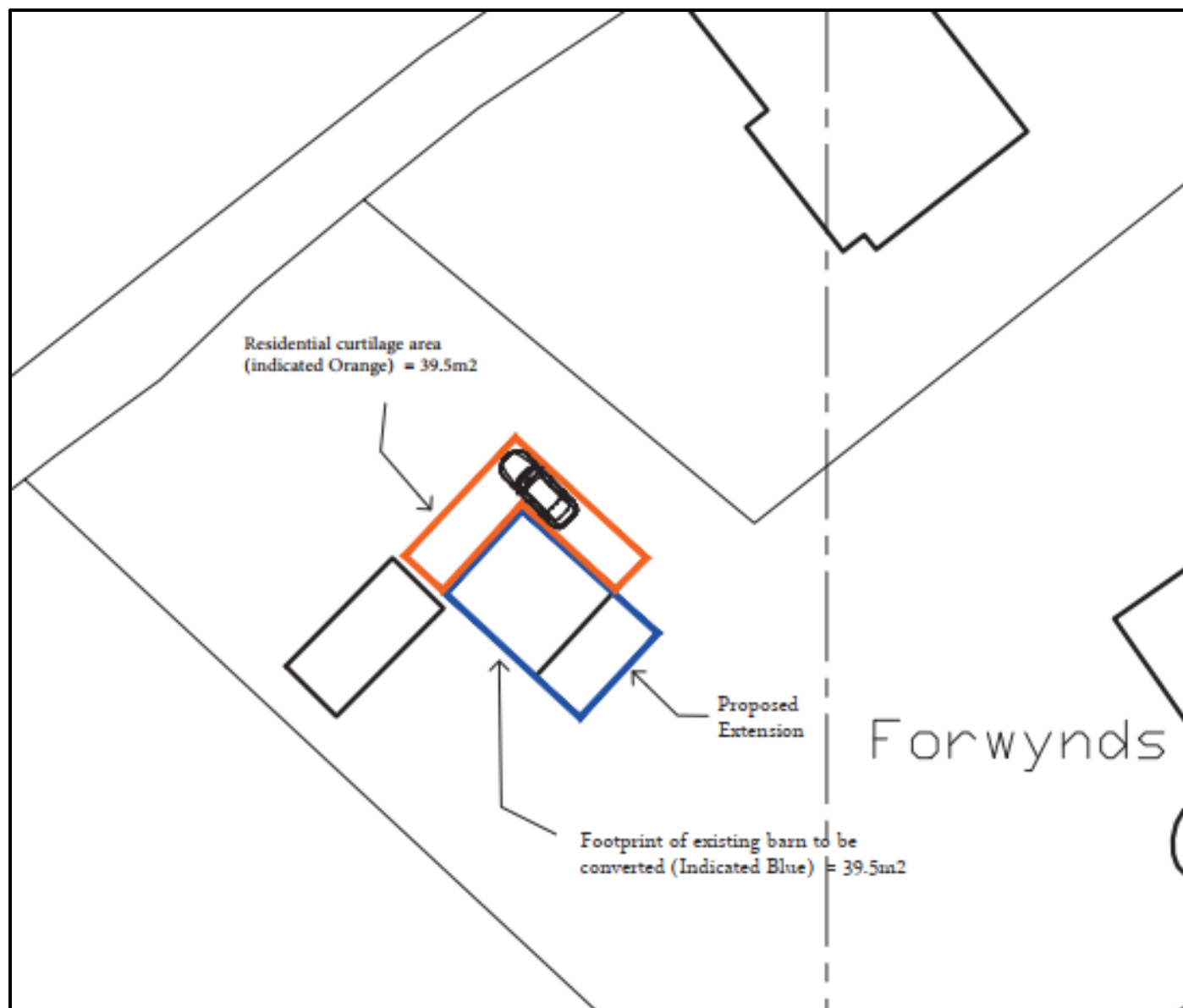
As can be seen in the photo montage in PHOTO 1 above, the site currently consists of an agricultural barn that is of fairly traditional, agrarian design; of part block work, part timber construction under a corrugated metal roof. The front part of the building is fully enclosed with a concrete slab base. To the rear of the building is a more temporary open sided shelter that also benefits from a concrete base. To the side is a further, fully open sided lean to with a catslide roof. During a site visit it was evident that the main part of the building is used to store a tractor and other machinery, while the two lean to additions currently store more

ad hoc machinery and wood. The supporting documentation however confirms that the site has been in agricultural use for over 20 years; and has been used to keep alpacas and chickens and for hay/wheat production over that time. The barn has existed on the site since 2004 and the current owners purchased it in 2013.

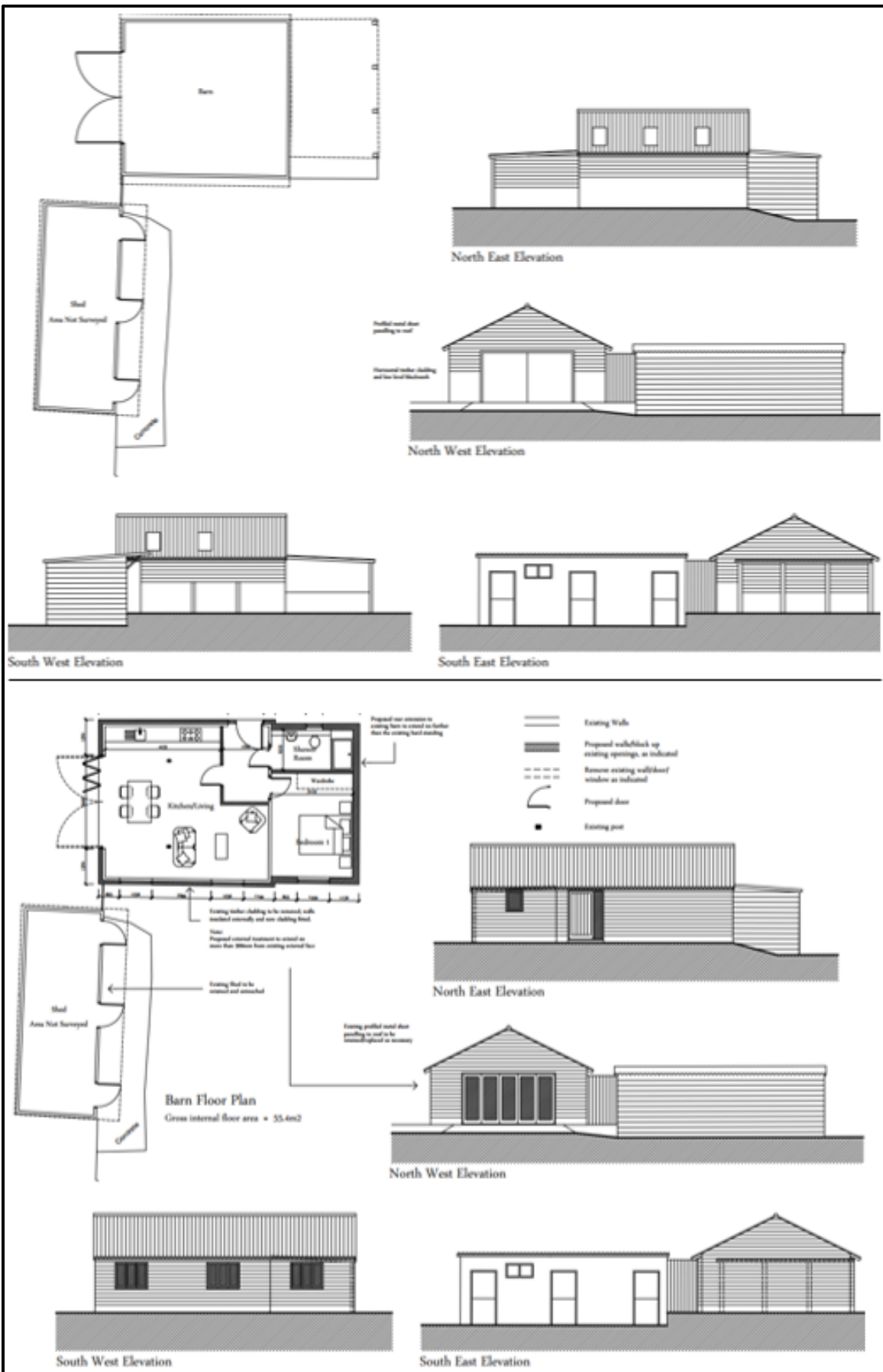
The building is situated in a small, shared yard with a further stable block to its southwest. This adjacent building is however off site and does not form part of this application. The applicant has confirmed that the stable block is also within the same ownership as the barn and is currently used to store hay. It is confirmed that it will continue to be used for this purpose even when/if the barn is converted into a residential use. The remainder of the site is otherwise laid to grass.

PROPOSAL

This is a prior notification application proposing the demolition of the two, lean to additions; the erection of an extension on the rear of the main part of the existing building; and then the change of use of the existing building (and extension) into a 1 bedroom dwelling (Use Class C3). The submitted documentation confirms that the proposed, extended dwelling will have an internal footprint of 55.4 square metres.



PLAN B – Proposed Site



PLAN C – Existing & Proposed Plans

As can be seen in PLANS B & C above, the existing entrance to the building is to be fitted with full height glazed doors; with a new entrance doorway/front door proposed on the northeastern elevation. New windows and doors are to be inserted where necessary on the other main elevations of the existing building; while all existing rooflights are to be removed. The proposed extension is to extend off the southeastern elevation by approximately 3.4 metres and for most of the width of the existing building (6.2 metres), but it will have a slight set in from each northeastern and southwestern elevation of the main building. The supporting documentation is a little confused about the amount of the existing structure that is to be retained/reused as it initially suggests that it includes *'an extension of up to 200mm to accommodate the external treatment'* and would involve works to the *'outer fabric'* but then continues to state that the proposals will utilise/retain the existing openings, frames, internal blockwork, floor slab, roofing sheets and clad walls. The plans however show that *'the existing external timber cladding is going to be removed, walls insulated externally and new cladding fitted'* while the existing metal sheet roofing is to be *'retained/replaced as necessary'*.

As can be seen in PLAN B above, the submitted Site Plan also shows that the red line includes an area to the immediate northeast and northwest of the existing building, which is to be used as the residential curtilage for the new dwelling. A single parking space is identified in this area to serve the dwelling. The existing access to the site is to be utilised which will continue to be shared with the offsite adjacent stable block. During the course of the application, it has been confirmed that the existing track will remain ungated and continue to be used to serve the adjacent fields, stable block as well as this site. A visibility plan for its junction with Tytherley Road has also been provided during the course of the application.

The application is put forward in line with Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO). The application submission has confirmed that the proposals are to be considered in line with the amended permitted development rights, which came into effect on 21st May 2024; and the assessment is based on the updated provisions of Class Q accordingly. As is identified in PLANS B & C above, dimensioned floor and elevation plans of the proposed building's conversion have accompanied the application; as well as a Supporting Statement setting out how it complies with Class Q of the GPDO. A structural survey and a bat report have also been submitted with the application.

PLANNING HISTORY

None

POLICIES

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Town & Country Planning (Permitted Development)(England) Order 2015 (as Amended) (GPDO)

PRIOR NOTIFICATION PROCESS

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').

Class Q of Part 3 of Schedule 2 to the GPDO, as amended in 2024, permits the change of use of buildings on agricultural units and former agricultural buildings, to dwellinghouse uses; and allows extensions and building operations reasonably necessary to convert the building to a residential use (within the C3 use class), effectively saying that such works constitute permitted development. However, in accordance with Class Q, 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:

- (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 the Schedule 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

The provisions of Paragraph W of Part 3 of the GPDO are also relevant to this process as it sets out the procedure for applying for prior approval. It states that the Local Planning Authority must have regard to the National Planning Policy Framework 2021 (sic. this part of the GPDO has not been updated since the NPPF was updated in 2024) in so far as it is relevant to the specific subject matter of the prior approval outlined above, although there is no requirement to have regard to the development plan (in this case the WCS and SDLP) in the consideration of such an application.

CONSULTATIONS

Highways – No Objection subject to Conditions

- The site is located outside of the built up area of the village of Winterslow, remote from the community services that occupiers of the dwellings would need.
- The site is served by a rural road, the C335 and it is within a 30mph speed limit and is unlit.
- There is no safe pedestrian access to the village amenities.
- The proposal would therefore usually attract an adverse highway recommendation on sustainability grounds.
- I am aware that this proposal is to be determined under the 'Class Q of the General Permitted Development Order 2015' procedure and I am not certain whether sustainability is a valid reason for refusal, I shall be guided by you on this matter.
- It is proposed to utilise an existing agricultural access into the site which currently serves the barn and adjacent fields.
- From the information submitted, it is not clear as to whether the access will continue to be used for agricultural purposes as well as residential. This needs to be confirmed so I can determine what set back any gates are required to have.
- There is a public footpath that uses the same access and runs along the proposed driveway.
- I have asked that the Rights of Way team are also consulted.
- No visibility plan has been submitted and in this location 2.4m x 43m is required in both directions. For me to provide a full response please can I be provided with a response?

UPDATE:

- Thank you for the revised visibility plan, this is now acceptable.
- It has also been confirmed that the vehicle access will remain ungated.
- I therefore raise no highway objection provided conditions are imposed to control gates and access surfaces.

Public Right of Way – No Objection subject to Informatives

- The existing access to the site is recorded as a public footpath (WSLO70).
- I note that there is no registered owner of the access road and footpath recorded by Land Registry.
- I am making an assumption that the applicant has a private vehicular right of access over the footpath.
- Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988.
- The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath.
- The existing access/ footpath is a rural track which, as well as being used by the public on foot, is also used by agricultural and off-road vehicles for the purposes of land management.
- It is not likely to be surfaced to a standard suitable for all year round use by vehicles that are not designed for use off road.

- The Council is not required to maintain the surface to a standard suitable for use by motorised vehicles.
- As the proposal is for a single, one bedroom dwelling I will not raise an objection subject to notes highlighting the public right of way legislation to the applicant

Public Protection – No Objection subject to Conditions

- I have reviewed the documents submitted with the report including the Structural Report and note no testing was carried out to identify whether there is any presence of contaminants such as asbestos in the fabric of the building, or other contaminants on the development site.
- As the barn is of former agricultural use, it is recommended that a condition be applied to any approval in case contamination is found during construction.

Winterslow Parish Council – No Objection

- no objections to the application
- But note that there are no Bio-Diversity Net-Gain plans in the application

REPRESENTATIONS

Letters – 1 letter of comments received. The following comments made:

- The Shed outbuilding that is the subject of this application, and the adjacent stable, was formerly part of the garden of the adjacent private (non agricultural) residential property (Forwynds).
- The Residential property has recently (2025) been sold separately without the large part of the garden/paddock.
- The land associated with this Shed is approximately 2 acres of former garden and paddocks land only recently severed and fenced off from the residential property.
- As a former paddock, chicken run and garden this does not appear to be an Established Agricultural Unit.
- Has an agricultural holding number been supplied to the Planning Authority?
- From the photos supplied with the application, the Shed appears to be in continuing use for the mower & mini tractor which we presume will require a replacement building in due course and therefore the building would not seem redundant.
- The paddocks are occupied for horses and this will require continuing access and stores if this use continues.
- The conversion to residential would result in a small property with access only from an unsurfaced bridleway (used by horses and pedestrians mainly) in potholed and poor condition.
- Visibility splays onto the adopted road are frequently reduced by hedge growth and we note the queries from the Highways Team about the required visibility splays.
- Right turning traffic turning onto the bridleway, from the Adopted road, is essentially blinded by the hedgerow from seeing down the track which is a risk to riders.
- We note the plans propose a structural 3.4m side extension of the premises (a material increase of circa 40% on the current Shed floor area) plus lateral extensions. This goes significantly further than the conversion of an existing building.
- The Site is in the Impact Zone for Bat Species and the supplied Bat Survey reports active foraging by two types of bat.
- The Bat Survey reports the presence of a 'day roost' for pipistrelle bats in the directly adjacent building which is not the subject of this application but appears attached to it.
- On the plans submitted this Stable (called 'Barn B' in the Bat Report and 'Shed' on the drawings) is marked as 'untouched' but we are concerned that any works of conversion, lighting and normal building operations in the immediate vicinity could disturb this roost.
- The Bat survey states "Further surveys and a licence will be required if this building is impacted by any works in the future" (s1.4 Exec Summary)
- Any relocation of the equipment to the Stables adjacent for example could also disturb the bat roost.
- We have concerns about this proposed conversion and extension of an outbuilding that previously has been used in connection with a residential property.

- The bridleway which is proposed as the sole access is frequently used by walkers and equestrians and very infrequently used by a local farmer accessing one arable field.
- This is a very sensitive site given the bat roosts and peripheral village location.
- If the application is to be permitted we would request that conditions be imposed to prevent the premises being further extended or developed
- No increase in ridge height and no replacement of these sheds elsewhere on the property
- Protection of the bat roosts in the adjacent stable (especially during works adjacent)
That permitted development rights be removed

ISSUES

The main considerations which are material to the determination of this application are listed below:

- Whether the proposal constitutes permitted development
- Whether the prior approval of the local planning authority is required

PLANNING ASSESSMENT

Class Q of the GPDO confirms that the following works *are* permitted development:

- (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.'*

Local representation has suggested that as the barn has been sold off from Forwynds it is no longer therefore part of an agricultural holding; but it is also suggested that it is not redundant and is still required for the purposes of agricultural storage. The third party has also raised concern that the extension of the building goes beyond conversion works and the application should therefore be refused. However, as is set out above, the GPDO allows the change of use of a building that is OR WAS part of an established unit. It also does not require the barn to be redundant; and does allow extensions to the barn as part of the conversion works, subject to criteria (which will be discussed in more detail below). These third party concerns cannot therefore be upheld for this type of application.

As is identified above, the application confirms that the adjacent house has been separated off from the site and is now in different ownership, but that this barn and the adjacent stable, as well as a nearby field are still in the applicant's ownership. The applicant has confirmed that this barn is still part of an established agricultural unit; being used for agricultural purposes; and was in such use before July 2023. A recent site visit also confirms that the building is still being used to store agricultural machinery and associated materials.

In addition, the red line site also includes additional land around the building to provide a garden and parking to serve the new dwelling. Criterion (a)(i) however confirms that the site can include *'any land within the building's curtilage'* for the proposed use. Paragraph Q.3 of this Class further confirms that *'curtilage'* should be interpreted as:

For the purposes of Class Q, "curtilage" means the lesser of—

- (a) *the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and*

- (b) *an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.*

In this instance the existing building has a footprint of approximately 39.5 square metres in size (55.4 square metres as extended). The submitted plans confirm that the proposed residential curtilage (outlined in orange on the plan in PLAN B above), will measure 39.5 square metres in size. Criterion (b) of the '*curtilage interpretation*' is therefore satisfied and this area can be considered for a change of use associated with the proposed new dwelling accordingly. There is therefore no reason to believe that the proposals do not satisfy criteria (a)(i) and (c) of Class Q as outlined above.

There are also a number of caveats to this general acceptability set out in Paragraphs Q.1 and Q.2 of this Class. These will also therefore be assessed in more detail below.

Class Q.1 Permitted Development Criteria:

Class Q.1 confirms that 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 submitted documentation confirms that this site/building is part of an established agricultural unit; and has existed on the site since 2004, therefore predating 24th July 2023. This criterion is therefore satisfied.

- (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,*

As has been highlighted above, third parties have questioned whether the existing building is still part of an established agricultural unit given the recent sale of the main house (Forwynds). However even if it were no longer part of an established agricultural unit, Class Q still allows it to be considered for residential conversion in line with this criterion. The applicant has confirmed however that the building has been on the site since 2004 and a site visit confirms that it is still being used for agricultural storage. There is therefore no reason to believe that the building would not meet this criterion even if it were found that, despite claims to the contrary by the submission, the building is no longer part of an established agricultural unit.

- (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,*

The existing building measures approximately 39.5 square metres in footprint. With the proposed extension, the overall footprint will increase to 55.4 square metres. The floorspace of the proposed dwelling does not therefore exceed 150 square metres and this criterion is therefore met.

- (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*

No other applications or houses have been allowed at this site under the Class Q provisions previously. This application proposes the conversion of the existing building into 1 dwelling of 55.4 square metres in size. The proposals therefore satisfy all elements of this criterion.

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

The application confirms that this site has never been occupied under an agricultural tenancy. This criterion is therefore 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*

The application confirms that this site has never been occupied under an agricultural tenancy. This criterion is therefore 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,*

It is evident that the building has existed at the site since at least 2004. The application also confirms that no Part 6 developments have occurred at the site in the past 10 years and there is no planning history to dispute this claim. This criterion is therefore 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 detailed works of the proposed conversion will be considered in more detail below, but as is set out above, there is some confusion about the level of works proposed to the building to enable its conversion. However, the documentation and plans both confirm that none of the proposed works will protrude beyond 0.2 metres of the existing building's external elevations at any given point and therefore this criterion is also considered to be 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,*

The proposals involve a new single storey extension on the southeastern elevation of the existing building, which is considered to be the rear elevation of the building. As shown in PLAN C above, the extension will extend out from the rear elevation by 3.4 metres and will have eaves and ridge heights that match the existing building, extending to a maximum height of 3.8 metres. The extension is also to replace an existing lean to addition that already benefits from a concrete base. It is therefore considered that the proposals satisfy all elements of this criterion.

- (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),*

The supporting guidance to the GPDO sets out in the Planning Policy Guidance (PPG) confirms what works are permitted under the Class Q permitted development right for change of use from an agricultural building to a residential use. It confirms that this Class '*...allows the change of use, together with reasonably necessary building operations. The Class however assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes 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 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. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right*'.

The front part of the building that is to be retained, extended and then converted is considered to be structurally sound; with complete walls and roof; a sound structure; and a sound concrete slab. Whilst it is not clear exactly how much of the existing wall cladding will be retained, the proposals confirm that the existing structure can support the weight of any new insulation or finish; and the existing blockwork, roof sheeting and timber frame is identified to be retained. The walls appear to be being overclad by horizontal timber cladding to match the existing finish; and new openings are to be created in most elevations; and/or existing openings are to be altered or omitted. Demolition is identified, but these are of small scale, temporarily constructed lean to additions; and one is to be replaced by the proposed extension allowed by criterion (i).

Overall it is considered that the level of works identified to the existing building do not go beyond what is reasonably necessary to enable the building to function as a dwelling and will not involve significant rebuild or new build works that go beyond the allowances of this criterion. The proposals are therefore considered to be acceptable in this regard, accordingly.

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

The site is not situated in an area designated as a conservation area; specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; the Broads; a National Park; or a World Heritage Site; and is not within a National Landscape designation. Whilst the site is situated in a Special Landscape Area, this is a local designation that is not caught within the article 2(3) land definition. The site is not therefore on article 2(3) land and this criterion is satisfied accordingly.

(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 in an SSSI, a safety hazard area or a military explosives storage area. This criterion is therefore satisfied.

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

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

(n) *the building is a listed building.*

The agricultural building that is the subject of this application is not a listed building. This criterion is therefore 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 [NSS] 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*

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0
3b	4p	74	84	90	2.5
3b	5p	86	93	99	2.5
3b	6p	95	102	108	2.5
4b	5p	90	97	103	3.0
4b	6p	99	106	112	3.0
4b	7p	108	115	121	3.0
4b	8p	117	124	130	3.0
5b	6p	103	110	116	3.5
5b	7p	112	119	125	3.5
5b	8p	121	128	134	3.5
6b	7p	116	123	129	4.0
6b	8p	125	132	138	4.0

PHOTO 2 – The National Space Standards

The NSS sets out the national, minimum, gross internal floor area that is required for each tenure and type of new dwelling in order to achieve an acceptable level of accommodation to meet the future needs of the intended occupants. In this instance the scheme proposes to convert this existing building into 1x1 bed, single storey house; and the floorplans suggest that the bedroom will be large enough to fit a double bed, therefore making the unit suitable for up to 2 people.

As can be seen in PHOTO 2 above, the NSS therefore confirms that for a 1 bed, 2 person, 1 storey dwelling, the minimum floor area that should be secured for the dwelling is 50 square metres. In this instance it is confirmed that the dwelling proposed (as extended) will have a floor area of 55.4 square metres (GIA) in size. The proposals therefore satisfy the requirements of this criterion.

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

The proposed development is to utilise the existing access track that already exists and which already serves the agricultural barn, linking it to the nearby Tytherley Road. The applicant's agent has confirmed that its historical and legal intention is to serve the adjacent fields (including the applicant's own field and this site). It is also a designated public right of way.

Local Concern has been raised about the state of the access track (which is pot holed, unmade and in poor condition); and the visibility at the junction with the Tytherley Road (as the boundary hedge is never maintained). However, The Highway Authority has confirmed that the existing access onto the public highway/Tytherley Road is suitable and safe and recently submitted plans demonstrate that adequate visibility is achievable. Lack of maintenance of this splay is not a reason to suggest this access is not safe as it is clear that the visibility can be achieved. The maintenance of this splay can also be secured by condition on any decision.

The Council's Public Right of Way (PROW) Officer has also raised no objection to the proposals subject to a right of vehicular access being in place to service the 1 bedroom unit. There is no reason to suggest that such a vehicular right of way does not exist over the footpath given the historical and current use of the building and evidence of vehicles at the site. For the purposes of assessing this criterion, it is therefore considered that the site has a suitable existing access onto the public highway. This criterion is therefore also met.

Overall, the proposed development is therefore considered to satisfy all of the criteria of Class Q, paragraph Q.1 of the GPDO. The proposed development could therefore benefit from this permitted development right subject to the Prior Approval assessment.

Class Q2 Prior Approval criteria:

Notwithstanding the conclusions of the assessment of the scheme against Paragraph Q.1 criteria, it is also necessary to determine whether the prior approval of the authority would be required for the detailed elements as set out in Paragraph Q.2 of the GPDO. In considering whether prior approval would be required for the proposed works, the Local Planning Authority must have regard to the following matters:

- (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 the 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 also apply to this application. These matters are therefore addressed in more below:

(a) transport and highways impacts of the development

As is identified above, the Highway Authority has been consulted about this prior approval application and has raised no objection to the use of the existing access to serve a new dwelling at this site; confirming that the junction with the public highway is acceptable and safe and has appropriate visibility. It is also noted that the access track has historically and continues to serve the site and has thus been used by agricultural vehicles. The proposed change of use of the agricultural building to a 1 bedroom dwelling is therefore likely to reduce and improve the use of the access, certainly by large vehicles. The applicant has also confirmed that the access track will remain ungated.

As has also been identified above, there are potential right of way issues with the use of the track by vehicles given that a public footpath shares the access track, but this is a legal matter that will need to be resolved independently of this planning assessment and before any approved development could be implemented. The approval of this scheme would not override any other legislation or legal restriction that might exist over the track. An informative can be added to the decision to highlight this to the applicant. The Council's PROW Officer has therefore raised no objection accordingly.

An area to the side of the building is identified for the parking of 1 car, which would accord with the Council's adopted parking standards for the type and size of house proposed. The Highway Authority is therefore satisfied that the level of parking is also acceptable. Overall it is therefore considered that the proposed development is unlikely to result in any additional adverse implications for highway safety, and is acceptable in this regard.

(b) noise impacts of the development

The change of use of the existing agricultural building into a dwelling would not result in any particular noise impact for the surrounding uses. Whilst there are other residential properties in the vicinity of the site, it is considered that the potential noise output of 1, small scale residential unit on this site, is likely to be minimal.

(c) contamination risks on the site

It is noted that no testing was carried out to identify whether there is any presence of contaminants such as asbestos in the fabric of the building, or other contaminants on the development site. Given the historic use of the building as an agricultural unit, the Council's Public Protection Officer has suggested a condition should be attached to any decision regarding such contamination, and subject to this has otherwise raised no objection in this regard.

(d) flooding risks on the site

The site is in Flood Zone 1 and in an area that is at low risk of ground water flooding. There is therefore no flooding risk at the site or for the proposed development.

(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 (dwelling houses) of the Schedule to the Use Classes Order

As has been addressed above, the site is situated in the countryside which is considered to be an unsustainable location as it has limited access to public transport or public facilities/services. However the explanatory PPG and GPDO accept that this is not something that would warrant a reason for

refusal under this criterion of Class Q for this type of application, as most former agricultural buildings are likely to be in such a location.

The Local Planning Authority does however have to consider whether the siting of the building would make the proposed change of use impractical or undesirable. Impractical or undesirable are not defined in the regulations, but the PPG confirms that Local Planning Authorities should '*apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".*'

As is identified above, the wider site consists of 2 very small scale buildings that are currently in agricultural use, primarily for storage of machinery and hay but they have also been in use for the keeping of chickens and alpacas in the past. The adjacent stable block does not form part of this application and the applicant has confirmed an intention to keep using it for the storage of hay in association with a nearby field. Given the small scale nature of this adjacent building; the limited size of the site; and its relationship with other residential properties in the immediate vicinity of the site, it is not considered that the barn's continued use for an agricultural/equestrian activity such as that identified is likely to result in any significant implications in terms of noise or incompatibility for the future occupants of the new dwelling. It is therefore considered that the siting of the building is not undesirable or impractical for a residential use and this criterion is thus met.

(f) *the design or external appearance of the building,*

The existing building is of a size, height and finish that is appropriate for its former function as an agricultural building. It is of relatively small scale and is of fairly attractive design. The level of works identified to enable the existing building's conversion to a residential use is also minimal and/or will not result in a building that looks significantly different to its existing appearance, especially as the roof coverings will be reused/retained and the walls will be reclad in similar horizontal timber boarding. The proposed extension will also respect the scale and appearance of the building. Whilst the building is situated in a Special Landscape Area, and the site abuts a public right of way, the limited scale and works identified to the building mean that the proposals will not have any additional impact on the character of the area; or special landscape setting than the existing building.

Local representation has raised concern that this could set a precedent for further development in the future. However that is not what is before the Local Planning Authority for consideration and should any such subsequent scheme be put forward it would require planning permission and would therefore be considered on its own merits at that stage accordingly. The fact remains that the Class Q process permits the conversion of former agricultural buildings into up to 10 dwellings, even in an unsustainable countryside location, subject to criteria. The limited matters identified in the Class is all that can be considered as part of the assessment of this application.

(g) *the provision of adequate natural light in all habitable rooms of the dwellinghouses*

In this instance, as is seen in the plans provided in PLAN C above, new windows are identified in all elevations. These will enable all of the habitable rooms proposed in the building to be served by windows. It is therefore considered that adequate natural light will serve all habitable rooms and this criterion is therefore satisfied.

Other Matters:

The procedural notes for permitted development, in clause 3 of the GPDO raises a few other matters that are also relevant to this prior notification application, and will need to be considered by the applicants:

- (1) Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.**

As is identified above, whilst the site is not adjacent to a river or in Flood Zones 2 and 3, the site is situated within the catchment of the River Test, which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA, Solent and Southampton Water SPA; as well as the nationally designated SSSIs that underpin these international designations. The Solent water environment is one of the most important for wildlife in the United Kingdom and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas.

The site is also within the 13.8 kilometre recreational buffer of the New Forest SAC, SPA and RAMSAR sites; and is within the 7.5 kilometre zone of influence for the Mottisfont Bat SAC designation. The submitted Bat Report also confirms that whilst there is no evidence of bats using this barn, the adjacent stable building has a day roost for common pipistrelle bats. Thus the creation of a new household in this area has potential to increase pressure on these designations and for protected species. The provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs) are therefore relevant to the development.

However, whilst the application is accompanied by a provisional roost assessment, the matters of ecology and protected species are not issues that are identified in the Class Q criteria for consideration as part of the prior approval process. It is also not appropriate to insist that the applicant instead applies for planning permission on this matter.

However the procedural notes of the GPDO makes it clear that permitted development rights do not override the requirements of the Habitats Regs and that Regulations 75-78 still apply. The Habitats Regs address the requirements for protecting sites that are internationally important for threatened habitats and species (for example, as is relevant in this instance, SACs and SPAs (often referred to as European Sites)). This includes a requirement for assessment of 'plans and projects' by 'the competent authority' (e.g., the Local Planning Authority) which are likely to have a significant effect on the sites.

Regulation 75 of the Habitats Regs states that it is a condition of any planning permission granted by the GPDO made on or after 30 November 2017 for development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and which is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77. Essentially the purpose of Regulation 75 is to, therefore, ensure that, when necessary, permitted development is subject to Appropriate Assessment (AA) in the same way as development requiring planning permission.

Regulation 77 sets out the process for applying for the written approval of the Local Planning Authority as to whether the development is likely to have an adverse effect upon the integrity of a European Site. It states that an application to the Local Planning Authority for approval, must be made with a relevant fee paid. This process is outside of the Class Q considerations and is undertaken separately to the Class Q Prior Notification Procedure.

This part of the GPDO however confirms that the approved permitted development cannot be lawfully commenced until the application under Regulation 77 of the Habitats Regs has been made and approved by the Local Planning Authority. Therefore, and although a Prior Notification application can be approved without the AA taking place, the commencement of the development cannot lawfully happen until the separate application under Regulation 77 is approved. An informative will therefore be attached to the decision to draw this requirement to the applicant's attention.

Other:

In addition, as of 2nd April 2024 the requirement for Biodiversity Net Gain (BNG) on all new sites came into force under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The Parish Council has therefore queried why this application is not supported by a BNG plan. However, as per the habitat regulations discussion above, there is no requirement within the Class Q criteria for this to be considered as part of the prior approval process. There is also no discussion about the Environment Act in the explanatory notes at the beginning of the GPDO. Such schemes are therefore exempt from the statutory BNG requirement and the Local Planning Authority cannot insist that such enhancements are put forward or secured by this prior approval application.

CONCLUSION:

The proposed development is considered to comply with all of the criteria set out in Paragraph Q.1 of Class Q of Part 3, of Schedule 2 of the GPDO, thereby making it development that could benefit from permitted development rights. The current scheme is also considered to satisfy all of the criteria that can be considered as part of the prior approval assessment set out in Paragraph Q.2 of this Class. For this reason, the prior approval of the proposed conversion works is accepted and the scheme constitutes permitted development. However some matters need to be addressed or secured by condition and therefore it is recommended that prior approval is required but is granted subject to these conditions.

RECOMMENDATION:

Prior Approval be GRANTED subject to the following conditions:

1. The scheme hereby assessed must be completed in full within a period of 3 years starting with the date of this prior approval and must comply with all other conditions set out in Paragraph Q.2 of Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

REASON: To comply with the provisions of Condition 3 of Q.2 of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Ref: 0996/Ex/01 Rev A – Existing Location Plan & Site Plan. Received – 05.11.2025

Ref: 0996/Pr/01 Rev C – Proposed Plan & Elevations. Received – 03.11.2025

Ref: 20251a Rev A – Visibility Splay. Received – 09.01.2026

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

3. No part of the development hereby permitted shall be first occupied until the turning area & parking spaces [1] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

4. No part of the development hereby permitted shall be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter for the lifetime of the development.

REASON: In the interests of highway safety.

5. The existing access track serving the site shall remain ungated.

REASON: In the interests of highway safety.

6. No part of the development hereby permitted shall be occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter for the lifetime of the development.

REASON: In the interests of highway safety.

7. The former agricultural use of the site/building may have given rise to potential sources of land contamination e.g. fuel oil, vehicles, asbestos, pesticides or herbicides. In the event that contamination is encountered at any time when carrying out the development hereby permitted, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with contamination and provided with a written remedial statement to be followed by a written verification report that confirms what works have been undertaken to render the development suitable for use. Such works shall be carried out before the development is occupied.

REASON: In the interests of Wiltshire Core Strategy policy CP56 (Contaminated Land), to reduce the risks associated with land contamination.

INFORMATIVE:

- 1) The Applicant is reminded that the site is situated within the catchment of the River Test, which drains into the Solent and is protected by a number of international designations; it is also within 13.8 kilometres of the New Forest protected sites; within 7.5 kilometres of the Mottisfont Bat Special Area for Conservation; and is adjacent to a known bat roost. The proposals therefore have potential to have an adverse effect upon the integrity of these International and European important designations and protected species. This means that the development hereby assessed as being permitted development cannot be lawfully commenced until the local planning authority, along with the appropriate nature conservation body, has made an Appropriate Assessment of the implications for the identified designations under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations) and has confirmed that the proposals will not adversely affect the integrity of the site(s). It is therefore advised that the Applicant should consult with Natural England about the scheme and following their agreement, submit an application under Regulation 77 of the Habitat Regulations to the local planning authority for consideration and approval.
- 2) The applicant should note that in order to access the site with a mechanically propelled vehicle (MPV), they will require a private right of vehicular access over the adjacent public right of way. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take legal advice to ensure they have a right of access.
- 3) The applicant should note that no construction / demolition vehicle access may be taken along footpath WSLO70 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where

appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

- 4) 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 and 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 WSLO70 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.
- 5) The applicant should note that no gates or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact: rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.