

APPLICATION FOR PRIOR NOTIFICATION – PART 3

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01514
APPLICATION TYPE:	Prior approval Part 3 Class R: Agricultural buildings to a flexible commercial use
SITE ADDRESS:	Harris Croft Farm, Bincknoll, Royal Wootton Bassett, Swindon, SN4 8QS
DEVELOPMENT DESCRIPTION:	Change of use of an agricultural building to use class B8
RECOMMENDATION:	That Prior Approval is required and GRANTED

SITE DESCRIPTION/CONTEXT

The application site is located outside any defined settlement boundary and does not relate physically or visually to a built-up area.

As such, it is considered to lie within the open countryside for planning purposes. The site forms part of an established agricultural holding at Harris Croft Farm.

Access to the site is obtained from Bricknoll Lane, an adopted Class U highway, via an established access arrangement that currently serves the wider farm holding.

The building forms part of an established agricultural holding at Harris Croft Farm, Bincknoll, and has historically been used for agricultural storage, including farm machinery and hay bales.

The building was in lawful agricultural use on 3 July 2012 and remains part of the wider agricultural unit.

The building is a steel portal-frame structure with a concrete floor and metal sheeted elevations and roof. It has a total gross internal floor area of approximately 430 square metres.

The curtilage associated with the building extends to the north with hardstanding used for parking. The building directly adjacent is used for the stabling of horses.

The site is located within Flood Zone 1 and is therefore at low risk of fluvial flooding. However, evidence submitted identifies that parts of the site lie within 5 metres of an area at risk of surface water flooding at a 1 in 30-year event plus climate change (3.3%).

In terms of environmental and planning constraints, the site is not located within a conservation area, Green Belt, National Landscape, or any other statutory or non-statutory designation.

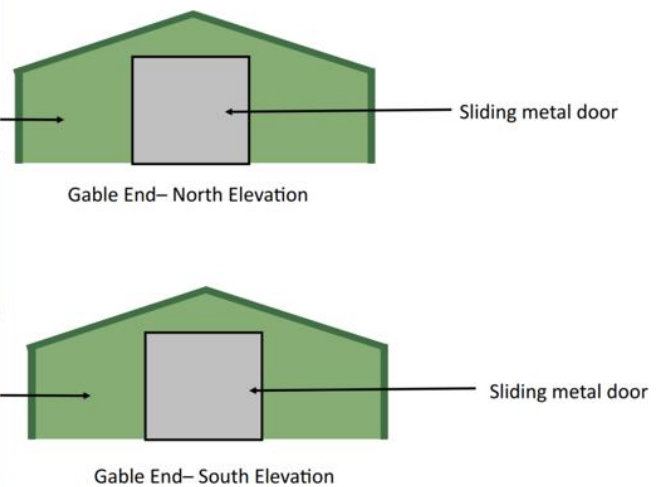
The building is not listed, nor is it within the curtilage of a listed building, and the site does not fall within a safety hazard or explosives safeguarding area.

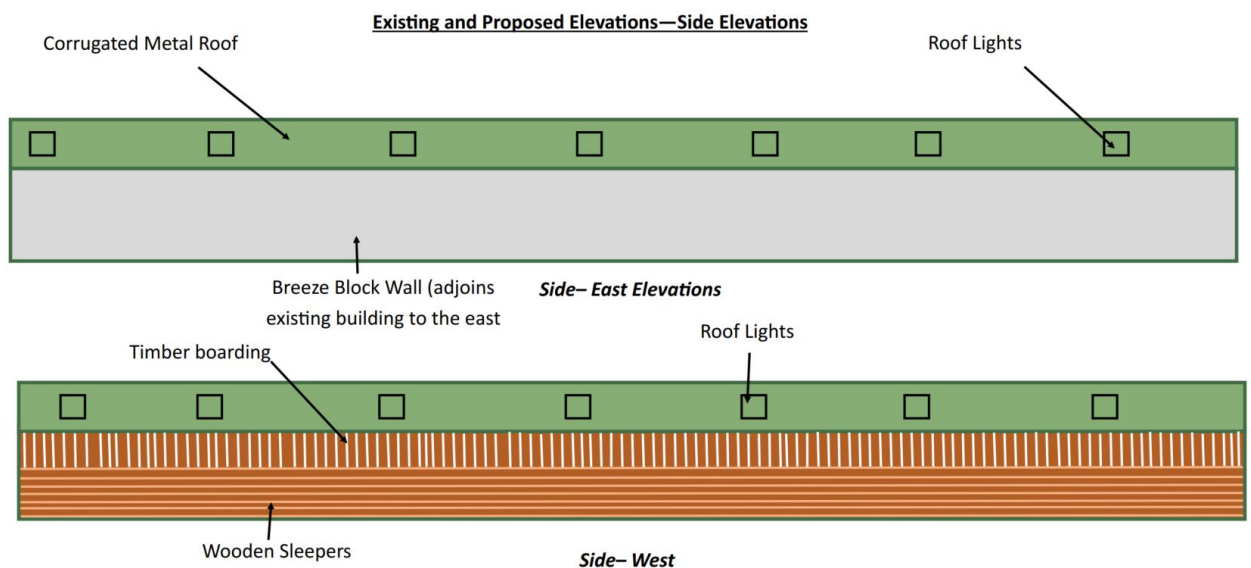
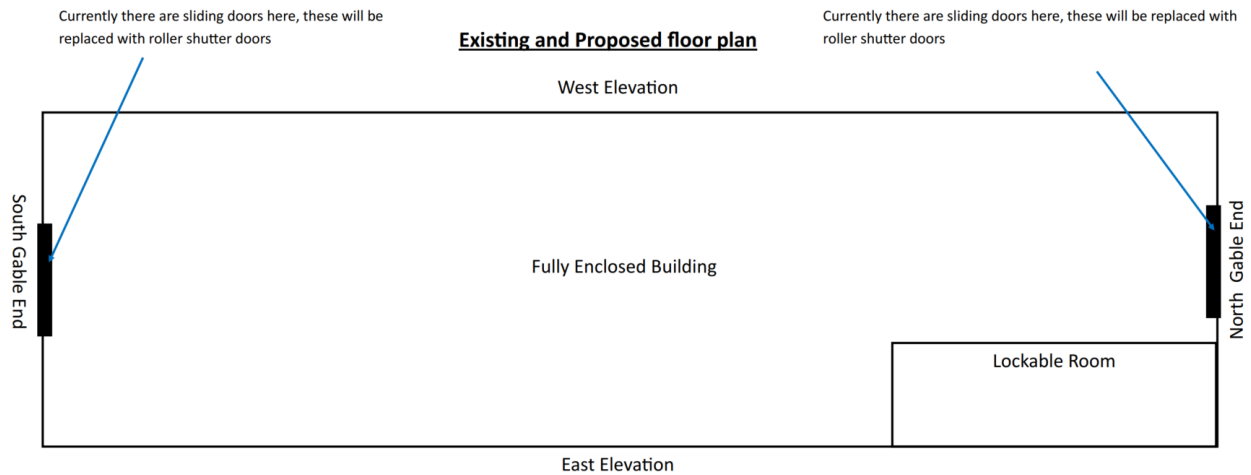


PROPOSAL

The proposal seeks prior approval under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an existing agricultural building to a commercial use within Use Class B8 (storage and distribution).

The proposal involves no extension, enlargement, or alteration to the building footprint. Minor works are limited to replacing the existing sliding doors with roller shutter doors and enclosing the existing open ridge. Access will be served via the existing access onto Bricknoll Lane, with commercial traffic kept separate from farm traffic. Parking is available to the north of the building on existing hardstanding.





RELEVANT LEGISLATION, POLICY AND GUIDANCE

This application is assessed under Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which grants planning permission for certain types of development described in Schedule 2 of the Order. The grant of permission is subject to the limitations, conditions, and provisions set out within the relevant Classes of permitted development.

Under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain changes of use and associated operations may be permitted subject to prior approval from the Local Planning Authority.

RELEVANT PLANNING HISTORY

Proposal / Summary

15/02866/APD - Agricultural & Forestry - Detailed matters Decision - Prior Approval Not Required Date: 12/5/2015 – Erection of Steel Portal Frame Building for Hay Storage

N/07/01960/FUL - Full planning permission Decision - Approved with Conditions Date: 10/9/2007 – Erection of Agricultural Building for Storage of Hay and Silage
N/94/01031/FUL - Full planning permission Decision - Approved Date: 25/7/1994 – REPLACEMENT OF EXISTING CATTLED SHED REPLACEMENT CATTLE SHED
N/93/02005/S73 - Removal/variation of conditions Decision - Split Date: 21/2/1994 – USE OF LAND FOR MIXED EQUESTRIAN/AGRICULTURAL USE RETENTION OF CONSERVATORY AND OUTDOOR ARENAS AND ONE MOBILE HOME AND 5 No. PASSING BAYS EQUESTRIAN/AGRICULTURAL U
N/91/01675/S73 - Removal/variation of conditions Decision - Approved Date: 21/2/1994 – RETROSPECTIVE APPLICATION FOR THE ERECTION OF A 14 LOOSE BOX AND STORE BUILDING TOGETHER WITH 5 NO. PASSING BAYS
N/88/01657/FUL - Full planning permission Decision - Approved Date: 1/9/1988 – CHANGE OF USE OF EXISTING STABLES TO HORSE RIDING CENTRE

CONSULTATIONS

Royal Wootton Bassett Town Council: No Objection

Wiltshire Council Highways Officer: No objection subject to conditions.

No objection is raised to the proposed hardstanding. While Class B8 can encompass a wide range of storage uses with varying traffic levels, Bricknoll Lane would not be suitable for development generating significant HGV movements. However, limited daily car and van movements associated with small-scale storage use are considered acceptable, and any use resulting in a high level of HGV traffic would not be supported.

Wiltshire Council Public Protection Officer: Following a further review of the scope of assessment under Schedule 2, Part 3, Class R of the GPDO, the Environmental Protection team raise no comments/objection in respect of noise or contaminated land.

ASSESSMENT

This application seeks prior approval under Class R, which allows for the change of use of an existing agricultural building and any land within its curtilage to a flexible commercial use, including storage and distribution (Use Class B8), subject to the prior approval considerations set out in the General Permitted Development Order.

Does the Proposal Qualify as Permitted Development?

Development under Class R is subject to a number of conditions and limitations. Development is not permitted by this class if any of the specified restrictions apply. These are set out at Appendix 1. Subject to compliance with these criteria and any limitations or conditions specified within the Order, the proposed development may be considered permitted development.

Having completed the detailed checklist at Appendix 1, it is concluded that the proposed development qualifies as permitted development under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the assessment may now proceed to consider whether prior approval is required by the LPA.

Is Prior Approval Required?

Where a proposal complies with all the provisions limitations set out under Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the developer must apply to the Local Planning Authority (LPA) for a determination as to whether prior approval is required for the specified impacts and, if so, whether it should be granted.

In respect of this proposal, the following considerations must be assessed as part of the prior approval process as set out by Schedule 2, Part 3, Class R, paragraph R.3(1)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- (i) transport and highways impacts of the development;*
- (ii) noise impacts of the development;*
- (iii) contamination risks on the site; and*
- (iv) flooding risks on the site.*

The application relates to an agricultural building with a gross internal floor area of approximately 430 square metres. As the cumulative floor space of the building proposed to change use under Class R exceeds 150 square metres, the above prior approval matters are required to be assessed. These matters have been considered in turn within this report, having regard to the submitted information and the limited scope of assessment permitted under Class R.

In addition, Paragraph W sets out a number of requirements for both the developer (in terms of the application submission) and the LPA (relating to consultations and advertisement of the application). Para. W(10) states that:

The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019 July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site—

(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval

Para. W(13) allows LPAs to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Transport and highways impacts of the development

Policy Context

Paragraph 115 of the National Planning Policy Framework (NPPF) emphasises the importance of promoting sustainable transport modes, ensuring safe and suitable access for all users, and designing development in accordance with national guidance. It also requires that any significant impacts on the transport network—whether in terms of capacity, congestion, or highway safety—can be mitigated in a cost-effective manner.

Paragraph 116 of the NPPF further clarifies that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network, following mitigation, would be severe.

In terms of locational sustainability, the Local Planning Authority (LPA) is not able to assess whether the site's location in open countryside is sustainable in relation to access to services, employment, or facilities. This is not a consideration under the relevant prior approval provisions. Accordingly, the key matter for assessment is the impact of the proposal on highway safety, particularly in relation to the site access and the surrounding local highway network.

The proposal involves the change of use of an existing agricultural building to a Class B8 (storage and distribution) use. Access to the site is taken from Bincknoll Lane, a narrow rural road that currently serves the farm holding and accommodates agricultural traffic.

The submitted Planning Statement confirms that the proposal is intended to operate at a small scale, generating limited daily vehicle movements, primarily cars and vans, and that no intensification of use comparable to large-scale warehousing or national distribution is proposed. No alterations to the existing access are required, and the LHA has raised no objection to the provision of on-site hardstanding for parking and turning.

The Local Highway Authority has acknowledged that Class B8 covers a broad range of potential uses but has confirmed that Bincknoll Lane would not be suitable for development generating significant HGV movements. However, it accepts that small numbers of daily car and van movements associated with storage use would be acceptable and would not result in harm to highway safety or network capacity.

Given the rural context, the existing lawful agricultural use of the site, and the modest scale of activity described in the submission, it is considered that the proposal would not give rise to an unacceptable impact on highway safety. The evidence demonstrates that the development can operate without material harm, provided it remains low-intensity in nature.

While the LHA has suggested restrictive conditions limiting the nature of the use, it is noted that prior approval under Class R cannot lawfully impose conditions that personalise the permission or unduly restrict the use beyond the terms of the GPDO. However, it is reasonable and proportionate to assess the proposal on the basis of the described low-intensity B8 storage use, which forms the basis of this assessment.

Conclusion

Prior approval in relation to traffic matters is required in this instance and is granted subject to an informative.

Noise impacts

Policy Context

Paragraph 187(e) of the National Planning Policy Framework (NPPF) requires that planning decisions contribute to and enhance the natural and local environment by ensuring that new and existing development does not contribute to, or is not exposed to, unacceptable levels of noise pollution. This includes preventing development from being put at risk or adversely affected by such impacts.

Further to this, Paragraph 198(a) advises that new development should be appropriate for its location, taking into account the likely effects, including cumulative impacts, of pollution on health, living conditions, and the natural environment. It emphasises the need to mitigate potential adverse impacts arising from noise and to avoid noise that could result in significant harm to health or quality of life.

In the context of this proposal, the key consideration is whether the development would result in, or be exposed to, unacceptable levels of noise, and whether any such impacts can be appropriately mitigated to ensure a suitable living environment.

Assessment

The proposal involves the change of use of an existing agricultural building to a Class B8 (storage and distribution) use within an established farm setting. The building has historically generated noise associated with lawful agricultural activities, including the movement of tractors, machinery, and farm vehicles.

The nearest non-associated residential dwelling is Stable View, located to the west of the site at a distance of approximately 31 metres. Domestic dwellings to the east of the site are in the ownership of the wider farm holding and are located approximately 41 metres from the building, with intervening agricultural buildings providing an element of physical separation and screening.

The nature of the proposed B8 use is expected to generate a level of activity comparable to, or less intensive than, historic agricultural activity associated with the holding. No external plant or machinery is proposed, and no extended or unsociable hours of operation have been indicated. As such, the proposal is not anticipated to result in a material increase in noise levels above the established baseline for the site and its rural farm context.

Public Protection following further review, advised no comment in terms of noise impacts, given the site's current location and use, there are no specific receptors or noise sources that have been identified that would reasonably suggest the potential for significant adverse impacts. Given the separation distances involved, the intervening built form, and the character of the surrounding area, the information submitted is considered sufficient to assess noise impacts for the purposes of Class R prior approval.

Conclusion

Prior approval in relation to noise matters is required and in this instance, is granted subject to a planning condition.

Contamination risks

Policy Context

Paragraph 196 of the National Planning Policy Framework (NPPF) sets out the expectations for planning decisions in relation to land quality and safety. It states that:

- a) Sites must be suitable for their proposed use, taking into account ground conditions and any risks arising from land instability or contamination. This includes risks from natural hazards or former activities such as mining, and any proposed mitigation measures, including land remediation and its potential environmental impacts.
- b) Following any necessary remediation, land should not be capable of being determined as contaminated under Part IIA of the Environmental Protection Act 1990.
- c) Adequate site investigation information, prepared by a competent person, must be available to inform the assessment of these risks.

In the context of this proposal, the Local Planning Authority must be satisfied that the site is not subject to contamination or instability that would render it unsuitable for the proposed use, and that any necessary investigations or mitigation measures have been appropriately considered.

Assessment

The application relates to the change of use of an existing agricultural building under Class R. The Planning Statement confirms that the building has historically been used for clean agricultural storage, including the storage of farm machinery and hay bales, and that it has not been used for the storage of agro-chemicals or other potentially contaminative substances.

The site is located within a working farm environment, with no evidence submitted or identified to indicate past industrial or contaminative uses. No groundworks, excavation, or changes to ground levels are proposed as part of the development, which is limited to a change of use of an existing structure.

In this context and having regard to the low-risk nature of the historic and current use of the building, there is no reasonable indication that the land is contaminated or unstable. The information submitted is therefore sufficient to assess contamination risk for the purposes of prior approval, and no site investigation or remediation is considered necessary. Further to this, Public Protection have advised have not raised any concerns in terms of contamination risk

Conclusion

Prior approval in relation to contamination matters is not required.

Flooding risks

Policy Context

The NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided by steering development towards areas with the lowest risk, whether that risk is current or future. Where development is necessary in areas at risk, it must be demonstrated that the development can be made safe for its lifetime without increasing flood risk elsewhere.

Assessment

The application site is located within Flood Zone 1, which is identified as being at low risk of fluvial flooding. The Planning Statement confirms there is no known history of flooding affecting the site or the existing agricultural building.

While the Gov mapping identifies that parts of the site lie within close proximity (approximately 5 metres) to an area subject to surface water flooding at a 1 in 30 year event plus climate change, the proposal relates solely to the change of use of an existing building, with no increase in built footprint, ground levels, or impermeable area beyond the limited hardstanding required for operational purposes.

As no extensions, intensification of built development, or vulnerable uses are proposed, the development would not be expected to materially increase surface water run-off or flood risk elsewhere. The building has historically operated as part of an agricultural unit, and the proposed B8 use would represent a comparable level of flood vulnerability.

Given the nature of the proposal, its location within Flood Zone 1, and the absence of any evidence indicating that the site is affected by flooding, the submitted information is considered sufficient to enable assessment of flood risk for the purposes of Class R prior approval. No site-specific Flood Risk Assessment is required by national policy in this instance.

Conclusion

Prior approval in relation to flood risk matters is not required.

Design or external appearance of the building

Policy Context

Paragraph 131 of the National Planning Policy Framework (NPPF) highlights that good design is a fundamental aspect of sustainable development, helping to create better places in which people live and work, and making development more acceptable to communities.

Relevant to this application type, Paragraph 135 sets out key principles to ensure that new development:

- a) Functions well and contributes positively to the overall quality of the area, not just in the short term but over the lifetime of the development;
- b) Is visually attractive through high-quality architecture, thoughtful layout, and effective landscaping;
- c) Is sympathetic to local character and history, including the surrounding built environment and landscape setting;
- d) Creates places that are safe, inclusive, and accessible, promoting health and well-being and providing a high standard of amenity for both existing and future users.

The NPPF also encourages Local Planning Authorities to make appropriate use of design tools and processes to assess and improve the quality of development proposals. This includes reference to national guidance such as the National Design Guide and assessment frameworks like Building for a Healthy Life, which support the delivery of well-designed, contextually appropriate development.

Assessment

The proposal seeks prior approval under Class R, which permits the change of use of an existing agricultural building to a flexible commercial use. Importantly, Class R does not include “design” or “external appearance” as a matter for prior approval consideration, and there is no provision within the GPDO to require approval of design details beyond the impacts expressly specified.

The proposal does not involve any extension or alteration to the building footprint and retains the existing agricultural form, scale and rural character of the structure. Minor works are limited to replacing existing sliding doors with roller shutter doors for security and enclosing the open ridge to improve weatherproofing. These works are functional in nature, do not materially alter the appearance of the building, and are appropriate within a farmyard context where utilitarian agricultural buildings already exist.

The building remains read as an agricultural structure within the wider countryside setting and does not introduce inappropriate urbanising features. Given the existing use, form and location of the building, the proposal would not result in visual harm to the surrounding landscape or detract from the character of the area.

As such, while the development is consistent with the overall design objectives of the NPPF, design matters fall outside the scope of prior approval assessment under Class R and cannot reasonably be used as a basis for requiring further information or imposing controls.

Conclusion

Prior approval in relation to design matters is not required.

CONCLUSION

The proposed development has been assessed against the provisions, limitations, and conditions set out in Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the submitted plans, supporting information, and the findings of this report, it is concluded that the proposal complies with the criteria for permitted development, and therefore falls within the scope of Class R.

Following assessment, it is concluded that prior approval is not required in respect of the design or external appearance of the building, flood risk, or contamination risks. However, prior approval is required in relation to highways and transportation impacts and noise impacts.

Given the site's rural location, the nature of the local highway network, and the proximity of nearby residential properties, it is considered necessary to impose a condition restricting hours of operation in order to protect neighbouring residential amenity from noise during unsocial hours and to limit traffic levels on the narrow lane.

In addition, it is considered appropriate to attach an informative clarifying that the proposal has been assessed on the basis of a small-scale, low-intensity use. Should the nature or intensity of the use materially change, further planning permission may be required.

Having considered the relevant matters that require prior approval, it is further concluded that: Prior approval is granted, subject to the development being carried out in accordance with the submitted details and any conditions set out in this report.

RECOMMENDATION:

That prior approval is required in relation to transport and highways impacts and noise impacts, and is GRANTED (subject to the conditions set out below).

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents received on the 5th March 2026

Site Location Plan
Block plan of the site
Existing and Proposed Roof Plan
Existing and Proposed Elevations- Gable Ends
Existing and Proposed elevations- Side Elevations
Existing and Proposed- Floor Plans

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

2. The use of the building for storage and distribution purposes (Class B8) shall be limited to the following hours:

0800–1800 Mondays to Fridays,
0800–1300 Saturdays,
with no operations on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby residential occupiers, having regard to the rural location of the site, the proximity of neighbouring dwellings, and the nature of the local highway network, in accordance with Paragraphs 187 and 198 of the National Planning Policy Framework and the prior approval provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

INFORMATIVES

This prior approval has been assessed on the basis of a low-intensity storage and distribution use, generating limited daily car and van movements only. The Local Planning Authority notes that the local highway network, including Bincknoll Lane, would not be suitable for uses involving significant numbers of Heavy Goods Vehicle movements. Should the nature or intensity of the use materially change from that described in the application, further planning permission may be required.

In the event that contamination is encountered at any stage during the carrying out of the approved development, the Local Planning Authority should be informed as soon as reasonably practicable. An appropriate and competent contractor should be engaged to assess and manage the contamination, and details of the proposed remediation measures should be submitted to the Local Planning Authority. Upon completion of any remedial works, a written verification report should be provided confirming the measures undertaken and demonstrating that the site has been rendered suitable for its intended use.

APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST CLASS R

Class R – agricultural buildings to a flexible commercial use

		Yes / No
R.	Permitted Development Note: <i>If the answer is "Yes", proceed to assessment under R.1. If the answer is "No", the proposal does not qualify as permitted development under this class.</i>	
	Does the development consist of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use— (a) falling within one of the following provisions of the Use Classes Order— (i) Class B2 (general industrial) of Schedule 1; (ii) Class B8 (storage or distribution) of Schedule 1; (iii) Class C1 (hotels) of Schedule 1; (iv) Class E (commercial, business or service) of Schedule 2; or (v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or (b) for the provision of agricultural training.	Yes - The building formed part of an established agricultural unit and was in agricultural use on 3 July 2012; and The proposed change of use is specifically to Class B8, with no proposal for alternative flexible uses under Class R at this time.
R.1	Development is not permitted by Class R if - Note: <i>If the answer to any of the questions below is "Yes", the proposed development would not constitute permitted development under this class</i>	
(a)	Was the building not used solely for an agricultural use as part of an established agricultural unit: (i) on 3rd July 2012? (ii) if not in use on that date, when it was last in use before that date? (iii) if brought into use after 3rd July 2012, for a continuous period of at least 10 years before the date development under Class R begins?	No - The Planning Statement confirms that the building was in lawful agricultural use at that time, specifically for agricultural storage, including the storage of farm machinery and hay bales.
(b)	Has the cumulative floor space of buildings that have changed use under Class R within the established agricultural unit exceeded 1,000 square metres?	No
(c)	Is the site, or does it form part of, a military explosives storage area?	No

(d)	Is the site, or does it form part of, a safety hazard area?	No
(e)	Is the building a listed building or a scheduled monument?	No