

8th May 2025

Our Ref: SWLC.LPC6203

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

Dear Sir/Madam

The Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q – Conversion of existing barn at Home Farm (Holding No 45/055/0066), Swan Lane, Leigh, SN6 6RD

Please find enclosed a duly completed application, made pursuant to Class Q (a) (i) and (c) referenced above. The building in question is 'part of an established agricultural unit' and the change of use proposed, includes the 'building operations reasonably necessary to convert the building'.

The fundamental change made by Statutory Instrument 2024 No 579 is that it is no longer necessary to demonstrate an established, active or historic agricultural use of the building, the subject of such an application. The principle of redeveloping the application building, on this agricultural unit, therefore falls full square within the Class Q permitted tolerances. The mixed equestrian use of the site is consequently not relevant, and in that regard the principle has been previously addressed by your Council at New Manor Farm and Turnpike Cottage, Upper South Wraxall (LPA references PL/2024/07752 and PL/2024/10676) which both concerned the Class Q conversion of buildings specifically designed as stables, but positioned as part of the farms.

The enclosed application comprises the following listed plans, together with a structural assessment (prepared by Structures 2) confirming the building's robustness and suitability for reuse within the tolerances of Class Q.

List of plans

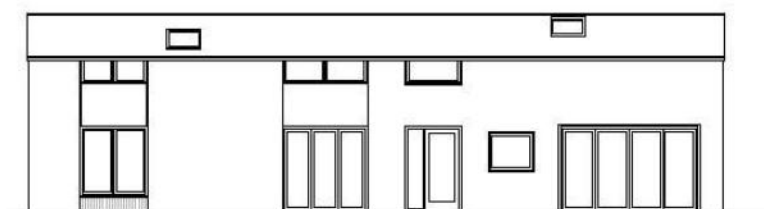
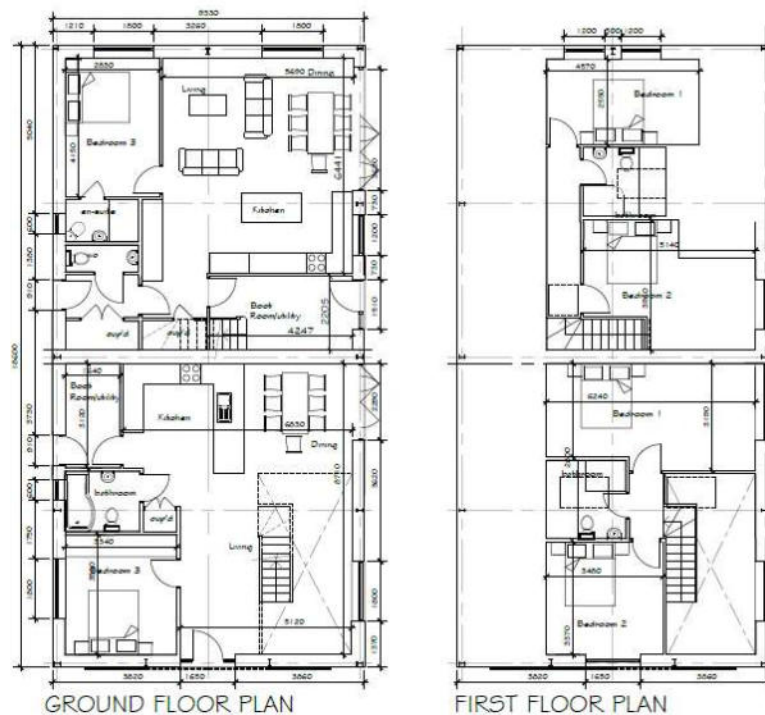
LPC 6203 EX 02 Existing Block Plan
LPC 6203 EX 03 Existing Elevations
LPC 6203 EX 03 Existing Floor Plans
LPC 6203 EX 01 Location Plan
LPC 6203 PR 01 Proposed Site Plan
LPC 6203 PR 02 Proposed Floor Plans and Section
LPC 6203 PR 03 Proposed Elevations

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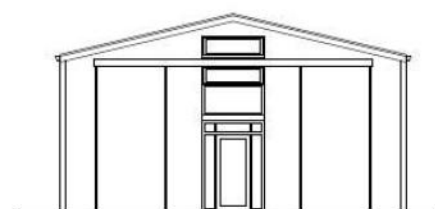
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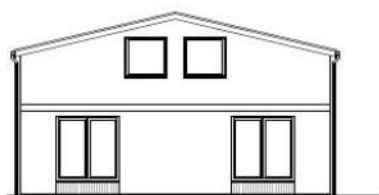
The application development utilises the existing barn shown above, whose overall footprint is 173.5m². It will be converted as shown below to provide 2No dwellings with a floor area of 114.1m² and 116.05m². The new units will all be finished with a uniform vertical timber cladding applied outside the existing and below the new standing seamed zinc sheet covering to the roof. All new joinery will be powder coated aluminium (light grey).



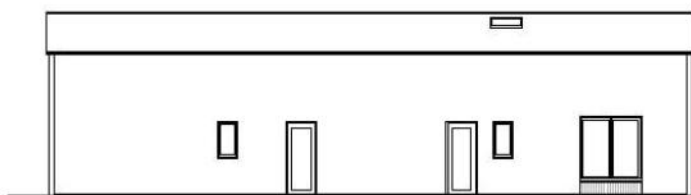
EAST ELEVATION



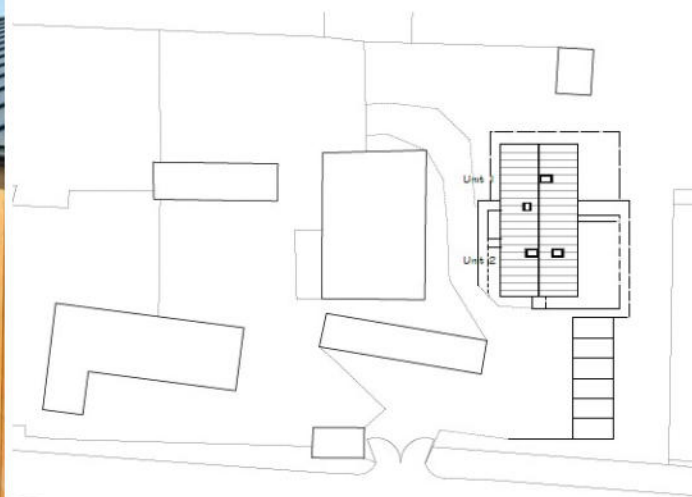
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



Moving on, as you will be aware the Prior Approval application enclosed requires assessment in principle against those matters at Q.1 (a) to (p), that determine if it is permitted development. The Prior Approval is then required to satisfy those conditions at Q.2 (a) to (g).

Accordingly, examining the permitted development provisos first, it is the case for the applicant that the existing building has clearly been present as part of an established agricultural unit for many years so that Q.1 (a) (i) is satisfied, and (b) is not applicable. Reference to the site's online planning history clearly notes the mixed equestrian and agricultural uses for over 25 years. The Certificate of Lawfulness granted by application N/06/03283/CLE specifically referred to the mixed use. The overarching agricultural use of the land, as a registered holding (No 45/055/0066), comprising 25 acres, has nevertheless been a constant and thus remains an active agricultural unit today.

The floor space of the two new dwellings proposed do not exceed 150m² each, thus satisfying Q.1 (c). No other Class Q development has been executed on the unit so the cumulative figures at Q.1 (d) (i) and (ii) are not exceeded either.

Drawing No LPC 6203 PR 02 enclosed includes the floor plans and built footprint dimensions which are confirmed on the associated block plan (LPC 6203 PR 01) and does not exceed the associated permitted curtilage areas relative to the unit's footprint size, satisfying the relevant provisions at Q.3. Parking is shown outside the identified curtilage areas but as you will be aware this is typical and there is no requirement within the terms of the Prior Approval application that indicate this is

not acceptable and the parking must be within the defined new curtilage. Its provision, utilising the existing service areas and access, can of course be conditionally controlled.

Q1 (e) requires that the site is not occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained. That is not applicable though as no tenancy agreement exists. Q1 (f) is not applicable either as no tenancy agreement has existed 'less than 1 year before the date development begins'.

Q1 (g), regarding development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) is not relevant as no such Prior Approval development has been carried out on the established agricultural unit during the period which is 10 years before the date development under this proposed Class Q will begin.

Q1 (h) requires that the development should not 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 submitted plans and related commentary following help to confirm these relevant physical changes are not exceeded.

Q1 (i) indicates that the development under Class Q(b) should not 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.

There are no extensions proposed and therefore this item (i) is not applicable.

Q1 (j) defines the building operations permitted and, in that regard, I trust the structural engineer's report clearly evidence the building's permanent and substantial construction, confirming that the building is capable of taking the loads necessary to facilitate the changes proposed and the development therefore constitutes the building's conversion and does not exceed the scope of works permitted by Q.1 (j). The building is obviously of robust construction still being in use for a mix of storage and equestrian activities. The building is therefore maintained to be clearly capable of being converted as proposed.

In that regard I have summarised a brief and indicative conversion methodology to explain the nature of the works that could be proposed, and I believe these works are typical of many comparable conversion schemes approved elsewhere, and more specifically do not go beyond what is functionally, and thus reasonably necessary for the building to function as a dwelling.

The floors throughout the building are sealed concrete and are in good condition. The conversion works will involve only modest internal changes to assist with the longevity of the existing damp-proof course, adding new damp-proof membranes (DPM) on top of the existing slabs to prevent rising moisture. A rigid insulation board (e.g. 100mm PIR) can be laid over the DPM to meet floor insulation requirements.

With regard to the building's walling, it is constructed from concrete blockwork in the main parts internally around the lower portion of the building. These will be augmented inside the building with a timber or metal stud frame over the block walls. The insulation required will be achieved by leaving a 50-100mm cavity between the block wall and the new frame to avoid moisture transfer. Thereafter insulation will be installed to include rigid insulation boards (e.g., PIR or phenolic foam) or mineral wool between the studs. A U-value as per home insulation standards will be aimed for. Adding a vapour control layer (VCL) on the warm side of the insulation will help to prevent moisture ingress.

Internal new walling will involve the erection of stud walls to divide the internal space as per the design layout. Using timber or light-gauge steel studs and insulation to the partitions will enhance acoustic separation between rooms/properties. The walls will then be plaster boarded and finished, including skimming and painting, as required. The building is subdivided as two units with a new central inner wall. Using this and the existing steels the partial first floor will be hung from the existing structure.

Regarding the roof added insulation can be provided between the roof framing while maintaining proper ventilation above the insulation. This will require installing vents in the roof sheeting to prevent condensation. Regarding vapour control it will be necessary to ensure a control layer is applied before installing plasterboard on the internal roof side, or more likely boarding, to avoid cracking. For aesthetic reasons though a new standing seamed zinc sheeted roof covering is proposed so it will not be necessary to under draw the insulation.

All proposed windows and doors can accommodate double or triple-glazed units with high thermal performance (U-value $\leq 1.4 \text{ W/m}^2\text{K}$). This will significantly improve

the overall energy efficiency of the new properties. The new openings, in addition to the existing will be cut through the existing walls and allow the joinery to be rebated from the face of the building bridging the cavity walling within its individual framing.

The intended external timber boarded finishing will be applied over the existing waterproof weather sheet layer and added battens and will not increase the cladding depth more than the permitted 20cm, allowing the building's visual enhancement and functionality.

The majority of the changes are therefore internal, including the insulated walling, and do not constitute development and thus also fall outside those permitted changes listed at Q.1 (j) and the scope of this application.

In that regard I would also draw your attention to the Government's online Planning Practice Guidance (PPG) at paragraph 105, which reads as follows; 'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q'.

The internal works in this instance are therefore clearly acceptable in principle. It is of course understood that the Hibbitt case has clarified the difference between a conversion of an agricultural building which does not require planning permission and the rebuilding of one which does, which is a matter of planning judgement. The Hibbitt case though of course hasn't changed the relevant principles, works that amount to substantial demolition and reconstruction or replacement of existing fabric continue to go beyond what is permitted, and more specifically, don't apply in this case.

The PPG advice at paragraph 104 also makes it clear in these regards that the building must be capable of functioning as a dwelling. There is obviously no requirement to demonstrate compliance with the relevant Building Regulations, involving the provision of habitable accommodation for instance, as it stands, but rather, by reference to the Hibbitt case, where it has walls etc. that the building is therefore capable of providing the necessary shelter anticipated as the first functional step for a future residential use, resulting from the conversion, thus ensuring that as converted it can function as a dwelling. More specifically it states;

'It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes from the external works to provide for residential use that the building would be considered to have the permitted right'.

Those works proposed sit full square with the scope of works listed at Q.1 (j) and are reasonably necessary in all regards and where they do not constitute development as internal changes/repairs, could be undertaken anytime.

The application building is therefore clearly capable of functioning as a dwelling, both in architectural terms and by structural analysis. The permitted rights allow building operations which are reasonably necessary to convert a building, which may include those works which would affect the external appearance of the building as indicated at Q.1 (j) as well as (i). Consequently, the application satisfies and does not exceed the terms of the works permitted, and as listed thereat.

Q1 (k) which requires that the site is not on article 2(3) land, and Q1 (l) indicates the site should not be, or form part of; (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area. All such locational considerations are satisfied.

Regarding Q1 (m) the site does not contain a scheduled monument, and in accordance with Q1 (n) is not a listed building. It is acknowledged that the main house is a designated heritage asset but the application building by reason of its age and discrete positioning etc is not a curtilage listed structure.

Q1 (o) requires that the existing building, excluding any proposed extension under Class Q(b), but including any proposed building operations under Class Q(c), should 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. The table below from the national space standards shows that the existing building areas as subdivided exceed the relevant space threshold, and of will comfortably accommodate the bedrooms proposed.

Table 1 - Minimum gross internal floor areas and storage (m²)

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
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Q1 (p) requires that the building has a suitable existing access to a public highway. The access in question serves both the application building and the adjacent barns as well as the farm house, and has done for many years in a suitable manner.

Consequently, it is considered the development complies with all the above criteria.

Having demonstrated that the proposed development is therefore permitted in accordance with the limitations at Q.1 it is of course acknowledged that it must also be shown that your Council's Prior Approval is not required with regard to those conditional considerations at Q.2 (a) to (g).

For ease of reference, I have therefore used the conditional wording at (a) to (g) below as sub-headings, together with a brief commentary to explain why your Council's Prior Approval is not required.

(a) Transport and Highway Impacts of the Development

Access to the application property is by an established and operationally suitable arrangement, that has served the farm's more intensive previous uses as a whole, involving movements greater than is currently present or particularly would be generated by the 2 new dwellings proposed. Farming and equestrian activities have diminished as the applicant has effectively retired. To all intents and purposes therefore the new chapter of use will simply replace the building's established uses and given the potential scale of the farm operations as a whole, will not lead to the material intensification of the use of the existing access. It is of course an unrestricted access arrangement in any regards. The existing farm access will therefore be used to serve the new dwellings, accessing the properties by the shortest, existing route.

Separately, there is ample space to park and turn on the land associated with the buildings and closely related to the new properties and the submitted block plan indicates the deliverability on the area of land previously associated with the building's use for parking, manoeuvring and deliveries. Parking does not of course have to be positioned within the area of the defined curtilage, which is shown to match the footprint of the building in accordance with Q.3.

(b) Noise Impacts of the Development

The application is not a noisy development, and neither is this a noisy environment. The barn will be freestanding, and is located outside the retained built grouping, closest to the historic farmhouse. The design and form of the adjacent barns and more historic buildings do not lend themselves to intensive uses. The new development will be satisfactorily subsumed as part of the quiet rural location in which it is sited, and where there are no peculiarities which would prevent its reasonable residential use.

The car parking area utilises the existing parking area and there is sufficient space separate from the neighbouring land and buildings.

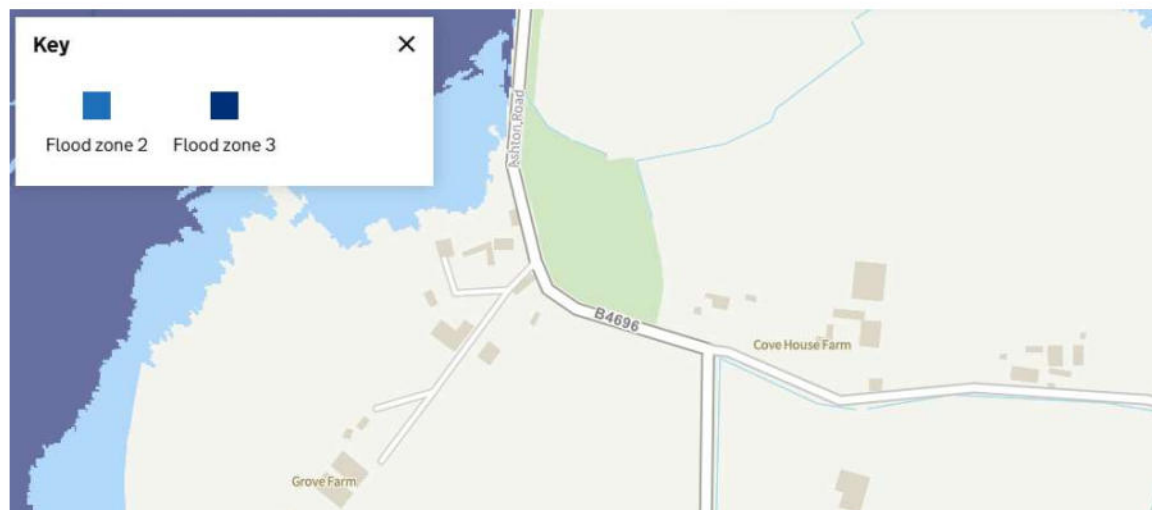
(c) Contamination Risks on the Site

The application building has only been used for general hay and fodder storage and more latterly as stabling so that any contamination risks would therefore clearly be very low. The building by reason of its general design and built form does not appear

to have offered any secure storage for chemicals or fuel etc. and there are no reasons to believe that those modest works necessary to achieve the conversion will therefore disturb contaminated ground where the flooring is not retained.

(d) Flooding Risks on the Site

The site does not lie within an area at risk of flooding.



(e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to a use falling within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order

The online PPG, Paragraph: 109 assists to define what is meant by impractical or undesirable for the change to residential use, and is reproduced in part below.

‘Impractical or undesirable are not defined in the regulations, and the local planning authority 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”. In practice it reflects the location and siting where it would not be sensible or realistic to allow residential use and where the notion of undesirability indicates that it would be ‘harmful or objectionable’ to allow the use.

‘When considering whether it is appropriate for the change of use to take place in a particular location, the local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.’

In this instance there are no reasons to consider the application site so remote or inaccessible that its servicing is impractical. Moreover, there are no locational or neighbouring land uses (as indicated with regard to (b) above) which make the use undesirable either.

(f) The design and external appearance of the building

The application building sits within a rural location, currently and as part of an established farm grouping, which is unchanged by the proposed new chapter of use. The area's established visual characteristics will not be materially changed although the subtle and enhanced external walling and subdued roof finish will improve its prevailing character/appearance, reflecting a typical rural pallet. In all regards the building's simple form is unchanged. Otherwise, the fenestration is reasonably necessary to serve the new dwellings proposed and sufficiently simple to retain the utilitarian built character.

The opportunity has therefore been taken to retain the building's simple form and maximise the site's privacy and outlook, upgrading the building's aesthetic finishes overall, and whilst maintaining a simple rural building.

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

As can be seen from the proposed plans, all habitable rooms will have a very good standard of natural lighting, and large windows seek to utilise the existing main openings and will maximise sunlight entering the living room and dining areas.

In conclusion, I hope that the application and information enclosed is sufficient to ensure your support. I would of course be delighted to discuss any matters arising to ensure your prompt approval.

Yours faithfully



Simon Chambers
Director

Enc.

Cc: Mr D Evans-Freke