

APPLICATION FOR PRIOR NOTIFICATION – PART 3 CLASS Q CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01073
APPLICATION TYPE:	APPLICATION FOR PRIOR NOTIFICATION – PART 3 CLASS Q
SITE ADDRESS:	Barn at Farfield Lane, Cricklade, SN6 6HZ
DEVELOPMENT DESCRIPTION:	Application for Prior Approval under Class Q Permitted Development from Agricultural Barn to Residential Use to Create 1 Dwelling
RECOMMENDATION:	That Prior Approval is GRANTED

SITE DESCRIPTION/CONTEXT

The application site comprises the barn at Farfield Lane, an agricultural building connected with The established agricultural unit known as Ballick Acre Farm. The land and building has been subject to an agricultural tenancy but it has been confirmed that the building is now no longer required for agriculture.

The barn comprises a steel portal frame structure consisting of five frames (including posts, rafters and diagonal bracing), with structural grade timber purlins, eaves beams and horizontal timber rails supporting the wall cladding. The building is set on a concrete ground-bearing slab, with the structural posts supported on concrete foundations. The eaves height is approximately 4.1 metres, with a ridge height of approximately 5.6 metres.

The site is accessed from Farfield Lane (PRoW CRIC15) and lies within open countryside characterised predominantly by agricultural land uses, farm buildings and sporadic residential development. The site is not located within a defined settlement boundary.

The site lies outside Article 2(3) designated land and is not within a conservation area, National Landscape, National Park or other nationally protected landscape. None of the buildings are listed, nor does the site contain or form part of a scheduled monument. There are no Sites of Special Scientific Interest, safety hazard areas or military explosives storage areas located within the application site itself. However, the site falls within the inner zone of influence for the North Meadow and Clattinger Farm Special Area of Conservation (SAC), a European site designated for its internationally important lowland hay meadow habitat. Residential development within this catchment is subject to consideration under the Conservation of Habitats and Species Regulations 2017 (as amended).

PROPOSAL

The application seeks prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building (identified as Building 3) to form one dwellinghouse (Use Class C3), together with building operations reasonably necessary to convert the building for residential use.

The proposal relates to the conversion of an existing steel-framed agricultural building, currently described as redundant, to create a single dwelling with a total internal floorspace of approximately 149 square metres, which is below the maximum floorspace limit of 150 square metres per dwelling permitted under Class Q.

No standalone extension to the building is proposed. The development would be carried out within the existing external dimensions of the structure, with works comprising:

- Retention of all of the existing structures including metal wall (3sides) and roof coverings
- Walls lined internally with studwork, insulation and internal finishes.
- Lightweight partitions included to create new internal layout
- Apertures will be formed to the north and east to suit the new layout of the building.
- Brick walling and new timber cladding bearing upon the existing steels via sheeting rails will be introduced to the existing open west elevation
- Construction of regulating layer of concrete including membrane, insulation and screed upon the existing concrete slab.

The proposed residential curtilage would be confined to the immediate area surrounding the building, as shown on the submitted plans, and would not extend beyond the footprint and associated functional area of the converted building.

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 Q 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.

Conservation of Habitats and Species Regulations 2017 (as amended)

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Cricklade Town Council: No Comment

Wiltshire Council Highways Officer: No objection

Wiltshire Council Rights of Way: No objection, suggested informatives-

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. 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.

The applicant should note that no construction / demolition vehicle access may be taken along CRIC15 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

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 CRIC15 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

Wiltshire Council Public Protection Officer: No objection subject to condition relating to unexpected contamination.

Wiltshire Council Ecology: No comment, standard advice below applies

The applicants should be reminded of their obligations to comply with Article 3 - (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to ensure that the development complies with regulations 75 to 78 of the Conservation of Habitats and Species regulations 2017. Failure to do so may result in the development not being Permitted Development.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

ASSESSMENT

This application seeks prior approval under Class Q, which sets out the provisions, limitations and conditions for the permitted development right to change the use of "buildings on agricultural units and former agricultural buildings to dwellinghouses" as follows:

Q. Development consisting of—

(a) a change of use of—

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

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

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

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

For the purposes of the PD right, the building's curtilage is defined by para. Q.3 as being:

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

whichever is the lesser;

Does the Proposal Qualify as Permitted Development?

Development under Class Q 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 Q 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.

The applicant has provided information to demonstrate that the barn was been part of the 'established agricultural unit' associated Ballick Acre Farm and was in agricultural use on the requisite dates. The application proceeds on this basis.

In addition to the limitations set out in Paragraph Q.1 of the GPDO, case law has established that certain proposals may exceed the scope of a "change of use" and instead constitute the construction of a new dwelling. In such instances, the development would fall outside the permitted

development rights granted under Class Q. Therefore, it is necessary to assess whether the proposed works amount to a genuine “conversion” of the existing agricultural building, or whether they effectively result in a “replacement building.” The Planning Practice Guidance (PPG) provides helpful clarification on this point, emphasising that the structural integrity and extent of building operations must be considered when determining whether a proposal qualifies as a conversion under Class Q. More specifically the PPG¹ provides the following guidance in this regard:

“The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use...

However, the right 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...

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 proposed works are considered to fall within the scope of those permitted under Class Q of the GPDO. The development comprises alterations that are consistent with the conversion of the existing agricultural building to residential use, including the installation of new windows and doors, infill cladding, and internal works such as partition walls and flooring. Significant proportion of the existing exterior surfaces are retained to comprise the final building envelope and proposed works are to be carried out within the existing structural frame.

No structural alterations are proposed or appear necessary to facilitate the conversion, and the works are therefore regarded as internal or superficial in nature, not requiring separate planning permission. Therefore, the proposal does not exceed the limitations set out in paragraph Q.1 and is considered to constitute permitted development.

Is Prior Approval Required?

Where a proposal complies with all the provisions limitations set out under Class Q 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

¹ Planning Practice Guidance - Paragraph: 105 Reference ID: 13-105-20180615 (revision date 15/06/2018).

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 Q.2.

Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,*
- (b) noise impacts of the development,*
- (c) contamination risks on the site,*
- (d) flooding risks on the site,*
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,*
- (f) the design or external appearance of the building, and*
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,*

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

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). Paragraph 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

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.

Assessment

The site has existing access onto Farfield Lane, a Brown Track and PROW Bridleway CRIC15, the Countryside Access Team should be consulted with regard to the Bridleway. I would assume that the applicant has vehicular rights over Farfield Lane and this would be afforded to the site. There are no proposals to alter the access with the public highway. The proposal seeks to convert the existing barn to a 3-bedroom dwelling, with an attached car port for 1 vehicle and there is an area to the west of the barn which would cater for at least 2 vehicles parking; therefore, vehicle parking is in accordance with the minimum standards. Cycle Parking has not been mentioned which is a requirement for new residential development, however it is clear that there is space within the car port for the provision of this.

The proposals would see a slight alteration in trip generation in terms of domestic trips, this would not be considered a significant impact, the site would however rely heavily on the private motor vehicle as the main mode of transport. There would be reason to object on highways grounds based on the limited matters for Prior Approval.

The site is accessed via a bridleway (Farfield Lane, CRIC15). There is no recorded public vehicular right of way over the bridleway. As this is an existing building there is an assumption that the applicant has a private right of access over the bridleway. It is not considered that the proposal will have an adverse effect on the use and enjoyment of the bridleway.

The bridleway has a sealed surface, however, it should be noted that it is the responsibility of the Highway Authority to maintain the surface of the path only to a standard suitable for the usual traffic of a bridleway. The applicant will be responsible for the repair of any damage caused to the path during construction. Informatives in respect of the PROW are suggested.

Conclusion

Prior approval in relation to traffic matters is not required.

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

In the context of the prior approval considerations under Class Q, the key test is whether the proposed change of use would result in, or be exposed to, noise impacts that would materially undermine the creation of a suitable living environment. The barn occupies a relatively isolated position in the open countryside. It is not proximate to any existing agricultural or industrial sources of noise likely to cause disturbance to future occupiers. On the basis of the submitted information, consultee advice, and site observations, it is considered that the proposal would not give rise to unacceptable noise impacts, nor would future occupiers be exposed to noise levels that would result in significant harm to health or quality of life.

Conclusion

Prior approval in relation to noise matters is not required.

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

Environmental Protection has reviewed the submitted prior approval application for the conversion of the agricultural barn) to a dwelling. Given the change from agricultural to residential use, there is potential for historic contamination (e.g., fuel storage, pesticides, agricultural chemicals). To ensure the land is suitable for residential use, a condition is required to ensure that unexpected contamination encountered on site that the local planning authority is advised of steps to be taken to deal with such contamination.

Conclusion

Prior approval in relation to contamination matters is required and is granted subject to the recommended condition.

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 site is located in Flood Zone 1 and is not identified as being at risk of flooding from other sources. Matters relating to the drainage of building would be dealt with at building regulations stage. The proposal relates to the change of use of an existing agricultural building and does not involve any increase in built footprint or development that would materially alter surface water run-off characteristics. Given the scale and nature of the development, and the location of the site outside identified flood risk zones, the proposal is not considered to give rise to increased flood risk on the site or elsewhere

Conclusion

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

Location (impractical or undesirable)

Policy Context

The PPG advises that LPAs should apply a reasonable approach to the assessment of the location being “impractical or undesirable”². It goes on to advise that:

When considering whether it is appropriate for the change of use to take place in a particular location, a 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.

Applications should only be refused if there may be circumstances where adverse impacts cannot be mitigated. Examples given by the PPG, when looking at location, include an agricultural building on the top of a hill with no road access, power source or other services being impractical and the location of a building (whose use would change) may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

Assessment

The application site is located within a rural area, forming part of an established agricultural holding. It is recognised that agricultural buildings are typically located in the open countryside, often outside defined settlements and at some distance from everyday services and facilities. As set out in the Policy Context above, the fact that the site is not in a location where new residential development would normally be supported through the development plan is not a sufficient reason to refuse prior approval under Class Q.

The buildings are accessed via an existing lane which accommodates sporadic residential and agricultural development along its length. The presence of existing dwellings along the access route indicates that residential use is already established in the immediate locality and that the use of the access for residential purposes is not unusual or incongruous.

In locational terms, the site lies approximately 1 Mile from Cricklade and 7 miles from Swindon, which both provides a range of local services and facilities. Whilst it is acknowledged that access to these facilities is likely to be primarily car-based, this does not render the location impractical or undesirable for the purposes of Class Q. The Planning Practice Guidance makes clear that LPAs should not apply a test of locational sustainability or accessibility to services when assessing prior approval under this Class.

There is no evidence to suggest that the site is impractical in physical terms, such as lacking access, power, water or other essential services. Nor is the location considered undesirable by virtue of proximity to incompatible or harmful uses. As confirmed through site inspection, there are no intensive agricultural operations, fixed plant, or hazardous activities currently taking place on the holding that would give rise to unacceptable living conditions for future occupiers.

On this basis, and applying the reasonable approach advocated by the PPG, it is considered that the location and siting of the buildings do not make the proposed change of use impractical or

² Planning Practice Guidance - Paragraph: 109 Reference ID: 13-109-20150305, Revision date: 05/03/2015.

undesirable. The proposal therefore satisfies the prior approval considerations in respect of location under Class Q.

Conclusion

Prior approval in relation to location 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 involves the conversion of an existing steel framed agricultural building. The submitted drawings indicate that the overall form, scale and agricultural character of the building would be retained, with no extensions or alterations that would materially alter the external envelope to a significant extent.

The proposed external works are limited to those reasonably necessary to facilitate the conversion, including the insertion of windows and doors, upgrading of the building envelope with infill walling to one side, and retention of the existing profiled metal cladding and roof sheeting. These interventions are modest in nature and are typical of agricultural building conversions carried out under Class Q.

The resulting appearance would remain clearly legible as a converted agricultural building, reflecting the simple and functional character of the original structure and remaining visually consistent with other buildings within the farmstead. The proposal would not introduce incongruous

materials, excessive glazing, or domestic features that would appear out of keeping with the rural context.

Given the siting of the building and the absence of any sensitive landscape or heritage designations affecting the site, it is considered that the proposed works would not result in material harm to the character or appearance of the area.

Conclusion

Prior approval in relation to design matters is not required.

Provision of Natural Light

Policy Context

The prior approval matter to be assessed under para. Q.2(1)(g) relates to the provision of natural light into habitable rooms of the proposed dwelling.

For the purposes of the Part 3 (change of use) PD rights, para. X of the GPDO defines “habitable rooms” as:

...any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

Assessment

The proposed dwelling would be arranged over one level, with habitable accommodation comprising living areas and bedrooms. The submitted floor plans and elevations demonstrate that all habitable rooms would be served by one or more windows or glazed doors providing direct access to daylight. The building is of a simple rectangular form with openings on more than one elevation. the site is not tightly enclosed and there are no immediately adjacent structures that would result in a restriction of daylight to the proposed habitable rooms.

Having regard to the size, position and number of proposed windows, the relationship to surrounding buildings, and the rural setting of the site, it is considered that all habitable rooms would benefit from adequate natural light for the purposes of paragraph Q.2(1)(g) of Class Q.

Conclusion

Prior approval in relation to natural light matters is not required.

Other matters

The application site lies within the Zone of Influence for the North Meadow and Clattinger Farm Special Area of Conservation (SAC), a European site designated for its internationally important lowland hay meadow habitat. Residential development within this catchment has the potential to result in likely significant effects on the SAC through increased recreational pressure.

Under Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), planning permission is granted subject to the provisions of Regulations

75–78 of the Conservation of Habitats and Species Regulations 2017 (as amended). These regulations provide that development which is likely to have a significant effect on a European site must not be commenced until the local planning authority has given written approval following consideration under Regulation 77.

Regulation 77 establishes a separate process whereby the local planning authority, as competent authority, must undertake an Appropriate Assessment where required and may only grant approval where it can be ascertained that the development will not adversely affect the integrity of the European site. Consultation with Natural England is required as part of this process.

In the context of Class Q prior approval applications, there is no legislative requirement for Regulation 77 approval to be secured prior to determination of the prior approval application. The prior approval process and the Regulation 77 process are separate, albeit both arise from the same grant of planning permission under the GPDO. Accordingly, it is appropriate to determine the prior approval application on its own merits, whilst noting that the development cannot be lawfully commenced until any necessary Regulation 77 approval has been obtained.

On this basis, the Habitats Regulations considerations will be addressed through a subsequent Regulation 77 application. An informative is attached to the decision notice to advise the applicant of this requirement.

CONCLUSION

The proposed development has been assessed against the provisions, limitations, and conditions set out in Schedule 2, Part 3, Class Q 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 Q.

As such, the local planning authority has considered whether prior approval is required in relation to the relevant matters. In this case, it is concluded that prior approval is not required, and the development may proceed in accordance with the submitted details.

The proposed development has been assessed against the provisions, limitations, and conditions set out in Schedule 2, Part 3, Class Q 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 Q.

Following assessment, it is determined that prior approval is not required in relation to transport and highways impacts/noise impacts flood risk/location or siting matters/design or external appearance matters/natural light matters of the development but that prior approval is required in relation to the contamination risks.

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 GRANTED subject to the following condition/s;

UNEXPECTED CONTAMINATION

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

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

INFORMATIVES

The Applicant is reminded that the site is situated within the Inner Zone of Influence for the North Meadow National Nature Reserve (NNR) / Site of Special Scientific Interest (SSSI) component of the North Meadow and Clattinger Farm Special Area of Conservation (SAC) and has potential to have an adverse effect upon the integrity of these European sites. 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 European site(s) 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). Regulation 75 states that development cannot begin if it could significantly affect a European Site (until the local planning authority has given approval) Regulation 76 enables developers to seek advice from Natural England on whether their proposal may have a significant effect on a European Site (this step is optional but can help clarify whether Regulation 77 is required) Regulation 77 requires developers to apply to the local planning authority for approval, with details of the development and any advice received from Natural England. Further information on this process can be found here <https://www.wiltshire.gov.uk/article/14941/Regulations-75-76-and-77-of-the-Conservation-of-Habitats-and-Species-Regulations-2017>

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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. 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.

The applicant should note that no construction / demolition vehicle access may be taken along CRIC15 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

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 CRIC15 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST CLASS Q

Class Q – agricultural buildings to dwellinghouses

		Yes / No
Q.	Permitted Development Note: <i>If the answer is "Yes" to any, proceed to assessment under Q.1. If the answer is "No" to all, the proposal does not qualify as permitted development under this class.</i>	
(a)	Does the development consist of change of use of: (i) a building and any land within its curtilage from use as an agricultural building, 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)?	Y
(b)	Does it include development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or	
(c)	Does it include 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?	
Q.1	Development is not permitted by Class Q 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 site 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?	N
(b)	Is the site no longer part of an established agricultural unit and either: (i) Was not part of one on 24 July 2023, (ii) Has not been part of one for at least 10 years before development begins, or (iii) Has been used for any non-agricultural purpose since leaving the unit?	N
(c)	Does any proposed dwelling exceed 150 square metres in floor space?	N

(d)(i)	Would the total number of dwellings on the agricultural unit (including previous Class Q developments) exceed 10?	N
(d)(ii)	Would the total cumulative floor space of all dwellings on the unit exceed 1,000 square metres?	N
(e)	Is the site occupied under an agricultural tenancy without written consent from both landlord and tenant?	N
(f)	Was an agricultural tenancy terminated less than 1 year before development begins for the purpose of Class Q development, without written agreement that the site is no longer needed for agriculture?	N
(g)	Has development under Class A(a) or B(a) of Part 6 (agricultural buildings/operations) occurred on the unit within the last 10 years?	N
(h)	Would the development extend the building beyond its existing external dimensions, except for: (i) Extensions allowed under Q.1(i), or (ii) Protrusions up to 0.2m allowed under Q.1(j)(i)?	N/A
(i)	Would the proposed extension: (i) Have more than one storey? (ii) Be sited anywhere other than the rear? (iii) Extend more than 4m beyond the rear wall? (iv) Have eaves higher than the existing building? (v) Be taller than the highest part of the roof or 4m above ground? (vi) Extend beyond a side or principal elevation? (vii) Be sited on land not covered by a hard surface installed before 24 July 2023 or not in place for at least 10 years?	N/A
(j)	Would the building operations include anything other than: (i) Installation/replacement of windows, doors, roofs, exterior walls, or services, or (ii) Partial demolition reasonably necessary for those operations?	N
(k)	Is the site located on article 2(3) land (e.g., National Parks, AONBs, conservation areas)?	N
(l)	Is the site or any part of it: (i) A Site of Special Scientific Interest? (ii) A safety hazard area? (iii) A military explosives storage area?	N
(m)	Is the site or any part of it a scheduled monument?	N
(n)	Is the building a listed building?	N

(o)	Would the converted building (excluding extensions) fail to meet the nationally described space standard?	N
(p)	Does the building lack suitable existing access to a public highway?	N