

APPLICATION FOR PRIOR NOTIFICATION – PART 3 CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09847
APPLICATION TYPE:	Prior approval Part 3 Class R: Agricultural buildings to a flexible commercial use
SITE ADDRESS:	FARMYARD AT WESTBROOK ROAD, WESTBROOK, BROMHAM, WILTSHIRE, SN15 2ED
DEVELOPMENT DESCRIPTION:	Change of use from agricultural buildings to Class E commercial use.
RECOMMENDATION:	That Prior Approval is required and GRANTED

SITE DESCRIPTION/CONTEXT

The agricultural buildings are located within an existing farmyard and lie approximately less than a mile north from the village of Bromham and 3.5 miles west of Melksham town centre.

The proposal consists of 2No agricultural buildings. The buildings are single storey, of steel portal frame with a hardcore floor. Walls are predominantly plastic/glass and the layout is open plan. The agricultural buildings are part of an established agricultural unit and were previously used for horticulture and nursery grounds, which meets the definition of 'Agriculture' under the Town and Country Planning Act 1990.

The site is located off the A3102 with PRow BROM74 and BROM2 to either side of the site. The agricultural land is classified as Grade 2. The site is not identified as being at risk from groundwater flooding and is located in Flood Zone 1.



The Supporting Statement submits that the building labelled 'Building A' which lies to the south of the farmyard, has changed use from agriculture to Class E Commercial Use which the Council was notified of. PL/2025/09470 refers. '*Notification under Class R - Change of Use of Agricultural Building to Class E Commercial Use (89.27m2) to Commence 1st December 2025*'.

PROPOSAL

It is proposed to change the use of two agricultural buildings, labelled B and C shown in the above diagram into commercial units under Use Class E. The agricultural buildings are part of an established agricultural unit and were previously used for horticulture and nursery grounds, which meets the definition of 'Agriculture' under the Town and Country Planning Act 1990. Agricultural use was clearly demonstrated as at or before 3rd July 2012

Building B measures 274.43m² and Building C measures 631.95m². The proposed commercial units will be single storey, utilising the full dimensions of the current agricultural buildings, extending to 274.43m² for Building B and 631.95m² for Building C.

The Supporting Statement suggests that the steel portal frame, elevations and roof are sound and will remain in-situ and continue to provide the main loadbearing elements. It is also stated that there are no external works are proposed.

It is evident that some degree of operational development will be required to facilitate reuse of the buildings. Class R however makes no provision for external alterations meaning that a separate application for planning permission would be required for changes operational development.

The curtilage of Building B will extend to 273.43m² being a hardcore yard area adjoining the building to the north and west. It is proposed that the curtilage of Building C will extend to 630.28m² and is a hardcore/earth area adjoining the building on all elevations. The curtilages will be used in conjunction with the proposed commercial units to provide parking and unloading areas.

It is submitted that Building A located to the south of the farmyard has already changed use from Agriculture to Class E Commercial Use. Should this be the case, when taking into account the floor area of Building A, 910.73m² would still be available under Class R permitted development rights.

It should be noted that whilst the Council acknowledge this notification relating to Building A, this current application has no bearing on the status of any other permission of lawful use of Building A.

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
K/20961 - Full planning permission Decision - Approve with Conditions Date: 9/12/1993 – REPLACE AND INCREASE HORTICULTURAL GLASSHOUSES

CONSULTATIONS

Wiltshire Council Highways Officer:

The proposal will result in increased use of an existing moribund site with no current vehicle attraction. Therefore, the site will result in a material change in the local highway network on a very localised level within the village of Bromham. The lack on an end user makes the task of assessing the likely highways impact problematic.

With adequate visibility for the likely accesses I am of the opinion that it is likely any increase in vehicular movements will not cause a severe highways impact.

Electric Vehicle charging points are required for non-residential new-build developments in accordance with guidance from 'Infrastructure for the charging of electric vehicles - The Building Regulations 2010 Part S (HM Gov - 2021 edition)' as follow:

Where a new building which is not a residential building or a mixed-use building has more than 10 parking spaces -

- One of those parking spaces must have access to one electric vehicle charge point; and*
- Cable routes for electric vehicle charge points must be installed in a minimum of one-fifth of the total number of remaining parking spaces*
- Where there is at least one accessible space (as defined in Approved Document M), a chargepoint and/or cable route must be provided to a minimum of one accessible space.*
- As part of any submission a drawing showing EV provision shall be annotated with "EV" to represent a charging point and/or "EVC" to represent a cable connected parking space.*
- A suitable cycle store to current LTN 1/20 standards would allow for safe storage of larger cycles and offer a greater sustainable transport offering at the work site.*

Should the proposal be permitted the following conditions would be recommended.

No building or use hereby permitted shall be occupied or use commenced until details of Electrical Vehicle (EV) charging infrastructure, has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of the following:

- Number and location of EV parking spaces;*
- Number and location of EV charging points;*
- Management plan outlining the proposed management of spaces, charging network and infrastructure;*

The Electric Vehicle Charging Points and management strategy as approved shall be implemented prior to completion and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change

Informative

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

Further comments were received by the Councils Highways Officer who clarified the following;

'Having regard for the worst-case scenario increasing the vehicular movements through the access I am satisfied that the access will operate under increased use in a satisfactory manner. The hardstanding apron should be increased to a minimum 5 m back from the carriageway edge, the visibility and forward visibility at the access is deemed to be adequate.'

Wiltshire Council Public Protection Officer:

02.02.26 I note the proposed development is not that far from noise sensitive properties and I, therefore, will require an acoustic report carried out in accordance with BS4142:2014+A1:2019 in order to make recommendations to you.

I would otherwise have to object since there is insufficient information to base an informed judgement upon.

30.03.26 I disagree that the closest noise sensitive properties are 260m away and believe they are in fact approximately 78m away from the proposed Western most building and 106 m away from the proposed Eastern most building, when measured on an OS map.

I can also confirm that commercial noise can be very different to agricultural noise in a rural setting and more readily accepted by those in the vicinity . However, I do acknowledge that Class E includes "any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit", and am, therefore, happy to withdraw my request for an acoustic report and have no objections to the proposal.

ASSESSMENT

This application seeks prior approval under Class R which allows for change of use of agricultural buildings under Class R to Change of use of agricultural buildings under Class R to Class E (commercial, business or service) of Schedule 2

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 agricultural buildings with a gross internal floor area of approximately 906.38 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.

Assessment

The proposal involves the change of use of an existing agricultural buildings to a Class E (commercial, business or service). Access from the site is from the A3102 where there is an existing access.

The supporting statement confirms that vehicles are able to enter and exit in a safe manner in a forward gear, with sufficient space for turning and parking. The vehicular access is located on a straight stretch of road, with good visibility in both directions. The statement goes on to say that whilst the exact final use for the unit is unknown, it is estimated that the proposed commercial unit would generate small daily traffic movements. This is unlikely to materially increase or change the character of traffic in the vicinity and so will not have a significantly adverse impact on the highway network.

The Councils' Highway Officer has been consulted and has confirmed that the site will result in a material change in the local highway network on a very localised level within the village of Bromham. The lack on an end user makes the task of assessing the likely highways impact problematic however conclude that it is likely any increase in vehicular movements will not cause a severe highways impact. The Highways Officer has however confirmed that having regard for the worst-case scenario in terms of potential end user, the access will operate under increased use in a satisfactory manner.

They have also confirmed that the hardstanding apron should be increased to a minimum 5 m back from the carriageway edge.

Subject to conditions relating to the provisions of EV chargers and an informative relating to any new access no objection is offered by the Councils' Highway Officer.

Conclusion

Prior approval in relation to traffic matters is required and is granted subject to the recommended conditions.

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 Councils Public Protection Officer was consulted on the proposal and requested an acoustic report be done. The applicant provided additional information in respect of the agricultural baseline and history of operations which may have generated similar level of noise. On review the Public Protection officer they concluded that while commercial noise can be very different to agricultural noise in a rural setting they acknowledge that Class E includes "any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit", and am, therefore. The request for an acoustic report was withdrawn and have no objection was raised.

The proposed use is one that would be considered acceptable to carry out in a residential area without detriment to that area. The use is considered to be limited by the size of the buildings and associated outdoor space available for parking.

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

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 horticultural purposes, and it is not considered that the site has been used for 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. There is no known history of flooding affecting the site or the existing agricultural building and the site is not in a location at risk of surface water flooding. 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 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.

Other Matters - Condition of the buildings, operational development and Class R

As noted above the buildings subject of this application are steel portal framed with predominately plastic and glass walls. As expected for such horticultural buildings which appear to have been unused in the recent past, they do not appear to be of particularly solid construction.

However, the condition of the walls, floor and doors of the building and other structural matters are not considerations for Class R applications which do not allow for any associated operational development.

Various appeal Inspectors have addressed this matter, given the levels of operational development usually required to bring buildings up to the required standard for commercial occupancy. Reference: APP/F1610/W/17/3188502 provides an explanation which can be applied to the determination of this application:

'3. Class R does not allow for any associated operational development to take place as part of the permitted development right. However, it is clear that it is envisaged that building works or other operations may be reasonably necessary to use the building or land for the use proposed under Class R. Where this is necessary, a separate planning application will be required following either the confirmation that prior approval is not required or the grant of it. The application, which is the subject of this appeal, seeks to do just that and it includes works to the building and the creation of a parking and turning area. The existing access would be utilised.'

While it is accepted that an application can be made separately for operational development reasonably necessary to use the building, the LPA is not bound to accept a future planning application. Each proposal will be considered on its own merits with regard to the nature and extent of works proposed. It should be demonstrated that the application does not amount to a total rebuild (i.e. a different building) as it is only the original building/s which benefit from the PD right.

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 noise, flood risk, or contamination risks. However, prior approval is required in relation to highways and transportation impacts.

Given the site's rural location and the nature of the local highway network it is considered necessary to impose conditions relating to the access and provision of EV chargers. It is further considered necessary to apply a condition requiring the first 5m of the access be consolidated with an informative added advising of the need for separate highways consent for any works to the access.

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 impact and is GRANTED (subject to the conditions set out below).

The buildings shall not be occupied or brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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 E (commercial, business or service).
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 horticultural use
(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 – The combined floor area of buildings A, B and C, do not exceed 1000m2
(c)	Is the site, or does it form part of, a military explosives storage area?	No

