

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

APPLICATION REFERENCE:	PL/2026/01085
APPLICATION TYPE:	Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses
SITE ADDRESS:	GRYPHON LODGE FARM, LEIGH, SWINDON, SN6 6RQ
DEVELOPMENT DESCRIPTION:	Change Of Use Of An Agricultural Building To 2no. Dwellings At Gryphon Lodge Farm (Building 5)
RECOMMENDATION:	That Prior Approval is required and GRANTED

SITE DESCRIPTION/CONTEXT

The application site comprises Gryphon Lodge Farm, an established agricultural holding located in a rural area to the north of Leigh, Wiltshire. The wider holding is accessed from the B4696 via an existing farm access track 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 farmstead contains a number of existing agricultural buildings arranged in clusters, together with associated access tracks and areas of hardstanding. The surrounding land is largely in agricultural use, including grazing and land used for silage production, with the wider landscape defined by open fields and farm infrastructure.

The buildings subject to the current applications are former agricultural buildings of varying scale and form, generally of steel frame or block work construction with profiled metal cladding and concrete floor slabs. These buildings historically formed part of the operational agricultural unit and are positioned within the established farm complex.

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 9.4 kilometre recreational catchment of 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).

Access to the site is taken from the existing farm access serving the wider holding, with no new access points proposed as part of the development.

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 Building 5 at Gryphon Lodge Farm from agricultural use to form 2 no. dwellinghouses (Use Class C3).

The proposal comprises the conversion of the existing agricultural building within its current external envelope. The submitted plans indicate that the development would provide two single-storey dwellings with internal floorspace of approximately 128.5 sqm and 130 sqm respectively, giving a total cumulative floorspace of 258.5 sqm.

Associated building operations are proposed which are stated to be reasonably necessary to facilitate the conversion, including the insertion of new window and door openings, removal of existing lean-to elements, upgrading of the building fabric, and the installation of services. No extensions beyond the existing external dimensions of the building are proposed.

The application is supported by a Prior Notification Planning Statement, existing and proposed plans, and a Schedule of Works detailing the condition of the building and the scope of works required to enable its conversion to residential use.

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

Proposal / Summary
N/98/00777/FUL - Full planning permission Decision - Approve with Conditions Date: 15/5/1998 – ERECTION OF AGRICULTURAL BUILDING
N/97/00898/FUL - Full planning permission Decision - Approve Date: 2/6/1997 – ERECTION OF AGRICULTURAL BUILDING
N/93/01322/AGN - Agricultural & Forestry - Detailed matters Decision - Approved Date: 16/8/1993 – ERECTION OF CLEAR SPAN BARN FOR HAY/STRAW STORAGE AMENDED BY PLAN 11/08/93 CLEAR SPAN BARN
N/89/00176/SEC - Unknown Decision - Permitted Development Date: 24/2/1989 – SECTION 53 DETERMINATION - USE OF EXISTING CATTLE FOOD STORAGE BUILDING TO PRODUCTION OF ICE CREAM AND YOGHURT

N/05/02578/OUT - Outline Planning Decision - Refused Date: 30/11/2005 – Outline - Erection of Twelve Holiday Units and Leisure Barn
N/06/00298/OUT - Outline Planning Decision - Refused Date: 29/3/2006 – Erection of Twelve Holiday Units
18/11337/CLE - Lawful development: Existing use Decision - Refused Date: 4/3/2019 – Use of an office (formerly an agricultural building)
20/01703/CLASSR - Class R Application Decision - Class R Acknowledgement Letter Date: 31/3/2020 – Prior Notification under Class R - Use of Building for B8 Use (108sqm) from 1st September 2020
19/03973/PNCOU - Notification Decision - Prior Approval Granted Date: 17/6/2019 – Notification for Prior Approval under Class Q - Change of Use of Agricultural Buildings to Form One Dwelling (Use Class C3) and Associated Operational Development
PL/2026/01081 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses – Change of use of an Agricultural Building at Gryphon Lodge Farm to 1no. Dwelling (Building1)
PL/2026/01082 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses – Change Of Use Of An Agricultural Building To 4no. Dwellings At Gryphon Lodge Farm (Building 2)
PL/2026/01083 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses – Change Of Use Of An Agricultural Building To 1no. Dwelling At Gryphon Lodge Farm (Building 3)
PL/2026/01085 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses – See Accompanying Prior Determination Notification Planning Statement
PL/2026/01084 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses – Change Of Use Of An Agricultural Building To 1no. Dwelling At Gryphon Lodge Farm (Building 4)
PL/2022/01437 - Conversion and extension to agricultural buildings to form a dwelling – Approved with conditions - 17/03/2025

CONSULTATIONS

Wiltshire Council Highways Officer: No objections subject to conditions but notes the inappropriate and unsustainable location being within the open countryside.

Wiltshire Council Public Protection Officer: Clarification sought on the use of the remaining buildings on site with regards to potential noise impacts. Case Officer can confirm following a site visit that the farm is no longer in active use with all buildings in a redundant state. No other concerns raised subject to a condition regarding contaminated land.

Wiltshire Council Ecology Officer: Confirmed Ecology are not required to comment on Permitted Development applications but suggested an informative be placed on any decision notice to draw the applicant's attention to obligations to comply with Article 3 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Wildlife and Countryside Act (1981)

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.

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, replacement cladding and roof coverings, and internal works such as flooring. These works are to be carried out within the existing structural frame, which is to be retained without modification.

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

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 forms part of a wider group of Class Q applications at Gryphon Lodge Farm which, taken together, would result in the creation of up to nine dwellings within the established agricultural holding. Vehicular access to the site is taken from the B4696 via an existing access arrangement, which includes a surfaced track identified as Public Bridleway LEIG15, currently serving the farm and a small number of existing dwellings.

The Highway Officer has confirmed that the junction of the access with the B4696 provides adequate visibility in both directions, with a suitable radii and forward visibility for vehicles turning in and out of the site. The surfaced track is approximately 3.5 metres in width, which, whilst requiring a degree of caution, is capable of accommodating two way vehicle movements associated with the proposed level of residential use.

It is acknowledged that the change of use of the buildings to residential use would result in an increase in vehicular movements when compared to the former agricultural use. However, the Highway Officer has confirmed that, notwithstanding the increased activity, the access is of sufficient width and standard to allow for conflicting movements to pass safely, and no objection has been raised in respect of highway safety or capacity at the site access or its junction with the public highway.

The Highway Officer has raised concerns regarding the sustainability of the site's location and its accessibility to services and facilities by non car modes, referring to conflict with development plan policies that seek to direct new housing to more sustainable locations. However, as set out in the policy context above, considerations relating to the sustainability of the site's location, reliance on private car use, or compliance with the spatial strategy are not material considerations for the purposes of determining a prior approval application under Class Q. The assessment is therefore confined to matters of highway safety and operational impact only.

In respect of parking, the Highway Officer has identified that, across the wider site, provision is proposed at a ratio consistent with typical residential standards, including visitor parking. A

condition is recommended to ensure that the approved parking spaces are provided, retained and include electric vehicle charging provision, in the interests of highway safety and the efficient operation of the site.

The Highway Officer has also advised that construction traffic should not utilise the bridleway without prior consultation with the Council's Rights of Way team, and that the public right of way should remain unobstructed during construction. These matters are appropriately addressed by informative, rather than forming a basis to withhold prior approval.

On balance, and having regard to the Highway Officer's technical advice, it is considered that the proposal would not result in an unacceptable impact on highway safety, nor would the residual cumulative impacts on the local highway network be severe. The proposal therefore accords with the relevant prior approval considerations under Class Q in respect of transport and highways impacts.

Conclusion

Prior approval in relation to traffic matters is required and is granted subject to the recommended condition(s).

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 application site forms part of a former agricultural holding comprising a number of buildings historically associated with dairy farming. Public Protection initially sought clarification regarding the current and future use of other buildings on the site, and whether any fixed plant, machinery or intensive agricultural activity could give rise to noise impacts affecting the proposed dwellings.

In response, the applicant has confirmed that the former dairy use ceased in the 1990s and that, since that time, the holding has been used primarily for low-intensity agricultural purposes, including sheep grazing and the cutting of hay or silage. It is stated that the majority of the buildings on the site are now largely redundant, with only limited and sporadic agricultural storage having

taken place in recent years. No intensive agricultural operations or fixed mechanical equipment are currently in use within the remaining buildings.

This position has been corroborated by the case officer following a site visit, which confirmed that there is no active or intensive agricultural use currently taking place on the site that would be likely to generate significant noise. The surrounding environment is therefore characterised by a generally quiet rural soundscape, typical of open countryside, with occasional low-level agricultural activity.

It is acknowledged that the buildings not included within the current Class Q applications would, in theory, retain the potential for agricultural use. However, such use would be subject to the existing planning and environmental control regimes, and there is no evidence before the Local Planning Authority to suggest that the proposed dwellings would be exposed to unacceptable levels of noise arising from lawful activities on the holding.

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. 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.

The proposal involves demolition of adjacent structures. The LPA accepts the proposed demolition is reasonably necessary to enable the change of use of the remaining building to take place within the limitations of the PD right. To ensure that future occupiers are not exposed to unreasonable levels of noise from activities within the adjacent buildings/structures, that could continue should they remain in place, a condition can ensure that all proposed demolition is completed prior to the occupation of the dwelling and any resultant debris/rubble removed from the site or adjacent land.

Accordingly, it is concluded that the proposal satisfies the prior approval requirements in respect of noise impacts.

Conclusion

Prior approval in relation to noise matters is required and is granted.

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 site comprises a former agricultural holding, with buildings historically associated with dairy farming and ancillary agricultural activities. Public Protection has advised that there is a potential for contamination to be present as a result of former agricultural uses, and has recommended the imposition of a condition to address the risk of unexpected contamination should it be encountered during development.

No site-specific contamination assessment has been submitted with the application. However, there is no evidence before the Local Planning Authority to indicate that the land is known to be contaminated, nor has the site been identified as contaminated land under Part IIA of the Environmental Protection Act 1990. The proposed development involves the change of use of existing buildings rather than extensive ground disturbance, and the nature of the former agricultural activities is not, in itself, indicative of a high contamination risk.

In the absence of evidence demonstrating the presence of contamination, it is not considered reasonable or proportionate to require detailed intrusive investigation at this stage. Nevertheless, it is recognised that there remains the potential for unexpected contamination to be encountered during construction works, particularly given the historic agricultural use of the site.

In this context, it is considered appropriate to address the matter through a precautionary condition requiring that, should contamination be identified during the course of development, works cease in the affected area and appropriate investigation and remediation measures be submitted to and approved by the Local Planning Authority. This approach accords with the guidance set out in paragraph 196 of the NPPF and ensures that the site would be suitable for its proposed residential use without posing risks to human health or the environment.

Subject to the recommended condition, it is therefore concluded that the proposal would not give rise to unacceptable contamination risks, and that the site would be suitable for the proposed use.

Conclusion

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

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 not located within Flood Zone 2 or Flood Zone 3, as defined by the Environment Agency's Flood Map for Planning. 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.

The submitted information indicates that foul drainage would be provided via a new drainage system, with surface water managed appropriately as part of the conversion works. 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 track which serves the wider farm holding and accommodates sporadic residential 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.

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

In locational terms, the site lies approximately 2 miles from Minety, which provides a range of local services and facilities including a primary school, public house, shop and village hall. 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.

The LPA acknowledges that a number of Class Q applications for the change of use of several buildings within the existing farmyard have been submitted together. Should all of the prior approval applications be approved the Applicant would have the option to implement the change of use of 5 buildings into 9 separate dwellings. It is reasonable to expect that any approved permissions would be implemented so the LPA can reasonably assess the impact of the proposals together.

The site-wide development would create a fairly high-density residential development with neighbouring curtilages located in close proximity to each other and in some cases new windows overlooking curtilage areas and adjacent dwellings. With regards to residential amenities, this could be considered to be undesirable. However, it would be for the Applicant to resolve any issues with building to curtilage layouts and the PD right (para. Q.3(1)) allows for some flexibility to the location and layout of the areas surrounding the buildings.

In any case, providing the proposed demolition is secured prior to occupation, the layout of the wider development would not result in any of the new dwellings being set in an impractical or undesirable location, the demolition allowing for larger open areas adjacent to the buildings (that could be used as garden/curtilage areas) as well as ensuring no continued agricultural use could take place within directly neighbouring structures (see noise section above for further assessment).

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 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 required and is granted subject to conditions.

Design or external appearance of the building

Policy Context

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

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

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

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

Assessment

The proposal seeks to convert an existing agricultural building to residential use, with external alterations limited to those reasonably necessary to facilitate the change of use. The overall scale, massing and footprint of the building would remain unchanged, with no extensions proposed.

The submitted drawings indicate that the primary agricultural form of the building would be retained, with new openings and materials introduced in a restrained manner that reflects its former use and rural setting. The external appearance would remain simple and functional, ensuring that the building continues to read as a conversion rather than a new build.

The building is positioned within the established farm complex and is not visually prominent in the wider landscape. The proposed external alterations would not introduce visually dominant or incongruous features, nor would they result in harm to the character or appearance of the area. Having regard to the limited scope of the prior approval process under Class Q, it is considered that the proposal satisfies the relevant requirements in respect of design and external appearance.

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 submitted proposed floor plans and elevations indicate that all habitable rooms within the proposed dwellings would be served by external windows and/or glazed doors. These openings are positioned within the external elevations of the building and would allow the ingress of natural daylight to the principal living rooms and bedrooms.

The building is single-storey and is situated within a relatively open agricultural setting. There is limited surrounding built form in close proximity to the elevations containing habitable room windows, and no evidence to suggest that the proposed openings would be significantly overshadowed or obstructed. Having regard to the orientation of the building, the surrounding open context, and the proposed fenestration, it is considered that adequate levels of natural light would be available to all habitable rooms throughout the day.

Providing the proposed demolition is secured by condition to be completed prior to occupation, no habitable rooms are shown to be reliant solely on rooflights or borrowed light, and no rooms intended for sleeping or living purposes are windowless.

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.

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

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 NOT required in relation to, flood risk, design or external appearance matters and natural light matters.

And,

That prior approval is required in relation to transport and highways impacts, noise, contamination risks and location matters and is GRANTED (subject to the below conditions).

Conditions:

1. 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

2. Notwithstanding the submitted details, the development hereby approved shall not be first brought into use until the on-site parking spaces serving the dwelling approved under this application have been provided in accordance with the approved plans. A minimum of 2 parking spaces shall be provided, including one space equipped with electric vehicle charging infrastructure. The parking area shall be consolidated, surfaced, and thereafter retained for the parking of vehicles associated with the dwelling.

Reason: To ensure that adequate provision is made for parking associated with the development in the interests of highway safety and to ensure a satisfactory standard of development.

3. The dwellings hereby approved shall not be occupied or brought into use until the proposed demolition has been completed in accordance with the details of the approved plans and all resultant debris/material has been removed from the site and/or adjacent land.

Reason: To prevent noise generating activities and any other activities/uses that may render the location undesirable for a residential use.

Informative Notes:

- The Applicant is reminded that the site is situated within the Outer Zone of Influence (4.2–9.4km) 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 is advised that no construction or demolition vehicle access should be taken along Public Right of Way LEIG15 without prior consultation with the Wiltshire Council Rights of Way Warden. Any necessary safety, mitigation or reinstatement measures should be agreed with the Rights of Way Warden prior to use, in order to ensure the public right of way remains available and convenient for public use.
- The applicant is advised that the public right of way must not be obstructed or adversely affected during the construction phase of the development. Any works, materials, plant, temporary structures or excavations affecting the route will require appropriate consultation and agreement with the Wiltshire Council Rights of Way team and may require separate consent under highways or rights of way legislation, to ensure the route remains available and convenient for public use.

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)?	Yes
(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	No
(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?	Yes
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?	No
(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?	No
(c)	Does any proposed dwelling exceed 150 square metres in floor space?	No

(d)(i)	Would the total number of dwellings on the agricultural unit (including previous Class Q developments) exceed 10?	No
(d)(ii)	Would the total cumulative floor space of all dwellings on the unit exceed 1,000 square metres?	No
(e)	Is the site occupied under an agricultural tenancy without written consent from both landlord and tenant?	No
(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?	No
(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?	No
(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)?	No
(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?	No
(k)	Is the site located on article 2(3) land (e.g., National Parks, AONBs, conservation areas)?	No
(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?	No
(m)	Is the site or any part of it a scheduled monument?	No
(n)	Is the building a listed building?	No

(o)	Would the converted building (excluding extensions) fail to meet the nationally described space standard?	No
(p)	Does the building lack suitable existing access to a public highway?	No