

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

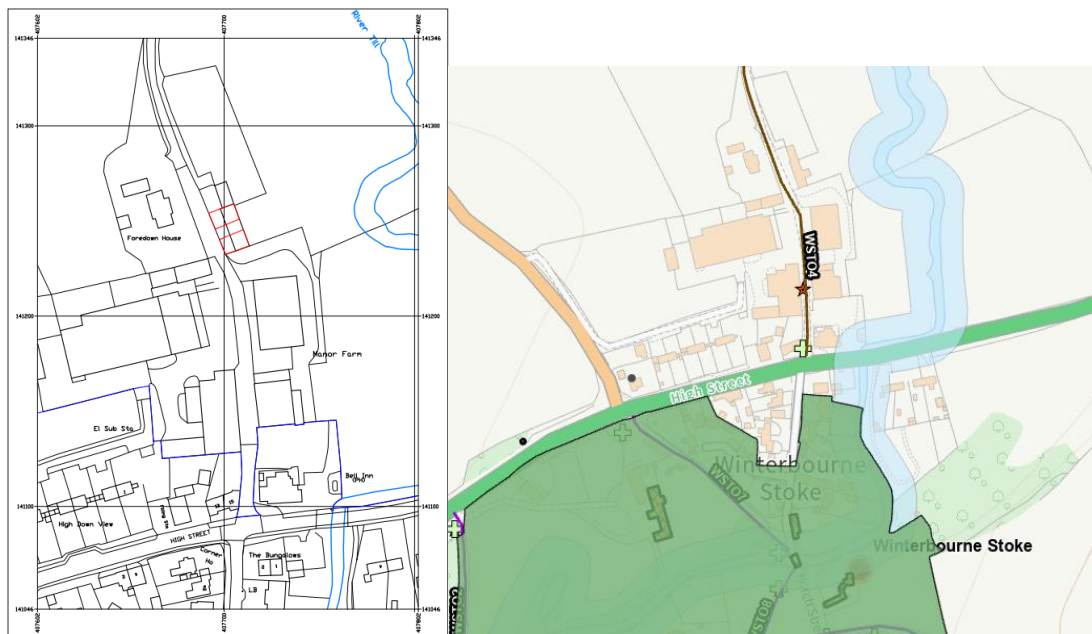
APPLICATION REFERENCE:	PL/2026/02003
APPLICATION TYPE:	Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses
SITE ADDRESS:	Manor Farm North Of The Bell Inn, High Street, Winterbourne Stoke, SP3 4SZ
DEVELOPMENT DESCRIPTION:	Notification under Class Q for the Change of use of an agricultural building to 2 no. dwellinghouses and associated development.
RECOMMENDATION:	That Prior Approval is required and REFUSED

SITE DESCRIPTION/CONTEXT

The application site relates to an existing agricultural building within the Manor Farm complex. Manor Farm is located on the north side of the A303, High Street on the edge of the small village of Winterbourne Stoke, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and CP 4 (Spatial Strategy for the Amesbury Community Area); and as such, the site is considered to be within the countryside.

Manor Farm is a mixed enterprise involved in both livestock and arable farming. Access to the site is gained via a concrete driveway, north from the A303 that also forms Public Right of Way Byway WST04. The agricultural building is located to the north of the farmyard, opposite Foredown House (the existing farmhouse serving the holding). The immediate farmyard that the agricultural building forms part of comprises several large barns, used for the storage, drying and processing of grain, as well as storage of farm equipment and vehicles. The buildings are arranged along the access track that also forms Public Right of Way Byway WST04. This byway also runs between Foredown House and the application building and gives access to the farmland to the north.

Location Plan & Site Constraints Plan



Aerial image



The application site is within the catchment of the Hampshire River Avon Special Area for Conservation (SAC) and is within the 6.4km recreational buffer of the Salisbury Plain Special Protection Area (SPA). The site is within the Special Landscape Area saved policy C6 of the Salisbury District Local Plan. The site is within Flood Zone 1.

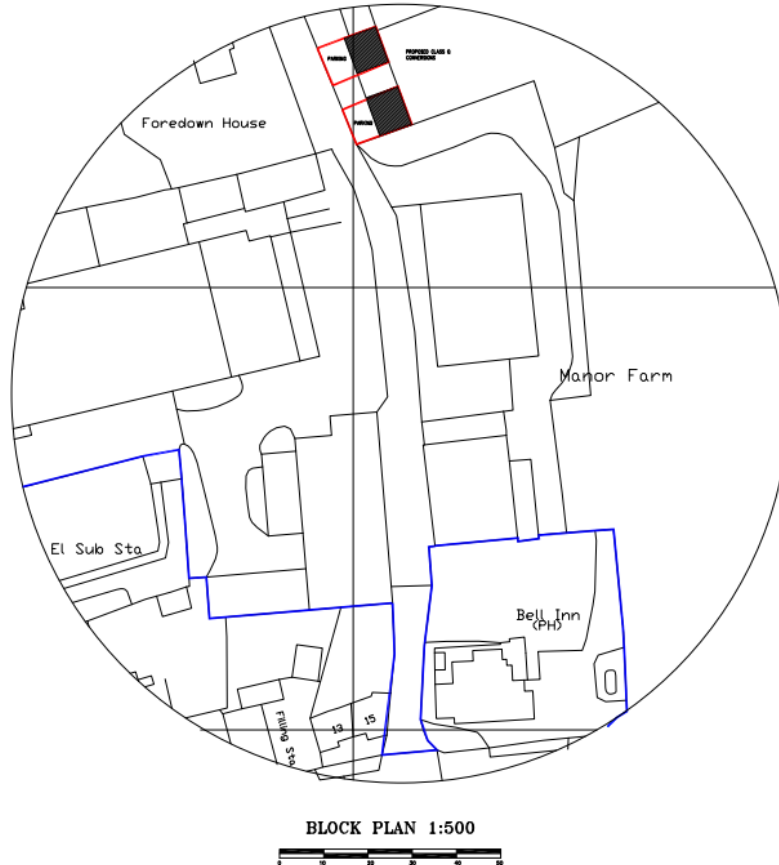
The site is also 65m west of the River Till SSSI and the River Avon SAC 20m buffer zone.

The existing agricultural building has concrete blockwork walls on the north, east and south elevations with door/window openings. The west elevation has a section of open frontage on its southern end and the rest is infilled with timber cladding. There is a metal sheet roof. To the north is a smaller, attached stable building. The building was formally used as cattle stalls and is now used for agricultural storage, the central section of the building was converted to a fabric shop through Class R Prior Notification application PL/2023/01357 in 2023.



PROPOSAL

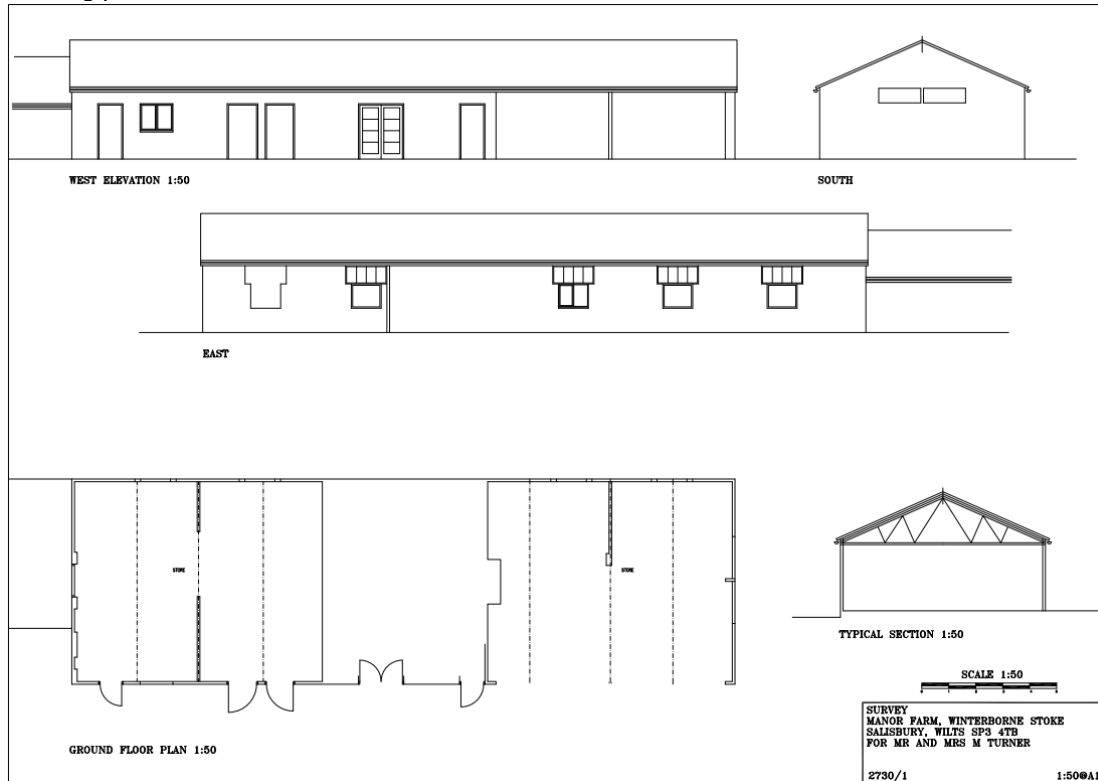
The application is notification for Prior Approval under Class Q of the General Permitted Development Order (as amended) for the change of use of an agricultural building into two C3 dwellinghouses.



The proposals are to convert the north and south sections of the building (Class R retail already occupies central section) into two, 1-bedroom C3 dwelling houses. The two units will have a combined area of 146m² (68m² and 78m²) and the single storey accommodation would comprise an open plan kitchen/dining/living area, double bedroom and bathroom. Access would be from the west elevation, directly into the living area.

New windows are proposed within existing (albeit slightly modified) openings on both the eastern and western elevations. The open sided section on the southern part of the building is proposed to be infilled with new glazed doors, a window and timber cladding. No windows are proposed on the south elevation.

Existing plans and elevations



Proposed plans and elevations



The application is accompanied by a Planning Statement and a Structural Feasibility letter setting out the structural soundness of the two parts of the existing building.

RELEVANT LEGISLATION, POLICY AND GUIDANCE

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Town & Country Planning (Permitted Development)(England) Order 2015 (as Amended) (GPDO)

RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2023/01357 - Prior Notification of change of use under Class R <=150sqm from agriculture to flexible commercial use as a shop used to sell fabrics. Acknowledged – 03.03.2023

CONSULTATIONS

National Highways: no comments received

Wiltshire Council Highways Officer: No objection

I refer to the above prior approval application for Notification under Class Q for the Change of use of an agricultural building to 2 no. dwellinghouses and associated development.

The site is located outside of any settlement boundary, remote from the community services that occupiers of the dwellings would need. The proposal would therefore usually attract an adverse highway recommendation on sustainability grounds, however as this proposal is to be determined under the 'Prior Notification' procedure I am not certain whether sustainability is a valid reason for refusal, I shall be guided by you on this matter.

The site is served directly from Byway WSTO4 and I understand that the Rights of Way team have made comment. The byway then joins the A36 and since this authority has no agency agreement in respect of this trunk road I recommend that you also seek the views of National Highways.

Adequate space is indicated on the submitted drawing for parking and turning and therefore should you be minded to support the development, I raise no highway objection.

Additional comments requested regarding the access received as follows:

As I previously mentioned the site is accessed via a byway off the A303 trunk road and therefore it really isn't my place to make a highway comment.

However, the access off the A303 is in excess of 9m wide and therefore adequate for two vehicles to pass and this will prevent vehicles having to wait on the highway for emerging traffic. The speed limit on this section of the A303 is subject to a 40mph limit, reducing the speeds of the heavily trafficked A303 from the national speed limit either side of the village.

I would therefore consider that the junction of the byway and the A303 is adequate to accommodate the vehicle movements associated with 2 additional dwellings.

Wiltshire Council Rights of Way Officer: Comment

The site is accessed via a byway open to all traffic (BOAT) over which there is a public right of way for mechanically propelled vehicles. It is noted that, aside from the southernmost section, the byway is registered in the applicant's ownership and is maintained by them as part of the farmyard. The applicant is advised that it is not normally the responsibility of the Highway Authority to maintain a byway open to all traffic to the same standard as an unclassified road.

I note that the March 2024 Google Streetview image shows there is a gate across the byway. While this is not a part of the application this gate is an unlawful obstruction and should, if still in existence, be removed.

I have no objection subject to the following informative:

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 WSTO4 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

Wiltshire Council Public Protection Officer: Objection

Thank you for clarifying the use of the agricultural barns surrounding the proposed development site. I note that the applicant has advised that the two barns nearest to the application site (to the north and south west) are no longer in use due to their proximity to the farmhouse. However, it is acknowledged that the barn located approximately 20 m to the south of the site remains in active use as a grain store.

The introduction of new residential receptors in such close proximity to an operational grain store raises significant public protection concerns, particularly in relation to noise, dust, odour, air quality, and the potential for future statutory nuisance complaints.

The use of the grain store is likely to generate significant intermittent and, at times, continuous noise - particularly during harvest periods. This may include, but is not limited to, grain drying fans and burners, augers, loading and unloading operations, tractor, forklift and HGV movements, and potential 24 hour seasonal operation. Given the close proximity of the grain store, Public Protection considers there to be a significant risk of loss of residential amenity to future occupants unless appropriate mitigation is identified and secured.

A Noise Impact Assessment has not been submitted to demonstrate that acceptable internal and external noise levels could be achieved for the proposed dwellings, particularly during night time periods.

Grain handling, drying and intake operations also have the potential to generate particulate matter and dust, particularly during periods of seasonal peak activity. Given the proximity of the proposed dwellings to the grain store, and the heightened sensitivity of residential receptors who are unlikely to be connected with the agricultural use, the applicant has not demonstrated that future occupants would be adequately protected from localised air quality and dust impacts. No air quality or dust assessment has been submitted to assess exposure pathways or to propose suitable mitigation measures. In the absence of such information, the risk of adverse impacts on residential amenity and the potential for future statutory nuisance cannot be discounted.

Finally, while grain storage is generally considered a low odour activity, temporary but noticeable odours may arise during periods of damp or spoiled grain, drying operations, or other agricultural activities associated with the wider farmstead. Such impacts may be acceptable within an agricultural context but could reasonably be perceived as problematic by occupants of new dwellings.

The proposal therefore does not, at this time, demonstrate how future occupants of the dwellings would be adequately protected from activities associated with the existing agricultural business. Any mitigation must ensure that residents are suitably protected without placing unreasonable restrictions on the ongoing operation of the grain store or the wider agricultural activities of the farm.

We therefore requests that further information be submitted, including clarification of the grain store's operational practices (such as hours of use and seasonal intensity), a Noise Impact Assessment assessing noise arising from existing grain store operations, including seasonal worst case scenarios, and a proportionate Air Quality/ Dust assessment should also be carried out and report submitted.

In the absence of the above information, we recommend refusal of the application at this time. Should the requested assessments and information be submitted, we would be pleased to review them upon re consultation.

Further comments received as follows:

Thank you for your email and I note that we need to provide comment bases on the documents submitted at this time.

We consider that there is a potential for significant noise impact on future occupiers of the proposed dwellings arising from legitimate farming activities, including grain drying operations, vehicle movements, and seasonal peak agricultural activity. The proximity of the development—approximately 64 metres from the north elevation of the grain drying barn—together with the likelihood of extended operational hours during harvest periods, is of particular concern.

Furthermore, it is recognised that future occupiers are unlikely to have any association with, or prior expectation of, the operational characteristics of the farm. In the absence of a noise impact assessment demonstrating that acceptable internal and external amenity standards can be achieved, we are unable to conclude that the development would

provide a suitable living environment for future occupiers. Accordingly, we recommend refusal of the application at this time.

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.”

It is noted that the southern section of the building is mostly open sided and will need the construction of a new wall to infill and make the space habitable. However given that this is only one small section of the building; the section benefits from a concrete base that is confirmed in the structural report to be sound; and all other walls on this part of the building are in structural order it is considered that all of the proposed works, including the infilling of this open section, 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. These works are to be carried out within the existing structure.

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.

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

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 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.

The site is situated in the countryside on the edge of a small village which is considered to be an unsustainable location as it has limited access to public transport or public facilities/services. However, the explanatory PPG and GPDO accept that this is not something that would warrant a reason for refusal under this criterion of Class Q for this type of application, as most former agricultural barns are situated in countryside. Therefore whilst the Highway Authority has questioned the sustainability of the site, this is not a matter for consideration for this type of application.

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

Access to the site is via a byway from the A303 trunk road. No comments have been received from National Highways but Wiltshire Council Highways have commented that the existing access is wide enough for two vehicles to pass and the speed limit on this section of the A303 is limited to 40mph. The junction is also already in use and serving an active farm and is thus already used by large/slow vehicles associated with such a use. It is therefore considered that the access is adequate to accommodate the likely vehicle movements associated with two additional dwellings. The proposed site plan also shows adequate space for turning and parking. No Highways objection can therefore be raised to the proposals.

The site access is shared with farm traffic and also forms byway WSTO4 which has been confirmed by the Rights of Way (RoW) Officer to be a 'byway open to all traffic'. Apart from a small southern section, this byway is registered in the applicant's ownership and is maintained as part of the farmyard. It is noted by the RoW Officer that there is a gate across the byway and while not part of the application, is an unlawful obstruction and should be removed. No objection has been raised and an informative regarding the protection of the PRow from obstruction was recommended.

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, which will also be relevant for the consideration of criterion e) (below).

The change of use of the existing agricultural building into two residential dwellings would not result in any particular noise impact for the surrounding uses. The Council's Public Protection Officer has, however, raised an objection to the likely impacts 'for' the future occupiers of this development. The application site is within close proximity of a number of agricultural barns. Clarification was sought from the applicant regarding the use of the adjacent barns:

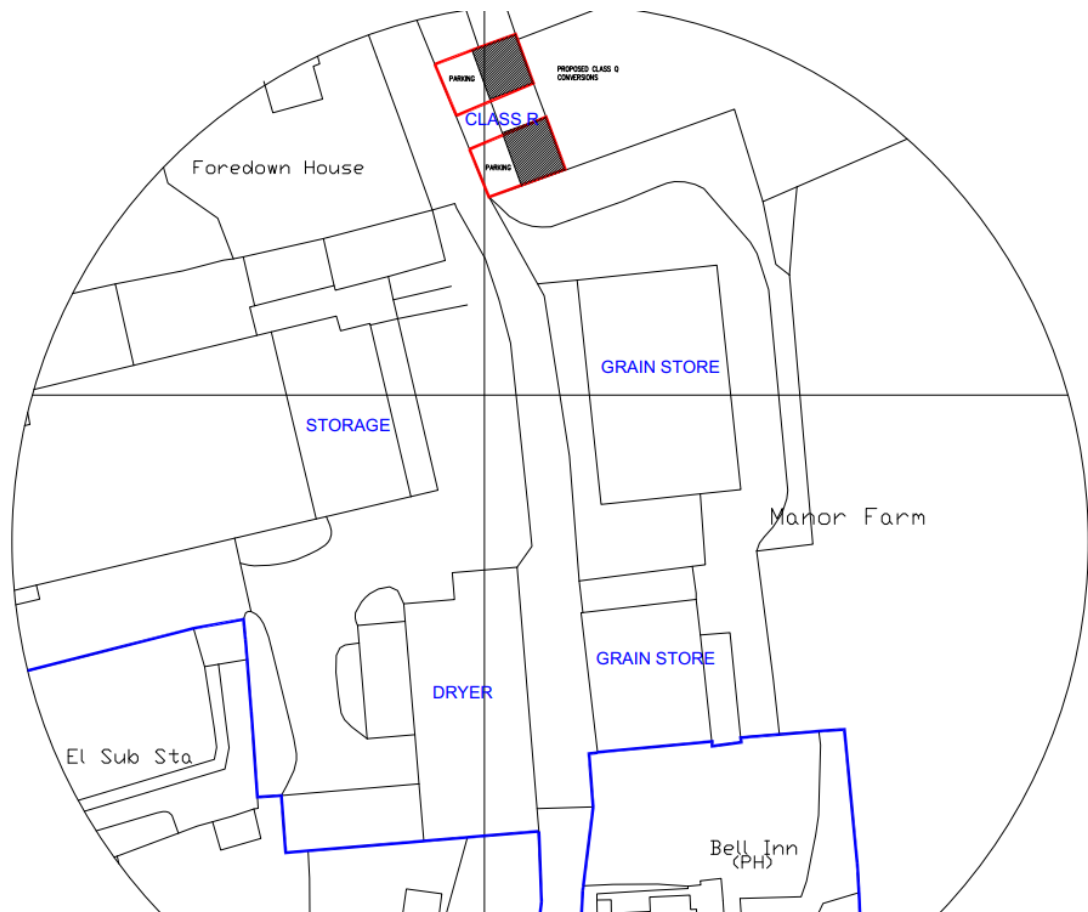
Extract from email with agent

No grain is tipped nor dried in the Grain Store. This is typically the main cause of noise and dust, that she is concerned about. Instead, the grain is tipped into a central hopper located closer to the road where it goes into a dryer (about 75m) from the southern point of the barn to be converted. Once dried the grain is transported by overhead conveyor to the grain stores including the one in question where it enters from the opposite end from where the cottages are located (60m). There is no noise nor dust associated with the conveyor which is fully enclosed.

The dryer is housed inside the barn, coloured black in the image below. The grain store in question is located diagonally to the north and east.



The current use of the adjacent barns is therefore understood to be as follows:



The noise objection relates to the potential for significant noise impact on future occupiers of the proposed dwellings arising from legitimate farming activities, including grain drying operations, vehicle movements, and seasonal peak agricultural activity. The proximity of the development—approximately 64 metres from the north elevation of the grain drying barn—together with the likelihood of extended operational hours during harvest periods, is of particular concern. As is the buildings location alongside the access track that will have heavy farm machinery and potentially livestock using it.

Initial comments from Public Protection proposed a Noise Impact Assessment should be submitted to demonstrate that an acceptable internal and external amenity can be met. This matter could not be addressed post determination by condition and needs clarifying before the Local Planning Authority can conclude that the proposals are acceptable. Given the deemed nature and strict timeframe for dealing with this type of application, it is not considered to be appropriate to request a noise assessment before determination and the application will therefore be refused in relation to this criterion.

The central part of the barn has been converted to a flexible commercial use under 'Prior approval Part 3 Class R: Agricultural buildings to flexible commercial use', application P/2023/01357. This part of the barn is currently operating as a fabric shop, a use not expected to impact the amenity of residential dwellings. In line with the provisions of Class R, any future change to another use would require a prior notification application to be submitted and residential amenity would therefore be considered during that process.

Conclusion

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

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

No comments have been received from Public Protection in relation to contamination. Given the previous use of the agricultural barn as storage and cattle stalls, there is potential for some land contamination but it is considered that in the absence of a consultee objection in this regard, such a matter could be dealt with by a condition on any decision (if prior approval were to be granted for the development). It is therefore clear that any potential contamination risk would be managed by condition and the proposals therefore satisfy this part of the prior approval assessment.

Conclusion

Prior approval in relation to potential contamination matters could be dealt with by condition(s) and therefore this matter would not form an additional reason for refusal of this scheme in this instance.

Flooding risks

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.

The site is located in Flood Zone 1. It is not therefore considered that there any significant flooding risks at this site and therefore, the proposal satisfies this part of the prior approval assessment.

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. Impractical or undesirable are not defined in the regulations, but the PPG confirms that Local Planning Authorities should ‘*apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.*’

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

In this case, impractical or undesirable relates to the proximity of the proposed dwellings to existing agricultural buildings; its situation within an established arable and livestock farm holding; and the siting adjacent to the main farm access track.

The existing building is situated on the northern edge of an existing working farm yard. The supporting documentation confirms that the farm is still in active use for arable and livestock farming. As has been discussed above with regard criterion b), the location of the proposed dwellings, in close proximity to the working farmyard causes significant concerns regarding potential noise impact.

There are also concerns for the future amenity with regards to the impact of farm vehicles and machinery travelling along the public byway and access track (giving access to the wider farm land to the north of the site) that is directly adjacent to the agricultural building (approximately 6m from the west elevation) and immediately adjacent to the proposed parking to serve the dwellings. This track is likely to be used at unsociable hours by large vehicles/machinery, causing noise, dust and privacy concerns. The proposals have windows and glazed doors to habitable rooms facing towards this track and the proposed outdoor parking/garden space is directly adjacent to this track.

Comments from Public Protection also raised concerns regarding air quality, with grain handling, drying and intake operations having the potential to generate particulate matter and dust, particularly during periods of seasonal peak activity. No air quality or dust assessment has been submitted to assess exposure pathways or to propose suitable mitigation measures. Public

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

Protection conclude that in the absence of such information, the risk of adverse impacts on residential amenity and the potential for future statutory nuisance cannot be discounted.

Grain storage is generally considered a low odour activity, but Public Protection raised concerns that “noticeable odours may arise during periods of damp or spoiled grain, drying operations, or other agricultural activities associated with the wider farmstead. Such impacts may be acceptable within an agricultural context but could reasonably be perceived as problematic by occupants of new dwellings.” This is therefore a consideration for this application.

The attached stables to the north of the agricultural building are in use and would be outside the ownership of the proposed dwellings. There is therefore a consideration to be made about noise and odour impacts that this may present.

It should also be noted that the existing enterprise is a mixed arable *and* livestock farm holding. Planning permission would not be required to change some/all of the existing buildings in this farm yard, in very close proximity to the proposed dwellings, from grain storage/drying uses to being used for livestock, in the future. Such a use of any of these buildings would further add significant undesirable amenity issues for future occupants in terms of noise and odour.

The agent has suggested that a planning condition could be included to restrict the occupation of the dwellings so that they can only be occupied by an agricultural worker, associated with the agricultural enterprise, potentially mitigating against the potential impact of the agricultural activities, close to the dwellings. Whilst this approach is sometimes accepted, it is not a standard practice and should only be used in exceptional circumstances on a case-by-case basis.

The description of the proposed development does not describe the dwellings to be created as agricultural workers dwellings, nor does the submitted information propose that such provision is necessary for the functional operation of the agricultural business. It is considered that it is also unlikely that *two* new agricultural workers dwellings could be justified to serve such an enterprise, especially as the farmyard is already served by a large farmhouse. Whilst located within the countryside, the application site also lies 140m north of the small village of Winterbourne Stoke, which, if required, may be able to provide any such necessary accommodation or functional need if it were identified.. Adding such a condition on to this decision to limit the occupation of the two dwellings proposed in this instance would not therefore be appropriate and would be highly susceptible for future challenge in terms of its need and reasonableness, which could thereby result in two unencumbered market units being allowed on the site by default.

Given its position on such a working farm, the Local Planning Authority is not satisfied that the proposed use of this building as two unencumbered market dwellings would be desirable; and is likely to result in unacceptable living conditions for the future occupants of the dwellings with regards to noise impact, air quality (dust), odours, and potentially safety with regards to large machinery and vehicles passing by the principal elevation/front door of the new dwellings and sharing their access.

Conclusion

The site is considered to be in an undesirable and impractical location meaning that prior approval in relation to location matters is required and is refused.

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 existing building is in reasonable condition, with the central section operating as a retail unit and the works required to convert the building being within the realms of the criteria set out in Q.1. A new standing seam zinc roof is proposed. The existing external walls are to be a mix of concrete block and timber cladding. From the plans it appears that the walls are proposed to be all clad in horizontal timber but there is no note on the drawings, application form or within the planning statement that clarifies this. Due to the site's location, adjacent to the public byway and therefore visible from public views, a condition would be required to confirm the materials for the external walls.

Conclusion

Prior approval in relation to design matters could be dealt with by condition(s) and therefore this matter would not form an additional reason for refusal of this scheme in this instance.

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 proposals show that all habitable rooms are to be served by windows and in some cases, glazed doors too to enable natural light to enter the building. It is therefore considered that the proposal makes provision for adequate natural light in all habitable rooms and thus satisfies this requirement of the prior approval assessment.

Conclusion

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

Other matters

The application site lies within the catchment of the River Avon SAC. Residential development within these catchments has the potential, either alone or in combination with other plans or projects, to give rise to likely significant effects on the SAC through increased nutrient loading associated with foul drainage.

The application site is also within the Zone of Influence of the Salisbury Plain SAC / SPA, which supports a range of internationally important habitats and species, including the stone curlew.

The creation of two new households in this area has potential to increase pressure on these designations. The provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs) are therefore relevant to the development. Whilst the matters of ecology and protected species are not issues that are identified in the Class Q criteria for consideration as part of the prior approval process, the procedural notes of the GPDO makes it clear that permitted development rights do not override the requirements of the Habitats Regs and that Regulations 75-78 still apply. The Habitats Regs address the requirements for protecting sites that are internationally important for threatened habitats and species (for example, as is relevant in this instance, SACs and SPAs (often referred to as European Sites)). This includes a requirement for assessment of 'plans and projects' by 'the competent authority' (e.g., the Local Planning Authority) which are likely to have a significant effect on the sites. A separate application under the Regulation 75 and 77 of the Habitat Regs would therefore be necessary for any scheme found to be acceptable within the permitted development provisions of the GPDO.

In this instance however, the prior approval is to be refused due to the potential noise impacts and the undesirable/impractical siting and location. This matter is not therefore considered to be relevant in this instance.

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

Having considered the relevant matters that require prior approval, it is further concluded that:

Prior approval should be refused, as the proposal fails to demonstrate that the development would be acceptable in terms of the noise impacts and location or siting matters.

RECOMMENDATION:

That prior approval be REFUSED.

Reasons for Refusal:

1. The proposed development, by virtue of the building's orientation, facing out towards and sharing an access track that leads through the existing active farmyard connecting it to the wider farm land to the north of the site; and its position within a working farmyard adjacent to buildings in active agricultural use, is likely to result in significant detrimental harm for the amenities of any future occupants of the proposed dwellings in terms of noise, odours, air quality, safety and incompatible activities associated with the farmyard. The site/building is therefore considered to be in an impractical and undesirable location which is unsuitable for new residential uses and the proposals are therefore contrary to the provisions of criteria (b) and (e) of Paragraph Q.2 of Class Q of Part 3 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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 extension proposed
(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. The site was in agricultural use before 2023
(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 it is still in agricultural use
(c)	Does any proposed dwelling exceed 150 square metres in floor space?	No, 68 and 78 square metres respectively

(d)(i)	Would the total number of dwellings on the agricultural unit (including previous Class Q developments) exceed 10?	No, two proposed
(d)(ii)	Would the total cumulative floor space of all dwellings on the unit exceed 1,000 square metres?	No, 146 square metres in total
(e)	Is the site occupied under an agricultural tenancy without written consent from both landlord and tenant?	No, owner occupied
(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, the NDSS require 1 bed, 2 person, single storey units to be at least 50 square metres in size
(p)	Does the building lack suitable existing access to a public highway?	No