

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

|                                 |                                                                         |
|---------------------------------|-------------------------------------------------------------------------|
| <b>APPLICATION REFERENCE:</b>   | PL/2026/02996                                                           |
| <b>APPLICATION TYPE:</b>        | Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses |
| <b>SITE ADDRESS:</b>            | Home Farm, Swan Lane, Leigh, SN6 6RD                                    |
| <b>DEVELOPMENT DESCRIPTION:</b> | Conversion of existing barn to form 2 dwellings                         |
| <b>RECOMMENDATION:</b>          | <b>Prior Approval GRANTED</b>                                           |

### **SITE DESCRIPTION/CONTEXT**

The application site relates to a modern agricultural building at Home Farm, Swan Lane, Leigh, within a wider established agricultural unit in a rural location. The building is a steel portal-framed structure with blockwork walls and profiled sheet cladding, currently in use for storage and equestrian purposes. The building is located away from the main farm, lying adjacent to the menage and sand pen. The site has an established access from Swan Lane and benefits from existing areas of hardstanding used for parking and manoeuvring associated with the building's current use.

The surrounding area is characterised by open agricultural land and dispersed farm buildings, with a generally low-density pattern of development. The site does not fall within any designated areas such as a Conservation Area, AONB, or within the curtilage of a listed building, and there are no known site-specific constraints arising from heritage or landscape designations however the site is located within the outer Zone of Influence of the North Meadow SAC.

### **PROPOSAL**

Prior approval is sought under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an existing agricultural building to form two dwellinghouses (Use Class C3).

The proposal relates to the conversion of a single portal-framed agricultural building, with no extension proposed, to provide two residential units with a combined floorspace of approximately 230sqm.

The works comprise building operations reasonably necessary to facilitate the conversion, including the insertion of new window and door openings, replacement cladding and external finishes, installation of services, and internal works to subdivide the building and create habitable accommodation. The majority of alterations are internal in nature, including the formation of partitions and a partial first floor, together with insulation upgrades to walls and roof to meet residential standards.

The proposed external materials include the replacement of existing cladding with a timber boarded finish applied over a waterproof membrane and battens, together with a new standing seam zinc roof covering. The existing structural frame, block walls and floor slab are to be retained. New window and door openings are to be fitted with double or triple glazed units set within recessed

frames. Internally, works include the introduction of insulated stud walling, rigid insulation boards (such as PIR or similar) to walls and floors, and plasterboard finishes.

Externally, the scheme would utilise the existing building footprint and hardstanding, with access taken from the established farm access off Swan Lane. Parking and turning would be accommodated within land associated with the existing building to its front elevation partly used as a sand pen.

## **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**

| <b>Proposal / Summary</b>                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/92/01865/FUL - Full planning permission Decision - Approve with Conditions Date: 14/12/1992 – ERECTION OF SECURE HAY AND IMPLEMENT STORE SECURE HAY AND IMPLEMENT STORE            |
| <b>N/93/01595/S73 CHANGE OF USE OF LAND TO OUTDOOR RIDING MENAGE (IN RETROSPECT) USE OF LAND AS RIDING MENAGE Approved with conditions 18/03/1994</b>                                |
| N/94/01817/FUL - Full planning permission Decision - Approve with Conditions Date: 21/10/1994 – REVISED VEHICULAR ACCESS ONTO SWAN LANE VEHICULAR ACCESS                             |
| N/06/03283/CLE - Lawful development: Existing use Decision - Approved Date: 25/4/2007 – Certificate of Lawfulness for mixed equestrian and agricultural use in Agricultural Building |

## **CONSULTATIONS**

Wiltshire Council Highways Officer:

*Comments advise the existing access is adequate and traffic impacts would be low, with no highway safety concerns identified. However, the site is poorly located for sustainable transport, conflicting with Core Policy 60.*

*On balance, as a conversion rather than new build, the proposal is acceptable subject to a condition securing adequate on-site parking.*

Leigh Parish Council: No comments received

## **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 PPG<sup>1</sup> 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 building (which is part of an established agricultural unit) 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, block walls and floor slab which are to be retained.

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

No structural alterations are proposed or appear necessary to facilitate the conversion, and the works are therefore regarded as internal or superficial in nature. 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 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 application site is served by an existing and established access from Swan Lane, which historically accommodated agricultural and equestrian traffic associated with the wider farmstead. The Highway Officer has confirmed that the access arrangements are adequate to serve the proposed use and no concerns are raised in respect of access geometry or visibility.

In terms of traffic generation, the proposal relates to the conversion of an existing building to two dwellings, and it is considered that the level of vehicle movements associated with this use would be low and materially less intensive than historic agricultural use of the site. As such, the development would not result in a severe impact on the local highway network nor give rise to highway safety concerns.

The site is located in the open countryside and does not offer realistic opportunities for sustainable transport, with limited access to services and no public transport provision. Whilst this conflicts with the aims of Core Policy 60, this is not a matter that can be given significant weight in the assessment of prior approval under Class Q.

The Highway Officer has advised that adequate on-site parking provision should be secured, and this can reasonably be controlled by condition to ensure that sufficient parking and manoeuvring space is provided and retained in the interests of highway safety.

### *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 is located within a rural area characterised by agricultural land and dispersed farm buildings, where background noise levels are typically low. The existing building is currently used for storage and equestrian purposes, and there are no significant noise-generating uses identified within the immediate vicinity that would give rise to unacceptable living conditions for future occupiers.

The proposed development involves the conversion of the existing building to two dwellings, which is not a noise-generating use in itself. The level of activity associated with two residential units would be low and comparable to the general character of the surrounding area. In addition, the building is set away from the main farmstead and other operational areas, further reducing the potential for noise conflict.

There is no evidence to suggest that future occupiers would be subject to unacceptable levels of external noise, nor that the development would introduce noise impacts that would adversely affect neighbouring uses. Given the nature of the proposal and its rural context, it is considered that the development would provide an acceptable standard of amenity without the need for mitigation measures.

### *Conclusion*

Prior approval in relation to noise matters is not required.

### Contamination risks

#### *Policy Context*

Paragraph 196 of the National Planning Policy Framework (NPPF) sets out the expectations for planning decisions in relation to land quality and safety. It states that:

- a) Sites must be suitable for their proposed use, taking into account ground conditions and any risks arising from land instability or contamination. This includes risks from natural hazards or former activities such as mining, and any proposed mitigation measures, including land remediation and its potential environmental impacts.
- b) Following any necessary remediation, land should not be capable of being determined as contaminated under Part IIA of the Environmental Protection Act 1990.
- c) Adequate site investigation information, prepared by a competent person, must be available to inform the assessment of these risks.

In the context of this proposal, the Local Planning Authority must be satisfied that the site is not subject to contamination or instability that would render it unsuitable for the proposed use, and that any necessary investigations or mitigation measures have been appropriately considered.

#### *Assessment*

The application building has historically been used for agricultural purposes, including the storage of hay and fodder and more recently for equestrian use. These uses are not typically associated with significant contamination risks, and there is no evidence to suggest that the site has been subject to activities that would give rise to land contamination.

The building is of simple construction with a concrete slab floor, and no industrial or commercial processes have been identified that would indicate a heightened risk of contamination. The supporting information confirms that, given the nature and history of the use, the potential for contamination is low.

No site-specific concerns have been raised through the application process, and there is no indication of land instability or hazardous ground conditions that would render the site unsuitable for residential use. Given the existing use and condition of the building, it is considered that the site is suitable for conversion without the need for intrusive investigation or remediation.

Notwithstanding this, in the event that unexpected contamination is encountered during the course of conversion works, this can be adequately controlled through the imposition of an appropriate planning condition requiring investigation and remediation to be undertaken prior to occupation.

#### *Conclusion*

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

#### Flooding risks

##### *Policy Context*

The NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided by steering development towards areas with the lowest risk, whether that risk is current or future. Where development is necessary in areas at risk, it must be demonstrated that the development can be made safe for its lifetime without increasing flood risk elsewhere.

#### *Assessment*

The application site comprises an existing agricultural building with associated hardstanding, and there is no evidence within the submitted information to indicate that the site is affected by fluvial or surface water flooding.

Review of the Government's Flood Map for Planning does not identify the site as being located within Flood Zones 2 or 3, and there is no indication of current or future flood risk associated with fluvial or surface water flooding.

The proposal involves the conversion of an existing building within its established footprint, with no extension proposed, and would not result in an increase in impermeable area or materially alter existing drainage arrangements. As such, the development would not increase flood risk on-site or elsewhere.

There are no site-specific circumstances to suggest that the development would be at risk of flooding over its lifetime, nor that mitigation measures are required to make the development safe.

### *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"<sup>2</sup>. 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 building is located within an established agricultural and equestrian unit and benefits from existing access, hardstanding, and connections to services typical of a functioning farmstead. The site is therefore not isolated in functional terms and is capable of accommodating a residential use without the need for new or extensive infrastructure.

The building is not situated in a location that would give rise to unacceptable amenity concerns. It is positioned away from intensive agricultural operations and a significant distance from the existing external stable and there is no evidence of nearby uses such as large-scale livestock units, silage

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

storage or industrial activities that would generate noise, odour or other impacts that could not be mitigated. The surrounding uses are low-key and rural in nature, consistent with a residential environment. There is no evidence to suggest that the site is impractical in physical terms, such as lacking access, power, water or other essential services.

While the site lies within the open countryside and would not ordinarily be considered a sustainable location for new residential development, this factor alone is not sufficient to render the location impractical or undesirable in the context of Class Q, as set out in the PPG. 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. The building is accessible, serviced, and capable of functioning as a dwelling without giving rise to unacceptable impacts. The closest settlement with community facilities is Minety 3.4km west also located off the B4040 with the closest market town being Cricklade located 4.6km northeast.

There are no constraints relating to access, servicing, neighbouring uses or environmental conditions that would make the location unsuitable for residential use or that could not be addressed through the conversion process.

### *Conclusion*

Prior approval in relation to location matters is not required.

### Design or external appearance of the building

#### *Policy Context*

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

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

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

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

### *Assessment*

The proposal seeks to convert an existing agricultural building within its current envelope, with no extensions proposed. The external alterations are limited to those reasonably necessary to

facilitate the change of use and include the insertion of new window and door openings, replacement cladding, and a new roof covering. The submitted details indicate that the building will be reclad in a timber boarded finish, with a standing seam zinc roof, and new recessed window and door openings incorporating high-performance glazing. These materials are considered appropriate to the rural context, offering a contemporary yet sympathetic appearance that responds positively to the existing agricultural character of the building

The overall form, scale and massing of the building would remain unchanged, ensuring that the proposal retains the simple utilitarian appearance typical of agricultural structures. The introduction of additional openings has been designed to respect the proportions of the existing elevations, avoiding over-domestication of the building.

Given the building's location within a wider farmstead and its separation from sensitive receptors, the proposed external alterations would not result in harm to the character or appearance of the surrounding landscape. The scheme would deliver an appropriate and considered conversion that preserves the building's agricultural origins.

### *Conclusion*

Prior approval in relation to design matters is not required.

### Provision of Natural Light

#### *Policy Context*

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

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

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

#### *Assessment*

The proposed conversion includes the insertion of new window and door openings within the existing elevations, in addition to the retention and reuse of existing openings. The submitted plans demonstrate that habitable rooms, including living areas and bedrooms, would be served by appropriately sized external openings providing access to natural light.

The external design also ensures that the internal layout benefits from a satisfactory level of daylight and outlook. The proposed fenestration has been positioned to correspond with the internal arrangement of habitable rooms, resulting in an acceptable standard of natural illumination consistent with residential use.

There is no indication that any habitable rooms would rely solely on borrowed light or would be inadequately served by natural light. The scale and extent of the proposed openings are considered sufficient to ensure that all habitable rooms receive adequate daylight, in accordance with the requirements of Class Q.

### *Conclusion*

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

### Other matters

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

Under Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), planning permission is granted subject to the provisions of Regulations 75–78 of the Conservation of Habitats and Species Regulations 2017 (as amended). These regulations provide that development which is likely to have a significant effect on a European site must not be commenced until the local planning authority has given written approval following consideration under Regulation 77.

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

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

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

### **CONCLUSION**

The proposed development would accord with the requirements of Class Q and in terms of prior approval matters, prior approval is required and granted subject to conditions.

### **RECOMMENDATION**

Prior approval is required and hereby GRANTED subject to the following conditions

#### **Condition:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

LPC 6203 EX 01 Location Plan

LPC 6203 PR 01 Proposed Site Plan

LPC 6203 PR 02 Proposed Floor Plans and Section

LPC 6203 PR 03 Proposed Elevations

REASON: For the avoidance of doubt and in the interests of proper planning.

2. 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 risk associated with land contamination

3. 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.

## **INFORMATIVE**

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>

## **INFORMATIVE**

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.

## **INFORMATIVE**

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

## **INFORMATIVE**

The Applicant is advised that the application site is located within proximity of a European site, where development may have the potential to result in a likely significant effect on the integrity of that site, either alone or in combination with other plans or projects.

Although the development has been assessed as permitted development under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it remains subject to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended). In particular:

- Regulation 75 provides that development which is likely to have a significant effect on a European site must not be begun unless the local planning authority has given written approval.
- Regulation 76 enables an applicant to seek advice from the appropriate nature conservation body (Natural England) on whether a proposal may have a significant effect on a European site. This step is optional but may assist in clarifying whether approval under Regulation 77 is required.
- Regulation 77 requires an applicant to apply to the local planning authority for written approval before commencing development, including details of the proposed development and any advice received from Natural England. Where necessary, this will involve the local planning authority undertaking an Appropriate Assessment.

Accordingly, the development hereby approved must not be commenced unless and until any necessary written approval under Regulation 77 of the Habitats Regulations has been obtained. Further information on Regulations 75, 76 and 77 and the associated process is available on the Council's website:

<https://www.wiltshire.gov.uk/article/14941/Regulations-75-76-and-77-of-the-Conservation-of-Habitats-and-Species-Regulations-2017>

## APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST CLASS Q

### Class Q – agricultural buildings to dwellinghouses

|            |                                                                                                                                                                                                                                                                                                                                                                 | Yes / No |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Q.</b>  | <b>Permitted Development</b><br><b>Note:</b> <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:<br>(i) a building and any land within its curtilage from use as an agricultural building, or<br>(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?<br>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      |
| <b>Q.1</b> | <b>Development is not permitted by Class Q if -</b><br><b>Note:</b> <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:<br>(i) on 24th July 2023, or<br>(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:<br>(i) Was not part of one on 24 July 2023,<br>(ii) Has not been part of one for at least 10 years before development begins, or<br>(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?                                                                                                                                                                                                                                                                                                                                                                        |     |
| (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:<br>(i) Extensions allowed under Q.1(i), or<br>(ii) Protrusions up to 0.2m allowed under Q.1(j)(i)?                                                                                                                                                                                                                                                                                | No  |
| (i)     | Would the proposed extension:<br>(i) Have more than one storey?<br>(ii) Be sited anywhere other than the rear?<br>(iii) Extend more than 4m beyond the rear wall?<br>(iv) Have eaves higher than the existing building?<br>(v) Be taller than the highest part of the roof or 4m above ground?<br>(vi) Extend beyond a side or principal elevation?<br>(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:<br>(i) Installation/replacement of windows, doors, roofs, exterior walls, or services, or<br>(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:<br>(i) A Site of Special Scientific Interest?<br>(ii) A safety hazard area?<br>(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 |