

APPLICATION FOR PRIOR APPROVAL – PART 3 CLASS MA DELEGATED REPORT

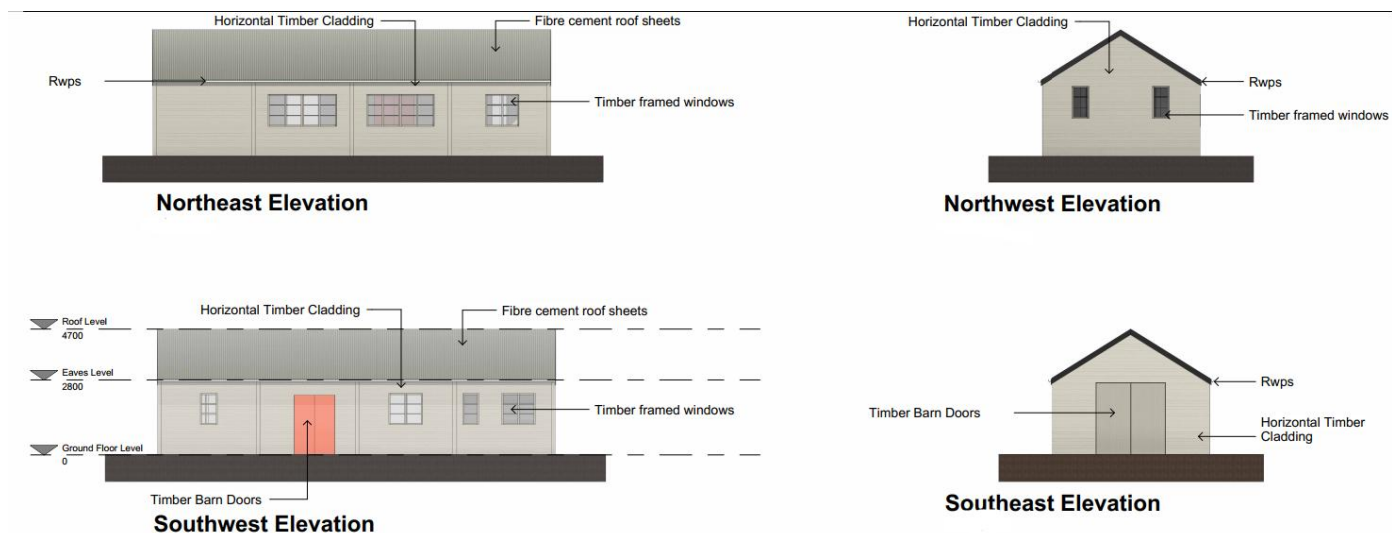
APPLICATION REFERENCE:	PL/2026/03079
APPLICATION TYPE:	Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses
SITE ADDRESS:	Land to rear of Primrose Bank, New Zealand, Calne, SN11 9JL
DEVELOPMENT DESCRIPTION:	The proposal seeks to change the use of the building to provide No.1 new single storey dwelling, amounting to a gross indoor area for residential use of 72.9sqm.
RECOMMENDATION:	Prior Approval is REFUSED

PROPOSAL

This application seeks prior approval under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an existing detached building to a single dwellinghouse. The application site is located on land to the rear of Primrose Bank, New Zealand, Calne.

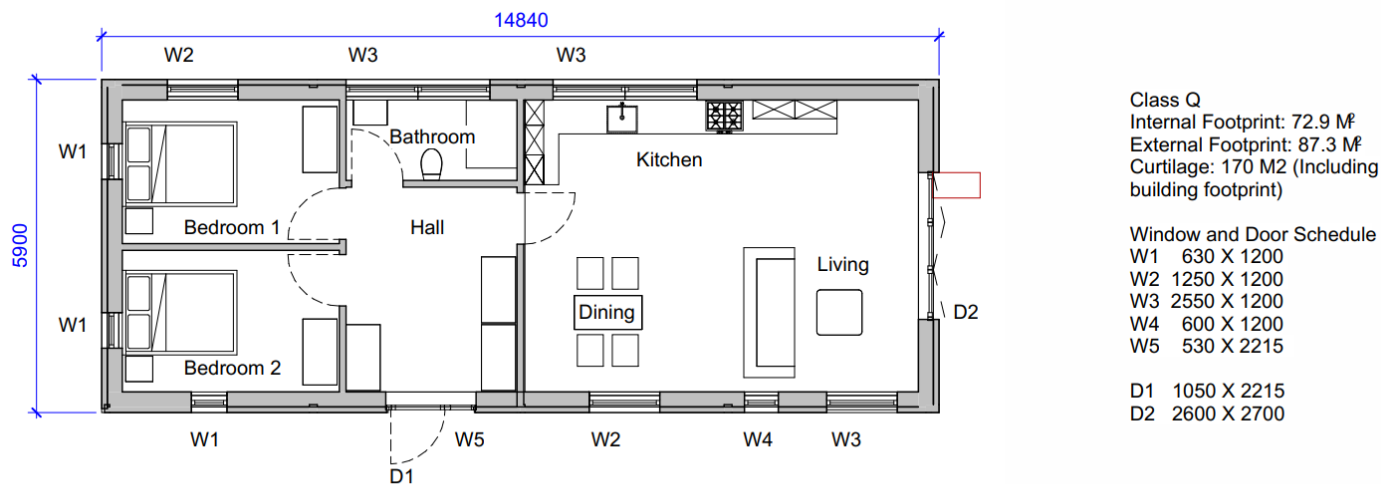
The existing building is a single-storey structure measuring approximately 14.84m by 5.9m, constructed with horizontal timber cladding beneath a fibre cement sheet roof. Existing elevations indicate timber framed windows and timber barn doors.

Below: Extract of submitted existing elevations:



The proposal is to convert the building to a single-storey two-bedroom dwelling with a stated gross internal floor area of approximately 72.9 square metres. The proposed accommodation comprises an open-plan kitchen, dining and living area, two bedrooms, a bathroom and an entrance hall. The application states that no enlargement of the building is proposed.

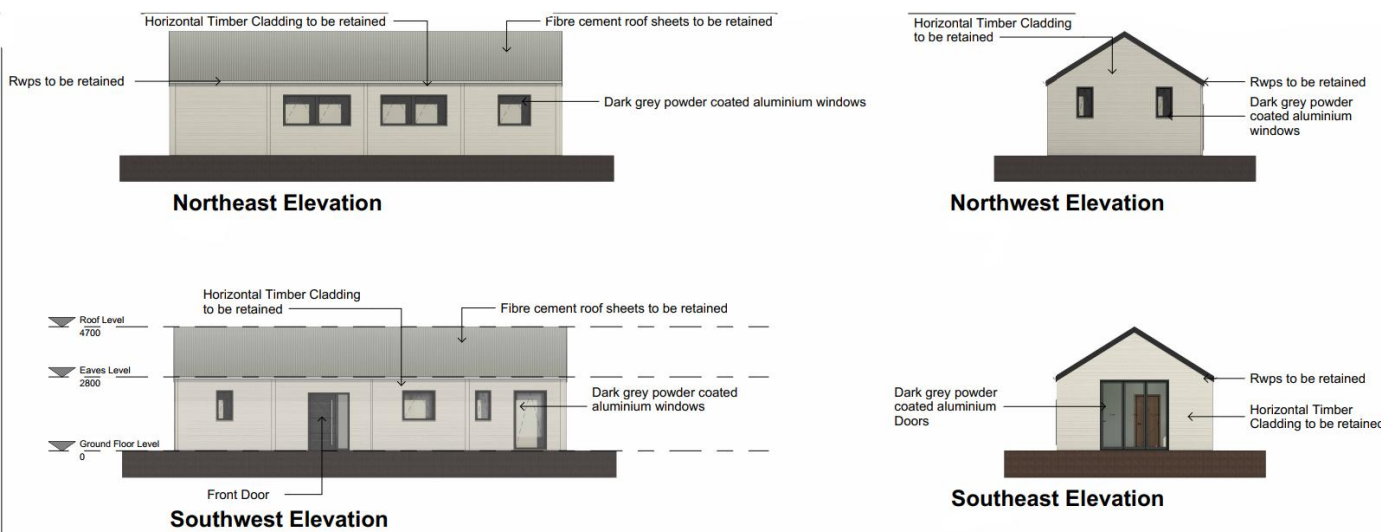
Below: Extract of submitted proposed floor plan:



Proposed Ground Floor Level

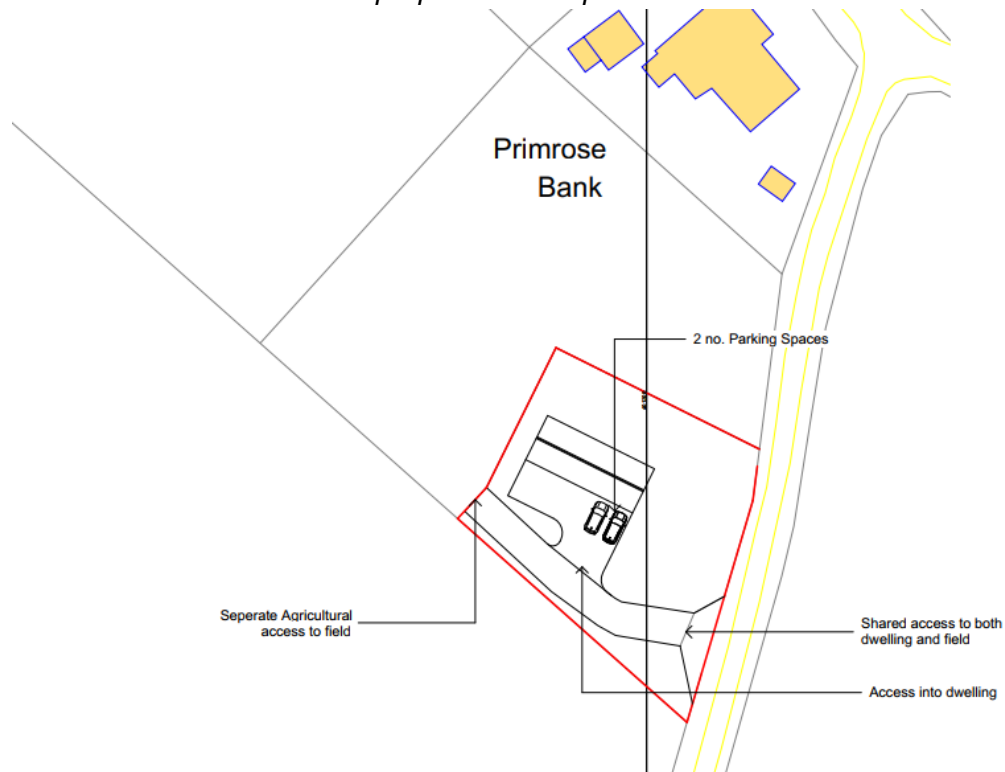
The submitted plans indicate that the external walls, roof structure, timber cladding and rainwater goods are to be retained. Existing openings would be altered and fitted with new dark grey powder-coated aluminium windows and doors.

Below: Extract of submitted proposed elevations



A curtilage area of approximately 170 square metres is proposed, including the building footprint. The submitted block plan shows two parking spaces and access via the existing vehicular access serving the site.

Below: Extract of submitted proposed block plan:



SITE DESCRIPTION/CONTEXT

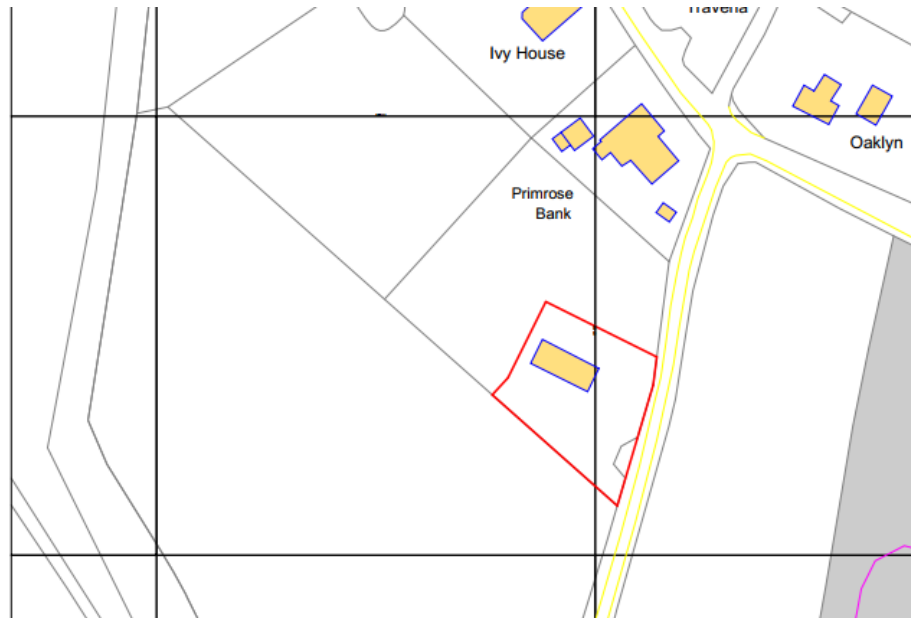
The building the subject of this application is located in a separate field to the south of the settlement of New Zealand, to the west of Goatacre. The building sits in the southern corner of the field, which is estimated to be some 0.3ha in size, with a shared access to the east from a rural road which connects New Zealand to Spirthill and Charlcutt to the south.

Below: photograph of building subject to this application:

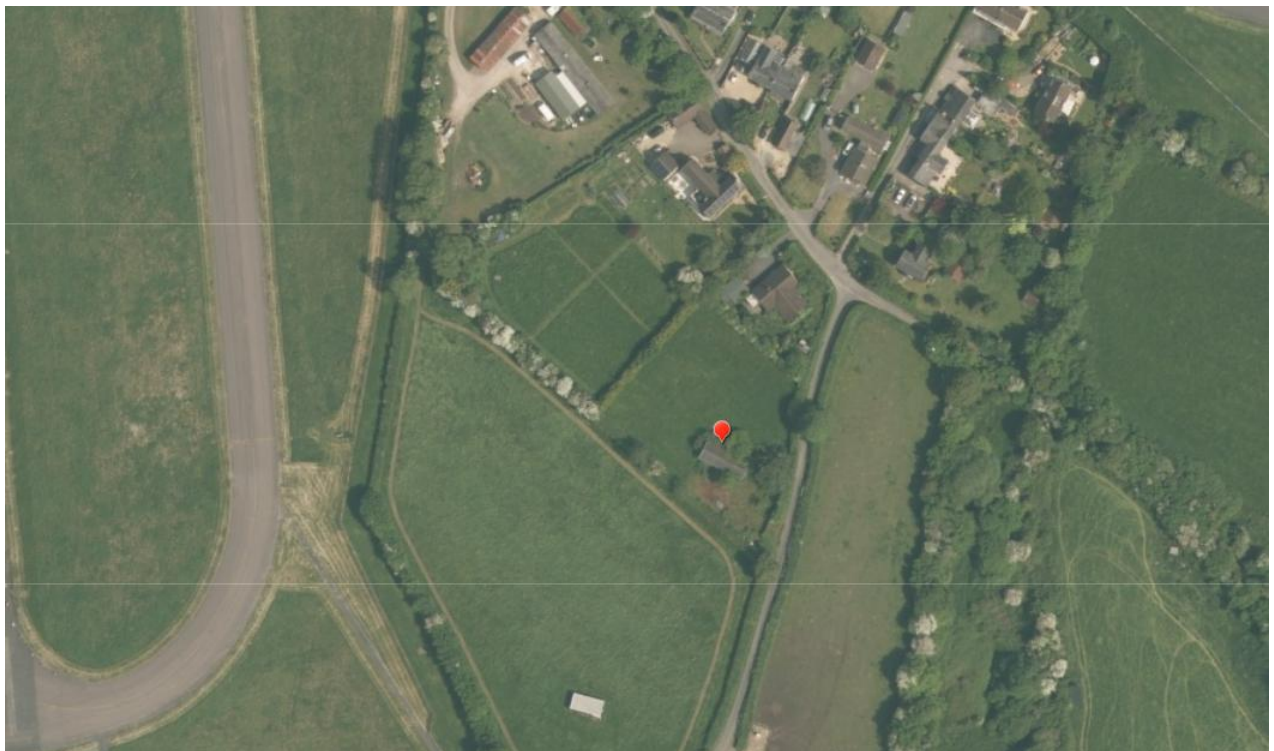


To the north-west, south and east is agricultural land and to the north-east is the rear boundary of the dwelling Primrose Bank; the disused Lyneham airfield is beyond to the north and west.

Below: Extract of submitted location plan, site outlined in red:



Below: Latest available aerial photograph – site indicated with red marker. Lyneham airfield can be seen to the west.



The site is not located within any designated area, not crossed by any Public Rights of Way and is within flood zone 1. There is no particular risk of surface water flooding identified. Groundwater

levels are between 0.5m and 5m below the ground surface, and so whilst there is a risk of flooding to subsurface assets, surface manifestation of groundwater is unlikely.

There are no listed buildings within the vicinity of the site.

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 MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain changes of use and associated operations may be permitted subject to prior approval from the Local Planning Authority.

RELEVANT PLANNING HISTORY

Proposal / Summary
19/09326/FUL - Full planning permission Decision - Withdrawn Date: 25/6/2020 – Change of use of paddock from agricultural land to accommodate caravan storage
PL/2025/04327 - Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses Decision - Prior Approval Refused Date: 7/10/2025 – The conversion of the subject building to provide one two bedroomed, single storey dwelling.

During consideration of PL/2025/04327 the Applicant provided evidence in the form of historical aerial photographs demonstrating that the adjacent land had historically been used for agricultural purposes. Whilst it was acknowledged that the building had an intimate relationship with the field within which it was set, local representations called into question the use of the building itself, asserting that it had been used for commercial (as a 'workshop'), rather than agricultural, purposes. However the case officer considered that the workshop activity was not undertaken on any commercial basis, but more akin to a 'hobby' basis in an ad hoc manner; this is understood to have been undertaken by the retired farmer.

CONSULTATIONS

Wiltshire Council Highways Officer: Offers the following comment and suggested conditions:

"I refer to the above Prior Approval planning application dated 08/05/2026 for the change of use of the building to provide No.1 new single storey dwelling, amounting to a gross indoor area for residential use of 72.9sqm.

As this would lead to separate dwellings outside of identified development boundaries, the proposal would usually attract an adverse highway recommendation on sustainability grounds. However, I shall be guided by you on this sustainability issue and wish to advise with regard to highways in the instance that you would be minded to permit a dwelling in this location.

The site has existing access from an unclassified section of public highway subject to a speed limit of 60mph. The access is not surfaced suitably to prevent loose materials entering the public highway and as such this should be amended to provide a consolidated surface for the first 5m. This would require a Licence/permit to provide the appropriate surfacing to connect to the public highway.

It is proposed to convert the existing building to a 2-bedroom dwelling, the block plan shows that vehicle parking to standard and turning can be achieved.

There would also be a requirement to provide cycle storage for the dwelling in accordance with Wiltshire Council's LTP3 Cycling Strategy, Appendix 4 of this document contains Cycle Parking Standards for which I attach an extract below for information:

Use	Minimum Cycle Parking Standards
C3 Dwelling	1 covered space per bedroom for up to 3-bedroom dwellings 3 covered spaces per unit for 4-bedroom dwellings 4 covered spaces per unit for 5-bedroom dwellings(etc) + 1 visitor space per 20 bedrooms

EV Charging would also be required in line with national guidance and Building Regulations document S.

Therefore, other than the sustainability issues highlighted above, the principle of a change of use to provide a single dwelling in this location would not be a concern in regard to highway capacity, subject to the following conditions and informative:

SURFACING

The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

PARKING (CYCLE) -DETAILS REQUIRED

No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

INFORMATIVE - VEHICLE CROSSOVERS

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of roadside ditches) will require full Land Drainage Consent."

Hilmarton Parish Council

"The original application (PL/2025/04327) was refused by Wiltshire Council Planning Officers. A number of reasons were given for refusal, including Class Q requirements.

The latest application appears to be a change of use from Class E (storage building), to Class C3 (dwelling house). Mr. Taylor was never a builder and did not have a building company as the application states. From 1994/95, the shed has been used to store a tractor and other agricultural items, and has not been in Class E use in its present location since the 1980's. We do not believe that Class E business rates were ever charged to the premises either so might be worth checking. In our view, the applicants are attempting to mislead the Planning Officers.

Hilmarton Parish recommend refusal of this application."

REPRESENTATIONS

Two representations have been received in respect of this application:

"I wish to submit a formal objection to the above Prior Notification application.

My main concern is that the application has not demonstrated that the detached workshop building has been in lawful and continuous Class E use, which is a fundamental requirement for the proposed change of use under Class MA.

The Planning Statement repeatedly states that the building has been in continuous use as a "builders workshop and maintenance shed" for more than 40 years and that there has been "no material break in this use".

I respectfully question this statement.

My father originally purchased the building second-hand from the Ministry of Defence and used it to store building materials in connection with his building business. In 1995, he sold the house, land and workshop as one property to my mother, Jennifer Wilkins, and her partner, Vivian John Taylor.

From 1995 onwards, to my knowledge, the building was not operated as an active commercial premises. Instead, it was used primarily for storage of items such as a tractor, mower and other equipment. Mr Taylor, who was a retired farmer, also used the building occasionally for woodworking as a hobby. In reality, the building has functioned as a large storage shed rather than an active commercial Class E premises.

My mother passed away in 2005 and, since that time, the building has continued to be used primarily for storage.

I am particularly concerned that section 2.5 of the Planning Statement relies upon comments I made in connection with an earlier planning application. My comments were intended only to explain that my father used the building in connection with his building business during the 1980s. They were not intended to confirm that the building has been in lawful and uninterrupted Class E use for more than 40 years, nor that there has been no material break in that use.

The workshop has never been separately registered as a business premises and has never had its own business address. To my knowledge, it has never operated as a distinct commercial unit.

I therefore respectfully request that limited weight be given to the interpretation of my previous comments and that the Council require robust independent evidence to substantiate the claimed continuous Class E use, such as business records, invoices, tax records, business rates, insurance documents or other contemporaneous material.

I also note that previous proposals concerning the site referred to the building and land in an agricultural/Class Q context, whereas the current application now asserts a long-established Class E commercial use. These are materially different planning positions, and I ask that the Council carefully review the planning history and all supporting evidence before determining whether the building genuinely qualifies for conversion under Class MA.

In addition, recent trenching works, water pipe installation and drainage works have taken place at the site. Although Planning Enforcement concluded that these works did not in themselves require planning permission, they appear to be preparatory works associated with the current proposal and reinforce the need for careful scrutiny.

For the reasons set out above, I respectfully request that the Council fully investigate:

- The lawful historic use and planning status of the building;*
- Whether the building has genuinely been in continuous Class E use;*
- Whether there has been any material break in that use;*
- The evidential basis for the assertions made in the Planning Statement;*
- The relevance of previous planning applications referring to agricultural/Class Q use; and*
- Whether the proposal satisfies all criteria required for Class MA permitted development rights.*

In my view, the evidence submitted does not conclusively demonstrate that the building qualifies for conversion under Class MA, and I respectfully request that prior approval be refused unless and until robust independent evidence is provided.”

- 2) *"I wish to object the proposed development of this site.*
1. *This is simply a rehash of the planning application that was submitted earlier in the year and refused by Wiltshire council. The previous application was for change of use under Class Q - redundant agricultural buildings. It now has been submitted again as a commercial building. The building has not been used for commercial purposes / workshop in the more than 7 years of my living next door. The previous owners of our house also stated that it was not used for many years prior to our purchase of the property. The building is therefore not in long established use as a light industrial unit.*
 2. *I believe that the planning application has not been approved by the other 6 joint owners of the land, and that Ms Ruth Taylor is acting solely for her own benefit. I am not aware if the other owners have received the correct notice of planning.*
 3. *The outside and inside of the building is not in a state of good repair and would need to be replaced. This would constitute a replacement building rather than just a redevelopment of an existing building.*
 4. *The application (3.17) states that there has been no toxic or hazardous materials in the building. The roof is made of asbestos board and was originally relocated from RAF Compton Bassett. Removal of the roof and replacement with non hazardous materials would be a major change to the building, in its current state it is not suitable for conversion to residential use.*
 5. *There will be no decrease in noise as the building has not been in use for many years and there has been a sustained break in use since long before Mr Taylor died."*

ASSESSMENT

This application seeks prior approval under Class MA, which allows for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses).

The Commercial, Business and Service use class (E) includes a broad and diverse range of uses which principally serve the needs of visiting members of the public and/ or are suitable for a town centre area. The class includes shops, financial and professional services, restaurant and cafes and business use classes, and uses such as nurseries, health centres and gyms.

Does the Proposal Qualify as Permitted Development?

Development under Class MA 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 within 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.

Class MA applies where a building has been in a qualifying use for a continuous period of at least two years immediately prior to the date of the application. The application form confirms that the applicant considers this requirement to be met.

The supporting Planning Statement and covering letter state that the building has historically been used as a builder's workshop and maintenance shed associated with a building contracting business and has remained in continuous use for this purpose for in excess of 40 years. The covering letter further states that the building is considered to have a Class E use on the basis of repair, maintenance and assembly activities associated with that business.

However, representations received from Hilmarton Parish Council and neighbouring residents dispute this account and contend that the building has predominantly been used for storage purposes for a considerable period and has not operated as an active commercial premises in recent decades.

The planning history of the site is also noted. In determining application PL/2025/04327, the Council considered evidence relating to the historic use of the building. The delegated report for that application records differing views regarding the historic use of the building, including whether it had been used for agricultural purposes or as a workshop/storage building.

Photographs taken during the site inspection associated with application PL/2025/04327 show the building containing a range of items including workshop equipment, tools, shelving, machinery and stored materials. Whilst these photographs indicate the presence of workshop equipment and storage within the building, they do not in themselves demonstrate that the building was in a qualifying Class E use, nor that any such use was undertaken continuously for the requisite two-year period immediately preceding the application.



Whilst acknowledging that the application is not one for a lawful development certificate, it remains a key question for the Local Planning Authority as to whether sufficient evidence is available to demonstrate, on the balance of probabilities (as an appropriate test), that the building was in a qualifying Class E use for a continuous period of at least two years immediately prior to the submission of the application.

The application is supported by a Planning Statement and covering letter which assert that the building has historically been used as a builder's workshop and maintenance shed associated with a building contracting business and that it has remained in Class E use for in excess of 40 years. In support of this position, the applicant relies principally upon narrative statements regarding the historic use of the building, together with photographs showing workshop equipment, tools, machinery and a tipper truck associated with the site. The application also refers to comments

submitted by a third party in connection with application PL/2025/04327 regarding use of the site during the 1980s. However, that same third party has subsequently clarified that those comments should not be taken as confirmation that the building has remained in continuous Class E use since that time. Furthermore, the Local Planning Authority has received detailed representations from the Parish Council and neighbouring residents which directly dispute the claimed Class E use history and contend that the building has primarily been used for storage and hobby purposes for a considerable period.

Given the dispute regarding the use history of the building, the Local Planning Authority contacted the applicant via email on 30-06-2026 to seek any documentary evidence capable of substantiating the claimed Class E use. In a phone conversation the following day the applicant advised that no such evidence was available to provide and confirmed that the application should be determined on the basis of the information currently before the Local Planning Authority. So, despite being given the opportunity to do so, no documentary evidence has been provided to substantiate the claimed Class E use, such as business records, accounts, invoices, insurance documents, business rates information, statutory declarations or other contemporaneous evidence. The Local Planning Authority must determine the application on the basis of the evidence available and, having regard to the conflicting accounts of the building's historic use and the absence of independent evidence corroborating the applicant's assertions, is not satisfied, on the balance of probabilities, that the building has been in a qualifying Class E use for a continuous period of at least two years immediately prior to the submission of the application.

As such, having completed the detailed assessment checklist at Appendix 1 of this report, it is concluded that the proposed development does not satisfy the requirements of Class MA and therefore does not constitute permitted development. Planning permission would therefore be required for the proposed development.

In light of the conclusion that the proposal does not satisfy the requirements of Class MA and therefore does not constitute permitted development, it is not necessary for the Local Planning Authority to proceed to consider the prior approval matters set out within paragraph MA.1.

CONCLUSION

The proposed development does not constitute permitted development under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and planning permission would therefore be required.

RECOMMENDATION: That prior approval be REFUSED for the following reason:

The application seeks prior approval under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which permits the change of use of a building from a qualifying Class E use to a dwellinghouse, subject to specified conditions and limitations.

In order to benefit from the provisions of Class MA, the Local Planning Authority must be satisfied that the building has been in a qualifying use for a continuous period of at least two years

immediately prior to the date of the application. Whilst the applicant asserts that the building has been used as a builder's workshop and maintenance shed associated with a building contracting business, no documentary evidence has been provided to substantiate the claimed use history. Furthermore, the Local Planning Authority has received representations disputing the asserted Class E use of the building and, when given the opportunity to provide further evidence in support of the application, none was submitted.

In the absence of sufficient evidence to demonstrate, on the balance of probabilities, that the building has been in a qualifying Class E use for a continuous period of at least two years immediately prior to the application, the Local Planning Authority is not satisfied that the requirements of Class MA have been met. Accordingly, the proposal fails to comply with the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST CLASS MA

Class MA – commercial, business and service uses to dwellinghouses

		Yes / No
MA.	Permitted Development Note: If the answer is "Yes" to any, proceed to assessment under MA.1. If the answer is "No" to all, the proposal does not qualify as permitted development under this class.	
(a)	Does the proposed development involve a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses)?	No - Unable to verify / Not sufficiently demonstrated
MA.1	Development is not permitted by Class MA if - Note: If the answer to any of the questions below is "Yes", the proposed development would not constitute permitted development under this class	
(b)	Has the building been in use for less than 2 continuous years as one of the specified use classes before the prior approval application?	Unable to verify / Not sufficiently demonstrated
(d)(i)	Is the land or curtilage part of a Site of Special Scientific Interest (SSSI)?	No
(d)(ii)	Is the building or land part of a listed building or its curtilage?	No
(d)(iii)	Is the building or land part of a scheduled monument or its curtilage?	No
(d)(iv)	Is the building or land within a safety hazard area?	No
(d)(v)	Is the building or land within a military explosives storage area?	No
(e)	Is the building located within any of the following designated areas? (i) Area of Outstanding Natural Beauty (AONB) (ii) Area specified under section 41(3) of the Wildlife and Countryside Act 1981 (iii) The Broads (iv) A National Park (v) A World Heritage Site	No
(f)	Is the site occupied under an agricultural tenancy without the express consent of both the landlord and the tenant?	No
(g)	Was the application made before 1 August 2022 for development that would have fallen under Class O before 1 August 2021, and was restricted by an Article 4 direction still in force?	No

