

Application for Prior Approval under new Permitted Development class MB

New Close Farm, Hollington, ST10 4HH

Supporting Information

The development is a change of use of an agricultural building to use class C3 (dwellinghouses).

The relevant legislation is the Town and Country Planning (General Permitted Development) Order 1995 [statutory instrument 1995 No.418] as amended by the **Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014** [statutory instrument 2014 no. 564]

The development falls for consideration under Schedule 2, Part 3, "Changes of Use and Associated Operational Development", Class MB:

Permitted development

MB. Development consisting of—

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The proposed change of use of the agricultural building is permitted development subject to the criteria listed in **MB.1**

- (a) the site was used solely for an agricultural use, as part of an established agricultural unit (New Close Farm, see ownership boundary on Location Plan) –
 - (i) on 20th March 2013
 - (ii) the barn is still currently used for agricultural storage;
- (b) the cumulative floorspace of the existing building changing use under class MB is 130 square metres so does not exceed 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed within the established agricultural unit is one (it is proposed to convert the building to a single dwellinghouse), so does not exceed three;
- (d) the site is not occupied under an agricultural tenancy;
- (e) there has not been an agricultural tenancy on the site in the last year (there has never been an agricultural tenancy on this farm);
- (f) no development under class Class A or Class B of part 6 (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013;
- (g) the development does not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) this development is the only development proposed to take place under Class MB
- (i) the development consists only of building operations such as (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, and electricity, to the extent reasonably necessary for the building to function as a dwellinghouse; and
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph MB.1(i)(i);
- (j) the site is not on article 1(5) land

- (k) the site is not or does not form part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;
- (l) the site is not, or does not contain, a scheduled monument;
- (m) the building is not a listed building.

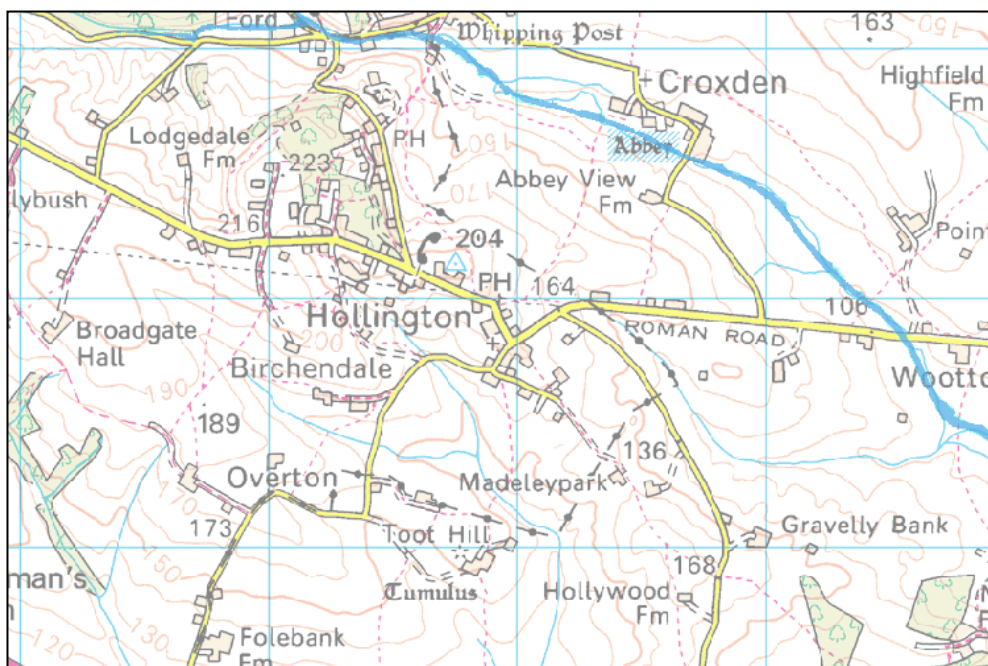
There are further conditions at **MB.2** that need to be met in order for the barn conversion to be permitted development:

The developer must apply to the LPA for a determination as to whether the prior approval 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, or
- (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 the Schedule to the Use Classes Order

It is therefore considered that the barn conversion complies with the requirements of the GPDO as required under MB.1 and that the further conditions at MB.2 are also acceptable for the following reasons:

- (a) The proposal is for a single small dwelling that will not generate significant amounts of traffic in the area. As the access already exists and is used for agricultural purposes, any deliveries that are required for the purposes of undertaking the conversion works can easily be achieved.
- (b) The property is sufficiently separated from the nearest residential properties for there not to be any detrimental impacts in relation to noise from the residential use of the building. Any noise during the conversion works would be temporary in nature.
- (c) There are no contamination risks on the site. The barn has been used for general agricultural storage (e.g. hay, fencing materials, tractors, implements etc.) and is in a good state of repair.
- (d) There is no flood risk on the site as can be seen by consulting the Environment Agency website which provides the map below showing that there is no flood risk:



- (e) The location of the barn is only 150m from the main farmhouse at New Close Farm which is on the edge of Hollington village itself, and 50m from the nearest neighbour to the north. The barn is much closer to the village than several other properties that are further away down the country lanes on this side of the village.

The Government Planning Guidance website [<http://planningguidance.planningportal.gov.uk/>]

was updated on 5th March 2015 in relation to Class MB, and the relevant pages can be viewed here: <http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/permitted-development-rights-for-the-change-of-use-of-agricultural-buildings/>

Two significant paragraphs are reproduced here below for ease of reference:

Paragraph: 108

Is there a sustainability prior approval for the change to residential use?

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

Paragraph: 109

What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and the local planning authority 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”.

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.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of

the 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.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

It is therefore considered that all of the requirements of the new Permitted Development regulations have been met and so the applicant asks the Council to confirm the proposal is permitted development and that prior approval is not required.

If any further discussion or explanation is required,
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