Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

HOUGHWOOD HOUSE,
HOUGHWOOD LANE, STOCKTON BROOK

JUNE 2016

Site Address:
Houghwood House, Houghwood Lane, Stockton Brook, ST9 9JN

Applicant:
Broadoak Properties Ltd.

Proposal:
Prior Notification for Change of Use from Agricultural to Residential Use (Class Q Permitted Development)

Planning Statement:
Date Issued: 29th June 2016
Job Reference: RDP/2016/093

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Broadoak Properties Ltd. to lodge a prior notification submission with the Local Authority under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an existing agricultural building at Houghwood House, Houghwood Lane, Stockton Brook, to form a dwellinghouse.

1.2 The existing building comprises a red brick and Staffordshire Blue tiled agricultural building that is attached to Houghwood House, Houghwood Lane, Stockton Brook. The building is two-storey in nature and benefits from numerous existing openings and as such lends itself well to conversion to residential use. The proposal entails the change of use of the building along with associated operational development for the provision of replacement windows and doors, the insertion of one rooflight and the demolition of an existing concrete block lean-to structure. The proposal also entails the creation of a modest area of domestic curtilage to the east of the barn that matches the footprint of the existing building. The site benefits from a vehicular access off Houghwood Lane which provides access to parking area to serve the house and barn.

1.3 The application represents a re-submission following the withdrawal of application DET/2015/0046 which had raised concerns about the absence of a protected species survey and about the retention and conversion of the concrete block lean-to extension. This revised submission is accompanied by a Protected Species survey, and encompasses amended plans proposing the demolition of the concrete block lean-to.

2 Statement of Case

2.1 The provisions of the Town and Country Planning (General Permitted Development) (England) 2015 allows for development consisting of the 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. It also allows for building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses). The legislation states that development is not permitted where:

(a) the site was not used solely for an agricultural use, as part of an established agricultural unit—

(i) on 20th March 2013; or

(ii) in the case of a building which was in use before that date was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date of development under Class Q begins;

2.2 The application building was last in agricultural use, and has not been brought into agricultural use after the 20th March 2013. Internally it retains its abandoned milk line and machine as evidence of its past agricultural use. As such the proposal is considered to accord with criterion (a).

(b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;

2.3 The cumulative floor space of the building proposed for conversion amounts to less than 450 square metres and as such is considered is accord with criterion (b).

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds three;

2.4 The proposal entails the creation of a single dwellinghouse and as a consequence the proposal is considered to accord with criterion (c).

(d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

2.5 The site is not occupied under an agricultural tenancy and as a consequence the proposal is considered to accord with criterion (d).

(e) less than one year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

2.6 The site was not occupied under an agricultural tenancy in the period of 12 months leading up to the date of this submission, and as a consequence the proposal is considered to accord with criterion (e).

(f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit -

i) since 20th March 2013, or

ii) where development under class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins

2.7 No development under the provisions of Classes A(a) or B(a) of Part 6 has been carried out on site since the 20th March 2013. There is furthermore no intention to carry out any such works in the foreseeable future. The proposal is therefore considered to accord with criterion (f).

(g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

2.8 The proposed development will not result in the external dimensions of the building extending beyond the existing external dimensions of the building. The proposal is therefore considered to accord with criterion (g).

(h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order;

2.9 There have been no previous submissions on this site under Class Q, and the proposal before the Local Authority does not entail a floorspace in excess of 450m². The proposal is therefore considered to accord with criterion (h).

(i) the development under Class Q(b) would consist of building operations other than—

the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services, 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 Q.1(i)(i);

2.10 The only building operations proposed amount to the installation of one rooflight in the western roof slope, the partial demolition of the building to remove the concrete block lean-to, plus the refurbishment/replacement of existing windows and doors as necessary. No changes to the existing roof or exterior walls are otherwise required, nor are any rebuilding works necessary. As a consequence the proposal is considered to accord with criterion (i).

(j) the site is on article 2(3) land;

2.11 The site does not lie on article 2(3) land and as a consequence the proposal is considered to accord with criterion (j).

(k) the site is or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

2.12 The site does is not, and does not form part of a site of special scientific interest, a safety hazard area, or a military explosives storage area, and as a consequence the proposal is considered to accord with criterion (k).

(l) the site is, or contains, a scheduled monument;

2.13 The site does not comprise or contain a schedule monument and the proposal is therefore considered to accord with criterion (l).

(m) the building is a listed building.

2.14 The building proposed for conversion is not a listed building, nor is the adjacent farmhouse. The proposal is therefore considered to accord with criterion (m).

2.15 As a consequence of the above consideration it is considered that the proposed development accords with all of the relevant provisions of Class Q. However, Class Q.2(1) also requires that before beginning the development, the developer shall 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, 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; and
(f) the design and external appearance of the building

2.16 This prior notification submission has been submitted in response to the aforementioned requirements, and this Statement will now consider the

proposal in the context of the above matters. In doing so consideration has been given to the guidance set out in the Planning Practice Guidance.

(a) Transport & Highways Impacts

2.17 The proposed dwelling will be accessed via Houghwood Lane which is an unmade track that leads up to the site and a few other properties from Stockton Brook to the north. Visibility on egress from Houghwood Lane onto Stanley Road is good to the west, but partially obscured to the east by a front boundary wall. I would nevertheless submit that any impacts on highway safety arising from the creation of the new dwelling need to be weighed against the vehicular movements that would otherwise be associated with the agricultural use of the building which is to converted, which would include use by larger, slower moving vehicles. Paragraph 32 of the NPPF advises that proposals should only be refused on highway safety grounds where the cumulative effects would be severe. For the reasons set out above I submit that the impact of this proposal on highway safety would not result in severe adverse impacts when compared to the extant use, and as such the proposal is considered to be acceptable in the context of criterion Q.2(1)(a) above.

(b) Noise Impacts

2.18 The proposed conversion of the agricultural building to a dwelling will not derive any adverse noise impacts and there are no surrounding uses that would likely give rise to harm to future occupants of the building. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(b) above.

(c) Contamination

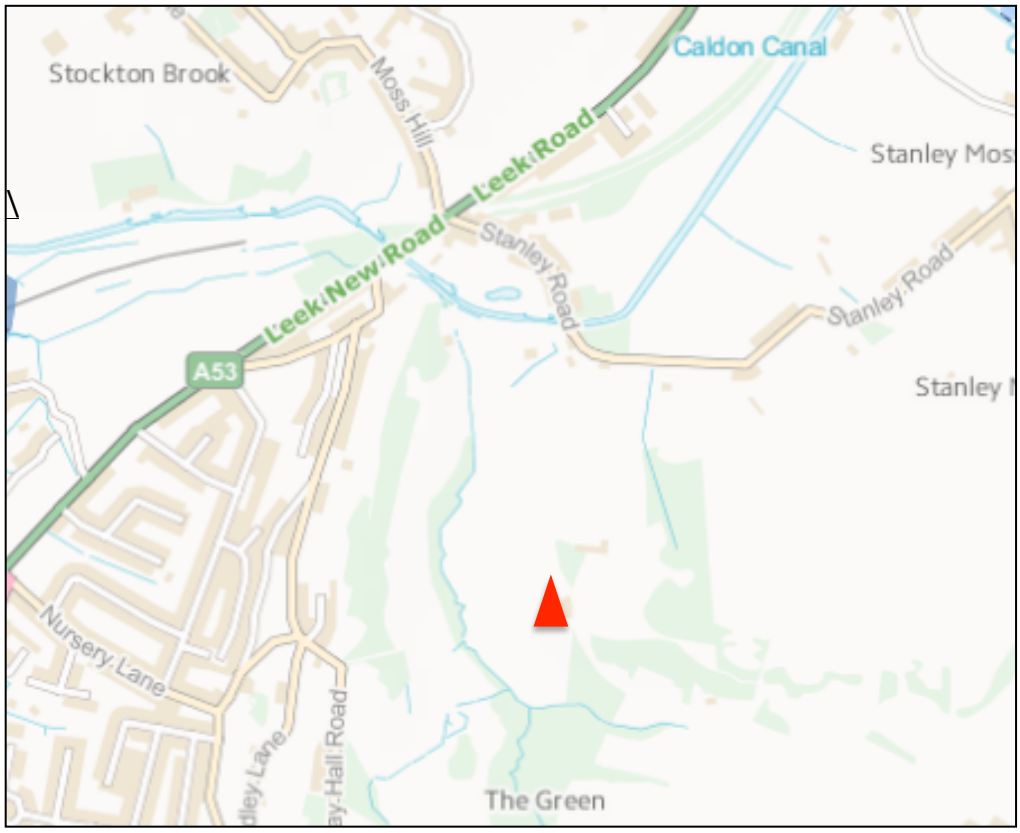
2.19 Land can only be declared contaminated if it either contains a source of pollution, that a receptor could be affected by a pollutant and that the

pollution can get to the receptor. The site is agricultural in nature and is not considered to have been subject to any previous uses that may have resulted in concerns about contamination. Furthermore, there are no uses in the immediate vicinity of the site which may give rise to pollutants. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c) above.

(d) Flood Risks

2.20 The site occupies an elevated position, and a review of the Environment Agency's website reveals that no part of this site falls within Flood Zone 2 or 3 nor is at risk of potential flooding from surface waters (see Figure 1 below). The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(d) above.

Figure 1 – Extract of EA Flood Mapping



Source: Environment Agency

(e) Impractical or Undesirable?

2.21 The Planning Practice Guidance (updated 5th March 2015) confirms that:

> *"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"*

2.22 The guidance goes on to state 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.

2.23 The guidance goes on to state that 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.

2.24 The guidance furthermore confirms that when a local authority considers location and siting it should not be applying tests from the National Planning Policy Framework except to the extent these are *relevant to the subject matter of the prior approval (my emphasis).* 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. Recent appeal decisions have corroborated this advice, confirming that prior notifications cannot be refused on the basis of not constituting sustainable development, as to reach such a conclusion it is necessary to consider the NPPF as a whole, whereas for the purposes of the prior notification only the tests of the NPPF relevant to the subject matter of the prior approval can be considered.

2.25 To compare with the examples cited in the Planning Practice guidance the site is not at the top of a hill with no road access or power source, and the building lends itself well to conversion. There are furthermore no surrounding land uses that would result in detrimental harm to the amenity of future occupiers. It is therefore submitted that the proposal is the considered to be acceptable in the context of criterion Q.2(1)(e) above.

2.26 This notwithstanding, the Local Authority considers that the test of impractical or undesirable extends to matters relating to protected species, arguing that that location and siting is a key determinant of the likelihood or otherwise of bats being at risk. Without prejudice to my own professional views on this matter, which are formed having regard to salient appeal decisions, this revised submission is accompanied by a bat and bird survey.

2.27 The bat and bird survey concludes that there is no evidence of bats using the building as a place of shelter and that there was no evidence of bats using temporary roosting opportunities within the building. Cobwebs covering the ridge board indicate that use by bats is unlikely. Some evidence of nesting

birds was identified. Emergence surveys were also undertaken, and no bats were seen to emerge from the building during those surveys. This leads the bat surveyor to conclude that the proposed development will not affect a place of shelter for bats. A method of working should nevertheless be put in pace with contractors to ensure that that bats will not be injured if they are found on site. The survey goes on to recommend that a bat box be incorporated into the structure and that some of the crevices in the stone wall be retained to ensure that roosting for crevice dwelling bats is maintained on site. Such mitigation measures can be secured by condition. Having regard to the aforementioned conclusions it is submitted that protected species will not be adversely affected by the proposed development.

2.28 The submission is also accompanied by a Structural Survey which confirms that the building is of a suitable structural condition for conversion.

(f) Design & External Appearance

2.29 A sensitive approach has been adopted for the design of this scheme, with every effort made to make beneficial reuse of the numerous openings that this building benefits from. By resultant effect the proposal entails a minimal amount of new openings, limited to just one new rooflights. Existing windows and doors are to be replaced/refurbished as necessary and will result in a high quality appearance to the dwellings. The appearance of the building will furthermore be enhanced by virtue of the existing concrete block lean-to being demolished. The design and external appearance of the proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(f) above.

3 Conclusion

3.1 Having regard to the aforementioned commentary I consider that the proposed development will fully accord with the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and invite the Local Authority to confirm that their prior approval is not required.