SAMMONS Architectural LIMITED
Chartered Institute of Architectural Technologists

10 Cawdry Buildings
Fountain Street
Leek, Staffordshire, ST13 6JP
Tel / fax 01538 386002
e-mail info@sammonsltd.co.uk

PLANNING STATEMENT TO ACCOMPANY PRIOR NOTIFICATION APPLICATION FOR THE CHANGE OF USE OF AN EXISTING AGRICULTURAL BUILDING AT SHEPHERDS COTTAGE, LEEK ROAD, WATERHOUSES TO A DWELLING

1.0 INTRODUCTION

1.1 This statement is submitted in support of a prior notification application for the change of use of an existing agricultural building to a dwellinghouse at Shepherds Cottage, Leek Road, Waterhouses.

1.2 The statement concludes that planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in the Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

2.0 APPLICATION SITE AND ITS SETTING

2.1 Shepherds Cottage is a former agricultural unit which is sited off a track in a field close to the A523. It comprises a relatively large detached stone building with a plain tiled roof.



2.3 The application site is accessed from the existing access that currently serves the building, which then connects to the public highway to the east. The application site is located within an area of open countryside.

3.0 THE PROPOSED DEVELOPMENT

3.1 It is proposed to convert the existing agricultural building into a single dwellinghouse under current Permitted Development allowances. The Town and Country Planning General Permitted Development) (England) Order 2015 and contains provisions to allow for the change of use of a

building from use as an agricultural building to a use falling within Use Class C3 (dwellinghouses) under the Class Q, Part 3 of Schedule 2.

3.2 Class Q, Part 3 of Schedule 2 states that:-

Permitted development
Q. *Development consisting of—*
(a) a change of use of a building and any land within its curtilage from a 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.

3.3 Class Q, Part 3 of Schedule 2 states that:-

Development not permitted
Q.1 Development is not permitted by Class Q if—

(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 but 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 development under Class Q begins;

The site was purchased by the applicant at the end of 2014. Although, the building has benefitted from various approvals for a holiday let none have been implemented. At the time of purchase the building was being was last used for the purposes of agriculture and had been used for that purpose for many years prior to the purchase. It was therefore being used on the 20th March 2013 for agricultural purposes. The application building has not since been used for agriculture, but importantly has not been used for any other purpose. The building remains equipped to be used for agricultural use.

(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;

The application building is the only building on the site applied for under the permitted development allowance. The proposed dwelling would have an internal floorspace of 80m^2, which is well below the limit of 450sq.m.

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

This is the only building on the site applied for under these allowances.

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

These conditions are not applicable to this proposal as the site does not form part of an agricultural tenancy.

(e) less than 1 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;

These conditions are not applicable to this proposal as the site does not form part of an agricultural tenancy.

(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;

No development under Class A (a) or B (a) has been carried out on the holding since 20th March 2013.

(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;

The proposed development is accommodated within the frame of the existing building. No extensions are proposed.

(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;
(i) the development under Class Q(b) would consist of building operations other than—
(i) the installation or replacement of—
(aa) windows, doors, roofs, or exterior walls, or
(bb) water, drainage, electricity, gas or other services,

Please refer to previous comments, but the application drawings show the proposed layout and elevations of the proposed dwelling. The proposal will be accommodated within its existing footprint and its existing external dimensions. Existing openings have been re-used and in doing so the character of the building as a former agricultural building is retained. The existing tiled roof will be retained and no demolition is proposed. The disposal of roof and surface water will go to a soakaway. Foul drainage will be connected to a treatment unit. Gas is not available for the site. Energy is planned to be electric. The site is not on article 1(5) land nor does it form part of a site of special scientific interest; a safety hazard area; or a military explosives storage area. The site is not nor does it contain a scheduled monument and the application building is not a listed building.

3.4 The development proposed is development under Class Q(a) together with development under Class Q(b), development is considered to be permitted. In accordance with the Order we request a determination as to whether prior approval of the Local Planning Authority is required for the Class Q development in this instance in regard 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 the Schedule to the Use Classes Order, and
(f) the design or external appearance of the building,

In response to these issues:-

- The sites existing access leads onto track where there is a short distance to the public highway where highway visibility is considered adequate. The entrance is capable accommodating the traffic the proposal generates.
- The amenity of the site will not be harmed by noise. The proposed dwelling is not close to a noise source. The proposed dwelling will be insulated to comply with the requirements of the Building Regulations.
- This site has only ever been used for agricultural purposes. Any land can only be considered to be contaminated if it contains a source of pollution or when a receptor could be affected by pollution. This site is agricultural in nature and has not been subject to any previous uses that could have caused any pollution or contamination of the land. In addition, there are no other uses in the locality that could create any pollution affecting the site. The proposal is therefore considered to be acceptable in the context of Class Q2 (1)C.
- The site is in flood zone 1 and is not affected by drainage difficulties.
- The application site is located in a rural area close to other rural properties and settlements. An appropriate curtilage will be created that will not exceed the footprint area of the existing building. Off road parking will be provided.

4.0 CONCLUSION

4.1 The proposed development is considered to be permitted development under Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

4.2 The proposed change of use will not lead to any detrimental adverse effects on traffic, noise, flood risk, or contamination and the siting and location of the building are deemed to be acceptable for the proposed use. The resultant scheme is an attractive and useable single dwelling in an acceptable and sustainable location.

4.3 The Council is therefore politely requested to support this Prior Notification application to change the use of this building from agricultural to a dwellinghouse and grant prior approval.