Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

SPRINGS COTTAGE FARM, BAGNALL

NOVEMBER 2016

Site Address:
Springs Cottage Farm, Thorneyedge Road, Bagnall, Staffordshire

Applicant:
Dr. L. Pearson

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

Planning Statement:
Date Issued: 7th November 2016
Job Reference: RDP/2016/110a

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Dr. L. Pearson to lodge a prior approval 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 agricultural building to form a single dwellinghouse, along with associated building operations.

1.2 The agricultural building is constructed from brickwork with a corrugated metal roof and has historically been used for agricultural purposes by the previous owner of the site, and subsequently by the applicant for the keeping of chickens.

1.3 The proposal entails the change of use of this building to create a kitchen and bedroom at lower ground floor level, with a lounge, bedroom and bathroom at upper ground floor level. The proposal also encompasses operational development in the form of replacement windows and doors to the existing elevations. No new openings are proposed.

1.4 This Planning Statement assesses the proposed development against the relevant criteria of Class Q, having regard to the provisions of the Planning Practice Guidance and salient appeal decisions, in order to demonstrate that the proposed development amounts to Permitted Development.

2 Planning Assessment

2.1 The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 allow 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 building the subject of this application has historically been used for agricultural purposes, most recently by the applicant for the keeping of chickens. It remains in use for agricultural purposes today, and is part of County Parish Holding (CPH) number 37/102/0149. As such the site is considered to be used for agricultural purposes as part of an established agricultural unit, and thus meets 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 floor space of the proposed building amounts to less than 450 square metres and as such is considered to accord with criterion (b). A concurrent prior notification has also been lodged for the change of use of another building within the holding and the cumulative floorspace of these two

buildings amounts to approximately 215 square metres and thus also accords 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 one dwellinghouse and as a consequence the proposal is considered to accord with criterion (c). A concurrent prior notification for an adjacent building also proposes the creation of one dwellinghouse and thus the scheme also meets criterion (c) in this regard.

(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. 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 encompasses building operations to facilitate the conversion of the building to residential use, but these do not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. 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). A

concurrent prior notification has nevertheless been submitted for an adjacent building but the cumulative floorspace changing use does not exceed 450 square metres.

(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

(iii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

2.10 The building operations proposed within the application amount to the installation of a replacement roof, and the installation of windows and doors utilising existing openings. The site already benefits from electricity and water connections. The proposal accords with criterion (i) in this regard.

(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. The proposal is therefore considered to accord with criterion (m).

2.15 As a consequence of the above considerations it is submitted 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 the following —

(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 approval submission has been made 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 provisions of the Planning Practice Guidance and salient appeal decisions.

(a) Transport & Highways Impacts

2.17 The proposed dwelling will utilise the existing vehicular access serving Springs Cottage Farm. This is a gated access that is set back from the highway with sufficient distance maintained to enable a vehicle to pull clear of the highway whilst the gates open. The access affords good visibility in both directions and will not result in any material harm to highway safety over and above that which is already associated with the current 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 form 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 buildings by reason of noise disturbance. 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 pollutant could affect a receptor, and that the pollution can get to the receptor. The site has historically been used for agricultural purposes 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 in relation to the surrounding landscape, 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. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(d) above.

(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 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.

2.24 To compare with the examples cited in the Planning Practice guidance this site is not isolated in terms of it being away from existing development, and it further benefits from an established vehicular access and has electricity and water connections. 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 acceptable in the context of criterion Q.2(1)(e) above.

2.25 This notwithstanding, the Local Authority contend that matters relating to biodiversity impacts can also be considered under the provisions of criterion Q.2(1)(e). To this end a bat survey has been carried out which concludes that there is no evidence of bats using the building as a place of shelter and recommends that three bat boxes be affixed to trees to the north of the site. This can be secured via a suitably worded planning condition.

(f) Design & External Appearance

2.26 The alterations to this building do not entail the creation of any new openings and thus will largely maintain its existing character. The

appearance of the building will nevertheless be enhanced through the removal of the existing corrugated roof and its replacement with a tiled roof.

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.