Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

NORTH PLANTATION, TENFORD LANE
UPPER TEAN

JANUARY 2017

Site Address:
North Plantation, Tenford Lane, Upper Tean, Staffordshire, ST10 4EL

Applicant:
Mr. C. Pearce

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

Planning Statement:
Date Issued: 16th January 2017
Job Reference: RDP/2017/001

Report Prepared By:
Rob Duncan BSc(Hons) MA MRTPI
Rob Duncan Planning Consultancy Ltd

Contact Details:
Rob Duncan Planning Consultancy Ltd
70 Ferndale Road, Lichfield, Staffordshire, WS13 7DL
Email: rob@robduncanplanning.co.uk
Tel. 07779 783521

1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. C. Pearce 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 existing agricultural building to form three dwellinghouses along with associated building operations.

1.2 The application represents a resubmission following the refusal of application DET/2016/008 which was refused on the following basis:

> *"A clear assessment of the proposals have been made in light of the GPDO (2015) criteria and recent government planning advice. It is clear that the proposal does not constitute permitted development as it fails to satisfy the criteria contained in clauses b, h and i of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015".*
>
> *"Furthermore should a valid prior notification be submitted there remain concerns in terms of the means of access to the building from the highway and whether it is practical or desirable to allow the use of the building for residential purposes given its proximity to the permitted free range egg production unit under applications SMD/2009/00465, SMD/2012/0187 and SMD/2015/0105 and the potential for noise and odour which could result".*

1.3 This revised submission seeks to address the concerns raised within the previously refused scheme, and encompasses the change of use of the building along with associated operational development for the installation of windows and doors and new cladding. The proposal, as before, also entails the creation of a modest area of domestic curtilage around the barn that extends to the same area as the footprint of the building. The site benefits from an existing vehicular access off Tenford Lane to the north, which provides access to the existing agricultural yard area. The application is also accompanied by a Structural Survey, and a commitment to rescind the consented schemes for an egg production unit nearby.

2 Planning Assessment

2.1 The provisions of the Town and Country Planning (General Permitted Development) (England) Order 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 is currently in agricultural use, and was as of the specified date, and 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 In determining the previous application the Local Authority concluded that the floorspace of the existing building amounts to 471.24 square metres. However, this is incorrect, as that figure is calculated when you measure the *footprint* of the building, including its exterior walls. However, the regulations relate to *floorspace* changing use, which in this case amounts to 446 square metres. The proposal is therefore 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 three separate 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 The Local Authority concluded that the previous application conflicted with the aforementioned criterion. However, as discussed in paragraph 2.3 above, the proposal does not entail a floorspace in excess of 450m² (446m²) and as a consequence is 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 previous application raised concerns that the proposed development would involve new structural elements to erect the walls on all four sides of the proposed conversion. This revised proposal has omitted the previously proposed elevational walls set in behind the existing front elevation, and instead seeks to reflect the existing external envelope of the building. The proposal entails the retention of the existing portal frame and the existing concrete walls, with building operations amounting to the provision of replacement external cladding, replacement roof cladding and the provision of new windows and doors to facilitate the occupancy of the building as dwellinghouses.

2.11 The application is furthermore accompanied by a Structural Survey which demonstrates that the existing portal framed structure is capable of taking the loads associated with the replacement cladding, windows and doors, and as a consequence it is submitted that the proposed building operations are acceptable and meet the requirements of criterion (i).

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

2.12 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;

2.13 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;

2.14 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.

2.15 The building proposed for conversion is not a listed building. The proposal is therefore considered to accord with criterion (m).

2.16 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*

2.17 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.

(a) Transport & Highways Impacts

2.18 The previous application had raised concerns with the Local Highway Authority about potential use of the existing access track by vehicles associated with the (as yet unimplemented) egg production unit schemes. However, subsequent clarification was provided to the Local Highway Authority to confirm that the existing vehicular access serving the site would only be used for residential purposes, and not for any commercial purposes associated with the egg production units.

2.19 Allied to this matter is the applicant's willingness and intention to provide a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (As Amended) to achieve one of the following:

- To agree not to implement the pre-existing poultry unit permissions on the nearby site so long as the prior approval consent under class Q is in place and remains extant, and

- To agree not to implement the pre-existing poultry unit permissions once the prior approval consent under class Q has been implemented.

2.20 In doing so the requirement to provide a new vehicular access for the egg production unit is removed, with the main consideration being whether the existing access is suitable for the proposed residential use. The previous stance of no objections from the Local Highway Authority confirms that it is. As such the revised proposal is considered to be acceptable in the context of criterion Q.2(1)(a) above.

(b) Noise Impacts

2.21 The previous application raised no objections with the Environmental Health Officer in terms of noise, but the planning officer nevertheless harboured reservations about the potential impact of the nearby egg production unit on residential amenity. The applicant's intention not to implement the egg production unit permissions will serve to alleviate this concern, and as a consequence the revised proposal is considered to be acceptable in the context of criterion Q.2(1)(b) above.

(c) Contamination

2.22 The previous application had also raised concerns about potential harm to residential amenity arising from odours from the nearby egg production unit

(as and when it was implemented). As discussed above, the applicant proposes not to implement the egg production unit permissions and in doing so the concerns about odour disturbance will be alleviated. The revised proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c) above.

(d) Flood Risks

2.23 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 (see Figure 1). 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?

2.24 The previous application was deemed to be an impractical and undesirable location for new dwellings given the potential noise and odour disturbance from the nearby egg production units. These permissions are yet to be implemented, and given the applicant's intention not to implement the egg production unit permissions upon commencement of any prior approval consent that may be granted under class Q, the noise and odour concerns raised in the previous submission will be alleviated. The revised proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(e) above.

(f) Design & External Appearance

2.25 The previous application involved changes to the external appearance of the building in the form of replacement cladding and the insertion of new windows and doors. The Local Authority concluded that this would be a stark contrast to the appearance of the building, but ultimately did not raise design as a reason for refusal. This revised scheme adopts similar design principles to the previous submission, and seeks to replace existing timber cladding with replacement timber cladding, and the provision of replacement roof cladding. Windows and doors are to be powder coated aluminium and the resultant building will retain the general form of the original building. The site is also located in a position where it is well screened within the local area and thus the alterations to the building will not have a significant visual impact. 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 this revised proposal fully accords 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.