# PLANNING STATEMENT

# FOR

# PRIOR NOTIFICATION OF CHANGE OF USE FROM AGRICULTURE TO RESIDENTIAL (CLASS Q PERMITTED DEVELOPMENT)

# AT

# PAINSLEY HALL FARM CRESSWELL

# FOR

# MR G BRAIN

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## CONTENTS

1. Introduction

2. Planning Assessment

3. Conclusion

**Attachments**

- Structural Assessment
- Existing Conditions Plan
- Location & Block Plan
- Proposed Plans and Elevations

## 1. Introduction

1.1 Michael Sutcliffe & Associates have been instructed by Mr G Brain to prepare and submit a prior approval notification to S.M.D.C. under the provisions of Class Q of the Town & Country Planning (General Permitted Development) Order 2015 for the change of use of an existing agricultural building to form a single dwelling together with associated building operations.

1.2 The building is a steel portal frame barn 4 bays in length. The frame has been extended on one side with a further lean-to structure. The side walls are constructed in blockwork up to three metres, above which corrugated translucent sheeting has been used as cladding and roofing. There is a concrete floor slab throughout and a vehicle sized opening in the southern-most elevation. Access is to a private shared farm track which connects to Sandon Road in Cresswell.

1.3 The proposal comprises the change of use to a single dwelling accommodating 3 en suite bedrooms, lounge, kitchen & utility and family room on the ground floor and a fourth bedroom and bathroom at first floor level.

To create a habitable conversion the proposal includes operational development as listed below.

- New openings for windows and doors.
- Internal blockwork leaf to external blockwork thereby creating an insulated cavity wall.
- A small first floor area created in the roof space.
- New ceilings throughout.
- Existing floor slab retained with insulation layer and screed added.
- Painted timber windows and doors installed in new and existing openings.
- Electricity and water supply are on site and will be adapted to meet residential standards.
- A sealed sewage treatment unit will be provided for foul waste and rainwater discharged to existing soakaways.

- Externally a box container and a timber stable block will be removed to create a private garden area defined by a timber post and rail fence and existing hedge.
- Two parking spaces will be provided at the front of the building.

## 2. Planning Assessment

2.1 This Planning Statement assesses the proposed development against the relevant criteria of Class Q and has regard to Planning Practice Guidance and relevant legal and appeal decisions in order to demonstrate that the proposed development qualifies as Permitted Development.

The provisions of the Town & 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 (dwelling houses) 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 (dwelling houses). The legislation states that development is not permitted where:

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

*(i) on 29th 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.*

The application building is currently in agricultural use and was at the specified date, and therefore the proposal is considered to accord with criterion *(a)*

2.3 *(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 cumulative floor space of the building proposed for conversion amounts to 254m² and is considered in accord with criterion (b).

2.4 *(c) the cumulative number of separate dwelling-houses developed under Class Q within an established agricultural unit exceeds three.*

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

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

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

2.6 *(e) less than one year before the date of 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.*

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

2.7 *(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 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).

2.8 *(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 only to repair and retain the exterior cladding, and therefore will not result in the external dimensions of the building extending beyond the existing dimensions. The proposal is therefore considered to accord with criterion (g)

2.9 *(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 (Dwelling-houses) of the Schedule to the Use Classes Order.*

There have been no previous submissions on this site under Class Q, and the proposal before the Local Authority does not entail a floor space in excess of 450m²(254m²). The proposal is therefore considered to accord with criterion (h).

2.10 *(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 dwelling-house; and*

*(iii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q1(i)(i).*

The building operations proposed within the application amount to the installation of an inner skin and ceilings, and insulation and installation of windows and doors. No structural works are required. The openings created are considered reasonably necessary for the building to function as a dwelling-house as it does not currently have a large number of openings. The site already benefits from electricity and water connections.

The application is accompanied by a structural inspection report which concludes:

*"We are satisfied that the existing structural frame is adequate to cater for the present and future loadings."*

We conclude that the building is structurally sound and the proposed works are reasonably necessary for the building to function as a dwelling, therefore, comply with the provisions of Q.1(i). The limited extent of the proposed works clearly represents conversion not a re-build. In support of this conclusion we refer to an identical scheme of conversion prepared by the Architects for this current submission which was approved by SMDC in February 2016 – Ref: DET/2016/002-Change of Use of Agricultural Building to two dwellings at Middlehulme Farm, Meerbrook.

2.11 *(j) the site is on article 2(3) land.*

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

2.12 (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

The site 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 in accord with criterion (k).

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

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

2.14 *(m) the building is a listed building*

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.

**Other Matters**

2.16 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 (dwelling-houses) of the Schedule to the Use Classes Order; and
(f) the design and external appearance of the building

This prior approval submission has responded to the requirements of Class Q and this Statement now considers the proposal in the context of the above matters. In doing so consideration has been given to P.P.G. and relevant appeal decisions

2.17 (a) Transport and Highway Impacts

The proposed dwelling will have direct access to the adjacent private farm track which links to Sandon Road at Cresswell. There is good visibility in both directions at that junction and the access is currently in use for agricultural and domestic purposes. It is considered that the proposed change of use will not create any issues of highway safety or traffic generation and meet criterion Q.2 (1) (6).

2.18 (b) Noise Impacts

Conversion from agricultural use to a single dwelling will not create a nuisance for neighbours and there are no surrounding uses that could harm future occupants of the building. The proposal is considered to be acceptable when measured against Criterion Q.2 (1)(b).

2.19 (c) Contamination

The site is agricultural and has not been used by any previous activity that could result in contamination. There are no uses in the immediate vicinity which may generate pollution. The proposal is acceptable in the context of Q.2 (1)(c).

2.20 (d) Flood Risks

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.

2.21 (e) Impractical or Undesirable

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 farm 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.* So, for example, factors such as whether the property is for a rural worker, 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 this site is not isolated in terms of it being totally away from existing development, and it further benefits from an established vehicular access and has electricity and water connections. There are no surrounding land uses that would result in detrimental harm to the amenity of future occupiers. It is therefore considered that the proposal is acceptable in the context of criterion Q.2(1)(e) above.

2.26 (f) Design and External Appearance

The existing building clearly represents what may be considered as the new vernacular for agricultural buildings in form, scale and materials. The modest building works required as reasonably necessary to convert the barn to a dwelling ensures that the building's character and impact will be little changed. The proposed curtilage is immediately around the building and is no larger than the land area occupied by the building. It is intended to remove the smaller ancillary buildings currently sited in the curtilage area and to retain and maintain the hedge on the western most boundary.

The siting of the building on slightly raised ground close to two other residential properties, The Shippon and Leese House Farm and surrounded by a plateau landscape dominated by large open areas of improved grassland is very much in keeping with the general character of this area.

The Landscape Character Assessment of Staffordshire Moorlands describes the area as "settled plateau farmland slopes". Its key characteristics are a gentle undulating land form with flat, open valleys marked by dispersed hamlets and scattered farmsteads.

In this context the building responds to local character and history and reflects the identity of local surroundings and materials used in contemporary buildings.

The resultant building will retain the form and scale of the original but incorporate contemporary elements resulting in a good quality external appearance. We consider the proposal to be acceptable in the context Q.2(1)(f).

## 3. Conclusion

Having designed a conversion that accords with the provisions of Class Q of the Town & Country Planning (General Permitted Development) Order 2015 and demonstrated compliance with the criteria we ask the Local Authority to confirm that the proposal is permitted development and prior approval is not required.

**Michael Sutcliffe & Associates**
**July 2017**