TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

APPLICATION FOR A DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED UNDER CLASS Q FOR THE CHANGE OF USE OF AN AGRICULTURAL BUILDING TO A DWELLINGHOUSE (CLASS C3 USE) AT SPRINKS FARM, HORTON, LEEK, ST13 8QE

PLANNING STATEMENT

Prepared by

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Our Reference: ADM.LPC.4244

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1.0 INTRODUCTION

1.1 LPC (Trull) Limited have been instructed by Dr E Gibson and Ms M Pcoinkova to prepare this application pursuant to Class Q, Part 3, Schedule 2 to the Town and Country Planning General Permitted Development Order, seeking confirmation that the proposed conversion of this building to residential use does not require the benefit of planning permission or the prior approval of any further matters.

1.2 This statement will address all the requirements within Class Q and will demonstrate that planning permission is not required to use this building for the proposed residential as one dwellinghouse. Reference will also be made to more recent National Planning Policy Guidance in support of this case.

2.0 ASSESSMENT AGAINST THE PROVISIONS OF CLASS Q

2.1 This Class states that development consisting of a 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 (Dwellinghouse) of the Schedule to the Use Classes Order and building operations reasonably necessary to convert the building to this residential use represents permitted development. There are then a number of exceptions contained within paragraph Q.1 and conditions within Q.2, which I shall now address.

2.2 Paragraph (a) of Q.1 states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, or 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. By its method and materials of construction, this building was erected many years ago for agricultural purposes and I can confirm that on 20th March 2013 it was in use for housing cattle during the winter and for the storage of hay and straw.

Accordingly, the building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.

2.3 The next requirement concerns the cumulative floor space of the existing building changing use under Class Q, paragraph Q.1 (b) stating that this should not exceed 450m². The building, when converted, will have a gross floor area of 447.62m, just below the upper limit. There is uncertainty as to whether the floorspace figure referred to within this paragraph of the legislation is gross external floor area or internal floorspace and so this application adopts a precautionary approach and proposes a gross external floor area just under the 450m². The gross internal floor area will be significantly less.

2.4 Paragraph Q.1 (c) states that the cumulative number of separate dwellinghouses developed under Class Q must not exceed three. This application seeks to convert the building into one dwellinghouse and there are no other buildings that have been converted elsewhere on the holding.

2.5 The site is not occupied under an agricultural tenancy, nor has an agricultural tenancy been terminated within the last year. No other agricultural buildings have been erected on the agricultural unit in the form of agricultural permitted development and so the provisions within paragraph (e) and (f) of paragraph Q.1 are not applicable.

2.6 With regard to the proposed change of use itself and the building operations reasonably necessary to facilitate the new use, the submitted drawings clearly demonstrate that the development does not result in the external dimensions of the building being extended at any given point. Accordingly, the proposal does not conflict with paragraph Q.1 (g).

2.7 There have not been any previous developments under Class Q and therefore, the development would not result in a building or buildings

with a floor area of more than 450m² having a use falling within Class C3. Paragraph Q.1 (h) does not, therefore, apply.

2.8 The building operations will accord with the scope of works permitted at Q.1 (i) with the installation of windows, doors, roof or exterior walling to the extent reasonably necessary for the building to function as a dwellinghouse. This will mean that, wherever practical, existing openings will be utilised and stone re-used. Services will be installed, as referred to within sub-paragraph (bb) and the only demolition that will be required to carry out is to undertake building operations as referred to in paragraph Q.1 (ii). We are aware that the legislation does not permit structural works but this proposal seeks to utilise a traditional agricultural building with stone walls and an upper floor supported by existing timbers and it is not, therefore, the type of structure that was the subject of recent Case Law when an open fronted, steel portal framed building was proposed for conversion into a dwelling under Part Q (Hibbitt and Another v Secretary of State for Communities and Local Government, Rushcliffe Borough Council (2016). Accordingly, there is no doubt that this application represents the conversion of an existing substantial and structurally sound building.

2.9 The application site is not on Article 2 (3) Land as the site is not within; a Conservation Area; an Area of Outstanding Natural Beauty; an area specified by the Secretary of State for the purposes of Section 41 (3) of the Wildlife and Countryside Act 1981; is not within The Broads or a National Park or a World Heritage Site. Accordingly, the locational considerations with regard to item Q.1 (j) does not apply.

2.10 The application site does not form part of a Site of Special Scientific Interest, nor is it a safety hazard area or a military explosive storage area. Accordingly, paragraph Q.1 (k) does not apply.

2.11 The site is not, nor does it contain, a Scheduled Monument and so paragraph Q.1 (l) is not applicable.

2.12 The building is not listed as being of Special Architectural or Historic Interest. I have viewed the Historic England Website which shows listed building and I could see none at Sprinks Farm, nor anywhere else in the vicinity.

2.13 In view of the above, there are no restrictions as to why the change of use cannot represent permitted development. It is, therefore, acknowledged that the permission is conditional on your Council's determination whether Prior Approval, pursuant to Q.2 (1) is required under the following headings. Again, it is the case on behalf of the applicants that it is not and the following brief comments are intended to underpin that position, reinforcing the presumption in favour provided by the legislation. The following paragraphs will, therefore, address the six matters.

(a) Transport and Highway Impacts of the Development

2.14 Paragraph W (the Procedure for Applications for Prior Approval) clarifies the Local Planning Authority's actions to consult where development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. In this instance, it states that the Local Planning Authority must consult the Local Highways Authority.

2.15 The existing vehicular access to Sprinks Farm is a private road that also serves Parkhouse Farm, Shuttershaw Farm, Pal's Dog Creche and Kennels, Good Cow Farm and Croft Meadows Farm. It runs northwards from the road that goes towards Horton, approximately 150m from the junction with Park House Lane. Although this private road is single vehicle width, it takes the traffic from the existing properties without causing undue problems with the drivers of any vehicles travelling in opposite directions having to adopt a cautious and courteous approach.

2.16 The junction of the lane with the pubic highway has adequate visibility in both directions for the speed of traffic travelling along it, which is lightly trafficked and typical of a road serving a rural area such as this. The additional number of vehicles that would be generated by the proposed development would be fewer than 10 vehicles per day, which equates to one vehicle in each of the peak hours, which would not be discernible. Accordingly, the proposed traffic generation as a result of the change of use of the agricultural building to a dwelling would not have an adverse transport or highway impact.

(b) Noise Impacts of the development

2.17 The proposed use of the agricultural building will not generate adverse noise impacts nor will it be affected by noise from any other noise sources in the locality. The site is located at the end of a lane that serves the existing farm and its dwelling and the proposed change of use will not be a noisy land use nor would it be subject to off-site noise pollution.

(c) Contamination Risks on the site

2.18 This building is not recorded in the pubic register of contaminated land. It has an existing concrete floor with stone walls, all of which are in good condition. Whilst animals had been kept within the building, which has, inevitably, resulted in feed stuff waste material and manure this is typical by-product found within an agricultural building. However, the impermeability of the floors has meant that this was easily removable and means that the building is not contaminated.

(d) Flooding Risks on the site

2.19 The building that is the subject of this application is located within Flood Zone 1, where there is an extremely low risk of flooding. The Environment Agency Flood Maps show watercourses about 100 metres to the north and to the south of the application building running west to

east but these do not affect the application building, the proposed curtilage or the means of access. Accordingly, the application site would not cause or be subject to flooding.

(e) Is the building located or sited where it impractical or undesirable for the proposed change of use?

2.20 The Planning Practice Guidance dated March 2015 has explained what is meant by sub-paragraph (e) of Q.2 and says that the Local Planning Authority should apply a reasonable ordinary dictionary meaning in making any judgement. It says that 'impractical' reflects that the location and siting would 'not be sensible or realistic' and 'undesirable' reflects that it would be 'harmful or objectionable'. It adds that when considering whether it is appropriate for the change if use to take place in a particular location, a Local Planning Authority should start from the premise that the Permitted Development Rights grant planning permission, subject to the Prior Approval of requirements. It adds that the fact that an agricultural building is in a location where planning permission would not normally be granted for a new dwelling is not a sufficient reason for refusing prior approval.

2.21 The same guidance adds that there may be circumstances where the impact cannot be mitigated and provides an example of an agricultural building being located on top of a hill with no road access, power source or other services available, a situation that does not apply in this case as there is an existing dwelling nearby with all power access and services readily available. Neither is it located at the top of a hill. It quotes other examples where a change of use might be undesirable as being adjacent to an intensive poultry framing building, silage storage or buildings with dangerous machinery or chemicals within them.

2.22 None of the above examples are applicable to the proposed development. Whilst the site is elevated, it is not at the top of a hill and the proposal will make beneficial use of an existing building, it

representing a form of development that is supported by the National Planning Policy Framework (paragraph 55) as an exception to the policies of restraint for housing outside settlements. Furthermore, the proposed use would also lead to an environmental improvement in that the appearance of the building will be enhanced, as will its setting. Accordingly, I am firmly of the opinion that the building is not located or sited where it is impractical or undesirable for the proposed change of use to take place.

(f) The design or external appearance of the building

2.23 This application proposes the retention of the stone walls and the creation of a limited number of new openings on the front (south) elevation of the building whilst, on the east elevation, a large glazed screen is proposed in order to benefit from the views available from that position. On the west side, the existing openings will be infilled using matching stone whilst on the rear (north) elevation, new openings are proposed in addition to the utilisation and widening of the existing openings to provide glazed screens. The roof will be replaced with new tiles with conservation style rooflights to be inserted on the rear elevation, flush with the plane of the roof.

2.24 These alterations, windows and doors will accord with the legislation and the appearance of the resulting building will represent an enhancement upon its existing appearance and be one that will be appropriate to its rural location.

2.25 The legislation does not permit additions to such buildings but demolition, for example to facilitate the insertion of glazed screens, is permitted.

3.0 OTHER MATTERS

3.1 The only matter contained within the legislation that has not been addressed concerns the curtilage of the proposed dwelling. Class X of

Part 3 of the legislation provides an interpretation of curtilage and states in sub-paragraph (b) that this means an area immediately beside or around the agricultural building and no larger than the land area occupied by the building. The area of the curtilage excluding the building amounts to 217.24 sq.m, some 73 sq.m less than the external ground floor area of the building and accordingly, the garden area will conform with this requirement.

4.0 CONCLUSIONS

4.1 The building that is the subject of this application was used for agricultural purposes on 20th March 2013 and when it was last in use, as part of an established agricultural unit. The Town and Country Planning General Permitted Development Order confirms that buildings such as this can be converted to dwellings provided that requirements and conditions are met. For the reasons set out within this statement, we consider that all of these are met and that the proposed conversion accords with the legislation and with National Planning Practice Guidance which confirms that residential use of former agricultural buildings is an appropriate use in the countryside in locations such as this.

4.2 The proposed use of this building for residential purpose accords with the requirements of the permitted development legislation, as set out within this case, and for these reasons I trust that you will grant prior approval for the proposed change of use.

4.3 Should the case officer have any questions, please do not hesitate to contact the writer.