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Supporting Statement in relation to the conversion of agricultural buildings to a dwelling under Class Q of the General Permitted Development Order

Blakeley Lane, Dilhorne

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Client	Broad Oak Properties Limited
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1 Introduction

1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.

1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.

1.3 This statement accompanies an application submitted under Class Q(a) and Class Q(b) of the Town and Country Planning (General Permitted Development) Order 2015.

1.4 Class Q (a) of the above Order grants permitted development rights for the change of use of agricultural buildings, and any land within their curtilage, to dwellinghouses falling within Class C3 of the Use Classes Order. Class Q (b) allows any building operations reasonably necessary to facilitate this change of use.

1.5 Condition Q.2 (1) requires that for proposals seeking the change of use of an agricultural building to a dwellinghouse together with associated external alterations, the developer must first submit an application to ascertain whether the prior approval of the local planning authority will be required regarding:

- transport and highway impacts of the development;
- noise impacts of the development;
- contamination risks on the site;
- flooding risks on the site;
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a

dwellinghouse; or

- the design or external appearance of the building.

2 Site and Planning History

2.1 The application site consists of a brick and tile agricultural building and an attached steel framed cattle shed at Blakeley Lane, Dilhorne. The site lies within a semi-rural area approximately 2km east of the settlement of Cellarhead.

2.2 The buildings are currently vacant, but were last used for agricultural purposes. The brick and tile building contains cattle stalls and the steel framed lean-to retains a feed trough across its open frontage.

2.3 Both buildings sit on a concrete base. They are enclosed by solid walls on all sides, with the exception of an open section to the east elevation of the steel framed lean-to. Both buildings were erected prior to the 20th March 2013.

2.3 The site is accessed from Leek Road via a surfaced track which also serves two adjacent cottages.

2.5 Planning permission was granted to convert the brick and tile building to a dwelling in November 2010.

3 The Proposed Development

3.1 The applicant has purchased the agricultural land associated with the site to add to an established holding, but the buildings are surplus to requirements. The applicant has therefore been considering alternative uses for the buildings.

3.2 The buildings sit in close proximity to existing domestic properties and as such a

residential use appears the most logical solution.

3.3 It is therefore proposed to convert the building into a 4-bedroomed property.

3.4 The floorspace of both the existing buildings and the proposed dwelling falls comfortably beneath the 465m^2 maximum allowed by Class Q. The proposed site plan demonstrates that the curtilage of the dwellings is smaller than the footprint of the existing agricultural building.

3.5 There have been no previous dwellings on the agricultural unit formed under Class Q permitted development rights.

3.6 The site is not occupied under an agricultural tenancy, and is not affected by any of the constraints identified in criteria (j) to (m) of Paragraph Q.1.

3.7 The buildings are in good condition, and are sufficiently strong and sound to take the loadings associated with the proposed alterations. No structural interventions are therefore required or proposed in this instance.

3.8 The buildings require some external alterations to facilitate conversion. Class Q (b) of the GPDO allows building works reasonably necessary to convert the buildings to residential use, and the applicant intends to exercise these permitted development rights. Paragraph 105 of the National Planning Practice Guidance (Reference ID: 13-105-20180615) clarifies the extent of building works permitted by Class Q(b). It states "*It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right*."

3.9 The brick and tile building is substantially enclosed and is eminently suitable for conversion, as demonstrated by the previous approval for its change of use to a

dwelling.

3.10 The proposals involve the retention of the existing blockwork walls to the steel framed building, which will be built up behind the timber cladding at high level. The dwarf wall across the open frontage will be retained with glazed panels forming the wall to the east elevation. This wall is set behind the steel supports and covered by the existing roof, and as such this alteration constitutes external work as opposed to development requiring planning permission. The corrugated sheet roof will also be retained. The walls and roof will be insulated internally to meet the requirements of the Building Regulations. The existing steel framework will also be retained.

3.11 New windows and doors have been carefully designed and positioned to retain as much of the building's agricultural character as possible. Where new openings are to be formed, these are sensitive to the character of the building and its rural surroundings.

3.12 It is therefore clear in this instance that the proposals constitute conversion rather than new-build. As such, the proposals are not contrary to the judgement in the Hibbitt case. The proposed alterations do not constitute rebuilding and are therefore permitted by Class Q(b).

3.13 The proposals therefore satisfy all relevant criteria contained within Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposals therefore constitute permitted development.

4 Assessment against Paragraph Q.2 (1) of the GPDO

4.1 Paragraph Q.2 (1) of the GPDO sets out the range of issues that the local planning authority can take into consideration in determining applications under Class Q. It directs that local planning authorities assess proposals solely on the basis of their impact in terms of transport and highways, noise, contamination, flooding, and

whether the location or siting of the building make it otherwise impractical or undesirable for the change of use. The associated alterations to the building submitted under Class Q (b) are to be assessed with regard to the design and external appearance of the building.

Transport and Highway Impacts

4.2 Paragraph 109 of the National Planning Policy Framework states that "*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

4.3 The proposals utilise the existing site access onto a Leek Road, which is subject to a 40mph speed limit. The proposals would involve no greater use of the access than the conversion scheme previously approved on the site, and would result in the site access no longer being used by large agricultural vehicles. The proposals will not therefore prejudice the safe or efficient use of the highway network.

Noise impacts

4.4 The application site lies within a relatively tranquil rural area. As such the proposed dwellings would be remote from any uses incompatible with residential properties in terms of noise generation.

4.5 The proposals would therefore provide a good level of amenity for future occupants.

Contamination Impacts

4.6 The land has been used for agricultural purposes for a significant amount of time. The buildings both have a concrete base. It is therefore unlikely that the site would have been subject to any contaminants that would prejudice residential use.

4.7 The Dutch barn immediately east of the proposed dwelling will be demolished prior to first occupation. This can be secured by condition.

Flooding Impacts

4.8 The site lies within Flood Zone 1, where the annual probability of river flooding is less than 1 in 1000. Flood risk is not therefore a constraint to development in this instance.

Location and Siting of the Buildings

4.9 Agricultural buildings by their very nature are typically sited away from built up areas. As such it is not uncommon for them to score relatively poorly in terms of locational sustainability.

4.10 This is acknowledged by Paragraph 108 (ID 13-108-20150305) of the National Planning Practice Guidance, which states "*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*".

4.11 Paragraph 109 (ID 13-109-20150305) provides an interpretation of what constitutes impractical or undesirable circumstances for a residential change of use. It confirms that "*the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".*

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.

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 farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval".

4.12 The building is sited in a rural location where the local planning authority would not generally grant permission for a new dwelling. However, Paragraphs 108 and 109 of the National Planning Practice Guidance make it clear that this is not sufficient justification to refuse an application for prior approval.

4.13 The buildings are sited on the edge of a small collection of residential properties, and as such has ready access to utilities. The design and layout of the proposed dwelling has been carefully considered so as to avoid compromising the amenities enjoyed by the occupiers of neighbouring dwellings.

4.14 It is therefore concluded that the location and siting of the buildings does not make it impractical or undesirable for them to change from agricultural to residential use.

Design and External Appearance of the Building

4.15 The key to a successful conversion scheme is to avoid belying the character of the original building. The scheme therefore aims to retain the agricultural character and appearance of the building as far as possible whilst making it an attractive place to live in compliance with the terms and conditions of Class Q(b).

4.16 Only very subtle alterations to the exterior of the buildings are proposed, and as such they will retain much of their agricultural character and appearance.

4.17 The proposals include a modest domestic curtilage which would be attractively landscaped and which would not appear unduly prominent within the landscape.

4.18 The proposals therefore enhance the character and appearance of their surroundings in accordance with Paragraph 79 of the National Planning Policy Framework.

5 Conclusions

5.1 The buildings form part of an established agricultural holding. Their agricultural use pre-dates 20th March 2013 and they have not been put to any alterative use since. The buildings are in good condition and can be adapted to residential use without necessitating significant alterations. The proposals therefore satisfy all relevant criteria set out in Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5.2 The proposals would not detrimentally affect the safe or efficient use of the highway network, and would not be at risk from flooding or contamination that precludes residential re-use. The buildings lie in a quiet rural area and the future occupiers of the proposed dwelling would not be susceptible to unacceptable noise or disturbance. The buildings are sited in reasonably close proximity to other

residential properties where it benefits from access to utilities. It is not therefore in a location where residential use is impractical or undesirable. The submitted plans and drawings show a contemporary take on the barn conversion which respects the agricultural character of the existing building. The proposals therefore enhance the character of their surroundings.

5.3 The proposals therefore constitute development permitted by Schedule 1, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.