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PLANNING STATEMENT

Change of Use of Agricultural Building to a Dwelling under Class Q of the General Permitted Development Order

Cowshed
Chatsworth Farm, Lask Edge,
near Leek
ST13 8QJ

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1 INTRODUCTION

1.1 Planning Design Practice is a town planning and design consultancy with chartered town planners and an architectural design team. The practice operates across the UK and, with over 60 years combined experience in the team, the company has an excellent record of success.

1.2 This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596 (as amended).

1.3 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 convert agricultural buildings to dwellings.

1.5 Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to a dwellinghouse, a determination should be made as to 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;
- flooding risks on the site;
- risk of contamination;
- 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.

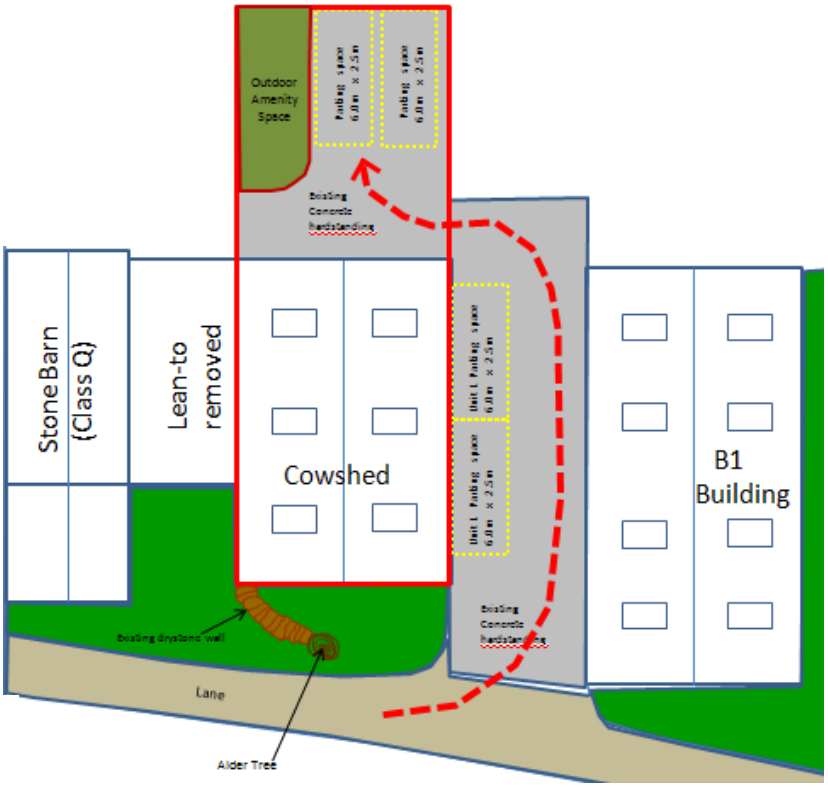
2 THE SITE AND PLANNING HISTORY

Site description

2.1 The application site comprises a former agricultural building at Chatsworth Farm, Lask Edge. In front of the building to the north is a concrete collecting yard with steel stock fencing and gates, having a smaller area than the footprint of the building. To the south is a small patch of grass between the building and the access lane (which runs roughly east-west).

2.2 The existing barn is enclosed on all four sides with concrete blockwork walls to a height of approximately 1.5m. Above the blockwork, the walls are finished in vertical timber cladding on all four sides, with a corrugated cement fibre sheet roof. The barn has one large opening at the north end with a horizontally sliding timber door.

2.3 The building stands in a group of former agricultural buildings comprising (west to east) a stone barn, a lean-to building between the stone barn and this cowshed, a concrete access drive, then another modern agricultural building now in B1 business use (now called Unit 1 Chatsworth Farm):



2.4 The barn and concrete yard associated with it is part of an agricultural holding established for over 200 years[1] - Chatsworth Farm. The barn was previously used as a cow shed for store cattle and for the storage of agricultural equipment at the farm. Internally it was fitted out with raised concrete standings for cattle with galvanised steel stall partitions (now all removed):



2.5 The building is accessed via an existing, rough stone farm track serving 4 separate farmsteads which connects to the highway.

[1] The earliest record found is on the 1819 O.S. Hill Sketches

Planning History

2.6 On the adjacent Stone Barn, an application for Prior Approval under Class Q (a) and (b) was granted on 7th February 2018 under reference Decision Notice DET/2017/0039. The principle of Class Q permitted development conversion on Chatsworth Farm has therefore already been established by virtue of that decision.

2.7 On the Cowshed itself (that is the subject of this application for Prior Approval) the LPA was notified of an intention to change the use to a flexible commercial use under Class R of Permitted Development, reference FLEX/2017/0001, however this use was not implemented. This was confirmed in email correspondence with the planning officer Chris Johnston. This type of prior notification does not have a formal application process, payable fee, or formal decision made for a building under 150 square metres of floor area that is proposed to change use.

2.8 However what this does mean is that this building has an existing fall-back position for a B1 business use, and the associated vehicle movements to and from the site. Or in fact any use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

2.9 The easternmost building, across the concrete access drive, has permission for and is currently in a B1 business use granted under reference number SMD/2014/0827.

3 PROPOSED DEVELOPMENT

3.1 The proposal is to convert the existing cowshed to a single residential dwelling.

3.2 The proposed design shows a minimalist design quality, but that the building would retain its agricultural character with the whole of the exterior of the existing building retained in situ.

3.3 The ground floor space of the building remains unchanged at 130 square metres, well within the 465 square metres that is now allowed under the permitted development legislation as updated 6th April 2018.[2]

3.4 The proposed site plan demonstrates that the curtilage of the dwelling will be the existing concrete yard area to the north of the building, and is no larger than the footprint of the existing agricultural building.

3.5 There has been 1 previous dwelling on the agricultural unit formed under Class Q permitted development rights (the stone barn granted prior approval under DET/2017/0039 that is currently under conversion). The floor area of that Class Q conversion is approximately 89 square metres. Class Q allows the conversion of up to 5 dwellinghouses on a single farm[2], comprised of no more than 5 "smaller dwellinghouses" (maximum 100 square metres) or no more than 3 "larger dwellinghouses" (100 to 465 square metres). The Stone Barn therefore constitutes a smaller dwellinghouse and this proposed cowshed conversion constitutes a larger dwellinghouse.

3.6 The applicant has not exercised any permitted development rights under Class A (a) or Class B (a) of Schedule 2, Part 6 of the GPDO since 20th March 2013.

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

3.8 Class Q (b) of the GPDO allows building works reasonably necessary to convert the buildings to residential use. Paragraph 105 of the National Planning Practice Guidance has been updated 15th June 2018 (ID 13-105-20180615) and clarifies the extent of building works permitted by Class Q (b). It states:

"The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town

[2] S.I. 2018 No. **343**
The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018

and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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.

For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q."

3.9 The building has a substantial steel frame with concrete blockwork infill, is structurally sound and capable of taking the conversion to a dwelling. This has been conformed in a Structural Report undertaken by HBL Associates, which accompanies this application as a supporting document. The proposals therefore satisfy all of the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596.

3.10 The proposed development consists of the following building operations;

- Insertion of new double-glazed windows and a timber door;
- Insertion of double-glazed sliding door to existing large door opening on north elevation;

- Replace 6 existing rooflights to provide double glazed units (for thermal efficiency) and to allow daylight to the interior;

- connection to existing foul drainage system;

- fit/replace rainwater goods with metal guttering and downpipes.

The existing roof covering and the exterior blockwork walls will be retained, the existing vertical timber boarding (Yorkshire boarding) will be retained - except in those areas where windows will be created.

3.11 Details of the existing and proposed site layout are included with this submission and consist of a parking area for 2 vehicles on the existing concrete yard to the north of the building, along with amenity planting to create a pleasant outdoor space for the dwelling.

3.12 The conversion of the building into a dwelling will require internal works of insulation and plaster-boarding to meet building regulations for energy efficiency (as would any barn conversion).

3.13 In addition to the external alterations to the building the following internal works will be undertaken, however these do not form part of this 'development'[3] and are documented for reference only, these include;

3.14 Lining the walls and roof with a breather membrane for weatherproofing, the walls and roof will then be insulated inside of this, vapour barrier installed and plasterboard internal finish. The existing steel frame and blockwork walls will take the load of these internal works and no new structural elements are required. The exterior Yorkshire boarding and roofing provides a rain screen for the proposed dwelling and will be retained as part of the proposed development. In addition the 6 existing GRP rooflights will be replaced with double-glazed units. This will allow light to enter the building and provide an attractive internal living environment whilst also achieving solar gain to contribute to the thermal efficiency of the dwelling.

[3] As defined in the updated NPPG section on Class Q and also section 55 of the Town and Country Planning Act.

3.15 The existing, internal concrete floor slab will be covered in a damp-proof membrane upon which insulation will be installed and then underfloor heating pipes in a cement screed which will be polished to provide the wearing surface.

3.16 The wall membrane will be taped and sealed to all openings in the building, effectively 'sealing the building' and making it water tight as well as air tight (as far as possible) for energy efficiency.

3.17 These internal improvements to the walls and roof cannot be defined as 'development' using the definition detailed by Section 55 (2) (a) of the 1990 Act and therefore do not require planning consent. As such, technical details on each internal improvement to a dwelling (or building) is not required as part of a planning application or prior approval application and is normally assessed in line with Building Regulations legislation. However should the Council deem it necessary to assess the internal works, the applicant is willing to provide additional detail to show how the building will be brought in line with modern Building Regulations requirements.

4 ASSESSMENT AGAINST CRITERIA IN CLASS Q

4.1 Paragraph Q.2 of the GPDO requires the local planning authority to assess the proposal solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding, whether the location or siting of the building make it otherwise impractical or undesirable for the change of use and the design and external appearance of the building.

Transport and Highway Impacts

4.2 Paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".

4.3 The site is accessed via a quiet lane that connects to Lask Edge Road. Visibility is good in both directions from the site entrance. The use of the building as a single dwelling would generate minimal vehicle movements and a safe and suitable access can be accommodated as part of the proposed development.

4.4 By establishing the acceptability of the flexible change to business use,[4] (which was not implemented) it is clear that the proposals would not prejudice the safe or efficient use of the highway network, because that notification process does not have a requirement for prior approval or for any consideration of transport and highways impacts. A clear fall-back position is therefore already established in relation to highways.

Noise Impacts

4.5 The application building is situated in a relatively tranquil area remote from noise generating uses. It is considered that the amenities enjoyed by future occupiers of the buildings would not be unacceptably affected by noise.

4.6 To the west of the proposed dwelling is a stone barn already under conversion to a dwelling. To the east is a building in B1 business use, B1 use is compatible with nearby residential uses. The cowshed proposed for conversion is sufficiently distant from other residential properties on the farm to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers.

4.7 For the above reasons, the use of the building for residential purposes would not impact adversely on any other nearby properties and the amenity of any future occupants would likewise not be compromised.

Contamination Risks

4.8 The building was last used for livestock, and the storage of hay & agricultural equipment. The building and the concrete yard to the north have been used for agricultural purposes for many years and are both concrete surfaced, neither of which is proposed to be disturbed to enable the change of use. It is therefore unlikely that there have been any contaminants which would pose any risk to a sensitive end use such as residential, as they would still be evident on the surface.

[4] FLEX/2017/0001 flexible change of use to business with no restriction on vehicle movements.

Flooding Risks on the Site

4.9 The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no significant or unacceptable risks to residential development. The development would not materially increase flood risk within the locality as the building and concrete yard are existing features that drain to existing soakaways on the farm.

Design and External Appearance

4.10 The design and external appearance of the buildings has been kept to the minimum of alterations to preserve the agricultural character of the original building. This scheme has been very carefully considered to propose less changes than the scheme that was allowed at appeal in the Hayes Gate Farm appeal[5] scheme.

4.11 The design of the conversion proposes the introduction of windows, but the whole of the original exterior will still be retained in its current form, and so will not result in any significant change to the appearance of the building overall - the agricultural character of the building in this rural environment will therefore be preserved.

4.12 The suitability of the building's structure for conversion to a residential use is clear, in its permanence (having existed on the site for many years) and as confirmed in the Structural Report.

4.13 The General Permitted Development Order is explicit in listing the external alterations that are permitted under Class Q (b) provided they are reasonably necessary for the conversion of the building in to a dwelling. The proposed external works have been designed in accordance with this criteria, to retain all of the original fabric in its current position, whilst inserting new windows simply to provide light to the rooms proposed in the conversion and achieve solar gain to contribute heat to the interior of the building in accordance with sustainable design principles.

[5] APP/B3438/W/18/3202031 Hayes Gate Farm, Star Bank, Oakamoor, Staffordshire, ST10 3BN **APPEAL ALLOWED**

4.14 The proposed design retains the agricultural character of the building whilst adhering to the legislative framework established by Class Q (b). This has been achieved by providing only those external alterations reasonably necessary for the building to be converted into a dwelling (the insertion of windows).

4.15 The existing building fabric will continue to provide the primary form, the proposed alterations are simply the introduction of windows to the building and therefore constitute a conversion. The existing concrete block walls and timber cladding will remain in place and will continue to define the external appearance of the building.

4.16 The design of the windows and form of the new openings protect the essential character of the building. The retention of the existing Yorkshire boarding and concrete blockwork protects the existing character and appearance of the building and limits the number of additional openings required for the building to function as a dwelling house. Compared to the Hayes Gate Farm scheme that was allowed at appeal, this scheme has less glazing overall. The building will continue to appear agricultural in character when viewed from the surrounding landscape.

4.17 The curtilage area to the north of the dwelling will be attractively landscaped with planters. This garden area will not be unduly prominent within the countryside as it will be viewed in the context of the existing buildings on the farm, is located towards the centre of the farmstead, and given that the permitted development legislation allows for a curtilage area, this is to be expected.

Location and siting of the building

4.18 There is a degree of inevitability that agricultural buildings across the country will not usually be located in or immediately adjacent to existing settlements, hence they will rarely meet the normal locational sustainability tests.

4.19 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".*

4.20 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".

4.21 The application site lies within a rural location. It is not in a position where the local planning authority would normally grant permission for a new dwelling, but Paragraph 108 of the NPPG makes it clear that is not a sufficient reason to refuse prior approval. The farm already benefits from ready access to power and utilities. The site has access to the highway network.

4.22 The building is remote from any uses incompatible with residential development. There are no hazardous or noisy activities operating within the area. The previous dog kennels use of the building to the east has been superseded with a B1 business use (compatible with nearby residential uses) much to the appreciation of the nearest neighbours.

4.23 The residential use of the proposed dwelling is sufficiently distant from other residential properties to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers.

4.24 For the reasons outlined above, the location or siting of the building does not make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order.

5 CONCLUSIONS

5.1 The building was last in agricultural use and has been so since before 20th March 2013, existing on the site for many years as part of the agricultural buildings serving Chatsworth Farm. It is structurally sound and capable of accommodating the alterations required to facilitate residential conversion. The proposal satisfies the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596. The conversion to residential use does not therefore require planning permission.

5.2 The proposed dwelling would not unacceptably impact upon the safe or efficient use of the highway network, would not give rise to any unacceptable noise impacts, would not increase flood risk and is not at risk from contamination. The building is sited in a rural area, but has an existing access to the highway network and there is an established permitted development fall-back position for business use of the building with no restriction on vehicle movements. The building is situated in close proximity to other built development on the farm, one building already has permission under Class Q, and has existing electric & water supplies with foul drainage easily able to be connected. The proposed dwelling is not situated in close proximity to any other uses which are incompatible with residential use. Residential use is not therefore impractical or undesirable in this location.

5.3 The external alterations to the building in this scheme have been sensitively designed to respect the traditional agricultural character of the existing building and its rural surroundings, and consist only of the insertion of windows to provide a functional internal living environment and to allow for solar gain to contribute heat to the interior of the proposed barn conversion in accordance with the principles of sustainable design.

5.4 The proposed development therefore constitutes permitted development under Class Q of the GPDO.

5.5 The main consideration for the LPA is how this proposed scheme of conversion compares to the allowed appeal scheme at Hayes Gate Farm, in which the Inspector stated:

"it must therefore be the government's intention that, in principle, such buildings can remain in the landscape and serve a new function as dwellings."

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