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

Heath House Lane, Lower Tean

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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 portal framed agricultural building finished in profile sheet cladding. The site lies within a rural area approximately 0.4 km north of the settlement of Lower Tean.

2.2 The building is used for agricultural purposes as part of an agricultural holding.

2.3 The building is enclosed by solid walls on three of its four sides and sits on a concrete base.

2.4 The site is accessed from Heath House Lane via a compacted track which emerges onto the outside of a bend, offering good visibility in both directions.

2.5 Planning permission to erect the building was granted in July 2011 (LPA reference SMD/2011/0282) and it was erected prior to 20th March 2013. An application for prior approval for conversion to a dwellinghouse was submitted in July 2015 (LPA reference DET/2015/0022) but was subsequently withdrawn.

2.6 Agricultural permitted development rights established under Schedule 2, Part 6 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) have not been exercised on the agricultural unit since 20th March 2013.

2.7 The site and surroundings are shown on the following aerial image.



Figure 1 - Aerial Image of Site

3 The Proposed Development

3.1 It is proposed to convert the building into a single-bedroom home.

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

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

3.4 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.

3.5 The building is in good condition, and as confirmed by the accompanying survey is sufficiently strong and sound to take the loadings associated with the proposed alterations. No structural interventions are therefore required or proposed in this instance.

3.6 The building requires some external alterations to facilitate conversion. Class Q (b) of the GPDO allows building works reasonably necessary to convert the building 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*."

3.7 The building is enclosed on three of its four sides by profile sheet cladding. There are two open bays across the frontage with an overhanging canopy. The building sits on a solid concrete base.

3.8 It is proposed to retain the existing profile sheet walls, together with the profile sheet roof and the concrete base. The two open bays on the front elevation are to be infilled with glazing. These new elements are clearly shown on the proposed elevations. The building will need to be insulated internally to meet the requirements of the Building Regulations but no structural interventions are required or proposed to facilitate conversion. The internal insulation does not constitute development as set out in Section 55 of the Town and Country Planning Act 1990.

3.9 The new windows and doors have been carefully designed and positioned to retain as much of the building's agricultural character as possible. They replace open bays and are sensitive to the character of the building and its rural surroundings.

3.10 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).

3.11 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 Heath House Lane. The access emerges onto the outside of a bend in the road, affording good visibility in both directions. It is also pertinent that the conversion of the building from agricultural to residential use would result in a decrease in use of the access by large agricultural

vehicles. The proposals will not therefore prejudice the safe or efficient use of the highway network. It is noted that the Highway Authority raised no objections to the previous application proposing the conversion of the building.

Noise impacts

4.4 The application site otherwise lies within a relatively tranquil rural area. As such the proposed dwelling 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 building has a concrete base rather than a permeable soil floor. It is therefore unlikely that the site would have been subject to any contaminants that would prejudice residential use.

Flooding Impacts

4.7 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 Building

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

4.9 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*".

4.10 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".

4.11 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.

4.12 The building lies within walking distance of the settlement of Lower Tean, and in close proximity to Upper Tean which contains a range of services and facilities. It lies within 60 metres of an existing residential property. It is therefore concluded that the location and siting of the building does not make it impractical or undesirable for the proposed change from agricultural to residential use.

Design and External Appearance of the Building

4.13 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).

4.14 Only very subtle alterations to the exterior of the building are proposed, and as such it will retain much of its agricultural character and appearance.

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

4.16 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 building forms part of an established agricultural holding. Its agricultural use pre-dates 20th March 2013 and it has not been put to any alterative use since. The building is 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 building lies in a quiet rural area and the future occupiers of the proposed dwelling would not be susceptible to unacceptable noise or disturbance. The building is not 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.