

Planning applications team
Moorlands House
Stockwell Street, Leek
Staffordshire
ST13 6HQ
United Kingdom

June 2021

Draft

Dear Sir/madam

Re: Application at Birchendale Farm, Hollington, Staffordshire, ST10 4HL Schedule 2 Part 3 Class Q (a and b) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Please find attached and enclosed an application for prior approval under the Class Q provisions in respect of this agricultural building.

The application is supported by an explanatory planning statement, bat survey, structural report and full plans. These together describe and show why this development accords with the provisions of Class Q.

The application submission is delayed a little due to health challenges and the impacts of the pandemic on the applicants time and resources.

Gez Willard

Chartered Town and Country Planner.
MRTPI

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Planning statement- Birchendale Farm

1.0 Background

1.1 The application relates to a single barn at Birchendale Farm. It is supported by a suite of plans, ecology report and structural survey which together show that the proposal complies with the provisions of Class Q (a and b) .

1.2 This statement sets out to explain how this proposal complies with the provisions of Class Q.

2.0 The Proposal

2.1 The proposal is to convert the existing building to 1 no. residential dwelling with only reasonable operational development necessary for the building to be capable of functioning as a dwelling house as below. A curtilage to the dwelling is shown by the red edge site boundary shown on the submission plans.

2.2 For the purposes of Class Q, the extent of the proposed curtilage for the converted building is defined under schedule 2, Part 3, Class Q of the GPDO is which states the following:

Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

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2.3 A small area of land immediately around the agricultural building no larger than the land area occupied by the agricultural building is shown. It provides for useable outdoor space smaller than the building itself and it is physically attached to the building. This curtilage complies with the provisions of Class Q.

2.4 If the council consider the proposed curtilage (red edge) is not appropriate they may make changes to it by planning condition or the applicant will prepare a revised plan showing a curtilage favoured by the council.

3.0 Description of the building and the proposals

3.1 The following are the main features of the agricultural building subject of this application.

Structure: The existing structure including roof trusses, foundations and floor slab are to be retained with no change sought or necessary.

Walls: The existing block walls will be retained. The cladding will be replaced to give the building longevity and it will be insulated on the inside. The face of the cladding will not project from the building any more than the existing. Externally this will be a '*like for like*' replacement.

Roof: The roof would be removed and new roof added with insulation to its underside. Again this change will not result in any change in the height or expanse of the roof and it effectively also a '*like for like*' replacement.

Floor: The existing concrete floor will be retained and insulated with a final finishing laid on top of it. No structural works are required to the floor.

Windows & Doors: Windows and door openings to the building will be added as the plans shown. These will be simply formed with no glazing bars in order to complement traditional agricultural barn vernacular.

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Services: Services will be provided to the building to enable it to function as a domestic dwelling. Foul drainage will be connected to a drainage system in the form of a package treatment plant and surface water will be recycled before being drained via soakaways.

3.2 An explanation of the compliance of the proposals in terms of current permitted development rights and compliance with Class Q regulations generally follows.

4.0 Compliance with Class Q provisions

4.1 The provisions of Class Q say this:

Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

Q.1 Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) 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, or

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- (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 development under Class Q begins;*
- (b) the cumulative floorspace of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;*
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;*
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*
- (e) less than 1 year before the date 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;*
- (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;*
- (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;*
- (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 (dwellinghouses) of the Schedule to the Use Classes Order;*
- (i) the development under Class Q(b) would consist of building operations other than—*

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(i) 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 dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

(j) the site is on article 2(3) land;

(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;

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

(m) the building is a listed building.

Conditions

Q.2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(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,

(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 (dwellinghouses) of the Schedule to the Use Classes Order, and

(f) the design or external appearance of the building,

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and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

5.0 Response to the Class Q permitted development requirements

5.1 In accordance with the requirements of Class Q, the following is true of the subject site and building:

Q.1 Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) 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, 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 development under Class Q begins;

* The applicant's family brought the site in December of 1999. The barn was in situ in its present condition and appearance at that time and used for storing hay and farm vehicles, tools and implements. The barn is on a smallholding and has a limited use for hay storage.

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(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 development would have a floorspace of 182 sqm and it would not result in more than 450 sqm of floor space being provided.

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

- * Only 1 dwelling only is proposed

(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.

(e) less than 1 year before the date 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 has not been occupied under an agricultural tenancy in the past and none has been terminated.

(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;

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- * This is indeed the case and no Part 6 buildings have been erected.

(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 development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building. The replacement cladding will simply replace the existing but within internal insulation. The roof plane or extent (height or projection) will not change as a result of the roofing sheets being replaced. These details are all shown on the submitted plans.

(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 (dwellinghouses) of the Schedule to the Use Classes Order;

- * This is the only Class Q proposal in respect of this site and it provides less than 450 square meters of floorspace.

(i) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(a) windows, doors, roofs, or exterior walls, or

(b) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

- * The National Planning Policy Guidance gives advice in respect of this matter and says:

What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?

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

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Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. 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.

Paragraph: 105 Reference ID: 13-105-20180615

Revision date: 15 06 2018 See previous version

The changes shown to external fenestration of the building are only those reasonable necessary to allow the building to be converted into a dwelling. This includes the replacement of external cladding and insertion of windows and doors as appropriate.

The internal works include adding an insulated and smooth level floor on top of the existing concrete floor slab along with inserting a mezzanine floor to meet the applicants internal design preferences and are allowed for within the Class Q provisions. Indeed similar levelling and insulation works take in place in respect of all barn conversions under this Class.

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All of the external and internal works are allowed are reasonably necessary to allow for the conversion and are expressly allowed for by these provisions as the NPPG above makes clear.

- (j) the site is on article 2(3) land;*
- (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;*
- (l) the site is, or contains, a scheduled monument; or*
- (m) the building is a listed building.*

*The site is not on article 2(3) land, within a SSSI, safety hazard or military explosives area. The site does not contain a scheduled monument or a listed building. In short the proposal complies with J,K,L and M.

Conditions

Q.2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (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,*
 - (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 (dwellinghouses) of the Schedule to the Use Classes Order, and*
 - (f) the design or external appearance of the building,*
- and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*

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(a) transport and highways impacts of the development,

- * The site would use an existing access with the public highway and which has no accident record attached to it. As such the site is considered suitable and safe in highway terms.

The site is in countryside with little or no bus service but this situation was known and understood at the time the Class Q rights were established and the permitted development right does not apply a test in relation to sustainability of location.

(b) noise impacts of the development,

- * The site lies in the countryside but not isolated is not as the Birchendale Farmhouse lies adjacent to it. The 2 residential uses are naturally compatible. There are no other farm buildings or noisy rural activities nearby likely to have any adverse impact on living standards and the proposal is acceptable in this regard.

(c) contamination risks on the site,

- * There is no known contamination in connection with the original use of the site for hay and general farm storage and there is no known contamination on the ground around the building or within it. There is no known asbestos as the building is not presently insulated.

(d) flooding risks on the site,

- * The site is not within a flood risk area.

(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 (dwellinghouses) of the Schedule to the Use Classes Order, and

*The NPPG advises on this point and says:

‘‘What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and 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 in this context it will not therefore be appropriate to apply 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, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

Paragraph: 109 Reference ID: 13-109-20150305

Revision date: 05 03 2015”

The LPA are clearly told to take a reasonable and benevolent view on these applications bearing in mind the locations are rural ones in which normal planning permissions would not be considered policy compliant unless there were exceptional circumstances. Rather the *'local planning authority should start from the premise that the permitted development right grants planning permission'*.

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In this case the site is not isolated nor is the building prominent. It has existing power supply and can share the existing safe highway access. The site is not in a location of high scenic or landscape value and there are no recognised heritage features on site or nearby. There are no noisy, hazardous or inappropriate uses or activities nearby either. In short there are no reasonable or sensible reasons to withhold allowing this application on these grounds.

Finally. The plans are prepared by a Chartered Architect. They demonstrate both a lawfully compliant way to convert this building and to apply replacement cladding finishes and colours which are respectful of simple agricultural vernacular; and which, because of the care and attention shown to detailing, will serve to considerably enhance the visual quality of the building and the countryside it lies within.

It is both desirable and practical to support this application.

(f) the design or external appearance of the building and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

* The conversion requires no material change in the external appearance of the site. Renovation and conversion of this building with replacement windows and door and new roof will both be compliant with these provisions and serve to bring back into use a simple rural building.

6.0 Nationally described space standard

6.1 The nationally described space standard replaces the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard. It applies for Class Q conversions.

6.2 The standards deal with internal space suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

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It can be seen from the scaled plans that this proposal complies with the technical space standards in all respects.

7.0 Conclusion

7.1 The submitted plans along with the above statement set out clearly why this proposal complies with the provisions of Class Q. As this assessment requires only an assessment of facts and no consideration as to local or national planning policy it is application to be determined against the Class Q requirements only.

Should the LPA require any clarification of matters during the processing of this application please do not fail to make contact by email or phone.