

The Barn at Withering Farm

Prior notification for the change of use of an existing agricultural building into a single dwelling (Class Q).

Planning Statement

0.1 INTRODUCTION

- 1.1 This document has been prepared on behalf of Mr & Mrs W Keeling in support of a prior notification application for the change of use of an agricultural building into a single dwelling, with associated building operations to the building referred to as The Barn at Withering Farm, Cheadle Road, Alton, Staffordshire, ST10 3DH.
- 1.2 This planning statement assesses the proposed development against the relevant criteria laid out in Schedule 2 Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended and the subsequent amendments made to the Government's on line Planning Practice Guidance (PPG), including in respect of Paragraph 105 and concludes that the proposal amounts to permitted development
- 1.3 **The application is submitted based on the specific needs and requirements for the applicants and their family members. The applicants have owned and farmed the since 1981, the applicants are becoming older and the farming actives are becoming more strenuous. The purpose of the conversion of the barn to a single dwelling is so that one of the younger family members can be permanently on site to help with the day-to-day actives and in emergencies if the occur. Whilst the application is not specifically for a rural worker dwelling one of the principal reason for the change of use if to help support the agricultural activities on site.**
- 1.4 This statement is to accompany a prior notification application and should be read in conjunction with the following drawings:
- 5694 – 001 – Existing Conditions
 - 5694 – 002A – Proposed Conditions
 - 5694 – 003 – Site Location Plans

0.2 SITE SETTING

- 2.1 “The Barn” is an existing agricultural building which is located to South East of the Main Dwelling house and forms part of the larger group of agricultural buildings.
- 2.2 The Building Comprises of a steel portal framed building, with concrete blockwork to the lower-level walls, metal profiled cladding to the upper level walls with a profiled sheet roof. The roof is mono pitched, with the eaves line fronting the road. Whilst the building has sufficient height to be 2 storey in part, it is considered that the conversion works would only be necessary to the ground floor, thus for the purposes of the application the building is classed as single storey. The building is regular in shape and very typical of an agricultural building of this style.
- 2.3 The application site is accessed from the existing main vehicle highways access point which connects to the main highway to the North East, it is not envisaged that any changes are required to the existing vehicle access point. The application site lies outside of any designated settlement boundary within the open countryside.

0.3 PROPOSED DEVELOPMENT:

- 3.1 It is proposed to convert the existing agricultural building into a single dwellinghouse under the Permitted Development rights afforded in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended).
- 3.2 The scheme as submitted would provide a modest two bedroomed unit with separate lounge, kitchen, lobby and bathroom at ground floor level. Two parking spaces will be provided. The conversion will be accessed via the existing track which currently serves the application site and the farmhouse.

0.4 PLANNING POLICY

- 4.1 This is an application for a change of use of an agricultural building to a single dwellinghouse with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended). Class Q of Schedule 2 of the GPDO permits development consisting of the 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 (dwellinghouses) of the Schedule to the Use Classes Order (Class Q(a) development).
- 4.2 Additionally, Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development). The General Permitted Development Order also defines "development not permitted", and this states that: - Development is not permitted by Class Q if - Q1 (i) the development under Class Q(b) would consist of building operations other than - (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).

PRACTICE GUIDANCE

- 4.3 *"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 & 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, roof, exterior walls, water, drainage, electricity, gas or other services 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."*
- 4.4 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).
- 4.5 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: 109 Reference ID: 13-109-20150305 | Revision date: 05 03 2015 states;
- 4.6 *"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."*

0.5 KEY MATTERS

5.1 This is an application for a change of use of an agricultural building to a single dwelling with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

5.2 Class Q of Schedule 2 of the GPDO permits development consisting of the 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 (dwellinghouses) of the Schedule to the Use Classes Order (Class Q(a) development). Additionally Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development).

5.3 In order to show that the above scheme complies with the permitted development requirements each criteria is assessed against the proposal below.

Development is not permitted by Class Q where (a)

the site was not used solely for an agricultural use, as part of an established agricultural unit:

(i) on 20th March 2013;

(ii) in the case of a building which was in use before that date 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 of development under Class Q begins.

(b) in the case of:-

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following: - (i) a larger dwellinghouse or larger dwellinghouses having more than 465 sq metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The existing agricultural building has a footprint of 81 sq metres. The proposed conversion does not change the footprint and therefore the floor area remains 81 sq meters. and is therefore considered a smaller dwellinghouse for the purposes of Class Q. The number of dwellings proposed to be developed under Class Q is one smaller dwellinghouse and as such the proposal is considered to accord with criteria (b-d).

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained:-

(f) less than one 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 application site was not occupied under an agricultural tenancy in the period of 12 months leading up to the date of this submission and therefore criteria (e) and (f) are not considered applicable to this proposal.

(g) 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 since 20th March 2013, or 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.

No development under the provisions of Classes A (a) or B (a) has been carried out on the holding since 20th March 2013.

(h) 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 proposed development will not result in the external dimensions of the building extending beyond the existing external dimensions of the building and the conversion shall be undertaken entirely within the shell of the existing building. The proposal is therefore considered to accord with criterion (h).

Paragraph Q.1. (i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than

(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);

The submitted drawings illustrate the proposed layout and elevations of the proposed conversion. In summary the only building operations proposed amount to the installation of windows and doors to the existing apertures, new insulated floor with damp proof course and provision of service connection. All of the above works amount to building operations that are permissible under criterion (i) and the proposal is therefore considered acceptable in this regard.

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

(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;

(m) the building is a listed building.

Criteria j to m are not relevant to this application as none of these designations apply

5.4 As a consequence of the above considerations, it is submitted that the proposed development accords with all of the relevant provisions of Class Q. In accordance with the Order we request that a determination as to whether the prior approval of the Local Planning Authority is required for the Class Q(a) development in this instance in regard to:-

- a) Transport and highway impacts of the development.
- b) Noise impacts of the development.
- c) Contamination risks on the site;
- d) Flood risks on the site; or
- 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 and external appearance of the building.

This prior approval submission has been made in response to the aforementioned requirements and this statement will now consider the proposal in the context of the above matters. In doing so consideration has been given to the provisions of the National Planning Policy Framework.

(a) Transport and highway impacts of the development

The proposed dwelling will be accessed via the existing track that serves the application building and adequate off road parking is provided as part of the scheme. Taking into account the fact that this access is already used for agricultural purposes, it is not considered that the proposal would result in any significant intensification of the use of the site which would give rise to any adverse highway safety impacts. As such the proposal is considered to be acceptable in the context of criterion Q.2(1)(a) above.

(b) noise impacts of the development

The proposed conversion of the agricultural building to a single dwelling would not give rise to any adverse noise impacts and there are no surrounding uses that would be detrimental to future occupants of the building. The proposal is therefore considered to be acceptable in this regard.

(c) contamination

Historically and to date the site has only ever been used for agricultural purposes. It is proposed that the existing building foundations are utilised and there will be minimal ground disturbance or excavation. All excavated material for service trenches will be retained on site. The existing building does not contain any harmful materials that would propose any contamination risk. In the unlikely event that any contaminants are identified safe disposal advice will be sought from the Environment Agency. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).

(d) flooding risks on the site

A review of the Environment Agency's website reveals that no part of the site is in flood zone 2 or 3 nor is it at risk of potential flooding from surface waters. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(d) above.

(e) Impractical or undesirable

The Planning Practice Guidance (updated 5th March 2015) confirms that "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".

The guidance states that 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.

The guidance goes on to state that 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.

The guidance furthermore confirms that when a local planning authority considers location and siting it should not be applying tests from the National Planning Policy Framework except to the extent that 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. Recent appeal decisions have corroborated this advice confirming that prior notifications cannot be refused on the basis of not constituting sustainable development, as to reach such a conclusion it is necessary to consider the NPPF as a whole, whereas for the purposes of the prior notification only the tests of the NPPF relevant to the subject matter of the prior approval can be considered.

To compare with the examples cited in the Planning Practice Guidance the application building is a traditional vernacular building which is structurally sound and easily capable of conversion. The application site lies a short distance to the West of Alton a larger village which contains a number of facilities and services including a school, church, shop, public house and village hall. It benefits from existing vehicular access and off road parking. Furthermore there are no surrounding land uses that would result in detrimental harm to the amenity of future occupiers. It is therefore considered that the proposal is acceptable in the context of criterion Q.2.(1)(e) above.

(f) Design & External Appearance

The resultant building will retain the form and appearance of the original building. The conversion will be carried out within the shell of the existing building and existing door and window openings will be re-used. The design and external appearance of the proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(f) above.

(g) Provision of Adequate Natural Light

The habitable rooms within the application building will all be served by existing openings which ensure appropriate levels of natural light. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(g) above.

0.6 APPEARANCE & MATERIALS

The existing building is a typical agriculture style building, with a typical portal framed building with a low pitched roof, cladding material of boxed profiled metal sheeting in a muted tone. The proposal will retain these key features so not to change the vernacular of the building

0.7 CONSULTATIONS

No Pre application consultation have taken place at this stage but we welcome any discussions with the Local Authority during the course of the application.