

PLANNING STATEMENT

**APESFORD FARM
BRADNOP**

JANUARY 2024

Site Address:

Apesford Farm, 1 Apesford Lane, Bradnop, Staffordshire, ST13 7EX

Applicant:

Mr. & Mrs. J. Harrison

Proposal:

Prior Notification for change of use of agricultural buildings to form 2no.
dwellinghouses and associated building operations
(Class Q Permitted Development)

Planning Statement:

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Job Reference: RDP/2024/013

Report Prepared By:

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1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. & Mrs. J. Harrison to lodge a prior approval submission pursuant to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) for the change of use of two agricultural buildings at Apesford Farm, 1 Apesford Lane, Bradnop, to form 2no. dwellinghouses along with associated building operations.
- 1.2 The existing buildings comprise a part steel / part timber framed structure, with blockwork walls to its lower elevations and timber cladding above. The building has a solid concrete floor, with openings on their side elevations and has a metal sheet roof atop.
- 1.3 The application proposes the change of use of these buildings to form 2no. larger dwellinghouses. Associated with the proposal is operational development in the form of the insertion of a new wall to the existing open elevation of the building along with the insertion of new windows, doors and rooflights and provision of replacement cladding.
- 1.4 The proposed dwellings will each have a gross internal floor area of 136 square metres, and have their own areas of private amenity space, along with two off-street parking spaces. Vehicular access to the site is to be taken via the existing vehicular access off Apesford Lane which serving the existing buildings as well as three other dwellings at Apesford Farm.

2 Class Q Criteria

- 2.1 The provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 allow for 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. It also allows for building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).
- 2.2 The Planning Practice Guidance confirms that the right under Class Q permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance and would otherwise require planning permission. It also confirms that 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. This guidance reflects the judgement in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016]* which considered the meaning of 'convert' in the context of a proposal for the conversion of an agricultural building to residential use under Class Q Permitted Development.
- 2.3 The application is accompanied by two Structural Surveys prepared by Mark Dady Associates Ltd (Consulting Structural Engineers) which has assessed the structural integrity of each of the buildings to determine whether they are suitable for conversion to residential use without additional structural works. The Structural Surveys confirms that:

*“the timber structural elements have successfully supported the loads applied to them during the current use of the building and **they will remain suitable for that purpose in a change of use”***

(our emphasis)

- 2.4 The Structural Survey also confirms that the roof structure will also remain suitable for supporting the loads applied to it in a change of use. No issues are raised with regards to the structural suitability of the building for conversion.
- 2.5 The Structural Survey comments that a secondary internal structure will be required in the normal way and attention is drawn in this regard to the Planning Practice Guidance which confirms that:

*“**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**”. (our emphasis)*

- 2.6 The application proposes to retain the existing structural frame of the building in its entirety along with the existing external concrete block walls, concrete flooring and footings and its roof purlins. Underfloor insulation and any required damp proofing / gas membranes are to be applied above the existing concrete floor slab with the finished flooring sat atop. Insulation is to be applied internally behind the existing frame and cladding as shown on the plans, in order to thermally upgrade the building, with new windows and doors inserted. Internal walls, including subdividing walls, will also be erected as detailed on the submitted plans. A new wall is also to be erected to each of the buildings to infill the openings that currently exist.

- 2.7 The proposed building operations are reasonably required to facilitate the change of use of the buildings to residential use, and do not go beyond what could be considered as a 'conversion'. We draw the Local Authority's attention in this regard to appeal decision 3208377 enclosed as Appendix A which relates to a prior approval application for the conversion of an agricultural building to a dwellinghouse at The Old Smithy near Launceston. The existing and proposed plans floor plans relating to that development are enclosed as Appendices B and C. An image of the building in question is shown in Figure 1.

Figure 1 – Image of Building granted prior approval under appeal 3208377



- 2.8 The original application for the change of use of that building under Class Q had been refused by the Local Authority on the grounds that the extent of alterations proposed went beyond what could be classed as a 'conversion'. As can be observed from the plans enclosed as Appendices B and C and the photograph in Figure 1 above, the building in question comprised of a portal framed agricultural building that was open on one whole side, with concrete panel walls to its lower elevation, a concrete slab floor, with vertical cladding

above. The application had proposed the replacement of *all the cladding along with the provision of a new wall to the open elevation*, as well as the installation of new windows and doors.

- 2.9 In allowing the appeal the Planning Inspector noted the judgement in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016]* and confirmed that if operations proposed would amount to rebuilding, the appeal should be dismissed on the basis that the development would be outside the relevant Class (Class Q). The Planning Inspector nevertheless went on to observe that:

*“Notwithstanding the similarly structurally sound frames of the barn which is the subject of this appeal, **the barn in the Hibbitt Judgement was open on three sides and would have been stripped down to the frame.** However, the appeal property would retain its metal and timber frame, concrete floor and footings, timber roof purlins, and its existing concrete block walls on the east, west and south elevations, with openings inserted to reasonably facilitate its conversion to dwellings” (our emphasis)*

- 2.10 The Planning Inspector also commented that:

*“While **the corrugated fibre sheeting on the side elevations and roof would be replaced, and new openings would be inserted to provide windows and doors,** Class Q.1 (i) allows for the installation or replacement of roofs, exterior walls, windows and doors. I consider that, in terms of the overall scale of the structure, **the proposed alterations would not be excessive. Internal works such as the installation of partition walls and a first floor would not necessarily constitute development”** (our emphasis)*

2.11 As a consequence of the above, the Planning Inspector concluded that:

*“As the barn’s structural integrity would not, on the evidence before me, be harmed and a considerable proportion of it would remain, I find that **the building operations would be reasonably necessary in this instance and would not constitute a rebuild as described in the Hibbitt Judgement**. Accordingly, I conclude that the development would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. (our emphasis)*

2.12 We draw favourable comparisons between that appeal scheme and the submitted proposal in that they both involve the retention of the existing structural frame, concrete floor and footings, roof purlins and the existing concrete block walls. It is therefore a very similar proposal to the one that the Planning Inspector had found to be compliant with the Hibbitt Judgement in the above appeal.

2.13 Having regard to the conclusions in appeal decision 3208377, along with the provisions of the Planning Practice Guidance, the submitted proposal is consequently concluded to amount to a ‘conversion’ and thus is capable of amounting to Permitted Development subject to compliance with the specific criteria laid out under Class Q, which will now be considered.

(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 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;

- 2.14 The site has long been in agricultural use, and was last used for such purposes in approximately 2018 when the applicant purchased the site from the previous owner who kept livestock and farmed the surrounding land to the east, south and west. The buildings had been used for the keeping of pigs, cattle and some sheep. The buildings were therefore in use for agricultural purposes as of 20th March 2013 as part of an established agricultural unit, and consequently the proposal is in accordance with the requirements of criterion (a).

(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.

- 2.15 The submitted proposal incorporates the provision of 2no. 'larger dwellinghouses' (defined by the Order as having a floor space of more than 100 square metres) and the cumulative floorspace of the buildings changing use to larger dwellinghouses will not exceed 465 square metres (268 square metres). The proposal therefore meets criterion (b). **NB:** Prior approval has previously been granted elsewhere on the site for the conversion of two

buildings to residential use under Class Q (DET/2017/0028) but that consent was subsequently replaced by full permission to convert the buildings to residential use under application SMD/2019/0687 and it is this latter consent that was implemented. Another Class Q Prior approval granted on the site under application DET/2022/2019 did not constitute a 'larger dwelling'.

(b)(a). The floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres

- 2.16 None of the dwellinghouses proposed will exceed 465 square metres and thus meets the requirements of criterion (b)(a) of the Order.

(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;

- 2.17 The proposal does not incorporate the provision of any smaller dwellinghouses, and consequently the proposal meets the requirements of criterion (c).

(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 square 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;

2.18 As discussed in paragraph 2.15 above, there has previously been a Class Q approval granted on this site for the conversion of two buildings to residential use (DET/2017/0028) but that consent was not implemented, having been replaced by a grant of full permission under application SMD/2019/0687. The prior approval granted under DET/2022/0019 encompassed a smaller dwelling. The proposal will not result in any larger dwellinghouses having a floorspace of more than 465 square metres (136 square metres each) and the cumulative number of dwellinghouses proposed within the agricultural unit will not exceed five (three proposed). The proposal consequently meets the requirements of criterion (d).

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

2.19 The site is not occupied under an agricultural tenancy and as a consequence the proposal meets the requirements of criterion (e).

(f) 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;***

- 2.20 There are no agricultural tenancies on the site, nor have there been within the last 12 months, and consequently no termination of a tenancy can, will, or has occurred. The proposed development therefore meets the requirements of criterion (f).

(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—

***(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;***

- 2.21 No development under Class A(a) or Class B(b) has been carried out on the established agricultural unit since March 2013, nor will there have been any carried out within 10 years prior to the date of the Class Q permission being begun. The proposed development therefore meets the requirements of criterion (g).

(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

2.22 The submitted proposal will not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, and consequently the proposal meets the requirements of criterion (h).

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

2.23 The building operations proposed within the application amount to the following:

- The insertion of new windows and doors
- Installation of service connections
- Internal works to provide insulation, flooring, internal walls etc.
- Installation of new wall to side elevation
- Provision of replacement cladding to upper elevations

2.24 All of the above works amount to building operations that are permissible under criterion (i) and which are reasonably required to facilitate the conversion of the buildings to dwellinghouses. The proposed formation of internal walls and ceilings within the building does not amount to development that requires consent, as confirmed by the Planning Practice Guidance (paragraph 2.5 above refers). The proposal is therefore in accordance with criterion (i).

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

2.25 The site does not lie on article 2(3) land and as a consequence the proposal meets the requirements of criterion (j).

(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;***

2.26 The site is not, and does not form part of, a site of special scientific interest, a safety hazard area, or a military explosives storage area, and as a consequence the proposal is meets the requirements of criterion (k).

(l) The site is not, nor does it contain, a scheduled monument;

2.27 The site does not comprise, nor does it contain a scheduled monument and the proposal therefore meets the requirements of criterion (l).

(m) the building is a listed building.

2.28 The building proposed for conversion is not statutorily listed, and as a consequence the proposal meets the requirements of criterion (m).

3 Class Q Conditions

3.1 Class Q.2(1) also requires that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the following

- (a) transport and highways impact of the development,*
- (b) noise impacts of the development,*
- (c) contamination risks on the site,*
- (d) flooding 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;*
- (f) the design and external appearance of the building; and*
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses*

3.2 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 Planning Practice Guidance.

(a) Transport & Highways Impacts

3.3 The proposed dwellings will each be provided with two off-street parking spaces to meet the needs of future occupants, and will connect with the public highway (Apesford Lane) by way of the existing vehicular access that runs to the east / northeast of the buildings. The access onto Apesford Lane affords good visibility in both directions on egress and there is also ample space within the site for vehicles to turn around. The proposed development will therefore

not give rise to any harm to highway safety and is acceptable in the context of criterion Q.2(1)(a).

(b) Noise Impacts

- 3.4 The proposed conversion of the existing agricultural buildings to form 2no. dwellinghouses will not derive any adverse noise impacts in itself. There are furthermore no uses within the immediate surrounding area that would present a risk of noise disturbance to future occupiers of the dwellings. The proposed development is therefore acceptable in the content of criterion Q.2(1)(b).

(c) Contamination

- 3.5 Land can only be declared contaminated if it either contains a source of pollution, that a pollutant could affect a receptor, and that the pollution can get to the receptor. The site has historically been used for agricultural purposes and is not considered to have been subject to any previous uses that may have resulted in concerns about contamination. Furthermore, there are no uses in the immediate vicinity of the site which may give rise to pollutants. The above notwithstanding, the applicant would be agreeable to installing a gas membrane as part of the conversion works in order to ensure that future occupiers are safeguarded in the event of any unidentified contaminants being present. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).

(d) Flood Risks

- 3.6 A review of the Environment Agency's Flood Map For Planning confirms that the site to lie within Flood Zones 1 (low probability of flooding) and is not affected by surface water flooding. The proposal is consequently acceptable in the context of criterion Q.2(1)(d).

(e) Impractical or Undesirable?

- 3.7 The siting of the building is not considered to give rise to any concerns about the location being impractical or undesirable for the buildings to change to residential use having regard to the provisions set out within the Planning Practice Guidance.
- 3.8 Paragraph X of the Permitted Development Order stipulates that the curtilage provided for any dwelling cannot exceed the area of the footprint of the building being converted. In this case the cumulative area of domestic curtilage proposed does not exceed the footprint of the existing buildings, and consequently the proposal accords with the provisions of paragraph X in this regard. The proposal is therefore acceptable in the context of criterion Q.2(1)(e).

(f) Design & External Appearance

- 3.9 The alterations to the building will give it a pleasing aesthetic and one which is in keeping with its agrarian character, with vertically proportioned openings and a high solid to void ratio retained. The general form of the existing building will also be preserved. Consequently, the development will ensure that the resultant building maintains an agrarian character and appearance. The design and layout of the proposal is therefore concluded to be acceptable in the context of criterion Q.2(1)(f).

(g) Provision of Natural Light

- 3.10 The submitted proposal demonstrates that each of the habitable rooms within the proposed dwellinghouses will be served by adequate natural light, and as such the proposal is acceptable in the context of criterion Q.2(1)(g) above.

4 Conclusion

- 4.1 Having regard to the commentary set out above it is submitted that the proposed development is fully in accordance with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and we invite the Local Authority to confirm that their prior approval is not required.