

DELEGATED DECISION REPORT

DET/2024/0007
Valid 07/02/2024

LAND ADJACENT TO
QUARRY BANK
HOLLINGTON

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
AGRICULTURAL STORAGE
BUILDING BUILT IN 2013 TO
REPLACE A PIGGERY

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether or not the proposal can be determined under a “Class Q” Prior Notification application and if so:
 - - The transport and highways impacts of the development
 - - The noise impacts of the development
 - - The 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 residential use
- - The design or external appearance of the building
- - Whether or not the proposal would allow in sufficient light for the occupiers of the dwelling in the interests of their residential amenities

DESCRIPTION OF SITE

The site lies in the countryside about 1km to the north-west of Hollington village and comprises an isolated typical modern portal framed agricultural storage building with green metal cladding above a concrete base. It has as footprint of 13.5 x 7.5 metres. This is adjacent to and on the east side of Quarry Bank, a country lane heading towards Alton from the village. The site also comprises a large hard-standing to the north of the building and the access is off the road and onto the hard-standing. There is a 0.25 hectare field to the north of the yard which is within the property. The land to the south, north and east is open and outside of the property. To the other side of the lane to the west lies what appears to be a number of temporary storage buildings and a mobile home in current residential use.

PROPOSAL

This is a resubmitted “Application for the Determination of Prior Approval” for the conversion of the modern storage building into a barn into a single 2-bed dwelling (under Class Q of the GPDO) following the refusal of the previous application last year, under ref DET/2023/0006, for the following reasons:

1. The building was brought into use after 20th March 2013 and no evidence has been provided that there has been a ten year agricultural use of the building. This is contrary to Part 3 Class Q(1)(a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2. The size of the proposed residential curtilage defined by the red line boundary shown on the application drawings exceeds the size of the footprint of the building on site which contravenes Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The Site and Location Plans have been amended (via further submissions after this new application was submitted), which show the red line application reduced in size and which excludes a large area to the front (north) of the building which is currently a hard-standing but was proposed to be a garden for the future dwelling occupants and which restricts the site to the access, driveway and two parking spaces (the site plan of the previous application showed three spaces). There are no changes to the proposed conversion works and the proposed elevational drawings remain the same as in the previous application. There would be no extensions, demolition or rebuilding of the walls. The green metal wall and roof cladding would be replaced by dark grey metal cladding which would extend downwards covering more of the concrete base. The north facing main entrance (a “cart” or “vehicle” opening) would be slightly extended upwards and glazed to provide a large window and also a glazed front door. A large new opening would be placed in the east side elevation (opposite side to where the lane is) and smaller windows of various size and shape would be placed in the two sides and rear wall. There are existing rooflights which would be re-used to some extent. The building would remain single-storey.

Additional information has been submitted from the building contractors used for the construction of the building under a 2013 planning application, to demonstrate the building was provided more than ten years ago, as follows:

“I’ve looked into the paperwork regarding this building, please note the file is 10+ years old so information is limited. From what I can tell, the original quote was made in early 2013, but placed in early 2014. The foundations went into ground early Feb’14. The exact date of completion cannot be ascertained, but based on the paperwork I would say it was completed around the end of April’14.”

A Noise Assessment Report dated May 2023 accompanies the application which was also submitted with the previous application.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

National Planning Policy Framework – Revised December 2023.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

13/00307: Agricultural storage building. Approved on 23.5.2013.

DET/2023/0006: Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to one Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion at Land adjacent to Quarry Bank Hollington. Refused on 25.8.23.

CONSULTATIONS

Publicity

Site Notice expiry date: 26.3.24

Neighbour consultation period ends: 26.3.24

Press Advert: N/A

Public Comments

None.

Town/Parish Council Comments

The Applicant is applying for Prior Approval application without the need to apply for planning permission for the 'Change of use' from agricultural building to dwellinghouse under 'permitted development' within Class Q. This is a resubmission of DET/2023/0006 which was refused by SMDC planning on 25/08/2023. Checkley Parish Council acknowledge that the Applicant has now reduced the Residential curtilage to comply with the Planning requirements. However We are concerned that the Applicant has still not provided sufficient and satisfactory evidence of use of the building solely for an agricultural use for a period of at least 10 years. Checkley Parish Council are therefore of the opinion that in this instance before Approval can be given as per Class Q the Applicant should be required to submit satisfactory evidence of agricultural use and also a supplementary Daylight and Sunlight Report, undertaken as per the requirements of the 2020 Class Q revision. If the Applicant is unable to provide the required supporting information Checkley Parish Council would fully support the Planning Officer in Refusing the application and requesting that a full planning application is required for the proposal.

Local Highways Authority

No objection subject to standard conditions.

Environmental Health Section

No objection subject to conditions. Comments as follows:

Noise: A noise assessment has been submitted to address the suitability of this site for residential use. It has been undertaken by SBM Safety Solutions (Ref. E19397 dated 5th June 2023). The assessment has been undertaken in compliance with BS4142:2014+A1:2019 and BS8233:2014 it shows with appropriate sound insulation the sound levels inside the residential unit would be compliant with BS8233:2014. The sound insulation scheme set out in section 5 and 6 should be installed in full.

Contamination: The site is approximately 40m from a historic landfill and a working quarry may be subject to some ground gas and or other contaminants. The site has also historically been used as an out building / hardstanding and may have some associated contamination from previous uses. A contamination risk assessment / ground gas assessment is therefore required to ensure the site is suitable for its proposed use

SMDC Waste Collection Service

No issues regarding waste collections.

OFFICER COMMENTS

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) in 'Part 3 – Changes of Use', 'Class Q', allows the conversion of agricultural buildings into dwellings without the need to apply for full planning permission providing the criteria listed under Class Q are met. However, a "Notification of Prior Approval" application needs to be submitted instead and the Council must determine this against the material planning considerations listed above.

For an agricultural building to be converted into a residential use under permitted development via the "Prior Approval" application process, the building and agricultural uses of land must comply with a number of tests listed under Class Q(1). One of tests requires that the building was last used for agricultural purposes and that if the use commenced after 20th March 2013, the agricultural uses were present for at least ten years. The building was built under a planning permission granted on 23rd May 2013 after this date.

The previous application was refused as it had not been demonstrated that the building had been present for more than ten years from the date it was submitted. It was validated until 24th February 2023 and by the time it was refused on 25th August 2023, it was considered unlikely the building had been completed over ten years ago given the approval date of May 2013. The applicant and agent were also unable to provide evidence of a ten year agricultural use. Therefore the previous application does not meet the particular test in Class Q1 and therefore could not be determined via the Prior Approval process and that a full planning application was therefore required for the proposal.

The new application has been submitted with some details to suggest the building was likely to have been in existence by the time the new application would be determined. The contractors considered from the records still available to them that the building would have been completed by the end of the April. The building is shown on aerial images dated 2015. Although neither piece of information is definitive regarding whether or not the building has been in place for ten years from the date of this report (10.5.24), I consider that on the balance of probabilities the building has been in place for ten years. I therefore consider that this new resubmitted application passes this particular test of Class Q(1) and that the reason for refusal has been overcome.

The proposal, like the previous scheme, also does appear to meet all of the other criteria/tests under Class Q(1) for applying for a conversion under Class Q of the GPDO and that it now qualifies as Class Q development and therefore the tests in Class Q(2) must be assessed.

With regard to the transport and highways impacts of the development, the local highways authority (SCC) has raised no objection as the provision of one small 2-bed dwelling would not lead to any significant traffic creation and the existing access onto the lane would be re-used. The proposal therefore passes this test.

With regard to the noise impacts of the development, there is a nearby quarry to the east of the site and a Noise Assessment Report has been submitted. The Environmental Health Section does not raise any objection to the application on noise grounds. The Report also proposed a noise insulation scheme and I consider this will be required, as advised by Environmental Health and can be provided by way of a planning condition. With the safeguard of the condition, I consider this particular test of Class Q(2) has been passed.

With regard to the contamination risks on the site, due to a combination of nearby quarry workings and the former agricultural workings of the land, there is likely to be some contamination as a result and the Environmental Health Section therefore I consider a ground contamination risk survey should be undertaken by way of a planning condition. The condition can also require any remedial works that may be required as a result of the survey to ensure that the future occupants of the site are not affected by any form of contamination. With the safeguard of the condition, this particular test has been passed.

With regard to flooding risks on the site, the site is not in a flood plain and does not appear to be affected by any localised flooding. The site is on fairly elevated ground. This particular test has been passed.

With regard to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use, there are no such concerns in this respect. One of the potential impacts that could occur in a rural location is the impact of conversion works on bats, a protected species. However the building is a modern metal sheeted building with no loft and allows light into it and appears to be unsuitable for bats. The unsustainable location could be considered to amount to an undesirable impact. However, there have been case decisions at appeal where the level of sustainability of the location of a site should not be used alone to refuse an application on the grounds of a Class Q scheme being undesirable. The issue of the level of sustainability of the location is not to be taken into account in Class Q applications.

The dwelling can also be provided in a building of this size without contravention of the governments Nationally Described Space Standards which aims to ensure an adequate amount of living space is created for the eventual occupants in the interests of their residential amenities/living conditions. Although there is insufficient space within the red line for a private outdoor garden, there is grass land next to the building within the blue line marking the property which could be used if desired.

Overall, I do not consider there is anything that would make a conversion into a dwelling undesirable or impractical and therefore this test has been passed.

With regard to the design or external appearance of the building, this type of modern building due to its form and scale can lend itself well to a modern contemporary conversion with minimal external modification and the insertion of large amounts of glazing or creation a few new openings does not materially alter the buildings form and it would still appear as a modern portal framed metal sheeted agricultural building as well as a contemporary dwelling. I consider the design to be acceptable and therefore the proposal would pass this particular test.

With regard to light provision, as stated above, a significant amount of new glazing is proposed to be inserted (without leading to a harmful appearance) and each habitable room would have windows of a sufficient size to allow adequate light to enter for the benefit of the future occupants and their living conditions/residential amenities. This test has also therefore been passed.

Part 3 of Class Q also requires that the proposed residential curtilage, the land around the dwelling used for ancillary residential purposes (such as garden and car parking areas) be no larger than the footprint of the building. The previous application was refused for this reason but the new plans reduce the size of the "curtilage" to include the access and the parking and turning area (reduced from three to two spaces but still in accordance with the Council parking standards). I consider the amended plans now overcome the second reason for the refusal of the previous application.

CONCLUSION / PLANNING BALANCE

The amended application, unlike the previous application, can now be determined under Class Q as it now meets all of the tests in Q1. The proposed development also meets the tests outlines in Class Q2 and the impacts on the character and amenities of the area, highway safety and the environment in general are acceptable. The proposal as amended also now complies with all other parts of Class Q. Therefore approval can be given for the proposal and can be provided as permitted development under Part 3 Class Q of the GPDO without the submission of a full planning application.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 10.5.24

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council