

Planning department SMDC
Moorlands House,
Stockwell Street,
Leek,
ST13 6HQ

24th June 2024

Dear Sir/madam

Re: Broadgate Farm, Hollington Class Q - Application 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.

Gez Willard

Chartered Town and Country Planner.
MRTPI

Planning Statement

Broadgate Hall, Hollington

1.0 Background

The barn is part of a range of former farm buildings at Broadgate Hall. A planning application to convert and significantly extend it for use the site for tourism was dismissed at appeal. That proposal is now abandoned. This proposal seeks to use a traditional brick and tile building for residential use in accord with Government policy and planning freedoms.

In releasing the latest changes to Class Q provisions the Government website (June 2024) states:

Supporting rural housing

To encourage conversion of agricultural buildings to more homes suited to rural needs, we are introducing a single maximum floorspace per house limit of 150 square metres.

We are also allowing up to 10 homes (increased from 5) to be delivered and allowing up to 1,000 square metres of floorspace to change use overall. Housing delivered through this right must meet the national space standard and receive prior approval from the local planning authority that they have adequate natural light.

Individuals cannot use this permitted development right in protected landscapes (this includes National Parks and National Landscapes). However the other rights can be used in protected landscapes.

It continues:

The amendments deliver on one of the pledges made by the Prime Minister at the Farm to Fork Summit in May last year, to cut red tape and streamline the planning system for farmers.

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2.0 The Proposal

The proposal is to convert the barn into a single dwelling. No external structural works are necessary and the building is in sound structural order. This submission is supported by a structural survey and an ecology report in addition to a suite of plans that set out the proposals in detail.

3.0 Compliance with Class Q provisions

This statements sets out to show how the proposal is compliant with the latest Class Q provisions. No policy judgements are necessary or indeed allowed under the provisions which set out the permitted development allowance and limitations. There is no requirement to have regard to the development plan, so section 38(6) of the 2004 Act does not apply

*** Space limitations**

New dwellinghouse will only be eligible for permitted development rights if it has a gross internal floor area of at least 37 square metres, and complies with the national space standards

This proposal provides for a single dwellinghouse with over 37sq metres of space.

*** Agricultural history**

The barn was in agricultural use in March 2013

*** Historic PD exercise**

There has been no work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agriculture been carried out on the agricultural unit since 20 March 2013

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* **External dimensions.**

The external dimensions of the resulting building(s) will not extend beyond the existing building(s) at any point

* **Locational (policy) matters**

No part of the land, site or building is within the following areas?

- *in a conservation area;*
- *in an area of outstanding natural beauty;*
- *in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;*
- *in the Broads;*
- *in a National Park;*
- *in a World Heritage Site;*
- *in a site of special scientific interest;*
- *in a safety hazard area;*
- *in a military explosives storage area;*
- *a scheduled monument (or the site contains one);*
- *a listed building (or within the curtilage of a listed building)*

* **Agricultural Tenancy**

No part of the site currently occupied under any agricultural tenancy agreements

No agricultural tenancy agreements been terminated in the year before development is proposed to begin.

* **Dwellinghouses and floor space**

Only 1 dwelling is proposed and the floorspace is within limits.

*** Description of Proposed Works, Impacts and Risks**

The proposal will require no external works aside from the insert of new windows and openings all as shown on the submitted plans. Services will need to be provided along with internal insulation and floor slab levelling/insulation.

The following are expressly allowed for by the provisions of Class Q:

- *the installation or replacement of windows, doors, roofs, or exterior walls;*
- *the installation or replacement of water, drainage, electricity, gas or other services;*
- *partial demolition to the extent reasonably necessary to carry out the works listed above*

*** Design and external appearance of the building(s) in regard to these building works or other operations:**

The building will to a significant degree remain unchanged aside from new window inserts and roof lights to the applicants preference and in accord with traditional vernacular. The bricks and roof tiles will simply be cleaned in situ (not removed) as necessary and if appropriate. No new finishes or materials are needed. In all respects the conversion of this barn is in accord with the requirements for Class Q.

*** Details of any transport and highways impacts and how these will be mitigated**

The site is serviced by a long driveway which is sufficient for this development and which was deemed acceptable in highway terms at recent planning history. Vision at the junction with the main road is good and was recently found sufficient for the larger conversion and extension planning application referred to earlier. Sufficient space for parking and refuse collection exists.

In terms of site suitability in sustainable terms the government has set out the position plainly in the Planning Practice Guidance which states:

Is there a sustainability prior approval for the change to residential use?

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 the use to residential.

Paragraph: 108 Reference ID: 13-108-20150305

Revision date: 05 03 2015

*** Noise impacts and how these will be mitigated**

No noise impacts are likely from this development and as there is no longer a functioning farm here and neither will residents be disturbed by noise due to any other activity. Beyond any normal building regulation requirements no noise mitigation is necessary.

*** Contamination risks and how these will be mitigated:**

This matter was considered when assessing contamination issues in respect for a recent planing application as per below. The council's EHO set out and advised in respect of that application:

"Proposed conversion of traditional barn along with contemporary extension to provide for high quality sustainable tourism smd/2023/0022"

Potential Areas of Environmental Concern -

- 1. Construction Impacts (condition)*
- 2. Land contamination (condition)*
- 3. Lighting Impacts (condition)*
- 4. Drainage (Building Standards)*
- 5. Asbestos (Advisory)*

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General Comments

• *Asbestos: A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements:*

• *Contamination: The site has historically been used as an agricultural out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings). A full contamination assessment would appear to onerous, however, it would be advisable that all soft landscaped / garden areas are tested for contaminants (including Asbestos screen) to ensure suitability of use areas conditions are recommended.*

Recommendation – No objection subject to condition.”

In light of the above and given the similar considerations apply t this submission a planning condition can be attached to the prior approval.

*** Flooding risks and how these will be mitigated**

This site is flood zone 1. There are no flood risks.

This concludes and explains why this proposal is compliant with the provisions of Class Q.

The Class Q provisions

From 21st May 2024

“Class Q”

buildings on agricultural units and former agricultural buildings to dwellinghouses

Permitted development

Permitted development

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building’s curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building’s curtilage, to a use falling within Class C3

(dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

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

Development not permitted

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

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

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- (c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,
- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—
 - (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
 - (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,
- (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 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,
- (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 during the period which is 10 years before the date development under Class Q begins,
- (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, other than—
 - (i) extension of the building allowed by paragraph Q.1(i);
 - (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),
- (i) the development under Class Q(b) would result in an extension that—
 - (i) has more than one storey,
 - (ii) is sited anywhere other than to the rear of the existing building,
 - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
 - (iv) has eaves the height of which exceed the height of the eaves of the existing building,
 - (v) is higher than whichever is the lower of—
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground,
 - (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
 - (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface

has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

(j) the development under Class Q(c) 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(j)(i),

(k) the site is on article 2(3) land,

(l) 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,

(m) the site is, or contains, a scheduled monument,

(n) the building is a listed building,

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

(p) the building does not have suitable existing access to a public highway.

Conditions

Q.2. —(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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 Schedule 1 to the Use Classes Order,
 - (f) the design or external appearance of the building, and
 - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, 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

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

(3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

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

Interpretation of Class Q

Q.3. —(1) For the purposes of Class Q, “curtilage” means the lesser of—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and

(b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1(d), “the original limits of an established agricultural unit” means—

(a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.”.

Transitional provision

Paragraph (2) applies where development (“previously permitted development under Class Q”)

—

(a) is permitted under Class Q immediately before 21st May 2024, and

(b) is, by virtue of any amendment made by article 3, no longer permitted under Class Q on and after 21st May 2024.

(2) Where this paragraph applies—

(a) a developer may, notwithstanding the amendments made by article 3, make an application for a determination as to prior approval in relation to previously permitted development under Class Q until the end of 20th May 2025, and

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(b) the amendments made by articles 3 and 5 do not apply in relation to previously permitted development under Class Q in respect of which an application for a determination as to prior approval is made before 21st May 2025 (whether the application is made by virtue of sub-paragraph (a) or otherwise).

In this article—

(a) "Class Q" means Class Q of Part 3, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Flood Risk



Flood map for planning

Your reference
<Unspecified>

Location (easting/northing)
404125/338853

Created
25 Jun 2024 11:12

Your selected location is in flood zone 1, an area with a low probability of flooding.

You will need to do a flood risk assessment if your site is **any of the following**:

- bigger than 1 hectare (ha)
- In an area with critical drainage problems as notified by the Environment Agency
- identified as being at increased flood risk in future by the local authority's strategic flood risk assessment
- at risk from other sources of flooding (such as surface water or reservoirs) and its development would increase the vulnerability of its use (such as constructing an office on an undeveloped site or converting a shop to a dwelling)

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

Flood risk data is covered by the Open Government Licence **which** sets out the terms and conditions for using government data. <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

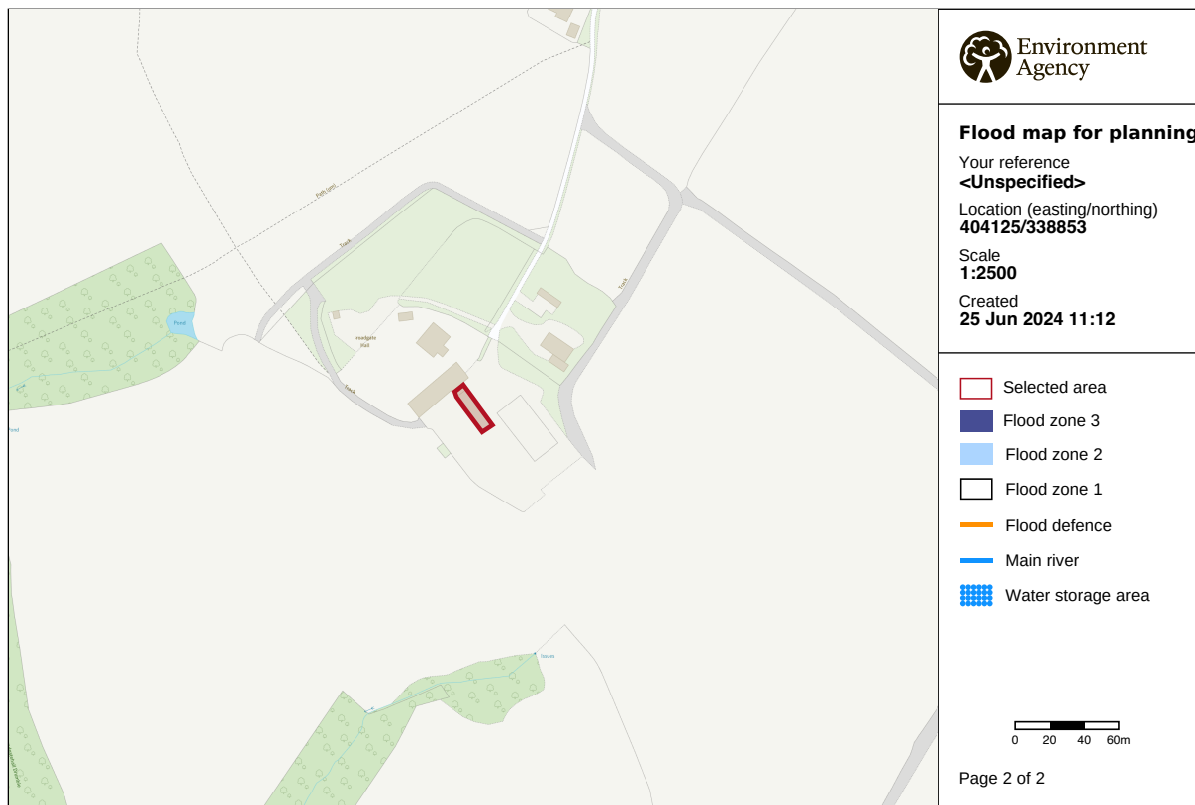
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