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**THE TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)
PRIOR NOTIFICATION APPLICATION FOR**

**CHANGE OF USE FROM
AN AGRICULTURAL BUILDING TO A DWELLINGHOUSE UNDER THE
AUSPICES OF CLASS Q (AGRICULTURAL BUILDINGS TO
DWELLINGHOUSES) OF PART 3 OF SCHEDULE 2 OF THE TOWN AND
COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER (GPDO) 2015 (AS AMENDED)**

AT

**WEST WYKE FARM
WEST WYKE LANE
ASH
SURREY
GU12 6EE**

D&M REF: 0160/19/AB

APRIL 2021

Directors: ANDREW BANDOSZ BA (Hons) MSc Dip UPI MRTPI JESSE CHAPMAN BA (Hons) DipTP MRTPI

Senior Planner: Matt Smith BA (Hons) MA

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1.0 INTRODUCTION

- 1.1 We act on behalf of the owner of West Wyke Farm, Mr John Sherwood, in respect of the above site and have received instructions to prepare and re-submit the enclosed application for the change of use of the existing agricultural barn to a dwellinghouse for your consideration and determination following the previously refused application 20/W/00044 (dated 11th May 2020).
- 1.2 The application is made under the auspices of Class Q (Agricultural Buildings to Dwellinghouses) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
- 1.3 It is our submission that the application building is capable of conversion under the auspices of Class Q (Agricultural Buildings to Dwellinghouses) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) and further information / clarification on the suitability of the application building for conversion is submitted herewith as part of this application.
- 1.4 This will be discussed in the following, relevant paragraphs.
- 1.5 Whilst not required by the terms of Class Q, to assist, a brief site description and planning history are included.
- 1.6 In addition, also to assist, the following plans are included which show the location of the site and how it is proposed to accommodate the new residential units.



Drawings:

- Location Plan
- Block Plan
- Proposed Site Plan
- Existing Ground Floor Plan
- Proposed Ground Floor Plan
- Existing Elevations – South & East Elevation
- Existing Elevations – North & West Elevation
- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Proposed Roof Plan
- Proposed South & East Elevations
- Proposed North & East Elevations

A Structural Survey prepared by Hockley & Dawson structural engineers also accompanies the application.

1.10 In considering the application and proposed change of use from an agricultural building to residential as part of the Order (April 2015 as amended), a two-stage process is required in respect of the Prior Notification application. Firstly, it is necessary to consider the proposed change of use and whether it complies with the provisions within Class Q. If the proposal does comply with these provisions, it is necessary to then consider the following matters as part of the prior approval:

1. Transport and highway impacts
2. Noise Impact
3. Contamination risks; and
4. Flood risk



5. Whether location or siting of the building makes it otherwise impractical or undesirable for a change of use from agricultural to Class C3 (residential)
6. Design of the external appearance of the building.

1.11 This Prior Notification Statement is arranged as follows:

1. Introduction
2. Site Description
3. Planning History
4. Description of Development
5. Legislative & Planning Policy Background
6. Supporting Statement
 - Traffic/Highways
 - Flooding
 - Contamination
7. Compliance with Paragraph W
8. Conclusion

1.12 The following appendices are also attached in support:

1. Enviroscreen Certificate dated March 2020
2. Flood Zone extract from the Environment Agency Website
3. Highways Report prepared by Vision Transport Planning
4. Structural Engineers Report prepared by Hockley & Dawson Consulting Structural Engineers.

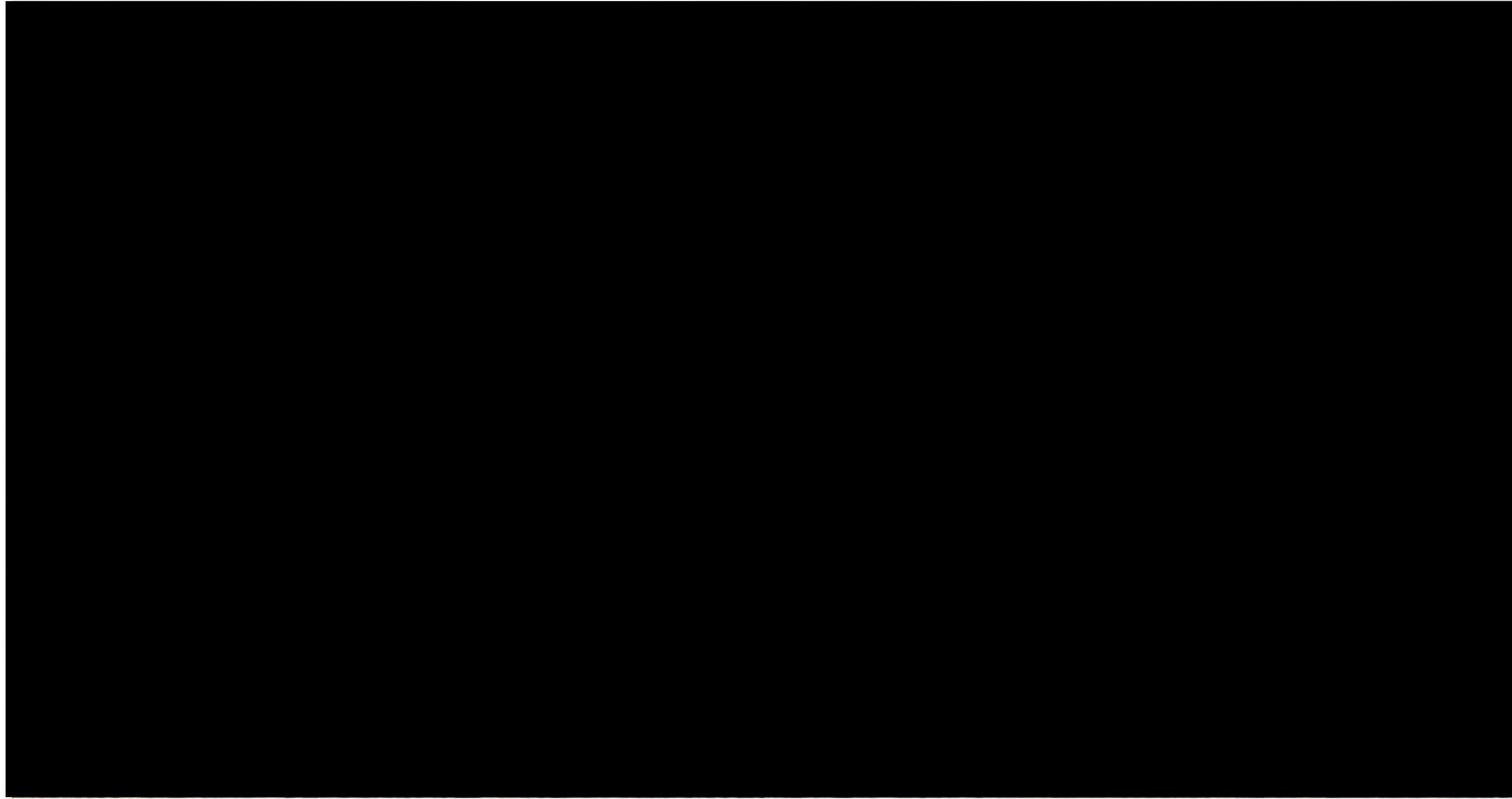


2.0 SITE DESCRIPTION

- 2.1 The application site is part of West Wyke Farm, which is sited on the western side of Wyke Lane and is a working farm. The main Farmhouse is sited directly to the south of the main agricultural barns. There are also additional smaller barn buildings and a stable block that separates the main house from the agricultural barns.
- 2.2 The Farmhouse is Grade II Listed and was originally two cottages and dates back to the mid C18. The Historic England listing entry refers to the building as East Wyke Farm Cottages. The barns are, however, outside the curtilage of the Listed Building and as such would not be precluded from being converted to residential use under Class Q of the Prior Notification process. This point was accepted as part of the previous application 20/W/00044.
- 2.3 The agricultural barn is sited close to the road with an access directly off Wyke Lane and a small courtyard area. The previously proposed open barn sited to the south, is excluded from this application.
- 2.4 The agricultural barn is a six-bay steel framed building of single span with a 'lean-to' on the southern side steel framed barn. The roof covering is corrugated fibre cement sheeting. The side walls consist of corrugated steel sheeting supported by metal purlins. The western end of the barn is open, with two bays used for parking machinery. One of the bays has a steel roller shutter to secure the main part of the barn.
- 2.5 As set out in the accompanying structural report the frame consists of a steel truss supported on the steel columns, which have been built on concrete foundations. Details of the foundations are given in the accompanying structural report.



2.6 The floor of the barn is concrete throughout and remains in good condition.



Existing barn to be converted, viewed from within the courtyard.

2.7 The site benefits from an existing vehicular access to Wyke Lane. The existing access is positioned on the west side of Wyke Lane opposite the junction with Pound Farm Lane. Wyke Lane is a rural lane in nature and is an unclassified Road (D66) that is subject to a 60 mph speed limit. However, as set out in the accompanying highway report, the nature of Wyke Lane, within the vicinity of the site, is such that speeds are restricted within the proximity of the site access.



West Wyke Farm and the relevant barn building enclosed with a red line

- 2.9 The application site is within the Metropolitan Green Belt but not within a statutory designated landscape area or within a Conservation Area. As such the site does not lie within Article 2(3) Land.
- 2.10 An existing single storey front projection and a small rear single storey projection will be demolished as part of the application.



3.0 PLANNING HISTORY

- 3.1 97/P/00898 - Demolition of dilapidated farm outbuildings and rebuilding to same footprint (as amended by plans received 17/10/97). West Wyke Farm, Wyke Lane, Normandy. This application related to the stable buildings and the farmhouse. The stable buildings are adjacent to the Farmhouse, whilst the agricultural buildings are sited further away and beyond the curtilage of the Farmhouse and its outbuildings.
- 3.2 20/W/00044 - Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) Order for change of use from agricultural building to a dwellinghouse (use class C3). The application was refused 11th May 2020 on the following ground:

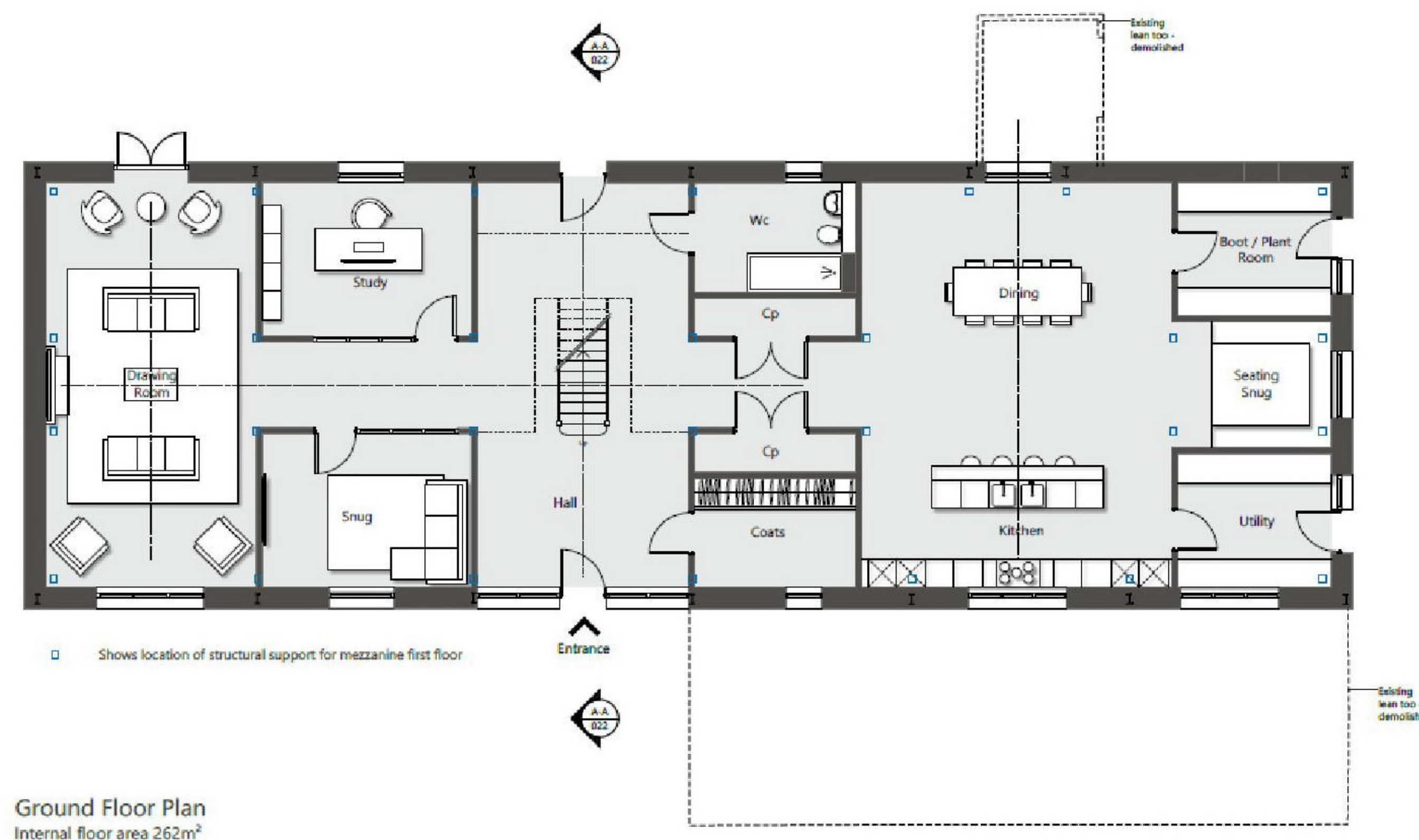
The proposed change of use from agriculture to residential would fail to comply with the conditions in Class Q.1 (ba), Q.1 (d)(i) and Q.1 (i)(ii) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the cumulative development would exceed 465 square metres of floor space within C3 (dwellinghouse) use. Insufficient information has been provided to determine whether the proposal would be partial demolition to an extent reasonably necessary to carry out building operations.

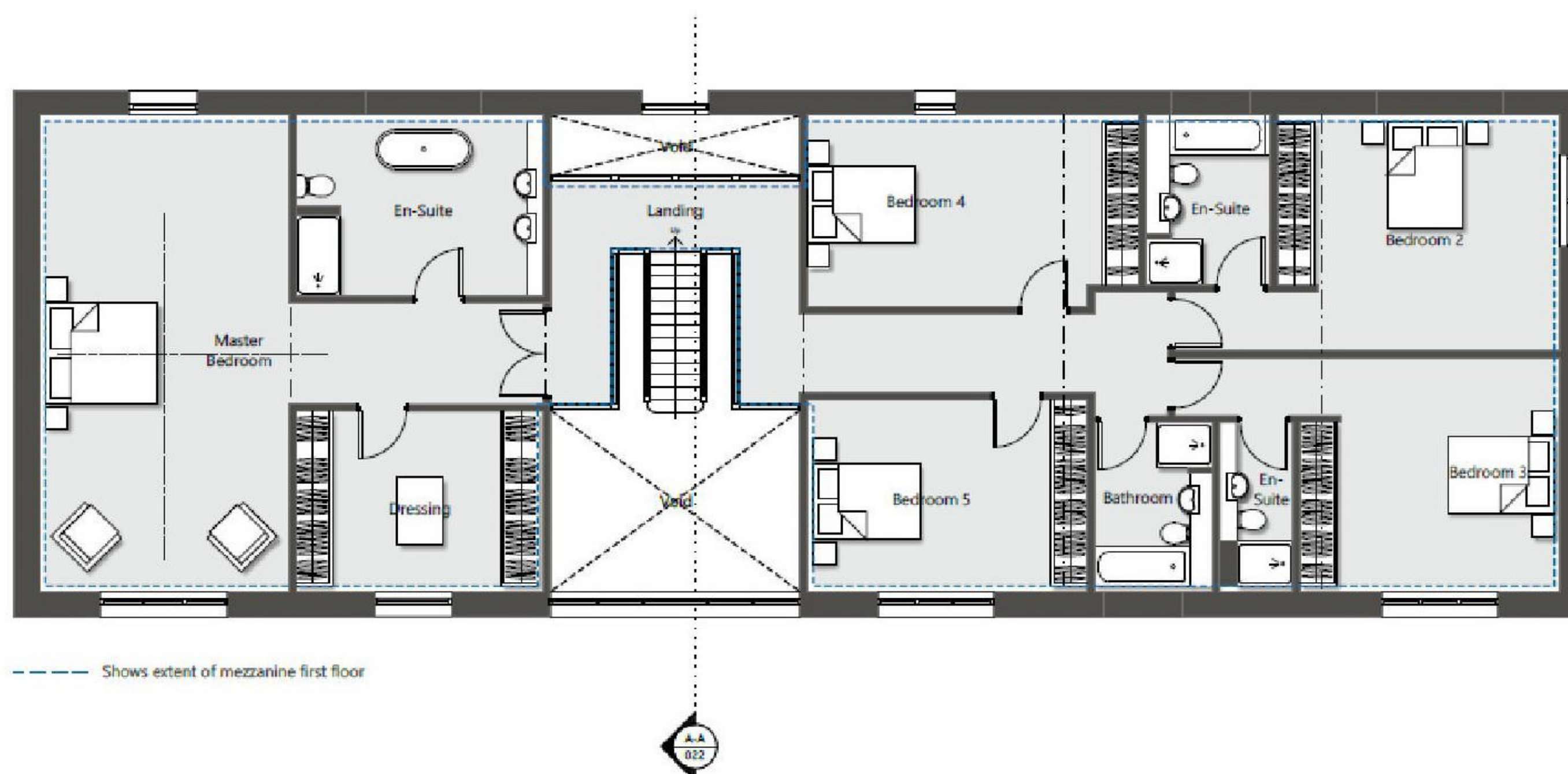
4.0 DESCRIPTION OF DEVELOPMENT

4.1 The proposal seeks the change of use of the building in order to provide a five-bedroom residential dwelling. The previously proposed smaller barn, which was to be converted to create a four-bay car port has now been excluded from the proposal, thereby addressing a key aspect of the reason for refusal of application 20/W/00044, namely that the conversion created more than 465sq.m of residential floor space.

4.2 The conversion works will not require increasing the envelope of the existing building and will be set out over two floors with the first floor comprising a free-standing mezzanine floor inserted into the building. A front and rear single storey projection on the barn will be demolished.

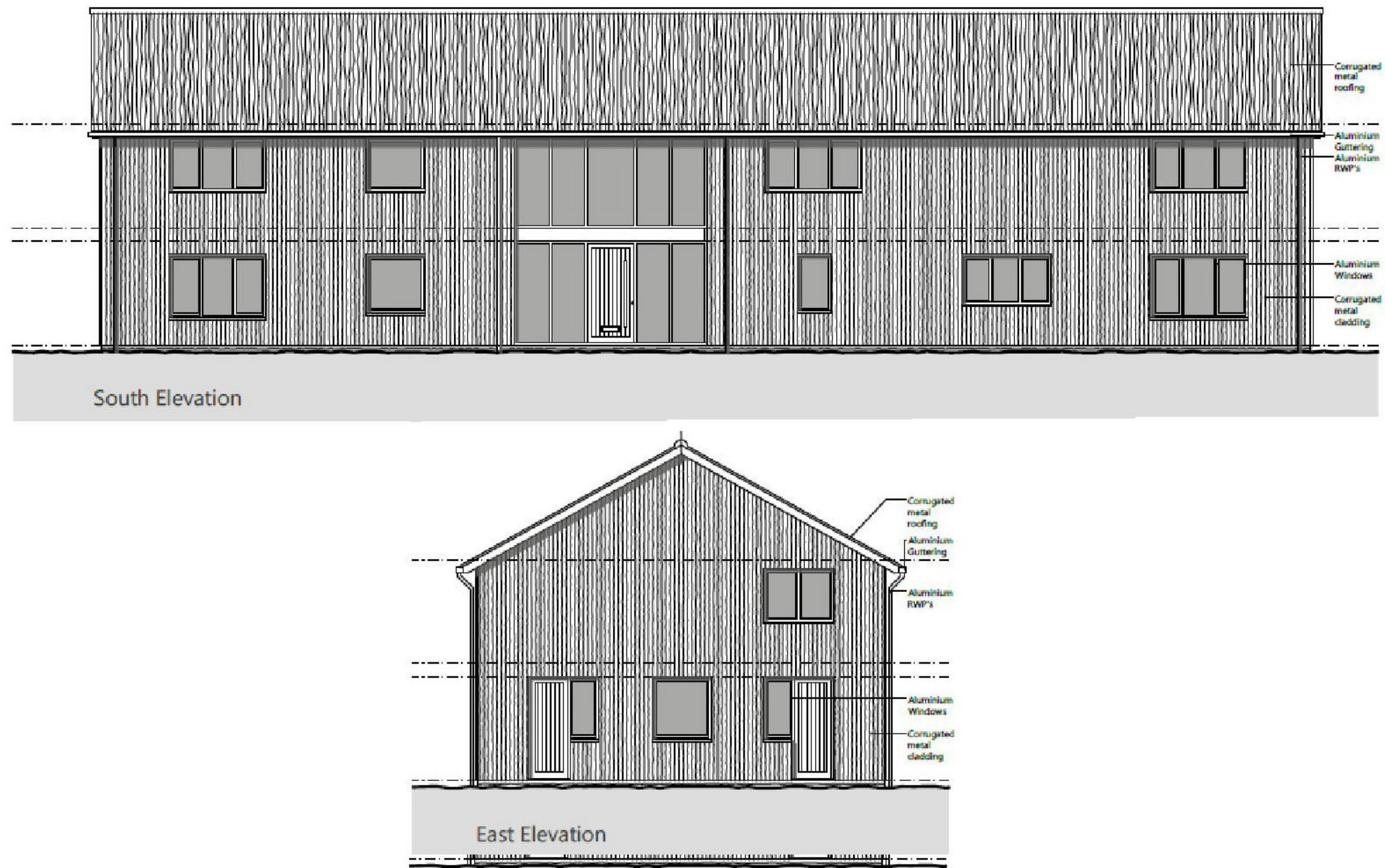
4.3 The proposal would create a kitchen and dining area as well as a drawing room and study area on the ground floor. An internal mezzanine floor would enable a first floor area to be created within the large ceiling void area to provide a total of 5 bedrooms and associated bathroom and en-suite facilities.



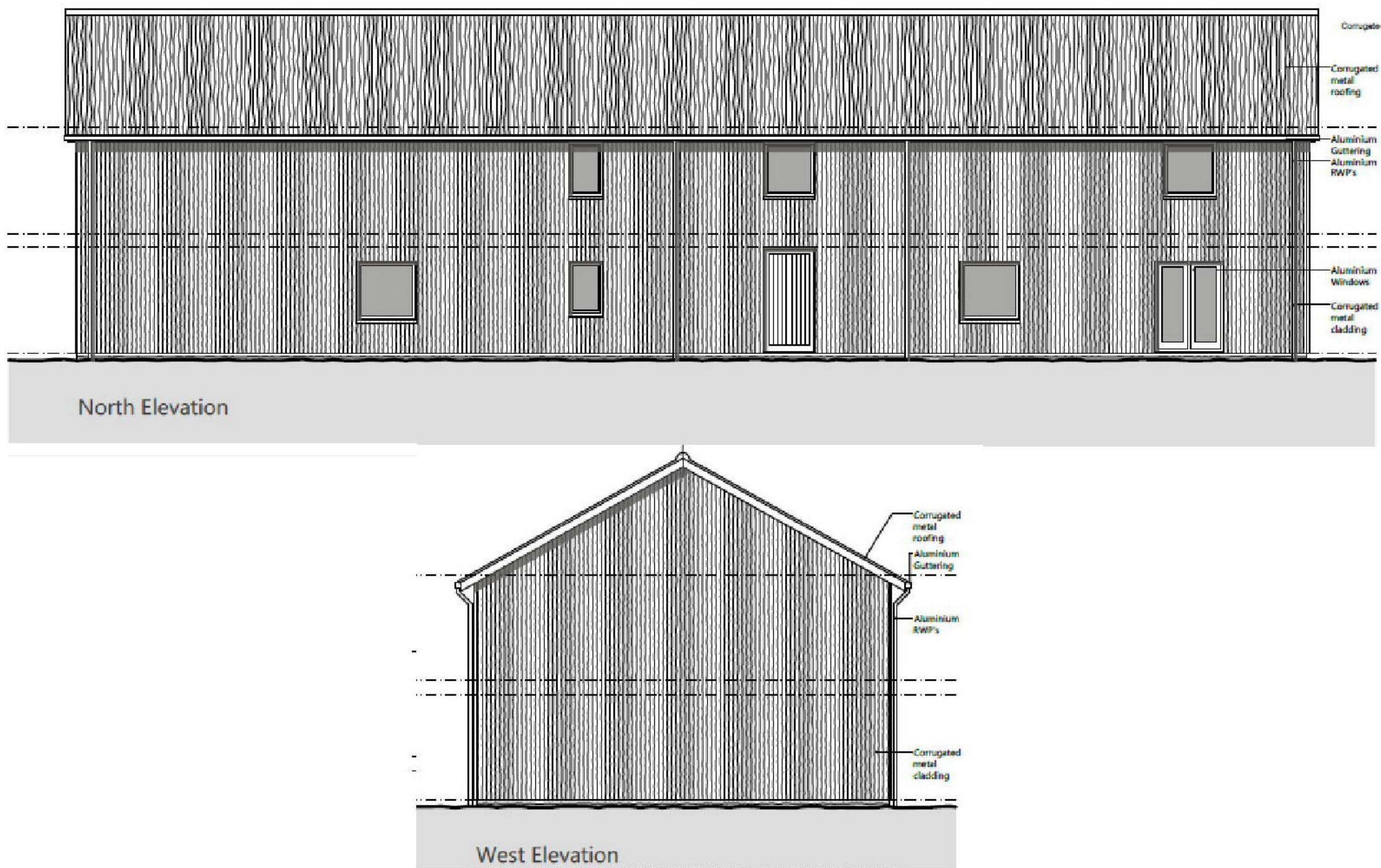


First Floor Plan
Internal floor area 203m²

- 4.4 It is contended that the barn conversion could function adequately as a self-contained residential unit without the mezzanine floor, however, the mezzanine floor utilises the large internal ceiling void and showing the information now saves the applicant the need to subsequently apply for a Certificate of Lawfulness that no additional consent is required for the mezzanine floor.
- 4.5 Planning Practice Guidance 1 (PPG) recognises that for a building to function as a dwelling some building operations which would affect the external appearance of the building should be permitted. It goes on to state that internal works are not generally development and 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
- 4.6 The application has been designed wherever possible to utilise the steel sheeting that currently clads the building. The applicant has sought to provide windows and door openings only where these are considered necessary. As part of the building's design the applicant has sought to retain the utilitarian appearance of the building.



South and East elevations showing the main openings.



North and South Elevations showing minimum openings.

- 4.7 The rear north and east elevations have been designed with minimum amounts of openings, which together with the steel sheet cladding will ensure that the buildings utilitarian appearance is retained.



5.0 LEGISLATIVE AND PLANNING POLICY BACKGROUND

- 5.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force in April 2015 and were followed by further amendments in 2018 and 2019.
- 5.2 The proposal is not an application for planning permission, but a prior approval notification application to the local planning authority for a determination as to whether the prior approval of the local authority is required. The local planning authority may grant prior approval unconditionally, refuse prior approval or grant subject to conditions reasonably related to the subject matter of the prior approval.
- 5.3 In accordance with paragraph W of the GPDO 2015 (as amended), the application is accompanied by a written description of the proposed development, plans indicating the site and showing the proposed development, and what we believe to be sufficient information to enable the authority to establish whether the proposed development complies with any relevant conditions, limitations or restrictions being applicable to the development in question under Class Q Part 3.
- 5.4 Sub section (10) of paragraph W states that the local planning authority must, when determining an application, have regard to the National Planning Policy Framework (NPPF) 2019 so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Also, of relevance is the National Planning Policy Practice Guidance (NPPG) 2014 (as amended).



6.0 SUPPORTING STATEMENT

- 6.1 This application is submitted to confirm the change of use of a building as outlined on the application drawings and last used for agricultural purposes to residential use is permitted development under Class Q Part 3 Schedule 2 of the GPDO 2015 (as amended).
- 6.2 The application is not a formal planning application. The principle of the proposed use is acceptable provided the criteria and conditions set out under the relevant parts of the GPDO 2015 (as amended) are met with consideration being given to certain planning issues. As such, planning issues such as layout and design, appearance, residential space standards and neighbouring amenity are not before the Council for consideration under Paragraph W.
- 6.3 Below is the assessment under Class Q Part 3 Schedule 2 together with the accompanying Paragraph W of the GPDO 2015(as amended) (2018: 2019). Text within the Order is shown in *italics* with assessment in bold text.

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; or

(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

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*

(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;*

6.4 The building has always been used for agricultural purposes, namely the storage of hay and agricultural machinery. This includes being used on the 20th March 2013 for such.

6.5 (b) *in the case of –*

(i) *a larger dwellinghouse within an established agricultural unit –*

(aa) *the cumulative number of separate 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;*

(ba) *the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classed Order exceeds 465 square metres.*

6.6 The conversion would result in 1 large dwellinghouse with a gross internal floor area of 465 sqm. The existing building has a floor area of approximately 335 sqm (75sq.m in the form of the front and rear single storey extensions are to be demolished). The first-floor area is being created as a mezzanine floor. The conversion therefore complies with all the criteria of (b).

6.7 (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;*
- 6.8 N/A this prior notification is for 1 large dwellinghouse as per Class Q a).**
- 6.9 (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 of the Use Class 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*
- 6.10 The development would result in 1 larger dwellinghouse with a total floor area of 465 sqm. It would therefore comply.**
- 6.11 (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.*
- 6.12 The land has never been occupied under an agricultural tenancy since the applicant's ownership. The farm has been in the applicant's ownership for a considerable length of time and prior to that his family's ownership.**
- 6.13 (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;

6.14 N/A there is no agricultural tenancy.

6.15 *(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;*

6.16 There has been no agricultural building erected or other agricultural permitted development under Part 6 of the GPDO on the agricultural unit since March 2013.

6.17 *(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;*

6.18 The change of use would be entirely within the existing footprint of the building.

6.19 (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);

6.20 **The application proposes the installation of new windows and doors which are reasonably necessary for the building to function as a dwellinghouse. The building is a tall building, and the design incorporates windows that extend the full height of the building. The existing corrugated steel on the building with new cladding, however, it is the steel frame that provides the structural integrity of the building and this will not change.**

It should be noted that it is a common part of change of use applications under the GPDO to create dwellinghouses that the building is the subject of internal alterations. This approach is lawful as a result of the definition of development under section 55 of the Town and Country Planning Act 1990 (“the 1990 Act”). By section 55(1) of the 1990 Act development includes the carrying out of building operations. However, section 55(2) expressly provides that the following operations shall not be taken to involve development of land:

- “(a) the carrying out for the maintenance, improvement or other alteration of any building of works which –***
- (i) Affect only the interior of the building, or Do not materially affect the external appearance of the building”...***



Therefore, the internal operations do not require the benefit of a grant of permission under Class Q as a result of section 55 of the 1990 Act. Further, there is no condition or limitation within Class PA relating to internal alterations that would prevent reliance on this class of permitted development rights where internal alteration or the provision of additional floorspace is proposed. Therefore, there is no basis for considering such works to render a change of use that would otherwise fall within the class to be unlawful.

As a result, the undertaking of interior works to provide a first-floor mezzanine area inserted inside the building, which does not affect the external appearance of the building cannot take a proposed development outside of Class PA if it would otherwise be within it.

Whilst the proposed external windows on the front entrance extend the full height of the building, this is a design feature of barns, used extensively in traditional barn conversions, particularly as it gives light to the large internal space. The proposal would have tall windows even if it was a single storey building. It should be noted that not all the space at first floor level has natural light and indeed all the space could have been designed looking into the open space.

6.21 *(j) The site is on article 2(3) land;*

6.22 **The site is not within an area designated as article 2(3) land as per Schedule 1 of the GPDO.**

6.23 *(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;*
- 6.24 The site is not within any of the above.**
- 6.25 *(l) the site is, or contains, a scheduled monument; or
(m) the building is a listed building*
- 6.26 The agricultural buildings are not listed, nor does it contain a scheduled monument. Although the farmhouse is Listed, the barn is not within the curtilage of the Listed Building.**
- 6.27 Given the above, the site complies with all of the requirements from (a) through to (m). Accordingly, the development would meet the criteria to be considered permitted development and attention must turn to the conditions for the prior approval.
- 6.28 *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,

6.29 **This application constitutes that the developer has applied to the Local Planning authority for a determination as to whether prior approval is required on matters a) through to f). The following is submitted in support of the application.**

6.30 *(a) transport and highways impacts of the development,*

The NPPF 2019 at paragraph 109 sets a key test that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site benefits from an existing access which serves the existing barns. A highways report prepared by Vision Transport Planning accompanies this application. The report concludes that the proposed conversion of the barn to residential use will result in a decrease in vehicular trips to and from the site, on a daily basis, from the levels and type of traffic movements attracted by the existing agricultural use of the barn. The highway report concludes that the conversion to residential will result in an overall betterment in terms of transport impacts, both within the adjacent highway network and in respect to the site access.

We understand that the Council will likely consult Surrey County Council as the Highway Authority on the matter, it is noted that Surrey County Council did not raise any concerns regarding the previous application 20/W/00044.

6.31 *b) noise impacts of the development,*



The development is well separated from any other neighbouring properties and the noise generated from one dwelling is unlikely to result in an adverse impact to any existing neighbouring occupiers, being residential in scale.

6.32 *c) contamination risks on the site,*

The NPPF at paragraph 109 states the planning system should contribute to and enhance the natural and local environment by, amongst other things:

- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;**
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.**

The accompanying Enviroscreen report demonstrates that the site is identified as being contaminated or close to a contaminated site. It therefore does not pose a contamination risk on site.

6.33 *(d) flooding risks on the site,*

The NPPF at paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is within flood zone 1 and accordingly the flood risk is at its lowest. The development would therefore be appropriate in this sense.



6.34 *(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 building exists and is clearly capable of reuse without substantial reconstruction or enlargement. The structure of the building, i.e. the steel frame, remains unchanged. A detailed structural engineer's report accompanies the application which confirms that the structure is capable of supporting the proposed conversion.

The contribution of a new dwelling would help to contribute to the Council's housing supply at the same time the conversion of the barn building and the yard area, will improve the overall setting of this part of West Wyke Farm.

The change of use would not result in the fragmentation of an agricultural holding nor compromise any other agricultural holding in the area.

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

The external appearance and materials would reflect that of the existing building and would retain the overall character and appearance of an agricultural barn.

an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building.



7.00 COMPLIANCE WITH PARAGRAPH W

7.01 Paragraph W of Part 3 requires that for changes of use made under this schedule that the application be accompanied by certain information. In order to fully accord with these requirements and for the avoidance of doubt these are set out below

7.02 *(a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;*

A full written description of the proposed development is included at section above. Effectively it seeks prior approval for the conversion of the existing agricultural dwelling to one large dwellinghouse falling within Class C3 of the Use Class Order. Additionally, it proposes limited external alterations in the form of the insertion of windows and doors and new roof cladding.

7.03 *(b) a plan indicating the site and showing the proposed development;*

Plans produced by Lytle Associates Architects accompany the application and clearly demonstrate the proposed development.

7.04 *(ba) in relation to development proposed under Classes M, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);*

For the avoidance of doubt, the development would result in a net increase of 1 unit constituting a larger dwelling as per the definitions.



7.05 *(bb) in relation to development proposed under Class Q of this Part, a statement specifying—*

(i) the number of smaller dwellinghouses proposed;

(ii) the number of larger dwellinghouses proposed;

(iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;

The proposed development would result in one larger dwellinghouses as defined by the Order. There has been no Class Q development on site to date.

7.06 (c) the developer's contact address;

Mr John Sherwood

West Wyke Farm

Wyke Lane

Ash

GU12 6EE

7.07 *(d) the developer's email address if the developer is content to receive communications electronically; and*

The developer would prefer communication by post; if there are any emails these can be sent to the planning agent, andrew.bandosz@dm-planning.co.uk.

7.08 *(e) where sub-paragraph (6) requires the Environment Agency⁵¹ to be consulted, a site specific flood risk assessment,*

N/A



7.09 *The local planning authority may refuse an application where, in the opinion of the authority—*

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

As set out above, the scheme fully complies with the relevant Class. We contend that sufficient information has been provided to enable the authority to make their decision.

7.10 *Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.*

N/A

7.11 *(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—*

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;



(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

We understand that this would be the responsibility of the Council to undertake, however, we assert that there would be no material impact on the highway as a result of the change of use.

7.12 *(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—*

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

Although this would be the responsibility of the Council, it should be noted that the scheme is within Flood Zone 1 and we are not aware of any critical drainage problems.

7.13 *(7) The local planning authority must notify the consultees referred to in subparagraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).*

(8) The local planning authority must give notice of the proposed development—



(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

We understand that this is the responsibility of the Council to undertake.

7.14 *The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—*

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated; or

(c) details of proposed building or other operations.

It is asserted that sufficient information has been submitted as part of this application including an assessment of impact and risk (which demonstrate there is no need for mitigation) and sufficient details of the proposed operations.

7.15 *(10) The local planning authority must, when determining an application—*

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so



far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site—

(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval.

We understand that this is the obligation of the Council. However, it should be highlighted that this supporting statement has taken into account the NPPF. It should also be noted that searches reveal there is no contamination risk on site

7.16 *(11) The development must not begin before the occurrence of one of the following—*

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under subparagraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.



The applicant has been made aware of such requirements and will record the date when the application was submitted. They will not commence development until one of the above criteria have been met.

7.17 *(12) The development must be carried out—*

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

The applicant has been made aware that development will need to be carried out in accordance with the approved details.

7.18 *(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*

(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.

Noted

7.19 Given the above it is asserted that the application fully complies with every aspect of Paragraph W and there should be no reason to not consider the application on this basis.



8.0 COMMENTS ON THE PREVIOUS REFUSED APPLICATION 20/W/00044

8.1 The current proposal is a resubmission following the refusal of application 20/W/00044. The issues on which the application failed concerned a) the fact that with the previously proposed scheme included the conversion of a barn to garaging which would have taken the residential floor area over the 465sq.m threshold. This aspect of the scheme has been removed b) The Council were concerned that the barn's structure was not capable of being retained and capable of supporting the proposal.

The Council need to be satisfied that this would amount to partial demolition and not a rebuild. A structural report prepared by THDG Consulting Engineers Ltd has been provided as part of this application. The report clearly states that it is not a complete structural survey. No design or test of the structural members of the buildings have taken place. The report goes onto explain that the existing steel structure of the barn would not be demolished and 'the intended structural frame would be built inside and independently of the existing barn'. It has not been made clear whether this is because the existing structure is not capable of supporting the conversion, i.e. it is not structurally strong enough to take the load of the external works. No information has been provided with regards whether further foundations / support work will be needed. The conversion works would include the re-cladding of the barn in vertical timber cladding, insertion of fenestration and the replacement of the entire roof. The applicant has provided a typical section for the main building which show that only the existing steel frame would be retained. With the limited information provided the Council cannot be satisfied that the works do not amount to a rebuild.



- 8.2 The applicant has now provided a detailed structural engineers report, prepared by Hockley & Dawson, which shows the internal steel structure capable of facilitating the proposed conversion. In addition, the report provides details of the foundations that support the structure and also comment on the flooring and buildings ability to be converted to a dwelling.
- 8.3 Although some recladding will be required the proposal is to utilise the existing corrugated steel cladding to retain the rustic, utilitarian appearance of the building and address the officer concerns, highlighted in the above extract.
- 8.4 The proposal shows a mezzanine floor, which would be permitted development as the works are all internal. As stated earlier the PPG recognises that for a building to function as a dwelling some building operations which would affect the external appearance of the building should be permitted. It goes on to state that internal works are not generally development and 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.
- 8.5 The existing building has been shown to be structurally strong enough to take the loading which comes with the external works to provide for residential use. The building has been shown to be structurally strong enough to take the loading which comes with the external works to provide the residential use and as such we contend that the building has the permitted development right to be converted to a dwelling under Class Q of the regulations..



9.0 CONCLUSION

- 9.1 This prior approval notification (PAN) application is for a straightforward proposal for a Change of Use of the Barn at West Wyke Farm from agriculture to residential.
- 9.2 It is our consideration that the building is capable of conversion as it has a roof, is significantly encompassed by external cladding and is structurally sound.
- 9.3 As stated above, the external materials will be utilized for the conversion of the building with suitable insulation. Internal walls would be timber stud and thus not require any foundations (indeed neither the proposed external nor internal walls would require separate foundations in any event). However, new and replacement walls are to be inserted and this is permissible under Class Q as being reasonably necessary. It is contended that the insertion of an internal mezzanine floor on the existing concrete base is also permissible as the external alterations to the barn are no more than is necessary for converting the existing building, with its very high roof and internal void area, that would need significant natural light.
- 9.4 The report by Hockley & Dawson Structural Engineers sets out, with the aid of calculations, that the existing structure is capable of being converted.
- 9.5 The existing floor slab is considered acceptable for the purpose of the conversion.
- 9.6 In summary, as well as setting out that new and / or replacement doors and windows and windows can be installed as reasonably necessary, Class Q also allows for new and / or replacement roofs and walls as part of the conversion works.



- 9.7 The creation of a first floor within an existing lawful building is not development for planning purposes under section 55(1) of the Town and Country Planning Act 1990 (as amended) and accords with the provisions of Class Q Part 3 Schedule 2 of the GPDO 2015 (as amended). Internal changes are commonly accepted by the Council in this regard.
- 9.8 The development would make a small contribution towards meeting the housing demand of the Council which we understand, based on recent appeals, falls short of the 5 year housing land supply.
- 9.9 We believe that we have provided all the relevant information required in order to enable the Council to make a positive decision on this application. We consider that Prior Approval is not required in this case.
- 9.10 To reiterate, it is our contention that the proposal falls squarely within the requirements of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended by Order 2018).
- 9.11 Accordingly, we respectfully await your confirmation within 56 days of receipt of this application that the proposed development is Permitted Development and can therefore proceed. However, should the Council have any questions or require any clarification on any matters, please do not hesitate to contact me.

D&M Planning Limited
Chartered Town Planners