

**APPLICATION FOR PRIOR APPROVAL
FOR THE CHANGE OF USE OF AN
AGRICULTURAL BUILDING TO A SINGLE
DWELLING (CLASS C3) WITH
ASSOCIATED DEVELOPMENT**

AT

**BURNELLS FARM
CHAPEL ROAD
EAST RUSTON
NORWICH
NORFOLK**



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1.0 The Site and Proposal

- 1.1 The building, subject to this application, comprises a portal steel framed agricultural barn clad with profile cement fibre sheeting above blockwork masonry walls. Typical of many farm buildings designed for hay storage, the front of the building is open from floor to eaves, although the remaining three sides are fully enclosed. Apart from some low-key storage of agricultural vehicles/machinery, the building is now underutilised.
- 1.2 This application is submitted to the Local Planning Authority (LPA) to convert the building into a single dwelling as part of the conditions of Class Q for determination as to whether the Prior Approval of the authority will be required in regard to the design or external appearance of the building. It represents a revised proposal following the refusal of Prior Approval by the Local Planning Authority (LPA) on 31st January 2021, LPA Ref: PU/20/1843.
- 1.3 The proposed conversion of the barn will provide accommodation to include a kitchen/dining room, living room, playroom, study, utility and shower room at ground floor level, in addition to an open carport within the eastern section of the building for vehicular parking. An internal stairway is proposed to be incorporated to access first floor accommodation comprising four bedrooms, an en-suite and a family bathroom. The building is to be treated sensitively with all existing external materials retained, and sufficient space exists on the site to provide a discreet curtilage in compliance with the size constraints set down by Class Q.
- 1.4 These operational works fall under those permitted by Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, and subsequent amendments.



2.0 Background

2.1 The barn was constructed for agricultural purposes and has not been put to any other use during its lifetime. Today, the building is underutilised for modern commercial farm use and therefore no longer performs a useful function on the farm.

2.2 Prior Approval was sought towards the end of last year by the applicant to convert the barn into a single dwelling by virtue of Class Q Permitted Development Rights, LPA Ref: PU/20/1843. However, this was refused by the LPA on 31st January 2021. For ease of reference, the reason for refusal given is replicated below:

“In the opinion of the Local Planning Authority, the proposed residential curtilage as shown would exceed the land area occupied by the agricultural building and as submitted therefore fails to meet the definition of curtilage prescribed by paragraph X for the purposes of Part 3 of Schedule 2, Class Q of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as being applicable to the proposed development.

The extent of the proposed building operations necessary for the building to function as a dwelling would go beyond what would be reasonably described as a conversion, and are such that they would comprise rebuilding. The proposal is therefore not permitted development as it does not comply with all the limitations and restrictions specified in Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as being applicable to the proposed development.”

2.3 Having carefully reviewed the reasons given for refusing the previous application in addition to the comments made by the then case officer in their report of recommendation, the application to hand has been revised accordingly. This is in order to overcome the officer’s concerns and to remove all doubt as to whether the proposal at hands satisfies the criteria as set down by Class Q Permitted Development under the GPDO 2015 (as amended).



3.0 Compliance with Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments).

3.1 In preparing this prior approval submission, regard has been given to Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments).

Here it is stated that 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 (dwelling houses) of the Schedule to the Use Class Order; and
- b. building operations reasonably necessary to convert the building referred to above, is permitted development, and therefore does not require express planning permission.

3.2 The proposed conversion and adaptation of the building as detailed in this application constitutes permitted development in this regard as set out by Class Q. However, under the class, the permitted development rights are subject to a series of conditions, which are discussed and responded to as follows.

3.3 Development is not permitted by Class Q under part (a) where the site was not used solely for an agricultural use, as part of an established agricultural unit on 20th March 2013, or if the site was not in use on that date, when it was last in use. In response, the proposal is compliant in respect that the barn subject to this application was in agricultural use on 20th March 2013. Furthermore, the building has only ever been used since its construction for agricultural purposes and has never been put to any other use other than agriculture for the purposes of trade/business. The proposed development therefore fully accords with Class Q in this respect.



- 3.4 Part (b) stipulates that for a 'larger dwellinghouse' within an established agricultural unit, the cumulative number of separate larger dwellinghouses developed under Class Q should not exceed 3, or the cumulative floor space of the existing building changing use to a larger dwelling house under Class Q should not exceed 465 square metres. Part (c) goes on to stipulate that for a 'smaller dwellinghouse' within an established agricultural unit, the cumulative number of separate smaller dwellinghouses developed under Class Q should not exceed 5 or any separate smaller dwellinghouse exceed 100 square metres. Part (d) stipulates that development under Class Q, together with any previous development under the same Class should not result in larger dwellinghouse/s having more than 465 square metres of floor space or the cumulative number of 'separate dwellinghouses' exceed 5. In response, no other dwellings have been developed within the established agricultural unit under Class Q. Furthermore, this proposal under Class Q will only result in a single 'larger' dwelling house of some 259 square metres, well below the 465 square metre threshold.
- 3.5 The site is not occupied under an agricultural tenancy and no such agricultural tenancies have been terminated within the past 12 months in compliance with part (e) & (f).
- 3.6 No development under Class (A) or Class (B) of Part 6 of this same schedule has been carried out on the established agricultural unit since 20th March 2013, which satisfies part (g).
- 3.7 Under part (h), the proposal is compliant in that the development would not result in the external dimensions of the converted building extending beyond the external dimensions of the existing building at any given point as can be seen from the submitted drawings.
- 3.8 Also, in regard to part (i), the development is compliant in that it will not consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls or, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.



3.9 Furthermore in compliance with parts (j), (k), (l) and (m), the site is not on article 2(3) land and it does not form part of a site of special scientific interest, safety hazard area or military explosives storage area. The site also does not contain a scheduled monument and the building is not listed as a heritage asset.

3.10 In addition, the Council is also required to consider under Conditions Q.2 – (1) whether its prior approval is required for the proposed works in terms of;

- 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 dwelling house.
- f) the design or external appearance of the building, and
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

4.0 Prior Approval Procedure

4.1 Comments and observations in respect of the stated Prior Approval Procedure are set out below:

- As set out in section 1 of this report, the proposed development relates to the conversion of an agricultural building into a single dwelling (Class C3)
- The attached site location plan, block plan, floor plans and elevation drawings identify the site and illustrates the proposed development.
- The applicant is Mr Justin Sadler, c/o Sworders.



5.0 Transport and Highway Impacts of the Development

- 5.1 The barn in question benefits from an existing vehicular access from the public highway, which provides good visibility. The use of the barn as a single dwelling will generate minimal traffic movements and not to any sort of degree that would likely give rise to a material increase or change in the character of traffic using the driveway or local road network. The proposal will not therefore give rise to implications for highway safety or amenity. Furthermore, there is ample room for the parking of vehicles within the Class Q curtilage, in this case within the footprint of the building itself.
- 5.2 It is also of material importance to the consideration of this application that Norfolk County Council, as the Highways Authority, did not formally object to the previous Class Q application for the use of the barn as a single dwelling. For ease of reference the County Council commented that: *“Having due regard to the existing class uses which the site presently enjoys relating to a former agricultural building, potentially capable of generating some degree of traffic movement on the surrounding highway network from an existing vehicular access I believe that it would be difficult to substantiate an objection to the proposal on highway safety grounds.”*

6.0 Noise Impacts

- 6.1 The barn is set in a quiet location, close to existing dwellings. No intensive agricultural operations take place within the vicinity of the site and residential amenity levels specifically pertaining to any noise impacts are expected to be excellent. Similarly, it should be noted that the Council’s Environmental Protection Officer, raised no objections to the previous application concerning noise impacts and the use of the building for residential purposes.



7.0 Contamination

7.1 Given the nature of the barns past use for agricultural purposes, it is considered that the site does not present a significant contamination risk. The barn has no known use for the storage of fuels, agricultural chemicals, farm waste or similar that would likely give rise to contamination. Again, the Councils Environmental Protection Officer when commenting on the previous application raised no objection regarding possible contaminants.

8.0 Flood Risks

8.1 The site is located within Flood Zone 1 and is not in an area that has a critical drainage issue. A flood risk assessment is therefore not required.

9.0 Practicability and Desirability of a Residential Change of Use

9.1 The proposed change of use of the barn into a residential dwelling is considered entirely practical and desirable, providing a generous family dwelling that meets current local housing needs. As with the vast majority of farm buildings, the barn is located within the countryside as opposed to an urban setting, although the application represents a sustainable use of an existing resource. The change of use of the barn will enhance the locality and will not give rise to any demonstrable harm and in this regard, the proposal does not conflict with the provisions of the NPPF, which is supportive of the re-use of rural buildings in the countryside. Furthermore, guidance has been issued by Government as part of the Planning Practice Guidance, which stipulates that Local Planning Authorities should not be determining prior approval applications based on sustainability.

9.2 The principle of the change of use is considered acceptable by Central Government, who have altered the General Permitted Development Order to facilitate and encourage this type of proposal, without the need for express planning consent.



- 9.3 The proposed dwelling can be provided with a practical sized curtilage, although this has been amended following the previous refused application and now ensures that there is no doubt that the curtilage does not exceed the land area occupied by the building. The proposal therefore overcomes the first element of the Council's previous refusal and satisfies Paragraph X of Part 3 of Schedule 2, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 9.4 The second element of the refusal pertaining to the previous application centered on the officer's judgement that: *"The extent of the proposed building operations necessary for the buildings to function as a dwelling would go beyond what would be reasonably described as a conversion, and are such that they would comprise rebuilding"*. Within the officer's report, particular emphasis was placed on the fact that no structural appraisal accompanied the application to demonstrate that the building was structurally sound and capable of conversion. The officer, also when judging the question of conversion/rebuild, made reference to the extensive amount of cladding to the elevations and roof that was to be replaced, and clearly the Hibbitt Case (Nov 2016) was considered and parallels drawn between the two cases.
- 9.10 In response, the application at hand is now accompanied by a 'Structural Appraisal' undertaken by Chartered Structural Engineers, John Plummer Partnership. Following an inspection of the building, the structural engineer concluded that: *"the principal structure appears to be in relatively good condition and can continue to provide the primary structural support within the proposed conversion without substantial repair."*
- 9.11 The proposal has also been revised to ensure that all existing cladding is to be retained and utilised as part of the existing conversion, avoiding the need to strip the building back to its skeleton frame. With the retention of the framework and cladding/walling on all three sides of the building, this effectively removes any notion that the proposed works constitute a rebuild as opposed to a conversion.



Case law has long established that all internal works within the footprint of the building, including the insertion of walls, stairs and a first floor do not constitute development and are thus acceptable within the parameters of Class Q Permitted Development Rights.

9.12 Whilst the front of the building is currently open and proposed to be infilled, 337.5 m² of the converted building will comprise of existing retained external cladding/fabric, which equates to 87%. Accordingly, it is clear in this instance that the building works constitute a 'conversion' within the scope of Part B of Class Q and the works proposed comprise building operations reasonably necessary to convert the building. The specific case referenced by the officer when judging the previous refused application i.e. the High Court Judgement of 'Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)', would be an unfair case to cite in regard to the revised scheme at hand. The Hibbitt case differs from the current proposal in that the building subject to that case was largely open on three sides and required the construction of all four exterior walls to function as a dwelling house. This is clearly not the case with this proposal, which steadfastly falls within the definition of a 'conversion'. The barn is fully enclosed on three sides, with all three external walls to be retained.

9.13 Sworders have successfully secured Class Q Approvals within Norfolk on other open fronted farm buildings of the same/similar design to the building subject to the application at hand, all post the Hibbitt decision. Specific examples can be provided if helpful.

10.0 Design and External Appearance

10.1 The chosen design, provides a contemporary design solution, with minimal alterations to the aesthetic of the building that sits quite comfortably within the context of its surroundings. The design and external treatment of fenestration ensures that the amenity afforded by the internal living space is of a high standard and the resultant dwelling is in keeping with the agricultural character, form and massing of the building.



11.0 Provision of Adequate Natural Light in all Habitable Rooms & National Space Standards

11.1 A detailed scaled floor plan accompanies this application, which clearly demonstrates that the use of fenestration in the proposed design, allows excellent levels of natural light into all habitable rooms i.e. the main living and dining area and all four bedrooms. In this sense, the proposed dwelling will provide a very high standard of accommodation with all rooms of adequate size, exceeding national minimum size standards.

12.0 Summary

12.1 In light of the above, this proposed change of use satisfies all the conditions set out within Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments) and so therefore constitutes permitted development. No prior approval is required given that there will be no material highway impacts, noise, contamination or flooding issues and the barn is suitable for residential use, subject to the building operations permitted under the Order.