



Planning Statement

County Lane Farm
County Lane
Albrighton
WV7 3AH

Proposal: Prior approval: Change of use – agriculture to dwelling houses

Planning Portal Reference: PP-10319282

Document ref: WV73AH/VS/ER – October 2021

Site history

The application consists of a prior notification to the Local Planning Authority for the proposed change of use of an agricultural building to a four-bedroom dwelling house under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The building which is the subject of this application is a brick building with existing openings. The roof is asbestos sheeting supported on a metal frame. The building has a solid concrete floor. Photographs of the building can be found within the submitted documents, including within the submitted structural survey. Photos of the access to the building and wider farm can be found within appendix 1 of this statement.

A previous application for the same matter was made in August 2021 but received refusal for the following reasons:

- i) The position of the proposed curtilage relative to the vehicular access of County Lane Farm would restrict its physical size and impact parking and turning for farm vehicles associated with its operation as per the considerations of Q.2.(1)(a)
- ii) The proposal would lead to an open market residential unit in an undesirable and impractical location relative to County Lane Farm, and would be unable to provide an adequate standard of amenity for any future occupier not related to this adjacent agricultural use as per the considerations of Q.2(1)(e)
- iii) The size of the proposed curtilage exceeds the limitations set out under Part 3 Paragraph X.

YES Engineering has undertaken an appraisal of the sole building which is the subject of this prior approval. They confirm:

- The proposed conversion has little impact upon the existing building;
- The proposal will need new roof covering (but this is an allowed building operation under Class Q);
- Overall the existing structural form and the main load bearing elements are suitable to be considered for the proposed conversion.

It is considered, therefore, that the proposal presents as a conversion as confirmed by the structural survey and thus falls within the scope of permitted development rights.

General Considerations

Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) gives permitted development rights for the conversion of an agricultural building. Sub-paragraph Q.1(i) under Class Q(b) sets out the criteria and limitations of building operations permitted under Class Q and within the paragraph it accepts the installation and replacement of windows, doors, roofs, or exterior walls or water, drainage, electricity, gas or other services. It also accepts in paragraph Q.1(i)(i) partial demolition of the building to the extent reasonably necessary to carry out these building operations. Despite this, the works that are undertaken must not exceed works necessary to convert the building, as opposed to it being a new building in the countryside.

The National Planning Practice Guidance states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. Nonetheless, it indicates that for the building to function as a dwelling, some building operations which would affect the external appearance of the building, and which would otherwise require planning permission would need to be undertaken and should be permitted.

The NPPG further clarifies that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to have the permitted development right.

The existing agricultural building comprises a brick building with a concrete floor. The roof is corrugated asbestos sheeting supported on a metal frame. As outlined above it has been assessed as being capable of conversion.

Addressing the refusal reasons, Ref: 21/03898/PMBPA

As mentioned above, an application was made in August 2021 for the same matter and received a refusal. This proposal has sought to resolve the reasons for refusal and as these were the only reasons raised and thus it was considered that the proposal was acceptable in all other regards.

- i) *The position of the proposed curtilage relative to the vehicular access of County Lane Farm would restrict its physical size and impact parking and turning for farm vehicles associated with its operation as per the considerations of Q.2.(1)(a)*

This reason has been resolved by realigning the red line boundary of the development site, as per the block plan (appendix 2) significantly away from the entrance. In the previous application the red line boundary took over half of the existing entrance. It has now been realigned to reduce the area of the entrance that would become curtilage. There was no formal highway objection to the proposal – the consultee comments simply noted that Staffordshire County Council should be consulted.

The pictures in appendix 1 also highlight how wide the entrance is and indicate that there will be more than sufficient room for farm vehicles to park and turn as needed. The area within the red line of the application site, to the front of the application building, is limited and thus does not impact upon the access through the site. This is further demonstrated in the submitted photographs which show that the area in question is not utilised by vehicles has moss has grown over the concrete apron in front of the building.

Officer's note impact damage to the building on the elevation nearest the entrance. The agent has queried this with the applicant and it is thought this was done by an inexperienced tractor driver many years ago. This is a singular, isolated, incident in a building which is many years old. Movement of the curtilage therefore maintains the farm access and does not reduce its width. The access is not, therefore, comprised as a result of this amendment.

- ii) *The proposal would lead to an open market residential unit in an undesirable and impractical location relative to County Lane Farm, and would be unable to provide an adequate standard of amenity for any future occupier not related to this adjacent agricultural use as per the considerations of Q.2(1)(e)*

Class Q legislation is specific in its requirement to be an agricultural building occupied as part of an agricultural holding. It is therefore a given that the buildings which benefit from the qualification with Class Q will be on, or in close proximity, to

existing agricultural operations. County Lane farm is a small holding which, at the time of application, only has circa twenty head of livestock. The dwellings layout was noted, by officers, to put rooms most sensitive to these disturbances (bedrooms) (noise, odour, flies) facing over the farmyard.

It should be noted that any livestock are housed away from this section of the farmyard and the building which fronts onto the same section of farmyard is a non-livestock building (shown in the photos to accommodate tractors and trailers). If bedrooms were located to the rear, livestock could be grazing in the field behind the application building in any case. The rooms which are considered sensitive are thus located next to a separate farmyard which does not accommodate livestock i.e. the non-livestock end of the farm.

The proposal is for the applicant to live on the farm in close proximity to her parents. The applicant would therefore accept a condition that restricts occupation to any occupier, occupying in relation to the adjacent agricultural use/site. Occupants would thus be associated with the adjacent use.

- iii) *The size of the proposed curtilage exceeds the limitations set out under Part 3 Paragraph X.*

This has been reduced to fit within the limitations set out under part 3, paragraph X, as illustrated in the block plan.

The proposal

The proposal is as per the submitted drawings. The existing and proposed drawings show retention of the brick work with localised repair as per the submitted structural report. The existing roof is asbestos sheeting and evidently needs replacing, however, this is an allowed building operation along with installation of windows and doors as outlined above and within the GDPO. The structural survey is clear as to how a replacement roof can be undertaken using lightweight composite cladding which is actually lighter per kg/sqm than the existing roof.

Transport and Highways Risks

The proposal utilises an existing access onto the public highway, and yard access, and is for a single residential dwelling only.

The traffic movement associated with a single four-bedroom dwelling will not contribute to transport or highway risks. There is more than sufficient space within the existing site for cars to enter the site turn around and leave in a forward gear. There is a large concrete pad, and concreted access, to the front of the building. In the previous refusal the impact on restriction of parking and turning for farm vehicles was noted as a reason for refusal.

As per appendix 2, the now remaining access and yard area are coloured green. This demonstrates there is more than sufficient space to allow for these activities. It is acknowledged the proposal is located beyond a settlement boundary but is not within the scope of Class Q take such matters into account.

Noise Impacts

The proposal is located in a rural location and is not in close proximity to any other buildings and/or uses which could impact upon the development or vice versa. The building is set back from the road.

Contamination Risks

The site is noted to be an agricultural building utilised for livestock housing and general storage. Agricultural buildings inevitably carry some risks of contamination. Such risks can be adequately addressed and controlled as part of the proposal through condition requiring contamination surveys to be submitted prior to commencement of the development with a scheme for remediation if deemed necessary by the Council.

Flood Risk and Water Management

The site does not lie near, or within, a flood risk zone as shown on the Environment Agency's Flood Risk Maps for Planning. The proposal will not increase the risk of flooding elsewhere.

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 (dwelling houses) of the Schedule to the Use Classes Order

The location and siting are acceptable as a rural residential conversion. There is nothing to support that it would be impractical or undesirable.

The design or external appearance of the building

The design/external appearance of the building makes good use of the floor area available within the existing building. As can be seen, the building utilises the existing openings and brick work which is very much appropriate as a rural conversion which remains visually utilitarian. The roofing materials are commonplace amongst rural conversion and stable block i.e. rural buildings.

Adequate Natural Light

Detailed plans of the proposal have been submitted which, being to scale, indicate the dimensions of each room. The proposed use of each room is also clearly labelled. Adequate natural light is a matter of planning judgement; however, it can be seen from the submitted plans all rooms have sufficient windows and natural light.

Ecology

The site is not within any national, or international, designations for ecological conservation.

Ecological surveys have been submitted, prepared by Wharton Natural Infrastructure Consultants which concludes that there are no issues with protected species as a result of the proposal.

Class Q – General Criteria

The proposal complies with Q.1 (a) (ii). The application building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 by the applicant's family as part of the livestock farm known as County Lane Farm.

The proposal is for conversion to a single (larger) dwelling house occupying a footprint of in the region of 129 sq./m. This is comfortably below the allowed floor areas for such a proposal. The scheme is for one dwelling, no other applications have been made on this holding. The

proposal therefore complies with Q.1 (c). Under Class Q the cumulative floor area of new floor space within the holding will be 129 sq./m, significantly under the allowed limits. The proposal therefore complies with Q.1 (h).

There are no agricultural tenancies in place and nor have there been within the last 12 months. The proposal therefore complies with Q.1 (d) and (e).

No permitted development rights using Class A(a) or Class B(b) of Part 6 of the Schedule have been exercised on the holding. The proposal therefore complies with Q.1 (f).

The proposal would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposal therefore complies with Q.1 (g).

The proposal/application site does not stand within article 2(3) land, a conservation area, AONB, the Broads, National Park, World Heritage Site etc. The proposal therefore complies with Q.1 (j).

The building/site is not a SSSI, safety hazard area or military explosives storage area. It is not, nor does it contain, a Scheduled Ancient Monument (SAM). The building is not a listed building. The proposal therefore complies with Q.1 (k), (l) and (m).

In relation to Q. 2, the second set of criteria, this has been discussed above and will not be repeated here.

Relevant Appeal Decisions

Whilst each case is, of course, to be considered on its own merits there are recent appeal decisions within the district which are of relevance to this application.

The first is APP/R1845/W/19/3234909 (decision dated December 2019) which granted prior approval under Class Q for the change of use of one agricultural building to a larger dwelling house and associated operational development at Fruit Farm Barn, Bournes Green, Kidderminster. One of the main issues, within this appeal, was whether the extent of the building operations proposed would be reasonably necessary to convert the building to a dwelling, having regard to the requirements of the GDPO.

The appeal site was a steel portal framed building. The walls were partially made up of blockwork which extend up from ground level, above which steel cladding was attached to the portal frame making up the remainder of the walls. The roof consisted of corrugated sheeting.

The Council, in that appeal, questioned the suitability of the steel frame, floor and foundations to accommodate the conversion. The Inspector placed weight upon the structural evidence submitted by the appellant. In the case of this current application the applicant has submitted a report, by a Civil Engineer, confirming the structural integrity of the building to overcome previous concerns/points which required clarification.

Additionally, within the appeal at Fruit Farm, the extent of the works proposed (which included the replacement of the existing cladding and roofing) was considered by the Inspector not to amount to substantial re-building. Considering the proposal at County Lane no element of the proposal can be said to amount to re-building/tantamount to a new dwelling in the open countryside even considering the need for a new roof.

A second appeal, determined in April 2020, is that of APP/R1846/W/19/3243405 at Highfield Farm, Bewdley. This also granted prior approval for the conversion of an agricultural building to a dwelling house under Class Q. One of the main issues, within this appeal, was whether the building operations required would fall within the provisions of the GDPO. In this case, the

Council considered that the extent of work required to allow the building to function as a dwelling would go beyond that permitted by the GDPO.

The appeal related to a large metal framed agricultural building with two full length, open sided lean-to elements on either side of the building. The main part of the barn was formed of blockwork to the lower parts and corrugated metal sheeting on the upper parts of the walls. The roof was formed of asbestos panels. A structural survey report was submitted with the application which concluded that the structures were in good condition and the building was capable of conversion.

The Inspector was satisfied that, overall, the works required to convert the building would not need to be excessive. A significant proportion of the existing building, including the timber frame and blockwork would be retained (the equivalent proposed at County Lane Farm) and the appeal was allowed.

The above demonstrate the scope of works which have been allowed under Class Q and thus shows that the proposal at County Lane Farm is a true conversion and clearly falls within both the qualification requirements and prior approval requirements of Class Q.

Conclusion

The proposal is supported by a structural survey, ecological survey and full design drawings and has been demonstrated to comply with the relevant qualification criteria of Class Q. This, combined with the consideration of recent Class Q appeal decisions on this building type, supports that prior approval should be granted.

APPENDIX 1. PHOTOS OF ACCESS







