

Planning Statement

Prior Approval for Change of Use of an agricultural building to residential use Class C3 (Amended Proposal following 21/506070)

Barn at Rear of Lavender Cottage, Leeds Road, Langley ME17 3JN

For Miss K Down

March 2021

Barn at Rear of Lavender Cottage, Leeds Road, Langley, Kent (Amended Proposal following 21/506070)

Introduction

Consilium Planning has been appointed by Miss K Down, the owner of the above mentioned property, to seek permission for the change of use of an agricultural building (referred to as the barn to residential use Class C3. This application follows an earlier application refused on 26 January 2022 for a two bedroom barn conversion. The proposal has been amended to depict a one bedroom dwelling at this location.

The proposal is for the change of use of an existing agricultural building and land within its curtilage, as shown on the accompanying plan into a residential dwelling house. The proposal also includes the building operations reasonably necessary to convert the building. The building is a single storey, comprising load-bearing steel framework with external cladding. The roof is an asbestos sheet roof. The floor is constructed of concrete. The floorspace of the building is 66 square metres (48 sq metres measured internally).

Site Description

The application site is a steel frame that has an external appearance of being a clad building built off a concrete floor

The building is to the rear of Lavender Cottage located off the Leeds Road situated in open countryside. There are a number of residential buildings in close proximity to the site along the north side of Leeds Road.

For the purposes of the Local Plan the proposal building is within the designated countryside; and it does fall within Flood Zone 1

Proposal

As stated above, this is a prior notification/ approval application under the permitted development rights process to convert an agricultural building into a single dwellinghouse, as set out in Schedule 2, Part 3, Class Q(b) of the General Permitted Development Order 2015 (as amended).

The change of use of an agricultural building and its curtilage to a use falling within Class C3 can be carried out as permitted development subject to the local planning authority first determining whether prior approval is required in relation to the following:

- (a) transport and highways impacts of development,
- (b) noise impacts of development,
- (c) contamination risks on site,
- (d) flooding risks on site, or

(e) whether location or siting of building makes it otherwise impractical or undesirable for building to change from agricultural to use falling within Class C3 Use Classes Order, and

(f) the design or external appearance of the building.

Relevant Planning Guidance

National Planning Policy Framework (2021)

National Planning Practice Guidance,

Planning Appraisal

In assessing this prior approval application it is necessary to consider the proposal against the provisions set out in Part Q(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This is set out below:

Class Q – Agricultural buildings to Dwellinghouses

Permitted development Q.

Development consisting of—

- (a) change of use of building and any land in its curtilage from use as an agricultural building to 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 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 The submission states that the buildings have been used for agricultural purposes as part of an established agricultural unit since 20th March 2013.**

We confirm compliance with the above criteria. Evidence is attached to demonstrate the the barn was in use for agricultural purposes on or before 20 March 2013.

(b) in the case of—

- (i) a larger dwellinghouse, within an established agricultural unit:**
- (aa) cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**
- (bb) cumulative floor space of existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 m²;**

The proposal is for a single dwellinghouse that would not have a floor space of more than 465 m². The floorspace of the proposal measures 66 square metres (external). The development will therefore comply with the above.

(c) in the case of—

- (i) a smaller dwellinghouse, within an established agricultural unit—**
- (aa) cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**
- (bb) floor space of any one separate smaller dwellinghouse having a use falling within Class C3 of the Schedule to the Use Classes Order exceeds 100m²;**

The proposal does not include any smaller dwellinghouses. Therefore, the above is not relevant to this proposal.

(d) 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) larger dwelling house or larger dwelling houses having more than 465m² of floor space having use falling within Class C3 of Schedule to Use Classes Order;**
- (ii) cumulative number of separate dwelling houses having a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order exceeding 5;**

There are no other buildings in established agricultural unit subject to Class Q of the GPDO.

The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site has no agricultural tenancy in place.

(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 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;**

As stated above, the site is not occupied under an agricultural tenancy.

(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;**

No development under Part 6 of GPDO has been carried out on site since 20th March 2013.

(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;

The building's walls are externally clad. The walls will be retained with insulation and plasterboarded installed internally within the building. The existing roof sheeting would be replaced with natural slates. This submission demonstrates that this alteration will not extend beyond the external dimensions of the existing building at any given point. The proposed works to the building are therefore considered to be in accordance with this part of the legislation.

(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 extent reasonably necessary for building to function as house; and**
- (ii) partial demolition to extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**

New windows and door opening are proposed as part of this scheme. Internal works are not generally considered to be development. It is accepted that for a building to function as a dwelling, it may be appropriate to undertake internal works such as internal partition walls, which are not prohibited by Class Q.

Reference is made in the earlier decision notice and delegated report to the *Hibbitt and Another v Secretary of State for Communities and Rushcliffe Borough Council*

(2016). The barn to which the Hibbitt judgement relates was open on three sides. In contrast the barn subject to this application has a good degree of enclosure on four sides with some windows and door openings. In regard to the circumstances relevant to the proposal in the Hibbitt judgement are not directly comparable.

For this reason, the development is therefore considered to be permitted development under the provisions of Class Q of the GPDO.

(j) the site is on article 2(3) land;

(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;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

The site is not on article 2(3) land; it is not a site of special scientific interest, or a safety hazard area, or a military explosives storage area; and the site does not contain a scheduled monument or a listed building.

Conditions

It is accepted that the proposal meets the criteria for conversion under this legislation, and now the proposal will be assessed against the criteria as set out in Part 3, Class Q, Paragraph Q.2(1).

Flood Risk/ Flooding

The site is not within an area at risk to flooding. See Appendix 1 and Environment Agency Flood Map

Highways

The proposed development will not have any significant highways impact. The proposed use of the building as a single dwelling will not amount to any material increase in traffic. The existing vehicular access onto the Leeds Road will be retained and utilised and is considered suitable to serve the proposed change of use.

Noise impact

It is submitted that there will be no noise impacts from the proposed change of use, nor will the resultant dwelling be adversely affected by noise. The adjacent buildings to the east and west are in residential use. We therefore contended that noise will not be an issue.

Contamination

Given the site's historic use a contamination condition is considered reasonable given the site's historic use.

In terms of location and siting, the building is not close to unneighbourly uses as to make it so unsuitable for habitation; and the site is easily accessible from the main road. As such, no objection can be raised in this respect. From an aesthetic point of view, and notwithstanding the objections in terms of what works are reasonably necessary, no objection is raised in terms of the design and external appearance of the proposed works. The proposed curtilage of the proposal must be in accordance with the definition of 'curtilage' as set out in paragraph X (Interpretation of Part 3) of the GPDO. The plans seem to meet this criterion.

Conclusion

In accordance with Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is accepted that the building has the structural strength to take the loading of the works associated with the residential use; and that the overall level of works needed would amount to operations reasonably necessary to convert the building. Furthermore, no objection can be raised in terms of the proposal's transport and highways impacts; its noise impacts; its contamination or flood risk impacts; whether the building's location or siting makes it otherwise impractical or undesirable; and on its design and external appearance.

We request that prior approval be granted.