

Torrige District Council
Development Management
Riverbank House,
Bideford,
EX39 2QG
20 October 2021

Dear Sir/Madam

THE CHANGE OF USE OF BARN B FROM AGRICULTURE TO A DWELLING UNDER CLASS Q(A) OF PART 3 OF SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2015 – GREEN LANE FARM WEST CHILLA BEAWORTHY EX21 5XQ

In accordance with the requirements of the above, I hereby request, on behalf of my client Mr & Mrs Dyer, the Council for a determination as to whether the prior approval of the authority will be required for the above change of use. The following documents are included:

- The completed application form.
- Site Plan
- Block Plan
- Existing elevations and floor plans
- Proposed elevations and floor plans

The application form and this letter contain a written description of the proposed development; the form also includes the required contact details, including email addresses. This meets the requirements of paragraph W of the order as mentioned above. The application is made under Class Q(a)&(b).

The barn, subject to this application for a determination as to whether the prior approval of the authority will be required for the change of use, has a floor area of 167m² and it has been used for agricultural purposes. The proposed conversion would result in 1 dwelling with a floor area as set out above. The proposal is for 1 large dwelling. Larger dwellinghouses are defined in Class Q.3 as follows “larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; The number of larger units falls below the threshold which 3 as set out at Q.1(b)(i)(aa), and the proposed combined floor area for the dwelling is 167m², which falls below the 465m² threshold which is set out at Q.1(b)(i)(bb).

The building in question have been used solely for agricultural purposes as part of an established agricultural unit before and since 20th March 2013. As such it does

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comply with the requirements of Class Q (a)&(b), Part 3, The Town & Country Planning (General Permitted Development) (England) Order 2015.

This being the case, the Council are required to consider the following matters:

- a) transport and highways impacts of the development;
- b) noise impacts of the development;
- c) contamination risks on the site; and
- 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
- f) the design or external appearance of the building, and
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

Transport and highways impacts of the development

The buildings were used for agricultural purposes and could continue to be used for such purposes. The site is accessed via an existing drive that serves the barns, the host farmhouse as well as a number of other dwellings and farms along the lane. Therefore, there are many traffic movements to and from the site, along with the existing road network. It is worth noting that the road leading to the site is lightly trafficked.

The proposed use of the barns is for residential purposes, typically each will generate approximately 6-8 traffic movements to and from the site on a daily basis. Such traffic movements will be significantly lower than the use for agricultural purposes. At the peak of the business's operation, there would have been approximately 20-25 movements to and from the site. The point of access has good visibility in both directions.

It is reasonable to accept that the road serving the site is relatively narrow. However, it is considered to be sufficient to cater for the traffic to be generated by the proposal. It is worth noting that the road is currently used by a number of existing dwellings and other farming enterprises.

I would also like to draw your attention to the advice contained in the NPPF at paragraph 109, which states that development should only be prevented or refused on transport grounds where the cumulative residual impacts of development are severe. I would respectfully suggest that the proposal will not result in a severe cumulative impact and as such prior notification in relation to transport and highways impact is not required in this case.

I would also draw your attention to application 1/0580/2020/AGMB for a Class Q application at Barn at Grid Reference 243578 101940, West Chilla, Devon that states in relation to this point The development is accessed from an unclassified road. The access is near the existing building. No comments have been received from the Highway Authority. They refer the planning officer to Standing Advice. The development would provide adequate off-road parking and due to the likely speeds on the road, the safety and level of visibility is acceptable. Similar conclusions can be applied to the current application.

Noise impacts of the development

The site has been used for agricultural purposes, and the proposed use is for residential use. Residential uses are by their very nature quiet uses, and it is more than reasonable to suggest that the intended use will result in a similar level of noise as the current use of the site. I would



respectfully suggest that the proposal will not give rise to increased noise from the site and as such prior notification in relation to noise impact is not required in this case.

In addition, it is important to note that the two barns to the west of the application barn are to be removed, thus removing any concerns regarding the potential conflict between agricultural uses and the proposed residential use.

Contamination risks on the site

The proposed use will not give rise to contamination risks. I would respectfully suggest that the proposal will not result in increased contamination risks and as such prior notification in relation to contamination risks is not required in this case.

I would also draw your attention to application 1/0580/2020/AGMB for a Class Q application at Barn at Grid Reference 243578 101940, West Chilla, Devon which states in relation to this point The Council's Environmental Protection Officer has been consulted on the application and commented: There appears to be no detailed information provided on the historic use of the application site and the subsequent land quality. Agricultural use and activity can result in ground contamination and ground conditions that may be harmful to human health. Given the sensitive end use, it is essential any contamination is identified and remediated as necessary. They have recommended the following condition: -

Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or subphase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

A similar condition can reasonably be imposed in this case.

Flooding risks on the site

The site lies in flood zone 1. The buildings are already in situ, and the proposed residential use will take place within the building and as such surface water run-off will be dealt as existing. I would respectfully suggest that the proposal will not result in increased flooding risk to the site or adjoining land and as such prior notification in relation to contamination risks is not required in this case.

Attention is drawn to the FRA that accompanies the prior notification.

The location and siting of the buildings

The site is located such that the proposed residential use will not adversely affect the residential amenities of the occupiers of the nearest adjoining properties. The proposal has the rear elevation of the proposed dwelling facing the rear of the host dwelling. Accordingly, it is considered that the proposed development will not adversely impact adjoining occupiers.

In addition, the proximity of the host dwelling is sufficiently distant and orientated such that it will not have an adverse impact on the proposed dwellings. Furthermore, the layout of windows etc, can be achieved in such a way so that the proposed dwellings will not impact each other.



The design or external appearance of the buildings

With regard to the proposed external appearance of the building is similar to the existing barns, subject to the insertion of windows and doors, which is permitted by the general permitted development order. Where new cladding is required, it will match the existing building, thus maintaining the rural character of the building. The plans submitted show the external appeal of the building and the proposed dwelling.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

It is considered that the proposed layout of the proposed dwelling has been design in such a way such that the proposed conversion will comply with the above requirements.

Accordingly, it is considered that the proposal has adequate natural light for all habitable rooms.

- The Kitchen, family room has dual aspect windows.
- The Lounge has dual aspect windows.
- The bedroom 1 has one window.
- Bedroom 2 has a window.
- The study has a single window.
- Bedroom 3, and the bathroom each have a window.

Proposed Works

The proposed works have been submitted in relation the relevant requirements of Class Q (b),. It is important to note that the resultant floor area for the dwelling comply with the requirements set out under Class Q. The works to the barn will be carried out within the existing footprint of the building.

It is not the intention of the permitted development rights to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right. It is considered that the works required here are not structural and can be attached to or home of the existing building. It is considered that the proposal as a whole. Result in a conversion of the building rather than a new build, and as such, it is considered to comply with the guidelines as set out in the Hibbit Judgement.

The Council's attention is drawn to the attached appeal decision APP/D0840/W/20/3266177. Based on the advice set out in the appeal decision it is considered that the proposal is satisfies the requirements of Class Q.

Taking all of the above into account is considered that the proposal complies with the requirements as set out in Class Q(a)&(b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) and consent should be granted.

Should you have any queries or require any further information, I would be grateful if you could call me so that matter can be discussed and resolved as promptly as possible.

Yours faithfully



Ed Persse
Director