
**PRIOR NOTIFICATION OF
A PROPOSED CHANGE OF
USE OF AN AGRICULTURAL
BUILDING TO CREATE A
SINGLE DWELLINGHOUSE
ALONG WITH PROPOSED
BUILDING OPERATIONS**

at

**BONHAMS FARM,
LONDON ROAD,
HOLYBOURNE,
ALTON,
GU34 4JA**

On behalf of

REDBROWN LTD

References:

DK Planning & Development Ltd
Ref: DK/22012

Final Version
May 2022



1.0 INTRODUCTION

1.1 DK Planning & Development Limited is instructed by Redbrown Ltd to advise on and pursue a Prior Notification application for a change of use of an agricultural building on land at Bonhams Farm to create a single dwellinghouse along with proposed building operations to facilitate the change.

1.2 In our view, the proposals constitute permitted development as a consequence of The Town & Country Planning (General Permitted Development) (England) Order 2015 which came into force on 15th April 2015 as subsequently amended by S.I. 2016/332, S.I. 2016/765, S.I. 2016/1040, S.I. 2016/1154, S.I. 2017/391, S.I. 2017/619, S.I. 2017/1011, S.I. 2018/119, S.I. 2018/343, S.I. 2019/907, S.I. 2020/330, S.I. 2020/412 and S.I. 2020/632, S.I. 2020/755, S.I. 2020/756, S.I. 2020/1243, S.I. 2021/428, S.I. 2021/467, S.I. 2021/814, S.I. 2021/1464 and S.I. 2022/278.

1.3 Class Q of Part 3 of Schedule 2 of the 2015 Order (as amended) notes that permitted development includes:

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.

1.4 This report deals initially with the permitted change of use as well as the building operations reasonably necessary to convert the building, and finally with the application for a determination as to whether the prior approval of the local authority is required (the Notification procedure). It provides a logical and in-depth analysis of the salient issues and draws upon other documentation that accompanies the application for support. It is structured from here to address the following matters:

- The agricultural building
- Planning history
- The proposals
- Analysis of the relevant criteria
- The Notification procedure
- Conclusion

2.0 THE AGRICULTURAL BUILDING

2.1 Bonhams Farm is a largely arable farm comprising agricultural land with a collection of agricultural buildings next to a farmhouse, located to the northeast of Holybourne and to the southwest of Froyle Park.

2.2 The application site is situated within a central collection of agricultural buildings, positioned to the east of the existing farmhouse. It is located some 450m north of the farm's principal vehicular access off the London Road and is approached via an access driveway.



[Location of the agricultural building and the existing farmhouse. The access driveway to the London Road is situated to the southwest. Photograph courtesy of Google Earth]

- 2.3 The application site comprises a single agricultural building together with part of the existing hardstanding and grassed areas adjacent to the building.



[Photographs showing the northwest, southwest, southeast and northeast elevations of the agricultural building together with adjacent hardstanding and grassed areas. Photographs taken from the submitted Structural Report]

- 2.4 The agricultural building is a steel portal frame building with concrete block and corrugated metal/fibre cement clad walls, a corrugated fibre cement pitched roof and a concrete floor. It has its principal doors on the northeast elevation with a small storeroom on the southeast elevation. The building has a ridge height of some 6.1m and eaves around 4.2m high. It is the entirety of the building shown in the photographs above.
- 2.5 The agricultural building has been solely used for the purpose of agricultural storage of hay, machinery and farm paraphernalia.
- 2.6 The gross external floor space of the whole building measures some 434 sq m.
- 2.7 The agricultural building is within the administrative area of East Hampshire Borough Council. The Key Diagram accompanying the East Hampshire District Local Plan: Joint Core Strategy (adopted May 2014) shows that the agricultural building is not within an Area of Outstanding Natural Beauty (AONB) nor is it within a conservation area or National Park, i.e., it is not on Article 2(3) land. It is not a listed building.

3.0 PLANNING HISTORY

3.1 Following an online search on the Council's website, we have not found any planning applications relating to the agricultural building. The only applications relate to the adjacent farmhouse and to the temporary siting of two storage containers on land adjacent to the farm entrance off the London Road.

4.0 THE PROPOSALS

4.1 The proposal is to convert the agricultural building to form a single dwellinghouse with accommodation as follows:

- An entrance hall, cycle store, boot room, WC, kitchen, utility, combined living/dining/snug area, internal hallway, a master bedroom with dressing area and ensuite as well as three further bedrooms each with ensuite shower rooms all on the ground floor.
- A study/library and informal seating area is positioned on a new mezzanine floor.

4.2 New doors and windows will be inserted to create the new dwelling. The arrangement and alterations are shown on the following drawings submitted as part of this application:

- Drawing No. 22011-PP0100-A – Proposed Site Plan
- Drawing No. 22011-PP0110-A – Proposed Ground and First Floor Plans
- Drawing No. 22011-PE0120-A – Proposed Elevations

4.3 The gross internal floor space of the proposed dwelling across both ground and first floors will be 465 sq m. The method of calculation of the GIA floor area is shown on Drawing No. 22011-PP0110-A – The Proposed Ground and First Floor Plans.

4.4 The intended curtilage of the proposed dwelling (excluding the dwelling) is some 434 sq m which is no more than the footprint of the existing building that will change its use to residential (see paragraph X of Part 3). Its location is shown

within the green line and hatching around the building on the submitted Proposed Site Plan (Drawing No. 22011-PP0100-A).

5.0 ANALYSIS OF THE RELEVANT CRITERIA

- 5.1 This part of the Statement considers whether the proposed change of use and building operations comply with the various tests contained in paragraph Q.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.2 We will now run through the various tests in order commenting on whether the proposed change of use and building operations (as shown on the submitted drawings) complies or does not. The tests are all pre-fixed by the words "Q.1 Development is not permitted by Class Q if—" so our responses are framed with this in mind.

(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 the development under Class Q begins;**

The agricultural building was constructed pre 2000 and it has been used for agricultural purposes since its construction (see the aerial photograph below dated January 2000 courtesy of Infoterra Ltd, Bluesky and Google Earth).



[Aerial photograph dated January 2000 courtesy of Infoterra Ltd, Bluesky and Google Earth]

The site was in use solely for agricultural purposes on 20th March 2013 and remains in agricultural use today, as part of an established agricultural unit.

(b) in the case of –

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

(aa) the cumulative number of separate larger 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;

For the purposes of interpreting Class Q, the term “larger dwellinghouse” is defined at Paragraph Q.3 as *“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 gross internal floor space of the proposed dwelling will be 465 sq m. This is now defined as a larger dwellinghouse of which there will only be one. Since this is the only building, or part thereof, changing use to a larger dwellinghouse, it is within the 'no more than 465 sq m' threshold.

(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 Classes order exceeds 465 square metres;

The proposed dwellinghouse does not have a floor space exceeding 465 sq m (GIA).

(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;

For the purposes of interpreting Class Q, the term "smaller dwellinghouse" is defined at Paragraph Q.3 as "*a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.*"

There are no smaller dwellinghouses proposed.

(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 to the Use Classes 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;

The gross internal floor space of the proposed dwelling will be 465 sq m. This is defined as a larger dwellinghouse but since it is the only one, its total floor space will be in line with the 465 sq m threshold.

There will only be one dwellinghouse created under Class Q. This number does not exceed the threshold of 5 separate dwellinghouses.

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

The site is not occupied under an agricultural tenancy.

(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.

There has been no such termination of a tenancy in this case.

(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 agricultural permitted development has been undertaken on the agricultural unit 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;

Physical alterations are proposed to the agricultural buildings, but the development stays within the confines of the existing walls and roof.

(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);

Development under Class Q(b) is proposed to the buildings.

Paragraph 105 of the Planning Practice Guidance was revised on 22nd February 2018. Importantly, the Guidance now refers to the difference between conversions and rebuilding as well as reinforcing the fact that internal works are not generally development. There is no longer any mention of providing 'new structural elements.'

The submitted Structural Report prepared by RWA Consulting, Civil and Structural Engineers, confirms that the building is structurally capable of conversion – see Section 3.0 'Comments and Conclusions' within the Report. Whilst internal works are proposed, paragraph 105 of the Planning Practice Guidance makes it clear that these are not prohibited by Class Q.

New window and door openings in the existing building are proposed. In our view, particularly given the more recent requirement to provide adequate natural light, these are all reasonably necessary for the building to function as a single dwellinghouse (see submitted drawings 22011-PP0110-A and 22011-PE0120-A – Proposed Floor Plans and Elevations).

Finally, the building to be converted to form the single dwellinghouse is fully enclosed on all four sides such that the proposed works constitute a conversion rather than a rebuild in line with the decision of the High Court in *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853.

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

The site is not 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;**

The site does not form part of a SSSI, a safety hazard area nor a military explosives storage area.

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

The site is not and does not contain a scheduled monument.

(m) the building is a listed building.

The building is not a listed building.

5.3 Given the above, the use of the building for Class C3 (dwellinghouse) purposes is permitted development by virtue of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed building operations are also permitted development.

6.0 THE NOTIFICATION PROCEDURE

6.1 The conditions applying to Class Q development are set out on page 42 of the Town & Country Planning (General Permitted Development) (England) Order 2015. In particular: -

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

and the provisions of paragraph W (prior approval) of this Part apply in relation to any such application.

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and (g) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

- 6.2 Where a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required (as in this case), paragraph W notes that the application must be accompanied by:
- (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;
 - (b) a plan indicating the site and showing the proposed development;
 - (ba) a statement specifying the net increase in dwellinghouses proposed by the development;
 - (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;
 - (bc) in relation to development proposed under Class M, N, O, PA or Q of this part, a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;
 - (c) the developer's contact address;
 - (d) the developer's email address if the developer is content to receive communications electronically; and
 - (e) where sub-paragraph 6 requires the Environment Agency to be consulted, a site specific flood risk assessment,
- together with any fee required to be paid.
- 6.3 The building is to be converted from an agricultural building to a use as a single residential unit within Class C3 (dwellinghouses). The proposed use will comprise one larger dwellinghouse only, together with alterations to the external appearance of the building to facilitate the proposed use. The proposed gross internal floor space of the dwelling will be 465 sq m.
- 6.4 No previous development under Class Q has taken place across the agricultural unit.

6.5 The proposed internal layout is shown on submitted drawing 22011-PP0110-A prepared by AndersonOrr Architects. A site location plan also accompanies the application. External alterations to the building are shown on submitted drawing 22011-PE0120-A.

6.6 The developer's contact address/details are provided on the application form.

6.7 Subsection (9) of paragraph W notes that the local planning authority may require the developer to submit such information regarding the assessment of impacts and risks and statements setting out how such impacts or risks are to be mitigated. Details of proposed operational development may also be requested.

6.8 In response to the relevant matters, we provide the following:

Transport and highways impacts

6.9 The proposed residential development is likely to result in some 6-8 two-way vehicular trips per day, i.e., a level attributable to one large dwellinghouse. Agricultural traffic to the building will cease.

6.10 The building is located off a driveway which itself has excellent forward visibility at its access onto the London Road. Hardstanding will be retained/provided adjacent to the building to provide for 3 car parking spaces which is in line with the requirement for a 4+ bedroom dwelling as set out in the Council's 'Vehicle Parking Standards' SPD, dated July 2018. An integral secure cycle store is provided as part of the dwellinghouse to provide storage for at least 2 cycles.

6.11 We conclude that there is no reason in highway capacity or safety terms why the proposed change of use should not occur.

Noise impacts

6.12 The building is some 130m away from an existing residential property (the farmhouse) with other agricultural buildings, a former wedding barn and agricultural land in between.

6.13 The agricultural use of the closest agricultural buildings will cease at a time prior to the first occupation of the proposed dwelling. They may be used in association with the proposed dwelling in the future, e.g., as garaging, but any such use will be subject to the grant of planning permission. The wedding barn has already ceased to be used for weddings.

6.14 Given the type of uses involved and their existing relationship to one another, we consider there will be no undue noise impact on the proposed dwellinghouse as a consequence of nearby dwellings/on-going agricultural activity etc. and no undue noise impact on the existing uses as a consequence of the proposed dwellinghouse.

Contamination risks

6.15 Our investigations lead us to conclude the site is not polluted by heavy metals, oils and tars, chemical substances and preparations, gases, asbestos or radioactive substances to any degree and certainly not to a level sufficient to cause significant harm to people or protected species.

6.16 In our view, the site would not be designated as 'contaminated land' within the meaning of Part 2A of the Environmental Protection Act 1990.

Flooding risks

6.17 The proposed change of use involves an increase in the vulnerability of the land use to flooding from Less Vulnerable to More Vulnerable. The Planning Practice Guidance notes that More Vulnerable uses are appropriate for inclusion in Flood Zones 1 and 2.

6.18 The Environment Agency Flood Maps indicate the agricultural buildings and proposed curtilage are entirely within Flood Zone 1. As a result, we confirm that the proposed change of use is appropriate on the grounds of flood risk. Sub-paragraph 6 does not require the submission of a site-specific flood risk assessment in this case.

Location and siting

- 6.19 The location and siting of the building near to an existing dwelling and fronting agricultural land, in a secluded and private position, is ideal for a dwellinghouse. There is sufficient space around the buildings for the provision of a useable curtilage.
- 6.20 The location and siting of the building for the creation of a single dwellinghouse is both practical and desirable.

Design or External Appearance

- 6.21 Drawings showing the full extent of works planned to the building are submitted with this application. The proposals retain the shape, form and character of the existing building.

Provision of adequate natural light

- 6.22 Habitable rooms are defined in Paragraph X of Part 3 of Schedule 2 of the 2015 Order (as amended) as any room used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. In terms of the current proposals, the habitable rooms are the bedrooms as well as the kitchen/living/dining area in the dwelling.
- 6.23 The provision and dimensions of windows, doors and walls in each of these habitable rooms is shown on submitted drawings 22011-PP0110-A and 22011-PE0120-A. In our view, the proposed specification will ensure the provision of adequate natural light to all of the proposed habitable rooms.

Compliance with space standards

- 6.24 From 6th April 2021, S.I. 2020/1243 issued in November 2020 requires all Class Q developments to comply with the nationally described space standard issued by the DCLG on 27th March 2015 (the Technical housing standards – nationally described space standard).

6.25 According to the Technical housing standards, the minimum gross internal floor area for a 4-bedroom, 8-person, two-storey dwelling is 124 sq m. With a floor space of some 465 sq m (GIA) the proposed dwelling vastly exceeds the minimum standards.

7.0 CONCLUSION

7.1 The evidence, analysis and justification submitted with this application confirms that the proposed change of use and associated operational development is permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.2 We understand the Local Planning Authority has 56 days within which to determine the application following its receipt.

DK Planning & Development Limited

May 2022