

Planning Statement relating to the Class Q 'Prior approval' application for the change of use of an agricultural building to a single dwelling with associated operational development

At:

Fosse Farm
Dials Gate Lane
West Lydford
TA11 7DL

For:

Mr S. Clark

Supporting Statement prepared by:

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1.0 **The Background and Description of the Site**

- 1.1 Fosse Farm lies on the northern edge of the village of West Lydford and comprises a detached dwelling, a range of redundant farm buildings and a block of agricultural land.
- 1.2 The building subject of this application is positioned on the western edge of the complex of farm buildings and was last used as a calving unit. The building is single storey and is constructed with a mixture of blue lias stone and concrete blockwork walls under a mono-pitched corrugated sheet roof.



Image 1: the south elevation of the Application building

- 1.3 The building subject of this application has twice previously been granted 'Prior approval' under Class Q legislation for the conversion to a dwelling, firstly in December 2015 (ref. 2015/2588/PAA) and secondly in March 2020 (ref. 2020/0212/PAA). This latter approval remains extant and capable of implementation, albeit Class Q legislation would require the development to be completed by the 17th March 2023 (i.e three years after the approval date).

- 1.4 The separate farm building to the east of this Application site has also twice been subject of other Class Q applications. In March 2016 prior approval (2016/0431/PAA) was granted for the conversion of that barn to a dwelling, but in March 2020 the same building was refused Class Q consent (ref. 2020/0221/PAA).
- 1.5 Separately again the hay barn to the north of this Application site was refused Class Q approval on three occasions, in February 2015 (ref. 2014/2698/PAA), in June 2015 (2015/0798/PAA) and in August 2015 (ref. 2015/1476/PAA).
- 1.6 For the avoidance of doubt none of the Class Q prior approvals granted at this site have been implemented or completed.
- 1.7 The subject building (nor Fosse Farm) is not Listed or in a Conservation Area, it is also not in an area subject of any planning designations in relation to the landscape, ecology or flood risk.

2.0 The Proposal

- 2.1 This application seeks 'Prior Approval' pursuant of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to change the use of an agricultural building to a dwelling.
- 2.2 The application also includes operational development in the form of inserting new windows and doors into the building, re-covering the roof with zinc and cladding in timber the existing blockwork walls of the building.
- 2.3 The proposed dwelling has a floorspace of 130 sqm. Having regard to the '*Interpretation*' set out in Q.3 of the above legislation the proposal is therefore a "larger dwellinghouse" which means a dwelling which has a floor space of more than 100 square metres and no more than 465 square metres.

3.0 Planning analysis

3.1 The Class Q Prior Approval which was granted in respect of the subject building in March 2020 (re. 2020/0212/PAA) and is a significant material consideration in respect of the Council's re-analysis of this new application.

3.2 There have been some relatively minor revisions to Class Q legislation since the previous decision in March 2020 and so the current Class Q provisions are examined in turn below. In terms of the requirements of Class Q. 1 (a) to (m) the following can be said:

(a) The previous application 2020/0212/PAA was accompanied by two statutory declarations confirming that upto August 2013 the barn was used for agricultural purposes and then became empty and unused – in March 2020 the Council accepted that evidence in granting Class Q approval. The subject barn has continued to have no alternative use and so complies with this part of the legislation.

(b) The number of other “larger” dwellings that have been developed at the agricultural unit does not exceed 3 and the cumulative floorspace of the larger dwelling now proposed does not exceed 465 sqm

(c) No “smaller” dwellings are proposed

(d) The cumulative number of separate dwellings, both “larger” and “smaller”, under Class Q does not exceed 5. The cumulative area of “larger” dwellings is not greater than 465 sqm.

(e) The site is not occupied under an agricultural tenancy

(f) No agricultural tenancy has been terminated in the last year.

(g) No development under Class A (a) or Class B (a) of Part 6 has been carried out on the agricultural unit since March 2013.

(h) The development does not extend beyond the external dimensions of the existing building at any point.

- (i) *In determining application 2020/0212/PAA the Planning Officer opined the following in respect of the extent of the works proposed;*

“This barn consists of natural stone and/or block walls to all elevations with fibre cement sheeting on the roof. The proposal seeks to retain all external walling materials. The fibre cement roof will be replaced with a more modern roofing material but will utilise the existing structural elements. The building is in a good state of repair and could be converted with no additional structural elements. Overall, it is accepted that the existing building is capable to function as a dwellinghouse and the additional works could be carried out as per Class Q.”

That analysis remains equally pertinent now. The building remains in good condition and the works proposed reflect those accepted in 2020, namely the re-covering of the roof, cladding the block work walls and the insertion of new windows and doors. No new structural elements are required to convert the barn to a dwelling.

- (j) *to (m)*

The site is not on article 2(3) land, nor part of a SSSI, safety hazard area or military explosives storage area. The site is not part of a scheduled monument or listed building.

- 3.3 Turning now to the Prior Approval matters set out in Class Q.2 of the permitted development legislation the following analysis applies.

(a) transport and highways impacts of the development

There is an existing gateway onto Dials Gate Lane immediately adjacent the subject building, this is the same means of access that the Council found acceptable when it granted Prior Approval under application 2020/0212/PAA. There have been no material changes in circumstance that would now render this access unsafe.

(b) noise impacts of the development

The development would not give rise to any adverse noise impacts.

(c) contamination risks on the site

In respect of application 2020/0212/PAA the Council's Land Contamination Officer raised no objections and those circumstances are unchanged.

(d) flooding risks on the site

The whole site lies in Flood Zone 1 (low risk) and, consistent with the decision made in 2020, flood risk is not a reason to withhold Prior Approval in this case.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change

The location and siting of the building is unchanged since the Council's assessment for application 2020/0212/PAA. The adjacent barns are still disused and there is no good reason to reach a different decision than in the earlier Class Q approval.

(f) the design or external appearance of the building

The design and external appearance of the development is simple and unfussy reflecting the existing qualities of the barn. There would be no harm to the appearance of the building resulting from the proposed conversion.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

All the habitable rooms have natural light from the windows on the south elevation of the barn.

- 3.4 In accordance with Paragraph X of the permitted development legislation the curtilage of the Class Q building is no larger than the land area occupied by the agricultural building (130 sqm).
- 3.5 The Class Q building also exceeds the minimum internal area of 37 sqm set out in Article 3 Para 9 (A) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020.

4.0 Summary and Conclusion

- 4.1 The building subject of this application has twice previously been granted 'Prior approval' under Class Q legislation for the conversion to a dwelling, most recently in March 2020 (ref. 2020/0212/PAA). This existing Class Q approval remains extant and capable of implementation subject to the development being completed by the 17th March 2023.
- 4.2 The proposal accords with the Class Q permitted development legislation in respect of the restriction set out in Q.1 (a) to (m).
- 4.3 In terms of the Prior Approval matters set out in Q.2 (a) to (g) the development is acceptable in respect of all the specified matters. There have been no material changes in circumstance since Council's Class Q decision in March 2020 that would lead to a different conclusion.
- 4.4 In-light of these matters it is respectfully requested the Class Q Prior Approval is given for the development.