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**Prior Determination
Change of use of Agricultural
Buildings to Dwellings**

PREPARED FOR

**Mr N Hadingham
Potash Farm
The Street
Brundish
Woodbridge
IP13 8BL**

November 2022

PREPARED BY

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1. INTRODUCTION

1.1 We act on behalf of Mr N Hadingham in respect of the prior determination request made to East Suffolk Council in relation to the potential change of use of an agricultural building at Wood Farm, Potash Farm, The Street, Brundish, Woodbridge, IP13 8BL into a dwelling.

1.2 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2018.

1.3 This is a resubmission following withdrawal of application DC/22/04096, whereby a Phase I Contamination Assessment was required. This has now been provided and is submitted with this application. The planning officer, confirmed in his email at Appendix 1 that

....it is in my informal view that the proposal is likely to fall under the limitations of Class Q and is likely to be supported in general.

I would therefore suggest that the contamination assessment is conducted. However, as this application currently only has 3 weeks left until the determination date and we are unable to extend this deadline due the type of application this is, there will not be enough time to reconsult our environmental health team with any new information as the re-consultation period is 3 weeks. Therefore, I would like to offer the chance for the application to be withdrawn and resubmitted within 12 months of validation under our free go scheme.....

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This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

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Signed *Brian Barrow*

BRIAN BARROW BSc (Hons) MRICS

on behalf of Acorus Rural Property Services Limited

Dated *November 2022*

3. PLANNING POLICY BACKGROUND

3.1 Class Q of the General Permitted Development (England) Order 2018 allows for:-

- a) the 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 (dwelling houses) 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 (dwelling houses) of that Schedule.

3.2 The building works permitted under Class Q are outlined in the Planning Practice Guidance at Paragraph 105 as follows:-

“Building works are allowed under the right permitted agricultural buildings to change to residential use, however the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

3.3 The proposals were put forward to further enhance the Government’s key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of

existing buildings, supporting the high street and rural communities and providing new housing.

- 3.4 The permitted development makes a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.
- 3.5 The permitted development provisions do not differentiate between the age or type of any buildings which might be suitable for conversion.

4. THE SITE AND BUILDING

- 4.1 The proposal relates to the change of use of an agricultural building and the land within its curtilage into a dwelling.
- 4.2 The agricultural unit on which the barns 'sits' was bought by the applicant, Mr N Hadingham, in early 2022. It is land which has been occupied for the purposes of agriculture on or before 20 March 2013. At this time it was used for goat rearing and silage making. Photographs below are of the holding and barn in 2010 showing pens and big bag silage.



- 4.3 Potash Farm extends to 2 hectares (5 acres) and is mainly down to grass. The applicant only purchased the holding earlier this year, however the previous owner used to keep goats in arcs on the land and made silage in big bales.

There is also a yoga studio at the farm. Extracts from Trip Advisor for the yoga studio submitted with this application clearly indicate there were agricultural livestock on the property in 2012 including photographs showing this.

The Trip Advisor information corresponds with the aerial photograph above which clearly shows silage bales and agricultural use adjacent to the subject barn. Also, it should be noted that there is no planning permission on that part of the barn, nor established use, so it retains its agricultural use. It is in agricultural use today, the current owner having relocated his farming business to the farm.

- 4.4 The building subject to this application is currently used as an agricultural workshop and store for machinery and equipment used for maintenance of the land.

The building benefits from substantial block walls with timber cladding above to the sides with the gable ends and roof being fibre cement – see photographs below:-





4.4 It is confirmed that the following criteria are also satisfied:

- the buildings are not on article 2(3) land;
- the site was used for agricultural purposes on or before 20th March 2013.
- the site is not occupied under an agricultural tenancy, nor has one been terminated within the last 12 months.
- the site does not form part of a safety hazard area or military explosives storage area;
- the buildings are not listed buildings or scheduled monuments;
- no development utilising agricultural (part 6) PD rights has been undertaken on the unit since 20th March 2013.

5. PRIOR DETERMINATION – CLASS Q(a)

5.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class Q(a) development in this instance in regard to:

- **Transport** and highways impacts of the development
- **Noise** impacts of the development
- **Contamination** risks on the site
- **Flood risks** on the site
- 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

5.2 Transport

The site is situated with an access onto an established and adopted highway. Considering an average of 4 trips per day removal of the agricultural use, it is deemed that the highways impact of the proposal would be minimal.

5.3 Noise

There will be no adverse impact on any existing residential amenity in the area, by converting the agricultural building to residential.

5.4 Contamination

There has been no previous use of the barns to the applicant's knowledge, which would lead to any contamination concerns or issues. There has never been any landfill or waste disposal on or around the site and given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

A Phase 1 Contamination Assessment has been prepared and is submitted with this application.

5.5 Flood Risk

The site is within Flood Zone 1.

There will be new drainage facilities installed which will provide adequate foul drainage and surface water drainage. Any newly created drainage for surface water will ensure that any discharge will not increase the chance of flooding elsewhere.

5.6 Location and Siting

The location and siting of the building does not make it undesirable or impractical to change the use. The barn is sited in near the main house. There are no longer any stock on the farm.

There is potential curtilage areas associated with the building, which will create amenity space for the dwelling created including parking area.

5.7 Provision of Natural Light

The dwelling will benefit from natural light to all habitable rooms as shown on the plans and elevations.

6. PRIOR DETERMINATION CLASS Q(b)

6.1 In addition to the above, we also request a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the building.

6.2 To assist with the determination the following is provided:-

- * A site location plan which identifies the subject building and the deemed curtilage area.

- * Existing and proposed Plans and Elevations including plans showing the dimensions of rooms and windows

The proposed design will not extend the external dimensions of the building in any direction.

The design will utilise the existing buildings with retention of the roof and walls and externally will look quite similar. The existing roof will be insulated internally with repair where necessary. Walls will be retained as per current materials with fibre cement cladding replaced where necessary. Windows and doors will be added as necessary principally in existing openings.

Other than repairs, some minor modifications, plus new windows and doors, all the other works will be internal, such as insulation and sub dividing the space.

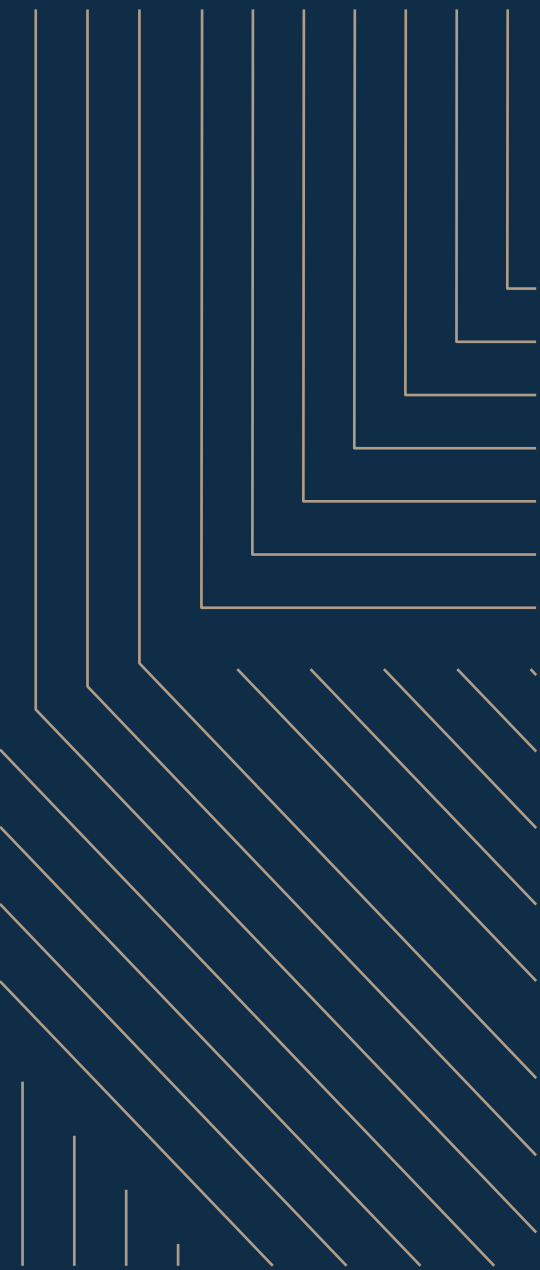
The attached yoga studio shows how the building can be easily converted.

7. CONCLUSION

7.1 It is deemed that the proposal for the change of use of the buildings at Wood Farm should be considered permitted development, under the legislation brought into force in 2014 and now under Class Q of the General Permitted Development Order 2018.

7.2 The proposed change of use will not lead to any detrimental adverse effects on traffic, noise or contamination and the siting and location of the buildings is deemed acceptable for the proposed use. Natural light will be provided to all habitable rooms.

- 7.3 The buildings are convertible and capable of functioning as dwellings. The works proposed consist of mainly localized, modified window openings and repairs to cladding. Existing walls and building structure will remain. Other works including insulation and sub dividing the living space are all internal and therefore not development.
- 7.4 This is a resubmission following withdrawal of the application in order to undertake a Phase I Contamination Assessment.



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