

Planning Statement *(total 11 pages)*

Prior Notification for Conversion of Agricultural Building to Two Dwellings

Court Farm Barns, West Woodlands, Frome, Somerset BA11 5EN

For Mr Mark Knight

Preface

This application follows a previous application to convert the building to a single larger dwellinghouse. The previous application was submitted to the Local Planning Authority under planning reference 2021/2814/PAA and whilst that application was refused by the Local Planning Authority on 27 January 2022, that decision was later overturned at planning appeal¹ on 17 August 2022, when the appeal was allowed.

This application proposes to undertake a conversion in the very same manner as the previous application that was allowed at planning appeal; in that it will retain the steel frame, foundations, floor slab and both the wall and roof cladding; albeit, now with two dwellings proposed, rather than a single larger dwelling previously consented.

The application building has been subject to three previous applications and two appeals and it has been confirmed by the inspector through the first of those appeals² that the steel frame, foundations and floor slab are structurally sound.

It has further been confirmed by the inspector through the second of those appeals that retaining the cladding and carrying out minor localised repairs is acceptable and that remains the same proposal for this application.

A Planning Appeal decision whether allowed or dismissed is, in law, a material planning consideration and should be taken into account by all parties in determining any future application. As a result of the most recent appeal decision, the applicant submits this current application remains in line with that confirmed to be acceptable by the Inspector. For ease of reference, a copy of the most recent appeal decision is included in Appendix A of this Planning Statement, with the key points **highlighted in yellow** and reinforced, where particularly salient with a red underline.

In reference to this current application...

It is proposed to retain the steel frame, the foundations, the floor slab and all sheeting to roof and walls, carrying out a very limited number of localised repairs to the sheeting where there are several small holes and some localised denting and then reapply a new protective coating.

In detail, this will result in the limited number of small holes being filled with a waterproof filler; the area where there are some localised dents will be carefully dressed back into shape (in a similar way to a panel beater reshapes vehicle body panels) and filled with waterproof filler, with all external surfaces being spray painted as indicated on the drawings accompanying this application.

It is confirmed that the conversion sits wholly within the existing external envelope of the building; and remains as it did with the previous application, in respect of insulation, internal walls, fixtures and fittings. External openings remain very similar to that approved, with only minor changes to several smaller openings.

The retention of **all** external roofing and walling profile sheets avoids the building becoming 'skeletal' and clearly meets the tests of conversion of the existing building, as confirmed by the inspector in the most recent appeal, reference: APP/Q3305/W/22/3296490

¹ Planning Appeal Reference: APP/Q3305/W/22/3296490

² Planning Appeal Reference: APP/Q3305/W/21/3274875

Introduction

The applicant, **Mr Mark Knight** has commissioned **Wright Consult Ltd** to submit an application under **The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q - Agricultural Buildings to Dwellinghouses** for conversion of a disused and redundant agricultural building to two open market dwellings (Planning Use Class C3), to include operational development.

The Planning Portal Summarises/ States (in grey italics):

'Agricultural buildings are permitted to change to a residential (Use Class C3) use. This can also include specified building operations reasonably necessary for the conversion to function as a dwellinghouse:

- *the installation or replacement of:*
 - *windows, doors, roofs, or exterior walls, or*
 - *water, drainage, electricity, gas or other services*
 - *partial demolition to the extent reasonably necessary to carry out building operations*

- *This is subject to meeting certain limitations and conditions, including:*
 - *Creation of no more than five separate dwellinghouses (including any previously created under this right)*
 - *Up to three of the five can be 'larger dwellinghouses' (floor space of 100-465m²).*
 - *'Larger dwellinghouses' can total no more than 465m² of floor space (including any previously created under this right) and no single dwellinghouse can exceed 465m².*

This also includes the need to apply for Prior Approval based on the:

- *transport and highways impacts*
- *noise impacts*
- *contamination and flooding risks*
- *location or siting of the building*
- *the design or external appearance of the building (where building operations are required)'*

Site & Surroundings

The building to which this application refers is a modern, steel framed agricultural barn, which forms a part of a group of traditional and modern former and now redundant agricultural buildings at Court Farm. The adjacent traditional barns have been consented for residential conversion, with building work for those conversions well progressed at the time of application.

The site is accessed from the public highway (B3092), via an existing vehicular access and this will remain the same for the development.

This application seeks prior approval for the conversion of 1 no agricultural barn into 2 no dwelling houses, thus outlined in red on the drawings that accompany this application.

Structural Implications

Existing Structure - The barn is a portal steel frame structure under a profile sheet roof, clad with profile sheet cladding. There is a single ground floor at present formed in concrete.

A Structural Report of the condition and suitability of the existing structure for conversion to residential use has been undertaken by Beveridge Chartered Structural Engineers and includes structural calculations and photographs. A copy of the report is submitted with the application under separate cover.

Proposed Structure - The proposal to convert the barn retaining the existing steel frame, foundations, floor slab and all sheeting to roof and walls, carrying out a very limited number of localised repairs to the sheeting where there are several small holes and some localised denting and then reapply a new protective coating. The conversion will not extend the structure beyond its existing size or dimension.

Internally, there is proposed only a single floor as existing and as such, with no upper floor there are no increased deadloads on the structure. The ground floor does not presently transfer its loads to the steel frame and this will be the same after conversion. If there is no transfer of internal loads to the structure, then there will be no commensurate increase in live or dead loads to the frame as a result of the conversion.

Structural Summary – The structural report concludes under Section 5.1 ‘The barn appears to be in a suitable structural condition to allow for conversion into a habitable dwelling’.

Assessment Against Permitted Development Criteria

Herein is our assessment as to whether the development meets the required tests in order for it to fall under permitted development.

The criteria are in grey italics, with our assessment after each section, in black no italics.

Where the criterion is met, we qualify ‘**Criterion Met**’ in bold at the commencement of our respective statement.

Permitted Development

Q. Development consisting of

- (a) A change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within class C3 (dwellinghouses) of the schedule to the use Class Order; and*
- (b) Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within class C3 (dwellinghouse) of that Schedule*

Criterion Met- The building is an agricultural building and the proposal looks to change its use to a dwellinghouse. The building operations proposed and illustrated in the drawings that accompany this application are reasonably necessary to convert the building.

Development not permitted

Development is not permitted by class Q if-

- (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 development under Class Q begins;*

Criterion Met - The building was in agricultural use on 20th March 2013 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;
 - (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;

Criterion Met - The cumulative floor space is 266sq.m and the number of dwellinghouses at 2 does not exceed 3. No dwelling exceeds 465 square metres in floor area.

- (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;

Criterion Met – Not Applicable

- (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;

Criterion Met – There is no previous development under Class Q and this proposal does not result in either or both of these points.

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

Criterion Met - The site is solely within client's ownership with no agricultural tenancy

- (f) *Less than one 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;

Criterion Met – There has been no agricultural tenancy within the last year

- (g) *Development under class A(a) or Class b(b) 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;*

Criterion Met – Enquiries with the current and previous owner confirm the barn is a long established structure on a long established agricultural unit and further, that no building has been erected, altered or extended on the unit during this period and further, that no plant or machinery has been installed or replaced on the unit during this period. There is nothing visible on satellite imagery (historic Google Earth imagery), which dates from 2001, to dispute this.

- (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;*

Criterion Met – Please see the plans accompanying this application showing how the building could be converted, which demonstrate that the building can be converted within the existing building structure confines and that the proposal does not extend beyond existing external dimensions of the building at any given point.

- (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 dwelling house; and*

(ii) *Partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i)*

Criterion Met - All proposed building works and operations meet these requirements. The steel frame is of sufficient strength to incorporate these works without structural adaption.

- (j) *The site is on article 1 (5) land*

Criterion Met - The site is not on article 1 (5) land (designated land).

- (k) *The site is or forms part of-*

(i) *A site of special scientific interest (SSSI)*

Criterion Met – The location is not located in or near an SSSI

(ii) *A safety hazard area*

Criterion Met – The site does not form a safety hazard area

(iii) *A military explosives storage area*

Criterion Met – The site is not a military explosives storage area

- (l) *The site is, or contains, a scheduled monument: or*

Criterion Met – The site is not a scheduled monument, nor does it contain a scheduled monument

- (m) *The building is a listed building*

Criterion Met – the building is not a Listed Building

Conditions

Q2- (1) *Where the development proposed is developed 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 Highway impact 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) or the Schedule to the Use Classes order, and*
- (f) the design or external appearance of the building*
- (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 that 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 subparagraphs (1)(a) to (e) 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.

- **Transport and Highway impact of the development**

The site is accessed off the B3092 at West Woodlands via an existing vehicular access, which benefits generous visibility splays in both directions. The access has historically provided a vehicular access to the application site and adjacent buildings; whereby there would have been a not insignificant number of traffic movements from vehicles such as tractors, tractors and trailers (agricultural movements) and commercial vehicles (movement of animals, crops and milk) in servicing the site.

The existing access point and access track will be utilised by the proposed development and with cessation of agricultural activity on this site, it is considered that the size and number of vehicle movements will significantly reduce by virtue of the residential nature of the development proposed.

An inspection of www.crashmap.co.uk has revealed no history of accidents at or near the access with the highway in the last 5 years.

Criterion Met – The vehicular access exists, it benefits generous visibility splays and there will be a reduction in historical traffic movements. No historic accidents are recorded in connection with the access.

- **Noise Impacts of the Development**

The proposed use of the application building is for residential purposes. All farming operations at the site have ceased and the existing adjacent traditional agricultural buildings on the site already benefit from a residential conversion consent that is currently in build.

The development will not create any noise impacts and there are no other buildings or land uses in close proximity to the application site that would lead to noise impacts on the proposed development.

As farming at the site has already ceased, there will be no impacts placed upon the development from farming activity.

Criterion Met – No noise impacts

- **Contamination Risk on the Site**

The building and wider farmyard has been used historically for housing livestock and hay. There has been no storage of fuel or fertiliser in the building or site and a walk over of the site has revealed no evidence of contamination. Notably, the building and the site relating to this application is hard surfaced making any contamination remote from receptors and waste has been limited to effluent from the animals and such, contamination potential is limited.

Criterion Met – No Contamination

- **Flood Risk on the site**

The application is accompanied by a Flood Risk Assessment undertaken by EDS and this is provide under separate cover. Section 8.0 (page 14) of that report summarises: '*Considering the flood modelling undertaken as part of this study, barns E and F can be concluded as being situated within Flood Zone 1. NPPF states that 'More Vulnerable uses of land are appropriate in this zone' from a flooding perspective*'.

Criterion Met – Zone 1 - Low Flood Risk

- **Practicality or Desirability of Location or Siting**

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, and the provisions of paragraph N of this Part shall apply in relation to any such application.

Paragraph N states that: '(b) having regard to the National Planning Policy Framework issued by the Department of Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, and as if the application were a planning application.'

According to Planning Practice Guidance on the Government's Planning Portal website (bold added by Pointcloud for emphasis):

Permitted development rights for the change of use of agricultural buildings:

'Building works are allowed under the change to residential use. The permitted development right under Class Q... recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for 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 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.

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

*When considering whether it is appropriate for the change of use to take place in a particular location, a **local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements.** That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.'*

Criterion Met - In consideration of Planning Practice Guidance, the development as proposed meets these tests, in that the structural frame will remain and it is sufficient to take the loads imposed on it by the development, as confirmed in the structural report that accompanies this application. Any works proposed in order to undertake the development are those allowable through Planning Practice Guidance.

In Addition – Ecology & Biodiversity

This application is accompanied by an Ecology Survey (W1122.013v3) undertaken by Ecological Consultants, Crossman Associates Ltd and provided under separate cover. Paragraph 3.8 (page 11) of that report confirms: *'All three barns are simple modern style buildings constructed from modern and uniform materials that offer no significant complexities. The buildings interiors are all well-lit and draughty and overall are considered to offer bats with **negligible roosting suitability**'.*

Summary

The above statement demonstrates the proposed development meets all the criteria as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q - Agricultural Buildings to Dwellinghouses and we respectfully ask the Local Planning Authority for their agreement.

Appendix A

Appeal Decision APP/Q3305/W/22/3296490



Appeal Decision

Site visit made on 29 July 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/Q3305/W/22/3296490

**Court Farm Barns, Blatchbridge Roundabout to Frome Road,
West Woodlands, Frome BA11 5EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Mark Knight against the decision of Mendip District Council.
 - The application Ref 2021/2814/PAA, dated 9 December 2021, was refused by notice dated 27 January 2022.
 - The development proposed is described as 'Prior Notification for Conversion of Agricultural Building to One Larger Dwelling (resubmission) Barns Lying South East Of Farmyard - Court Farm Barns, West Woodlands, Frome, Somerset BA11 5EN'.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) for the conversion of an agricultural building to one larger dwelling, at Court Farm Barns, Blatchbridge Roundabout to Frome Road, West Woodlands, Frome, BA11 5EN in accordance with the terms of the application, Ref 2021/2814/PAA, dated 9 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location and Block Plan', Drawing No. 2020/KNIGHTM/01/RevB; and 'Floor Plan, Elevations and Section', Drawing No. 2020/KNIGHTM/02/RevA.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appellant's original application form. The description was amended by the Council to '*Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development*'. This more accurately and concisely describes the proposal and the appeal has been considered on this basis.

Main Issue

3. **The main issue is whether the proposed development falls within the terms of the permitted development rights under Article 3, Schedule 2, Part 3, Class Q of the GPDO, with specific regard to the extent of the proposed building operations.**

4. There is no dispute that the other criteria of Class Q are satisfied. Consequently, there is no need to give them further consideration in this decision.

Reasons

5. The appeal building is a steel portal frame barn, with a solid concrete floor and roof comprising of metal profile sheeting. The northern elevation of the barn is entirely open. The west and southern elevations are enclosed through a combination of blockwork and metal sheeting. The eastern elevation is currently largely enclosed by the walling of a closely related adjacent barn. However, most of this elevation would be open following the proposed demolition of the adjacent barn.
6. The GDPO states at Paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
7. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. As such, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
8. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Consequently, this is a matter of planning judgement based on fact and degree of an individual case. My attention though has been drawn to *Hibbit*¹, which considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build as opposed to a conversion. The case reinforces that it is a matter of planning judgement as to the level of works involved that would still constitute a conversion. However, it was established that the building should be capable of conversion without new structural elements, and the existing building should be sufficiently robust to bear the loading from external works.
9. The structural integrity of the existing building is not in dispute, with the Council acknowledging that the proposal does not seek to make any alterations to the building's structural elements. A submitted structural report and accompanying update letter, which have been complete by a suitably qualified professional, also identify that the existing structure could accommodate additional loads associated with the proposed development. From the evidence before me, and my observations on site, I have no reason to question the structural findings.
10. My attention has also been drawn to a previous prior approval application (ref: 2020/1916/PAA) for the building that was dismissed at appeal². That appeal was dismissed due to the level of works involved being deemed to go beyond a

¹ *Hibbit and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).

² APP/Q3305/W/21/3274875

conversion. Unlike the previous appeal scheme, the current proposal seeks to retain the existing wall and roof sheeting, opting to instead undertake localised repairs and painting of these components. From my observations on site, both the roof and external wall sheeting appeared to be in generally good condition, such that they could be retained subject to limited repairs.

11. The external envelope of the proposed dwelling, including areas of blockwork, would therefore largely comprise of retained elements of the existing building. Although sizeable areas of glazing are proposed to be introduced, particularly to the north and eastern elevations, this would fall within the scope of Q1(i) of the GPDO. Further alterations proposed are more limited in nature and also remain in accordance with those permitted under Q1(i) of the GPDO.
12. Therefore, based on the evidence before me, I am satisfied that the building is structurally sound and suitable for conversion. Additionally, whilst the extent of works proposed to facilitate a residential use would be considerable, they are not of a magnitude that is considered to amount to a fresh build of the structure. The works proposed would also not fall outside those described in Class Q.1(i) of the GDPO. Consequently, the proposal meets the terms of the permitted development rights established by the GPDO.

Conditions

13. Paragraph W(13) of the GDPO allows for the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has indicated that, should prior approval be granted, it has no suggested conditions to be imposed. I find no reason to conclude otherwise, other than to impose a condition specifying the approved plans in the interest of certainty.
14. As paragraph Q.2(3) of the GDPO stipulates that the development shall be complete within a period of 3 years, a condition is not required in this regard.

Conclusion

15. For the reasons given above, I find that the proposed change of use is permitted development under Class Q and as such, having considered all matters raised, the appeal is allowed and approval granted.

Lewis Condé

INSPECTOR