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Chartered Town Planners

AJS/MKG/2885R-02/LPA

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Submitted via the Planning Portal

North Kesteven District Council
District Council Offices
Kesteven Street
Sleaford
Lincs
NG34 7EF

Dear Sir/Madam

**Land North of Fen Road, Ruskington
Prior Approval Application under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) for the Change of Use Agricultural Building to 5 Dwellings**

I write in connection with the above site and the submission of a 'Class Q' Prior Approval for the Change of Use of an agricultural building to 5 dwellings. This application follows the refusal of a prior approval applications for the same proposed development (ref: 22/1664/PNND and 23/0271/PNND) on 2nd February 2023 and 2 May 2023.. Since the first refusal there have been material changes in circumstances which will be set out later in this letter. The sole reason for refusal for the previous Class Q prior approval application related to the proximity to an adjoining building which was, at that time, an agricultural building. The officer report confirmed that until and unless that agricultural use had ceased (e.g. by the introduction of an alternative and compatible use) acceptable amenity for future residents of any dwellings could not be secured

The building in question is a former egg production poultry building situated in the northern portion of a field which fronts Fen Road on the fringes of the settlement of Ruskington. The field within which the building sits extends to around 4.69 acres and contains two buildings which were bird rearing units which, when in use, had a capacity for around 25,000 birds which were rotated three times annually. It is understood that the building was originally constructed in the 1960's and has not had any substantial refurbishment since.

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This application is submitted following a prior approval application under Class R of the Regulations for a change of use of the other adjoining agricultural building at the site –R (c) Class E (commercial, business or service) –ref: 22/1649/PAR. By notice dated 10th February 2023 prior approval was granted for the change of use of that adjoining building from agricultural to Use Class E (office use). Implementation of the change of use to office use would result in the permanent cessation of the agricultural use. Provided with this letter are dated photographs which show demolition works comprised in the prior approval scheme reference 22/1649/PAR. In particular a feed silo building has now been demolished - those works of demolition constitute a material operation for the purposes of section 56 of the Town and Country Planning Act 1990. Therefore, the development granted planning permission on the Part 2 Class of the Town and Country Planning (General Permitted Development Order) (England) 2015 and granted prior approval 10th February 2023, has begun, and the agricultural use of that adjoining building has permanently ceased. Furthermore, the removal of the feed silo means that it is no longer possible for agricultural poultry uses to take place feasibly in the absence of a regular feed source being available.

Notwithstanding these factors application 23/0271/PNND was also refused as the Authority was not satisfied that the Applicant had/would permanently cease the agricultural/poultry use of the adjoining building. In order to directly address that issue the will provide a unilateral undertaking under the provisions of Section 106 of the Town and Country Planning Act 1990 (“the TCPA”). Section 106 of the TCPA 1990 makes provision for any person with an interest in land to enter into a legal obligation which, amongst other things, restricts the development or use of land in any specific way. A Section 106 unilateral undertaking/obligation can be utilised in this instance to restrict the current and future use of Building R to secure the permanent cessation and preclude future poultry/agricultural use.

A scheme for residential conversion (Class Q) has been prepared by HPA Architects for the following development:

- 2 no. large dwelling units each with a floor area of 232sq m –total floor area of 464sq m.
- Each of the 2 no. large dwelling units is provided with a defined curtilage of 232sq m.

- 3 no. small dwelling units each with a floor area of 100sq m –total floor area of 300sqm.
- Each small dwelling unit is provided with a defined curtilage of 100sq m.

The purpose of this covering letter is to briefly consider the limitations and conditions applicable to development which is to be considered ‘permitted development’ under the provisions Class Q of the GPDO. That brief assessment is set out below:

| DEVELOPMENT NOT PERMITTED | |
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| Q.1 Development is not permitted by Class Q where: | |
| <p>(a) the site was not used solely for an agricultural use, as part of an established agricultural unit –</p> <p>(i) on 20th March 2013;</p> <p>(ii) if the site was not in use on that date, when it was last in use; or</p> <p>(iii) if the site was brought into use after that date, for ten years before the date that development begins.</p> | <p>The site has been used solely for agricultural use as part of an established agricultural unit for many years, but active agricultural use has ceased by the 20th March 2013.</p> <p>The wider field within which the building sits has continued in informal grazing use in the intervening period. The building itself has been unused but was last used for the rearing of poultry. There has been no other intervening non-agricultural use of the building since the poultry rearing ceased.</p> |
| <p>(b) in the case of –</p> <p>(i) a larger dwelling house, within an established agricultural unit –</p> <p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</p> <p>(bb) the cumulative floor space of the existing buildings changing use to</p> | <p>This application proposes 2 larger dwellinghouses each with a floor space of 232 square metres equating to a cumulative floor space of 464 square metres - less than the threshold of 466 square metres.</p> |



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| <p>larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;</p> | |
| <p>(c) in the case of –</p> <p>(i) a smaller dwellinghouse within an established agricultural unit –</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p> <p>(bb) the floor space of any separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;</p> | <p>This application proposes three smaller dwellinghouses.</p> <p>The floor space of each is 100 square metres, and does not exceed the threshold.</p> |
| <p>(d) the development under Class C3 (together with any previous development under Class C3 within an established agricultural unit would result either or both of the following—</p> <p>(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;</p> <p>(ii) the cumulative number</p> | <p>The larger dwellinghouses having more than 465 square metres of floor space combined.</p> <p>A cumulative number of separate dwellinghouses proposed is 5 in total.</p> |





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| <p>separate dwellinghouses having a use falling with Class C3 (dwellinghouses of the Schedule to the Use Classes Order exceeding 5;</p> | |
| <p>(e) the site is occupied under agricultural tenancy, unless the express consent of both landlord and the tenant has been obtained;</p> | <p>The site is not occupied under agricultural tenancy.</p> |
| <p>(f) less than 1 year before the date the development begins—</p> <ul style="list-style-type: none"> (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; | <p>The site was not occupied under agricultural tenancy less than 1 year before the date the development begins.</p> |
| <p>(g) development under Class A(a) or Class B(a) of Part 6 of Schedule 2 (agricultural buildings and operations) has been carried out on the established agricultural unit—</p> <ul style="list-style-type: none"> (i) since 20th March 2013; or (ii) where development under Class Q begins after 20th March 2013 during the period which | <p>No other development under Class A(a) or Class B(a) of Part 6 has been carried out on the established agricultural unit since 20 March 2013.</p> |



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| <p>is 10 years before the date development under Class Q begins;</p> | |
| <p>(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;</p> | <p>The proposed works will not result in the external dimensions of the building extending beyond the existing dimensions of the building.</p> |
| <p>(i) the development under Class Q(b) would consist of building operations other than—</p> <p>(j) the installation or replacement of—</p> <p>(aa) windows, doors, roofs, or exterior walls, or</p> <p>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and</p> <p>(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p> | <p>The development will not consist of building operations other than those allowed by Class Q.</p> <p>Partial demolition is proposed as shown on plans reference 2312-02 and 2312-021A. The proposals also include the introduction of new windows, doors, roofs and exterior walls as indicated on plans 2312-020A and 2312-021A.</p> <p>The application is accompanied by a structural survey report undertaken by Graham Schofield Associates which concludes that <i>“the main structure however capable of repair and if necessary, strengthening and should therefore be retained”</i></p> <p>The non-structural fabric (roof cladding, external walls and base plinths) should be replaced.</p> |



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| (k) the site is on article 2(3) land; | The site is not on article 2(3) land. |
| (l) 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 is not and does not form part of a site of special scientific interest, safety hazard or a military explosives storage area. |
| (l) the site is, or contains, a scheduled monument; | The site is not and does not contain a scheduled monument. |
| (m) the building is a listed building. | No part of the site comprises a listed building. |

Q.2 –(1) Class Q development is permitted subject to the condition that before beginning the development, the developer shall 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
- c) contamination risks
- 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, and the provisions of paragraph N of this Part shall apply in relation to any such application, and
- f) the design or external appearance of the building.





Transport and Highways

The site/field has an existing stoned access track from Fen Road which has historically served the agricultural use. The poultry rearing use generated workers vehicles on a daily basis, and also regular deliveries of feed and bedding materials for the poultry stock. The existing access is well formed and has good visibility in both directions. Furthermore, Fen Road is relatively lightly trafficked, and it is our considered view that the development does not generate transport or highway impacts that are in any way negative or significant.

Noise Impacts

The building is not directly adjoined by or in close proximity to what could be considered noise sensitive buildings. Similarly, the building is not in close proximity to buildings or land uses (other than typical agricultural activities in the adjoining area) which are sensitive to noise. It is the case, therefore, that noise impacts (of the development or likely to be experienced by occupiers of the proposed dwellings) will be a relevant consideration in this case.

NB. The approved use of the neighbouring building for Class E offices has been instigated and will not generate unacceptable noise impacts for the future occupiers of the proposed dwellings. That is because Class E uses are uses which can be carried out in a residential area without detriment to its amenity.

Contamination Risks

The only known contamination risk associated with the building is the aged asbestos roof panelling which is to be appropriately removed and disposed of asbestos. Such disposal is regulated and licensed under the 2012 Control of Asbestos Regulations.

Flooding Risks on the Site.

Review of the Environment Agency planning flood mapping information confirms the following:

- The building (and whole wider field) is in Flood Zone 1;
- The building and associated curtilages are not affected by flooding from surface water.





Location Siting of the Development

As noted in the introduction to this letter the building is well located to the established village of Ruskington –with established residential areas to the south and west. The building is well-served by existing access/transport infrastructure and services. It is entirely practicable and desirable for the building to be brought back into effective and beneficial use as dwellinghouses. The adjoining building to the west is no longer required for agricultural use and, in any event, is in the process of being converted to Class E office use following the grant of prior approval. The use of retained parts of that adjoining building is for use for the following uses within Class E of Schedule 2 of the Use Classes Order: - g) for—

- (i) an office to carry out any operational or administrative functions, (*Offices*)
- (ii) the research and development of products or processes, or
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (*Light Industrial*)

It is not impractical or undesirable for dwellinghouses to be co-located with these commercial uses which do not carry unacceptable impacts.

The Design and External Appearance of the Buildings

The design approach adopted has retained the utilitarian and simple character of the agricultural buildings. The external appearance will be improved by the use of new roofing to replace the current asbestos sheeting. The current external cladding will be retained and re-used where possible and new matching external cladding used where necessary. New window and door openings are introduced (as are flush rooflights) in regular patterns which reinforce the relatively simple and uniform character of the existing buildings. It is considered that the overall design approach is sound and sympathetic to the semi-rural character of the site.

The last refusal was based on the potential continued or future use of the adjoining building for agriculture/poultry use and the impacts that could arise in terms of noise, dust, odours and general agricultural activity. The Authority has made clear that the Class Q Prior Approval for the Class Q change of use if the permanent cessation of the adjoining building for agriculture/poultry use is secured. The application is accompanied by a draft S106 unilateral undertaking (which will be finalised and





executed once the application is registered/validated) which secures that requirement. The legally binding undertaking/obligation provided is as follows:

"In consideration of the Council issuing the Prior Approval in respect of the Application Property, the Owner covenants with the Council that they will cease to use the Class R Property for poultry or agricultural use and any future use of the Class R Property for such poultry or agricultural use will be prohibited notwithstanding the provisions of Section 55(2) of the TCPA 1990".

Conclusion

The proposed conversion works meet with the requirements of Class Q of the GPDO. The conversion of the building to 5 dwellings is acceptable in terms of transport and highways, noise, contamination, flooding, the location and the design and appearance of the proposed works.

We therefore respectfully request that the LPA grant prior approval for this revised scheme.

Yours faithfully

[Redacted signature]

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