



11 January 2022

West Lancashire Borough Council
PO Box 16
52 Derby Street
Ormskirk
Lancashire L39 2DF

By email only

Dear Sir / Madam

Boggart's House Grain Store, High Moor Lane, Wrightington, WN6 9PS

Proposed Class Q residential conversion

PLANNING PORTAL REF. PP-123456

I have the pleasure of submitting a Prior Notification application on behalf of my client (Mrs Helen Ainscough) that today has been submitted online via the Planning Portal. It involves a Class Q conversion of a grainstore building, known as Boggart's House Grain Store, to residential use.

The submission comprises the following items:

Completed application forms

A fee payment of £160 (paid to the Planning Portal)

Design submission pack

A Class Q Statement

Accompanying owner letter (re. FBT)

Structural Building report and covering letter explaining and evidencing that the building is structurally sound

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BACKGROUND : Planning History

In short, we are aware of three previous proposals submitted by a previous owner under the following references:

2014/1099/PNC

Made under Class MB in September 2014, which involved re-cladding of roof and walls, new openings and glazing, partial demolition and conversion to a single dwelling.

However, for following reasons it was refused in December 2014 :

It failed to provide structural report detailing and Officers therefore came to the conclusion that the existing structural framework is not substantial enough to be capable of conversion to a dwelling which would meet modern standards without needing a significant degree of demolition and construction which would be tantamount to a new building with very little of the original left.

The cumulative floorspace exceeded 450 sqm and Officers were unclear whether the external dimensions of the building were being extended beyond the existing

The site area proposed a curtilage that extended beyond that defined by Section O of Part 3 Schedule 2 (Class MB)

It failed to demonstrate the site has been used solely for agriculture as part of an established agricultural unit and it was not clear that the agricultural tenancy over the site had been terminated and that both the landlord and tenant had not agreed in writing that the site is no longer required for agricultural use

2015/0799/PND

Prior notification approval was then made in July 2015 for the part demolition of almost half the grainstore building and this was approved in August 2015. This approval was never implemented.

2015/0800/PNC

In tandem with the demolition submission this was made under Class Q in July 2015 and refused in September 2015. However, it was again refused for the following reasons :

No structural (report) justification

That it failed to meet Para X in that the area of land that would change to residential use / curtilage is likely to be greater than the area of the existing agricultural building.

That it had not been demonstrated that the agricultural tenancy agreement has been terminated more than 1 year before the date the development begins or within 1 year of the date that development begins and that both the landlord and tenant have agreed in writing that the site is no longer required for agricultural use.

That it failed to meet Q2 (e) due to the location of the amenity space associated with the proposed dwelling the development fails to provide a good standard of amenity for the future occupants of the dwelling.

That it failed to meet Q2 (f) in that the design of the proposed dwelling failed to respond to the rural character of the local area and does not reflect the identity of local surroundings

The proposal was appealed (Ref. APP/P2365/W/16/3146807) and subsequently dismissed by an Inspector who agreed with the LPA that insufficient evidence had been provided to demonstrate the building was structurally capable of conversion.

However, despite no evidence being provided to show that the lease had been terminated, the Inspector accepted that the Q1(e) was satisfied in that there was agreement between the parties that the building is no longer required for agricultural use.

The Inspector was also satisfied that the curtilage did actually accord with Para X, despite the Council's assertions about the practical utility of the curtilage with windows/doors on the elevations that abut the red line. As the Authority will know the definition of "curtilage" means, for the purposes of Class Q only: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building; whichever is the lesser. The red line in this instance is less than the established agricultural tenancy as defined on the land registry title and former Farm Business Tenancy.

The Inspector remarked that there was no reason to consider the provisions of Para Q.1 (a) to (h) and (g) to (l) would not be met by the appeal scheme and also there was no need to consider the prior approval conditions outlined in Para Q.2 either. The appeal decision was issued in August 2016 solely on the basis of the (lack of) structural evidence.

PRE-APPLICATION SUBMISSION

A pre-application submission was made by the current owner in January 2022 (Ref. PRE/2022/0017/MIN).

This submission sought to overcome and address the errors previously made and concerns raised with the previous two proposals and the submission notably included structural evidence (a full report by BDI Ltd) that demonstrated that the building is indeed structurally sound and capable of conversion in compliance with Class Q.

A guidance / feedback letter was issued on 11 March 2022 and Officers explained that there remained two issues that needed some attention; namely the following items:

STRUCTURAL CONDITION : wherein the Officer stated the following:

A previously appeal ref: APP/P2365/W/16/3146807 for the conversion of this building to a dwelling was dismissed. The Inspector concluded "I have no reason to consider the provisions of Q.1 (a) to (h) and (g) to (l) would not be met by the appeal scheme, but as I have not been supplied with substantive details to suggest that the necessary changes could be made without additional structural works, which would be at variance with the guidance in the PPG, I consider that the extent of building operations proposed is likely to go beyond those permitted by sub-paragraph (i). Consequently, the proposal would not constitute permitted development for the purposes of the GPDO, Class Q".

In my opinion the proposed works go beyond what is reasonably necessary for the building to function as a dwelling. In order to facilitate the change of use it is proposed that the building would have a new structural element comprising of a first floor at either end of the building accessed via a new staircase in the centre. Very little of the existing building would be retained and I am not aware that there are any footings or load bearing flooring which would be able to take the weight of the new floors, proposed fenestration and external walls. I am concerned that the existing frame would not be able to support the installation of a first-floor structure. Evidence would need to be submitted to demonstrate how the conversion of the building would be carried out using the existing building structure. A further concern is the comprehensive nature of the works. The proposal includes the removal and replacement of all external fabric on the walls and roof and the insertion of a first-floor element. The scope of works is so extensive that they cast doubt on the suitability of the building for conversion. It is unclear which parts, if any of the existing building would be retained and, on that basis, I consider the existing building appears not already suitable for conversion to residential use.

When questioned by the agent whether the Officer had read the Structural Report the officer stated they had not assessed the report and taken it into account. The applicant appreciated that it was a fairly technical report, but that Officers has been supplied with substantive details. However, to assist Officers the Structural Report has been amended and to assist even further a covering letter has now been produced by the Structural Engineer that specifically addresses each of the concerns raised by the Officer.

The applicant considers that this now unequivocally confirms that the structural condition of the building is indeed sound and capable of conversion. As a result, the concerns must fall away, and it is clear from this evidence that the proposal does meet the provisions of Class Q.

PARA X CURTILAGE : wherein the Officer stated the following:

*“Curtilage” is defined in X, Interpretation of Part 3, for the purposes of Classes Q, R or S only, as follows:
i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser”.*
The proposed curtilage shown on the submitted site plan is larger than the land area occupied by the agricultural building and would not comply with the requirement set out in Part X. An appropriate curtilage should be clearly demonstrated on a plan submitted with an formal application.

As such, the external curtilage was larger on the pre-application plans than allowed for under Para X.

This has been fully rectified, and it is clear from the plans (specifically drawing 2119-004 Rev B) that the external curtilage is 385 sqm compared with the building footprint of 389sqm.

Thus, the applicant believes that the proposal now clearly accords with the Para X definition.

SUMMARY

The applicant is keen to ensure that this under-used/vacant building is brought back into functional and purposeful use and consider it offers a residential prospect that can be managed as part of the Estates' rental stock, be this for use by an estate keyworker, a private tenant or indeed as temporary letting accommodation.

The proposal is considered to fully comply with Class Q of the GPDO and an accompanying Class Q Statement is provided. This follows the legislative questions posed in the Statutory Instrument, along with a covering letter from the applicant setting out the details relating to the former FBT tenancy.

We would now invite the Authority to confirm that prior approval (planning permission) is not required and that the Prior Notification can be approved accordingly.

For the purposes of the consultation and determination period we consider that the application is duly submitted as of today's date and meets the requirements set out in Article 22(3) of the DMPO 2012 (as amended) and as such should be treated as being “valid upon the date of receipt”; as such the 21-day consultation period, and likewise the determination period, runs from today's date. We would ask that all statutory consultees respect the 21-day limit and respond accordingly to avoid any late submissions.

In the meantime, I look forward to receiving your acknowledgement and notification that this application has been safely received and duly registered as being valid at your very earliest convenience.

Please contact me at any time on either the office number, my mobile (07971 446630) or via email (justin@j10planning.com). I look forward to hearing from you.

Yours faithfully



Justin Paul

BA BTP MRTPI

Encs **Design Pack**
 Class Q Statement
 Structural Survey + Covering letter
 FBT letter

cc **K Burgon, Harrock Hall Estate Ltd**