

## **Planning Statement** *(total 10 pages)*

**Prior Notification for Conversion of**

**Agricultural Building to One (Larger) Dwelling (Class Q)**

***at***

**Tower View Farm, Ridgeway, Nunney, Somerset BA11 4NU**

***for***

**Mr R Clayton & Mrs L Marshall**

## Introduction

The applicants, **Mr R Clayton & Mrs L Marshall** 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 one open market (larger ie above 100sq.m of floor area) dwelling (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, masonry barn, which forms a part of a group of redundant agricultural buildings at Tower View Farm. **For the avoidance of doubt all farming operations have ceased at Tower View Farm.**

The site is accessed from the public highway known as 'Ridgeway', 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 redundant agricultural barn into 1 no larger dwelling house, thus outlined in red on the drawings that accompany this application.

## Structural Implications

Existing Structure - The barn is constructed from masonry walling under a pitched roof clad with profile cementitious sheeting. There is a single ground floor, which is 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. A copy of the report is submitted with the application under separate cover.

Proposed Structure - The proposal to convert the barn **retaining the existing masonry walling, foundations, floor slab, steel roof structure and roof cladding**. 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 external walls 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 external structure as a result of the conversion.

Structural Summary – The structural report concludes under Section 6.1 '**The barn appears to be in a suitable condition to be converted into habitable accommodation**'. Further, the report under Section 3.10, states: '**In general, the construction appears robust and 'over engineered'**'

## 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 a redundant agricultural building and the proposal is 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 last used for agricultural use 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 205sq.m and the number of dwellinghouses at 1 (one) does not exceed 3 (three). 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** – The barn is a long established structure on a long established agricultural unit and further, no building has been erected, altered or extended on the unit during this period and further, 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 existing and proposed 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 structure 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 sub-paragraphs (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 public highway known as 'Ridgeway' 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](http://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.

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 largely 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**

Checks have been carried out using Environment Agency using the Flood Maps and Long Term Flood Risk online services. Flood Maps show the application site to be in a Flood Zone 1, the lowest of all flood risks and as such, is highly unlikely flooding would take place. Long Terms Flood Risk lists flooding from Rivers & Sea as very low, flooding from Surface Water as very low and flooding from Reservoirs or Ground Water as unlikely in this area. The risk of all types of flooding is therefore very low.

**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 structure 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 (dated 11 February 2023) undertaken by Ecological Consultants, Greena Ecological Consultancy and provided under separate cover. Section 7 (page 13) of that report confirms: '**There was no evidence of bats using the building both inside and in the coving so there are no requirements**' and whilst there was no evidence of birds on the interior/ exterior of the building (para 6.4), to '**Ensure no birds are nesting when the building work takes place. If there are, leave alone until fledged**'. Notably, the applicant confirms they will carry out biodiversity enhancements as recommended in the report.

### **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.