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**Proposed Conversion of
Agricultural Building to Dwelling**

PREPARED FOR

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1. INTRODUCTION

This report has been prepared at the request of Mr T Barling of Thurlow Estates Ltd to outline the facts considered relevant to the proposed conversion of an agricultural building to a dwelling at Dotterell Hall Farm, Cambridge Road, Balsham, CB21 4HE.

2. BACKGROUND

Prior approval was granted on 22 June 2023 for change of use of agricultural buildings to 3 No dwellinghouses (Use Class C3) and for building operations necessary for conversion – (ref: 23/01613/PRIOR).

3. PROPOSAL

Class Q restricts the size of the application plot of the dwelling to the size of the existing building being converted to residential. It is therefore proposed to develop the agricultural building to dwellings under a full planning application, to include improving the curtilage which will allow for better landscaping and reducing the scale.

The scheme granted under Class Q is for 2 smaller dwellings and a larger dwelling. The applicants have relooked at this scheme and the application now proposed is for the conversion of the building to 2 x detached dwellings with the middle bay of the building to be removed. This reduces car parking requirements and simplifies the curtilages. It also reduces the bulk of the building which alongside the removal of the adjacent bin storage creates significant landscape improvements.

The proposed scheme would in the main comply with Class Q rules providing 2 storey dwellings. The building will retain its agricultural heritage. However the proposed scheme uses timber cladding rather than reusing the existing which should give a 'softer' conversion scheme.

In effect the planning application is similar to what is already permitted development, but with improvements in construction and layout. With only 2 dwelling proposed, rather than the 3 which are permitted, there will also be a positive highways impact with less vehicular movements at the site.

DISCLAIMER

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.

4. PLANNING POLICY

National planning policy is contained within the NPPF as follows:-

“The purpose of the planning system is to contribute to the achievement of sustainable development.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) ***a social objective*** – *to support, strong vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well being; and*
- c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 10 states that *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*

With regard to housing, **paragraph 80** states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-

- c) *the development would reuse redundant or disused buildings and enhance its immediate setting.*

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwellings on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved building. The new dwelling will replace an old derelict dwelling.

Paragraph 84 is supportive of a prosperous rural economy stating:-

Planning policies and decisions should enable:-

- a) *The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well designed new buildings;*
- b) *The development and diversification of agricultural and other land based rural businesses...*

Local Planning Policy

Local planning policy is found in the South Cambridgeshire Council Local Plan 2018 as follows:-

Policy H/17: Reuse of Buildings in the Countryside for Residential Use

The change of use and adaptation of redundant or disused buildings in rural areas to residential use will only be permitted where:

- a. *The buildings are unsuitable for employment use, or it being demonstrated through marketing the development opportunity for at least 12 months at a realistic price, that there is no demand for their development for employment use;*
- b. *The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction;*
- c. *There will be an enhancement to the immediate setting of the buildings;*
- d. *The form, bulk, design, landscaping and materials used in the change of use and adaptation and any associated extensions are sensitive to the character and appearance of the building and locality;*
- e. *There is a safe vehicular site access.*

Policy E/17: Conversion or Replacement of Rural Buildings for Employment

- 1. *The change of use or adaptation of buildings in the countryside for employment use will be permitted provided the following apply: a. The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction; b. The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside; c. The form, bulk and general design of the buildings are in keeping with their surroundings.*

2. *The replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes with well-designed new buildings will be permitted where it would bring about environmental improvement, and result in a more sustainable development.*
3. *Any increase in floor area must enhance the design, and ensure the building remains in scale and character with its rural surroundings.*
4. *Incidental uses such as car parking and storage should be accommodated within the group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.*
5. *Employment generated must be in scale with the rural location. Developments resulting in significant numbers of employees or visitors must only be located near to larger settlements or accessible by public transport, cycling, or walking. Proposals which would have a significant adverse impact in terms of the amount or nature of traffic generated will be refused.*

Permitted Development

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwelling on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved building.

The permitted development is the fallback position and a material consideration when looking at proposals such as those in the subject application. The fallback in this case is that the applicant has permitted development rights to change the use of the building into 3 x residential dwellings with no more controls than that legislation provides. This principle has been established in planning appeals and at judicial review. It also allows for the commercial use of the other building on site.

The Court of Appeal Case *Mansell v Tonbridge and Malling BC* 2017 (at Appendix 1) deals with the fallback position whereby it was accepted that the council was entitled to conclude that there was a “realistic” fallback and that it was clear that the owners were intending to develop the site. It was in the judge’s view wholly unrealistic to imagine that were such proposals to be turned down the owner of the site would not take advantage of the development provided for by Class Q to the fullest extent.

It is worth noting that in this Court of Appeal case no Class Q permission existed, merely the prospect of it, yet that was considered realistic enough to be worthy of material consideration.

5. PLANNING COMMENTS

The proposal is for the conversion of an agricultural building with Class Q approval for 3 attached residential dwellings to 2 detached dwellings (to include removal of a central bay) to allow for a more attractive overall scheme.

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwellings on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved buildings. In this case there is no harm.

The proposed dwellings make use of an existing building and would therefore not adversely affect the character of the countryside or other planning interests.

The proposed conversion has been designed to comply in the main with Class Q requirements but with some added improvements to the residential layout to make a more interesting development.

A larger curtilage will be provided to the dwellings to provide better access to parking provision. This will also allow for a more comprehensive landscaping scheme to be achieved as shown on the application plans. If necessary, the Local Planning Authority can control this via conditions.

Whilst the curtilage applied for is larger, with suitable landscaping conditions the results should be better not more detrimental.

In approving the Class Q application, the Local Planning Authority determined that the building was able to be converted. It was also accepted that the prior approval issues of highways, noise, contamination, as well as siting and location of buildings are acceptable for the proposed use.

The building will enhance the immediate setting whilst retaining its agricultural heritage with the materials to be used being sensitive to the character and appearance of the buildings and locality.

5.1 Fall Back Position

Appeal case APP/E2530/W/17/3175132, is attached at Appendix 2 where the Inspector dealt with the fall back position as follows:-

10. At paragraphs 186 and 187, the Framework states that a positive approach should be taken to decision-making and that Council's should look for solutions rather than problems. I give significant weight to the Framework as a material consideration.

11. The statutory position in section 38(6) of the Planning and Compulsory Purchase Act 2004 is that an application for planning permission should be determined in accordance with the

development plan unless material considerations indicate otherwise. If the application subject to this appeal was refused I consider that the conversion of the barn and hay shed approved under the GPDO would be highly likely to proceed, which is a material consideration to which I attach significant weight.

14. I conclude that the weight I give to the appellant's fall-back position, the Council's evidence on the acceptability of the proposed extension and the policy considerations in paragraphs 186 and 187 of the Framework are sufficient material considerations to justify departure from the requirements of Policy SP1 of the Local Plan.

A further appeal cements this position. Appeal case APP/K0235/W/17/3189914, Traylesfield Farm, Ravensden (see Appendix 3) states at Paragraph 10 the following:-

"Given that permission already exists for a dwelling on the appeal site, given that dwelling is substantively the same as that proposed in the appeal scheme, and given that preparations have been made to relocate the storage functions of the existing barn, I consider there is a greater than theoretical possibility that the development already approved might take place. Given the similarity of the two schemes, and in light of the Mansell case, I consider the fallback position in this case a significant material consideration to justify a departure from the development plan policies identified above. I subscribe the fallback position significant weight and consider these are special circumstances because if the appeal proposal were not successful it is highly likely the permission already granted would be carried out. The permitted scheme would be no less sustainable in terms of its location than the appeal scheme."

Appeal case APP/P0240/W/3249635 (Manor Farm, Brook Lane Flitton, dated 10 November 2020) is attached at Appendix 4 where the Inspector dealt with the fall back position as follows:-

- 7. Prior approval was granted in 2019 for the change of use of the appeal building to 2 dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Based on the evidence there is a reasonable likelihood of this prior approval being implemented were I to dismiss this appeal. This alternative permitted use establishes a fallback position in this case and the principle of residential use to which I attach significant weight. This fallback position exists irrespective of the Council's five-year housing land supply and planning permissions in the area.*
- 8. Whilst the proposed development would conflict with Policies DM4 and CS1 of the CSDMPD, with regard to this matter, when taking into consideration the fallback position I conclude that the site is an appropriate location for new housing.*

5.2 Sustainability

The core thread of the NPPF is sustainability for which there are three dimensions in planning terms:-

- Economic objective
- Social objective
- Environmental objective

These three roles cannot be taken in isolation. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and community.

The appeal decision at Appendix 1 (APP/W0530/W/16/3152125, Dotterell Farm Barns, Balsham) dealt with this issue. These barns are adjacent to the building subject to this application and originally formed part of Dotterell Hall Farm.

The site lies only 2 miles from Balsham with public houses, shops and a village hall. It is within easy reach of Cambridge, Newmarket and Haverhill which offer a full range of economic and social opportunities with Cambridge having a main line station to London Kings Cross.

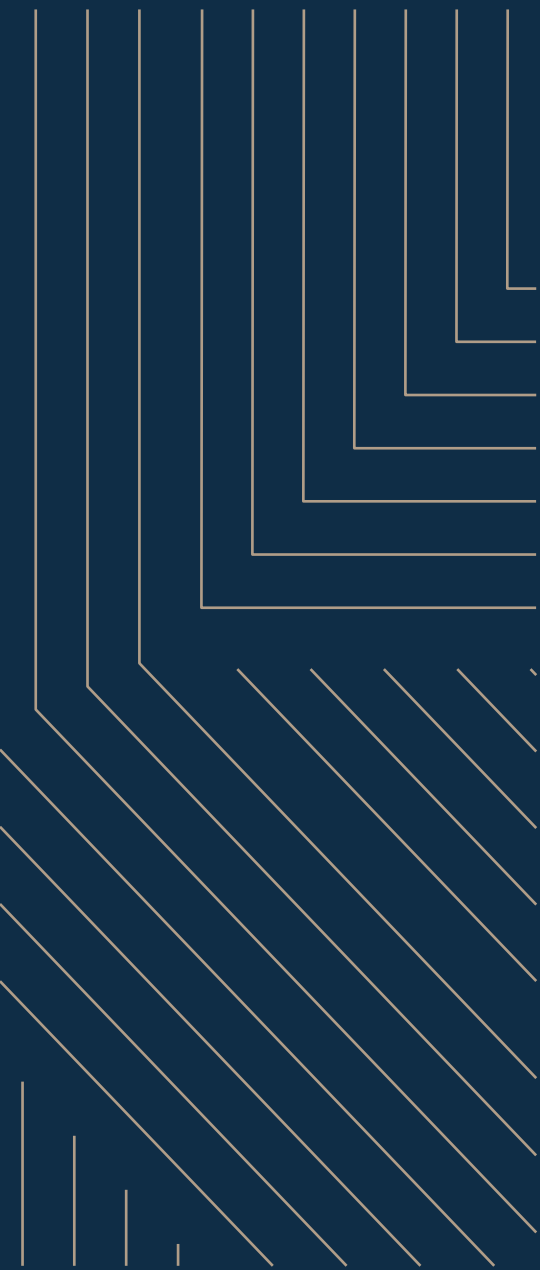
Environmentally the proposed dwelling will be making use of an existing building and will greatly enhance the immediate setting of the site.

6. CONCLUSIONS

This is a sustainable proposal.

- The Class Q is permitted and would be done in any case so there is a clear fallback position which is given significant weight as per the appeal decisions and legal case. .
- The proposal is closely aligned with what has already been deemed as permitted development.
- The proposal is sustainable being a conversion of an existing building to a dwelling built to modern day energy efficient standards.
- There will be provision of dwellings at a time when there is a general need throughout the country.

The bulk of the overall building will reduce and the resultant scheme will be much more attractive with different heights and materials .



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