

PLANNING STATEMENT

WESTBROOK BARN, EVERCREECH, SHEPTON MALLET BA4 6DS



October 2023

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1.0 Introduction

1.1 Scope of the Report

1.1.1 Greenslade Taylor Hunt has prepared this Planning Statement by on behalf of our clients Mr Tony German and Ms Judith Randel (hereafter referred to as the 'Applicants'). It supports a prior approval application for the proposed change of use and conversion of one agricultural building to one dwellinghouse at Westbrook Barns, Evercreech, Shepton Mallet, BA4 6DS.

1.1.2 This Planning Statement supports the application and sets out a brief description of the site, its surroundings and the nature and scale of the proposals. Subsequently, the proposals are assessed against the various criteria within Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereafter referred to as 'Class Q' or the 'GPDO') to demonstrate compliance with the relevant criteria.

1.1.3 The application is accompanied by the following suite of plans and documents:

Plans and documents	Prepared by
Location Plan, Existing Site Plan, Existing Floor Plan and Elevations, Proposed Site Plan, and Proposed Elevations and Floor Plans	Greenslade Taylor Hunt
Application Form	Greenslade Taylor Hunt
Planning Statement (this document)	Greenslade Taylor Hunt
Structural Report	DHD Structures
Ecological Appraisal	Redstone Ecology
Topographical & Measured Building Survey	Levett Surveying

2.0 The Application Site

2.1 The Site

2.1.1 The application site is located approximately 900 metres to the west of the village of Evercreech, along Leighton Lane which runs into the centre of the village. The site benefits from vehicular access achieved off of Leighton Lane to the north of the site and Westbrook Farm Lane to the east.

2.1.2 Around the site is a complex of buildings, comprising a dwelling along with a range of holiday lets and agricultural buildings (the agricultural building in relation to this application is shown in the figure below). The remainder of the land within the same ownership is agricultural land laid to grass with hedgerow boundaries and trees.

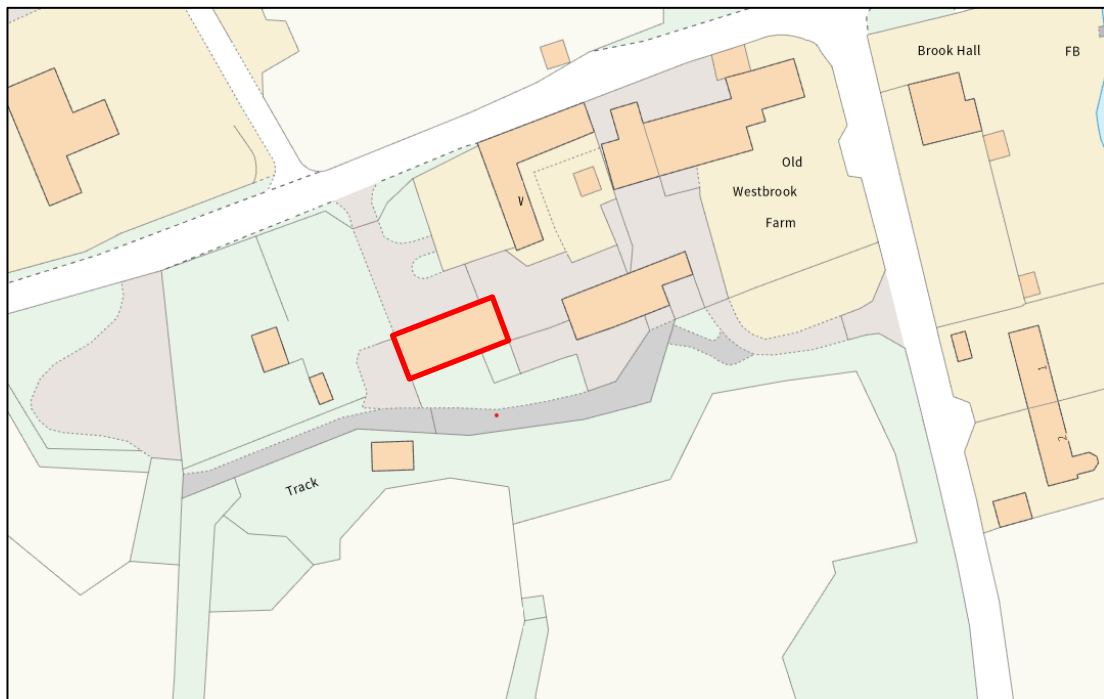


Figure 1: Location of the existing agricultural building proposed for conversion under Class Q (edged in red).

2.1.3 The building in relation to this application is a brick and timber building, with brickwork running along the lower parts of the elevations that merges into timber cladding approximately half way up. The roof profile comprises corrugated sheeting with metal supports and stone blockwork interior walls.

2.1.4 The building is set on an area of hardstanding and is fully enclosed on three elevations with the western elevation being open. The barn has a Gross Internal Area (GIA) of circa 170 sqm.



Figure 2: Western elevation of the barn at Westbrook Barns



Figure 3: Northern elevation of the barn at Westbrook Barns

2.2 Site Context

- 2.2.1 The application site is located within the open countryside and is bound on the south and west by agricultural land. The built form surrounding the site comprises predominantly a mixture of agricultural building with associated dwellinghouses and outbuildings.
- 2.2.2 The site is not situated within or adjoining any statutory environmental designations such as an Area of Outstanding Natural Beauty (AONB) or a Site of Special Scientific Interest (SSSI), nor is the site subject to or located within close proximity to any historic designations such as Conservation Areas, listed buildings, or an Area of High Archeological Proposal (AHAP).
- 2.2.3 The site does not form part of a safety hazard area or a military explosive storage area.
- 2.2.4 The site is wholly located within Flood Zone 1 and therefore has been identified as being at the lowest risk of coastal or fluvial related flooding. There are aware of no surface water issues.

3.0 Proposed Development

3.1 Proposals

- 3.1.1 The proposal seeks prior approval for the change of use and conversion of one agricultural building to one dwellinghouse (Class C3 Use). The agricultural building will be converted to create one single storey three bedroom detached dwelling with a GIA of circa 170 sqm.
- 3.1.2 The proposed works necessary to convert the barn to residential uses will not go beyond what is reasonably necessary to convert the barn from agricultural use to a dwellinghouse under Class Q and will not extend beyond the existing curtilage of the existing building.
- 3.1.3 Parking provisions and turning area will be provided within the site. The proposed dwelling will be served via the existing access off Leighton Lane, to the immediate north of the barn.

4.0 Planning History & Pre-application Consultation

4.1 Pre-Application Enquiry

4.1.1 A pre-application enquiry was submitted to Mendip District Council (as was) with a response being received on the 25th August 2022 (reference: 2022/1344/14PA). The response sought confirmation on two separate points, these being whether the works undertaken at the barn warranted a retrospective planning application or a Certificate of Lawful Existing Development to be submitted. The pre-application response noted that works to the barn were internal works to maintain the integrity of the barn and making good. The pre-app confirmed that neither a Certificate of Lawful Existing Works nor a retrospective planning application would be necessary.

4.1.2 The second aspect that the pre-application broached was the barn's suitability for conversion under Class Q. The response determined that the barn appeared suitable for Class Q conversion, with the only works required being internal alterations and the creation of windows/doors. As such, it was considered likely that the barn would be deemed acceptable for conversion under a Class Q application.

4.2 Planning History

4.2.1 A review of the Council online planning register has identified the following planning history for the site.

Date	Description	Decision	Reference
19 th December 2019	Erection of two holiday units on site of existing sheds and storage area; alterations to existing vehicular access; and provision of associated access roads and car parking	Approved	2018/0719/FUL
21 st January 2016	Change of use to holiday let and extension of Old Westbrook farm annexe.	Approved	2015/2767/FUL
7 th January 2008	Erection of first floor extension above existing single storey extension (DEL)	Approved	112731/008
6 th May 2005	Conversion of barn to 2 holiday lets (DEL)	Approved	112731/007
24 th June 2003	Conversion of garaging and storage building to form 1no holiday let as amended by drawings received on 11 June 2003 (CAT B).	Approved	112731/006
29 th August 2002	Change of use and alterations to relaxation centre as amended by drawings rec'd 30-09-02 (CAT B)	Rejected	112731/005

14 th June 2002	Conversion of outbuilding to form ancillary residential building (CAT A)	Approved	112731/004
2 nd August 2001	Erection of car port and covered way extension, build boundary wall to north elevation, formation of new vehicle access with change of use to form driveway and build up existing field access (amended plans received 19/09/01) (CAT A)	Approved	112731/003
26 th March 1999	Conversion of redundant agricultural building to form one single storey dwelling	Approved	112731/001
16 th September 1996	Erection of agricultural workers' bungalow	Rejected	015692/003
30 th August 1999	Change of use of 2no agricultural buildings one to a dwelling and one to garage to serve dwelling	Approved	112731/002
20 th May 1997	Erection of single storey extension & formation of a vehicular access as amended by plans dated 30-apr-97	Approved	112731/000
24 th May 1995	Erection of agricultural workers bungalow as amended by letter and plans received 02-feb-95 and further amended plans received 29-mar-95	Rejected	012020/005

4.2.2 The application reference 112731/007 was approved and site was subsequently sold to the applicants who we understand did not commence development such that the consent has now expired.

4.3 Relevant planning applications across Mendip

Barn at Tilham Farm, Baltonsborough, Glastonbury

4.3.1 On the 4th August 2021 Mendip District Council (as was) granted prior approval for the change of use of an agricultural building to one dwellinghouse at Tilham Farm, Baltonsborough under Class Q of the GPDO (ref: 2021/1398/PAA). The building in relation to this application is set on an area of hardstanding and comprises stone blockwork walls that merged into timber cladding half way up, with metal corrugated sheet roofing. The barn was fully enclosed on three elevations with one large opening.

4.3.2 The building at Tilham Farm is considered to be of relevance to the barn at Westbrook Barn due to the similar construction materials that comprise partial timber cladding with corrugated sheet metal roofing and blockwork walls.

4.3.3 As can be seen in the below photographs, the Westbrook Barn features more enclosed elevations and therefore, in line with the approval at Tilham Farm should be considered a suitable candidate for conversion under Class Q.



Figure 4: Side and front elevations of the barn at Tilham Farm



Figure 5: Rear elevation of the barn at Tilham Farm

5.0 Class Q Permitted Development Right

5.1 Overview of Class Q

5.1.1 The use of prior approval for the conversion of agricultural buildings to residential use was introduced in April 2014 with the provision of 'Class MB' permitted development rights; and since 5th April 2015 reclassified as 'Class Q'. These regulations were updated via amendments on 6th April 2018, with the principal change being that it is now possible to convert agricultural floorspace to create one of these alternatives:

- Up to three 'larger homes', with a combined maximum floor space of 465 sqm.
- Up to five smaller homes, each less than 100 sqm.
- A mix of both, with a total of no more than five homes, of which no more than three may be larger homes.

5.1.2 Class Q allows for such development consisting of (a) the change of use and (b) buildings operations reasonably necessary to convert the building to function as a dwellinghouse.

5.1.3 Part Q.2(1) of the order states that Local Planning Authorities (LPA) may take account of:

- (a) Transport and highways impacts 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) of the Schedule to the Use Classes Order;
- (f) The design or external appearance of the building; and
- (g) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

5.2 National Planning Practice Guidance

5.2.1 On 5th March 2015, the government published guidance in the National Planning Practice Guidance (NPPG) on 'When is permission required', which provides clarity on the interpretation of the limitations and considerations of Class Q.

5.2.2 Sustainable Location

5.2.3 Paragraph 108 (Reference ID: 13-108-20150305, Revision date: 05.03.15) specifically states that it is intended that the 'sustainability' of the location should not be a factor taken into account by the LPA in determining such Prior Approval applications. Instead, the LPA can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

5.2.4 Paragraph 109 (Reference ID: 13-109-20150305, Revision date: 05.03.15) provides an explanation as to what is meant by 'impractical or undesirable', requiring LPAs to *"apply a reasonable ordinary dictionary meaning in making any judgement. Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'".* The guidance cites several examples of where this might apply including where buildings have no road access, or where they sit next to buildings containing dangerous chemicals or machinery.

5.2.5 Extent of building works

5.2.6 Paragraph 105 (Reference ID: 13-105-20180615, Revision date: 15.06.18) states that:

"Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes 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 allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where

the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

*For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1)* and *Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).*

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q”.

5.3 Hibbitt Ruling (November 2016)

5.3.1 The Hibbitt Ruling is an important case in relation to Class Q as it considers the difference between what constitutes a ‘conversion’ and what falls into the realm of ‘rebuild’. The threshold given for when a development comprises a rebuild is whether a structure is so ‘skeletal or minimalist’ that the works needed to alter it for residential use would be of such a magnitude that in practical reality it would be tantamount to a rebuild (or fresh build).

6.0 Class Q Considerations (Q.1 & Q.2)

6.1 Q.1 Criteria

6.1.1 The table below provides a summary of how the proposal satisfies the various criteria set out in Class Q.1 (a-m).

Class Q.1 Criteria		Barn at Westbrook Barns Assessment
(a)	The building(s) must have been in agricultural use on 20th March 2013. If not, the last use before that date must have been agricultural.	The applicants confirm that the building has been solely and continuously in agricultural use since before March 2013 and in excess of 10 years.
(b)&(c)	The cumulative number of dwelling houses may not exceed five. Of these, three units may have a GIA of 100-465 sqm. All other units must not exceed 100 sqm.	The proposal will seek to create a dwellinghouse with a GIA of circa 170 sqm. The number of units will not exceed five.

(d)	The cumulative floor space of larger units must not exceed 465 sqm. The cumulative number of dwellinghouses must also not exceed five units.	The proposal is for one larger dwellinghouse with a GIA of circa 170 sqm and therefore, will not exceed 465 sqm, nor will the number of units exceed five.
(e)	If the site is occupied under an agricultural tenancy, the express consent of the landowner and tenant is required.	There are no agricultural tenancies in relation to the proposal building.
(f)	Where a tenancy has been terminated within 12 months of the development commencing, the landowner and tenant must confirm in writing that the site is no longer required for agriculture.	There have been no agricultural tenancies that have been terminated in the last 12 months.
(g)	No other permitted development (as allowed by Class A(a) or Class B(a) of Part 6 of the GPDO) should have taken place on the agricultural unit in the last 10 years.	The agricultural building in regard to this application has not been subject to any prior approvals in the last 10 years.
(h)	The development must not result in the dimensions of the building extending beyond its existing external dimensions.	The site plans and drawing submitted in conjunction with this application confirm that the building can be converted into one dwelling without any extensions.
(i)	The development must only consist of building operations to the extent reasonably necessary for the building to function as a dwelling house. Further guidance on this is provided by the NPPG and Hibbitt ruling.	The proposed works do not go beyond what is reasonably necessary to enable the conversion of the building to one dwellinghouse. The accompanying Structural Report produced by DHD Structures confirms that, the barn is structurally sound and capable of conversion to residential uses without the need for significant alteration, extension or rebuilding, in accordance with the requirements of Class Q.
(j)	The buildings must not be located on Article 2(3) land.	This criterion is satisfied.
(k)	The site must not form part of an SSSI, Safety Hazard Area or a Military Explosives Storage Area.	This criterion is satisfied.
(l)	The site should not contain a Scheduled Monument.	This criterion is satisfied.
(m)	The building should not be listed.	This criterion is satisfied.

6.2 Q.2 Considerations

Transport and Highways

- 6.2.1 The site benefits from an existing vehicular access onto Leighton Lane through a private gated access that is set on an area of hardstanding and provides adequate visibility in both directions along Leighton Lane. The existing access has long served vehicles including those related to agriculture which are typically larger than standard residentially associated vehicles. Therefore, the access can be considered sufficient to accommodate the anticipated residential movements associated with a single dwellinghouse. The modest vehicular movements associated with a single residential property will not have a material impact on highway safety or capacity.
- 6.2.2 The dwelling will benefit from private off-street parking and will provide sufficient space within the site to allow vehicles to enter, park, manoeuvre and egress the site safely and in a forward gear.

Noise

- 6.2.3 The existing agricultural uses of the building will cease in conjunction with the change of use and therefore, in line with the cessation of the farming practices there will be a significant reduction in noise generated by the building.
- 6.2.4 The site is located within an area that is characterised predominantly by open countryside and residential development with sporadic agricultural practices in the wider context. The barn itself sits within a site that predominantly comprises holiday lets and dwellinghouses, and is not within close proximity to any intensive agricultural or commercial developments which could cause undue noise disturbance to future occupants of the proposed dwelling.

Contamination

- 6.2.5 The agricultural buildings have been solely used for standard agricultural practices and not for any industrial uses or processes that could have caused significant contamination on the site. The building has not been used to store chemicals, fuel or any other materials or substances that could present a contamination risk to future occupants. Therefore, contamination is not considered to be an issue for the proposed development.

Flood Risk

- 6.2.6 The site is located within Flood Zone 1, and therefore, is identified as land at the lowest risk of coastal or fluvial related flooding. There are no other known sources of flood risk affecting the site.

Location and Siting

- 6.2.7 The site is well related to the existing highway with Leighton Lane being sited to the immediate north of the site which provides access to the village of Evercreech to the east of the site.
- 6.2.8 The agricultural building is not located near any existing intensive farming operations such as large dairy or chicken units and there is no slurry or other sources of smell, noise or other environmental factors which would make this an 'impractical or undesirable' location for a dwelling, as set out in paragraph 109 of the NPPG. The suitability of the location of the dwelling is further supported by the fact the built form of the surrounding area is predominantly residential and is not considered to pose a threat to the development.

Design and External Appearance

- 6.2.9 The proposed external appearance of the building will largely retain the existing aesthetic of the agricultural building with the limited exceptions of this being the insertion of windows, doors, insulation and connection to services. All such works are necessary to convert the building from agricultural to residential use. The accompanying Structural Statement from DHD Structures confirms that the barn is capable of being converted to a dwellinghouse.
- 6.2.10 The proposed conversion from agricultural to residential will not require any extensions or alterations that go beyond what is reasonably necessary to convert the building to residential uses.

Natural Light

- 6.2.11 The development has been carefully and thoughtfully designed to ensure that all habitable rooms within the proposed dwelling will have access to adequate levels of natural light. This is further supported by the open and unobstructed nature of the site in terms of surrounding built form. There is some tree cover to the south of the site, however, this is limited and is not considered to be of an extent or density that would obstruct or restrict natural light from penetrating into the dwelling.

6.3 Ecological Considerations

- 6.3.1 A Protected Species Report has been carried out by Redstone Ecology and accompanies this application. The report found that overall the potential for protected species to be harmed or displaced as part of the development was minimal. The survey found that while the barn does provide a suitable nesting habitat for bird species, no evidence of nesting was recorded. Moreover, the barn was also inspected for features that could support bat roosts and the presence of bats. Overall, the barn was deemed to have “*negligible*” roost potential, and there was no observed evidence of bats using the barn recorded during the survey. The site does, however, offer the potential to support commuting and foraging bats.
- 6.3.2 While there were deemed to be negligible impacts on bird and bat species, the report does recommend some mitigation measures that are to be included within the design of the proposal. These mitigation measures include one bird box and one bat box which have been recommended to be sited on the exterior of the converted barn. As the barn has been highlighted as potentially being suitable to support nesting birds, it has been recommended that the construction phase is carried out outside of nesting season (March to August). Should any construction take place within the aforementioned period then the services of a qualified ecologist will be sought to inspect the barn to ensure there are no active bird nests present. Should an active bird nest be discovered then work will be postponed until all chicks have fledged.
- 6.3.3 External lighting will be avoided where possible, however, in the event external lighting is required, it will be cowled or recessed and will use warm white LED bulbs on a short timer, to avoid impacting any commuting or foraging bats.

7.0 Conclusion

7.1 Summary

- 7.1.1 In light of the above assessment, it is clear that the proposed conversion of the agricultural building at Westbrook Barns to form one dwellinghouse constitutes permitted development under the provisions of Schedule 2, Part 3, Class Q of the GPDO.
- 7.1.2 It is therefore respectfully requested that Somerset Council grant prior approval for the proposed development without delay.

