

TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

M & G FARMS

PRIOR APPROVAL APPLICATION FOR PERMITTED CHANGE OF USE OF AGRICULTURAL BUILDING TO DWELLING AT
DEVONPORT FARM, NORTH DROVE, HELPRINGHAM FEN, SLEAFORD NG34 0BS

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1.0 INTRODUCTION

- 1.1 This application comprises prior notification of a scheme for works required to facilitate change of use of an agricultural building to a dwelling (Use Class C3) authorised under Part 3, Class Q, (b) of the *Town & Country Planning (General Permitted Development) (England) Order 2015*, as amended by the *Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018*. The agricultural building subject of this application is located at Devonport Farm, North Drove, Helpringham Fen, Sleaford, NG34 0BS (Easting: 516853, Northing: 338624).
- 1.2 This statement has been drafted in accordance with Part 3, paragraph W,(2) of the General Permitted Development Order 2015. Attention is therefore drawn to the accompanying site location, survey, layout, floor and elevation plan F3118-03.

2.0 SITE CONTEXT

- 2.1 The building proposed for residential conversion comprises a rectilinear barn with a gross internal floor area of 35 m² located within the south eastern confines of the Devonport Farm holding. The building, which is constructed from red brick, roofed with red clay pantiles, is representative of the local historic rural architectural vernacular. The Lincolnshire Historic Environment Record indicates that it likely dates back to the late 19th/early 20th Century. The building originally adjoined a much more substantial barn, though only the concrete base and low sections of walling remain adjacent to the southern and eastern elevations (evident in photograph below). The 0.047 hectare application site accordingly encompasses the barn proposed for conversion with access and hardstanding adjoining its southern and eastern elevations.



Southern elevation of barn proposed for conversion.

- 2.2 Land to the immediate west of the application site is occupied by a two-storey farmhouse with various ancillary buildings. Two large dilapidated sheds are located upon land to the rear/south of the dwelling. The site's northern boundary is merely defined by the verge of North Drove (public highway). A private driveway (serving both the barn and neighbouring farmhouse) junctures with this public carriageway at a point close to the barn's western elevation. The positioning of such also allows ease of access to the associated Devonport Farm complex, which adjoins the northern verge of the highway opposite the application site. The farm complex was until recently used for the rearing of pigs, which were accommodated within a range of large steel portal framed agricultural buildings. However, the pig rearing operation has ceased following

purchase of the land by the applicant M & G Farms. The entirety of the site, adjacent dwelling and associated farm complex are under ownership of the applicant and the land is not/has not been subject of an agricultural tenancy.

- 2.3 The application site is situated in a relatively remote location. With the exception of the adjacent associated farmhouse, all neighbouring land is in agricultural use. A number of isolated farm buildings and dwellings are sporadically distributed along North Drove. The most proximate settlement comprises the village of Helpringham, which is located 3.25 kilometres to the west of the site.
- 2.4 A search of Historic England's database indicates that the proposed site is not within the setting or curtilage of a designated heritage asset such as a Listed Building, historic park/garden or scheduled monument. The Lincolnshire Historic Environment Record has not identified any known archaeological features or finds within the proposed site or immediate surrounding area. The site is not therefore considered to have any significant archaeological potential. The proposed site is not located within or adjoining a Conservation Area or any other area of identified habitat/landscape importance (e.g. AONB's, SSSI's, Local Wildlife Sites). Given the site's previous agricultural uses, there is also no reason to believe that the site is contaminated.
- 2.5 The 'Minerals Safeguarding Map' included within the *Lincolnshire Minerals and Waste Local Plan 2016*, identifies that no land host to important mineral resources will be compromised or altered as a result of the development. The Environment Agency Flood Hazard Map identifies that the application site is located within Flood Zone 2 'medium risk' land. A 'Flood Risk Assessment' is accordingly included within the latter corresponding section of this statement.
- 2.6 As aforementioned, Devonport Farm has recently been purchased by the applicants' and incorporated into the wider M & G Farms holding. Options are currently being explored in relation to whether the farm complex to the north of the application site should be adapted for a new horticultural venture. A scheme for the comprehensive modernisation and extension of the associated neighbouring farmhouse, which would become the principal farm manager's dwelling, is also at the feasibility stage (though these matters are technically beyond the scope of this application). Irrespective, it is evident that the historic outbuilding subject of this prior notification application, is of little use for modern farming/horticultural purposes and, though structurally sound, such is in need of renovation.
- 2.7 In this context, it is emphasised that the proposal essentially seeks to facilitate investment in the farm holding by transforming the barn into a modest dwelling that can either be used as accommodation for a farm worker (seasonal workers accommodation might well be required in the near future) or a source of revenue generation in the form of holiday accommodation (farm diversification). The latter being of potentially increased viability if plans for a nearby NSIP scale Anglian Water reservoir with associated tourism development come to fruition. Furthermore, change of use of the barn to a dwelling will increase the overall value of Devonport Farm, thus providing greater collateral for investment in new operations within the main agricultural building complex. The proposal will therefore allow an existing asset to be put to a more beneficial use.

3.0 PLANNING LAW

3.1 The proposed change of use is considered to achieve compliance with Schedule 2, Part 3, Class Q of the *Town & Country Planning (General Permitted Development) (England) Order 2015* as amended by the *Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018*. Class Q' of the GDPO states that development will be permitted where it consists of:

- a) *'a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or*
- b) *development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.'*

3.2 It is emphasised that the building proposed for residential change of use comprises an agricultural building, thus complying with Class Q,(a). The change of use can be facilitated with minimal building operations, as permitted under Class Q(b).

3.3 In relation to the relevant qualifying criteria of Class Q.1, it is stated that:

- a) The site has been solely in continuous agricultural use, including prior to the qualifying date of 20th March 2013.
- b) The cumulative gross external floor area of the existing building is 41 m² and the proposed conversion will result in a single dwelling with gross internal area of 35 m², which is significantly below the 460 m² 'larger dwelling' threshold (permitted under the GDPO 2018 amendment).
- c) The change of use will technically result in the provision of a single 'smaller dwelling' (sub 100 m² floor area), as defined within section Q.3 of the GDPO 2018 amendment.
- d) the development under Class Q (together with any previous development under Class Q) within the established agricultural unit will not result in 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 or the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5.
- e) The site is not occupied under an agricultural tenancy.
- f) No agricultural tenancies have been terminated one year or less prior to this application. Indeed, the site has not historically been occupied under an agricultural tenancy.
- g) No development has taken place under Schedule 2, Part 6, Class A(a) or Class B(a) since 20th March 2013 or development under Class Q within the last 10 years.

- h) The proposed construction works will not result in the external dimensions of the new dwelling extending beyond the external dimensions of the existing building at any given point.
- i) The necessary construction works under Class Q(b) will not require alterations to the existing structure other than the installation of replacement windows, doors, and recladding of the roof with original red clay pantiles. Utility services will be connected/installed as permitted by (i)(bb). The building is structurally sound and no significant demolition works will be required to facilitate the change of use.
- j) The application site and wider agricultural unit are not situated within article 2(3) land.
- k) The site does not form part of a Site of Special Scientific Interest, safety hazard area or military explosives storage area.
- l) The site is neither part of nor host to a scheduled ancient monument.
- m) The agricultural building proposed for change of use does not comprise a Listed Building. It should also be noted that the application site is not within the historic curtilage of a Listed Building.

3.4 On the basis of the above, it is reasonable to state that none of the Class Q.1 preclusions apply to the proposed change of use and associated construction works. The proposed scheme is therefore demonstrably permitted development.

4.0 DEVELOPMENT APPRAISAL

4.1 This section provides an appraisal of the proposed development in accordance with the conditions of Schedule 2, Part 3, Class Q.2 criteria a) to f):

- a) **Highway Impact:** The building proposed for residential conversion benefits from an existing access to the public highway (North Drove). This has proven to be both safe and convenient. The proposed development, comprising a single one-bedroom bungalow, would not result in any significant level of traffic generation. Activity would essentially be limited to private car use as opposed to larger vehicles including tractors with trailers associated with the site's agricultural use. Service vehicles (such as bin lorries) already access the site by virtue of an existing dwelling (farmhouse) being located to the immediate west of the site. The development will not therefore have any impact upon the capacity of the local highway network.
- b) **Noise Impact:** Though the remaining Devonport Farm complex to the north of the application site will remain in agricultural or horticultural use subsequent to the proposed residential conversion, due to the degree of separation there is no reason to suspect that noise nuisance will arise. The site's future occupants will not suffer any adverse impact upon levels of amenity as a result of disturbance arising from any neighbouring land use. Equally, the agricultural building's change to residential use will not give rise to levels of noise/disturbance detrimental to levels of amenity afforded by neighbouring land users.

- c) **Contamination Risk**: The agricultural building has not been used to store harmful materials (such as fertilisers, pesticides, fossil fuels/lubricants etc) and it has not been used to accommodate livestock for over a decade. Realistically, there is no reason to believe that the site is contaminated and, regardless such could readily be mitigated.
- d) **Flood Risk**: The building proposed for conversion is situated within Flood Zone 2 ‘medium risk’ with the southern confines of the site being in Flood Zone 1 ‘low risk’. A flood risk assessment is accordingly included within the latter corresponding section of this statement.
- e) **Land Use Compatibility**: The proposed residential use will achieve excellent levels of compatibility with all neighbouring land uses. Other neighbouring land is in agricultural and residential use (dwelling to immediate west), which achieves equally high levels of land use compatibility with the proposed scheme. There is no reason to believe that this mix of rural land uses, which deviates little from baseline conditions, will lead to any compromise of residential amenity.
- f) **Design & Appearance**: The proposed change of use can be facilitated without the need to extend the existing red brick barn. As evident upon the building survey and proposed elevation/layout plans, it will be possible to achieve the residential conversion whilst still retaining the simple historic agricultural appearance of the barn. The design maximises the use of existing openings within the southern elevation, thus retaining visual cues to the elevation's original form. The eastern elevation will include the introduction of a new modest sized French door (the only new opening required). The corrugated cladding on the northern half of the pitched roof will be replaced with traditional red clay pantiles, thus matching the original materials still evident on the southern half. In order to enhance energy efficiency, photovoltaic panels will also be installed on the southern side of the roof (which not be visible from the public domain). The scheme has been sensitively designed in a manner that will improve the appearance of the barn whilst retaining the simple rural character of the site and its surroundings.

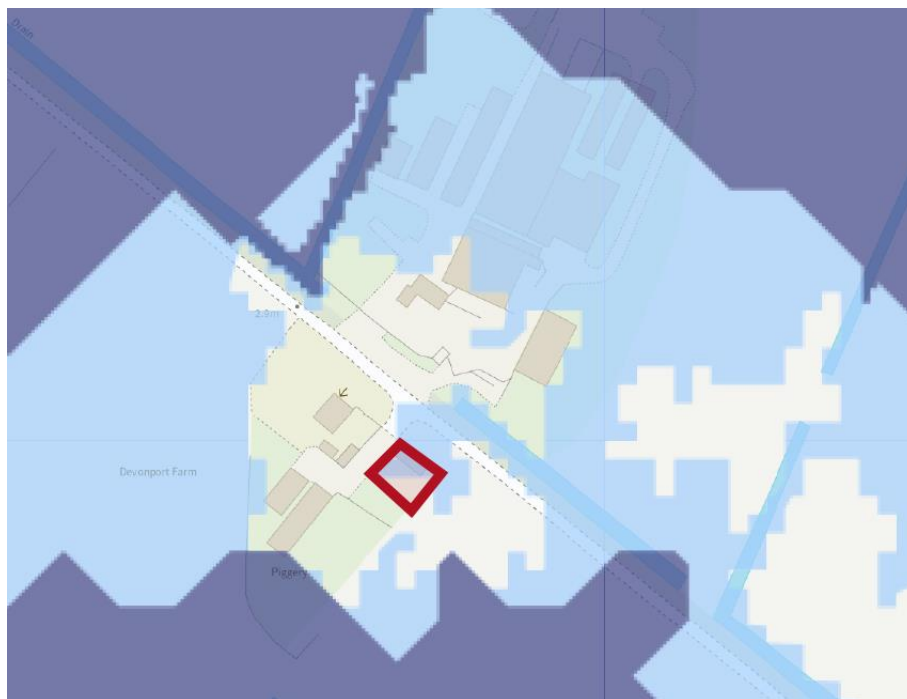
5.0 FLOOD RISK ASSESSMENT

- 5.1 The following comprises a Flood Risk Assessment (FRA) in accordance with the provisions of the National Planning Policy Framework 2021 and Part 3, W,(2),(e) of the *Town & Country Planning (General Permitted Development) (England) Order 2015* (as amended).
- 5.2 With regard to ‘Planning and Flood Risk’, paragraph 167 of the National Planning Policy Framework 2021 stipulates that: *‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment [55]. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

5.3 Expanding on the above, NPPF footnote 55 states: *'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'*

5.4 The Environment Agency Flood Hazard Map identifies that the majority of the building proposed for conversion is located within Flood Zone 2, though the southern confines of the site are upon elevated ground within Flood Zone 1. Under these circumstances, NPPF paragraph 167 and footnote 55 require that a site specific flood risk assessment (FRA) is submitted in support of the application. Such is addressed as follows.



Extract of detailed EA flood map depicting proposed site (red) in Flood Zone 2 shaded light blue) and Flood Zone 1 (clear).

5.5 The Environment Agency define 'Flood Zone 2' as 'medium risk', which is described as: *'...in any year land has between a 1% and 0.1% chance of flooding from rivers...'* The potential sources of flood risk are summarised below:

- a) Flooding from rivers/South Forty Foot Drain;
 - b) Flooding from high water levels in the dykes/land drains outlying the site;
 - c) Pluvial flooding from rising groundwater;
 - d) Flooding from failure of the site surface water drainage system.
- 5.6 In relation to the risk specifically presented by flooding from surface water (i.e. rainfall and the land drainage network), the Environment agency have identified that the building proposed for change of use is at ‘very low risk’ of flooding, stating that: ‘...*this area has a chance of flooding of less than 0.1% each year. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding.*’ The above is consistent with observations that the site has not been subject to historic localised flooding/surface water drainage problems and there is no evidence of flood damage within the property. Evidently, if flooding from external sources occurs, it is most likely to result from the overtopping of outlying watercourses such as the ‘South Forty Foot Drain’ as opposed to pluvial sources.
- 5.7 With regard to surface water management, reference is made to the preferred hierarchy of drainage stated in Part H of the Building Regulations and The SuDS Manual. The following disposal routes have been considered:
- a) Disposal via Infiltration
 - b) Disposal to a Watercourse
 - c) Disposal to Surface Water Sewer
- 5.8 It should be noted that the proposed development will entail conversion of an existing building. The structure will not be extended and thus surface water run-off from the development’s roof area will remain unchanged. The barn originally discharged water to a subterranean soakaway via a system of gutters and drain pipes, though the guttering is presently damaged/non-functional. The proposed scheme will reinstate the drainage system, which will discharge to a soakaway within the site’s southern confines. It should also be noted that existing concrete surfacing within the site’s southern confines will be removed and replaced with lawn and a gravel surfaced (water permeable) car parking area. On balance, the proposal is not therefore anticipated to significantly change baseline surface water run-off rates/volumes. Given that the established neighbouring dwelling/ancillary buildings’ soakaway systems have proven effective, it can be assumed that groundwater percolation rates are sufficient to allow a sustainable soakaway/infiltration system to be used in support of the proposed change of use. The proposal is of small scale and such will not give rise to effects such as flood water displacement.
- 5.9 The National Planning Policy Framework 2021, Annex 3 categorises dwellings as being ‘more vulnerable’ to flooding. With reference to the National Planning Practice Guidance (2014), Table 3 (extract below), which identifies the flood risk vulnerability and potential compatibility of residential development within the various flood zones, it can be noted that ‘more vulnerable’ residential development (changes of use inclusive) is considered strategically acceptable within Flood Zones 1 and 2.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

NPPG Table 3 extract outlining development vulnerability to flood risk classifications

5.10 In context of the above, Paragraph 168 of the National Planning Policy Framework states: ‘Applications for some minor development and changes of use⁵⁶ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.’ The proposed scheme comprises minor development in the form of the residential conversion of an agricultural building. Under these circumstances, it is not technically necessary for the proposal to demonstrate compliance with the sequential and exceptions tests. Nevertheless, the selected building is located in an area of lower flood risk compared to much of the surrounding land (which is in flood zone 3). The proposal does accord with the principles of the sequential approach. The identified level of flood risk is not considered to be a significant constraint or indeed reason to justify refusal of the proposed scheme.

6.0 SUMMARY

6.1 Prior approval is sought for a scheme seeking residential conversion of a superfluous agricultural building. The proposal will put the building in question to a more beneficial use without giving rise to any adverse impacts. Furthermore, the development will enhance the character and appearance of the site and its surroundings whilst adding value to the associated farm holding. The change of use and required construction works achieve full compliance with the provisions of Schedule 2, Part 3, Class Q of the *Town & Country Planning (General Permitted Development) (England) Order 2015* as amended by the *Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018*. The change of use and associated works are therefore considered to be permitted development. The proposal will cause no demonstrable harm.