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Planning Statement

Church Farm Barn, Hardwicke Court, Hardwicke, Gloucester, GL2 4RJ

In support of an application to Somerset West for Prior Approval for the proposed change of use and conversion of an agricultural building to a single private dwelling under Class Q, Part 3, Schedule 2 to The Town and Country Planning (General Permitted Development)

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1. 1.0 INTRODUCTION

On 6th April 2014, Statutory Instrument 2014 No. 564 came into force, introducing a number of changes to the Permitted Development legislation. Amongst these changes was the introduction of a new Class MB to Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. A further Statutory Instrument 2015 No. 596, The Town and Country Planning (General Permitted Development) (England) Order 2015, came into force on 15th April 2015, consolidating and updating the legislation, and re-designating Class MB as Class Q.

2. Class Q confers permitted development status upon:
“(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; and
(b) 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. The applicant, Mr H Lloyd-Baker, is the owner of land and buildings at Church Farm, Pound Lane, Hardwicke, Gloucester, GL2 4RJ. The property comprises a substantial farmhouse with a wide range of traditional and modern barns.
4. Mr H Lloyd-Baker propose to change the use and convert the two storey barn immediately to the north of the main farmhouse for use as a private dwelling.
5. Mr H Lloyd-Baker has instructed Jackson Architects Ltd to submit an application to the Local Planning Authority (LPA), seeking a determination as to whether the prior approval of the LPA will be required as to the matters specified under Class Q. This application is in respect of both parts (a) and (b) of Class Q.
6. The application is accompanied by design drawings and a Design Statement prepared by Jackson Architects Ltd, a Barn Conversion Structural Methodology by O’Brien & Pryce and a soil contamination survey by Wilson Associates.

2.0 PRE-APPLICATION DISCUSSIONS

- 2.1 **No formal pre-application discussions have been made to Stroud District Council although we understand that limited discussions were held with SDC Officers Ms Gemma Davis & Mr Tom Fearn following a planning application in 2009.**

3.0 PERMITTED DEVELOPMENT CRITERIA

- 3.1 Paragraph Q.1 of Class Q sets out the criteria whereby development under Class Q would not be permitted. These criteria will be considered in turn as follows.
- 3.2 (a) the site was 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;

On request, the owner is willing to provide a Statutory Declaration stating that ‘the Barn was erected as an agricultural building and has been used for that purpose ever since. It has been used for agricultural purposes during the entire period of my ownership of Orchard Farm from 1989. The Barn was originally constructed for the housing of cattle and hay and is presently used for hay’.

The site was previously in agricultural use, as part of an agricultural trade or business,. Criterion (a) is therefore met.

3. 3.3 (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres .

The existing agricultural building to be converted has a footprint (gross external area) of 218sqm. Giving a GIA of 204sqm ground floor plus 116sqm first floor. The proposal is to create a single dwelling with gross internal floor area 137sqm ground floor plus 116sqm first floor to achieve a total floor are of 253sqm.

4. 3.4 (c) the cumulative number of separate dwelling houses developed under Class Q within an established agricultural unit exceeds 3.

The agricultural unit comprises the land and buildings at Church Farm within which there is a single dwelling.

5. 3.5 (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

There is no current agricultural tenancy.

**6. 3.6 (e) less than 1 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.**

There has been no agricultural tenancy over the site within the past year.

7. 3.7 (f) development under Class A(a) or Class B(a) 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;

No such development has been carried out on the agricultural unit since 20th March 2013.

8. 3.8 (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

The external dimensions of the proposed building will not extend beyond the external dimensions of the existing building at any given point.

9. 3.9 (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwelling) of the Schedule to the Use Classes Order.

There has been no previous development under Class Q. This proposal will not result in more than 450 square metres of floor space of buildings within the agricultural unit having changed use under Class Q.

10. 3.10 (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; and**
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).**

The building operations proposed under the current application are no more than is reasonably necessary for the building to function as a dwelling house. The existing building is substantial and proven structurally strong enough to take the loading which comes with the external works to provide for residential use. (*Refer to O'Brien & Price Structural survey*).

The Design Statement prepared by Jackson Architects notes that the existing walls and roof structures are to be repaired as required and retained. Some areas of floor joists will require replacement due to excessive rot but principal floor beams are adequate.

A partial demolition of the existing lean-to structure to the west end of the barn is proposed to reduce the ground floor plan depth and improve natural daylighting within the building.

- 3.11 (j) the site is on article 2(3) land – i.e. Land within**
- (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);**
 - (b) an area of outstanding natural beauty;**
 - (c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);**
 - (d) the Broads;**
 - (e) a National Park; and**
 - (f) a World Heritage Site.**

The site is not on article 2(3) land.

- 3.12 (k) the site is or forms part of—**
- (i) a site of special scientific interest;**
 - (ii) a safety hazard area; or**
 - (iii) a military explosives storage area;**

The site neither is, nor forms part of, a designated area under criterion (k).

3.13 (l) the site is, or contains, a scheduled monument.

The site neither is, nor contains, a scheduled monument.

3.14 (m) the building is a listed building.

The building is not Listed and hence criterion (m) is satisfied.

3.15 In conclusion, the criteria (a) to (m) are satisfied by the development and the proposal therefore constitutes permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.0 PRIOR APPROVAL

Paragraph Q.2 (1) of Class Q states as follows:

Q.2 (1) Where the development proposed is development 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 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, and

(f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

4.1 Transport and Highways Impacts

The site is located adjacent to other buildings on the edge of the village of Hardwicke where there are opportunities for occupants of the dwelling to travel by sustainable modes of transport; thus the proposal represents a sustainable form of development in transport terms;

The approach roads are unclassified but considered acceptable to accommodate the traffic that would be generated by the extant and previous uses on the site. The proposal would lead to a reduction in traffic movements travelling to and from the site. The traffic impact of the scheme would be negligible and no worse than that generated by the existing agricultural use.

The proposed dwelling and Church Farmhouse will use a secondary access to minimise conflict between agricultural machinery and domestic cars. The secondary access use is extant.

In addition it is proposed to make minor improvements by consolidating and surfacing the first 6.0m of access drive into the site and the existing hedgerow would be managed as a domestic hedge keeping the existing visibility splay clear.

The on-site parking and turning arrangements are spacious and easily capable of providing sufficient spaces for residents cars.

The proposed consolidating and surfacing of the first 6.0 metres of the access drive can be undertaken as Permitted Development under Class E of Part 9 of the GPDO, which permits “The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.” Also, the works to trim back the hedgerow would not require planning approval.

4.2 Noise Impacts

The proposal will not generate significant noise so as to prejudice the amenities of neighbouring properties, and there are no known sources of noise in the locality that may prejudice the amenity of future residents at the proposed development.

4.3 Contamination Risks

The building has been used for livestock accommodation and agricultural storage use only, and not for any industrial uses or processes that could have caused significant contamination of the site. A survey of the building by Wilson Associates has revealed no evidence of significant contamination.

4.4 Flooding Risks

The site is located on the edge of a Flood Zone 3 area which abuts the western end of the building, covering parts of the parking area for the adjacent former stables. However, the building floor levels are significantly raised relative to the flood zone, so the building, proposed curtilage and access fall in Flood Zone 1 (very low risk). Specialist Flood Risk Assessment carried out by Clive Onions Consulting Civil Engineer concluded “ [para 1, page 3] ‘... that the barn is not at risk of flooding, and there is a safe route to Gloucester during extreme events.’ The development will therefore be safe from flooding, can be safely accessed and evacuated in the event that the adjacent area floods.

4.5 Suitability of Location

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)

There are not considered to be any issues whereby the location or siting of the building would make it impractical or undesirable for the building to change its use as proposed. Church Farm Barn would become a natural addition to the village of Hardwicke.

4.6 Sustainability

The Planning Practice Guidance issued by Government on 5th March 2015 states at paragraph 108 that ‘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.”

Paragraph 109 of the Practice Guidance further states that “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.”

Paragraph 109 goes on to state that “When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.”

The Planning Practice Guidance is clear and unequivocal, and confirms that paragraph 55 of the NPPF and the sustainability of the location are not matters that should be considered by a Planning Authority in determining an application for Prior Approval under Class Q. This principle has now been upheld by a number of Inspectors in considering Planning Appeals which have addressed this specific point.

Paragraph 109 of the Planning Practice Guidance gives clarification on what matters should be considered when assessing the location and siting of a Class Q proposal. The Guidance states

that “Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment.”

Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.”

The location and siting of the building at Church Farm does not raise any concerns whereby a residential use for the building would not be sensible or realistic, or would be harmful or objectionable, in any way.

Church Farm Barn is located within a grouping of agricultural and residential properties that combine to form the hamlet of Hardwicke.

5.0 CURTILAGE

Under Class Q, “curtilage” means

“(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 land area occupied by the existing agricultural building, extends to 218 square metres. The area of domestic curtilage proposed under this application for Prior Approval matches the area, therefore satisfies the requirements of Class Q.

CONCLUSION

The proposal satisfies all of the criteria set down in paragraph Q.1 of Class Q to be acceptable as permitted development under the relevant legislation.

We have demonstrated that there are no reasons to refuse Prior Approval under paragraph Q.2 of Class Q on grounds of transport and highways impact, noise impact, contamination risk, flooding risk, location and siting, or design and external appearance.

The conversion of this agricultural building to a dwelling will enhance the visual amenity of the area, securing the future of this attractive building in a sustainable way whilst also protecting the context of the barn and parent farmhouse.

This application should therefore be approached in a positive way, and Prior Approval granted for the works proposed, under Class Q, Part 3, Schedule 2 of the Town and Country Planning General Permitted Development Order 1995, as amended.