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**Prior Determination
Change of use of Agricultural
Buildings to Dwellings**

PREPARED FOR

**Mr David Dodds
Hillside Farm
Newmarket Road
Royston
SL8 7LZ**

May 2023

PREPARED BY

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1. INTRODUCTION

1.1 We act on behalf of the Mr David Dodds in respect of the prior determination request made to South Cambridgeshire District Council in relation to the potential change of use of agricultural buildings at Hillside Farm, Newmarket Road, Royston, SG8 7LZ into 5 dwellings.

1.2 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2018.

1.3 This is a resubmission following withdrawal of application 23/00709/PRIOR on 12 April 2023 prior to this the Officer cited the following concerns:-

a) The Structure.

b) Ecology.

c) The proposed demolition of 2 existing buildings to accommodate parking for the dwellings would fail to comply with paragraph (h)(i) of Part 3 Class Q and the site plan should be amended to these buildings are not demolished.

1.4 A reapplication proposed the demolition of two buildings but the officers report stated:

Within the immediate vicinity of the buildings proposed to be converted are two additional buildings, and as stated within the site plan provided, a separate application is to be submitted for the prior notification of their demolition. However, officers note that this application has not been submitted, it should also be noted that the demolition of these buildings cannot be conditioned as their demolition requires permission and the granting of this permission is not guaranteed.

The assessment was therefore made including these two buildings. However, planning permission to demolish these buildings has now been obtained ref 23/03303/FUL. This means the demolition of these buildings does not need to be considered as partial demolition, and the demolition can be

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conditioned as Paragraph W 13 states:-

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The officers report and reasons for refusal link specifically to these buildings so it is reasonably related and now the permission is held demolition can be conditioned prior to and residential use.

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Signed *Brian Barrow*

BRIAN BARROW BSc (Hons) MRICS

on behalf of Acorus Rural Property Services Limited

3. PLANNING POLICY BACKGROUND

3.1 Class Q of the General Permitted Development (England) Order 2018 allows for:-

- a) the 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 (dwelling houses) 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 (dwelling houses) of that Schedule.

3.2 The building works permitted under Class Q are outlined in the Planning Practice Guidance at Paragraph 105 as follows:-

“Building works are allowed under the right permitted agricultural buildings to change to residential use, 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.

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.”

3.3 The proposals were put forward to further enhance the Government’s key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of

existing buildings, supporting the high street and rural communities and providing new housing.

- 3.4 The permitted development makes a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.
- 3.5 The permitted development provisions do not differentiate between the age or type of any buildings which might be suitable for conversion.

4. THE SITE AND BUILDING

4.1 The proposal relates to the change of use of agricultural buildings and the land within their curtilage into 5 dwellings.

4.2 The agricultural unit on which the barns 'sits' has been owned by the applicants for many years. It is land which has been occupied for the purposes of agriculture on or before 20 March 2013.

Hillside Farm is a poultry unit rearing pullets for free range units. Chicks come onto the holding as day olds and leave at 16 weeks old. Buildings on the site include 8 poultry sheds, workshop and farm office.

4.3 The poultry sheds subject to this application have come to the end of their useful life for poultry production due to their size and will be decommissioned.

The buildings will be converted into three large and 2 smaller dwellings. The larger dwellings will not have a floorspace greater than 465 m² and the smaller dwellings less than 100 m² each.

4.4 It is confirmed that the following criteria are also satisfied:

- the buildings are not on article 2(3) land;
- the site was used for agricultural purposes on or before 20th March 2013.
- the site does not form part of a safety hazard area or military explosives storage area;
- the buildings are not listed buildings or scheduled monuments;
- no development utilising agricultural (part 6) PD rights has been undertaken on the unit since 20th March 2013.

5. PRIOR DETERMINATION – CLASS Q(a)

5.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class Q(a) development in this instance in regard to:

- **Transport** and highways impacts of the development
- **Noise** impacts of the development
- **Contamination** risks on the site
- **Flood risks** on the site
- 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 (dwelling houses) of the Schedule to the Use Classes Order

5.2 Transport

The site is situated with an access onto an established and adopted highway. Considering an average of 4 trips per day per dwelling, removal of the agricultural use, it is deemed that the highways impact of the proposal would be minimal.

The agricultural use involves deliveries of chicks, feed and bedding as well as removal of birds and manure. There is also up to 2 agricultural workers as well as catching and clearing labour. These movements would be lost.

A more in depth Transport Statement has now been provided plus visibility splays. This gives the Highways Authority the information they required, which whilst submitted with the previous application seems was too late to be considered.

5.3 Noise

There will be no adverse impact on any existing residential amenity in the area, by converting the agricultural building to residential.

5.4 Contamination

There has been no previous use of the barns to the applicant's knowledge, which would lead to any contamination concerns or issues. There has never been any landfill or waste disposal on or around the site and given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

5.5 Flood Risk

The site is within Flood Zone 1.

There will be new drainage facilities installed which will provide adequate foul drainage and surface water drainage. Any newly created drainage for surface water will ensure that any discharge will not increase the chance of flooding elsewhere.

5.6 Location and Siting

The location and siting of the buildings do not make it undesirable or impractical to change the use. The poultry use is to be removed and the dwellings will 'sit adjacent to a farm office and between other residential property.

There are potential curtilage areas associated with the buildings, which will create amenity space for the dwellings created including parking area.

5.7 Provision of Natural Light

The dwelling will benefit from natural light to all habitable rooms as shown on the plans and elevations.

6. PRIOR DETERMINATION CLASS Q(b)

6.1 In addition to the above, we also request a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the building.

6.2 To assist with the determination the following is provided:-

- * A site location plan which identifies the subject building and the deemed curtilage area.

- * Existing and proposed Plans and Elevations including plans showing the dimensions of rooms and windows

The proposed design will not extend the external dimensions of the building in any direction. The buildings are timber frame on brick/block plinths. They are in good order and have been maintained regularly albeit they are now too small for purpose.

The design will utilise the existing buildings with retention of the roof and walls (frame and cladding) and externally will look quite similar. The existing roof will be insulated internally with repair where necessary including any asbestos. If this is found to be the case a modern replacement of the same look will be fitted.

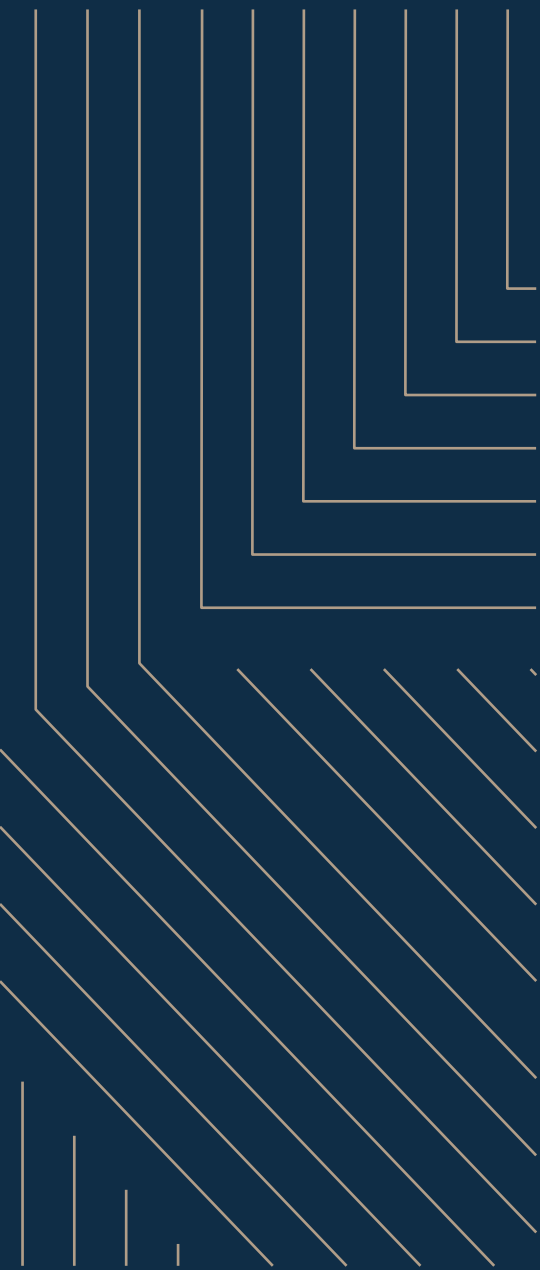
Walls will be retained as per current materials with repointing of lower brickwork as necessary and replacement wooden cladding boards where this is required. Windows and doors will be added as necessary principally in existing openings with a few extra openings to facilitate the agricultural use.

Existing fan boxes and cowls will be removed and the roof and walls patched in to match the existing.

Other than the ancillary demolition, repairs, some minor modifications, plus new windows and doors, all the other works will be internal, such as insulation and sub dividing the space.

7. CONCLUSION

- 7.1 It is deemed that the proposal for the change of use of the buildings at Hillside Farm should be considered permitted development, under the legislation brought into force in 2014 and now under Class Q of the General Permitted Development Order 2018.
- 7.2 The proposed change of use will not lead to any detrimental adverse effects on traffic, noise or contamination and the siting and location of the buildings is deemed acceptable for the proposed use. Natural light will be provided to all habitable rooms.
- 7.3 The buildings are convertible and capable of functioning as dwellings. The works proposed consist of localised repairs, modified door openings, new windows and repairs to cladding. Existing walls and building structure will remain. Other works including insulation and sub dividing the living space are all internal and therefore not development.
- 7.4 The reasons for refusal of the previous application have been addressed. Permission is now held for the demolition of the two buildings that caused an issue with the prior approval matters. This can be conditioned. Regarding highways concerns, a highways report, which whilst provided late in the process with the previous application, was not considered and is submitted with this application. This shows a significant reduction in agricultural traffic much of which would be larger type and slower vehicles.



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