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Date: 13th November 2023

Buckinghamshire Council Planning Department
Submitted via the Planning Portal

Dear Sirs

CHANGE OF USE OF AN AGRICULTURAL BARN TO THREE DWELLING HOUSES UNDER PART 3 CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) AT LOWER FARM HILLESDEN BUCKINGHAM BUCKINGHAMSHIRE MK18 4BY

We enclose a Prior Notification under Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed change of use of a building and land within its curtilage from use as an agricultural building to three dwelling houses.

1 The Established Agricultural Unit

The agricultural building subject of this proposal is located in a rural location to the northeast of the village of Hillesden, being approximately 3 miles south of central Buckingham. The Location Plan is included as a supporting document Ref.3.

The building forms part of an Established Agricultural Unit known as Lower Farm. The Established Agricultural Unit extends to 299 hectares (739 acres), or thereabouts, and has been farmed in hand by the applicant for many years. A Farm Plan is included as document Ref. 7, which shows the full extent of the Established Agricultural Unit.

Agricultural practices on holding comprise a typical arable rotation with the production of cereal crops and straw. The farm is registered with the Rural Payments Agency and is currently eligible for the Basic Farm Payment.

The site formed part of an Established Agricultural Unit on 20th March 2013, as required by Class Q criteria, and continues to remain part of the Established Agricultural Unit to present day. The building subject of this proposal has only ever been used for agricultural purposes.

2 Structural Assessment of the Building

The proposal is to convert the existing building at Lower Farm to provide 3no. dwellings. The proposed dwellings will be formed by the conversion of an existing agricultural building which is no longer required for agricultural purposes.

The building comprises a grain store, which is constructed of a concrete portal frame under a fibre cement roof. The walls are constructed in part of fibre cement sheets above corrugated tin cladded below. The building benefits from a concrete floor throughout and is accessed via two large roller shutter doors to the southern elevation. The building benefits from an area of concrete hardstanding adjacent to the access.

An independent structural survey has confirmed that the building is sound and capable of conversion without structural alteration. – see supporting document Ref. 12 (Conisbee Structural Survey).

A schedule of photographs for the building accompanies this application as supporting document Ref. 5. In addition, the existing floor plans and elevations are contained within supporting document Ref. 8.0 (Existing Elevations) and Ref. 8.1 (Existing Floor Plans).

The building is located within the ring fenced Established Agricultural Unit and is accessed from the public highway via a private road falling within the applicant's ownership. The adjoining yard associated with the building will no longer be required for the ongoing operation of the agricultural unit and is largely contained within the curtilage of the proposed dwellings.

The building is in good structural condition and has been well maintained, having been used for grain storage as recently as this harvest. Indeed, the walls and structure have withstood the significant weight and loading of grain pushed against the structure for many years without issue. It is structurally sound and is physically capable of conversion without rebuilding. The concrete framing will be the foundation structure of the residential dwellings.

The proposed design will create 3 terrace dwellings and will utilise the existing structure and materials, used to reference the buildings agricultural heritage. The existing portal frame structure, walls, floor and roof structure will be predominantly retained.

The three dwellings proposed will provide a large open plan ground floor with a living, kitchen and dining area; an office space; and utility. The 1st floor will be created by the insertion of a mezzanine floor and will comprise three bedrooms, one with ensuite and a family bathroom. The design will create open plan living spaces well suited to modern living. Plot 1 will extend to 148.6 sqm, Plot 2 152.0 sqm and Plot 3 will extend to 150.0 sqm.

The applicant refers to Appeal Ref: APP/V3310/W/16/3144195, which considers the provision of mezzanine floors. Here the Inspector summarised their findings as follows:

"The appellants argue that this mezzanine floor would be internal work that does not materially affect the external appearance of the building, and is thus not development, as defined in s.55 of the Act. The works permitted under Class Q are only those concerned with the exterior of the building. Section 55(2)(a) provides that the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building" does not constitute development. Works of re-building would not fall within such a definition, and thus the Council's hypothesised situation where a new building was erected within the shell of an existing one would not be covered by the s.55 definition. However, in my view, that is not what is proposed here. Through the grant of prior approval on Ref: 50/15/00099, the Council has accepted that the physical fabric of the building can allow it to function as a dwelling, and that the works to provide new walls and a roof are reasonably necessary. Whilst the provision of a mezzanine floor is not absolutely essential to enable the building to function as a dwelling, its provision is nevertheless a reasonably necessary to make effective use of the available space within the building. The only material difference here is that an additional floor is being added over about half of the building's floorspace. Whilst the new floor would provide additional structural support, it is clear that this is not essential to allow the conversion to take place. Thus, even though the proposal would involve the provision of new

internal structural elements, and possibly the strengthening of the existing floor slab to take the loading of the new internal wall, I consider that this would not amount to rebuilding, and is covered by the exemption from control provided by s.55. Nor would it bring the proposal outside of the provisions of Class Q.”

A further relevant appeal decision is APP/V3310/W/19/3221630, which concerned a building in arguably much worse structural condition than the building subject of this proposal. The Inspector's report is as follows:

“The existing building is single storey with a pitched roof and smaller single storey lean-to on the side. It is constructed in a mixture of timber and steelwork main posts which support a roof clad in a corrugated onduline sheets and the exterior walls are of a stud frame with plywood sheathing and clad externally with timber boarding. There are also some internal stud walls and a loose dirt and concrete floor.

It is proposed to convert the building to a dwelling with a living and dining area; kitchen; two bedrooms and bathroom on the ground floor. The scheme also shows steps leading up to a mezzanine snug/play space in the roof space, although this would have limited head height. It is proposed to retain the basic structure in the conversion although the roof sheeting would be replaced and the existing exterior timber horizontal boarding would be replaced with vertical boarding. Further, there would be new doors and fenestration partly utilising the existing openings.

The Council is concerned about the extent of new build with fresh materials that would be used in the proposed conversion but it appeared to me at the site visit that the basic structure of the building is in a sound state although there were a few signs of daylight appearing through the roof material. The exterior tongue and groove cladding was in a reasonable state and could have been reused although the proposal seeks to replace this with new vertical boarding.

The building in question is wholly enclosed at the moment and all sides are intact now and this distinguishes it from the largely open steel frame barn the subject of the Hibbitt case. Further, I have to place weight on the national guidance in the PPG which refers to the type of work deemed necessary, such as the installation of fenestration in the building, and that other internal work such as a mezzanine not being prohibited by a Class Q scheme.

Overall, I do not agree with the Council that the works proposed would result in a fundamentally new building, but I consider that the scheme would comprise limited works which would supplement rather than replace the existing fabric of the building. As such, I am satisfied that the existing building is suitable for conversion to residential use as it stands and the works proposed accord with the general provisions of Class Q and the guidance in the PPG.”

The development will not consist of building operations other than those permissible under Class Q to include the installation of windows and doors to the extent reasonably necessary for the building to function as a dwellinghouse.

The proposed elevations and floor plan drawings are contained at supporting documents Ref. 9 and Ref. 9.2.

The applicant refers to the judgement in Basil's Farm, Cow Lane, Denver, Norfolk (Appeal Ref: APP/V2635/W/15/3005409). This appeal was dismissed for reasons relating to the established agricultural unit test, but the appeal inspector found that cladding would not materially alter the building:

“The application form states that the building would be cladded although there are few details before me, including on the submitted plans, on what form this would take. The recent revisions to the PPG1 on Class Q clarify that replacement windows, doors, roofs and exterior walls fall

within the ambit of what should be permitted. I have considered the Council’s submissions that the building is structurally unsound but I have very little persuasive evidence that the building requires structural interventions to function as a dwelling house. Whilst cladding added onto the existing external walls would result in a building which extends beyond its existing external dimensions, the net difference to the footprint from cladding would be negligible. Additionally, the cladding would be unlikely to extend beyond the existing roof overhang at the eaves level and as such the re-cladded building would be generally contained within the envelope of the original building. I therefore find that external cladding in this specific case would not contravene the limitation at paragraph Q.1(g) and would accord with the intention of Class Q to re-use suitable rural buildings, which includes for the replacement of exterior walls.”

As such, the applicant firmly believes that the proposed design for the building falls well within the remit of a Class Q Prior Approval.

The applicant is aware of the determination made in *Hibbitt v Secretary of State for Communities and Local Government* [2016] which clarified the position of ‘conversion’ under Class Q. The building is clearly suitable for conversion and is structurally capable of this without rebuilding. The existing structure is sound and suitable for its intended and proposed use. It is a fully enclosed building and all existing structure and materials will be largely retained to facilitate the conversion. The proposed works do not amount to those beyond which are reasonably necessary to facilitate the conversion, utilising existing frames, walls, roofs and floors.

Planning appeal reference APP/K1128/W/18/3199823 details that if the existing structure is of substantial construction and capable of taking works necessary for conversion, then it will fulfil the conversion requirement of Class Q. The enclosed structural survey details that these buildings are of substantial construction. We believe this appeal is directly comparable and provides direct support for this proposal.

It is clear the building is suitable for conversion within the parameters of Class Q and will make a three suitable dwellings. This is further evidenced by the supporting appeal decisions referenced above and later within this statement. As such the building fulfils all necessary requirements of substantial construction and ability to be converted under Class Q. Additional supporting appeal information is provided in the table below.

3 Class Q Criteria

We confirm that the proposal accords with the requirements of Class Q, as demonstrated in the table below:

| DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE— | |
|---|--|
| (a) the site was not used solely for an agricultural use, as part of an established agricultural unit— (i) on 20th March 2013; (ii) if the site was not in use on that date, when it was last in use; or (iii) if the site was brought into use after that date, for ten years before the date the development begins; | The site has been used solely for agricultural use as part of an established agricultural unit for many years and was in agricultural use on the 20th March 2013. It has been used for agricultural purposes for the past 10 years and remains in agricultural use to present day. |

| DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE— | |
|--|---|
| <p>(b) in the case of—</p> <p>(i) a larger dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</p> <p>(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;</p> | <p>This application proposes three larger dwellinghouses. The cumulative floor space of the existing building changing use to larger dwellinghouses is 450.6 sqm.</p> |
| <p>(c) in the case of—</p> <p>(i) a smaller dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p> <p>(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;</p> | <p>This application does not propose the creation of smaller dwellinghouses.</p> |
| <p>(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—</p> <p>(i) 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;</p> <p>(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;</p> | <p>The cumulative development under Class Q within the established agricultural unit, including this proposal, will comprise three larger dwellinghouses with a cumulative floor space of 450.6 sqm.</p> <p>The cumulative number of separate dwellinghouses will be 3.</p> <p>There have been no previous Class Q applications within the established agricultural unit.</p> |
| <p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p> | <p>The site is not subject to an agricultural tenancy and is occupied and farmed by the applicant, who gives their express consent for this proposal.</p> |
| <p>(f) less than 1 year before the date development begins—</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p> <p>(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;</p> | <p>The site is not currently subject to an agricultural tenancy, nor has there been an agricultural tenancy within the last year. The site is occupied and farmed by the applicant and has been for many years without any tenancy arrangement.</p> |
| <p>(g) 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—</p> <p>(i) since 20th March 2013; or</p> | <p>Development under Class A(a) or Class B(a) of Part 6 has not been carried out on the established agricultural unit since 20th March 2013.</p> |

| DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE— | |
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| (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; | |
| (h) 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 proposed dwelling will not result in external dimensions of the building extending beyond the existing dimensions of the building as demonstrated by the accompanying plans. |
| (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 dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i); | <p>The development will not comprise building operations other than those allowed by Class Q.</p> <p>The existing building is structurally strong enough to take the loading of conversion works required to provide for the proposed residential use – confirmed by the supporting structural assessment provided by Conisbee (Doc. Ref 12).</p> <p>The concrete frame, concrete pad and cladding are all in good condition and will only require superficial repair to allow for the proposed residential use.</p> <p>The applicant is willing to accept a condition in relation to materials.</p> <p>The proposed works will facilitate the conversion of the building, which is suitable for conversion to residential use. The works do not exceed those permissible under Class Q and are considered to be 'reasonably necessary'.</p> <p>Internal operations proposed will include an upgrade to the thermal performance of the building fabric to meet or exceed current building regulations and insertion of dividing walls etc., none of which is regarded as 'development' and are therefore permissible under Class Q.</p> <p>The following appeal decision demonstrates the proposal is in accordance with the GDPO which permits buildings works reasonably necessary to allow the building to function as a dwellinghouse.</p> <p>Appeal Ref: APP/L3245/W/18/3216271 Barn East of Northwood Villa, Ellesmere Lane, Northwood, Ellesmere, Shropshire SY12 0LU</p> <p>The Inspector states:</p> <p><i>"I acknowledge the Council's argument that the building is utilitarian and designed for housing cattle. That is the case for many agricultural buildings. The building is single-skin and therefore it is not</i></p> |

| DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE— | |
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| | <p><i>unreasonable for works to be carried out to make the building weatherproof. The GPDO recognises this by allowing works to such buildings in order to convert them into dwellings. The Council also state that the building is not capable of functioning as a dwelling in its current state. However, it need not be. The GPDO permits reasonably necessary works to enable the building to function as a dwelling.</i></p> <p><i>The proposal would involve the creation of the internal walls and the replacement of approximately 50% of the existing walls, which would be facilitated by the installation of a non-structural timber frame. I do not consider that these works go beyond what is reasonably necessary for the conversion of the building.</i></p> <p><i>I find therefore that the appeal building is capable of conversion and the proposal would only consist of building operations reasonably necessary for the building to function as a dwellinghouse and therefore does not conflict with Class Q.1 (i)(i) of the GPDO.”</i></p> <p>Please refer to section 2 above for further information.</p> |
| (j) the site is on article 2(3) land; | The site is not on article 2(3) land. |
| (k) the site is or forms part of— (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area; | The site is not and does not form part of a site of special scientific interest, a safety hazard or a military explosives storage area. |
| (l) the site is, or contains, a scheduled monument; | The site is not and does not contain a scheduled monument. |
| (m) the building is a listed building. | The building is not listed. |

4 Prior Notification

Prior Notification is sought to enact the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Q.2 – (1) Class Q development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

| CONDITIONS | |
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| (a) transport and highways impacts of the development, | <p>Highways – access to the site is via a private farm road which directly adjoins the public highway.</p> <p>This access provides safe ingress and egress from the public highway. The attached transport statement supports</p> |

| CONDITIONS | |
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| | <p>these claims – see supporting document Ref. 10 (EAS – Transport Statement).</p> <p>Under the National Planning Policy Framework (2021) Paragraph 111 states that:</p> <p><i>“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”</i></p> <p>Given the buildings former use as a grain store this would have resulted in consistent and regular access by the farmer and farm workers. The site would have also been accessed by a wide range of slow-moving agricultural vehicles as well as regular HGV movements to include grain tailers, telehandlers, and grain lorries. The change of use to residential use will significantly reduce the movement of large agricultural vehicles.</p> <p>The transport statement that there are suitable passing places along the access route and that the number of vehicle movements would not be problematic given the proposed pacing places.</p> <p>The transport statement concludes;</p> <p><i>“The proposals are not expected to cause a perceptible negative impact to the safe and efficient functioning of the local highway and should therefore not be refused on transport or highways grounds. ”</i></p> <p>We therefore consider that the proposal will be of no detriment to the highways network and will in fact result in an improvement in highways safety. Therefore, we believe that the access/highways are suitable for future occupiers and residential use.</p> |
| (b) noise impacts of the development, | <p>There will be no significant noise impacts on the local area as a result of the change of use of the buildings during the development or after completion.</p> <p>The proposed dwellings will not be impacted from the remaining agricultural unit as this will comprise of a bare agricultural land which will not affect any residential dweller’s amenity. There will not be any further requirement for agricultural machinery to access the site.</p> <p>The proposal is considered to result in a reduction in noise compared with the drying and movement of grain.</p> |
| (c) contamination risks on the site, | <p>The applicant is not aware of any contamination risks on the site. They are willing to accept a condition in relation to contamination, if required.</p> |

| CONDITIONS | |
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| (d) flooding risks on the site, | <p>The Environment Agency Flood Map for Planning (Rivers and Seas) (supporting document Ref. 4) does not indicate that the site is at any risk of flooding.</p> <p>It is not proposed to increase the level of hard standing on the site, and it is not considered that there will be any impact on potential flooding risks from the proposal.</p> |
| (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 the provisions of paragraph N of this Part shall apply in relation to any such application, and | <p>We consider that the location of the building is desirable for a dwelling, being situated in an attractive rural location with good road links to the regional centres of Bicester, Buckingham, and Milton Keynes.</p> <p>Buckingham is located approximately 3 miles away and provides a wide range of amenities.</p> <p>The site is currently underused. The conversion of the building for residential use will result in the area being well maintained, and ultimately deliver a more attractive site.</p> <p>The Planning Practice Guidance, specifically states that</p> <p><i>"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."</i></p> <p>The sustainability of the location is therefore not applicable.</p> |
| (f) the design or external appearance of the building. | <p>The proposed floor plans and elevations of the building are enclosed (Ref. 9.0, 9.1 and 9.2) with this prior notification. The design is in keeping with the character of the building and its surroundings. It is considered that the proposed conversion will enhance the Site and the surrounding countryside.</p> |
| (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses | <p>The proposed floorplans and elevations demonstrate adequate natural light in all habitable rooms.</p> |
| (2) Where the development is proposed under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local authority for a determination as to whether prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to and the provisions of paragraph W (prior | <p>The applicant hereby applies to the local authority for a determination as to whether prior approval of the authority will be required.</p> |

| CONDITIONS | |
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| approval) of this Part in relation to that application. | |
| (3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date. | The development will be completed within 3 years of prior approval being granted. |

5 Relevant Appeal Decisions

In the preparation of this application, we have considered and referred to a number of relevant planning appeal decisions comparable to the proposals at this site. The proposal has been developed and designed in accordance with these appeal decisions and as such adheres to the conditions required for a successful Class Q Prior Approval decision.

6 Ecology

A Preliminary Ecological Appraisal (PEA) has been undertaken by Cherryfield Ecology in July 2023 which accompanies this application (supporting document Ref.11).

The report recommends that no further surveys are required in relation to badgers, bats, and breeding birds, with the report stating the site has negligible potential for the aforementioned species along with low potential for breeding birds.

The applicant is willing to accept a condition to ensure any measures recommended within the report are adhered to and compiled with.

7 Summary

The proposal relates to an agricultural building forming part of the Established Agricultural Unit known as Lower Farm Hillesden. The building and proposed conversion works have been assessed with regard to all relevant criteria set out under Class Q. Additional independent assessments relating to highways, structure and ecology have also been conducted.

All relevant third-party professional consultants engaged in this project have been supportive of the proposal and have not identified any reason why a Class Q Prior Approval should not be successful.

It is clear from the information contained within this letter, as well as the accompanying supporting documents, that the proposal fully complies with the requirements of Class Q.

8 Prior Notification Documents

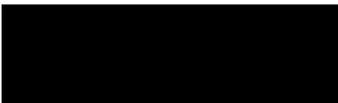
The prior notification comprises the following documents:

| REFERENCE | DOCUMENT TITLE |
|-----------|---|
| 1 | Application Form |
| 2 | Covering Letter and Statement |
| 3 | Site Location Plan |
| 4 | Environment Agency Flood Risk Map Extract |
| 5 | Schedule of Photographs |
| 6 | Site Plan (1:500) |
| 6.1 | Location Plan (1:1250) |
| 6.2 | Location Plan with wider context |
| 7 | Farm Plan |
| 8.0 | Existing Elevations |
| 8.1 | Existing Floor Plans |
| 9.0 | Proposed Floor Plan |
| 9.1 | Proposed Floor Plan and Curtilage 1:200 |
| 9.2 | Proposed Elevations |
| 10 | EAS Transport Statement |
| 11 | Cherryfield Ecology Preliminary Ecological Assessment (PEA) |
| 12 | Conisbee Structural Survey |

We enclose all of the above documents, submitted via the planning portal, along with payment of £206.00, being the requisite planning fee.

If you require any further information or if you would like to arrange a site visit, please do not hesitate to contact me by either telephone or email.

Yours faithfully



Theo Blundell MRICS
Rural Surveyor

Enclosures