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**Proposed Conversion of  
Agricultural Building to Dwelling**

PREPARED FOR

**Mr R Partner  
Bunglars Hall  
Stewkley Road  
Drayton Parslow  
Milton Keynes  
MK17 0LA**

**October 2023**

**PREPARED BY**

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## 1. INTRODUCTION

This report has been prepared at the request of Mr R Partner of Bunglars Hall, Stewkley Road, Drayton Parslow, Milton Keynes, MK17 0LA to outline the facts considered relevant to the proposed conversion of an agricultural building to a dwelling at Bunglars Hall, Drayton Parslow.

## 2. BACKGROUND

Prior approval was granted on 31 March 2023 for determination as to whether prior approval is required in respect of transport and highway impact, noise, contamination risk, flooding and locational considerations for the conversion of an agricultural building into one dwellinghouse (Class Q(a)) and in relation to design and external appearance of the building (Class Q(b) – (ref: 23/00407/COUAR).

## 3. PROPOSAL

Class Q restricts the size of the application plot of the dwelling to the size of the existing building being converted to residential. It is therefore proposed to develop the agricultural building to a dwelling under a full planning application, to include improving the curtilage which will allow for better landscaping.

The scheme granted under Class Q is for 1 x 1 bedroom dwelling. There is an overhang to the front of the building and the application now proposed includes filling in the overhang, which will be no larger than the existing roof area but will create a larger floor area to make the space for the dwelling more useable. In addition 2 small extensions are proposed.

The applicants intend to move into the dwelling with their disabled son. Being involved with the farm is important to his wellbeing. This also brings a greater requirement for space for a wheelchair and need for a second bedroom. The boot room and utility area will be dual purpose with the farm.

The proposed scheme would in the main comply with Class Q rules providing a single storey dwelling. The building will retain its agricultural heritage. The timber cladding proposed on the extension will match the existing building and will have a traditional brick plinth. The roof will be standing seam insulated panels.

In effect the planning application is similar to what is already permitted development, but with

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improvements in construction and layout and some added features to help the inhabitant and the farming operation.

#### 4. PLANNING POLICY

National planning policy is contained within the NPPF as follows:-

*“The purpose of the planning system is to contribute to the achievement of sustainable development.*

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) ***a social objective*** – *to support, strong vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well being; and*
- c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

**Paragraph 10** states that *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*

With regard to housing, **paragraph 80** states:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-*

- c) *the development would reuse redundant or disused buildings and enhance its immediate setting.*

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwellings on the site. In concept the consideration of this application is perhaps

closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved building. The new dwelling will replace an old derelict dwelling.

**Paragraph 84** is supportive of a prosperous rural economy stating:-

*Planning policies and decisions should enable:-*

- a) *The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well designed new buildings;*
- b) *The development and diversification of agricultural and other land based rural businesses...*

### **Local Planning Policy**

Local planning policy is found in the Vale of Aylesbury Local Plan 2013. However, this pre dates Class Q of the General Permitted Development Order and the fallback position established in the legal case in 2017.

C1: Conversion of rural buildings

*Building Characteristics The re-use of an existing building that is of permanent and substantial construction and generally in keeping with the rural surroundings in the countryside will be permitted provided that all the following assessment criteria are met:*

- a. *Conversion works should not involve major reconstruction or significant extensions and should respect the character of the building and its setting, except in exceptional circumstances where it can be demonstrated that dereliction was the result of severe accidental damage or accidental destruction in the past two years*
- b. *Where the building is suitable for modern agricultural practice it would not give rise to a future need for another building to fulfil the function of the building being re-used*
- c. *The long-term retention of a building that is by reason of its location, size, condition and appearance is harmful to the character of the countryside is not encouraged*
- d. *The redundant or disused status of the building has been demonstrated and the re-use of the building would enhance the immediate setting*
- e. *The existing building is inherently suitable, in terms of its size, design and construction for the intended re-use, and the proposed scheme enables the intended re-use to be achieved without the need for complete or substantial reconstruction*

*f. The existing building is not located well away from existing settlements and is not located where utilities are not available*

*g. The existing building is not damaging to the surrounding character by virtue of a utilitarian appearance or cladding in unattractive materials*

*h. The proposed re-use is of a scale that would not have an adverse impact on its surroundings or the viability of existing facilities or services in nearby settlements*

*i. Any extension to the existing building included in the proposed scheme is modest in scale, ancillary in nature, subordinate to the main building and necessary to meet the essential functional requirements of the intended re-use*

*j. Any extension to the existing barn conversion is modest in scale, ancillary in nature, subordinate to the main building, in keeping with the rural character, designed with sensitivity to the host building and will enhance the character and appearance of its immediate surroundings*

*k. Where the existing building is of designated or non-designated heritage assets or contributes to local character, the proposed scheme would retain significant historical features and not adversely affect the character and appearance of the building or its setting*

*l. Where any curtilage is required it should not be excessive in size and should relate well to the existing building and landscape*

*m. The proposed scheme would not give rise to ancillary uses that could not be accommodated within the site and does not include, or would not give rise to, ancillary uses within the site, such as open storage, that would be visually intrusive, and*

*n. Conversion works should not adversely impact upon wildlife using the structure. If impacts to nesting sites are unavoidable mitigation will be required (see Policy NE1).*

### **Permitted Development**

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwelling on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved building.

The permitted development is the fallback position and a material consideration when looking at proposals such as those in the subject application. The fallback in this case is that the applicant has permitted development rights to change the use of the building a residential dwelling with no more control than that legislation provides. This principle has been established in planning appeals and at

judicial review.

The Court of Appeal Case *Mansell v Tonbridge and Malling BC 2017* (at Appendix 1) deals with the fallback position whereby it was accepted that the council was entitled to conclude that there was a “realistic” fallback and that it was clear that the owners were intending to develop the site. It was in the judge’s view wholly unrealistic to imagine that were such proposals to be turned down the owner of the site would not take advantage of the development provided for by Class Q to the fullest extent.

It is worth noting that in this Court of Appeal case no Class Q permission existed, merely the prospect of it, yet that was considered realistic enough to be worthy of material consideration.

## **5. PLANNING COMMENTS**

The proposal is for the conversion of an agricultural building with Class Q approval to a dwelling.

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwelling on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved buildings. In this case there is no harm.

The proposed dwelling makes use of an existing building and would therefore not adversely affect the character of the countryside or other planning interests.

The proposed conversion has been designed to comply in the main with Class Q requirements but with the infilling of an overhang and small extensions which are not seen from the road as they are screened by a hedge.

A larger curtilage will be provided to the dwelling to provide better access for parking provision. This will also allow for a more comprehensive landscaping scheme to be achieved as shown on the application plans. If necessary, the Local Planning Authority can control this via conditions.

Whilst the curtilage applied for is larger, with suitable landscaping conditions the results should be better not more detrimental.

In approving the Class Q application, the Local Planning Authority determined that the building was able to be converted. It was also accepted that the prior approval issues of highways, noise, contamination, as well as siting and location of buildings are acceptable for the proposed use.

The building will enhance the immediate setting whilst retaining its agricultural heritage with the materials to be used being sensitive to the character and appearance of the building and locality. It will appear as an agricultural building with the design in the main utilising existing openings.

### **5.1 Fall Back Position**

Appeal case APP/E2530/W/17/3175132, is attached at Appendix 2 where the Inspector dealt with the fall back position as follows:-

*10. At paragraphs 186 and 187, the Framework states that a positive approach should be taken to decision-making and that Council's should look for solutions rather than problems. I give significant weight to the Framework as a material consideration.*

*11. The statutory position in section 38(6) of the Planning and Compulsory Purchase Act 2004 is that an application for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. If the application subject to this appeal was refused I consider that the conversion of the barn and hay shed approved under the GPDO would be highly likely to proceed, which is a material consideration to which I attach significant weight.*

*14. I conclude that the weight I give to the appellant's fall-back position, the Council's evidence on the acceptability of the proposed extension and the policy considerations in paragraphs 186 and 187 of the Framework are sufficient material considerations to justify departure from the requirements of Policy SP1 of the Local Plan.*

A further appeal cements this position. Appeal case APP/K0235/W/17/3189914, Traylesfield Farm, Ravensden (see Appendix 3) states at Paragraph 10 the following:-

*"Given that permission already exists for a dwelling on the appeal site, given that dwelling is substantively the same as that proposed in the appeal scheme, and given that preparations have been made to relocate the storage functions of the existing barn, I consider there is a greater than theoretical possibility that the development already approved might take place. Given the similarity of the two schemes, and in light of the Mansell case, I consider the fallback position in this case a significant material consideration to justify a departure from the development plan policies identified above. I subscribe the fallback position significant weight and consider these are special circumstances because if the appeal proposal were not successful it is highly likely the permission already granted would be carried out. The permitted scheme would be no less sustainable in terms of its location than the appeal scheme."*

Appeal case APP/P0240/W/3249635 (Manor Farm, Brook Lane Flitton, dated 10 November 2020) is attached at Appendix 4 where the Inspector dealt with the fall back position as follows:-



7. *Prior approval was granted in 2019 for the change of use of the appeal building to 2 dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Based on the evidence there is a reasonable likelihood of this prior approval being implemented were I to dismiss this appeal. This alternative permitted use establishes a fallback position in this case and the principle of residential use to which I attach significant weight. This fallback position exists irrespective of the Council's five-year housing land supply and planning permissions in the area.*
8. *Whilst the proposed development would conflict with Policies DM4 and CS1 of the CSDMPD, with regard to this matter, when taking into consideration the fallback position I conclude that the site is an appropriate location for new housing.*

Appendix 5 contains an appeal decision for demolition of an existing building with a Class Q permission and erection of dwelling at Great Oak Farm, Bicknacre. This was for a replacement dwelling rather than a conversion (ref: APP/W1525/W/21/3278018). The Inspector at Paragraph 10 stated:-

*There is conflict with the development plan arising from the nature of the development and location of the appeal site. However, there is a fallback position available to the appellants as the existing building can be converted to a dwelling under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. That fallback position has been established through a prior approval application to the Council, and the appellants have also submitted a building regulations application for works relating to the conversion. The existing and proposed buildings are similar in footprint and height.*

## **5.2 Sustainability**

The core thread of the NPPF is sustainability for which there are three dimensions in planning terms:-

- Economic objective
- Social objective
- Environmental objective

These three roles cannot be taken in isolation. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and community.

The site lies close to the village of Drayton Parslow with public house, pre and primary school, village hall, recreation field and sports and social club. It is within easy reach of Leighton Buzzard, Bletchley, Milton Keynes and Aylesbury which offer a full range of

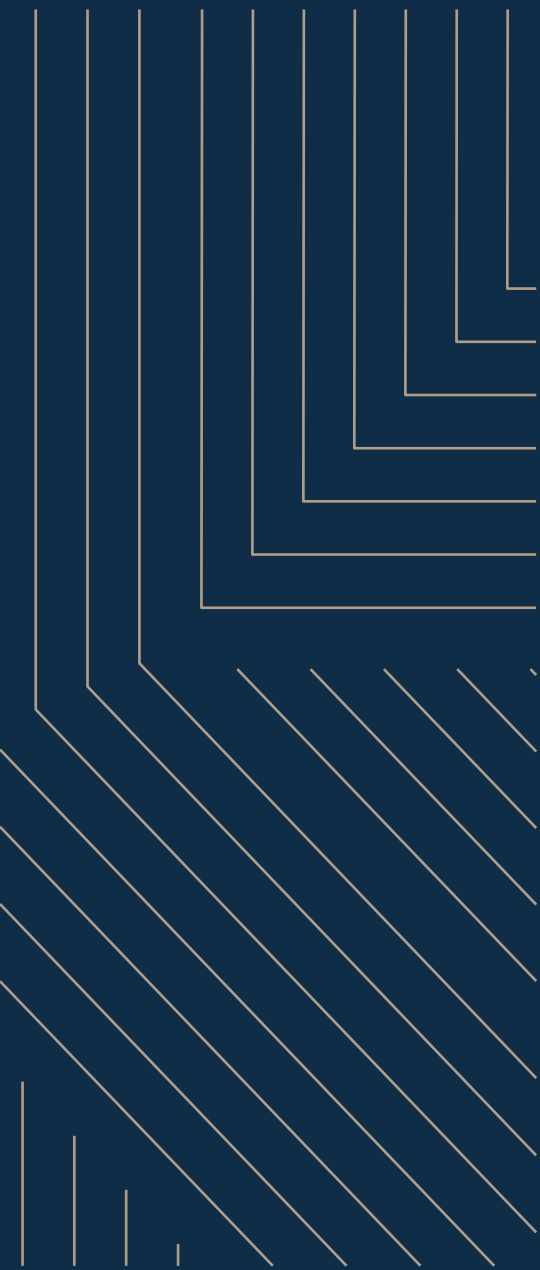
economic and social opportunities including main line train stations to London and the north.

Environmentally the proposed dwelling will be making use of an existing building and will greatly enhance the immediate setting of the site.

## 6. CONCLUSIONS

This is a sustainable proposal.

- The Class Q is permitted and would be done in any case so there is a clear fallback position which is given significant weight as per the appeal decisions and legal case.
- The proposal is closely aligned with what has already been deemed as permitted development. The additions are minor and allow the dwelling to be more useable. They include some facilities to help the farming business, thus saving other development that might be required.
- The proposal is sustainable being a conversion of an existing building to a dwelling built to modern day energy efficient standards.
- There will be provision of dwellings at a time when there is a general need throughout the country.



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