

28<sup>th</sup> November 2023

Planning Department,  
Stroud District Council  
Ebley Mill  
Westward Road  
Stroud  
Gloucestershire  
GL5 4UB

Dear Sir/Madam

[PRIOR NOTIFICATION APPLICATION FOR THE PROPOSED CHANGE OF USE OF AN AGRICULTURAL BARN TO 3 RESIDENTIAL UNITS \(USE CLASS C3\) AT BLUEGATES FARM, CLAPTON, BERKELEY \(CLASS Q OF PART 3, SCHEDULE 2 OF THE GDPO\)](#)

[Introduction](#)

This letter accompanies an application for prior approval for the change of use of an agricultural barn to three dwellinghouses (C3 use) at the above address in accordance with Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (GPDO), and as amended in the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

The application follows prior notification application S.23/1208/P3Q which was withdrawn on 20<sup>th</sup> October 2023. The subject prior notification is for the same development and now provides information to satisfy the Environmental Agency comments that were received on 13<sup>th</sup> October 2023.

This letter assesses the proposal against the requirements of Class Q. It should be read in conjunction with the following:

- Application Forms;
- CIL form;
- Site Location Plan;
- Block Plan;
- Existing Floorplans and Elevations;
- Proposed Floorplans and Elevations;
- Preliminary Ecological Assessment prepared by MPEcology;
- Bat and Bird Box locations;
- Emergency Flood Action Plan prepared by Ridge and Partners;
- Flood Risk Assessment Addendum prepared by EnvirEn;
- Structural Report prepared by LPS; and
- Signed UU.

[Site and Surrounding Area](#)

The site forms part of Bluegates Farm, which is located approximately 2km to the south west of Berkeley.

Comprising a large modern agricultural barn, the site is bordered to the north and east by agricultural land. To the south east are residential properties. Immediately to the west is a former barn which has recently been converted to residential properties and beyond that lies Clapton Road.

The site is situated within relatively close proximity to a number of farms including Woodlands Farm, which is situated approximately 0.3km to the north west of the subject site.

The site is accessed via Clapton Road to the west of the property.

### Planning History

There is no relevant planning history attached to the site itself.

The renovated buildings north of the site were granted planning permission to residential use under application S.05/2031/COU. The permission was then subsequently reinstated under application S.08/1982/CPL.

### The Proposed Development

The proposed development is for the change of use of an existing modern agricultural barn to three dwellinghouses at Bluegates Farm.

The barn is structurally stable, robust and adequately capable of conversion into the proposed residential dwellings without the need for structural strengthening or rehabilitation.

The proposed conversion will result in 3 x three bed units. This design approach has been taken to make as little change to the existing building as possible to retain its agricultural style and character thus minimising domesticity in terms of fenestration.

It should be noted that the rooms provide adequate natural light and retains the agricultural design through the incorporation of ample windows, as shown on the accompanying floor plans.

### Assessment of the proposal against the requirements of Class Q, Part 3, Schedule 2 of the GPDO

The following section assesses the proposal against the criteria set out in Class Q, Part 3, Schedule 2 of the General Permitted Development Order (GPDO) 2015, and as amended in 2018, including any restrictions (Q.1) and conditions (Q.2).

Class Q is defined in legislation as the following:

“Q. Development Consisting 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 (dwellinghouse) 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.”

This application is seeking for prior approval under Class Q (b).

Paragraph Q.1 details a number of restrictions. These restrictions are outlined, together with an accompanying assessment against the proposal, in the table below.

RESTRICTIONS	ASSESSMENT
<p>a) The site was not used solely for an agricultural use as part of an established agricultural unit-</p> <ul style="list-style-type: none"> <li>i) On 20<sup>th</sup> March 2013, or</li> <li>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</li> <li>iii) In the case of a site which was brought into use after 20<sup>th</sup> March 2013, for a period of at least 10 years before the date development under Class Q begins; and</li> </ul>	<p>The site was in agricultural use on 20<sup>th</sup> March 2013.</p>
<p>b) in the case of—</p> <ul style="list-style-type: none"> <li>i) a larger dwellinghouse, within an established agricultural unit—</li> </ul> <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>The larger dwellinghouses do not exceed three and do not exceed 465 sq. metres.</p>
<p>c) in the case of—</p> <ul style="list-style-type: none"> <li>i) a smaller dwellinghouse, within an established agricultural unit—</li> </ul> <p>(aa) the cumulative number of separate smaller dwellinghouses</p>	<p>No smaller dwellinghouses are proposed.</p>

<p>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>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> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> </ul>	<p>The proposals comprise three larger dwellinghouses that do not exceed 465 sq. metres of floorspace. No other development under Class Q has taken place on the same 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>There is no agricultural tenancy relevant to the application site.</p>
<p>f) less than one year before the date development begins –</p> <ul style="list-style-type: none"> <li>i) an agricultural tenancy over the site has been terminated, and</li> <li>ii) the termination was for the purposes of carrying out the 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.</li> </ul>	<p>Not applicable.</p>
<p>g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations)</p>	<p>No development has been carried out under Class A(a) or Class B (a) and therefore this criterion is not applicable.</p>

<p>has been carried out on the established agricultural unit—</p> <ul style="list-style-type: none"> <li>i) since 20th March 2013; or</li> <li>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;</li> </ul>	
<p>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;</p>	<p>The proposed development will not exceed the existing external dimensions of the existing building. The entire proposed development will set within the existing footprint.</p>
<p>i) the development under Class Q(b) would consist of building operations other than—</p> <ul style="list-style-type: none"> <li>i) the installation or replacement of— <ul style="list-style-type: none"> <li>(aa) windows, doors, roofs, or exterior walls, or</li> <li>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and</li> </ul> </li> <li>ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</li> </ul>	<p>The development would not consist of other building operations outside those listed at i) and ii).</p> <p>The internal walls as part of the development proposal are not generally considered development (as noted within the PPG).</p>
<p>j) the site is on article 2(3) land:</p>	<p>The site is not located on article 2(3) land.</p>
<p>k) the site is, or forms part of—</p> <ul style="list-style-type: none"> <li>i) a site of special scientific interest;</li> <li>ii) a safety hazard area;</li> <li>iii) a military explosives storage area;</li> </ul>	<p>None of these criteria apply to the site.</p>
<p>l) The site is, or contains, a scheduled monument; or</p>	<p>The site is not a scheduled monument.</p>
<p>m) the building is a listed building.</p>	<p>The subject barn is not listed.</p>

In respect of criterion i), considered briefly above, the Planning Practice Guidance highlights the following:

“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.

For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).

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.”

Specialist consulting structural engineers, LPS, have been appointed to review the existing structure of the former barn and its suitability for conversion under the provisions of the Class Q Prior Approval procedure of the General Permitted Development Order 2015.

The Structural Engineers Report (which is attached as part of this submission) concludes the following:

“The Dutch Barn structure in its current form would appear to be suitable for conversion to residential use. The existing cladding systems will need to be replaced with suitable modern alternatives, along with new screens inserted into the full height openings to provide the level of thermal performance required by current Building Regulations and to ensure a watertight envelope. The associated changes to the external envelope to provide door and window openings would not compromise the integrity of the structure. Introduction of mechanical and electrical services, foul and surface water drainage systems can also be completed without weakening the structure, which will remain capable of sustaining the dead, imposed and wind loads to which it will be subjected to.

The lean-to structure appears stable and could be converted with the existing steel frame retained. To make a weatherproof enclosure would however require extensive work to supplement this existing structure, with new external walls and floor slabs. Alternatively, the lean-to could be retained in its current form as an open structure, providing covered amenity space at the rear of the converted barn.

The Structure of the Dutch Barn appears suitable for conversion without the need for any structural improvement of the floor slab, foundations, steel framing or the masonry walls and it lends itself readily therefore to conversion for residential use.”

As such it is evident that the existing barn is structurally sound and would reasonably function as a residential dwelling with relatively small changes and no demolition is required.

## Paragraph Q.2 Conditions

Paragraph Q.2 places conditions upon such permitted development namely that before development commences, the developer shall apply to the LPA for determination as to whether the prior approval of the LPA 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;
- f) the design or external appearance of the building; and
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

And the provisions of paragraph W (prior approval) of this part apply in relation to that application. It is confirmed the provisions of paragraph W where relevant have been met through the submission of this prior notification application.

The following other conditions are assessed in turn below.

### Transport and Highways Impacts of the Development

The site is readily accessible from an existing access which can be utilised without any changes to serve the proposed change of use. It is considered that this access is safe and suitable for the three proposed dwellings and will have no adverse impact upon the local highway network. The proposed drawings demonstrate that there are adequate parking facilities on site.

The proposed change of use from agriculture to residential will not result in any material highways or transportation issues given the existing use on site and the traffic generation associated with an agricultural building. The change of use will not require any alteration to the local highway network and any traffic generation will not compromise highway safety.

As such the proposals are considered to comply with local and national planning policy in relation to highway matters.

It's worth noting that as part of the previously withdrawn prior notification application, Gloucestershire County Council Highways raised no objection.

### Noise impacts of the development

The subject building is located within close proximity to other residential properties. It does not lie within close proximity to any noise generating sources.

It's worth noting that as part of the previously withdrawn prior notification application, the Environmental Health Officer raised no objection.

### Contamination on the site

The site is not subject to any contamination and has not been used for the storage of fuel, or any hazardous substances or materials and it has not been occupied by any hazardous processes.

The predominant use of the subject building is for the storage of hay and straw. Historically it was used for the storage of cattle but has not been used for this purpose for some time. Furthermore, the applicant over the years has reduced the number of cattle within the farm itself and as such the use of the farmyard as a commercial enterprise for cattle has now ceased.

In terms of other farming activity, this is limited across the former farmyard, with the courtyard immediately to the west not being used for any agricultural activity at all. The only other farming activity that is apparent near to the site is arable cropping which occurs within the adjacent fields. Consequently, there are little agricultural movements within close proximity to the subject barn.

There is nothing to suggest therefore that the site is contaminated.

It's worth noting that as part of the previously withdrawn prior notification application, the Environmental Health Officer and Contamination Land Officer raised no objection.

### Flooding risks on the site

The site is located within Flood Zone 3, as ascertained by the Environment Agency's Flood Map for Planning Service. As a consequence, an Emergency Flood Plan (EFP) has been carried out to support the application, which concludes that the risk of flood can be overcome by setting out a number of recommendations.

It is noted that Prior Approval for the conversion of a barn to residential uses was granted in October 2021 at Woodlands Farm, near Berkeley (ref. S21/1641/P3Q), a site which also falls within Flood Zone 3. In relation to the issue of Flood Risk, the Officer's Report confirmed the following:

"In relation to flood evacuation management plans the EA's standing advice outlines that: The NPPG states that one of the considerations for safe occupation is whether adequate 'flood warning' would be available to people using the development.

It is considered that the information contained within the provided Flood Action Plan, which includes evacuation procedures, is sufficient for assessment under a Prior Approval application. An informative will be added to any approval granted which mirrors the EA's standing advice relating to flood duration and the potential need for development contributions; in addition, the received 'Flood Action Plan' will be conditioned as part of the approved details.

Furthermore, it is considered necessary to condition that, prior to occupation, the site must be registered with the Environment Agency for Flood Alerts and Warnings.

The dwellings are limited to single storey and the provided evacuation procedure outlines that the dwellings will normally be exited via the tarmac lane from the road between Ham and Bevington. Due to the siting and exclusively ground-level accommodation, with recommended conditions, the 'more vulnerable' use will be safe for occupants over the lifetime of development."



It is considered similar conclusions can be drawn for the subject application given the proposed strategy remains broadly the same.

Notwithstanding the above, comments were received by the Environment Agency on 13<sup>th</sup> October 2023 in relation to the previously withdrawn application which required further information. The accompanying Flood Risk Assessment Addendum seeks to alleviate the EA's concerns and concludes that the development can be delivered with the proposed mitigation in place:

An appropriate water proofing design were to take place with consideration to a water entry/recovery strategy.

The proposed dwellings were to be fitted with appropriate flood mitigation methods.

The dwellings were to be subscribed to the EA/Met Office's flood warning service.

### Whether the location or siting of the building is impractical or undesirable

In respect of whether a location is suitable, the Planning Practice Guidance states:

“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 unpractical or undesirable to change use to a house.

(ref ID. 13-108-20150305)

What is meant by impractical or undesirable for the change to residential use?

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”.

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 rights grants planning permission, subject to the prior approval requirements. Then an agricultural building is in a location where the local planning authority would now usually grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

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.

(ref ID. 13-109-20150305).”

In this context, the site is in a suitable location for the proposed change of use and there is no evidence that a residential (C3) use would be impractical or undesirable at the intended location. The site is adjacent to a number of agricultural barns that have been converted to residential use (ref. S.05/2031/COU) and as such, it is considered that the proposed conversion would not be out of place.

As detailed above, the site benefits from a safe and suitable existing and there are other services that would serve the proposed development.

As a result, the site is considered a practical and desirable location for residential development. Similar conclusions were drawn in respect of the prior approval at Woodlands Farm nearby (ref. S21/1641/P3Q).

### Design and external appearance of the building

As illustrated within the accompanying plans, the external appearance of the building will remain in situ with the inclusion of doors and windows alongside some other additions to allow the building to operate as a dwellinghouse within the existing footprint. The proposed development is therefore in keeping with the agricultural character of the wider surrounding area.

### The provision of adequate natural light in all habitable rooms of the dwellinghouses

The proposed drawings demonstrate that the proposed conversion meets the requirements of criterion g in that there is sufficient natural light in all habitable rooms of the proposed dwellinghouses.

In light of the above, there are no grounds to refuse the proposed change of use against the matters outlined in Class Q.2.

### Other Material Considerations

#### Ecology

A Preliminary Ecological Assessment (PEA) was undertaken by MPEcology in May 2023. The PEA is attached as part of this submission for reference.

In summary, the PEA confirms the following:

A Phase 1 habitat survey of the site following standard methodology (IEA, 1995) was carried out on the 4th May 2022. During the site visit, each distinct habitat type was mapped and target noted according to categories set out by the Joint Nature Conservation Committee (JNCC, 2010). A search for Potential Roost Features (PRFs) for bats was also undertaken during the site visit. The site was revisited on the 4th May 2023 due to a delay in the planning submission.

The Severn Estuary is the nearest statutory designated site to Bluegates Farm, located approximately 1.27km to the west. No direct or indirect impact to any of the statutory designated sites is envisaged by the proposed development.

The barn lacked features with potential for bats and no evidence to suggest use was found during the survey.

To meet the requirements of the NPPF to conserve and enhance biodiversity in the planning process, it is recommended that at least two artificial nest boxes are deployed within the converted building (at least one bird box and one bat box). These are detailed within the accompanying Bird and Bat Box plan.

Although a pond occurs within land bordering the proposed development site, it will not be impacted by the development. Given that GCN are present within the pond, it is possible they could occur in the immediate vicinity of the target barn. However, the extent of habitat with potential to provide cover for GCN in the immediate vicinity of the barn was considered limited. This reduces the likelihood that GCN would be affected by proposals. A lack of cover in the immediate vicinity of the Dutch Barn was due to the work to convert an adjacent barn which resulted in disturbance locally. Much of the ground surrounding the barn is bare and devoid of vegetation. Protected species may need further consideration if habitat conditions change. Future development will need to proceed under a development licence or following a method statement aimed at minimising risk to GCN. The licence process has been actioned with NatureSpace and the necessary fee will be paid to them once the LPA confirm the prior notification application does not require prior approval.

The PEA concludes:

“The development site comprised an agricultural building of limited biodiversity value. The proposals involve conversion of the building to residential use.

The proposals accord with the duty to conserve and enhance biodiversity brought about by paragraph 174 of the NPPF if enhancement is introduced for nesting birds / roosting bats.

Protected species may need further consideration if habitat conditions change. Future development will need to proceed under a development licence (GCN District Licence) or following a method statement aimed at minimising risk to GCN.”

Consequently, the proposals accord with Delivery Policy ES6 and Paragraph 180 of the NPPF.

### Conclusions

This cover letter has fully assessed the proposals against the provisions of Class Q under the GDPO. It is concluded that there is no restriction on the use of Class Q in this case and the conditions at Q.2 have been complied with.

Further, there is no reason to refuse the development on ecology grounds.

On this basis, it is respectfully requested that the LPA confirm that no prior approval is required, without delay.

Should you require any further information please do not hesitate to contact me using the details below.

Yours Sincerely,

