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Prior Determination Change of use of Agricultural Buildings to Dwellings

PREPARED FOR

Mr and Mrs A Blayney
Lovelwood Farmhouse
Lillingstone Lovell
Buckingham
MK18 5AZ

February 2024

PREPARED BY

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1. INTRODUCTION

- 1.1 We act on behalf of Mr and Mrs A Blayney of Lovelwood Farmhouse, Towcester Road, Lillingstone Lovell, Buckingham, MK18 5AZ in respect of the prior determination request made to Aylesbury Vale District Council in relation to the potential change of use of agricultural buildings at Lovelwood Farm, Lillingstone Lovell, Buckingham, MK18 5AZ into 2 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 refusal of application 23/03731/COUAR on 24 January 2024 for the following reason:-
 1. Based on the information provided, concern is raised regarding the siting and location of building 1 being undesirable due to the close proximity to extant agricultural uses including large agricultural buildings and a B8 storage and distribution use. Insufficient information is available to demonstrate that there would not be an unacceptable impact on the future occupiers of the proposed dwelling, or that it could be appropriately mitigated. As such, prior approval is refused in so far as the location and siting of building 1 makes it impractical and undesirable for the building to change from agricultural use to a residential use in relation to Q.2 (e) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).


This application seeks to address these concerns with Building 1 now removed from the application.

DISCLAIMER

This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

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Signed 

BRIAN BARROW BSc (Hons) MRICS
on behalf of Acorus Rural Property Services Limited

Dated February 2024

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 BUILDINGS

- 4.1 The proposal relates to the change of use of agricultural buildings and the land within their curtilage into 2 dwellings. The buildings are as follows:

Building 2 – a stone built likely former cow shed with later metal sheeted roof.



Building 3 – a stone built likely former crop store with sheeted roof and timber lean to.



- 4.2 The agricultural unit on which the barns 'sit' was purchase by the applicants in 2 'parcels'. It is land which has been occupied for the purposes of agriculture on or before 20 March 2013. The buildings have effectively been unused in recent years given their limited size and construction. They were formerly part of a larger agricultural holding.

Lovelwood Farm now extends to 8.4 hectares (21 acres) of owned land with a further 3.4 hectares (9 acres) of rented land. The applicants grow grass for haylage, see photograph below of a recent crop.



- 4.3 The buildings subject to this application were previously used for livestock and storage, but are not suitable for modern agriculture and remain redundant to date, their last use therefore being agricultural.

It is proposed to convert the buildings to 2 dwellings. One of the properties will be for a family member.

- 4.4 The previous application 23/01098/COUAR was refused in May 2023 due to adjacent agricultural buildings and insufficient information being available to demonstrate that there would not be an unacceptable impact on the future occupiers of the proposed dwelling created from Building 1.

The applicants notified the LPA under Class R of the change of use of 150 m² of the adjacent purpose built agricultural building (grain store) to B8 for the storage of classic and other cars, commencing 21 November 2023. This use is now in situ. A further application Class Q application was refused as the LPA considered that the B8 use would not be desirable use next to a dwelling. Building 1 which is the one adjacent to the B8 has subsequently been removed from the application.

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 using a private road which currently serves 3 dwellings. Considering an average of 4 trips per day per dwelling, removal of the permitted agricultural use, it is deemed that the highways impact of the proposal would be minimal. The dwellings are also small so will not have lots of occupiers.

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 farm make haylage and grazes animals which would not create any amenity issues. The two buildings now applied for access from the house side of the farmyard. They are not adjacent to the operational (agricultural and B8) buildings to the rear. In any case the storage of classic cars and small scale agricultural equipment would not meet the definition of undesirable or impractical in the Planning Practice Guidance. This states:-

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 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.

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.

In this case there are no intensive livestock nor are buildings suitable for this and planning permission would be required for the adaptation. There is no silage clamp nor chemical store nearby. A B8 classic car store and tractor store bear no comparison to the uses quoted in the Practice Guidance.

There is nothing to suggest the two dwelling locations would be not sensible or realistic nor harmful or objectionable. The dwellings also do not face into the yard area and are closely related to the existing house.

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.

5.8 Ecology

An ecology report has been undertaken and the recommendations added into the designs. This will mean mitigation will be in place. The LPA accepted this on the last application.

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 buildings in any direction. The buildings are of traditional brick and stone construction.

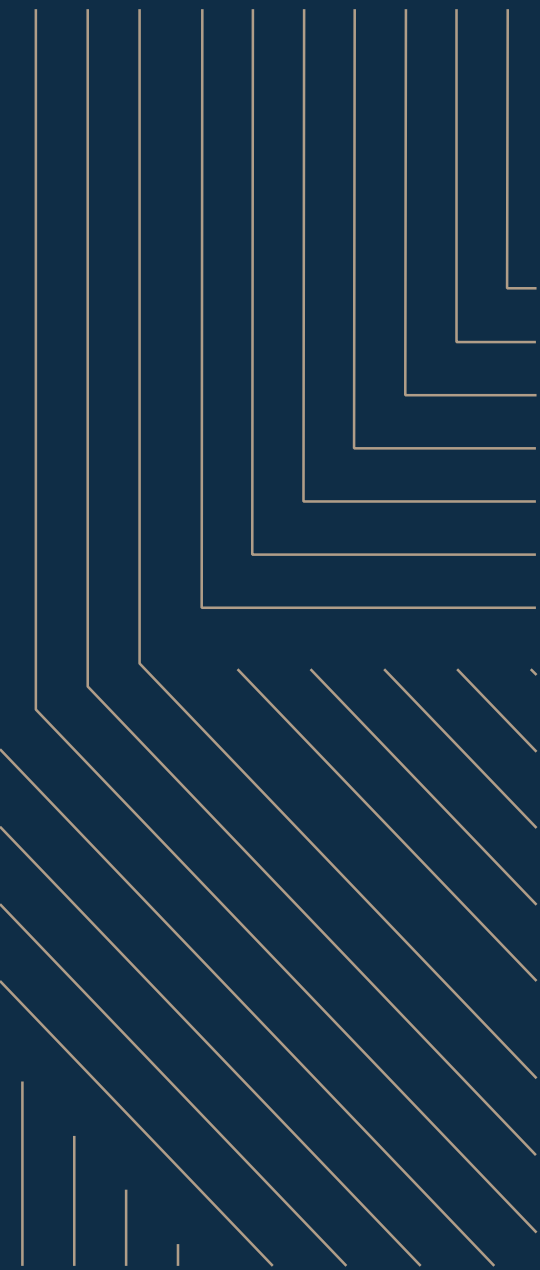
The design will utilise the existing buildings using the existing roof and walls and externally will look quite similar. The existing roof will be insulated internally with repair where necessary.

Walls will be retained with localised repairs and repointing. Windows and doors will be added as necessary, principally in existing openings of which there are a number.

Other than 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 Lovelwood 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 and new windows and doors. Existing walls and building structures, together with the roofs will remain. Other works including insulation and sub dividing the living space are all internal and therefore not development.
- 7.4 It is not considered the location is impractical or undesirable. In our previous application building 1 was the only reason why permission was declined, therefore building 1 has been removed from the application.



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