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CLASS Q PRIOR APPROVAL: CONVERSION OF EXISTING AGRICULTURAL BUILDINGS TO RESIDENTIAL DWELLINGS

AGRICULTURAL BARNs AT WIGTON HEATH FARM, WIGTON HEATH, MANOR HOUSE LANE, ALWOODLEY, LS17 9JD

PLANNING STATEMENT ON BEHALF OF PARK LANE HOMES

1.0 Introduction

1.1 The Applicant, Park Lane Homes and Alwoodley Golf Club, seek prior approval under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended) which relates to the change of use of agricultural barns to C3 dwelling house. Development is permitted, subject to a number of criteria/limitations, and prior approval of the authority being sought.

2.0 Site Location and Description

2.1 The site comprises U-shaped brick-built barns which are accessed from Wigton Heath. Wigton Heath is an existing single lane track which serves the existing barns and an existing residential property which is located mid-way along Wigton Heath. A larger steel portal frame barn is located to the east of the application however falls outside of the scope of this prior approval.

2.2 There are no designated or non-designated heritage assets located within or adjacent to the application site. The land is wholly situated in Flood Zone 1 and is at the lowest risk of flooding from both fluvial and surface water sources. The site is not located in land covered by Article 2(3) which would preclude the ability to bring forward the development under Class Q. For the avoidance of doubt the site is not located within a conservation area, an Area of Outstanding Natural Beauty (AONB), the broads, a National Park nor a World Heritage Site.

3.0 Planning History

3.1 Whilst the planning history of the site should not impact the outcome of the prior approval process, it is considered that a number of key conclusions within the planning history are relevant to considerations of this application. The list below sets out the relevant recent planning history and these will be referred to where appropriate within this statement.

- 22/06123/FU – Full planning application for the change of use, extension and alteration of existing agricultural buildings to form two residential dwellings with associated parking, access and garden areas – Application refused 2nd November 2022.

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- 23/01925/FU – Resubmission full planning application for the change of use, extension and alteration of existing agricultural buildings to form two residential dwellings with associated parking, access and garden areas, with additional landscaping – Application refused 15th May 2023.
- APP/N4720/W/23/3326446 – Appeal against the refusal of application 23/01925/FU as set out above – Appeal dismissed 25th October 2023.

3.2 It should also be noted that the neighbouring barn has been subject of separate planning history as follows:

- 22/06164/DPD – Prior Approval for change of use of agricultural building to form a dwelling house including building operations necessary for conversion – Prior Approval refused 25th October 2022.
- 23/01965/DPD – Resubmission prior approval for determination of change of use of agricultural building to a single dwelling – Prior Approval refused 15th May 2023.
- APP/N4720/W/23/3326452 – Appeal against refusal of prior approval application 23/01965/DPD as set out above – Appeal dismissed 25th October 2023.

3.3 A number of key principles can be taken from this planning history which assist the determination of this prior approval application. These are set out below:

- It is agreed that the barns subject to this application were last in agricultural use (23/01925/FU).
- In each case the principle of residential development was not disputed by the Council or Planning Inspectorate at this site.
- The existing barns associated with this prior approval are considered to be of a permanent and substantial construction (23/01965/DPD).
- Access arrangements via Wigton Heath are considered appropriate subject to conditions (23/01965/DPD, appeal ref 3326446).
- The access arrangements would not have an adverse impact on the existing trees at the Wigton Heath/ Manor House Lane junction (appeal ref 3326446).
- The site is located within the Green Belt however there is no requirement to assess the proposals impact on the Green Belt under Class Q of the GPDO (23/01965/DPD).

- The application site is located within Flood Zone 1 and there are no known flood risks which require specific mitigation nor would impact on the proposed development (22/06123/FU, 23/01965/DPD).

4.0 Proposed Development

4.1 The Applicant seeks prior approval for the change of use of existing agricultural barns into 2 no. detached residential dwellings with their own respective parking and curtilage. The following plans and supporting documents are provided:

- Location Plan (3183-DEN-ZZ-ZZ-DR-A_0001 Rev C)
- Proposed Site Plan (3183-DEN-ZZ-00-DR-A-2001)
- Proposed Elevations Sheet 01 (3183-DEN-ZZ-ZZ-DR-A-4000 Rev B)
- Proposed Elevations Sheet 02 (3183-DEN-ZZ-ZZ-DR-A-4001 Rev B)
- Existing Floor Plans and Elevations (CSL, 10729-06)
- Topographical Survey (CSL, 10729 – 01F)
- Proposed Site Access (AMA/21304/SK020)
- Proposed Passing Places (AMA/21304/SK012.2 P2)
- Proposed Overall Access (AMA/21304/SK012 P2)
- Preliminary Geoenvironmental Investigation (Lithos, report 4382/1)
- Structural Survey Report (PDS Design Ltd)
- Statement relating to Agricultural History of the Site
- Drainage Strategy
- Bat Roost Suitability Assessment (Brooks Ecological, report ER-6208-01A)
- Bat Emergence Survey (Brooks Ecological, report ER-6208-02)
- Arboricultural Impact Assessment (Tree Care Consultancy, report 1739-1-AIA)

4.2 The proposed development will see the conversion of the barns to two attractive family homes with open plan lounge/ kitchen/ dining space and four bedrooms each. The proposal includes an element of partial demolition, covering parts of the building that are not brick built or required to facilitate the conversion. The existing barns are single storey in nature, this is not changed as a result of the development proposals. Plot 1 measures 263.3 sqm and Plot 2 measures 151 sqm (GIA). Both properties are provided with an appropriate residential curtilage including private garden space and parking. The proposal will allow for the sensitive conversion of the property with the brick aesthetic being retained. The properties will continue to be accessed via Wigton Heath, connecting to Manor House Lane.

4.3 The form and shape of the buildings will not change and such that the properties will resemble a typical agricultural conversion. The material palette will retain the red brick exterior of the barns. The appearance of the buildings would appear agricultural in keeping with the rural character of the area.

5.0 Whether the proposal qualifies as permitted development under Class Q

5.1 Class Q of the Town and Country Planning General Permitted Development Order comprises:

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 (dwellinghouses) of the Schedule to the Use Classes Order; and,

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

5.2 With regard to Part A, supporting this application is a statement setting out the agricultural history of the site. This clearly sets out the site was last in agricultural use and has a long history in such use. The existing buildings are typical of agricultural design, as documented in the photos provided in the Structural Survey and have clear evidence of agricultural use and are surrounded by agricultural fields. The agricultural use of the buildings for conversion cannot be disputed.

5.3 Under Paragraph X (a) of the GPDO a 'curtilage' is defined as:

(c) a piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with serving the purposes of the agricultural building, or

(d) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building.

5.4 The curtilage of the proposed dwellings includes land immediately beside the agricultural building and is that which is closely associated with, and serves the purpose of, the agricultural building. The proposal meets this criterion.

5.5 Part B of Class Q relates to the extent of proposed building operations, specifically those which are reasonably necessary to convert the buildings.

5.6 As detailed within Section 3 of this statement there has been a substantive recent planning history to this application site. The Council has previously acknowledged the suitability of the barns for conversion. The Officer's Report to application 22/06123/FU is clear that the "the proposal would include the re-use of the two existing buildings at the site which are of permanent and substantial construction." The report goes on to state that "a structural survey had been submitted that concludes that the foundation should be strong enough to accommodate the ... intended use...". The Council have therefore previously considered these brick-built barns suitable for conversion. The subsequent resubmission application ref 23/01925/FU reiterated these comments. In

determining appeal ref 3326446 the Inspector also noted that there was no dispute over the permanent and substantial construction of the existing barns.

- 5.7 Furthermore, whilst acknowledging these previous proposals were brought forward as a full application and therefore proposed greater additions and alterations to the existing barns, this prior approval under the GPDO seeks to work within the existing structure of the brick barns and only propose building operations which are necessary for conversion. The proposals as part of this scheme work closely within the existing structure which benefits from existing domesticated openings in the form of windows and doorways. The proposals do not seek to extend the barn working within its existing fabric. An element of demolition is proposed which is considered proportionate and necessary for the conversion of the barns. Those elements which are to be demolished are parts of the site which are not brick built and unnecessary to facilitate the conversion. The Class Q regulations allows for the partial demolition of buildings. The proposals would fall comfortably with the parameters of the regulations. Overall, only works which are necessary operations for conversion are proposed.
- 5.8 Having regard for the above, it is clear that the proposed scope of works falls within the regulations of Q.a.

6.0 Whether the proposal meets the criteria as set out in Paragraph Q.1

- 6.1 Under Q.1 of the order a number of conditions are set out which must be met in order to qualify as permitted development. The following commentary confirms that this application meets the parameters of permitted development.

Agricultural use

- 6.2 The site was solely used for agricultural use on the 20th March 2013. The agricultural use of the site has been well documented as part of the planning history. Supporting this application is a statement setting out the agricultural history of the site, dating well beyond March 2013. The agricultural tenancy ceased in September 2020 and the site has remain vacant since. The site is not subject to an agricultural tenancy at this time. The letter is clear that the site was not vacated to facilitate development opportunities and the site has had no other uses in the intervening period.
- 6.3 The provisions of Q.1a, e, f and g are met and permitted development under Class Q is appropriate.

Development site

- 6.4 The proposed dwellings represent "larger dwellinghouses" as defined by Class Q. The proposals seek the development of 2 no. larger dwellings houses, this does not exceed the maximum threshold of 3. Clause Q.1b (i) (bb) states that the cumulative floor space of the existing building(s)

changing use to larger dwellinghouse(s) must not exceed 465 square metres. It is confirmed that the proposed cumulative floor space of the conversion does not exceed 465 sqm.

6.5 The provisions of Q.1b and Q1.d are met.

External dimensions

6.6 Where proposals result in external dimensions of the building extending beyond the external dimensions of the existing building at any given point Class Q cannot be applied. The architectural drawings accompanying the prior approval, including the Proposed Site Plan and Elevations are clear that the external dimensions of the building are not extended. The conversion does not result in the external dimensions of the building extending beyond the external dimensions of the building at any given point.

6.7 The provisions of Q1.h are met.

Building operations

6.8 As set out under section 5 of this statement, the works proposed to the barns for conversion are considered to be reasonably necessary to carry out the building operations. The provisions of Q1.(i)(i) allow for the installation or replacement of windows, doors, roofs or exterior walls; or water, drainage, electricity, gas or other services. It is considered that the proposed scope of works falls within this remit. In any event, it should be noted that the barns already benefit from existing window and door openings of a domestic manner which in turn reduces the number of alterations required.

6.9 As previously stated, there is also an element of demolition associated with the site. This is limited to a small number of structures which are not of brick construction and are not required to facilitate the conversion. The demolition across the site is partial and proportionate to the proposal.

6.10 The provisions of Q1.i are met.

Land designations

6.11 The site is not located on article 2(3) land and therefore the provisions of Q1.j are met.

6.12 The site does not form part of a site of special scientific interest, a safety hazard zone or a military explosives storage area. The provisions of Q1.k are met.

6.13 The site does not contain a scheduled monument and the buildings for conversion are not listed. The provisions of Q1. l and m are met.

7.0 Prior Approval

7.1 In light of the considerations above there are no reasons why the proposal cannot be considered permitted under Class Q of GPDO. As such the following prior approval matters are to be considered.

Transport and Highways

7.2 Access is proposed via the existing track of Wigton Heath which serves an existing property and the existing agricultural barns. The proposed access point has previously been considered at length during the course of the planning history. Supporting this application is access drawing plan (drawing no. AMA/21304/SK012 P2). The drawing identifies appropriate visibility splays can be achieved. The supporting Arboricultural Impact Assessment demonstrates that the visibility splays can be achieved without removing any trees at the Wigton Heath/ Manor House Lane junction. This was agreed by the Council as part of appeal ref 3326446.

7.3 When considering application 23/01965/DPD, the previous Class Q prior approval application for the neighbouring barn, the same access arrangements were proposed. In that instance the Officer's Report concluded that there were no highways issues which should preclude granting prior approval and that appropriate conditions could be used to secure visibility splays, Electric Vehicle Charging Points and bin storage and cycle parking. It is respectfully stated that the same approach can be used here.

7.4 Each plot is provided with dedicated parking spaces. Electric Vehicle Charging Points will be provided in line with the most up to date building regulations.

7.5 During the consideration of appeal reference 3326446, associated with the full planning application for the conversion of the barns at this site, the Inspector concluded that the proposal would not result in harm to highways safety. The addition of two dwellings from this existing access point is not considered to pose any risks to highways safety.

Noise

7.6 It is not considered that there are any relevant noise concerns arising from either the proposed residential use of the barns nor the existing surrounding uses.

Contamination Risks

7.7 Historically the site has had no development prior to the existing barns on site which has remained in an agricultural use. The presence of any significant contamination is considered unlikely. The Council have not previously raised any concerns regarding contamination on site and under application 23/01965/DPD it was considered that any further information/ investigation could be secured via condition. It should be noted that a Preliminary Geoenvironmental Investigation report supports this submission and raises no concern in relation to contamination risks. There

has been no change in the regulations or circumstance of the site to suggest that the same conclusion and approach cannot be reached/used in this case.

Flood Risk and Drainage

- 7.8 The site is in an area identified at a low probability of flooding on the EA Flood Map; it is located in Flood Zone 1. The site is not considered to be at risk of tidal, fluvial, pluvial, or groundwater flooding, and is also not at risk of flooding from artificial sources or sewers. There is no evidence of historic flooding events at the site.
- 7.9 The surface water drainage is proposed to be attenuated on site before discharge into a watercourse located 220m north east of the site. As part of technical investigations associated with the planning history on this site, surface water disposal through infiltration has been proven to be unsuitable. Foul water drainage is proposed via a packaged treatment plant.
- 7.10 The proposals for conversion would not give rise to any flood risk or drainage adverse impacts.

Whether the location or siting of the barn makes it otherwise impractical or undesirable

- 7.11 The proposed residential use of the barns is compatible with surrounding land uses which includes a neighbouring property on Wigton Heath and further residential properties served from Manor House Lane. There is no surrounding use which would impact on the residential amenity of future occupiers, nor vice versa, neighbouring uses where the amenity would be adversely impacted by the proposed dwellings. The provision of residential dwellings in this locality is therefore not considered to be impractical or undesirable.

8.0 Conclusion

- 8.1 Following the assessment above, the proposed change of use is considered to meet the relevant permitted development criteria set out in Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015.