

Planning Statement

Conversion of Agricultural Building to Residential Use

Nature of Application

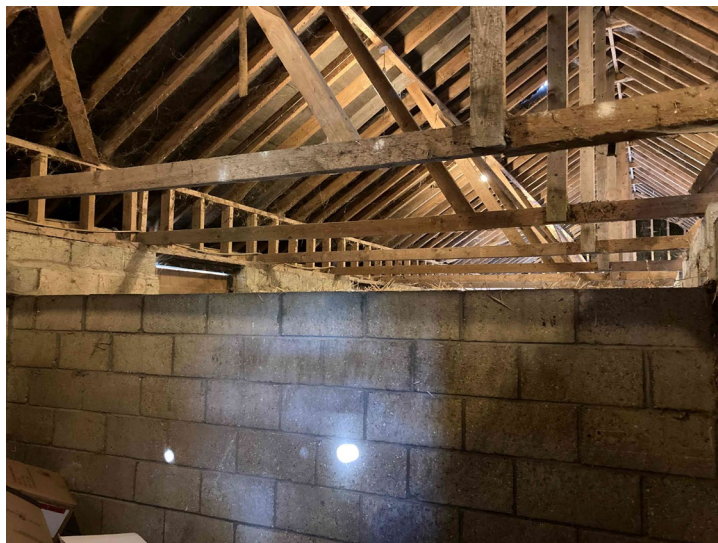
This application is a resubmission for Prior Notification of the change of use from Agricultural Buildings to Dwellinghouses following refusal of DC/23/4379/P3Q. The principal changes are the removal of the adjoining Stable Wing and adjustment of the curtilage boundary. In addition, the dormer window, PV panels and flue are removed as whilst not strictly fabric are considered prejudicial to the consent. All other variables remain the same though specific reference is made to the grounds for refusal.

Site Details

Address: KILN FARM BARN
Kiln Farm
Chimers Lane
Hoo
SUFFOLK

Site: Kiln Farm is no-longer a working farm and the application site was originally built as a piggery. Currently vacant it was most recently used for stabling. The adjacent wing was built for further stabling but has never been fully employed. The site accommodates a number of other out buildings and a farmhouse with a shared vehicular access.

Proposal: To convert the piggery – the stable wing is removed on the basis that the LPA do not consider it to be a valid agricultural use. It will however be retained and rebuilt. The building retains a single storey scale.



Internal view of Barn

Grounds for Refusal

The grounds for refusal are not meeting the criteria of Class Q1:

1.0

(a) The site ceased use as a piggery in 1998 and satisfies the use criteria of having an agricultural purpose on or before 10 years prior to 2023. It was used for stabling until 2004 (at which time a separate stable block was constructed). Use since then has been intermittent amenity use and it is currently vacant.

(b) The floor area is not greater than 465sqm. The area occupied by the building is amended to c.150m². This is declared in the application form.

(e) It is confirmed that there is no agricultural tenancy associated with the site or building nor have any such agreements been terminated in the last year. This is declared in the application form.

(f) No development (of any sort) has been carried out in the last 10 years. This is declared in the application form.

(h) Solar panels and flues are now excluded from the proposal though these are not considered building fabric (their non-allowance would broadly preclude any conversion having a boiler whilst limiting the scope for Part L compliance). Replacement windows are allowable and are categorised as a controlled fitting under the Building Regulations. The dormer does not result in any increase in footprint, storey or ridge height though notwithstanding this it has been replaced with rooflights.

(i) The building is more easily convertible than many in that it has enclosure on four sides that is retained together with a new roof structure (it is thought dating to 1998). Fairly uniquely for an agricultural building it is built with cavity walls and is structurally sound and dry; it is an enclosed volume as opposed to a structural frame in the sense of a Dutch barn. It has been inspected by an engineer and trial pits dug to establish the presence of sound footings. There appears some opposition to the insertion of an upper floor though ESDC has previously approved barn conversions (under Part Q) that require extensive rebuilding and the insertion of floors and structural supports. Given the current requirements of AD L the fabric of any building will in any case need to be greatly enhanced to achieve requisite thermal targets.

There are no other dwellings proposed under this application nor any other Part Q application on the site for the conversion of agricultural to residential use that we are aware of. The application concerns only the building indicated within the red line.

The location and block plan has been amended to show a curtilage not exceeding the (reduced) footprint of the building that connects with the access track. We are unaware of any requirement that this need connect with the Highway (and indeed Part 3. Paragraph-X states it should in fact serve the purpose of the building) which in the case of agricultural buildings would be rare. Neither the nearby consented application at Chimers Lane nor previous Part Q consents we have obtained indicate any connectivity with the Highway within the curtilage (see precedents).

2.0

ESC's Ecology comments are noted below. These appear to be entirely contrary to the grounds outlined in the refusal. The assertion that the applicant has failed to submit relevant information and

it 'therefore cannot be concluded that the development will not result in an adverse effect' are therefore considered false and prejudicial:

I have read the Preliminary Ecological Appraisal (PEA) (Anglian Ecology, March 2023) and Great Crested Newt eDNA Survey Report (Anglian Ecology, July 2023) and am satisfied with the conclusions of the consultant. It is noted that a great crested newt District Level Licence (DLL) Impact Assessment and Conservation Payment Certificate (IACPC) signed by both the applicant and Natural England has been submitted. Prior to commencement of the development must ensure that the District Level Licence for the site is obtained, a condition to secure the submission of a copy of that licence has been included below. Subject to the implementation of the avoidance, mitigation and enhancement measures identified in the submitted reports and secured through the implementation of the great crested newt DLL requirements, it is not considered that the proposed development will result in adverse impacts on protected species or UK Priority habitats or species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).

In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B – within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. It is understood that such a financial contribution has been made and therefore a HRA record should be completed for this application.

PRECEDENTS:

1. PRIOR APPROVAL application DC/22/3300/3PQ (Chimers Lane)
 - no justification of its former use was provided (most recently antique storage).
 - no curtilage was included at all and therefore it did not connect with the Highway or the access – a further application changed the scope of this.
 - consent was granted despite the Parish Council's objections.

2. PRIOR APPROVAL application DC/22/3258/P3Q (Halesworth Road)
 - no justification its of former use provided or requested.
 - curtilage included but no Highways connectivity.
 - outbuilding of non-agricultural designation included within the curtilage.
 - substantial structural alteration including insertion of first floor, alteration of roof structure, demolition and rebuilding of a side wing.

INFORMATIVES

The applicant did originally undertake a Pre-App which indicated the proposals were capable of officer support which has since been tested and found wanting by a Full Application. No reference was made to a Part Q submission in this advise. However, a refusal is useful in this regard as it identifies the grounds for refusal in a way that Pre-App cannot given it offers informal opinion only.