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Mid Suffolk District Council
Endeavour House
8 Russell Road
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15 March 2024

Dear Sir/Madam

**Moorbridge Farm, Moorbridge Lane, Harleston, Stowmarket, IP14 3JH
Notification for Prior Approval for a Proposed Change of Use of a Building From
Agricultural Use To Dwellinghouses (Class C3) and for Building Operations
Reasonably Necessary for Conversion**

In accordance with Part 3 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015, we write on behalf of our client Edward Heldreich to apply to Mid Suffolk District Council (*'the Council'*) for determination as to whether the Prior Approval of the Council under Class Q will be required in respect of the proposed change of use of existing agricultural buildings to Class C3 (residential) use and for building operations reasonably necessary for conversion at Moorbridge Farm, Moorbridge Lane, Harleston, Stowmarket, IP14 3JH

Accordingly, a revised application has been submitted via the Planning Portal with the following documents:

- (i) The Planning Application Form, signed and dated;
- (ii) Site Location Plan, dwg ref: 2023-060, 010 Rev.P2;
- (iii) Existing Site Block Plan, dwg ref: 2023-060, 011 Rev.P2;
- (iv) Proposed Site Block Plan, dwg ref: 2023-060, 021 Rev.P2;
- (v) Existing Site Plan, dwg ref: 2023-060, 100 Rev.P1;
- (vi) Existing GF Plan – Building 1, dwg ref: 2023-060, 101 Rev.P2;
- (vii) Existing GF Plan – Building 2, dwg ref: 2023-060, 102 Rev.P1;
- (viii) Existing Roof Plan – Building 1, dwg ref: 2023-060, 103 Rev.P1;
- (ix) Existing Roof Plan – Building 2, dwg ref: 2023-060, 104 Rev.P1;
- (x) Existing Elevations – Building 1, dwg ref: 2023-060, 110 Rev.P1;
- (xi) Existing Elevations – Building 2, dwg ref: 2023-060, 111 Rev.P1;
- (xii) Proposed Site Plan, dwg ref: 2023-060, 200 Rev.P2;
- (xiii) Proposed GF Plan – Building 1, dwg ref: 2023-060, 201 Rev.P2;
- (xiv) Proposed GF Plan – Building 2, dwg ref: 2023-060, 202 Rev.P2;
- (xv) Proposed Roof Plan – Building 1, dwg ref: 2023-060, 203 Rev.P1;



- (xvi) Proposed Roof Plan – Building 2, dwg ref: 2023-060, 204RevP1;
- (xvii) Proposed Elevations – Building 1, dwg ref: 2023-060, 210RevP1;
- (xviii) Proposed Elevations – Building 2, dwg ref: 2023-060, 211RevP2;
- (xix) Phase 1 Desk Study Site Investigation Report prepared by Geoinvestigate Limited;
- (xx) Phase 2 Intrusive Site Investigation Report prepared by Geoinvestigate Limited;
- (xxi) Structural Report prepared by G.D.C Consulting Engineers; and
- (xxii) Daylight and Sunlight Report prepared by CHP Surveyors.

In addition to the information provided on the application form I would be grateful if you could take into account the contents of this letter in your consideration application. Please note the relevant Application fee has been paid electronically via the Planning Portal.

The Site

The application site comprises existing agricultural buildings which form part of Moorbridge Farm, an established agricultural holding located north of Harleston, Stowmarket off the A14.

Moorbridge Farm currently comprises an area of land some 1.52 ha in size with several associated agricultural buildings. Access to the site is from Moorbridge Lane to the east.

The application site is located within a cluster of existing agricultural buildings that lie north of the farm's residence. The surrounding area comprises of agricultural land with a few residential properties along Moorbridge Lane to the southeast leading to Haugley Road.

The buildings are not statutorily listed nor within a designated Conservation Area. The site is not part of a special landscape area and there are no tree preservation orders on the site. There are no trees proposed to be removed for the purpose of the proposal.

The site is in Flood Zone 1 which means there is a low risk of flooding and is located in an appropriate area for residential development.

In terms of accessibility, the site benefits from close proximity to amenities and services in Harleston and Haughley. Furthermore, with convenient access to the A14, the site is well connected to Stowmarket to the east and Bury St. Edmunds to the west.

The Development

It is the developer's intention to convert two of the existing agricultural buildings for C3 residential use. The conversion will allow the creation of a total of five residential units including three two-bedroom, one three-bedroom and one five-bedroom residential unit.

The layout of the residential units is shown on drawings Proposed G F Plan – Building 1 and Building 2 which accompany this application. Minor external alterations to the building are proposed as detailed within the accompanying Proposed Elevations – Building 1 and Building 2 plans which accompany this application.

Works to the buildings are limited to works that are reasonably necessary building operations required for conversion to residential use and do not include structural works. All works proposed to be carried on site will not result in the external dimensions of the building being extended beyond that of the existing building external dimensions at any given point.

Car parking is proposed adjacent to the buildings, served directly off the access drive

The Legislative Background

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2, Part 3, Class Q allows 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) together with building operations reasonably necessary to convert the building, subject to limitations and conditions.

Limitations of Class Q (Q1)

Q.1 Development is not permitted by Class Q if—

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—*
 - (i) on 20th March 2013, or*
 - (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*
 - (iii) in the case of a site which was brought into use after 20th March 2013 for a period of at least 10 years before the date development under Class Q begins;*

The principal qualifying criteria is that the buildings to be converted need to have been solely in an agricultural use as part of an established agricultural unit on 20 March 2013, or 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 in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins. This is the case of the application site, which is a longstanding agricultural holding and which was in agricultural use on 20 March 2013.

- (b) in the case of—*
 - (i) a larger dwellinghouse, within an established agricultural unit—*
 - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or*

(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;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

The cumulative number of larger dwellinghouses changing use under Class Q within the established agricultural unit would equal one dwelling and the larger dwellinghouse would have a total floor space of approximately 465 sq.m.

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(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;

The cumulative number of smaller dwellinghouses proposed is four. The total floorspace of the area proposed for conversion measures approximately 400 sq. m. None of the four smaller dwellinghouses proposed exceed 100 sqm in floor area. As such, the cumulative number of dwellings would not exceed five units and the floorspace of the buildings changing use would not exceed the 465 sq. m. threshold.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 46 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(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;

No previous development under Class Q has occurred at the agricultural unit.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out 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;

The site is not occupied under an agricultural tenancy, nor has it been in respect of the relevant date criteria.

- (g) development under Class A(a) or Class B(a) of Part 6 of this S (agricultural buildings and operations) has been carried out on the established agricultural unit—*
- (i) since 20th March 2013; or*
 - (ii) where development under Class Q begins after 20th March during the period which is 10 years before the date development under Class Q begins*

No development under Class A(a) or B(a) of Part 6 of the Schedule has been carried out on the agricultural unit in respect of the relevant date criteria.

- (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;*

The development will not result in the external dimensions of the proposed building extending beyond the existing at any given point (see submitted plans for confirmation).

- (i) the development under Class Q(b) would consist of building operations other than—*
- (i) the installation or replacement of—*
 - (aa) windows, doors, roofs, or exterior walls, or*
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse;*
 - and*
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);*

The development under Class Q(b) would not consist of building operations other than the installation or replacement of windows, doors, roofs, exterior walls, drainage, electricity, gas or other services, or partial demolition reasonably necessary for conversion to residential. The application is submitted with a Structural Survey which concludes that the buildings are permanent and of substantial construction and suitable for conversion from a structural viewpoint.

- (j) the site is on article 2(3) land;*
- (k) the site is, or forms part of—*
 - (i) a site of special scientific interest;*
 - (ii) a safety hazard area;*
 - (iii) a military explosives storage area;*
- (l) the site is, or contains, a scheduled monument; or*
- (m) the building is a listed building.*

The site is not on Article 2(3) land, nor does it form part of an SSSI, safety hazard area, military explosives storage area, contain a Scheduled Ancient Monument, nor a Listed Building.



The curtilage of the dwellinghouse as defined in Class X states:

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving purposes of the agricultural building, or
- (b) an area of land immediately beside or around the agricultural building or larger than the land area occupied by the agricultural building whichever is the lesser.

Unit	Floor Area (sqm)	Curtilage
0 1	10 0	100 sqm (including 36 sqm)
0 2	10 0	100 sqm (including 25 sqm)
0 3	10 0	100 sqm (including 25 sqm car parking)
0 4	10 0	100 sqm (including 25 sqm car parking)
0 5	46 4	293 sqm (including 25 sqm car parking)

The curtilage around each unit is detailed above and is shown on the proposed plans and includes the two parking spaces allocated for each unit.

As detailed above, the proposal accords with the above permitted development rights.

Regard has been had to Part Q.2 of the legislation, and details submitted as required, as such, the relevant assessments have been undertaken for highways, contamination, flooding, suitability of the location and siting, design and the provision of adequate natural light to the proposed residential units and it detailed below.

Class Q effectively grants planning permission for the change of use. It sets out matters the Local Planning Authority have an obligation to consider in its assessment of applications for prior approval. Each of these are considered in turn below:

(a) Transport and Highways Impacts

The site is located in a countryside location with the site being close to the A14 and with good access to employment, services, shops and public transport links in nearby villages and larger towns such as the market town of Stow market.

The use of the site for residential use will not alter the current access or circulation arrangement to the buildings. It is considered that the existing access to the highway is sufficient to accommodate any vehicular movements associated with the proposed dwellings onto the highway.

The proposed parking area provides sufficient space for parking of ten vehicles.

All units will be provided with sufficient waste store capacity to accommodate the requirements of the five proposed residential units. Waste management will follow the existing arrangements in the area, in the same manner as neighbouring residential properties.

Overall, it is considered that the proposed change of use does not give rise to material increase or change in current traffic volumes in the vicinity and there would be no material increase in traffic due to the proposed change of use. Access and egress arrangement on site will not change, therefore, it is considered that there will be no negative impact from the development on highway or on parking capacity in the area, making the proposal acceptable on transport and highways grounds. The proposal is, therefore, considered to be in accordance with this requirement of Class Q.

(b) Noise Impacts

The site is located in a countryside location where the existing surrounding land uses are predominantly residential and agricultural fields. There are no noise generating uses in the locality such as industrial processes, busy trunk roads or 'A' roads which are close enough to give rise to potential noise disturbance to the occupants of the proposed dwellings. In particular, the A14 is situated some 500 metres to the site at its nearest point. There are many other residential properties which are considerably closer to the A14 than the application site. Notably, there are other residential properties along Moorbridge Lane in the vicinity of the site and the site itself has an existing farmhouse. Anecdotally, the applicant is aware of any noise issues or complaints from these properties. There are already two residential properties on the farmyard itself which are occupied without issue. Following the conversion of the units to residential, the applicant does not intend to use the farmyard for any agricultural uses which will create any noise or disturbance. It is proposed that the remainder of the buildings be used for long term storage. The agricultural unit does not keep cattle or chickens etc and there is no intention to keep animals on the farmyard which might give rise to noise (or other) amenity impacts neither are there other buildings on the site which are for any potentially noisy activities such as the regular parking/moving of agricultural equipment or for example the storage of grain and use of grain. Therefore, it is considered that noise relating to the existing neighbouring land and the adjacent agricultural field will not result in an adverse impact on the health and amenity of future occupants.

It is not considered that the noise resulting from the proposed residential use will result in harm to the existing environmental quality and amenity of the locality and in any event, would be lesser than the potential noise impacts associated with an agricultural use.

The conversion will take place in accordance with Building Regulation: Part E which relate to insulation and conversions to residential accommodation which are set out in Part E Section 4 which includes wall, floor, stairs treatment at junction(s) to achieve performance standards set out in Section 0: Performance-Table 1a.



Overall, it is considered that no activities on site will give rise to any adverse impact on future residents, as such, the proposed change of use will not give rise to unacceptable living conditions for future occupiers.

(c) Contamination Risks

The National Planning Policy Framework (December 2023) states that planning policies and decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Risks include any arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Planning policies and decisions should also ensure that adequate investigation information, prepared by a competent person, is available to inform these assessments (Paragraph 189).

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (Paragraph 190).

Submitted with this application is a Phase 1 Desk Study Site Investigation Report and a Phase 2 Intrusive Site Investigation Report prepared by Geoinvestigate Limited.

The Phase 1 Desk Study completed by Geoinvestigate Limited in August 2023 concluded that the agricultural buildings on site may have Asbestos Containing Materials within structures. In addition, it was noted that storage tank equipment around site could be sources of contamination. The study also highlights that the site appears to lack hazardous gas sources and confirms that the site is not within a coal mining affected area.

Given the above, a Phase 2 investigation was commissioned to establish the true nature of the ground conditions at the site regarding the potential contamination risks (as opposed to actual contamination) that were identified during preliminary research. This latter Report concludes that no contamination risk to ground/surface waters has been identified. Some remedial work required at the site so it can be deemed fit for purpose in a residential context, notwithstanding, given the limited quantity and depth of affected soils it is likely that simple excavation, removal and replacement of the implicated soils with proven uncontaminated materials has been identified as the most cost effective and appropriate method of remediation. The Applicant is content for a condition to be attached to any Prior Approval requiring such works to be carried out.

Given that remediation work can be easily carried out to ensure that the application site is not considered contaminated land as described in Part IIA of the Environmental Protection Act 1990 (a), the proposal should be considered acceptable.

(d) Flooding Risks

The site is within Flood Zone 1 meaning there is less than 1 in 1,000 a probability of river or sea flooding. This is the lowest probability of flooding a therefore represents a location the NPPF seeks to direct development towards.

No external extensions, alterations or substantial hard landscaping are proposed, therefore ground conditions will remain broadly as existing. It is considered therefore that there will be no material change on surface runoff within the site or in the immediate vicinity. As such, it is not considered that the proposal gives rise to any flooding risks to future occupiers.

(e) Whether the Location or Siting of the Building Makes it Otherwise Impractical or Undesirable for the Change of Use

National Planning Policy Guidance (NPPG) in relation to Class Q regulations states that:

'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 a building would make it impractical or undesirable to change use to a residential use.'

The NPPG states that *'impractical'* reflects that the location and siting would *"not be sensible or realistic"*, and *'undesirable'* reflects that it would be *"harmful or objectionable"*.

As previously stated, the proposed development sits surrounded by agricultural fields and in close proximity to other established residential dwellings which lie southeast of the site. In addition, the site is near Harleston and other villages and market towns benefitting from a wide range of facilities including shops, schools, health centres, places of worship, public library and leisure centre. Moreover, the application site benefits from suitable access to the highway and the residential dwellings have been sensitively designed to enhance the site and the surrounding area, creating high-quality living accommodation for future occupiers, therefore, it is not considered that the location and buildings would be undesirable or impractical for use as a dwellinghouse.

Notwithstanding the above, it is acknowledged that part of the two agricultural buildings proposed to be converted into residential dwellings will remain vacant and therefore in agricultural use. The cultivation of food crops on Moorbridge Farm represents a gentle form of agricultural activity. The barns have historically been used for the long term storage of equipment. The barns are now redundant and will no longer be used for storage. Nevertheless, even if this use was to

remain, it would not be particularly harmful to the amenities of future occupiers. Moreover, as previously detailed, the conversion of the barns for residential uses will take place in accordance with Building Regulations to ensure that party walls between barns and the new residential dwellings is suitably insulated and achieves the relevant acoustic performance standards to safeguard against noise intrusion.

It is important to note that Moorbridge Farm has been in agricultural use since the 19th century and therefore the farmstead has for a significant period of time been in agricultural use with no detriment to the various other farmhouses and residential dwellings in the vicinity. As such, it is considered that the change of use of the application site and buildings would not be undesirable or impractical, and for these reasons, is entirely appropriate for residential use.

(f) The Design or External Appearance

The proposed conversion would see the existing buildings retain their existing size and form. The plans submitted with this application, in particular Proposed Elevations Building 1 and 2 show details of the proposed external appearance of the residential dwellings. Various new doors and windows are proposed to ensure sufficient access and adequate natural light is provided to each habitable room. None of these works would go beyond the existing dimensions of building at any stage.

The new dwellings will be finished in black stained timber with windows be dark aluminium frames. The proposed design and external appearance of the buildings reflect and respect the context of the site, whilst vastly improving the existing character of the buildings and its landscape setting. As such, it is considered that the overall appearance of the building is acceptable and complies with the requirements and conditions of Class Q.

(g) Provision of Natural Light

The application site benefits from an east-west orientation and windows serve all habitable spaces within the proposed residential units, ensuring good levels of natural daylight will be enjoyed by future residents. Therefore, the proposal will provide an excellent level of amenity, in particular the provision of adequate natural light.

A daylight and sunlight assessment prepared by CHP Surveyors is submitted in support of this application which confirms that all habitable rooms will benefit from good levels of light. As such, it is considered that the proposal will provide good quality accommodation including adequate internal daylight and sunlight levels and should be considered acceptable.

Ecology

Whilst not a matter that is listed for consideration under Class Q, the Council has a duty to consider the impacts of development on protected species and habitat.

In this regard, the buildings to be converted are relatively modern and currently demonstrate no visible signs of occupation by bats or barn owls, or any other protected and/or priority species. The applicant can confirm through their firsthand knowledge that no sightings of bats or presence of bats have been seen or that anyone is aware of.

A desktop search using the Magic website was also conducted and there are no recordings or evidence of protected species or their habitats within the site or likely to be affected in the immediate area at this time.

As such, it can be concluded that there is no evidence of use by any species which would preclude the conversion of the building in the manner proposed.

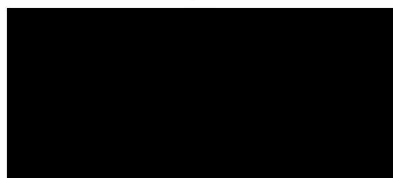
Summary and Conclusions

This Statement has set out how the application site complies with the general requirements of Class Q in respect to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and how the considerations in respect of transport and highways impacts, contamination risks, flooding risks, impact of noise, suitability of the location and siting, design and the provision of adequate natural light to the proposed residential units are all considered to be acceptable in the context of the proposals.

Accordingly, in light of the above assessment and associated documents submitted with this application, the Council's confirmation is sought that Prior Approval will not be required – or is required and given – for the proposed development as set out.

I trust you find the enclosed in order and look forward to receiving a copy of the letter of registration in due course. Should you wish to discuss the attached application in more detail, please do not hesitate to contact me at this office.

Yours faithfully



Pamela Longhurst-Pierce
JMS Planning & Development

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