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**Change of Use of Agricultural  
Building to Residential Dwelling**

PREPARED FOR

**Miss Emma Baker  
Old Hall Farm  
Haughley Green  
Suffolk  
IP14 3RR**

**March 2024**

**PREPARED BY:**

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## **1. INTRODUCTION**

This report has been prepared at the request of Miss Emma Baker of Old Hall Farm, Haughley Green, Haughley, IP14 3RR to outline the facts considered relevant to the proposed conversion of an agricultural building to a dwelling at Old Hall Farm, Haughley Green, Stowmarket, Suffolk.

## **2. BACKGROUND**

Prior approval was granted on 31 January 2024 for Change of Use of Agricultural Buildings to Dwellinghouses (C3) and for building operations reasonably necessary for conversion. Town and Country Planning (General Permitted Development)(England) Order 2015 as amended Schedule 2, Part 3, Class Q - Conversion to form 1 No dwelling – (ref: DC/23/05654).

## **3. PROPOSAL**

Class Q restricts the size of the application plot of the dwelling to the size of the existing building being converted to residential. It is therefore proposed to develop the agricultural building to a dwelling under a full planning application, to include improving the curtilage which will allow for better landscaping.

The scheme granted under Class Q is one dwelling. The applicant has relooked at this scheme and the application now proposed includes the addition of a wood burning flue, inclusion of an air source heat pump, roof lights and solar panels to assist with energy efficiency, replacing a low lean-to with a pergola, an inset balcony on the first floor and a small extension to the garage so it is capable of housing 2 vehicles. The roof will be insulated on the outside of the structure and reclad. Internally the floor area will be slightly smaller than the approved Class Q development.

Overall, the planning application is similar to what is already permitted development, but with improvements in construction and layout. The design is intended to reflect a converted barn appearance with black timber clad walls and a metal profiled pitched roof.

Working shutter doors will be added to the front and rear elevations to help with soundproofing from the neighbouring farm. This would also retain an agricultural look.

The revised layout will allow for the dwelling to have a curtilage commensurate with its size.

#### 4. PLANNING POLICY

National planning policy is contained within the NPPF as follows:-

*“The purpose of the planning system is to contribute to the achievement of sustainable development.*

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) ***a social objective*** – *to support, strong vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well being; and*
- c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

**Paragraph 10** states that *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*

With regard to housing, **paragraph 84** states:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-*

- c) *the development would reuse redundant or disused buildings and enhance its immediate setting.*

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwellings on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved building.

### **Local Planning Policy**

Local planning policy is found in the Babergh District Council and Mid Suffolk District Council Joint Local Plan, Part 1, Adopted November 2023 as follows:-

#### *Policy LP04 - Replacement Dwellings and Conversions*

1. *Proposals for replacement dwellings will be supported where the building to be replaced has a lawful use as a permanent residential dwelling.*
2. *Proposals for conversion of buildings to residential must demonstrate the structure is capable of accommodating the use and the development would reuse redundant or disused buildings and enhance its immediate setting.*
3. *Additionally, proposals for replacement dwellings and/or conversions must:*
  - a) *Be of an appropriate scale and setting for the area, and use materials to achieve a high standard of design in response to the context, and the character and appearance of the surroundings;*
  - b) *Consider the amenity for both existing and for future occupiers;*
  - c) *Have safe and suitable access and parking;*
  - d) *Reuse redundant or disused buildings where possible; and*
  - e) *In sensitive areas not be more visually intrusive than the original building.*

## **Permitted Development**

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwelling on the site. In concept the consideration of this application is perhaps closest to a replacement dwelling scheme, i.e. the Local Planning Authority would assess whether any additional harm would arise from the proposal over and above the Class Q approved building.

The permitted development is the fallback position and a material consideration when looking at proposals such as those in the subject application. The fallback in this case is that the applicant has permitted development rights to change the use of the building into a residential dwelling with no more controls than that legislation provides. This principle has been established in planning appeals and at judicial review. It also allows for the commercial use of the other building on site.

The Court of Appeal Case *Mansell v Tonbridge and Malling BC* 2017 (at Appendix 1) deals with the fallback position whereby it was accepted that the council was entitled to conclude that there was a “realistic” fallback and that it was clear that the owners were intending to develop the site. It was in the judge’s view wholly unrealistic to imagine that were such proposals to be turned down the owner of the site would not take advantage of the development provided for by Class Q to the fullest extent.

It is worth noting that in this Court of Appeal case no Class Q permission existed, merely the prospect of it, yet that was considered realistic enough to be worthy of material consideration.

## **5. PLANNING COMMENTS**

The proposal is for the conversion of an agricultural building with Class Q approval to a dwelling to include addition of a wood burning flue, inclusion of an air source heat pump, roof lights and solar panels to assist with energy efficiency, replacing a low lean-to with a pergola, an inset balcony in the roof on the first floor and a small extension to the garage so it is capable of housing 2 vehicles. The roof will be insulated on the outside of the structure and reclad. Working shutter doors will be added to the front and rear elevations to assist with soundproofing from the neighbouring farm.

Permitted development for change of use of agricultural buildings to dwellings establishes the principal of the dwelling on the site. The Local Planning Authority should assess whether any additional harm would arise from the proposal over and above the Class Q approved building. In this case there is no harm.

The proposed dwelling makes use of the existing building and site and would therefore not adversely affect the character of the countryside or other planning interests.

The proposed conversion has been designed to reflect the Class Q permission for the building to be retained, but with some added improvements to the whole site to improve the setting of the building.

A larger curtilage will be provided to the dwelling to provide better access to parking provision. This will also allow for a more comprehensive landscaping scheme to be achieved. If necessary, the Local Planning Authority can control this via conditions.

Whilst the curtilage applied for is larger, with suitable landscaping conditions the result should be better not more detrimental.

In approving the Class Q application, the Local Planning Authority determined that the building was able to be converted. It was also accepted that the prior approval issues of highways, noise, contamination, as well as siting and location of buildings are acceptable for the proposed use. The insertion of working shutter doors are added to address noise concerns raised with the Class Q approval.

The proposed conversion will enhance the immediate setting whilst retaining its agricultural heritage with the materials to be used being sensitive to the character and appearance of the buildings and locality.

Energy efficiency will be provided in the form of solar panels and an air source heat pump. The inclusion of roof lights will allow for more natural light and reduce the reliance on artificial lighting.

## **5.1 Fall Back Position**

Appeal case APP/E2530/W/17/3175132, is attached at Appendix 2 where the Inspector dealt with the fall back position as follows:-

*10. At paragraphs 186 and 187, the Framework states that a positive approach should be taken to decision-making and that Council's should look for solutions rather than problems. I give significant weight to the Framework as a material consideration.*

*11. The statutory position in section 38(6) of the Planning and Compulsory Purchase Act 2004 is that an application for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. If the application subject to this appeal was refused I consider that the conversion of the barn and hay shed approved under the GPDO would be highly likely to proceed, which is a material consideration to which I attach significant weight.*

*14. I conclude that the weight I give to the appellant's fall-back position, the Council's evidence on the acceptability of the proposed extension and the policy considerations in paragraphs 186 and 187 of the Framework are sufficient material considerations to justify departure from the requirements of Policy SP1 of the Local Plan.*

A further appeal cements this position. Appeal case APP/K0235/W/17/3189914, Traylesfield Farm, Ravensden (see Appendix 3) states at Paragraph 10 the following:-

*"Given that permission already exists for a dwelling on the appeal site, given that dwelling is substantively the same as that proposed in the appeal scheme, and given that preparations have been made to relocate the storage functions of the existing barn, I consider there is a greater than theoretical possibility that the development already approved might take place. Given the similarity of the two schemes, and in light of the Mansell case, I consider the fallback position in this case a significant material consideration to justify a departure from the development plan policies identified above. I subscribe the fallback position significant weight and consider these are special circumstances because if the appeal proposal were not successful it is highly likely the permission already granted would be carried out. The permitted scheme would be no less sustainable in terms of its location than the appeal scheme."*

Appeal case APP/P0240/W/3249635 (Manor Farm, Brook Lane Flitton, dated 10 November 2020) is attached at Appendix 4 where the Inspector dealt with the fall back position as follows:-

- 7. Prior approval was granted in 2019 for the change of use of the appeal building to 2 dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Based on the evidence there is a reasonable likelihood of this prior approval being implemented were I to dismiss this appeal. This alternative permitted use establishes a fallback position in this case and the principle of residential use to which I attach significant weight. This fallback position exists irrespective of the Council's five-year housing land supply and planning permissions in the area.*
- 8. Whilst the proposed development would conflict with Policies DM4 and CS1 of the CSDMPD, with regard to this matter, when taking into consideration the fallback position I conclude that the site is an appropriate location for new housing.*



Appendix 5 contains an appeal decision for demolition of an existing building with a Class Q permission and erection of new dwelling at Great Oak Farm, Bicknacre. This was for a replacement dwelling rather than a conversion (ref: APP/W1525/W/21/3278018). The Inspector at Paragraph 10 stated:-

*There is conflict with the development plan arising from the nature of the development and location of the appeal site. However, there is a fallback position available to the appellants as the existing building can be converted to a dwelling under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. That fallback position has been established through a prior approval application to the Council, and the appellants have also submitted a building regulations application for works relating to the conversion. The existing and proposed buildings are similar in footprint and height.*

## **5.2 Sustainability**

The core thread of the NPPF is sustainability for which there are three dimensions in planning terms:-

- Economic objective
- Social objective
- Environmental objective

These three roles cannot be taken in isolation. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and community.

The site lies close to Stowmarket, Ipswich and Bury St Edmunds, which all benefit from mainline transport links to London and Cambridge and a full range of social and economic activities. Employment will be provided during the build process and will provide a knock on effect to local businesses.

Environmentally the proposed dwelling will be making use of an existing building and will enhance the immediate setting of the site.

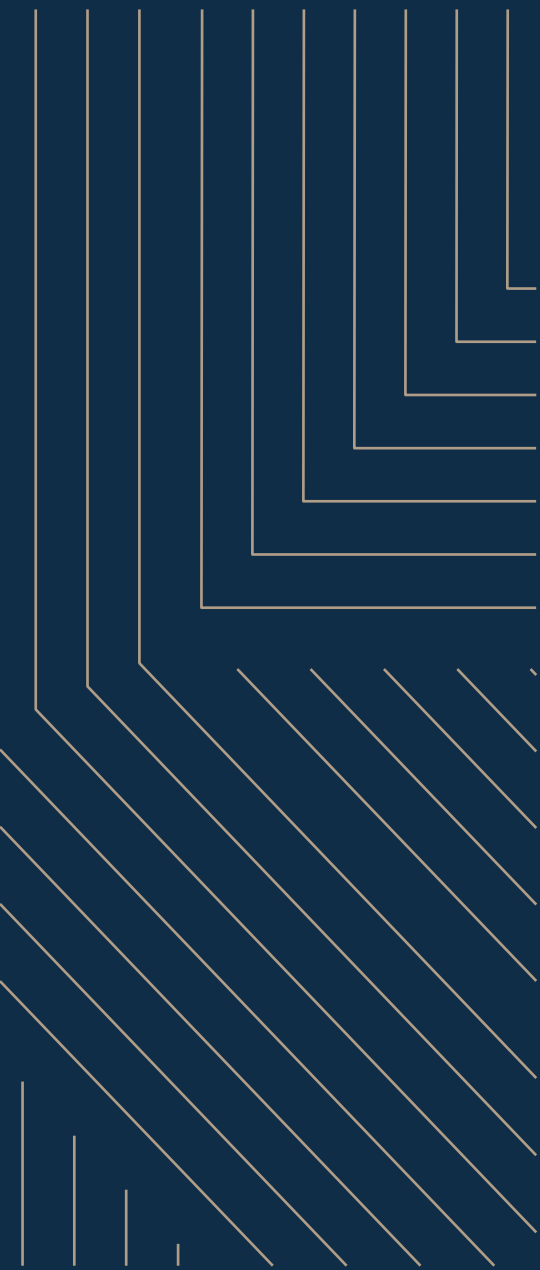
## 6. CONCLUSIONS

This is a sustainable proposal.

- The Class Q is permitted and would be done in any case so there is a clear **fallback** position which is given significant weight as per the appeal decisions and legal case.
- The proposal is aligned with what has already been deemed as permitted development. The changes are minor and overall will improve the dwelling, with additions not covered under class Q.
- The proposal is sustainable, being conversion of an existing building to dwelling built to modern day energy efficient standards

### DISCLAIMER

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