

**REVISED PLANNING STATEMENT FOR:
PRIOR APPROVAL APPLICATION FOR THE PROPOSED CHANGE OF USE OF
AN AGRICULTURAL BUILDING INTO 1 NO. DWELLINGHOUSE TOGETHER
WITH ASSOCIATED OPERATIONAL DEVELOPMENT AT HORWICH MOOR
FARM.**



Agent:

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20/03/2024

Proposal

Notification is given for prior approval for the proposed change of use of an agricultural building into 1no. dwellinghouse together with associated building operations (Class C3) under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q (as amended).

Proposed works include internal works to convert part of the agricultural building into a dwelling house, and formation of external window and door openings along the West and South elevations.

The overall footprint of the agricultural building is 444m² and will reduce to 357m² post conversion.

2no. parking spaces will be created at the front of the dwelling and vehicular access will be a continuation of the existing access road off Matchmoor Lane.

Site Description

The application building is part of a group of Agricultural Buildings within Horwich Moor Farm. The application site is located in Horwich, Bolton off Matchmoor Lane. The application site is within 2 miles of Horwich Town Centre. The site consists of one dwelling and a group of agricultural buildings which operate a farm business, currently in ownership of 600 lamb & sheep and 16 cows that graze around 50 acres of land.



Previously Refused Application:

16813/23

PROPOSAL: PRIOR APPROVAL APPLICATION FOR THE PROPOSED CHANGE OF USE OF AN AGRICULTURAL BUILDING INTO 1 NO. DWELLINGHOUSE TOGETHER WITH ASSOCIATED OPERATIONAL DEVELOPMENT.

Date of Decision: 23rd October 2023

Reasons for Refusal:

“01. Insufficient information has been submitted to prove on the balance of probability that the building was in use solely for an agricultural use as part of an established agricultural unit on 20th March 2013, contrary to criterion 1a of Class Q.”

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.

It is difficult to dispute how this agricultural building can be classed as anything other than an agricultural building. In fact, the second reason for refusal appears to confirm that the current use of the “agricultural business” could be detrimental to any future occupier. The Local Authority had also issued Planning approval on 04/04/2012 for the erection of the application agricultural building, and subsequently works were completed that same year. An aerial view dated 4th March 2013 has been attached below from historical imagery on Google Earth.

A detailed statement was submitted as part of the original application (87566/12) to state that the proposed agricultural building was required to house “76no. breeding ewes during the winter season and in adverse weather conditions for the lambing season. In addition to Winter Housing of the sheep stock our client has a small herd of 5no. breeding cows which require housing”. The agricultural building has remained in use for the very same purpose until this day, despite total numbers of animals fluctuating over time. The farm currently owns 600 lamb & sheep and 16 cows that graze around 50 acres of land.

The Local Authority are determining the current use of the site as agricultural and had also formally determined the use as agricultural by way of planning approval on 04/04/12.

We can only surmise from this, that the Local Authority imply there may have been a cease in use between this period, however this is clearly not the case. We have since requested records from Passport Operations at The Rural Payments Agency, which can be found attached in **“Appendix A”** of this application.

Therefore, it has been proven beyond doubt that the application building was used on 20th March 2013 for the purposes of agriculture.



Reasons For Refusal:

02. The proposed use would be formed from part of a larger building which will continue to operate on a day-to-day basis as part of the agricultural business, particularly housing livestock. This would be likely to cause noise and odour nuisance to future occupants of the proposed dwelling to an extent likely to result in complaints about the agricultural business. The proposed use is therefore impractical and undesirable contrary to Condition. (e) of Class Q.”

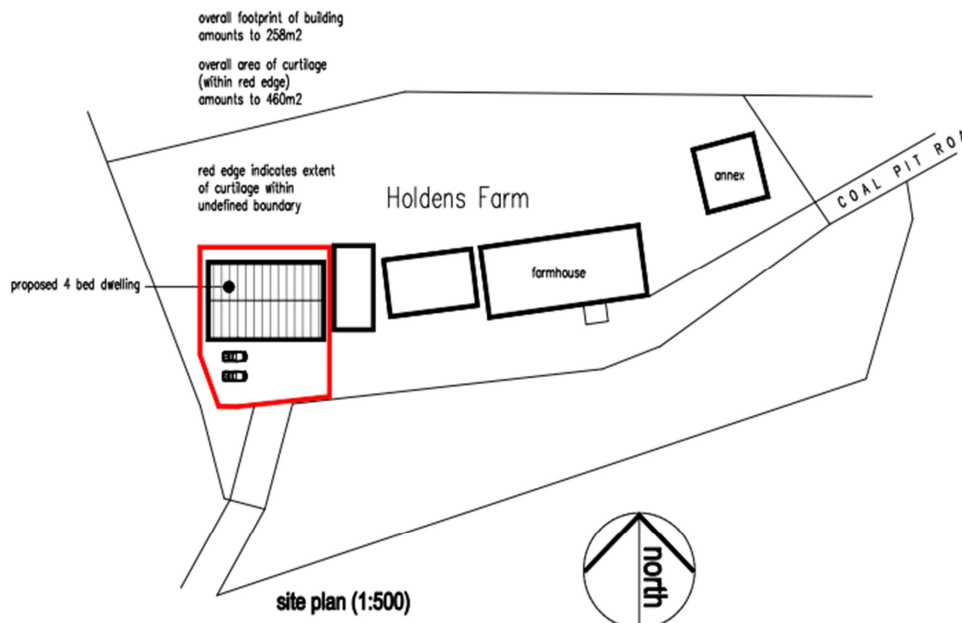
(e)whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, F5.

The nature of converting an agricultural building located on a farm would mean that in most instances, all occupiers would be sited within close proximity of a working agricultural business. We cannot see how any typical agricultural conversion could be approved under Class Q if this reason for refusal would be applied to most other applications, nor do we see the purpose of Class Q being included within the The Town and Country Planning (General Permitted Development) (England) Order 2015, if this stance was taken on each application.

What is apparent is that many other similar applications have been submitted and approved in identical scenarios, when an agricultural building is converted into a dwelling on a working farm, located directly adjacent other agricultural buildings.

Similar examples on neighbouring agricultural farms include:

Ref – 14680/22 Holdens Farm, Coal Pit Road.



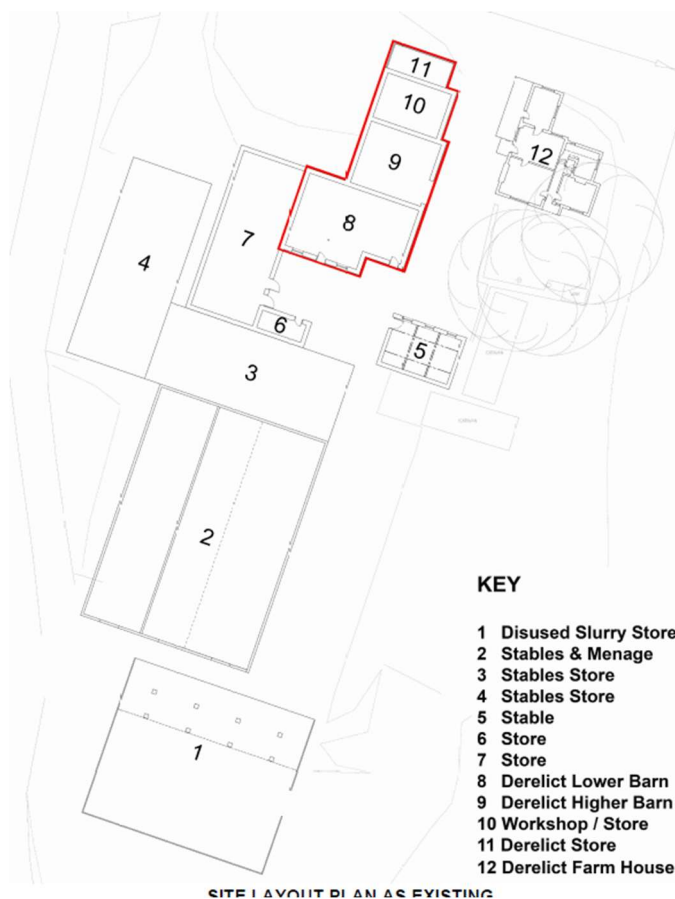
The approved site plan shows the converted agricultural dwelling under Class Q, located on a working farm located directly adjacent an agricultural building.

In relation to **Condition. (e) of Class Q**, the planners report states:

“The site is rural in character and situated within Green Belt, however there is the existing farmhouse and annexe within the overall site and other isolated residential properties such as Roscoes Farm Cottage and Roscows Barn.”

Horwich Moor Farm also contains an existing farmhouse and is in a much less isolated location. There is no other mention of likely noise, nuisance or likely complaints within the planner’s report for the above approved application.

Ref – O6013/19 Hole Hill Farm, Matchmoor Lane, Horwich.



Hole Hill Farm is another neighbouring property with recent planning approval gained for the conversion of an agricultural building under Class Q. This approved dwelling directly adjoins an existing agricultural building and is surrounded by 4 Derelict barns and stores.

This approved scheme is in a far less practical and desirable location, despite being approved without question or hesitation.

Whilst we appreciate that each application is taken on its own merit, we don't see how a different conclusion can be formed on a like for like proposal in the same area, so we ask for a fairer assessment and level of consistency to be applied.

Opinions on desirability are by nature somewhat subjective. In our professional opinion, we feel that the proposal is seen to have a far higher level of amenity and desirability to many other schemes approved in densely populated urban locations or even when comparing the approved schemes above.

We feel a better way of applying a more consistent approach to assessing amenity levels is to apply objective planning policy. The proposed dwelling complies with planning policy in terms of separation distance to other dwellings, as all habitable windows face outward to unspoiled views of the countryside and incorporates the required number of parking spaces.

A far better way to assess levels of amenity when discussing matters such as "*noise, odour and nuisance*" is to ensure that the dwelling is subject to building control approval which will assess all built components in line with The Building Regulations, and more specifically:

- Approved Document C - Site preparation and resistance to contaminants and moisture
- Approved Document E - Resistance to sound
- Approved Document F – Ventilation

Building Regulation's approval would always govern these regulations as part of a detailed building control application and on-site inspections prior to the completion of any works. Without this, no dwelling could ever be brought into use. It is not conventional to approve these details pre-planning stage, as per the RIBA plan of works. This is the case in any mixed-use development often approved such as dwellings above bars, restaurants and pubs which are able to meet Building Regulations in far more contentious developments. A Building Control Application would always follow planning approval stage. Despite this, we have included these elements of the build into the planning approval stage, along with written approval from our accredited and registered Building Control Inspectors. See Appendix B and amended drawings.

PPG Paragraph: 109 Reference ID: 13-109-20150305

Revision date: 05 03 2015

“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.

When a local authority considers location and siting in this context it will not therefore be appropriate to apply tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.”

The structure is relatively new, structurally sound and possesses no contaminants such as asbestos, due to the age of the building. The building is generally seen as being highly appropriate in terms of conversion, when compared to centuries old farm buildings that are typically converted and are constructed of contaminated materials. There are no dangerous machines or chemicals stored in the agricultural building as it is used for animal shelter.

The site is rural in character and situated within Green Belt, however there is the existing farmhouse within the overall site and other residential properties nearby such as Heather Hall Cottages. The site is not in an isolated location as it is only 0.7 miles from the nearest residential settlement of Horwich with a pub and restaurant, this being a 3-minute drive or 14-minute walk. The centre of Horwich is less than 2 miles away. The existing residential dwelling offers established services, so all connections can be as practical as possible.

The proposed dwelling will be occupied permanently by the family owners of the farm, so there can be no undue harm caused by the development during construction or throughout use.

Remaining Determination (Previously Approved):

(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.

One dwelling would be proposed and the cumulative floor space of the building changing use would be 87m².

(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 floor space of the dwelling would be under 465sqm.

(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.

One dwelling is proposed.

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

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 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.

One dwelling would be proposed and the cumulative floor space of the building changing use would be 87m².

(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.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (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 2023, during the period which is 10 years before the date development under Class Q begins.

No applications under Part 6, Class A or B have been submitted to the LPA or approved by the LPA since the 20th of March 2013

(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 total footprint will remain the same with no alterations to the external dimensions proposed.

(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).

All external materials will remain the same, the only proposed external works will be to form openings in the building's façade to allow for window and door openings. This is considered necessary in the creation of a dwelling.

(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 does not fall under any of the categories above.

Conclusion

The proposal is considered to fall under the provisions of permitted development under Schedule 2, Part 3, Class Q of the GPDO (as amended).

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a)transport and highways impacts of the development,

Existing access to the site can be utilised and the proposed curtilage is large enough to accommodate 2no. car parking spaces as shown on the submitted plans.

(b)noise impacts of the development,

The proposed dwelling will be occupied by the owners of the farm so there can be no undue harm caused by the development during construction or throughout use.

The dwelling will comply with Building Regulations in relation to acoustic performance for a domestic use, which should ensure that the amenity of future occupants is provided to a satisfactory level.

(c)contamination risks on the site,

All works are proposed within the envelope of the existing building and above/on top of the existing 300mm thick ground bearing concrete raft, so it is not necessary to expose or disturb any land within the application site.

The dwelling will comply with Building Regulations in relation to Approved Document C, which should ensure that the amenity of future occupants is provided to a satisfactory level.

(d)flooding risks on the site,

The application site is in Flood Zone 1 so therefore It is considered that the proposed development is not at risk of flooding on the site or in other areas, compliant with Policy CG1.5 of the Core Strategy.

(f) the design or external appearance of the building [F6, and]

[F7(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,]

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

All existing materials are to be maintained and external openings are proposed in line with Building Regulations Part L1. All external openings will provide standard levels of amenity for users whilst maintaining appropriate design for this development and are therefore in accordance with Policy CG3 of the Core Strategy.