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Prior Determination
Change of use of Agricultural
Building to 2 Dwellings

PREPARED FOR

Sir & Lady Parker

Hall Farm
Radwinter
CB10 2SW

April 2024

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1. INTRODUCTION

1.1 We act on behalf of Sir and Lady Parker in respect of the prior determination request made to Uttlesford District Council in relation to the potential change of use of an agricultural building at Hall Farm, Radwinter, CB10 2SW.

1.2 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2018 as amended.

2. DISCLAIMER

2.1 This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

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3. PLANNING POLICY BACKGROUND

3.1 Class Q of the General Permitted Development (England) Order 2018 allows for:-

- a) the 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 (dwellinghouse) of the Schedule to the Use Classes Order; or
- b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouse) of that Schedule.

3.2 The building works permitted under Class Q are outlined in the Planning Practice Guidance at Paragraph 105 as follows:-

“Building works are allowed under the right permitted agricultural buildings to change to residential use, however the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

3.3 The proposals were put forward to further enhance the Government's key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of existing buildings, supporting the high street and rural communities and providing new housing.

3.4 The permitted development makes a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.

3.5 The permitted development provisions do not differentiate between the age or type of any buildings which might be suitable for conversion.

4. THE SITE AND BUILDING

4.1 The proposal relates to the change of use of one existing agricultural building and the land within its curtilage into two dwelling houses. The agricultural building is used as a grain store and general purpose for storage of and parking of machinery, in connection with the wider land holding.

4.2 The land has been occupied for the purposes of agriculture on or before the 20th March 2013.

4.3 The building has been used for agriculture and was used for this purpose on or before March 2013.

4.4 It is confirmed that the following criteria are also satisfied:

- The buildings are not on article 2(3) land;
- The site was used for agricultural purposes on and immediately before 20th March 2013 or when it was last in use;
- The site is not occupied under an agricultural tenancy, nor has one been terminated within the last 12 months.
- The site does not form part of a safety hazard area or military explosives storage area;
- The buildings are not listed buildings or scheduled monuments;

No development utilising other agricultural PD rights has been undertaken on the unit since 20th March 2013.

4.5 The building is of solid construction and are suitable for construction with a total footprint of approximately 341m².

4.6 The scheme will consist of the below dwelling sizes:

- Dwelling 1- 241m² (4 Bedroom)
- Dwelling 2 – 100m² (2 Bedroom)

5. PRIOR DETERMINATION – CLASS Q(a)

5.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class Q(a) development in this instance in regard to:

Transport and highways impacts of the development

Noise impacts of the development

Contamination risks on the site

Flood risks on the site

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 (dwelling houses) of the Schedule to the Use Classes Order.

5.2 Transport

Existing access to the site from Walden Road will be used.

The block plan submitted with this application shows parking provision for the two dwellings.

5.3 Noise

There are no noise issues for the development.

5.4 Contamination

There has been no previous use of the site to the applicant's knowledge, which would lead to any contamination concerns or issues. Specifically, there has never been any landfill or waste disposal on

the application site, no vehicle maintenance or storage of fuels/chemicals, nor burning of fires on site to the applicant's knowledge. Given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

5.5 Flood Risk

The site is in Flood Zone 1, there is no flood risk.

5.6 Location and Siting

The location and siting of the building does not make it undesirable or impractical to change the use.

There is a potential curtilage area associated with the building which is appropriate to create amenity space for the dwelling created. The curtilage allows for maintenance to all sides of the dwelling and shows parking areas.

The dwelling proposed is reasonable for the location and will not over develop the site.

5.7 Provision of Natural Light

The dwellings will benefit from natural light to all habitable rooms as shown on the plans and elevations.

6. SUITABILITY FOR DEVELOPMENT

The building is of substantial and of good quality construction with existing walling and roof and so are capable of the conversion with the limitations set out by Class Q.

PRIOR DETERMINATION CLASS Q (b)

7.1 In addition to the above, we also request a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the building.

7.2 To assist with the determination we enclose the following information:

A site location plan which identifies the subject buildings and the deemed curtilage areas.
Proposed elevations.

Building Construction

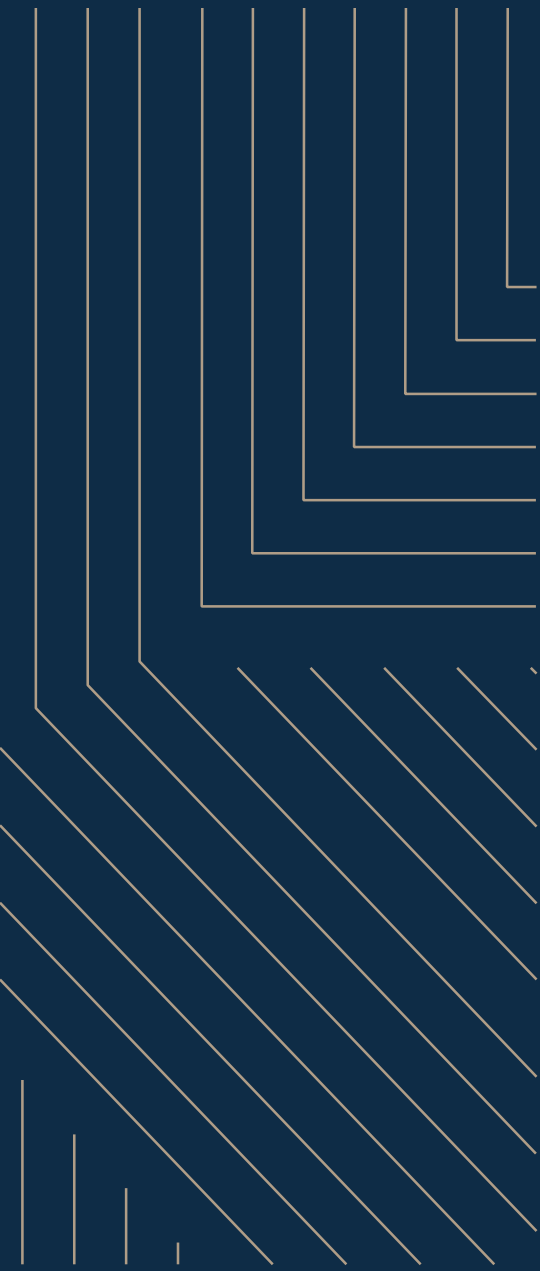
The building was used for grain storage and general storage for storage of and parking of machinery.

- * The building is currently steel framed, clad with black corrugated tin with a fiber cement roof. The structure and materials will be retained as much as possible and repaired and replaced as required.
- * Windows and doors will be inserted into existing structure as required.

All other work will be internal.

8. CONCLUSION

- 8.1 It is deemed that the proposal for the change of use of the building at Hall Farm, Radwinter, CB10 2SW, should be considered permitted development, under the legislation brought into force in 2014 and now under Class Q of the General Permitted Development Order 2018 as amended.
- 8.2 The proposed change of use will not lead to any detrimental adverse effects on flood, traffic, noise, flood risk or contamination and the siting and location of the buildings are deemed to be acceptable for the proposed use.
- 8.3 The residential scheme can easily be incorporated into the existing building using the existing construction with addition of replacement roof material as required plus windows and doors added within the rules of the GPDO. The scheme would be a change of use with the only works proposed being those allowed for under the GPDO (cladding and windows/doors permitted) and internal works (not development as confirmed in the Planning Practice Guidance).



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