DELEGATED REPORT

Application Reference:	PL/2023/05856
Application Type:	Prior Approval Part 3 Class Q: Agricultural buildings to dwellinghouses

Site Address:	Bencroft Gardens, Bremhill, Calne, Wiltshire, SN11 9LH
Proposal:	Application for Prior Approval for the Change of Use of an Agricultural Building to a dwelling
Recommendation:	Prior Approval is REQUIRED and GRANTED

PROPOSAL

This application is a Prior Notification under Class Q to determine if Prior Approval is required for a proposed change of use of an agricultural building to a dwellinghouse. Based on the submitted drawings, the internal floorspace of the building proposed to change use totals 159sq.m. The existing elevation and roofing materials are to remain in situ, with openings provided to ensure appropriate habitable accommodation. Access to the site will be taken via the existing access which serves the existing dwelling at Bencroft Gardens. The proposal is entirely within the footprint and built envelope of the existing building.

Revised plans were submitted during the course of the application in response to queries raised regarding adequate and appropriate natural light, and also the nature and detail of the proposed openings.

SITE DESCRIPTION

The building the subject of this application is located close to the western boundary of the existing land comprising Bencroft Gardens, which is a mix of residential and agricultural land. The residential curtilage of Bencroft Garden is to the immediate east of the application site, that curtilage land is enveloped by agricultural land which has historically served the market garden operations which ran from the site – the building the subject of this application is sited on this agricultural land. To the west of the site is the garden land relating to the neighbouring dwelling of Barncroft; the boundary between these two properties is formed of mature trees and some hedging, and the site slopes gently from north to south, although the building itself is set on a level and solid footing.

The barn to which this submission relates is a relatively modern single storey steel framed agricultural building with profiled tin walls and a lean-to roof. Externally the building measures 18.5m by 9.4m, with a height to the rear eaves of 2.7m, and the higher front eaves level of 3.6m.

POLICIES & LEGISLATION

Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

National Planning Policy Framework (NPPF) & Planning Practice Guide

CONSULTATION

Bremhill Parish Council – Support

Highways Officer – No objection, subject to Condition relating to cycle parking provision

Public Protection – No objection

REPRESENTATIONS

One neighbour comment received regarding the Prior Approval application process.

PLANNING HISTORY

The following application is of relevance to this application for Prior Approval:

N/96/1676/F: Erection of crop and implement store – Approved subject to conditions – 30/09/1996

ASSESSMENT

This is a prior approval application and as such the development is first required to be considered whether it is permitted development for the purposes of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015. This should be assessed before it is considered whether prior approval is required.

Class Q allows for the change of use of agricultural buildings together with building operations reasonably necessary to convert the building to residential accommodation.

As required by paragraph Q.1 (a) the Local Planning Authority (LPA) will need to be convinced that the former agricultural building was used solely for agriculture, as part of an established agricultural unit on 20th March 2013. Included within the procedure notes for prior approvals under Part 3 is the definition of an agricultural building. Such a definition sets out that an agricultural building means a building used for agriculture purposes and which excludes any dwellinghouse. The accompanying information provided by the applicant confirms that the barn has always been used solely for agricultural purposes, with the building historically serving the market garden which ran from Bencroft Gardens. The planning history (the original permission was Conditioned to

ensure the building was used as an agricultural building) and aerial imagery would seem to confirm this. Therefore, the building would benefit from the Class Q provisions.

The order at paragraphs (b) and (c) relate to the floor areas for both larger and smaller dwellings. The proposal is for a single residential dwelling and there have been no other Class Q developments on the site. The building would have a floor area of 168 square metres. Therefore, the building is well within the permitted cumulative maximum floor space of 465 square metres.

Paragraph Q.1 (d) seeks to restrict cumulative development under Class Q taking into consideration buildings previously granted prior approval. There are no other buildings subject to Class Q conversions on the agricultural unit. The current proposal would be within the allowed limits.

The site is not farmed by a tenant nor has a tenancy been terminated in the last year so there is no conflict with paragraph (e) or (f) of the amended Class Q. There is no record of any development under Class 6 of the Order so paragraph (g) is not relevant. Paragraph Q.1 (h) states that the development would not be permitted development should the development result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposals do not extend beyond the existing building.

Paragraph Q.1 (i) states that development consisting of building operations reasonably necessary for the building to function as a dwellinghouse are acceptable as listed in the regulations. In considering what works are reasonably necessary, it has been established in case law, namely in the Hibbit Case that there are three important considerations. These are:

1. The building must be capable of functioning as a dwelling;
2. The proposed development should not include new structural elements
3. The existing building should be significantly strong to bear the loading from external works

The application has been supported by structural frame details and calculations. These, along with a visual inspection of the building, confirms that the structural elements of the barn is in good condition and are structurally sound. The proposal involves the retention of the existing elevation and roof materials, set around the existing frame. New openings would be introduced to ensure an appropriate habitable environment is created – additional details have been provided demonstrating how these openings would be achieved within the existing metal-clad elevations.

The site is not on article 2(3) land (Conservation Area, AONB, The Broads, a National Park, or a World Heritage Site) (j), does not form part of a site of special scientific interest / safety hazard area / military explosives storage area (k); and is neither a scheduled monument (l) or a listed building (m).

In terms of paragraph X of the GPDO, the floor plan confirms a GIA of 159.4sq.m. and the external area totals 158.8sq.m. and as such the proposal meets the requirements of this section of the legislation.

Prior approval matters:

Paragraph Q.2 sets out a requirement for the consideration of prior approval matters. As detailed at paragraph Q.2, the developer is required to 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,
(b) noise impacts of the development,
(c) contamination risks on the site,
(d) flooding risks on the site,
(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.
(f) design or external appearance of the building, and
(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.

These are assessed in detail below:

(a) transport and highways impacts of the development:

Land immediately adjacent to the site to the east serves as the existing residential dwelling of Bencroft Gardens. The existing access from the public highway to serve that dwelling will also serve the proposed converted building. Based on this arrangement, and the relatively minor increase in traffic movements arising, the Highways Officer has raised no objection, subject to a Condition requiring details of cycle parking to be provided prior to commencement. As such the impacts on the development on transport and highways is acceptable.

(b) noise impacts of the development:

The building is located in the open countryside in planning policy terms; however, it will be sited between the existing residential curtilages of Bencroft Gardens to the east and Barncroft to the west. As such, a residential use of this parcel of land is considered to be acceptable and not give rise to any specific noise impacts which would warrant refusal of the application. The Council's Environmental Health Officer has responded not raising any objections with regard to noise impact.

(c) contamination risks on the site:

The Council is not aware of any contamination risks (the Public Protection team has raised no objection) and the Applicant has confirmed that, based on the historic use of the building there is no indication of any contamination risks arising. However, a condition to cover the eventuality of discovery of any contamination is appropriate given the previous use of the building.

(d) flooding risks on the site:

The site is located within Flood Zone 1 and as such there are no apparent flood risks at the site.

(e) the location or siting of the building

As noted above, the building is sited between the existing residential curtilages of Bencroft Gardens to the east and Barncroft to the west. Whilst the building is within close proximity to the boundary of Barncroft, it is considered that this is not too close as to raise any specific concerns relating to the conversion of an existing, single-storey building. The mature trees on that western boundary are noted, however as the proposal relates to the conversion of an existing building there will be no requirement for any structural or foundational works which could potentially impact the health of those trees. As such, a residential use of the existing building in this location is considered to be acceptable.

(f) design and appearance

The relatively modern nature and appearance of the building means that its resulting conversion would present a somewhat utilitarian appearance. The design and appearance would be functional and not of any particularly high-quality; however, it is considered on balance that the design would not warrant a reason for refusal given the nature of the application as the conversion of an existing building.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

During the course of determination of this application, some of the landscaping which had grown up around the building was removed, including some relatively low handing branches from the trees along the boundary. In addition, amended plans were received during the course of the application such that rooflights were introduced onto the lean-to roof to serve Bedrooms 1 and 2 – the former of these is relatively heavily shaded by the mature landscaped boundary. On this basis, and given that each of the other rooms – including the main living accommodation – have adequate natural light, it is on balance considered that this provision of the regulations is met.

Finally, although at ground floor level, the direction of opening and proximity of the window serving Bedroom 1 to the boundary has the potential to be somewhat intrusive into the neighbouring garden. Following the amendment such that Bedroom 1 has an additional rooflight opening serving it, it is considered that a Condition to ensure that window is obscure glazed and not fully openable would be appropriate to protect the neighbours privacy, whilst not resulting in a lack of natural light to that room.

CONCLUSION

The proposed development, based on the presented facts and the particular circumstances of this site and previous agricultural use, would accord with the provisions of Class Q. In particular, the building is considered to be structurally capable of conversion and the envelope of the building will not be increased. The Parish Council support the application and there are no technical objections. Overall, the proposed works would be those reasonably necessary to put the building to its proposed use.

RECOMMENDATION: That Prior Approval is required and is GRANTED subject to the conditions set out in the Order and the additional conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
   CC/POT/01: Location Plan (received 16/05/2023)
   JS-171 – [G] – 100.C: Site Plan (Block and Location Plans)
   JS-171 – [G] – 102.F: Proposed General Arrangement
   JS-171 – [G] – 101: Existing Structural Frame Details
   JS-171 – [S] – 1: Formation of Window Aperture

   REASON: For the avoidance of doubt and in the interests of proper planning.

2. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement, to be followed be a written verification report, that confirms what works that have been undertaken to render the development suitable for use.

   REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.

   REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

4. The window serving Bedroom 1 in the western elevation shall be glazed with obscure glass only, to an obscurity level of no less than level 4 and shall be fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

   REASON: In the interests of residential amenity and privacy.

INFORMATIVE:

The Applicants' attention is drawn to the condition set out at Paragraph Q.2(3) that requires the development must be completed within a period of 3 years starting with the date of this prior approval.

INFORMATIVE:
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.