CASE OFFICER'S REPORT

Application Reference:	PL/2023/08093
Application Type:	Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses
Site Inspection:	
Consultation ends:	01 November 2023
Case officer:	Jemma Foster

Site Address:	Agricultural Building At New Hurst Farm, Keevil, Wiltshire, BA14 6NH
Proposal:	Change of use of agricultural building to form a single detached dwellinghouse together with necessary alterations
Recommendation:	Approve

POLICIES
GPDO (Class Q)

ISSUES
The only consideration in the determination of this application is whether the proposed development conforms to the requirements and limitations of Class Q of the Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015.

REPRESENTATIONS:
Keevil Parish Council – No objection. The Parish Council did not object to the proposals in principle, but shared Highways concerns: the road is very narrow with few passing places and any increase in residential traffic may put a strain on road use and safety in an area used by several working farms. The Parish Council would not therefore wish to see any increase in scope for the dwelling proposed.

Wiltshire Council Highways – The site is located outside any limits of development so will be guided by the Planning Department on sustainability. The site is accessed via PROW KEEV5 and EDIN15 and as such the PROW team should be consulted.

Fire Safety Officer – Property should adhere to building regulations
ASSESSMENT:
The proposal: The application seeks confirmation that the proposed agricultural barn can be changed to a 5 bed dwelling under Class Q of the GPDO.

Two previous PNCOU have been approved on this site for this building under reference number 21/02054/PNCOU which expires on 6th April 2024 and 18/06474/PNCOU which expired on 20th August 2021.

Class Q permits development consisting of:

(a) 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) of the Schedule to the Use Classes Order; and 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 (dwellinghouses) of that Schedule.

In considering Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 the Local Planning Authority (LPA) will have 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 and which is so used for the purpose of a trade or business, and excludes any dwelling house”. The applicant has confirmed the agricultural use.

Paragraph Q.1.(b) of Class Q states development would not be permitted if the cumulative number of larger dwellinghouses development under Class Q exceeds 3 - This is the only Class Q application on the unit and therefore does not exceed 3 dwellings. The proposal is for 1 larger dwellinghouses

Q.1.(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwelling house or dwellinghouses under Class Q exceeds 465sqm. The application form confirms that the larger dwelling would not exceed 465sqm.

Q.1. (ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 exceeds 465sqm. The application form confirms that the larger dwelling would not exceed 465sqm.

Paragraph Q.1. (c) requires the cumulative number of smaller dwellinghouses not to exceed 5 or the floorspace of any one separate smaller dwelling house exceeds 100sqm. The proposal does not include any smaller dwellinghouses.

Paragraph Q.1 (d) states that the development under Class Q (together with any previous Class Q development) within the established agricultural unit would result in either or both of the following:
1. A larger dwellinghouse having more than 465sqm or
2. The cumulative number of dwellinghouses having a C3 use exceeds 5. The proposal is for 1 larger dwelling house that does not exceed 465sqm.

Paragraph Q.1. (e) does not allow development if the site is occupied under an agricultural tenancy, unless express consent of both the landlord and the tenant has been obtained – the site is not occupied by a tenant.

Paragraph Q.1. (f) does not allow development if less than 1 year before the date development begins:
1. An agricultural tenancy over the site has been terminated and
2. The termination was for the purpose of carrying out development under Class Q

unless both the landlord and tenant have agreed in writing that the site is no longer required for agricultural use – The site has no tenancies.

Paragraph Q.1. (g) does not allow development if development under Class A or B of Part 6 has been carried out on the established unit:
1. Since March 2013 or
2. Where development under Class Q begins after 20 March 2023 during the period which is 10 years before the date development under Class Q begins.

The application form states that no development under Class A or B of Part 6 has taken place on the unit since 20 March 2013.

Paragraph Q.1. (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 application submission confirms that the proposal does not extend beyond existing extents.

Paragraph Q.1.(i) of Class Q states development would not be permitted if it 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);

A structural survey has been submitted with the application which demonstrates that the existing steel frame, concrete block walls and floor, and foundations are suitable to allow the proposed conversion.

The proposal sees the insertion of windows and doors, exterior and internal walls which are permitted. The existing roofing sheeting will be replaced and internal stud walls will be created. The proposal is therefore considered to meet the tests of Q.1(i).

Paragraph Q.1. (j)(k)(l)(m) states that development is not permitted if the site forms part of
i) is located on article 2(3) land
ii) a site of special scientific interest
iii) a safety hazard area
iv) a military explosives storage area
v) the site is or contains a scheduled monument
vi) the building is listed

The site does not fall within any of these categories.

Paragraph Q2 of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 states that the conversion of a agricultural building to residential, is considered permitted development subject to the condition that before beginning the development, the developer shall 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, or
(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; and
f) the design and external appearance.
g) the provision of adequate natural light in all habitable rooms of the dwelling house

Transport and Highways
The PPG has clarified that the sustainability of a building's location is not a test that applies to this permitted development right. The submitted information confirms that the site is accessed via an established existing driveway and no through lane. On part of the access/lane is a public right of way, but the increase in traffic associated with one additional dwelling is considered not to have an adverse impact upon this PROW.

The submitted plans demonstrate that there is adequate space around the building for parking and turning of vehicles. The access to the site is considered to be appropriate. It is acknowledged that the lane is in disrepair in some places but this does not mean the site is unreachable. The site is currently capable of being accessed via the lane.

Noise Impacts
The proposal would raise no concerns in terms of noise.

Contamination Risks
The proposal would raise no concerns in terms of contamination

Flooding Risks
The proposal would raise no concerns in terms of flooding as the building is located in Flood Zone 1.

Whether the location or siting of the building makes it otherwise impractical or undesirable The PPG states the following:
"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 the building would make it impractical or undesirable to change use to a house".

It continues to say "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."

It is acknowledged that the site is immediately adjacent to a farm that breeds cows. The site in question is immediately adjacent to a field which has a cow barn. It is considered that this would not be an intensive use as the cow barn is not immediately adjacent to the site and the cows are not constantly in the field immediately adjacent, the location and siting of the building are therefore considered acceptable.

Design and External Appearance
The existing barn is modern and of no historic interest. The proposed elevations appear to demonstrate that the building would retain its existing external appearance. Although it is located adjacent to an existing bridleway, the site is not in a prominent location and as such it is considered that the design and appearance of the building would be acceptable in prior approval terms and there are no design or external issues to restrict development on this site under Class Q.

The provision of adequate natural light in all habitable rooms of the dwelling house
The submitted plans demonstrate adequate light to all habitable rooms at ground floor through the insertion of windows.

The Applicant has confirmed that the building measures 340 sqm and the curtilage measures 315 sqm and therefore is in compliance with Part X.

RECOMMENDATION:
Prior approval is granted.

Conditions: (1)

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Plans and Elevations, Proposed Floor Plans and Elevations received by the Local Planning Authority on 21st September 2023.

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