DELEGATED REPORT

Application Reference: PL/2023/10449

LEGISLATION AND POLICY

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

NPPF & Planning Practice Guide

PROPOSAL AND BACKGROUND

Application under Class Q (a) and (b) of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), to determine whether prior approval is required for the proposed change of use of an agricultural building to a dwelling house (use class C3) and for associated building operations

The application site comprises a single agricultural building at Chapel Mead Barn, Hare Street, Foxham, which is located within the open countryside. The building is accessed from a private drive off Hare Street. To the immediate south of the building is a drainage ditch with a residential property beyond. To the west beyond the field boundary is the St John Baptist Church (Grade II* Listed Building) with residential uses and The Foxham pub adjacent. To the north and east are fields associated with the agricultural holding with open countryside beyond.

PLANNING HISTORY

- PL/2022/09602 - Application for Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to Dwelling house (Class C3) and for Associated Operational Development, under Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q - Refused

CONSULTATION

Bremhill Parish Council: Comments:

"*Ward Councillors have reviewed the application and are happy to support it. It is in accordance with the Neighbourhood Plan. The Parish Council, where possible, will support the conversion of redundant farm buildings into living accommodation."*

Highways Engineer: No objection "The proposal for the conversion of a barn to a dwelling house under Class Q would not rise to the level of a highway refusal reason on highway safety grounds as the access is adequate, as existing and parking standards could be met on-site.

While the location for a new build dwelling may well attract negative comments on sustainable transport grounds there are no negative impacts to the highway that can be supported by policy or through the NPPF for this particular conversion."

Conservation: Comments:

"No Objection in this case to the principle of the reuse of the existing agricultural building.

As the Listed Church is some distance from the building in question there will be limited impacts on its setting and significance."

REPRESENTATIONS

6 representations in support

ISSUES

Whether the proposal accords with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

ASSESSMENT

This is a prior approval application. 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.

As required by paragraph Q.1 (a) 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 states the building was in use for agricultural purposes on that date and continues to be used as such. As such, it is appears the buildings would benefit from 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 dwellinghouse with a floorspace of 98m2. This would be defined as a smaller dwellinghouse within the order. In respect of Paragraph Q.1 (b), (c) and (d), the proposed dwelling size and number of dwellings would be within the allowed limits. No other dwellings have been created under Class Q.

The supporting statement confirms that the site is not subject of an agricultural tenancy. The applicant is the freehold owner. Under this assumption there is no conflict with paragraph Q.1 (e) or (f) of the amended Class Q.

The applicant confirms that no new agricultural development as cited in paragraph Q.1 (g) has been carried out within the stated timeframe.

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

It is noted there was a previous Class Q proposal (ref: PL/2022/09602) in respect of this building where it was found there was a significant amount of works which were considered beyond the scope of Class Q limitations. The previous submission did not include a clear statement describing the proposed works from an independent structural engineer, and no structural survey was submitted to confirm an actual inspection of the building was undertaken. The Class Q concluded that limited information had been provided, and the extent of works required was considered to be so substantial as to be tantamount to a new build rather than works reasonably necessary to convert the existing structure. It recognised the structural calculations appear to demonstrate the structure itself was capable of supporting the load, but there was a lack of detail describing the existing condition of key external features of the building and lack of method statement describing exactly what is proposed in order to be suitably convinced that it could be converted.

The current proposal is accompanied by more details plans and an investigation report from Structural Solutions Chartered Engineers dated October 2023. This included a site visit. Trial pits were excavated to examine foundations which were found to be sound. The report states that generally, the structure can be incorporated into a conversion of the barn without any structural alterations. External walls are proposed to be retained but breather membranes and insulation measures added in the form of non-loadbearing timber stud linings added internally. Modifications would be required to introduce windows and doors, which can be done without compromising the integrity of the existing structure. Roof cladding is intended to be retained, aside for localised repair and the introduction of rooflights. A new ground bearing concrete slab incorporating a damp proof membrane, insulation and floor finishes will need to be introduced.

The report comprises a schedule of works, which sets out the elements for retention and proposed elements. This states the structural frame will be wholly retained, and the main external walls approximately 95% allowing for new openings. The main structural steel roof frames and purlins are to be retained. The proposed works comprise timber frame linings to the inside of the existing walls to carry insulation and breather membrane; to infill external wall openings where there are openings using cladding rails spanning between existing columns and clad as existing; internal partitions, doors and windows and a new concrete slab/flooring. Detailed structural calculations are provided within this report.

The report confirms the building is structurally sound and provides details of the proposed works. There is no apparent reason why the buildings shouldn't be converted to habitable use. Whilst there is some internal works required, and some infilling, the structure and majority of external fabric will be retained. It is considered the proposal is supported by sufficient information from a qualified engineer to satisfactorily demonstrate that the building is adequate in terms of condition for conversion.

This section states that the installation of windows are allowed to the extent reasonably necessary for the building to function as a dwellinghouse. The proposed fenestration proposed is considered reasonable.

The site is not on article 2(3) land nor is it subject to any restrictions set out in paragraphs (j) to (m).

Prior approval matters:

There is also a requirement for the consideration of prior approval matters. As detailed 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:

Transport and highways impacts of the development

The response from the Highways Engineer raises no objections on the basis of highway safety, and there is adequate parking.

Noise impacts of the development

The building is located on adjacent to farmland and other residential dwellings. There are no noise amenity concerns in relation to the proposals.

There are no neighbouring properties that would be impacted by the development.

Contamination risks on the site

Given the former agricultural use of the site and buildings, these may have given rise to potential sources of land contamination e.g. oil storage, pesticides or herbicides. A statement/letter report would need to be provided which confirms the historical uses of the site/buildings and how any development works would address the potential risk of land contamination which may exist. This matter could be controlled by a suitably worded condition.

Flooding risks on the site

The site lies in flood zone 1 and there is no identified risk of surface water or ground water flooding. Therefore no further details are required in relation to these matters.

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

The building is situated near residential properties and a Grade II* listed church. The Council's Conservation Officer has no objection to the proposal and considers there to be limited impact on the listed church given the distance and design. The previous Class Q proposal considered the design of the previous proposal would impact on the setting of this listed building, however the

elevations proposed displayed uncharacteristic fenestration. Furthermore the elevations were not detailed and there was uncertainty as to how much of the building was being retained/replaced which meant the impact could not be fully understood. The proposed elevations now show the existing building and external materials predominantly retained, with limited fenestration which would not cause harm to the character and appearance of the surrounding area. The curtilage is proposed to be limited and it is not considered the listed building, or nearby amenities would be compromised as a result.

It is not considered that there are any apparent matters that could not be dealt with via conditions that make the location or the siting of the building impractical or undesirable to a residential use.

Design and appearance

The proposed design and appearance indicated by the proposed elevations appear to show minimal external changes to the form of the building. The general design and rural form of the building is not considered adversely harmful in design and appearance terms.

The provision of adequate natural light in all habitable rooms of the dwellinghouse

Adequate light is achieved as demonstrated by the proposed floor plans/elevations provided.

Paragraph W

The proposal complies with the provisions of Paragraph W.

CONCLUSION

The proposed development, based on the facts presented and the particular circumstances of this site and previous uses would accord with the provisions of Class Q. The proposed works would be those reasonably necessary to put the building to its proposed use.

RECOMMENDATION
Prior approval is required and given subject to the following conditions:

1. The development shall be carried out in accordance with the following plans received by the Local Planning Authority:

   Location Plan 4045-01 A
   Proposed and Existing Sections and Elevations 4045-11
   Proposed Block Plan 4045-02 A
   Existing and Proposed Floor Plans 4045-10

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

2. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

   Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site

with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.