CASE OFFICER'S REPORT

Application Reference:	PL/2024/00501
Application Type:	Prior approval Part 3 Class Q: Agricultural buildings to dwellinghouses
Site Inspection:	22 February 2024
Consultation ends:	16 February 2024
Case officer:	Meredith Baker

Site Address:	HILLSIDE FARM, LOW ROAD, LITTLE CHEVERELL, DEVIZES, SN10 4JZ
Proposal:	Prior Approval (Class Q) Change of use of agricultural building to 1 no. dwellinghouse
Recommendation:	Prior Approval Granted

Planning Policy

The application has been submitted in order to determine whether prior approval is required in accordance with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Within Part 3, Paragraph W states that the Local Planning Authority (LPA) must, when determining an application, have regard to the National Planning Policy Framework (NPPF), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Paragraph W also states that in relation to the contamination risks on the site, the LPA should determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012 and if they determine that the site will be contaminated land, refuse to give prior approval.

Of additional relevance to the determination of Class Q submissions is the interpretation of Schedule 2, Part 3, Paragraph X (Interpretation).

Legislation

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

Government Guidance

National Planning Policy Framework (2023)
National Planning Practice Guidance

Application Site and Proposal

The application site comprises an agricultural building located to the east of the settlement of Great Cheverell. The site is accessed through a private and access driveway onto a modest area of hardstanding to the front of the site.

The application seeks determination that the development is permitted under Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and whether prior approval of the Local Planning Authority is required. The proposal is to change the use of an existing agricultural building, which is single storey in nature, to one dwelling.

Consultations

Drainage Officer: No objection.

Public Protection Officer: No objection.

Highway Officer: No objection subject to conditions.

Public Observations
Three letters of support were received raising comments as follows (in summary):
- A sensible and sensitive conversion of a redundant farm building.
- The scheme would contribute to the housing shortage.
- Proposal, as a conversion, would appear nicer than a new build.
- Positive visual impact.

Planning History
None.

ASSESSMENT
Whether the proposal complies with the conditions as set out in Class Q of Part 3, schedule 2 of the General Permitted Development Order as amended 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 ; and
c) contamination risks on the site; and
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 (dwellinghouse) of the Schedule to the Use Classes Order.

The publication of the amendment to the General Permitted Development Order 2015 now permits, under Class Q development consisting of;

a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) 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 (dwellinghouses) of that Schedule

Curtilage

Paragraph X of Part 3 states that for the purposes of Part 3, Class Q "curtilage" means (a) the piece of land, whether enclosed or unenclosed, immediately around or beside the agricultural building, closely associated with and serving the purposes of the agricultural building or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

In this instance, the amended red line proposed is a piece of land is immediately beside the agricultural building and is closely associated with and serving the purposes of the agricultural unit in accordance with part a) and the area of land around the building is no larger than the land area occupied by the building in accordance with part b).

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

Interpretation of part 3 sets out in part X of the GPDO, states that agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses.

In this instance the application form confirms that the sole use is agricultural. There is no evidence held by the Local Planning Authority to not consider this information correct. The proposal is considered to accord with criterion a).

Q.1(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;
(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 application proposes the creation of one dwelling, with a floor space of 183 square metres thus accords is considered a larger dwellinghouse. The floor space does not exceed 465 square metres and the proposal is for one dwelling and thus conforms with this criteria.

Q.1(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;

The application proposes the creation of one larger dwelling and therefore falls under Q.1(b).

Q.1(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;

The proposal comprises one larger dwellinghouse with a floor space of 183 square metres and there has not been any previous development under Class Q on site. As such criteria Q.1 (d) has been met.

Q.1 (e) the site is occupied under agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

The supporting statement confirms that the site is not occupied under an agricultural tenancy. The development conforms with Q.1 (e).

Q.1(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 supporting statement confirms that the site is not occupied under an agricultural tenancy. The development conforms with Q.1 (f).

Q.1(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 permitted development rights have been carried out on the established agricultural unit since 20th March 2013. This has been confirmed through the supporting statement and by noting the planning history for the site.

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 barn will be converted into one dwellinghouse without extending beyond the external dimensions of the building, as demonstrated on the submitted plans.

Q.1(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).

It is considered that the barn is suitable and structurally sound for conversion. To support the application a Structural Report has been submitted. The structural report observed that the painted tubular trusses supporting the roof cladding are generally in good condition with no structural defects observed. It was however outlined that the protective paintwork should be reapplied for the purpose of maintaining long-term durability. The perimeter and internal walls were outlined to be in good condition with no structural defects observed. The formation of an enlarged structural opening to the eastern elevation would be reasonably achieved with some localised steel or timber framing. An internal buttressing wall is to be removed to form the northwest master bedroom and can be accommodated with some localised steel or timber framing.

Finally it was outlined that the internal floor slab and external concrete apron appeared to be in good condition with no structural defects observed. The existing floor slab has previously been adopted in use for agricultural purposes and has therefore been subject to the associated loadings for this previous use. It was therefore concluded that the existing floor slab should therefore be able to support the loadings arising from the loadings associated with the proposed use as a residential dwelling.

It was concluded within this structural report that the building is in overall good condition and is suitably structurally sound for conversion to residential use, incorporating minor works to undertake the conversion.

It is therefore considered that the development proposed would not go beyond the scope of the permitted alterations and therefore the development conforms with Q.1 (i) and the building is suitable and structurally sound for conversion as demonstrated by the supporting documentation. It is also noted that as a result of the works a number of internal works including the provision of an additional upper floor. Internal works are not generally development under the TCPA (1990 (as amended) and Class Q does not prohibit internal structure works for the building to function as a dwelling, thus no objection is raised in this regard.

Q.1 (j) The site is on article 2(3) land;

The barn is not situated on article 2(3) land as defined by the GPDO. The development conforms with Q.1 (j).

Q.1(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;

The site is not a SSSI, safety hazard area or military explosives storage area. The development conforms with Q.1 (k).

Q.1(L) the site is, or contains, a scheduled monument;

There are no scheduled monuments within the site.

Q.1(m) The building is a listed building.

There are no listed buildings within the site.

Prior Approval Matters

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—

Transport and highways impacts of the development;

The submitted plans demonstrates that two vehicular parking spaces would be available on site, although would be within the blue line – within the ownership of the applicant. With regard to the parking provision the unit is proposed to be three bedroomed (noting that the office could be used as a bedroom) and thus it is expected that two vehicular parking spaces are proposed (noting the local guidance contained within the Wiltshire Local Transport Plan 2011-2026 – Car Parking Strategy). The number of parking spaces are therefore acceptable and whilst within the blue line would be satisfactorily available for the occupants.

With regard to the access, this is an existing situation onto the agricultural site and thus is acceptable in principle. The Council's Highway Officer has reviewed the submission and raised no objection subject to conditions or revised drawings demonstrating, a parking layout to meeting adoptable standards including EV provision, a bin collection point on the road side and a consolidated access with positive drainage. In this regard, it is considered that the parking area as demonstrated on the plans is sufficient for the required two spaces and whilst a bin collection point is not demonstrated, it is not considered reasonable or necessary in this case noting it is a one dwelling scheme and bins can be stored at the access point on collection days. Finally regarding the consolidated access with positive drainage arrangements, the access is already consolidated in nature and is an existing arrangement. Given this is an existing arrangement which is not being amended through this application, it is not considered that a condition in this instance would be reasonable or necessary.

The proposal is considered acceptable in terms of transport and highway impacts.

Noise impacts of the development

The Environmental Health Officer has not raised any objections in relation to noise. It is considered that the day to day living noises generated from the proposal would not be intrusive to the amenity of any neighbouring amenities.

Contamination

The Council's Public Protection Officer has reviewed the application raised no comment or objection in terms of contamination.

Flooding

Although the application is located within Flood Zone 1, the Strategic Flood Risk Assessment (SFRA) has identified the site as within an area of ground water flooding. The SFRA sets out what is classified as a High Risk source of other flooding. On page 54 of this document it sets out that these are sites where:

· More than 10% of the site is at risk from surface water flooding in the 1 in 1,000-year event
· More than 10% of the site is within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year even) [Red layer Appendix G SFRA 2019]
· More than 755 of the site is within the second highest risk category in JBA Groundwater map (groundwater is between 0.025m and 0.5m below the surface in the 1 in 100-year event) [Orange Layer Appendix G SFRA 2019]

The application site is covered by more than 75% of the second highest risk category in the JBA Groundwater map and thus a sequential test was considered required and requested by the Local Planning Authority.

Subsequently, the applicants challenged the SFRA findings whereby a site specific assessment was undertaken by a Flood Risk Consultant who assessed the GeoSmart Groundwater Flood Risk Map who has the site has within an area of negligible risk of groundwater flooding. In this regard, the Council's Drainage Officer has reviewed the rebuttal submitted and stated that there is no objection to the principle of the development whereby due to the additional flood risk information submitted (confirming that the development site has a negligible risk of groundwater flooding). It has been outlined that surface water drainage for the development shall be constructed in compliance with Building Regulations H, with SuDS utilised wherever practicable to do so. Building regulations are separate to this application with different regulations.

As such the proposal is acceptable in terms of flooding.

The location or siting

Section 10 of Paragraph W requires the Local Planning Authority to have regard to the NPPF as if the application were a planning application. Notwithstanding this, paragraph 108 (reference ID: 13-108-20150305) of the NPPG clarifies that the sustainability of location is not a matter for prior approval and therefore that a location in the countryside, where planning permission would not normally be granted for a dwelling, would not be grounds for refusal of prior approval for the location of a dwelling to be created under Class Q.
The tests are whether the location or siting would make it impractical or undesirable to change the use to a dwelling. In applying these tests the NPPG makes it clear that the normal dictionary definitions

should be applied; 'Impractical reflects that the location and siting would "not be sensible or realistic" and undesirable reflects that it would be "harmful or objectionable"' (paragraph 109).

It is acknowledged that the proposals would alter the agrarian characteristics of the site and would introduce residential development into a rural area. However, the NPPG acknowledges that agricultural buildings do tend to be located in more remote, countryside locations. Furthermore, there are no unsuitable uses within the immediate or wider area which would raise concerns in respect of amenity. Whilst the building may be located in a countryside location, it is not considered that its location is impractical or undesirable for the purposes of Class Q.

The design or external appearance of the building

The application is supported by plans of the proposed conversion. Whilst the building would take on a domestic character, the overall form and design of the building would remain similar to its original agricultural form. As a result, it is not necessary to require prior approval of further details of the conversion works as the building would retain its overall character and appearance. The increased number of roof light openings are not considered desirable, however is not considered to give rise to any demonstrable harm, noting there are roof lights on the existing building.

The provision of adequate natural light

Statutory Instrument 2020:632 introduces a new requirement for prior approval applications for changes to residential uses to consider the provision of adequate natural light in all habitable rooms. This requirement came into force on the 1st August 2020 and requires examination of the detailed floor plans and a judgement to be exercised as to whether adequate natural light can be achieved to rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways. In considering this requirement, floor plans have been provided of the intended habitable areas which illustrate the provision of one or two windows to the main habitable rooms (e.g. living rooms/bedrooms). Criterion e) is considered to have been met.

Other matters

Residential amenity

On September 30th 2020 it was announced that new homes delivered through permitted development rights will have to meet the Nationally Described Space Standards to ensure that residential units created through permitted development rights do not create substandard dwellings. This requirement was legislated within The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (Statutory Instrument 2020 No.1243). This came into force on 6th April 2021. In considering this requirement, floor plans have been provided. The proposed units would accord with the minimum standards in this regard.

Ecology and Protected Species

Whilst it is acknowledged that protected species are not specifically referred to in the GPDO, regulation 9 of ‘The Conservation of Habitats and Species Regulations 2010’ would still apply. This states that the “competent authority must exercise their functions which are relevant to nature conservation…so as to secure compliance with the requirements of the Directives”. Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.

In this regard, it is reasonable to remind the applicant through an informative that it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place.

Conclusion

The Council considers that the proposed development complies with the limitations and conditions of Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the reasons listed above and should be approved, subject to conditions.

Conditions: (2)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
Planning Statement by RAW Planning
JCP Structural and Civil Engineers - dated 15 January 2024 - Ref: 16698/EO/RPT/04
Flood Risk Assessment by Calibro - Issue date 13/12/23
Location and Block Plans - Drawing No. 1376-01 Rev A
Existing Elevations and Plans - Drawing No. 1376-02
Proposed Elevations and Plans - Drawing No. 1376-03 Rev E

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

2 Development under Class Q is permitted development subject to the condition Q.2(3) that development under Class Q(a) and Class Q(b), must be completed within a period of 3 years starting with the prior approval date.

REASON: To comply with the full limitations, requirements and conditions of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives: (1)

3 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) 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.