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PLANNING PORTAL REF: PP-10394408

TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 SCHEDULE 2 PART 3 CLASS Q

PRIOR APPROVAL NOTIFICATION RELATING TO THE CHANGE OF USE OF AGRICULTURAL BUILDINGS TO 2(NO.) DWELLINGS

BARNS AT EAST REACH FARM, MAIN ROAD, HOP POLE, SPALDING, PE11 3HJ

STATEMENT ACCOMPANYING PRIOR APPROVAL SUBMISSION

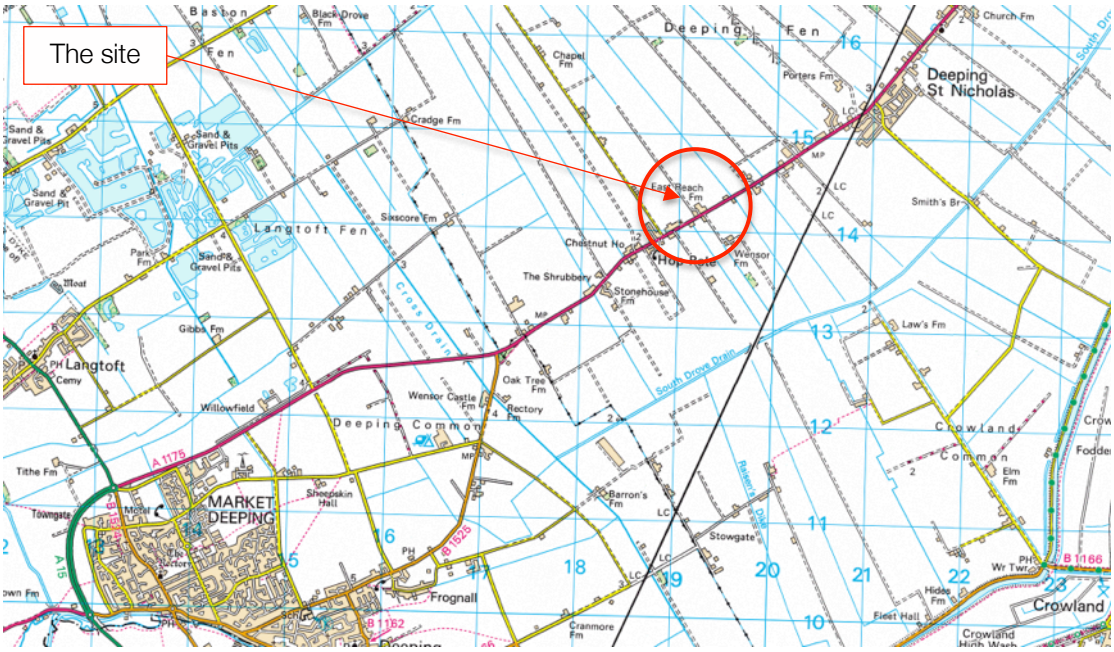
A. The site and building

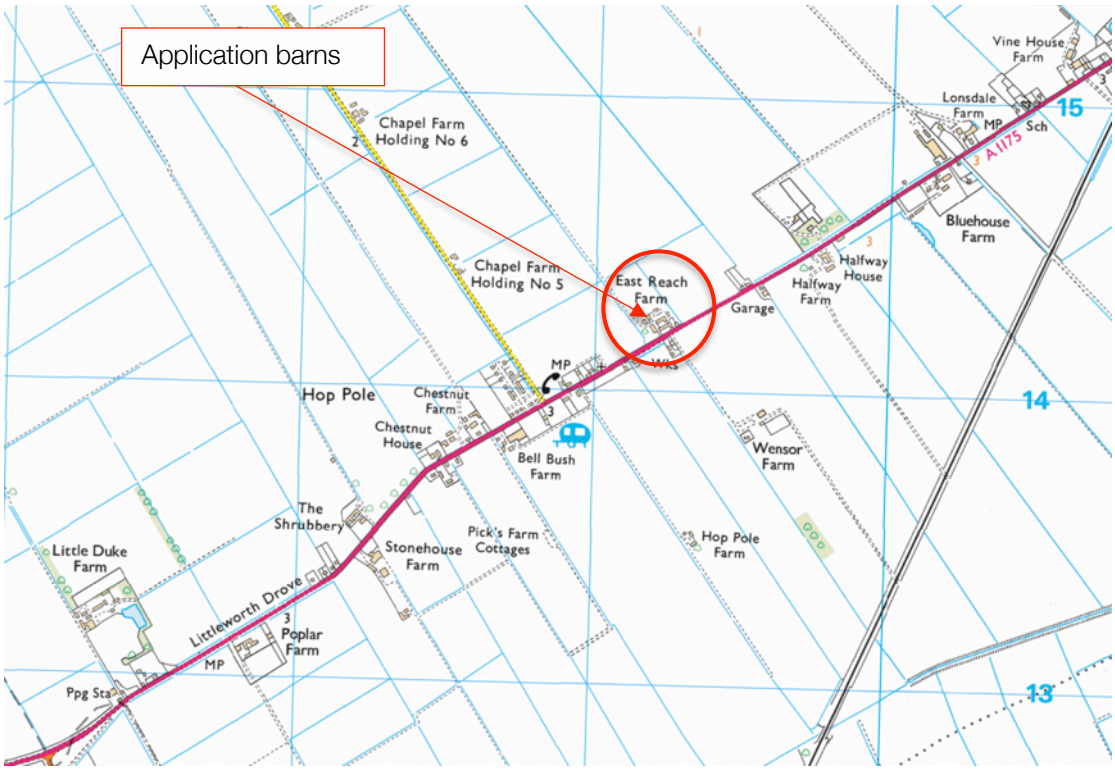
1. This statement accompanies a prior approval notification in respect of a proposal to convert existing agricultural buildings to 2(no.) residential units. Such works comprise permitted development under the provisions of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015(as amended).

2. The proposed conversions in this case fall outside of (ie. satisfies) the limitations as set out within Section Q.1 of Class Q of the Order and the conditions set out in Section Q.2 (which essentially relate to the prior approval process) are similarly satisfied.

3. The site and building, the subject of the prior approval submission, is situated in on the north side of the A1175 Littleworth Drove at Hop Pole. Hope Pole comprises a scattered grouping of farmsteads and buildings ranged along either side of the west-east running road. East Reach Farm is located towards the eastern end of the settlement, located roughly midway between the eastern end of the Deepings by-pass and the railway crossing at the western edge of Deeping St. Nicholas.

4. The site and buildings historically comprised part of an extensive agricultural holding. The site has been used solely for an agricultural use since the relevant date specified in the Order (ie. 20/03/2013).





Ordnance Survey extracts (not to scale) showing the location of the site

5. The two buildings the subject of this prior approval notification are illustrated in the photographs below.

6. Building A comprises a traditional brick barn range. The building is aligned west-east and its principal elevation faces northwards, away from Littleworth Drove. The building comprises a principal two-storey (equivalent) building section, with a single storey addition, with a hipped roof, running off its eastern end. The two storey element incorporates a part-slated / part asbestos -sheeted roof. The single storey section has a concrete-tiled roof.



Building A: Two storey section (north elevation)



Building A: Single storey section (north elevation)

7. The building which has a footprint (measured internally) of approximately 183 sq.m.

8. Building B which is set to the north of Building A comprises a modern streel portal framed barn structure. The main building element is finished in blockwork at lower level with fibre-cement sheeting to the supper wall sections and roof. It incorporates metal sliding doors to its southern gable. Attached to the western and eastern sides of this principal building are some rudimentary lean-to type elements that are to be removed. The main central building element has a floor area, measured internally of approximately 130 sq.m.



Building B: South elevation



Building B: Showing additions to either side that are proposed to be removed



Aerial photograph of the application barn. The while line identifies the alignment of Dunsby Drove. The application building is highlighted.

9. The plans accompanying this submission fully detail the existing buildings.

10. Details of the proposed works accompany the submission.

11. In relation to **Building A**, these identify the retention of the structural elements of the building, and the conversion of the building to form 1(no.) 4-bedroomed dwelling unit, with an associated annexe with an additional bedroom (The annexe is ancillary accommodation to the principial dwelling and in this respect, does not comprise a separate dwelling). Some of the poorer quality secondary building elements (set between the main barn and the road) are to be removed. A number of new openings are to be formed within the principal elevations, although the intention has been to create a scheme of conversion that is sensitive to the character of the existing building. A new first floor is to be formed within the two storey equivalent building section. The annexe element is set within the single storey range (and connected internally to the main dwelling). The existing external dimensions of the building are not changed as a result of the conversion. The existing building is visibly structurally sound. No new structural elements are proposed as part of the conversion process. The existing roof materials are to be replaced (slated and clay pantiles). The unit to be created, including annexe, has a floor area of approximately 300 sq.m. In terms of the Order, this comprises a ‘larger dwellinghouse’.

12. In relation to **Building B**, the flaking lean-to elements are to be removed, retaining the central portal framed structure. This is to be converted to form a three-bedroomed dwelling. The external cladding is to be replaced with new cladding materials. The existing sliding doorway is to be blocked, and new openings formed mainly within the longer side elevations of the building. The accommodation is set across a single floor and has an internal floor area of approximately 130 sq.m. In terms of the Order, this comprises a 'larger dwellinghouse'.

13. Collectively, approximately 430 sq.m of floorspace is proposed for conversion within the two buildings.

B.The General Permitted Development Order entitlement

14. Class Q of Part 3 of Schedule 2 of the Order (as amended), permits the following;

> *Q. 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; 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.*

15. Development is permitted subject to a number of restrictions / parameters, set out in Section Q.1, which are listed below. As we identify by the accompanying text, the proposed conversion of the building to 2 (no.) smaller dwellings satisfies these stipulations.

Development not permitted

Q.1 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;

16. The buildings in this instance were used solely for agricultural purposes, as part of an established agricultural unit on the relevant date; 20th March 2013. Thye enjoyed a general-purpose agricultural usage, mainly for the storage / maintenance of equipment and fertiliser etc. Criteria satisfied.

(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 floorspace of any dwellinghouse developed under Class Q having a use within Class C3 (dwellinghouse) of the Schedule to the Use Class exceeds 465 sq.m

(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;

17. Recent amendments to the Order now distinguish between larger dwellinghouses – between 100sq.m floor area and 465 sq.m floor area, and smaller dwellinghouses – which are less than 100 sq.m floor area. Subsections (b) and (c) permit larger and smaller dwellinghouses in combination, as long as the total number of dwellings does not exceed 5 units. The maximum number of larger dwellinghouses is three and their cumulative floorspace cannot exceed 465 sq.m. The maximum number of smaller units is 5 and their floorspace cannot exceed 100 sq.m each (The theoretical maximum permitted by these sections is five units (1-large and 4-small, totalling 865 sqm). The buildings proposed for conversion in this case, each have a proposed floor area exceeding 100 sq.m and are each classed as larger dwellinghouses. They have a combined floorspace of approximately 430 sq.m.

18. These requirements of subsections (b) and (c) are therefore not offended in this case.

(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;

19. Two larger dwellings (of less than 465 sq.m combined) are proposed in this case. There are no other Class Q dwellings on the holding.

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

20. The site is not under an agricultural tenancy.

(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;

21. No agricultural tenancies have been terminated in the year prior to the submission of this determination.

(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;

22. No Part 6: Class A or B permitted development works have been undertaken on the agricultural holding in the period since 20 March 2013.

(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;

23. The submitted plans illustrate that the external dimensions of the buildings will not be extended at any given point.

(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)(i);

24. The structural elements of the building remain in this case. The development includes for the insertion of windows and doors, replacement exterior walling and the replacement of the roof coverings, together with the laying on of services as permitted by sub-section (bb). No other building operations are proposed other than those provided for within sub-sections (aa) & (bb).

(j) the site is on article 2(3) land;

25. The site is not located within a conservation area or any other area identified within article 2(3)

(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;
(l) the site is, or contains, a scheduled monument; or
(m) the building is a listed building.

26. The site does not comprise part of an SSSI, is not located within a safety hazard area, is not within a military explosives storage area, and is not within an ancient monument, and is not a listed building.

27. As such, all of the relevant Section Q.1 conditions are satisfied in this instance.

C.The prior approval process

28. Section Q.2 of Class Q sets out details of the prior approval process. It outlines that the prior approval submission should determine whether the Council's prior approval is required in respect of any of the following;

(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, and
(f) the design or external appearance of the building.
(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

29. We consider each of these issues below;

(a) transport and highways impacts of the development,

30. The proposed development in this case raises no transport or highways issues. Satisfactory access is achievable via the existing site access point from Littleworth Drove. That access point enjoys good visibility in both directions. Provision is made within the site for the parking of vehicles. No adverse highways impacts will arise in this case.

(b) noise impacts of the development,

31. There are no nearby noise sources that would impact upon the residential amenities of any dwelling occupiers. There is scope to provide appropriate screening to site boundaries, and to define the residential curtilages. These are matters that can be addressed by an appropriately worded condition.

(c) contamination risks on the site,

32. No contamination issues arise in this instance

(d) flooding risks on the site,

33. The site is located within a flood risk area (flood zone 3). A flood risk assessment accompanies this submission. This demonstrates that the site is not located within a functional floodplain. Although located in flood zone 3, the actual risk of flooding from main river and arterial drainage is very low. The standard of protection of nearby rivers / watercourses is high. It is proposed to raise internal floor levels to mitigate against the potential risk of flooding in line with the recommendations of the flood risk assessment.

(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

34. There are no other factors in this instance that would preclude or militate against the use of the building for residential purposes. The building will offer the potential for high quality units of accommodation, with an acceptable standard of privacy and amenity for future dwelling occupiers. The development will not be impacted by any adjoining land uses (there are existing residential uses to the west and east of the buildings proposed for conversion).

(f) the design or external appearance of the building.

35. Having regard to the particular characteristics of the existing buildings, the proposed schemes of conversion are, in this instance, logical and appropriate. The works will suitably complement the design and appearance of the existing buildings, and will result in no adverse visual impacts, and will not detract from the character and appearance of the surrounding area. The proposals may be considered to represent an enhancement of the existing buildings. The existing buildings are structurally sound and capable of conversion)See reports accompanying application).

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

36. The design of the proposed scheme of conversion places all habitable rooms – bedrooms and open plan living spaces (kitchen / dining / living areas) around the perimeter of the building, where they benefit from natural lighting provided by windows. Criteria satisfied.

37. Section X sets out a number of interpretation points relevant to certain changes of use set out within Part 3. In relation to the defined curtilage, Part X states;

> *"curtilage" means, for the purposes of Class Q, R or S only—*
> *(a) the piece of land, whether enclosed or unenclosed, immediately beside or around 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*

38. In this case the defined site corresponds with sub-section (b). The area of land comprising the curtilage (excluding the buildings) is no larger than the area occupied by the agricultural buildings.

39. Accordingly, we consider that the prior approval of details should not be required in this instance, and that the development may proceed as notified.

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