



CHARTERED SURVEYORS & PLANNING CONSULTANTS

**APPLICATION FOR PRIOR DETERMINATION  
NOTIFICATION OF A PROPOSED CHANGE OF USE  
OF AGRICULTURAL BUILDING TO A DWELLING**



*Prepared for:*

**Mr A Cunningham**  
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*Prepared By*

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*Date*  
**August 2019**



## 1. INTRODUCTION

- 1.1 We act on behalf of Mr A Cunnington in respect of the prior determination request made to South Holland District Council in relation to the potential change of use of an agricultural building at Land off Green Dyke, Gedney Dyke, PE12 0BF to a dwelling.
- 1.2 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2018.

## 2. DISCLAIMER

- 2.1 This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

Signed ..... *Brian Barrow* .....

**BRIAN BARROW BSc (Hons) MRICS**

on behalf of Acorus Rural Property Services Limited

Dated ..... *August 2019* .....

### 3. PLANNING POLICY BACKGROUND

3.1 Class Q of the General Permitted Development (England) Order 2018 allows for:-

- a) the 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.

3.2 The building works permitted under Class Q are outlined in the Planning Practice Guidance at Paragraph 105 as follows:-

*"Building works are allowed under the right permitted agricultural buildings to change to residential use, however the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.*

*Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q."*

- 3.3 The proposals were put forward to further enhance the Government's key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of existing buildings, supporting the high street and rural communities and providing new housing.
- 3.4 The permitted development makes a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.
- 3.5 The permitted development provisions do not differentiate between the age or type of any buildings which might be suitable for conversion.

#### **4. THE SITE AND BUILDING**

- 4.1 The proposal relates to the change of use of an existing agricultural building and the land within its curtilage into a dwelling.
- 4.2 The farm has been owned by the applicant for many years. The land has been occupied for the purposes of agriculture on or before the 20<sup>th</sup> March 2013.
- 4.3 The land off Green Dyke and building/yard is farmed by C Wright & Son (Gedney) Ltd. The business is based in Gedney Dyke and has been trading for over 50 years. The main crops grown are asparagus and daffodils.

The building subject to this application was a machinery and general store but has had less use recently.

- 4.4 It is confirmed that the following criteria are also satisfied:
- the building is not on article 2(3) land;
  - the site was used for agricultural purposes on and immediately before 20<sup>th</sup> March 2013 or when it was last in use;
  - the site is not occupied under an agricultural tenancy, nor has one been terminated within the last 12 months.
  - the site does not form part of a safety hazard area or military explosives storage area;
  - the building is not a listed building or scheduled monument;

- no development utilising other agricultural PD rights has been undertaken on the unit since 20<sup>th</sup> March 2013.

4.5 The footprint of the existing building, which will be utilised for the change of use to dwellings extends to 309 m<sup>2</sup>.

## **5. PREVIOUS APPLICATION**

This proposal was subject to a previous application under Class Q which was refused on 10 December 2018. There were 4 reasons for refusal, summarised as follows:-

- 1) The Local Planning Authority (LPA) were not convinced that the conversion would not involve the construction of a new building within the confines of the existing building.
- 2) The site was within 200 metres of Wingland Airfield used for microlights and model aircraft which would affect amenity of the residents.
- 3) The site was within Flood Zone 3 and the proposal included bedrooms on the ground floor.
- 4) Further consideration of contamination issues was required due to the fact the building was part of a larger complex of farmyard buildings.

These issues have been addressed in the following section.

## 6. PRIOR DETERMINATION – CLASS Q(a)

6.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class Q(a) development in this instance in regard to:

- **Transport** and highways impacts of the development
- **Noise** impacts of the development
- **Contamination** risks on the site
- **Flood risks** on the site
- 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 (dwelling houses) of the Schedule to the Use Classes Order

### 6.2 Transport

The site is situated with access to an established and adopted highway. The agricultural use of the building will cease as would the use of the yard following the conversion. The net impact is likely to be an improvement.

### 6.3 Noise

It was identified in the earlier application that Wingland Airfield was nearby and this could impact on the amenity of residents.

Research indicates that the airfield was granted planning permission in 2004 (ref H16-0906-04). The planning permission was limited by conditions including restricting the permission to the owner. In addition there is no permission for training or commercial flying, and the use cannot occur before 8 am on weekdays and 9 am on Sundays and Bank Holidays. Also it has to cease at dusk.

It is also worth stressing that microlights are regulated in terms of noise with The Air Navigation (Environmental Standards for non EASA Aircraft) Order 2008. The airfield's own instructions also advise clients not to fly over Gedney Dyke to the west, which is where the barn is located.

As well as the planning restrictions on use, microlights also require certain weather conditions with low wind speeds and high visibility, with no low cloud.

Overall it is considered given the planning limitations, weather patterns and the times of flying being limited to the day only, there will be insignificant impact, especially considering the aircraft noise restrictions and distance.

#### 6.4 Contamination

There has been no previous use of the site to the applicant's knowledge, which would lead to any contamination concerns or issues. Specifically there has never been any landfill or waste disposal on the application site and no vehicle maintenance, nor burning of fires on site to the applicants knowledge. Given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

A Groundsure report has been prepared and is submitted with this application. A Phase 1 Assessment can be conditioned if deemed necessary.

#### 6.5 Flood Risk

The site is in Flood Zone 3 and a Flood Risk Assessment has been prepared. This recommends increasing the ground floor levels by 600 mm. The appeal decision at Appendix 1 - ref: APP/G2245/W/16/3143027 considers whether a suspended floor in a flood risk area would be acceptable under Class Q of the GPDO. Paragraphs 10 and 11 state:-

10. *The appellant has confirmed that the floor could be a suspended floor laid over the existing floor. The suspended floor is not required as a structural element to take any loading or to facilitate the proposed conversion in a structural sense. In effect, it would be required to prevent unacceptable impacts arising from flooding but not as a building operation reasonably necessary to convert the barn. I draw a distinction between the two. Furthermore, the steps required to link the exterior ground level with the internal floor could be wholly internal and thus the works could be completed without extending the building.*

11. *As such, I conclude the works to the floor would not be structural and thus the building benefits from the permitted development right under Class Q.*

## 6.6 Location and Siting

The location and siting of the building does not make it undesirable or impractical to change the use.

There is a potential curtilage area associated with the building which is appropriate to create amenity space for the dwellings created. The existing access will be utilised to service the new dwellings and parking can be situated in the yard in front of the dwellings.

The dwelling proposed is reasonable for the location and will not over develop the site. The building is no longer needed for agricultural purposes.

## 7. **PRIOR DETERMINATION CLASS Q (b)**

- 7.1 In addition to the above, we also request a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the buildings.

- 7.2 To assist with the determination we enclose the following information:

A site location plan which identifies the subject building and its proposed curtilage area.

Plans and elevations of the proposed scheme. This shows a conversion scheme utilising the existing building frame and walls with new cladding where necessary as well as new windows and doors. The roof sheeting will also be replaced.

The scheme shown on the plan is a simple single storey scheme.

There are some walls in situ at ground level in the main barn and brick and block walling on the lean to element. These will be retained in their entirety with cladding proposed above retained on the main barn and timber on the lean-to.

The walls and roof will be insulated internally.

Other work will all be internal and as such, is not development. This will include subdivision for facilities for residential use.

## **8. OVERALL COMMENTS**

- 8.1 It is deemed that the proposal for the change of use of the building at Green Dyke should be considered permitted development, under the legislation of Class Q of the General Permitted Development Order 2018.
- 8.2 The proposed change of use will not lead to any detrimental adverse effects on flood, traffic, noise, flood risk or contamination and the siting and location of the buildings are deemed to be acceptable for the proposed use.
- 8.3 The design of the conversion makes use of the existing structure (frame and walls) and is within the rules and guidelines of Class Q. The new elements being cladding above the low level walls plus the insertion of new windows and doors. Everything else is proposed internally including subdivision and insulation.
- 8.4 The new elements, i.e. cladding, windows and doors would not stand in their own right so is not a new building. Therefore there is no merit in the LPA stance in reason no 1 as cladding, windows and doors are not a new building. Internal works are not development