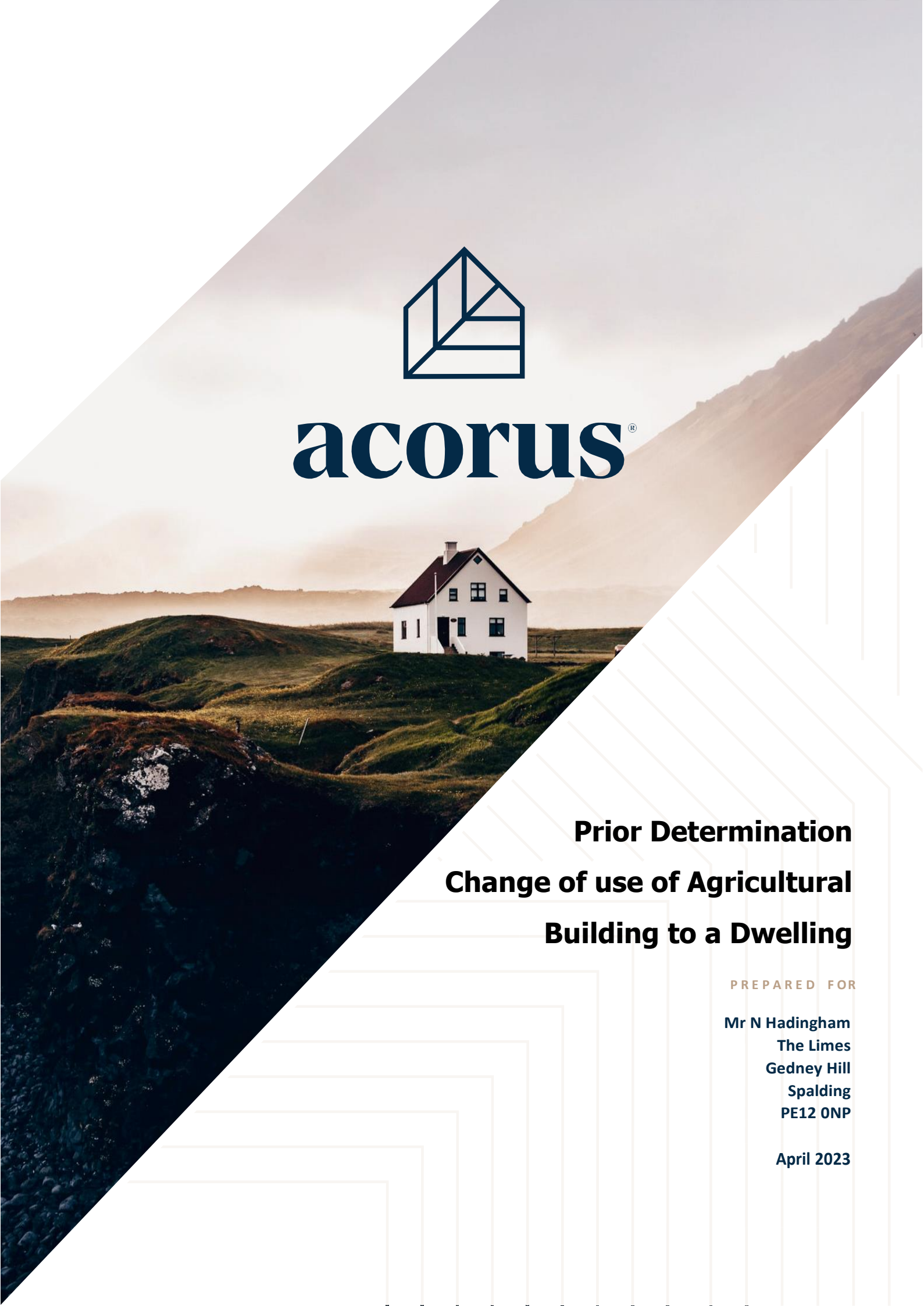


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Prior Determination Change of use of Agricultural Building to a Dwelling

PREPARED FOR

Mr N Hadingham
The Limes
Gedney Hill
Spalding
PE12 0NP

April 2023

PREPARED BY

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1. INTRODUCTION

1.1 We act on behalf of Mr N Hadingham 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 The Limes, Gedney Hill, Spalding, PE12 0NP into 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 ..... April 2023.....

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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 (dwelling houses) 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 (dwelling houses) 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 agricultural building and the land within its curtilage into a dwelling.

4.2 The agricultural unit on which the barn 'sits' was purchased by the applicant, Mr Neil Hadingham in March 2023. It is land which has been occupied for the purposes of agriculture on or before 20 March 2013.

4.3 The Limes extends to 108 hectares (267 acres) of which 103 hectares (255 acres) is down to arable cropping with 5 hectares (12 acres) down to grass.

4.4 The building subject to this application was in use as a farm store for agricultural parts and general storage by the previous owner, however, has been empty since March 2023.

The building is of substantial blockwork construction with a single opening in the form of a double timber door, see photograph below.



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 or before 20th March 2013.
- 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 agricultural (part 6) PD rights has been undertaken on the unit since 20th March 2013.

5. PRIOR DETERMINATION – CLASS Q(a)

5.1 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

5.2 Transport

The site is situated with an access onto an established and adopted highway. Considering an average of 4 trips per day removal of the agricultural use, it is deemed that the highways impact of the proposal would be minimal. The access already serves the main house.

5.3 Noise

There will be no adverse impact on any existing residential amenity in the area, by converting the agricultural building to residential.

5.4 Contamination

There has been no previous use of the barns to the applicant's knowledge, which would lead to any contamination concerns or issues. There has never been any landfill or waste disposal on or around the site and given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

5.5 Flood Risk

The site is within Flood Zone 1 as is the farmstead and access.

There will be new drainage facilities installed which will provide adequate foul drainage and surface water drainage. Any newly created drainage for surface water will ensure that any discharge will not increase the chance of flooding elsewhere.

5.6 Location and Siting

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

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There is potential curtilage areas associated with the building, which will create amenity space for the dwelling created including parking area.

5.7 Provision of Natural Light

The dwelling will benefit from natural light to all habitable rooms as shown on the plans and elevations.

6. PRIOR DETERMINATION CLASS Q(b)

6.1 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 building.

6.2 To assist with the determination the following is provided:-

* A site location plan which identifies the subject building and the deemed curtilage area.

* Existing and proposed Plans and Elevations including plans showing the dimensions of rooms and windows

The proposed design will not extend the external dimensions of the building in any direction.

The design will utilise the existing building with retention of the roof and existing walls and externally will look quite similar. The walls are substantially built in block rendered externally. There are some small areas of cracking which will be repaired, and the render would benefit from redoing in places. Other than that, the only main change would be the addition of more window openings.

The existing roof will be insulated internally with repairs where necessary. Existing walls will be retained as per current materials with roof cladding replaced where necessary. No external walls will be constructed.

Other than repairs, plus new windows and doors all the other works will be internal, such as insulation and sub dividing the space.

The dwelling maybe used by a family member who works on the farm.

7. CONCLUSION

7.1 It is deemed that the proposal for the change of use of the buildings at The Limes should be considered permitted development, under the legislation brought into force in 2014 and now under Class Q of the General Permitted Development Order 2018.

7.2 The proposed change of use will not lead to any detrimental adverse effects on traffic, noise or contamination and the siting and location of the buildings is deemed acceptable for the proposed use. Natural light will be provided to all habitable rooms.

7.3 The building is convertible and capable of functioning as a dwelling. It is substantially constructed with solid walls and a good roof. Existing walls and building structure will remain. Other works including insulation and sub dividing the living space and adjacent unit are all internal and therefore not development.

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