

PLANNING STATEMENT



PROPOSAL: Prior Notification for change of use from agricultural building to 2No. Residential Dwellings

SITE: G and M Tomlinson Farm Buildings, Cheal Road, Gosberton, Spalding PE11 4JG

APPLICANT: Mr Parker

Director
C A Bussetil MRTPI

Registered No:
8454299

tel: 01480 494969
email: enquiries@partnersinplanning.co.uk
web: www.planningandarchitecture.co.uk

1.0 Introduction

- 1.1 We act on behalf of Mr Parker in respect of a prior determination notification made to South Holland District Council in relation to the two-unit agricultural building (G and M Tomlinson Farm Buildings) and associated land adjacent to Ebenezer House on the north side of Cheal Road, Gosberton, Spalding, Lincolnshire PE11 4JG.
- 1.2 The proposal relates to a change of use of the agricultural building and associated building operations necessary to convert the building to 2no. dwellinghouses. The proposal includes the change of use of land within the immediate curtilage of the building to residential amenity space.
- 1.3 The application is accompanied by the following drawings which provide comprehensive details of the proposed development:
- Block and Location Plan (24-03-100)
 - Existing Elevations, Section and Floor Plans (24-03-101)
 - Proposed Elevations and Section (24-03-102)
 - Proposed Floor Plans (24-03-103)
 - Retained Building & Proposed Curtilages (24-03-104)
- 1.4 Photographs of the existing buildings, the site and its immediate surroundings are provided within the proceeding sections of this statement to assist in the contextual understanding of the site and existing building fabric and uses.
- 1.5 This statement sets out the design principles and concepts that have been applied to the proposed development and concludes that planning permission is not required for the proposed development on the basis that the proposal accords with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

2.0 Relevant Policy Legislation

- 2.1 Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits 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.

2.2 **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;

(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;

(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;

(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;

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

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

Conditions

Q.2 (1) 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—

- (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) the 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 in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

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

3.0 Application Site and Surroundings

- 3.1 The subject building and associated land has been owned by the applicant's family for many years. The building and land have not been utilised by the applicant for any purpose other than agriculture before or since 20th March 2013.
- 3.2 The agricultural building has an external footprint of 614m². It is used for the storage of agricultural machinery and associated equipment. It has a concrete portal frame with a mixture of concrete blocks and corrugated sheeting to the walls and roof.
- 3.3 The building is structurally sound and capable of residential conversion. The submitted drawings provide full details of the conversion including re-cladding and re-roofing which is achieved within the existing external dimensions of the building.
- 3.4 The site is not on article 2 (3) land and it does not form part of a SSSI, safety hazard or military explosives storage area. It also does not contain a scheduled monument and the buildings are not Listed.
- 3.5 The proposed development includes two larger dwellinghouses with a combined floorspace of 465m² and amenity space no larger than the footprint than the building.
- 3.6 Below are photos of the application site and subject building:









4.0 Development Proposal

4.1 In accordance with the General Permitted Development Order, we request determination as to whether the prior approval of the Local Planning Authority is required for the Class Q development in this instance with regard 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) the 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 in relation to that application.

(a) Transport and Highway Impacts

4.2 There is an existing access to the site from Cheal Road which has good visibility and has the benefit of concrete hardstanding. Adequate access would therefore be provided. The extent of the proposed curtilage of the dwellings is shown on the accompanying drawings. Sufficient space has been provided adequate for the parking and turning of vehicles associated with the dwellings. Cheal Road is lightly trafficked and it is considered that any traffic generated by the proposed scheme would be more suitable in nature (i.e. cars as opposed to large articulated vehicles associated with everyday agricultural activities) and the relinquishment of potential greater movements associated with farming activities would represent a net gain in terms of highway safety.



Excerpt from Proposed Block Plan

(b) Noise Impacts

- 4.3 There is sporadic residential development on Cheal Road and the local area is dominated by large open arable farmland. The application building is located between two existing residential dwellings and therefore the proposed change of use to residential would constitute a more compatible use with the neighbouring properties through reduction of noise and disturbance associated with agricultural vehicles using the site. Equally, there are no adjoining land uses which would unduly detract from the residential amenity of future occupants of the proposed dwellings.

(c) Contamination

- 4.4 There has been no previous use of the barns to the applicant's knowledge which will lead to any contamination concerns or issues for future occupiers of the development. There has never been any landfill or waste disposal on or around the site.

(d) Flood Risk

- 4.5 The application is supported by a Flood Risk Assessment (FRA) undertaken by MTC Engineering. The Environment Agency Flood Risk Map for Planning indicates that the main body of the site lies in Flood Zone 1, but with a small area of Flood Zones 2 and 3 just encroaching onto the northwestern and southeastern corners of the site. The vast majority of South Holland District lies in Flood Zone 3 based upon the Environment Agency Map.
- 4.6 The Environment Agency Flood Zones include both tidal and fluvial flood risk without allowance for defences, and as Rivers such as the River Welland are tidal, this far in land it is considered that in this instance the sites Flood Zone 3 boundary is primarily due to a tidal rather than fluvial flood event.
- 4.7 This is confirmed by the modelled flood data provided by the Environment Agency which confirms this showing that fluvial flood extents even in the most extreme modelled 1 in 1000 year plus 20% climate change on the River Welland remain a significant distance from the site and as such the site is not considered to be at risk of fluvial flooding from the River Welland.
- 4.8 The other small drains in the area do not have significant catchment areas, whilst the surrounding agricultural land is primarily lower than the site (as evidenced by the Flood Zone 1 designation of much of the site with surrounding lower land shown as Flood Zone 3), thus any fluvial flood risk from the agricultural drainage systems would be to the lower lying surrounding land rather than the site itself.
- 4.9 With regard to risk of flooding from the sea, the Strategic Flood Risk Assessment includes residential flood hazard mapping for the South Holland District for a 1 in 100 year/1% event in 2115 which confirms that the site would not be at any risk of flooding in such an event.
- 4.10 The accompanying FRA concludes that the site is at low risk of flooding from surface water, groundwater, sewers and artificial sources.
- 4.11 The finished floor level of the building is set at 3.55m AOD which is around 250mm above road levels at the site frontage. It is therefore not considered that any raising of ground floor level is required, particularly as no sleeping accommodation is provided at ground floor level.
- 4.12 Given the finished floor level and low risk of flooding to the site from any source, the FRA concludes that no flood resilient or resistant construction is necessary in this instance. The proposed development is adequately protected against flooding, will be safe for future occupiers of the development and will not increase the off-site risk of flooding.

(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

- 4.13 Paragraph 108 of Planning Practice Guidance outlines that *"the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house"*.
- 4.14 Paragraph 109 of the Planning Practice Guidance (as amended 2015) sets out that impractical reflects that the location and siting would *"not be sensible or realistic"*, and undesirable reflects that it would be *"harmful or objectionable"*.
- 4.15 The change of the use of the building would result in two new dwellings, where services such as electricity and water would be readily accessible within the vicinity. The dwellings would be served by an existing vehicular access from Cheal Road and located between two existing residential properties. It is considered that the siting of the building is not impractical or undesirable for residential use.

(f) The design or external appearance of the building

- 4.16 Full details have been submitted in respect of Class Q(b). The details and plans submitted are considered to comply with the legislation and the design and appearance of the resultant dwelling is considered to be acceptable.
- 4.17 Minor remodelling to facilitate an integral car port is proposed alongside the necessary re-cladding of the subject building's roof and elevations. Other building operations permitted by Class Q are included such as; the internal cladding and insulation of existing external walls, the construction of new internal walls, the construction of first floor and the installation of new external windows and doors.
- 4.18 It is considered that the proposed conversion will improve the external appearance of the existing building for the benefit of the wider countryside. The proposed cladding materials indicated in the submitted elevation plans, together with proposed joinery and general fenestration detailing will respect the site's rural setting.
- 4.19 The design is considered to be of merit and has been given detailed consideration so as to harmonise with the site's rural setting. Notwithstanding the notion that the proposal represents an innovative conversion there is no requirement for the design to be considered of exceptional quality or sufficiently innovative to be outstanding. The test that is made out is one of sympathetic conversion as opposed to exemplar conversion.

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

- 4.20 Careful consideration of the internal layout of the conversion together with installation of new windows and doors allowed for under Class Q.1 (i)(i)(aa) ensures that all habitable rooms will receive adequate levels of natural light.

5.0 Conclusion

- 5.1 The subject building and adjoining agricultural land are owned by the applicant who has confirmed that they have not been used for any purpose other than agriculture before or since 20th March 2013. Similarly, the process has not been undertaken taken previously within this holding.
- 5.2 This statement has demonstrated that the subject building benefits from permitted development rights for the change of use of the agricultural building two residential dwellings under Schedule 2, Part 3, Class Q of the General Permitted Development Order.
- 5.2 The prior approval matters subject to consideration by the Local Planning Authority have been addressed and it is clear that there are no reasons why this development should not proceed because it has been demonstrated that:
- The site can be safely accessed and would result in less impact on the local highway network.
 - There are no contamination risks and the building is at a low risk of flooding from all sources.
 - Future occupants will benefit from a high standard of residential amenity including adequate privacy and levels of natural daylight reception and will not be unduly impacted by noise from adjacent properties.
 - The alterations required to facilitate the conversion are minor and in keeping with the existing appearance of the building.
- 5.3 On this basis, it is concluded that the proposed scheme is permitted development and that prior approval consent should be granted by South Holland District Council.