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Ref: 4316-24

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

MR D WING

THE ROOKERY, 171 ROOKERY ROAD, SUTTON BRIDGE, PE12 9QG



Ref: 4315-24

INTRODUCTION

We act on behalf of Mr Wing 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 Rookery, Rookery Road, Sutton Bridge, PE12 9QG to a residential dwelling.

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 & Country Planning (General Permitted Development) (England) Order 2015.

PLANNING POLICY BACKGROUND

In the 2013 Budget Statement the Government announced its intention to consult on allowing further flexibilities between use classes to support the change of use. Building on the changes introduced in May 2013, a consultation was undertaken on 'greater flexibilities for change of use' and this included options for amending the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to grant permitted development rights for various situations including rights to assist change of use and the associated physical works from existing buildings used for agricultural purposes to residential use (C3). This has now been consolidated within the Town and Country Planning (General Permitted Development) (Order) 2015.

The proposals were put forward to further enhance the Governments key objective to supporting economic growth. The proposals strongly support key Government priorities for making better use of buildings, supporting the high street and rural communities and providing new housing.

March 2012 saw the publication of the Governments National Planning Policy Framework (NPPF). This document replaces all Planning Policy Statements. The document states that there is a presumption in favour of sustainable development.

Given the Permitted Development Rights which have come into effect on the 6th April 2014, the Government clearly believe that the change of use of agricultural buildings to dwellings is in line with the NPPF and therefore the development it allows is sustainable. The changes allowed under the permitted development will make 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.

Planning Permission is not deemed necessary on the basis that the proposal conforms to the provisions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. Class Q allows for development consisting of:

a) A change of use of
    (i) a building that is part of an established agricultural unit and land within that building's curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order; and
    (ii) A former agricultural building that was (but is no longer) part of an agricultural unit within that building's curtilage to a use falling within Class C3 (dwelling houses) of the schedule.
b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
c) development referred to in sub-paragraph (a) together with the buildings operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

The development will not be permitted if:-

(a) in a case that is part of an established agricultural unit, the site was not part of the established agricultural unit
    (i) On 24th July 2023, or
    (ii) where the site became part of an established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins, 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 in 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 a site that was (but is no longer) part of an established agricultural unit
    (i) the site was part of an established agricultural unit on 24th July 2023
    (ii) where the site became part of the established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
    (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose.

(c) The floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

(d) The development under Class Q, together with any previous development under Class Q with the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in
   (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
   (ii) the cumulative floor space of a dwellinghouses having use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1, 000 square metres,

(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 during the period which is 10 years before the date development under Class Q begins;

(h) The development would result in external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than
   (i) extension of the building allowed by paragraph Q.1(i)
   (ii) provisions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

(i) The development under Class Q (b) would result in an extension that
   (i) Has more than one storey,
   (ii) Is sited anywhere other than to the rear of the existing building,
   (iii) Extends beyond the rear wall of the existing building by more than 4 metres,
   (iv) has eaves the height of which exceed the height of the eaves of the building,
   (v) is higher than whichever is the lower of-
      (aa) the highest part of the roof of the existing building
      (bb) a height of 4 metres above the ground,
   (vi) extends beyond a wall that forms a side or principle elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and

(aa) the hard surface was not provided on the land on or before 24th July 2023 or

(bb) where the hard surface was provided on the land after 24th July 2023 , the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

(j) The development under Class Q(c) 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 dwelling house; and

(ii) Partial demolition to the extent reasonably necessary to carry out building operations allowed by Paragraph Q.1 (i)(i);

(k) The site is on article 2(3) land;

(l) 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;

(m) The site is, or contains, a scheduled monument,

(n) The building is a listed building.

(o) The existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c) but not including any proposed building operations under Class Q(c), would not be capable of complying with the national described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

(p) The building does not have suitable existing access to a public highway.

Conditions

Q.2 – (1) Where the development proposed is developed under Class Q(a) together with development under Class Q(c), 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 1 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 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) Where the development proposal includes development under Class Q (b), the developer must also apply, as part of the application under sub-paragraph (1) and (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.
(4) Development Under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class Q

Q3 – (1) For the purposes of Class Q "curtilage" means the lesser of –

a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and
b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1(d)" the original limits of an established agricultural unit" means-

a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence
b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which compromised the established agricultural unit at the time it came into existence.
c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.

THE SITE & BUILDING

The proposal relates to the change of use of an existing agricultural building and the land within its curtilage into a single dwelling house.

The agricultural barn and is land which has been occupied for the purposes of agricultural on or before the 24th July 2023.

The following criteria is satisfied:-

- The building is not on article 2(3) land
- The site was used for agricultural/horticultural purposes prior to 24th July 2023
- 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 listed or a scheduled monument
- No development utilising permitted rights have been undertaken on the unit/holding since 24th July 2023
- We are reinstating the existing rear projection which fits in with the criteria of an extension – the total floor area of the reinstated extension is 12.5sqm.

The footprint of the building to be utilised for the change of use to a dwelling amount to 96.25m2.

PRIOR DETERMINATION – CLASS Q(a)

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

- Transport – highways impact of the development
- Noise – impacts of the development on neighbours
- Contamination – a contamination report may be required
- Flood risks – a site specific flood risk assessment will not be required; the proposal is to raise the finished floor level 300mm above existing floor level
- Location & siting – it is impractical or undesirable for to change for agricultural/horticultural use to a use falling within Class 3 (dwelling houses) of the Schedule to the Use Class Order

TRANSPORT

The site is situated at The Rookery, 171 Rookery Road which is a quiet road that serves mainly dwellings associated within agriculture.

NOISE

There have never been any noise issues with existing residential properties in the area.

CONTAMINATION

A contamination assessment report may be required due to its agricultural use.

FLOOD RISK

The site lays within Flood Zone 3, a site-specific Flood Risk Assessment is attached with the application. This conversion will not risk any flooding elsewhere.

LOCATION & SITING

The site is accessed from the existing access off Rockery Road and is surrounded by farmland and open views. The main barn views will be to the east, south and west of the site.

CONCLUSION

It is deemed that the proposal for the change of use of the building should be considered permitted development, under the legislation in 2014 and now under Class Q of the General Permitted Development Order 2015.

The proposed change of use will not lead to any detrimental adverse impacts on traffic, noise, flood risk or contamination and the siting and location are deemed acceptable for the proposed use.

The residential conversion scheme can easily be incorporated into the existing fabric with new walls and roofing sheets added within the existing framework using allowances under the GPDO.

EXTERNAL MATERIALS
Walls – Existing facing brickwork – reclaimed to match
Roof – Existing tiled roof – reclaimed to match
Windows & Doors – Black aluminium
Rainwater goods – Black metal

APPLICATION PLANS
4315-24-01A – Existing floor plans, elevations, sections, site and location plans
4315-24-02 – Proposed floor plans, elevations, sections and site plan
S L Darlow
February 2025