

25th November 2020

Ribble Valley Borough Council
Planning section
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Dear Sir/Madam

NOTIFICATION FOR PRIOR APPROVAL FOR A PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO A DWELLINGHOUSE – HORTON GRANGE FARM, HORTON

INTRODUCTION

We write on behalf of Mr Isaac Lancaster, the applicant, to formally submit a notification for prior approval for a proposed change of use of agricultural buildings at Horton Grange Farm, Horton, to a dwellinghouse (C3) and for associated operational development. I hereby enclose the following documents:

- Completed Prior Approval Application Form;
- Structural Survey (Richard Lines at Noriker Civils);
- Location Plan;
- Existing and Proposed Floor Plans and Elevations;
- Response to ecology reason for refusal; and
- Application Fee of £206

For the reasons set out within this letter, we consider that the proposed development meets the legislative criteria of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments. We therefore seek the council's determination as to whether prior approval is required from the council in respect of:

- 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
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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 dwellinghouses.

PLANNING HISTORY

An application for the change of use of an agricultural building into a single dwelling was submitted to Ribblesdale Borough Council on 26th August 2020. This application was refused on 20th October 2020 for the following reasons:

1. The building operations proposed to facilitate the conversion of the agricultural buildings would include the construction of new structural elements for the building which go beyond those reasonably necessary to convert the building contrary to criteria Q.1(i) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. The demolition operations proposed to facilitate the conversion of the agricultural buildings would go beyond those reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i) contrary to criteria Q.1(i) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
3. Insufficient evidence has been submitted to assess the potential impact of the development on protected species, namely bats. In the absence of such information therefore, the likelihood that the proposed works will cause disturbance to bats, result in the loss of a bat roost or cause injury or death to bats cannot be determined and the proposed works would fail to satisfy the requirements of Q.2 (1)(e) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
4. The external appearance of Barns, having particular regard to overall design, external materials and fenestration would give the building an overtly suburban character which would transform its existing appearance to one which would be incompatible with and unsympathetic to its rural surroundings in conflict with the requirements of the National Planning Policy Framework and Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The application is supported by a structural survey that confirms that the barns are substantial buildings with concrete floors and are structurally capable of conversion.

In the *Hibbitt v. SSCLG* [2016] EWHC 2853 (Admin) High Court case, it outlines that there are three components of significance when considering Class Q permitted development. The first is the assumption that the building must be capable of functioning as a dwelling. Second, that the development include no new structural

elements. Third, that the existing building must be sufficiently structurally strong to bear the loading from the external work.

Since this decision, in allowing an appeal¹ for the change of use of an agricultural building to a dwelling within the Suffolk Coast District an Inspector has stated:

It is proposed to convert the barns into a single residential dwelling with associated amenity area and parking. The location of the buildings are shown in figures 1 and 2 below:

9. The GPDO and National Planning Policy Guidance confirm that the permitted development right allows for the installation or replacement of windows, doors, roofs, exterior walls...and partial demolition to the extent reasonably necessary to carry out these building operations. **As the basic structural framework of the building in the concrete floor and steel frame would be retained, and those elements to be installed or replaced are referred to specifically within Class Q.1, I consider that in respect of the extent of building works proposed in Appeals A and B, the provisions of Class Q (b) would be satisfied. (our emphasis)**

In light of the above, the barn is entirely capable of functioning as a dwelling, and the structural reports demonstrate that the barn is sufficiently strong enough to accommodate the proposed scheme with no new structural elements.

This application does not propose the demolition of adjacent barn. This has already been done by the applicant.

This application is supported by a statement prepared by Mr David Pollard, Principal Ecologist at Rural Solutions which provides his professional response to reason 3, as referenced above.

Following determination of the previous application, the design of the external appearance of the barns has been reviewed in recognition of the reasons for refusal. The scheme now proposes only a minimal number of new openings to allow sufficient light into the habitable rooms of the dwelling. In particular, the southern elevation has been redesigned significantly reducing the substantial glass openings, as shown in the images below:

¹ APP/J3530/W/ 17/3169488

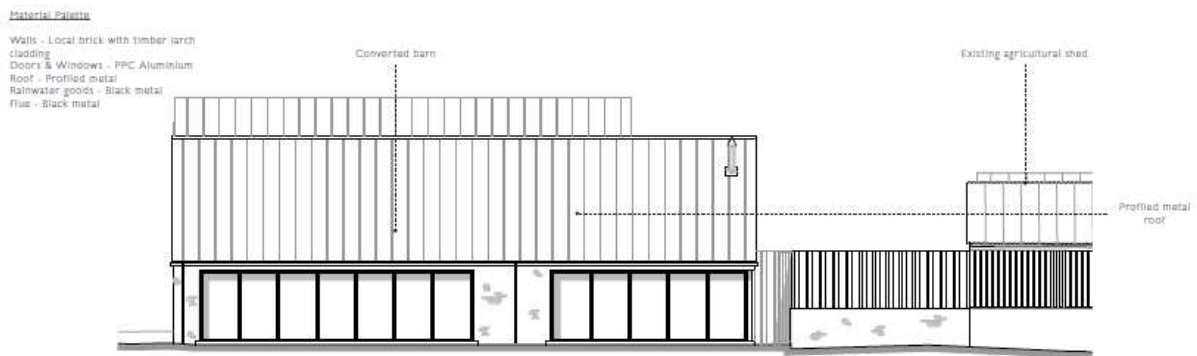


Figure 1: Original south elevation



Figure 2: Proposed south elevation.

The revised drawing package includes details of all existing and new openings, as proposed.

APPLICATION SITE AND PROPOSAL

This application seeks to re-use and convert two existing agricultural buildings located at the western edge of the farmyard to Horton Grange Farm, Horton.

The site lies within the open countryside of Ribble Valley Borough Council, at the gateway to the small settlement of Horton in Craven. The farm is located to the east of the main road through the settlement. To the west lies the original farmhouse which is a Grade II listed building.

It is noted that the site does not lie within a Conservation Area, does not have any Tree Preservation Orders on it and lies within Flood Zone I (which is at the lowest risk of flooding). Access to the site is taken from a rural road which leads from the A59.

The northern building is a red brick 'Dutch Barn' and is used for agricultural storage whilst the southern building is a rectangular red brick building and has been used to house cattle.

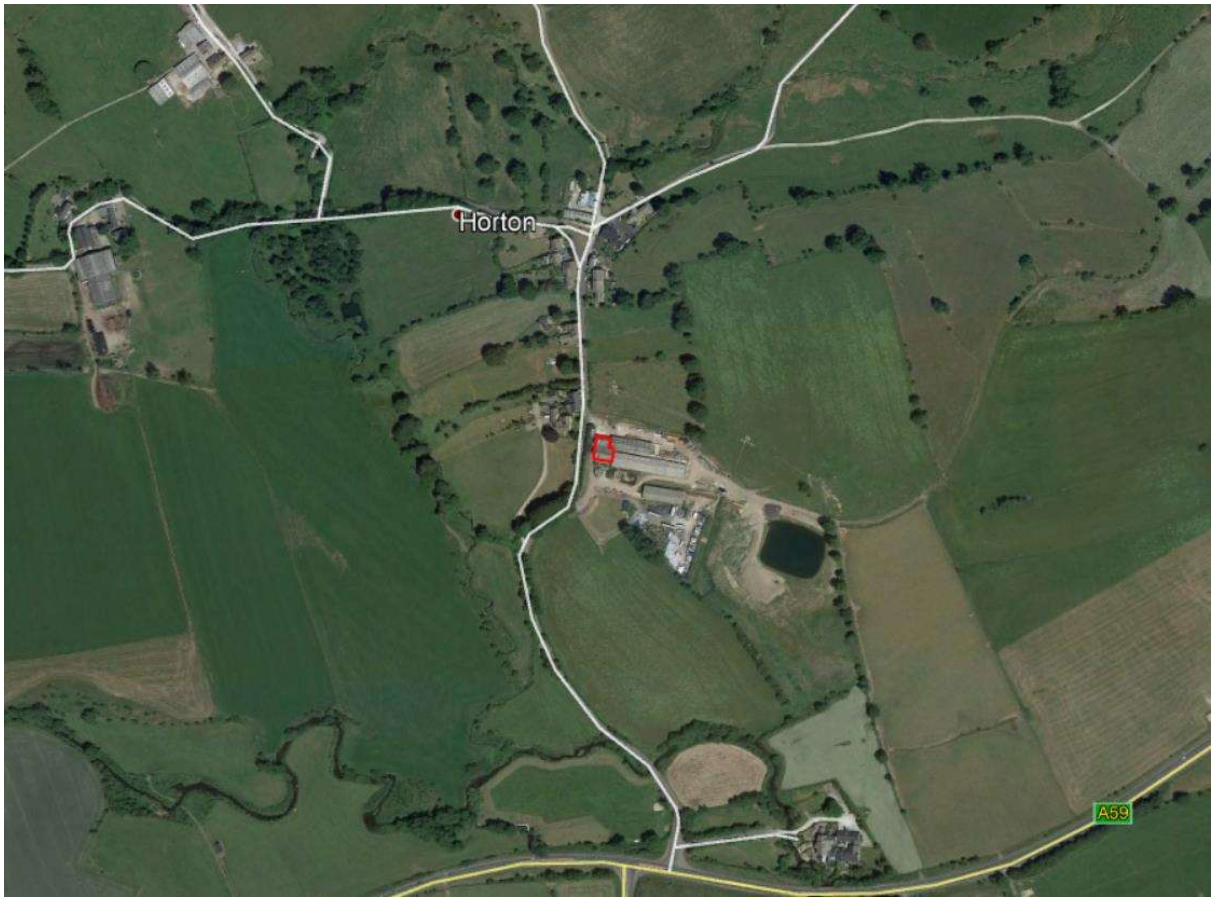


Figure 3: Location of site in proximity to the village of Horton and the A59.



Figure 4: Location of buildings on western edge of Horton Grange Farm farmyard.

The buildings are used as part of the farming operations at Horton Grange Farm. Additional photographs of the buildings (internal and external) are contained at Appendix I.

The Dutch Barn and rectangular barn are both of traditional construction of red brick wall and corrugated roof. The Dutch Barn measures 15.1m long by 10.4m wide, giving 157sq. m gross external area. The rectangular building measures 19.3m long by 14.2m wide, giving 278sq. m gross external area. Combined, the building provide a gross external area of 435sq. m.

It is intended that the proposed residential conversion will be retained as part of the farmstead to achieve additional income for the owners.

It is proposed to utilise the northern entrance to the farmyard as access to the proposed dwelling. This access point is one of two currently used by the farm and both have adequate visibility to ensure a safe means of access can be achieved. A photograph showing the site entrance is provided at within the attached Appendix. Parking spaces will be provided within the courtyard area to the east of the dwelling.

LEGISLATIVE PROVISIONS

CLASS Q

Without the need for planning permission, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended provides for:

- (a) change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
- (b) development building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

For ease, the relevant criteria of Class Q has been set out below in a tabular format, with commentary on how the proposal meets these criteria; thus resulting in a permitted form of development.

Agricultural Barns at Horton Grange Farm Compliance with Class Q:

Criteria of Q.1 (development is not permitted if...)	Response
(a) the site was not used solely for agricultural use, as part of an established agricultural unit –	The buildings are currently in agricultural use and are

<p>on 20th March 2013; if the site was not in use on that date, when it was last in use; or if the site was brought into use after that date, for ten years before the date the development begins.</p>	<p>part of an established agricultural unit at Horton Grange Farm. The Dutch Barn is currently being used for agricultural storage associated with the farmyard and the rectangular building is used to house livestock.</p>
<p>As amended in 2018:</p> <p>(b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 465 square metres as a larger dwelling or five smaller dwellings at 100 sq. m (total 865 sq. m).</p>	<p>The gross internal floor space proposed to change use has been measured as approximately 436 sqm.</p> <p>The floor space proposed to change therefore falls within the permitted limit.</p>
<p>As amended in 2018:</p> <p>(c) the cumulative number of separate dwelling houses developed under Class Q within an established agricultural unit exceeds three larger homes with a combined maximum floor space of 465 sq.m or up to five smaller homes upon 100 sq.m each, or a mix of both with a maximum number of five dwellings.</p>	<p>The proposal will result in the creation of one single dwellinghouse.</p> <p>The floor space which is proposed to be changed therefore falls within the permitted limit</p>
<p>(d) the site is occupied under an agricultural tenancy unless the express consent of both the landlord and the tenant has been obtained.</p>	<p>The site is not currently occupied under an agricultural tenancy agreement and that no such agreement has been terminated within the last year.</p>
<p>(e) less than one year before the date development begins –</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p>	<p>The site is not currently occupied under an agricultural tenancy agreement and that no such agreement has been</p>

<p>(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</p>	<p>terminated within the last year.</p>
<p>(f) 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 since 20th March 2013, or 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.</p>	<p>No development has been carried out on the agricultural unit under Part 6 of the GDPO since 20th March 2013</p>
<p>(g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.</p>	<p>No additional development beyond the building line is proposed. The footprint will remain as existing.</p>
<p>As amended in 2018:</p> <p>(h) The cumulative number of separate dwelling houses developed under Class Q within an established agricultural unit exceeds three larger homes with a combined maximum floor space of 465 sq.m or up to five smaller homes upon 100 sq.m each, or a mix of both with a maximum number of five dwellings.</p>	<p>No separate dwelling houses have been developed thus far utilising Class Q.</p> <p>The floor space proposed to change therefore falls within the permitted limit</p>
<p>(i) the development under Class Q(b) would consist of building operations other than –</p> <p>(i) the installation or replacement of -</p> <p>(aa) windows, doors, roofs, or exterior walls, or</p> <p>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and</p> <p>(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).</p>	<p>The proposed scheme for conversion would involve minimal alteration and would comply with the criteria under Q.1 (i).</p> <p>The buildings have an existing water and electricity supply. Please see the accompanying existing and proposed floor plans and elevations for more details.</p>

(j) the site is on article 2(3) land	The article is not 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	The site is not or does not form part of any of the listed areas.
(l) the site is, or contains, a scheduled monument	The site is not or does not contain a scheduled ancient monument.
(m) the building is a listed building	The building is not listed.

Agricultural Barns at Horton Grange Farm Compliance with Conditions:

In addition to meeting the above criteria of Class Q, it is also a requirement to address matters (a) – (f) below which are included as conditions of the legislation. Again, for ease, each matter has been addressed in a tabular format below.

- (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.

Conditions Q.2—(1)	Assessment
(a) Transport and highways impacts of the development	The site benefits from an existing access on/off the public highway to the north west of the site.

	<p>The site access has a good safety record and the development of a residential dwelling will not create an unacceptable level of intensification of the use of the site access or the lane.</p> <p>A safe means of access can be achieved.</p>
<p>(b) Noise impacts of the development</p>	<p>Following the demolition of part of the adjoining agricultural buildings a courtyard will be proposed to the east to provide amenity space for the proposed residential unit. This will not only give the new unit some private, south facing amenity space but also remove any conflict with the adjoining use. The remaining agricultural buildings will be used for agricultural storage adjacent to this courtyard area.</p> <p>The site is considered to have an acceptable relationship with adjacent residential uses and its use is compatible so that no unacceptable noise impacts would arise that would impact on existing neighbours, or the occupiers of the proposed dwelling.</p>
<p>(c) Contamination risks on the site</p>	

	<p>There are no contamination risks of developing this site. The proposed development will not require any excavation of the land and there are no contaminants within the existing building.</p>
<p>(d) Flooding risks on the site</p>	<p>The site lies within Flood Zone I, as designated by the Environment Agency. This is classified as an area with the lowest risk from flooding, and as the site area is under one hectare, a flood risk assessment would not be required.</p>
<p>(e) Whether the location or siting of the building makes it otherwise impractical or undesirable of the building to change from agricultural use to a use falling within Class (dwellinghouses) of the Schedule to the Use Classes Order, and</p>	<p>The site is served by an existing access and has access to water and power; the re-use of this building to provide residential accommodation is both practical and efficient.</p> <p>The adjacent uses are compatible with the proposed residential use of the barn and made more so by the demolition of part of the agricultural buildings that adjoin the proposed development.</p> <p>The proposal (as shown on the accompanying proposed site plan) also includes a car parking area which together with the courtyard area, is no</p>

	<p>greater than the existing building, in line with the Legislation.</p> <p>The farm buildings adjacent to the proposed development will be used only for storage. The use of these buildings will not impact upon the future occupants of the subject building.</p>
<p>(f) The design or external appearance of the building.</p>	<p>As shown on the accompanying proposed elevational drawings, minimal changes to the external appearance of the building are proposed.</p> <p>The character of the buildings are to be preserved, through the retention of the existing openings.</p> <p>The proposed scheme for conversion complies with the criteria under Class Q.1 (i).</p>
<p>(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses.</p>	<p>As shown within the accompanying drawing package, the proposed scheme provides adequate natural light to all habitable rooms.</p>

CONCLUSION

In conclusion, it has been demonstrated above and within the planning submission, that the proposed conversion of the dairy building and red brick barn accords with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its 2018 amendments.

The revised scheme recognises and addresses the concerns raised by the council as part of the original application. It is therefore our considered view that the proposal meets the legislative criteria and its conditions.

The re-use of these underutilised agricultural buildings is an exciting opportunity to secure the long-term future of this building and Horton Grange Farm.

We trust that you have everything you require to ensure a swift validation of this application. However, if you have any further questions or would like to discuss any of the above, please do not hesitate to contact me.

Yours sincerely

Fiona Tiplady
Senior Planner



APPENDIX I: INTERNAL AND EXTERNAL PHOTOGRAPHS OF THE AGRICULTURAL BUILDINGS



Photograph 1: Proposed buildings viewed from the south



Photograph 2: Dutch Barn viewed from northeast



Photograph 3: Internal Dutch Bar



Photograph 4: Internal Rectangular Building



Photograph 5: Western elevation showing portacabins and sheds to be demolished.



Photograph 6: The Existing Northern Access