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Planning Statement



**Oaklea (Oakleigh),
Longsight Road,
Copster Green**

Kirkwells

The Planning People

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1. Introduction

1.1 This statement has been prepared to support the submission of a notification for prior approval for a proposed change of use of agricultural building to 1 dwelling house (Class C3), and for associated operational development to facilitate the conversion. The application site is a portal framed agricultural building located at Oaklea (which is also known as Oakleigh in the Council's record), Longsight Road, Copster Green BB1 9EX. The official name of the property is Oaklea.

1.2 The submission documentation comprises:

- Application form
- A Structural appraisal
- This written statement detailing the extent of any demolition and building works required to convert the building to dwelling houses and assessing the following:
 - transport and highway impacts.
 - noise impacts.
 - contamination risk.
 - flood risk and.
 - whether the location or siting of the building makes it otherwise impractical or undesirable to be a dwelling.
- Scale drawings of all existing elevations (1:100)
- Scale drawings of all proposed elevations (1:100:)
- Scale drawings of existing and proposed floor plans (1:100)
- A location plan (1:1250)
- A site plan (1:500) showing the proposed development (including any garden, parking, turning and access arrangements).

2. Description of site and proposed development

- 2.1 The application site is an existing agricultural building. The existing building comprises a mono-pitch, steel-framed barn to the front approximately 18000mm x 8250mm on plan and a number of steel-framed pens to the rear in a continuation of the mono-pitch for an additional 22600mm.
- 2.2 The exterior fabric is corrugated, fibre cement/asbestos side sheeting to the gables and rear elevation. The roof sheeting consists of corrugated, fibre cement/asbestos. The front elevation is generally fully open with short, full-length timber cladding down from the eaves, approximately 2000mm. All sheeting and cladding is supported by timber purlins and side rails fixed to steel framing as illustrated by the photographs shown on pages 5 to 9 and by the drawing produced by Chris Astin MCIAT provided under separate cover.
- 2.3 The side sheeting approximately spans from the eaves half-way down the rear and gable elevations at which level the wall fabric is made up of concrete blockwork to ground level.
- 2.4 The site is located in open countryside, but adjacent to an existing dwelling and was previously used for the storage of animals such as cows and sheep.
- 2.5 The development proposed is the conversion of the agricultural building to provide a single self-contained dwelling house.
- 2.6 The proposed development will consist of the conversion of the building to a single three bed dwelling.

3. Assessment – Class Q.1

- 3.1 As part of the assessment, the Local Authority must assess whether the development benefits from the permitted development rights set out in Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- 3.2 If the development complies with the provisions of Class Q.1, the development must then be assessed against Class Q.2 and determine whether prior approval is required as to:
- a) transport and highway impacts;
 - b) noise impacts;
 - c) contamination risk;
 - d) flood risk and;
 - e) whether the location or siting of the building makes it otherwise impractical or undesirable to be a dwelling

Class Q

- 3.3 Subsection (a) The definition of “curtilage” for the purpose of Class Q is defined by paragraph X. “Curtilage” is defined in Class X, the Interpretation of Part 3 of the Order, for the purposes of Classes Q, R or S only, as follows:
- a) *the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or*
 - b) *an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,*
- whichever is the lesser”.*

- 3.4 The submitted plan demonstrates the curtilage area within the red edge. The site area of the remaining building is 162 sq. metres, and the site curtilage is also 162 sq. metres. The curtilage falls within the definition of paragraph x.

Class Q.1

- 3.5 Development is not permitted by Class Q unless the proposal complies with all sections of Q.1. In addition,

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.*

- 3.6 Q.1(a) Paragraph X, Interpretation of Part 3 of the GPDO 2015 states that for the purposes of Part 3 “agricultural building” means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse, and “agricultural use” refers to such uses. It also states that, for the purposes of Part 3 and Class Q “established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013 or for 10 years before the development begins. Where the site was not in use on that date, the last use is taken to be the relevant use.

- 3.7 The building was in use as an agricultural building housing cows and sheep prior to their slaughter, before the applicant took possession of the site in August 2010 and had been in continuous agricultural use since its construction. The site has not been in use for any intervening use since that time.

- 3.8 Class Q refers to a building that has to have been in agricultural use **on or before** 20 March 2013. The building was in agricultural use prior to 2010 when the applicant purchased the site. There has been no intervening use.

- 3.9 The applicant has never operated an agricultural trade or business from the building, and it is no longer part of an established agricultural unit. However, this does not mean it has moved away from its historic and lawful agricultural use. ***On the balance of probability, the building was last in an active agricultural use as part of an agricultural unit in 2010.***

- 3.10 Q.1(b) In the case of larger dwellinghouses the cumulative number of dwellinghouses does not exceed 3 and the cumulative floor space of the existing buildings proposed to change use under Class Q does not exceed 465 sq.m. In the case of this application, a single dwelling house is proposed and the floor space to be converted is 162 sq. m.

- 3.11 Q.1(c) This relates to the floorspace and number of smaller dwellinghouses. There are no smaller dwellinghouses proposed as part of this applications

- 3.12 Q.1.(d) The larger dwellinghouses do not exceed a cumulative floorspace of 465 sq. m. or the cumulative number of separate dwelling houses proposed to be developed under Class Q does not exceed five. This application is for the conversion of an agricultural building to form a single self-contained dwelling with a floorspace of 162 sq. m.
- 3.13 Q.1(e) and (f) The site is not occupied under an agricultural tenancy nor that an agricultural tenancy has been terminated within the past year.
- 3.14 Q.1(g) No development under Class A(a) or Class B(a) of Part 6 has been carried out on this site since 20th March 2013.
- 3.15 Q.1(h) The development does not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
- 3.16 Q.1.(i) (i) and (ii) - Paragraph 105 of the National Planning Practice Guide states:

What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?

The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. 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.

*For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1)* and *Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).*

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.

Paragraph: 105 Reference ID: 13-105-20180615

Revision date: 15 06 2018 See previous version.

- 3.17 The proposed external finishes include a structural insulated panelling system (SIPS). The report states that the timber roof purlins and timber side rails which the existing cladding is affixed to will have to be replaced by galvanized steel units to prevent the panelling system sagging. The existing structure of the apex frame will support this work as it will result in a similar loading to the existing structure.
- 3.18 The installation/replacement of the exterior walls does not amount to substantially rebuilding the existing building and the proposed insulated panel system does not go beyond the existing building envelope and can be supported by the existing structural frame of the barn.
- 3.19 Paragraph 105 refers to internal structural works. Section 55 (2) (a) of the 1990 Act states that

“(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land —

- (a) *the carrying out for the maintenance, improvement or other alteration of any building of works which—*
- (i) *affect only the interior of the building, or*
 - (ii) *do not materially affect the external appearance of the building,*

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;”

- 3.20 In relation to development under Class Q, itself, the majority of proposals require internal building operations such as the erection of internal walls and partitions and the installation of kitchen and bathrooms that are clearly not included in the building operations permitted by the list at Q (i) (i) but are clearly lawful by reason of Section 55 (2) (a). of the 1990 Planning Act.
- 3.21 The installation of a new concrete floor that is compliant with Building Regulations is not considered to be a structural operation.
- 3.22 In terms of the mezzanine floor, the Structural Report states that *“The first floor could be supported by the inner leaf shear walls and additional internal walls constructed on conventional, concrete strip footings, assuming the ground bearing capacity is sufficient at foundation level without any underlying conditions that may result in settlement and/or subsidence at foundation level.”* Para 105 of the PPG does now acknowledge that *“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.”*
- 3.23 It is clear that the existing structure is structurally intact and capable of supporting the proposed development. The replacement of the timber purlins and side rails with galvanized steel units are not tantamount to rebuilding the building.
- 3.24 The works proposed are not structural works and are reasonably necessary for the building to function as a dwelling. The proposed development is in accordance with Paragraph Q 1 (i).
- 3.25 This proposal involves some partial demolition to facilitate the conversion. The bays to the rear of the building that are dilapidated will be demolished as part of this application. The building works include replacing the wall and roof cladding with a structural insulated panel, installing windows and doors, installing services, and creating a hardstanding for car parking. The

expected level of development is considered reasonably necessary to carry out the development.

- 3.26 Q.1.(j) relates to article 2(3) land. The application site does not fall within any land identified within the definition of article 2(3)
- 3.27 Q.1.(k) The site does not fall within any of the sites identified in Q.1.(k).
- 3.28 Q.1.(l) The site is not a scheduled monument nor does it contain one.
- 3.29 Q.1.(m) The application site is not a listed building.

4. Assessment – Class Q.2

4.1 Where development is proposed under Class Q (a) together with Class Q (b), development is permitted subject to prior approval in respect of the following:

- a) Transport and highway impacts of the development
- b) Noise Impacts of the development
- c) Contamination risks on site
- d) Flooding risks on site
- e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use 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, and
- g) the provision of adequate natural light in habitable rooms

Transport and highway impacts

4.2 Access to the site is by way of an existing access from Longsight Road, and is considered sufficient to cater for the additional dwelling proposed.

4.3 The access is currently a double gate and dropped kerb adjacent to the speed camera. Parking provision within the proposed curtilage for the dwelling is offered; in accordance with the Council's adopted standards.

Noise impacts

4.4 The site is adjacent to Longsight Road, but is set back further than the existing dwellings. There will be no noise impacts from surrounding land uses that would be detrimental to the amenity of the future occupants of a dwelling.

Contamination risks on site

4.5 The site has been used solely for agricultural purposes and is not known to be significantly affected by land contamination

Flooding risks on site

4.6 The site is located in Flood Zone 1, where there is a low risk of flooding.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

- 4.7 Paragraph 108 of the National Planning Practice Guidance states that the consideration of the above matter should not involve a sustainability test. In these circumstances, the siting and location of the building do not present any other factors that would make the proposal impractical or undesirable.

the design or external appearance of the building, and

- 4.8 The application site is largely hidden from any other properties outside of the immediate area. It is however visible from Oaklea, a dwelling situated adjacent.
- 4.9 The proposed replacement cladding and the addition of windows would not alter the form of the building. It would take on a residential appearance but this in itself would not be a reason to reject the changes to the elevations.
- 4.10 The proposed windows would not overlook any of the neighbouring properties

the provision of adequate natural light in habitable rooms

- 4.11 All habitable rooms have adequate provision of light through proposed windows.

5. Conclusion

- 5.1 It has been demonstrated that the conversion of the building satisfies the requirements of Class Q (a) and (b) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended**

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