

Conversion of two
agricultural buildings to 2
dwellings; Land off Whittle
Hall Farm, Moor Lane,
Langho.

Prior Notification/Approval
application submitted under
the provisions of class Q –

Planning Appeal Statement of case

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This statement is made in support of a written planning appeal against the decision of Ribble Valley Borough Council to refuse a Prior Notification application made under the provisions of class Q of the TCPA GPDO 2021 as amended. This prior approval application was for the conversion of two agricultural buildings into 2 private dwellings at Whittle Hall Farm, Moor Lane, Langho.

1 Site Location

- 1.1 The proposal relates to the conversion of two redundant agricultural buildings into 2 dwellings. The buildings are located off Moor Lane, Langho and set down below an established woodland area.
- 1.2 The whole of the site sits with The Green Belt; it lies outside the established settlement boundary as defined in the Core Strategy.

2 Planning History

- 2.1 Whittle Hall Farm is a long established farming enterprise; the main house and farm buildings are located approximately 1 Kilometre from the site the subject of the proposed conversion works. Previously, the buildings were used for the wintering of livestock before being taken down to the main farm complex. The current owner of Whittle Hall Farm has recently taken full ownership of the farm following the death of his father; as part of a major overall of farming operations, he has recently secured planning consent for the erection of new, purpose built, farm buildings within the main complex and this has resulted in the barns/agricultural buildings at the application site becoming wholly redundant to the needs of modern farming at Whittle Hall Farm.
- 2.2 Peter Hitchen Architects Ltd [PHA] have produced detailed plans together with a supporting brief which clearly identifies the exact nature of the conversions, the dimensions, scale, extent of existing and long established curtilage. All these details are material and relevant in consideration of the proposal under the provisions of Class Q of the GPDO.
- 2.3 To add further weight to the claims made in this appeal, there is also a statement provided by the Owner of Whittle Hall Farm with regard to the farming enterprise in its totality and the length of time that such activity has been undertaken insofar as this relates to the provisions of Class Q.

The Case and the Planning Balance

It is respectfully submitted that a single issue falls to be considered in the appeal and this is:

Whether the proposal meets the requirements of Class Q of the GPDO 2021.

3 Class Q–GPDO 2021

3.1 Class Q [Agricultural Buildings to Class C3 Dwellinghouses] of Part 3 of Schedule 2 of the Town and Country Planning [England] [General Permitted Development] Order as amended [2020] is set out below. It is very clear that the intention of Class Q is to allow for the conversion of agricultural buildings into private dwelling/s [maximum five] subject to overall compliance therewith.

3.2 Permitted development–Class Q

Q. 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; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 465 square metres;

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

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

(e) 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;

(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—

(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;

(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;

(h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(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)flooded 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,*

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 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.

Compliance with Class Q

As a matter of fact, the appeal proposal must comply with the requirements of Class Q (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 (dwelling houses) of the Schedule to the Use Classes Order; and

(b) 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.

- The agricultural buildings have formed part of Whittle Hall Farm, an agricultural unit as so defined within the schedule.
- It is proposed to create two residential units only
- The floor area of each residential unit so created falls well within the permitted tolerances
- The site lies within Green Belt; however, this is a designation outside those specific areas where the GPDO [Class Q] places restrictions thereon.

- 3.3 Peter Hitchen Architects Ltd [PHA] is project architect for the scheme; they have been involved from the beginning of the whole process. They have provided a full set of detailed plans together with a detailed design brief. These are stand-alone documents and the content therein is both material and relevant to the very specific issue of compliance with the requirements of Class Q.
- 3.4 In the first reason for refusal set down in the decision letter, the Planning Authority considers that the proposal is in breach of Schedule 2 Part 3 Class Q2; the part of the schedule relates to the issue of location. The planning authority infers, by deed thereof, that the appeal site is isolated and remote from any settlement and that the means of access to the site generally is impractical and difficult. Further, because of the above, public transport links are poor.
- 3.5 Quite frankly, in any rural location with the Ribble Valley, there are innumerable barn conversions [those granted planning consents] that might be considered as raising the same issue/s. The reality is that the appeal site is neither isolated nor remote. A scale plan has been prepared as part of the appeal submission that demonstrates the location of the site relative to the nearby settlements as identified. Further, from these settlements there are public transport links available to the surrounding larger towns.
- 3.6 Access to the site is along an adopted public highway which serves the surrounding area and also gives access to the main road arteries through the immediate area. This public highway is accessible to all utility/public service/emergency vehicle at all times; it is neither impractical nor undesirable in its use thereof.
- 3.7 It is noted that the provisions of Class Q of the GPDO 2020 neither considers or defines what parameters are used to determine whether a barn/site is isolated. It is therefore considered to be a subjective matter. For this is to be the case then it is submitted that the appeal proposal meets the requirements of class Q and that the site cannot be considered as isolated for the reasons set out elsewhere in the statement and as identified in the location plan.
- 3.8 It is respectfully submitted that the appeal proposal meets the requirements of the Class Q of the GPDO.

3.9 The second reason for refusal put forward by the planning authority relates specifically to the lack of supporting evidence relative to the protection of protected species including bats. PHA has addressed this specific issue in their statement. Suffice to say that, at no stage in the application process, did the case officer make contact with PHA requesting any such information despite being asked on more than one occasion if any further and relevant information was required. It is respectfully submitted that there is no substance whatsoever in the second reason for refusal.

3.10 The third reason for refusal relates specifically to the issue of the overall design and form of the proposed conversion, thus being contrary to the provisions of the GPDO Class Q2[f]. PHA has submitted a full design brief as part of the appeal in which all the issues in this specific regard are addressed. This brief is material and relevant to the appeal.

4 Conclusions

4.1 The appeal proposal is submitted under the provisions of Class Q which specifically relates to the conversion of Agricultural Buildings to Class C3 dwellingshouses.

4.2 It is respectfully submitted that, for the reasons set out above, together with those put forward by Peter Hitchen Architects Ltd in their separate statement/s addressing reasons for refusal 2 and 3 in the decision notice dated 23 June 2022, that the appeal proposal complies with the requirements of Class Q of the GPDO and can be so approved.

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