

Change of Use of an Agricultural Building to Dwelling Houses under Class Q (a) and Class Q (b) of the General Permitted Development Order

Pewter House Farm
Carr Lane
Balderstone
Blackburn
BB2 7LN

Supporting Statement

Prepared by Gemma Kennedy BA (Hons) MA Town Planning

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WBW Surveyors Ltd
Skipton Auction Mart
Gargrave Road
Skipton BD23 1UD
Tel: 01756 692 900
www.wbsurveyors.co.uk

1. INTRODUCTION

The application is a Prior Approval Notification for the change of use of an agricultural building to dwelling houses under Schedule 2, Part 3, Class Q (a) & (b) of the General Permitted Development Order 2015 (as amended) 'GPDO'.

2. PROPOSAL

The proposal is to change the use of an agricultural building located on the outskirts of the settlement of Balderstone to 5 No. dwellinghouses.

3. PLANNING HISTORY

There is no planning history relevant to this application.

4. LIMITATIONS SPECIFIED AT PARAGRAPH Q1

The proposed development can be undertaken as permitted development providing that the limitations set down in paragraph Q1 of Schedule 2, Part 3, Class Q of the GPDO are met. These limitations are considered below: -

Limitation (a): agricultural Use

Development is not permitted by class Q if;

Q.1 (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;***

The Applicant confirms that the building was solely in agricultural use on the 20 March 2013.

Limitations (b), (c), & (d): Number of units and Floor space

Development is not permitted by Class Q if;

Q.1(b) in the case of –

- (i) a larger dwellinghouse, within an established agricultural unit-***
 - (aa) the cumulative number of separate larger dwellinghouses development 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;***

and;

Q.1(c) in the case of –

(i) a smaller dwellinghouse, within an established agricultural unit –

(aa) the cumulative number of separate smaller dwellinghouse 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;

and;

Q.1(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;

Class Q.1(b) permits up to 3 larger dwellings with a cumulative floor space of 465 square metres.

Class Q.1(c) permits up to 5 smaller dwellings providing that the floor space of each smaller dwelling does not exceed 100 square metres.

Class Q.1(d) sets out that the total development permitted under Class Q within an established agricultural unit must not exceed a total of 5 separate dwellinghouses and that a larger dwellinghouse or dwellinghouses must not exceed a cumulative floor area of 465 square metres.

In the case of the application at Pewter Head Farm, the following development is proposed;

- 3 No. larger dwellings with a cumulative floor area space of 426.8 square metres, falling within the parameters of class Q.1(b)
- 2 No. smaller dwellings are proposed. The proposed floor space of each smaller dwelling is under 100 square metres, falling within the parameters of Class Q.1(c)
- No more than 5 separate dwellinghouses would be provided within the established agricultural unit, and the larger dwellinghouses do not exceed a cumulative floor area of 465 square metres, falling within the parameters of Class Q.1(d)

Limitation (e): Current land tenure

Development under Class Q is not permitted if;

Q.1 (e) the site is occupied under an agricultural tenancy, unless express consent of both the landlord and the tenant has been obtained.

The land and buildings in question are not subject to any agricultural tenancy.

Limitation (f): Previous land tenure

Development under Class Q is not permitted if;

Q.1 (f) less than 1 year before the date the 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.***

The land and buildings in question have not been subject to any agricultural tenancy in the last year or preceding the last year.

Limitation (g): Development under Class A(a) or Class B(a) of Part 6 of the Schedule

Development under Class Q is not permitted if;

Q.1 (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.***

The Applicant confirms that no development under Class A(a) or Class B(a) of Part 6 of the Schedule has been carried out at the farm since 20 March 2013.

Limitation (h): External dimensions

Development under Class Q is not permitted if;

Q.1 (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;

The proposed development will not extend beyond the existing external dimensions of the building.

Limitation (i): Building works

Development is not permitted by Class Q if;

Q.1 (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);

Paragraph 105 of Planning Practice Guidance (ID: 13-105-20180615), updated in 2018, provides guidance on the extent of building operations that can reasonably take place under Class Q.1;

“...building works are allowed under the right permitting agricultural buildings to change to residential use. 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”

Prior to the 2015 revision to paragraph 105 of the Planning Practice Guidance, there was a requirement set out for the existing building to be structurally strong enough to take the loading which comes from the external works of the development, which has now been removed from the guidance.

Paragraph 105 further sets out that internal works are not generally development, and that for the building to function as a dwelling it may be appropriate to undertake internal structural works.

This application is submitted with a Structural Report, which sets out that the building is capable of conversion to dwellinghouses, with only limited works required to the internal structure of the building. The works proposed are reasonably necessary to allow the building to function as dwellinghouses, and fall within the allowances of Class Q.1(i) and (ii).

Limitations (j), (k), (l) and (m): Article 2(3) land and other restrictions

Development is not permitted by Class Q if;

Q.1 (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.

The site is not on article 2(3) land. The site is not and does not form part of a site of special scientific interest, safety hazard zone, or military explosives storage area. The site is not and does not contain a schedule monument. The buildings are not listed.

5. CONDITIONS SET OUT AT PARAGRAPH Q.2

In addition to the limitations set down at paragraph Q1, paragraph Q2 explains that the development cannot be undertaken until a notification has first been submitted to the local planning authority to consider whether the development is acceptable with respect to certain technical matters. Those technical matters are considered below: -

(1a) Transport and highways impacts of the development

This application is submitted with a Highways Technical Note addressing the impact the proposed development would have upon the local highway network and upon highway safety. The submitted document concludes that the anticipated level of traffic generated by the proposed development would not be discernible from the daily fluctuations in flows that could be expected along Carr Lane and on the highway network, and further considers that the proposal would be of benefit to road safety following the removal of farm related vehicle movements associated with the lawful agricultural use of the agricultural building.

(1b) Noise impacts of the development

The change of use of the agricultural building to dwellings would result in the formation of five new dwellings, alongside the existing farmhouse on site. The agricultural operations would cease, and the residential properties would be situated in a purely residential setting. The proposal would therefore not be affected by any noise from agricultural operations, and in turn the proposal would replace an agricultural use with a residential use and would have no adverse impact on the existing farmhouse or other neighbouring properties with regards to noise.

(1c) Contamination risks of the development

There are no known contamination risks on the site.

(1d) Flooding risks on the site

The application site is identified as Flood Zone 1 on the Environment Agency Flood Risk Map and therefore not in an area at risk of flooding from rivers or the sea.

(1e) 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

The proposed development can provide five modern, efficient, and sustainable dwellinghouses. The location and siting of the building is not impractical or

undesirable. An acceptable standard of amenity can be provided for the future occupiers of the dwelling.

It is important to note that Planning Practice Guidance advises that when considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

(1f) *The design and external appearance of the building*

The proposed conversion re-uses the existing building, is appropriately designed, and will provide five high quality modern new dwellings.

(1g) *The provision of adequate natural light in all habitable rooms of the dwellinghouses;*

The application is submitted with proposed floor plans which demonstrate that a good level of natural light will be provided to all habitable rooms within the dwelling.

6. OTHER MATTERS

Paragraph X under Part 3 of the GPDO sets out the following definition of “curtilage” for the purposes of Class Q development;

- (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;*

The curtilage to be provided as part of the development covers a total area of 655 square metres. The land area occupied by the agricultural building is 898 square metres. The area of curtilage is no larger than the land area occupied by the agricultural building and the proposal therefore accords with the requirements of Paragraph X with regards to the definition of curtilage.

7. CONCLUSION

The proposals meet the requirements of Class Q (a) & (b) (Schedule 2, Part 3 of the 2015 GDPO (as amended)), and would result in the positive, sustainable use of an existing agricultural building, and contribute to the Boroughs housing supply. The Council is therefore requested to permit the prior approval notification.