

Planning Supporting Statement of Case

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This statement is made in support of a prior approval application for the conversion of two agricultural buildings into 2 private dwellings at Whittle Hall Farm, Moor Lane, Langho. This prior approval application is a resubmission of application 3/2022/0436 which sought approval under Schedule 2, Part 3, Class Q of The Town and Country Planning [General Permitted Development][England] Order 2015. More specifically, and as detailed extensively in this statement which is to be read in conjunction with that produced by Peter Hitchen Architects Ltd, this resubmitted application addresses directly those issues set out by the Inspector in his reasoning contained in the appeal decision dated 6 February 2023 under reference APP/T2350/W/22/3304870, section 4, paragraphs 5-23 inclusive.

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.

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- 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. More importantly, the statement by Peter Hitchen Architects, very specifically addresses those issues set out in the Inspector's decision letter [see relevant references below] dealing with the Design element in relation to Character and Appearance.
- 2.3 For consistency and completeness, there is 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.

For the avoidance of doubt and in the interests of clarity and fairness, the requirements of Class Q are set down below

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) 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,

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 application 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.

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- 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 Further and for the avoidance of any doubt, in paragraph 2 of the Inspector's decision, very specific reference is made to the fact that *"...it is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q1 of part 3, Schedule 2 of the GPDO such that it would constitute development permitted under class Q, subject to the prior approval of certain matters...."*

4 Appeal Decision dated 6 February 2023-APP/T2350/W/22/3304870

4.1 In dismissing the appeal, The Inspector sets out the main issues for his consideration. He also sets out clearly the fact that it is "common ground" that the appeal scheme meets the requirements of paragraph Q.1 of Part 3, Schedule 2 of the GPDO such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters.

4.2 The Inspector then sets down the main issues for his consideration as follows:

- Whether the location or siting of the buildings would make it impractical or undesirable for them to change from agricultural use to a use falling within Class C3;
- Whether the proposed design would provide adequate living conditions for future occupants, with particular regard to privacy and outdoor amenity space;

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- The effect of the proposed design on the character and appearance of the buildings and the surrounding area;
 - The effect of the proposed development upon protected species.

4.3 In determining this resubmitted proposal, the appeal decision and the Inspector's reasoning in dealing with the 4 issues identified in section 4 of that decision, are both material and relevant and must be afforded considerable weight in the determination thereof.

5 The Case and the Planning Balance

5.1 In the context of this resubmission, there can be no discussion or consideration as to whether or not the principle of the proposal falls outside the requirements of Class Q. The planning authority has not challenged, by way of Judicial Review, the integrity of the Inspector's reasoning as set down in paragraph 2 of the appeal decision letter; this states quite clearly, inter alia: *"...it is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Part 3, Schedule 2 of the GPDO such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters..."*

5.2 For the avoidance of any doubt, those *"certain matters"* are set down clearly and unequivocally in paragraph 4 of the appeal decision letter and are as follows:

- *Whether the location or siting of the buildings would make it impractical or undesirable for them to change from agricultural use to a use falling within Class C3;*
- *Whether the proposed design would provide adequate living conditions for future occupants, with particular regard to privacy and outdoor amenity space;*
- *The effect of the proposed design on the character and appearance of the buildings and the surrounding area;*
- *The effect of the proposed development upon protected species.*

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- 5.3 This application resubmission is made on the basis of the appeal decision. It specifically relates to and addresses those issues identified by the Inspector in paragraphs 5-22 inclusive of the appeal decision letter.

The Principle and Compliance with Class Q

- 5.4 For the reasons very clearly expressed elsewhere in this supporting statement together with those made by the Inspector in his decision letter, as a matter of fact and in Law, the proposed conversion to Class C3 constitutes permitted development under Class Q.
- 5.5 Turning now specifically to those matters set down in the Inspectors reasoning, none of which are subject to a Judicial Review by the planning authority, the resubmission addresses these in the following way.

Location/Siting

- 5.6 The Inspector deals with this specific issue in paragraphs 5-7 inclusive of the appeal decision; it was the Council's case that the proposal failed to meet the requirements of Class Q due to its isolated location from day-to-day services. The Inspector goes on to state, very clearly and unambiguously that *"....I am not convinced that the distance the proposed dwellings would be from services and reliance on the private motor car would make the location undesirable or impractical."* The Inspector concludes, in paragraph 8, that in this specific regard, the proposal would accord with the requirements of the GPDO. In this regard, the resubmission makes no alteration whatsoever to the location/siting of the proposed conversions from that considered in the appeal.

Design-Living Conditions

- 5.7 This issue is dealt with by the Inspector in paragraphs 9-12 inclusive of the appeal decision letter; it was the Council's case, in essence, that the proposal failed Class Q in this regard because of the amount of private open space to be made available. It is clear, from the reasoning given, that the relationship between the proposed dwellings together with the limited amount of private open space included, would not result in a cramped appearance. In this specific regard, the Inspector made reference to paragraph 130 of the National Planning Policy Framework. The Inspector concluded that the design would be acceptable with regard to living conditions having regard to the requirements of the GPDO. In this specific regard, the resubmission is identical to that considered in the appeal.

Design-Character and Appearance

- 5.8 In paragraphs 13-18 inclusive of the appeal decision letter, the Inspector deals specifically with the impact of the proposed conversions upon the overall character and appearance of the area. Peter Hitchen Architects, with client approval, produced the detailed drawing for the appeal scheme. Together with their clients, they have assessed and analysed the Inspector's comments particularly at paragraphs 14-17 of the decision letter. In accepting those comments, they have sought to address the Inspector's specific concerns in this resubmission and, in so doing, have paid due regard to the National Planning Policy Framework at paragraphs 130 and 174. In this regard, the point is made by the applicants that at no time during the determination of the first application [3/2022/0436] did the planning authority enter into any meaningful dialogue with the agents [Peter Hitchen Architects] with regard to any aspect of the conversions.
- 5.9 Peter Hitchen Architects have, in preparing the resubmission and the detailed drawings, have set down very clearly, in a stand-alone design brief, the exact nature of the alterations and changes made to the scheme in terms of addressing the issue of impact upon character and appearance. This brief is a formal part of the resubmission and is a material and relevant consideration in any decision to

be made by the planning authority. In this specific regard, it is formerly requested therefore that the planning case officer enters into meaningful dialogue with the agent should any issues arise that can clearly be dealt with before a decision is made.

Protected Species

5.10 It is particularly galling when the planning authority makes reference to the fact that no Bat Survey was included in the original submission and that the Inspector clearly felt that one was necessary. The original submission did not contain one; that application was validated without one and at no time did the planning authority request one. One is now submitted as part of the application and the conclusions are clear and obvious. Further, the applicant is prepared to accept a condition that requires the provision of habitats for Bats in common with such a condition applicable to all barn conversion approvals. In this regard, the issues raised by the Inspector in paragraphs 19-23 inclusive of the decision letter are met.

5.11 Notwithstanding the above an independent and full habitat assessment has been undertaken and concludes as follows:

No evidence was recorded to suggest bats were roosting within the buildings. No bats were observed or recorded using the buildings for roosting.

The property is considered to be of negligible potential for roosting bats.

The surveyor considers survey effort to be reasonable to assess the roost potential of the buildings and no further survey work is deemed appropriate.

No evidence to suggest use by barn owls was recorded.

The surveyor does not consider the proposed development and change of use is likely to result in a breach of the Conservation (Natural Habitats &c.) Regulations

1994 (as amended) therefore the proposed development does not require an EPS Licence (EPSL) to proceed lawfully.

Planning Conditions

- 5.12 In the appeal statement of case presented by the planning authority they invite the Inspector, in the event of an approval, to attach planning conditions [numbered 1-9 inclusive] to such a decision. Insofar as they relate to the development per se and the details contained in this resubmission, it is considered that those conditions so listed would be appropriate when approving this resubmission and no objection would be raised thereto.

6 Conclusions

- 6.1 The application submission now before the planning authority, and to which this supporting statement refers, is a resubmission of application 3/2022/0436, originally refused and subsequently dismissed on appeal. This resubmission has been prepared in direct response to the appeal decision and expressly addresses those issues raised by the Inspector and set out in paragraphs 5.4-5.10 inclusively of this statement. There are no issues raised in this resubmission that compromise the integrity of Class Q of the GPDO.
- 6.2 It is respectfully requested that the application is now approved.