

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



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'.

As permitted under the transitional arrangements set out in the Explanatory Memorandum to the Town and Country Planning (General Permitted Development Etc.) (England) (Amendment) Order 2024 No. 579, this application is submitted under the provisions of the 2015 GPDO – not under the amended 2024 order.

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

3/2022/0909: Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. Refused 11/11/2022.

3/2022/1072: Change of use of three adjoining steel portal frame agricultural buildings to five dwellings under Class Q (a) and (b) of the GPDO. Resubmission of application 3/2022/0909. Refused 03/01/2023.

3/2023/0725: Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. Resubmission of applications 3/2022/0909 and 3/2022/1072. Refused 23/05/2024.

3/2024/0266: Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. Refused 23/05/2024.

4. ADDRESSING THE REASONS FOR REFUSAL OF THE PREVIOUS APPLICATION

Structural Condition

The first reason for refusal of the previous application (3/2024/0266) was that the building operations proposed would go beyond what is "reasonably necessary" to change the use of the building, and would include new structural elements for the buildings.

Paragraph 105 of the Government's Planning Practice Guidance, clarifies that;

"Building works are allowed under the right permitting agricultural buildings to change to residential use. 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 rights 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."

It is the case that the proposed conversion at Pewter House Farm is of a building that has a robust structure that is capable of allowing the building to function as a dwelling, and that those works proposed are of a nature that do affect the external appearance of the building and would otherwise require planning permission, but are only to the extent that would be reasonably necessary for the building to function as a dwelling. The proposals therefore fall wholly within the parameters of the works permitted under Class Q 1(i) and as detailed within the Planning Practice Guidance. The suitability of the building for conversion is demonstrated through the submission of an updated structural survey with this new application, which has been carried out following on-site investigations by the structural surveyor, and which advise as follows;

- Page 5: 'Foundations have now been investigated by excavation and it has been determined that concrete pad foundations are present and in good condition. The column pads are founded on good, firm ground and measure approximately 1.4m x 1.4m x 1.1m deep. This is considered to be in excess of what is required for a relatively light frame and no additional foundation work will therefore be required. See photographs in appendix B.'
- Page 6: 'The existing concrete floor slab has now been investigated on site by a series of trial cuts (see photographs in appendix B). It has been determined that the slab has been well formed to a minimum depth of 150mm and is laid over well compacted subgrade. It is therefore considered that the existing slab is capable of supporting the new, internal loadbearing walls.'
- Page 7: 'The existing portal frame is in good condition, and it is not proposed that any additional load will be added.'
- Page 7: 'The drawings indicate that the existing roof is to be retained, being repaired where necessary. This would therefore not increase loading on the frame. New insulation will be incorporated as part of the new internal structure therefore avoiding adding load to the rafters.'
- Page 7: 'The building is in a good condition structurally and is considered suitable for conversion by the methods and options outlined above.'

In the previous application the officer's report referenced an Appeal Decision within the Borough (APP/T2350/W/23/3319125) and implied that this decision (where the Appeal was dismissed) was relevant to the proposals at Pewter House Farm. However, the extent of works required in the appeal proposal were significantly more than those proposed at Pewter House Farm, with the Inspector stating that;

“the external walls and roof, including all of the timber purlins would be replaced, and significant areas of new external wall would be required, particularly to those elevations that are currently open or contain corrugated sheeting, along with a new insulated floor”, concluding that “Even if the installation of a new concrete floor could be considered to not be a structural operation, only the very basic skeletal steel frame will remain.”

In the case of the application submitted at Pewter House Farm, as noted in the submitted plans and structural survey, all existing external walls will be retained, with repairs where necessary. The cladding on three elevations is described in the structural survey as being in good condition, and on one elevation as in reasonable condition (page 5). New exterior walls will be formed set back from the existing principal elevations (on a new frame constructed atop the existing floor), and as such no new external walls will be added to the structure. The roof is described in the structural survey as being in good condition with no evidence of rot or infestation to the timber and no excessive movement or deflection, and that the frames and roof are fully braced (page 5). Furthermore, the structural survey advises that site investigations have proven that the existing foundations and floor slab are in good condition and adequately formed on good ground, such that no intervention works will be required, and that the existing floor slab can be retained with an insulated floor laid over it (page 6).

The condition of the buildings at Pewter House Farm are markedly different to those of the Appeal building referenced by the planning officer in the previous refusal at Pewter House Farm. Furthermore, the works required are significantly less than those agreed as acceptable on a recent application approved in Ribble Valley under Class Q where the officer stated;

“The proposed works to the barns involves a replacement roof and cladding, as well as the installation of windows and doors. These works have been previously accepted on this building as being reasonably necessary to allow it to be inhabited as a dwelling.” (Officer’s report for application 3/2024/0455 approved 7th August 2024)

In the case of this new submission at Pewter House Farm, the existing structure is capable of supporting the conversion, and works proposed are limited to those that are reasonably necessary to allow the building to function as a dwellinghouse. As such, the first reason for refusal of the previous application has been overcome.

Visual Impact

In refusing the previous application at Pewter House Farm, the planning officer considered that *“the proposal would result in the creation of an overtly domestic development that would be largely incongruous with the agricultural character of the application site and rural vernacular of buildings within the immediate and surrounding area”,* failing to satisfy Class Q.2(f) of the GPDO.

In each iteration of application for this site the applicant has sought to amend the design to address planning officer’s concerns. A variety of window opening designs have been put forwards, and yet none have met with officer’s approval despite similar designs being permitted on other Class Q conversions within the local planning authority.

In this new resubmission, the square and regular placement of windows have been amended with a greater emphasis placed on rectangular openings having the appearance of access doors to agricultural buildings. Significantly, the application proposes to set back the external walls of the living accommodation within the structure of the barn, resulting in the external elevations reflecting their original appearance, and according with the advice within paragraph 105 of the planning practice guidance 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. The new walls will be set within the shade of the original openings, set back from the façade and therefore subjecting the building to a limited level of visual change. On the principal elevation agricultural style timber boarded doors will be set in front of larger areas of glass to maintain the agricultural appearance of the building. On the rear elevation glass walling will be provided at the lower level, but set back from the outer walls in such a way that when observed will appear as open sections of agricultural building.

A search online of class Q barn conversions shows a variety of methods of converting modern agricultural buildings under Class Q that ensure that the building has a modern appearance yet continues to resemble the former use as an agricultural building. Unlike traditional stone barns, modern buildings, often with larger and taller openings to accommodate modern machinery, are undoubtedly capable of accommodating the inclusion of large windows, and whilst in some cases those windows have a horizontal emphasis, in the main part they consist of vertical panels of glass to make use of the dimensions of the existing openings. The proposed design at Pewter House Farm is no different, and demonstrates that the building is capable of making a positive contribution – indeed an improved contribution over the existing appearance – to the open countryside surrounding the application site.

The amended design submitted with this application overcomes the second reason for refusal.

Highways

In previous applications for Pewter House Farm Lancashire County Council (LCC) Highways Authority have objected on the grounds of highway safety. In the most recent refusal, the decision notice states that the proposal would *“lead to the intensification of use of an access and access track which lack the adequate visibility, width and provision of passing places deemed safe and suitable for such a proposal”*, thus failing to accord with Class Q.2(a). Although not raised in the reason for refusal, the Highways Authority also objected on the grounds of substandard visibility at the junction between Carr Lane and Commons Lane.

The applicant's highway consultant Dave Wallbank, at PSA Design Ltd, has addressed the Highway Authority's previous reasons for refusal with a scheme that demonstrates that the development can be undertaken in a manner which does not result in harm to highway safety. PSA Design Ltd address the highways reasons for refusal point by point within their report dated 27th August 2024, following pre-application discussions with Kelly Holt at Lancashire Highways, with the report advising that;

- A suitable amount of passing places will be provided along Carr Lane to the Highway Authority's requirements.

- That the required visibility can be achieved at the junction of Carr Lane with Common's Lane following a speed survey demonstrating 85th percentile speeds of 27.6 and 28.1 mph.
- That the use of the site for residential occupation will result in a less intensive use of Carr Lane and Commons Lane than the lawful agricultural use of the Pewter House Farm.

As demonstrated within the Transport Statement by PSA Design Ltd, the third reason for refusal of the previous application at Pewter House Farm has therefore been overcome.

5. 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 20th March 2013. Limitation Q.1(a)(i) is met.

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;

- 2 No. larger dwellings with a cumulative floor area space of 358 square metres, falling within the parameters of class Q.1(b)
- 3 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 Q.1(b)(c) and (d) is met.

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 Pewter House 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);**

As detailed in Section 4 of this report, under the heading 'structural condition', the building is capable of conversion in line with the requirements of Class Q, and 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

As detailed in Section 4 of this report, under the heading 'highways' the proposal would not have an adverse impact in relation to highway safety.

(1b) Noise impacts of the development

As confirmed by the planning officer in the officer's report for the previous application at Pewter House Farm, the residential use of the buildings would not result in any adverse impact upon neighbouring dwellings.

(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

As detailed in Section 4 of this report, under the heading 'visual impact' the proposal would make a positive contribution to the local area..

(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 respectfully requested to permit the prior approval notification.