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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **LE** | | | | **Date:** | **20.4.2022** | **Manager:** | |  | | **Date:** |  |
| **Site Notice displayed** | **Y** | **Photos uploaded** | | | | **Y** |  | | | | | | |
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| **Application Ref:** | | | 3/2021/0771 | | | | | |  | | | | |
| **Date Inspected:** | | | 5.1.2022 | | | | | |
| **Officer:** | | | **LE** | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | **Decision** | | **APPROVE** | | |
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| **Development Description:** | | | | | Prior notification of the proposed change of use of two traditional stone barns to form three new dwelling houses with associated building works including the insertion of new door and window openings to achieve natural light in all habitable rooms. | | | | | | | | |
| **Site Address/Location:** | | | | | Tan Yard Farm Ribchester Road Hothersall PR3 3YA | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | |
| No comments received | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | |
|  | | | | | Following the receipt of amended plans no objections subject to conditions. | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | |
| None | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015. | | | | | | | | | | | | | |
| **Relevant Planning History:**  None | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application site consists of two traditional stone barns located at the end of an access track approx. 175 metres from Ribchester Road. The farm house is directly opposite. To the North East is a sewage works and residential development on Asturian Gate. There is also a short row of semi detached dwellings on Ribchester Road approx. 125 metres to the North. | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  This application relates to the conversion of 2 agricultural buildings to 3 dwellings under the provisions of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015. In the case of a change of use of agricultural buildings to dwellinghouses, the legislation requires the applicant to notify the Council of an intention to utilise permitted development rights through the process known as ‘prior approval’. | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  This application seeks prior approval under Class Q (a) and (b) of Schedule 2 Part 3. The subsequent parts of Class Q.1 have therefore been assessed as follows:  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;*  The application states that the agricultural building was last used for agricultural purposes. There is no evidence to contradict or disbelieve this and the requirements are therefore satisfied.  *(b) in the case of—*  *(i) a larger dwellinghouse, within an established agricultural unit—*  *(aa) the cumulative number of separate larger dwellinghouses developed 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;*  *(c) in the case of—*  *(i) a smaller dwellinghouse, within an established agricultural unit—*  *(aa) the cumulative number of separate smaller dwellinghouses 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;*  The dwellinghouses proposed to be developed under Class Q have a floor space of more than 100 square metres but the cumulative floor space does not exceed 465 square metres. As such they are classed as a ‘larger dwellinghouse’ as set out in paragraph Q.3. of Class Q. The number of larger dwellinghouses to be created is 3. Therefore the requirements are satisfied.  *(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;*  The cumulative floor space of the proposed larger dwellinghouses would be approx. 430sqm, within the threshold limit. The planning history for the established agricultural unit has been checked and on the date of writing the LPA had no record of any other Class Q applications on the agricultural unit.  *(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*  *(f) 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;*  *The application states that the building and the area surrounding it is owned by the applicant and are not subject to any tenancy agreement. There is no evidence to contradict or disbelieve this and the requirements are therefore satisfied.*  *(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;*  A planning history search has been undertaken for all of the land within the established agricultural unit and it is apparent that no applications under Part 6, Class A or B have been submitted to the LPA or approved by the LPA since the 20th March 2013. The application states that the agricultural activities at the site will cease if the development goes ahead.  *(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 submitted plans show the external dimensions of the building would not change.  *(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);*  Planning Practice Guidance (Paragraph: 105 Reference ID: 13-105-20180615) advises  *“that building works are allowed under the right permitting agricultural buildings to change to residential use. The right (Class Q) 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”.*  *It is noted that paragraph 105 above was revised on 15 June 2018 resulting in the removal of the earlier assertion that it is not the intention of the permitted development right to include the construction of new structural elements of the building and the guidance no longer asserts that it is only where the existing building is structurally strong enough to take the loading which comes from the external works that the building would be considered to have the permitted development right.*  *Paragraph 105 still states, however, that 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, so that 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. This is derived from the basic principle that the PD right is for the conversion of the building to residential use, and not for its substantial reconstruction.*  It does appear that the building is structurally sound for conversion to residential use and would not require major structural interventions that go beyond what is reasonably necessary. No works are proposed other than those listed in Q.1 (i) Thus, the proposed development would accord with Q.1 (i).  *(j) the site is on article 2(3) land;*  *(a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of the conservation areas);*  *(b) an area of outstanding natural beauty;*  *(c) an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);*  *(d) the Broads;*  *(e) a National Park; or*  *(f) a World Heritage Site*  The agricultural building is located within an area of open countryside and is not included within any of the above.  *(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;*  The building is not and does not form part of, any of the above.  *(l) the site is, or contains, a scheduled monument; or*  The agricultural building and its curtilage is not and does not contain a scheduled monument  *(m) the building is a listed building.*  The agricultural building is not listed and its curtilage does not contain a listed building  *To satisfy the requirements of Class Q (a) and (b) the Local Planning Authority’s approval is required in respect of the following conditions listed in Schedule 2 Part 3 Q2.*  *(a) transport and highways impacts of the development*  It is proposed to utilise an existing access off Ribchester Road that currently serves the farmhouse and the application site, terminating just past the barns.    The access currently serves 1 dwelling and this will increase to 4. Each new dwelling will benefit from two parking spaces and none will have more than 3 bedrooms. The level of parking provision is considered adequate.  The single track lane is located directly off Ribchester Road which is subject to the national speed limit.  The County Surveyor raised no objection relating to the intensification of the use of the access together with the visibility and that the additional dwellings would not have a major effect on the highway infrastructure or any road safety implications.  The County Surveyor has stated that the original plans did not provide adequate information with respect to the access, visibility and useable parking spaces.  Amendments were requested and as such the agent agreed an extension of time to the determination date to allow this.  Taking into account the above, the existing access subject to improvements and provision of parking via attached conditions granted to the permission would ensure that the existing access and proposed parking is suitable to serve the proposed dwellings.  *(b) noise impacts of the development*  In relation to this particular consideration, the application building is approximately 19 metres from the nearest residential dwelling which is the farm house in the same ownership and 110 metres from the nearest dwelling on Asturian Gate. However, it considered that the use of the building would not result in a detrimental impact on these dwellings and, therefore, the application is considered to be acceptable.  *(c) contamination risks on the site*  There are no known contamination risks  *(d) flooding risks on the site*  With regards to the matter of flooding, the Environment Agency flood map shows the site to be outside of a flood zone and there are no known local flooding issues. The proposed development is therefore considered to be acceptable in relation to this particular consideration.  *(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.*  The site has a genuine history of agriculture and is associated with the farmhouse opposite occupied by the applicant. The application states that if the conversion goes ahead then the agricultural activities at the site will cease. It is not considered that the location or siting would make it impractical to change from an agricultural use.  *(f) the design and external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*  On farm buildings windows and doors are commonly small and insignificant. Farm buildings are operational structures with a functional simplicity which is an essential part of their character. In order to protect the character and setting of the surrounding countryside new openings should be kept to a minimum to avoid a clearly domestic appearance.  The proposed conversion makes use of the existing openings where possible but a few new openings and roof lights are proposed as some parts of the building do not benefit from any natural light.  It is considered that any adaptation would need to balance the practical requirements of the use as a dwelling whilst also protecting the historic character of the farm building and its setting. The proposed new openings to the building have been designed to retain the agricultural character of the building and mimic the style and layout of openings on other parts of the building, they are small and in a random layout, two mock wagon arches are formed to the South West elevation of barn one and a large opening is blocked up. Whilst the existing roof slope is void of openings it is not considered that the roof lights would compromise the agricultural character of the building.  It is considered that the proposed openings and their design would not compromise the character of the stone barns and their setting.  LCC archaeology unit have commented on the proposal. The period 1750-1880 has been recognised as the most important period of farm building development in England. The Council for British Archaeology's 'An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy' has indicated that "there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" (p. 140) so that "a regional database of farm buildings can be derived and variations across the region examined." (ibid.) As such they request that a photographic recording of the building is made prior to conversion and have suggested a condition to secure this.  *As set out in paragraph X of Part 3, “curtilage” means, for the purposes of Class Q, R or S only—*  *(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 garden area proposed meets the requirements of paragraph X.  It is considered that the proposals satisfy 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 such, it is recommended that prior approval is approved. | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | | That prior approval is granted | | | | | | | | | |