|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | |
| **Signed:** | **Officer:** | SK | | | | **Date:** | 4.10.22 | **Manager:** | | **NH** | **Date:** | **04/10/22** |
|  | | | | | | | | | | | | |
| **Application Ref:** | | | | 2022/0751 | | | | |  | | | |
| **Date Inspected:** | | | | Pre-application | | | | |
| **Officer:** | | | | SK | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | **APPROVAL** | | | |
|  | | | | | | | | | | | | |
| **Development Description:** | | | | | Prior notification for the proposed change of use of an agricultural building to 2 dwelling houses. Previously refused - 3/2022/0504. | | | | | | | |
| **Site Address/Location:** | | | | | Tile Croft Chipping Road Longridge PR3 2NB | | | | | | | |
|  | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | |
| No representations received in respect of the application. | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | |
| **LCC Highways:** | | | | |  | | | | | | | |
| No representations received in respect of the application. | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | |
| No representations received in respect of the application. | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | |
| Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015. | | | | | | | | | | | | |
| **Relevant Planning History:**  **2022/0504:**  Prior notification for the proposed change of use of an agricultural building to 2 dwelling houses. (Refused) | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  This application relates to the conversion of an agricultural building to two dwellings at land off Old Clay Lan under the provisions of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015. The site lies within the defined open countryside being located outside of any defined settlement limits.  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’. | | | | | | | | | | | | |
| **Assessment of Proposed Development:**  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 and was in active use prior to 20 March 2013.  ***(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 proposal does not exceed the tolerances of Class Q (b) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.  ***(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 floor space of the proposed larger dwellinghouse is within the threshold limit. The planning history for the established agricultural unit has been checked with no record of any other Class Q applications having been made 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 land is within the sole control and use of the applicant and the site is not (and has not) been occupied under or subject to an agricultural tenancy. There is no evidence to contradict 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.  ***(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 details do not propose that external dimensions of the building will be increased at any given point, as such the proposal accords with the requirements of of Q.1 (g) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.  ***(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);***  Th extent of works, notwithstanding the requirements of Q.1 (g) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 would fall within the remit of 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 building is not located on land within any of the above designations.  ***(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 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 do not contain a scheduled monument  ***(m) the building is a listed building.***  The agricultural building and its curtilage do 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.**   1. **transport and highways impacts of the development**   The proposal does not raise any highways implications.   1. **noise impacts of the development**   The proximity to other residential properties has been considered. The application is considered to be acceptable in respect of noise impacts.   1. **contamination risks on the site**   The applicant states that there are no known contamination risks associated with the development   1. **flooding risks on the site**   The proposal is not located within an area of identified flood-risk.   1. **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.**   There are no concerns in respect of the conversion being impractical or undesirable.   1. **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.**   The submitted details propose that the configuration of the existing buildings will largely be retained save that for the introduction of a number of domestic windows, re-cladding and rendering of a number of elevations. In respect of the proposed external appearance of the buildings, it is not considered that approval will result in any detrimental impact upon the character or visual amenities of the area. | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  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 be approved. | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | That prior approval be granted. | | | | | | | | | |