

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	LE	Date:	30.03.21	Manager:		Date:	
Site Notice displayed	Y	Photos uploaded	Y					

Application Ref:	3/2021/0141	 Ribble Valley Borough Council www.ribblevalley.gov.uk	
Date Inspected:	24/03/2021		
Officer:	LE		
DELEGATED ITEM FILE REPORT:		Decision	Prior approval not required

Development Description:	Prior notification for proposed change of use of an agricultural building to 5 dwellings with operational development under class Q (a) and (b).
Site Address/Location:	

CONSULTATIONS:	Parish/Town Council
No comments	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
None	

CONSULTATIONS:	Additional Representations.
None	

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: None relevant

ASSESSMENT OF PROPOSED DEVELOPMENT:
<p>Site Description and Surrounding Area: The application building is located to the north east of the complex of buildings at Alston Old Hall. The building is a modern steel portal framed building with concrete block and timber clad elevations and is open at one end. It is understood that it was constructed approx. 30 years ago. The building is located on a hardstanding with vehicular access off the private drive leading to the existing dwellings. The building is located on fairly low lying land and whilst visible on the approach is not an isolated or dominant feature within the landscape.</p> <p>Alston Old Hall Farm is located 125 metres from the agricultural building and is Grade II listed.</p>

Proposed Development for which consent is sought:

This application relates to the conversion of an agricultural building to 5 dwellings at Alston Old Hall Farm, Alston Lane, Longridge 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 application is for 1 larger dwellinghouse and 4 smaller dwellinghouses.

The cumulative number of 5 dwellinghouses does not exceed the restriction in para b. The larger dwellinghouse proposed to be developed under Class Q in order to be defined as such should have a floor space of more than 100 square metres but not exceed 465 square metres.

The Order defines 'floor space' at paragraph 2 as 'the total floor space in a building or buildings'. The Local Planning Authority determines that the floor space of a building to be the ground, first and any other internal floor space within the proposed dwelling including basement levels.

The resultant floor space of the larger dwellinghouse, having a use within use class C3, would amount to 465sqm (taking account of the annotated internal floorspace of the dwellings). However it is noted that the submitted floor plans appear to leave an unused void at upper floor level, either side of a corridor between the two bedroom areas. There does not appear to be and access into this area but it is not clear if the upper floors are mezzanines with part of the ground floor being double height or whether this void has a floor.

Taking this into account the proposal has not demonstrated beyond doubt that more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) would be provided and the application therefore fails to comply with the requirements of Q1(h)

The smaller dwellinghouses have floor areas which do not exceed 100 square metres and as such is classed as a 'smaller dwellinghouse' as set out in paragraph Q.3. of Class Q.

The cumulative floor space of the existing building is being converted to larger dwellinghouses will not exceed 465 square metres and the floor space of anyone smaller dwellinghouse will not exceed 100 square metres.

(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 would be 465sqm, within the threshold limit. The floor space of the 4 proposed smaller dwellinghouses would be between 88 and 90 sqm; again 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.

(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.

Considering the conclusion of the condition report it does appear that the current building is structurally sound. However it will require some internal partitions, floors, insulation and strengthening to accommodate a heavier roofing material as well as insertion of window and door openings. As

The application is supported by a structural appraisal. This confirms that whilst the structural steelwork for the portal frames revealed some corrosion this has not compromised the integrity of the frame which has adequate capacity to support the converted building. The application proposes to completely renew the roof and wall cladding. In addition, a new floor incorporating a damp proof membrane and thermal insulation is proposed. A new floor would clearly be a new structural element as confirmed in numerous appeal decisions. Moreover, taken together with the extensive works of replacement of the roof and external walls, the resultant building would be tantamount to the construction of a new building, rather than operations reasonably necessary for the building to function as a dwelling house. In effect, the only part of the building to be retained would be the existing steel frame. The report concludes that it is unclear whether new foundations will be required to support the heavier structure and further investigations would be required.

Taking into account the above, it is considered that the given the extent of building works based on the information before me, I consider that the proposal would go beyond what is ‘reasonably necessary’ to change the use of the building.

(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 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.*

Although the farm house is listed, 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 must consider whether 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 Alston Lane which is a rural two-way unclassified road which terminates in a dead end. It is wide enough along its length for two vehicles to pass. It currently serves several dwellings along its length. The Private Road to the building and the dwelling beyond is hardsurfaced and wide; the building also has a wide access and hardstanding. It is not considered that the intensification of this access and use of Alston Lane would have significant impact on the highway network or would raise highway safety implications. The submission indicates that 11no. parking spaces would be provided within the curtilage which meets current parking standards. As such the prior approval of the Council with respect to transport and highway impacts is not required.

Considering the above, the existing access subject to the parking provision shown on the submitted plans would ensure that the existing access and proposed parking is suitable to serve the proposed dwelling.

- (b) noise impacts of the development*

In relation to this particular consideration, the application building is approximately 125 metres from the nearest residential dwelling. It considered that the use of the building would not result in significant detrimental impact on this dwelling over and above that caused by an agricultural use and there is a substantial distance to the nearest dwelling which is the applicants own property. Therefore in this respect the proposal is considered to be acceptable.

- (c) contamination risks on the site*

There are no concerns raised in respect of this consideration.

- (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 in connection with the sheep farming business on the adjacent farmstead. The building is surrounded by farm land and there are other agricultural buildings surrounding the courtyard at Alston Old Hall Farm.

There could be some impact from the farm on the occupiers of the new dwellings and it is assumed that the properties will be open market dwellings however it is considered that future tenants would be aware of the agricultural activities that could take place and therefore it is considered that the development would not be undesirable or impractical.

It is located in an area which whilst rural in character is surrounded by other dwellings and close to the centre of Longridge. Although there are not public transport links it is not isolated from nearby local services or a road and path network.

(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 building is a functional steel portal frames timber clad building rather than a traditional stone barn and other than the open end, does not have window openings. The proposal is to provide recessed full height glazing in aluminium frames, numerous significant openings and re cladding and roofing in a different material. The proposed alterations will significantly alter the appearance of the building and it is not considered that the rural character will be maintained. The design and external appearance is considered to be unacceptable.

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.

Other matters:

Cadent gas, whilst not consulted have raised a concern with regards to the presence of gas apparatus in the vicinity. It is considered that the consideration of this issue is outside the scope of a prior notification and the agent has advised that they will be addressing this matter separately.

It is considered that the proposal does not 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 refused.

RECOMMENDATION:

To refuse prior approval.

