

Report to be read in conjunction with the Decision Notice.

Application Ref:	3/2021/0194	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	04/03/2021	
Officer:	RB	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Change of use of one agricultural building to a dwelling under class Q (a) and (b).
Site Address/Location:	Daniels Farm, Preston Road, Alston, PR3 3BL

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
No objections subject to electric charging point condition.	
CONSULTATIONS:	Additional Representations.
No representations have been received in respect of the proposed development.	

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:

3/2019/1089- Change of use of two agricultural buildings to two dwellings under class Q (a) and (b) – Refused.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Proposed Development for which consent is sought:

This application relates to the conversion of one agricultural building to a dwelling at Daniels Farm, Preston Road, Alston, 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’.

The agricultural building known as Barn 1 on the submitted drawings is located to the northwest of a residential property known as ‘The Barn’. This agricultural building is single storey and is constructed with concrete block walls and concrete floors. The roofing consists of corrugated sheeting with double door openings to the front and rear. The building is simple in its design and measures approximately 6.5 metres by 18.2 metres.

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 buildings were last used for agricultural storage. 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 agricultural building is classed as a 'smaller dwelling house' as set out in paragraph Q.3. of Class Q.

(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 smaller dwelling house would be 74.5sqm over one floor, 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 them are 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 that the external dimensions of the building would remain the same.

- (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:

The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. 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 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.

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 building is structurally sound for conversion to residential use and would not require major structural interventions that go beyond what is reasonably necessary. 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 are 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 do not form part of any of the above.

(l) the site is, or contains, a scheduled monument; or

The agricultural building and its curtilage does not contain a scheduled monument

(m) the building is a listed building.

The agricultural building 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

The dwellinghouse would result in a two bedroomed dwellinghouse that would be served by the existing access track off Preston Road and the dwellinghouse would benefit from two parking spaces.

In assessing transport and highways impacts of the development I have considered the comments provided by the County Surveyor for the application.

The County Surveyor raises no objection to the proposed development and stated that 'it is expected that a charging point for electric vehicles shall be included with-in the development to promote sustainable modes of transport'. Therefore a condition would be attached to any subsequent approval requiring the above.

Considering the above, the existing access is considered to be suitable to serve the proposed dwelling.

(b) noise impacts of the development

In relation to this particular consideration, the west elevation of the dwelling is directly adjacent to to the rear of the nearest residential dwelling 'The Barn'. However, it is considered that the use of the building would not result in significant detrimental impact on this dwelling and, therefore, the application is considered to be acceptable.

(c) contamination risks on the site

The Council's Contaminated Land Officer has raised no concerns.

(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 application site as existing comprises a number of buildings that are currently used for agricultural purposes.

The dwellinghouse would be sited to the rear of the existing residential property at the site approximately 15 metres from the access track and the agricultural buildings are approximately 20m-25m from the proposed dwelling. It is considered that due to the siting of the dwellinghouse away from the access track and buildings that the agricultural activities that may take place surrounding this dwellinghouse would not result in unacceptable levels of noise, odour and disturbance and is therefore considered to be acceptable.

(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 on the north east and south west elevation and proposes the insertion of new openings to the north west elevation. These include; one new aluminium powder coated window to serve the master bedroom to the rear of the dwelling; one new powder coated aluminium window to serve the second bedroom and one new aluminium powder coated door and set of bi folding doors serving the dining area. It is also proposed to externally clad the walls with Cedral weatherboard panels in a charcoal grey colour and a merlin grey insulated metal clad roof. It is accepted that inevitably new openings are required in order for the dwelling to be habitable and therefore it is considered that the conversion makes use of existing openings and proposes an acceptable amount of new openings. It is also considered that the proposed Cedral cladding and metal roof is considered appropriate for the location of the site.

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 curtilage areas for the building is considered to comply with Paragraph X.

In conclusion, the proposals do not satisfy the requirements of paragraphs Q.1 (i) and Q.2 (1)(a) and (e) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development). As such, it is recommended that prior approval is refused.

RECOMMENDATION:

That prior approval be approved.