

## **CASE OFFICER'S REPORT**

**Application Reference:** 18/06474/PNCOU  
**Date of Inspection:** 24/07/2018  
**Date site notice posted:** 24/07/2018  
**Date of press notice:** N/A

### **POLICIES**

GPDO (Class Q)

### **ISSUES**

The only consideration in the determination of this application is whether the proposed development conforms to the requirements and limitations of Class Q of the Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015.

### **REPRESENTATIONS:**

Keevil Parish Council – Concerns raised regarding increase in traffic on the approach lane

Highways – Nothing received at time of writing

Public Protection – No objection

2 letters of objection have been received making the following comments which have been summarised:

- Increase in traffic on the no through road where there are only a few passing places
- The lane floods
- The surface of the lane is very poor with subsidence and cracking evident in places.
- There is potential for other buildings to be converted on the lane causing more traffic

### **ASSESSMENT:**

In considering Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 the Local Planning Authority (LPA) will have to be convinced that the former agricultural building was used solely for agriculture, as part of an established agricultural unit on 20th March 2013 or 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. Included within the procedure notes for prior approvals under Part 3 is the definition of an agricultural building. Such a definition sets out that an “agricultural building means a building used for agriculture and which is so used for the purpose of a trade or business, and excludes any dwelling house”. The applicant has set out that the building was built in the 1960’s and when the sale of New Hurst Farm in 2007 went through, the building was not in active agricultural use. It was understood by the applicants that the farm closed some years prior to the sale. Since the sale the building has not been utilised for any other purpose. As the

building in question has not been used for any other use since the agricultural use, it is considered to comply with Paragraph Q.1(a) ii.

Paragraph Q.1.(b) of Class Q in relation to a larger dwelling house, development would not be permitted if the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 465 square metres. The Existing building has a floor space of approximately 340 square metres and therefore complies.

Paragraph Q.1. (c) relates to smaller dwellinghouses – this part is not relevant to this application.

Paragraph Q1.d states that development is not permitted if a larger dwellinghouse has more than 465 square meters of floor space. The Applicant has confirmed that the proposal would not exceed this floor space.

Paragraph Q.1 (e) states that the site must not be occupied under an agricultural tenancy – the application form confirms that this is not the case.

Paragraph Q.1. (f) states that development is not permitted if less than 1 year before the date development begins, an agricultural tenancy has been terminated – No agricultural tenancies have been terminated on this site within the last year.

Paragraph Q.1. (g) states that development is not permitted if development under Class A or Class B of Part 6 of this schedule has been carried out on the established agricultural unit since 20<sup>th</sup> March 2013. No such applications have been received by the Local Planning Authority.

Paragraph Q.1. (h) requires the external dimensions of the building to not extend the external dimensions of the existing building at any given point – the proposed plans indicate that the proposed residential use would wholly be within the existing building.

Paragraph Q.1.(i) of Class Q states development would not be permitted if it 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);

The application confirms that the building is in need of repair but the main structure is still reasonably sound and capable of conversion and as such there would be no other building operations required other than those noted above.

Paragraph Q.1.(j) – development is not permitted if it is on article 2(3) land – the site is not on article 2(3) land

Paragraph Q.1.(k) – development is not permitted if the site is or forms part of a site of special scientific interest (SSI), a safety hazard area or a military explosives area – the site is not in any of these areas.

Paragraph Q.1.(l) – development is not permitted if the site is or contains a schedule monument – the site is not and does not contain a schedule monument.

Paragraph Q.1.(m) – development is not permitted if the building is a listed building – the building is not listed.

Paragraph Q2 of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 states that the conversion of an agricultural building to residential, is considered permitted development subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site, or
- (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; and
- f) the design and external appearance.

#### Transport and Highways

The PPG has clarified that the sustainability of a building's location is not a test that applies to this permitted development right. The submitted information confirms that the site is accessed via an established existing driveway and no through lane.

The submitted plans demonstrate that there is adequate space around the building for parking and turning of vehicles. The access to the site is considered to be appropriate. It is acknowledged that the lane is in disrepair in some places but this does not mean the site is unreachable. The site is currently capable of being accessed via the lane. Concerns have been raised regarding the potential of other buildings who access the lane being converted. This is not a matter that can be taken into consideration when making a recommendation on this application.

#### Noise Impacts

The proposal would raise no concerns in terms of noise.

#### Contamination Risks

The proposal would raise no concerns in terms of contamination

#### Flooding Risks

The proposal would raise no concerns in terms of flooding.

Whether the location or siting of the building makes it otherwise impractical or undesirable

The PPG states the following:

*“The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house”.*

It continues to say *“There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.”*

It is acknowledged that the site is immediately adjacent to a farm that breeds cows. The site in question is immediately adjacent to a field beyond which is a cow barn. It is considered that there is not an intensive use as the cow barn is not immediately adjacent to the site and the cows are not constantly in the field immediately adjacent, the location and siting of the building are acceptable.

Design and External Appearance

The proposed elevations appear to demonstrate that the building would retain its existing external appearance. Although it is located adjacent to an existing bridleway, the site is not in a prominent location and as such it is considered that the design and appearance of the building would be acceptable in prior approval terms.

**RECOMMENDATION:**

Prior approval is not required