HUNTINGDONSHIRE DISTRICT COUNCIL

24/01885/PMBPA

OFFICER REPORT

Case No: **24/01885/PMBPA** **Prior Approval Agricultural to Dwellings**

Proposal: **Change of use of existing agricultural building to two dwellings**

Location: **Barn Cherry Lodge Farm Puddock Road**

Applicant: **Mr and Mrs Robinson**

Grid Ref: **531787 282443**

DESCRIPTION OF SITE AND APPLICATION

The application site is located in the open countryside and approximately 2.3km northeast from the centre of the village of Warboys. The site as existing comprises a barn and associated hard standing and is located on the southeastern side of Paddock Road, Warboys.

This application seeks prior approval for change of use of an agricultural building to 2no. single storey 2 bedroom dwellinghouses (C3) under Class Q of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (otherwise known as the GDPO).

The application site is in Flood Zone 3 according to Environment Agency Mapping and therefore at highest risk from river and see flooding.

In September 2024 the agricultural barn was subject to a change of use application to residential (2 dwellings) under Class Q Part A (application 24/01276/PMBPA) for which Prior Approval was refused 19.09.2024. The application was refused for the following reasons.

1. Insufficient information has been submitted to the Local Planning Authority to demonstrate that the building is part of an established agricultural unit which meets the definition of agriculture as defined in Part 3, 'X', (Interpretation of Part 3) and Section 336 of the Town and Country Planning Act (1990). The proposed change of use therefore fails to comply with Schedule 2, Part 3, Class Q.(a)i. and Q.1(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The resultant floor space of the proposed dwellinghouses developed under Class Q would exceed 150 square metres taking into account the proposed storage areas. The proposal is therefore contrary to Schedule 2, Part 3, Class Q.1(c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately address flood risks associated with the proposed development. In the absence of a suitable Flood Risk Assessment, the Local Planning Authority cannot be satisfied that flooding risks on site would be acceptable. The proposal is therefore contrary to Schedule 2, Part 3, Class Q.2(d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

NATIONAL GUIDANCE

Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
The National Planning Policy Framework (2024)
Planning Practice Guidance

For full details visit the government website: https://www.gov.uk

PLANNING HISTORY
No relevant planning history associated with the site.

Relevant planning history associated with the wider agricultural holding:
14/01618/PMBPA - Prior approval for change of use from agricultural building to dwelling house - Refused

14/01619/PMBPA - Prior approval for change of use from agricultural building to dwelling house - Refused

14/01620/PMBPA - Prior approval for change of use from agricultural building to dwelling house - Refused

15/00034/PMBPA - Change of use of agricultural building to dwelling - Refused/Deemed Consent

15/00045/PMBPA - Change of use of agricultural building to dwelling - Refused

15/01923/PMBPA - Change of use of agricultural building and land within its curtilage to a dwelling - Approved

15/01938/PMBPA - Change of use of agricultural building and land within its curtilage to a dwelling - Approved

16/00095/FUL - To add a porch, side extension, raise roof on main barn, and change pent roof to a pitched roof as approved in Ref 15/01938/PMBPA - Approved

16/00096/FUL - Change from pent roof to pitched roof on Main barn of previously approved application Ref No 15/01923/PMBPA - Approved

19/00212/HHFUL - Separate double garage, store and storage area at first floor - Approved

21/01655/FUL - Conversion of a disused agricultural building to form 1No. dwelling - Approved
23/00648/FUL - Retrospective application for a new 4 bed dwelling - Refused

24/00693/FUL - Retrospective planning for a new 4 bed dwelling, following approval of planning Ref 21/01655/FUL | Conversion of a disused agricultural building to form 1No. dwelling - Refused

CONSULTATIONS
HDC Environmental Health - No objection. Recommends the imposition of a condition that ensures that there is no residual contamination from the previous use (such as agrochemicals, fertilizers, pesticides, herbicides, fuels, lubricants, buried animal carcasses, areas of waste incineration, asbestos containing materials, etc) that may impact on the future occupiers of the development.

CCC Highways - No Objection in principle. The Highways Officer did, however, raise concerns over whether the proposed access arrangement would serve residential and agricultural vehicles.

An email was received by the LPA on the 09/12/2024 from the applicant's agent which confirmed the agricultural unit has a separate access for farm machinery. As such the Highway Authority recommend the existing access is widened to at least 5m for 10m from the carriageway edge to facilitate two-way traffic movements and deliveries turning into the site.

Notwithstanding this, the proposal does not seek to alter the existing access as during the course of the application 24/01276/PMBPA the Officer considered that 'the access already serves 3 dwellings

and it is not considered that improvements to the access would be warranted for the two additional dwellings proposed. There is considered to be ample room within the wider site for vehicle turning etc. It is not considered that the provision of two dwellings on the site would have a material adverse impact on the highway network. The transport and highway impacts of the development are considered acceptable in this instance.'

Warboys Parish Council-No comment at the time of determination.

Environment Agency- Objection. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks associated with the proposed development.
The Environment Agency's comments can be found in full on the council public access website.

REPRESENTATIONS
No third-party representations received in support or objection to this application at the time of determination.

SUMMARY OF ISSUES
Q. Development consisting of—
a) a change of use of—
(i)a building that is part of an established agricultural unit and any land within that building's curtilage, or
(ii)a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
(b)development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
(c)development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Officer comment: The application must be supported with evidence to demonstrate the structure is **an 'agricultural building' to satisfy criteria a. An 'agricultural building' means a 'building used for agriculture and which is so used for the purposes of a trade or business', as per Part 3 'X' of the General Permitted Development Order (GDPO).**

'Agriculture' is outlined in Section 336 of the Town and Country Planning Act (1990) (the Act) as 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes'.

In regard to criteria Q (a), the applicant has indicated on the application form that the site is currently part of an established agricultural unit comprising of 125 acres which is used for growing wheat, barley, field beans, onions and potatoes. A map indicating the extent of the agricultural holding also accompanies the application. The submitted application form also confirmeds the building on the site is used for agricultural purposes.

For the purposes of Class Q, 'curtilage' is defined at Part 3 'X' (Interpretation of Part 3) of the GPDO as '(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'.

Based on the submitted location plan, the building has a footprint (measured externally) of approximately 315m2 and the proposed curtilage of the dwellings, including parking area and access track measures approximately 968m2. The proposed curtilage is considered to include land closely associated with or servicing the agricultural building and would be no larger than the area occupied by the building. The proposed development therefore complies with Schedule 2, Part 3, Class Q, Q.(a).

In regard to (b), Class Q allows for 'building operations reasonably necessary to convert the building'. The Planning Practice Guidance (2021) (PPG) notes that permitted development rights under Class Q assume that the agricultural building is capable of functioning as a dwelling. 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. Furthermore, the PPG explains that it is only where the building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. It is clear from the guidance contained in the PPG that the existing building must be of form, structure and construction suitable for conversion.

A Structural Appraisal Report by Gawn Associated Ltd dated 23 July 2024 accompanies this application. The report confirms the building is constructed using a steel portal frame with corrugated cement sheet roof supported between galvanised steel purlins. Based upon a visual inspection the structural engineer considered that the steel structure providing the main support for the building is in fair condition, the concrete slab appears to be in good condition and the structure is suitable for the conversion as the additional loads are either within the capacity of the structure or can be provided as separate internal structural load paths and foundations located within the footprint of the existing barn.

Officers note the submitted structural report refers to a proposed internal mezzanine floor. However, floorplans indicate no first floor accommodation is proposed. Notwithstanding this, based on the information provided, it is considered that the works required to convert the building would not go beyond those operations which are 'reasonably necessary'. A further assessment of the proposed building operations can be found in paragraph Q.1(i).

*Q.1 Development is not permitted by Class Q if—

(a)in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i)on 24th July 2023, or

(ii)where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b)in the case of a site that was (but is no longer) part of an established agricultural unit—

(i)the site was part of an established agricultural unit on 24th July 2023,

(ii)where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii)since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose

Officer comment: The submitted application form confirms the site is part of an established agricultural unit on 24th July 2023.

(c)the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

Officer comment: Compliant. Accompanying drawings of the proposed floor plans and elevation confirm each separate dwellinghouse would have a floor space of 150m2 each.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii)the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

Officer comment: (2) For the purposes of Class Q.1(d), "the original limits of an established agricultural unit" means—

(a)in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(b)in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(c)in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.]

The extent of the established agricultural unit is 125 acres and the applicants have provided mapping to demonstrate this extent. Planning history on the established agricultural unit indicates prior approval application for the Class Q conversion of two agricultural buildings to dwellings had been granted in 2014 and 2015. These converted dwellings are within the immediate vicinity. The submitted application form confirms the total combined floor space (previously and in this proposal) changed to Dwellinghouses under this permitted development right on this established/former agricultural unit would be under the 1,000m2 threshold stated in section (d).

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

Officer comment: Compliant. The application form states that the site is not currently occupied under an agricultural tenancy.

(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,

Officer comment: Not Applicable. The application form states that the site is not currently occupied under an agricultural tenancy nor have agricultural tenancies have been terminated in the year before.

(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 during the period which is 10 years before the date development under Class Q begins.

Officer comment: Compliant. The submitted application form, agricultural unit plan and planning history on the site confirms that no work under the permitted development rights for the erection, extension or alteration of an agricultural building Under Class A(a) or B(a) has been carried out on the agricultural unit during the 10 years.

(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, other than—

(i)extension of the building allowed by paragraph Q.1(i);

(ii)protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

Officer comment: Compliant. The submitted existing and proposed floor plans and application form confirm the development would not result in the external dimensions of the building extending beyond the external dimensions.

(i)the development under Class Q(b) would result in an extension that—
(i)has more than one storey,
(ii)is sited anywhere other than to the rear of the existing building,
(iii)extends beyond the rear wall of the existing building by more than 4 metres,
(iv)has eaves the height of which exceed the height of the eaves of the existing building,
(v)is higher than whichever is the lower of—
(aa)the highest part of the roof of the existing building, or
(bb)a height of 4 metres above the ground,
(vi)extends beyond a wall that forms a side or principal elevation of the existing building, or
(vii)would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
(aa)the hard surface was not provided on the land on or before 24th July 2023, or
(bb)where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

Officer comment: Compliant. The submitted existing and proposed floor plans and application form confirm the development would not result in the external dimensions of the building extending beyond the external dimensions.

(j)the development under Class Q(c) 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(j)(i),

Officer Comment: Compliant. The submitted application form confirms the building works or other operations to convert the barn into dwellings would involve the following. The installation of doors and windows, water and drainage however, electricity is already in place in the existing barn. The partial demolition maybe required to carry our works listed above. The submitted application form states that the existing footings, slab and frame to remain.

Notwithstanding that the building operations details submitted on the application form, the PPG sets out that the permitted development 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.

Given the above, it is not considered that the development would involve building operations which go beyond the scope of what is permitted by Class Q.

(k)the site is on article 2(3) land,
Officer comment: Compliant.

(l)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,
Officer comment: Compliant.

(m)the site is, or contains, a scheduled monument,
Officer comment: Compliant.

(n)the building is a listed building,
Officer comment: Compliant.

(o)the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or
Officer comment: Compliant. Each dwelling proposed would meet and exceed the NDSS standards for a single storey two-bedroom four-person dwelling.

(p)the building does not have suitable existing access to a public highway.
Officer comment: Compliant. The proposed dwellings would be served by an existing vehicular access to the site, and no alterations are proposed to this access.

*Conditions - Q.2
(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must 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
Officer comment: The proposed dwellings would be served by an existing vehicular access to the site, and no alterations are proposed to this access. The Highway Authority were consulted as part of the application and raise no objection in principle to the access. The Highways Officer did, however, raise concerns over whether the proposed access arrangement would serve residential and agricultural vehicles.

An email was received by the LPA on the 09/12/2024 from the applicant's agent which confirmed the agricultural unit has a separate access for farm machinery. As such the Highway Authority recommend the existing access is widened to at least 5m for 10m from the carriageway edge to facilitate two-way traffic movements and deliveries turning into the site.

Notwithstanding this, the proposal does not seek to alter the existing access as during the course of application 24/01276/PMBPA the Officer considered that 'the access already serves 3 dwellings and it is not considered that improvements to the access would be warranted for the two additional dwellings proposed. There is considered to be ample room within the wider site for vehicle turning etc. It is not considered that the provision of two dwellings on the site would have a material adverse impact on the highway network. ' The transport and highway impacts of the development are considered acceptable in this instance.

Due to the nature of this prior approval application, the curtilage indicated is drawn tightly around the existing building. Notwithstanding this, it is considered there is sufficient parking provision on the existing hardstanding area around the existing building to accommodate parking for the occupants of the four dwellings.

The transport and highway impacts of the development are considered acceptable in this instance.

(b) noise impacts of the development
Officer comment: The purpose of condition (b) is to consider whether the development itself would cause any harmful effects in terms of noise, rather than whether it is unacceptably affected by noise. Noise associated with the proposed residential use of the building is considered sympathetic to the adjacent residential dwellings. The noise impacts from the proposed change of use are considered minimal and acceptable.

(c) contamination risks on the site
Officer comment: The Environmental Health Officer has been consulted as part of the application. Given the existing use of the site as agricultural, the EH Officer recommends the

imposition of a condition that ensures that there is no residual contamination from the previous use (such as agrochemicals, fertilizers, pesticides, herbicides, fuels, lubricants, buried animal carcasses, areas of waste incineration, asbestos containing materials, etc) that may impact on the future occupiers of the development. The contamination risks on site are considered acceptable, subject to the imposition a contamination condition.

(d) flooding risks on the site
Officer comment: The site is located in Flood Zone 3 on the Environment Agency's Flood Map for Planning and Huntingdonshire's Strategic Flood Risk Assessment (2017) and as such the Environment Agency was consulted.

It is noted the accompanying FRA has been updated since the submission of 24/01276/PMBPA. The updated FRA considers the potential flood risk on site including impacts to pump failures of the Middle Level Commissioners and IDB and details mitigation measures to ensure the occupants of the proposed barn conversion work would be protected.

The Environment Agency were consulted as part of the application to consider the amended FRA. The Environment Agency objected to the submitted FRA as it does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks associated with the proposed development. Given the above, the Local Planning Authority cannot be satisfied that the flooding risks on the site would be acceptable.

(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
Officer comment: Compliant. Given there is an existing access and there are other residential buildings within the vicinity, the proposed change of use would not be isolated in the countryside. The siting and location of the structure is acceptable.

Case law has established that a range of other factors may also be considered, including whether protected species are present and how they might be harmed or affected. Whilst it is acknowledged that protected species are not specifically referred to in the GPDO, paragraph Q.2(1) of the GPDO does require consideration of whether the location or siting of a building makes it otherwise impractical or undesirable to create a dwellinghouse. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty to consider relevant Directives and whether there is a reasonable likelihood of Protected Species being present and affected by a proposal.

A Preliminary Ecological Appraisal accompanied the application. A survey undertaken on the site found no presence of protected, priority or rare species. The barn was not found to be a habitat for roosting bats or nesting owls. The Appraisal concludes that the risk of the proposed conversion to protected, priority or rare species to be low but does however, provide some recommendations to minimise the residual risk to species such as birds, amphibians, hedgehogs and bats. The Wildlife Trust were previously consulted as part of 22/00816/PMBPA and raised no concerns with the proposed change of use but recommended the imposition of a condition to ensure the mitigation and enhancement measures detailed in the report are secured.

Subject to conditions, it is considered that the proposal would comply with Section 15 of the National Planning Policy Framework 2024 and the best practice guidance of BS 42020:2013 'Biodiversity - Code of practice for planning and development'.

The existing barn is situated between residential development 1, 2, 10 and 11 Tower Farm Barns, 1 and 2 Tower Farm Cottages. On this basis, it is considered the proposed residential use of the barn would not be undesirable or harmful in terms of residential amenity.

(f) the design or external appearance of the building
Officer comment: Compliant. The proposal seeks to utilise the existing footprint of the building and retain the barns appearance. The design and external appearance is considered acceptable as it would reflect the rural character of the site and the surrounding area. Whilst it is acknowledged the proposed change of use would increase the extent of residential paraphernalia in the countryside, given the application site is adjacent to several dwellings, the proposed use is not considered to significantly over develop the site.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,
Officer comment: Compliant. Adequate natural light would be provided into the habitable spaces of each dwelling through the installation of windows and rooflights.

*Conclusion:
For the reasons set out above, it is considered that the proposal is contrary to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is therefore required and refused for the reasons set out below. Planning permission is required for the proposed development.

1. The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately address flood risks associated with the proposed development. In the absence of a suitable Flood Risk Assessment, the Local Planning Authority cannot be satisfied that flooding risks on site would be acceptable. The proposal is therefore contrary to Schedule 2, Part 3, Class Q.2(d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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CONTACT OFFICER:
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