HUNTINGDONSHIRE DISTRICT COUNCIL

24/02037/PMBPA

OFFICER REPORT

Case No: **24/02037/PMBPA** **Prior Approval Agricultural to Dwellings**

Proposal: **Change of use of agricultural building into a three bedroom single occupancy dwelling, with parking and private amenity space**

Location: **Barn 291 Oilmills Road Ramsey Mereside**

Applicant: **Mr Dyer**

Grid Ref: **528187 289464**

DESCRIPTION OF SITE AND APPLICATION

The application relates to an agricultural building (used for agricultural precision by a farmer as part of their business) and lies to the south-west of 291 Oilmills Road and north-west of the village centre.

The site is not within a Conservation Area and there are no Listed Buildings or protected trees in the immediate vicinity. It does however lie within Flood Zone 3 as per the most recent Environment Agency Flood Risk Maps and Data. It has a medium risk of fluvial flooding, very low risk of surface water flooding and is not considered likely to be impacted by groundwater or reservoir flooding.

This application seeks prior approval for change of use of an agricultural building to a single storey three-bedroom dwelling with external parking and amenity space under Class Q of Part 3 of the GPDO 2015 (as amended).

NATIONAL GUIDANCE

Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

The National Planning Policy Framework (2024)

Planning Practice Guidance

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

RELEVANT PLANNING HISTORY

0302514FUL - Erection of building to house swimming pool (Approved)

23/01253/HHFUL - Erection of a side extension, replacement rear extension and changes to material finish and fenestration of existing dwelling (including Juliet balcony) (Approved)

CONSULTATIONS

HDC Environmental Health - No objections.

Cambridgeshire County Council Highways Team - No objections (further details in the proceeding sections of this report).

Environment Agency - Objection (further details in the proceeding sections of this report).

Please note, there is no requirement for the LPA to consult the Local Town or Parish Council on applications submitted under Class Q.

REPRESENTATIONS

None received 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.

*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,

Officer comments - Compliant, the submitted statement details that the building in question has been used for purposes of agriculture (and so part of a unit) on and before the 24th of July 2023. This corresponds with earlier detail provided to the LPA as part of a separate enquiry. The building was also shown on plans submitted to the LPA in 2003 for application reference 0302514FUL. Further, a visit to the site confirms the 'weathered appearance' of a sign on the north-west elevation of the building referring to the name Dyer (the applicant) and detailing them as agricultural contractors. Therefore, notwithstanding the detail provided, the LPA are satisfied that the site/building has been in use for agricultural purposed prior to the 24th of July 2023.

(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: Not applicable, part a applies and is assessed above.

(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 - the unit does not exceed 150m².

(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: Compliant - the planning history for the site does not indicate that other such conversions under Class Q have been undertaken.

(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 - as detailed under part f (below) a letter between the tenant and the applicant has been provided to the LPA providing consent.

(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: Compliant - A letter has been provided as part of the application which is dated 10th October 2024 and details that the tenants have taken steps in moving their agricultural operations to another site which they own (in Farcet). The tenant has responded in a letter dated 11th October 2024 confirming acceptance of this and stating that they can fulfil their agricultural needs at the aforementioned premises and so have no objections to the proposals.

(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 planning history for the site does not show that any such development has been undertaken.

(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), (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 - no extensions are proposed as part of this development. The building will remain within its existing footprint and the rooflights/windows/doors do not project more than 0.2m from the surface of the building.

(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 building appears to be in a stable condition and appears to lend itself to such conversion. Whilst no structural details have been provided the submitted statement provides photographs of the building which shows that it has a solid concrete floor, brick base and substantial upper section and roof. This corresponds with photographs taken during a visit to the site. It is accepted that the upper sections/roof will require works as these appear to be constructed of asbestos but these are covered by part j(i)(aa) above.

(k) the site is on article 2(3) land,

Officer comment: Compliant - the site is not within a Conservation Area.

(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 - confirmed by Local Authority mapping and/or detailed within the Planning Statement.

(m) the site is, or contains, a scheduled monument,

Officer comment: Compliant - no such constraints are associated with the site.

(n) the building is a listed building,

Officer comment: Compliant - the building is not listed.

(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 201564 as read with the notes dated 19th May 2016 which apply to it, or

(p) the building does not have suitable existing access to a public highway.

Officer comment: Compliant - The plans show compliance with the standards set out above in terms of bedroom sizes. The overall floorspace (approx. 108m²) exceeds the minimum recommended space (95m²) for a 3-bedroom, six person dwelling. Access to the highway is discussed in the proceeding sections of this report but for the purposes of this part it is concluded that there is suitable access to the highway.

*Conditions - Q.2

(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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 access is from Oilmills Road which is a shared access with the dwelling known as 291 Oilmills Road. Cambridgeshire County Council as the Local Highways Authority have been consulted and originally requested a mini Transport Statement detailing vehicle movements associated with the site, cease of access to agricultural land to the south-west etc. Failing this, they did advise that plans showing compliance with the CCC shared access specifications would suffice and would negate the need for the statement. They also requested tracking details to show how vehicles would manoeuvre.

Following these comments, tracking details and a revised plan have been provided. CCC Have been re-consulted and raise no objections. They have advised in an email received by the LPA dated 19th December 2024 that the tracking detail is sufficient and that if the amended access details are provided there would be no need for a statement. They also commented in an email received by the LPA on the 6th of January 2025 that the revised access plan is sufficient and are therefore satisfied that the proposal is acceptable subject to condition. A condition shall be attached to the consent to the ensure that these are implemented prior to first occupation.

It should be acknowledged that Policy LP17 of the Local Plan requires one secure cycle storage space per bedroom for all Class C3 development unless it can be demonstrated that this is not

possible. In cases relating to prior approval, it is not considered necessary to use the full force of the policy in the assessment or condition details such as the scale or appearance of the storage as the constraints of the site sometimes make this unviable. In this case, it is concluded that given the scale of the land such provision can be accommodated (also referenced in the statement) but that there is no requirement to pursue further details of such provision.

(b) noise impacts of the development

Officer comment: HDC's Environmental Health Team have been consulted and, following a review of the details raise no objections. The LPA acknowledge that the windows serving the bedrooms are all facing towards the agricultural land to the south-west. However, whilst this is agricultural it is not a 'working farmyard' environment, and, whilst there may be occasions when equipment is operated in these fields this is not likely to be a daily disturbance or wholly unexpected of the location and impacts on other dwellings in the rural location. Overall, it is not considered that the siting (having regard to the surrounding residential uses) would make this an unsuitable or undesirable location for a dwelling.

(c) contamination risks on the site

Officer comment: HDC's Environmental Health Team have been consulted and, following a review of the details raise no objections nor have they requested that any conditions be added in respect of contamination. The development is therefore considered to be acceptable in this regard.

(d) flooding risks on the site

Officer comment: The site is located in Flood Zone 3 as per the most recent Environment Agency Flood Risk Maps and Data and has an overall low risk of flooding from other sources. There is one exception in that the EA considers the site at medium risk of fluvial flooding.
The Environment Agency have been consulted and object to the proposals on the basis that a Flood Risk Assessment has not been provided.

However, in respect of the above, whilst it is accepted that the NPPF (2024) requires that a Site Specific Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and part W(6)(a) of the GPDO (Procedure for applications for prior approval under Part 3) requires the EA to be consulted on proposals within Flood Zones 2 and 3, this proposal differs due to its location within Ramsey Mereside which is explained in further detail below:

The Council produced an updated Strategic Flood Risk Assessment (SFRA) in 2017, which defines Ramsey Mereside as being within Flood Zone 3. The Environment Agency (EA) flood zone mapping also shows Ramsey Heights, including the site, as being located within Flood Zone 3. Flood Zone 3 is defined as having the highest risk of flooding in the Government's National Planning Practice Guidance (PPG). The National Planning Policy Framework 2024 (NPPF) seeks to direct inappropriate development away from areas at the highest risk of flooding (whether existing or future). Where development is proposed in areas that are at the highest risk of flooding, the Framework requires a sequential, risk-based approach to the location of development, so as to avoid where possible, flood risk to people and property.

Existing raised defences, which the 2017 SFRA specifically does not take account of, provide some protection to existing properties in this area. In September 2017 the Huntingdonshire District Council Development Management Planning Committee agreed the following: Some villages, including some of the Ramsey villages, are entirely within Zone 3 in the 2017 SFRA. New development within settlements, including market housing, can in some cases help enhance or maintain the vitality of a rural community and this is a key objective of the Council's Planning Strategies and the NPPF. Therefore, for those villages which are entirely within Flood Zone 3 as defined in the 2017 SFRA only, the 2010 SFRA which took account of flood defences will be used as the basis for decision making, and general market housing will only be permitted in areas shown

as being in Flood Zone 1 as defined in that document. This approach follows discussions with the Environment Agency and the Middle Level Commissioners and will ensure that regard is still given to flood risk but will also allow some development to be approved in these villages to maintain their vitality.

The Huntingdonshire Strategic Flood Risk Assessment 2010 shows the site to be within Flood Zone 1 and the site is at low risk of surface water flooding and groundwater flooding as per the relevant 2017 SFRA maps.

Accordingly, as the site is considered to be in Flood Zone 1, no Sequential or Exception Test Assessments need to be undertaken and the proposal does not require the submission of a Flood Risk Assessment. It could be argued that, given the LPA's position that the site is considered to lie within Flood Zone 1 that there was in fact no requirement for the EA to be consulted.

Having regard to the existing layout of the site and lack of increased footprint of the building it is also concluded that there would be no additional surface water run-off impact.

Overall, whilst the LPA acknowledge the EA's position. For the reasons detailed above it is concluded that the conversion of an established building on the site to a single dwelling is acceptable in terms of both flood risk and surface water and therefore broadly accords with Policies LP5 and LP15 of the Local Plan to 2036.

(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 or external appearance of the building

Officer comment: The siting of the building is assessed in the preceding sections of this report. In terms of its appearance, there is no increase in scale and, overall, the unit retains a 'barn style' appearance and the materials/products to be used (as detailed on the submitted plans) should assimilate it into the locality.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

Officer comment: All the habitable rooms would benefit from at least one window or opening, and it is considered that adequate natural light would be provided into the habitable spaces of the proposed dwellings.

*Conclusion:

It is considered that the proposal complies with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is required and approved, subject to conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**