OFFICER REPORT

Case No: 25/00834/PMBPA **Prior Approval Agricultural to Dwellings**

Proposal: **Change of use of an agricultural building to a dwellinghouse (C3), and for building operations reasonably necessary for the conversion**

Location: **Home Farm Brook End Catworth**

Applicant: **Mr Rupert Williams**

Grid Ref: **508511 273181**

DESCRIPTION OF SITE AND APPLICATION

The site to the south of Brook End, Catworth, and located to the west of the village on a former farmstead. The site itself comprises an agricultural barn and associated hardstanding. This application seeks prior approval for the change of use of an agricultural building to 1 no. 3-bedroom dwellinghouse (Class C3) under Class Q of Part 3 of the GPDO 2015 (as amended).

Class Q permitted development (PD) rights were amended on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions to the building, and to increase the total number of dwellings from 5 to 10. The amended PD rights no longer permit the creation of any dwelling with a floorspace over 150 square metres (previously, 'larger' dwellings could be up to 465 square metres) and removes the eligibility of any building that does not have suitable existing access to a public highway (previously, this was not an eligibility requirement).

As set out in the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024, an application for a determination as to prior approval in relation to previously permitted development under Class Q can be made until the end of 20th May 2025. The submitted application form confirms that this application will use the permitted development rights which stood prior to the 21 May 2024 and as such the application will therefore be assessed on this basis.

Officers note the application is accompanied by a supplementary information template as the applicant is exercising their right to utilise superseded permitted development rights for agricultural conversions as they stood prior to the 21st of May 2024 (01/08/2020). The form indicates that this is valid for submissions made to the Local Planning Authority made prior to 21st of May 2025.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - 01/08/2020

Section 336 of the Town and Country Planning Act (1990)

The National Planning Policy Framework (2024)

Planning Practice Guidance

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

PLANNING HISTORY
Relevant planning history not within the application site but associated with the wider farmstead is as follows:
22/02331/AGDET-General purpose building to replace buildings permitted for redevelopment- Not PD details required.

22/80392/COND-Discharge of Condition 3 (External Finishes Schedule), Condition 6 (Landscaping) and Condition 7 (Biodiversity Enhancement Scheme Report) of 20/01725/FUL.

23/02495/FUL-Demolition of an existing agricultural building and erection of a replacement dwelling with associated parking and landscaping-Refused 08.07.2024

23/02496/FUL-Demolition of an existing agricultural building and erection of a replacement dwelling with associated parking and landscaping-Refused 22.07.2024
20/01725/FUL-Conversion of traditional agricultural building to two residential dwellings including demolition of modern agricultural structures.- Permitted 25.01.2022

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 should the development be permitted.

CCC Highways - No objection. It is noted that the application is for a change the use of an existing barn into a dwelling. The dwelling will use an existing vehicular and pedestrian access to the site. There will be parking for two vehicles on site. From the perspective of the Local Highway Authority the proposed development is acceptable. Recommends the imposition of conditions in the interests of satisfactory development and highway safety should the development be permitted.

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

SUMMARY OF ISSUES
Q. Development consisting of—
(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Officer comment: Compliant. The accompanying planning statement and submitted application form confirm the application seeks prior approval for change of use of an agricultural building and its curtilage to one 4 no. bedroom dwellinghouse (Class C3) under Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (otherwise known as the GDPO), using the permitted development rights as it stood prior to 21st May 2024. The submitted planning statement confirms the development proposed would involve building operations reasonably necessary to convert the building in accordance with paragraph Q(b) of the GDPO.

As per Part 3 'X' of the General Permitted Development Order (GDPO), "agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses. Furthermore, "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 this context, the application must be supported with evidence to demonstrate the structure is an 'agricultural building' to satisfy criteria (b) of paragraph Q and therefore, the main issue to consider is whether the building has been used as an agricultural building.

In the accompanying planning statement and supplementary information template, the applicant confirms the application site has been used solely for agricultural purposes and forms part of an established agricultural unit, with the building in use for agricultural purposes. The statement also notes that the barn is part of a wider farmstead which has a number of agriculture related buildings and the agricultural fields to the south, east and west in the wider ownership of the applicant.
Whilst no further information has been provided to clarify the agricultural use of the building or its association with an agricultural trade or business, Officers note within the immediate vicinity of the barn the demolition of agricultural buildings and the replacement with two dwellinghouses has been permitted. Therefore, the LPA does not have any evidence to contradict the applicant's claims that the building was in agricultural use.

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.

The application is accompanied with a Structural Inspection Report by Rupert Williams undertaken on 7 March 2025. The submitted report concludes the barn as existing structurally comprises of steel I-sections and lattice trusses with corrugated steel cladding. The report states there is evidence of surface rust throughout, and some structural elements show some minor signs of impact or deformation particularly to columns and cladding. Some repair and replacement of steel elements and maintenance to the building would be required to make the building suitable for conversion to residential use.

In light of the submitted evidence, the extent of building operations to convert the building into one large dwellinghouses is not considered substantial or goes beyond what is reasonably necessary to convert the building to dwellinghouses.

In light of the above, the Local Planning Authority is therefore able to ascertain the building was formally used as an 'agricultural building' as defined in Part 3, 'X', (Interpretation of Part 3) and that reasonably necessary building operations would be required to convert the building. The proposed development is therefore considered to constitute development consisting of paragraph Q(b) works.

*Q.1 Development is not permitted by Class Q if—
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)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 comment: Compliant. The accompanying planning statement and supplementary information template states the site was in agricultural use on the 20th March 2013. Officers are therefore

satisfied the development proposed accords with paragraph Q.1 (a) (i). Paragraphs Q.1 (a) (ii) are not applicable in this instance.

(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;
(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

Officer comment: Compliant. The development is for the conversion of the barn to 1 no. larger dwellinghouses under Class Q, which would not exceed 465 square metres. There are no other barns within the vicinity of the site and farm which have benefited from Class Q PD rights.

(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;
Officer comment: Not applicable. The proposal does not seek to develop smaller dwellinghouses. The development is for the conversion of the barn to 1no. dwellinghouse under the larger dwellinghouse option, and the proposal is not being considered under the smaller dwellinghouse assessment

(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;
Officer comment: Compliant. The development is for the conversion of the barn to 1 no. larger dwellinghouses under Class Q which would not exceed 465 square metres. There are no other barns within the vicinity of the site and on the agricultural unit which have benefited from Class Q PD rights and therefore the development would not exceed 5 separate dwellinghouses.

(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 accompanying application form and supplementary information template confirms the site is not currently occupied under any agricultural tenancy agreements.

(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. The accompanying application form and supplementary information template confirms the site is not currently occupied under any agricultural tenancy agreements.

(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;
Officer comment: Compliant. It is noted an agricultural determination for the erection of a general-purpose building to replace buildings permitted for redevelopment under Class A(a) of the GDPO (application ref 22/02331/AGDET) on the agricultural unit was submitted to the LPA in Nov 2022. The Council determined the development was not permitted development. Site photos submitted by the agent confirms the barn in question has not been erected.

In addition, the submitted and supplementary information template and planning statement confirms no permitted development rights for the erection, extension and alteration of an agricultural building have been executed since the 20th March 2013 or 10 years prior.

(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;
Officer comment: Compliant. The accompanying existing and proposed block and floor plans and planning statement confirm the external dimensions of the building would not extend beyond the external dimensions of the barn as existing as a result of the conversion.

(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);
Officer comment: Compliant. 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.

The accompanying Structural Inspection Report the report concludes that the barn is structurally composed of steel I-sections and lattice trusses with corrugated steel cladding. Surface rust and minor damage to columns and cladding were observed. Whilst some repairs and maintenance are needed to make the structure suitable for residential conversion, it is considered by the LPA that the proposed building operations do not go beyond what is reasonably necessary to convert the building and therefore accords with paragraph Q.1 (i)(ii).

(j)the site is on article 2(3) land,
Officer comment: Compliant. Whilst adjacent to the Conservation Area, the barn and extent of the application redline boundary are not on article 2(3) land.

(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,
Officer comment: Compliant.

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

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

*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 converted barn proposed would be serviced by the existing vehicular access off Brook End.

The access as existing services the previously permitted dwellings (permitted under application ref 20/01725/FUL and retained agricultural buildings. As the proposed development would use of the existing access off Brook End, Cambridge County Council have been consulted on the application as the Local Highways Authority.

The Highways Officer raised no objection to the proposal as the proposed development will utilise the existing vehicular and pedestrian access to the site, and will provide on-site parking for two vehicles. However, it is recommended that conditions be imposed to ensure the development proceeds in a satisfactory manner and maintains highway safety.

(b) noise impacts of the development
Officer comment: Compliant. 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: Compliant. The Environmental Health Officer has been consulted as part of the application. The Officer raises no objection to the development subject to the imposition of a condition that ensures that there is no residual contamination from the previous use that may impact on the future occupiers of the development should the development be permitted.

(d) flooding risks on the site
Officer comment: Compliant. The site is located in Flood Zone 1 on the Environment Agency's Flood Map for Planning and Huntingdonshire's Strategic Flood Risk Assessment (2024) and therefore risks from fluvial flooding on the site are considered to be low. The site is also not at risk from surface and groundwater flooding.

(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. The Planning Practice Guidance outlines that permitted development rights under Class Q does not apply or require a test in relation to the sustainability of a location. Instead, the site has to be assessed whether the location would be impractical (not sensible or realistic) or undesirable (harmful or objectionable).

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) e 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 by Rupert Williams and dated March 2025 accompanied the application. The desk based ecological assessment found no evidence of protected species within the application site. Despite the site being within 250m of a pond, the PEA noted that on site habitats are poor for Reptiles & Amphibians and that no species have been recorded within or in proximity to the site. Further ecological studies were not recommended in the conclusion of the report. It is therefore not considered that the proposal would result in harm to protected species or habitats, subject to the imposition of a compliance condition for the development to be carried out in accordance with the recommendations set out in chapter 6 in the PEA.

(f) the design or external appearance of the building
Officer comment: The accompanying proposed elevations (dwg no. 22455_03 Rev C) demonstrate the building would retain its barn appearance externally. The proposed installation of windows would be sited in such a position to not unbalance the appearance of the building and be of an appropriate size and design.

Given the building would retain its barn appearance following the conversion into a single residential dwelling, the design and external appearance would respect the rural character of the site and the surrounding area and is therefore considered acceptable.

As detailed on the submitted elevations (dwg no. 22455_03 Rev C) external materials would comprise of black corrugated metal cladding, buff brickwork to match adjacent structures, aluminium windows/doors and black UPVC rainwater goods. The proposed material palette is considered acceptable and sympathetic to this edge of settlement former agricultural farmstead. A compliance condition shall be imposed on any future consent to ensure the barn is converted using the materials proposed.

(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.

*Conclusion:
For the reasons set out above, 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.

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CONTACT OFFICER:
Enquiries about this report to **Charlotte Dew**