OFFICER REPORT

Case No: 25/00109/PMBPA **Prior Approval Agricultural to Dwellings**

Proposal: **Proposed change of use of one agricultural builidng to 4no dwelling houses (use class C3) and associated operational development**

Location: **Barn South Of Whitsey Barn Mill Barn Farm Bridge Road**

Applicant: **Farmland Reserve UK**

Grid Ref: **528395 277087**

DESCRIPTION OF SITE AND APPLICATION

The site to the south of Bridge Road, Broughton and located in a hamlet of former agricultural buildings, comprises an agricultural barn and associated hardstanding. This application seeks prior approval for the change of use of an agricultural building to no.4 dwellinghouses (C3), comprising of 2 no. smaller dwelling under 100sqm and 2 no. larger dwellings, 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 permits 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 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is accompanied by a supplementary information template as the applicant is exercising their right to utilise superseded permitted development rights for agricultural conversions as they stood prior to the 21st of May 2024. The form indicates that this is valid for submissions made to the Local Planning Authority made prior to 21st of May 2025.

It is also noted that the barn subject to this application was also subject to a prior approval application (application ref 24/01752/PMBPA) in 2024 which was refused for the following reason:

- The substantial demolition of the building would not amount to partial demolition to the extent reasonably necessary to carry out building operations to convert the building to a use falling within Class C3 (dwellinghouses) as permitted by Class Q. Therefore, the proposal would be contrary to Q.(b) and Q.1 (i)(ii) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

25/0010/PMBPA- Proposed change of use of agricultural building to 3no dwelling houses (Use Class C3) and associated operational development-Pending consideration.

24/01752/PMBPA- Change of use from agricultural building to 3 dwellings and associated operational development- Prior Approval Refused 20.11.2024.

Other applications adjacent to the application site but not associated with the agricultural building subject this application:

16/02660/PMBPA - Proposed change of use of agricultural building to dwellinghouses (two) (Class C3) - Approved

17/02063/PMBPA - Conversion of unused agricultural barn into a single storey dwelling unit - Approved

18/01077/HHFUL - Single storey extension to an existing single storey residential barn conversion - Approved

18/01765/PMBPA - Proposed conversion of an agricultural barn to two 'large' dwellings and one 'small' dwelling (Class Q - Part A and B) - Approved

18/02512/FUL - Regularisation of a converted agricultural barn as a single dwelling - Approved

20/00828/FUL - The demolition of an agricultural barn (prev approved under prior approval class q, part a and b) and the erection of two four-bed dwellings and one two-bed dwelling with associated amenity areas - Approved

24/00458/HHFUL - Single storey rear extension - Withdrawn

CONSULTATIONS

HDC Environmental Health - No objection. Recommends the imposition of a site contamination condition.

CCC Highways - No objection. The access was improved to accommodate the 6 dwellings permitted on the wider Mill Barn Farm site. No significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of Planning Permission.

The Highways Officer did however note the site is in a remote location and there are no footways/cycleways to connect it to local facilities/amenities. Notwithstanding this, this prior approval application is not assessed against sustainability criteria but Class Q permitted development detailed in the statutory legislation of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024. Planning Practice Guidance also outlines that permitted

development rights under Class Q does not apply or require a test in relation to the sustainability of a location.

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 no.4 dwelling houses (Class C3) under the transitional arrangements of Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (otherwise known as the GDPO), which would involve building operations reasonably necessary to convert the building. The application asserts the proposal consists of development which accords with paragraph Q(a) and 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 (a) 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 was in agricultural use on the 20th March 2013 and an email received by the LPA on the 10th February 2025, confirmed the barn was in use as a seed drying out barn in July 2024. A site visit was undertaken in February 2025 and the building appeared to be redundant. Whilst no further information has been provided to clarify the previous agricultural use of the building or its association with a trade or business, Officers note within the immediate vicinity of the barn, buildings have been granted permission under Class Q. Therefore, the LPA does not have any evidence to contradict the applicant's claims that the building was in agricultural use.

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).

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 Appraisal by Loveland and dated September 2024. The submitted report concludes the steal portal frame, foundations, purlins and cladding are in good condition and no major fractures, distortion or deflection was noted by the qualified structural engineer. The report states that the proposed conversion would include remove two single bays to the rear of the two-storey units to facilitate the conversion and retain the envelope of the existing building is to remain including the formation of new
openings through the perimeter walls and roof for access and light. The report confirms any alterations to the articulation of the existing super structure except for the removal of full bays is not intended as part of this change of use application.

Comparisons between the existing block and proposed block plan demonstrates 81sqm of the buildings floorspace would be demolished to convert the barn to 4no. dwellinghouses. Partial demolition to carry out reasonably necessary building operations is encompassed by the right under Class Q and the submitted evidence demonstrates it is necessary to carry out the building operation of demolition to suitably convert the building whilst maintaining its structural integrity. Additionally, the planning statement confirms the demolition proposed would reduce the depth of the building to a reasonable extent for it to function as 4no residential dwellinghouses. As a result of the proposed demolition 18 linear metres of walls would be installed on the northern elevation of the building. As detailed in the accompanying planning statement the proposed conversion would also involve the installation of windows and doors, the retention of existing walls and roof to be replaced with new fenestration.

In this instance and in light of the submitted evidence, the extent of building operations to convert the building into 2no. large and 2no. smaller 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, Q(a) and 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) 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;
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) and (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;
Officer comment: Compliant. The proposal would create 2 larger dwellinghouses under class Q. Planning history indicates there have been three previous Class Q approvals on the wider

Mill Barn Farm site. Notwithstanding this, the accompanying planning statement confirms that only one Class Q approval was implemented. The approval in question was the conversion of a Snow Barn under application 17/02063/PMBPA, which was subsequently developed to form a single smaller dwellinghouse of 77sqm. Prior approval applications 16/02660/PMBPA and 18/01765/PMBPA were approved but full applications for the demolition and replacement of the building were subsequently approved and built out. The proposal therefore accords with part b(i) aa.

The submitted ground floor plan of the existing building confirms the building is approximately 500sqm. The submitted proposed floor plan (dwg non PL43 rev A) confirms that following the proposed demolition, extension and conversion of the building would form 2 no. 172sqm larger dwellinghouses (334sqm cumulative). The proposal therefore complies with b(i) bb.

(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 proposal seeks to change the use of the barn into 2no. larger dwellinghouses with a combined floor space of 334sqm and 2 no. smaller dwellinghouses with a combined floor space of 148sqm. The largest of the proposed dwellinghouses would be 172sqm. The proposal therefore accords with part b(i) ba.

(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: Compliant. The cumulative number of dwelling houses on the Mill Barn Farm agricultural holding would not exceed 5no. The smaller dwellinghouses proposed would have a floor space of 74sqm each. The proposal therefore complies with criteria c(i) aa and c(ii) bb.

(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. As detailed in preceding sections of this report, the agricultural holding of Mill Barn Farm has benefited from three previous Class Q approvals however, the applicant has advised that only one small dwelling conversion has been implemented, and the other permissions have been superseded by full permissions. The site visit undertaken by Officers in February 2024 confirmed this is a valid statement. The cumulative number of separate dwellinghouses under Class Q would therefore not exceed 5.

The application seeks to convert the barn into 2 no. larger and 2 no. smaller dwellinghouses. The combined floor space of the proposed larger dwellings houses would be less than 465sqm.

The accompanying supplementary information template also confirms compliance with the criteria listed above. The proposal therefore accords with paragraph Q.1 d parts i and ii.

(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. The submitted and supplementary information template 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.

The application is also accompanied with a map displaying the extent of the established agricultural unit. Officers have checked the extent of the agricultural unit and can confirm that no 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 agricultural unit.

(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 confirm the external dimensions of the building would not extend beyond the external dimensions of the barn as existing.

(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.

As detailed in a preceding section of this report, the proposal involves the demolition of approximately 81 sqm of the building, installation of exterior walls, installation of doors and windows to facilitate the proposed change of use. The building operations allowed under Class Q would be carried out using the footprint of the existing building, albeit modest demolition would be required. It is therefore considered 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.

(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 four additional dwellings proposed on the Mill Barn Farmstead would be serviced by the existing vehicular access off Bridge Road. The access as existing services the existing dwellings, several new dwellings and converted barn. As the proposed development would intensify the use of the access, 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 existing access was improved to accommodate the 6 dwellings permitted on the wider Mill Barn Farm site. No significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of Planning Permission. The Officer did raise questions over the sustainability of the site however, 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.

(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 submitted Preliminary Contamination Risk Assessment written by Paddock Geo Engineering (report reference P24-215pra, dated August 2024) was reviewed by the Officer and the findings of the report are agreed by the Officer. The Officer recommends the imposition of a site contamination condition. Subject to the imposition a condition requiring further assessment of contamination, the contamination risks on site are considered acceptable.

(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 the flooding risks on the site are considered to be low.

(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 dated June 2024 accompanied the application. The desk based ecological assessment and site survey found the site to have limited natural features, no presence of protected species and sensitive habitats and therefore the proposal would have a minimal impact on the overall ecology of the area. 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.

(f) the design or external appearance of the building
Officer comment: As detailed in preceding sections of this report the building operations used to convert the building into four dwellings would comprise of partial demolition, installation of walls, windows and doors.

The accompanying proposed elevations (dwg non PL45) 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 four dwellings, the design and external appearance would respect the rural character of the site and the surrounding area and is therefore considered acceptable.

As the application is not accompanied with details of external materials, it is recommended that a condition is imposed on any consent to secure these further details.

(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.

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 **Charlotte Dew**