**HUNTINGDONSHIRE DISTRICT COUNCIL**

**25/00782/PMBPA**

**OFFICER REPORT**

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**Case No:** **25/00782/PMBPA** **Prior Approval Agricultural to Dwellings**

**Proposal:** **Conversion of agricultural barn to single dwelling (with demolition of one of the extensions to the barn)**

**Location:** **Agricultural Buildings Stone Farm The Hollow**

**Applicant:** **Mr & Mrs Newman**

**Grid Ref:** **531578 284807**

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## DESCRIPTION OF SITE AND APPLICATION

The application relates to an agricultural building which forms part of Stone Farm and which lies to the east of Ramsey Hollow Drove. The site is not within a Conservation Area and there are no Listed Buildings or protected trees within the immediate vicinity.

The site does lie within Flood Zone 3 and has a medium chance of fluvial flooding as per the most recent Environment Agency Flood Risk Maps and Data.

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

It should be noted that the application form details that the applicant is exercising their right to utilise superseded permitted development rights for agricultural conversions as they stood prior to the 21st of May 2024 amendments to Class Q of the GPDO. The form indicates that this is valid for submissions made to the Local Planning Authority made prior to 20th of May 2025. This is to allow for the conversion of buildings to 'larger' dwellinghouses (defined as a floorspace exceeding 100m² but less than 465m² as per Part Q.3). The application was received prior to the specified date.

It is noted that the supplementary information template has not been provided with the application but in this instance, Officers are satisfied that there is sufficient details to determine the application.

## NATIONAL GUIDANCE

Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (pre-21st of May 2024)
The National Planning Policy Framework (2024)

Planning Practice Guidance

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

## PLANNING HISTORY

22/01783/FUL - Replacement Dwelling (Refused)

## CONSULTATIONS

HDC Environmental Health - No objections subject to condition.

Cambridgeshire County Council Highways Team - No objections.

Environment Agency - No objections.

**REPRESENTATIONS**

None received 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.

Aside from the determination as to the agricultural use of the site (below) Q.1(a) is not relevant and the assessment begins at Q.1(b) relating to larger dwellinghouses (Exceeding 100m² but less than 465m²).

*Q.1 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 comments - Not compliant. The submitted covering letter advises that the barn and the land on which it is sited is within agricultural use and has never had any different uses. However, whilst a review of the planning history of the site does not indicate any changes of use have occurred it is noted that under the refused application (22/01783/FUL) which was issued on the 3rd of February 2023 and which was for the same applicants the submitted planning statement advised that "the site is not used for agricultural purposes as it benefits from an existing residential (no agricultural tie) use, with rural buildings historically being used for lawful, non-agricultural uses so there would be no loss of agricultural land." Whilst this was for an alternative form of development (a replacement dwelling) it did involve the development of a large proportion of the site including the demolition of the building in question. The submitted Preliminary Ecological Appraisal for the application also shows the interior of the building in question which appears to be being used (at that time) for general storage but also evidence of machinery (engine parts). There is nothing to indicate it has an agricultural use.
A site visit was carried out as part of this current application and whilst it is acknowledged that the site is within the open countryside there was nothing to indicate that the site was in use for agricultural purposes. There was some informal vehicle parking with pallets and scrap metal outside the building. Land within the blue line appears separated by some informal boundary treatments but there was no evidence of livestock or arable farming taking place. Furthermore, no detail of a wider agricultural holding has been provided with the application.

A further review of the site also reveals that a business is registered at the address 'Final Drive Solutions.' Sales history dating back to Autumn 2018 indicate stabling at the site with no mention of agriculture. The covering letter advises that some informal grazing on a temporary basis is being undertaken (though not under a tenancy).

Officers have sought clarity from the agent who has suggested that given the current owners (and applicants) have only lived at the property since October 2021 there cannot have been four years of incidental domestic use. However, it is considered that given the site history, evidence from previous applications and the general characteristics of the site it cannot be concluded on the balance of probability that the site does have an agricultural use (even if this has not been formally regularised). Insufficient evidence has been provided with the application to demonstrate a contrary view. As such, the scheme is considered not to accord with Schedule 2, Part 3, Class Q, Q.1 (a) of the GPDO.

Q.1 (b) in the case of— 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 comments - Whilst as above the building is not considered to be within an established agricultural unit it does not exceed 465m² and results in the provision of a single dwelling.

(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 comments - The plans reflect that the proposed dwelling will not exceed this level of floorspace.

(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 comments - Not applicable, this application relates to a larger dwellinghouse.

(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 comments - This would be the only dwellinghouse provided under Class Q and does not exceed 465m, however, the site is not considered to be within an established agricultural unit.

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

(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 comments - The submitted application form details that the site is not occupied under an agricultural tenancy nor has one been terminated to allow for the development.

(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 comments - There is no evidence that any such development has been undertaken as per the planning history for the site.

(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 comments - No extensions are proposed as part of this development.

(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 comments - The submitted plans do not indicate that any additional works (other than those above) are proposed. Whilst not accompanied by a structural survey a site visit has been completed, and photographs (from the earlier refused application) show the interior and exterior of the building. These show a building which is in good repair and or substantial construction with a concrete base and so the LPA has no reason to consider that additional extensive works would be required.

(j) the site is on article 2(3) land;

Officer comments - The site is not within a Conservation Area.

(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 comments - No such restrictions identified within Local Authority Mapping.

(l) the site is, or contains, a scheduled monument; or (m) the building is a listed building.

Officer comments - No such constraints present.

*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 site benefits from existing access from Ramey Hollow Drove and this will be retained. Cambridgeshire County Council's Highways Team have been consulted and raise no objections to the scheme.

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 considered that there is some scope within the site to accommodate cycle storage relative to the scale of development.

(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 in terms of noise risk. Whilst the building is set at depth within the site, residential use (the existing dwelling along with other dwellings along Ramsey Hollow Drove) is a characteristic of the area and, given the rural nature of the area (and the expected activities associated with this) it is not considered that there would be an unacceptable impact on the occupiers of the dwelling in relation to noise nor would its provision result in unacceptable noise impacts on the surroundings.

(c) contamination risks on the site

Officer comment: HDC's Environmental Health Team have been consulted and have recommended that a condition is attached to the decision in order to investigate and deal with any contamination issues prior to first occupation. The development is considered to be acceptable in this regard (notwithstanding the other issues raised within this report).

(d) flooding risks on the site

Officer comment: The site is located wholly within Flood Zone 3 and has a medium risk of fluvial flooding as per the most recent Environment Agency Flood Risk Maps and Data. The application is accompanied by a Flood Risk Assessment (a repeat of that submitted for the 2022 application and

dated June 2022). The Environment Agency have been consulted and objected on this basis. As such, and addendum was provided and, following further review the EA raise no objections subject to the mitigation measures detailed within the addendum being added (which could be controlled by condition). They do consider if the sequential test should be applied, however, as per Para. 176 footnote 62 of the NPPF (2024) it is not necessary to apply the sequential test to developments relating to changes of use (of this nature). Overall, the development is acceptable in relation to flood risk and would comply with Policy LP5 of the Local Plan to 2036 in this regard.

(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) would ensure that it is assimilated well it into the locality.

In terms of suitability of siting. As detailed above, there is an established character of residential and other uses co-existing comfortably in the locality. Environmental Health Officers have not raised any concerns in terms of noise, odour, excessive thermal exposure and so on. As such, the LPA has no reason to consider that the site is unsuitable for such development.

(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 dwelling.

*Conclusion:

For the reasons discussed in this report 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.

Insufficient evidence has been provided to demonstrate that the site benefits from an agricultural use and forms part of an established agricultural unit. It therefore fails to comply with Schedule 2, Part 3, Class Q, Q.1 (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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