HUNTINGDONSHIRE DISTRICT COUNCIL

25/00925/PMBPA

OFFICER REPORT

Case No: **25/00925/PMBPA** **Prior Approval Agricultural to Dwellings**

Proposal: **Change of use of existing agricultural building to three dwellings at Cherry Lodge Farm, Puddock Road, Warboys.**

Farm is currently over 125 acres (see attached holding plan) Previously 350 acres. Growing wheat, barley, field beans potatoes and onions. Also have 38 acres of land in the SFI agreement scheme.
Holding number is 05/379/0261.

Location: **Cherry Lodge Puddock Road Warboys**

Applicant: **Mr and Mrs Robinson**

Grid Ref: **531707 282442**

DESCRIPTION OF SITE AND APPLICATION
The application site is situated in open countryside, approximately 2.3 kilometres northeast of the centre of Warboys village. The site currently comprises an agricultural barn and associated hardstanding, located on the southeastern side of Paddock Road, Warboys.

This application seeks prior approval for change of use of an agricultural building to 3no. two storey 3no. 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 the Council's Strategic Flood Risk Assessment (2024) and therefore at highest risk from fluvial flooding. The site is not at risk to groundwater or surface water flooding.

In December 2024 the agricultural barn was subject to a change of use application to residential (2 dwellings) under Class Q Part A (application 24/01885/PMBPA) for which Prior Approval was refused 19.09.2024. The application was refused for the following reason.
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).

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

24/01885/PMBPA- Change of use of existing agricultural building to two dwellings- Prior Approval COU Refused 20.12.2024

24/01276/PMBPA- Change of use of existing agricultural building to two dwellings- Prior Approval COU Refused 19.09.2024

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. The applicant has confirmed that the access will only be used by the residential properties and not for agricultural vehicles. In addition, it was noted that the Site Location Plan of previous application 21/01655/FUL indicates that the appropriate visibility splays are achievable. Therefore, the effect of the proposed development upon the Public Highway should be mitigated through the imposition of conditions should the development be permitted.

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

Environment Agency- No objection. The FRA indicates that finished floor levels will be raised to at least 0.25m AOD, and the site could experience flooding up to 1.3m in the event of a breach of the

Ouse Washes flood defences, with a maximum flood depth of approximately 1.0m AOD. Flood resistance and resilience measures are proposed up to 0.85m AOD, though there remains a risk of internal flooding during extreme events. The development includes refuge areas above predicted flood levels.

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) defines Agriculture 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'.

With respect to criterion Q(a), the applicant has stated on the application form that the site forms part of an established agricultural unit extending to approximately 125 acres. This holding is actively used for the cultivation of wheat, barley, field beans, onions, and potatoes. A map delineating the extent of the agricultural holding has been submitted alongside the application. Furthermore, the application form confirms that the building on the site is currently in use 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 accompanied the previously refused application (ref 24/01885/PMBPA). The report confirmed 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.

based on the information provided under application referenced (24/01885/PMBPA), 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.

Officer comment: Compliant. The building subject to this application forms part of the 125-acre agricultural unit at Cherry Lodge Farm. Planning history on the site indicates the site has been part of the established agricultural unit on the 24th July 2024 and has not ceased use as an agricultural building. The development accords with parts a and b of paragraph Q.1.

(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.

(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.]

Officer comment: Compliant. The extent of the established agricultural unit is 125 acres and the applicants have provided mapping to demonstrate this extent under the previous application 24/01885/PMBPA. 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. However, the submitted application form confirms only one of these permitted development Class Q conversions has been implemented and built out. 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 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 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 may be required to carry out works listed above. The submitted application form states that the existing footings, slab and frame are to remain.

The building operations allowed under Class Q would be carried out using the footprint of the existing building, albeit modest demolition may 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).

(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 have a Gross Internal Area (GIA) of 150m2. The GIA proposed would meet and exceed the Nationally Described Space Standards (NDSS) for a 2-storey, 3-bedroom, 6-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 accessed via an existing vehicular entrance, with no alterations required. This access is intended solely for residential use and will not accommodate agricultural vehicles. The Highway Authority has been consulted and raises no objection in principle. Furthermore, the Site Location Plan from a previous application (21/01655/FUL) confirms that appropriate visibility splays can be achieved at the access point.

Subject to the recommended conditions from the Highway Authority, the development of three dwellings is not expected to have a material adverse impact on the highway network. The transport and highway implications are therefore considered acceptable.

Although the curtilage for this prior approval application is tightly drawn around the existing building, there is sufficient space on the surrounding hardstanding to provide adequate parking for the proposed dwellings.

(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 (2024) and as such the Environment Agency was consulted.

The Environment Agency has reviewed the FRA which accompanies this application. The EA note the submitted FRA indicates that finished floor levels would be raised to at least 0.25m AOD, and the site could experience flooding up to 1.3m in the event of a breach of the Ouse Washes flood defences, with a maximum flood depth of approximately 1.0m AOD. Flood resistance and resilience measures are proposed up to 0.85m AOD, though there remains a risk of internal flooding during extreme events. The development includes refuge areas above predicted flood levels.

Given the above, the Local Planning Authority are satisfied that the flooding risks on the site would be acceptable, subject to compliance with the submitted FRA.

(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: Since there is an existing access point and nearby residential properties, the proposed change of use would not result in an isolated development in the countryside. The location and positioning of the building are therefore considered appropriate.

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 evidence of protected or priority species, and the site is considered low in ecological value. Bats, reptiles, amphibians, and rare plants were absent, and bird activity was limited to common species. Precautionary measures are recommended to protect wildlife during development, and enhancements such as bird and bat boxes and native planting are suggested to support biodiversity. The report concluded no further ecological surveys are required.

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 Hay Barn House, Rose Cottage, The Granary, The Old Dairy and Cherry Lodge. 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: The proposal aims to retain the barn's existing footprint and appearance, with a design that complements the rural character of the site and its surroundings. Although the change of use may introduce more residential features into the countryside, the site's proximity to other dwellings means the development would not result in significant residential overdevelopment in the countryside.

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