

**APPLICATION FOR PRIOR APPROVAL
FOR THE CHANGE OF USE OF
AGRICULTURAL BUILDINGS INTO THREE
DWELLINGS (CLASS C3) WITH
ASSOCIATED DEVELOPMENT**

AT

**BARNs AT WOODCOTES, SANDON,
SG9 0QZ**

July 2024



CONTENTS:

- 1.0** The Site and Proposal
- 2.0** Background
- 3.0** Compliance with Class Q
- 4.0** Prior Approval Procedure
- 5.0** Transport and Highway Impacts of the Development
- 6.0** Noise Impacts
- 7.0** Contamination Risks
- 8.0** Flood Risks
- 9.0** Practicability and Desirability of a Residential Change of Use
- 10.0** Design and External Appearance
- 11.0** Provision of Adequate Natural Light into all Habitable Rooms
- 12.0** Other matters
- 13.0** Summary

Appendices

- 1** Appeal Decision and Costs Award APP/C1570/W/21/3282677
- 2** Structural Report
- 3** Preliminary Ecological Appraisal (PEA)
- 4** Bat and Reptile survey



1.0 The Site and Proposal

- 1.1 The site is a farmyard which consists of 3 vacant former agricultural buildings, formerly used for housing chickens. None of the buildings are located within flood zones 2 and 3. The building subject to this application comprise of both a steel and timber frame, blockwork plinth, timber cladding, corrugated sheeting to the roof, with a concrete floor. Apart from some very low key storage of agricultural implements, the buildings are now underutilised.
- 1.2 This application is submitted to the Local Planning Authority (LPA) to convert the barn buildings into three dwellings as part of the conditions of Class Q for determination as to whether the prior approval of the authority will be required in regard to the design or external appearance of the building. The total converted area proposed is 465 square metres, with each dwelling being 155 square metres.
- 1.3 The proposed conversion of the barns will provide accommodation at ground floor level only. The building, when converted into three dwellings will contain three near identical layouts, with the main front entrance leading into the open plan living room/kitchen/diner area off which is a hallway to a toilet, leading on to 4 bedrooms and two en suite bathrooms. The three units mirror one another. The building is to be treated sensitively with existing external materials to be retained and improved where necessary. Sufficient space exists on the site to provide a discreet curtilage in compliance with the size constraints set down by Class Q.
- 1.4 These operational works fall under those permitted by Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, and subsequent amendments.

2.0 Background

- 2.1 The barn was designed for agricultural purposes and historically has been used as agricultural building (as at 20th March 2013) specifically the site was a poultry farm. This use



ceased in XXXXXXXX and the buildings have been used for occasional storage of farm implements but are now underutilised for continued viable commercial agricultural uses, being largely restricted to occasional storage. The applicant has considered their options, whether commercial or residential uses would be a preferable option, but on balance, residential would be the simplest option followed by the disposal of the site. There is consequently insufficient justification to warrant the buildings continued upkeep and use on site for agricultural purposes. The conversion of the building to A residential use will therefore represent a sustainable use of an existing underutilised resource, which will make a small, but meaningful contribution to the rural housing supply within the district.

3.0 Compliance with Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments).

3.1 In preparing this prior approval submission, regard has been given to Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments).

Here it is stated that 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 (dwelling houses) of the Schedule to the Use Class Order; and
- b. building operations reasonably necessary to convert the building referred to above, is permitted development, and therefore does not require express planning permission.

3.2 The proposed conversion and adaptation of the buildings as detailed in this application constitutes permitted development in this regard as set out by Class Q. However, under the class, the permitted development rights are subject to a series of conditions, which are discussed and responded to as follows.



- 3.3 Development is not permitted by Class Q under part (a) where the site was not used solely for an agricultural use, as part of an established agricultural unit on the 20th March 2013, or if the site was not in use on that date, when it was last in use. In response, the buildings were in agricultural use on 20th March 2013 and has only ever been used since 1948 for agricultural purposes and has never been put to any other use other than agriculture for the purposes of trade/business since this date. The proposed development therefore fully accords with Class Q in this respect.
- 3.4 Part (b) stipulates that for a 'larger dwellinghouse' within an established agricultural unit, the cumulative number of separate larger dwellinghouses developed under Class Q should not exceed 3, or the cumulative floor space of the existing building changing use to a larger dwelling house under Class Q should not exceed 465 square metres. Part (c) goes on to stipulate that for a 'smaller dwellinghouse' within an established agricultural unit, the cumulative number of separate smaller dwellinghouses developed under Class Q should not exceed 5 or any separate smaller dwellinghouse exceed 100 square metres. Part (d) stipulates that development under Class Q, together with any previous development under the same Class should not result in larger dwellinghouse/s having more than 465 square metres of floor space or the cumulative number of 'separate dwellinghouses' exceed 5. In response, no other dwellings have been developed within the established agricultural unit under Class Q. Furthermore, this proposal under Class Q will result in 3 dwellings with a Gross Internal Floor Area of 155 square metres, well below the overall 865 square metre threshold for larger dwellings and in line with the 465 square metres requirement for Class Q.
- 3.5 The site is not occupied under an agricultural tenancy and no such agricultural tenancies have been terminated within the past 12 months in compliance with part (e) & (f).
- 3.6 No development under Class (A) or Class (B) of Part 6 of this same schedule has been carried out on the established agricultural unit since 20th March 2013, which satisfies part (g).



- 3.7 Under part (h), the proposal is compliant in that the development would not result in the external dimensions of the converted building extending beyond the external dimensions of the existing buildings at any given point as can be seen from the submitted drawings.
- 3.8 Also, in regard to part (i), the development is compliant in that it will not consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls or, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
- 3.9 Furthermore in compliance with parts (j), (k), (l) and (m), the site is not on article 2(3) land and it does not form part of a site of special scientific interest, safety hazard area or military explosives storage area. The site also does not contain a scheduled monument and the buildings are not listed as a heritage asset. Indeed, there are no listed buildings in the vicinity, with the nearest being over 650 metres away from the host building.
- 3.10 In addition, the Council is also required to consider under Conditions Q.2 – (1) whether its prior approval is required for the proposed works in terms of;
- a) transport and highways impact of the development
 - b) noise impacts of the development
 - c) contamination risks on the site
 - d) flooding risks on the site, or
 - 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 dwelling house.
 - f) the design or external appearance of the building, and
 - g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

4.0 Prior Approval Procedure



4.1 Comments and observations in respect of the stated Prior Approval Procedure are set out below:

- As set out in section 1 of this report, the proposed development relates to the conversion of an agricultural buildings into three dwellings (Class C3)
- The attached site location plan, block plan, floor plans and elevation drawings identify the site and illustrates the proposed development.
- The applicant is Gerry & Kiran Jani, Woodcotes, Sandon, c/o Sworders.

5.0 Transport and Highway Impacts of the Development

5.1 The farmstead within which the barn is located benefits from an existing vehicular access from the public highway via a direct driveway, which serves all the agricultural buildings on site. The vehicular access joins a section of the public highway, which has historically provided access to the farmstead for both small vehicles and larger farm vehicles. It provides safe ingress and egress from the public highway, with good visibility in either direction and has sufficient capacity to safely accommodate the three dwellings proposed, with the permanent loss of agricultural traffic. Minimal traffic will be generated by the development, and traffic movements will not be to any sort of degree that would likely give rise to a material increase or change in the character of traffic using the driveway or local road network. The proposal will not therefore give rise to implications for highway safety or amenity. Furthermore, there is ample room for the parking of vehicles within the Class Q curtilage adjacent to the application building.



6.0 Noise Impacts

- 6.1 The barn is set in a quiet location with excellent levels of amenity. The site is not currently in use for any intensive agricultural purposes, neither are the neighbouring buildings which, as previously mentioned, are also redundant agricultural buildings. There are no existing external noise sources which would cause harm to the future occupiers of these converted buildings, therefore no harm will be caused to the residential amenity of any neighbouring property or those occupying the conversion.

7.0 Contamination

- 7.1 Given the nature of the barns past use for agricultural purposes, and more specifically for the housing of chickens, it is considered that the site does not present a significant contamination risk. The barns have no known use for the storage of fuels, agricultural chemicals, farm waste or similar that would likely give rise to contamination. In the event that the Council feel necessary, the applicant would be amenable to a condition requiring a Phase 1 Contamination condition.

8.0 Flood Risks

- 8.1 The buildings in question are located within Flood Zone 1 and is not in an area that has a critical drainage issue. A flood risk assessment is therefore not required.

9.0 Practicability and Desirability of a Residential Change of Use

- 9.1 The proposed change of use of the barns into residential dwellings is considered entirely practical and desirable, providing three dwellings that meets current local housing needs. As with the vast majority of farm buildings, the barns are located within the countryside as opposed to an urban setting, although the application represents a sustainable use of an existing resource and is within a reasonably short walk of the main village. The change of



use of the barns will enhance the locality and will not give rise to any demonstrable harm and in this regard the proposal does not conflict with the provisions of the NPPF, which is supportive of the re-use of rural buildings in the countryside (Paragraph 80). Furthermore, guidance has been issued by Government as part of the Planning Practice Guidance, which stipulates that Local Planning Authorities should not be determining prior approval applications on the basis of sustainability, this was further evidence on a recent appeal decision and costs award in Uttlesford (Appendix 1 APP/C1570/W/21/3282677).

- 9.2 Like with all Class Q proposals, the conversions will take place on an existing farmyard, and these two uses can work together and in many cases do so without issue, however in this instance, the conversion of the barn will cease agricultural uses at the top of the site, making it purely residential, whilst the lower end will remain redundant. Therefore, there are no noises, smells or vehicular movements which could give rise to any nuisance to the residential dwellings.
- 9.3 The principle of the change of use is considered acceptable by Central Government, who have altered the General Permitted Development Order to facilitate and encourage this type of proposal, without the need for express planning consent.
- 9.4 The proposed dwellings can be provided with a practical sized curtilage (although no bigger than the resultant dwelling) and sufficient parking can be provided, suitable for dwellings of this size.
- 9.5 The building is structurally sound and capable of residential conversion. It is suited for use and occupation as three independent residential dwellings, this is demonstrated in the structural report submitted as part of this application (see appendix 2). The entire framework and cladding of the buildings will be retained as part of the conversion and is suitable to sustain a conversion to residential purposes without requiring structural alterations. All existing blockwork and the main frame of the buildings will be retained as part of the conversion, being repaired and only replaced where absolutely necessary.



Internally insulation will be provided, meeting with the building regulations. The resultant appearance of the building will be a contemporary one, albeit that the materials and shape of the building will not alter.

10.0 Design and External Appearance

10.1 The chosen design provides a contemporary design solution. It purposely seeks to avoid a conventional domestic type of arrangement in fenestration terms, which often leads to bland uninspiring conversions under Class Q albeit that the proposals are constrained to the existing envelope of the building. The design and external treatment of fenestration ensures that the amenity afforded by the internal living space is of a very high standard and the resultant dwellings are in keeping with the agricultural character, form and massing of both the buildings. The buildings will be interesting, and modern, although only minimal changes are required externally to convert the agricultural building into a residential use.

11.0 Provision of Adequate Natural Light in all Habitable Rooms

11.1 A detailed scaled floor plan accompanies this application, which clearly demonstrates that the use of fenestration in the proposed design, allows excellent levels of natural light into all habitable rooms on each of the dwellings i.e. the main open plan living and dining area and all four bedrooms. In this sense, the proposed dwelling will provide a very high standard of accommodation.

12.0 Other Matters

12.1 A Preliminary Ecological Appraisal (PEA) has been carried out at the site (Appendix 3) which incorporates a bat inspection report. This shows the site is not situated within nor bounding any statutory or non-statutory designated locations. It is therefore not considered reasonably likely that the proposal would have any adverse impact upon statutory or non-statutory designated locations. The buildings are considered to offer at the most a negligible



level of bat roosting potential. Further surveys are therefore neither necessary nor appropriate in respect of the buildings.

- 12.2 It is not considered that the proposal would have any adverse impact upon great crested newt, bats or reptile species. The PEA concludes that further bat surveys and reptile surveys are required, but no other surveys are necessary. No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised. General appropriate precautionary measures for the construction phases have been advised in the PEA.
12. The bat and reptile survey did not reveal any bat emergence from either building and only a very low level of bat activity was recorded around the site generally. It is therefore considered highly unlikely that the redevelopment of the application site would have a significant adverse effect on the local bat population.

13.0 Summary

- 13.1 In light of the above, this proposed change of use satisfies all the conditions set out within Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments) and so therefore constitutes permitted development. No prior approval is required given that there will be no material highway impacts, noise, contamination or flooding issues and the barns are suitable for residential use, subject to the building operations permitted under the Order.