

**APPLICATION FOR PRIOR APPROVAL
FOR THE CHANGE OF USE OF
AGRICULTURAL BUILDINGS INTO NINE
DWELLINGS (CLASS C3)**

AT

**BARNS AT FEARS END, SANDON, SG9
0QZ**

October 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** Structural Reports
- 2** Preliminary Ecological Appraisal (PEA)
- 3** Bat Survey



1.0 The Site and Proposal

- 1.1 The site is a farmyard which consists of six vacant former agricultural buildings, formerly used for housing pigs and associated storage buildings. The subject barns are approximately 1.0 km north east of the village of Sandon, which itself is located around 6 km north-west of Buntingford and 8 km south-east of Royston. The barns lie to the east side of Kelshall Road (shown as Fears Green on some maps) between Sandon and Kelshall in the southern corner of Kelshall Parish and occupies a site which is generally level. The surrounding land is generally laid to arable farmland, although there are small wooded areas located immediately to the south and east. Further residential properties, Fears End and Fallowfields, are immediately to the north west of the barns.
- 1.2 None of the buildings are located within flood zones 2 and 3. All the buildings subject to this application comprise of timber frame, blockwork plinth, timber cladding, corrugated sheeting to the roof, with concrete floor, building 5 has a profiled sheeting roof. Apart from some very low-key storage of agricultural implements, the buildings are now underutilised. All of the buildings are estimated to be between 40 – 50 years old.
- 1.3 This application is submitted to the Local Planning Authority (LPA) to convert the barn buildings into nine 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 buildings themselves measure 926.6 square metres Gross External Area., the site area (excluding the buildings) does not exceed this.
- 1.4 The proposed conversion of the barns will provide accommodation at ground floor level only, with the exception of building one, which already has a first floor over part of the barn. The buildings layouts are explained below –
- Building 1 – Will be converted into two dwelling units, unit 1.1 will contain 3 bedrooms with a large open plan kitchen, living room, diner all contained on the ground floor. Unit 1.2 has one bedroom on the ground floor and two further bedrooms and a bathroom upstairs. The



living accommodation consists of a living room, separate kitchen, dining room and study, all contained on the ground floor.

Building 2 – Building two is the smallest unit, and contains a single bedroom, bathroom, and living area with a total area of 37.1 square metres

Building 3 – A single unit, containing three bedrooms on the ground level, it contains a separate kitchen and utility, as well as a study and a dining room, with an open plan entrance hall.

Building 4 – Contains two dwellings, these are mirrored. They contain two bedrooms each, along with a kitchen and open plan living accommodation.

Building 5 – Contains two mirrored dwellings also, these include three bedrooms, a study and open plan living, kitchen diner.

Building 6 – This is a smaller unit, with an open living, kitchen room and a single bedroom with a gross internal area of 41.2 square metres.

1.5 The buildings are 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.

1.6 These operational works fall under those permitted by Class Q of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024.

2.0 Background

2.1 All of the barns in question were designed for agricultural purposes and historically have been used as agricultural buildings (as at 24th July 2024) specifically the site was a pig farm. This use ceased in 2004 and the buildings have been used for occasional storage of farm



implements and hay 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 buildings for 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 etc.) (England) (Amendment) Order 2024.

3.1 In preparing this prior approval submission, regard has been given to Class Q of Part 3 (changes of use) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024

Here it is stated that 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.

- 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) if 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, or 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.
- 3.4 In response, the buildings were part of an agricultural unit on the 24th July 2023. The proposed development therefore fully accords with Class Q in this respect.
- 3.5 Part (c) stipulates that 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 cannot exceeds 150 square metres. Part (d) confirms that the maximum number of dwellings that can be created under Class Q is 10, and under part (d) the cumulative floorspace of dwellinghouses having a use falling within class C3 cannot exceed 1000 square metres. In



response, this proposal proposes no units under 150 square metres, no more than 10 dwellings and the cumulative floor space does not exceed 1000 square metres.

- 3.6 The site is not occupied under an agricultural tenancy and no such agricultural tenancies have been terminated within the past 10 years in compliance with part (g).
- 3.7 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).
- 3.8 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.
- 3.9 In regard to part (i), the development is compliant as no extensions are proposed at this stage. The development will not make any physical changes other than the installation and replacement of windows, doors, roofs, exterior walls, as well as drainage, water, electricity gas/other services to the extent reasonably necessary to allow the building to function as a dwellinghouse.
- 3.10 Furthermore in compliance with parts (k), (l), (m) and (n), 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 buildings.
- 3.11 Under part (o) the proposals comply as the buildings proposed for conversion will comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1) as read with the notes dated 19th May 2016. Finally, part (p) requires a suitable access to the public highway. The existing access to these



farm buildings is appropriate, and could be resurrected for intensive farm traffic if this use was reintroduced.

3.12 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 agricultural buildings into nine 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 Rosemary Campbell, Fears End, Sandon c/o Sworders.

5.0 Transport and Highway Impacts of the Development

5.1 The farmstead within which the barns are located benefit 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 agricultural 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 nine 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 buildings. The permanent loss of the agricultural traffic and works to and from the site will therefore be replaced by residential units resulting in a negligible impact and will not be severe and therefore should not be refused on highway grounds as confirmed at Paragraph 115 of the NPPF.

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, and this proposal would permanently cease any such use. 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, the nearest being 50 meters away (other than the applicants 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 pigs, 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, with further surveys in the event the Phase 1 Survey was inconclusive or expressed concerns regarding contamination of the site.



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 nine dwellings that meet 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 (1000 metres from the local school). 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 84). Furthermore, guidance has been issued by central 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.
- 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 barns will cease agricultural uses at the site, making it purely residential. 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, with this expanding in May 2024 to allow for, inter alia, up to 10 dwellings.



- 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 buildings are structurally sound and capable of residential conversion. The site is suited for use and occupation as nine small independent residential dwellings, this is demonstrated in the structural report submitted as part of this application (see appendix 1). The entire framework, plinths, flooring and some of the 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. Any replacements will only take place 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 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 2) as well as additional bat surveys, recommended from the PEA. The PEA shows the site is not situated within nor bounding any statutory or non-statutory designated locations, the nearest being Blagrove Common SSSI, which is approximately 1350 metres to the south of the site. 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 roosting potential and a Common pipistrelle *Pipistrellus pipistrellus* maternity roost, emerging from the southern gable end of Building 1 and potentially other locations on east elevations. Common pipistrelle *Pipistrellus pipistrellus* commuting was also noted from Building 1 into tree belt to south and then east into the nearby wood.
- 12.2 A bat emergence survey as subsequently undertaken, this concluded that there is a breeding roosts of Common pipistrelles *Pipistrellus pipistrellus* present in Building 1, with no obvious evidence of other species roosting at the site. Any development work on Building 1 will require a license from Natural England to proceed. There was no evidence of any other species at the site, subsequently no additional surveys are necessary nor appropriate in respect of the buildings.
- 12.3 It is not considered that the proposal would have any adverse impact upon great crested newt, bats (subject to a license) or reptile species. No active or inactive badger setts were found, with no evidence of badger activity identified. No further surveys have been recommended. General, appropriate, precautionary measures for the construction phases have been advised in the PEA.



- 12.3 The report considers and concludes that the proposal can proceed without adverse impacts upon legally protected/priority species provided the specific mitigatory guidance and enhancement recommendations identified are fully adhered to.

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 etc.) (England) (Amendment) Order 2024 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.