

# Development Management Delegated Decision Report

B/21/0300



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/21/0300		
<b>Application Type</b>	Prior Notification under Part 3 - Use Classes		
<b>Proposal</b>	Prior notification for proposed change of use of Agricultural Building to larger residential dwellinghouse (Class C3)		
<b>Location</b>	Claydyke Barn, adj to Claydyke Farmhouse, Martin Cross Drove, Amber Hill, Boston PE20 3RG		
<b>Applicant</b>	Mr & Mrs R Gadd		
<b>Agent</b>	Mrs Jenny McIntee, JMAD Architechure		
<b>Received Date:</b>	06-Jul-2021	<b>Consultation Expiry Date:</b>	
<b>Valid Date:</b>	06-Jul-2021	<b>Statutory Expiry Date:</b>	<b>31-Aug-2021</b>
<b>Date of Site Visit:</b>	---	<b>Extension of Time Date:</b>	<b>17-Sep-2021</b>
<b>Objections received?</b>	No		
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Prior Approval required and granted		
<b>Report by:</b>	Richard Byrne		
<b>Date:</b>	14-Sep-2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

This application relates to a single storey, rectangular shaped, concrete portal framed building, located on a predominantly level site. The upper section of the building comprises profiled sheeting with the lower section predominantly solid brickwork laid between concrete columns, for a height of approximately 2.0m from ground floor level.

The barn measures approximately 18 metres in length, 13 metres in width, with an eaves height of approximately 4.0 metres and a ridge height of approximately 6.5 metres.

The site is located in the countryside adjacent to an open dyke with a footbridge linking with Clay Dike Bank. Vehicular access is taken from Martins Cross Drove.

### DETAILS OF PROPOSAL:



The application seeks a determination as to whether the prior approval of the Local Planning Authority is required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to a dwellinghouse.

The application proposes the conversion of an existing agricultural building to create one dwelling which includes the demolition of the northern and small section of the easterly part of the building.

The existing external leaf would be replaced by a combination of hardwood timber cladding, feature glazing, red brickwork infill sections and a standing seam zinc roof system. It is assumed the windows and doors would be finished with powder coated aluminium as the submitted plans indicate the frames are grey. The proposed floor space would total 315 square metres.

The application has been considered against the following plans, specifications and supporting documents:

- Drawing Number: 19016 01C Location Plan
- Drawing Number: 19016 02B Site Plan as Proposed
- Drawing Number: 19016 03A Existing Plans and Elevations
- Drawing Number: 19016 04 Existing Section
- Drawing Number: 19016 05A Site Cross Section
- Drawing Number: 19016 06A Proposed Ground Floor Plan
- Drawing Number: 19016 07A Proposed First Floor Plan
- Drawing Number: 19016 08B Proposed Elevations and Sections
- Structural Appraisal Report
- Planning Statement
- Flood Risk Assessment

#### **RELEVANT HISTORY:**

None.

#### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**

Where the proposed development is considered to be permitted under PART 3 (Changes of use) Class Q the application is subject to the prior approval for the following matters:

- Transport and highways impacts of the development,
- Noise impacts of the development,
- Contamination risks on the site
- Flooding risks on the site
- Whether the location or siting of the building makes it otherwise impracticable or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling-houses) of the Schedules to the Use Class Order,
- The design and external appearance of the building; and,
- The provision of adequate natural light in all habitable rooms of the dwellinghouses.

## **National Planning Practice Guidance (PPG)**

### **CONSULTATION RESPONSES:**

#### **Amber Hill Parish Council**

- Following the Amber Hill Council meeting on Monday 19th July 2021 I have been asked to pass on the following comments;
- The only impact will be on the direct neighbour.
- The Councillors were unsure if the process in place still means that the direct neighbours are contacted directly regarding any planning permissions and asked me to check with yourselves

#### **Environmental Health**

- No objection in principle

#### **Highway Authority**

- The proposal is for prior notification for change of use of agricultural building to larger residential dwelling house (Class C3) and it does not have an impact on the Public Highway or Surface Water Flood Risk.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

This proposal is for the prior approval for the change of use of an agricultural building to a dwellinghouse (Use Class C3) and for associated operational development. This provision is contained within Part 3 Class Q of the Town and Country (General Permitted Development) Order (2015). In order to correctly evaluate this proposal and for clarity, the requirements set out within the GPDO are set out below.

Class Q of the GPDO states:

#### **Permitted development - 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 Use Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; 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 Use Class C3 (dwellinghouses) of that Schedule.**

Class Q then gives a number of provisos where development is not permitted under paragraphs (a) to (m). The following table includes these provisos and acts as a checklist as to whether the development is compliant with Class Q.1;

Class Q.1	Development is not permitted by Class Q if -	Does the proposal breach criteria?	
		YES	NO
(a)	not used solely for agricultural use as part of established agricultural unit: (i) on 20 March 2013, <b>OR</b> (ii) in case of a building which was in use before that date but not in use on that date, when it was last in use, <b>OR</b> (iii) in case of a site brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins		X
(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) cumulative floor space of buildings > 465sqm		X
(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;		X
<del>(c)</del>	<del>In the case of 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 &gt; 100sqm</del>		
(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;		X
(e)	the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;		X
(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;		X
(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—		X

	(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;		
(h)	external dimensions of building will extend beyond external dimensions of existing building at any given point		X
(i)	Class Q(b) development consists of building operations <b>other than:</b> (i) the installation or replacement of – (aa) windows, doors, roofs, or exterior walls, <b>OR</b> (bb) water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; <b>AND</b> (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i)		X
(j)	The site is on Article 2 (3) land – conservation area, AONB, area specified by SOS as area of enhancement and protection of the natural beauty and amenity of the countryside, the Broads, a National Park or World Heritage site		X
(k)	The site is, or forms part of a SSSI, a safety hazard area or a military explosive storage area		X
(l)	Site contains a scheduled ancient monument		X
(m)	The building is a listed building		X

### **Initial appraisal under Class Q part (b)**

Class Q.1 (i)(i) states that development is not permitted if it would consist of building operations other than the installation 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 dwellinghouse. Planning Practice Guidance (PPG) recognises that for a building to function as a dwelling some building operations which would affect the external appearance of the building should be permitted. It goes on to state that internal works are not generally development and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. However, it is not the intention to include the construction of new structural elements for the building.

The existing building should be structurally strong enough to take the loading which comes with the external works to provide for residential use. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to be permitted development.

The application has been supported by a structural report which sets out the integrity of the existing building. It is noted amongst other matters:

- The main elements of the structural frame, i.e. portal rafters, columns and purlins, appear in good condition, with no signs of distress or concrete spalling. The frames appeared plumb with no distortion or deflection of members noted;

- Due to its simplicity in construction, there is not likely to be any substantial loss of original structural elements during conversion the building appears to have the capability to safely accommodate vertical, lateral and snow loadings applied in its current form without the need for any strengthening. It is likely that conversion would involve retaining all existing structural elements and complementing them with the introduction of further independent walls, of either blockwork or timber frame type systems, located internally to form the partitions and internal layout. As such additional load placed upon the existing superstructure and steel frame will be minimal, and of no concern from a structural perspective;
- The sections of building due to be demolished do not contribute towards the main buildings overall lateral stability and can therefore be ignored from a structural perspective as part of any proposed change of use or conversion;
- it appears to have been adequately serviceable to accommodate and distribute the high loadings from agricultural storage type use without undue distortion. Proposed loadings from a change of use will be significantly less than those currently applied. Therefore, it is envisaged that following the removal of the suspended 'drier floor' system, the existing lower floor slab can be retained, and supplemented with damp proof systems, screeds insulations and finishes as applicable;
- There are no essential repairs required to the existing fabric in order to guarantee its overall stability;
- The foundations appear to be adequate to accommodate and distribute loadings from agricultural storage type use. Again, additional loadings applied within a change of use are likely to be minimal;
- In final conclusion, the existing building is structurally stable and robust and could continue to perform adequately following a change of use without the need for any significant structural strengthening or rehabilitation.

Turning to the proposal it is noted except for the demolished parts the overall dimensions of the building would not change and the work is within the confines of the existing structural shell of the building.

Taking into account the proposed work it is considered the approach would constitute a building operation that is reasonably necessary to enable the conversion of the building without being excess of outside of the remit of paragraph (b).

The proposed development is therefore considered to constitute permitted development. Therefore the following sections assess if the prior approval of the Authority would be required and if the matters headed under Q.2 (1) are acceptable.

### **Transport and highways impacts of the development**

There is one existing access point leading onto the end of Martins Cross Drove with adequate space within the site to accommodate a level of off-street parking and for vehicles to enter and leave the site in a forward gear. Given the access and parking arrangements remain the same, it is considered that the proposal would not result in an unacceptable impact on highway safety.

It is considered the proposed development is acceptable in this respect.

### **Noise impacts of the development**

It is unlikely the proposed residential unit would give rise to a significant level of noise given the amenity space is on the northerly side of the building with the nearest neighbour on the southern side. Given the degree of separation it is considered there would not be a significant rise in noise to Red Lodge to warrant a refusal of the application.

It is noted the comments from Environmental Health that there would be no objection. It is considered the proposed development is acceptable in this respect.

### **Contamination risks on the site**

Any contamination risk would be associated with its agricultural use, however, it is noted the existing building benefits from a substantial solid floor. As such it is considered expedient to attach a planning condition to require remediation measures be implemented to overcome any unforeseen contamination.

It is considered the proposed development is acceptable in this respect.

### **Flooding risks on the site**

The site is located in Flood Zone Three and as such a Flood Risk Assessment has been submitted. The site does not fall into a hazard category and the finished floor levels of the building have been raised by approximately 300mm (to 2.64 ODN) to ensure it achieves adequate clearance of the predicted flood level taking into account climate change.

It is considered the proposed development is acceptable in this respect.

### **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**

The proposed conversion would make a good use of a barn which is in general good order. The layout provides ample internal space and a good standard of accommodation. It is therefore considered the conversion is acceptable in this respect.

### **The design or external appearance of the building**

The proposed works appear reasonably necessary for the building to be converted to a dwellinghouse. The exterior of the building would be finished with a brickwork and timber cladding punctuated by feature glazing and a zinc standing seam roof. It is therefore considered the proposed appearance is acceptable in this location.

### **The provision of adequate natural light in all habitable rooms of the dwellinghouses**

The habitable rooms of the building are served by horizontal windows. Skylight windows serve the non-habitable rooms.

The open plan living space is served by a gable end glazed opening which is considered sufficient for the proposed conversion. It is therefore considered the conversion is acceptable in this respect.

### **CONCLUSION:**

It is considered that the proposed development would be in accordance with relevant provisions of Class Q of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order, 2015 as amended and accordingly, it is recommended that the application be approved, subject to conditions.

### **RECOMMENDATION:**

Prior Approval required and granted.

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	<p>The development hereby permitted must be completed not later than the expiration of three years from the date of this approval.</p> <p><b>Reason:</b> To comply with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>
2	<p>This approval relates to the following plans and documents:</p> <ul style="list-style-type: none"> <li>• Drawing Number: 19016 01C Location Plan</li> <li>• Drawing Number: 19016 02B Site Plan as Proposed</li> <li>• Drawing Number: 19016 05A Site Cross Section</li> <li>• Drawing Number: 19016 06A Proposed Ground Floor Plan</li> <li>• Drawing Number: 19016 07A Proposed First Floor Plan</li> <li>• Drawing Number: 19016 08B Proposed Elevations and Sections</li> <li>• Flood Risk Assessment – Author: RM Associates, June 2021 Ver 1</li> </ul> <p>Except as provided for by other conditions to this approval, the development shall be carried out in complete accordance with the approved drawings.</p> <p><b>Reason:</b> For the avoidance of doubt and to ensure that the development complies with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before the dwelling is first occupied.</p>



	<p><b>Reason:</b> To prevent pollution of the surrounding environment and to ensure that any unsuspected contamination risks on the site which arise during the course of development are adequately dealt with in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p>
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	