
Delegated report Officer: Andrew Watson

Application ref. DMPN/2019/0958

Prior Approval for change of use of agricultural storage building to a single dwelling along with associated operational development to Barn at Willows Farm, Sutton On The Hill, Ashbourne, DE6 5JF

Valid date: 20/08/2019

Consults expired: 25/09/2019

EIA development?

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

None.

Responses to consultations and publicity

Highway Authority – No objections. The existing access to James Lane has adequate emerging visibility in both directions and forward visibility for drivers turning right into the access is within current recommended limits.

Environmental Health – No objections subject condition to restrict burning during construction works.

Publicity: None

Relevant policy, guidance and/or legislation

Relevant Legislation

Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Policies

- 2016 Local Plan Part 1 (LP1): S2, H1, SD1, SD2, SD4, INF2
- 2017 Local Plan Part 2 (LP2): SDT1, BNE5

National Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Guidance

Design Guide Supplementary Planning Document (SPD)

Planning considerations

The development falls to be considered under the above legislative provisions. Class Q(a) allows for agricultural buildings and any land within their curtilage to change to provide up to five dwellinghouses (Use Class C3), and associated building works can be carried out under Class Q(b). These are both subject to conditions, limitations and restrictions.

For Class Q(a) the developer, before commencing the development, must apply to the Council for a

determination as to whether the prior approval of the Council is required for:

- a) the transport and highway impacts of the development;
- b) noise impacts of the development;
- c) contamination risks on site;
- d) flooding risks on 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 dwellinghouse(s).

In the case of the building operations reasonably necessary to convert the agricultural building into a dwellinghouse (Class Q(b)), the matter requiring prior approval determination is:

- a) design or external appearance of the building.

Prior approval is required to ensure that the change of use and any associated works do not create unacceptable impacts. If the Council fails to determine the prior approval application within 56 days, planning permission is granted by default without prior approval, provided the development complies with the limitations and restrictions attached to Class Q (the onus then being on the applicant to comply with those).

Class W defines that assessment should have regard to the NPPF (insofar as relevant to the subject matter of the prior approval) as if it were a planning application. Paragraph 12 of the NPPF defines that the Development Plan is the starting point for determining applications and hence it is drawn into the consideration of this prior notification. Class X provides relevant interpretation of Class Q.

Planning assessment

The Prior Notification received relates to both Class Q(a) and (b), by way of the form received and the fee paid. Both 'halves' of the prior notification are considered below.

Under the legislative provisions the local planning authority may refuse an application where, in the opinion of the authority the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions applicable. Hence before determining whether or not prior approval will be required for the prior approval matters, the Council may first determine whether the proposed works comply with the permitted development criteria of Class Q. Note this is not an absolute requirement (unlike a Lawful Development Certificate) as the onus rests with the developer to comply with relevant conditions, limitations or restrictions.

Likely compliance with conditions, limitations or restrictions under Class Q

- a. Was the site used solely for an agricultural use as part of an established agricultural unit?

Officer observations during a site visit confirm that the building at Willows Farm currently exists and is of a brick and tile construction. Prior to it becoming an agricultural building it was originally used as a dwelling to serve Willows Farm. It ceased to be occupied as a dwelling when the new dwelling was constructed. At which time the building was used for agricultural storage purposes as it was used to store grain and there is also a vacuum pump that was used as part of the dairy operation when there was milking being carried out. The building is now used for storage purposes and for use of the workers at the farm.

- b. Does the cumulative floor space changing use exceed 465 square metres?

The cumulative floor space of the storage building totals 40.5 sq m. This final converted floor space is within the total allowed under this limitation and amounts to a smaller dwellinghouse (no more than 100 square metres of floor space). The proposal therefore complies under this criterion.

- c. Does the cumulative number of separate dwellinghouses exceed 5?

No, only one dwelling is proposed.

d. Is the site is occupied under an agricultural tenancy?

No.

e. Has a tenancy has been terminated within the last year for the purposes of Class Q?

Not applicable.

f. Has development under Class A(a) or Class B(a) of Part 6 has been carried out since 20 March 2013?

No.

g. Would the external dimensions extend beyond the existing external dimensions?

No the building is not to be increased in size at all.

h. Would the development result in a building or buildings of more than 465 sq m gross?

No.

i. Would the building operations go beyond the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition beyond the extent reasonably necessary to carry out these building operations?

The building proposed to be converted is a two storey red brick under a tiled roof and appears to be in good order. The building is to be converted without any demolition.

j. Is the site within a Conservation Area?

No.

k. Is the site a SSSI, a safety hazard area or a military explosives storage area?

No.

l. Is the site, or does it contain, a scheduled monument?

No.

m. Is the building a listed building?

No.

Class Q also allows for change of use of land within the curtilage of the building. Class X defines the curtilage as the lesser of "(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".

The submitted plans indicate this is less than the footprint of the building. The proposal therefore complies in this regard.

Assessment of whether Prior Approval is required under Class Q

a) Transport and highways impacts

The County Highway Authority confirms that there are no objections on highway grounds to this proposal subject to parking space being provided within the site curtilage and being maintained throughout the life of the development free from any impediment to its designated use. It is therefore considered that a safe and suitable access arrangement can be provided, in accordance with the requirements of paragraph 102 of the NPPF and policy INF2.

b) Noise impacts

The buildings are sited well away from noise sources which are likely to compromise amenity standards for occupants of the proposed dwelling. The conversion works and resulting use are unlikely to generate significant levels of noise contrary to the aims of the NPPF, and the proposal is therefore compliant with policy SD1.

c) Contamination risks

The site does not have a contamination constraint and as such the proposal is in accordance with policy SD4 and the NPPF.

d) Flooding risks on the site

The site falls within Flood Zone 1 and is not known to be subject to surface water flooding. Surface water volumes from the development should not materially change under a dwellinghouse use, although a condition is considered reasonable in attenuating it accordingly. The proposal is in accordance with policy SD2 and the NPPF.

e) Whether the location or siting makes development otherwise impractical or undesirable

The location of the site is adjacent to the farm house also within in open countryside. The building is to the side of the farm house and thus would be viewed in context with the farm house. The proposal is considered not to represent sustainable development as it does not comply with the requirements of the NPPF. However, appeal decisions have determined that the sustainability of the location should not be a material consideration if the proposal complies with the criteria set out in the GPDO.

Summary

The proposal does comply with provisions of Class Q.1 and is considered permitted development. No demolition is required. The submitted details result in the proposal meeting the conditions set out in Class Q of the General Permitted Development Order 2015.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	10/10/2019
Report agreed:	15/10/2019
Authorised officer:	Tony Sylvester
