August 2021

ALISTAIR FLATMAN PLANNING
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PLANNING SUPPORT STATEMENT



Prior Notification for Change of Use

Class Q – Agricultural building to dwelling house (larger dwellinghouse) (Resubmission)

The Town and Country Planning (General Permitted Development) Order 2015.

@ Elmhirst Farm, South Lane, Cawthorne, Barnsley, S75 4EF

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1.0 Introduction

1.1 This Planning Statement relates to a prior notification application submitted to Barnsley Council for conversion of agricultural building to dwelling.

This application is a resubmission following refusal on similar submission in April 2021 (LPA ref 2021/0574)

1.2 This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596 together with amends made in April 2018. Class Q (a) of the above Order grants permitted development rights for the change of use of agricultural buildings and any land within their curtilage to dwellinghouses falling within Class C3 of the Use Classes Order. Class Q (b) allows any building operations reasonably necessary to convert agricultural buildings to dwellings.

1.3 Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to a dwellinghouse, a determination should be made as to whether the prior approval of the local planning authority will be required regarding:

- transport and highway impacts of the development;
- noise impacts of the development;
- flooding risks on the site;
- risk of contamination;
- 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; or
- the design or external appearance of the building

Background – Previous refusal and additional information / justification

1.4 The agricultural building at Elmhirst Farm is no longer required for the purposes of agriculture as alternative buildings exist on the farm.

1.5 A similar application (LPA ref 2021/0574) was lodged in April 2021 and subsequently refused in June 2021. Two reasons for refusal were stated:

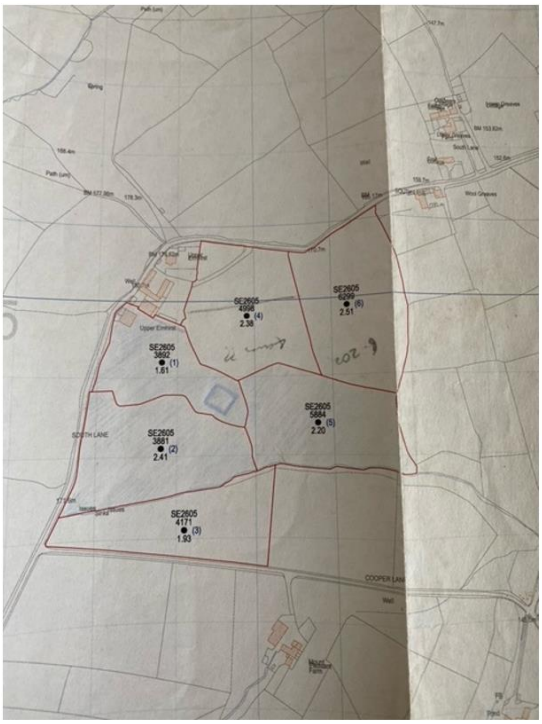
1. *There is insufficient information to judge that the site has been solely used for agricultural as part of an established agricultural unit as required by Schedule 2 Part 3, Class Q.1 (a) of the Town and Country Planning (General Permitted development) (England) Order 2015.*

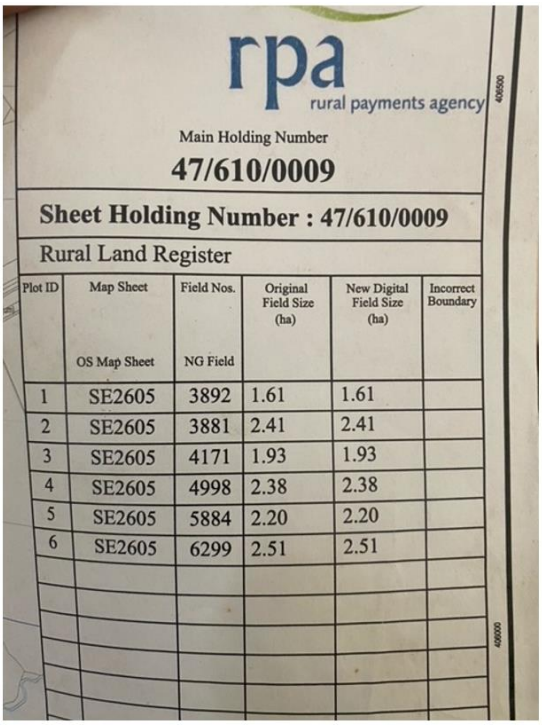
2. *The proposed development is not permitted development as set out under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted development) (England) Order 2015 because the work required for the conversion goes above and beyond 'building operations reasonably necessary to convert the building.'*

1.6 Additional information is provided with this resubmission to demonstrate the building is in agricultural use. A summary is set out below with further details included in the accompanying Design & Access Statement.

1.7 An extract from the Register is shown below confirming details of the agricultural holding. The applicants own field Nos 3892, 3881 and 5884 which

amounts to a total of 6.22 hectares. The buildings are used for storage of hay and silage as well as farm machinery used to farm / manage the landholding (as can be seen on site and on photos included in the submitted DAS).





rpa rural payments agency

Main Holding Number

47/610/0009

Sheet Holding Number : 47/610/0009

Rural Land Register

Plot ID	Map Sheet (OS Map Sheet)	Field Nos. (NG Field)	Original Field Size (ha)	New Digital Field Size (ha)	Incorrect Boundary
1	SE2605	3892	1.61	1.61	
2	SE2605	3881	2.41	2.41	
3	SE2605	4171	1.93	1.93	
4	SE2605	4998	2.38	2.38	
5	SE2605	5884	2.20	2.20	
6	SE2605	6299	2.51	2.51	

1.8 The site is therefore in agricultural use and is in accordance with the requirements set out under Class Q of the GPDO.

1.9 With regards the second reason for refusal, further details on the 'conversion' are set out in the submitted DAS. This clarifies that the agricultural building is structurally sound and the works required *for the conversion do not go above and beyond 'building operations reasonably necessary to convert the building'*. The insertion of walls within the existing frame / concrete block walls is no different to works undertaken as part of the conversion of a traditional stone or brick barn where internal walls assist in enhancing insulation of the building for residential use and also provide further support for internal walls and floors.

1.10 A review of similar Class Q applications submitted over recent years to Barnsley Council has been undertaken. As such consents granted at Anchor Farm, Dodworth (LPA ref 2018/1249), Barn at junction of Hornthwaite Hill Rd / Cross Lane, Thurlstone (LPA ref 2019/1358) and Cockle Edge Farm, Ingbirchworth (LPA ref 2019/0208) are noted. Most recently, consent was granted in November 2020 at Manor Farm, Stainborough Lane (LPA ref 2020/0658).

1.11 Discussions with the Planning Officer post determination of the previous submission indicated that a review had been undertaken of previous consents with a view to maintaining a more consistent approach to Class Q conversions. Whilst consistency is welcomed, it is considered the more recent approvals (in particular that at Manor Farm) are consistent with GPDO guidance and recent appeal decisions (further details later in this Planning Statement) as well as those being granted by other LPAs in Yorkshire.

1.12 Class Q allows for the conversion of portal framed buildings, indeed, the regulations were introduced to enable conversion of these buildings as part of the Government's commitment to boost the supply of housing which is an integral part of the NPPF. The portal frame building at Elmhirst Farm with its block walls is structurally sound and can be reasonably converted without significant building works. The barn in question is not dilapidated or open sided and is a common example of the type of portal framed building identified for conversion under the Class Q GPDO Prior Notification regulations.

1.13 In light of the above, and the additional information presented in the submitted DAS, it is considered this resubmission addresses the two reasons for refusal set out. We would welcome further discussion with the LPA during assessment of this resubmission and respectfully request that consent is granted in light of the additional information presented.

The Planning Application

1.14 This application is supported by plans and Design & Heritage Statement prepared by M Booth Design together with an Ecology Report prepared by Middleton Bell Ecology and Structural Appraisal prepared by M Yates.

1.15 This Planning Statement sets out the case in support of the proposal with regards the criteria set out in the GPDO. This statement will fully justify the development proposals for the subject site and will advance justification for the proposed development.

1.16 On the basis of the information provided in this statement, the associated supporting documents and on the application drawings, the proposal is considered to represent permitted development in accordance with Class Q of the GPDO

2.0 Site Location and Proposed Development

Site and Surrounds

2.1 The site is located to the east side of South Lane approx. 0.7 miles north of Hoylandswaine. The agricultural buildings that are the subject of this notification are shown edged in red on the image below.



2.2 The applicant purchased land extending to 6.21Ha, 15.3 acres in 2011. As set out in Section 1, the building is in agricultural use within an established agricultural holding.

2.3 Located adjacent and to the north east of the site is a range of Grade II Listed Buildings in the form of stone barns. These have been converted to residential use.

2.4 The subject barn comprises a steel portal framed building with a 'cat-slide' roof clad in steel sheeting and some 'yorkshire boarding' to the roof and external elevations. It has blockwork walls to all external elevations which vary in height from 1.2 to 2.1 metres. The barn is generally of two storey scale, reducing with the 'cat-slide' to the north west and there is currently no first floor. The barn is structurally sound as demonstrated in the submitted Design Statement.

2.5 The existing building has a gross internal floor area of 284sqm. The eaves height varies between 3.5 and 5.3m due to the swept roof and the ridge height is 6.65m. The proposals will create internal floor space of 232sqm at ground floor level and 191sqm at first floor level giving a total of 423sqm.

The Proposed Development

2.6 The Proposed Development comprises a prior notification application under Class Q of the GPDO 2015 for conversion of agricultural building to dwelling

2.7 The proposed design for the Change of Use are provided on MBooth Design drawing ref: P01 Rev C. The external building envelope has been maintained.

Where possible existing apertures have been used as window and door openings, particularly to the north east and south east elevations. The main barn contains the living accommodation (ground and first floor) as well as parking / garaging, workshop, covered yard and plant room.

2.8 The existing building has a ground floor area of 232m². This will increase by the installation of a first floor in the two-storey barn resulting in a total combined floor area of 423m².

2.9 External materials such as timber boarding and dry stone walling to the external walls have been chosen to maintain the agricultural vernacular whilst combining this with more contemporary elements such as large glazed aluminium frames and standing seam roof cladding to create an attractive modern building, with large open plan internal spaces and an external appearance that sits comfortably within the rural landscape.

2.10 Access to the site will use existing access point from South Lane.

2.11 Proposed domestic curtilage has been drawn closely to converted buildings and is no greater than the footprint of the existing building.

2.12 Further details on the site (including photos) and the proposal are set out in the Design Statement accompanying the application. Example of proposed elevation and Illustrative image is copied below.



3.0 GPDO 2015 (Amended 2018), Schedule 2, Part 3, Class Q –

Q. 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 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

3.1 The proposal is submitted in accordance with the above. The proposed design shows a minimalist design quality, but that the building would retain its agricultural character as shown on the submitted plans.

3.2 Class Q sets out a number of criteria against which proposals should be assessed. As demonstrated below, together with details in the submitted plans and design statement, the proposal complies with the requirements of Class Q and as such consent can be given for the conversion of the agricultural building at Elmhirst Farm.

Assessment against Paragraph Q1

3.3 With regards criteria a-m set out in Para Q.1:

a) The site was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013

b & c) The proposal consists of conversion to a single dwelling. The floor space proposed for conversion of the building is 423m^2 , well within the 465m^2 that is now allowed under the permitted development legislation as updated 6th April 2018.

d & e) The site is not occupied under an agricultural tenancy

f & h) There have been no previous dwellings on the agricultural unit formed under Class Q permitted development rights. The applicant has not exercised any permitted development rights under Class A (a) or Class B (a) of Schedule 2, Part 6 of the GPDO since 20th March 2013.

g) The proposed development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

(i) the development under Class Q(b), as demonstrated on the submitted plans, consists solely of building operations listed in (i) and (ii)

(j-m) The site is not affected by any of the constraints set out in criteria (j) to (m) of Paragraph Q.1.

3.4 As set out a (i) above, Class Q (b) of the GPDO allows building works reasonably necessary to convert the building to residential use. Paragraph 105 of the

National Planning Practice Guidance has been updated 15th June 2018 and clarifies the extent of building works permitted by Class Q (b). It states:

"The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The 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. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.

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. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

Internal works are not generally development. 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."

3.5 The two-storey element is constructed in a steel portal frame with a concrete floor. The roof is covered with fibre cement sheets supported by the steel frame whilst external walls comprise blockwork and Yorkshire boarding / cement sheeting. The main framework of the building is intact with no significant damage. There is no sign of structural movement or settlement in any of the frames or blockwork and the building overall is structurally sound.

3.6 A Structural Report accompanies the application and has informed the proposed conversion.

3.7 The buildings are therefore structurally sound and capable of taking the conversion to a dwelling. The proposals therefore satisfy all of the relevant criteria set out in Paragraph Q.1 of the GPDO.

3.8 Proposals for the Change of Use are provided on drawing ref: P01 Rev C. The external building envelope has been maintained with timber cladding proposed above blockwork walls which are to be faced in stone. Where possible existing apertures have been used as window and door openings, particularly to the north east and south east elevations.

3.9 External materials such as timber boarding and dry stone walling to the external walls have been chosen to maintain the agricultural vernacular whilst combining this with more contemporary elements such as large glazed

aluminium frames and standing seam roof cladding to create an attractive modern building, with large open plan internal spaces and an external appearance that sits comfortably within the rural landscape.

3.10 Details of the existing and proposed site layout are included with this submission and consist of including the existing hardstanding area to eastern gable with recessed internal garage space along with an area of garden to the south and west of the building to create outdoor amenity space for the dwelling.

3.11 The conversion of the building into a dwelling will require internal works of insulation and plasterboarding to meet building regulations for energy efficiency (as would any barn conversion). These internal works do not constitute development. The existing steel frame and blockwork walls will take the load of these internal works and no new structural elements are required.

3.12 In addition to this, it is proposed to install a first floor supported on a wholly internal steel frame. The updated guidance referred to above clarifies that internal works, including the insertion of a first floor, is not prohibited by Class Q – subject to the overall floor space conversion limit of 465m^2 for a single dwelling. The proposed conversion does not exceed this limit. The existing, substantial concrete floor slab will easily take the load of the internal works and no further details are required by the legislation to be submitted.

Assessment against Paragraph Q.2

3.13 Paragraph Q.2 of the GPDO requires the local planning authority to assess the proposal solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding, whether the location or siting of the building make it otherwise impractical or undesirable for the change of use and the design and external appearance of the building.

Transport and Highway Impacts

3.14 Paragraph 109 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. The site is accessed via a hardcore track that connects to South Lane. Visibility is good in both directions from the site entrance. The use of the building as a single dwelling would generate minimal vehicle movements. Site layout allows for parking and turning together with use of a safe and suitable access. As such the proposed development does not give rise to any highways or transport impacts.

Noise Impacts

3.15 The site is in a rural location. Approx. 30m to the east of the site (beyond the existing access track) are converted barns. The proposed barn conversion does not have any habitable rooms / windows / openings facing these converted barns. As such there are no significant noise generators on or near to the site. The site is not considered to generate any significant noise and as such future residents will enjoy acceptable living conditions.

Contamination

3.16 The site has always been used for agriculture and as such it is not expected there will be any contamination within the site. In addition, existing floors will

be used as part of the conversion. As such contamination risks are considered to be low.

Flood Risk

3.17 The site is within Flood Zone 1, the lowest flood risk zone. As such the site is not at risk from flooding nor is it considered the scale of the proposal will give rise to flooding or drainage issues elsewhere.

Design and External Appearance

3.18 The design and external appearance of the building has been kept to the minimum of alterations to preserve the agricultural character of the original building. This scheme has been very carefully considered to utilise the existing large openings whilst also proposing some additional windows to serve specific rooms.

3.19 The design of the conversion proposes the introduction of windows, but the majority of the original exterior will still be retained in its current form, and so will not result in any significant change to the appearance of the building overall, other than replacing the cement sheeting with timber to provide a more uniform appearance overall - the agricultural character of the building in this rural environment will therefore be preserved.

3.20 The suitability of the building's structure for conversion to a residential use is clear, in its permanence (having existed on the site for many years) and condition of the steel frame (details set out in the Design Statement and Structural Appraisal).

3.21 The General Permitted Development Order is explicit in listing the external alterations that are permitted under Class Q (b) provided they are reasonably necessary for the conversion of the building in to a dwelling. The proposed external works have been designed in accordance with this criteria, to retain the original fabric in its current position, whilst inserting new windows simply to provide light to the rooms proposed in the conversion. The proposed design retains the agricultural character of the building whilst adhering to the legislative framework established by Class Q (b).

3.22 The curtilage area to the south and west of the dwelling will not be unduly prominent within the countryside as it will be viewed in the context of the existing building.

Location and siting of the building

3.23 There is a degree of inevitability that agricultural buildings across the country will not usually be located in or immediately adjacent to existing settlements, hence they will rarely meet the normal locational sustainability tests. This is acknowledged by Paragraph 108 (ID 13-108-20150305) of the National Planning Practice Guidance, which states

"*the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house*".

3.24 Paragraph 109 (ID 13-109-20150305) provides an interpretation of what constitutes impractical or undesirable circumstances for a residential change of use. It confirms that

"*the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable". When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval*".

3.25 The application site lies within a relatively rural location albeit there are existing residential uses within the wider site. As stated above, paragraph 108 of the NPPG makes it clear that location is not a sufficient reason to refuse prior approval. The buildings already benefit from ready access to power and utilities and the site has a safe access to the public highway. The proposed scheme includes use of solar PV on the roof to generate electricity for the new dwelling. The building is remote from any uses incompatible with residential development and there are no hazardous or noisy activities operating within the area. The proposed dwelling is sufficiently distant from other residential properties to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers.

3.26 For the reasons outlined above, the location or siting of the building does not make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order.

4.0 Summary

4.1 This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596. Class Q (a) of the above Order grants permitted development rights for the change of use of agricultural buildings and any land within their curtilage to dwellinghouses falling within Class C3 of the Use Classes Order. Class Q (b) allows any building operations reasonably necessary to convert agricultural buildings to dwellings.

4.2 This application represents a resubmission of previous application 2021/0574 and comprehensively addresses the two reasons for refusal relating to agricultural use and building works associated with the proposed conversion.

4.3 The proposal comprises conversion of existing agricultural buildings to form a single dwelling with a floor area of 423sqm.

4.4 The buildings were last in agricultural use and have been so since before 20th March 2013, existing on the site for many years. The barns are structurally sound and capable of accommodating the alterations required to facilitate residential conversion.

4.5 The proposal satisfies the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (2018 Amendments).

4.6 The conversion to residential use does not therefore require planning permission.

4.7 The proposed conversion to a dwelling would not unacceptably impact upon the safe or efficient use of the highway network, would not give rise to any unacceptable noise impacts, would not increase flood risk and is not at risk from contamination. The building is sited in a relatively rural area, but has an existing access to the highway network with existing residential uses on site. The proposed dwelling is not situated in close proximity to any other uses which are incompatible with residential use. Residential use is not therefore impractical or undesirable in this location.

4.8 The external alterations to the building in this scheme have been sensitively designed to respect the traditional agricultural character of the existing building and its rural surroundings, and consist of the insertion of windows to provide a functional but attractive internal living environment. They are reasonably necessary for the building to function as a dwelling.

4.9 The proposed development therefore constitutes permitted development under Class Q of the GPDO.