

2025/0306

Mr Paul Miller

Lower Eastfield Farm, Eastfield Lane, Hood Green, Barnsley, S35 7AY

Prior approval application for change of use of agricultural building to 2no. residential

Site Description

The site forms part of a wider development which comprises of a number of converted barns and agricultural buildings. The barn in question is set back from the highway at the rear of the site and is a former cow shed which is no longer in use. It is a single structure, rectangular in shape with a sheeted pitched roof. The feasibility report identifies the building as having a steel frame with partial breezeblock/timber external walls and asbestos roof sheets. The site lies within the green belt and is approximately 2 miles from Silkstone Common settlement.

Planning History

2020/1289 - Redevelopment of site for three homes including re-building of two existing barns to living accommodation, refurbishment and extension of farmhouse, conversion of surrounding outbuildings to provide an annex to the farm house and garage, new vehicular access and associated works – Granted 25/01/2021

2019/1211 - Existing agricultural shed to be removed and new apple barn erected for agricultural use – Granted 14/05/2020

Proposed Development

The applicant is seeking Prior Approval for the change of use of an agricultural barn/buildings to 2 residential units (Class C3 use) under Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Lower Eastfield Farm.

The applicant states that the buildings have been solely used for agriculture, which has included general agricultural storage and the agricultural use of the site ceased in 2020. A signed letter has been provided by the applicant to confirm this.

The barn would be converted into 2, 3 bedroom dwellings across 2 floors. The dwelling will have 150sqm of floor space split across the ground floor and mezzanine floor. The footprint and external dimensions of the building would be unaltered and the conversion would work to the established parameters of the building without any extensions. Each dwelling would be served with 2 parking spaces and have an area of amenity space to the south as indicated on the below site plan.

- (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,
- (c) 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 exceeds 150 square metres,
- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—
 - (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
 - (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,
- (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,
- (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 during the period which is 10 years before the date development under Class Q begins,
- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—
 - (i) extension of the building allowed by paragraph Q.1(i);
 - (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)
- (i),
 - (i) the development under Class Q(b) would result in an extension that—
 - (i) has more than one storey,
 - (ii) is sited anywhere other than to the rear of the existing building,
 - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
 - (iv) has eaves the height of which exceed the height of the eaves of the existing building,
 - (v) is higher than whichever is the lower of—
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground, (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
 - (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,
 - (j) the development under Class Q(c) would consist of building operations other than—
 - (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),
 - (k) the site is on article 2(3) land,
 - (l) the site is, or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area,
 - (m) the site is, or contains, a scheduled monument,

- (n) the building is a listed building,
- (o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or
- (p) the building does not have suitable existing access to a public highway.

Conditions

Q2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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 use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

Interpretation of Class Q

Q3.—(1) For the purposes of Class Q, “curtilage” means the lesser of—

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and
- (b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1(d), “the original limits of an established agricultural unit” means—

- (a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;
- (b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;
- (c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Highways Development Control - No objections have been raised, comments have been made regarding the internal size of the garage and that this needed to be amended or an additional space provided.

Thurgoland Parish Council – No objections or comments to make.

Penistone East Ward Councillors – No comments received.

Pollution Control – No comments received.

Contaminated Land Officer – No comments received.

Biodiversity Officer/Ecologist – Concerns were raised with regard to potential bats and additional information was requested. Ecology is not listed as a consideration under Q2 (1) and therefore a decision cannot be withheld on this basis. The applicant has provided additional commentary regarding bats using information from a previous application on the site which determined that it was negligible for bats/roosting. As such, an informative to be included within this decision to highlight that relevant steps should be followed should bats or owls be encountered during development. Furthermore, these types of applications are exempt from the national biodiversity legislation.

Highway Drainage – No comments received.

Yorkshire Water – No comments received.

Waste Management – No comments received.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice erected at the site, no comments were received.

Assessment

The application is for the proposed change of use of existing agricultural barn to 2no. dwellinghouses including building operations reasonably necessary for conversion. In this case, the building operations comprise:

- Installation of mezzanine floors to each dwelling
- Replacement of the existing asbestos roof
- Installation of external cladding
- Installation of new windows/openings

The site ceased agricultural use in 2020 after full planning permission was granted for numerous barn conversions. As such, the barn subject to this prior approval was not in agricultural use on or after 23rd July 2023. The proposal includes the development of two dwellings under 150sqm. As such, the proposal complies with the requirements of Schedule 2, Part 3, Class Q Q.1(b) and (c) of the Permitted Development Order (GPDO).

In addition, the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order does not exceed 10, and no other permitted development rights have been used on the farm in the last 10 years therefore complies with the requirements of Q.2(d).

Q.2 (e) and (f) relate to agricultural tenancy, the site is not occupied under agricultural tenancy and therefore these criteria are met.

The barn is not proposed to be extended and therefore part Q.2 (h) is not relevant.

Part Q.2 (j) relates to the building operations necessary to convert

The site is not on article 2(3) land, is not part of a SSSI, safety hazard area or military explosives storage area and the building is not listed nor is there a scheduled ancient monument on the site therefore complies with criteria Q.2 (k), (l), (m) and (n).

The proposal has been assessed against the relevant criteria set out in Q and Q1 as above and it has been determined that the proposal can be considered permitted development providing that the conditions set out in Q2 are met.

Q2 states development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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 use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

These issues will be addressed in turn.

Transport and highways impacts (A)

Highways Development Control have been consulted on the application and have raised no objections to the proposal in principle. The proposal will introduce an additional two dwellings and therefore it is unlikely that this will create significant traffic or highway impacts. Two parking spaces have been provided per dwelling in line with the requirements set out in the Parking SPD and there is one additional space has been provided for visitor parking. As such, it is not considered that the proposal would have an impact on transport or highways and consideration A is satisfied.

Noise Impacts (B)

The site is sufficiently distanced from neighbouring properties and therefore noise impacts will be limited. The site is within the countryside and there are other agricultural operations within the vicinity however this is to be expected with a rural location and would not be so significant that the noise impacts would be harmful. As such, consideration B is considered to be met.

Contamination Risks (C)

A Phase 2 Geotechnical and Geo-Environmental Site Investigation report, as prepared by Eastwood Consulting Engineers Ltd ref: 44856 dated 10th March 2020 has been submitted in support of this application. The report details the finding of an in-tact shallow coal seam within various trial pits and rotary boreholes across the site and concludes that the risk of shallow coal mining to cause a stability concern to the proposed development is very low.

As such it further concludes that no other works regarding stability from a shallow mining aspect are required. As also specified in the report, it would be prudent that the future development employs a watching brief during future foundation/ground works for any exposed coal which will require blinding off using a suitable sulphur resistant grade concrete to help mitigate from spontaneous combustion risks. These aspects however can be dealt with at the building control stage of the development should it progress.

Overall, SYMAS has no objection to the proposal and there will be limited contamination risk as a result of the proposal and consideration C has been satisfied.

Flood Risk (D)

The site is within flood zone 1 and is therefore at low risk of flooding and there is unlikely to be any flood risk impacts on the site, as such consideration D has been met.

Location/Siting (E)

Consideration E is 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 (dwellinghouses) of Schedule 1 to the Use Classes Order. The site is located within a former agricultural unit and there is development ongoing directly adjacent to the host building which will also provide residential accommodation. As such, the new dwellings would not be solely isolated and residential use is considered most appropriate to make use of the disused building. It is therefore considered that consideration E is met.

Design/Appearance (F)

The main form and mass of the building will be retained. The visual appearance of the building will be enhanced by virtue of a replacement roof and external wall cladding. The barn is currently in poor condition and the minor alterations will significantly improve the appearance of the building. The building will not be extended or significantly altered and the design will generally prevail which retains the agricultural character. Therefore, consideration F is considered to be met.

Natural Light (G)

New windows are proposed to be installed to the southeast and northwest sides of the building which will provide light to all rooms proposed. The floor plans indicate that each room, with the exception of the ensembles, will have a sufficiently sized window to allow for natural light into the property. As such, the proposal would satisfy consideration G.

Conclusion

Overall, the proposal is considered to meet the relevant criteria to be considered permitted development. Considerations A to G are also considered to be satisfied as discussed above and therefore prior approval can be granted subject to conditions.

Recommendation

Prior Approval Granted subject to conditions