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Planning Development Rights of Way

Class Q Supporting Planning Statement – Keresforth Hall Farm, Keresforth Hall Road, Barnsley

Introduction and background

We refer to the attached prior approval application submitted on behalf of Ms R. Wilshaw, for the proposed change of use of an agricultural building and part of its curtilage area to one dwellinghouse (Class C3).

The application comprises:

- Application form.
- Class Q Supporting Statement - Robert Halstead Planning & Development.
- Structural Report – JNP.
- Location plan, existing plans, and proposed plans – Wake Architects Limited
- Contaminated Land Report – Sub Surface North East Limited



Class Q permitted development

This application is made under Class Q of Schedule 2, Part 3 of the Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

A previous application was refused on the grounds that firstly insufficient details were submitted concerning contaminated land, and secondly the building was not considered to be structurally strong enough to take the loading and new structural elements would be required (ref: 2017/1482). This application now includes a contaminated land report and a structural survey which demonstrates that the building is capable of conversion.

The reasons the proposals are now considered to be permitted development are as follows, dealing with each of the conditions / restrictions in Class Q in turn (responses in [blue](#)):

Development is not permitted by Class Q if...

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

[The previous Class Q application stated:](#)

[“The property forms part of a wider agricultural holding which has been subject to a tenancy, however the barn in question and the access have been omitted from that tenancy and have not been used for agricultural purposes since 2015. The barn was solely in agricultural use by the then land owner on 20th March 2013.”](#)

[The situation remains unchanged since the previous Class Q application and we understand the Council have in any case accepted that the barn was last in agricultural use, because this did not form a reason for refusal.](#)

- (b) in the case of –
 - i) a larger dwellinghouse, within an established agricultural unit –
 - aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
 - bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

[The number of larger dwellinghouses proposed is 1 and the building’s footprint is 384 sq.m.](#)

- (c) in the case of –
 - i) 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 having a use falling within Class C (dwellinghouses) of the Schedule of the Use Classes Order exceeds 100 square metres;

[The proposal does not include any smaller dwellinghouses \(see paragraph b\) above\).](#)

- (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 of 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;

[There have been no previous developments under Class Q and the proposed larger dwellinghouse would have a footprint of 384 sq.m.](#)

- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

[Site not occupied under an agricultural tenancy \(see above\).](#)

- (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;

[No agricultural tenancy \(see above\) – therefore not applicable.](#)

- (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—
 - (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;

[The building significantly pre-dates March 2013.](#)

- (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;

[No – existing and proposed drawings demonstrate this point. Please also see the construction notes on the proposed plans, and the further details below.](#)

- (i) the development under Class Q(b) 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(i)(i);

The accompanying structural report confirms that all elevations of the building are vertical with no signs of settlement. The steel frames are plumb, in good condition and have been placed upon adequate foundations. Calculations for the steel frames assuming increased load to allow for slate tiles and internal finishes show the structure is capable of supporting the proposed loads without modification. The building is therefore structurally capable of being converted, in accordance with Paragraph 105 of the Planning Practice Guidance 'When is Permission Required.'

The proposed plan states that the building will be converted through:

- 1) new blue slate roof;
- 2) aluminium surround windows and doors;
- 3) vertical timber boarding and natural coursed stone to lower plinth and pilasters;
- 4) new glazed rooflights; and
- 5) new aluminium fascias and gutters.

All these conversion works fall within the conditions outlined above, which allow for these installation or replacement of windows, doors, roofs or external walls, where reasonably necessary.

- (j) the site is on article 2(3) land; **No**
- (k) the site is, or forms part of—
 - (i) a site of special scientific interest; **No**
 - (ii) a safety hazard area; **No**
 - (iii) a military explosives storage area; **No**
- (l) the site is, or contains, a scheduled monument **No**; or
- (m) the building is a listed building. **No**

Conditions...

- (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), 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, - **The development of one dwelling, would not "result in a material increase or a material change in the character of traffic in the vicinity of the site" ¹. Furthermore, the visibility splays at the site access on to Keresforth Hall Road are very good.**
 - (b) noise impacts of the development, - **The dwelling would be surrounded by other residential properties, and would neither cause any noise issues, nor be vulnerable to noise from other sources.**
 - (c) contamination risks on the site, - **site previously used for agricultural purposes only, so no suspected ground contamination. If appropriate a condition for a Phase II report could be attached to the permission.**

¹ Part W paragraph 5 (Procedure for applications for prior approval under Part 3)

- (d) flooding risks on the site, - Flood zone 1, therefore not applicable.
- (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 the Schedule to the Use Classes Order, and – There are no known reasons relating to siting or location that would make it impractical or undesirable for the building to change in use to Class C3. The adjacent storage buildings do not form part of the conversion and if appropriate a condition stating that these buildings shall cease from being used for agriculture could be attached to the permission.
- (f) the design or external appearance of the building – As confirmed by the proposed drawings, vertical timber boarding is proposed for the external walls, and a slate covering for the roof.

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. Relevant procedures covered by the enclosed submission and details are dealt with as part of this covering note. Other procedures under Paragraph W relate to LPA requirements.

Interpretation of Class Q

Larger dwellinghouse

A dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Smaller dwellinghouse

A dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order.

Curtilage

Permitted development under Class Q allows for the change of use of a building **and any land within its curtilage**.

Paragraph X of Part 3 defines curtilage for the purposes of Class Q as:

(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,

whichever is the lesser.

In this case, part of the curtilage associated with the buildings is enclosed for residential garden and part is largely to be used for parking. As such, the criteria in (b) has been applied in this case, and the blue dotted line shown on the proposed layout plan is proposed to constitute the curtilage areas for

gardens, parking, and turning. This area of land is 384 sq.m – i.e. no larger than the building footprint.

Conclusion

Based on fulfilling the above criteria, it is considered that the proposed development falls under Class Q (permitted development) and we respectfully request that the enclosed prior approval notification for one dwellinghouse is granted accordingly.

Please do not hesitate to contact us should you have any queries.

Robert Halstead Planning & Development

May 2018