
2021/0574

Mr R Bennett

Change of use of agricultural building to dwellinghouse (C3) (Prior Notification)

Elmhirst Farm, South Lane, Cawthorne, Barnsley

Site Location and Description

The application relates to an open fronted, steel frame agricultural building with a footprint of approximately 284sqm. The building is partially open fronted with concrete block walls and corrugated metal roof. There are fields immediately adjacent to the barn to the South and East.

The barn sits to the south of Upper Elmhirst Farmhouse and a range of Grade II Listed stone barns which have been converted into separate dwellings.

Access to the site from South Lane is an agricultural access which runs to a further agricultural building to the south east.

Proposed Development

The proposal seeks prior notification for the change of use of an agricultural barn on the site to a 4-bedroom residential property. At ground floor an integral double garage is proposed with workshop to the side and parking in front. Living accommodation is to the rear of this with an open plan living / dining / kitchen, separate 2nd living room, study and utility. There is a small terrace to the side providing some limited external amenity space. At first floor there are 4 bedrooms with 2 en-suites, a family bathroom and loft storage area over the garages.

The application states that external materials will be timber boarding with dry stone walling with aluminium windows and standing seam roof cladding.

Planning History

2009/1059 - Change of use of existing barn and access track from agricultural to mixed use for agriculture and storage and parking in connection with equestrian business – Approved

2017/1721 - Change of use of agricultural building to dwellinghouse (Prior Notification) – refused

2018/0890 - Change of use from agricultural building to dwellinghouse (C3) (Prior Notification - Change of use) – withdrawn

2018/1529 - Change of use from agricultural building to dwellinghouse (C3) (Prior Notification - Change of use) - refused

Policy Context

Local Plan – Green Belt

The proposal has been submitted through the prior notification procedure for agricultural buildings to residential.

Schedule 2, Part 3, Class Q of the Permitted Development Order (GPDO) which permits 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; or

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 Class C3 (dwellinghouses) of that Schedule.

Class Q allows for up to 3 separate larger dwelling houses where the cumulative floor space does not exceed 465 square metres.

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 the Schedule to the Use Classes Order, and
- (f) the design or external appearance of the building,

Consultations

AQ – Request a condition is added requiring an EVCP.

Contaminated Land – No comments received but previously requested a Phase 1 Desk Study is required to assess if there is any potential contamination on the site.

Conservation and Design Officer – On balance this is not likely to be harmful to the setting of Elmhurst and as a building (overall) it is likely to improve on the existing. If this proposal is acceptable (overall) it is suggested that development within the domestic curtilage is restrained as the setting of the adjacent listed building could be harmed by uncontrolled domestic paraphernalia associated with this conversion.

Highways – No comments received, but previously raised no objections subject to conditions.

Drainage – No objections, can be handed to Building Control.

Pollution Control – No objections subject to conditions.

Parish Council – The access is on a sharp bend with limited visual to the left when exiting the property. The modern building impacts on the setting of the adjacent Grade II listed buildings. It is of the opinion Cawthorne Parish Council that this application should be refused.

Representations

The application was advertised via site notices, a press notice and neighbour letters. No comments have been received

Assessment

The application is for prior approval to change the use of an agricultural building to a dwelling house.

No evidence has been provided in relation to the agricultural unit. The Design and Access Statement refers to a change of use of a nearby building to stables which has been confirmed with a search of the planning history (application 2009/1059 - changed the use of the nearby barn to stables and allowed the creation of a ménage). The Design and Access Statement goes on to state that the applicant is seeking the change of use, under this application, to a dwelling to allow them to live closer to these stables and their horses.

No information has been provided as to what the agricultural unit is or its continued operation. Therefore, there is insufficient information to support that the site has been used solely for agricultural as part of an established agricultural unit as required by Class Q Permitted Development Rights Q.1 (a).

Notwithstanding this, the proposal has been assessed against Class Q below:

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.

The site is not in an area at high risk of flooding and the drainage officer has confirmed that drainage can be dealt with by building control.

However, whilst "*building operations reasonably necessary to convert the building*" are permitted, the key word is 'convert'. The building operations proposed in this application include new walls and roof and creation of new windows and doors. The Structural Statement provided states: *It is understood that all existing cladding, sheeting, timber rails and purlins, together with the blockwork walls, are likely to be replaced and therefore no comments are deemed necessary concerning their condition.* Whilst all these works are individually listed as being permissible under Part Q, cumulatively, the works amount to more than reasonably required to convert a building.

The Structural Report goes on to assess the steel frame of the building and concludes: *'it is fully expected that the framework can be retained without the need for reconstruction. Overall strength and stability will be more than adequately augmented by the introduction of the new first floor, infill panel walls and internal partitions'*. As the new walls (internal and external) are needed to augment the structural stability of the building, this further supports that it is not currently capable of conversion. This is contrary to advice in the NPPG which confirms that the Permitted Development Rights under Class Q assume that the agricultural building is capable of functioning as a dwelling.

It is therefore clear that the alterations proposed go well beyond what can be described as 'reasonably required' and constitute a rebuild both in terms of the extent of works and the fact that they provide structural support. On this basis the proposed development is not permitted development as set out under Schedule 2 Part 3, Class Q.1 (i) 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'

Recommendation

Based on the above it is recommended that the application is refused under the procedure for applications for Prior Approval for the following reasons:

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.

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'.