

2021/1673

Mr Connor

Change of use of agricultural building to dwellinghouse (Prior Approval)

Land at the rear of 24 Common Road, Brierley, Barnsley, S72 9ES

Planning History

2009/0190 - Erection of barn, stables and tack room – withdrawn

2009/0812 - Erection of a barn, stables and tack room – refused for the following reason:-

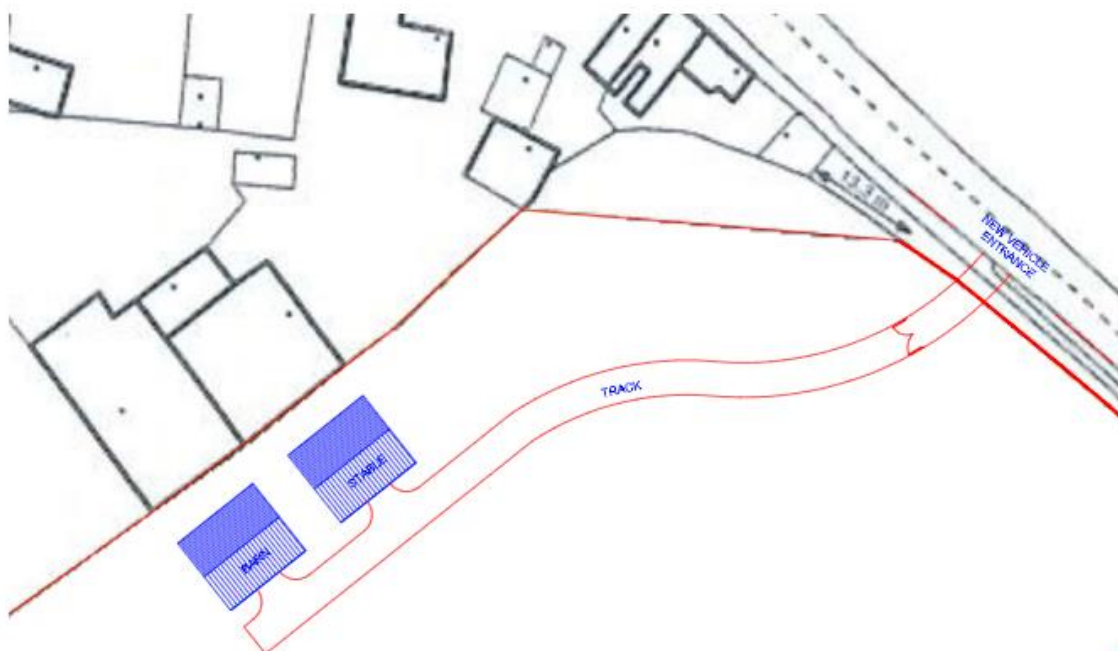
In the opinion of the Local Planning Authority the proposed barn and stables, due to their size, location and design represent inappropriate development within the Green Belt. Furthermore the scale and positioning of the barn and stables are detrimental to the openness of the Green Belt and out of proportion with the size and use of the land they are to be positioned upon. The development is therefore considered prejudicial to the character and visual amenities of the Green Belt and contrary to UDP Policies GS7 and GS8 and PPG2: Green Belt

2009/1307 - Erection of one stable building and one barn – Approved

Justification for the agricultural building included:-

‘This piece of land was original part of farming land that has been recently sold to the applicant. The site is approximately 4.05 hectares (10 acres) and was previously part of a working farm. The land is located off Common Road.’

‘The barn will be used to store hay, horse boxes, trailers, a tractor and accompanying apparatus/attachments to till the land. The tractor is approximately 3m in height, and a large horse box is around 2.8m in height.’



2012/1210 - Erection of extensions to 2 No. barns on land South of Common Road and alterations to access track – Refused for the following reason:-

In the opinion of the Local Planning Authority the proposed extensions would result in development which is inappropriate and out of proportion with the size and use of land, designated as Green Belt, which they are positioned on. The development is therefore unjustified and due to its scale and dominance would be detrimental to the openness of the Green belt and conflict with the purposes of including land within it contrary to Core Strategy Policies CS 29 and CSP 34 and Core Principal 9 of the NPPF.

2014/0958 - Change of use of agricultural storage barn to dwelling. (Prior Notification) – Approved

2016/0335 - Erection of an agricultural storage shed and associated stone wall (Retrospective) – refused for the following reason:-

The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in paragraph 89 and 90 of the NPPF. Core Strategy Policy CSP34 Protection of Green Belt reflects national policy guidance and precludes development for purposes other than agriculture, forestry and essential facilities for sport and recreation, which preserve the openness of the Green Belt. In the opinion of the LPA the existing building and associated stone wall would for a number of reasons not be related to agriculture as claimed and therefore constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

Land to the side/rear of the building which is the subject of this application:-

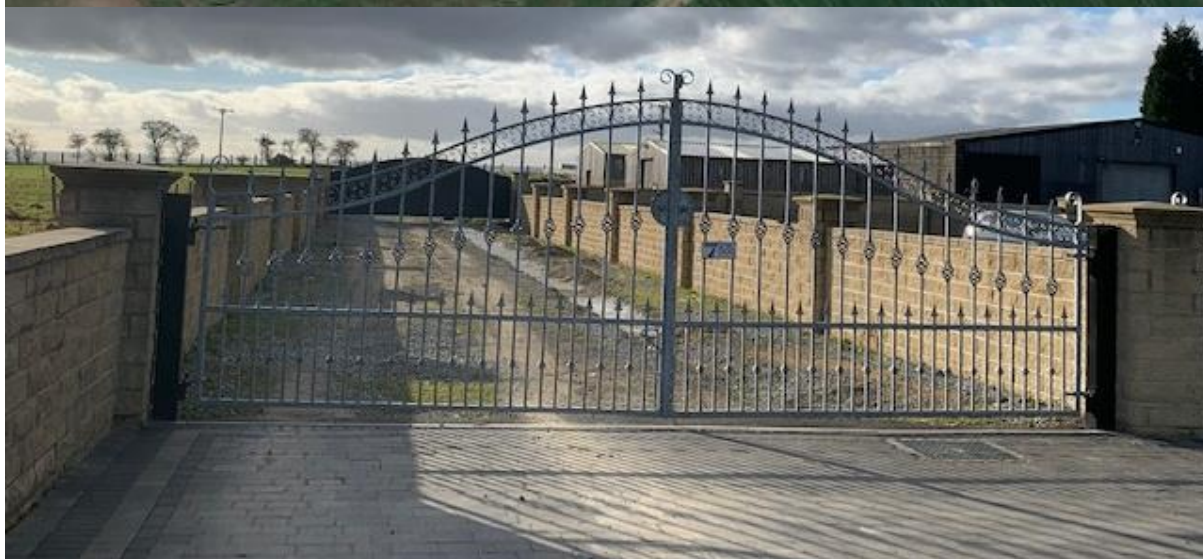
2018/1467 – Erection of sectional timber stables - Refused for the following reason:- - In accordance with Local Plan Policy GB1 and paragraph 143-145, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The erection of a stable can be allowed as an exception under paragraph 145 (b), provision of appropriate facilities for outdoor sport, however it is the opinion of the LPA the proposed stable block is too large, located in an isolated position and that insufficient evidence has been provided to justify the need for it. As such, the stables are not considered to be 'appropriate facilities' and would therefore constitute inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

2021/0216 - Erection of stable block - In accordance with Local Plan Policy GB1 and paragraph 143-145 of the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The erection of a stable can be allowed as an exception under paragraph 145 (b), provision of appropriate facilities for outdoor sport, however it is the opinion of the LPA the proposed stable block is too large, located in an isolated position and that insufficient evidence has been provided to justify the need for it. As such, the stables are not considered to be 'appropriate facilities' and would therefore constitute inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

Description

This application relates to a timber clad barn which is set adjacent to another similar sized barn, which has a permitted use for equestrian/stable purposes under application reference 2009/1307. The site is set within the Green Belt. To the north is the settlement of Brierley with the remaining surrounding area all open Green Belt land. There does not appear to be any agricultural activity on the site or on the adjacent land and the planning history suggests previous/existing equestrian uses.

The building is single storey in height and has low dual pitched roof. The building sits on a concrete pad with a footprint of approximately 110sqm. The external materials include a natural stone plinth to a height of 1.1m above ground level and above this the building is clad in timber. There are 4 large roof lights and on the front (southern) elevation there is a timber panelled door.





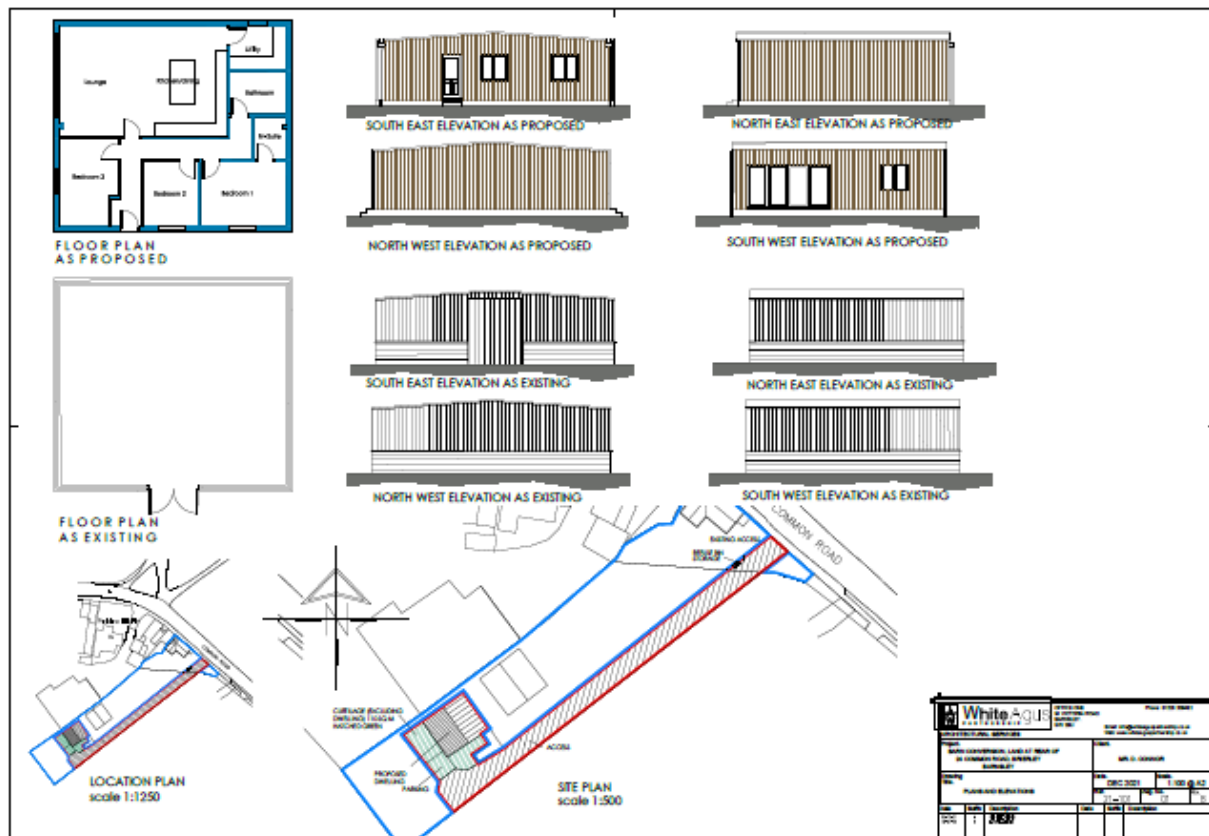
Proposed Development

The proposal seeks prior notification for the change of use of the barn to a single detached dwelling. The proposed dwelling has been designed with 3 bedrooms and has an outdoor amenity space to the south west. The building is accessed via an existing gated shared access with the adjacent barn building. Parking areas are shown to the south eastern end of the building. There are no windows proposed to the north east or north west elevations.

The plans have been amended during the course of the application in response to highways comments, to show parking and turning areas.

In terms of alterations the agent states within the supporting statement that 'The footprint and external dimensions of the building would be unaltered by the proposals. The external alterations would also look to work to the established principles with a retention of the existing external fabric to maintain the rural / agricultural appearance. The building would be insulated from the inside with the roof form being unaltered by the proposed works. The proposed external changes are itemised as follows:

- South east elevation introduction of single door and 2 windows in replacement of existing barn entrance
- South west elevation introduction of bi-fold door and single window, and;
- All elevations extension of external timber cladding to above damp course level



The supporting statement submitted with the application states that:-

'The application represents a resubmission to the proposals previously granted prior approval under application reference 2014/0958. The planning permission was not implemented and has now lapsed. In an identical manner the application seeks prior approval for the change of use of the building from agricultural use to a single C3 dwelling house. The proposed change of use would convert the building to a 3-bedroom dwelling which would work to the building's constraints. The footprint and external dimensions of the building would be unaltered by the proposals. The external alterations would also look to work to the established principles with a retention of the existing external fabric to maintain the rural / agricultural appearance. The building would be insulated from the inside with the roof form being unaltered by the proposed works.'

No evidence has been submitted with the application to prove that the building has been used for agricultural purposes, such as an agricultural holding number, internal photographs or other relevant evidence.

Policy Context

Local Plan – Green Belt

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

Class Q – Agricultural buildings to dwellinghouses

Permitted development

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 or
- (b) 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.

Development not permitted

Q.1 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;

(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;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(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 C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(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 to 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;

(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—

- (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;

(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;

(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);

(j) the site is on article 2(3) land;

(k) 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;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

Conditions

Q.2—

(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,

(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,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Consultations

Air Quality – EVCP required

Pollution Control – No objection

Highways – No objection to amended plans

Drainage – Details to be checked by Building Control

Yorkshire Water – No comments made

Representations

No representations received

Assessment

The application is for prior approval to change the use of an agricultural building to a dwelling house. When assessing the proposal, 'development not permitted' is found within Q.1.

Point a) of Q.1 refers to the previous use of the building and states:-

(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;

This application relates to a timber clad barn which is set adjacent to another similar sized barn, which has a permitted use for equestrian/stable purposes under application reference 2009/1307. Application 2009/1307 showed the barn, which is the subject of this application, to be used for agricultural purposes for the storage of hay/tractors etc; to be used in association with the land and the adjacent stable block. In terms of the current use of the site, the agent has stated that this is an established agricultural building and that 'there have been no changes in circumstances at the site with the building being in a comparable state to when the last application was permitted and subsequently approved by the LPA' (application reference 2014/0958). There does not appear to be any agricultural activity on the site or on the adjacent land and the planning history suggests previous/existing equestrian uses. Historic and current aerial photographs do not show any grazing livestock.



Aerial photograph 2013

In 2014 an application was submitted and approved to change the use of this barn to a dwelling, under a Prior Notification application. In terms of the use of the building at that time, the Officer Report for the 2014 Prior Notification approval states:-

‘The 2009 permission established a new planning unit to which the building along with the stable building. However, the red line in this application just includes the barn building however given it is a separate unit to the farm to the north and that the building has only been present for 2 years it is questionable whether the site can be said to form an “established agricultural holding”. The site did form a part of the 2009 permission and was previous to that part of a separate agricultural holding. There is no definition of an ‘established agricultural holding’ within the new class and given the previous permission, on which the buildings have been implemented, and the past history it would be difficult to justify a refusal on the issue of ‘established’ holding.’

The above assessment states that it is ‘questionable’ whether the site forms part of an established holding and therefore does not provide sufficient and clear evidence that the

building has been used for agricultural purposes since 20th March 2013. No further detail has been submitted by the agent in terms of the existing use of the building, or the adjacent permitted stable building. No agricultural holding number has been provided; and during the site visit it did not appear that the buildings or surrounding land are currently being used for agricultural purposes. The agent states within the application document that the adjacent barn is also used for agricultural purposes, however its permitted use is for equestrian purposes as stated above, as a stable block.

Whilst there has been a previous PN application approved at the site, this has now lapsed and it is felt that there is now insufficient evidence to suggest that the building and surrounding land has been used for agriculture, either on 20th March 2013 or when it was last in use before that date. As such, it has not been clearly shown that the scheme meets the requirements of Q.1 (a) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.

In terms of point b) c) and e) the building does not exceed the floorspace restrictions.

The site is not occupied under an agricultural tenancy for point e) and f).

No development has been carried out under Class A(a) or Class B(a) of Part 6 of the Schedule to satisfy point g).

From the submitted plans it appears that the proposal would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point to satisfy point h).

Point i) Whilst "*building operations reasonably necessary to convert the building*" are permitted, the key word is 'convert'.

The footprint and external dimensions of the building would be unaltered by the proposals. The building appears to be in a good condition and the external alterations would look to work to the established principles with a retention of the existing external fabric which would satisfy point i.

In terms of points j, k, l and m, the site is not on article 2(3) land, or forms part of a site of special scientific interest; a safety hazard area or a military explosives storage area. The site does not contain a scheduled monument or a listed building.

Conditions Q.2

In terms of the schemes compliance with the conditions under Q.2:-

- a. transport and highways impacts of the development,

The Highways Officer has no objections to the proposal as an amended plan has been submitted showing parking and turning areas. It is felt that there is sufficient space to park and turn vehicles in connection with the use and that the existing access onto Common Road is suitable.

- b. noise impacts of the development,

The building is situated away from other residential dwellings, therefore there should not be any significant disturbance to other properties.

- c. contamination risks on the site,

The agent has submitted the following information in terms of contamination risks:- 'There are no known contamination risks that affect the site or would affect the development. The building has been used for the storage of materials only. In the intervening period since the last approval there has been no industrial processes undertaken at the building which would have a pollution/contamination risk which would question the appropriateness of the Change of Use to residential occupation.' Pollution Control have not raised any concerns and there are no objections in terms of contamination risks.

- d. flooding risks on the site,

The site is not situated within Flood Zones 2 or 3 therefore there should not be any significant impact by flooding risk.

- 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

The proposed dwelling is set in close proximity to a large barn with a permitted stable use, with no details provided of the possible future occupation of the dwelling. The agent has indicated that the building is used for agricultural purposes, however this is not its permitted use. The agent states that: 'The scale and intensity of farming around this area is by no means significant and future occupants are unlikely to be faced with odours or noise from animals or processing equipment. Whilst the building adjacent to the site will continue to be used for agricultural purposes the operations are modest in scale and character.'

Whilst the current use of the building under question, the building does have planning permission to be used as a stable block. Due to the close proximity to the existing permitted stable building, it is felt that the amenity of future occupiers would be negatively impacted by the potential disturbance from any potential 'permitted' livery use and coming of going of people, horses and vehicles in connection with that use, but also there is the potential for smells from the stable block. It is therefore considered that it would be impractical and undesirable for the building to change to a use falling with Class C3, due to the overall conflict and potential disturbance to any future occupiers due to activity within the adjacent barn.

- f. the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

In terms of point f there are no objections to the design or external appearance.

Recommendation

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