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Planning Development Rights of Way

2nd March 2016

Planning Development Management
Barnsley Council
PO Box 634
S70 9GG

Dear Sir or Madam,

I refer to the attached prior approval application submitted on behalf of Mr Starling, for the proposed change of use of two agricultural buildings and their curtilage areas to three dwellinghouses (Class C3) at land adjacent to Ashley Grange, Haigh Lane, Hoylandswaine.



The two agricultural buildings

The application comprises:

- Application form.
- Covering letter (Robert Halstead Planning & Development Surveyors) & appendices.
- Phase I contaminated land report (Demeter Environmental Ltd).
- Location plan, existing site layout, and proposed site layout plans (Jim Granger Design).

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) Order 2015. The reasons the proposals are 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...

Q1

- (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;
- [A\(i\) applies – see Appendices 1 to 3 for evidence of sole agricultural use ¹ prior to March 2013 in connection with an agricultural business.](#)
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- [Cumulative floorspace – 430 sq.m.](#)
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- [Total number – 3.](#)
- (d) 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.](#)
- (e) 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,

¹ Under the definition of agricultural building in Part X of the GPDO 2015 (Interpretation of Part 3)

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

No agricultural tenancy – therefore not applicable.

- (f) 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 buildings significantly pre-date March 2013.

- (g) 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.

- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; **(430 sq.m as confirmed above, and no other previous development under Class Q).**

- (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 drawings illustrate that these conditions would be fully complied with.

- (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...

Q2

- (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 three dwellings, to share an access with one other dwelling, would not “result in a material increase or a material change in the character of traffic in the vicinity of the site”² in our opinion. Furthermore, the visibility splays at the site access are very good, and Haigh Lane is lightly trafficked.
- (b) noise impacts of the development, - The dwellings would be some distance from other properties and would neither cause any noise issues, or be vulnerable to noise from other sources.
- (c) contamination risks on the site, - Phase I contaminated land report attached with recommendations for mitigation measures.
- (d) flooding risks on the site, - Flood zone 1, so 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 buildings to change in use to Class C3.
- (f) the design or external appearance of the building – As confirmed by the proposed drawings, stone is proposed to be used for walling material – most likely second hand natural stone to match the existing dwelling. Roofing materials will be a blue slate decorative covering due to the shallow angle of the roofs (i.e. traditional roof tiles need a minimum roof slope angle).

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, or dealt with as part of this covering note. Other procedures under Paragraph W relate to LPA requirements.

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.

² Part W paragraph 5 (Procedure for applications for prior approval under Part 3)

In this case, any curtilage associated with the buildings is largely unenclosed. The fence between the two buildings was used merely to corral and contain cattle between the buildings and fields either side, and does not define the curtilage in any way. As such, the criteria in (b) has been applied in this case, and the red 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 430 sq.m – i.e. no larger than the building footprints.

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 three dwellinghouses is granted accordingly.

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

Yours faithfully

Nick Willock MRICS MRTPI

Appendix 1 – agricultural business correspondence



Ministry of Agriculture, Fisheries and Food
North East Regional Service Centre
Government Buildings, Crosby Road, Northallerton. DL6 1AD
Telephone: Northallerton 01609 773751
Fax:

ATTEN SARA

FAX SENT 21/6/00

W STARLING
ASHLEY GRANGE
116 HAIGH LANE
HOYLANDSWAINE
SHEFFIELD
SOUTH YORKSHIRE S30 6JJ

47/727/0234
Producer id 14201049
19/06/00

Dear Sir/Madam

**AGENDA 2000 CAP REFORM: CUTS TO SUCKLER COW PREMIUM
SCHEME (SCPS) QUOTA**

As you may know, one of the measures adopted as part of the Agenda 2000 CAP reform package was the introduction of lower national ceilings for SCPS quota. The purpose of this letter is to tell you how the SCPS quota you hold has been affected by the reduction to UK quota levels. The attached leaflet contains further background details about the quota cut.

To reach the new lower national ceiling, it has been necessary to apply a flat rate cut of 2.75% to all UK producers' SCPS quota. The cut has been applied to the number of quota units held permanently by each producer at the end of the 1999 Scheme year, after any quota which was liable to be withdrawn under the quota usage rules has been deducted. The cut will take effect from the 2000 Scheme year.

In your case, you held permanently **4.9 units of GB lowland** quota at the end of 1999. This has been reduced by 0.1 units, leaving **4.8 permanently held units of GB lowland** quota available for your use in **2000**. Please note any quota you may have leased in for more than one year is not included in this amount. The quota cut is permanent and, in accordance with EU rules, compensation cannot be paid for the units withdrawn from you.

Producers who are implementing an investment programme or an extensification programme in the beef sector are eligible to apply for reinstatement of the withdrawn quota. If you would like a reinstatement application form and explanatory leaflet, please contact the Livestock Quotas Section at the above address. Please note that the deadline for submitting completed application forms is Friday 4 August. Please also note that the maximum amount of quota a successful applicant may receive will be that which was originally withdrawn from them.

Yours faithfully

Mr H Botting

LIVESTOCK QUOTAS SECTION

Appendix 2 – Cattle business movements

MOVEMENT OF CATTLE					DESTINATION
DATE OF MOVEMENT		EAR NO	DOB		
20.7.97	HEIFER	UK ZR0198 0008	26.3.96		A WILSHAW ELMHIRST
20.7.97	HEIFER	" 00011	17.4.96		"
20.7.97	HEIFER	" 00012	21.4.96		"
1.9.97	BULL	" 00014	5.9.96		"
14.11.97	HEIFER	" 00015	12.9.96		"
14.11.97	"	" 00016	8.12.96		"
4.4.98	COW	JEC G 17	28.8.97		O T M PENISTONE
6.98	HEIFER	000 17	16.3.97		SKIPTON MARKET
9.6.98	BULL	ZR0198 00018	5.4.97		SKIPTON MARKET
9.6.98	HEIFER	" 00019	14.4.97		" "
9.6.98	HEIFER	" 00020	17.6.97		" "
9.6.98	BULL	" 00022	26.8.97		" "
9.6.99	BULL	" 00023	14.9.97		" "
27.10.99	BULL	UK ZR0198 00032	29.1.99		A WILSHAW
7.5.2000	BULL	" 00025	29.12.97		S. JUBB
25.5.2000	COW	UK ZR0198 00024	1991		O.T.M. CRABTREE
7.6.2000	BULL	" 00026	28.6.98		SKIPTON MARKET
7.6.2000	BULL	" 00027	29.6.98		" "
7.6.2000	HEIFER	" 00028	2.7.98		" "
7.6.2000	BULL	" 00029	12.7.98		" "
7.6.2000	HEIFER	" 00031	17.9.98		" "
19.10.2001	HEIFER	UK ZR0198 00033	6.4.2000		D BUTTERFIELD
19.10.2001	COW	JEC G 19	17.9.1991		UPPER HOUSE FARM LIVERIDGE

Appendix 3 – Land holding

