2021/1276

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 a steel frame agricultural building with a footprint of approximately 284sqm. The building is partially open to the front and side with concrete block walls at the base (between 1.9m and 2.2m in height) with a mix of steel and concrete sheeting and timber boarding to the sides. The roof is profiled cement sheeting with some roof lights. Internally the floor is mostly unmade with a small area having a concrete floor.

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 building to the south east which it is understood are used for agriculture and the stabling of horses.

Proposed Development

The proposal seeks prior notification for the change of use of an agricultural barn on the site to a large 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

04/1250/PR – Erection of livestock building (retrospective) - Approved

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 – Refused

2012/0551 - Change of use of part of agricultural building to stables, tack room and hay store, formation of menage, access improvements and lighting - Approve

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2018/0890 - Change of use from agricultural building to dwellinghouse (C3) (Prior Notifcation - Change of use) – withdrawn

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

2021/0574 - Change of use of agricultural building to dwellinghouse (C3) (Prior Notification) - Refused

Legal Context

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 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; 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 is not permitted by Class Q if (amongst others) –

(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;

(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);

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,

Procedure for applications for prior approval under Part 3 W – (13) The Local Planning Authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Policy Context

Local Plan – Green Belt

The site is allocated as Green Belt in the adopted Local Plan, where Local Plan Policy GB1 protects the green belt from inappropriate development in line with the NPPF. The site does not qualify under any of the exceptions set out in paragraph 149.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development
GD1 General Development
LG2 The Location of Growth
H1 The Number of New Homes to be Built
H2 The Distribution of New Homes
H4 Residential Development on Small Non-allocated Sites
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
BIO1 Biodiversity and Geodiversity
HE1 The Historic Environment
HE2 Heritage Statements and general application procedures
HE3 Developments affecting Historic Buildings
CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection
I1 Infrastructure and Planning Obligations

Supplementary Planning Documents

- Parking
- Design of Housing Development
- Sustainable Travel

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 – The design of the proposal and primarily the impact on the setting of the adjacent listed building is something I have considered (previously) in detail. I have re-worded some of what I noted last time around but essentially my view is the same. I note that that the proposal site is not exceptionally close to the listed building and importantly, I do not consider it to be within the curtilage. The barn location does not appear to be on a plot that was historically part of the farm operation or in within its immediate functional vicinity. Neither is the plot within the vicinity or curtilage of the ancillary historic buildings. The elevations that are of most importance in terms of the listed building setting include the north east and north west which are proposed to have very limited alterations in terms of openings. Clearly there will be a change in materials, but I feel this is beneficial to the setting. As such I feel that on balance this is not likely to be harmful to the setting of Elmhirst and as a building (overall) it is likely to improve on the existing.

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 dwelling would detract from the Grade II Listed adjacent buildings. The amount of work necessary to make this building into a dwelling amount to a near rebuild and therefore is not permitted development. The access is on a bend and has poor visibility when exiting the property. There is a difference between the occasional tractor emerging, which probably has not happened for a long time as the building does not appear to have been in use for a number of years (uncollaborated) and the constant exit and entrance of one or more cars daily. Tractors and cars have different sight lines.

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. The planning history is included further up within this report, however, it is noted that this is a resubmission following the most recent refusal 2021/0574. This application was refused for the following two 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.

The design and access statement and planning statement have sought to address these two reasons. Firstly, through providing additional evidence of the sites status as an agricultural unit by providing extracts from the Register and confirming that the applicants own fields 3892, 3881 and 5884 which includes the ‘building’ and total 6.22ha. It is stated that the building is used for the storage of hay and silage as well as farm machinery. Additional information was requested and an email from the agent confirms that the applicant owns the three fields and uses these for grazing sheep and grass cutting / bailing hay.

Therefore, there is now sufficient 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).

The proposal is therefore 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, as established in "Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)" 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 and the proposed is in my view a rebuild.

The Structural Report goes on to assess the steel frame of the building. It is acknowledged that the external cladding is damaged in places exposing the frame to the elements and that the lower part of the perimeter columns are built in to the single block skin, exposing the external face of the steel. Consequently, the steelwork is stated to be extensively rusted and although this is assumed to be largely superficial the report states that some localized areas will need repair. The report 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'.*

It is concluded from this report, the Building Survey (DWG No. S2) and the Plans and Elevations (DWG No. P1 rev C) that the steel frame will be the only retained aspect of the original building and that may need to be augmented and repaired. The block work being replaced by natural stone and the wall and roof cladding replaced with cedar boarding and a standing seem metal roof.

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.

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