

Planning Consultant's Report

PROPOSAL: Prior Approval for change of use from agricultural building to single dwellinghouse.

LOCATION: Heather Cliffe Lodge, Hartcliffe Hill Road, Penistone, Sheffield S36 9FS.

Report Prepared by Simon M Elliott – Dip. URP.

Description:

Proposal:

The 'application' in question is a Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3) and for Associated Operational Development.

Under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2105 (GPDO) the change of use from agricultural buildings to dwellinghouses is permitted under Class Q subject to specified conditions, limitations and restrictions.

Site:

The site of the proposed development is at Heathercliffe Lodge, off Hartcliffe Hill Road in Penistone. The site could generally be described as being within open countryside, with areas of extensive tree planting also in close proximity to this site.

A set of plans have been drawn up and are to be considered along with this report to show that the proposed development complies with the provisions of the GPDO regarding the conversion of agricultural buildings to dwellinghouses. The attached plans and supporting information show the application site outlined in red. The red outlined area contains a single agricultural storage building, which has also been used in the past for rearing livestock and it is proposed to retain the building with some alterations as shown on the submitted plans. As well as the building there is an area of open land within the red outlined area, which will be part grass and part hardstanding for car parking purposes.

The building in question is located well away from Heather Cliffe Lodge so that there will be no problems in terms of overlooking and privacy between the two dwelling units. There are also two detached outbuildings between the two units that will be retained to add further to that sense of privacy. There is also a long established access drive off Hartcliffe Hill Road and the use of that access to serve the proposed development should not have any implications for highway safety. The adjacent land that is owned by the applicants is shown edged in blue on the attached site plan.

Relevant History:

A number of agricultural buildings have been built within the curtilage of this property over the past 20 or 30 years and the relevant consents have been obtained for those developments. No applications for barn conversions or other similar forms of development have been submitted as far as we can ascertain from the Council's records.

Relevant Planning Legislation and Guidance:

National guidance

National Planning Policy Framework
National Planning Practice Guidance

Provisions of the Town and Country Planning (General Development Order) England) Order 2015. (GPDO)

Assessment:

1. The Provisions of the GPDO

Class Q of the GPDO was introduced to allow the change of use from agricultural buildings to dwellinghouses (Use Class C3) along with reasonably necessary building operations; subject to specified conditions, limitations and restrictions.

Class Q specifies that "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
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The development referred to above 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) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (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, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use.
- (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;
- (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;
- (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;
- (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.

Relevant History:

A number of agricultural buildings have been built within the curtilage of this property over the past 20 or 30 years and the relevant consents have been obtained for those developments. No applications for barn conversions or other similar forms of development have been submitted as far as we can ascertain from the Council's records.

Relevant Planning Legislation and Guidance:

National guidance

National Planning Policy Framework
National Planning Practice Guidance

Provisions of the Town and Country Planning (General Development Order) (England) Order 2015. (GPDO)

Assessment:

1. The Provisions of the GPDO

Class Q of the GPDO was introduced to allow the change of use from agricultural buildings to dwellinghouses (Use Class C3) along with reasonably necessary building operations; subject to specified conditions, limitations and restrictions.

Class Q specifies that "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
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The development referred to above 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) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

5. I can also confirm that no development has been carried out on this established agricultural unit under Class A(a) or Class B(a) of Part 6 of the Schedule (agricultural buildings and operations) since 20th March 2013 and no such development will be carried out before the development in question is begun.
6. I can also confirm that the development will not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
7. I can confirm that the proposed development under Class Q will not result in a building or buildings having more than 450 square metres of floorspace with a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
I can confirm that the development under Class Q(b) would not consist of any operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or the provision of water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and that no demolition, other than partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i) (i).
8. I can also confirm that the site is not on article 2(3) land and the site is not and does not forms part of a site of special scientific interest, a safety hazard area, a military explosives storage area. The site is not and does not contain a scheduled monument and the building is not a listed building.

Conclusions:

In terms of my conclusions relating to the development as proposed in this Notification of Prior Approval I wish to confirm the following points:

The development is to be accessed via a long established access gate and driveway and should not give rise to any unacceptable transport and highway safety concerns.

The development is also located in the countryside and has just one long established residential property in close proximity in the form of Heather Cliffe Lodge. The occupiers should not, therefore, be affected by any noise impacts from neighbouring uses.

It is considered that there are no contamination risks on the site of this development as it has been used for many years as an agricultural building and we are not aware of any materials being stored in the building that could give rise to any contamination concerns.

The site is not located within an area that is identified as at risk of flooding and is well above the rivers in the valleys on either side of the site.

As a result of the location of the building in relation to the neighbouring property it is considered that there is no reason why the location or siting of the building makes it otherwise impractical or undesirable for it to be changed into a dwellinghouse.

In terms of the design and external appearance of the building the proposed alterations have been designed to retain the character of the existing building with few additional openings being introduced. The ridge height will be retained at its current level and the roof will be covered with tiles or slates to replace the existing sheeting.

It is therefore concluded that there is no reason why the agricultural building in question cannot be converted into a dwelling under the current provisions of the GPDO and I trust that this Notification of Prior Approval will be accepted by the LPA.