

DELEGATED DECISION REPORT

DET/2021/0013
Valid 11/08/2021

BARN AT HOLLIN WOOD
BRIERLEY PARK
BUXWORTH

CHANGE OF USE OF
AGRICULTURAL BUILDING TO
ONE DWELLINGHOUSE
(CLASS C3),

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the proposal complies with Schedule 2, Part 3, Class Q, Paragraph Q.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Whether the proposed development is acceptable having regards to matters of Prior Approval set out under Schedule 2, Part 3, Class Q, Paragraph Q.2 and the provisions of Paragraph W, of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

DESCRIPTION OF SITE

The application site is a disused stone-built barn located in a field adjacent to houses in Buxworth, accessed via a gate at the end of a residential cul-de-sac. The structure comprises stone walls and a partial timber roof, with the roof covering missing at, and structural members in poor condition, at the north side of the building.

PROPOSAL

The application seeks prior approval under Schedule 2, Part 3, Class Q of the GPDO 2015 for the conversion of the building into a single two-bedroom dwelling, including various works of repair and alteration.

The submitted site plan indicates that an access track from the gateway to the building would be provided, and that the curtilage of the dwelling would include a small area of the land around the barn to provide outdoor space and two parking spaces. With the addition of an internal first floor, the converted building would have an internal floorspace of around 123m².

A structural survey and bat survey were submitted with the application. The structural survey indicates that the main walls of the building are generally sound and only require repointing, and aside from the work required to replace the roof, otherwise recommends the replacement of two existing stone lintels, one above the upper hay loft opening and another above the central doorway at the south elevation, which have failed.

Following feedback on the extent of alterations proposed as part of the conversion – specifically, the formation of new openings for windows at front and rear elevations – the external alterations would include:

- Reconstruction and replacement of the roof
- Formation of a first floor internally
- Insertion of windows within existing openings, and formation of additional window openings, at front, rear and side elevation
- Insertion of panel glazing within a full-height opening at the rear elevation

The proposed site plan also indicates the provision of two parking spaces adjacent to the building, and also indicates the provision of an access track outside the curtilage of the converted building, between the building and the field gate. The plan indicates this would be undertaken under permitted development rights under Schedule 2, Part 2, Class B.

Class B allows for the formation, laying out and construction of a means of access to a highway which is not a trunk road or classified road, where that access is required in connection with any other form of permitted development within Schedule 2, which would include change of use development allowed for under Class Q. It is noted that Brierley Park is not a classified road or trunk road. Whilst a formal determination of the lawfulness of this element cannot be made through the prior approval process for Class Q development, it is noted that this element would appear to be permitted development.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/7005 - Conversion Of Barn Into A Dwellinghouse. Refused, 17/10/1988. Appeal dismissed

HPK/0003/0535 - Change Of Use Of Barn To Dwelling. Refused, 12/06/1991

HPK/0003/0801 - Change Of Use Of Barn To Dwelling. Refused, 22/10/1991. Appeal dismissed.

CONSULTATIONS

Publicity

Site Notice expiry date: 13.10.2021

Neighbour consultation period ends: 30.09.2021

Public Comments

Comments were received from five nearby addresses. Objections related to:

- Query about the extent of land being changed from agricultural use to domestic. Query about maintenance liabilities for boundary trees on the southern boundary of the field
- Concerns about the maintaining access to the access road and driveways of neighbouring houses during construction and impact on construction traffic on the road. Safety of children nearby during construction.
- Unsuitability of the road for construction vehicles
- Querying whether neighbours have been properly consulted.
- Noting the lack of bus services and local services
- Traffic disruption which would occur from the proposal

The public comments are noted. Several of these comments relate to civil matters which cannot be considered through the prior approval process for permitted development.

The comments relating to highways matters and safety are noted, however as noted below the transport and highways impacts of the proposed development are considered to be acceptable. The highways impacts of the construction phase are not relevant to the prior approval assessment. In any case, it would appear unlikely that the nature and extent of building works proposed would give rise to significant movements of large construction vehicles to the site.

The curtilage of the converted building is indicated by the redline boundary and the approved development will be confined to this.

Regarding neighbour notification, the application site (red line boundary) does not adjoin any other properties. Nevertheless, notification letters were issued to the nearest two residences on Brierley Park, and a public notice was displayed near to the application site for 21 days prior to completion of this report. The public notification requirements of the prior approval process under paragraph W of Schedule 2 Part 3 of the GPDO have therefore been complied with.

Town / Parish Comments

Chinley, Buxworth & Brownside Parish Council has no objections to this application. However, they would like it noted that they hope for a sensitive development of the barn, using natural materials, such that it retains the general appearance of the original barn.

Environmental Health

No observations

Derbyshire County Council Highways

No highway safety comments to make on the basis of a previous agricultural use and existing number of dwellings served by Brierly Park (not a material increase in traffic).

Derbyshire Wildlife Trust

I've checked the bat survey reports and no bats were found to be using the barn. No further surveys needed. You could include a condition for biodiversity enhancements in line with section 6 of the Bat Survey Report.

Alliance Environmental Services

No issues regarding waste collections. Note: Bins should be presented on Brierley Park on collection days.

OFFICER COMMENTS

Permitted development

Schedule 2, Part 3, Class Q of the GPDO notes 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; 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.

is permitted development, subject to certain limitations and conditions.

Where any of the following limitations apply, the development is not permitted development and planning permission is required.

(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;

Comment: the application is supported by letters indicating that the building was in agricultural use between 1995 and 2017, most recently as a field shelter for sheep. Nothing on the ground at the site or within the planning history of

the building contradicts this and as such it is considered that the structure satisfies the requirements of paragraph a).

(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;

Comment: the converted building would have a floorspace of over 100m² and would therefore comprise a larger dwellinghouse. However, there have been no previous larger dwellinghouses developed under Class Q within the established agricultural unit and therefore the limitations of paragraph b) do not apply.

(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;

Comment: the floorspace would not exceed 465 square metres and the conversion would therefore satisfy condition ba)

(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;

Comment: the dwellinghouse would not be a smaller dwellinghouse and paragraph c) would not apply.

(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;

Comment: there has been no previous development under Class Q in the established agricultural unit.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

Comment: the supporting letter indicates that the site is not occupied under an agricultural tenancy and the site did not appear to be in use upon the site visit.

*(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;*

Comment: the supporting letter indicates that an agricultural tenancy over the site has not been terminated in the last year.

*(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;*

Comment: no development is known to have been undertaken under Classes A(a) or B(a) of Part 6 on the established agricultural unit within the periods in questions.

(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;

Comment: the proposed alterations and repair works will not result in the external dimensions extending beyond those of the existing building at any 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);*

Comment: it is considered that the works of alteration, repair and replacement would comprise building operations reasonable necessary for the building to function as a dwellinghouse. In particular it is noted that section (aa) above specifically allows for the installation and replacement of roofs and exterior walls, such as those indicated in the submitted drawings. Otherwise, the insertion of windows and doors, and the internal works necessary to form a first-floor, are also considered to be reasonably necessary for the building to function as a dwellinghouse.

(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*

Comment: the site and the building are not subject of any of the classifications listed in paragraphs j) to m).

Prior approval

Paragraph Q.2 notes that:

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*
- (f) the design or external appearance of the building,, and*
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,*

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

Transport and highways impacts

Chapter 9 of the NPPF 'Promoting Sustainable Transport' contains the relevant national policies for assessing potential impacts of a proposed development on highway safety. Paragraph 110 states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

The Highways Officer has raised no objection to the proposal. Given the small scale of the development and the location of the application site adjacent to an existing

residential area, the change of use is considered to be acceptable in terms of transport and highways impacts.

The site would be accessed via the existing gateway onto the field, located a short distance from the building, which provides access onto the residential cul-de-sac of Brierley Park. The gateway appears to be suitable for domestic use, providing appropriate visibility and suitable manoeuvring space for cars. The submitted plans indicate that a means of access would be created under separate permitted development rights under Schedule 2, Part 2, Class B (which does not require prior approval). The plans show two parking spaces within the curtilage of the converted building, sufficient for a two-bedroom dwelling.

Subject to implementation of these access arrangements and parking arrangements, the proposal is considered to be acceptable in terms of transport and highways impacts. Whilst the track is outside the application boundary (edged red on the plan), it is within the applicant's ownership, and implementation of this element can therefore be conditioned.

Noise impacts

Chapter 15 of the NPPF contains relevant policies relating to the conservation and enhancement of the natural environment which includes ensuring appropriate mitigation for noise pollution.

It is not considered that the change of use would give rise to, or would suffer from, harmful noise impacts following conversion, in part owing to the separation distance of the building from the neighbouring houses. There are no other agricultural buildings or structures in the vicinity which might otherwise give rise to potential concerns for future occupants of the converted building.

Contamination Risk

Chapter 15 of the NPPF contains relevant policies relating to the conservation and enhancement of the natural environment which includes ensuring appropriate mitigation for land contamination.

The Environmental Health Officer has not raised any objections in terms of potential contamination risks arising from the change of use.

Flood Risk

Chapter 14 of the NPPF contains the relevant policies for adapting to climate change and flood risk.

The site lies in Flood Zone 1 on elevated ground and as such it is not considered that the conversion of the building to residential use would give rise any increased risk of flooding on the site or elsewhere.

The site is not within a flood risk 2 or 3 zone and does not appear to be at risk of flooding from localised surface water conditions. The conversion would not appear to give rise to an increase in risk to flooding elsewhere.

Design or external appearance

Chapter 12 of the NPPF contains the relevant paragraphs which aim to achieve well designed places.

Paragraph 130 states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

As originally proposed it was considered that the extent of new openings proposed as part of the conversion, particularly at the front elevation, would result in an unacceptable loss of the simple agricultural character of the building and that the external appearance of the building would therefore be unacceptable.

As amended, it is considered that the converted building would be acceptable in design terms. It is considered that the reduced number of additional window openings would allow for the simple character of the building to be retained to an acceptable extent, whilst achieving a functional dwelling.

The insertion of panel glazing within the tall opening at the rear elevation would be uncharacteristic in terms of materials, but would serve to retain the visibility of this characteristic feature of the building.

The external works are otherwise considered to be acceptable in design terms, subject to approval of design details for the windows and other external fittings, and approval of facing materials for the replacement roof.

Provision of natural light

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The proposed elevations and floorplans indicate that all habitable rooms would be served by external windows and it appears that these would be sufficient to provide a satisfactory level of natural light.

Other Risks

Paragraph W, Sub-paragraph (9) states that the local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or

risk, and how such impacts will be mitigated.

The application has been accompanied by a report on a preliminary bat roost assessment, which has been reviewed by Derbyshire Wildlife Trust, whose comments in response are noted above. On the basis of this advice it is considered that the proposal will not give rise to any adverse harm to ecological assets in accordance with relevant paragraphs under Chapter 15 of the NPPF.

The suggested condition is noted but it is not considered that securing an ecological enhancement is appropriate as part of the prior approval process.

No other potential risks have been identified in connection with the proposed change of use.

CONCLUSION / PLANNING BALANCE

The report has found that the proposed change of use of the existing agricultural building complies with Paragraph Q.1 and thus comprises permitted development. An assessment of the proposal against the Prior Approval matters set out in Paragraph Q.2 in accordance with the procedure set out in Paragraph W has concluded that the application is acceptable subject to appropriate conditions.

OFFICER RECOMMENDATION : Prior Approval Required and Granted

Case Officer: Tom Hiles

Recommendation Date: 05.11.2021

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council